Oaks California Oak Foundation

Our mission is to protect and perpetuate native oak woodlands

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February 21, 2008

Martha Miller, Project Manager
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

Re: Santa Margarita Ranch RDEIR

Dear Ms. Miller:

The California Oak Foundation (COF) appreciates the opportunity to comment on the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program (SMR) revised draft environmental impact report (RDEIR). COF oak woodlands review has identified significant RDEIR deficiencies:

Mitigation Measure B-3(b)
"Conservation Easements and/or Contribution to the Oak Woodlands Conservation Fund. Replanting detailed above can account for up to 50% of the mitigation requirement. The remaining mitigation shall be in accordance with the County's Oak Woodland Mitigation Plan. Per the County's draft Plan, the mitigation shall be a minimum of a 2,000 square foot conservation easement per tree removed (based upon an average 50 foot diameter canopy). The oak conservation area shall be designated on-site and be managed by a third party." (RDEIR 2-72)

The proposed on-site oak woodland conservation easements don't constitute a valid Public Resources Code §21083.4(b) oak woodlands habitat mitigation measure. The on-site oak easements amount to little more than a promise not to further remove or fragment SMR's oak resource; this alleged conservation measure does nothing to mitigate for the actual biological impacts from developing at least 60 acres of high-quality oak woodlands habitat and removing hundreds of oak trees.

Earth Share of California
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1212 BROADWAY, SUITE 842 OAKLAND CA 94612 TEL 510 763 0282 FAX 510 208 4435 OAKSTAFF@CALIFORNIAOAKS.ORG WWW.CALIFORNIAOAKS.ORG

Cumulative Impacts

Like the SMR DEIR, the RDEIR fails to quantify the extent and severity of area-wide cumulative oak resource biological impacts from past (1990), present and probable future projects. Future project oak woodland impacts analysis must include the 400 homes, 1,026 acres of vineyards; 500 acres of orchards; golf course, club house and pro shop; guest ranch, lodge and restaurant; 12-room bed and breakfast facility; cafe; amphitheater; crafts studios, galleries and shops; interpretive center and gift shops; nine wineries and tasting rooms; neighborhood park and swimming pool; five ranch/farm headquarters; one livestock sales yard and café; three places of worship; retreat center and sewage treatment plant proposed by the Future Development Program. Furthermore, cumulative biological impacts analysis and mitigation entails review of both oak woodlands wildlife habitat impacts and air quality impacts.

Air Quality

"Methodology and Significance Thresholds. No air district in California, including the San Luis Obispo Air Pollution Control District (APCD), has identified a significance threshold for GHG emissions or a methodology for analyzing air quality impacts related to GHGs. Even though the GHG emissions associated with an individual development project could be estimated, there is no emissions threshold that can be used to evaluate the California Environmental Quality Act (CEQA) significance of these emissions....In the absence of quantitative emissions thresholds, consistency with adopted programs and policies is used by many jurisdictions to evaluate the significance of cumulative impacts. A project's consistency with the implementing programs and regulations to achieve the statewide GHG emission reduction goals established under Executive Order S-3-05 and AB 32 cannot yet be evaluated because they are still under development." (RDEIR 2-36)

The above statement is contrary to fact and law. The California Forest Protocols were initiated by Senate Bill 812 in 2002, adopted by the California Climate Action Registry in 2005, incorporated into Assembly Bill 32 in 2006, recognized by Senate Bill 97 in 2007 and approved by the California Air Resources Board (ARB) on October 25, 2007. These Forest Protocols designate the conversion of oak woodlands for other land uses to be carbon dioxide "biological emissions," due to lost photosynthesis and other CO_2 releases. In the opinion of COE, CEQA oak woodland biological reviews must analyze both wildlife habitat impacts and carbon emission impacts when determining significant impacts and proportional mitigation measures.

The Forest Protocols focus on counting the capture or emission of CO_2 by forest "biomass." ARB biological emissions include impacts to live tree biomass (including roots), standing dead tree biomass and wood lying on the ground. The Forest Protocols define conservation as those *"Specific actions that prevent the conversion of native forest to a non-forest use, i.e., residential or commercial development or agriculture."* Conversely, any significant conversion of oak woodlands to non-forest use is a biological emission subject to CEQA analysis and mitigation. CEQA CO_2 questions to be answered include: (1) how much potential carbon sequestration will be lost due to impacts to live trees three (3) inches or greater in diameter at breast height (dbh); (2) how much captured CO_2 will be released if the live trees, standing dead trees or woody debris are burned?

COF is not alone in its perspective that climate change is a potential environmental impact that must be addressed immediately in CEQA reviews. California Attorney General Brown has made it clear to cities and counties that discretionary approvals must provide: (1) an examination of a project's impact on climate change and the adoption of all feasible mitigation measures to reduce such impacts; (2) such analysis can - and must - be done today even absent established thresholds of significance or impending regulations under AB 32.

In September 2007, Brown reached a $10 million CEQA settlement with ConocoPhillips regarding mitigation offsets for increased Rodeo refinery greenhouse gas emissions that included $2.8 million for reforestation projects to sequester CO_2. This legal agreement established a direct link between CEQA and the Forest Protocols. If the California Attorney General is requiring CEQA reforestation mitigation for smokestack carbon emissions, then CO_2 emissions from the significant conversion of oak woodlands certainly merit CEQA analysis and proportional mitigation.

For his part, Gov. Schwarzenegger not only signed AB 32 into law, the Governor and his wife have directly endorsed the Forest Protocols by using their own funds to purchase forest carbon credits to offset CO_2 emissions generated by their personal and official jet travel. This works out to $10 (one ton) of forest CO_2 credits being purchased by the Schwarzenegger's for every mile they fly. Assembly Speaker Nunez, House Speaker Pelosi and Secretary Linda Adams of the California Environmental Protection Agency have similarly supported the Forest Protocols.

<u>Summary</u>

Santa Margarita Ranch fails to properly analyze or apply applicable state oak woodlands law. The proposed on-site conservation easements contribute nothing toward proportional biological mitigation and the RDEIR acknowledges that planting oaks offers minimal mitigation value relative to the loss of mature oak woodlands habitat. Similarly, over the Forest Protocol 100-year planning horizon the planting of oaks is of negligible value in mitigating for the lost carbon sequestration due to the removal of existing oak trees three inches or greater dbh, including hundreds of mature oaks. This point is particularly germane to SMR because slow-growing blue oak trees will be most impacted by the project. Moreover, the RDEIR doesn't analyze cumulative oak woodlands biological impacts, including those associated with the Future Development Program.

To provide proportional oak woodlands mitigation for the Agricultural Residential Cluster Subdivision Project's significant wildlife habitat impacts and carbon emission impacts, COF urges that the proposed insufficient RDEIR on-site oak mitigation measures be replaced by the following off-site biological mitigation measure. This mitigation measure only accounts for the 60 acres of oak woodlands impacted by the Residential Cluster Subdivision; it does not account for the undisclosed oak woodland biological impacts resulting from the Future Development Program.

Condition of Approval to the Project's Tentative Subdivision Tract Map that Provides:

"The applicant shall preserve off-site from the Santa Margarita Ranch property, in perpetuity by grant of conservation easement in a form acceptable to the Director of Planning to a qualified recipient approved by the Director of Planning, at least 60 contiguous acres of oak woodland located within San Luis Obispo County, which 60 contiguous acres shall be equivalent in ecological function and quality to the woodland on the project site."

Until these California Environmental Quality Act requirements are met, California Oak Foundation objects to approval of the project and adoption of the RDEIR.

Sincerely,

Janet S. Cobb, President
California Oak Foundation

attachment

Forest Protocol Key Terms

Biological emissions: For the purposes of the forest protocol, biological emissions are GHG emissions that are released directly from forest biomass, both live and dead, including forest soils.

Biomass: The total mass of living organisms in a given area or volume; recently dead plant material is often included as dead biomass.

Bole: A trunk or main stem of a tree. For the purposes of the Protocol, any tree bole with a minimum diameter of three inches should be included in the inventory to estimate carbon stocks.

Carbon pool: A reservoir that has the ability to accumulate and store carbon or release carbon. In the case of forests, a carbon pool is the forest biomass, which can be subdivided into smaller pools. These pools may include aboveground or below-ground biomass or roots, litter, soil, bole, branches and leaves, among others.

California Oak Foundation

Attachment

Below is an article from the University of California Integrated Hardwood Range Management Program's August 2007 *Oaks' n' folks* regarding Placer County's adoption of proportional oak woodlands biological mitigation measures:

Placer County Guidelines for Evaluating Development Impacts on Oak Woodlands

By Richard Harris, *IHRMP Natural Resources Specialist*

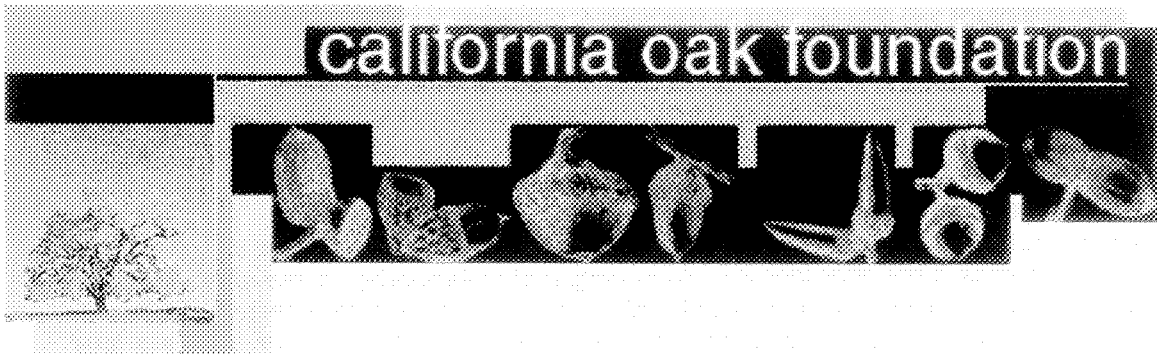
Placer County is the fastest growing county in California's Hardwood Rangelands, with over 47,000 homes (35% of county housing stock) constructed over the past 12 years. The passage of Senate Bill 1334, prompted county planning staff to re-evaluate their procedures for CEQA analysis of development projects in oak woodlands. New guidelines for impact assessment have been formulated and are now used in processing applications for land development.

Prior to the development of these new evaluation procedures, impacts to oak woodland were assessed using Placer County's tree preservation ordinance. Project proponents were required to map and measure all oak trees larger than six inches diameter occurring on parcels proposed for development. Mitigation requirements were quantified by summing the total number of "inches" of oak trees lost to development. Planting or in lieu payments were considered acceptable mitigation measures. The new procedures make a distinction between oak woodlands (as ecosystems) and oak trees (as individual resources). Any site with two acres or more of oak woodland is subject to the new procedure. An oak woodland is defined as a vegetation community with at least 10 percent canopy cover that is dominated by an oak species. Oak woodland types in Placer County include blue oak woodland, montane hardwood, riparian woodland and valley oak woodland.

If a project meets the threshold for application of the new procedure, the amount of impacted woodland is determined by superimposing the "development footprint" onto a vegetation type map. The area of oak woodland within the development footprint is calculated and considered "lost" i.e., woodland functions are irretrievably impaired. The footprint includes all structures, infrastructure, grading, landscaping and pavement plus a buffer circumscribing the entire area.

Mitigation for lost oak woodlands can occur through off-site, permanent protection of equivalent oak woodlands or through payment of an in lieu fee to be used by the county to acquire equivalent habitat. Within the development footprint, provisions of the tree preservation ordinance apply to trees designated as significant and worthy of protection.

On parcels with less than two acres of oak woodland, the tree preservation ordinance continues to apply. More information on Placer County's approach can be obtained by contacting Richard Harris Cooperative Extension Specialist or Loren Clark, Assistant Planning Director.



February 2008

California Oak Report

OAKS & CLIMATE CHANGE EXPLAINED

During the course of 2008, the California Oak Foundation (COF) will from time to time share with you the rapidly-evolving climate change guidelines, standards and regulations as they pertain to oak woodlands. We do so because the climate change criteria for oak woodlands will play a decisive role in the 21st century conservation of California's most diverse natural resource. The emerging carbon dioxide credit market and regulatory system will have meaningful effects for landowners, land trusts, developers, consultants, planners and other oak woodland stakeholders. Those who grasp this brave new carbon world the earliest will benefit the most.

This month COF reviews the role of the California Climate Action Registry. Under the Registry's Forest Protocols the conversion of oak woodlands to another land use represents a carbon dioxide biological emission (lost photosynthesis) and the permanent conservation or reforestation of oak woodlands a CO2 reduction. Consequently, the value of existing oak woodlands and former woodlands available for restoring oaks has risen significantly; concurrently the cost of mitigating oak woodland impacts has increased substantially.

California Climate Action Registry

The purpose of the Registry is to establish California greenhouse gases (GHG) emission baselines and an accounting framework. The Registry is not a GHG market broker but rather a repository of information upon which buyers and sellers of GHG market credits may conduct business. Under the Forest Protocols, eligible landowners with 100 or more oak woodland acres pay a small registration fee to participate in the carbon dioxide credit market. Landowner registration directs buyers of CO2 credits to oak woodlands carbon credit sellers *verified* by a qualified third-party. **COF strongly recommends that all ongoing conservation easement discussions involving lands with 100 or more oak woodland acres consider joining the Registry. If a conservation easement agreement is concluded without registration, the ability of the landowner to benefit economically from the future growth of their existing oak trees will be lost.**

Currently two north coast conifer forests, the Garcia River and Van Eck, are offering verified forest carbon credits on a voluntary basis until impending CO2 regulations take effect. Here's how the carbon credits work: As a demonstration of Forest Protocols support, Gov. Schwarzenegger has used his own funds to purchase Van Eck forest carbon credits to offset CO2 emissions generated by the Governor's personal and official jet travel. This works out to $10 (one ton) of forest CO2 credits being purchased by Gov. Schwarzenegger for every mile he flies. Once CO2 regulations are established, the market rate for forest carbon credits may rise to around $20 per ton for sequestered CO2.

Registry standards will also be used as the basis for development of GHG regulatory measures by other California agencies, such as the California Air Resources Board which adopted Forest Protocols on October 25, 2007. The Registry is currently revising its protocols for clarity, accuracy and greater participation. COF will be working diligently during this process to expand the ability of oak woodland owners to participate under the conservation and reforestation provisions.

Forest Projects

Registry forest projects are those *"planned set of activities to remove, reduce or prevent carbon dioxide emissions in the atmosphere by conserving and/or increasing on-site forest carbon stocks."* All forest project sites must be placed under a conservation easement. Two types of projects, forest conservation and forest reforestation, apply to oak woodlands. Here is a brief description of each, with full details available by visiting the Registry web site above:

Forest Conservation

Conservation: Specific actions that prevent the conversion of native forest to a non-forest use, i.e., residential or commercial development or agriculture.

There are two approaches for describing a baseline for a conservation project. One approach is based on *local land use conversion trends* and the other is based on a *site-specific immediate threat of conversion.* The conversion trends baseline approach assumes that conversion of the forest area to a non-forest use would happen in accordance with the land use conversion trends identified by the county and state. The *immediate threat of conversion* scenario assumes that within five years the forest project area would be converted to another land use. Either approach may be used to characterize the forest project baseline.

Example: Conversion Trends Conservation Baseline

In 2008, Conservation Group (CG) would like to undertake a 600 acre forest conservation project in Monterey County in an area experiencing clearing of oak woodlands for housing and commercial development. To characterize the project baseline, CG would identify the project area's conversion trends as residential housing/commercial development and provide documentation (e.g. a general plan) that indicates the project area has been zoned to permit such development. CG would also demonstrate through a search of applicable laws and regulations that there are no requirements to protect the forest project area from development.

Example: Immediate Threat Conservation Baseline

To demonstrate an immediate site-specific conversion threat, the following forest project information must be provided: (1) objective documentation that clearly describes the specific threat of conversion that would take place in the project area in the absence of the forest project; (2) objective information that indicates that the forest project area would have been converted within five years from the time of project initiation. One or more of the following documents must be provided: (1) copy of a bid to purchase the land from a developer; (2) plans to subdivide the project area; (3) a request for rezoning of the site to allow conversion filed with the County.

Forest Reforestation

Reforestation: The establishment and subsequent maintenance of native tree cover on lands that were previously forested, but have had less than 10% tree canopy cover for a minimum time of ten years.

To characterize a reforestation project baseline, it must be shown that the project area was forested previously but has been out of forest cover for at least ten years. For purposes of this protocol, out of forest cover means less than 10% tree canopy cover. The presumption underlying the reforestation baseline approach is, absent any laws or regulations requiring

reforestation, the project area would remain out of forest cover over time, given current and historical circumstances.

Similar to the other forest projects, an historical date for baseline initiation may be used for reforestation projects. However, the project developer will need to provide the information that is necessary to show: (1) the project area was previously forested but had been out of forest cover for ten years prior to the baseline initiation date; (2) no statutes or regulations requiring reforestation of the area existed at that time.

Example: Reforestation Baseline
Landowner Bob in Alameda County wants to undertake a reforestation project on 300 acres of his land in 2008 so he can register and bank any carbon gains with the Registry. The area was formerly oak woodlands but it was cleared in 1980 by a previous owner to be a vineyard, though the vineyard ultimately failed. With the exception of a few remaining vines, the project area is mainly grassland with no tree cover. To characterize his baseline, Bob needs to provide supporting information to demonstrate that the project area has been out of forest cover for at least 10 years and that the area once had a minimum of 10% tree canopy cover. Bob could demonstrate all of these circumstances with county and state land use records or other historical data for the area. Finally, through a legal search Bob would demonstrate that no laws or regulations require him to reforest the project area. With this supporting information, Bob would be able to characterize his baseline as one that would have no active management over time, leaving the project area to remain in its present state with grass cover, a few vines and no forest cover. Bob's CO2 credits would derive from the restocking of this land with oaks.

As a means to pay for the initial cost and maintenance of planting oaks Bob could: (1) let county developers know he has land available for California Environmental Quality Act off-site oak planting mitigation; (2) apply to existing tree planting cost-share programs; (3) since Bob lives in a county that has qualified for grant funding under the Wildlife Conservation Board's Oak Woodlands Conservation Program, he can work with county officials to draft a *land improvement* grant proposal for submission to the WCB oak woodlands program.

New to Our Website
On our Reference page, A Field Guide to Insects and Diseases of California Oaks
written by Ted Swiecki and Elizabeth Bernhardt, published by USDA Forest Service and provided, free of charge and in PDF format, on their website
This publication focuses on the relatively small number of microorganisms (primarily fungi) and arthropods (primarily insects) that are capable of causing noticeable damage to oaks in California. Full color, 158 pages, free download.

Merchandise
The Laws Field Guide to the Sierra Nevada by John Muir Laws
published by the California Academy of Sciences and Heyday Books
366 pages of 2,800 original watercolor illustrations. Over 1,700 species of Sierra trees, wildflowers, ferns, fungi, lichens, fish, reptiles, amphibians, birds, mammals, insects and other small animals have been catalogued. Paperback, $24.95, members 22.46, plus tax, shipping and handling.

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STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

March 27, 2008

Martha Miller
San Luis Obispo County
County Government Center, Room 310
San Luis Obispo, CA 93408-2040

Subject: Santa Margarita Ranch Ag Cluster Subdivision
SCH#: 2004111112

Dear Martha Miller:

The State Clearinghouse submitted the above named Revised Environmental Impact Rep to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 26, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2004111112
Project Title Santa Margarita Ranch Ag Cluster Subdivision
Lead Agency San Luis Obispo County

Type RIR Revised Environmental Impact Rep

Description Subdivision of a 6,050-acre site into 111 clustered lots (1.0-2.5 acres each), 3,633 open space easement, a 2,417-acre remainder, two wineries, and two ranch headquarters.

Lead Agency Contact

Name Martha Miller
Agency San Luis Obispo County
Phone (805) 781-4576 **Fax**
email
Address County Government Center, Room 310
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Cross Streets State Highway 58 and W. Pozo Road
Parcel No. 070-09-036-038
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways UPRR
Waterways Rinconada Creek, Trout Creek, Yerba Buena Creek, Santa Margarita Creek, Salinas River
Schools Santa Margarita
Land Use Multiple Uses including vineyards, grazing and housing.
General Plan: Agriculture

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Drainage/Absorption; Public Services; Traffic/Circulation; Vegetation; Water Supply; Wildlife

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Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 3; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Health Services; Cal Fire; Department of Fish and Game, Region 4; Department of Conservation; California Highway Patrol; Caltrans, District 5; Caltrans, Division of Aeronautics; Air Resources Board, Transportation Projects; Department of Toxic Substances Control; Department of Water Resources

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Date Received 02/11/2008 **Start of Review** 02/11/2008 **End of Review** 03/26/2008

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

February 25, 2008

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Martha Miller, Senior Planner
County of San Luis Obispo
County Government Center, Rm 310
San Luis Obispo, CA 93408-2040

RE: SCH# 2004111112 Santa Margarita Ranch Ag Cluster Subdivision; San Luis Obispo County.

Dear Ms. Miller:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst

CC: State Clearinghouse

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

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Martha Miller, Project Manager
County of San Luis Obispo, Department of Planning and Building
County Government Center
San Luis Obispo, California 93408

Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program, Coastal Aqueduct Between Mileposts 63.56 and 64.64, San Joaquin Field Division, San Luis Obispo County, SCH 2004111112

Dear Ms. Miller:

Thank you for the opportunity to review and comment on the Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project. The report identifies the proposed development of approximately 3,796 acres into an agricultural residential cluster subdivision, located east of Highway 101, southeast from the community of Santa Margarita in the County of San Luis Obispo.

As indicated in our correspondence sent to you on January 20, 2005, responding to the Notice of Preparation for this project, the area proposed for development encompasses a segment of the Department of Water Resources (DWR) Coastal Aqueduct Pipeline right of way.

Any planned development that involves DWR right of way will require an Encroachment Permit. Information and an application can be obtained by contacting Linus Paulus, of DWR's Real Estate Branch at the following address:

Linus Paulus, Senior Land Agent
Real Estate Branch
Division of Engineering
Department of Water Resources
1416 9th Street, Room 452
Sacramento, California 95814
(916) 653-3947
(800) 600-4397 (toll free)

Please include the Department of Water Resource on all future correspondence related to this proposed development. All correspondence should be submitted to:

Department of Water Resources
Division of Operations and Maintenance
1416 Ninth Street, Room 641-2
Sacramento, California 95814
Attn: Maria Chin

If you have any questions, please contact Maria Chin, Chief of the SWP Encroachment Section, at (916) 653-8029 or Leroy Ellinghouse, at (916) 653-7168.

Sincerely,

Original Signed By

David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

Courtney Howard/PubWorks/COSLO
03/28/2008 10:49 AM

To Martha L Miller/Planning/COSLO@Wings
cc Dean Benedix/PubWorks/COSLO@Wings, Sylas Cranor/PubWorks/COSLO@Wings
bcc
Subject Comments on Revised DEIR for Santa Margarita Ranch Ag Cluster and Future Development Program

Hi Martha,

The DEIR/RDEIR refers to various monitoring development and oversight activities (stream flow, water quality, groundwater levels) by Public Works as proposed mitigation measures. Please ensure that funding/resource requirements for implementing and maintaining these mitigation measures are adequately addressed and understood if the project continues as these proposed efforts are not part of the current Public Works data collection program. If all of the mitigation is to be funded by the applicant, please clearly state so in each mitigation description.

The alternatives refer to 4-inch distribution lines. To meet minimum fire flow requirements, the pipelines will need to be anywhere from 6 to 10 inches or more depending on the distribution network (i.e. looping versus dead-ends) and the land use/building size served (residential versus commercial).

Let me know if you need more information on State Water. John Hollenbeck, as you probably know, is the contact for the Nacimiento Project.

Thank you,
Courtney Howard, P.E.
Water Resources Engineer
SLO County Public Works Department
(805)781-1016

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
2008-B-0203

April 2, 2008

Ms. Martha Miller, Project Manager
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, California 93408

Subject: Revised Draft Environmental Impact Report for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program (Tract 2586)

Dear Ms. Miller:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments on the above-referenced revised draft environmental impact report (RDEIR) for Santa Margarita Ranch (SMR). A copy of the RDEIR (in compact disc format) was received by our office on February 11, 2008. It is our understanding that the RDEIR only addresses changes in the draft environmental impact report, dated March 13, 2007.

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, the Federal agency must consult with the Service pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Act.

As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act (CEQA), our comments on the RDEIR for SMR will not

constitute a full review of project impacts, nor do they represent consultation with the Service. Rather, they address concerns of potential impacts of the proposed project on the federally threatened California red-legged frog (*Rana aurora draytonii*) and vernal pool fairy shrimp (*Branchinecta lynchi*), particularly as they relate to compliance with the Act and its implementing regulations. We previously submitted comments on the draft environmental impact report in a letter, dated April 12, 2007, to the County of San Luis Obispo Planning Department. We offer the following information and recommendations to aid you in the conservation of sensitive wildlife habitats and federally listed species that could occur on the site, and as a means to assist you in complying with pertinent Federal statutes. The federally endangered steelhead (*Oncorhyncus mykiss*) is regulated by the National Oceanic and Atmospheric Administration (NOAA) Fisheries, thus, is not addressed in our comments.

The proposed project includes two components: an Agricultural Residential Cluster Subdivision (Tentative Tract 2586), for which an application has been submitted and a Future Development Program, for which no application has been filed. The Future Development Program was included in the DEIR as the result of a settlement agreement between the community group Santa Margarita Area Residents Together, the County, and the applicant (Santa Margarita Ranch, LLC) that required the applicant to submit a Future Development Program for SMR at the time of any specific entitlement request (i.e., the proposed Tentative Tract Map and Conditional Use Permit). The SMR property encompasses approximately 14,000 acres and is located immediately east of U.S. Highway 101, and surrounds the community of Santa Margarita. The proposed Agricultural Residential Cluster Subdivision includes 3,778 acres near the middle of SMR, southeast of the community of Santa Margarita, while the Future Development Program is proposed for various locations throughout the balance of the property. The proposed subdivision also includes a 2,417-acre remainder parcel that is not proposed for development at this time.

Santa Margarita Ranch is bordered to the north by agriculture, rural lands, residential suburban uses, including those within the Garden Farms community, and commercial retail development. Agriculture, rural lands, single-family residences, agricultural accessory structures, quarries, and portions of the Salinas River border the site to the east. To the south, agriculture, recreational, and open space uses exist, as well as trails and the Los Padres National Forest. To the north are agricultural uses, rural lands, and residences.

Agricultural Residential Cluster Subdivision

The proposed Agricultural Residential Cluster Subdivision development includes 111 homesites and one ranch headquarters in an area totaling 163.1 acres with 3,633 acres placed in agricultural conservation easements. The Agricultural Residential Cluster Subdivision includes transportation infrastructure, water service improvements, underground wire utilities, and on-site septic systems.

Implementation of the proposed Agricultural Residential Cluster Subdivision could result in impacts to the California red-legged frog and to listed vernal pool branchiopod species (e.g., vernal pool fairy shrimp) if surveys indicate their presence. All of SMR is within the known

range of the California red-legged frog. California red-legged frogs are known to occur on SMR in both Yerba Buena Creek and Trout Creek.

While you propose mitigation measures in the RDEIR, these measures are general, have not resulted from consultation with the Service, and do not address any project specific impacts. Also, the conclusion that these proposed measures would reduce significant effects to a level that is less than significant presumes that take would be exempted or authorized by the Service. We cannot be pre-decisional regarding the effects of an action that we have yet to analyze under the Act. Due to the proposed road crossings of creeks, there appears to be the possibility of a Federal nexus through the U.S. Army Corps of Engineers (Corps) Clean Water Act permit process. If the Corps does determine the crossings are under their jurisdiction, the Corps would likely consult with the Service (and NOAA Fisheries regarding southern steelhead) to ensure that any activity that they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. It should be noted that the moving of any life stage of the California red-legged frog would constitute take and require exemption or authorization. We recommend the final environmental impact report address any indirect impacts from the proposed project to California red-legged frog habitat and branchiopod habitat (if present) such as the introduction of non-native species, the altering of hydrology, and runoff, especially from areas of herbicide and pesticide application.

Our previous comment letter (dated April 12, 2007) stating our concerns about impacts to federally listed vernal pool branchiopod species has not been addressed in the RDEIR. As previously stated, the results of wet season surveys for vernal pool fairy shrimp (and other listed branchiopods) conducted in seven seasonal wetlands during the 2005-2006 rainy season were negative; however, these surveys are not conclusive as they have not been completed in accordance with our 1996 guidelines. In order for the Service to concur with a determination that vernal pool fairy shrimp (or other listed branchiopod species) are not present within the proposed project area, a second wet season survey must be conducted before or during the 2010-2011 rain year. There is no longer an option to use a dry season survey to complete the presence-absence surveys as one was not conducted during the dry season that followed the wet season survey (as indicated in our guidelines). As with the California red-legged frog, to presume that compliance with the Act would reduce impacts to vernal pool fairy shrimp (or other listed branchiopods) to a less than significant level is pre-decisional, as it assumes the outcome of the section 7 consultation/section 10 permit process.

The impacts of the proposed project on wildlife and listed species could be reduced or avoided through alternative project design. Buildings, roads, and stream crossings could be sited in an area of lower concentration of biological resources. This would also include maximizing the distance of development from sensitive areas and water courses and minimizing the number of streams crossings to the extent practical. Any necessary stream crossings should be designed in a manner that does not inhibit wildlife movement or fish passage.

Future Development Program

The Future Development Program includes the balance of the 550 single-family residential units allowable pursuant to the County's Salinas River Area Plan (approximately 402 residences) and the following additional uses: a private golf course, club house and pro shop; a guest ranch, lodge, and restaurant; a 12-room bed and breakfast; a cafe; an amphitheater; crafts studios, galleries and shops; an interpretive center and gift shops; nine wineries with tasting rooms; permitted special events; a neighborhood park and swimming pool; five ranch/farm headquarters; one livestock sales yard and cafe; three places of worship; and a retreat center.

As with the Agricultural Residential Cluster Subdivision project area, a number of general and focused surveys for special-status and common plant and wildlife species have been conducted on the SMR property. Implementation of the Future Development Program would result in impacts similar to those resulting from the Agricultural Residential Cluster development, including impacts to California red-legged frog and listed vernal pool branchiopod species (if present).

The Future Development Program area contains habitat for listed vernal pool branchiopod species. As such, surveys should be conducted for these species in all suitable habitats in accordance with our current guidelines. We recommend that the surveys for listed vernal pool branchiopod species be completed in a timely fashion so that comprehensive landscape planning for any occupied vernal pools may occur, while also providing the opportunity for the project to be designed to avoid impacts or to incorporate minimization measures to reduce impacts. If a combination of wet and dry season surveys is proposed, we strongly recommend that wet season surveys be conducted first to identify areas of ponding so that a comprehensive survey during the dry season is assured.

Many of the comments presented for the Agricultural Cluster Residential Subdivision are relevant to the Future Development Program area. We recommend that the County and applicant work with the Service early on in the process to design a project that avoids and minimizes impacts to sensitive wildlife areas to the maximum extent feasible and identifies suitable mitigation strategies for those impacts determined to be unavoidable. Without specific project plans, potential impacts of the Future Development Program cannot be adequately analyzed.

California Tiger Salamanders

We recommend that the RDEIR fully re-address potential impacts to the federally threatened California tiger salamander (*Ambystoma californiense*). All protocol surveys that were used to demonstrate absence should be provided and described in detail.

Migratory Birds

For both the Agricultural Residential Cluster Subdivision and Future Development Program, the Service is concerned about potential impacts to migratory birds in the proposed project area. We

have conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et. seq.). Any land clearing or other surface disturbance associated with proposed actions should be timed to avoid potential destruction of bird nests or young of birds that breed in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, we recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food) prior to the commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

We appreciate the opportunity to provide comments on the RDEIR for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program. If you have any questions regarding the contents of this letter, please contact Christopher Diel at (805) 644-1766, extension 305.

Sincerely,

David M. Pereksta
Assistant Field Supervisor

cc: W. E. Loudermilk, CDFG
Richard Butler, NOAA

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

March 27, 2008

In response refer to:
SWR/F/SWR3:JPM

Martha Miller
Project Manager
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408-2040

Dear Ms. Miller:

Thank you for your Notice of Availability for the Revised Draft Environmental Impact Report (RDEIR) submittal for the San Luis Obispo County Department of Planning and Building, Environmental Division's Santa Margarita Ranch and Agricultural Cluster Subdivision (Tract 2586) Project and Future Development Program. The proposed project is located south of the community of Santa Margarita, southwest of Pozo Road in the County of San Luis Obispo, California. The notice was received by NOAA's National Marine Fisheries Service (NMFS) on February 11, 2008. This letter is in response to information provided in the RDEIR for the project.

NMFS' primary concerns are impacts within the project area that may affect the Federally-listed South-Central California Coast (S-CCC) steelhead and their designated critical habitat within all on-site tributaries to the Salinas River, including Trout and Tostada Creeks. The RDEIR for this project does not adequately address these concerns, as it does not provide reliable information regarding the current water demands on the property and existing or future impacts to the streams. The hydrological report included in the Draft EIR for the project, prepared by Hopkins Groundwater Consultants, determined an accurate water budget analysis could not be conducted for the study area to estimate available groundwater supply under existing conditions due to lack of pertinent data. Accordingly, accurate impacts analyses of the proposed project can not be completed. However, the report does state that given the available information, "the groundwater resources beneath Santa Margarita Ranch may not be sufficient to support the existing land uses and the proposed Agricultural Residential Cluster Subdivision project and/or the Future Development Program". The report also indicates that groundwater has declined steadily from the current ranch operation demands during a period of above average rainfall, and concludes that the groundwater demands of the ranch have had "an observable impact on the local groundwater resources". These statements indicate that the current ranch operations are already having adverse impacts to groundwater and stream flow. Although in order to fully assess impacts and determine water availability for the proposed project, complete records of

water usage from the existing ranch operations and an accurate water budget analysis must be provided in a revised RDEIR. Complete water usage data should include information regarding all wells on the property and accurate groundwater extraction records, groundwater data during drought and dry seasons, recharge rates, and streamflow data for the two watersheds (Trout and Rinconada) currently providing groundwater to the ranch. This information must be provided for the County to adequately assess impacts from the proposed project. Additionally, the RDEIR neglects to provide analysis of future impacts to the streams associated with increased water usage resulting from new residential and agricultural development. This is of concern as the potential for overdraft of the aquifers that supply water to the streams would adversely impact S-CCC steelhead through decreased stream flows and adverse modification of critical habitat.

To reiterate, NMFS believes the potential impacts to the streams are not suitably addressed in the RDEIR, as it does not include quantifiable data regarding the current water demands of the ranch on the property, or analysis of the future impacts that would result from increased water demand. The current water demands of the ranch operation are already having adverse affects to stream flows and groundwater supply. In order not to increase impacts to groundwater or stream flow, all future water demands should be met through the importation of water or other means rather than drawing from the local groundwater or stream source. The RDEIR provides some discussion regarding importing water from the State and Nacimiento Water Projects, however, more information is necessary regarding the feasibility of this.

There are several inconsistencies or areas requiring clarification between what is stated in the project narrative and what is listed in the tables. For example, Table 4.10-1 lists 1,026.1 acres of planned new vineyards, yet the narrative on page 2-110 says that there will be 2,000 acres of new vineyard. What is the correct acreage? On page 4.14-17 of the Draft EIR, under the Future Development Program Impact W-5, there is a description of the activities associated with the proposed new nine wineries such as barrel tank washing, crush operations, bottling and general cleaning. Are the water usage demands for these activities included in the estimated water usage of only 68 AFY as given in Table 4.14-2 on page 4.14-12? Additionally, a description of habitat types occurring on the project property was provided in the Draft EIR. On page 4.3-7 and in Table 4.3-2 the impacts to the habitat type categorized as "Riparian/Riverine" lists 100.3 acres. Does this number include the 1.5 miles of Trout Creek and 1.25 miles of Tostada Creek that occur in the project area? In Table 4.3-5, on page 2-51 in the RDEIR, the acreage for this has been changed to 41.6 acres and subsequently lists project impacts to this habitat type as "zero". Why did this number change and does it actually include impacts to the streams such as road construction and the three proposed stream crossings? S-CCC steelhead are not indicated on any of the figures (4.3-2 in the DEIR or 2-4 in the RDEIR) regarding habitat types and special-status species. They should be included in these to give an accurate representation of the biological impacts.

As mentioned above, the proposed plan includes three stream crossings over Tostada Creek. In order to avoid and minimize the likelihood of impacts to NMFS' trust resources, it is recommended that the three stream crossings are designed according to NMFS Southwest Region's Guidelines for Salmonid Passage at Stream Crossings, published September 2001 (http://swr.nmfs.noaa.gov/hcd/NMFSSCG.PDF). The guidelines list the alternatives and preferred structure types to be considered for stream crossings in order of preference. Where

avoidance of a stream crossing is not possible, NMFS considers bridges that clear-span the stream the most preferred alternative over other structures. NMFS also recommends for alternative road alignments to be developed that are not located primarily along the entire length of Tostada Creek. The current alignment raises concerns regarding habitat degradation as increased traffic and runoff from the road could significantly affect the riparian corridor and water quality of the stream. As part of the proposed Mitigation, Minimization and Protection Plan for S-CCC steelhead, on-site minimum setbacks of 100 feet and 50 feet for Trout and Tostada Creeks were proposed and are to be maintained in perpetuity. Who will ensure that these buffers will be preserved in perpetuity?

Overall, the RDEIR is deficient in analyzing the impacts to S-CCC steelhead and designated critical habitat, and recommends an update of the RDEIR be completed that suitably addresses the above concerns. The San Luis Obispo County Flood Control and Water Conservation District Water Resources Advisory Committee has recommended for a Resource Capacity Study to be completed and included in a re-circulated RDEIR. NMFS supports this recommendation. Please contact Ms. Jacqueline Meyer at (707) 575-6057, or via e-mail at jacqueline.pearson-meyer@noaa.gov should you have any questions.

Sincerely,

Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

cc: Russ Strach, NMFS, Sacramento
Miranda Joseph, Santa Margarita
David Peretska,USFWS, Ventura
Margaret Paul, CDFG, San Luis Obispo

State of California - The Resources Agency
ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
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March 28, 2008

Martha Miller
County of San Luis Obispo
County Government Center, Room 310
San Luis Obispo, California 93408

Subject: Revised Draft Environmental Impact Report for the Santa Margarita Ranch Agricultural Subdivision and Future Development Project (SCH No. 2004111112)

Dear Ms. Miller:

The Department of Fish and Game has reviewed the County of San Luis Obispo's Revised Draft Environmental Impact Report (RDEIR) for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision (ARCS) and Future Development Program (FDP). Comments on the RDEIR apply to the 2007 Draft Environmental Impact Report (DEIR), as it is incorporated by reference. The proposed ARCS would construct 111 homes on 1- to 2.5-acre lots, and one ranch headquarters on an agricultural parcel, within a proposed 3,778-acre tract consisting of three parcels. The proposed FDP includes over 20 other major projects in the remainder of the 14,000-acre ranch surrounding the town of Santa Margarita, in San Luis Obispo County, including several additional entitlements in the 3,778-acre proposed agricultural conservation easement areas associated with the ARCS. It is worth noting that the FDP is based neither on an application from the property owners nor an Area Plan update or Specific Plan proposed by the County (or the property owners). For this reason, and others below, we recommend that the County not consider this document as a Programmatic EIR for the FDP in this process, not provide any approvals, or make any Statement of Overriding Consideration for any portion of the DEIR/RDEIR which applies to the FDP.

This letter first describes the Department's role as Trustee and Responsible Agency and permit/agreement implications. The letter subsequently documents our review of the DEIR/RDEIR, in particular the biological surveys which are intended to support impact analysis, and other resource issues of interest to the Department in our role as Responsible and Trustee Agency. We provide comments on the usefulness of the proposed alternatives in choosing a project which would lessen "unavoidable" impacts. Finally, we are providing comments on the consistency of the proposed ARCS with the Area Plan, as well as the appropriateness of the proposed use of this document as a Programmatic Environmental Impact Report (EIR) for the FDP, which is not proposed for action by either the property owner or the County.

In summary, the Department finds that biological surveys are incomplete for the ARCS/FDP impact assessment, that the inconclusiveness of surveys compromises the accuracy of ARCS/FDP alternative comparisons, and that the identified ARCS significant biological impacts could be substantially reduced or avoided through better alternative designs. The proposed ARCS footprint is in an area of concentrated biological resources, while substantial, less sensitive areas are available. The lack of detail in the FDP also compromises the ability to identify alternatives which could avoid or reduce potentially significant impacts. The oak

woodland impacts should be assessed per the four distinct oak woodland types identified and should reflect the two special status associations within those classifications. The cumulative effects analysis does not consider any past projects' related effects and fails to address wildlife corridor impacts. More information is requested for botanical resources, wetland delineation, and aquatic sampling for the ARCS as well as the FDP. The new alternatives presented in the RDEIR are compared to the DEIR alternative instead of to existing conditions. The DEIR/RDEIR provides insufficient information for full assessment of significant impacts. Therefore, the Department concludes that the DEIR/RDEIR does not provide a level of technical detail for the proposed FDP area and the alternative ARCS locations sufficient to meet the California Environmental Quality Act (CEQA) Guidelines standard (Sections 15147, 15151).

Additionally, we believe it inappropriate to utilize the DEIR/RDEIR as a Programmatic EIR for the FDP. The FDP is neither proposed by the County nor the subject of an application from the property owner, and the evaluation of potential impacts relies on spotty information and vague Project details, resulting in significant and "unavoidable" impacts to resources. As with the ARCS, better information on the resources that have the potential to be affected, as well as details of an actual proposed program or project, would allow for an adequate Project description, identification of alternatives, and development of avoidance and minimization measures that may be sufficient to reduce impacts to a level of less-than-significant.

We do not believe it consistent with the intent of CEQA that the County consider adopting a vague but ambitious FDP which would rely on making a Statement of Overriding Consideration for significant and unavoidable impacts to 11 resource classes; such a Statement would have to be supported by "substantial evidence in the record" (CEQA Guidelines Section15093), which appears to be lacking in the document under review. In fact, we believe detailed information on both resources and Project details could provide the basis for identification of feasible alternatives, as well as measures to avoid and/or minimize impacts, which could reduce impacts to a level of less-than-significant.

Finally, the RDEIR states that the County will respond to comments regarding the RDEIR and will respond to comments on the DEIR which were received during the comment period for that document. The Department believes that, given that the RDEIR incorporates the DEIR by reference and relies on its information for the revised analysis, the Project which is under consideration remains the whole Project. As such, the DEIR and the RDEIR cannot be separated for consideration or approval; therefore, comments for the Project as a whole should be addressed by the County. In fact, the RDEIR states that the RDEIR will be "attached to the DEIR, and the Final EIR Responses to Comments document, and collectively will be considered for certification."

California Environmental Quality Act Authority: The Department is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

The Department is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from the Department, such as an Incidental Take Permit, pursuant to the California Endangered Species Act (CESA), or a Streambed Alteration Agreement issued under Fish and Game Code Section 1600 et seq.

Pursuant to Fish and Game Code Section 1600 et seq., the Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. Given the Project description, this Project would require a Streambed Alteration Agreement, and the Project proponent should submit a Streambed Alteration Notification to the Department for this Project. For additional information on notification requirements, please contact our staff in the Stream Alteration Program at (559) 243-4593. In addition, further biological studies may reveal that an Incidental Take Permit is required. Both actions by the Department are considered "projects" (CEQA Guidelines Section15378) and are subject to CEQA; the Department typically relies on the Lead Agency's CEQA compliance to make our own findings. For the Lead Agency's CEQA document to suffice for permit/agreement issuance, it must commit to fully describing the potential Project-related impacts to stream/riparian resources and listed species, as well as measures to avoid, minimize, and mitigate impacts to these resources. Impacts to State-listed species must be additionally "fully mitigated" in order to comply with CESA. If the CEQA document issued by the City for this Project does not contain this information, the Department may need to act as a Lead CEQA Agency and complete a subsequent CEQA document. This could significantly delay permit issuance and, subsequently, Project implementation. In addition, CEQA grants Responsible Agencies authority to require changes in a project to lessen or avoid effects of that part of the project which the agency will be called on to approve, such as the proposed stream crossings (CEQA Guidelines Section 15041).

California Endangered Species Act Compliance: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Significant impacts must be avoided or mitigated to less than significant levels in order for "take" authorization to be issued by the Department, and while the CEQA Lead Agency may make a supported Statement of Overriding Consideration (SOC), the Department cannot issue a "take" authorization unless all impacts have been "minimized and fully mitigated" (Fish and Game Code Section2081).

The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2081, under which impacts to State threatened and endangered species must be minimized and fully mitigated. In other words, compliance with CESA does not automatically occur based on local agency project approvals or CEQA compliance; consultation with the Department is warranted to ensure that Project implementation does not result in unauthorized "take" of a State-listed species.

Incidental "take" authority is required prior to engaging in "take" of any plant or animal species listed under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act. No direct or indirect disturbance, including translocation, may legally occur to State-listed species prior to the applicant obtaining incidental "take" authority in the form of an Incidental Take Permit.

Botanical Inventory: The DEIR/RDEIR presents the botanical inventory as though it were a complete inventory within the study area. It should be noted that the only area which was surveyed thoroughly enough for impact assessment, following Department protocol (DFG. 2000), were the individual footprints of proposed ARCS lots and adjacent area. The majority of the proposed ARCS tentative tract area and the remainder of the ranch (the FDP area) were surveyed cursorily to an extent appropriate for plant community mapping, but not for detecting rare plants. Rare plants were mapped in these larger areas as they were encountered opportunistically during habitat mapping. To illustrate this point, the total of 312 hours of rare plant survey time by Althouse and Meade and Rincon would equal 1.8 minutes of survey time per acre. The DEIR/RDEIR should clearly differentiate the level of surveys specific to the subdivision footprint, the larger proposed tract boundary, and the remainder of the ranch. It is questionable whether the 80 hours of focused rare plant surveys in the ARCS impact area was sufficient since no survey dates or maps of survey areas were provided. Evaluation of impacts outside of the proposed footprints of individual lots would require protocol botanical inventories. As such, the DEIR/RDEIR provides insufficient information for full assessment of significant impacts. Therefore, the Department concludes that the DEIR/RDEIR does not provide a level of technical detail for the proposed FDP area and the alternative ARCS locations sufficient to meet the CEQA Guidelines standard (Sections 15147 and 15151).

Rare Plant Mitigation: The Department recommends avoiding rare plants through Project design. Transplanting or relocating rare plants has generally proven unsuccessful. The DEIR/RDEIR concludes that rare plant impacts are mitigable through relocation of *Castilleja densiflora* ssp. *obispoensis* (CNPS 1B.2), *Tropidocarpum capparideum* (CNPS 1B.1), and other grassland species which occur in both the ARCS and FDP areas. It is unclear where new populations would be established since much of the grassland would be developed or converted to vineyards.

It is also unclear that establishing new populations of these species is even feasible. It should be noted that *T. capparideum* was unknown from San Luis Obispo County prior to its discovery during surveys for this Project. Only three extant populations are known, and it was thought to be extinct from 1957 to 2000. The California Native Plant Society (CNPS) considers it seriously endangered in California. It is extremely rare, and we are unaware of any successful translocation projects. There is no evidence that these species could be reestablished successfully on a scale which would offset the potential impacts; this issue is further compounded in the FDP area, where potential impacts are not even quantifiable since focused plant surveys were not completed. The courts have repeatedly not supported conclusions that impacts are mitigable when essential studies and, therefore, impact assessments are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrietta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange*

(2005) 131 Cal. App. 4th 777). Without a specific plan that shows that the rare mitigation will be accomplished, the only defensible conclusion is that the significant rare plant impacts are not mitigable.

Listed Vernal Pool Branchiopod Surveys: The DEIR/RDEIR documents partial fairy shrimp survey efforts in 2003 and 2006. The two survey efforts sampled some of the same pools, but most pools affected by the ARCS housing development were surveyed in 2006 only. The two surveys used different numbering systems for some of the same pools, and neither survey included all the pools identified by Althouse and Meade in their June 2003 "Inventory of Wildlife and Plant Species on the Six Rancho Parcels of the Santa Margarita Ranch." In addition, pools that are visible from Route 101 were not mapped or surveyed in any year. The DEIR/RDEIR does acknowledge that fairy shrimp surveys were performed for only one season and that another season (dry or wet) is required for complete surveys, but it does not clearly acknowledge that surveys were incomplete, in addition, because all pools in the proposed FDP area were not surveyed.

Inconclusive surveys and deferring conclusive surveys until after CEQA review have unnecessarily compromised the impact analysis and alternatives comparisons. For example, Alternatives 13 (Smart Growth/Affordable housing) and 7 (Tighter Cluster) are described as having potentially significant impacts to vernal pool fairy shrimp. This is the conservative approach considering that surveys were incomplete. Unfortunately, this approach potentially overstates the impacts of Alternatives 7 and 13, because the surveys completed so far suggest that these alternatives, in fact, would not affect vernal pool fairy shrimp. These and other alternatives could completely avoid or minimize rare plant impacts, could avoid or minimize oak woodland impacts, could minimize habitat loss and fragmentation, and could be configured to further avoid and minimize wetland impacts. Conclusive surveys should be completed prior to comparing alternatives.

The inventory of seasonal pools and the species which potentially utilize them provides insufficient information for full assessment of significant impacts. Therefore, the Department concludes that the DEIR/RDEIR does not provide a level of technical detail for the proposed FDP area and the alternative ARCS locations sufficient to meet the CEQA Guidelines standard (Sections 15147, 15151).

California Tiger Salamander (CTS): The DEIR/RDEIR concludes that the Project would not affect CTS, based on fairy shrimp survey results and undisclosed aquatic sampling events. It is not clear that those sampling events were sufficient to determine absence of CTS, because the dates and locations of aquatic sampling were not disclosed. The fairy shrimp surveys did not sample all potential breeding locations, so more information is needed. In addition, a protocol CTS survey is usually required to determine presence/absence in suitable habitat. Please provide a table of all aquatic sampling locations, dates, and personnel, with a corresponding map of all ponds, seasonal wetlands, and pools found on the ranch, including the seasonal pools adjacent to Highway 101, next to the perennial pond with the artificial island.

Native Perennial Grassland Mitigation: The 43 percent loss of native perennial grassland is significant and would not be mitigable by simply increasing native perennial grass cover in annual grasslands, as proposed in measure B-2(a). Native perennial grass cover is only one parameter of this plant community, and merely meeting the proposed mitigation goal would result in much lower quality grasslands than would be displaced. It is not the grass species, but the natural community, which is special status. Forbs are a significant part of the community; forb diversity is much higher in these grasslands, is an essential component of wildlife habitat, and is one of the primary reasons for protecting native perennial grasslands. To fully mitigate the loss of this plant community, the mitigation plans must also include establishing the full array of native species, including a self-sustaining native annual and perennial forb component with diversity, abundance, and frequency similar to the displaced community. This will require pre-construction baseline measurements of the composition of native species in the displaced grasslands.

Wetland Delineation: The Department requests information from any wetland data points located in the deergrass-dominated grasslands in the ARCS area. Deergrass *(Muhlenbergia rigens)* is a facultative wetland species and, in this vicinity, often dominates seasonally wet meadows. This potential wetland community may have been mischaracterized because it was included within a more general "native perennial grassland" community.

Emergent Wetland Impacts: In the RDEIR, Table 4.3-5 states that the ARCS would not impact emergent wetlands, while Figure 2-4 clearly shows a road crossing emergent wetlands associated with Tostada Creek. Please clarify this discrepancy.

Steelhead: The DEIR/RDEIR should address temporary and permanent impacts to the Federally threatened and State Species of Special Concern steelhead (*Oncorhynchus mykiss*) and steelhead habitat. Trout Creek and other tributaries of the Upper Salinas River are federally designated Critical Habitat for the south/central California coast Evolutionarily Significant Unit (ESU) of steelhead and provide spawning habitat for the species. Temporary and permanent, direct impacts may result from water diversion, bridge construction, channel widening, water quality impacts, reduced infiltration, and increased runoff. Indirect impacts may result from future bridge maintenance activities, long-term vegetation management due to the proposed bridges, and bridge runoff flowing directly into the creek.

As noted below, the stream setbacks proposed would be violated by the proposed bridge crossings. We recommend that, in addition to the proposed Steelhead Protection Plan being reviewed by the National Oceanic and Atmospheric Administration (NOAA), an additional requirement should be that NOAA approves the Plan. In addition, it is not clear that future plans and/or compliance with the Federal Endangered Species Act would reduce impacts to a mitigable level, without understanding the details of the required plan, and we recommend that the plan be prepared, reviewed and approved prior to certification of this DEIR/RDEIR. In particular, the DEIR/RDEIR indicates that, should "take" authorization be necessary, required measures may include compensatory mitigation, implementation of replacement habitat and/or enhancement of existing habitat. As with other aspects of this proposed Project, reconfiguration of Project elements to avoid and minimize Project impacts should be undertaken prior to development of compensatory mitigation.

ARCS Creek Crossings: The proposed ARCS would cross Tostada Creek three times and place a road parallel to it. The proposed 100-foot buffer from the creek is less than what is typically recommended for amphibians, and disturbance this close to the creek would likely result in impacts to upland habitat critical to the amphibians that utilize the creek seasonally. The buffer also conflicts with the proposed creek crossings, which inherently infringe upon the buffer. The parallel road subjects to traffic any animal moving to or from the northwest creek bank, and road kills would likely be frequent. We recommend that new roads be located away from the creek entirely. If avoiding development in the Tostada Creek watershed is not feasible, then we recommend a minimum 200-foot buffer from the creek to accommodate the Federally threatened, State Species of Special Concern California red-legged frog's (*Rana aurora draytonii*) normal upland habitat uses (Rathbun et al. 1993, Bulger et al. 2003) and to reduce the risk of roadkill. This would also reduce collision risk for terrestrial wildlife while minimizing indirect effects on riparian and aquatic habitat from noise, reduced water quality, and light. Watershed avoidance or an increased buffer would also afford added protection for steelhead, which have been documented in the creek, the State Species of Special Concern coast range newt (*Taricha torosa torosa*), Western spadefoot toad (*Spea hammondi*), and southwestern pond turtle (*Actinemys marmorata pallida*), as well as other species which likely use the creek based on nearby occurrences and habitat suitability. If the 200-foot buffer is infeasible, then we recommend limiting the length of the parallel encroachment. Ongoing, long-term studies on the sierra newt (*Taricha torosa sierrae*) indicate that newts utilize upland habitat over 1,300 feet from a breeding stream (J. Vance, pers comm.); it is likely that disturbance within 100 feet of the stream would eliminate the majority of upland habitat required to sustain most amphibian populations over time.

If avoiding the Tostada Creek crossings is infeasible, then we recommend reducing the number of creek crossings and designing them to minimize effects to geomorphological processes and wildlife movement. This would include a bridge or bottomless culvert design to allow unimpeded sediment transport, fish passage, floodplain functions, and retention of riparian and wetland vegetation. Abutments should be located outside of the creek banks and riparian and wetland vegetation. The DEIR/RDEIR should provide a description and/or figure depicting the design and potential impacts of any proposed creek crossings with sufficient detail to support a future 1602 agreement and the Department's required findings as a Responsible Agency (discussed above). It is important to note that Fish and Game Code Section 5948 prohibits placement of artificial barriers within any stream which will prevent fish passage or which is otherwise deleterious to fish; as a result the stream crossings must be sufficiently designed to avoid impacts to fish and fish passage. The Department's California Salmonid Stream Habitat Restoration Manual should be consulted regarding culvert design and fish passage assessment. This document can be downloaded at: http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp. We recommend that the DEIR/RDEIR provide a description of the proposed creek crossing structures, an analysis of their impacts, discussion of how their construction-related and permanent impacts would be reduced and avoided, and an analysis of why the Project cannot avoid crossing the creek three times. We find that crossing Tostada Creek three times to service 112 lots, when there are 14,000 acres to choose from, is difficult to justify.

Project Water Supply and Streams: The RDEIR indicates that the ARCS would be predicated on provision of water from either the State Water Project (SWP, which has already been constructed, but for which the Project proponent does not have an allocation) or the Nacimiento Water Project (NWP, which the Project proponent has an allocation, but which has not yet been constructed). Use of NWP water (as proposed in Alternative 12, the Amended Project) is problematic, in that either (1) the untreated water would be utilized for agriculture, and the offset of groundwater otherwise extracted for agriculture would be used for the ARCS; or (2) the untreated water would be treated on-site and used for the ARCS. County policies preclude either option, AGP11 states that groundwater should be maintained for agricultural use; and treating water outside of an urban reserve line, as is proposed, is not consistent with the County's intent to restrict urban services from being provided outside of the urban reserve line.

In addition, it is not clear that "groundwater" which is currently utilized by agricultural operations is not actually underflow of Trout and Tostada Creeks (for the ARCS) and other tributaries to the Salinas River (for the FDP), which is being diverted for use. Underflow is regulated as surface water by the State Water Resources Control Board (SWRCB), as demonstrated by actions of the SWRCB regarding the Carmel River, Salinas River, Garrapata Creek and the Big Sur River, among others on the Central Coast. We would like to better understand the status of the water which is being utilized for the agricultural operation; that is, if it is a diversion of underflow, and whether the Project proponent has a water right (appropriative or riparian) for that water. In addition, should the water prove to be underflow, the Project proponent will likely need an appropriative right to store it and/or convert it to domestic use on parcels which are neither adjacent to the stream from which it is being diverted nor owned by the diverter.

Valley Oak Alliances and Oak Woodland Mitigation: The Department considers any plant association containing valley oak (*Quercus lobata*) to be of high inventory priority (DFG 2007). The global and state ranks for the valley oak alliance is G3 and S3: vulnerable to extirpation or extinction. As such, any plant community characterized by dominance or co-dominance of valley oak should be considered a special status natural community, as the native perennial grasslands have been characterized. This would include the valley oak woodland and mixed oak woodland communities described.

We recommend that the Project be redesigned to avoid and minimize impacts to oak woodlands. Should residual significant impacts remain, it must be demonstrated that reducing and avoiding significant impacts is infeasible. To offset the residual significant impacts to these communities, the Project should replace what would be displaced with equal or greater areas of equal or greater value to that which would be displaced. The mitigation measures proposed would replace only individual trees and would not replace the spatial extent of these communities. The proposed maximum 4:1 replacement ratio would not replace the habitat area even at the worst case scenario of 400 trees removed in the ARCS. The proposed mitigation would result in a maximum of 18 acres planted with the specified 4 trees per 2,000 square feet, compared to the impact of 29.8 acres of valley oak associations displaced and total of 60 acres of all oak woodland types displaced. The Project should replace oak woodlands with similar density and composition to that affected in an area large enough to offset the acreage lost. There appears to be enough room on the ranch to accomplish this goal, and it is unclear why this mitigation option was not explored. Even though the temporal loss during tree

establishment would still be significant, the permanent oak woodland loss would be offset in the long-term. The Department recommends a similar approach to **unavoidable** oak woodland impacts and mitigation which may result from the FDP.

CEQA was amended to include Public Resources Code (PRC) Section 21083.4, which states that a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment, either individually or cumulatively. If a county determines there may be a significant effect on oak woodlands, the county must require appropriate oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands and should be developed in advance of Project approval and made part of the enforceable conditions of approval. The Department believes implementation of the Project will result in significant impacts to oak woodlands and that implementation of measures in accordance with PRC Section 21083.4 would be appropriate. Project implementation would result in a conversion of oak woodland to residential uses; Project impacts to oaks should not be evaluated on a tree by tree basis, rather the acreage of oak woodland impacted should be considered. Even if individual oak trees are by design left in place, which is recommended, they fail to have the same wildlife and habitat value as a functioning oak woodland; this should be considered when addressing the mitigation required by PRC Section 21083.4. PRC Section 21083.4 includes the following potential mitigation measures: 1) Acquisition and easements on an appropriate acreage of comparable oak woodland habitat, which should be preserved in perpetuity and 2) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees. However, PRC Section 21083.4 does not allow for more than 50 percent of the mitigation to be in the form of mitigation plantings, and it appears that the oak mitigation proposed for this Project is entirely based on plantings. We recommend that in addition to the planting area that comparable oak woodland habitat be preserved in perpetuity.

It should be noted that if oak woodland impacts were discussed per oak woodland type identified, the Project may result in additional Class I impacts. Department guidelines on assessing effects to plant communities (DFG. 2000) specify assessing impacts per distinguishable plant community. Assessing impacts to "oak woodland" is equivalent to assessing impacts to "coniferous forest"—such general levels of classification do not follow the current Department classification method (DFG 2007) and are insufficient for impact analysis. Since four distinct types of oak woodland communities were identified, please explain why they were grouped together for determining significance of impacts. The Department recommends that these distinct plant communities be assessed individually, especially considering that two of the oak woodland communities are considered special status as discussed above.

Avoidable Wildlife Impacts from Erosion Control Mesh Products: Due to this Project site's extensive wildlife habitat interface, the Department requests that erosion control and landscaping specifications allow only natural fiber, biodegradable meshes and coir rolls. "Photodegradable" and other plastic mesh products have been found to persist in the environment, ensnaring and killing terrestrial and aquatic wildlife. Herpetofauna kills are well documented (Barton and Kinkead 2005, Walley et al. 2005, Washington State Department of Transportation 2005). Plastic mesh erosion control products would likely cause unanticipated, avoidable impacts and potential "take" of listed species, including fish.

Alternatives for Agricultural Residential Cluster Subdivision: The DEIR/RDEIR documents eight significant biological impacts from the proposed ARCS, seven of which were considered mitigable. It is reasonable to assume that within the 14,000 acre ranch, 111 dwelling units could be accommodated in a way that avoids or substantially reduces significant biological and other impacts through Project design. Instead, the proposed ARCS and many of the alternatives presented have missed most of the opportunities to first avoid and reduce impacts through Project design, and instead rely on compensatory mitigation to offset impacts.

For example, the proposed ARCS concentrates development within the sensitive plant communities (native perennial grasslands, known rare plant populations, oak woodlands) instead of the more abundant, less sensitive plant communities and areas without rare species. While native perennial grassland represents only 2 percent of the ARCS tract area, 27 percent of the ARCS footprint is within this sensitive plant community. The special status plant communities of native perennial grassland, valley oak woodland, and mixed oak woodland comprise only 13 percent of the ARCS tract area, yet 50 percent of the proposed ARCS footprint is within them. Clearly, these impacts are disproportionate to the available area, and there are opportunities to reduce or avoid these impacts as CEQA requires. To more clearly disclose the impacts in the context of what habitats are available, it would be helpful to add a column to RDEIR Table 4.3-5 to display the percent of the Project footprint which is within each habitat type. The ARCS also locates the major access road along a riparian area and proposes three creek crossings which may require federal "take" authorization for California red-legged frogs and steelhead, instead of using the ample ranch land area to select sites which reduce or avoid creek crossings and listed species habitat. The DEIR/RDEIR does not demonstrate that other constraints limit development potential to areas with concentrated, sensitive biological resources.

Many of the ARCS alternatives have large areas with no significant impacts and small areas where significant impacts could likely be avoided through alternative design. If lot layouts were designed around resources within the larger alternative polygons presented, impacts could likely be reduced and avoided. The Department recommends that an alternative be developed which provides the 112 dwelling units and avoids significant biological impacts. Simply reducing the proposed lot size from 1 acre to 0.5 acre would substantially reduce direct and indirect impacts of all alternatives while still providing the proposed number of dwellings. With the proposed 1-acre lots, the proposed 0.5-acre building envelopes still allow indirect habitat degradation on the remaining 0.5 acre and greatly increase the direct impact from road systems and driveways.

We also note that, while it is important to understand the relative pros and cons of all the alternatives, CEQA requires the alternatives be analyzed against the CEQA baseline, not against the standard of the proposed Project. The RDEIR presents three new alternatives and compares them to the proposed ARCS Project, which was presented in the DEIR. The RDEIR uses the DEIR alternatives as the baseline for impact analysis. The RDEIR must instead compare the three new alternatives to the same baseline as the original alternatives, i.e., existing conditions, as CEQA requires (CEQA Guidelines Section 15125). It is important to understand that regardless of their superiority to the proposed Project, many of the alternatives still have Class I and Class II impacts.

Avoidable Significant Impacts: The CEQA Guidelines (Section 15043) allow the Lead Agency to approve projects despite significant effects when:

a) there is no feasible way to lessen or avoid the significant effect (see Section 15091); and

b) specifically identified expected benefits from the Project outweigh the policy of reducing or avoiding significant environmental impacts of the Project (see Section 15093).

The DEIR/RDEIR does not demonstrate that the significant biological effects are unavoidable or that public benefit outweighs the effects. Many of the significant biological effects are avoidable through better Project design while still meeting the basic Project objectives, and the Project's public benefit is not explained. Therefore, approving the significant biological impacts as presented in the DEIR and RDEIR would not comply with CEQA Guidelines. We are happy to work with the County and the applicant on alternative sites for Project features to avoid and reduce biological impacts.

Consistency of the ARCS with County General Plan and Ordinances: The proposed ARCS relies on ordinances (LUO 22.22.150 and 22.22.152) which allows a subdivision of lands zoned "Agriculture" with an increased density bonus if (1) total area of the residential portion of the subdivision is 5 percent or less than the total area of the parcel proposed for sub-division; (2) the number of units is the same as the number of base units allowable for a standard sub-division of Agricultural lands without a zoning change plus the allowable bonus; and (3) the open space parcel is a minimum of 95 percent of the pre-Project parcel and are guaranteed to be protected in perpetuity as agricultural lands.

The math which underlies the number of allowable units of the ARCS is not disclosed in either the DEIR or the RDEIR. It is stated that the 3,778-acre proposed ARCS is composed of three parcels, of which there are currently 974 acres planted in grapes, 26 acres devoted to support quarters for the vineyard, and the remainder (2,778 acres) consists of grazing lands. Rough calculations indicate that the base number of residential units allowable would be 48 plus 8, equivalent to that number which would be allowed with a conventional land division of Agriculture-zoned lands; plus a parcel bonus of 100 percent, which would total 112 units. The Project application proposes 111 "clustered" homesites and one ranch headquarters, which is consistent with the Major Agricultural Cluster ordinance. However, Figure 2-3 of the DEIR (which refers to the previously proposed ARCS, but which the RDEIR indicates would be substantially the same for the Amended Project, with only parcels being relocated) identifies 116 lots of record which would result from this action, not 112 as is proposed in the Project description, and would be allowed under the Agricultural Lands Clustering ordinances.

Examination of the FDP reveals that additional residential units are planned for the Agricultural Open Space parcels which would be created by this ARCS. The Agricultural Lands Clustering ordinances indicate that the areas proposed for agricultural land and/or open space preservation are each allowed a ranch/farm headquarters, including up to two of the residential

units allowed within a cluster project; it would appear that the ranch headquarters identified in the FDP would be in excess of that allowable on these three parcels under the ordinance. Additionally, the text identifies a "remainder lot" of 2,417 acres; all together, that would total 117 parcels which would be created with the proposed ARCS, which does not appear to be consistent with the Agricultural Lands Clustering ordinances.

The proposed Amended Project, like the originally proposed Project, does not appear to be clustered "to the maximum extent feasible", as required by the Agricultural Lands Clustering ordinances. In addition, it does not appear that their location would "not interfere with agricultural production" of the 676.6-acre grazing area as required by the ordinances; and the DEIR concluded that the ARCS would permanently compromise the sustainability of the 676.6-acre grazing unit. As such, we conclude the footprint of the proposed ARCS is 676.6 acres, not the 163.1 acres as represented in the DEIR and presumably in the RDEIR for the Amended Project. This greatly exceeds the 5 percent of the land base which is allowable under the Major Agricultural Cluster ordinance, and, in fact, represents about 5 percent of the total area of the entire undeveloped portion of the Santa Margarita Ranch.

The Agricultural Lands Clustering ordinance requires that a guarantee of Open Space areas be provided, in the form of a recorded, permanent agricultural open space easement and placement in a stand-alone Land Conservation Act preserve and contract (per the Williamson Act). It further requires that, if open space lands are to be held by the homeowners, they would be responsible for the permanent maintenance of the open space areas and requires an assessment system or other form of subsidy to ensure compliance. We recommend that a similar financial guarantee be required of whoever owns and manages the agricultural open space lands.

According to the Agricultural Lands Clustering ordinance, the County must make required findings that the approved Project is consistent with the General Plan and further specific findings regarding the continued use and long-term preservation of agricultural resources; that the Project been designed to avoid and minimize impacts to resources, including clustering to the maximum extent feasible; that there is sufficient water and other infrastructure to serve the proposed development, including the agricultural operation; and that there are conditions in place to ensure permanent maintenance of the lands to remain in agricultural production and/or open space (LUO 22.22.150). We do not believe that the DEIR/RDEIR have been successful in meeting all the requirements of the Agricultural Lands Clustering ordinances.

Future Development Program: The FDP does not appear to be a project as defined by CEQA. It is not an action which the County proposes to directly undertake; and while it would require entitlements by the County, none was requested in the form of an application. We do not think it is appropriate that the current DEIR, in combination with the RDEIR, be considered as a "Program EIR" for the FDP as proposed. Should the County wish to revise the Area Plan or develop a Specific Plan for the Santa Margarita Ranch, or should the Ranch owners wish to develop a realistic and detailed Future Development Plan, which is submitted as an application to the County, it may be appropriate to prepare a Program EIR at that time.

Additionally, the FDP is lacking specific detail as to a Project description, and biological surveys and other information needed are generally non-existent or insufficient to allow for the appropriate level of impact analysis. The DEIR states that it "evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program." We do not concur with this assessment; in fact, there are 11 significant and unavoidable impacts (so-called Class I impacts) that have been identified for the FDP. Because they are unavoidable and unmitigable, it is disingenuous to state that the DEIR/RDEIR "mitigates" impacts associated with the FDP.

The impact assessment is based on incomplete information and a vague Project description and potentially overstates some impacts and understates others. While it may evaluate a worse-case scenario, we believe complete baseline information and a more detailed Project description would facilitate identification of alternatives and mitigation measures, which may be able to mitigate potentially significant impacts. The goal, of course, would be to avoid, minimize, and mitigate to a level of less-than-significant (see our comments above regarding avoidable impacts). We do not believe that this document "evaluates and mitigates" potential impacts; and in fact, if this were an actual CEQA program or project, it would require the County to make a Statement of Overriding Consideration in regards to the significant and unavoidable impacts which this document anticipates. Such a Statement would have to be supported by "substantial evidence in the record" (CEQA Guidelines Section15093), which appears to be lacking in the DEIR/RDEIR.

It is notable that the RDEIR, in analyzing the Project's potential impacts on water supply, incorporates by reference five environmental documents related to water projects in the area of the Santa Margarita Ranch, in regards to the source of water and location of service for the ARCS. Yet, the RDEIR concludes that "since the precise location of water pipelines has not been determined, precise environmental impacts associated with such improvements would be too speculative to address at this time." If one were to apply the same standard to the FDP, one would likewise be bound to conclude that any impact analysis for the FDP would be speculative.

We recommend that the County utilize the FDP as a framework for understanding the context of the ARCS, but not consider this document as a Program EIR for the FDP in this process. Further, we recommend that the County not provide any approvals and/or make any Statement of Overriding Consideration for any portion of the DEIR/RDEIR which applies to the FDP.

Cumulative Biological Impacts: Cumulative impact analyses should be species and habitat specific and should be quantified. Cumulative impacts must consider past, present, and foreseeable future projects (CEQA Guidelines Sections 15065, 15130, and 15355). The DEIR/RDEIR currently considers only future projects and does not discuss impacts per biological resource. The DEIR/RDEIR must also consider related effects of past projects. Limiting the cumulative effects assessment to the ranch boundaries may not be reasonable for all species or habitats. Examples would include steelhead, for which past, present, and future projects on adjacent properties affect the same population; and American badger, which is rapidly losing its grassland habitat on the ranch and adjoining areas due to development and vineyard conversion.

Wildlife Movement: Another potential cumulative impact that the DEIR/RDEIR does not analyze is the potential for the Project to reduce wildlife movement. The ARCS and FDP would

degrade a known wildlife corridor which is constricted at Cuesta Grade. The ARCS and FDP would place developments within the corridor and further reduce the overall corridor width where it intersects Highway 101. The effects on corridor functions for mountain lion, black bear, American badger, California red-legged frog, and other corridor species should be addressed for the individual Project and cumulatively. The cumulative effects analysis should consider past, present, and future projects, such as Highway 101 construction and recent widening, proposed highway median barriers, future widening of Highway 101 as outlined in Caltrans' Transportation Concept Report, Spanish Oaks Ranch residential developments, Tassajara Canyon residential developments, and the Margarita Farms development.

Conclusions: In summary, the Department finds that the inconclusive surveys compromise the alternative comparisons, that surveys are incomplete for the FDP impact assessment, and that the proposed ARCS significant biological impacts could be substantially reduced or avoided through better alternative designs. The ARCS impacts to sensitive biological resources are disproportionate to the habitats available for siting the Project. Impacts to grassland and rare plants should be avoided, minimized, or other compensatory mitigation needs to be clearly identified, to demonstrate that the significant impacts are mitigable. Oak woodland mitigation should be revised to increase the area of woodland replaced and woodland classification should be revisited for potentially overlooked significant impacts. The cumulative effects analysis does not consider any past projects' related effects, and fails to address wildlife corridor impacts. The new alternatives presented in the RDEIR are compared to the DEIR alternative instead of existing conditions. More information is requested for botanical resources, the wetland delineation, aquatic sampling, and for the entire FDP.

The DEIR/RDEIR does not provide sufficient information for full assessment of significant impacts. Therefore, the Department concludes that the DEIR and RDEIR do not provide a level of technical detail for the proposed FDP area and the alternative ARCS locations that is sufficient to meet the CEQA Guidelines standard (Sections 15147, 15151). In addition, because the FDP is not based on either an application received by the County or on an Area Plan update or Specific Plan which is proposed by the County (or the applicant), we request no action be taken by the County regarding the FDP and that any entitlements for the ARCS be considered separately from and approvals (if any) granted independently of consideration of the FDP.

Thank you for the opportunity to comment on the Revised Draft Environmental Impact Report. If you have any questions regarding these comments, please contact Dave Hacker, Environmental Scientist, at 3196 Higuera Street, Suite A, San Luis Obispo, California 93401, by telephone at (805) 594-6152, or by email at dhacker@dfg.ca.gov.

Sincerely,

W. E. Loudermilk
Regional Manager

cc: See Page Fifteen

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DATE: **March 27, 2008**

TO: **Martha L. Miller, Project Manager**

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

SUBJECT: **Santa Margarita Ranch Agricultural Residential Cluster Subdivision and Future Development Program Revised Draft Environmental Impact Report (0784)**

Thank you for the opportunity to review the Revised Draft Environmental Impact Report (RDEIR). The following comments are focused on the proposed agricultural residential cluster subdivision (ARCS) as future development is conceptual and will require additional environmental review when entitlement is requested. Comments reflect the order of the RDEIR with page numbers included in parentheses.

Agricultural Resources

1. **Revisions** (2-1 - 2-13) – The revised and updated information appear to provide a better basis for the impact analysis associated with the proposed project.

2. **ARCS AG-1** (2-13) – The Agriculture Department agrees that due to the location of the proposed residences the entire 676.7 acre grazing unit would be converted to non-agricultural uses as continued grazing would be impractical. This is because human interaction with cattle can result in conflict for both cattle and humans. The goal of a cattle operation is to minimize stress and ensure weight gain, reproductive performance, and animal health. Poor human judgment and lack of understanding are major causes of accidents involving animals. Humans that are unfamiliar with cattle can behave in a manner that stresses or threatens the animals resulting in injuries to the animals and/or humans. Accidents can occur when humans penetrate a cattle's flight zone, startle an animal with an unexpected loud noise or movement etc., causing an animal to kick and/or bolt in an unpredictable manner. Such interaction not only stresses the animal but can also result in serious injury to animal and/or humans. Additionally, an animal that has a negative human experience may become more difficult to manage during handling and transportation.

   The proposed ARCS would create a residential neighborhood within a historical grazing area. The development's future population is estimated to be 302 residents.

This does not include the transient population associated with supporting the residences (ie. household staff, guests, maintenance workers, delivery personnel, etc). Human and domestic pet interaction with cattle would occur with activities including, but not limited to, walking, biking, gardening, driving, etc. It is not reasonable or realistic to expect individuals or pets associated with these residences to know how to behave around grazing livestock. Buffers and alternative grazing management practices would not effectively address such incompatibilities due to the non-contiguous design of the proposed project's 111 residences. Based on the incompatibilities outlined above, it is not reasonable to believe that grazing could continue to occur in the ARCS area because of safety and liability issues.

The non-contiguous location of the proposed residences would preclude other agricultural activities within the 676.7 acre ARCS area as well. The RDEIR identifies that 21.2 acres of prime soils would be permanently converted to non-agricultural uses and that other prime soils in this area would be secondarily converted (page 2-14). It appears that the acreage of the other prime soils area, as represented in Figure 2-1, is over 100 acres in size.

Water and Wastewater

3. **AGP11 Inconsistencies** (2-116) – The RDEIR accurately states that groundwater should be maintained for agricultural production and use of groundwater for the ARCS would be inconsistent with AGP11 – Agricultural Water Supplies.

Alternatives

4. **Alternative 7** (2-120) – The Agricultural Resources section identifies Alternative 7 as converting 46.8 acres of prime soils compared with the proposed projects 21.2 acres. A conclusion is made that this alternative results in greater impacts due to direct conversion of prime soils. The Agriculture Department recommends the alternatives be evaluated based on all prime soils within the 676.7 acre ARCS area being converted from production agriculture to residential uses due to the location of the 111 homes located throughout the area. If analyzed in this manner, the proposed project would result in the conversion of over 120 acres of prime soil compared to the 46.8 acres identified with Alternative 7. In general, the alternatives that incorporate a clustered/contiguous design do not have the "secondary" impacts associated with the proposed project and the recommended comparison would provide for a more accurate alternatives analysis.

5. **Alternative 12** (3-2) – Alternative 12 would have the same impacts to agricultural resources as the proposed project due to the residential development located throughout the 676.7 acres of the ARCS area.

6. **Alternative 13, 14** (3-21, 3-29) – See Alternative 7 comments.

7. **Trails** – Trails with agricultural areas can significantly impact agriculture production due to incompatibilities. Specific trail locations have not been identified. All trails associated with the proposed alternatives should meet the policies and criteria outlined in the Park and Recreation Element.

8. **Additional Alternative recommendation** – An environmentally superior alternative would be a combination of Alternatives 7 and 14. Residential development could be located on the non-prime soils of the eastern portion of Alternatives 7/14.

If you have questions, please call 781-5914.

COUNTY OF SAN LUIS OBISPO
department of general services
COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200
DUANE P. LEIB, DIRECTOR

March 18, 2008

Martha Miller
County of San Luis Obispo
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

RE: Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program (February 7, 2008)

This letter is regarding the February 7, 2008 Draft EIR for the Santa Margarita Ranch. In April 2007, Parks provided comments regarding the agricultural cluster proposed adjacent to and west of Pozo Road. Parks comments were regarding Chapter 4. The January 2007 Draft EIR addressed:

- A residential cluster subdivision for 111 homes and a ranch headquarters unit located near and west of Pozo Road on ~163 acres, and
- A Future Development Program for which no application has been filed.

It is Parks understanding that the February 2008 Draft EIR addresses:

- An alternative location for the 111 cluster home sites and ranch headquarters. The new alternative is southwest of the town of Santa Margarita instead of along Pozo Road.
- The potential Future Development Program. This program could consist of (a) 402 new residences, (b) a private golf course, clubhouse and pro shop, (c) a guest ranch, lodge, and restaurant, (d) a 12-room bed and breakfast, (e) a café, (f) an amphitheater, (g) crafts studios, galleries and shops, (h) an interpretive center and gift shops, (i) nine wineries with tasting rooms and permitted special events, (j) a neighborhood park and swimming pool, (k) five ranch/farm headquarters, (l) one livestock sales yard and café, (m) three places of worship, and (n) a retreat center.

In terms of the alternative location for the 111-cluster homes southwest of the town of Santa Margarita, Parks has the following comments:

1. There are two trails located in the vicinity of the alternative cluster location. These two trails are the Juan Bautista de Anza National Historic Trail and the East Cuesta Ridge Trail. If the alternative cluster location is pursued, the applicant would need to provide a detached trail corridor connecting the

community of Santa Margarita to the Juan Bautista and the East Cuesta Ridge Trails. This trail corridor would need to be a minimum of 25-feet wide. The design and location of the trail would be subject to Parks review and approval prior to final map and/or improvement plan approval, whichever occurs first.

In terms of the Future Development Program identified in the February 7, 2008 Draft EIR, Parks staff would recommend:

1. That a Specific Plan be approved prior to the implementation of items listed in the Future Development Program. This would better insure that the park and swimming pool, as well as community trails are adequately located to serve new and existing development. Completing a specific plan would also allow the future development to be consistent with Smart Growth principles and would likely provide better protection of the site's agricultural resources.

If you have any question regarding Parks comments please contact me at (805) 781-4089 or via email at jdileo@co.slo.ca.us. Thank you for the opportunity to comment.

Jeanette Di Leo

JEANETTE DI LEO,
Parks Planner

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: March 20, 2008

TO: Martha Miller, EIR Manager

FROM: Glenn Marshall, Development Services

SUBJECT: **Revised Draft EIR – Santa Margarita Ranch (Tract 2586)**

Thank you for the opportunity to review the subject report. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

2.4: Drainage, Erosion and Sedimentation:

- The required drainage mitigations "...the use of detention basins with adequate capacity to reduce the 24-hour 100-year post-development run-off to 100-year pre-development conditions..."are unclear. What design guidelines will be followed to implement these mitigations? The pre and post development run-off coefficients will be similar (maybe a Cpre of .38 and a Cpost of .40, see County Standards H-3 and H-3a) so therefore the difference between the pre and post 100 year run-offs will be small.
- Is the "24 hour" in the mitigation referring to the storm's intensity or duration? The County has no 24 hour rainfall intensity data. What is called for here is a more specific and clear description of the mitigation measure required. We recommend the use of County Standards for the required detention basins. These call for basins designed to detain a 50 year (10 hour intensity, 10 hour duration) storm and release a 2 year pre-development out flow, non-erosively to the creeks. If slightly more stringent measures are called for they could be designed to detain a 100 year storm (with the same intensity, duration and release rate). These basins should not be "in line" basins but should be designed and located to intercept the projects building and road run-off. They would serve a secondary but critical function as sedimentation basins protecting the creeks. A recommended condition might read as follows:
    - Drainage run-off from the project must be detained in drainage basins on site. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins are to be maintained in perpetuity.
    - Or if more stringent measures are called for: Drainage run-off from the project must be detained in drainage basins on site. The design of the basin is to be approved by the Department of Public Works, and is to detain a100 year, 10 hour intensity, 10 hour duration, storm, out-letting a 2 year pre development flow. The basins are to be maintained in perpetuity.

2.7: Traffic and Circulation:

- There are several mitigation measures which will require the construction of improvements to state highway facilities. We have previously recommended the preparation of a Permit Engineering Evaluation Report (PEER) as a function of the EIR process. This will enable the identification of any secondary impacts of the improvements (tree removal, etc.), as well as ascertain Caltrans' acceptance of the measures being proposed. Instead, the report simply states that the construction of these improvements would require a Caltrans Encroachment Permit. [It also (correctly) notes that if the value of any item exceeds $3 million, a Project Study Report (PSR) will be required, but it appears to us that none of the specific items will exceed that threshold.]

- We had previously suggested that Ag Cluster Mitigation Measure T-2(a) evaluate the precise location in relation to the cemetery entrance. This has not been responded to.

- Future Development Program Impact T-1 continues to be designated Class I (significant and unavoidable), due to uncertainty of Caltrans approval and timing of improvements. Our suggestion had been that the preparation of PEER as a function of the EIR process would satisfactorily address this concern, but this has not been done. We had also suggested that the EIR process be used to establish a financing program, and had offered several alternatives for consideration. The basics of our recommendations for financing the improvements have been incorporated into the revised mitigation measures.

- We had expressed concern about the Future Development Program Mitigation Measure which regards use of the frontage road adjacent to the Highway 101 interchange. This has not been responded to.

- Concerns were also raised about potential new road access points to Highway 58 from the south side of Santa Margarita, noting that no new railroad crossings can be introduced into the Santa Margarita area. This has not been responded to.

- We expressed concern about Future Development Program Mitigation Measure T-4(b) regarding the cost share for a center turn lane. This has not been responded to.

2.8: Water and Wastewater:

- Our recommendation to prepare a Wastewater Master Plan prior to final approval of the Ag Cluster development has not been responded to.

Please call 781-1596, or write the above address, if I may be of further assistance.

Glenn D. Marshall, PE
Development Services Engineer

AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

March 28, 2008

Martha Miller, Project Manager
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

SUBJECT: APCD's Comments on the Revised Draft Environmental Impact Report for the Santa Margarita Ranch's Agricultural Residential Cluster and the Future Development Program (VTTM 2586; S030155U)

Dear Ms. Miller,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process for this project. We have completed our review of the Revised Draft Environmental Impact Report (RDEIR) for the above identified proposed project. The applicant (Santa Margarita Ranch, LLC) has applied for an agricultural residential cluster (ARC) subdivision under a Vested Tentative Tract Map (VTTM) and has proposed potential future development for the ranch. The RDEIR updates information presented in the DEIR based on new or revised technical data that has become available since preparation of this document. In addition, this document includes an environmental evaluation of a new alternative presented by the applicant and two alternatives which address comments received during the circulation of the DEIR.

GENERAL COMMENTS

This letter highlights continued areas of concern and comments that the APCD has regarding the propose ARC and Future Development Program.

APCD does not support the proposed ARC Subdivision or any of the Alternatives

The proposed ARC subdivision and the alternatives are contrary to the sustainable model of compact urban infill that is prescribed in the Smart Growth Principles adopted by the SLO County Board of Supervisors on June 7, 2005. Furthermore, proposed 1-acre lots are contrary to the local housing market need for increased workforce housing, the subdivision would exacerbate the imbalance in the job-house situation, and it is inconsistent with the land use concepts defined in the County's Clean Air Plan (CAP). Due to the remote, sprawling nature of any of the alternatives, they would all foster continued dependency of the personal automobile resulting in air quality degradation and added strains on limited natural resources. All of these factors make the State's efforts to reduce fossil fuel consumption and associated greenhouse gas emissions more difficult to attain while meeting the goals of AB 32, California's Global Warming Solutions Act of 2006. **For these reasons, the APCD does not support the any of the proposed ARC subdivision alternatives.**

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text**.

3433 Roberto Court, San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slocleanair.org □ www.slocleanair.org

SPECFIC COMMENTS

Prohibition of Secondary Dwellings

The ARC subdivision's operational air quality impact analysis presented in the DEIR and Revised DEIR identify that the impacts will be from the 112 single family residences. **Should the ARC subdivision move forward, to ensure that the these documents accurately represent the operational impact of these 112 homes, the Revised DEIR shall include an additional mitigation measure that disallows the ARC subdivision residences from constructing secondary dwellings. Further, this will help to ensure that the Class II impact mitigation from the proposed project is not undermined by impacts not accounted for within the DEIR or RDEIR (i.e., secondary homes and associated vehicle trips). This recommendation would also be necessary should a reduced unit alternative be selected.**

Transportation and Circulation

The proposed transportation and circulation mitigation for the proposed ARC subdivision is not adequate to address the extra 40% increase in the daily traffic volumes. The APCD recommends adding the following additional / revised measures to provide additional level of transportation and circulation improvements and associated air quality benefits:

1. Revise Measure T-1(a)1 to provide more safety considerations that will enhance cleaner alternative transportation modes such as walking or cycling by increasing the width to accommodate separation of multi-purpose pathways on both sides of the street thus establishing an attractive and safe pedestrian/cycling streetscape.

2. Revise Measure T-1(e) to require the textured crossing and removal of the hill/crest between H Street and I Street as this is not only consistent with the Santa Margarita Design Plan, but it is also consistent with Safe Routes to School, a program that the APCD supports to encourage cleaner alternative transportation modes over the use of the automobile.

3. Add a measure of I Street: Although the RDEIR states that "cut-through" traffic on I Street would not result in unacceptable level of service at the I Street intersections, "cut-through" traffic would provide safety concerns for community children walking or riding their bikes to and from school. To help encourage these APCD supported clean alternative transportation modes, a measure needs to be added to provide controls of "cut-through" traffic that are above and beyond the mechanisms currently in place on I Street.

Backyard Burning

The Revised DEIR only partially addressed the needed mitigation measures for backyard burning from the APCD's previous letters. The backyard burning restriction that the APCD recommended is listed with ARC measure AQ-1(e) Residential Wood Combustion. Residential wood combustion refers specifically to APCD approved wood burning devices allowed inside the homes. **The backyard burning restriction needs to be called out as its own separate measures. To do this, the RDEIR needs to remove backyard burning from AQ-1(e) and add AQ-1(f) as follows:**

Add Air Quality Mitigation Measure AQ-1(f) as follows:

Prohibition of Residential Backyard Burning and Limitation of Agricultural Burning

APCD's Rule 501 does allow backyard burning for residential homes outside of Urban or Village Reserve Lines when homeowners have APCD backyard burning permits. However, green waste burning within agricultural clustered developments can result in nuisance and negative health impacts to residents and is an example of the incompatibility of allowing clustered residential developments inside land that has intensive agricultural practices. Implement the following mitigation measures to minimize these public nuisance and health impacts:

Prohibit residential green waste burning for the Agricultural Cluster Development.

Agricultural Burning

The APCD has previously provided comments regarding the incompatibility of agricultural burning with the proposed ARC subdivision. As highlighted on page 2-15 of the RDEIR, the incompatibility with ag burning and future homeowners is noted. Measure AG-2 requires the applicant to provide some agricultural buffering for the ARC subdivision as a way for the residential project, rather than the surrounding agricultural operation, to mitigate future impacts.

Since the agricultural operation is controlled by the applicant, the APCD strongly urges County Planning to include the below identified feasible mitigation measure to address the agricultural burning incompatibility issue if the Agricultural Residential Cluster subdivision project moves forward. If agricultural burning is not limited in this manner, it is possible that it will result in nuisance complaints from agricultural burning that could require enforcement action.

Add Air Quality Mitigation Measure AQ-1(g) as follows:

Limitation of Agricultural Burning

APCD's Rule 501 allows for agricultural burning of agricultural green waste with agricultural burn permits. However, agricultural burning around agricultural clustered developments can result in nuisance and negative health impacts to residents and is an example of the incompatibility of allowing clustered residential developments inside land that has intensive agricultural practices. Implement the following mitigation measures to minimize these public nuisance and health impacts:

Prohibit agricultural burning of materials from the agricultural land that is upwind of residential units; for downwind locations, prohibit agricultural burning within 1000' of residential units.

Global Climate Change

As the California's Attorney General has outlined in numerous projects reviewed through CEQA, the Governor's Executive Order S-3-05 and AB 32 both outline agencies' obligations under CEQA to quantify and mitigate greenhouse gas emissions at the project level. The language at the top of page 2-34 of the RDEIR needs to be changed to reference the quantification of GHG emissions that is included on page 2-36 stating the daily construction and operational impacts from the proposed ARC. In addition paragraph d. on page 2-36 should be modified to remove the speculative reference to this project's GHG significance. The Attorney General has stated, because the State is committed to a 25% decrease in GHG emissions, anything that produces large increase clearly could be an obstacle to complying with AB 32 and should be considered a potentially significant cumulative impact, thus requiring mitigation.

Modified AQ-GCC(b)
A sentence should be added to the Operational Phase Mitigation to Reduce Fuel Usage and thus GHG measure that states the following:

> Should the applicant find the measures below infeasible to implement, additional GHG reduction measures shall be presented to the APCD for consideration and approval.

APCD Comments on the RDEIR Discussion for ARC Subdivision Alternative 7: Tighter Cluster Alternative
The last three sentences in the second air quality paragraph on page 2-120 of the RDEIR state:

> **However, the Tighter Cluster Alternative is located adjacent to the community of Santa Margarita, thereby promoting pedestrian transportation. In this way, it would be more consistent with the CAP than the Agricultural Residential Cluster Subdivision.** ~~Therefore, impacts~~ **Impacts** related to CAP consistency would be **therefore be** ~~similar under~~ **reduced under** the Tighter Cluster Alternative.

Although Alternative 7 could provide slight improvements to pedestrian access to the town of Santa Margarita than the proposed ARC subdivision, all ARC subdivision scenarios are inconsistent with the CAP as they are remote, sprawling development outside of the County's existing URLs. The Revised DEIR language identified above shall be returned to the slightly modified original language in the DEIR which more accurately describes Alternative 7. The original language from the DEIR was:

> In addition, because this alternative would generate **a similar** ~~the same~~ amount of average daily vehicle trips, the rate of increase in vehicle trips and miles traveled would be similar to the proposed Agricultural Residential Cluster Subdivision. Therefore, impacts related to CAP consistency would be similar under the Tighter Cluster Alternative.

APCD Comments on the Revised DEIR's Three Added ARC Alternatives
All of the ARC subdivision alternatives are inconsistent with the County adopted Smart Growth Principles and the land use strategies defined in the CAP as they are remote, sprawling development outside of the County's existing URLs and promote automobile dependency. The three new alternatives have the same inconsistencies and any of the alternatives, if allowed to move forward would result in a Class I, significant and unavoidable impacts and **none of the alternatives are supported by the APCD.**

The following are APCD's comments for Alterative 13

1. **Alternative 13's name needs to be changed to: Alternative 13: Santa Margarita Town Expansion. The current name in the Revised DEIR indicates that the alternative is an example of Smart Growth. It is not. Smart Growth includes such things are compact infill within existing Urban Reserve Lines. Although this alternative is adjacent to the town of Santa Margarita, it is not infill. In addition, it is far removed from the job centers and commercial services in our county thus fostering continued dependence on the automobile with resulting air quality impacts of that use.**

2. **The Public Safety issues for Alternative 13 as identified on page 3-27 and 3-28 of the RDEIR need to be updated to note that this alternative will significantly reduce the incompatibility of agricultural burning impact to the ARC due to the Alternative's relocation of the ARC.**

3. The APCD supports this alternative's identified trail connectivity of the expanded town of Santa Margarita with the Los Padres National Forest. **This new trail would enable town residents the opportunity for trail access without getting in their automobile and driving to a nearby trail. This would provide an air quality benefit.**

Though the APCD does not support the proposed ARC subdivision or any of the alternatives, should the project move forward the APCD preferred alternative would be a new alternative. This new alternative would be Alternative 13 with the APCD changes proposed above and the following additional changes:

1. While the 22 lots set aside in Alternative 13 for affordable housing is good, this alternative can do better than simply offering 1-acre lots. This alternative would need to offer a mix of housing options: detached and attached residential single family homes and other units that range from medium to high density that are clustered as close to the existing town of Santa Margarita as possible; and,

2. In addition, to minimize the overall impacts of this project, this modified alternative would be scaled back in a similar fashion to Alternative 14; thus, reducing the overall number of residential units proposed and reduce the project impacts.

APCD Comments on the Revised DEIR Discussion for the Future Development Program (FDP)

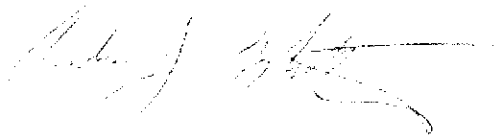
The DEIR and RDEIR identifies that beyond the ARC subdivision development, the FDP would include an additional 514 homes and various businesses and recreational facilities. They also state that the FDP is inconsistent with the CAP and would result in Class I, significant and unavoidable air quality impacts. **The potential FDP impacts are avoidable with a no development option.**

The APCD does not support the FDP and will not support specific plans that may be submitted in the future regarding proposed development options on Santa Margarita Ranch. Such development would be contrary to the sustainable model of compact urban infill that is prescribed in the Smart Growth Principles adopted by the SLO County Board of Supervisors on June 7, 2005. Furthermore, additional remotely sited homes would exacerbate the imbalance in the job-house situation and is inconsistent with the land use concepts defined in the County's Clean Air Plan (CAP). Due to the remote nature of the proposed FDP home, businesses and recreational facilities, such development would foster continued dependency of the personal automobile resulting in air quality degradation and added strains on limited natural resources. All of these factors make the State's efforts to reduce fossil fuel consumption and associated greenhouse gas emissions more

difficult to attain while meeting the goals of AB 32, California's Global Warming Solutions Act of 2006. **For these reasons, the APCD does not support the any of the proposed FDP.**

The APCD appreciates the opportunity to review the air quality section of the Revised DEIR for the Santa Margarita Ranch's Agricultural Residential Cluster and the Future Development Program. If you have any questions or comments regarding this letter, feel free to contact me at 781-5912.

Sincerely,



Andy Mutziger
Air Quality Specialist

AAG/AJM/sll

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RCD
Conserving Resources
Providing Service Since 1951

Upper Salinas-Las Tablas Resource Conservation District

65 Main Street, Suite 107, Templeton, CA 93465 / (805) 434-0396 ext. 4 / fax 434-0284

Date: March 11, 2008
To: Ellen Carroll, County Environmental Coordinator
From: Chuck Pritchard, President
Re: The revised EIR draft for the Santa Margarita Ranch Project

The District's Board is concerned that the CEQA process going forward on this project was diverted by the absence of response to our previously submitted comments to the original Environmental Impact Report (EIR). We request that these are answered before any further action is taken in the process.

The above comments questioned available water resource capacity for the current and future projected developments, evaluations of septic disposal performance and individual lot water demand, and groundwater basin water quantity, quality and water management issues. With no preliminary quantification of these issues in advance of development future major water resource capacity problems are predicted.

To follow up our comments on residential water demand, we reviewed the agricultural water demand projections as presented in the Revised EIR (pg 2-111 Table 4.14-1). The entire water supply for the proposed residential proposal and that of the greater Santa Margarita area is dependent upon the water demand of the current agricultural development water demand and that proposed for the future. What follows is an evaluation of this component using the current technical tools available.

Crop irrigation demand was calculated in two ways. Evapotranspiration (ET) for this projects proposed vineyards and orchards were calculated from the accepted methodology found in the State Department of Water Resources (DWR) literature (Bulletin 113-1) as applied to pan evaporation observations at Salinas Dam and also from the DWR California Irrigation Management Information System (CMIS) station data in SLO County.

The important outcome of the evaporation pan data analysis was that REIR Table 4.14-1 under estimates the full project projected agricultural irrigation water demand by 956 acft/yr (see Tables 1 & 2). Here, ET/Ep is a coefficient resulting from field irrigation season water use observations on specific crops and corresponding pan data at locations throughout the State. Ep is the standard pan evaporation at or near the location of interest. Also, State mandated non-point source pollution rules now mandated sediment and pollutant retention on agricultural fields, so an annual native plant or crop cover (barley) component was included in this evaluation.

At an irrigation efficiency of 90% for both vineyard drip and micro emitter orchard irrigation system, 516 acft/yr of recharge could be returned to the groundwater from the final projected project irrigated acreage (2000ac). Communication with NRCS Mobil Lab staff indicated that their experience indicates the mature drip systems under good management operate at 85% and micro emitters below 80%. While use of the latter figures increases the recharge it also increases pump extraction and localized draft on the groundwater with no guarantee that the recharge will again reach the zone and area of extraction. Also of note is the current cited recharge used to justify water availability (499acft) defines an irrigation application efficiency of 68%, one associated with surface application or poor sprinkler utilization.

As to recharge, the pan method only evaluates the soil surface evaporation during the growing season, however soil surface evaporation occurs year round. The CMIS methodology includes this component of ET which is significant to the net amount of rainfall and applied water returned to area groundwater as recharge. The CMIS web page provides the mean monthly and annual total reference evapotranspiration (ETo) averaged for the four stations in the county. (Of significance to the following evaluation is the fact that of the four stations three were more related to our coastal microclimate giving a low-side bias to the following water consumption calculations.) From referenced plant species, crop density, and microclimate factors related to the site specific situation a coefficient is applied to the ETo resulting in the projected daily ET for that crop at that station location. This allows irrigation scheduling related to current weather conditions. But also total annual water demand which has been use in this analysis.

Table 3 indicates that from the microclimatic character of the project area that in addition to normal rainfall at a minimum a minimum 5108 acft of applied water would be needed for the full projected irrigated area if no cover crop were required and bare soil was maintained with tillage or weed spraying throughout the year.

With cover crop this increases to 6792 acft/yr. Water loss between growing seasons from soil surface evaporation is very significant to the water balance of the area as well as the magnitude of cover crop transpiration. This must be recognized in the management of the water resources of the project and its impact on the regional water balance. The deviation of these figures from the 3200 acft in REIR Figure 4.14.1 is significant and must be reconciled. They also have broader significance to the evaluation of vineyard water use in the Paso Robles Basin water balance at large.

We agree completely with the recommendation of the County Water Advisory Committee that a Resource Capacity Study for the Santa Margarita Area be completed prior to generation of the final EIR for this project. And, in view of the need for objective treatment of the soils and water issues that have surfaced, our District could present the expertise needed to resolve the critical soil and water elements this EIR analysis.

Chuck Pritchard

Chuck Pritchard, Board President

Table 1 - Review of vineyard water use and recharge calculations for Santa Margarita Ranch REIR Jan 2008
Using Salinas Resevoir Pan data

Project area - acres REIR Table 4.14-1	avg precipitation-ft	cover crop ET(barley)	Net Seasonal ET in acft/ac for wine grapes plus a cover crop (1) wine grapes ET	total ET	irrigation required	total acft Etdemand
973.9 current	1.77	1.17	2.29	3.46	1.69	1648.41
1026.1 additional	1.77	1.17	2.29	3.46	1.69	1735.73
					total =	3384.13

At 90% drip irrigation efficiency, project irrigation water demand will be = 3760.15

If deep percolation reaches the accessable groundwater, recharge = 376.01

According to REIR groundwater recharge is given currently as 499
1558.24 acft is said to currently be applied, or an irrigation efficiency = **68%**
(This is what might be expected for flood irrigation!)

(1)ET from pan evaporation - Ep at Salinas Resevoir ('00-'01, precip 21.25') (see DWR Bul 113-3 Vegetative Water Use)

	ET/Ep	wine grapes Ep inches	ET inches		ET/Ep	barley Ep inches	ET inches
april	0.12	5.32	0.64	november	0.1	5.48	0.55
may	0.45	11.88	5.35	december	0.3	3.39	1.02
june	0.55	14.97	8.23	january	0.67	2.49	1.67
july	0.50	12.49	6.25	february	0.95	1.92	1.82
august	0.35	13.58	4.75	march	0.82	4.84	3.97
september	0.20	9.59	1.92	april	0.5	5.32	2.66
october	0.05	7.30	0.37	may	0.2	11.88	2.38
		total	27.50			total	14.06

Table 2 - Review of orchard water use and recharge calculations for Santa Margarita Ranch REIR Jan 2008
Using Salinas Resevoir Pan data

Project area acres REIR Table 4.14-1	avg precipitation-ft	cover crop ET(barley)	Net Seasonal ET in acft/ac for almonds plus a cover crop (1) almonds ET	total ET	irrigation required	total acft Etdemand
500 aditional	1.77	1.17	3.11	4.28	2.51	1256.11

At 90% drip irrigation efficiency, project water demand will be = 1395.68

If deep percolation reaches the accessable groundwater, recharge = 139.57

According to REIR groundwater recharge is given currently as = 499
1558.24 acft is said to currently be applied, or an irrigation efficiency = **68%**

(1) ET from pan evaporation - Ep at Salinas Resevoir ('00-'01, precip 21.25') (see DWR Bul 113-3 Vegetative Water Use)

	ET/Ep	almonds Ep inches	ET inches		ET/Ep	barley Ep inches	ET inches
march	0.33	4.84	1.60	november	0.1	5.48	0.55
april	0.40	5.32	2.13	december	0.3	3.39	1.02
may	0.50	11.88	5.94	january	0.67	2.49	1.67
june	0.52	14.97	7.78	february	0.95	1.92	1.82
july	0.55	12.49	6.87	march	0.82	4.84	3.97
august	0.55	13.58	7.47	april	0.5	5.32	2.66
september	0.35	9.59	3.36	may	0.2	11.88	2.38
october	0.30	7.30	2.19				
		total	37.33			total	14.06

TABLE 3 - SMIS ET Evaluation of Annual Agricultural Irrigation Demand for the Santa Margarita Ranch Project

Crop Alturnative	acres	TWA - Total water applied - inches/year Ks - CMIS WUCOLS Range (1) low = 0.4	high = 0.6	Project irrigation water demand acft/yr low	high
Vines with tillage	2000	23.3	35	3883	5833
Vines + cover crop	2000	31.2	46.8	5200	7800
Orchard with tillage	500	29.4	45.1	1225	1879
Orchard + cover crop	500	38.2	57.3	1592	2388
				Total with tillage	
				5108	7713
				Total with cover crop	
				6792	10188

(1) Both vines and tree crops fall in the CMIS moderate species range
the density factor Kd approaches full cover in the high use period
for no-till and microclimate Kmc is wind dirven relitive to canopy exposure

COMMENTS ON DEIR FOR SANTA MARGURITA RANCH AGRIGULTURAL CLUSTER SUBDIVISION AND FUTURE DEVELOPMENT PROGRAM DEIR

The following is a critique of the water budget calculations as presented in the DEIR for the Ag Cluster element of the development.

Ground Water Recharge Component from Individual Septic Tank Waste Disposal Systems.

A significant portion of the water balance assumption presented is related to the recharge associated with waste water disposal through septic tanks on the proposed agricultural cluster subdivision. In reviewing the soil series on the site using the Soil Survey of San Luis Obispo County, Paso Robles area as compiled by the USDA Soil Conservation Service (now National Resource Conservation Service), of the 12 major soil series within the boundaries of the project 11 are classified as having serious percolation problems relative to septic waste disposal. Of the 12, 9 soils are limited through depth to bedrock and 8 are limited also by slope. Comments in a letter dated July 19th 2006 from Rincon Consultants Inc. (Boyle Engineering), cited slopes on the proposed lots of 15 to 20 percent. Their field testing (acknowledged as minimal, 26 holes on 128 acres) indicates no evidence of water tables but this limited boring found perk rates ranging from 15 minutes to 60 minutes per inch confirming the problem with acceptance rates.

Table 2 in the above letter indicates that County Health provided information that they are working with the Regional Water Quality Control Board staff and to develop engineering requirements for engineered mound system leach fields as an approach to the solution of problem soils in high slope poor perk rates as in areas on sandstone bed rock. The important issue here is that these systems manage the effluent loaded through the evapotranspiration from plants established on the mounds. Thus the assumptions made in section 4.14.1 1 - Consumptive Use that 40 percent of residential cluster water use will be returned to the groundwater as recharge may be greatly in error and in turn have a major impact on the project water budget.

Individual Lot Demand.

The developers consultant has estimated lot use at 0.9 acre feet per year (Cleath, 2004), the County's estimate is 1.44 acre feet per year, according to Hopkins, the County's groundwater consultant, derives from the "average" rural residential use in Santa Barbara County. From the pan evaporation data for the local Santa Margarita area a swimming pool could evaporate 0.19 acre feet/year and if it were drained another 0.2 acre feet/year. Turf use should be estimated to justify low water use landscape requirements if they can be enforced in some manner on affluent owners (CC&R's), otherwise water budgeting should assume maximum consumption for the safety of down stream residents. The statement "because of the lack of pertinent data and accurate water budget analysis could not be conducted for the study area" pertains here as well for the groundwater recharge component of the budget.

Current Status of the Groundwater Basin and Performance Existing Demands

The status of the basin can be defined from the statements of the Hopkins consultant report. From 2000 to the spring of 2006 the area experienced relative average rainfall yet water level elevations declined over the study area by approximately 50 feet in the south central portion of the ranch. Available data indicate that depletion of groundwater storage occurred over the study period. The amount of extraction by the ranch has been given as 340 acre feet per year however because of metering problems it was concluded that this was an under estimate of the consumption. Because of a lack of pertinent data an accurate water budget analysis could not be conducted for the study area. The monitoring period is too short to draw any conclusions about dry cycle availability. The findings of the Hopkins study make it evident that it may be necessary to mitigate future shortfalls of existing supplies with imported water to meet existing demand or the proposed demand of Agricultural cluster subdivision.

The above poses important issues as to the current and future water supply of down stream users. The continuing depletion or possibly the overdraft in the upper Basin could well project into the availability of the shallow alluvial groundwater from which the community of Santa Margarita obtains the bulk of their water. Hopkins describes the basin as being bounded by steep dipping fault planes on each side with a folded sedimentary bedrock basement between. The sedimentary bedrock materials along with the shallow alluvial deposits are the primary water bearing units that have historically supplied groundwater to the existing ranch wells and proximate historical groundwater uses. The implications here are that the alluvial groundwater might be considered as underflow and riparian water rights issues apply. This should be pursued in terms of determining proper distribution and priority of rights to this underflow. Presumably the County would be directly interested in this relative to CSA 23's interest.

The County policy is that groundwater is reserved for agriculture where imported water might be available. If State(?) and/or Nacimiento water enters the water balance of this small basin either in the Ag Cluster or the Future Development case waste water disposal will require central treatment for the entire basin from Margarita Farms up gradient. The total available storage in the basin alluvial fill is not sufficient to contain the loading as evident from the wide water table swings from wet years to dry and the high water table encountered in Santa Margarita beneath leach fields. The water table will have to be maintained by export from the basin or agricultural ET within and adjacent to it.

Conclusions

Until reliable water balance study is in place on the basin from Margarita Farms up gradient this project should be put on hold. This is very important to protect existing development from evident current problems of water supply as well as waste water disposal.

The suggested mitigation measures emphasize monitoring as mitigation. The issue here is that the problems arise whether they are monitored or not. Monitoring and its analysis should be demanded ahead of the projects implementation such that impact as can be avoided.

Data on the water use and waste disposal on existing Ag cluster developments in the County should be initiated. An adequate water balance study cannot be generated for this project without having this type of database.

The agricultural water use of the existing ranch and projected developments need to be refined in the light of current available existing information as to consumptive use. Accurate metering of the existing and potential future Ag use should be a pre-development requirement.

The probable requirement for engineered septic mound disposal systems on the cluster lots should be a preliminary determination to issuance of a grading permit and shall be a condition of approval.

California Native Plant Society

TO: Martha Miller, EIR Manager
County Planning and Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408

Friday, March 21, 2008

RE: Santa Margarita Ranch DEIR- Tract 2586

Dear Ms. Miller:

The following are the comments of the San Luis Obispo Chapter of the California native Plant Society concerning the Santa Margarita Ranch RDEIR.

General Statement on Mitigation, Project Scope and possible "Piecemealing" under CEQA.

The RDEIR addresses issues with the DEIR, but neither of them address any project specific development within Santa Margarita Ranch outside of the cluster within a level of factual information that would conform to CEQA standards. Biological impacts within the proposed cluster are not evaluated sufficiently under the cumulative impacts requirement of CEQA, as there will be impacts to oaks, lily populations, and other biological assets outside of the cluster. As outside-the-cluster assets are not evaluated, it is impossible to make any estimation of the best mitigation solutions for the cumulative impacts of cluster and other, planned, future development outside of the cluster. Hundreds of potential future home sites, many wineries, golf courses and other facilities will impact oaks and lily populations, but the placement of these facilities would be made after part of the entire Santa Margarita Ranch project has been locked spatially into place.

The RDEIR and DEIR also fail to discuss in any detail what will take place on the 2,417 acre Remainder Lot. As the fate and therefore the impacts of development on this parcel are clearly of great importance regarding cumulative impacts, and as the geographic space of this lot should be included in any decisions regarding reconfiguration of the project for purposes of minimizing impacts, the CEQA evaluation should be considered incomplete.

Oaks and Oak Mitigation.

The oak land coverage assessment in the original EIR is 1403 acres, composed of 943.0 Blue Oak Woodland, 235.5 acres Coast Live Oak Woodland, and 224.7 acres Valley Oak Woodland. This totals 1,403 acres of oak woodland of all types. The RDEIR Table 4. reduces Blue Oak Woodland to 80 acres, Coast Live Oak Woodland to 104.3 acres, and Valley Oak Woodland to 215.7 acres, while adding 190.4 acres of Mixed Oak Woodland. The total woodland in all classes has therefore dropped from 1,403 acres to 590.4 acres, or a loss of over 800 acres. This may be an artifact of the .pdf file, or a mistype in the table entry for blue oak within the RDEIR, but should be clarified. If there is no misprint, the differences should be explained.

Mitigation of oak losses.

Page 2-70 of the RDEIR requires replacement oak trees to be planted at a density no greater than four per 2,000 square feet. It does not address where within the project he large replacement acreages for the very large number of trees to be removed will be located, or, indeed, if unoccupied and suitable oak habitat actually exists. RDEIR p. 2-63 speaks to "hundreds" of oaks, and if the number 400 is used, a mitigation of 200,000 square feet of mitigation space would be required. In actuality trees could not be planted in dense plantation style, due to microhabitat variation, and so contiguous land area would be larger than 200,000 square feet.

The RDEIR should clarify if oak mitigation is to carried out within the bounds of the project, the Ag. Res. Cluster, or within the Santa Margarita Ranch as a whole. If the ranch as a whole is included within the scope of mitigation space, then the RDEIR is deficient in failing to assess biological resources within the ranch as a whole, and would be inconsistent in its treatments of impacts and mitigation potential.

Mitigation for Valley Oak would be best on thick soil bottomlands currently being covered in vineyards. CNPS is concerned that as there appear to be future plans to expand winery operations, no suitable Valley Oak habitat will be available. The EIR should address the issue of replacement acreage for Valley Oak.

Impacts to San Luis Obispo Mariposa Lily under Tighter Cluster Alternative.

CNPS agrees with the RDEIR's assessment that a tighter cluster has a smaller footprint than the proposed large lot cluster (RDEIR p.2-121), but finds that Table 6-7 glosses over the loss to the CNPS 1B listed plant in its use of a vague +/-/= symbolism, where in fact losses to the lily habitat cannot be mitigated.

Mitigation of other biological assets.

CNPS is particularly concerned with the conservation of native grasslands. We are particularly concerned that lack of suitable space for oak mitigation will be used as an excuse to destroy native grasslands through habitat conversion either to oaks or to

vineyards. Probable acreage losses to native grasslands from both the cluster subdivision and the future cumulative impacts on the remainder of the Ranch should be addressed.

Water Issues.

CNPS has reviewed the comments being submitted on the RDEIR by the Water Resources Advisory Committee, and finds that they address most of the issues that CNPS would address. However CNPS would add that the EIR should provide sufficient information of the probable impacts to the shallow water table due to both the Agricultural Cluster and planned future growth on the Ranch to enable a reasonably accurate prediction of environmental impacts to trees and riparian flow and underflow.

This concludes the comments of CNPS.

Sincerely

David H. Chipping
Conservation Chair CNPS-SLO
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March 27, 2008

Ms. Martha Miller, Project Manager
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

VIA Email

Re: Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program, State Clearinghouse Number 2004111112

Dear Ms. Miller,

Thank you for the opportunity to review and comment on the Revised Draft Environmental Impact Report for the Santa Margarita Ranch Agricultural Subdivision and Future Development Plan. These comments are submitted on behalf of our Board of Trustees and our hundreds of members throughout San Luis Obispo County. We continue to have serious concerns about the proposed project and future development program. The Revised Draft Environmental Impact Report (RDEIR) adds even more detailed and extensive information to the significance of the potential environmental impacts of the proposed project.

We appreciate the fact that the RDEIR includes a new project alternative that considers a Smart Growth/Affordable Housing development located next to the existing town as we requested in our comments on the Draft Environmental Impact Report. One of the obvious benefits of this new alternative and the reduced project alternative is that they both meet the requirements under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 2.1, Agricultural Resources, Section 22.22.152(D) of the Land Use Ordinance that requires that the open space area of an agricultural residential cluster

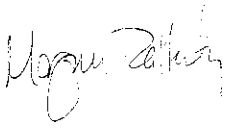
subdivision be at least 95% of the gross site area with the development on the remaining 5% of the site. The developer's proposed agricultural residential subdivision design converts approximately 18% of the gross site area and places only 82% of the site in open space. This is a clear violation of the Land Use Ordinance. The inevitable conflicts between grazing operations and residential living would result in the loss of the entire 676.7 acre grazing unit. In addition, the density calculation is based on a vineyard of 973.9 acres, yet Table 4.3-2 on page 2-42 shows that the vineyards and stock ponds total only 853.6 acres. It appears that the discrepancy may be due to the ag in progress identified in the maps labeled as Figures ES-3 and 2-4 in the Draft Environmental Report. Please address this inconsistency.

We also point out that the proposed project's inconsistency with the Land Use Ordinance is due solely to the project's size and poor design. We have reviewed other ag clusters approved in the past and note the differences between the lot coverage percentage. For example, the Edna Ranch and Talley ag clusters divided the allowed densities between different areas. The Edna Ranch project placed several lots adjacent to Corbett Canyon Rd. The remaining lots were located off of Orcutt Road. This design prevented the land from being overloaded with residential uses and minimized the usurpation of ag lands. The Talley project design took this idea one step further and transferred allowed ag densities onto a nearby Rural Lands designated parcel. This Rural Lands portion of the project had no ag impacts and resulted in a clear finding that less than 5% of the site was dedicated to residential uses. The proposed Santa Margarita Ranch ag cluster design makes no attempt to minimize the conflicts between agricultural and residential uses. Therefore, the 5% residential coverage standard has not been met.

We have also reviewed the proposed agricultural use of the Nacimiento Water Project. The County General Plan Framework for Planning clearly states that this type of water source is not appropriate for this type of rural project. It seems that the developers have simply cobbled together irrational responses to project problems with little thought given to General Plan conformity. Please note this inconsistency in the Plans and Policies section of the RDEIR.

We have attached the California Attorney General's proposed mitigations for projects as suggestions for additional mitigations for the greenhouse gas impacts for a project of this size. We know that automobiles are one of the primary causes of greenhouse gas emissions and a project of this size that will lead to an increase in vehicle miles traveled must provide adequate mitigation for those impacts.

Respectfully submitted,



Morgan Rafferty
Executive Director

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

The California Environmental Quality Act
Addressing Global Warming Impacts at the Local Agency Level

Under the California Environmental Quality Act (CEQA), local agencies have a very important role to play in California's fight against global warming – one of the most serious environmental effects facing the State today. Where local agencies undertake projects directly, they can and should design sustainable projects from the start, incorporating global warming related considerations into their projects at the earliest feasible time. Further, local agencies can encourage well-designed, sustainable private projects by analyzing and disclosing to the public the environmental benefits of such projects in any required environmental documents. And where projects as proposed will have significant global warming related effects, local agencies can require feasible changes or alternatives, and impose enforceable, verifiable, feasible mitigation measures to substantially lessen those effects. By the sum of their decisions, local agencies will help to move the State away from "business as usual" and toward a low-carbon future.

This document provides information that may be helpful to local agencies in carrying out their duties under CEQA as they relate to global warming. Included in this document are various measures that may reduce the global warming related impacts of a project. As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation (whether undertaken directly by the project proponent or funded by mitigation fees). The measures set forth in this package are examples; the list is not intended to be exhaustive. Moreover, the measures cited may not be appropriate for every project. The decision of whether to approve a project – as proposed or with required changes or mitigation – is for the local agency, exercising its informed judgment in compliance with the law and balancing a variety of public objectives.

The first section of this document lists examples of measures that could be applied to a diverse range of projects where the lead agency determines that the project under consideration will have significant global warming related effects. In general, a given measure should not be considered in isolation, but as part of a larger set of measures that, working together, will reduce greenhouse gas emissions and the effects of global warming.

The second section of this document lists examples of potential greenhouse gas reduction measures in the general plan context. This section is included both to suggest how the measures set forth in the first section could be incorporated into a general plan, as well as to identify measures that are general plan specific. The measures in the second section may also be appropriate for inclusion in larger scale plans, including regional plans (*e.g.*, blueprint plans) and in specific plans. Including these types of measures at the larger planning level, as appropriate, will help to ensure more sustainable project-specific development.

The third section provides links to sources of information on global warming impacts and emission reduction measures. The list is not complete, but may be a helpful start for local agencies seeking more information to carry out their CEQA obligations as they relate to global warming.

The endnotes set forth just some of the many examples of exemplary emission reduction measures already being implemented by local governments and agencies, utilities, private industry, and others. As these examples evidence, California at every level of government is taking up the challenge, devising new and innovative solutions, and leading the charge in the fight against global warming.

(1) Generally Applicable Measures

Energy Efficiency[1]

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.[2]
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.[3]
- Provide information on energy management services for large energy users.[4]
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.[5]
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.[6]
- Limit the hours of operation of outdoor lighting.
- Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.[7]
- Provide education on energy efficiency.[8]

Renewable Energy

- Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.[9]
- Install solar panels on carports and over parking areas.[10]
- Use combined heat and power in appropriate applications.[11]

Water Conservation and Efficiency[12]

- Create water-efficient landscapes.[13]
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- Use graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development allowing graywater to be used for landscape irrigation.[14]
- Restrict watering methods (*e.g.*, prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-

site can drastically reduce the need for energy-intensive imported water at the site.)[15]

- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.
- Provide education about water conservation and available programs and incentives.[16]

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Recover by-product methane to generate electricity.[17]
- Provide education and publicity about reducing waste and available recycling services.[18]

Land Use Measures

- Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods.[19]
- Educate the public about the benefits of well-designed, higher density development.[20]
- Incorporate public transit into project design.
- Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.
- Develop "brownfields" and other underused or defunct properties near existing public transportation and jobs.
- Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking.[21]

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low or zero-emission vehicles, including construction vehicles.
- Promote ride sharing programs *e.g.*, by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.[22]
- Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.[23]
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (*e.g.*, electric vehicle charging facilities and conveniently located alternative fueling

stations).

- Increase the cost of driving and parking private vehicles by, *e.g.*, imposing tolls and parking fees.
- Build or fund a transportation center where various public transportation modes intersect.
- Provide shuttle service to public transit.
- Provide public transit incentives such as free or low-cost monthly transit passes.
- Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments.
- Incorporate bicycle-friendly intersections into street design.
- For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, *e.g.*, locked bicycle storage or covered or indoor bicycle parking.
- Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.[24]
- Work with the school district to restore or expand school bus services.
- Institute a telecommute work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.
- Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.

Carbon Offsets

If, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects (*e.g.*, alternative energy projects, or energy or water audits for existing projects) that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase carbon "credits" from another entity that will undertake mitigation.

The topic of offsets can be complicated, and a full discussion is outside the scope of this summary document. Issues that the lead agency should consider include:

- The location of the off-site mitigation. (If the off-site mitigation is far from the project, any additional, non-climate related benefits of the mitigation will be lost to the local community.)
- Whether the emissions reductions from off-site mitigation can be quantified and verified.
- Whether the mitigation ratio should be greater than 1:1 to reflect any uncertainty about the effectiveness of the offset.

(2) General Plan Measures[25]

Global warming measures may be reflected in a general plan as goals, policies, or programs; in land use designations; or as additional mitigation measures identified during the CEQA review process. Many of the measures listed above may be appropriate for inclusion in a general plan. In addition, a non-exhaustive list of measures specific to the general plan context follows. The examples are listed under required general plan elements. A given example may, however, be appropriate for inclusion in more than one element, or in a different element than listed. Global warming measures may, alternatively, be included in an optional Climate Change or Energy element.

Conservation Element[26]

- Climate Action Plan or Policy: Include a comprehensive climate change action plan that requires a baseline inventory of greenhouse gas emissions from all sources by a date certain; greenhouse gas emissions reduction targets and deadlines; and enforceable greenhouse gas emissions reduction measures.[27] (Note: If the Climate Action Plan complies with the requirements of Section 15064(h)(3) of the CEQA Guidelines, it may allow for the streamlining of individual projects that comply with the plan's requirements.)
- Climate Action Plan Implementation Program: Include mechanisms to ensure regular review of progress toward the emission reduction targets established by the Climate Action Plan, report progress to the public and responsible officials, and revise the plan as appropriate, using principles of adaptive management. Allocate funding to implement the plan. Fund staff to oversee implementation of the plan.
- Strengthen local building codes for new construction and renovation to require a higher level of energy efficiency.[28]
- Require that all new government buildings, and all major renovations and additions, meet identified green building standards.[29]
- Adopt a "Green Building Program" to require or encourage green building practices and materials.[30] The program could be implemented through, *e.g.*, a set of green building ordinances.
- Require orientation of buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Orientation should optimize opportunities for on-site solar generation.
- Provide permitting-related and other incentives for energy efficient building projects, *e.g.*, by giving green projects priority in plan review, processing and field inspection services.[31]
- Conduct energy efficiency audits of existing buildings by checking, repairing, and readjusting heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization.[32] Offer financial incentives for adoption of identified efficiency measures.[33]
- Partner with community services agencies to fund energy efficiency projects, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization, for low income residents.
- Target local funds, including redevelopment and Community Development Block Grant resources, to assist affordable housing developers in incorporating energy efficient designs and features.

- Provide innovative, low-interest financing for energy efficiency and alternative energy projects. For example, allow property owners to pay for energy efficiency improvements and solar system installation through long-term assessments on individual property tax bills.[34]
- Fund incentives to encourage the use of energy efficient vehicles, equipment and lighting.[35] Provide financial incentives for adoption of identified efficiency measures.
- Require environmentally responsible government purchasing.[36] Require or give preference to products that reduce or eliminate indirect greenhouse gas emissions, *e.g.*, by giving preference to recycled products over those made from virgin materials.[37]
- Require that government contractors take action to minimize greenhouse gas emissions, *e.g.*, by using low or zero-emission vehicles and equipment.
- Adopt a "heat island" mitigation plan that requires cool roofs, cool pavements, and strategically placed shade trees.[38] (Darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas.[39]) Adopt a program of building permit enforcement for re-roofing to ensure compliance with existing state building requirements for cool roofs on non-residential buildings.
- Adopt a comprehensive water conservation strategy. The strategy may include, but not be limited to, imposing restrictions on the time of watering, requiring water-efficient irrigation equipment, and requiring new construction to offset demand so that there is no net increase in water use.[40]
- Adopt water conservation pricing, *e.g.*, tiered rate structures, to encourage efficient water use.[41]
- Adopt water-efficient landscape ordinances.[42]
- Strengthen local building codes for new construction and implement a program to renovate existing buildings to require a higher level of water efficiency.
- Adopt energy and water efficiency retrofit ordinances that require upgrades as a condition of issuing permits for renovations or additions, and on the sale of residences and buildings.[43]
- Provide individualized water audits to identify conservation opportunities.[44] Provide financial incentives for adopting identified efficiency measures.
- Provide water audits for large landscape accounts. Provide financial incentives for efficient irrigation controls and other efficiency measures.
- Require water efficiency training and certification for irrigation designers and installers, and property managers.[45]
- Implement or expand city or county-wide recycling and composting programs for residents and businesses. Require commercial and industrial recycling.
- Extend the types of recycling services offered (*e.g.*, to include food and green waste recycling).
- Establish methane recovery in local landfills and wastewater treatment plants to generate electricity.[46]
- Implement Community Choice Aggregation (CCA) for renewable electricity generation. (CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within

their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.)[47]

- Preserve existing conservation areas (*e.g.*, forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
- Establish a mitigation program for development of conservation areas. Impose mitigation fees on development of such lands and use funds generated to protect existing, or create replacement, conservation areas.
- Provide public education and information about options for reducing greenhouse gas emissions through responsible purchasing, conservation, and recycling.

Land Use Element[48]

- Adopt land use designations to carry out policies designed to reduce greenhouse gas emissions, *e.g.*, policies to minimize or reduce vehicle miles traveled, encourage development near existing public transportation corridors, encourage alternative modes of transportation, and promote infill, mixed use, and higher density development.
- Identify and facilitate the development of land uses not already present in local districts – such as supermarkets, parks and recreation fields, and schools in neighborhoods; or residential uses in business districts – to reduce vehicle miles traveled and allow bicycling and walking to these destinations.
- Create neighborhood commercial districts.
- Require bike lanes and bicycle/pedestrian paths.
- Prohibit projects that impede bicycle and walking access, *e.g.*, large parking areas that cannot be crossed by non-motorized vehicles, and new residential communities that block through access on existing or potential bicycle and pedestrian routes.
- Site schools to increase the potential for students to walk and bike to school.
- Enact policies to limit or discourage low density development that segregates employment, services, and residential areas.[49]
- Where there are growth boundaries, adopt policies providing certainty for infill development.[50]
- Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.

Circulation Element[51]

- In conjunction with measures that encourage public transit, ride sharing, bicycling and walking, implement circulation improvements that reduce vehicle idling. For example, coordinate controlled intersections so that traffic passes more efficiently through congested areas.[52]
- Create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car sharing, bicycling and walking. Before funding transportation improvements that increase vehicle miles

traveled, consider alternatives such as increasing public transit or improving bicycle or pedestrian travel routes.

- Give funding preference to investment in public transit over investment in infrastructure for private automobile traffic.[53]
- Include safe and convenient bicycle and pedestrian access in all transportation improvement projects. Ensure that non-motorized transportation systems are connected and not interrupted by impassable barriers, such as freeways[54] and include amenities such as secure bicycle parking.
- Provide adequate and affordable public transportation choices including expanded bus routes and service and other transit choices such as shuttles, light rail, and rail where feasible.
- Assess transportation impact fees on new development in order to maintain and increase public transit service.[55]
- Provide public transit incentives, including free and reduced fare areas.[56]
- Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.[57] For example, reduce parking for private vehicles while increasing options for alternative transportation; eliminate minimum parking requirements for new buildings; "unbundle" parking (require that parking is paid for separately and is not included in rent for residential or commercial space); and set appropriate pricing for parking.
- Develop school transit plans to substantially reduce automobile trips to, and congestion surrounding, schools. (According to some estimates, parents driving their children to school account for 20-25% of the morning commute.) Plans may address, *e.g.*, necessary infrastructure improvements and potential funding sources; replacing older diesel buses with low or zero-emission vehicles; mitigation fees to expand school bus service; and Safe Routes to School programs[58] and other formal efforts to increase walking and biking by students.
- Create financing programs for the purchase or lease of vehicles used in employer ride sharing programs.
- Enter into partnerships to create and expand polluting vehicle buy-back programs to include vehicles with high greenhouse gas emissions.
- Provide public education and information about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; public transit; biking and walking; vehicle performance and efficiency (*e.g.*, keeping tires inflated); low or zero-emission vehicles; and car and ride sharing.

Housing Element[59]

- Improve the jobs-housing balance and promote a range of affordable housing choices near jobs, services and transit.
- Concentrate mixed use, and medium to higher density residential development in areas near jobs, transit routes, schools, shopping areas and recreation.
- Increase density in single family residential areas located near transit routes or commercial areas. For example, promote duplexes in residential areas and increased height limits of multi-unit buildings on main arterial streets, under specified conditions.

- Encourage transit-oriented developments.[60]
- Impose minimum residential densities in areas designated for transit-oriented, mixed use development to ensure higher density in these areas.
- Designate mixed use areas where housing is one of the required uses.
- In areas designated for mixed use, adopt incentives for the concurrent development of different land uses (*e.g.*, retail with residential).
- Promote infill, mixed use, and higher density development by, for example, reducing developer fees;[61] providing fast-track permit processing; reducing processing fees; funding infrastructure loans; and giving preference for infrastructure improvements in these areas.

Open Space Element[62]

- Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.
- Establish a mitigation program for development of those types of open space that provide carbon sequestration benefits. Require like-kind replacement for, or impose mitigation fees on development of such lands. Use funds generated to protect existing, or create replacement, open space.
- Allow alternative energy projects in areas zoned for open space where consistent with other uses and values.
- Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance, *e.g.*, requiring that trees larger than a specified diameter that are removed to accommodate development must be replaced at a set ratio.
- Connect parks and publicly accessible open space through shared pedestrian/bike paths and trails to encourage walking and bicycling.

Safety Element[63]

- Address expected effects of climate change that may impact public safety, including increased risk of wildfires, flooding and sea level rise, salt water intrusion; and health effects of increased heat and ozone, through appropriate policies and programs.
- Adopt programs for the purchase, transfer or extinguishment of development rights in high risk areas.
- Monitor the impacts of climate change. Use adaptive management to develop new strategies, and modify existing strategies, to respond to the impacts of climate change.

Energy Element

Many of the goals, policies, or programs set forth above may be contained in an optional energy element. The resources set forth below may be useful to local agencies in developing an energy element or an energy conservation plan.

- The Local Government Commission produced a detailed report in 2002 entitled General Plan Policy Options for Energy Efficiency in New and Existing Development. The document sets forth energy saving policies suitable for inclusion in general plans. Policies range from

exceeding State minimum building efficiency standards, to retrofitting buildings to reduce energy consumption, to implementing energy conservation strategies for roofs, pavement and landscaping. The report also contains suggested general plan language. The report is available here: http://www.redwoodenergy.org/uploads/Energy_Element_Report.pdf.

- The California Energy Commission summarizes the energy-related efforts of Humboldt County, City of Pleasanton, City of Pasadena, City and County of San Francisco, the Los Angeles area, City of Chula Vista, the San Diego region, City of San Diego, City and County of San Luis Obispo, and City of Santa Monica, in the 2006 Integrated Energy Policy Report at pp. 82-87, available here: http://www.energy.ca.gov/2006publications/CEC-100-2006-001/CEC-100-2006-001-CMF.PDF.

- In 2006, the Association of Monterey Bay Area Governments published a regional energy plan, available here: http://www.ambag.org/EnergyWatch/regional_plan.html. Part 1 describes the plan's goals and course of action. Part 2 describes actions that local agencies already have taken and identifies the most cost-effective measures in each sector. The appendices list existing energy programs that may provide support and funding for energy efficiency projects, suggest language for energy-related provisions to be included in general plans, and list and give brief explanations of more than one hundred energy-saving measures.

- The California Local Energy Efficiency Program (CALeep) has available on its website, http://www.caleep.com/default.htm, various resources and documents, including an energy "Workbook." The Workbook lays out a process for instituting local energy efficiency programs based in part on information developed in six California pilot projects (Inland Empire Utilities Agency, City of Oakland, San Joaquin Valley, Sonoma County, South Bay Cities Council of Governments, and Ventura County Regional Energy Alliance). The Workbook is designed to be used by local officials to initiate, plan, organize, implement, and assess energy efficiency activities at the local and regional level.

(3) Resources About Global Warming and Local Action

The following web sites and organizations provide general information about mitigating global warming impacts at the local level. These sites represent only a small fraction of the available resources. Local agencies are encouraged to conduct their own research in order to obtain the most current and relevant materials.

- The U.S. Conference of Mayors' Climate Protection Agreement contains valuable information for the many local agencies that are joining the fight against global warming. The Agreement is available here: http://www.coolcities.us/resources/bestPracticeGuides/USM_ClimateActionHB.pdf. Over one hundred and twenty California cities have joined the "Cool Cities" campaign, which means they have signed the U.S. Mayor's Climate Protection Agreement and are taking concrete steps toward addressing global warming. These steps include preparing a city-wide greenhouse gas emissions inventory and creating and implementing a local Climate Action Plan. Additional resources, including various cities' Climate Action Plans, are located at the Cool Cities website: http://www.coolcities.us/resources.php.

- In July 2007, Alameda County became one of twelve charter members of the "Cool Counties" initiative. Participating counties sign a Climate Stabilization Declaration, which is available at the website for King County (Washington State): http://www.metrokc.gov/exec/news/2007/0716dec.aspx. Participating counties agree to work with local, state, and federal governments and other leaders to reduce county geographical greenhouse gas emissions to 80% below current levels by 2050 by developing a greenhouse gas emissions inventory and regional reduction plan. Current member counties

are recruiting new members and are committed to sharing information. Cool Counties contact information is available at: http://www.kingcounty.gov/exec/coolcounties/Joinus.aspx.

- Local Governments for Sustainability, a program of International Cities for Local Environmental Initiatives (ICLEI), has initiated a campaign called Cities for Climate Protection (CCP). The membership program is designed to empower local governments worldwide to take action on climate change. Many California cities have joined ICLEI. More information is available at the organization's website: http://www.iclei.org/.

- The Institute for Local Government (ILG), an affiliate of the California State Association of Counties and the League of California Cities, has instituted a program called the California Climate Action Network (CaliforniaCAN!). The program provides information about the latest climate action resources and case studies. More information is available at the CaliforniaCAN! website: http://www.cacities.org/index.jsp?displaytype=&section=climate&zone=ilsg.

  ILG's detailed list of climate change "best practices" for local agencies is available at http://www.cacities.org/index.jsp?displaytype=&section=climate&zone=ilsg&sub_sec=climate_local.

  ILG maintains a list of local agencies that have Climate Action Plans. The list is available here: http://www.cacities.org/index.jsp?zone=ilsg&previewStory=27035. According to ILG, the list includes Marin County and the cities of Arcata, Berkeley, Los Angeles, Palo Alto, San Diego, and San Francisco. Many additional local governments are in the process of conducting greenhouse gas inventories.

- The non-profit group Natural Capitalism Solutions (NCS) has developed an on-line Climate Protection Manual for Cities. NCS states that its mission is "to educate senior decision-makers in business, government and civil society about the principles of sustainability." The manual is available at http://www.climatemanual.org/Cities/index.htm.

- The Local Government Commission provides many planning-related resources for local agencies at its website: http://www.lgc.org/.

  In cooperation with U.S. EPA, LGC has produced a booklet discussing the benefits of density and providing case studies of well-designed, higher density projects throughout the nation. Creating Great Neighborhoods: Density in Your Community (2003) is available here: http://www.lgc.org/freepub/PDF/Land_Use/reports/density_manual.pdf.

- The Pew Center on Global Climate Change was established in 1998 as a non-profit, non-partisan and independent organization. The Center's mission is to provide credible information, straight answers, and innovative solutions in the effort to address global climate change. See http://www.pewclimate.org. The Pew Center has published a series of reports called Climate Change 101. These reports provide a reliable and understandable introduction to climate change. They cover climate science and impacts, technological solutions, business solutions, international action, recent action in the U.S. states, and action taken by local governments. The Climate Change 101 reports are available at http://www.pewclimate.org/global-warming-basics/climate_change_101.

- The Climate Group, www.theclimategroup.org, is a non-profit organization founded by a group of companies, governments and activists to "accelerate international action on global warming with a new, strong focus on practical solutions." Its website contains a searchable database of about fifty case studies of actions that private companies, local and state governments, and the United Kingdom, have taken to reduce GHG emissions. Case studies include examples from California. The database, which can be searched by topic, is available at

http://theclimategroup.org/index.php/reducing_emissions/case_studies.

- U.S. EPA maintains a list of examples of codes that support "smart growth" development, available here: http://www.epa.gov/piedpage/codeexamples.htm. Examples include transit-oriented development in Pleasant Hill and Palo Alto, rowhouse design guidelines from Mountain View, and street design standards from San Diego.

- The Urban Land Institute (ULI) is a nonprofit research and education organization providing leadership in responsible land use and sustainability. In 2007, ULI produced a report entitled, "Growing Cooler: The Evidence on Urban Development and Climate Change," which review s existing research on the relationship between urban development, travel, and greenhouse gases emitted by motor vehicles. It further discusses the emissions reductions that can be expected from compact development and how to make compact development happen. "Growing Cooler" is available at http://www.uli.org/growingcooler.

- The California Department of Housing and Community Development, http://www.hcd.ca.gov/, has many useful resources on its website related to housing policy and housing elements and specific recommendations for creating higher density and affordable communities. See http://www.hcd.ca.gov/hpd/hrc/plan/he/.

- The California Transportation Commission (CTC) recently made recommendations for changes to regional transportation guidelines to address climate change issues. Among other things, the CTC recommends various policies, strategies and performance standards that a regional transportation agency should consider including in a greenhouse reduction plan. These or analogous measures could be included in other types of planning documents or local climate action plans. The recommendation document, and Attachment A, entitled Smart Growth/Land Use Regional Transportation Plan Guidelines Amendments, are located at http://www.dot.ca.gov/hq/transprog/ctcbooks/2008/0108/12_4.4.pdf.

- The California Energy Commission's Public Interest Energy Research (PIER) Program supports energy research, development and demonstration projects designed to bring environmentally safe, affordable and reliable energy services and products to the marketplace. On its website, http://www.energy.ca.gov/pier/, PIER makes available a number of reports and papers related to energy efficiency, alternative energy, and climate change.

- The Governor's Office of Planning and Research (OPR) provides valuable resources for lead agencies related to CEQA and global warming at http://opr.ca.gov/index.php?a=ceqa/index.html. Among the materials available are a list of environmental documents addressing climate change and greenhouse gas emissions and a list of local plans and policies addressing climate change. In addition, OPRs' The California Planners' Book of Lists 2008, which includes the results of surveys of local agencies on matters related to global warming, is available at http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-C.

- The California Air Pollution Control Officers Association has prepared a white paper entitled "CEQA and Climate Change" (January 2008). The document includes a list of mitigation measures and information about their relative efficacy and cost. The document is available at http://www.capcoa.org/ceqa/?docID=ceqa.

- The Attorney General's global warming website includes a section on CEQA. See http://ag.ca.gov/globalwarming/ceqa.php. The site includes all of the Attorney General's public comment letters that address CEQA and global warming.

(4) Endnotes

1. Energy efficiency leads the mitigation list because it promises significant greenhouse gas reductions through measures that are cost-effective for the individual residential and commercial energy consumer.

2. Leadership in Energy and Environmental Design (LEED) administers a Green Building Ratings program that provides benchmarks for the design, construction, and operation of high-performance green buildings. More information about the LEED ratings system is available at http://www.usgbc.org/DisplayPage.aspx?CategoryID=19. Build it Green is a non-profit, membership organization that promotes green building practices in California. The organization offers a point-based, green building rating system for various types of projects. See http://www.builditgreen.org/guidelines-rating-systems. Lawrence Berkeley National Laboratories' Building Technologies Department is working to develop coherent and innovative building construction and design techniques. Information and publications on energy efficient buildings are available at the Department's website at http://btech.lbl.gov. The California Department of Housing and Community Development has created an extensive Green Building & Sustainability Resources handbook with links to green building resources, available at http://www.hcd.ca.gov/hpd/green_build.pdf.

3. For more information, see Lawrence Berkeley National Laboratories, Heat Island Group at http://eetd.lbl.gov/HeatIsland/.

4. See California Energy Commission, "How to Hire an Energy Services Company" (2000) at http://www.energy.ca.gov/reports/efficiency_handbooks/400-00-001D.PDF.

5. Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that certifies energy efficient products and provides guidelines for energy efficient practices for homes and businesses. More information about Energy Star-certified products is available at http://www.energystar.gov/. The Electronic Product Environmental Assessment Tool (EPEAT) is a system that ranks computer products based on their conformance to a set of environmental criteria, including energy efficiency. More information about EPEAT is available at http://www.epeat.net/AboutEPEAT.aspx.

6. LED lighting is substantially more energy efficient than conventional lighting and can save money. See http://www.energy.ca.gov/efficiency/partnership/case_studies/TechAsstCity.pdf (noting that installing LED traffic signals saved the City of Westlake about $34,000 per year). As of 2005, only about a quarter of California's cities and counties were using 100% LEDs in traffic signals. See California Energy Commission (CEC), Light Emitting Diode Traffic Signal Survey (2005) at p. 15, available at http://www.energy.ca.gov/2005publications/CEC-400-2005-003/CEC-400-2005-003.PDF. The CEC's Energy Partnership Program can help local governments take advantage of energy saving technology, including, but not limited to, LED traffic signals. See http://www.energy.ca.gov/efficiency/partnership/.

7. See Palm Desert Energy Partnership at http://www.sce.com/rebatesandsavings/palmdesert. The City, in partnership with Southern California Edison, provides incentives and rebates for efficient equipment. See Southern California Edison, Pool Pump and Motor Replacement Rebate Program at http://www.sce.com/RebatesandSavings/Residential/_Pool/PoolPumpandMotor/.

8. Many cities and counties provide energy efficiency education. See, for example, the City of Stockton's Energy Efficiency website at http://www.stocktongov.com/energysaving/index.cfm. See also "Green County San Bernardino," http://www.greencountysb.com/ at pp. 4-6. Private projects may also provide education. For example, a homeowners' association could provide information and energy audits to its members on a regular basis.

9. See http://www.gosolarcalifornia.ca.gov/documents/CEC-300-2007-008-CMF.PDF. At the direction of Governor Schwarzenegger, the California Public Utilities Commission (CPUC) approved the California Solar Initiative on January 12, 2006. The initiative creates a $3.3 billion, ten-year program to install solar panels on one million roofs in the State. See http://www.gosolarcalifornia.ca.gov/nshp/index.html.

10. For example, Alameda County has installed two solar tracking carports, each generating 250 kilowatts. By 2005, the County had installed eight photovoltaic systems totaling over 2.3 megawatts. The County is able to meet 6 percent of its electricity needs through solar power. See http://www.acgov.org/gsa/Alameda%20County%20-%20Solar%20Case%20Study.pdf.

11. Many commercial, industrial, and campus-type facilities (such as hospitals, universities and prisons) use fuel to produce steam and heat for their own operations and processes. Unless captured, much of this heat is wasted. Combined heat and power (CHP) captures waste heat and re-uses it, *e.g.*, for residential or commercial space heating or to generate electricity. See U.S. EPA, Catalog of CHP Technologies at http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf. The average efficiency of fossil-fueled power plants in the United States is 33 percent. By using waste heat recovery technology, CHP systems typically achieve total system efficiencies of 60 to 80 percent. CHP can also substantially reduce emissions of carbon dioxide. http://www.epa.gov/chp/basic/efficiency.html. Currently, CHP in California has a capacity of over 9 million kilowatts. See list of California CHP facilities at http://www.eea-inc.com/chpdata/States/CA.html.

12. The California Energy Commission has found that the State's water-related energy use – which includes the conveyance, storage, treatment, distribution, wastewater collection, treatment, and discharge – consumes about 19 percent of the State's electricity, 30 percent of its natural gas, and 88 billion gallons of diesel fuel every year. See http://www.energy.ca.gov/2007publications/CEC-999-2007-008/CEC-999-2007-008.PDF. Accordingly, reducing water use and improving water efficiency can help reduce energy use and associated greenhouse gas emissions.

13. The Water Conservation in Landscaping Act of 2006 (AB 1881) requires the Department of Water Resources (DWR), not later than January 1, 2009, to update the Model Water Efficient Landscape Ordinance. The draft of the entire updated Model Water Efficient Landscape Ordinance will be made available to the public. See http://www.owue.water.ca.gov/landscape/ord/updatedOrd.cfm.

14. See Graywater Guide, Department of Water Resources, Office of Water Use Efficiency and Transfers at http://www.owue.water.ca.gov/docs/graywater_guide_book.pdf. See also The Ahwahnee Water Principles, Principle 6, at http://www.lgc.org/ahwahnee/h2o_principles.html. The Ahwahnee Water Principles have been adopted by City of Willits, Town of Windsor, Menlo Park, Morgan Hill, Palo Alto, Petaluma, Port Hueneme, Richmond, Rohnert Park, Rolling Hills Estates, San Luis Obispo, Santa Paula, Santa Rosa, City of Sunnyvale, City of Ukiah, Ventura, Marin County, Marin Municipal Water District, and Ventura County.

15. See Office of Environmental Health Hazard Assessment and the California Water and Land Use Partnership, Low Impact Development, at http://www.coastal.ca.gov/nps/lid-factsheet.pdf.

16. See, for example, the City of Santa Cruz, Water Conservation Office at http://www.ci.santa-cruz.ca.us/wt/wtcon/index.html; Santa Clara Valley Water District, Water Conservation at http://www.valleywater.org/conservation/index.shtm; and Metropolitan Water District and the Family of Southern California Water Agencies, Be Water Wise at http://www.bewaterwise.com. Private projects may provide or fund similar education.

17. See Public Interest Energy Research Program, Dairy Power Production Program, Dairy Methane Digester System, 90-Day Evaluation Report, Eden Vale Dairy (Dec. 2006) at http://www.energy.ca.gov/2006publications/CEC-500-2006-083/CEC-500-2006-083.PDF. See also discussion in the general plan section, below, relating to wastewater treatment plants and landfills.

18. Many cities and counties provide information on waste reduction and recycling. See, for example, the Butte County Guide to Recycling at http://www.recyclebutte.net. The California Integrated Waste Management Board's website contains numerous publications on recycling and waste reduction that may be helpful in devising an education project. See http://www.ciwmb.ca.gov/Publications/default.asp?cat=13. Private projects may also provide education directly, or fund education.

19. See U.S. EPA, Our Built and Natural Environments, A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality (Jan. 2001) at pp. 46-48 http://www.epa.gov/dced/pdf/built.pdf.

20. See California Department of Housing and Community Development, Myths and Facts About Affordable and High Density Housing (2002), available at http://www.hcd.ca.gov/hpd/mythsnfacts.pdf.

21. Palo Alto's Green Ribbon Task Force Report on Climate Protection recommends pedestrian and bicycle-only streets under its proposed actions. See http://www.city.palo-alto.ca.us/civica/filebank/blobdload.asp?BlobID=7478.

22. There are a number of car sharing programs operating in California, including City CarShare http://www.citycarshare.org/, Zip Car http://www.zipcar.com/ and Flexcar http://www.flexcar.com/.

23. The City of Lincoln has a NEV program. See http://www.lincolnev.com/index.html.

24. See, for example, Marin County's Safe Routes to Schools program at http://www.saferoutestoschools.org/.

25. For information on the general plan process, see Governor's Office of Planning and Research, General Plan Guidelines (1998), available at http://ceres.ca.gov/planning/genplan/gpg.pdf.

26. The Conservation Element addresses the conservation, development, and use of natural resources including water, forests, soils, rivers, and mineral deposits. Measures proposed for the Conservation Element may alternatively be appropriate for other elements. In practice, there may be substantial overlap in the global warming mitigation measures appropriate for the Conservation and Open Space Elements.

27. See the Attorney General's settlement agreement with the County of San Bernardino, available at http://ag.ca.gov/cms_pdfs/press/2007-08-21_San_Bernardino_settlement_agreement.pdf. See also Marin County Greenhouse Gas Reduction Plan (Oct. 2006) at http://www.co.marin.ca.us/depts/CD/main/pdf/final_ghg_red_plan.pdf; Marin Countywide Plan (Nov. 6, 2007) at http://www.co.marin.ca.us/depts/CD/main/fm/cwpdocs/CWP_CD2.pdf; Draft Conservation Element, General Plan, City of San Diego at http://www.sandiego.gov/planning/genplan/pdf/generalplan/ce070918.pdf.

28. Public Resources Code Section 25402.1(h)2 and Section 10-106 of the Building Energy Efficiency Standards establish a process that allows local adoption of energy standards that are more stringent than the statewide Standards. More information is available at the California Energy Commission's website. See http://www.energy.ca.gov/title24/2005standards/ordinances_exceeding_2005_building_standards.html.

29. See, *e.g.*, LEED at http://www.usgbc.org/DisplayPage.aspx?CategoryID=19; see also Build it Green at http://www.builditgreen.org/guidelines-rating-systems.

30. The City of Santa Monica, for example, has instituted a Green Building Program. See http://www.greenbuildings.santa-monica.org/. The City of Pasadena also has a green building ordinance that applies to public and private buildings. See http://www.ci.pasadena.ca.us/permitcenter/greencity/building/gbprogram.asp and http://ordlink.com/codes/pasadena/index.htm?Search_Code=Begin+Searching+Municipal+Code at Title 14. The City of San Francisco is considering adopting green building performance requirements that would apply to public and private buildings. See http://www.sfenvironment.org/downloads/library/gbtfrrreleasev1.3.pdf.

31. See, *e.g.*, "Green County San Bernardino," http://www.greencountysb.com/. As part of its program, the County is waiving permit fees for alternative energy systems and efficient heating and air conditioning systems. See http://www.greencountysb.com/ at p. 3. For a representative list of incentives for green building offered in California and throughout the nation, see U.S. Green Building Council, Summary of Government LEED Incentives (updated quarterly) at https://www.usgbc.org/ShowFile.aspx?DocumentID=2021.

32. For example, Riverside Public Utilities offers free comprehensive energy audits to its business customers. See http://www.riversideca.gov/utilities/busi-technicalassistance.asp.

33. Under Southern California Gas Company's Energy Efficiency Program for Commercial/Industrial Large Business Customers, participants are eligible to receive an incentive based on 50% of the equipment cost, or $0.50 per therm saved, whichever is lower, up to a maximum amount of $1,000,000 per customer, per year. Eligible projects require an energy savings of at least 200,000 therms per year. See http://www.socalgas.com/business/efficiency/grants/.

34. The City of Berkeley is in the process of instituting a "Sustainable Energy Financing District." According to the City, "The financing mechanism is loosely based on existing 'underground utility districts' where the City serves as the financing agent for a neighborhood when they move utility poles and wires underground. In this case, individual property owners would contract directly with qualified private solar installers and contractors for energy efficiency and solar projects on their building. The

City provides the funding for the project from a bond or loan fund that it repays through assessments on participating property owners' tax bills for 20 years." See http://www.cityofberkeley.info/Mayor/PR/pressrelease2007-1023.htm.

The California Energy Commission's Public Interest Energy Research Program estimates that the technical potential for rooftop applications of photovoltaic systems in the State is about 40 gigawatts in 2006, rising to 68 gigawatts in 2016. See Public Interest Energy Research Program, California Rooftop Photovoltaic (PV) Resource Assessment and Growth Potential by County (2007), available at http://www.energy.ca.gov/publications/displayOneReport.php?pubNum=CEC-500-2007-048.

35. As described in its Climate Action Plan, the City of San Francisco uses a combination of incentives and technical assistance to reduce lighting energy use in small businesses such as grocery stores, small retail outlets, and restaurants. The program offers free energy audits and coordinated lighting retrofit installation. In addition, the City offers residents the opportunity to turn in their incandescent lamps for coupons to buy fluorescent units. See San Francisco's Climate Action Plan, available at http://www.sfenvironment.org/downloads/library/climateactionplan.pdf.

36. Among other strategies for reducing its greenhouse gas emissions, Yolo County has adopted purchasing policies for computers and electrical equipment. http://www.yolocounty.org/docs/press/GreenhouseGas.htm.

37. See, for example, Los Angeles County Green Purchasing Policy, June 2007 at http://www.responsiblepurchasing.org/UserFiles/File/General/Los%20Angeles%20County,%20Green%20Purchasing%20Policy,%20June%202007.pdf. The policy requires County agencies to purchase products that minimize environmental impacts, including greenhouse gas emissions.

38. Some local agencies have implemented a cool surfaces programs in conjunction with measures to address storm water runoff and water quality. See, for example, The City of Irvine's Sustainable Travelways/Green Streets program at http://www.cityofirvine.org/depts/redevelopment/sustainable_travelways.asp; The City of Los Angeles's Green Streets LA program at http://water.lgc.org/water-workshops/la-workshop/Green_Streets_Daniels.pdf/view; see also The Chicago Green Alley Handbook at http://egov.cityofchicago.org/webportal/COCWebPortal/COC_EDITORIAL/GreenAlleyHandbook_Jan.pdf.

39. See the website for Lawrence Berkeley National Laboratory's Urban Heat Island Group at http://eetd.lbl.gov/HeatIsland/LEARN/ and U.S. EPA's Heat Island website at www.epa.gov/heatisland/. To learn about the effectiveness of various heat island mitigation strategies, see the Mitigation Impact Screening Tool, available at http://www.epa.gov/heatisld/resources/tools.html.

40. For example, the City of Lompoc has a policy to "require new development to offset new water demand with savings from existing water users, as long as savings are available." See http://www.ci.lompoc.ca.us/departments/comdev/pdf07/RESRCMGMT.pdf.

41. The Irvine Ranch Water District in Southern California, for example, uses a five-tiered rate structure that rewards conservation. The water district has a baseline charge for necessary water use. Water use

that exceeds the baseline amount costs incrementally more money. While "low volume" water use costs $.082 per hundred cubic feet (ccf), "wasteful" water use costs $7.84 per ccf. See http://www.irwd.com/AboutIRWD/rates_residential.php. Marin County has included tiered billing rates as part of its general plan program to conserve water. See Marin County Countywide Plan, page 3-204, PFS-2.q, available at http://www.co.marin.ca.us/depts/CD/main/fm/cwpdocs/CWP_CD2.pdf.

42. See the City of Fresno's Watering Regulations and Ordinances at http://www.fresno.gov/Government/DepartmentDirectory/PublicUtilities/Watermanagement/Conservation/WaterRegulation/WateringRegulationsandRestrictions.htm.

43. See, *e.g.*, the City of San Diego's plumbing retrofit ordinance at http://www.sandiego.gov/water/conservation/selling.shtml.

44. The City of Roseville offers free water conservation audits through house calls and on-line surveys. See http://www.roseville.ca.us/eu/water_utility/water_conservation/for_home/programs_n_rebates.asp.

45. See Landscape Performance Certification Program, Municipal Water District of Orange County at http://waterprograms.com/wb/30_Landscapers/LC_01.htm.

46. For example, San Diego's Metropolitan Wastewater Department (SDMWD) installed eight digesters at one of its wastewater treatment plants. Digesters use heat and bacteria to break down the organic solids removed from the wastewater to create methane, which can be captured and used for energy. The methane generated by SDMWD's digesters runs two engines that supply enough energy for all of the plant's needs, and the plant sells the extra energy to the local grid. See http://www.sandiego.gov/mwwd/facilities/ptloma.shtml. In addition, the California Air Resources Board approved the Landfill Methane Capture Strategy as an early action measure. http://www.arb.ca.gov/cc/ccea/landfills/landfills.htm. Numerous landfills in California, such as the Puenta Hills Landfill in Los Angeles County (http://www.lacsd.org/about/solid_waste_facilities/puente_hills/clean_fuels_program.asp), the Scholl Canyon Landfill in the City of Glendale (http://www.glendalewaterandpower.com/Renewable%20Energy%20Development.asp), and theYolo Landfill in Yolo County, are using captured methane to generate power and reduce the need for other more carbon-intensive energy sources.

47. On April 30, 2007, the Public Utilities Commission authorized a CCA application by the Kings River Conservation District on behalf of San Joaquin Valley Power Authority (SJVPA). SJVPA's Implementation Plan and general CCA program information are available at www.communitychoice.info. See also http://www.co.marin.ca.us/depts/CD/main/comdev/advance/Sustainability/Energy/cca/CCA.cfm. (County of Marin); and http://sfwater.org/mto_main.cfm/MC_ID/12/MSC_ID/138/MTO_ID/237 (San Francisco Public Utilities Commission). See also Public Interest Energy Research, Community Choice Aggregation (fact sheet) (2007), available at http://www.energy.ca.gov/publications/displayOneReport.php?pubNum=CEC-500-2006-082.

48. The Land Use Element designates the type, intensity, and general distribution of uses of land for housing, business, industry, open-space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses.

49. Samples of local legislation to reduce sprawl are set forth in the U.S. Conference of Mayors' Climate Action Handbook. See http://www.iclei.org/documents/USA/documents/CCP/Climate_Action_Handbook-0906.pdf.

50. For a list and maps related to urban growth boundaries in California, see Urban Growth Boundaries and Urban Line Limits, Association of Bay Area Governments (2006) at http://www.abag.ca.gov/jointpolicy/Urban%20Growth%20Boundaries%20and%20Urban%20Limit%20Lines.pdf.

51. The Circulation Element works with the Land Use element and identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities.

52. See Orange County Transportation Authority, Signal Synchronization at http://www.octa.net/signals.aspx. Measures such as signal synchronization that improve traffic flow must be paired with other measures that encourage public transit, bicycling and walking so that improved flow does not merely encourage additional use of private vehicles.

53. San Francisco's "Transit First" Policy is listed in its Climate Action Plan, available at http://www.sfenvironment.org/downloads/library/climateactionplan.pdf. The City's policy gives priority to public transit investments and provides public transit street capacity and discourages increases in automobile traffic. This policy has resulted in increased transit service to meet the needs generated by new development.

54. The City of La Mesa has a Sidewalk Master Plan and an associated map that the City uses to prioritize funding. As the City states, "The most important concept for sidewalks is connectivity. For people to want to use a sidewalk, it must conveniently connect them to their intended destination." See http://www.ci.la-mesa.ca.us/index.asp?NID=699.

55. San Francisco assesses a Downtown Transportation Impact Fee on new office construction and commercial office space renovation within a designated district. The fee is discussed in the City's Climate Action plan, available at http://www.sfenvironment.org/downloads/library/climateactionplan.pdf.

56. For example, Seattle, Washington maintains a public transportation "ride free" zone in its downtown from 6:00 a.m. to 7:00 p.m. daily. See http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare.

57. See, *e.g.*, Reforming Parking Policies to Support Smart Growth, Metropolitan Transportation Commission (June 2007) at http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox-Handbook.pdf; see also the City of Ventura's Downtown Parking and Mobility Plan, available at http://www.cityofventura.net/depts/comm_dev/resources/mobility_parking_plan.pdf, and its Downtown Parking Management Program, available at http://www.cityofventura.net/depts/comm_dev/downtownplan/chapters/5_programs_implementation.pdf.

58. See Safe Routes to School Toolkit, National Highway Traffic Safety Administration (2002) at www.nhtsa.dot.gov/people/injury/pedbimot/bike/Safe-Routes-2002; see also www.saferoutestoschools.org (Marin County).

59. The Housing Element assesses current and projected housing needs. In addition, it sets policies for providing adequate housing and includes action programs for that purpose.

60. The U.S. Conference of Mayors cites Sacramento's Transit Village Redevelopment as a model of transit-oriented development. More information about this project is available at http://www.cityofsacramento.org/planning/projects/65th-street-village/. The Metropolitan Transportation Commission (MTC) has developed policies and funding programs to foster transit-oriented development. More information is available at MTC's website: http://www.mtc.ca.gov/planning/smart_growth/#tod. The California Department of Transportation maintains a searchable database of 21 transit-oriented developments at http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp.

61. The City of Berkeley has endorsed the strategy of reducing developer fees or granting property tax credits for mixed-use developments in its Resource Conservation and Global Warming Abatement Plan. City of Berkeley's Resource Conservation and Global Warming Abatement Plan p. 25 at http://www.baaqmd.gov/pln/GlobalWarming/BerkeleyClimateActionPlan.pdf.

62. The Open Space Element details plans and measures for preserving open space for natural resources, the managed production of resources, outdoor recreation, public health and safety, and the identification of agricultural land. As discussed previously in these Endnotes, there may be substantial overlap in the measures appropriate for the Conservation and Open Space Elements.

63. The Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

Martha Miller, EIR Manager
County Planning and Building
County Government Center
San Luis Obispo, CA 93408

Sent via E-Mail mlmiller@co.slo.ca.us

Subject: Draft Environmental Impact Report (DEIR) for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Program (State Clearing House No. 2004111112)(Case number VVTM 2586)
Revised Draft EIR dated February 7, 2008

Dear Ms. Miller:
Comments on the Revised Draft EIR (RDEIR).

1. A major concern I have heard voiced about the project is that the idea of (1) acre parcels with "open space" around them is not viable. Cattle cannot graze with a population that will be generating as many as 300 trips per day down private roads. The first BMW or Mercedes that hits a mother cow or a calf will effectively shut down the grazing operation and create a liability problem for the Home Owners Association and the holders of the Ag trust land.
2. Ag cluster aggregates in this county have historically been created with 2.5 to 20 acre parcels, not scattered like confetti, but contiguously placed in lines or other manageable configurations. Practically the current configuration CANNOT work with an Ag operation. As the owners have so ably vowed in their arguments against creating a trail corridor to allow public access to East Cuesta and the National Forest, they are running a cow operation, and "it is not compatible with the public accessing the area".
3. The circulation problem has not been adequately mitigated. Alternative access via roads and trails should be created into the village of Santa Margarita. Highway 58 is a dangerous and deadly road; witness the three young men who were killed just this year between where the project would access the Highway and the town.
4. The proposed affordable housing would greatly impact the entire Village of Santa Margarita, basically doubling the size of the community. In the area south of K Street, in particular, the water table is often no more than 6 inches below the surface. In 1996, I did damage assessments for the Red Cross and FEMA in this area. Lack of adequate drainage and a high water table led to extensive flooding and non-operative septic systems. These conditions would have to be rectified before such a community should be built.
5. While doubling the population of the Village, the plan provides little mitigation for public recreation or access to passive recreation – trails into the National Forest. A trail along the railroad tracks has been suggested. If the rail line was not a very active north/south route for freight trains and AMTRAC, such a proposal would be reasonable. However, given the heavy use of the route, such a trail would not be recreational, but dangerous and frightening, particularly to equestrians and families with small children. Families and affordable housing are synonymous. The local park would be extremely impacted by the additional families and the county would not receive enough benefits financially to be able to afford to mitigate the impact to their facilities.

Respectfully submitted.
Kathe Hustace
Broker Associate – 31 years in local real estate
President, North County Trails Association –
Amigos de Anza

SIERRA CLUB
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March 25, 2008

Martha Miller, Project Manager
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

RE: Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program -- Revised Draft EIR

Dear Ms. Miller,

Thank you for adding an analysis of the project's climate change impacts to the Revised DEIR per the Sierra Club's DEIR comments of April 11, 2007, on the absence of any analysis of the significant environmental impacts and potential mitigations of Global Climate Change as mandated by AB32, which rendered the original DEIR inadequate.

The attempt in the Revised DEIR to analyze the project's GCC impacts, however, is cursory and inadequate as it is restricted entirely to emissions "due to fuel combustion in motor vehicles" (4.2.3e).

Despite the Revised DEIR's notation that "N2O is produced by microbial processes ...which occur in fertilizer containing nitrogen" and "Anthropogenic sources of N2O include agricultural soil management, animal manure management, [and] sewage treatment," the RDEIR ignores all these components of GHG emissions, their impacts and mitigation as pertain to the proposed project.

4.2.3 Global Climate Change
d. [re 2006 California Climate Action Team Report (CCAT, 2006)] "The Climate Action Team's strategies serve as current statewide approaches to reducing the State's GHG emissions. [C]onsistency with these strategies is assessed to determine if the contribution of the Agricultural Residential Cluster Subdivision and/or Future Development Program to cumulative GHG emissions is considerable."

The California Climate Action Registry specifically cites the conversion of oak woodlands as a carbon emission. The California Oak Foundation cites three GHG-related oak resource factors that must be considered where significant oak impacts occur:

1. How much carbon is sequestered in the impacted trees?
2. how much potential carbon sequestration will be lost due to oak seedling, sapling and tree impacts?
3. How much sequestered carbon will be released if the impacted oaks are burned?

The notation at 4.3 on mitigation of oak loss as an impact on Biological Resources -- "Despite mitigation, impacts would remain a Class I impact in the interim period prior to establishment of mature replacement habitat because of the length of time required for replacement trees to reach maturity and have similar habitat values as those that are replaced" – pertains equally if not moreso to a discussion of Global Climate Change impacts from the direct removal, indirect impacts on and conversion of 60 acres of oak woodlands. The DEIR must include such a discussion. Discusssion of GCC impacts must also address the fact that "there is no assurance that oak trees designated to remain on the lots will be protected in the future, (ARCS Impact B-3)" and that "valley oaks planted in a favorable site can develop to sizable trees with adequate canopies in 25 to 30 years. In contrast, blue oaks, which are a slower growing species, may require 100 years for trees to develop moderate-sized canopies." Neither the replacement of current carbon sequestration functions in 25 years or 100 years would be considered adequate mitigation for GCC impacts under AB32.

Also unevaluated are the GCC impacts of the proposed conversion to vineyards of 2000 acres, and 500 acres of orchards, and attendant nitrogen fertilizer and pesticide use (4.3).

Also unevaluated are the GCC impacts of and mitigation for "soil and surface disturbance...through grading and other ground disturbance, and the placement of permanent residential structures and anticipated landscaping within the lots" and GCC impacts of "typical residential activities, rural residential uses such as livestock grazing...." (4.3)

4.2.3.e: *"As noted in Section 4.2.2(a), a program-level analysis does not require a quantitative air emissions analysis in accordance with APCD standards. As a result, no such analysis was conducted for the Future Development Program and no CO2 emissions estimates are available."*

The RDEIR's presumption that an exemption from APCD's requirement for a quantitative air emissions analysis equates to a permission to perform no analysis whatsoever is in error. As the Attorney General's office has noted, the lack of official thresholds and guidelines does not absolve the lead agency from its obligation under CEQA to determine the significance of, and adopt feasible mitigation for, the anticipated greenhouse gas emissions of a project. See the California Association of Air Pollution Control Officers (CAPCOA) white paper "CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act:"

> "The review may be qualitative or quantitative in nature. A qualitative review would discuss the nature of GHG emissions expected and their potential effect on climate change as the district understands it. It could also include a discussion of the relative merits of alternative scenarios." (CAPCOA, p. 24)

4.2.3.e: *"the design of both the Agricultural Residential Cluster Subdivision and Future Development Program would result in inconsistencies with the Climate Action Team Strategy "Smart Land Use and Intelligent Transportation," which promotes jobs/hoproximity, transit-oriented development, and high density residential/commercial development along transit corridors."*

The DEIR should note that the project would also be inconsistent with the County's "smart growth" principles as endorsed in June 2005. Smart growth is a way of directing growth to urban areas with sufficient transportation and services, creating traditional, compact, walkable and complete communities. The County is currently exploring strategies to implement the 11 smart growth principles addressing the location, amount and design of future population and commercial growth supported by public services and facilities to help achieve the county's overall goals for safe, healthy, livable, prosperous and well-governed communities. In listing the impacts of the Agricultural Residential Cluster Subdivision -- it would not be located in close proximity to any commercial or job center; would reduce job/housing proximity and increase vehicle trips and travel distances; would not be located along an established transit route and would be unlikely to create demand for transit facilities; would be developed at a relatively low density in a rural area – the DEIR makes clear that the project is the opposite of "smart growth." The Future Development Program, as it "would be located in a rural area and would provide land uses that may be considered destinations for substantial vehicles, particularly the nine wineries and associated special events (with an estimated 120,000 visitors annually), golf course, and lodge and would also include residential development outside of an urban area," is likewise wholly inconsistent with the County's "Smart Growth" policy.

The EIR should include a map of the current ownership pattern on the ranch, so that the public can compare the current boundaries of "the ranch" with the map that describes "the ranch" in the Salinas River Area Plan. There is some question as to whether "the ranch" as the entity referred to in the EIR still exists, given the fact that numerous parcels within the original boundaries are now privately held by individuals not associated with the LLC that is proposing the cluster.

3.4 Environmentally Superior Alternative

"...the No Project/Existing Zoning Alternative would not preclude future development on the Santa Margarita Ranch. The current land use designation that governs the Ranch would keep the possibility of development open, pursuant to the County's agricultural cluster subdivision ordinance and other development regulations."

In noting the Environmentally Superior Alternative, the DEIR should include the option of dedication of a conservation easement for the Ranch and note that this would result in the retirement of development rights, which would foreclose the possibility of development, hence no development that could result in significant environmental impacts would occur. This would constitute an alternative superior to the "Environmentally Superior Alternative" which the RDEIR notes "would keep the possibility of development open." Hence Per CEQA Guidelines at ~15088.5(3) this is "a feasible project alternative or mitigation measure considerably different from others previously analyzed [that] would clearly lessen the environmental impacts of the project."

We advise the County to produce another revision of the DEIR that fully addresses global climate change impacts from all emission sources involved in the Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program, and which fulfills the County's legal requirements under CEQA.

As in our comments on the DEIR, we point out that CEQA Guidelines at §15088.5 require that a lead agency recirculate an EIR when significant new information is added to the EIR after notice for public review of the Draft EIR but prior to certification.

Recirculation of the EIR in accordance with the criteria of CEQA §15088.5 is mandated if significant new information shows that:

(1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
(2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
(3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or
(4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Our comments above constitute significant information not considered in the Draft EIR, requiring recirculation of the EIR. The lack of discussion of global climate change impacts in the Revised Draft EIR beyond the emissions of motorized vehicles is fundamentally inadequate to any evaluation of the project's GCC impacts, rendering the analysis conclusory in nature and depriving the public of any meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid the effect. Should a Final EIR fail to include this adequate analysis, any project approval will be open to obvious legal challenge.

Sincerely,

Andrew Christie
Chapter Director

cc: Sandra Goldberg, Deputy Atty. General, CA DOJ

COUNTY OF SAN LUIS OBISPO
SERVICE AREA 23 ADVISORY COMMITTEE
POST OFFICE BOX 791
SANTA MARGARITA, CA 93453

Ms. Martha Miller
County of San Luis Obispo
Department of Building & Planning
County Government Center
San Luis Obispo, CA 93408

Subject: *Revised Draft Environmental Impact Report For Santa Margarita Ranch Subdivision Project And Future Development Program*

Dear Ms. Miller,

The CSA 23 DEIR Review Subcommittee has completed a review of the Santa Margarita Ranch RDEIR. The committee has reviewed only those areas of the RDEIR concerned with water resources and drainage, Items 2.4 and 2.8.

Review committee concerns and comments are as follows;

2.4 Drainage, Erosion and Sedimentation

A. Page 2-82
A drainage detention structure has been proposed for that area of the Agricultural Residential Cluster Subdivision site draining to the Yerba Buena Creek. As the structure will remain on private property, funding provisions and a responsible party for operation and maintenance should be stipulated.

2.8 Water and Wastewater

A. Page 2-116
The RDEIR states that Policy 11 of the County's Agricultural & Open Space Element precludes using imported water for agricultural purposes if it is used to offset groundwater used for residential purposes. This committee's reading of Policy 11 does not substantiate that conclusion.

B. Page 2-117
The RDEIR states that 8' wide ditches would be needed for a 4" water line. This committee feels that statement is incorrect or a typographic error.

C. Groundwater recharge is calculated using Average Annual Rainfall tables. Should a more conservative annual rainfall value be used in anticipation of successive years of less than average rainfall?

D. Page 2-111
Since the construction of wineries are part of this project, they should be included along with their water use factor on Table 4.14-1 under planned uses.

E. Page 2-111
The RDEIR incorrectly states that Santa Margarita Farms is the only non-agricultural development on the Ranch. Santa Margarita Farms is not a part of the Ranch property. Additionally the Town of Santa Margarita does draw from the same aquifer as the Ranch.

This review was approved at our March 7, 2008 meeting.

Respectfully submitted,

Alan L. Volbrecht, Chairman CSA 23

RDEIR Subcommittee:
Rob Kinnear
John Wilkins
Ann Flynn
David Blakely
Alan Volbrecht

Water Resources Advisory Committee

Michael Winn, **Chairperson**
Christine Mulholland, **Vice Chairperson**
Courtney Howard, **Secretary**

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John Kellerman
CA Men's Colony
Sue Luft
Environmental-at-Large
Eric Greening
Environmental-at-Large
Ray Allen
Agriculture-at-Large

March 5, 2008

Ms. Martha Miller, Project Manager
County of San Luis Obispo
Planning and Building Department
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408-2040

Subject: Water Resources Advisory Committee Comments on the Water Sections of the Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program

Dear Ms. Miller,

The San Luis Obispo County Water Resources Advisory Committee (WRAC) formed an ad hoc subcommittee to review and comment on the Revised Draft Environmental Impact Report (RDEIR) for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program. At its March 5, 2008 meeting, the WRAC voted to submit the attached comments.

It is apparent from these comments that the WRAC has serious concerns about the impacts of the subject project on the water issues under our purview. The WRAC also believes the attached comments demonstrate that the RDEIR is seriously deficient because it contains numerous, serious, and substantial errors, omissions, and inconsistencies that hamper meaningful public comment.

Note that the RDEIR does not address comments made on the DEIR including those comments made by the WRAC in our April 4, 2007 letter to Mr. Caruso (EIR Manager at the time). Therefore, that letter and attached comments remain pertinent and valid and must be addressed.

County Supervisors have approved the preparation of a Resource Capacity Study for the Santa Margarita area. The WRAC believes the RCS must be completed and the baseline information it provides included and analyzed in the Final EIR.

While it is not yet the appropriate time for the WRAC to advise County Supervisors of our opinions and recommendations with respect to the Final EIR, the WRAC believes it is important to communicate the WRAC's responses to the RDEIR to you and to the Supervisors.

Purpose of the Committee:
To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the SLO County Flood Control & Water Conservation District. To recommend to the Board specific water resource programs. To recommend methods of financing water resource programs.

Excerpts from WRAC By-Laws dated 3/6/07

The WRAC hopes its comments will prove helpful to all parties involved in the environmental review process on this project.

Respectfully,

Michael Winn

MICHAEL WINN
Chair, San Luis Obispo County Water Resources Advisory Committee

Cc: County Supervisors, w/attachments

Attachment: Comments on RDEIR from WRAC ad hoc Subcommittee

COMMENTS ON REVISED DRAFT ENVIRONMENTAL IMPACT REPORT
By
WATER RESOURCES ADVISORY COMMITTEE
AD HOC SUBCOMMITTEE FOR SANTA MARGARITA RANCH

March 5, 2008

1. SCOPE OF RDEIR: P. 1-2 of the RDEIR states that CEQA requires recirculation of an EIR whenever significant new information is added before certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. The RDEIR addresses new information submitted by the applicant and by the County, but does not respond to any comments submitted on the DEIR including the WRAC's comments. This approach seems arbitrary, seems designed to limit the scope of the recirculation, and creates a perception of bias. The RDEIR should have addressed those comments that provided significant new information as required by CEQA.

2. NECESSITY FOR RESOURCE CAPACITY STUDY: County Supervisors have approved the preparation of a Resource Capacity Study for the Santa Margarita area. Such a study will yield reliable baseline information about water usage, well levels, stream conditions, and biological conditions in the area. This baseline documentation is particularly important to determining the severity of the Class I, significant and unavoidable environmental impacts of the proposed project and must be included and analyzed in the Final EIR.

3. BASELINE DATA: The RDEIR does not contain reliable baseline data as required by CEQA. The RDEIR (Table 4.14-1), for example, **estimates** existing water demands instead of providing actual **measured** water usage. The RDEIR does not provide necessary information about the existing extensive installed water distribution system on the ranch which would yield more reliable data on how much water is extracted, where it is extracted from, and where it goes. Specifically, detailed drawings showing existing water distribution system piping, routing, pipe sizes, all connections to wells and pumps, rated pump gallons per minute, head, motor horsepower, electricity consumption, propane consumption, and irrigated areas served are requested. Also complete records for all wells including dry season well depths, observed changes in stream flows, and pumping and recharge rates during drought periods are requested. Installation of flow meters and other monitoring devices by the applicant may well be required in order to obtain baseline data (this was previously requested by the WRAC). Understanding the impacts of **existing** ranch operations on the water environment is a necessary first step to determining the impacts of the proposed project. This is a major omission by the RDEIR. There is also concern that the ranch may be extracting water from the underflow of creeks and already impacting the riparian environment. The potential for underflow extraction by the proposed project must be quantitatively addressed.

4. FUTURE DEVELOPMENT PROGRAM: Table 4.14-1 is not consistent with the narrative in either terminology or numbers. The narrative refers to "Future Development

Program" but this does not appear in the Table. The table lists "Planned Orchards and Planned Vineyards" but this language does not appear in the narrative. The numbers for vineyard acreage in the Table do not match the narrative. For example, on p. 2-110 of the RDEIR, a 2000 acre vineyard expansion is mentioned, but the Table indicates planned vineyards of 1026.1 acres; p. 2-110 indicates some water usage for the Residential Cluster and the Future Development Program, but the Table does not indicate any. Several major components of Tract 2586 are missing from the Table including two wineries, a farm/ranch headquarters, a bed and breakfast, and farm worker housing. The Table also omits some of the components of the Future Development Program described on p.1-1. The Table does not show the 1466.17 ac-ft of water demand from Table 4.14-2 in the DEIR for the Future Development Program. Where are the "Planned Orchards" to be located, what type of orchards are they, and how does this correlate with the indicated water demand? This information is required by CEQA. Since there is no commitment to retire "the 402 lots allowable under the Salinas River Plan," the potential water demands of these lots, the golf course, etc. must be addressed as part of the cumulative impacts indicated in Table 4.14-2 of the original DEIR.

5. TRACT 2586 SCOPE OF PROPOSED DEVELOPMENT: P. 1-1 states that Tentative Tract 2586 is the Ag Residential Cluster Subdivision which includes 111 clustered homesites and one ranch headquarters. However, p. 2-33 of the DEIR states that Vesting Tract 2586 includes two wineries, two ranch/farm headquarters and several farm support buildings. Which is correct? Such conflicts in the descriptions of the basic scope of the project are confusing and hamper the ability to make sensible comments.

6. ADDITIONAL RESIDENTIAL LOTS: CEQA requires all possible project alternatives to be analyzed. However, the RDEIR omits analysis of 402 residential lots potentially allowable under the Salinas River Plan. The development rights to these lots must either be retired or potential project alternatives involving these lots must be analyzed.

7. NEW ALTERNATIVES: The three new alternatives proposed for the Agricultural Residential Cluster Subdivision are not developed in sufficient detail to determine interrelationships with other proposed ranch development with respect to water and wastewater, or to make a reasonable comparison with other alternatives that are more fully developed. Table 3-1 purports to compare alternatives, but + and – signs are no substitute for hard data which is required by CEQA.

8. COUNTY POLICIES: P. 2-112 proposes an imported water supply to serve the Agricultural Residential Cluster Subdivision. P. 2-116 indicates that untreated imported water from Nacimiento or from the State Water Project would be used for agriculture to offset groundwater use for the Cluster. So, imported water really would not serve the Cluster. As correctly pointed out in the RDEIR, this violates both Ag Policy 11 and its provision that groundwater be used for agriculture not housing, and the County's Framework for Planning and its goal of maintaining a distinction between urban and rural development by not providing for rural uses from urban and village areas. The WRAC

does not recommend deviating from these established county policies and is concerned that doing so would set an unfortunate precedent throughout the county.

9. IMPORTED WATER PROPOSED AS MITIGATION: The RDEIR does not prove the feasibility of proposed mitigation W-1(c) Imported Water as required by CEQA. So imported water cannot be considered a mitigation at this time. Monitoring has also been added as a proposed mitigation. However, while monitoring of the environment and related water usage is certainly critical and must be a condition of development, monitoring by itself cannot be considered a mitigation unless it is tied to specific thresholds where mitigating actions are initiated that increase water supply and/or decrease consumption and prevent environmental degradation. On p. 2-112 it states that Santa Margarita Ranch, LLC has an allocation of Nacimiento water. However, we understand the Nacimiento Pipeline Project EIR only identifies the Ranch as a **potential participant** without an allocation and no executed agreements for water.

10. IMPACTS OF IMPORTED WATER PIPELINES: Pp. 2-114 thru 2-118 cover alternative SWP and NWP connections and routing of piping to service the proposed project. The RDEIR just describes pipe routing and connection alternatives but does not analyze the environmental impacts in sufficient detail to determine the feasibility of the proposed alternatives as required by CEQA. Instead, the RDEIR states that separate EIR's would be done for the connections. This does not conform to CEQA which requires the feasibility of all possible project alternatives to be included in one project EIR. P. 2-112 attempts to incorporate EIR's and MND's from other projects associated with State water and Nacimiento water into the RDEIR for this proposed project. We question the validity of using old EIR's and MND's on later projects because environmental conditions and criteria change over time. Additionally, the Final EIR for the Nacimiento Pipeline, on p. 7-18, warns of the negative consequences of allowing the use of pipeline water to drive speculative development and cause growth inducing, Class I impacts. Importation of Nacimiento water to the rural Santa Margarita area could have such impacts because the resulting availability of large amounts of imported water would make development much easier and more financially attractive while increasing pressure on governmental agencies to allow it.

11. IMPORTED WATER PIPELINE CONSTRUCTION: P. 2-117 states that pipelines require an 8-foot wide trench. Is this a construction excavation? Does this width include vegetative clearances and right-of-way easements?

12. MANAGEMENT PLAN FOR IMPORTED WATER: The RDEIR indicates ranch owners would be responsible for construction, operation, maintenance and monitoring of any service connection to SWP or NWP. Who are ranch owners? The original developers? Cluster home owners? Vineyard owners? Both? CEQA requires the EIR to demonstrate the feasibility of the proposed management and administration of mitigations and having in place this structure prior to construction. For example, how will the capital and operational needs be funded? This demonstration is missing from the RDEIR.

13. FEASIBILITY OF IMPORTED WATER: There is no discussion of the known difficulties or feasibility of obtaining the necessary quantities of State water and Nacimiento water and the reliability of those sources during periods of drought. This information is required by CEQA. Furthermore, the underground storage capacity and ability of the aquifer to meet water demands during prolonged drought conditions is unknown and not analyzed in the RDEIR. The Resource Capacity Study is needed to ascertain this information for analysis.

14. CLIMATE CHANGE IMPACTS: P. 2-110 states that **average** annual rainfall and evaporation rates were used for the water demand calculations. P. 2-35 lists impacts on water from Global Climate Change. The core principles of CEQA require public agencies to address climate change, the impacts of which will clearly reduce water availability. Accordingly, the use of **worst-case** rates instead of **average** rates would more nearly account for the impacts of GCC.

15. IMPACTS OF AQUIFER DRAWDOWN ON THE COMMUNITY: P. 2-111 states that Margarita Farms is the only non-agricultural development **on the Ranch property** that draws from the same aquifer as the proposed project. This statement is misleading and beside the point because the community of Santa Margarita and other residences in the area draw water from the same aquifer. What are the impacts of the proposed project on users outside of the project boundaries like these users? This information is required by CEQA.

16. CONSUMPTIVE USE AND RECHARGE: Pp. 2-111 asserts that 40% of rural residential water use and 32% of agricultural use returns to the local aquifer. Sources and calculations for these percentages must be provided. If 40% of residential water use is assumed for interior use, it would require 100% of the interior water to make it to the septic system and into the basin – an unlikely occurrence. With respect to agricultural water, if it is applied properly, almost no basin recharge occurs because the water would not go much deeper than the root zones. Not knowing the location of the basin relative to the agricultural and residential locations precludes knowing if potential recharge water would even reach the basin. The effect of the area's clay soil which reduces recharge to the aquifer is not addressed. There is no accounting for the portion of the water use that flows to the Salinas and does not recharge the aquifer. A water balance calculation should be provided to show the whole picture and should include all of the possible uses described in the EIR. This information is required by CEQA.

17. IMPACTS ON STREAM FLOWS AND TROUT: The discussion of mitigations of impacts on steelhead trout on Pp. 2-74 thru 76 omits analysis of impacts on stream flows from the project's increased water usage. Also, there is no analysis of impacts from existing operations, and baseline data is missing. This information is required by CEQA. We note that NOAA recommends no decrease in stream flows. A possible mitigation could be the plugging of all existing wells that likely extract water from the underflows of streams that historically have supported steelhead populations.

18. IMPACTS ON SEASONAL POOLS: The existence and importance of Seasonal Pools are acknowledged on p. 2-50, but no mitigations of impacts are mentioned. This information is required by CEQA.

19. IMPACTS ON OAKS: The impacts of falling water tables on oak stands should be analyzed. This information is required by CEQA.

20. AGENCY DOCUMENTATION: Members of the public have asked the WRAC to request from the various water-related governing agencies any and all correspondence and documentation involving Santa Margarita Ranch water and water related environmental issues in order to help analyze proposed project impacts. Such documentation in the possession of or controlled by the applicant must be included and evaluated.

21. SUMMARY: The WRAC believes the above comments demonstrate that the RDEIR is seriously deficient because it contains numerous, serious and substantial errors, omissions, and inconsistencies that hamper meaningful public comment

Thursday, March 13, 2008

Martha Miller, Project Manager
County Planning and Building Dept.
976 Osos St., Rm, 300
San Luis Obispo, CA 93408-2040

Dear Mrs. Miller

The Santa Margarita Area Advisory Council has formally approved the attached comments regarding the Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program Revised Draft EIR (Tract 2586).

Sincerely

Wes Burk
Chairman
Santa Margarita Area Advisory Council

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1. SMAAC agrees with the statement on pg. 2-90 which states, "... all roadway segments are projected to
operate at acceptable LOS with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems on SR 58 near J Street."

2. The statement on pg. 2-91, "The forecast traffic volumes at the intersection of El Camino Real/Wilhelmina Avenue will capture traffic that uses I Street as a shortcut to bypass El Camino Real. The existing El Camino Real/Wilhelmina Avenue intersection volumes do not suggest that a substantial amount of traffic uses I Street as a shortcut. Fewer than 60 vehicles, in each direction, currently turn to/from Wilhelmina Avenue to El Camino Real during each peak hour. Therefore, even with additional congestion on El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision, "cut-through" traffic on I Street would not result in unacceptable levels of service at I Street intersections." may or may not be true. SMAAC believes that mitigation exploration should occur and should include the input of the neighbors in the subject area.

3. SMAAC agrees with the statement on pg. 2-92 which states, "...The majority of Agricultural Residential Cluster Subdivision project traffic will travel through this intersection, thus increasing the number of drivers experiencing the existing sight distance deficiency."

4. The paragraph on pg. 2-93, "U.S. 101 Northbound Off-Ramp to SR 58. The applicant shall pay fair share fees toward applicable Caltrans project development, including a Project Study Report (PSR), and lengthen the deceleration length from 140 feet to 250 feet from the US 101 mainline to the northbound off-ramp to mitigate the Agricultural Residential Cluster Subdivision's impact to the ramp junction." needs significant supporting documentation from Cal-Trans.

5. With regard to water, SMAAC believes that the project should not impact any existing communities water supply in a negative way.

6. The table on pg. 2-111 should include wineries, bed & breakfasts and special events

7. SMAAC believes there is an inconsistency in the paragraph on pg. 2-115 stating, "Maintenance would consist of turnout flow meter calibration, occurring approximately once every one to two years, and electromechanical work at pump stations and/or leak repair as needed. Ranch owners would be responsible for the construction, operation and maintenance of any service connection to the SWP facilities serving the Ranch." We believe the mutual water company would be responsible for the construction, operation and maintenance of any service connection to the SWP facilities serving the Ranch.

Santa Margarita Area Residents Together
PO Box 50
Santa Margarita, CA 93453

Comments:
Revised Draft Environmental Impact Report
March 27, 2008

We appreciate the opportunity to participate in the public comment process on the Revised Draft Environmental Report (RDEIR) for the proposed Agricultural Cluster Subdivision (ACS) and the Future Development Program scenarios (FDP) as published by Rincon and Associates. Below are our comments.

INTRODUCTION

The RDEIR is a study in dichotomy. The land area in which both the ACS and FDP projects are proposed is burdened with much extensive bio-diversity and situational uniqueness. It is shown by the RDEIR that there is no one area that is suitable for the extensive scope of either the ACS or the magnitude of FDP proposals. As an example, the location in which the applicant has proposed the ACS produces untenable traffic impacts to a road infrastructure already hampered by problems with road alignment, sight-distance issues, and locations of school, railroad tracks, hills, and arterials. Other locations studied could reduce these traffic impacts, but in doing so they introduce other equally untenable impacts. Locations north of Santa Margarita increase impacts to prime agricultural soils. Locations west of Santa Margarita increase impacts to emerging wetlands. It is our assessment that the both the ACS and the FDP provide excessive impacts to the environment and the community of Santa Margarita but provide little or no benefits to either.

The proposed ACS does not meet criteria set by the County of San Luis Obispo Agricultural Subdivision ordinance that requires a 95% to 5% ratio of open space to development. The RDEIR states the ACS provides only a 82.1% to 17.9% ratio. This project must be reconfigured to conform to the appropriate ratio to go forward as an ACS. If the developers choose to subdivide a larger percentage than 5%, it would be more appropriate for them to apply for a subdivision rather than the ACS.

It is the opinion of the Board of Directors of SMART that the concept of Agricultural Subdivisions carries with it the endemic problem of sprawl. Development should not occur as isolated pockets of exclusive bedroom communities. We believe this concern is officially shared by the County. We point it out here for emphasis.

The publication of two separate Environmental Impact Reports under one cover presents it's own set of irreconcilable dilemmas. CEQA law requires full study of cumulative impacts, yet the vague nature of the FDP portion of the RDEIR does not allow adequate study of these cumulative impacts. CEQA law has a name for the process proposed by the developers: Piecemealing. County land-use ordinances and standard practices offer a solution to this problem and it also has a name: Specific Plan. We believe the current path of phased proposals violates County Statutes and State Law and as a result the current RDEIR deviates from legal requirements.

Though we disagree with these precepts of the FDP, SMART recognizes it is incumbent upon us to participate in the RDEIR comment process. Our participation in no way is to be considered an endorsement of this portion of the EIR process. We agree with the consultants' assessment of the serious class of impacts associated with this project.

AGRICULTURAL RESOURCES

Our original comments are still relevant with the following changes as a result of the RDEIR. We still support the DEIR's conclusions concerning the Class I impacts that are significant and unmitigable.

We now propose eliminating lots 17, 19, 20, 24, 25,26, 29, 30, 40, 66, 71, 72,73, 80, 81, 82, 83, and 84, to avoid the loss of, or to avoid the direct negative impact on, existing prime soils and potential prime soils, and to provide adequate buffers to this resource.

We continue to propose the elimination of any uses in the FDP that encroach on prime soils. (eg; The historical area, the proposed wineries, various ranch headquarters, etc.)

As stated in the RDEIR, the proposed ag cluster violates the County Ag Lands Clustering Ordinance by placing only 82.1% of the site in open space and converting 17.9%, instead of the required of the required 5% footprint for development with 95% set aside for open space. **This in itself should be adequate grounds for rejecting this proposed project.**

We once again stand by our original comments that the DEIR must evaluate the worst-case scenario with regards to potential significant impacts. Because of this, all FDP impacts have the potential of being class 1 and must be addressed accordingly. **Reducing and restricting what is allowed in the FDP, and eliminating uses, is the only way to avoid or to lessen these impacts. Elimination of future development potential could and should be used as mitigation for impacts if any ag cluster proposal goes forward.**

AIR QUALITY

The RDEIR does not adequately address GCC and GHG impacts due to the FDP. As stated above, the worst-case scenario must be considered for all FDP impacts, and cumulative impacts (ACS plus FDP) must be addressed and mitigated, if possible. **SMART cannot stress enough that this is the reason the courts included analysis of the FDP in this DEIR – to analyze, as best as possible, the cumulative effects of this project (the ACS) and future build-out (the FDP).**

BIOLOGICAL RESOURCES

While we support the new requirement of an Oak tree Inventory, Avoidance and Protection Plan as outlined beginning on page 2-67 and ending on page 2-73, we still feel the best mitigation is to eliminate the impacts. Therefore our original comments are still pertinent with the following revisions to the elimination of lots.

We continue to propose the elimination of lots according to listing on page 2-63 of the Revised DEIR. (Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 30, 31, 32,

33, 34, 35, 36, 37, 38, 39, 40, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 87, 89, 91, 93, 97, 98, 112, 113, & 115 to avoid impacts and losses to the oak woodland.

Additionally, the RDEIR suggests that an Oak Tree Inventory be prepared prior to issuance of a grading plan. We submit that this inventory should be part of a DEIR. In order for the impacts to Oak Tree habitat to be analyzed, a census of oak trees needs to be performed as part of the EIR process. It would be impossible for impacts to be analyzed without knowledge of the actual number and species of oak trees in a given area. The methodology of aerial surveys is inadequate. There instead should be a drawing for each proposed lot indicating the location, species, and drip line of each oak tree within the proposed lot.

Members of the SMART Board of directors were able to personally survey some of the proposed building sites. We noted that blue stakes representing potential building sites were located in some cases where the canopies for adjacent trees were almost touching. This would indicate that building would not be possible outside the drip line, as required.

The language in the RDEIR that suggests, "development within proposed lots shall avoid the removal of oak trees to the maximum extent possible" is inadequate. SMART rejects the concept that "building envelopes" can be established to eliminate impacts to oak trees that would be outside the envelope. There is no process in place that would prevent future homeowners from building barns, garages, horse arenas and driveways outside the building envelopes. We submit that any oak tree within a parcel is vulnerable to future impacts and must be mitigated.

STEELHEAD

Updated Steelhead Mitigation (pg 2-74) and **Updated California Red-legged Frog Mitigation** (pg 2-77) accurately discuss potential 'take' associated with grading disturbances. Neither section looks at 'take' associated with depleted water resources through current ag uses. While this RDEIR is not tasked with evaluating the impact of current ag uses on the property, these ag uses have in fact affected SS and CRLF habitat, and that impact has to be addressed in light of potential impacts from the ACS and the FDP.

TRAFFIC

SMART agrees with the language in the RDEIR that states, "the Agricultural Residential Cluster Subdivision will add traffic to locations with existing hazards and operational problems, including the SR 58 90-degree curve, US 101/SR 58 interchange, and limited sight distance along Estrada Avenue."

SMART disagrees with the language, "Implementation of proposed mitigation measures would improve hazards and deficiencies". We disagree because many of the mitigations proposed are not feasible or practicable. Leveling of the hill in Estrada Avenue east of H St. is one prime example.

On page 2-91, the RDEIR states, in regards to traffic impacts during school hours, that levels of service at specific intersections will not degrade to unacceptable levels. On the same page the RDEIR states, in regards to "cut through" traffic, that cut-through traffic

will not result in unacceptable levels of service. Residents of the area are not concerned with 'levels of service' . Residents are concerned about existing conditions that are now real hazards to public safety, problems that will be greatly exacerbated with increased traffic. The RDEIR does not address these safety issues and the very specific conditions that cause these hazards.

One paragraph in the RDEIR (pg.2-97) sums up our position that proposed mitigations to traffic impacts may never be implemented:

"Residual Impacts.
If the construction and occupation of residences occurs prior to completion of the above improvements, existing deficiencies and associated impacts would remain. Although proposed mitigation would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, and uncertainty regarding right-of-way acquisition, ***it cannot be assured that all improvements would be feasibly constructed prior to occupation of the proposed residences. As a result, impacts would remain significant and unavoidable.***

The improvements referenced are mitigations for impacts from the ACS project. Occupancy permits are conditional upon completion of those improvements, as mitigation for increased traffic congestion. SMART concurs with the statement above that there is no guarantee the required mitigations may ever be implemented, therefore logic dictates there are no mitigations possible for the specified impacts, and they are Class I impacts.

WATER

Table 4.14-1 (pg 2-111) notes the current vineyards' "actual consumptive demand is estimated at approximately 400 afy." An authoritative, independent source must be cited for this information. If it is developer-generated data, it is biased and cannot be used. There is ample evidence to suggest the current ag operations are using more water than is reported. Members of the SMART Board of Directors have had opportunities to tour the Santa Margarita Ranch since the DEIR comment period. We have observed that an extensive water delivery system has been installed on the ranch in the vicinity of the proposed development. We also understand there is anecdotal evidence that increased water pumping by the ranch has caused harm and degradation to riparian habitat.

There is not adequate information on the actual pumping of groundwater on the Santa Margarita Ranch. Pumping amounts are likely significant in relation to available water table capacities. **Once again, an independent monitoring program must be in place before any analysis of current use patterns can be used to establish future impacts.**

(pg 2-112) Residual Impacts. The RDEIR clearly states external water sources (SWP or NWP) are uncertain and unreliable. This ACS project must address water needs **before** any permits are granted. Reliance upon potential, questionable future water supplies is not sufficient to condition any project.

The RDEIR goes on to address the many impact issues associated with external water sources, but none of these can be of relevance unless the current ACS project is shelved till one or more external water sources becomes available.

Most importantly, the RDEIR does not address cumulative impacts of water demand with the addition of the FDP, as required. The FDP includes significant development that is potentially water intensive, including wineries and wine-grape processing stations. These FDP proposed uses are significant and their water demand must be included in analysis.

ALTERNATIVES

We agree with the conclusion on page 3-41, that the Reduced Project Alternative (#14) is environmentally superior to all the others (with the exception of the No project alternative in the original DEIR). All of the other alternatives have trade-offs with regards to certain impacts being reduced while others are increased. Therefore, if any type of Ag Cluster is allowed to go forward it should be done so with a greatly reduced number of dwellings.

SUMMARY

In conclusion, it is SMART's position that although the DEIR and the RDEIR has done a commendable job of pointing out Significant Class I and Class II impacts, the vague conceptual nature of the Future Development Program makes it impossible to accurately assess far-reaching cumulative impacts of this project at build-out.

We suggest that if any ag cluster proposal is allowed to go forward, an **elimination of various parts of the future development program** seriously be considered as part of the mitigation. The Santa Margarita Community does not want or need the amount of development presently proposed. If a project is to happen, let it be done so the historic and environmental significance of the ranch is retained.

End of DEIR Comments

for: John Becia

SMART BOARD OF DIRECTORS

Email and Fax to:
Martha Miller, County Planning
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781-5624

From: Susan Harvey
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March 26, 2008

Martha Miller
Department of Planning and Building
County of San Luis Obispo
County Government Center, Room 200
San Luis Obispo, CA 93408

Subject: Santa Margarita Ranch Re-circulated DEIR

This development results in Class I Impacts to Prime and Important Agricultural lands and resources. It does not comply with the provisions of the County's Agricultural Clustering Ordinance:

> **It should also be noted that Section 22.22.152(D) of the Land Use Ordinance requires that the open space area of an agricultural residential cluster subdivision be at least 95% of the gross site area, with clustered development allowed on the remaining 5%. The proposed Agricultural Residential Cluster Subdivision would convert approximately 17.9% of the gross site area, placing only 82.1% of the site in open space.**
>
> Mitigation Measures. No feasible measures are available that would mitigate impacts to the grazing unit and prime soils located on the Agricultural Residential Cluster Subdivision site without substantial redesign of the proposed Agricultural Residential Cluster Subdivision. Residual Impacts. Impacts would remain Class I, *significant and unavoidable.* (RDEIR 2-14,15)
>
> The Santa Margarita Ranch contains approximately 416 acres of Prime Farmland. The Ranch also contains approximately 389 acres of Farmland of Statewide Importance and 105 acres of Unique Farmland. In addition, the Ranch contains approximately 443 acres of Farmland of Local Importance and 3,788 acres of Farmland of Local Potential. (RDEIR 2-6)

For these and other reasons, North County Watch supports the No Project/Existing Zoning Alternative as the only alternative that minimizes the aggregate of Class I and II impacts.

North County Watch P.O. Box 455 Templeton, CA 93465

Air Quality

Agricultural activities near the proposed cluster could pose health and air quality risks:

> **This may include agricultural burning of materials in close proximity to or upwind of Agricultural Residential Cluster Subdivision residences, which may create nuisances and negative health effects.** These would be potentially significant land use compatibility impacts. (2-15)

The impacts to Air Quality and health risks to vulnerable populations of proximate agricultural burning have not been assessed.

Neither the draft EIR nor the re-circulated DEIR consider or account for the increased PM10 levels that will be generated over the lifetime of the development by an extensive network of non paved driveways, as there are no requirements to pave driveways which could be 18' or wider and undetermined length. If driveways are paved, additional impacts of increased runoff should be analyzed.

> All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; (2-30)

A Construction Management Plan is required that will show that the project will show

> ...how the project will not exceed continuous working of more than four acres at any given time (according to the APCD, any project with a grading area greater than 4 acres of continuously worked area will exceed the 2.5 ton PM_{10} quarterly threshold). (2-30)

Whereas driveways are not equivalent to a situation of "continuous working", a conservative estimate of 2 round trips daily could be assumed. Using a theoretic model of an 18 foot wide driveway to the center of a 330x330, two and a half acre parcel, there is an equivalent of 7.57 acres of unpaved driveways. (165'x111 residences = 18,315 x 18'wide = 329,670 square feet divided by 43,560 = 7.57 acres). Over the lifetime of the subdivision, this is not an inconsiderable impact.

Offsite emission reduction measures should be commensurate with the expected impact life of the subdivision.

Green House Gases

Green Houses Gases could be lessened by limiting the total square footage of each new residence to 2500 square feet.

The Global Warming section made no analysis of carbon sequestering values of oaks to be removed, or the carbon sequestering value of the conversion of native perennial grasslands. These impacts need to be analyzed.

North County Watch P.O. Box 455 Templeton, CA 93465

Transportation and Circulation

Significant requirements for road improvements, widening etc. are required. These include, but are not limited to:

SR 58 South of J Street,

Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access),

U.S. 101 Northbound Off-Ramp to SR 58 - lengthen the deceleration length from 140 feet to 250 feet from the US 101 mainline to the northbound off-ramp to mitigate the Agricultural Residential Cluster Subdivision's impact to the ramp junction,

Northbound U.S. 101 off-ramp merges with eastbound SR 58 provide 400 feet of merging distance to meet Caltrans' current design standards,

Designs for the revised park and ride and frontage road access,

U.S. 101 Southbound Off-Ramp to SR 58, extend the deceleration length from 250 to 550 feet for the southbound off ramp to provide acceptable freeway ramp diverge operations under Cumulative Plus Agricultural Residential Cluster Subdivision conditions.

Widen Estrada Avenue, between El Camino Real and the railroad tracks, to provide a dedicated northbound right-turn lane.

Widen El Camino Real to provide a separate left-turn lane for westbound El Camino Real traffic to turn onto southbound Estrada Avenue.

Reduce the super elevation of the El Camino Real curve at Estrada Avenue.

Because these improvements are required for the subdivision, CEQA requires that the environmental impacts of these required improvements be analyzed also and included in the DEIR to avoid piecemeal. This additional information does not appear to be included in this analysis.

Water and Wastewater

Regarding the use of SWP or NWP water, the DEIR states:

> **Agricultural Residential Cluster Subdivision measures B-3(a) (Tree Identification), B-3(b) (Heritage Oak Tree Avoidance), B-3(c) (Oak Tree Protection and Mitigation and Monitoring Plan) and B-4(a) (Wetland and Riparian Protection) would apply to this NWP delivery option. Since the precise location of water pipelines has not been determined, precise environmental impacts associated with such improvements would be too speculative to address at this time. Environmental impacts associated with implementation of this connection would be evaluated in a separate environmental documentation prepared pursuant to the California Environmental Quality Act (CEQA). (2-17, 18)**

CEQA requires all potential impacts be evaluated. Because SWP or NWP water will be required for the subdivision, deferring analysis of the impacts of construction of the water delivery infrastructure for SWP or NWP is not acceptable under CEQA and is piecemeal. Construction of water delivery infrastructure, i.e. underground pipelines laid over eight foot wide right-of-way, will surely significantly impact riparian, wetland and oak woodland habitat. How can a subdivision application be determined to be complete if the precise location of water pipelines has not been determined? North County Watch does not agree that claiming that such improvements are speculative satisfies CEQA when it is clear that NWP or SWP water will be required for the development.

Regarding SWP and NWP the DEIR states:

> The Agricultural Residential Cluster Subdivision would require the extension of water lines, and would require new wells and the acquisition of additional water supply (State Water and/or the Nacimiento Water Project) to serve the Agricultural Residential Cluster Subdivision. If these water lines are overbuilt, or excess State Water/Nacimiento Water is acquired, this could accommodate additional or more intensive development at off-site locations at some point in the future, thereby, removing an obstacle to future growth. (5-4,5)

No analysis has been made in the RDEIR as to what constitutes "overbuilt" or "excess". North County Watch believes that a case could be made that this analysis must be included to avoid inducing growth.

Alternatives

North County Watch regards all of the alternatives to be insufficiently detailed and analyzed for CEQA impacts to qualify as viable alternative choices. The RDEIR states:

> **Conclusion**
> Alternative 14 (Reduced Project Alternative) is environmentally superior overall, while Alternatives 12 (Amended Project), 7 (Tighter Cluster Alternative), 3 (Revised Cluster Design), and 13 (Smart Growth/Affordable Housing) are all superior to the proposed Agricultural Residential Cluster Subdivision in certain respects. (3-41)

A determination that one or another alternative is an environmentally superior alternative is premature because not enough analysis has been done. Making the assumption that mainly because a project has fewer housing units so it is environmentally superior does not satisfy or preempt an analysis regarding whether Class I or II impacts are still occurring and is misleading to the public and decision makers. There is not sufficient analysis or data to make the conclusion that the alternatives have fewer impacts and are superior. For example, if the alternatives resulted in nine Class I impacts, (a determination impossible to make since there is no analysis or data), that hypothetical determination merely establishes the alternatives as having fewer Class I impacts. It does not confer any superiority or de facto presumption of superiority. The constant, under CEQA, is not the proposed Ag Cluster Development with eleven Class I impacts. The constant is the No Project Alternative. Further, the newly proposed alternatives in the RDEIR are dismally lacking in detail and missing even an attempt at the full review of all the elements of a CEQA review.

For example regarding the Smart Growth Alternative, the RDEIR states:

> Access to the alternative site would be provided via an extension of Wilhelmina Avenue. Water service would be provided by a connection to the Nacimiento Water Project and sewer service would be provided through connections to a new wastewater treatment plant. Connection to the Nacimiento waterline would occur at the northern extent of Encina Avenue within the community of Santa Margarita. A pipeline would be constructed within the existing Encina Avenue right-of-way to the southern extent of the roadway at the Ranch boundary. The untreated Nacimiento water delivered to the Ranch would be treated on-site and used for Smart Growth/Affordable Housing Alternative residences. The wastewater treatment plant would be constructed with sufficient capacity to serve the project and be designed to expand to serve the community of Santa Margarita in the future. .... Water tanks would be relocated from the southern portion of the Agricultural Residential Cluster Subdivision to a hilltop within the alternative location. (3-21)

North County Watch P.O. Box 455 Templeton, CA 93465

> Although the exact capacity, features and location of the treatment plant have not yet been determined, as a reasonable worst case scenario, the plant could be located adjacent to and upwind from existing and future residences. Depending on the size, design, and operational characteristics of the wastewater treatment plant, adjacency to residential uses could result in odor nuisance impacts which would be greater than those expected for the Agricultural Residential Cluster Subdivision. (3-22)

There is no CEQA analysis of the impacts of the extension of Wilhelmina Avenue; no analysis of the impacts on future growth in Santa Margarita of NWP water or a new oversized wastewater treatment plant; no analysis of the capacity, location or features of the waste treatment plant or relocation of water tanks; or raw water treatment facilities. The Smart Growth Alternative would comply with the 5% gross site area, but there is inadequate analysis of the aesthetics, biology, geology etc.

> Although the exact capacity, features and location of the treatment plant have not yet been determined, as a reasonable worst case scenario, the plant could be located adjacent to and upwind from existing and future residences. Depending on the size, design, and operational characteristics of the wastewater treatment plant, adjacency to residential uses could result in odor nuisance impacts which would be greater than those expected for the Agricultural Residential Cluster Subdivision. (3-22)

The "worst case scenario" is asking the community, public and decision makers to take a lot on faith when the CEQA process should be providing these answers before a decision is made.

An assessment of better and worse is not an adequate analysis under CEQA when no data is provided. In eight pages of commentary, the RDEIR made the determination that 14 elements of the Smart Growth Alternative were either similar or better and worse (3-21 -29). It seems unlikely that this is an adequate analysis of the Smart Growth Alternative under CEQA.

Utilizing the untreated Nacimiento water "...for agriculture, while groundwater otherwise extracted for agriculture would be used for the Reduced Project Alternative." (3-29), violates Ag Policy 11 and its provision that groundwater be used for agriculture not housing, and the County's Framework for Planning.

Whereas, this DEIR also includes some analysis of some theoretical future development plans, (for which no applications have been received) based on the outcome of a former settlement agreement, it is entirely inappropriate to consider CEQA certification for any portion of this document that addresses any Future Development Program. All aspects of the Future Development Program are purely speculative and can only be the basis for a cursory CEQA review. The Future Development Program lacks enough data or specific project information for a comprehensive CEQA review as required by law. Further, CEQA reviews are time sensitive. It is impossible to make legitimate predictive analyses of environmental impacts. Certification of any aspect of the Future Development Program would confer unwarranted development rights.

Thank You,

Susan A. Harvey

North County Watch P.O. Box 455 Templeton, CA 93465

RECEIVED
27
S.L.O. CO. PLANNING DEPT.

DAVID BLAKELY
P.O. BOX 909
2526 F STREET
SANTA MARGARITA, CA 93453
PHONE 805.438-5956
dn@dbnb.us

March 26, 2008

Martha Miller, Project Manager
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

RE: Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program -- Revised Draft EIR

Dear Ms. Miller,

RDEIR -The Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program

The RDEIR does not address a number of weaknesses in the DEIR. Those are still outstanding issues.

Outstanding Issues with the DEIR.

In general the DREIR has not evaluated the plan for consistency with the following language of the Salinas Area Plan. Neither the DEIR nor the RDEIR have investigated all of the impacts from all uses proposed as part of this application.

1. The language of the General Plan is being misinterpreted.
   The San Luis Obispo County Land Use Ordinance, Section 22.104.040 (Salinas River Rural Area Standards), requires that a Specific Plan be prepared for the Santa Margarita Ranch area before any application is approved for subdivision other than a Cluster development."

The correct language from this document states:

A. *Santa Margarita Ranch: The following standards apply only to the area shown in Figure 7-24.*

   1. *Subdivision Requirement. All new land divisions that are proposed prior to approval of the specific plan required by Standard No. 2 shall cluster the allowed residential density of the Santa Margarita Ranch property ownership shown in Figure 7-24 in accordance with agricultural lands clustering standards of Land Use Ordinance Chapter 22.04. This agricultural clustering division* ***shall reconfigure and /or relocate existing parcels*** *with minimal or no visual impact on Santa Margarita, Garden Farms and Highway 101.*

   2. *Specific Plan Requirement. A specific plan is required to be prepared for the entire Santa Margarita Ranch as shown in Figure 7-24, to be in accordance with California Government*

Code Section 65450 for review and approval before an application is approved for any subdivision of land other than the agricultural cluster division that is allowed by Standard No. 1 above. This restriction shall not apply to lot line adjustments.

Including this exact language is important as there is an issue in regards to the language that requires that "This agricultural clustering division shall reconfigure and/or relocate existing parcels…" The current proposal does not relocate or reconfigure existing parcels as stated in the General Plan.

This proposal includes two wineries and ancillary uses within the area covered by the ACEs. The EIR must analyze the impacts associated with the facilities and the special events held there. Even though there is not a request for these uses at this time it is imperative that their impacts are investigated or this application and the EIR for it are piecemealing the project. The developers have stated that they plan to build these wineries. CEQA is very clear about the inappropriateness of piecemealing a project.

This proposal is inconsistent with the Salinas Area Plan in that a number of parcels have been located and they are visible to the community of Santa Margarita. The plan states-

3. *This agricultural clustering division shall reconfigure and /or relocate existing* ***parcels*** *with minimal or no visual impact on Santa Margarita, Garden Farms and Highway 101.*

Page 2-13 Table 2-3 The FDEIR does not address the proposed winery within the boundaries of this project. If a winery currently exists or if a winery or multiple wineries are requested then the impacts associated with them must be discussed. Since wineries are allowed in the open space parcel their impacts must be investigated. Traffic and water utilization must be investigated and mitigated.

Allowable uses on parcel 42 must be delineated. Parcel 42 is the ranch headquarters parcel. Since this parcel is to remain in the AG zone there are a variety of uses that could have significant impacts. These impacts must be addressed at this point in the process or this project will violate CEQA as segmentation.

Page 2-33 of the DEIR Last paragraph. If the following uses are proposed for the land under the ACE then their impacts must be mitigated. These uses are not studied in the Traffic or Water or Drainage studies of the DEIR. No where is there a discussion of the impacts associated with the wineries or the proposed bed and breakfast. Yes, they are not being proposed at this time but if they are being contemplated they must be mitigated or the project is piecmealing the development to avoid impacts.

The DEIR states on page 2-33 that,

> Vesting Tract 2586 includes two wineries, two ranch/farm headquarters (each 2.5-acres in size), one primary residence, and several farm support buildings within the Agricultural Conservation Easements (ACEs) associated with the Agricultural Residential Cluster Subdivision. One winery would be located on a five-acre site at the Margarita Vineyard site (previously the Mondavi Vineyard) in the northern portion of Lot 86, approximately 5 miles south of the community of Santa Margarita. A second winery would be located near the center of Lot 42 and include a 20,000 to 40,000 square foot agricultural processing facility with on-site tasting, gift shops, and a bed and breakfast. One ranch/farm headquarters would be located approximately 800 feet east of the Lot 86 (Margarita Vineyard) winery and include farm worker housing on approximately 2.5 acres. A second ranch/farm headquarters would be located approximately 1,200 feet north of the Lot 42 winery and include farm worker housing as well as one single family residence on approximately 2.5 acres.

Page 2-34

Each of the nine wineries, two (2) of which are within the Tract 2586 boundaries , in the Future Development Program are anticipated to host up to 42 special events per year. The following event sizes are probable: six events accommodating 1,000 people, six events accommodating 500 people, six events accommodating 300 people; 10 events accommodating 200 people; and 14 events accommodating 100 people. Each of wineries includes a 5-acre processing facility with on-sit tasting room, gift shops and a bed and breakfast. Initial production is estimated to be 5,000 tons, with a maximum production of up to 20,000 tons at each winery.

The impacts caused by this portion of the project are not discussed in the water balance calculations as well as other areas studied in the DEIR. The impacts of these uses must be understood and analyzed as part of this DEIR. If the application is asking for these uses the impacts of them must be understood and mitigations must be developed.

Section 2.1 Agricultural Resources

It is good to have the clarity expressed in the RDEIR concerning the quality of the soils and their level of prime status. It is of interest that the number of soil types found on the ranch that are prime increased from 9 to 13 with irrigation and from 16 to 20 without irrigation.

It is also interesting to note that the future Development Program (FDP) will impact 758 acres of prime Ag land instead of the original 573 acres.

Page 2-14 - Tract 2586 is not consistent with the Ag Cluster ordinance in that the amount of open space required of this project is insufficient. This proposal will use 676.7 acres of land this would require almost 12,000 acres of open space. The current proposal will only commit 82.1% of land to open space and not the 95% required by the ordinance.

Section 2.3 Biological Resources (page 2-41)

Page 2-61 The reevaluation of the number of oaks that may be removed confirms that an estimated 200 to 400 oaks would be removed or impacted. The third paragraph on this page does an excellent job of explaining the impact this project will have on the oak wood lands and justification of the Class 1 impact.

Page 2-74 Updated Steelhead Mitigation

Paragraph 1- By definition the RDEIR cannot reduce a violation of the Endangered Species Act as there will be a taking of Steelhead. An investigation by the National Marine Fisheries is involved in a currently under way of the Ranch for potential violations.

There must be an analysis and appropriate mitigations to the current grading and agricultural practices such as pumping the ground water causing a drop in creek levels, destroying critical habitat for the steelhead.

The future development scenario must look at the impact of ground water pumping for agricultural purposes on the endangered steelhead population There can be no mitigation to a taking of a federal species.

By reference the recent study of the steelhead in creeks that traverse the ranch should be included in the RDEIR.

Page 2-74 The Mitigation, Minimization and Protection Plan should be completed before application is processed at the Planning Commission as findings may limit development areas thereby changing the development envelope of the projects.

Page 2-74 and 2-75
Mitigations should ensure that there will be no ground water pumping that will affect the water levels in creeks that traverse the project.

Page 2-76 Last Paragraphs
The conclusion that the impact to Steelhead is Class 2 is not supported by the facts. The facts cannot be done until the Mitigation plan has been completed and approved. The conclusion that this is a class 2 impact presupposes the plan will be able to reduce the impact to a level of insignificance. The level of significance will not be known until the plan is presented reviewed and accepted.

Page 2-77 Red-legged Frog (RLF)
By definition the RDEIR cannot reduce a violation of the Endangered Species Act as there will be a taking of RLF.

There must be an analysis and appropriate mitigations to the current grading and agricultural practices such as pumping the ground water causing a drop in creek levels,destroying critical habitat for the rlf (Red Legged Frog).

The future development scenario must look at the impact of ground water pumping for agricultural purposes on the endangered rlf population There can be no mitigation to a taking of a federal species.

A plan is not mitigation. The mitigations discovered in the plan must be part of any project being proposed and this information must be presented at the earliest possible time of the project.

There have been sightings of California Condors on the proposed development site. The EIR has not investigated this and has not developed any mitigations for potential impacts to the condors.

Section 2.4 Drainage, Erosion and Sedimentation

Page 2-82 It is good that the RDEIR clarifies the criteria for the detention basin yet there is no requirement that the basin be maintained in perpetuity and no revenue stream for ongoing maintenance is identified. The project may be constructed but it will not mitigate the impact unless there is an adequate and sustainable revenue stream for maintenance and operation. With out these assurances this mitigation cannot reasonably mitigate the drainage impact.

Section 2.5 Public Safety

This section has not considered the letter from the Santa Margarita Fire District and does not address their concerns.

In the area of fire safety it still remains that a donation of land for a new fire station does not mitigate the impacts created by this project. The issue will only be mitigated when the fire station is built or an agreement is ratified with the Santa Margarita Fire District. A plan is not mitigation.

Page 2-84

i. Indicates that there has been a Hazardous Materials Records Review but the results of that review are not included. The raw data of this review should be appended to the FEIR

Section 2.7 Transportation/Circulation Page 2-90

Page 2-91 There must be a study and analysis of the traffic impacts of traffic that will short cut down I street to avoid congestion at the railroad, El Camino Real, Entrada (Highway 58).

The description in the FDEIR is inadequate in explaining the potential problems residents will experience on I Street in Santa Margarita. The analysis that leads to the conclusion that there will not be any issues with cut through traffic is totally inadequate. With additional traffic from this development combined with the additional traffic going to the school and peak hour trips there will potentially be significant impacts to traffic on I street if a train blocks Entrada Ave. during school hours and peak hour trips.

Section 2.8 Water and Wastewater Page 2-110

Page 2-110 Updated Analysis – In doing the calculations of water demand for the future agricultural use there must be assurances that any ag wells that are developed to provide water for the additional 2000 acres of vineyards does not adversely impact the community of Santa Margarita's ability to get water from their nearby wells.

All water quantity testing assumes that the ground water will be indefinitely replenished. There are no guarantees that the ground water will recharge at the rate predicted and there is no evidence supporting long term ground water recharge.

Impacts are so significant that many can not be mitigated creating Class 1 impacts. There are also many impacts that will require so much to mitigate they can not reasonably be done and those impacts should also be Class 1.

It is not clear as to why imported water has become the water source for this project. If imported water is to be used for this project it appears that this will be in direct violation of San Luis Obispo County Ag policy 11. Using supplemental water for an Ag cluster will set a very dangerous precedent for development in this county and run contrary to the County's adopted Smart Growth Principals. Supplemental water should only be used for urban uses and not to allow development on existing Ag parcels.

Page 2-110 Last Paragraph, last sentence. "This demand factor accounts for average annual rainfall and evaporation rates measured in the area". This standard is flawed and will present bad conclusions as we have not had an average annual rainfall year in many years. The demand factor should be based upon a worse case scenario. As discussed in the Global Warming section of the RDEIR the amount of rainfall could change. Instead of using the average rainfall as a basis a more conservative approach should be used.

Page 2-111 Table 4.14-1 At the bottom of this chart there is a presentation of information on Planned Orchards and Planned Vineyards. This information is incomplete as it does not present information on planned wineries and other ag/industrial uses on the property. By adding in this information there will be additional demands on the areas water resources.

Page 2-111 "...Margarita Farms is the only non – agricultural development on the Ranch property that draws from the same aquifer units as the proposed Agricultural Residential Cluster Subdivision and Future Development Program." If this is true then there must be additional study to understand the

potential impacts on the water quantity for the community of Santa Margarita which is drawing from this same aquifer.

Page 2-111 Consumptive use. Because much of the Santa Margarita Ranch has heavy clay soil the amount of ground water recharge will be less. More water will run off into the creeks and less will percolate into the ground water basins. Since the soil is heavy clay the values for ground water recharge are over estimated. If this is not true the study which was used to determine permeability must be included in the EIR.

Page 2-112 W-1(c) "Imported Water Supply. The applicant shall acquire imported water supply to serve the Agricultural Residential Cluster Subdivision. Potential sources include State Water and / or the Nacimiento Water Project. This should not be recommended as a mitigation as it violates Ag Policy 11 and needs further investigation to understand the potential cumulative impacts of this mitigation.

Page 2-115 First section. "Ranch owners would be responsible for the construction, operation and maintenance of any service connection to the SWP facilities serving the Ranch." The ranch owners have indicated that the water system will be under the control of a mutual water system and the EIR must look at the ongoing feasibility of such a group managing this infrastructure.

Page 2-116 It is inappropriate to present a mitigation as W-1(c) that is inconsistent with AGP11 of the San Luis Obispo County Agriculture and Open Space Element and goals established in the County's Framework for Planning.

The Final EIR on the Nacimiento Water Project states,

> "Potential Impacts Growth-inducing effects of the NWP on the Santa Margarita Ranch are determined to be potentially significant because it would cause the expansion of public water services into areas not previously served. In anticipation of supplemental water availability, there is the potential for an increased rate of urban development. Once the availability of additional water is assured, developers may be more inclined to invest or speculate on future development scenarios."

This information must be considered in understanding the Growth Inducing Impacts of this project.

General Comments on the EIR

This is an Ag Cluster subdivision within a larger subdivision of land and is inconsistent with county policy and ordinances in particular it is inconsistent with the Salinas Area Plan. In some previous cases it has been allowed to use the Cluster Ordinance not only to create clustered residential lots but it has also been used to create multiple large ag parcels. Tract 2568 is different because there is a planning area standard for the Santa Margarita Ranch which clearly states that

> *Subdivision Requirement. All new land divisions that are proposed prior to approval of the specific plan required by Standard No. 2 shall cluster the allowed residential density of the Santa Margarita Ranch property ownership shown in Figure 7-24 in accordance with agricultural lands clustering standards of Land Use Ordinance Chapter 22.04.*

Tract 2586 is being created out of three parcels

1. 5,371 acres
2. 544 acres
3. 280 acres

Tract 2586 is not only requesting the 111 clustered parcels but an additional 5 "open space" parcels plus 1 remainder parcel.

These 6 parcels are an additional subdivision of non clustered Ag parcels and therefore are inconsistent with the Salinas Area Plan.

Tract 2586 as requested by the applicant was for 111 cluster lots and one residence on parcel 42. The actual project should be described as 111 cluster lots, one residence on parcel 42 and 5 open space parcels and one remainder parcel.

This planning area standard clearly states that the property owner has two options for subdividing their property, one being an ag cluster the other being a specific plan. The additional 6 large parcels being created are a simple subdivision of land and are not ag cluster lots or lots created via a specific plan. The project description indicates that there will be 112 lots created but in fact there will be 117 lots created if this project is approved.

It is difficult to determine how many parcels are being requested as a result of this proposal. There should be a chart outlining the number of parcels their size and the development requested on them. In looking through the documentation I have found the following:

1. 111 residential cluster lots approx 1 to 2.5 acres each
2. Parcel 41 - 976.5 acres. Phase one ACE parcel (page 2-12 and map on 2-17 of DEIR)
3. Parcel 42 - with 1 dwelling unit 496.8 acres - Then this is not clear- one 20 thousand to 40 thousand square foot winery and a Bed and Breakfast with gift shop and wine tasting. I think this is also known as the Cuesta Ridge parcel.
4. Parcel 85 - 190.2 acres. Phase two ACE parcel 1144 acres - I think phase three is also using parcel 85 as the ACE.
5. Parcel 86 - 961.7 with one winery and one headquarters as stated on page 2-33
6. Parcel 116 - 1024 acres. Open space parcel for phase three
7. Remainder Parcel -2417 acres
8. Map on page 2-25 has Lot 37 listed as an AG Conservation Easement. I am not sure what that is. I suspect it is a typo but should be checked.

There must be a formal response to the issues raised by Lynda Auchinachie of the San Luis Obispo Ag Commissioners office in her memo to Martha Miller of the County Planning Department on 1/16/2008 10:42 AM.

> "Per my phone message, I am sending written concerns regarding smr proposal to subdivide the exiting 5,461 acre parcel into four ag parcels and one remainder parcel (please note-there is a fifth proposed ag parcel that is an existing parcel.). (Does APN 070-094-003 have parcels that I am unaware of?)
>
> The proposed subdivision raises significant policy issues and would result in significant environmental impacts to agricultural resources, especially precedent-setting impacts.
>
> The primary policy issue and resulting agricultural resource impact is created by allowing a double subdivision to occur:
>
> - First, by clustering the allowable parcels into a residential cluster, and
> - Second, creating additional parcels by subdividing the remaining agricultural land

Creating clustered residential parcels as well as subdividing the agricultural land, using the same qualifying use, creates residential-agricultural interface issues with multiple agricultural parcels and leaves each resulting agricultural parcel with less of the agricultural resource the cluster was meant to protect. This approach to agricultural land clustering fails to protect agricultural lands from fragmentation, which was the primary goal of the clustering policy. Such an approach, if permitted would set a precedent and allow future projects to create clustered residential parcels plus subdivide the agricultural land. With the potential for residential use/farmworkers housing on each proposed agricultural parcel, the likely result would be the development of far more residences in agricultural areas than would occur with either a standard subdivision or with an ag cluster as permitted to date.

Additionally, planning area standard 22.104.040 A.1 states "This agricultural clustering division shall reconfigure and/or relocate existing parcels with minimal or no visual impact on Santa Margarita, Garden Farms and Highway 101. It appears the intent of this sentence is to preclude further fragmentation of the Ranch by requiring the reconfiguration/relocation of exiting ag parcels rather than creating new ag parcels. If I am interpreting the area standard accurately, this would be yet another policy inconsistency as they are creating new ag parcels, not reconfiguring or relocating."

Tract 2586 must be analyzed for consistency with the SMART Growth principles adopted by the Board of Supervisors.

Sincerely,

David Blakely

March 28, 2008

PO Box 180
Templeton, Ca 93465

Martha Miller, EIR Manager
County Planning and Building
County Government Center
San Luis Obispo, CA 93408

Sent via E-Mail mlmiller@co.slo.ca.us

Subject: Draft Environmental Impact Report (DEIR) for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Program (State Clearing House No. 2004111112)(Case number VVTM 2586) Revised Draft EIR dated February 7, 2008

Dear Ms. Miller:

These are comments on the Revised Draft EIR (RDEIR). This letter hereby incorporates all comments transmitted to you in my letter dated April 11, 2007 that was submitted on the DEIR because those comments pertain as well to the Revised DEIR.

General Comments

1. Global Warming.
   The Revised Draft EIR does not address Global Warming in the entirety of its scope. That is because the RDEIR does not evaluate or propose means to contribute to stop making things worse. The Global Warming Solutions Act of 2006 (AB32) would accurately be classified as "not known" at the time the Salinas River Plan was last updated and when the Ag Cluster ordinance was last updated. AB32 requires a "roll back" to earlier air quality standards to be accomplished at a future time. It is only common sense that each and every project should contribute in a positive way to stop making things worse.

2. Agricultural Residential Cluster Ordinance and other applicable ordinances.
   It is unclear because the Revised DEIR fails to state whether the proposed project or any of the proposed alternate projects conform to the Ag Residential Cluster Ordinance currently in place. 22.01.050 Applicability of Land Use Ordinance states that current rules apply regardless of when an application is filed or accepted.

3. Alternate Project – Outside the Ranch Boundaries.
   According to the Planning Department, there are approximately 12,000 vacant residential lots in the unincorporated area of the county. Therefore, these lots are a viable project alternative. These existing vacant lots should be taken under consideration as an alternative to creating an Agricultural Residential Cluster subdivision or a Smart Growth subdivision outside the community boundaries.

6.0 Alternatives
No alternative sites located off the Santa Margarita Ranch property are evaluated because the Ranch property can accommodate a range of alternative project sites due to its size.

Comments on the Project Objectives and Future Plan in bold face.

Project Objectives
The applicant's overall project objective is to construct a residential development that includes up to 112 units in a rural setting. The applicant's objectives for the project include the following:

• *Firmly establish continued long-term viability of existing vineyards, cattle grazing activities, and future crop development through creative planning and utilization of the County Agricultural Cluster Ordinance;* **[There is no evidence that this project meets the objective of the ordinance or that the ordinance meets its objectives.]**

• *Protect the existing vineyards and agricultural lands for the long term by placing them in ACEs and/or Williamson Act Conservation Contract(s);* **[Owner can place these lands under a conservation contract or conservation easement at any time without initiating this project.]** *and*

• *Create an economically feasible and successful residential cluster project through a three (3) phased development with incremental conservation easement dedications.* **[Pertaining to this project, the impact to agricultural viability and operations has not been evaluated. The conflict between Ag and residential use has not been evaluated.]**
The applicant also intends the project to be located close to existing town amenities, thereby allowing easy access to goods and services. **[The majority of goods and services are located in Atascadero or San Luis Obispo, not in Santa Margarita.]**
Another primary objective is to preserve open space and agricultural resources to the extent possible. **[Unsubstantiated claim.]**

The objectives of the Future Development Program include the following:

• *Plan for land uses that will enhance the County and community of Santa Margarita by accommodating the needs of the community,* **[No evidence has been provided.]** *expanding the tax base,* **[Unsubstantiated claim. Plus taxes are collected in a countywide account.]** *and providing jobs* **[Unsubstantiated claim.]**
and housing **[There are 12,000 vacant residential lots in the county.]***;*

• *Plan for a mix of uses that will relate to each other, to adjacent land uses, and to the rural and semi-rural context of the property;* **[Insufficient information has been provided to support this claim.]**

• *Plan for workforce housing toward achieving the County's fair share housing* requirements; **[Overall plan does not include non-farm related housing.]** *and*

• *Plan for recreational amenities of benefit to both the community* **[Inadequate proposal.]** *and the region.* **[The proposed amenities are tourist oriented rather than for residents in the region.]**

Specific Comments – Alternate 12, 13 and 14

4. Managed public trail system to National Forest
   As with the proposed and alternate projects presented in the DEIR, the additional alternatives have not addressed the concerns raised in a letter dated December 16, 2004 from the National Forest, Santa Lucia Ranger District (Appendix A, Notice of Preparation & Responses).
   This letter from Kathleen Phelps, paragraph three states, "Past experience with similar developments demonstrates that the residents will want to access the National Forest adjacent to their homes. We recommend a planned trail system to provide non-motorized access to the forest. We would like to work with the County and the Developer so that any trail system leading to the Forest will be both efficient and environmentally sound. Whenever non-motorized trail access is developed from the development to the National Forest should also be open to the general public. This will concentrate use on one managed trail system, and will ensure that no one group has exclusive access to the Forest."

5. Parks and Recreation Element (PRE)
   Recreational amenities for the project residents and community are lacking. They do not meet the expectations of Ag Residential Cluster Ordinance that provides an array of options nor recognize the trail policies and proposed projects in the PRE.
   a) Parks
      The proposed project objective does not include any recreational amenities for the residents living in 112 houses in the Ag Residential Cluster development, which are thirteen-project alternatives except the one called a Smart Growth alternative. This seems shortsighted inasmuch as the remote population will be between 220 to 400 persons and the closest park is several miles away. The 1983 National Recreation and Park Standards for Parks is 1-3 acres of neighborhood parkland within ¼ to ½ mile per 1,000 residents. See PRE. The County goal is 3-acres per thousand residents.
   b) Recreational trails – Table 9(b) Proposed
      Santa Margarita to East Cuesta Ridge Trail and Juan Bautista de Anza National Historic Trail. Currently there are offers of dedication for several segments of the Anza Trail in the Santa Margarita area. The longer segment is in Garden Farms in an area locally known as 'tract 1'; the other is in town on the northwest side of El Camino.
      Parks and Recreation Element Trail Policies states the highest priority trail projects include:
      - Connect urban communities (Santa Margarita/clustered subdivision) or provide access to recreation areas (National Forest/Santa Margarita Park).
      - Will be popular due to their length or location. Public access to East Cuesta Ridge is highly desirable. The recreational route of the Anza Trail, 1200 miles, extends from Arizona to San Francisco.
      - Offer alternative transportation (such as to and from town).

Thank you for the opportunity to comment.

Very truly yours,
Dorothy Jennings

Jim aaron
<borntoplay43@hotmail.com>

03/19/2008 11:15 AM

To <mlmiller@co.slo.ca.us>
cc
bcc
Subject re: Santa Margarita Ranch access to east cuesta ridge

As a twenty year member of 3CMB I would like to go on record that any development plans for SMR should include access for hiking and bikeing to east cuesta ridge. Access to open space improves the value and improves our community for all who live here.

Sincerely

Jim Aaron

RECEIVED
MAR 11 2008
SLO CO PLAN & BLDG DEPT

March 4, 2008

Martha Miller, Project Manager
County Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Dear Ms. Miller:

I appreciate your notification regarding comments on the Santa Margarita Ranch Agricultural Cluster Subdivision Project (Tract 2586). Although my permanent residence is now in New Mexico, forty years ago I purchased property near Santa Margarita at the headwaters of Trout Creek in Water Canyon which abuts the Santa Margarita Ranch, land my children now own, use and oversee. I have followed with interest the many changes in county land use policy and practice, and watched with dismay the results which some of these policies have produced. I will limit my commentary to one topic, upon which nearly all other topics outlined in the DEIR regarding present and potential impact are predicated. That topic is water.

Current year-round Ranch usage for existing vineyards and livestock already shows clear signs of overdraft and diminishing ground water. Example 1: Trout Creek and other tributary streams are now often diminished to subsurface levels, something that never occurred in the first thirty+ years of my connection with this property. This fact alone has, and under current usage, will continue inevitably to have, enormous impact on many wildlife species (some of which are endangered), including a well substantiated native population of steelhead trout under protection by the NOAA and other agencies. Example 2: A depression along Pozo Road cited by the Water Resources Advisory Committee, probably caused by over pumping of ground water. Example 3: Our family well near the headwaters of Trout Creek for the first time ran dry last summer.

Future Ranch usage based upon the proposed development project is daunting to contemplate. How can a responsible review of this project even consider approval, without a careful, baseline, dry-season hydrological monitoring and review of current usage and potential ground water capacity? The project's requisite and vastly increased use of ground water, already diminishing, is certain to bring damage or destruction to plant and animal species which need free flowing water and open space for survival.

The impact of the Ranch proposal would be enormous. Even if ample water supply existed, the Phase 1 subdivision of 112 houses, 9 more vineyards, golf courses, event centers, churches, a mini-mall, etc. will lead to yet more grid-locked urban sprawl, essentially destroying one of the last great historic Spanish Land Grant ranchos. I strongly urge denial of this project!

Sincerely,

Landon Young

Landon Young PO Box 16; Miami, NM 87729 505-483-0121

Michael Joseph
<mjoseph11@hotmail.com>
02/24/2008 08:54 AM

To ann mcmahon <amcmahon@kcbx.net>,
cc
bcc Martha L Miller/Planning/COSLO
Subject

pumping the underflow of trout creek and storing it in a reservoir. Depleting stream flow of trout creek. Pumping during dry season for grapes that ARE NOT DRY FARMED as the draft EIR maps claim!

Santa Margarita Ranch development and overdraft projections on Upper Salinas need further investigation

and analysis for baseline dryseson safe yield

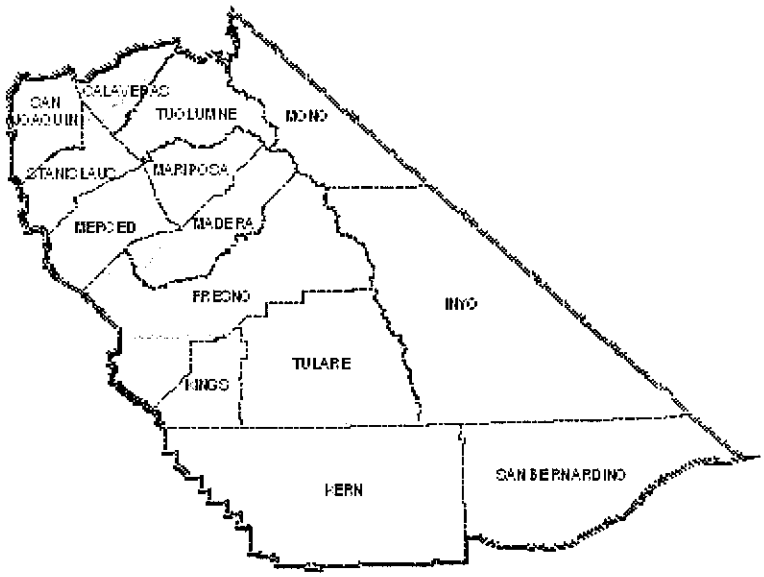
Enforcement Districts

Northern : : North Coast : : Central : : Southern

Central District Office

Assistant Chief Chris Patin
Enforcement Contact: Warden Tony Spada (559) 243-4005 ex153 or Lt. Rob Simpson (559) 243-4005 ex135
For Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Bernardino, San Joaquin, Stanislaus, Tulare, and Tuolumne counties:
1234 E. Shaw Avenue, Fresno, CA 93710
Public Information: (559) 243-4005 X 151
Fax: (559) 243-4022

Central District Boundaries



NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Michael Joseph
<mjoseph11@hotmail.com>
02/10/2008 07:54 AM

To <ranch@dbnb.us>, Morgan Rafferty <morgan@ecoslo.org>, james caruso <jcaruso@co.slo.ca.us>, <mlmiller@co.slo.ca.us>, holly slettelland
cc
bcc
Subject archeological and environmental disaster again

The proposed new "Moore Ridge vineyard" that encompasses the majority of the old historic road and has served as the primary access to Rancho Santa Margarita as surveyed on an 1860 map, also encompasses one of the areas identified by the county of San Luis Obispo as a known archeological site or isolate area, I believe surveyed in the 1940's.
I also believe any of these isolates or identified sites require buffer zones of 50 or 60 feet.
The old road at the end of Encino all the way to the top of Miller Flat is one such area and should not even be considered for ripping! Can somebody verify this info?

Miranda

Shed those extra pounds with MSN and The Biggest Loser! Learn more.

"Morgan Rafferty"
<morgan@ecoslo.org>
02/14/2008 02:50 PM

Please respond to
<morgan@ecoslo.org>

To <mlmiller@co.slo.ca.us>
cc <kgriffin@co.slo.ca.us>, <whoag@co.slo.ca.us>
bcc
Subject Santa Margarita Ranch

Hi Martha,

The calculations in the revised DEIR for the proposed Ag Residential Cluster Subdivision show that the project would convert approximately 17.9% of the site area and conserve only 82.1% of the site in ag/open space. This is a clear violation of Section 22.22.152(D) of the Land Use Ordinance that requires that 95% of the site be conserved as ag/open space. Because of this, the applicant must submit a revised project that meets the minimum requirements of the ordinance. Also, the owners have yet to address the discrepancy in the number of acres planted in vineyard. According to information provided by the owners in articles published in the Tribune and the New Times, the acreage used for the density calculation is approximately 100 acres more than is actually planted. A new application could resolve these inconsistencies.

Thank you,

Morgan

Morgan Rafferty
Executive Director
Environmental Center of San Luis Obispo
1204 Nipomo Street
San Luis Obispo, CA 93401
Voice: 805.544.1777
Fax: 805.544.1871
Email: morgan@ecoslo.org
Website: www.ecoslo.org

TRIBUNE PHOTO BY LAURA DICKINSON

From left are Stephen Rossi, Jeff Filipponi, Mike Sinor, Karl Wittstrom, Rob Rossi, Amanda Wittstrom-Higgins and Doug Filipponi. Doug Filipponi, Wittstrom and Rob Rossi are the key partners in Ancient Peaks Winery; Sinor is the winemaker.

Three families, one dream

The owners of Ancient Peaks Winery in the North County may be new to winemaking, but they have deep roots in the community

By Janis Switzer
Special to The Tribune

While there are many transplants moving into San Luis Obispo County to start wineries and vineyards these days, one new venture is the brainchild of three families with deep roots in the community and in the land they have farmed for decades.

The three key partners in Ancient Peaks Winery are Doug Filipponi, Karl Wittstrom and Rob Rossi. All are successful businessmen, and each has a history of grape growing for other people. Now it's time, they decided, to make their own wine.

Janis Switzer can be reached at 434-5394 or via e-mail at janisswitzer @yahoo.com.

"It's really just been a dream of all the owners to create wines from their own vineyards," explains Amanda Wittstrom-Higgins, Karl Wittstrom's daughter and corporate sales and marketing manager for the project.

Partners in wine

Wittstrom, Filipponi and Rossi own the sprawling 866-acre Margarita Vineyard at the southernmost end of the Paso Robles American Viticultural Area. Located on the 14,000-acre Santa Margarita Ranch in Santa Margarita, the vineyard was initially planted in 1999 by Mondavi.

Filipponi, president of Filipponi & Thompson Drilling, owns the 300-acre Filipponi & Thompson Vineyard, as well as a 436-acre property called the San Juan Vineyard; both are in the Paso Robles area. Last year, Filipponi was named Wine Industry Person of The Year at the California Mid-State Fair. As past president of the Paso Robles Wine Country Alliance, he has long grown grapes for other wineries in the area, but this is his first venture making wines from his own fruit.

See ANCIENT PEAKS, B7

ANCIENT PEAKS WINERY

Owners: Doug Filipponi, Karl Wittstrom, Rob Rossi

Winemaker: Mike Sinor

Cases produced: 5,500 in 2006

Where it's available locally: Albertsons, Morro Bay; Spencer's Fresh Markets; Crushed Grape, San Luis Obispo; Monterey Street Wine Company, San Luis Obispo.

Online: www.ancientpeaks.com

Three families, one wine

Take a new peek at Ancient Peaks

BY KATHY MARCKS HARDESTY

When I heard about yet another new Central Coast brand appearing in local markets—named Ancient Peaks—it seemed a wannabe trying to cash in on the success of SLO County wineries. I chuckled, thinking at least it's a name people can pronounce and remember. I became impressed, however, when I learned it was owned by three local families with a solid history of grape growing in the Paso Robles wine region. Not only that, they wisely hired Mike Sinor, one of the most talented winemakers on the Central Coast.

Sinor became well-known by consumers when he was winemaker at Domaine Alfred in Edna Valley. He was hired in 2000 by owner Alfred "Terry" Spiezer to help create their amazing new brand of ultra-premium quality Chardonnays and Pinot Noirs. By 2006, they earned a coveted 96-point score from *Wine Spectator* magazine for their flagship "Califa" business, you have to start with a big fortune"—was never as true as it is today. I believe Sinor would agree that passion alone isn't enough to produce noteworthy wine in California. The right opportunity arose when he was invited to join Ancient Peaks, which presented exactly the goals he had in mind.

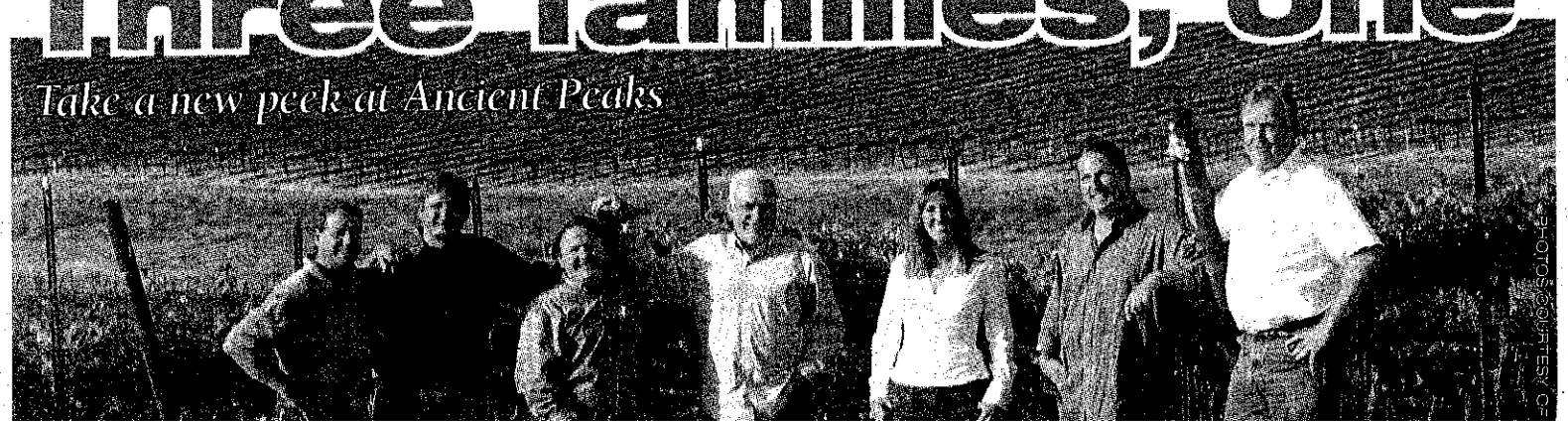
Ancient Peaks is owned by the Filipponi, Rossi, and Wittstrom families, with two generations of each enthusiastically working together. Each family contributes to the brand from well-established vineyards in Paso Robles that have sold premium quality grapes to local wineries for years. The Filipponis own Filipponi & Thompson, the Wittstroms have their eponymous vineyard, and both families co-own San Juan Vineyard. The Rossis' own Margarita Vineyard was leased and planted by Robert Mondavi Winery in 1999. In 2005, the Rossis acquired the vineyard from the corporation that bought out Robert Mondavi takes, no winery gets the big scores without the right winemaker. It takes a zealot with the right experience to cultivate world-class winegrapes and an uncompromising artist who continually strives to make his best wine yet. These owners lucked out in getting Sinor, the veteran who's still earning acclaim from wine critics.

Sinor started in the wine industry in 1992, pretty early in his life—at 20 years old—but his unbridled passion for wine, both in growing and producing distinctive, classic varietals, drove him rapidly upward. By 1994, he earned the respect of his peers while working at Byron Vineyards in Santa Maria and then moved to Domaine Alfred. When he left in 2006, it was no surprise that many vintners hoped to hire him.

But they found out this was no average Joe looking for the biggest paycheck. Sinor only accepted opportunities that sated his consuming passion for wine growing and making. After leaving Domaine Alfred, he managed right," Sinor said pointedly. "It's about long-term dedication to the land."

During a tasting of their lineup of four value-priced 2005 reds, I found them all nicely balanced and drinking quite well: I expected nothing less. The Zinfandel and Syrah are 100 percent varietal, while the Cabernet Sauvignon is blended with four percent Malbec and two percent Petit Verdot.

The surprise for me, I'll admit, was the Merlot. Offering lush aromas and flavors of ripe cherry, blackberry, and



PHOTOS COURTESY OF

Kathy's Pick

Tangent 2006 Eccelstone SLO County

I'm not a fan of unusual white blends, but this delicious version charmed me. Winemaker Christian Roguenant outdid himself with this blend of 36 percent Viognier, 25.5 percent Pinot Gris, 20 percent Pinot Blanc, 11 percent Riesling, 5 percent Muscat Canelli, and 2.5 percent Albarino, winning a gold medal and Best of Class awards at the California State Fair. He noted that the Pinot Grigio and Riesling offer minerality; the Viognier and Pinot Blanc add lychee and apricot notes; the Albarino adds citrus; and the Muscat adds orange blossom notes. That says it all. It's perfect for those sweet/sour/salty stir-fries and Asian salads. It also drinks well alone. At just $20 retail, it's a great value compared to its more expensively-priced peers. Δ

GROUP EFFORT A large group of people—(left to right) Doug Filipponi, Jeff Filipponi, Mike Sinor, Rob Rossi, Amanda Wittstrom-Higgins, Steve Rossi, and Karl Wittstrom—banded together to create Ancient Peaks.

2004 Pinot Noir. Sinor's phone was ringing off the hook with both longtime vintners and newcomers hoping to build a winery calling to offer him a job.

"When word started getting around I was available, people asked, 'What can I do to get a 96 score?'" said Sinor, who left to concentrate on his own wines, named Sinor-LaVallee. "Lots of deals were offered, but not the business goals I was interested in being around."

It's a competitive world in the current wine marketplace, despite the friendly attitude of most Central Coast winemakers. Even local family-owned wineries offer more than one label: Baileyana owns tangent, and Talley Vineyards owns Bishop's Peak. Still, the industry keeps attracting both the young and the older dreamers who believe they've got what it takes to create the hottest new brand. It's certainly easier now that anyone with hope and enough cash can rent space at cooperative winemaking facilities in Paso Robles, San Miguel, Templeton, and Santa Maria.

But I'm afraid that the old cliché—"If you want to make a small fortune in the wine Winery. That year, the three families joined forces to create Ancient Peaks.

The winery name was chosen in tribute to the geological history of SLO County. Their goal was to create noteworthy wines from their combined vineyards that expressed the classic characters and qualities of Paso Robles' finest wines. The four vineyards provide grapes grown in the cool and warm climate areas of Paso, allowing Sinor to create complex blends layered in flavors.

Ancient Peaks co-owners Karl Wittstrom and his daughter Amanda Wittstrom-Higgins invited me to tour the beautiful Santa Margarita Ranch, owned by entrepreneur Rob Rossi. Margarita Vineyard covers 866 acres of the historic ranch. The Wittstroms reported that they plan to revitalize the original vineyard at the Asistencia (a mission without a resident priest) founded in 1787 by Father Junipero Serra.

"We're trying to preserve the beauty of the property," Wittstrom-Higgins noted. "No trees were pulled out when we planted grapevines."

Even when owners are willing to invest what it expanded production of his fabulous line of Pinot Noirs and Pinot Gris under his own label, Sinor-LaVallee. But, like most artists, he doesn't own vineyards—nor does he have the deep pockets to plant them.

Sinor accepted the position of winemaker and general manager for Ancient Peaks because the project also fulfills his love for wine growing. He pointed out: "I came to this project for the same reason I went to Domaine Alfred: the untapped potential of Margarita Vineyard."

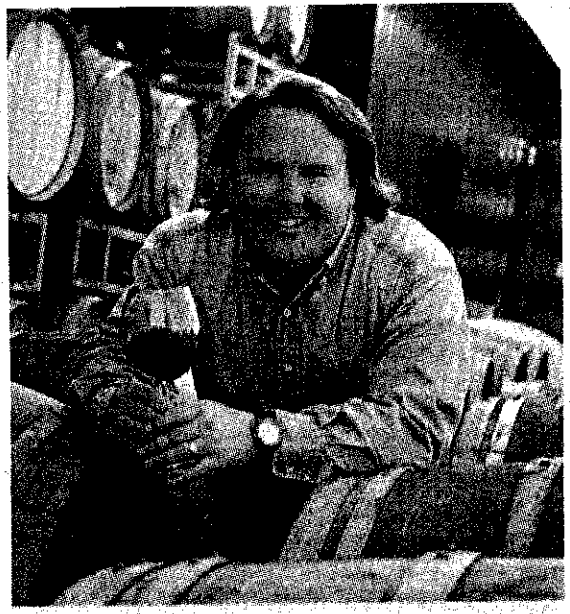
The first wines they've released under the Ancient Peaks brand are focused on value. Sinor will be a partner on another line of wines that are strictly ultra-premium, but they're keeping the lid on that project for now. Sinor's sense of contentment told me that something great is in the works.

"You can't just flick a switch and make great wine. You have to have special ground, and it has to be

it ended on a fragrant spicy note. Sinor added four percent Malbec to enhance the velvety texture. Only $12 retail, it's the best Merlot I've tasted under $35 in a long time.

No doubt I'll be watching this group for something awesome in the near future, but in the interim you can enjoy their solid lineup of varietals at affordable prices. Δ

You can reach New Times' Cuisine columnist at Kathy@GrapevineRadio.net.



PURE PASSION Mike Sinor, winemaker for Ancient Peaks, kept his eyes open for a job that would fulfill his love of growing wine.

2
L.O. CO. PLANNING

01/30/2007

To: Mr. James Caruso
Concerning the Environmental Impact Report (EIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan.

I would like the EIR to address the problem of alternate traffic routes that will be impacted due to this project.

In light of the DEIR's report that the Estrada/El Camino Real intersection is substandard for the increased traffic sited for this development and the 'H" Street/Estrada school crossing problems also sited in the DEIR, alternate traffic corridors will be spawned. Specifically, I am concerned with the 'I' Street impact. This street is the only through road other than El Camino Real dissecting Santa Margarita. Of course, all impacted alternative routes should be investigated and addressed.

Given the DEIR's traffic study, I find it substandard that alternate traffic routes that will be impacted were not investigated, addressed and reported in the DEIR. Should we as citizens involved with this project be concerned that other important areas were missed by the DEIR?

Thank you for the opportunity to comment on this very important project.

Sincerely,

George D. Havale
PO Box 441
Santa Margarita, CA 93453
805.748.6934

March 8, 2008

Martha Miller, Project Manager
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Dear Ms. Miller,

I am attempting to comment on the Revised Draft EIR for the Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program, but the report is so riddled with errors, omissions, and inconsistencies that it is difficult for a member of the general public to make a coherent comment about it.

The comments of the Water Resources Advisory Commission are the most comprehensive and professional that can be made under these circumstances. I urge you and the Planning Commission to pay close attention to the WRAC's point-by-point analysis of the inadequacies and misrepresentations in the developers' RDEIR.

There are three basic issues at stake: WATER, MONEY, and THE LAW.

WATER: There is no current dry-season baseline data against which to measure the impacts of future water-usage proposals. But since Santa Margarita has a Level 3 water severity situation, we already know that there is not enough water to enable the grandiose, bloated, and inappropriate building of hundreds and hundreds of houses, nine more vineyards, orchards, bed and breakfast, café, amphitheater, guest ranch, lodge and restaurant, golf course, swimming pool, three churches, workforce housing, five ranch headquarters, "special events drawing 120,000 people annually," and on and on.

MONEY: The developers pay lip service to all kinds of "mitigations" they will perform, but this is a cynical attempt to disguise the fact that they intend to make their fortunes at the expense of the land, people, and communities of San Luis Obispo County. The damage would be *permanent and unmitigable.* No other RDEIR in the history of SLO County has ever had **eleven** Class I impacts. Do you want to open that door?

THE LAW: County, state, and federal agencies have laws in place to prevent exactly the kind of environmental and quality-of-life pillage that would result from this kind of development of the Santa Margarita Ranch, *and these laws must be enforced.* The reputation and the future of San Luis Obispo County depend on it.

Sincerely, O'Brien Young

(Ms.) O'Brien Young
1354 Kearny Street
San Francisco, CA 94133, 4115/398-7455

RECEIVED
MAR 14 2008
SLO CO PLAN & BLDG DEPT

"Geri Mazer"
<gmazer@charter.net>
03/19/2008 10:42 AM

To <mlmiller@co.slo.ca.us>
cc
bcc
Subject Trail Connection

Ms. Miller -
Please be advised that there are many equine trail users, among others, that are very interested in seeing a provision for a trail connection from Santa Margarita Ranch to the National Forest. The current trail head on the east side of the Cuesta Grade is dangerous and mostly inaccessible. These users have previously made their interest known through James Caruso when this item was first brought up. Thank you for your attention to this matter.
Geri Mazer
Secretary - Atascadero Horsemen's Club

EACH SUPERVISOR
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RECEIVED
MAR 13 2008
BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO

February 29, 2008

James Patterson
County Supervisor
Room D-430, County Government Center
San Luis Obispo, California 93408

Supervisor Patterson,

We are writing this letter because we have some concerns about the proposed home cluster project planned for Santa Margarita. As the parents of a 4 year old child and someone who lives on Estrada Ave., We are very concerned about the increased level of traffic this project will generate. It does not seem logical to build 111 homes with two entrances on Hwy 58. Why is there not a proposed entrance to the gated development on the West end of town? It would make sense to divert a majority of this traffic away from the center of town and away from school crossings. If this is inconvenient to the developer, because it may cut through their planned vineyards, too bad. The safety of the people who live in Santa Margarita should be the main consideration. It is the responsibility of the county and the developer to ensure that all safety considerations be addressed and eliminated when proposing such a development.

Our child is currently enrolled in the Preschool program at Santa Margarita Elementary school and will be in Kindergarten around the time this project is being built. My husband currently walks him to school daily and will continue to do so for the next 8 years. We live 3 houses away and it does not make sense for us to drive him. I realize that Estrada Ave, is a highway, but it is also the only access this community has to the Elementary School. My husband has had to call the CHP on numerous occasions because cars constantly enter the crosswalk with children and the crossing guard present. There have been many occasions when she has almost been hit by cars that are not paying attention and driving to fast. I watch traffic speed by my home on a regular basis. In addition to getting to school, there are children constantly walking or riding their bikes to the park along this road. The addition of 1100-8500 cars trips a day at full build out is unacceptable, and suggesting a flashing crosswalk as mitigation is ridiculous. Cars coming into town on Hwy 58 would have a very difficult time seeing a flashing light over the existing rise in the road, and many would not pay attention anyways. This is a dangerous suggestion. A stop sign would at least let drivers know that they need to slow down to come to a stop. However, adding an additional entrance on the West end of town reduces the danger and should be a requirement to the approval of this development.

In addition to diverting traffic from Estrada Ave. an additional entrance would allow fire/police access to the development in the event that Estrada Ave./Hwy 58 was blocked. During the warm months Pozo Saloon often has concerts that attract hundreds of cars. There have been times when I have been unable to leave my drive way for long periods of time due to the number of cars coming from an event. Also, it is not uncommon for the

train to stop on the track at this end of town, blocking any movement of traffic. You add in an additional 1100 vehicles during peak hours and this could create a real problem. The morning train comes through town between 7:00-7:30 am, a peak time for people leaving to go to work. You add an accident, which the 90 degree curve on HWY 58 is known for, and there could be a deadly situation.

In the EIR Estrada Ave. was noted for having many traffic related issues that may or may not be able to be resolved. It would be a great expense and additional inconvenience to us to have the intersection at El Camino/Estrada Ave. and the 90 degree turn redone. Since this would be the responsibility of Cal Trans, there is no guarantee that the work would be completed in a timely manner if ever. This is a lot of additional headache and unnecessary cost that would be reduced or eliminated if there were a third entrance on the West end of the town.

We are asking you to seriously consider the impacts this project will have on the residents of Santa Margarita. These are just a few of the points we are concerned about with this project. Traffic issues are of great concern to us and will directly impact our quality of life. We are asking you to require the developer to create a plan that will allow for growth, but still respect the community of Santa Margarita.

Mike & Marshawn Porter

Mike and Marshawn Porter

Porter
PO Box 422
Santa Margarita 93453

SANTA BARBARA
CA 931
12 MAR 2008 PM 1 T

"LET US DARE TO READ,
THINK, SPEAK AND WRITE."
John Adams, 1
powerofthe

41USA

James Patterson
County Supervisor
Room D-430, County Govt. Center
San Luis Obispo, Ca
93453

93401/3333

"Kathy Longacre"
<kll50@sbcglobal.net>
03/27/2008 10:26 AM

To <mlmiller@co.slo.ca.us>
cc <kll50@sbcglobal.net>
bcc
Subject Comments on SM Ranch RDEIR

Date: 3/27/08

To: Martha Miller, Project Manager- SLO County Planning
mlmiller@co.slo.ca.us

RE: Comments on Santa Margarita Ranch RDEIR
sent by email on 3/27/08

Comments:

I am glad to see that the Revised Draft EIR includes both a Smart Growth/Affordable Housing option and a Reduced Project, both which are superior to the originally proposed Agricultural Sub Division.

Alternative 13:Smart Growth/Affordable Housing is preferred because it:

- includes the much desired and needed affordable housing element, with 20% of the proposed development set aside as affordable housing is very positive.
- inclusion of both a 5 acre park and the trail connection from the community of Santa Margarita to the Los Padres National Forest is VERY positive for creating a more livable community by meeting recreational needs and off-setting the impact of development of this size
- has the addition of a wastewater treatment plant that would protect the existing groundwater from septic tank toxic seepage
- because of its closer proximity to existing housing in Santa Margarita- it should include more walkable/alternative transportation improvements to Wilhelmina Avenue- such as a Class 1 bike path would help encourage non-motorized transportation for local trips

This alternative does not mention if the homes would be allowed to keep livestock. If it did allow for some livestock, it would further blend into existing neighborhood uses.

Alternative 14: Reduced Project

This alternative is much preferred to the original proposed 111 lot Agricultural Sub Division but it still lacks some of the essential positive elements of Alternative 13.

- Add 20% affordable housing to this alternative
- Keep the 5 acre park and recreational trail connection to the Los Padres National Forest
- add a non-motorized pathway from development to the town of Santa Margarita
- Allow for livestock keeping on some of the lots
- build a waste water treatment plant instead of using individual septic tank to protect groundwater

After reviewing the RDEIR there could be a potenial "best" alternative that could be called Alternative 15: Smart Growth/Affordable Housing combined with a Reduced Project. A smaller project at the Alternative 13 site would promote slower more sustainable growth, allowing the community of Santa Margarita to grow and expand over time and adjust to the increase in population and its impacts.

Thank you for your consideration of my comments.
Kathy Longacre
6445 Corral de Piedra
San Luis Obispo, CA 93401

"Lisen Bonnier"
<lisen@tcsn.net>
03/27/2008 10:20 AM

To <mlmiller@co.slo.ca.us>
cc
bcc
Subject SM Ranch RDEIR

March 27, 2008

Martha Miller, Project Manager
County Planning & Building Dept.
976 Osos St. Rm. 300
San Luis Obispo, CA 93401-2040

Sent via E-mail mlmiller@co.slo.ca.us

Subject: RDEIR Santa Margarita Ranch (Tract 2586)

General Comments:

- Require all lots to about. The 5% development area of total acreage, should be defined with one single line. (not with a line around each house separately).
- Clear bufferzoones between residential living and agricultural activities
- The 100 % density bonus needs to be re considered. This is based on the assumption that ALL lots would build 2 homes. That is an unrealistic growth speculation. Average growth for secondary housing in SLO county is less then 15%. The 100% bonus density is **very** destructive to agriculture, the resource we are trying to protect.
- Section 2.1 update of definition of prime soils per AG. Commissioner's office (current NRCS Maps)is important in analyzing impacts to agricultural operations on ranchlands.

Alternative 13: Smart Growth/Affordable Housing Alternative- **preferred alterative**

- More compact therefore less impact to agriculture
- Less overall fragmentation of wild habitat, blue oak woodland and CA Annual grassland
- Smart Growth principles allow for preservation of more rural land and agricultural resources-convert less open space to subdivision
- On-site waste water treatment plant could protect groundwater from improper septic disposal contamination.
- Connection to Nacimiento Water Project (though inconsistent with County Framework of Planning) could protect overdraft on existing water supplies with such a large population addition
- Transportation access to alternative commute is more realistic.

If Alternative 13 can not be achieved, than Alternative 14 is the only RIGHT choice

.

Alternative 14: **Reduced Project**

- This proposed alternative would reduce the impact on Agricultural Prime soils by almost half. We are loosing prime soil at an alarming rate. Therefore it is crucial that ANY prime Ag land would be excluded from development.
- would reduce impacts related to grazing unit fragmentation. It is unrealistic to assume that grazing would be tolerated between housing lots on the original Agricultural Cluster Sub-division. This has been tried before, without success. No form of Agriculture should be expected inside, or around, the housing development with out clear buffer zones.
- Reduced conflicts between residential and vineyard uses with the smaller project footprint
- increased protection of valley oak woodlands a positive impact of the smaller development
- with the smaller development footprint the area would retain more of the rural character of the site and reduce the visual impacts.

Thank you for taking my comments,

Lisen Bonnier
6015 Los Osos Valley Road
San Luis Obispo, CA 93405
lisen@tcsn.net

PLANNING/BUILDING
DEPT
2008 MAR 28 PM 2:06

28 March 2008

To:
County of San Luis Obispo
Department of Planning and Building
ATTENTION: Martha Miller, Planning Division
County Government Center
San Luis Obispo, CA 93408-2040
(805) 781-4576 (Martha Miller, Planner)
mmiller@co.slo.ca.us

From:
Michael Sullivan
1127 Seaward Street, San Luis Obispo, CA 93405
(805) 545-9614
mcsgday@yahoo.com

Subject: Santa Margarita Ranch draft EIR (as revised 07 Feb 2008) - Comments of Michael Sullivan

Abbreviations
CEQA = California Environmental Quality Act
DEIR = The draft Environmental Impact Report (for Santa Margarita Ranch)
GP = General Plan (of the County of San Luis Obispo)
LUE = Land Use Element of General Plan (of County of San Luis Obispo)
LUO = Land Use Ordinance (Title 22 of County code)
SLO =San Luis Obispo
"project" or "the project" = Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan

1. Please include my original comments from 11 April 2007. A copy of those comments is included along with these comments.

2. Comments on alternatives.

The selection of a reasonable alternative is extremely important in a project of this scope, which has many "Class I" negative environmental impacts. Alternative 14, the reduced project alternative, is superior to the proposed Agricultural Residential Cluster Subdivision in 12 out of 14 evaluation categories, and is superior overall in comparison to all other alternatives except Alternative 1 (no project / no development) or Alternative 2 (no project / existing zoning). Thus, among these alternatives, Alternative 14 is the only one which can offer significant advantages for reduction in the number and intensity of significant environmental impacts.

The DEIR (Feb 2008) at p. 3-37 states that Future Development Program alternatives 8 through 11 have not been modified. This means that the range of alternatives for the Future Development Program is insufficient to provide meaningful methods for reducing future development impacts.

The final EIR must address this deficiency by providing Future Development alternatives which better reduce the overall negative environmental consequences.

3. Comments on General Plan inconsistencies.

Please see my comments of 11 April 2007. It appears that even in a reconfigured project (including Alternative 14), this massive project leads to inconsistencies with the General Plan as I had indicated in my comments of 11 April 2007.

Michael C. Sullivan
1127 Seaward Street
San Luis Obispo, CA 93405
(805) 545-9614
mcsgday@yahoo.com

PLANNING & BUILDING DEPT
2007 MAR 29 PM 2:06

11 April 2007

To:
County of San Luis Obispo
Department of Planning and Building
ATTENTION: James Caruso, Planning Division
County Government Center
San Luis Obispo, CA 93408-2040
jcaruso@co.slo.ca.us
(805) 781-5702 (James Caruso)

From:
Michael Sullivan
1127 Seaward Street, San Luis Obispo, CA 93405

Subject: Santa Margarita Ranch draft EIR - Comments of Michael Sullivan

Abbreviations
CEQA = California Environmental Quality Act
DEIR = The draft Environmental Impact Report (for Santa Margarita Ranch)
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LUO = Land Use Ordinance (Title 22 of County code)
SLO =San Luis Obispo
"project" or "the project" = Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan

DEIR MUST BE RE-ANALYZED AND RE-CIRCULATED

In order to comply with CEQA, the County must re-analyze and re-circulate the DEIR, allowing further review by the public and by responsible agencies, for various reasons, for example:

(A) The possibility exists that the project will connect to the Nacimiento and /or State Water Project. For example, DEIR at Table ES-1 shows that State Water could be used for the Agricultural Residential Cluster Tract 2586. DEIR at p. 4.14-2 states that Santa Margarita Ranch project may use State water if the local County Service Area 23 participates in State water acquisition. DEIR states, "Additional water may be available for the Agricultural Cluster Subdivision through the State Water Project and/or the Nacimiento Water Project, as outlined in Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) above." DEIR at p. 4-14-7. Impacts of such a scenario (imported water from State water system or Nacimiento reservoir) have not been adequately studied or mitigated, and for this reason (and others), a revised draft EIR is required to satisfy CEQA and CEQA Guidelines.

Such impacts (from the use of imported water) can include (but are not limited to) the following:
(1) extra demand on a limited water supply, causing shortages for local users (Santa Margarita area) and/or for users in other communities which would be dependent on State Water or Nacimiento reservoir water;
(2) growth inducing impacts in the Santa Margarita area because of availability of State water or Nacimiento water;
(3) impacts associated with the construction of water delivery systems from either the State or Nacimiento water sources.

The need for such a revised draft EIR is buttressed by the case, Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (Sunrise Douglas Property Owners Assn.) (2007) Feb. 1, 2007. No. S132972. (Calif. Supreme Court). The Court stated,

"We conclude that while the EIR adequately informed decision makers and the public of the County's plan for near-term provision of water to the development, it failed to do so as to the long-term provision and hence failed to disclose the impacts of providing the necessary supplies in the long term. While the EIR identifies the intended water sources in general terms, it does not clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated."

Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (Sunrise Douglas Property Owners Assn.) (2007) Feb. 1, 2007. No. S132972. (Calif. Supreme Court) at p. 2.

The same situation exists for this draft EIR for Santa Margarita Ranch. The draft EIR fails to "clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated." Such information must be provided in a revised and re-circulated draft EIR.

(B) DEIR at p. ES-11 (top) notes that proposed agricultural conservation easements **(ACEs)** allow "the construction of new farm buildings, and can allow the construction of a home for family members or the subdivision of a lot for resale. In addition, ACEs often permit commercial development related to the farm operation. The flexibility of these and other restrictions vary with the characteristics of the agricultural land and the conservation objectives of the easement." (DEIR at p. ES-11) The DEIR at p. ES-11 (bottom) states that Table ES-2 reveals "worst-case buildout characteristics" of the project. However, this claim is false, because the analysis in Table ES-2 and in the rest of the DEIR does not include all the extra development made possible by the extra residences, commercial development, and further land subdivisions which would be allowed by the ACEs. This must be factored into the overall analysis to give a true idea of the "worst case buildout characteristics" of the project in regard to cumulative and growth-inducing impacts for all impact categories (e.g. agricultural, air quality, circulation, etc.). Such analysis must be presented in a revised and re-circulated draft EIR.

(C) The possibility exists that as a result of the project and other growth in the vicinity of Santa Margarita, a new sewage treatment plant would need to be built. The project plan allows for dedication of 10 acres of land at an undetermined location for such a use. (See DEIR at Table ES-1). There should be an analysis and discussion of the future sewage treatment needs of the Santa Margarita community and the potential impacts on sewage treatment facilities caused in part by the proposed Santa Margarita Ranch project. At a minimum, the DEIR should require analysis of

wastewater / sewage treatment capacity needs for the Santa Margarita community at project buildout, and the percentage share of the Santa Margarita Ranch project's wastewater / sewage impacts in comparison to the total capacity needs of a future general Santa Margarita community wastewater / sewage system. The County should request comment from the Regional Water Quality Control Board in a revised and re-circulated draft EIR.

ENVIRONMENTAL REVIEW IS DEFECTIVE IN VARIOUS WAYS
Some examples:

DEIR at p. 4.1-15 (top), states: "Mitigation measures: No feasible measures are available that would mitigate impacts to the grazing and prime soils located on the Agricultural Residential Cluster Subdivision site without substantial redesign of the proposed Agricultural Residential Cluster Subdivision."

This is false. Minor re-design could eliminate some of the lots near sensitive prime soil areas. The basic concept of an ag cluster subdivision can still be implemented by use of some of the Alternatives given in the EIR, e.g. Alternative 7. Stronger conditions for ag conservation easement areas could eliminate conflicts with agricultural uses which are certain to arise given the current proposals for flexible private easements rather than Williamson Act contracts. As mentioned elsewhere, this is also inconsistent with the General Plan.

DEIR at p. 4.2-7 claims that measures recommended by APCD (such as bikeways and pedestrian paths from ag cluster subdivision to town) would do nothing to alleviate air pollution. This is false. Such measures should be implemented.

DEIR at p. 4.2-22 concludes that cumulative impacts on air pollution are unavoidable. This is false. Cumulative impacts could be readily lessened by decreasing the amount of development in the ag cluster subdivision phase and in the future development phase of this project.

DEIR at Figure 4.3-1 (Habitat map) shows that near the south edge of the Town of Santa Margarita, the habitat is annual grassland and some areas of emergent wetland. Much of the proposed area for ag cluster residential subdivision contains various sensitive habitats such as oak woodlands, chamise chaparral, etc. Given these constraints, it appears that Alternative 5 or Alternative 7 (especially the latter) offer greatly superior locations in terms of avoidance of biological impacts (as long as "emergent wetland" areas can be avoided.) According to Figure 4.3-3 (Biological constraints), it can also be deduced that the proposed area for ag cluster residential has several habitats of sensitive special status species (animals and plants), such as red legged frog, Michael's Rein Orchid, San Luis Obispo Mariposa Lily, etc., while the annual grassland areas adjacent to the south edge of Santa Margarita do not contain such constraints. Therefore, biological impacts can be significantly lessened or avoided by choice of Alternative 5 or, preferably, Alternative 7, for example, compared with the current proposed location for ag cluster residential development.

Similarly, the Class 1 biological impacts associated with future development (DEIR at p. 4.3-71, impact B-2) could be greatly lessened and/or avoided by selection of a project alternative which avoids development in these sensitive areas. The one alternative which best achieves this goal is Alternative 10, which is preferable to the currently proposed future development scenario.

DEIR at p. ES-69 (ARCS Impact B-1) claims that loss of habitat from the area of proposed ag cluster residential development is Class 3 (non-significant) impact. This is false. It is also claimed that "no special status plant species were observed within these habitats." The latter claim is inconsistent with map 4.3-2 which shows the presence of several special status species in this area (e.g. red legged frog, white tailed kite, southwestern pond turtle) as well as various kinds of oak woodland. Thus, there is potential for significant, inadequately mitigated biological impacts to special status species within the proposed ag cluster residential subdivision area, contrary to the claim in the DEIR.

STATEMENT OF OVERRIDING CONSIDERATIONS (UNDER CEQA) IS NOT JUSTIFIED

Given the severity and number of Class 1 impacts which have not been adequately mitigated, and given the various ways that the Santa Margarita Ranch project would exacerbate several problems of the local community (p. 4-26, Salinas River Area Plan (2003), a Statement of Overriding Considerations is not justified.

OVERALL LAND USE PLAN FOR THE PROJECT IS INCONSISTENT WITH RURAL AND AGRICULTURAL CHARACTER OF SANTA MARGARITA COMMUNITY

The Salinas River Area Plan of 2003 (part of the General Plan) recognizes these major issues for Santa Margarita area:

(1) Developments on the Santa Margarita Ranch will have impacts on the quality of life within the community.

(2) Santa Margarita has problems maintaining its rural character and a neat appearance. New development within Santa Margarita could be incompatible with the character of the area.

(3) Water supply and quality are limited and subject to decline.

(Salinas River Area Plan (2003), p. 4-26).

The Santa Margarita Ranch project described in the draft EIR exacerbates all of the problems listed above, and therefore is inconsistent with the Salinas River Area Plan.

(1) Quality of life will decline, because of severe impacts such as traffic, noise, air pollution, overdrafts of aquifers, and loss of agricultural land to development. The cost of housing will appreciate markedly in the existing housing stock, making the area less affordable. Public facilities (schools, water districts, etc.) will have trouble keeping up with new demands from the influx of new residents.

(2) Rural character will disappear once the Santa Margarita Ranch project begins constructing various new projects such as

- gated housing enclaves for the wealthy
- nine wineries
- various visitor-use facilities such as guest ranch, golf course, restaurants, etc.

(3) It remains uncertain how the water supply proposed for Santa Margarita ag cluster development, or for additional development beyond that, will impact the local water supply. As mentioned elsewhere herein, the potential impacts from use of State water system and/or Nacimiento reservoir have not been adequately addressed in this draft EIR.

"PROJECT" ALTERNATIVE CREATES EXCESSIVE ENVIRONMENTAL IMPACTS; OTHER ALTERNATIVES OFFER BETTER BENEFITS TO THE SANTA MARGARITA COMMUNITY.
- Ag cluster development impacts can be significantly reduced by redesign and denser clustering. One alternative is project Alternative 3 (Revised cluster design) although even this design should be improved to avoid agricultural and open space impacts. Alternative 5 (Revised cluster location south of community) has the advantage that it keeps new residential development closer in to the existing community of Santa Margarita, thus avoiding sprawl; appropriate buffer space might be required between the town of Santa Margarita and this area. Alternative 7 (Tighter cluster) combines two main advantages: Keeping the new development closer to town, and keeping the development more compact.
- For future development, Alternative 10 is listed as the least environmentally damaging, and has a reduced overall "footprint" of development upon the Santa Margarita area. Among the given alternatives, Alternative 10 is the one that best fits the General Plan and the goals of the community.

CERTAIN ASPECTS OF THE PROJECT ARE INCONSISTENT WITH THE AGRICULTURAL AND OPEN SPACE ELEMENT OF THE GENERAL PLAN in various ways, for example:

(1) The project will cause an overdraft of aquifers (a Class I impact) (See DEIR p 4.14-11, bottom through 4-14-14). This conflicts with Agricultural Policy 11 (AGP11) of Agriculture and Open Space Element of General Plan:

AGP11: Agricultural Water Supplies:

a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the .loss of agriculture due to competition for water with urban and suburban development.

b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.

c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management system in the Land Use Element.

General Plan, Agriculture and Open Space Element (Dec 1998),

(2) So called "agricultural conservation easements" are not compatible with the continuation of agricultural uses.

AGP22: Major Agricultural Cluster Projects (not available in coastal Zone)

f. Consistent with the provisions of the existing agricultural cluster ordinance in the LUO (Land Use Ordinance), areas of the site intended for agricultural production must be permanently protected by a recorded open space easement and be placed in a Land Conservation Act (Williamson Act) contract.

General Plan, Agriculture and Open Space Element (Dec 1998)

The proposed Agricultural Conservation Easement scheme proposed in the project is clearly inconsistent with the General Plan requirement for protected lands to be in Williamson Act contracts as specified in AGP 22. Instead of Williamson Act contracts, the developers propose that the County should allow private Agricultural Conservation Easements (ACEs), as described in DEIR at p. 2-23.

Agricultural Conservation Easements (ACEs) are mentioned in DEIR at p. ES-11, 2-23, 2-29, Table 2-4, etc. The DEIR states, "An ACE is a deed restriction landowners voluntarily place on their property to protect resources such as productive agricultural land, ground and surface water, wildlife habitat, historic sites or scenic views." DEIR at p. 2-23. "The developer proposes an ACE rather

than a Williamson Act contract, which preserves agriculture and open space over a rolling 10 year contract. Williamson Act parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value." DEIR at p. ES-11. Some of the allowed uses proposed for ACEs include "a home for family members, or the subdivision of a lot for resale. In addition, ACEs often permit commercial development related to the farm operation." DEIR at p. ES-11. See also DEIR at p. 2-23. In the cluster residential areas, ACEs could even be used for septic system purposes. (See DEIR at p. 2-29, para. c., Utilities.) ACEs would also allow construction of five ranch/farm "headquarters" buildings (5,000 sq. ft. residences on 2.5 acre lots). See DEIR Table 2-4 at p. 2-36.

It hardly seems logical that agriculture can be protected through allowed uses that would be allowed by proposed ACEs: For example:

- Agricultural protection is not compatible with uses such as such as a home for family members (in ag cluster developments, homes are supposed to be on individual residential lost in clusters, not on easement-protected agriculture lands).
- Agriculture easements that allow huge 5,000 estate-sized "headquarters" residences hardly seem compatible with production agriculture.
- Agriculture easements are certainly not protective of agriculture if the easement allows further subdivision.
- Agriculture easements are not protective of ground and surface water if they allow installation of septic systems in the easement area.

Furthermore, the allowance of additional residences in the ACEs is directly contrary to the General Plan at AGP 22 para. d., which states, "All residential parcels are entitled to one dwelling per parcel." The residential "parcel" is not within the ag conservation easement. The intent here is to keep residential uses within the designated residential parcels, while the ag conservation easement areas are dedicated to agricultural, non-residential uses. However, within the ag conservation easement scheme proposed in the DEIR, one could construct extra residences for "family members," or "headquarters residences," or septic systems within the ag conservation easement areas. These provisions frustrate and interfere with the intent of AGP 22 (Major Agricultural Cluster Projects). The intent of AGP 22 is to protect as much agricultural use as possible in Williamson Act contracts and keep non-agricultural (i.e., residential) uses minimized by clustering such uses in small areas separate from the ag conservation easement area.

(3) Smaller, denser residential clusters could alleviate the negative agricultural impacts, but have not been used in this project.

County Land Use Ordinance (Title 22, County code), 22.22.040(A)(1)(b) (Agricultural land divisions) states, "b. Where a division of agricultural lands is proposed, a cluster division where homes are clustered in a compact manner which reduces the agricultural / residential interface, is an alternative to a conventional "lot split" land division."

The proposed residential cluster does not reduce the agricultural / residential interface, and thus is inconsistent with the LUO 22.22.040(A)(1)(b) (Agricultural land division). For example, proposed residential lots in the northwest part of the development are directly adjacent to "Botella sandy loam" which is prime agricultural soil if irrigated, and a proposed winery located adjacent to the urbanized village of Santa Margarita covers part of that same prime soil type. (DEIR at Figure 4.1-2). Figure 4.1-2 also shows that in the cluster development, a roadway and housing lots would intrude into Cropley clay 2-9 (prime ag soil if irrigated) and Elder loam 2-9 (prime ag soil regardless of irrigation). Figure 4.1-2 also shows a winery and ranch headquarters along Pozo Road just southeast of the ag cluster development; at this site, additional prime ag soils are covered over with

development by the winery and ranch headquarters. These unnecessary intrusions onto areas of prime agricultural soils defeat the goals of the Agriculture and Open Space Element of the General Plan, i.e.
Goal AG1 - Support County Agricultural Production
Goal AG 2 - Conserve Agricultural Resources
Goal AG 3 - Protect Agricultural Lands
These unnecessary intrusions of development into areas of prime ag soils are also inconsistent with County Land Use Ordinance, sec. 22.104.020 (Areawide standards for Salinas River planning area):

"Prime agricultural areas - Prime soils retention. New development on land that is classified by the Soil Conservation Service as prime, Class I or II soil if irrigated, shall be designed to minimize the loss of prime agricultural soils for potential agricultural use by selective placement of buildings and new parcels." Land Use Ordinance 22.104.020 (E)

The development can and should be re-designed to offer better separation of residential lots (and wineries) from areas of prime agricultural soils. A re-designed, smaller, denser residential cluster plan would allow better mitigation of agricultural impacts.

CONCLUSION

The above comments are only a fraction of the information I had hoped to provide. The County must require the revision and recirculation of the draft EIR, as explained above, to be in compliance with CEQA and other laws.

Michael Sullivan

Michael Sullivan

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PLANNING/BUILDING
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2000 MAR 28 PM 3:53

COMMENTS TO REVISED DRAFT E.I.R./SANTA MARGARITA RANCH

TO STILL BE CONSIDERING SUCH AN OVERTLY, INVASIVE ILL-CONCEIVED PROJECT WITH ELEVEN (11) CLASS 1 IMPACTS, "SIGNIFICANT, UNMITIGABLE & UNAVOIDABLE," SEEMS LUDICROUS IF IT WASN'T SO TRAGIC.

PUTTING THE LIVES OF SANTA MARGARITA SCHOOL CHILDREN IN JEOPARDY IS NOT AN OPTION. TO TRY TO MITIGATE THIS DISASTROUS DILEMA WITH FLASHING BEACONS & RADAR FEEDBACK SIGNS IS NOT ACCEPTABLE. THE PRECARIOUS EXPOSURE OF YOUNG CHILDREN & PEDESTRIANS CAUGHT IN THE CONFLUENCE OF THE PROPOSED, OVERWHELMING INCREASE OF VEHICULAR TRAFFIC WITH LIMITED SIGHT DISTANCE COMING FROM THE SOUTHERN ESTRADA AVE CREST TO THE RXR CROSSING TO THE INTERSECTION OF EL CAMINO REAL CANNOT BE MITIGATED WITH THEIR LIVES.

THE NEW, PROPOSED NORTHERN INGRESS/EGRESS (ONE OF THE PRIMARY INTERSECTIONS) FROM THE AG CLUSTER PROJECT IS TO BE LOCATED OVER THE CREST OF A HILL ON W. POZO RD (WITH EXTREME, & AGAIN, DRASTICALLY DEFICIENT & LIMITED SIGHT DISTANCE) & CEMETERY CURVE. ONE COULDN'T PICK A MORE DANGEROUS LOCATION TO INGRESS/EGRESS THE DEVELOPMENT — BETWEEN A 'BLIND' HILL & 'DEADMAN'S' CURVE.

THE OVERDRAFTING OF THE 'VIRGIN' AQUIFER IS ALSO AN UNMITIGABLE IMPACT EVEN WITH CONTINUOUS MONITORING & TESTING. THE EFFECTS TO THE RIPARIAN HABITATS, CREEKS, SPRINGS & ENDANGERED SPECIES WILL BE CATASTROPHIC. TO SUPPLEMENT THIS BY INJECTING OR RECHARGING WITH WORSE WATER (CONTAMINATED NACIMIENTO / STATE WATER PROJECTS) COULD DEGRADE THE SURFACE WATER, GROUNDWATER, 'VIRGIN' AQUIFER &/OR SAID RIPARIAN HABITATS & SOILS & HAVE A DETRIMENTAL EFFECT TO THE GREATER NUMBER OF PEOPLE – THE PEOPLE OF SANTA MARGARITA & SAN LUIS OBISPO COUNTY.

THANK YOU,

OTTO E.R. SCHMIDT

28 MAR '08

Shane Hayward
<shanehayward1@mac.com>
03/28/2008 05:14 PM

To mlmiller@co.slo.ca.us
cc
bcc
Subject EIR Input Attn: Martha Mill, EIR Manager

Comments on the Revised Draft of the EIR, Santa Margarita Ranch Subdivision/ Future Development

From; Shane Hayward
W. Pozo Road, Santa Margarita Ca. 93453
805-550-5343

There are 2 California Condors that are frequenting the S.M. Ranch. I have observed them on a regular basis (once a week at times) on both sides of Pozo Road between Trout/Water Canyon and the Salinas, slightly east of 58 adjoining the Ranch. I have witnessed them feeding on carrion.

There are 3 new pairs of eagles (some, the offspring of the 4 pair on the Salinas River adjoining the ranch.) They are nesting in the foothill range along the north side of Pozo Road between Highway 58 and Las Pilitas Road. They are using the Ranch, as well as the new proposed subdivision area for their hunting grounds, as are the Condors.

I have observed over 200 hummingbirds, 6 or 7 species, within a half hour. This is as important as the Ramsey Hummingbird Nature Conservancy located in Southern Arizona, near Bisby.

There are now more mountain lions, bear and bobcats than in the last 30 years on the ranch. The ranch is an important corridor between the Los Padres National Forest and the Salinas River as well as hunting grounds/creeks for these magnificent creatures. There has been little confrontation between man and animal as there are so few people on the ranch.
I recently observed my first badger sighting on the ranch.

Respectfully Submitted,
Shane Hayward

March 8, 2008

Martha Miller, Project Manager
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Dear Ms Miller,
Please see my comments below on the RDEIR for the Santa Margarita Ranch proposal.

2.8 Water and Wastewater

The EIR for the SMR proposed agricultural cluster subdivision project and the future development scenario cites mitigations for the significant and unavoidable impacts created by these proposals on the water table and the streams in the Upper Salinas watershed...CEQA policy requires that each public agency adopt objectives, criteria and specific procedures to administer these mitigation responsibilities successfully **BEFORE** a project is approved. (CEQA guidelines section 21082)

These mitigations must successfully address siltation in the creeks and overdraft of the watershed and streams that run through the project boundaries. Impacts caused by over pumping of ground water, the apparent pumping of the underflow of Trout Creek, depletion of stream flows, grading, polluted runoff associated with septic tanks, construction and residential living, all must be resolved. Successful mitigations measures or compensation for these class 1 impacts including the over drafting of the Upper Salinas Watershed must be enacted or the project must be moved to another location outside of this environmentally sensitive area where it will not permanently degrade the environment or deplete the watershed.

Additional impacts on the water table were brought forth in the revised draft by the addition of a previously un evaluated crop proposal that consists of ripping, planting and irrigating another 2000 acres of lands for vineyards. See the "Moore Ridge Vineyard proposal" and other proposed vineyards on the project map. There are currently approximately 950 acres being irrigated on the ranch. Just the additional vineyard and crop proposals will more than **double** current water use. Add the additional water demands of 112 large

residences with landscaping and a winery, tasting room and event center, and this proposal will clearly devastate the Upper Salinas watershed. The project maps define the vineyards as "dry farmed" yet they are irrigated nearly every summer and were irrigated year round in 2007 due to drought. This pattern is likely to continue as California experiences hotter and dryer conditions associated with climate changes.

Mitigation for such significant impacts must by definition, minimize, avoid, rectify, reduce, eliminate or compensate for these losses and offer the public something of equal benefit in return. The Impacts created by this project and by the future proposals are simply not possible or feasible to mitigate successfully and make the project unacceptable as presented. There are no benefits to the general public that can compensate for depletion of the Upper Salinas Watershed and for the further diminishment and polluting of the ground water due to 111 individual septic tanks on the hills above the flood plain directly adjacent to one of our community wells. There are already unacceptable levels of dangerous waste in the ground water in Santa Margarita. **To allow additional septic pollution and herbicide run-off from a residential development and a new vineyard DIRECTLY above and around the flood plain next to our town well is not only poor planning, but simply put, a ridiculously irresponsible proposal.**

The public and the environment must rely on the county to protect the health of our watersheds, our streams and our drinking supply. Approving this project does none of those things. Mitigation is mere lip service and has failed in the past on the ranch beginning in 1999 when the vineyards were added and citations from several agencies demanded that the owners monitor stream flows and limit dry season pumping to protect these flows and threatened steelhead. **NONE** of these "mitigation" measures were ever implemented or enforced by DFG or other agencies. In fact the Warden in charge at that time of Steam bed Alteration permitting was Warden Glenn Sparks who must have been aware of non compliance issues regarding the Trout Creek well and reservoir. Mr. Sparks is now an employee of the Santa Margarita ranch which exemplifies the failure of agencies to carryout proposed mitigations. CEQA states that this situation of failed mitigation is all too common and is **unacceptable**. The mitigations proposed for watershed protection **must not be allowed to get lip service again on the Santa Margarita ranch. There must be specific enforceable plans in place BEFORE permits are granted.**

Inadequacies with the water mitigation proposals in the DEIR are:

1. Water conservation: This may slightly reduce the overall use, but **IS NOT** a mitigation.

2. Stream flow monitoring: This is **NOT** mitigation as it merely identifies the problem after the damage to the environment has already been allowed. This can be avoided by restricting water use and protecting the resource beforehand. (See photo of failed monitoring and abandoned flow meter device in Trout Creek just above Trout Creek well # 19, pump station and holding reservoir.)

These "mitigations" do not minimize, avoid, rectify, reduce, eliminate or compensate for the devastation of complete ecosystems and endangered species that are dependent upon a healthy watershed.

*CEQA does not have authority to insure a successful monitoring program, and this "mitigation" has clearly failed in the past on the ranch. Agencies have failed to enforce the water diversion and endangered species mitigations ordered in 1999 and 2000 and the stream flow monitoring and zero dry season pumping mitigation requirements on the ranch are still being ignored. There was ground water being pumped year round during last year's drought.

The failure to address the current and future impacts of the Trout Creek well # 19 which hit water at over 1500 gpm at 8-10 feet must be acknowledged. According to C.D.F.G., CA. State Water Resources Control Board, National Marine Fisheries, U.S Fish and Wild life Service, National Oceanic and Atmospheric Association and local hydro geologist Tim Cleath, this well on the banks of Trout Creek, is likely connected to the underflow of the streambed and can visibly deplete stream flows. **Shouldn't these citations and impacts to the stream flows and water table in the Upper Salinas be addressed, monitored and mitigated first BEFORE more water extraction and additional impacts are allowed?**

These impacts on the water table and ranch area streams from the vineyard have NEVER been assessed, nor were any of the enforcement, monitoring or mitigation requirements implemented. Without protection, surface flows

on the Ranch and the federally listed Southern Steelhead are doomed. The stream flows and dependent species are already being threatened by just current water. To date there has been ZERO analysis in relation to current impacts of existing water use on stream flow. Some examples of this are:

1. There are no water meters or monitoring agencies verifying current water use.

2. There is no long term or short term objective data showing the actual accurate amount of acreage under irrigation, the actual number of irrigated vines or any basic record of information on how frequently the vineyards are irrigated or with how much water.

3. **There is no dry season baseline data from which to assess current and future impacts, and ranch wells have not been analyzed or measured during dry season for their true safe yield capacities.**

4.There are several new wells that have been added since the hydrology analysis was completed, and these well's impacts are not figured in to the total water budget.

In order to properly evaluate the impacts of the vineyards on the ranch, there must be more detailed study completed **BEFORE** allowing the irreversible impacts of overdraft to occur.

Some of the problems associated with the proposed mitigations on water use in the DEIR are:

*Mitigation would be based on a future program of uncertain activities or success .

*Mitigation is not successful once it becomes apparent that it is not working and thus is too late.

* There is no way to effectively enforce any of the proposed mitigations for the long term, as individual home owners will install appliances and landscaping of their choice once the County signs off.

The public is not obligated to accept permanent degradation of the Upper

Salinas Watershed as there are no adequate mitigations or compensations for this loss. Therefore, before permits are granted for any additional water use on the ranch, consultants and agencies must be required to demand more detailed information of the existing water distribution system on the ranch to account for the inadequacies in current data. More information is needed, specifically a map with detailed drawings showing the location of all new and existing wells, all routing of piping, all pipe sizes, all connections to wells and pumps, all pump sizes and pumping capacities including rated gallons per minute, and head and horsepower. The map should show all the new wells and pumping systems that have been recently added on the ranch, along with complete well records, dry season well depths, drought time pumping capabilities and recharge rates.

The consultants and hydrologists should be granted access to the pumping apparatus currently being used on the ranch to accurately analyze the existing water system which utilizes both propane and electricity to pump ground water, making it difficult to measure or monitor water use through electrical records or propane consumption.

The applicant's reported use of 285 afy confirms the need for more thorough and objective analysis. "Ranch technicians" do not report the leaky irrigation that is often found in the vineyard while the irrigation system is pumping and wasting thousands of gallons of water un measured or monitored.

As a keen observer and land owner with a deeded easement through the ranch to access my property on upper Trout Creek, I have 39 years of observing first hand the stream flows and the effects of drought on the ranch streams. In the last 7 or 8 years, I have witnessed significant decreases in stream flow since the ranch began pumping large amounts of water for irrigation beginning in 2000. There are over 30 additional "Ag" wells that have been added since that time, many of which are in the exact location of the proposed development corridor where there is no agriculture.

Santa Margarita is subject to extreme fluctuations in rainfall and in ground water storage due to the shallow alluvial aquifers in the area. The water table is affected by extreme seasonal fluctuations of twenty feet or more and is highly dependent on rainfall to recharge and maintain healthy stream flows.

Even with just the current agricultural demand on the watershed, there is serious concern among local residents and enforcement agencies that irrigation is already threatening critical habitat of the endangered southern steelhead who require healthy stream flows to survive. Furthermore, the Ranch is **NOT** "pumping from deep bed rock wells out of the Rinconada watershed" as they claim in their series of denials answering the water diversion complaint issued by the Ca State Water Resources Control Board in 1999. Rather most of their wells are in the shallow alluvial and water yields fluctuate drastically along with seasonal rainfall.
The county should prohibit any additional ground water pumping until a resource capacity study and baseline water data study are completed on The Upper Salinas Watershed. In conclusion, the proposed project cannot be sufficiently mitigated and it is:

1. Against Ag policy 11 in San Luis Obispo's Ag and open space element (AG11, agricultural water supplies) that clearly states that groundwater should be used and maintained for agricultural purposes.

2. Against County Framework for inland planning to offset or swap the surplus ground water that would be allowed for agricultural uses with the supplemental water from the Nacimiento pipeline that is allocated only for urban uses.

3. The project is outside of the urban reserve line creating further inconsistencies with policy that restricts urban water services from being provided outside of the urban reserve line.

The DEIR points out (pp 7-18) that the allowance of Nacimiento water for an agricultural cluster could bring the growth inducing impacts to a Class 1 (significant and unavoidable) impact, as proposals allowing water to be brought into areas not previously served greatly increase the potential for urbanized development in rural agricultural areas. This may also encourage more attempts to change the legal designation of water use in the county, as evidenced by the applicants who are now investing and speculating on a plan to manipulate current land use ordinances in order to

force this development through, even though it clearly does not comply with the County Framework for Inland Planning or Ag Policy 11 (AG11) Offsetting or tweaking designated water use policy for residential and agricultural development is a developer driven scheme that will run rampant in San Luis Obispo County once you open that door.

The applicants are pushing two options for additional water, neither of which comply with the county's Ag and open space policy 11, which states that ground water is to be maintained for agricultural uses and if any surplus exists, then it may be used for residential purposes. Similarly, water brought from outside of the urban reserve line is not allowed for residential uses. If this change in policy is allowed now, for this project, it is clear that proposals outlined in the future development program will be imminent, rather than "something that may never happen" as described by owner-developer Doug Filliponi in a Feb. 21st San Luis Obispo Tribune article. The future impacts are an unknown thus how can the public coherently comment on something that is proposed, but "may or may not" happen? This is piece-mealing the projects impacts and prevents us from making accurate assessments of the overall long term impacts created by the proposed and future development proposals. This is a violation of CEQA.

Archeological Impacts:

The RDEIR does not address additional archeological impacts that will be created by the recently added areas planned for new vineyards and project alternatives. For example, the proposed Moore Ridge Vineyard would rip the remainder of the old historic Ranch Road that has been in use since 1860 and is clearly marked as an archeological sensitive area that was designated and recorded in 1942, I believe by the county of SLO.

The county and CEQA requires mitigation plans to be in place **BEFORE** permits are granted and these sensitive archeological areas are destroyed. There must be buffers and set backs of 60 feet or more when an isolate or special archeological designation area is proposed for construction or ripping for agriculture. There would be no way to have a set back from the old historic road which is slated for ripping for new vineyard. There are several other identified archeological safe zones directly in the proposed project alternative areas. There must be archeological surveying done

before the ripping of a new vineyard or development occurs on top of an archeological site. There is no adequate mitigation for this kind of destruction.

Sincerely,

Miranda Joseph 1038
Santa Margarita , CA 93453

March 8, 2008
Martha Miller, Project Manager
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

2-74 Revised Steelhead impacts and mitigation

Dear Ms. Miller,
The steelhead management program to be authored by NOAA & FESA will design required protection measures to mitigate impacts and preserve critical habitat including setbacks, buffer zones, pollution and drainage control, along with other mitigation measures identified in the Draft EIR. But there is a far more important and effective mitigation not identified in the DEIR or in agencies' future protection plans for threatened and endangered Steelhead and their federally protected critical habitat: **This is the need to prevent over drafting the water table in the Upper Salinas by restricting ground water pumping so that streams can maintain healthy surface flows year round, not just at flood stage.**

1) The current and future proposed projects and vineyards create a Class 1 impact on the watershed by depletion of the ground water basin.

2) The resulting depletion of surface stream flow through overdraft will also create a Class 1 impact on the Steelhead. The connection is inextricable: NO FLOW = NO FISH!

Overdraft is predicted by the DEIR from the Ranch's proposed additional uses of ground water. Even now with current levels of ground water pumping, there are already visible signs of negative impacts on surface flows of Trout Creek and neighboring tributaries that flow in and around the proposed development site. These streams were depleted to subsurface levels during last year's drought, apparently as a result of the year-round ground water pumping for vineyards that occurred simultaneously with the drought. Trout Creek has NEVER gone completely sub surface in the 39 years I have observed summer flows, even during previous droughts.

U.C. Davis anadromous fish biologist Lisa Thompson conducted a study on steelhead in the tributaries of the upper Salinas in 2006. She and watershed expert Royce Larson used ribbons to mark pools and count fish

populations on our property a mile upstream of the Trout Creek well and pumping station. Last year in June these same pools where healthy steelhead were counted the previous year in August, ran bone dry. The vineyard required year round irrigation last year due to lack of rainfall and it is clear that this pattern is likely to continue. The wholesale pumping of the underflow of Trout Creek should be decreased to protect steelhead habitat **NOT** increased for proposed residential development. The Trout Creek well pumps 1000's of gallons of under ground stream water to a massive concrete holding reservoir a few hundred yards away. This pattern cannot continue without permanent, irreversible damage to critical steelhead habitat. Several sea- run Steelhead over 22 inches were spotted this year by experts in the field in Trout Creek; Similarly, Lisa Thompson verified the presence of at least one sea- run Steelhead over 21 inches in Upper Trout Creek in her study of August 2006. **Considering the precarious water flows in all the area streams, the impact on Southern Central Steelhead from just the first phase of the project's proposal is by no stretch of the imagination a Class 11 impact but rather has a "significant and unavoidable" (Class 1) impact.** The federally listed Steelhead, whose survival depends directly upon healthy stream flows can no longer return to their spawning grounds and can not exist even seasonally in a watershed with streams that are depleted and running subsurface every summer and fall.

According to the Water Resources Advisory Committee, there is already a cone of depression forming along Pozo Road caused by over pumping ground water, signaling trouble and providing evidence that there is a need for immediate restriction on ANY increased water use until a resource capacity study can be completed and baseline dry season information can be obtained. With increasingly dryer winters and hotter summers, it is clear that our streams need protection **NOW** before they are impacted any further. Increased water use for agricultural and/or residential development on the Santa Margarita Ranch must be denied until a thorough and objective resource capacity study and dry season safe yield budget for the water table is completed over a complete hydrological cycle in the Upper Salinas Watershed and on the Ranch.

With development reaching further and further into rural and wild lands, these fish are losing their battle for survival all over California. The state is spending large amounts of money to restore its damaged and depleted waterways which threaten the future survival of Steelhead. Extinction is not acceptable. We have a responsibility to save an existing habitat before we are in a situation of having to apply for state funds to restore the Upper Salinas Watershed. Prevention benefits everyone, except the few who stand to make the most money.

It is contrary to common sense to assert at this point, that without further dry season baseline information on the effect of stream flows from current water demands, that the Upper Salinas Watershed could support the demands of an additional 2,000 acres of irrigated crops, with a massive residential neighborhood, wineries and event center. The damage will be irreparable given the countless sensitive areas within the project boundaries containing endangered species and archeological significance. There is no mitigation for permanent destruction of critical habitat.

CEQA will not allow a project to be permitted unless there is sufficient water for **ALL** potential demands, present and future, **at the time of the project proposal and before permits are granted.** The CA Supreme Court acknowledged that the burden of identifying likely water sources for a project varies with the stage of the project approval. "The need to know where the water is coming from will be more precise at the building permit phase than at the conceptual plan phase." The high court emphasized that "**the ultimate question under CEQA is not whether an EIR establishes the likely source of water, but whether the EIR has examined the reasonable foreseeable impacts of supplying water to the project."** As emphasized by the high court, CEQA is concerned about a proposed project's effect on THE EXISTING PHYSICAL ENVIRONMENT. "For example, does supplying the water to a proposed project dry up an existing free flowing stream or exacerbate a potentially over drafted groundwater supply?" (CEQA guideline for Ca.) The answer is yes, yes, and yes again. According to several regulating agencies (NOAA, NMFS, DFG and the Ca State Water Resources Control Board) the impacts of just current water usage on the water table and stream flows may already be significantly impacting threatened species.

The rampant exploitation of California's dwindling open space, natural resources, and wildlife habitat must be curtailed. The county has regulations and clear policies governing land use and requiring Smart Growth principals clearly stating that new growth must be in existing urban areas and that there must be adequate resources to support that growth. This project goes against all common sense and against most of these existing Ag and open space policy's that should not be manipulated by a small group of special interest developers who stand to benefit at the expense of the environment and people who live here.

Sincerely:

Miranda Joseph
Po Box 1038
Santa Margarita, CA 93453

Ms Martha Miller
Lead Planner
San Luis Obispo Dept
of Planning and Building.

Comments on the Luhdorff Scalmanini water availability/use rebuttal to the EIR'S study by HOPKINS, paid for by Santa Margarita Ranch for proposed development project. Spring/Summer 2007

Dear Ms Miller:

I am a private land owner with property located at the headwaters of Trout Creek and bordering Santa Margarita Ranch on one side, and the Los Padres National Forest and Water Canyon on the other. My family has owned the property since 1969, and we have spent nearly forty years enjoying the abundant clear-water streams which run through our valley and the amazing diversity of wildlife which frequent those streams. We are not scientists or hydrologists, but we have for four decades been keen observers of the area - and the changes that have occurred over time. What we have observed in recent days has been alarming!

True to its name, Trout Creek historically has supported a population of Steelhead Trout that has thrived in these streams until very recently. We had a five-year drought in the late 1980s when Trout Creek showed a reduction in surface flow on a quarter-mile portion of the creek down stream from us. That was the driest we had seen the creek in 20 years.

These drought and recovery cycles are normal and the creek retreats every summer. However, since the establishment of vineyards - and the associated pumping for irrigation - at Santa Margarita Ranch, everything has changed. And the situation this year has gotten dramatically worse .I have seen federally protected steelhead trout caught and dying in tiny pools of water in areas where the stream usually flows cold and fast year round.

Not even in the five year drought of the late 1980s did I see such complete devastation of the surface flow of Trout, Rinconada and Yerba Buena Creeks. There are pools in Trout Creek where UC Davis biologists Lisa Thompson and Royce Larson marked with study ribbons and counted healthy fish populations and measured water temperatures and flow levels last year. Right now, at the end of July, just one year after their study, many of the pools used to collect data are bone dry. Trout creek is retreating underground now a full mile higher up than where it did even in the five year drought, and we are only in July!

The irrigation system for the vineyards at the Ranch include a maze of wells throughout the ranch, and visible surface water flow has gotten lower and lower each year since the vineyards were planted. For the last four years, we have observed moss in most of the low lying areas of Trout Creek, and what appears to be high levels of mercury which is naturally occurring, but harmless when water flow is higher and temperatures colder. In39 years, I cannot recall ever seeing this mossy condition that now exists in Trout Creek and other neighboring creeks.

Luhdorff and Scalmanini, consultants hired by the Ranch's owners/developers, authored a 15-page hydrology analysis rebutting the findings in the Draft EIR for the proposed residential ag "cluster" subdivision. They have attempted to dispute the gloomy groundwater projections in the Hopkins hydrology study. Interestingly, Luhdorff and Scalmanini were also hired by developers Redwood Equities, Van Logan, Quaker Hill and Brookline Homes, along with the City of Rohnert Park, to argue against existing data and an EIR that projected overdraft and insufficient water for their proposed development in Rohnert Park, California. In that case, the existing data showed that the aquifer was already in overdraft, but this was argued and the facts were manipulated by Scalmanini's report. A vast cone of depression

has been created in Rohnert Park and the aquifer that lies beneath the city is in serious overdraft and is negatively affecting well levels in unincorporated areas surrounding the city.

John King, a Penngrove rancher was the first local citizen to raise a ruckus about his declining well levels in 1999. By 2000 his and other neighboring farmers wells were running dry and they banded together and successfully sued Rohnert Park. The Luhdorff/ Scalmanini report findings are "tremendously favorable to the developers who paid for it and the object of the draft WSA is to reinvent groundwater history in order to support new development", says sixth-generation Penngrove hydrologist and scientist for Livermore Laboratories, Steve Carle.

Suspiciously, a region long thought to be in overdraft was transformed by Rohnert Park and the Luhdorff/Scalmanini draft WSA into an area where, as Carle put it, "water was gushing out of the aquifer." Scalmanini was hired by the Rohnert Park developers to argue the data and findings in that EIR just as they are now doing for the owners of the Santa Margarita Ranch. It raises some serious questions about the Luhdorff and Scalmanini report, which should be carefully scrutinized. For example, on page 9 of their report, the firm argues that "a combination of observed conditions and the reported results of a perennial yield analysis undermines any conclusion that the water yield is limited to what may prove to be in the range of 400-600 afy," and calls Hopkins's bleak projections "speculative and unsubstantiated." Yet the Scalmanini report relies its own "observed conditions," and data collected from "ranch technicians," who no one could seriously expect to be completely objective. From my perspective as someone who has been watching these streams for almost 40 years, the "observed conditions" are that creek levels have gotten visibly lower and lower each of the last several years since the irrigation

for vineyards began. One can only assume that that pumping has resulted in an overuse of water from the various aquifers underlying the Ranch.
One of my primary wells ran dry on July 14th. That has never happened in the 39 years we have owned the property. There is nothing speculative or unsubstantiated about it! Furthermore, Scalmanini argues that water use in the EIR is overstated because mature grapes like the ones on the ranch now, require far less water than immature or newly planted vines. Yet, as of August 10th, 2007 I counted hundreds, perhaps into the 1000's of brand new vine starts which were being planted all over the vineyard to replace dead or unproductive "mature vines." Again, Scalmanini's argument about water use is being underestimated as this replacement of "mature vines" with brand new starts will require AT LEAST what Hopkins estimated, if not more.
The results of Scalmanini's overly ambitious water projections were relied on in Rohnert Park and that city is now on the verge of a water war. Do we want to see the same thing happen here? It does not take a scientist to see what is so obvious: too much water is already being used on the ranch, and Trout Creek and neighboring streams cannot survive an increased demand of water for the proposed residential subdivision, wineries, sprawling golf resort, and other uses. It is critical that good data be collected during times of drought, such as we are now experiencing. The use of statistical manipulation to find a "mean annual precipitation" that supports the claim that groundwater recharge occurred during a cycle of "average precipitation" when it most likely occurred because of an above average year, is intentionally misleading. In actuality they paired a flood year with drought years to create the illusion that rainfall was not above average and that re-charge was occurring with only average rainfall. This manipulation of data results in findings that are misleading, at best.

Even in the wettest years, such as 2005, when we

measured above average rainfall of 35 inches, by the end of summer, Trout Creek could not maintain the surface flows we have observed in most years prior to the siphoning of water for the vineyard. This is evidenced by moss and mineral build up and the surface flow going COMPLETELY UNDERGROUND like it is did beginning in June, 2007.
This disastrous situation happened after only ONE year of drought. Furthermore the SMR has plans to add Additional vineyards that are not even figured into their current water budget which again was orchestrated using data collected BY the developer with the help of Luhdorff and Scalmanini.

PRIOR to the vineyard irrigation, even in a five-year drought, the streams had healthy re-charge. Contrary to Scalmanini's claim on page 8 that "the ranch would not be expected to impact other users" the water levels will - and already have - had major impacts on other users.
At least, I consider my well running dry in early summer after only one year of drought a major impact! And I consider federally listed steelhead trout whose streams are being completely depleted, to be other users. Not to mention Red Legged frogs and some 32 other threatened or endangered plants and animals that depend on this year round flow. Scalmanini's claim that there is adequate ground water for a massive housing project, golf courses, event centers, bed and breakfasts, dude ranch and guest lodge and 9 wineries with public tasting rooms is laughable! It doesn't take an expensive study to see that the streams cannot even re-charge in a one year drought now, even with just the current vineyard use. The Scalmanini claim that the Hopkins hydrology study was of "speculative nature" is ironic, considering the lack of any concrete or objective data that can justify their own conclusions!

A complete hydrological study is needed to assess whether this fragile watershed has enough water to sustain the continued operation of the

vineyards, let alone the addition of 111 Mcmansions with landscaping and 2000 more acres of vineyard. That more than triples the current irrigation demands and the vineyards **ARE NOT** dry farmed as the project maps declare. The creeks are already in crisis. The data that was collected to support Scalmanini's claims was intermittent and much of it was collected before the effects of long-term pumping could be accurately measured. Perhaps we should look carefully at what happened in Rohnert Park based on Scalmanini's technical advise. The first signs that there was a problem there were wells running dry. This is happening here now, even before any development has occurred.
California is facing an uncertain future with hotter summers and dryer winters. This urban sprawl out into range land will compound the State's water crisis and the create a big pay off now for the developers. Once the water runs dry, County will have to change policy to allow urban water to supply the ag cluster once since once its built, you can't deny people water. By law an Ag cluster must have sufficient excess ground water to support the housing indefinitely. This is clearly NOT THE CASE and more dry season baseline study is needed to support "the proven resources" claim we keep hearing about over and over again.

Miranda Joseph 459 6549
P0 Box 1038
Santa Margarita, CA
93453

	Pictures of Trout Creek - Miranda Joseph
This is a picture of the cement bottom holding reservoir next to Trout Creek and Trout Creek Well #19 and extensive pump station. Reservoir holds water that appears to have been pumped from the underflow of Trout Creek.	

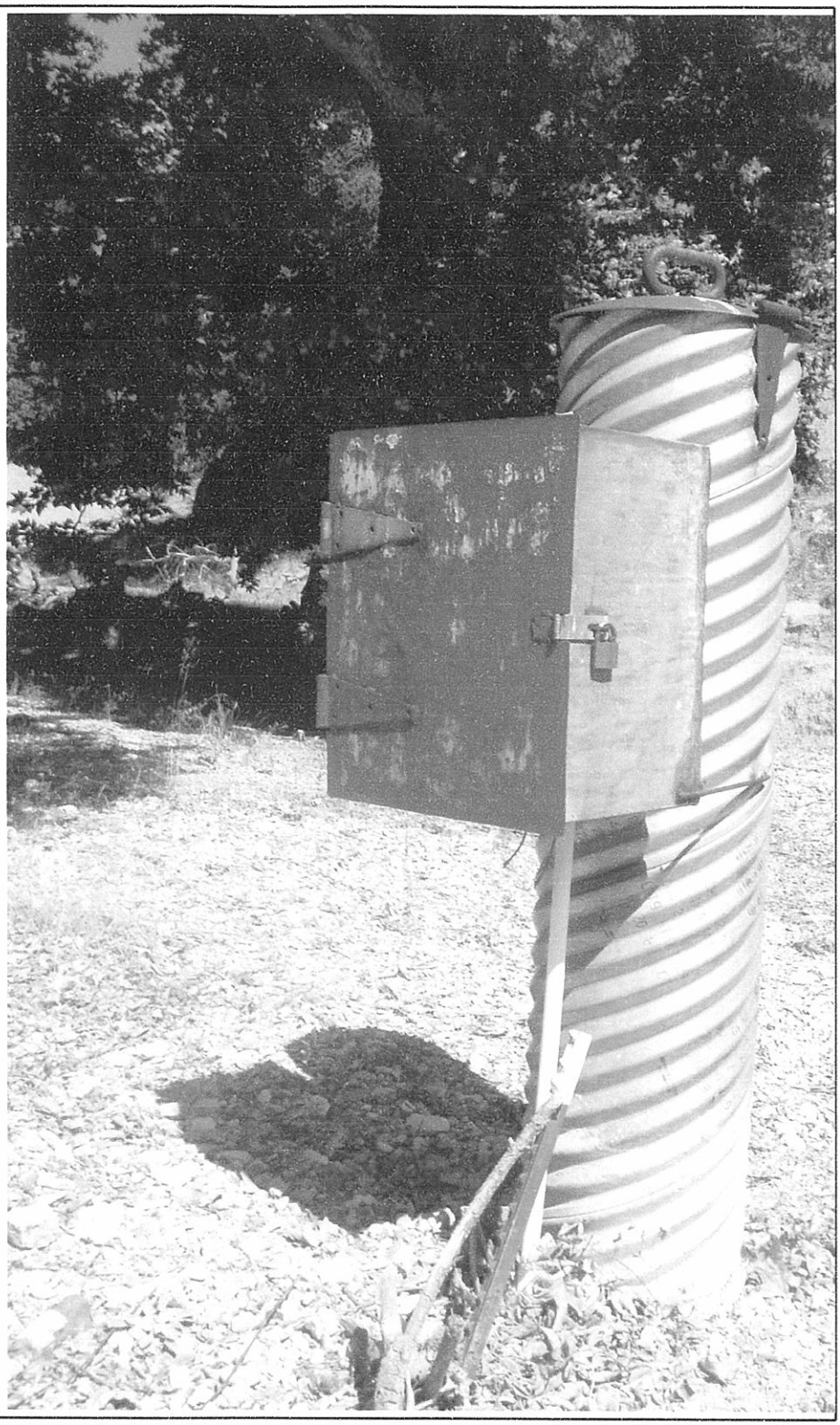
Quarter mile upstream of Trout Creek Well and pump station. June 2007.

This usually runs through the summer not showing signs of drying up until early fall.

I believe it is dry at this time because of extensive pumping of Trout Creek well.

Flow meter installed to mitigate 1999 - 2000 citations for impacts of stream flow diversion. Required for reservoir construction to assess flow levels and impacts. This has been long abandoned.

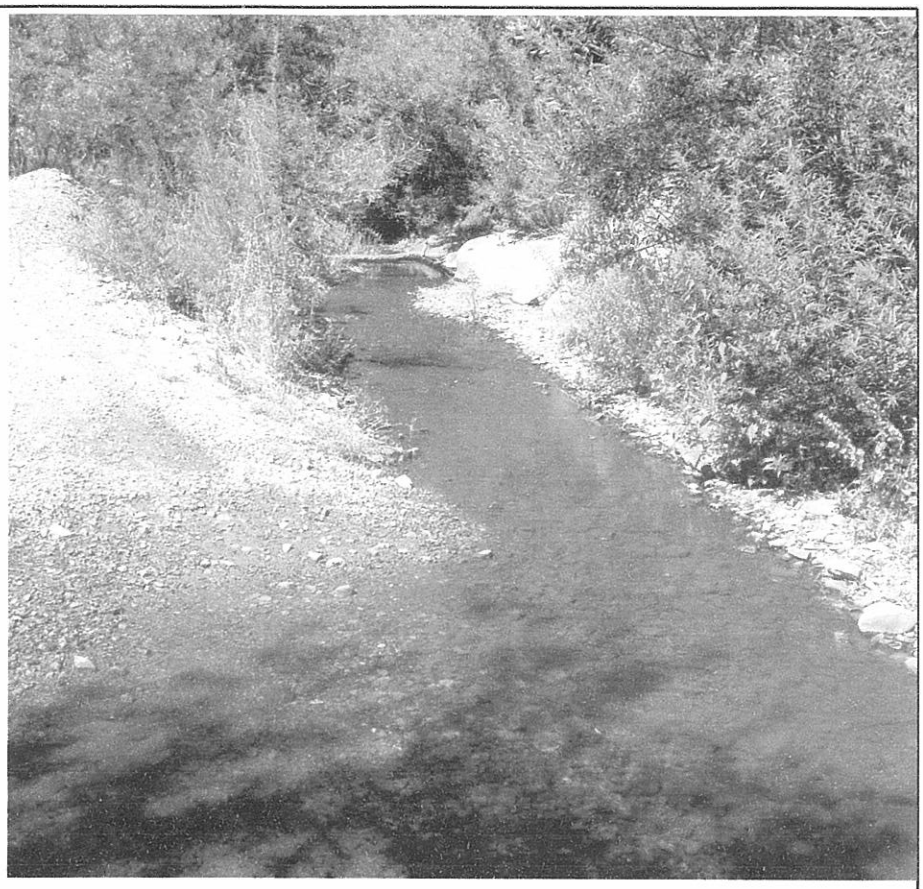
This is an example of the failure of mitigations imposed in the past.



Trout Creek with flow meter in the back ground. Picture taken in early June 2007.

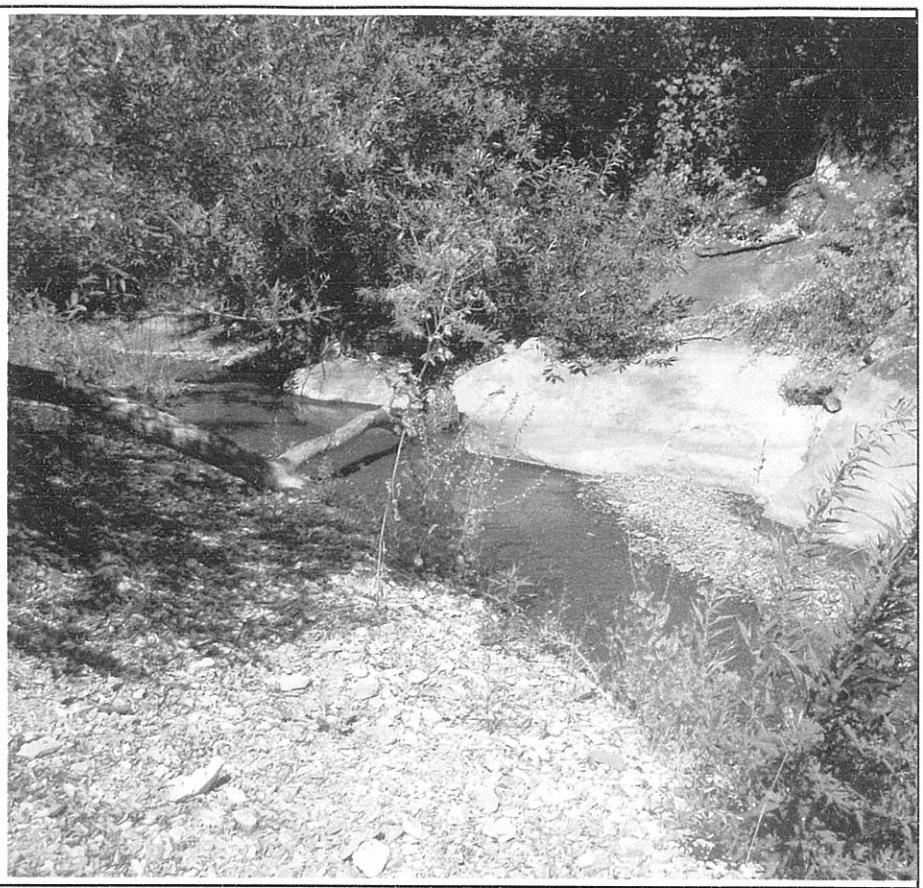
The ranch pumped year round due to record low rain fall this year. This pumping during drought times causes the creek to dry up.

Trout Creek crossing in the upper reaches approx ¼ mile upstream from the meter. The stream goes sub surface 100 yards below this point at the meter.
It again goes subsurface just 50 yards up stream from this picture for another mile.
NEVER has the stream run dry above this point at ANY season since 1968.
Note slow, brown ,mossy water-indication of unhealthy flow level.



Trout Creek - Note water line stain on rocks indicating normal flow levels approximately 18 inches above current creek level.

After major rainfall in February 2008 a 23 to 24 inch sea run steelhead was spotted at this location.

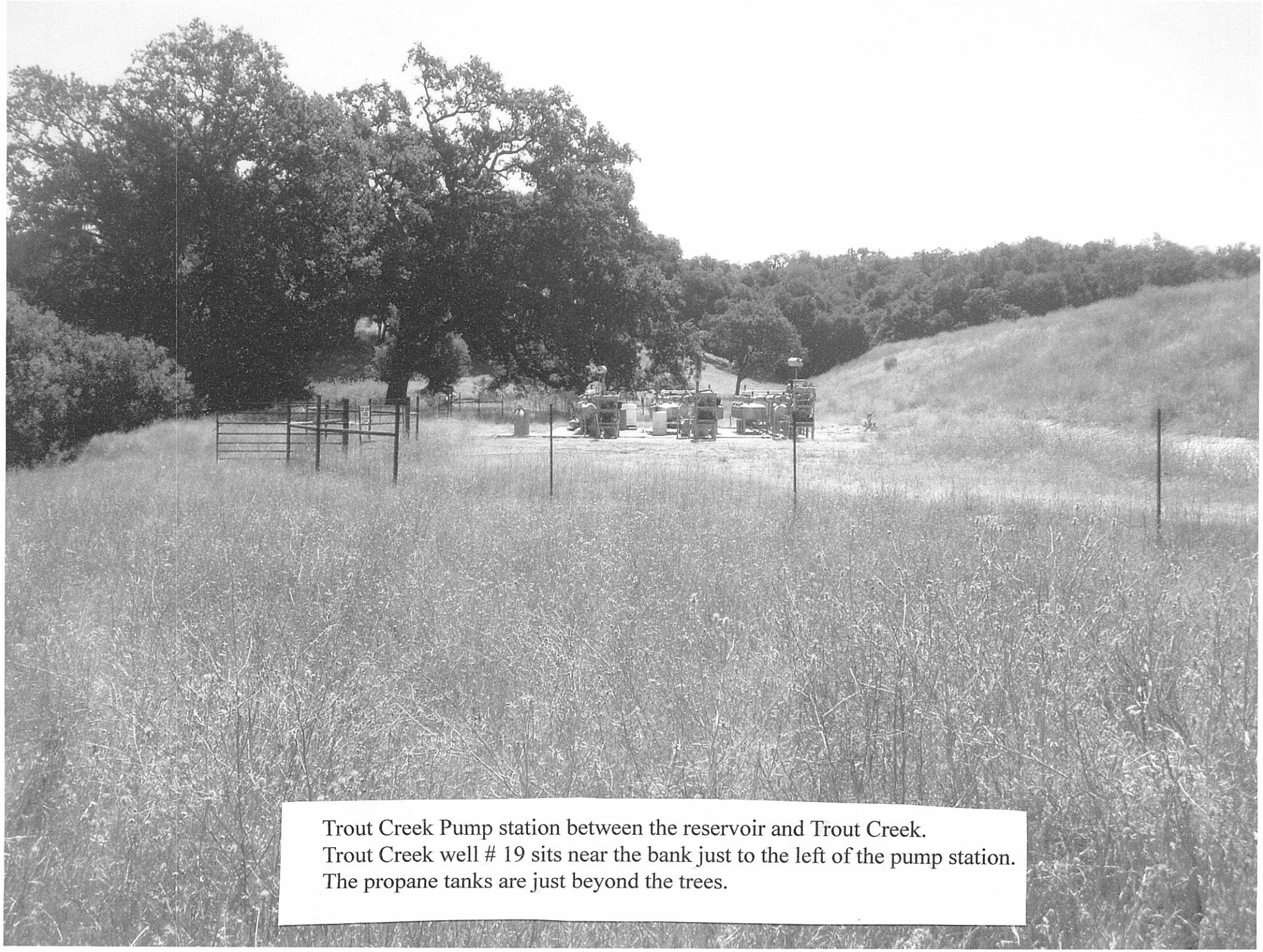


One mile upstream of the previous picture at "Rocky Crossing" at the base of Water Canyon. This pool was marked by the UC Cooperative Extension and U.C. Davis anadromous fish researcher, Lisa Thompson, to count healthy steelhead populations in August 2006. In June 2007 this section is bone dry. This is the first time in the last 39 years of my observation that this section of creek has ever been dry. The Name Water Canyon has always indicated year round water.

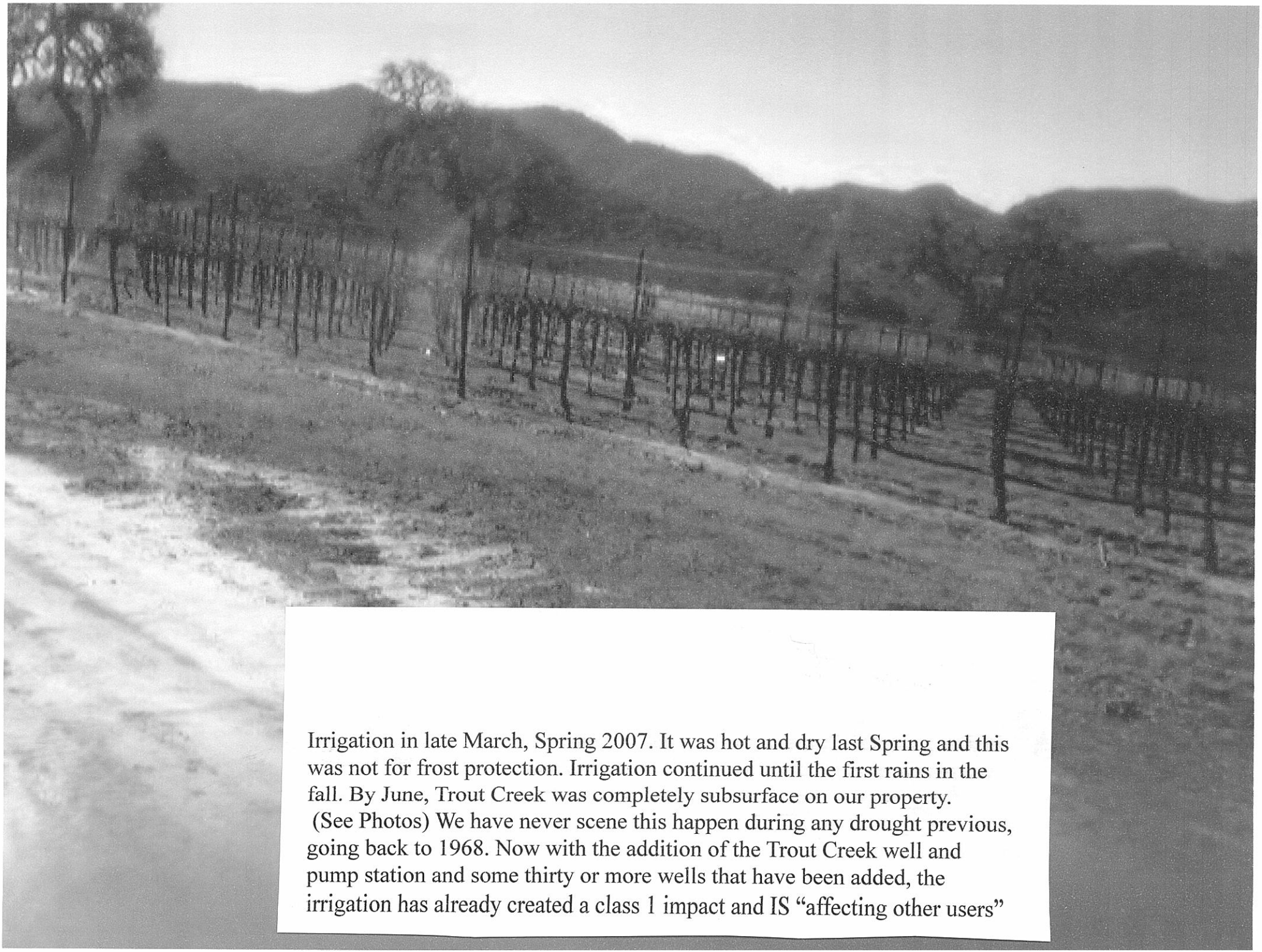
Steelhead caught in former study pool from Thompson study of August 2006 This is now dry as a result of sub surface pumping of Trout Creek. There is NO flow here, just a few fish holding on under the roots.	
Water Canyon Upper Trout Creek study area. Results of pumping of underflow of Trout Creek for vineyard operations and to fill concrete lined reservoir. Picture taken June 2007. Until massive pumping of subsurface flow of Trout Creek this creek portion of the creek has provided a healthy habitat for steelhead year round.	

Upper Trout Creek study area. Results of pumping of underflow of Trout Creek for vineyard operations and to fill concrete lined reservoir.

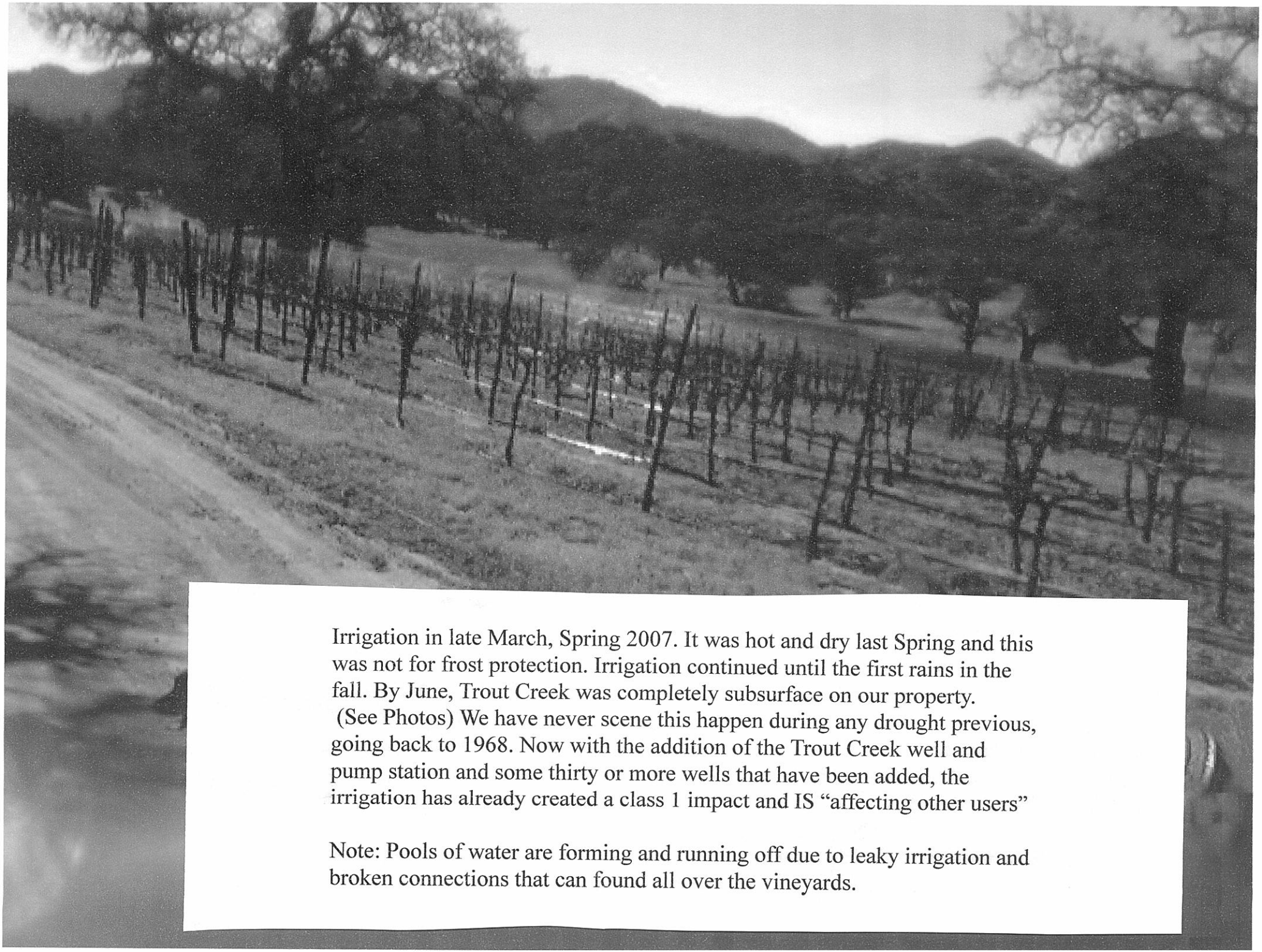
Picture taken June 2007



Trout Creek Pump station between the reservoir and Trout Creek.
Trout Creek well # 19 sits near the bank just to the left of the pump station.
The propane tanks are just beyond the trees.



Irrigation in late March, Spring 2007. It was hot and dry last Spring and this was not for frost protection. Irrigation continued until the first rains in the fall. By June, Trout Creek was completely subsurface on our property. (See Photos) We have never scene this happen during any drought previous, going back to 1968. Now with the addition of the Trout Creek well and pump station and some thirty or more wells that have been added, the irrigation has already created a class 1 impact and IS "affecting other users"



Irrigation in late March, Spring 2007. It was hot and dry last Spring and this was not for frost protection. Irrigation continued until the first rains in the fall. By June, Trout Creek was completely subsurface on our property. (See Photos) We have never scene this happen during any drought previous, going back to 1968. Now with the addition of the Trout Creek well and pump station and some thirty or more wells that have been added, the irrigation has already created a class 1 impact and IS "affecting other users"

Note: Pools of water are forming and running off due to leaky irrigation and broken connections that can found all over the vineyards.

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March 28, 2008

HAND DELIVERED

Martha Miller
County of San Luis Obispo
Department of Planning and Building
976 Osos St, Room 300
San Luis Obispo, CA 93408

RE: Revised Draft Environmental Impact Report (RDEIR) for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program

Dear Ms Miller:

This office submits the following comments on the Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program in behalf of the Applicant, Santa Margarita, LLC.

The Applicant is concurrently submitting the following comments from various qualified experts:

1. Kirk Consulting;
2. RRM Design Group;
3. Althouse and Meade, Inc;
4. Associated Transportation Engineers;
5. Luhdorff & Scalmanini Consulting Engineers;
6. Dr. Thomas J. Rice.

With the inclusion of these materials and the Applicant's previous comments, we feel that the RDEIR can be certified as consistent with the requirements of CEQA. While the County consultant prepared sections continue to overstate potential impacts, the entire document with comments qualifies those conclusions, and provides a clear basis upon which to approve the project.

There are a number of additional legal issues which merit comment at this time regarding the proposed reduced density alternative and the legal feasible various conditions addressed in the Ranch's consultant comments. The comments can be restored during the public hearing process, and should not justify any further delays.

A. Reduced Housing Density Is Strictly Controlled By CEQA

The RDEIR for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program includes a new alternative recommending a reduction of housing density.

This alternative is not legally feasible and is not supported by the requisite substantial evidence to support required findings for density reduction. Local agencies may not deny or reduce the density of a housing project that is consistent with applicable general plan, zoning, and development policies in effect when the application is determined to be complete unless the agency makes written findings showing that the project would have a specific adverse impact on the public health or safety without its disapproval or a reduction in density.

Govt. Code §65589.5(j)(2), provides:

> j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

> (1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
>
> (2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

For projects that include a housing development, the responsible lead agency may not reduce the number of housing units as a mitigation measure if it determines that another feasible specific mitigation measure is available that will provide a comparable level of mitigation and that will not reduce units.

In this case, there is no substantial evidence to support the required findings for housing density reduction, and that alternative is legally and economically infeasible.

B. All Proposed Project Mitigations Must Be Economically and Legally Feasible, and Constitutional

Particularly with regard to proposed traffic mitigations, and other mitigations identified by the Ranch's consultants, such mitigations must be economically and legally feasible, and be consistent with well established constitutional nexus principles. Under 14 Cal. Cod Regs. §15131(c), agencies must consider economic and social factors, particularly housing needs, along with environmental, legal, and technological factors, in determining whether mitigation measures and project alternatives are infeasible. See 14 Cal Code Regs §15091, 15364.

If the information is not included in the EIR, it must be set forth elsewhere in the administrative record before being imposed as a project condition. 14 Cal. Code Regs. §15131(c). See *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 CA3d 1167, 243 CR 339. If economic information on the feasibility of an alternative is contained in an EIR, it should be substantial economic evidence sufficient to support a determination that a particular alternative is not economically feasible. *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 133 CR2d 718.

Like any government exaction or condition of approval, a mitigation measure cannot violate state or federal constitutional standards. This limitation is explicitly stated in the Guidelines.

14 Cal. Code Regs. §15041(a) provides:

> A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard*, (1994) 512 U.S. 374, *Ehrlich v. City of Culver City*, (1996) 12 Cal. 4th 854.).

14 Cal. Code Regs. §15126.4(a)(4) provides:

> Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
>
> (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

> (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

These principles have been explained in detail in *Practice under the California Quality Act*, CEB (2006) 634, 853, 723, 1034: As developed by the California courts and the United States Supreme Court, the primary limit on agency authority is the requirement that a "reasonable relationship" or "nexus" exist between the project's impacts and an exaction, fee, or condition imposed by the agency. *Dolan v. City of Tigard* (1994) 512 US 374, 129 L Ed 2d 304, 114 S Ct 2309; *Nollan v. California Coastal Comm'n* (1987) 483 US 825, 97 L Ed 2d 677, 107 S Ct 3141.

In *Nollan*, the court held that it is an unconstitutional taking of property for a government entity to require dedication of an easement as a condition of granting a development permit unless a substantial relationship exists between the impact of the proposed construction and the permit condition. The court held that the required public easement along the beach was not substantially related to the burden created by rebuilding a residence, because the project would not interfere with public use of the beach. See also *Surfside Colony, Ltd. v. California Coastal Comm'n* (1991) 226 CA3d 1260, 277 CR 371(study showing generally that seawalls cause erosion was insufficient to justify dedication of public easement along beach required for seawall project because study acknowledged that results vary locally and no showing was made of potential erosion damage from this seawall); *Rohn v. City of Visalia* (1989) 214 CA3d 1463, 263 CR 319 (condition of site plan approval and building permit requiring that portion of property be dedicated to city for street widening project was invalid under substantial relationship test because project would not increase traffic).

A related but distinct principle is the legal requirement that the extent of a development exaction must bear a reasonable relationship to the burden created by the development. See *Nollan v. California Coastal Comm'n* (1987) 483 US 825, 835 n4, 97 L Ed 2d 677, 688 n4, 107 S Ct 3141.

In *Dolan v. City of Tigard, supra,* the U.S. Supreme Court adopted a "rough proportionality" standard for the relationship between a project's impacts and a dedication requirement imposed by the approving agency. Based on an individualized determination relating to the project, the agency must demonstrate that both the nature and extent of the required dedication are related to the impact of the proposed project.

The California Supreme Court has held that the *Nollan/Dolan* test applies to fee exactions as well as to dedications. *Ehrlich v. Cit of Culver City* (1996) 12 C4th 854, 50 CR2d 242. The court held that a recreational impact fee for destruction of a tennis club met the *Nollan* "nexus" test, but remanded for the trial court to determine whether the fee met the D*olan* "rough proportionality" test. *Commercial Builders v. City of Sacramento* (9th Cir 1991) 941 F2d 872 (fee for low-income housing, imposed on nonresidential development, was reasonably related to need for low-income housing for future employees of project). *San Remo Hotel v. City a& County of San Francisco* (2002) 27 C4th 643, 117 CR2d 269 (city's assessment of "generally applicable" housing replacement fee not subject to *Nollan/Dollan/Ehrlich*). See generally Zischke & Spaulding, *Development Fees and Environmental Mitigation in California After* Ehrlich v. City of Culver City, 14 Cal Real Prop J 4, p 1 (Fall 1996).

During the public hearing process on the project approvals, only mitigation measures which are economically and legally feasible, as well as consistent with these familiar constitutional principles, may be imposed as conditions of the project.

C. Timing of RDEIR for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program Hearings On California

It should also be recalled that the environmental review for this project has been one of the longest and most costly in County history. The project application was submitted to the County on October 5, 2003, and was accepted as complete on June 7, 2004. CEQA imposes a one year time limit within which to complete the EIR process. Pub. Res. Code §§21100.2, 2115.5; 14 Cal. Code Regs. §15108. The Draft EIR was released on January 9, 2007, was subject to thorough public review and comment. Even though there is no requirement for it, the Ranch

agreed to a recirculation of the document including copies. Further delays are inconsistent with fulfilling the County's obligations under CEQA in a timely manner. It should be recalled that the failure to comply with CEQA time limits is a basis for violation of federally protected civil rights under 42 USC Section 1983; *Sunset Drive Corp. v. City of Redlands* (1999) 73 Cal. App. 4th 215,

It is the Applicant's understanding that the following dates have been reserved and will be complied with for public hearings on the DREIR and project approvals before the Planning Commission on July 10, 2008, and July 24, 2008; and before the Board of Supervisors on October 21, 2008 and if needed another dated in November, 2008. It is imperative that this schedule be adhered to.

Very truly yours,

William S. Walter
Attorney for Santa Margarita Ranch, LLC

cc: Santa Margarita Ranch, LLC
San Luis Obispo County Board of Supervisors
Ellen Carroll

Kirk Consulting

March 28, 2008

Martha Miller
Senior Planner
San Luis Obispo County
Planning and Building Department
County Government Center
San Luis Obispo, Ca. 93408

RE: Tract 2586 and Future Projects
Comments on Revised Draft Environmental Impact Report (RDEIR)

Dear Ms. Miller;

Included in this letter is the applicant team's response to the RDEIR for Vesting Tentative Tract Map (VTTM) 2586 and the Future Development Plan for Santa Margarita Ranch prepared by Rincon Consultants, Inc. (Rincon). In general, we were disappointed to find that Rincon did not incorporate many of the comments that we included in our original Draft Environmental Impact Report (DEIR) response in April 2007. However, we were pleased to see that the Mitigated Project Alternative that was prepared by the applicant team in direct response to the impacts discussed in the DEIR ranked second only to the Reduced Project Alternative in the Alternatives Analysis.

Included below in a combination of bullet and narrative fashion are our comments to the RDEIR. We have also included technical reviews of the individual resources sections and those are attached to our comment letter and should be addressed by Rincon in the Response to Comments to be prepared and included in the Final Environmental Impact Report (FEIR).

Section 1.1 Introduction:

Page 1-3- Under Environmental Evaluation of New Alternatives (Section 3.0) after Alternative 14: Reduced Project. Insert the following:

Alternative 12 was submitted by the applicants and designed to address many of the impacts discussed in the original DEIR. The applicant felt that a Mitigated Project Alternative (Alternative 12) was necessary to provide a more environmentally and visually appropriate plan. Alternative 12 meets the basic objectives of the project and

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avoids and/or lessens the significant impacts of the project. The primary purpose of the Alternative 12 was to locate lots out of views from public roadways and residences, and away from sensitive habitats, resources, and slopes. The overall goal of Alternative 12 was to address the impacts identified in the DEIR and reduce impacts to below the level of being significant, adverse and unavoidable.

Section 2.1 Ag Resources Section:

A detailed review of the Agricultural Resources Section has been provided by Dr. Thomas J. Rice. Below are some additional comments regarding the 'new' definition of prime soils, the actual amount of rangeland and prime farmland converted by the project, and the animal unit ratio used in the analysis.

Updated Analysis:

The RDEIR has added the federal definition of prime farmland into the analysis for the project. This is a definition that has not been used previously to evaluate similar projects and is not consistent with the definition of Prime Soils in the Ag and Open Space Element.

Impact Analysis:

See comments from Dr. Thomas J. Rice regarding soil classifications and technical errors in the Agricultural Resources section.

The RDEIR inaccurately assumes each lot will be entirely converted to residential uses. Based on the information provided in our response to comments in April 2007 building envelopes on the lots will be approximately ½ acre in size. There are 13 lots that are located on Prime Farmland. Based on a maximum of ½ acre building envelopes the maximum area of Prime Farmland that would be converted to residential uses would be +/- 6.5 acres, not 21.2 acres as stated in the RDEIR. The impacts to Prime Farmland are therefore overstated.

The FEIR should remove the use of the California Revised Storie Index as an indicator of Prime Soils and the impact section updated accordingly. As noted in the technical review by Dr. Thomas J. Rice "neither the Storie index rating nor the CA Revised Storie Index has been used in USDA-NRCS soil survey reports in California for over ten years".

Pages 2-13 Thresholds of Significance:

The author does not identify a threshold in which the conversion of prime soil or prime farmland becomes "significant".

Nothing in the question on Page 2-13 "Convert Prime Farmland, Unique Farmland.....to non-agricultural use", requires the conclusion that any conversion of

prime farmland constitutes a significant effect. Nothing in the language of the question suggests that the loss of **any** acreage must be treated as significant.

- An acreage significance threshold needs to be provided in the document

- The analysis should include a distinction between conversion of farmland that is irrigated and farmland that has not been irrigated. It should use the corresponding LCC depending on irrigated or non-irrigated history.

- The analysis should distinguish between the conversion of areas that are already converted by existing roads, and/or is fragmented by existing roads and natural features such as creeks, drainages, and oak trees and the conversion of prime lands that are farmable units.

Conversion of Rangeland:
Page 2-13-2-14: The RDEIR states that the project will directly convert approximately 163 acres from existing grazing uses to residential uses. The RDEIR should specify the source of this number. 163 acres of grazing land will not be converted to residential uses, only the area devoted to home sites will be converted from grazing to residential uses. Based on building envelope concepts shown in the Design Guidelines, the building envelopes included in the applicant team's April 2007 response, and the use of the existing roads, this is a much smaller number than that included in the RDEIR.

The RDEIR makes an assumption that in addition to the 163.7 acres converted for residential purposes, an additional 513 acres (the areas between and around the lots) will not be suitable for grazing. There is no evidence in the analysis to support this assumption. There are several examples in the County which supports the success of grazing adjacent to residential lots. The intermingling of lots within the larger grazing field will not change the suitability of the area to be grazed nor will it change the properties of the soils. There is no evidence in the record to support the claim that the area between the lots will not be suitable for grazing. The +/- 600 acres will continue to meet the DOC definition for Grazing Land (G) because all but +/- 100 acres (building envelopes and new roads) will continue to contain existing vegetation suited to the grazing of livestock.

Animal Density is Over-Stated:
Animal density units of 1 animal unit per 8 acres are again used in the impact analysis in the RDEIR, this time based upon the general descriptions for rangeland productivity contained in the USDA soil survey descriptions of the soils types located within the ag cluster area. The analysis is not based upon the site specific information submitted by the applicant as part of the response to the original DEIR. The information submitted in response to the original inaccurate assumptions contained in the DEIR estimated that the "Remeck Field" could support 1animal unit per 14 acres. The actual animal

unit count provided by the Ranch manager for the "Remeck Field", based upon historic and current agricultural operations, is 19 acres per animal unit. Based on these site specific aspects and the project's design, the residential project will result in the loss of less than 100 acres of grazing land, which will result in a maximum carry capacity reduction of 5 animal units. This is **not** a significant impact as it affects only a 0.5% change in capacity of the entire Ranch's "700 pair".

Excerpt from Response Submitted April 13, 2007:

Based on site specific information provided by Orin Sage, (Registered by the California Board of Forestry as Certified Rangeland Manager #64; and by the American Registry of Certified Professionals in Agronomy, Crops, and Soils as Soil Erosion and Sedimentation Control Specialist #692) in an Agricultural Management and Enhancement Plan prepared for SMR in May 2001(submitted by Applicant in 2003), the number of acres required to support an animal unit in this area of the Ranch (historically known as the Remeck Field) is 14 acres. This is almost twice the acreage of the number used by the DEIR author. Based on actual cow counts provided by Aaron Lazanoff, SMR Ranch Manager, there are currently 35 animal units per year in this portion of the cluster field area, this equates to 19 acres per animal unit on a rotational grazing scenario. The DEIR needs to be revised to include accurate animal units and affected acreage.

Policy Consistency Page 2-14:

The RDEIR uses the incorrect Land Use Ordinance (LUO) section reference. This project was vested under the LUO that was in place at the time of acceptance which was June 7, 2004. The proper LUO Section reference is 22.22.150.K.1. This section and the applicable section in the current LUO specifically state that the open space PARCEL minimum areas are to be 95%. The total acreage of the open space PARCELS for VTTM 2586 total 96%. The added language in the RDEIR inaccurately states that the "open space area of an agricultural residential cluster subdivision be at least 95% of the gross site area". This sentence should be reworded to state that the following "open space <u>parcels</u> of an agricultural residential cluster subdivision are required to be at least 95% of the site".

There is no basis in the project description or the LUO for the statement that the project "would convert approximately 17.9% of the gross site area, placing only 82.1% of the site in open space." The open space parcels, which will be encumbered by an open space agreement, cover 96% of the project site.

1. **Lot size and open area requirements.** The minimum size of clustered residential building sites created as separate parcels in compliance with this Section, and the area of the site required for open space preservation shall be as follows:

Area of Buildable Lots (1)		Open Space Parcel Minimum Area (3)
Minimum (2)	Maximum (4)	
10,000 Sq. Ft	2.5 Acres	95%

The LUO section states nothing about 'conversion'; in fact, there is not a requirement that the entire open space parcel(s) remain in agriculture. While it is (and has always been our intent) to continue to rotationally graze this portion of the ranch, it could also be considered passive private open space and oak tree habitat areas. These uses are non-structural uses that are allowed in the open space parcel(s).

4. **Nonstructural uses allowed in defined open space areas.** The following nonstructural uses may be allowed in the open space areas: crop production and grazing; animal raising and keeping; specialized animal facilities; nursery specialties (nonstructural); range land or wildlife preserves; water storage or recharge; leachfield or spray disposal area; scenic area protection or buffers from hazardous areas; public outdoor recreation uses on non-prime lands; or other similar open space uses.

Furthermore, as mentioned above there are several examples in the County which supports the success of grazing adjacent to residential lots. Some examples include, the Varian Ranch Ag Cluster, the Edna Ag Cluster, and the Talley Farms Ag Cluster. The current interface between residential uses along the border of the Town of Santa Margarita/Garden Farms and the adjacent grazing lands of the Ranch are indicative of the ability for the two uses to co-exist without 'significant' compatibility impacts. Furthermore, each potential buyer will be educated about the on-site agricultural operations and upon purchase of a lot, each owner will be given an agricultural awareness seminar to outline the responsibilities and expectations of living in an agricultural cluster subdivision. Lastly, as indicated in our April 2007 DEIR response the County's Right to Farm provisions will be included in the project C.C.&R.'s.

Additional mitigation measures to reduce potential compatibility impacts between the residents and grazing activities were included in the applicant teams April 2007 response to the DEIR.

AG-1 on Page 2-13 should be update to reflect accurate numbers and should be written as follows:

The proposed Agricultural Residential Cluster Subdivision would permanently convert less than 100 acres of grazing land and 6.5 acres of prime farmland to non-agricultural uses. Impacts related to agricultural conversion would be Class II, *significant but mitigable.*

Appropriate mitigation measures were included in our April 2007 response to the DEIR.

Page 2-15: Existing and Potential Future Irrigated Agricultural:
It is unclear why the future irrigated agriculture (vineyards and orchards) information is being treated as 'new information'. The information was submitted in February 2006 with further clarification in May 2006. The exhibit and the acreage numbers were intended to identify approximate areas that may be suitable for irrigated agriculture.

The RDEIR identifies two lots that are within 500 feet of the future potential planted area. The boundary lines on the exhibit were not intended to be precise survey locations and could be adjusted if needed to ensure proper buffer setbacks.

In the case of lots 39 and 40, although they do not meet a straight 500 foot ag buffer, their locations have similar siting characteristics of other lots in which the 500 foot buffer was determined by the Agriculture Commissioner to be unnecessary. VTTM 2586 was never intended to have a definitive buffer. In the review of the application and lot locations, the buffer has always been determined and assessed on a lot by lot basis. Lots 39 and 40 have sufficient distance, topographical, and vegetation relief from the potential vineyard areas.

- The landform and vegetation between these two lots are significant and very similar to lots previously approved by the Agricultural Commissioner
  - The closest corner of the building envelope for Lot 39 is located 317 feet from the potential vineyards, and has approximately 30' elevation difference and a dense vegetation buffer of that varies between approximately 130' to 170'
  - The closest corner of the building envelope for Lot 40 is located 311 feet from the potential vineyards, and has approximately 20' elevation difference and a dense vegetation buffer of that varies between approximately 125' to 175'
    - One example of a lot previously approved by the Agricultural Commissioner is Lot 79 which has the closest corner of the building envelope located 318 feet from the existing vineyards, and has approximately 10' elevation difference and a vegetation buffer of approximately 130'

The FEIR should therefore not include the recommendation on Page 2-15 that Lots 39 and 40 be relocated.

Section 2.2 Air Quality:

Page 2-21 The Urbemis Model Calculations:

The Urbemis model calculations were updated to use an overall average trip length of 13 miles dues to remoteness of the site. Typically there are three trip lengths that are used in the Urbemis model calculations: "Home Base to Work", "Home Base to Shopping", and "Home Base to Other" trip lengths. These trip lengths are typically different numbers.

Per telephone conversation with Andy Mutziger of the Air Pollution Control District (APCD), APCD suggested that the Urbemis model calculations for the project be revised to increase the trip length due to the "remoteness of the site". The site is not remote and is located directly adjacent to a Village Reserve Area (Santa Margarita) that is equipped with basic services (i.e. gas, limited groceries, dining, mail, mechanic, nursery products, etc) and associated job opportunities. The revised average trip number suggested by APCD and used in the Urbemis model is too high based on the distance of the site to Santa Margarita, and the major job centers in the county (Atascadero / San Luis Obispo). There is no supporting documentation of why 13 miles was chosen besides the statement that it is used due to the 'remote nature of the ARC'. The job centers and the shopping opportunities are located well under the 13 miles assumed in the RDEIR. Furthermore, as described above, many basic services can be provided in the town of Santa Margarita which is less than 2 miles to the site and as stated on Page 2-38 of the RDEIR the project site is located approximately 8 road miles to Atascadero and appropriately 10 road miles to San Luis Obispo which is well under the 13 miles used in the calculations.

The Urbemis model calculations should reflect inputs that are more in line with project sites proximity to Santa Margarita, San Luis Obispo, and Atascadero. Lastly, the analysis should anticipate that vacant and underutilized lots in Santa Margarita will be developed with other commercial service and retail uses, thereby increasing the level and types of services provided within 2 miles of the project site.

2-25 Off-Site AQ Mitigation AQ-1(f):

This mitigation measure should be **removed** because as discussed above the trip lengths have been over-estimated.

If the trip lengths are to remain as provided in the RDEIR, the mitigation should be timed to have the mitigation triggered by the actual Tier 2 exceedance. The analysis should include a definitive milestone (i.e. number of residences) in which the Tier 2 Threshold is exceeded. The statement "This amount shall then be extrapolated over

the life of the project to determine total off-site mitigation" shall be removed and a specific time frame provided. There is no definition for "life of the project".

The grading permit trigger is premature because the impact has not occurred. The impact analysis should include a statement that describes at what point the Tier 2 is exceeded. The mitigation measure trigger should then be revised to reflect the appropriate timing of the measure.

Page 2-40: AQ-GCC(c):
This mitigation measure should be **removed** as there is no nexus between the Alternative Transportation Mitigation Measures and project impacts. The impact section on Page 2-38 specifically states that the subdivision will be unlikely to create a demand for transit facilities due to the low density of the development. The project as stated in the RDEIR is consistent with many of the Climate Action Team strategies and AQ-GCC(a) and AQ-GCC(b) will sufficiently mitigate the impacts related to GCC outlined in subsection "f." on Page 2-38.

Section 2.3 Biological Resources

A detailed review of the Biological Resources Section has been provided by LynneDee Althouse and Dan Meade. Below are some additional comments regarding oak tree impacts and creek setbacks.

Oak Tree Impacts:
The RDIER ignores the comments that were submitted in the applicant's team response to the DEIR in April 2007. Those comments should be addressed in the FEIR. The statement in Impact B-3 at the end of the sentence should be removed as the applicant team documented their strategy and commitment to protect trees in the design of the project as well as during construction and in the future.

Excerpt from the applicant team comments to the DEIR April 2007:

Furthermore, our application stated trees would be retained to the extent possible and impacts would be minimized. This was not carried through in the project description of the DEIR. The discrepancy above needs to be corrected including taking into account the Tract 2586 "Design Standards".

On Page 2-61 the author assumes that the individual lots will contain suburban uses such as livestock or pets throughout the entire boundaries of the lots since they will be privately owned. Comments submitted by the applicant team in April 2007 included a statement that domestic pets will be required to be contained within the building

envelopes. Because of the size of the building envelopes, private livestock will not be allowed on the individual lots.

On Page 2-62, the RDEIR states that an unknown number of trees will be impacted within the lots due to ".....decreased reproduction due to browsing by livestock....". It is unclear if this statement is meant for livestock on private lots or the cattle grazing on the agricultural parcel(s). As stated above, the individual lots will not have livestock and the grazing practices implemented by the Ranch management have demonstrated strong oak tree regeneration rates through out the ranch. Oak tree regeneration is easily visible in various locations through out the ranch property.

On Page 2-63 the RDEIR provides additional information regarding the mitigation requirements outlined in the Kuehl Bill. The FEIR should be updated to include the Kuehl Bill definitions of oak woodland and the Kuehl Bill definition of oak woodland conversion.

The discussion on 2-63 states that the County of San Luis Obispo currently defines oak woodlands as those areas with greater than 10% canopy cover by native oak trees and impact to oak woodlands as the removal of 10% of the canopy cover or ten oak trees. On Page 2-61, the RDEIR states that the County is currently ***drafting*** definitions for oak woodlands as well as thresholds for determining impact levels in accordance with the Keuhl Bill. The County does not have any ***adopted*** definitions for oak woodlands or thresholds for oak woodland impacts as it relates to the Kuehl Bill therefore the RDEIR should rely on the definitions provided in the Kuehl Bill. Based on the Kuehl Bill definition of oak woodland conversion being 30% of the woodland, the project would not result in oak woodland conversion defined as by the Kuehl Bill therefore the Kuehl Bill mitigation would not apply.

Mitigation Measure B-3(b)3 on Page 2-72 should be removed and references to the Kuehl Bill should be removed from Impact Statement B-3.

The FEIR should include the County adopted definition of an oak tree Impact, which is grading within the dripline of the tree. The mitigation measures should be updated accordingly to reflect the County definition below:

> An impacted tree is when any construction disturbance or any substantial change in seasonal soil moisture may occur **within the dripline** (canopy) of the tree. A partial list of impacting activities within the dripline include: compaction from vehicles, grubbing that disrupts or exposes surface roots, trenching, grading, establishment of non-native landscaping under canopy, substantial trimming of canopy will be needed, or leach lines that are within or adjacent to tree canopy. If disturbance exceeds 50% of the canopy, the replacement ratio shall be increased as if the tree were to be removed.

On Page 2-67 B-3(a)1.a. should be revised to required that the inventory include all trees more than 5 inches in diameter, consistent with Page 2-61.

Establishment of Creek Setbacks:
Page 2-74 B-7(a) & Page 2-80 B-8(a)

As stated in the review from Althouse and Meade, "Tostada Creek is an ephemeral drainage with shallow seasonal pools...". The mitigation measure should be revised as provided to apply a 50 foot setback to Tostada Creek. The restrictions for all setbacks shall be revised to allow improvements to the existing ranch roads within the creek setback area.

Section 2.4 Drainage, Erosion and Sedimentation:

The mitigation triggers for D-2(a) and D-2(b) on Page 2-82 should be revised to be required at time of subdivision improvement plan application

Section 2.5 Public Safety:

No Comments

Section 2.6 Public Services:

No Comments

Section 2.7 Traffic:

A detailed analysis of the technical aspects of the Transportation and Circulation Section has been performed by Scott A. Schell, AICP with Associate Transportation Engineers (ATE). As stated in the review by ATE the RDEIR introduces new and un-adopted significance thresholds and inappropriately requires the project to bear the complete burden of many existing deficiencies in the state road system. These deficiencies have already been characterized as area-wide problems and should be addressed through the adoption of an area-wide traffic impact fee, not project specific mitigation measures.

Below are some additional comments regarding Mitigation Timings and Triggers:

T-1(d)4: A Future Development Program Mitigation is included in the ARCS section. This should be relocated to the FDP section.

FDP Mitigation Triggers:

The FDP traffic analysis consolidates all traffic trips generated by each FDP component into a lump sum number for FDP traffic trips. This analysis would be appropriate IF all FDP components required the preparation of a Specific Plan, however many of the uses are allowed under the current zoning and would not trigger a Specific Plan.

The current wording for the FDP mitigation triggers would require that all traffic mitigation measures be required to be completed prior to occupancy of ANY of the uses outlined in the FDP. The Mitigation Measures for the FDP should apply to uses that would be a component of a Specific Plan. Therefore, the traffic mitigation requirement should be revised to be required **at the time of issuance of construction permits for individual Specific Plan components.** Furthermore, as stated in the review by ATE, projects should be required only to contribute their proportional fair share to fund the required improvements.

2.8 Water and Wastewater:

A detailed review of the Water Section has been provided by Luhdorff and Scalmanini. Below are some additional comments regarding the policy issues brought up in the Water Impacts Section as well as the introduction of the "Future Irrigated Agriculture" information as "new" information.

It is unclear why the original DEIR did not include the information regarding the potential irrigated acreage numbers supplied to Rincon in May 2006.

The RDEIR continues to use overestimated water figures for the residential water use as well as the existing and future irrigated agricultural uses (see Luhdorff and Scalmanini Report). As included in our response to comments in April 2007 the total water use for residential lots should be .90 AFY per lot and water use per acre of vineyards on an annual basis is .67 AFY with annual water use at 525 acre feet. The RDEIR states that the planned vineyards would use 1,641.76 AFY. This number should be reduced to 549 AFY based on the water demand of vineyards on the Ranch established in the Luhdorff and Scalmanini report submitted as part of the April 2007 comments on the DEIR. Lastly, based on the identification of building envelopes in the applicant's team April 2007 response to the DEIR, the water use factors could be further reduced as the usable area of the lots are +/- ½ acre.

Policy Consistency - Page 2-116:
Ag and Open Space Policy:
The RDEIR includes an evaluation of the potential use of Nacimiento / State Water and the infrastrucutre required for connection to the system(s). In the evaluation of the potential use of imported, the RDEIR author noted that the use of imported water "could result in policy inconsistencies. For example, in the County's Agricultural and

Open Space Element (AGP11, Agricultural Water Supplies) states that groundwater should be maintained for agricultural use."

Excerpt from AGP 11

AGP11: Agricultural Water Supplies.

a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.

b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.

c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.

AGP 11 supports the potential use of imported water because it encourages the County to maintain water resources for production agriculture to prevent the loss of agriculture due to competition for water with urban and suburban development. The use of imported water to supplement the existing on-site water source is consistent with this policy for the following reasons:

- Importing water for the residential uses will off-set the use of the groundwater for the project.
- The use of imported water guarantees that the residential water use will not compete with agricultural for the water because the water required for the residential component is being brought in from an off-site source.
- The use of off-site water results in a net gain of water on the site thereby maintaining the existing water supply for production agriculture.

This project is not a GPA or rezoning therefore and is not moving water from areas of overdraft to other areas therefore subsections b & c do not apply.

The FEIR should include the full text of AGP 11.

Policy Consistency - Page 2-116: Framework for Planning:
The RDEIR concludes that importing water and the potential construction of a treatment facility outside of an URL may be potentially inconsistent with a policy contained in the County's Framework for Planning.

2. Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low-intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities.

The RDEIR makes the incorrect assertion that Framework for Planning prohibits the use of community water systems outside of URL and VRL's. The Ag Cluster provisions (and regular cluster provisions) allow the use of community water systems to serve agricultural and residential cluster projects. It is not unusual for community water systems for these projects to require water filtrations systems. Under one scenario, imported Nacimiento water would be treated as needed and delivered to the lots through a community water system. Under a second scenario the imported water would be used for irrigation to off-set the use of the ground water and the groundwater then delivered through a community water system. If State Water were to be used, it would be connected directly into the community water system. The use of a community water system is consistent with every other cluster project that is served by a community water system. The only difference in this instance is the source of the water and/or the groundwater off-set. All cluster developments and some conventional subdivisions in the rural area require the construction of, and service from, a community water system. Examples of cluster projects that have been approved using community water systems include the Edna Ag Cluster, the Varian Ranch Ag Cluster, and the Huerhuero Ag Cluster.

The use of a community water system for a cluster project does not diminish the goal contained in Framework for maintaining "a distinction between urban and rural development outside of urban and village reserve lines by providing for rural uses outside of the urban and village areas....." The RDEIR interprets the objective of this goals is to restrict community water systems from being provided outside urban and village reserve areas. When you read the Framework for Planning section on appropriate levels of services, the exact wording stated that the LOS outlined in Table H are <u>generally</u> the level of services appropriate for certain densities. As mentioned above, specific provisions in the Land Use Ordinance have been provided allowing the use of Community Water Systems in Residential and Agricultural Cluster Subdivisions outside of the URL and VRL's. This allowance is intended to implement other Framework and Ag and Open Space preservation objectives. The large open space parcels and land preservation(s) associated with cluster divisions could not occur without the use of community water systems. The RDEIR does not acknowledge that the proposed ag conservation easements totaling 3,621 acres will continue to be used for agricultural which implements the Framework for Planning goal of maintaining a distinction between the urban and rural development.

Instead of acknowledging the fact that the project site is located adjacent to the Santa Margarita VRL and that the parcels of South Atascadero (which are outside of a URL

or VRL) are served by a community water system, the RDEIR author makes leap of judgment that the use of imported water and the possible construction of a water filtration system outside of an URL is inconsistent with the Framework policy. The basis for this determination is because "the proposed Agricultural Residential Cluster Subdivision site is located approximately 5 miles from the City of Atascadero's Urban Reserve Line". The author should provide additional support for the statement and should identify the projects location as being adjacent to the VRL of Santa Margarita.

Lastly, as stated above Framework for Planning specifies levels of services that are generally appropriate depending on certain densities. The Subdivision Design Standards contained in Title 22 of the Land Use Ordinance Cluster and Ag Cluster provisions are the implementing documents that specify appropriate level of services for cluster subdivisions and those provisions specifically allow the use of community water.

Section 3.0 Analysis of New Alternatives:

A detailed comparison between the applicant team's Mitigated Project Alternative (RDEIR Alternative 12) and the RDEIR's Environmentally Superior Alternative (Alternative 14) has been provided by RRM Design Group. The detailed comparison of the applicant teams mitigated project alternative 12 and the 114 provided by RRM Design Group should be included in the FEIR. The analysis indicated that Alternative 12 is in fact the Environmentally Superior Alternative therefore; the FEIR should identify Alternative 12 as the Environmentally Superior Alternative.

We would like to thank you for the opportunity to comment on the RDEIR and look forward to reviewing the FEIR in May.

Regards,

Jamie Kirk

Jamie Kirk
Kirk Consulting

cc:
Applicant Team: Doug Filipponi, Karl Wittstrom, Rob Rossi, Steve Rossi, Victor Montgomery, Jeff Ferber, Debbie Jewell, William Walters

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Enclosures:

1) Review of the Agricultural Resources Section of the Revised Draft "Environmental Impact Report for Santa Margarita Agricultural Cluster Subdivision Project and Future Development Program". By Dr. Thomas J. Rice, Ph.D., C.P.S.S. dated March 7, 2008.

2) Letter from Althouse and Meade regarding their review of the Biological Resources Section of the RDEIR dated March 27, 2008.

3) eda Response to Updated Analysis prepared by Jeff Wagner dated March 7, 2008.

4) Letter from Associated Transportation Engineers regarding their review of the Transportation / Circulation Section of the RDEIR dated March 27, 2008.

5) Letter from Luhdorff and Scalmanini, Consulting Engineers regarding their review of the Water and Wastewater Section of the DEIR dated March 27, 2006

6) Environmentally Superior Alternative Comparison of RDEIR Alternative No. 14 vs. Alternative No. 12 prepared by RRM Design Group

Review of the Agricultural Resources Section of the Revised Draft "Environmental Impact Report for Santa Margarita Agricultural Cluster Subdivision Project and Future Development Program". By Dr. Thomas J. Rice, Ph.D., C.P.S.S. dated March 7, 2008

Review of the Agricultural Resources section of the Revised Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program"

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March 7, 2008

Review of the Agricultural Resources section of the Revised Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program," Case number VTTM 2586; dated February 7, 2008.

Introduction

The primary purpose of this report is to review the Agricultural Resources section of the Revised Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" (Revised DEIR) (Rincon Consultants, Inc., 2008).

Methodology and Literature Resources

A site visit was made to the Santa Margarita Ranch (Ranch) location of the proposed agricultural cluster subdivision on Friday, March 9, 2007. The primary purpose was to examine the soils and land located along a ranch access road, which bisects the proposed agricultural cluster subdivision.

Particular attention was given to two (2) soil map units, which are located within and adjacent to the proposed agricultural cluster subdivision. These two soil map units are as follows: Soil Map Unit 133: Cropley clay, 2 to 9 percent slopes; and Soil Map Unit 139: Elder loam, 2 to 9 percent slopes.

The most recent U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) soil survey report (Lindsay, 1983) was examined and compared with the soils information reported in the Revised DEIR. Also, the latest soils information and maps for the Santa Margarita Ranch are available online via the USDA-NRCS Web Soil Survey, version 2.0 (USDA-NRCS, 2008).

Several USDA definitions of prime farmland and prime agricultural soils were examined. The USDA general definition of prime farmland soils is "Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and

oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding" (USDA, 2005).

In order to assess whether these Santa Margarita Ranch soils meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), the NRCS definition of prime farmland was examined. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth.

In addition, the Ranch's chemical and physical soil properties reported in the soil survey report (Lindsey, 1983) were used to classify each soil into a Land Capability Class (LCC) using the most recent "Guide for placing soils in capability classes in California," which is attached to this report (Soil Survey Staff, California, 2006; see Appendix A). Soils that classify as LCC I and II are usually defined as prime agricultural soils.

Findings and Discussion

A. Definitions of prime farmland soils

1. Prime Farmland

Santa Margarita Ranch's soils, which meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), are designated as "prime soils" on the maps produced by the State of California, Department of Conservation. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth. Lists of these soil map units, organized by counties within California, are reported on the internet (see Appendix B).

2. Land Capability Classification (LCC)

A sentence in the
DEIR states "By USDA definition, Capability Class I and Class II soils qualify as prime soils, depending on irrigation" (DEIR, page 4.1-9). In contrast, the USDA soil survey report states that "Class I soils have few limitations that restrict their use. Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices" (Lindsey, 1983; page 75). Further, the USDA soil survey report states that "Capability classes and subclasses show, in a general way, the suitability of soils for most kinds of field crops." (Lindsey, 1983; page 74).

3. Storie Index Rating (SIR)

The USDA soil survey report states "Soils of grade 1 (i.e., Storie index rating of 80 to 100) are excellent or well suited to general intensive agriculture" (Lindsey, 1983; page 76). Further, the

USDA soil survey report states that "This (Storie) index expresses numerically the relative degree of suitability of a soil for general intensive agriculture as it exists at the time of evaluation." (Lindsey, 1983; page 76). The soils survey report additionally states "Other factors, such as availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area are not considered. Therefore, in itself, the index should not be considered as a direct index of land value." (Lindsey, 1983; page 76).

The following conclusions can be reached from these USDA-NRCS publications and information gathered from USDA-NRCS soil scientists.

1.) Neither the Storie index rating nor the "CA Revised Storie Index" are good determining classifications in the assignment of prime farmland classification for soils since they do not consider the "availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area." As such, neither the Storie index rating nor the "CA Revised Storie Index" has been used in USDA-NRCS soil survey reports in California for over ten years (pers. comm., Susan B. Southard, USDA-NRCS soil scientist; March 28, 2007 and Ken Oster, NRCS soil scientist; March 3, 2008).
2.) The "prime agricultural soils" designation for soils should be confined to those soil phases that classify as Capability Class I (1) or II (2) (see Appendix A).
3.) The "prime farmland" designation for each soil should be assigned to those soil map phases that meet the ten (10) criteria used to classify "prime soils" and which are shown on the important farmland maps produced by the State of California, Department of Conservation and are listed as prime farmland (see Appendices A and B).
4.) No soil phases within the entire Santa Margarita Ranch should be classified as "prime soils," "prime agricultural soils," or "prime farmland" unless they are irrigated or have "a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years." (see Appendix A).

B. Significant comments and questions regarding the Revised DEIR

1. In the introductory paragraphs to Section 2.0, Updated Environmental Analysis of the Revised DEIR, the authors state, "this section does not directly respond to comments received during the public review of the Draft EIR." My question is: Where are the responses to the specific comments received during the public review of the Draft EIR?

2. In Section 2.1, on page 2-1, under the "Updated Analysis" section, in (c), (1): the word "...service..." should be capitalized to read "...Service..."

3. In Section 2.1, on page 2-2: the paragraph states "...the NRCS Soil Survey for the Santa Margarita Ranch area..." This statement implies that the USDA-NRCS had prepared a unique soil survey report for the Santa Margarita Ranch. In fact, the soils within the Santa Margarita Ranch were mapped as part of a larger USDA soil survey report entitled "Soil Survey for San Luis Obispo County: Paso Robles Area" (Lindsey, 1983). The statement should be re-written to read "...the NRCS Soil Survey for San Luis Obispo County: Paso Robles Area (Lindsey, 1983), which includes the soils within the Santa Margarita Ranch..."

4. I recommend that Table 4.1-1 (pages 2-3 through 2-6 of the Revised DEIR) be re-written and re-formatted as follows:
   a.) Assign a "Prime" soil classification to only those soil map units, which are listed as "prime farmland" on the State of California, Department of Conservation, Important Farmlands maps and to those soil map units, which classify as Land Capability Class (LCC) 1, irrigated, or Class 2, irrigated. Soils classified according to the "CA Revised Storie Index" as Grade One should NOT be considered "Prime Soils," unless they also classify as LCC 1 or 2 and are listed as prime soils on the State of California, Department of Conservation, Important Farmlands maps. See Appendix B to examine a list of these soil map units listed as "prime soils" in this USDA soil survey report (Lindsey, 1983).
   b.) Reorganize and rewrite Table 4.1-1 to be organized as follows (see the following three pages of this report).

(REVISED) Table 4.1-1: Santa Margarita Ranch Soil Map Units and Agricultural Classifications

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Prime Soil if Irrigated
101	Arbuckle fine sandy loam, 2 – 9% slopes	3	4	Prime	Yes
102	Arbuckle-Positas complex, 9 – 15% slopes	4	4	Not Prime	No
103	Arbuckle-Positas complex, 15 – 30% slopes	6	6	Not Prime	No
104	Arbuckle-Positas complex, 30 – 50% slopes	6	6	Not Prime	No
106	Arbuckle-San Ysidro complex, 2 – 9% slopes	3	4	Farmland of Statewide Importance	No
108	Arnold-San Andreas complex, 30 – 75% slopes	7	7	Not Prime	No
109	Ayar and Diablo soils, 9 – 15% slopes	3	4	Not Prime	No
110	Ayar and Diablo soils, 15 – 30% slopes	4	4	Not Prime	No
114	Balcom-Nacimiento association, moderately steep	4	4	Not Prime	No
116	Botella sandy loam, 2 – 9% slopes	2	4	Prime	Yes
126	Cieneba coarse sandy loam, 30 – 75% slopes	7	7	Not Prime	No
127	Cieneba-Andregg complex, 30 – 75% slopes	7	7	Not Prime	No
129	Clear Lake clay	3	4	Not Prime	No
130	Clear Lake clay, drained	2	4	Prime	Yes
133	Cropley clay, 2 – 9% slopes	2	4	Prime	Yes
134	Dibble clay loam, 9 – 15% slopes	3	4	Not Prime	No
138	Elder loam, 0 – 2% slopes	1	4	Prime	Yes
139	Elder loam, 2 – 9% slopes	2	4	Prime	Yes
140	Elder loam, flooded, 0 – 5% slopes	2	4	Prime, if drained	Yes
143	Gaviota-San Andreas association, very steep	7	7	Not Prime	No
144	Gazos shaly clay loam, 9 – 30% slopes	4	4	Not Prime	No
145	Gazos shaly clay loam, 30 – 50% slopes	6	6	Not Prime	No

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Irrigated Prime Soil
147	Hanford and Greenfield soils, 0 – 2% slopes	1	4	Prime	Yes
148	Hanford and Greenfield soils, 2 – 9% slopes	2	4	Farmland of Statewide Importance	Yes
149	Hanford and Greenfield gravelly sandy loams, 0 – 2% slopes	2	4	Prime	Yes
150	Hanford and Greenfield gravelly sandy loams, 2 – 9% slopes	2	4	Prime	Yes
152	Linne-Calodo complex, 9 – 30% slopes	4	4	Not Prime	No
153	Linne-Calodo complex, 30 – 50% slopes	NA	NA	Not Prime	No
162	Lompico-McMullin complex, 50 – 75% slopes	7	7	Not Prime	No
166	Metz loamy sand, 0 – 5% slopes	3	4	Farmland of Statewide Importance	No
167	Metz-Tujunga complex, occasionally flooded, 0 –5% slopes	3	4	Not Prime	No
169	Millsholm-Dibble clay loams, 15 – 30% slopes	NA	NA	Not Prime	No
170	Millsholm-Dibble clay loams, 30 – 50% slopes	6	7	Not Prime	No
177	Nacimiento-Ayar complex, 9 – 30% slopes	4	4	Not Prime	No
179	Nacimiento-Los Osos complex, 9 – 30% slopes	4	4	Not Prime	No
182	Oceano loamy sand, 2 – 9% slopes	3	6	Prime	Yes
183	Pico fine sandy loam, 0 – 2% slopes	1	4	Prime	Yes
185	Pits	8	8	Not Prime	No
188	Rincon clay loam, 2 – 9% slopes	2	4	Prime	Yes
190	Rock outcrop-Gaviota complex, 30 – 75% slopes	8	8	Not Prime	No
191	Ryer clay loam, 2 – 9% slopes	2	4	Prime	Yes

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Irrigated Prime Soil*
192	San Andreas sandy loam, 15 – 30% slopes	4	4	Not Prime	No
193	San Andreas-Arujo complex, 9 – 15% slopes	3	4	Farmland of Statewide Importance	No
198	Santa Lucia-Lopez complex, 15 – 50% slopes	6	6	Not Prime	No
199	Santa Lucia-Gazos complex, 50 – 75% slopes	7	7	Not Prime	No
202	Shimmon loam, 30 – 50% slopes	6	6	Not Prime	No
203	Shimmon-Dibble association, steep	6	6	Not Prime	No
204	Shimmon-Dibble association, very steep	7	7	Not Prime	No
207	Still gravelly loam, 0 – 2% slopes	2	4	Prime	Yes
208	Still clay loam, 0 – 2% slopes	1	4	Prime	Yes
209	Still clay loam, 2 – 9% slopes	2	4	Prime	Yes
210	Vista coarse sandy loam, 9 – 15% slopes	4	4	Not Prime	No
211	Vista-Cieneba coarse sandy loams, 15 – 30% slopes	4	6	Not Prime	No
212	Xerofluvents-Riverwash association	6	8	Not Prime	No

*NA = NOT APPLICABLE.

D. Comments and Recommendations regarding the DEIR authors' statements in Section 2.1

1.) In the text following Table 4.1-1 on page 2-6, the authors state "Of these soils, 13 are considered prime regardless of irrigation (i.e. have a California Revised Storie Index of Grade One), while 20 (total) are considered prime if irrigated." There are no prime soils in the area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils. Therefore, the statement should be re-written to read, "Of these soils, 18 are considered to be prime agricultural soils, if irrigated.

2.) The map legends shown on Figure 4.1-1 and Figure 4.1-2 should be revised as follows.

a.) The heading "PRIME AGRICULTURAL SOILS REGARDLESS OF IRRIGATION:" should be deleted on both Figures 4.1-1 and 4.1-2. No soil map units in this soil survey area should be considered as "prime agricultural soils" unless they are irrigated.

b.) On both Figures 4.1-1 and 4.1-2, the only legend heading should read, "PRIME AGRICULTURAL SOILS IF IRRIGATED." That way, the basis for the "prime agricultural soil classification" of each soil map unit is clearly stated.

c.) On Figure 4.1-1, the Soil Map Unit 102, "Arbuckle-Positas complex, 9 – 15% slopes" should be deleted from the list of "PRIME AGRICULTURAL SOILS…" Also, the soil map in Figure 4.1-1 should be revised to delete the color that represents all the soil delineations of Soil Map Unit 102 found within the Ranch boundaries.

d.) On Figure 4.1-2, the Soil Map Unit 102, "Arbuckle-Positas complex, 9 – 15% slopes" and the Soil Map Unit 106, "Arbuckle-San Ysidro complex, 2 – 9% slopes" should be deleted from the list of "PRIME AGRICULTURAL SOILS…" Also, the soil map in Figure 4.1-2 should be revised to delete the colors that represent all the soil delineations of Soil Map Units 102 and 106 found within the Ranch boundaries.

3.) The legend for Figure 4.1-1 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED:

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
148: HANFORD AND GREENFIELD SOILS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
150: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 2 – 9% SLOPES
182: OCEANO LOAMY SAND, 2 – 9% SLOPES
191: RYER CLAY LOAM, 2 – 9% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

4.) The legend for Figure 4.1-2 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED:

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
138: ELDER LOAM, 0 – 2% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
140: ELDER LOAM, FLOODED, 0 – 2% SLOPES
147: HANFORD AND GREENFIELD SOILS, 0 – 2% SLOPES
148: HANFORD AND GREENFIELD SOILS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
150: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 2 – 9% SLOPES
183: PICO FINE SANDY LOAM, 0 – 2% SLOPES
188: RINCON CLAY LOAM, 2 – 9% SLOPES
182: OCEANO LOAMY SAND, 2 – 9% SLOPES
191: RYER CLAY LOAM, 2 – 9% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

5.) In the text on page 2-13 of the Revised DEIR, the phrase "...a California Revised Storie Index of Grade One (Excellent),..." should be deleted. There are no prime soils in this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3,

2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils.

6.) All of the prime farmland acreage numbers for the Ranch should be re-calculated, omitting the acreages for Soil Map Units 102 and 106, which are found within the Ranch boundaries.

7.) In the text on page 2-14 of the Revised DEIR, the phrase "...a California Revised Storie Index of Grade One (Excellent),..." should be deleted. There are no prime soils in this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils.

8.) In the text on page 2-14 of the Revised DEIR, the sentence "Of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, eight are considered prime regardless of irrigation (i.e. have a California Revised Storie Index of Grade One), while 14 (total) are considered prime if irrigated." should be deleted. This sentence should be re-written to read "Of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, 13 are considered prime if irrigated."

9.) In the text on page 2-14 of the Revised DEIR, the second last paragraph should be deleted and re-written using the correct listing of prime agricultural soils and their appropriate re-calculated acreages.

10.) In the text on page 2-17, second paragraph of the Revised DEIR, this paragraph should be re-written using the corrected and appropriate re-calculated acreages for the prime soils in the "total" Ranch and on the "Agricultural Residential Cluster Subdivision site."

E. Comments and Recommendations regarding the DEIR authors' statements in Section 2.9

1.) In the text on page 1-120, second paragraph, of the Revised DEIR, the reported acreage figures for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

F. Comments and Recommendations regarding the DEIR authors' statements in Section 3.1

1.) In the text on page 3-2, first paragraph, of Section 3.1.2 of the Revised DEIR, the reported acreage figure of 21.2 acres for "prime agricultural soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

2.) In the text on page 3-2, second paragraph, of Section 3.1.2 of the Revised DEIR, the reported acreage figures for "prime agricultural soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

G. Comments and Recommendations regarding the DEIR authors' statements in Section 3.2

1.) In the text on page 3-21, first paragraph, of Section 3.2.2 of the Revised DEIR, the reported acreage figures of "24.4 acres" and "21.2 acres" for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

2.) In Figure 3-6 of the Revised DEIR, the heading "Prime Agricultural Soils Regardless of Irrigation," should be deleted. The only heading should be "Prime Agricultural Soils If Irrigated." There are no prime soils within this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008).

H. Comments and Recommendations regarding the DEIR authors' statements in Section 3.3

1.) In Figure 3-7 of the Revised DEIR, the heading "Prime Agricultural Soils Regardless of Irrigation," should be deleted. The only heading should be "Prime Agricultural Soils If

Irrigated." There are no prime soils within this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008).

2.) In the text on page 3-33, first paragraph, of Section 3.2.3 of the Revised DEIR, the reported acreage figures of "24.2 acres" and "12.5 acres" for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

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Appendix A

USDA-NRCS "Prime Farmlands Criteria"

and

"Guide for Placing Soils into Capability Classes"

Prime Farmland

The following definition for Prime Farmland was developed by the USDA-NRCS as part of their nationwide Land Inventory and Monitoring (LIM) system (Internet source: http://www.consrv.ca.gov/DLRP/fmmp/overview/prime_farmland_fmmp.htm).

Prime Farmland is land, which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Prime Farmland must meet all the following criteria:

1. Water holding capacity and supply

   The soils have xeric, ustic, or aridic (torric) moisture regimes in which the available water capacity is at least 4.0 inches (10 cm) per 40 to 60 inches (1.02 to 1.52 meters) of soil, and a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years; and

2. Soil temperature regime

   The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50.8 cm), have a mean annual temperature higher than 32° F (0° C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47° F (8° C); in soils that have no O horizon, the mean summer temperature is higher than 59° F (15° C); and

3. Acid-alkali balance

   The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1.02 meters); and

4. Water table depth

   The soils have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and

Prime Farmland (page 2)

5. Soil sodium content

The soils can be managed so that, in all horizons within a depth of 40 inches (1.02 meters), during part of each year the conductivity of the saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage is less than 15; and

6. Flooding

Flooding of the soil (uncontrolled runoff from natural precipitation) during the growing season occurs infrequently, taking place less often than once every two years; and

7. Soil erodibility

The product of K (erodibility factor) multiplied by the percent of slope is less than 2.0; and

8. Soil permeability

The soils have a permeability rate of at least 0.06 inch (0.15 cm) per hour in the upper 20 inches (50.8 cm) and the mean annual soil temperature at a depth of 20 inches (50.8 cm) is less than 59° F (15° C); the permeability rate is not a limiting factor if the mean annual soil temperature is 59° F (15° C) or higher; and

9. Rock fragment content

Less than 10 percent of the upper 6 inches (15.24 cm) in these soils consists of rock fragments coarser than 3 inches (7.62 cm); and

10. Rooting depth

The soils have a minimum rooting depth of 40 inches (1.02 meters).

Guide for Placing Soils in Capability Classes in California (Current as of Oct. 30, 2006)

Capa-biltiy Class	Effective Soil depth (inches)1/	Climate Thornthwaite 1948 indices (inches) Irr. ETp 32F	Dry 4ETa	Surface Layer Texture Irrigated	Dryland	Permea-bility 2/	Drainage Class 3/	Available Water Capacity 4/	Slope A 5/	B 6/ 7/	Erosion Hazard	Flooding Hazard	Salinity ECx1U @ 25o C 8/	Alkali ESP 8/	Toxic Sub-stances9/	Frost Free Season
1	≥ 40	≥ 20	≥ 20	Sandy Loam thru Clay Loam	Sandy Loam thru Clay Loam	Mod. Rapid thru Mod. Slow	Well or Mod. Well >60"	≥ 7.5 inch av. AWC ≥ 0.13 In/In.	<2%	<2%	None or slight	None or rare	<4 mmhos (none)	None	None	≥ 140 Days
2	≥ 40	≥ 14	≥ 16	Loamy Sand thru Clay may be Gravelly	Sandy Loams thru Clay (may be Gravelly)	Rapid thru Slow	Somewhat Poorly thru Somewhat Excessively >36"	≥ 5.0 inch av. AWC ≥ 0.08 In/In.	<5%	<8%	None thru Mod.	None thru Occas.	<8 mmhos	< 25	None or Slight	≥ 100 Days
3	≥ 20	≥ 10	≥ 12	Any, may be Gravelly or Cobbly	Sandy Loam thru Clay (may be Gravelly or Cobbly)	Rapid thru Very Slow	Poorly thru Excessively > 20"	≥ 3.5 inch av. AWC ≥ 0.06 In/In.	<8%	<15%	None thru High	None thru Occas.	<16 mmhos	< 50	None thru Mod.	≥ 80 Days
4	≥ 10	≥ 6	≥ 8	Any, may be Very Gravelly, Very Cobbly or Stony 10/	Loamy Sand thru Clay, Very Gravelly Very Cobbly or Stony 10/	Any	Poorly thru Excessively > 20"	≥ 2.5 inch av. AWC ≥ 0.04 In/In.	<15%	<25%	Any	None thru Frequent 11/	<16 mmhos	< 50	None thru Mod.	≥ 50 Days
5	≥ 20	≥ 6	≥ 8	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any	Any	≥3.0 inch av. AWC	<2%	<2%	None or Slight	Any	<8 mmhos	< 25	None or Slight	Any
6 12/	≥ 10	≥ 4	≥ 6	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any	Any	≥ 2.0 inch av. AWC	<25%	<50%	Any	Any	Dry Land <16 mmhos Irr. Any	Dry Land <25 Irr. <50	Dry Land Slight Irr. Slight thru Moderate	Any
713/	Any		≥ 2	Any	Any	Any	Any	≥ 1.0 inch av. AWC	<50%	<75%	Any	Any	Any	Any	Any	Any
814/	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any

Thomas J. Rice, Ph.D., C.P.S.S.
Certified Professional Soil Scientist No. 1932

1/ Clay pans with permeabilities less than 0.06 in/hr., will be treated as limiting the effective depth.

2/ Permeability of the least permeable subsurface horizon.

3/ Depth to water table during growing season.

4/ Available moisture between field capacity and wilting point.

5/ Use erosion hazard to help determine upper slope percent.

6/ In existing mapping units 9% and 30% can be substituted for 8% and 25%.

7/ Column A is used for soils w/ K factors of 0.37 or greater and soils subject to rill and gully erosion, such as soils formed from granitic parent material or w/ claypans. Other soils are in grp B.

8/ For salts and alkali to be a major limitation, there should be other soil limitations, such as slow permeabilities or high water tables.

9/ Such as boron and magnesium that leach with difficulty.

10/ Coarse fragments interfere with tillage, but do not prevent cropping.

11/ Frequent flooding that does not prevent normal cropping.

12/ Range & wdlnd. mechanical practices can be applied to class 6 land.

13/ Range & wdlnd. mechanical practices are impractical on class 7 land.

14/ Class 8 lands have limitations that preclude their use for commercial plant production and restrict their use to recreation, water supply or esthetic purposes.

Appendix B

Prime (Agricultural) Soils listed on the State of California, Department of Conservation Important Farmlands Maps within the Soil Survey of San Luis Obispo County, Paso Robles Area (Lindsey, 1983).

Excerpted and modified from Internet Source:
http://www.consrv.ca.gov/DLRP/fmmp/mccu/prime_soils.htm (DOC, 2007).

California Department of Conservation

FARMLAND MAPPING AND MONITORING PROGRAM

SOIL CANDIDATE LISTING

for

PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE

SAN LUIS OBISPO COUNTY

Soil Survey of San Luis Obispo County, California, Paso Robles Area, May 1983

(8/25/95, updated 1/19/06)

Beginning in 2002, SSURGO digital soil information has been incorporated into the San Luis Obispo County Important Farmland Map. Prior versions of the map have not been modified.

The SSURGO data San Luis Obispo County, Paso Robles Area (published 10/17/2005).

For more information on the NRCS SSURGO data, please see:
http://www.ftw.nrcs.usda.gov/ssur_data.html

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
DAVIS, CALIFORNIA 95616

THESE SOIL MAP UNITS MEET THE CRITERIA FOR PRIME FARMLAND AS OUTLINED IN THE U.S. DEPARTMENT OF AGRICULTURE'S LAND INVENTORY AND MONITORING (LIM) PROJECT FOR THE SAN LUIS OBISPO COUNTY, PASO ROBLES AREA SOIL SURVEY.

SAN LUIS OBISPO COUNTY, PASO ROBLES AREA

Symbol Name **(Those in bold print are located in the Santa Margarita Ranch)**

100 Arbuckle fine sandy loam, 0 to 2 percent slopes

101 Arbuckle fine sandy loam, 2 to 9 percent slopes

116 Botella sandy loam, 2 to 9 percent slopes

Symbol Name

130 Clear Lake clay, drained

132 Cropley clay, 0 to 2 percent slopes

133 Cropley clay, 2 to 9 percent slopes

138 Elder loam, 0 to 2 percent slopes

139 Elder loam, 2 to 9 percent slopes

140* Elder loam, 0 to 5 percent slopes, flooded

147 Hanford and Greenfield soils, 0 to 2 percent slopes

149 Hanford and Greenfield gravelly sandy loams, 0 to 2 percent slopes

150 Hanford and Greenfield gravelly sandy loams, 2 to 9 percent slopes

157 Lockwood shaly loam, 0 to 2 percent slopes

173 Mocho clay loam, 0 to 2 percent slopes

174 Mocho clay loam, 2 to 9 percent slopes

182 Oceano loamy sand, 2 to 9 percent slopes

183 Pico fine sandy loam, 0 to 2 percent slopes

184 Pico fine sandy loam, 2 to 9 percent slopes

187 Rincon clay loam, 0 to 2 percent slopes

188 Rincon clay loam, 2 to 9 percent slopes

191 Ryer clay loam, 2 to 9 percent slopes

194 San Emigdio fine sandy loam, 0 to 2 percent slopes

195 San Emigdio fine sandy loam, 2 to 9 percent slopes

205 Sorrento clay loam, 0 to 2 percent slopes

206 Sorrento clay loam, 2 to 9 percent slopes

Symbol Name

207 Still gravelly loam, 0 to 2 percent slopes

208 Still clay loam, 0 to 2 percent slopes

209 Still clay loam, 2 to 9 percent slopes

* Prime farmland if drained

RLW Revised 12/15/80

NOTE: According to this California DOC list, there are seventeen (17) soil map units within the Santa Margarita Ranch listed as prime farmland.

Letter from Althouse and Meade regarding their review of the Biological Resources Section of the RDEIR dated March 27, 2008

ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES
1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 467-1041 • Fax (805) 467-1021

Lynne Dee Althouse, M.S.
(805) 459-1660 (cell)
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Daniel E. Meade, Ph.D.
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dan@althouseandmeade.com

March 27, 2008
File #208.18

County of San Luis Obispo
Attention: Martha Miller
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Re: Santa Margarita Ranch Revised Draft EIR Biological Resources Section
Response to Project Evaluation, Tract 2586

Dear Ms. Miller:

We examined the Santa Margarita Ranch Revised Draft EIR (RDEIR) biological resources section. The RDEIR was intended to address issues raised since the Draft EIR (DEIR) was prepared last year. We provided comments on the DEIR in our letter of April 11, 2007 to the County, and are concerned that several issues we raised were not addressed.

We commented on the section regarding impacts to an area of the property described as "valley needlegrass grassland" in the DEIR. The RDEIR has dropped this label, and now describes a different habitat in the proposed project area of "native perennial grassland" that contains valley needlegrass grassland. A problem we pointed out in the DEIR was that no evidence was presented to demonstrate that "valley needlegrass grassland" was present. We presented data that needlegrass was not dominant. Needlegrass density was less than five percent cover in 66 one-meter plots sampled across an area designated by the DEIR as "valley needlegrass grassland". The RDEIR still provides no evidence, and makes further claims regarding the presence and distribution of "rare" native perennial grassland. First, there is no rare community type listed as "native perennial grassland" in the California Natural Diversity Data Base (CNDDB), or in the California Native Plant Society Manual of California Vegetation, or in the California Wildlife Habitats Relationships (CWHR) system, or in the CDFG Natural Communities List. The type of grassland found on the Santa Margarita Ranch proposed Agricultural Cluster Subdivision is not rare, but consists of perennial and annual plant species common in San Luis Obispo County.

The RDEIR errs in stating that, "Valley Needlegrass Grassland ... is a CDFG plant community of Special Concern." The March 1, 2008, California Natural Diversity Data Base has no federal, state, or CDFG listing status for this community type. Further, CDFG does not designate any plant community as a community of special concern. The "Special Concern" designation is applied only to animals. The correct designation of valley needlegrass grassland is a "sensitive natural community."

Second, even if native perennial grassland is considered rare, the designation of the grassland in the project area is questionable due to the RDEIR's misidentification of a plant species said to be one of three dominant perennial grasses in the habitat. The RDEIR lists *Danthonia californica* as one of three dominant grasses in the native perennial grassland habitat type, however, during our surveys of the Agricultural Residential Cluster Subdivision site, *Danthonia californica* was not observed in areas previously identified as Valley Needlegrass Grassland. *Danthonia californic*a

occurs in a limited distribution on the western portion of the Santa Margarita Ranch where soils have a higher proportion of clay, not on the site designated for the Ag Cluster. Apparently, the RDEIR misidentified this species, and then used it as a key member of the habitat it designates as rare. This calls into question the designation of native perennial grassland.

We also commented on the designation of impacts to oak woodland in the DEIR. In our analysis of the site and proposed building envelopes we estimated that approximately sixty trees could be removed, and perhaps as few as thirty. The oak woodland on the Agricultural Cluster Subdivision parcels contains approximately 6,000 trees. Removal would be approximately 1% of the oak woodland canopy, far below the 30% removal of canopy required before the project is considered a "conversion" of oak woodland under the Kuehl bill. Even if 400 trees were removed, as suggested possible by the RDEIR, the percent removal of canopy would be approximately 6.7%. The RDEIR incorrectly applies the Kuehl bill standard in this case, claiming that conversion of oak woodland would occur, when the Kuehl bill standard clearly is not met. A threshold of impacts regarding the Kuehl bill was discussed in our previous comments on the DEIR.

The revised descriptions of oak woodland in the RDEIR incorrectly remove other tree species components of the woodlands. The RDEIR offers the redundant and contradictory statement, "Blue oak woodland on-site is dominated by blue oaks" which is added to, "and can be found in open (savanna like) to dense monoculture stands." This begs the question, if it is "savanna like", what portion is savanna and not woodland? The same statement regarding "savanna like" habitat is applied to the RDEIR description of valley oak woodland. Also, naturally occurring vegetation types are usually not referred to as "monoculture" or any "culture" type. Monoculture applies to an agricultural land use where one species is farmed with the goal of allowing no other species to grow. Oak woodlands, even when dominated by oak trees, can have dozens of other plant species present.

The RDEIR has chosen to increase setbacks from Tostada Creek to 100 feet as part of mitigation for potential impacts to steelhead and California red-legged frog habitat. We agree with this setback recommendation for lower Tostada Creek (within 0.4 miles from the confluence with Trout Creek). Typically, the California Department of Fish and Game recommends 100-foot setbacks from perennial drainages and 50-foot setbacks from ephemeral drainages. Tostada Creek is an ephemeral drainage with shallow seasonal pools. A fifty foot vegetated buffer, combined with normal protective measures such as construction erosion control, and roads graded to produce sheet flow to the buffer, would provide very good protection for upper Tostada Creek. Steelhead or California red-legged frog habitat does not occur in Tostada Creek except near the confluence with Trout Creek.

It is our opinion that the RDEIR has not adequately answered the concerns we expressed in our April 2007 comments with respect to analysis of grassland and oak tree impacts, and has increased stream setback distance on upper Tostada Creek without good reason.

Sincerely,

LynneDee Althouse

Daniel E. Meade, Ph.D.

eda Response to Updated Analysis prepared by Jeff Wagner
dated March 7, 2008

design professionals
eda
civil engineers ◆ land surveyors ◆ land planners

March 7, 2008

Ms. Jamie Kirk
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

RE: Santa Margarita EIR - Responses to Updated Environmental Analysis
[eda Job No. 2.5856.100]

Dear Jamie,

Our responses to Boyle's two drainage comments are attached. Please call if you have any questions or additional comments.

eda - design professionals

Jeff Wagner, RCE 26431

eda – *design professionals*
1998 Santa Barbara Street, San Luis Obispo, CA 93401
805-549-8658 fax 805-549-8704
www.edainc.com

eda RESPONSES TO UPDATED ANALYSIS

March 7, 2008

Section 2.4, Measure D-2(a). Yerba Buena Drainage System.
The proposed detention structure for the portion of the Agricultural Residential Cluster Subdivision site draining to Yerba Buena creek shall have capacity to reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, at a minimum. A Drainage Study shall be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities. The study shall also address flow routing and relative times of concentration in the watershed at the detention facility compared with the existing channel. ***The detention facility shall be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.***

Response to Measure D-2(a). Prior to approval of subdivision improvement plans, the proposed detention structure will be redesigned to comply with the Measure D-2(a) requirement. It will be analyzed as prescribed, with considerations for flow routing and times of concentration. A Drainage Study will be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities and to evaluate whether the required detention would provide a beneficial downstream result as compared to current County detention standards. The analysis will also consider how the application of Low Impact Development (LID) principles in the final design would provide opportunities for localized runoff reductions and opportunities for decentralized detention at individual lots or at other selected locations.

Section 2.4, Measure D-2(b). Trout Creek Drainage System.
Prior to approval of a Land Use Permit, the applicant shall design a detention structure for the site that drains to the unnamed tributary to Trout Creek. A Drainage Study shall be prepared to identify detention volumes and release rates for the required facilities. The study should also address flow routing an relative times of concentration in the watershed at the detention facility compared with existing channels. This system shall have the capacity to reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, at a minimum. ***The detention facility shall be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.***

Response to Measure D-2(b). Prior to approval of subdivision improvement plans, a detention structure will be designed as prescribed to comply with the Measure D-2(b) requirement. It will be analyzed as prescribed, with considerations for flow routing and times of concentration. A Drainage Study will be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities and to evaluate whether the additional detention would, provide a beneficial downstream result as compared to current County detention standards. The analysis will also consider how the application of Low Impact Development (LID) principles in the final design would provide opportunities for localized runoff reductions and opportunities for decentralized detention at individual lots or at other selected locations.

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Letter from Associated Transportation Engineers regarding their review of the Transportation / Circulation Section of the RDEIR dated March 27, 2008.

ASSOCIATED TRANSPORTATION ENGINEERS
100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Richard L. Pool, P.E.
Scott A. Schell, AICP

March 27, 2008 0405801.L04

Jamie Kirk
Kirk Consulting
9720 Atascadero Road
Atascadero, CA 93422

REVIEW OF TRANSPORTATION/CIRCULATION SECTION OF THE REVISED DRAFT EIR FOR THE SANTA MARGARITA RANCH AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION PROJECT AND FUTURE DEVELOPMENT PROGRAM

According to the introductory text, the Revised Draft Environmental Impact Report (RDEIR) was prepared to address issues that arose since the time that the Draft Environmental Impact Report (DEIR) was prepared for the project. The introduction to the RDEIR also states that comprehensive, direct responses to comments on the DEIR and additional revisions and clarifications will be provided in a forthcoming Final EIR that includes response to all comments received during the public review periods for both the DEIR and RDEIR.

ATE reviewed the Transportation/Circulation section of the DEIR prepared for the Santa Margarita Ranch Project and submitted comments in our letter of April 11, 2007 (copy attached). Since the RDEIR does not directly address many of those previous comments, it is assumed that those not addressed will require a response in the Final EIR.

ASSESSMENT OF SANTA MARGARITA RANCH RDEIR

The introduction to the Transportation/Circulation section of the RDEIR states, "This section updates Agricultural Residential Cluster Subdivision Impact T-1 and Future Development Program T-1 to clarify significance thresholds, clarify traffic and circulation mitigations required for the proposed Agricultural Residential Cluster Subdivision, revise the cumulative impacts analysis to compare project and program impacts to baseline cumulative conditions rather than existing conditions, and update traffic conditions on U.S. Highway 101."

Our comments on the salient issues/impacts are detailed below. Prior to the detailed comments, it is important to reiterate a general comment that we made on our review of the DEIR. That is, the level of detail included in the traffic study is well beyond that prepared for other Program EIRs. The level of detail has resulted in the identification of impacts and mitigations that are over and above the normal level required for developments in the County by past practice and standards, such as identification of State Highway facilities that were designed and built many years ago that do not meet current standards. The DEIR and RDEIR concludes that the addition of any traffic to these State Highways with older design features is a significant impact that must be mitigated prior to occupancy of the project. It is also important to restate that it is our opinion that many of the identified impacts are presented without adequate analyses and/or application of adopted thresholds.

COMMENTS ON RDEIR SECTION 2.7 TRANSPORTATION/CIRCULATION

Threshold Revision

Page 2-90 - Caltrans Threshold. The RDEIR "clarifies" Caltrans significance thresholds as follows: "For Caltrans' facilities (intersections, roadway segments, freeway segments, and freeway ramps junctions), a degradation in the level of service from an acceptable level (LOS C/D threshold or better) to an unacceptable level (LOS D, E, or F) is a significant impact. For Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact."

The RDEIR does not provide a source of the Caltrans thresholds. Caltrans has published "*Caltrans Guide for the Preparation of Traffic Impact Studies*" (December 2002), which provides general parameters for conducting a traffic study. The guide does not contain any thresholds. Thus, **Caltrans does not have any adopted thresholds.** Furthermore, the Caltrans guide states, "For Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact."

For the Santa Margarita Ranch RDEIR, it appears that the threshold is also broadly applied to locations where the transportation facility is not constructed to today's standards, to locations where there may be limited sight distances, to locations where there is some bicycle or pedestrian activity, to locations where there may be an accident history, etc.

Building just one of the proposed residential units (or one residential or commercial unit by any land owner in the community or neighboring rural areas) would constitute a significant impact based on this "threshold" since the traffic from one house would use a facility that is not up to today's standards or where there may be limited sight distances, or where there is some bicycle or pedestrian activity, or where there is an accident history, etc.

The Caltrans traffic study guide also states that the traffic impact study provide a nexus between a project and the traffic impacts to State facilities and provide a rough proportionality between the mitigation measure and the traffic impact. The revisions to the mitigation measures in the RDEIR make the Agricultural Residential Cluster Subdivision responsible for fully funding and implementing the mitigation measures where development of the Agricultural Residential Cluster Subdivision would contribute traffic to existing deficiencies. **The project should not be solely responsible for correcting all of the existing deficiencies identified in the community of Santa Margarita, but should be responsible for its share** (based on the Caltrans recommended procedure or some other equitable share calculation).

Agricultural Residential Cluster Subdivision Impacts and Mitigations

Page 2-90 - Impact T-1. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts related to operational deficiencies at the SR 58 transition into a 90-degree curve south of J Street under forecasted Existing + Agricultural Residential Cluster Subdivision traffic volumes:

> "As shown in Tables 4.12-10(a) through 4.12-10(c), all roadway segments are projected to operate at acceptable LOS with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems on SR 58 near J Street. As discussed in Section 4.12.1(e), SR 58 transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (mph) warning sign, no additional warning signs or physical barriers are in place. As indicated in the Existing Conditions section, a total of six (6)collisions were reported over a three-year period. These collisions include the following types and number of incidents: head-on collision (2), side-swipe collision (2), broad-side collision (1), and hitting a fixed object (1). As shown on Figure 4.12-6, the addition of traffic by the Agricultural Residential Cluster Subdivision is projected to significantly increase the daily volumes (43 percent) on SR 58, east of the 90-degree curve, from 3,000 to 4,130 vehicles. Therefore, impacts are potentially significant and mitigation is required."

This impact is not based on any adopted criteria nor is it based on an engineering analyses of the geometry of the roadway and the cause of accidents. The potentially significant finding is based on existing conditions, "except for a 15 mph warning sign, no additional warning signs or physical barriers are in place;" and "a total of six collisions were reported over a three-year period." The DEIR traffic study includes a summary of the accident rates for the 36-month period between August 2002 through July 2005. The summary compares the actual rate of accidents to the statewide average for similar facilities. The accident summary is then used as a basis for assessing potential impacts. The analysis assumes that any location with an accident rate that is higher than the statewide average would be significantly impacted by the addition of traffic generated by the project.

This approach is misleading since the accident summary does not include the detailed analysis necessary to determine if the actual rate of accidents is significant (a statistical analyses) and it does not analyze the project's traffic additions from a scientific standpoint. Often times the actual rate of accidents is higher than the statewide average due to the low volume of vehicles using the facility. A statistical analysis can determine if the number of accidents is statistically significant. In addition, the accident records should be analyzed to determine the cause of the accidents and whether or not there is a correctable problem, and to determine if the addition of traffic from a project would constitute a significant impact.

It is recommended that the accident analysis be updated using current accident data and that the significance of the number of accidents based on traffic volumes using statistical tools. The analysis should also determine if there is an accident pattern that can be corrected. A set of criteria for determining the significance of the project's traffic additions to the locations studied should also be provided. Given the threshold applied, building just one of the proposed residential units (or one residential unit or commercial unit by any land owner in the community or neighboring rural areas) would constitute a significant impact to this existing deficiency (or perceived deficiency).

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised to clarify impacts at the intersection of Estrada Avenue/H Street due to traffic generated by weekday Santa Margarita Elementary school operations:

> "As indicated on Figure 4.12-**4**, approximately 10 percent of traffic generated from the residential development would have local destinations within Santa Margarita. Of these trips, a small percentage was assigned to travel to the elementary school. Even if 100 trips (50 inbound & 50 outbound) from the Agricultural Residential Cluster Subdivision were assigned to the school during the AM peak-hour, the level of service rating would not degrade to an unacceptable level. The mitigation measure at the Estrada Street/H Street intersection is not anticipated to change since the mitigation measure [ARCS Measure T-1(e)] addresses existing roadway design deficiencies (limited sight distance at the intersection). The school traffic that is associated with dismissal of classes occurs in the early afternoon before the evening commute period (4:00 to 6:00 PM)."

The impact clearly states that the level of service rating for the Estrada Street/H Street intersection would *not* degrade to an unacceptable level. The impact is based on limited sight distance. According to the text on Page 2-92, "Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit ..."

It is unclear if vehicle speed surveys were taken or if the analysis is based on cursory field review. The actual speed of vehicles is key to the sight distance analysis.

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts related to "cut-through" on I Street to avoid congestion on El Camino Real:

> "The forecast traffic volumes at the intersection of El Camino Real/Wilhelmina Avenue will capture traffic that uses I Street as a shortcut to bypass El Camino Real. The existing El Camino Real/Wilhelmina Avenue intersection volumes do not suggest that a substantial amount of traffic uses I Street as a shortcut. Fewer than 60 vehicles, in each direction, currently turn to/from Wilhelmina Avenue to El Camino Real during each peak hour. Therefore, even with additional congestion on El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision, "cut-through" traffic on I Street would not result in unacceptable levels of service at I Street intersections."

The roadway and intersection analysis found that El Camino Real and the intersections along its reach would operate at LOS C or better, indicating that congestion would not occur. Thus it is incorrect to state, "... **additional congestion on El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision**..."

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts on freeway ramp operations under forecasted Existing+ Agricultural Residential Cluster Subdivision traffic volumes:

> "As shown in Table 4.12-11, the merge and diverge ramp operations at the U.S. 101/SR 58 interchange are projected to operate at acceptable levels of service with the addition of Agricultural Residential Cluster Subdivision traffic to existing roadway volumes, with the exception of the northbound off-ramp, which is projected to continue to operate below the Caltrans LOS D standard. The Agricultural Residential Cluster Subdivision development will increase the existing AM and PM peak-hour volumes on the US 101 northbound off-ramp by 15 percent."

The "ramp junction" analyses illustrate traffic operations for the merge and diverge areas **on the U.S. Highway 101 mainline** at the merge and diverge areas, **not at the "ramp junction"**. For example, the northbound SR 58 ramp analysis illustrates the affect of confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp in the vicinity of the off-ramp **on the mainline**. Thus, the impact identified (and mitigation) are not applicable to the junction of the off-ramp and SR 58 adjacent to the park and ride lot.

In addition, ATE has never seen operational analyses of freeway ramps included in traffic studies prepared for development projects proposed in the County. The County does not have any adopted criteria or thresholds for assessing freeway ramp facilities. Instead, the RDEIR relies on the new unadopted Caltrans threshold, "...for Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact." ATE has also never seen this Caltrans impact threshold (1 trip constitutes an impact). If this threshold were applied consistently within the County, no development could occur anywhere near a Caltrans facility that does not meet today's standards without the determination of a significant impact that would either need to be mitigated by improvements implemented by the project or the adoption of overriding considerations by the County for the Class I impact. Furthermore, several discretionary projects that generate more than 1 trip have been approved in the Santa Margarita area and have not been conditioned with the mitigations prescribed in the DEIR or the RDEIR.

Page 2-92. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts on Estrada Avenue/H Street intersection operations under forecasted Existing + Agricultural Residential Cluster Subdivision traffic volumes:

> "The intersection of Estrada Avenue and H Street experiences limited sight distance due to an existing crest on Estrada Avenue, in the vicinity of Santa Margarita Elementary School. Northbound vehicles travel over the crest and immediately arrive at H Street. Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit and may not have sufficient time and pavement to come to a complete stop if pedestrians are crossing Estrada Avenue at H Street to travel to Santa Margarita Elementary School or to Santa Margarita Park. The Flashing Beacon at School Crossings warrant (Section 4K.103 from MUTCD 2003 CA Supplement) is satisfied under Project Conditions. The vehicular volume exceeds 140 vehicles and the school age pedestrians exceed 40 pedestrians for each of 2 hours and the critical approach speed exceeds 35 mph with no other controlled crossing nearby. The majority of Agricultural Residential Cluster Subdivision project traffic will travel through this intersection, thus increasing the number of drivers experiencing the existing sight distance deficiency."

It is unclear if vehicle speed surveys were taken or if the analysis is based on cursory field review. The actual speed of vehicles is key to the sight distance analysis.

Page 2-92. The RDEIR states, "Draft EIR mitigation for Impact T-1 (post-project traffic operational deficiencies) focused on payment of fair share fees to offset Agricultural Residential Cluster Subdivision impacts. The Draft EIR concluded that such impacts would remain Class I, significant and unavoidable, for several reasons, one of which was the uncertainty in the timing of resulting physical transportation improvements."

As stated in the RDEIR but not in the DEIR, "County Public Works staff determined that fair share fees collected to offset Agricultural Residential Cluster Subdivision traffic impacts may not be adequate to implement identified transportation improvements that would reduce the impact to a less than significant level."

Based on this change, the revisions to the mitigation measures in the RDEIR make the Agricultural Residential Cluster Subdivision responsible for fully funding and implementing the mitigation measures. However, **development of the Agricultural Residential Cluster Subdivision would contribute traffic to existing deficiencies in the transportation system. The project should not be solely responsible for correcting existing deficiencies.** Instead, the project should be responsible for offsetting its impact to those facilities.

The following text presents the RDEIR mitigations for the Agricultural Residential Cluster Subdivision. ATE comments follow each of the mitigations.

Page 2-92, Mitigation T-1(a) - SR 58 South of J Street. This mitigation measure requires:

1. Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access) to provide four foot shoulders and/or bike lanes in accordance with County standards.

2. Install radar feedback signs and advisory speeds on each approach to the 90-degree curve on SR 58 near J Street.

The impact to the 90-degree curve on SR 58 near J Street was considered significant based on old accident data/no statistical analyses. Further, the mitigation is required to be implemented solely by the project even though the curve in the road is an existing deficiency (or perceived deficiency). Should the accident analysis find that the number of accidents is significant and that there is a correctable problem, the project should be required to contribute to the improvements needed to rectify and existing deficiency (not fix the existing deficiency).

Page 2-93, Mitigation T-1(b) - U.S. 101 Northbound Off-Ramp to SR 58. This mitigation measure requires the applicant to lengthen the deceleration length from 140 feet to 250 feet from the U.S. 101 mainline to the northbound off-ramp, reconstruct the area where the northbound U.S. 101 off-ramp merges with eastbound SR 58 to provide 400 feet of merging distance to meet Caltrans' current design standards, and design the revised park and ride and frontage road access.

This mitigation is based on the new Caltrans impact threshold introduced in the RDEIR (addition of any traffic to facilities that do not meet today's standards is considered a significant impact). In addition, the impact to the merge area was not identified in the analysis. The "ramp junction" analyses that the impact is based on illustrates traffic operations for the diverge area on the U.S. Highway 101 mainline and is therefore not applicable to the junction of the off-ramp and SR 58 adjacent to the park and ride lot.

Finally, the mitigation is required to be implemented solely by the project even though there is an existing deficiency (or perceived deficiency). The project should be required to contribute to the improvements needed to rectify the existing deficiency.

Page 2-94, Mitigation T-1(c) - U.S. 101 Southbound Off-Ramp to SR 58. This mitigation measure requires the applicant to extend the deceleration length from 250 to 550 feet for the southbound off-ramp to provide acceptable freeway ramp diverge operations.

This mitigation is based on the new Caltrans impact threshold introduced in the RDEIR (addition of any traffic to facilities that do not meet today's standards is considered a significant impact). The mitigation is required to be implemented solely by the project even though there is an existing deficiency. The project should be required to contribute to the improvements needed to rectify the existing deficiency.

Page 2-95, Mitigation T-1(d) - El Camino Real/Estrada Avenue Redesign. This mitigation measure requires the applicant to:

1. Widen Estrada Avenue, between El Camino Real and the railroad tracks, to provide a dedicated northbound right-turn lane.

2. Widen El Camino Real to provide a separate left-turn lane for westbound El Camino Real traffic to turn onto southbound Estrada Avenue.

3. Reduce the superelevation of the El Camino Real curve at Estrada Avenue.

4. Prior to implementation of Future Development Program measure T-1(d), traffic signal installation and rail pre-emption, advance limit lines for northbound Estrada traffic shall be provided immediately south of the rail tracks, and a Manual on Uniform Traffic Control Devices (2003 Edition) R8-10 sign which states "Stop Here When Flashing" shall be provided to minimize the potential for vehicles to stop directly on the railroad tracks.

This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. The impact clearly states that the level of service rating for the Estrada Street/H Street intersection would *not* degrade to an unacceptable level. The impact is based on limited sight distance. According to the text on 2-92, "Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit ..."

Finally, the mitigation should not be the sole responsibility of the project since the sight distance is an existing deficiency (or may not be deficient, depending upon forthcoming engineering analysis). At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Page 2-96, Mitigation T-1(e) - Estrada Avenue/H Street Warning Beacon. This mitigation measure requires the applicant to install a pedestrian-activated advanced warning beacon on the northbound approach to the intersection of Estrada Avenue and H Street, before the crest on Estrada Avenue, to warn drivers of the presence of pedestrians crossing at the intersection.

The impact clearly states that the level of service rating would *not* degrade to an unacceptable level. The impact is based on limited sight distance (or perceived since an engineering analysis is not provided). Thus, the mitigation may not be required. Finally, if the mitigation is required, the mitigation should not be the sole responsibility of the project since the sight distance is an existing deficiency (or may not be deficient, depending upon forthcoming engineering analysis). At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Page 2-97, Residual Impacts. This section states, Although proposed mitigation would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, and uncertainty regarding right-of-way acquisition, it cannot be assured that all improvements would be feasibly constructed prior to occupation of the proposed residences. As a result, impacts would remain significant and unavoidable."

This statement underscores the inherent flaw in the overall methodology used to evaluate traffic impacts in the document. The RDEIR first determines that any traffic added to the State Highway facilities in the community of Santa Margarita is a significant impact because these facilities were not originally constructed to today's standards. The RDEIR then requires that the proposed development **fund and implement all of the improvements required to upgrade the State Highways prior to the issuance of occupancy clearances for any housing unit.** The document then makes the finding that because of uncertainties regarding Caltrans approval of the improvements and the potential costs of right-of-way, the improvements required may not be able to be constructed. If this is the case, then the project could never be occupied given the language of the mitigation measures.

Page 2-97, Mitigation T-4(a) - El Camino Real/Encina Avenue In-Pavement Flashing Lights. This mitigation measure was revised to requires the applicant to fully fund and install in-pavement flashing light on El Camino Real at the Encina Avenue intersection to warn drivers of the presence of pedestrian crossing the intersection.

This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. The County does not have an adopted threshold for assessing potential impacts to pedestrian facilities. Finally, the mitigation should not be the sole responsibility of the project since the current crossing is being considered deficient. At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Cumulative Impacts and Mitigations

Page 2-98, Updated Analysis. The RDEIR states, "The Draft EIR inadvertently compared the Cumulative + Future Development Program scenario to Existing conditions, rather than Cumulative No Project conditions. Although the outcome of the analysis would not change based on a comparison to Cumulative No Project conditions, the corrected analysis is presented herein. In addition, the Draft EIR listed average daily traffic (ADT) volumes for U.S. 101 which were lower than Caltrans data for 2005. Although the incorrect volumes were not used in any of the operational analyses, the volumes are also corrected herein."

Since the corrections made in the RDEIR did not change the impacts, ATE has no additional substantial comments on the cumulative impact analyses. Comments on the cumulative impact that ATE raised in our reviewed of the DEIR are the same (see April 11, 2007 letter submitted by ATE).

It is noted that there appears to be several errors in the cumulative impact tables. For example, Table 4.12-14(c) shows LOS E for the northbound segment of U.S. 101 south of SR 58 under Cumulative No Project conditions and LOS D for Cumulative + Agricultural Residential Cluster Subdivision conditions - indicating that operations improve with the additional traffic generated by the Agricultural Residential Cluster Subdivision traffic in the cumulative scenario. It is recommended that the results displayed in the impact tables be checked for errors.

Page 2-105, Mitigation Measures. The RDEIR states, "The Mitigation Measures discussion under Future Development Program Impact T-1 has not changed. However, new mitigation measures T-1(a), T-1(b), and T-1(c) have been added..."

Future Development Program T-1(a) SR 58 South of J Street requires realignment of SR 58 along a tangent south of J Street to mitigate the Future Development Program's impacts to the two 90-degree curves on SR 58 near J Street.

Future Development Program T-1(b) U.S. 101 Southbound Off-Ramp to SR 58 requires redesign of the southbound off-ramp to accommodate a larger loop radius and higher design speed to meet current Caltrans design standards.

Future Development Program T-1(c) U.S. 101 Southbound On-Ramp from SR 58 requires redesign of the U.S. 101 southbound on-ramp to accommodate an acceleration lane for westbound SR 58 traffic.

The Plan Requirements and Timing for the mitigations state that the improvements are required prior to occupancy clearance for the first Future Development Program component on the Ranch property. The text goes on to state that the Specific Plan shall establish a finance district to construct and implement the alternate improvements if a Specific Plan is require, or that the applicant fund the improvements and create an area wide traffic model and associated reimbursement agreement if a Specific Plan is not required.

Several area-wide improvement plans and companion traffic mitigation fee programs exist in the County (Templeton, Nipomo, etc.). Area-wide improvement plans and traffic mitigation fees programs should be developed by the jurisdiction (the County in this case) rather that private entities.

This concludes our reviewed the Transportation/Circulation section of the Santa Margarita Ranch RDEIR.

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attachment

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REVIEW OF TRANSPORTATION AND CIRCULATION SECTION OF THE SANTA MARGARITA RANCH TRACT 2586 AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION PROJECT AND FUTURE DEVELOPMENT PROGRAM DEIR

Associated Transportation Engineers (ATE) has reviewed the Transportation and Circulation section of the Draft Environmental Impact Report (DEIR) that has been prepared for the Santa Margarita Ranch Project. The Transportation and Circulation section includes analyses of two scenarios: 1) the proposed Agricultural Residential Cluster Subdivision (Vested Tentative Tract 2586) and, 2) the Future Development Scenario. ATE also reviewed the Salinas River Area Plan, focusing of the Transportation and Circulation section prepared for the Santa Margarita Ranch area.

PROJECT DESCRIPTION

The proposed projects consists of two components: 1) a Vested Tentative Map Tract 2586 agricultural cluster subdivision for development of 112 single family homes, and 2) a Future Development Scenario.

The Future Development Scenario was required to be studied in the EIR by a Settlement Agreement. Santa Margarita Ranch totals approximately 14,000 acres, 9,600 of which are within the boundaries of the historic Rancho Santa Margarita. A settlement agreement between the community group Santa Margarita Area Residents Together (SMART), the County, and the applicant requiring that the applicant submit a Future Development Scenario for the areas within the original Rancho boundary at the time of any specific entitlement request. The settlement agreement required the preparation of a Program EIR to evaluate the environmental

effects of the likely buildout of the Ranch pursuant to CEQA. Any future required CEQA documents would be tiered from the Program EIR at this time further entitlements are requested for projects listed within the Future Development Scenario.

The Santa Margarita Ranch DEIR assumes that the Future Development Scenario consists of 514 residences (including the proposed Tract 2586 Agricultural Residential Cluster Subdivision), and the following uses: a private golf course, clubhouse and pro shop; 150 to 250 unit guest ranch, lodge, and restaurant; 12-room bed and breakfast; cafe; amphitheater; craft studios, galleries and shops; interpretive center and gift shops; nine (9) wineries with tasting rooms and permitted special events; neighborhood parking and swimming facility; five (5) new ranch/farm headquarters; one livestock sales yard and cafe; three places of worship; and a retreat center.

ASSESSMENT OF SALINAS RIVER AREA PLAN EIR

The environmental analyses for the Salinas River Area Plan was prepared in a report dated June 1993 and the EIR was certified January 2, 1996. As stated on Page 3-24 in the EIR, "As of this writing, an Environmental Constraints Analysis (ECA) is under preparation for Santa Margarita Ranch. Once completed, it is expected that a Specific Plan and subsequent EIR will be prepared on the anticipated development of the Ranch. Both the ECA and subsequent EIR will be providing a much greater level of environmental analysis on potential impacts. The Salinas River Area Plan Program EIR will evaluate the Santa Margarita Ranch development on a general and conceptual level."

Table 5.2-3A on Page 5.2-6 of the Salinas River Area Plan EIR shows that the land uses analyzed in that document are nearly identical to those that are included in the Santa Margarita Ranch Project DEIR. The Salinas River Area Plan EIR shows 500 dwelling units, 27- to 36-hole golf course, 150-unit guest ranch with lodge and restaurant, 12-room bed and breakfast, cafe, amphitheater, craft studios/galleries/shops, interpretive center/gift shop, 200-400-seat horse arena with boarding facilities/track/stables, winery with wine tasting, and neighborhood parkland.

The trip generation estimate shown in the Salinas River Area Plan EIR for the Santa Margarita Ranch was 8,120 Average Daily Trips (ADT), which is about the same as the 8,138 ADT estimate shown on Page 4.12-32 of the Santa Margarita Ranch Project DEIR. The traffic analyses for the Santa Margarita Ranch contained in the Salinas River Area Plan EIR (Page 5.2-7) found that,

> "It is anticipated that the development of the Santa Margarita Ranch would further degrade future levels of service on U.S. Highway 101 and S.R. 58, and could potentially generate significant adverse traffic conditions on the local street system serving the Santa Margarita and Garden Farms communities. Local roadways that would primarily be affected by the development of the Santa Margarita Ranch are El Camino Real and Estrada Avenue. Traffic impacts will be analyzed in greater detail in the EIR that will be prepared for the proposed Santa Margarita Specific Plan."

ASSESSMENT OF SANTA MARGARITA RANCH DEIR

Our comments on the salient issues/impacts are detailed in our review of the traffic analyses below. As a general comment, it is our opinion that the level of detail included in the traffic study is well beyond that prepared for other Program EIRs. This level of detail has resulted in the identification of impacts and the inclusion of mitigations that are over and above the normal level required for developments in the County by past practice and standards.

It is also important to understand at the outset of our review that many of the identified impacts are presented without proper analyses or application of significance thresholds. For instance, the Field Observations and Existing Operational Issues include numerous statements regarding existing conditions that are not supported by proper analyses of data and facts. Potential impacts are then assessed assuming that the issues raised in the Field Observations and Existing Operational Issues are factual, resulting in the determination of significant impacts generated by the project. Instead, the Field Observations and Existing Operational Issues are just observations, and include anecdotal citations from crossing guards and County staff. They may be important considerations but must be defined and quantified by data and analysis.

Comments on Section 4.12 Transportation and Circulation

Section 4.12.1.b. Two-Lane Highways . The DEIR text states that four of the study-area roadway segments were evaluated using the two-lane highway analysis methodology descried in Chapter 20 of the 2000 Highway Capacity Manual (2000 HCM). The traffic study applies "percent time following" as the performance measure for these local roads. Since the four roadways are local roads that serve as access for adjacent lands or for local trips within the immediate area, the analyses should be completed using the methods applied to the other local roadways included in the traffic study.

Section 4.12.1.b. Freeway Segments. The DEIR analysis includes LOS analyses for the U.S. Highway 101 mainline as well as for the ramp junctions at the U.S. Highway 101/SR 58 interchange. The ramp junction analyses illustrative traffic operations for the merge and diverge areas of the U.S. Highway 101 ramps at the interchange (e.g. the northbound SR 58 ramp analysis illustrates the affect of confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp in the vicinity of the off-ramp. ATE has never seen ramp junction operational analyses included in a traffic study prepared for a development project proposed in San Luis Obispo County. The County does not have any adopted criteria or thresholds for assessing freeway ramp facilities. Instead, it is typical to analyzing traffic operations at the intersection of the off-ramp (or on-ramp) and the local street.

The ADT volumes for U.S. Highway 101 that are shown on Figure 4.12-1 appear low. The volumes shown are 19,750 to 22,060 ADT, while Caltrans 2005 data show volumes in the 41,000 to 43,000 ADT range. It is noted that the incorrect volumes are not used in any of the operational analyses. Peak hour volumes are used instead and they appear to be representative of actual conditions.

Section 4.12.1.e. Collision Rates The DEIR traffic study includes a summary of the accident rates for the 36-month period between August 2002 through July 2005. The summary compares the actual rate of accidents to the statewide average for similar facilities. The accident summary is then used as a basis for assessing potential impacts. The analysis assumes that any location with an accident rate that is higher than the statewide average would be significantly impacted by the addition of traffic generated by the project. This approach is misleading since the accident summary does not include the detailed analysis necessary to determine if the actual rate of accidents is significant (a statistical analyses) and it does not analyze the project's traffic additional from a scientific standpoint.

Often times the actual rate of accidents is higher than the statewide average due to the low volume of vehicles using the facility. A statistical analysis can determine if the number of accidents is statistically significant. In addition, the accident records should be analyzed to determine the cause of the accidents and whether or not there is a correctable problem, and to determine if the addition of traffic from a project would constitute a significant impact.

The traffic analysis identifies impacts as potentially significant and mitigations are required where the project adds traffic to locations where the August 2002 through July 2005 accident rates are higher than statewide averages. It is recommended that the accident analysis be updated using current accident data. The analysis should determine the significance of the number of accidents based on traffic volumes using statistical tools and the accident data should be analyzed to determine if there is a accident pattern that can be corrected. A set of criteria for determining the significance of the project's traffic additions to the locations studied should also be provided in the EIR. The way that it is written, building one house that adds one trip to any of the locations studied would constitute a significant impact.

Section 4.12.1.f. Field Observations and Existing Operational Issues This section discusses several "operational issues" based on field observations. The operational issues outlined in this section are then carried forward into the impact analysis as if the observed "operational issues" are in fact deficiencies. This approach results in several impacts/mitigations that may not be substantiated by data, facts, and analyses. Instead, some of the "operational issues" are based on anecdotal statements. One example, there is a discussion of Estrada Avenue south of J Street that states that, "Estrada Avenue transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (MPH) warning sign, no additional warnings signs or physical barriers are in place. Vehicles have to slow considerably to navigate through this curve." The impact analysis identifies the addition of Tract 2586 Agricultural Residential Cluster Subdivision traffic as potentially significant and mitigations are required based on the observed "operational issues." This approach to assessing impacts if faulty since impacts need to be substantiated by data, facts, and analyses.

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds The thresholds used for the traffic analysis include the Environmental Checklist Form of the State's CEQA Guidelines (Appendix G). The checklist is simply a list of potential impacts that public agencies should be mindful of when reviewing projects. They are in fact guidelines and provide little guidance in judging whether the potential impact might be environmentally

significant. How does one determine the significance of an impact using the criteria stated in the first bullet of the checklist, "causes an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., results in a substantial increase in either the number of vehicles trips, the volume to capacity ratio on roads, or congestion at intersections)." What is the definition of substantial increase? How is congestion at intersections determined?

Relying on the checklist results in environmental review that is confusing and inefficient. Most agencies develop well defined criteria for assessing potential impacts. In this case, the County of San Luis Obispo has adopted defined criteria for assessing potential impacts to County roadways and intersections (as outlined on Page 4.12-15 of the DEIR). The Environmental Checklist Form of the State's CEQA Guidelines should be removed from the EIR to eliminate confusion when identifying the significance of project impacts.

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds. Bicycle and Pedestrian Impacts. The source of this threshold should be stated. The County of San Luis Obispo does not have an adopted threshold for assessing potential impacts to bicycle and pedestrian facilities.

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds. Transit Impacts. The source of this threshold should be stated. The County of San Luis Obispo does not have an adopted threshold for assessing potential impacts to transit facilities.

Section 4.12.2.b. Agricultural Residential Cluster Subdivision-Generated Traffic Volumes. The trip generation estimates are based on equation rates from the ITE manual rather than the average rates. The choice of selecting the equation rates instead of the average rates is not stated. Average rates are typically used for subdivision of the size proposed. Using the average rates results in an estimate of 1072 ADT, 84 A.M. peak hour trips, and 113 P.M. peak hour trips, slightly less than used in the DEIR.

The trip distribution pattern used in the DEIR was "estimated based on the existing travel patterns in the area and the relative locations of employment centers and other attractions such as schools, parks, and retail areas." This pattern is significantly different that the pattern developed for the traffic study prepared by ATE, [1] which is shown below in Table A. In general, the DEIR traffic study assigns more traffic to/from U.S. Highway 101 to the south (48%) and less traffic to the local Santa Margarita area. The existing traffic volumes at the U.S. Highway 101/SR 58 interchange show that the 48% assignment to/from U.S. Highway 101 to the south may be too high.

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[1] Draft Traffic and Circulation Study for the Santa Margarita Ranch Project, Associated Transportation Engineer, August 2004.

Table A
Project Trip Distribution Percentages

Origin/Destination	Direction	Distribution %	
		ATE	DEIR
U.S. 101	South	35%	48%
U.S. 101	North	15%	15%
El Camino Real	North	30%	25%
Local - Santa Margarita	-	15%	10%
SR 58	Northeast	3%	1%
Pozo Road	South	2%	1%
Total			**100%**

Section 4.12.2.c. Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures.

Existing + Agricultural Residential Cluster Subdivision Roadway Operations. The roadway operational analysis found that all of the study-area roadway segments would operate at LOS C or better, which meets the County level of service standard. Nevertheless, the text at the top of Page 4.12-22 identifies an impact to SR 58.

> "As shown in Tables 4.12-10(a) through 4.12-10(c), all roadway segments are projected to operate at acceptable LOS with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems on SR 58 near J Street. As discussed in Section 4.12.1(e), SR 58 transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (mph) warning sign, no additional warning signs or physical barriers are in place. As indicated in the Existing Conditions section, a total of six (6) collisions were reported over a three-year period. These collisions include the following types and number of incidents: head-one collision (2), side-swipe collision (2), broad-side collision (1), and hitting a fixed object (1). Therefore, impacts are potentially significant and mitigation is required."

This impact is not based on any adopted criteria nor is it based on sound engineering analyses of the geometry of the roadway and the cause of accidents. The source of the impact threshold needs to be clearly identified. ATE does not know of any San Luis Obispo County thresholds that have been adopted for use in this case. In addition, as discussed above, a detailed analysis of the accident history is needed to determine if the number of accidents is significant, whether or not the geometry of the roadway is the cause of the accidents, and whether the addition of project traffic would exceed an adopted threshold of significance.

Existing + Agricultural Residential Cluster Subdivision Freeway Ramp Operations . This analysis indicates that the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems at the U.S. 101 southbound off-ramp to SR 58 based on the existing configuration. The impact is defined with the following statement:

> "The existing design does not meet Caltrans standards and the addition of Agricultural Residential Cluster Subdivision traffic will exacerbate the existing operational problems."

This impact is not based on any adopted criteria nor is it based on engineering analyses of the geometry of the ramp. Even though the County does not have any adopted criteria or thresholds for assessing freeway ramp facilities, the analysis found that the southbound off-ramp would operate at LOS B-C during the peak hour periods with the addition of project traffic. The definition of this impact appears arbitrary. The DEIR analysis seems to indicate that the addition of traffic to any facility that in not build to today's design standards constitutes a significant impact.

Existing + Agricultural Residential Cluster Subdivision Intersection Operations. The intersection operational analysis found that all of the study-area intersections would operate at LOS C or better, which meets the County level of service standard. Nevertheless, the text beginning at the bottom of Page 4.12-23 identifies several impacts to the area intersections based on unsupported analyses. Impacts are identified at the El Camino Real/Estrada Avenue intersection due to the presence of a crest vertical curve in combination with accident data; and at the Estrada Avenue/H Street intersection due to sight distance and crest on Estrada in the vicinity of Santa Margarita Elementary School. These impacts are not based on any adopted criteria nor are they based on engineering analyses. Instead, they are based on cursory information (field review of existing conditions).

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(a). This measure includes the widening of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision site access) to provide shoulders and/or bike lanes in accordance with County standards. However, the impact analysis did not identify an impact to this segment that requires the roadway widening.

This measure also requires the realignment of SR 58 along a tangent south of J Street to the Agricultural Residential Cluster Subdivision development to make the SR 58/J Street intersection into more of a "typical intersection layout." However, the impact analysis did not identify an impact based on adopted thresholds that triggers the need for this mitigation.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(b). This measure requires improvements to the U.S. 101 northbound off-ramp to SR 58 to provide 400 feet of merging distance for the transition between the two facilities. The project's impact to this merge area is not analyzed in the DEIR. Instead, the ramp analysis is for the confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp. That analysis shows LOS D for Existing conditions and LOS D for

Existing + Project conditions. The LOS D operations is the affect of diverging vehicles from northbound U.S. Highway 101 onto the off-ramp to SR 58. There is no analysis provided for the confluence area of the northbound U.S. Highway 101 off-ramp flow and the eastbound SR 58 flow adjacent to the park-and-ride facility.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(c). This measure requires improvements to the U.S. 101 southbound off-ramp to SR 58 to lengthen the ramps to meet the current Caltrans standard. There are no adopted thresholds to assess the project's impact to this ramp nor is there an impact analysis showing the affect of project traffic for this area of the ramp system. Moreover, there are many transportation facilities located within the County that were constructed years ago that do not meet current standards. Assuming a significant impact for developments that add traffic to such facilities would result in no development in the County without bringing the facilities up to today's standards.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(d). This measure requires improvements to the El Camino Real/Estrada Avenue intersection prior to occupancy clearance. This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(e). This measure requires pedestrian activated warning beacons be installed at Estrada Avenue/H Street prior to occupancy clearance. This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds.

Agricultural Residential Cluster Subdivision Impact T-2 . A potential significant impact is identified for the location of the west driveway that would serve the Agricultural Residential Cluster Subdivision based on Caltrans criteria for stopping sight distances. However, the analysis is based on estimated speeds, "According to County of San Luis Obispo Department of Public Works staff, vehicles travel at speeds at or over 55 mph along this corridor. The stopping sight distance for a 60-mph road is 590 feet." The analyses of sight distances at the project driveways should be based on speeds measured in the field adjacent to the proposed driveway. Applicable sight distance criteria should be applied rather than estimates.

Agricultural Residential Cluster Subdivision Impact T-4. A potential significant impact is identified for conflicts with pedestrians and bicyclists. The pedestrian impact discussion contained in the DEIR states:

> "Limited pedestrian sidewalks and crosswalks are provided in downtown Santa Margarita and there is currently no pedestrian facilities between the proposed development and downtown. Typical activities within the Agricultural Residential Cluster Subdivision development are unlikely to create high demand for pedestrian facilities to and from downtown because the site is located more than one mile away. However, traffic generated by the Agricultural Residential Cluster Subdivision will add traffic to the El Camino Real/Encina Avenue intersection. According to San Luis Obispo County Public Works Department, Caltrans District 5 Traffic Safety staff have

> completed a warrant study which shows the El Camino Real/Encina Avenue intersection meeting warrant for pedestrian flashing warning lights (the volume warrant is not met). According to Caltrans District 5 staff, the proposed Agricultural Residential Cluster Subdivision would likely trigger the volume warrant being satisfied."

The mitigation requires in-pavement flashing light be installed at the intersection based on unsupported analysis. The DEIR texts states that the volume warrant is not met but "according to Caltrans District 5 staff, the proposed Agricultural Residential Cluster Subdivision would likely trigger the volume warrant being satisfied." This impact and associated mitigation is not supported by numerical analysis or adopted methods and standards for assessing impacts generated by the project.

Similarly, the pedestrian impact discussion contain in the DEIR states,

> "The proposed provision of a private pathway between the community of Santa Margarita and the Agricultural Residential Cluster Subdivision would accommodate a portion of the increased pedestrian demand. However, because the pedestrian trail would be gated and private, some pedestrians traveling between the subdivision and community would be diverted to West Poza Road, which would be considered unsafe for pedestrian movement due to the conflicts with vehicles. As a result, impacts related to pedestrian facilities would be potentially significant."

The mitigation requires the gate to the proposed pedestrian pathway between the subdivision and community be removed and the pathway dedicated as a public trail. Again, this impact and mitigation are not supported by numerical analysis or adopted methods and standards for assessing impacts.

The analysis present for the bicycle impact states,

> "Several bicycle facilities exist in the vicinity of the Agricultural Residential Cluster Subdivision site. However, bike lanes are not provided on SR 58 adjacent to the site. Bicyclist are forced to use the narrow shoulders or to ride in the travel lanes. The traffic added by the Agricultural Residential Cluster Subdivision will increase potential automobile-bicycle conflicts on SR 58 between downtown Santa Margarita and the Agricultural Residential Cluster Subdivision driveways due to the narrow roadway width on West Poza Road (SR 58). Mitigation is required to ensure less than significant impacts."

The mitigation measure states,

> "Implementation of Agricultural Residential Cluster Subdivision Mitigation Measure T-1(a), which requires widening of West Pozo Road (SR 58) along the Agricultural Residential Cluster Subdivision site's frontage to accommodate County-planned Class II bicycle lanes or shoulders, would reduce potential automobile-bicycle conflict impacts to a less than significant level."

It is common to require frontage improvements for development projects. In this case, that would include widening West Pozo Road (SR 58) along the Agricultural Residential Cluster Subdivision site's frontage to County standards. However, Agricultural Residential Cluster Subdivision Mitigation Measure T-1(a) calls for widening both sides of SR 58 from El Camino Real to the Agricultural Residential Cluster Subdivision site access to provide shoulders and/or bike lanes. Mitigation Measure T-1(a) also call for realigning SR 58 along a tangent south of J Street to the Agricultural Residential Cluster Subdivision site to make the SR 58/J Street intersection into a "more typical intersection layout." There DEIR provides no impact analysis that would require the project to widen both sides of SR 58 from El Camino Real to the Agricultural Residential Cluster Subdivision site access (beyond the site's frontage) nor does it provide analysis that shows the need to realign the roadway to make the SR 58/J Street intersection into a "more typical intersection layout."

Section 4.12.2.e. Future Development Program Impacts and Mitigation Measures. Cumulative traffic volumes were forecasted assuming pending projects that would affect the study area as well as 20 years of growth assuming a 1.4% per annum growth rate. This cumulative basis is well beyond what is typically used for CEQA analyses. Applying the 1.4% per annum growth rate for 20 years increases the traffic volumes on the local Santa Margarita street network by about 30%. It is unclear where the future developments would occur within Santa Margarita that would result in this level of traffic increase. Other traffic studies prepared for development projects assume occupancy of approved and pending projects within the area of influence.

The distribution pattern used for the Future Development Program show traffic heavily weighted to/from U.S. Highway 101 (75% of all trips are assigned to the freeway and thus the U.S. Highway 101/SR 58 interchange). The existing traffic pattern in the Santa Margarita area show that more than 25% of the community's trips are local within town (and thus less than 75% use the freeway).

In addition, the Future Development Program includes homes, a guest ranch, golf course, cafe, restaurant, bed and breakfast, craft studios, galleries, shops, wineries, churches, etc. Many of these land uses will compliment each other. The trip generation analysis does not include a mixed-use factor to account for the interaction of the proposed land uses (e.g. people staying at the guest ranch will play golf, shop, and visit wineries). Assigning 75% of the future traffic external to the Santa Margarita area to/from U.S. Highway 101 is not reasonable or substantiated by the analyses in the EIR.

The forecast for U.S. Highway 101 that are shown on Figure 4.12-9 are lower than existing conditions. The volumes shown are in the 28,000 to 33,000 range, while Caltrans 2005 data show current volumes in the 41,000 to 43,000 ADT range. Again, it is noted that the incorrect volumes are not used in any of the operational analyses (peak hour volumes are used).

Cumulative + Future Development Program Roadway Operations. The roadway operational analysis compares the Cumulative + Future Development Program levels of service to Existing levels of service. Cumulative + Future Development Program levels of service should be compared to Cumulative (baseline) conditions in order to assess the impacts of the Future Development Program.

Cumulative + Future Development Program Intersection Operations. Similar to the roadway analysis, the intersection analysis compares the Cumulative + Future Development Program levels of service to Existing levels of service. Cumulative + Future Development Program levels of service should be compared to Cumulative (baseline) conditions in order to assess the impacts of the Future Development Program.

The mitigations identified for the Cumulative + Future Development Program impacts correctly assign a contribution of fair share fees for the Future Development Program. In other words, the Future Development Program would pay a fair share towards the improvements that have been identified to accommodate Cumulative + Future Development Program traffic. However, Future Development Program T-1(d) requires that the Future Development Program develop an area-wide fee program, including detailed plans for the improvements that have been identified to accommodate Cumulative + Future Development Program traffic.

An area-wide fee program should instead be developed by the County as the responsible agency. Similar fee programs have been developed by the County for other areas (e.g. Nipomo area, Templeton area, etc.). It is noted that the Cumulative baseline traffic increases are significant (however, no operational analysis is provided for the Cumulative baseline scenario). For reference, El Camino Real currently carries 5,490 ADT east of Wilhelmina Avenue. The Cumulative growth is projected to increase volumes to 7,250 ADT, an increase of 1,760 ADT. The Tract 2586 Agricultural Residential Cluster Subdivision component is forecast to add 728 ADT to the segment and the remaining project development would add 3,838 ADT to the roadway. This begs the question, why is the Santa Margarita Ranch development being required to develop an area-wide fee program?

The "Plan Requirements and Timing" statements are unclear as to whether or not detailed design plans are required for the mitigations. For instance, Future Development Program Mitigation T-1(b) identifies the need for a traffic signal at the El Camino Real/Wilhelmina Avenue intersection. The associated Plan Requirements and Timing states that "detailed site plans displaying proposed traffic signal shall be included in the Specific Plan (or within individual plans, as applicable) for review by Caltrans and the County of San Luis Obispo prior to approval."

Does this mean that the signal should be designed prior to approval of the Agricultural Residential Cluster Subdivision component of the project? Furthermore, the Monitoring statement says, "Prior to issuance of occupancy permits, Caltrans and County Public Works shall verify implementation of approved plans." This statement implies that the traffic signal should be designed and install prior to occupancy of the Tract 2586 Agricultural Residential Cluster Subdivision component of the project. Or, it could be interpreted to mean that the traffic signal be designed and installed prior to occupancy of one of the other components of the Future Development Program. In any event, the traffic signal may not be warranted at the time that one of the project components is construction and ready for occupancy, since the need for the traffic signal was determine assuming a 1.4% per annum growth rate for 20 years + pending projects + the Agricultural Residential Cluster Subdivision component of the project + the remaining components of the Santa Margarita Ranch project.

It is recommended that the DEIR be revised to indicate that the project pay a fair share of the future improvements needed to accommodate the Cumulative + Project traffic. The improvements should be identified through a fee program developed by the County. An area-wide fee program developed similarly to others in the County, would include cost estimates for all of the future infrastructures projects and assign costs based on traffic generation of the cumulative developments (including developments within the Santa Margarita Ranch).

Future Development Program Impact T-2. This impact and the associated mitigation is not substantiated by any analysis. Instead, the Site Access analysis states:

> "Because no active application currently existing for the Future Development Program subsequent to the Agricultural Residential Cluster Subdivision, the assessment of site access is based on a reasonable worst case scenario with regard to the location of future access points. It is assumed that the livestock sale yard and Oakenshaw Retreat Center would connect to SR 58 via the frontage road along U.S. 101...As a result, sight distances cannot be analyzed for this component of the project. However, potential hazards may be associated with assumed access points. For example, the livestock sales yard and Oakenshaw Retreat Center are presumed to connect to SR 58 via the frontage road, which would create unsafe turning movements on SR 58 to access the frontage road...."

All of this text is highly speculative and seems to be written to set up the mitigation measures. The Future Development Programs Mitigation Measure T-2(a) states that a detailed analysis of access points to Future Development Program land uses and possible impacts to area intersections shall be conducted as part of the Specific Plan. The statement goes on to require that the site specific access analysis consider requiring that access to the livestock sales yard and Oakenshaw Retreat Center be provided via a new roadway connection to SR 58 rather than the frontage road. The mitigation also states that the site specific access analysis consider requiring additional access for the residential and commercial areas located south and east of Santa Margarita to minimize intrusion into the existing residential neighborhoods via new roadways extending east to SR 58.

This concludes our reviewed the Transportation and Circulation section of the Santa Margarita Ranch DEIR.

Associated Transportation Engineers

By: Scott A. Schell, AICP
Principal Planner

SAS/DLD

Letter from Luhdorff and Scalmanini, Consulting Engineers regarding their review of the Water and Wastewater Section of the DEIR dated March 27, 2008

LUHDORFF & SCALMANINI
CONSULTING ENGINEERS

GROUND-WATER RESOURCES
HYDROLOGY • DEVELOPMENT • MANAGEMENT

March 27, 2008
File No. 07-1-019

Ms. Martha Miller
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

SUBJECT: COMMENTS ON THE REVISED DRAFT EIR FOR THE SANTA MARGARITA RANCH AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION

Dear Ms. Miller:

At the request of Santa Margarita Ranch, Luhdorff and Scalmanini, Consulting Engineers (LSCE) have reviewed the Revised Draft Environmental Impact Report (Revised DEIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Program prepared by Rincon Consultants, Inc. (Rincon). This letter includes comments on Section 2.8 (Water and Wastewater) of the Revised DEIR.

While the formatting is not exactly clear, it appears that the Revised DEIR simply perpetuates all the material related to water in the original DEIR, adds estimates for planned additional vineyards and planned orchards, and reaches the same conclusions as in the original DEIR. The majority of the "revisions" in the Revised DEIR then appear to fall into two categories: brief summaries of environmental documents previously incorporated by reference, and discussions of potential impacts associated with the physical installation, operation and maintenance of a number of potential connections to an imported water supply. Overall, other than the addition of estimated water demands for the additional vineyards and orchard, there is no revised analysis of the availability of water supplies to meet existing, planned, and proposed (project) water requirements.

As a global comment, it is noteworthy that none of our detailed comments on the original DEIR were addressed in the Revised DEIR. Our most significant comment on both documents is that the agricultural water demands are grossly overestimated. Although the acreage of vineyards in San Luis Obispo County is rapidly increasing and irrigation data are readily available, the EIR preparers made no effort to estimate water demands based on actual cultural practices and data. The outdated literature value of 1.6 acre-feet/acre/year (af/ac/yr) proposed by Hopkins Groundwater Consultants (Hopkins, 2006) and used by Rincon for both existing and new vineyards is about three times the actual demand for mature vineyards in the

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Santa Margarita area. In the case of the original DEIR, this led to the unsupportable conclusion that the yield of the groundwater basin, which in turn was conflictingly and speculatively reported, was insufficient to support the demands of the proposed Project in addition to other existing demands.

Summary of Previous Comments on Original DEIR

Our comments on the original DEIR (see letter dated April 11, 2007) focused on water demand estimates, historical pumping, groundwater levels and overdraft, basin yield estimates, predicted impacts, and proposed mitigation. Those comments can be summarized as follows:

- Residential and agricultural water demand estimates made by Hopkins and used in the DEIR are too high. The estimated water use factor for proposed residential clustered lots on the Ranch (1.44 acre-feet [af]/lot) is high for the Project, where lots will be smaller (average of 1.1 acres) than existing residential lots and water conservation measures will be incorporated into the design. The Cleath (2004) estimate of 0.9 af/lot based on the Garden Farms community was considered to be a more accurate value.
- Hopkins' estimate of the demand for irrigation of the existing vineyard on the Ranch (1,558 af/year [afy]) is approximately three times the actual irrigation demand during normal years based on Ranch irrigation and pumpage data (525 afy).
- One reason for the high estimated demand is that the net vineyard acreage (the area that is actually planted to grapes) is only about 80 percent of the gross acreage or 782 acres according to detailed Ranch records. This represents 80 percent of the gross acreage (974 acres) that was used for Hopkins' calculations. The difference (88 acres) includes roads and other infrastructure as well as unplanted areas between the vine rows and the surrounding fences to allow access by farm machinery.
- Hopkins's estimate of vineyard irrigation demands (1.6 af/ac/yr) is far higher than the water use for modern vineyards irrigated with drip. The estimated water demand for vineyards at the Ranch is 0.67 af/acre, including water used for frost control. Hopkins attempted to justify its high water demand estimate by claiming that mature crops require more water, due in part to greater leaf area and crop canopy. This is completely counter to modern vineyard cultural practices, which fundamentally focus on controlled plant growth and grape production. Those cultural practices are, in turn, complemented by the use of vine root stocks that develop deep root structures and thus can reduce the applied water requirement by accessing deeper soil moisture when mature. In fact, applied water is purposely constrained at certain points in the annual growth cycle, first to limit the length (and thus the leaf area) of canes, and later to force the development of the wine grapes.
- The DEIR speculatively concludes that the net consumptive use of the proposed project "**may** contribute to overdraft of the aquifer system" and that "the groundwater resources beneath the Santa Margarita Ranch **may** not be sufficient to support the existing land uses and the proposed Agricultural Residential Cluster Subdivision project and/or the Future Development Program" (emphases added). These

conclusions are particularly questionable in light of Hopkins' findings that "available data do not directly indicate that the aquifer system beneath the Ranch is in overdraft". After reviewing the groundwater level data, it is evident that cones of depression surrounding the Ranch's wells are relatively localized and overdraft is not occurring anywhere in the Santa Margarita area.

- The overall combination of the DEIR and Hopkins' study include further speculative conclusions regarding groundwater basin yield. Despite the lack of any quantitative analysis, the Hopkins' study concludes that "the average annual yield of the groundwater basin beneath the ranch **may** ultimately prove to be in the range of between 400 and 600 afy (emphasis added). It is fundamentally impossible to understand how a "hydrogeological study" can estimate current water demands to be slightly more than 1,600 afy (for a number of years), to also report that groundwater basin yield "may ultimately prove to be" less than that demand by at least 1,000 afy, and to then find that available data do not indicate the aquifer system to be in overdraft.
- The perennial yield of the aquifers underlying the Ranch was estimated to be at least 1,300 afy by Mann (1987) based on actual data, including hydrogeologic studies, test borings, and test pumping; Mann reported that estimate of yield to be conservative. This yield is considerably more than the estimated current and projected future demand, with the proposed Project, shown on **Table 1-4**. Based on this and the other analyses discussed in our April 11, 2007 comment letter, there are sufficient groundwater resources to supply current demands and those of the proposed Project.
- The DEIR concluded that the impacts of the proposed Project may be significant and unavoidable (Class I). This conclusion was reached despite the fact that neither the DEIR nor the Hopkins' report contain any analysis which suggests that significance as defined in DEIR Section 4.14.2 would be experienced, i.e. that "the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses…". The declaration of a Class I impact greatly overstates the probable impact of the Project on groundwater resources.
- Some of the proposed mitigation measures appeared to be excessive and unnecessary because there is sufficient groundwater to supply the Project. Our primary comment was that requiring that an imported water supply be provided for the Project was unnecessary given the small magnitude of realistically estimated impacts.

Additional Comments on Revised DEIR

The Water and Wastewater section in the Revised DEIR is brief because changes from the original DEIR are relatively minor. The most notable change is that the projected water demands for the Ranch increased by 2,642 af due to the addition of 1,026 acres of planned vineyards and 500 acres of planned orchards. As was the case for the original DEIR, water demand estimates for agricultural use are greatly overestimated in the Revised DEIR.

Agricultural Water Demand – Our previous comments on agricultural water demand also apply to the Revised DEIR. To estimate the water demand for existing vineyards, the water use factor should be multiplied by the net vineyard acreage (782 acres) instead of the gross acreage (974 acres). Further, the Hopkins' water use factor for vineyards (1.6 af/ac or 1,558 af total, as shown in Table 4.14-1) is more than double what is actually used at the Ranch. Interestingly, the Revised DEIR notes that this "does not account for the immaturity of on-site vineyards", implying that water demand could be even higher.

As stated in our comments on the original DEIR, the entire derivation of water requirements is counter to modern vineyard cultural practices, which focus on limiting cane growth and optimizing grape production. Those cultural practices are complemented by the use of vine root stocks that develop deep root structures and thus can reduce the applied water requirement by accessing deeper soil moisture when mature. There is no basis for the Hopkins' rationale (or that in the Revised DEIR) that mature vineyards require more applied water. In fact, more water is applied during the first two years when the grape roots are shallow, and mature plants require less water partly because of their deep roots according to the Ranch's Vineyard Consultant (Neil Roberts, 2007, personal communication).

A more realistic estimate of the average applied water demand for vineyards at the Ranch is 0.67 af/ac as indicated in our previous comment letter. That estimate was based partially on a combination of actual irrigation data for the Ranch vineyards and pumpage data for the Ranch wells. All available evidence supports a much lower water use factor for vineyards than the 1.6 af/ac used by both Hopkins and Rincon. As shown on **Table 1**, the estimated water demand for existing Ranch vineyards is 525 af.

The Revised DEIR includes additional water demand for 1,026 acres of planned vineyards and 500 acres planned orchards. As was the case for the 974 acres of existing vineyards, these are gross acreages and should be reduced by approximately 20 percent to account for unplanted areas including roads and other infrastructure. Thus, the net acreage would be about 820 acres of new vineyards and 400 ac of new orchards. Since the new vineyards would be managed similarly to the existing vineyards, the water use factor would be similar (about 0.67 af/ac/yr on average). As shown in **Table 1** (attached), the water demand for the new vineyard would be about 549 afy, which is about one-third of the 1,642 afy estimated by Rincon (see Table 4.14-1 of the Revised DEIR).

Note that **Table 1** uses the same water demand for planned orchards suggested by Rincon (2.0 af/ac). The Ranch owners have indicated that areas designated for orchards would most likely be planted to olives, and we have found no published information about the water demand for olives in San Luis Obispo County. The total water demand for the planned orchards is reduced to 800 afy on **Table 1** based on approximately 400 acres that would actually be planted to trees.

Residential Water Demand – Our previous comments on residential water demand for the Project also apply to the Revised DEIR. The Cleath (2004) estimate of 0.9 af/lot (based on actual data from the Garden Farms community) is considered to be a more accurate value than the Hopkins' estimate of 1.44 af/lot, which was based on a reference table. As shown in **Table 1**, this change reduces the water demand of the Project from 161 afy to 101 afy.

Total Water Demand – A more realistic estimate of total future water demand for the Ranch, including the Project, is about 2,000 afy, as shown in **Table 1**. This is notably less than half of the overstated Hopkins/Rincon estimate of 4,424 afy. The "revised" DEIR should rely on more realistic estimate of water demands, and assess them in the context of actual groundwater conditions, all as described in our comment letter on the original DEIR, to reach defensible conclusions about the adequacy of existing water supplies. Instead, the "revised" DEIR continues the previously unsupported conclusions about inadequate groundwater supplies and then exhaustively discusses details about construction, operation, and maintenance of connections to alternative imported water supplies.

We appreciate the opportunity to provide comments on the Revised DEIR, and hope that our comments will be helpful in improving the evaluation of hydrologic impacts for the final EIR. If we can provide further detail or respond to questions about any of the above, we would be pleased to do so.

Sincerely,

LUHDORFF AND SCALMANINI
CONSULTING ENGINEERS

Joseph C. Scalmanini
Senior Principal

Glenn Browning
Senior Hydrologist

Attachments

Table 1
Santa Margarita Ranch Water Demands

Element	Size (acres)	Hopkins/Rincon Estimate		LSCE Estimate		Notes
		Water Use Factor (af)	Water Demand (afy)	Water Use Factor (af)	Water Demand (afy)	
Existing Water Uses						
37 Residential Lots	4.9 avg. (180.6 total)	1.44/lot	53	1.44/lot	53	(1)
Vineyard	974 (gross); 782 (net)	1.6 af/ac/yr	1,558	0.67 af/ac/yr	525	(2)
Other Uses			10		3	(3)
	Existing Water Demand		1,621		581	
New Agricultural Water Uses						
Vineyard	1,026 (gross); 820 (net)	1.6 af/ac/yr	1,642	0.67 af/ac/yr	549	(2)
Orchard	500 (gross); 400 (net)	2.0 af/ac/yr	1,000	2.0 af/ac/yr	800	
	New Ag Water Demand		2,642		1,349	
Agricultural Residential Cluster (Project)						
112 Residential Lots	1.1 avg. (127.5 total)	1.44/lot	161	0.9/lot	101	(4)
	Project Water Demand		161		101	
	Total Water Demand		4,424		2,032	
Future Development Program (Program)						
360 Lots (Village Format)	0.11 avg. (40 total)	1.44/lot	518	0.4/lot	144	(5)
42 Residential Lots	~1.0 avg.	1.44/lot	60	0.9/lot	38	
Other Uses			726		726	
	Program Water Demand		1,305		908	
	Total Water Demand		5,729		2,939	

1. All lots have private wells and are not included in Ranch pumpage (only 9 homes are currently occuppied). Hopkins assumed 37 lots total.
2. Revised estimate based on 2003 water demands shown on Table 1-2. Future water use for vineyard irrigation based on the water use for 2003 (0.55 af/ac), which was increased to 0.67 af/ac to match estimated the pumpage.
3. Revised estimate based on 3 residences and a well for misc. uses at the Ranch headquarters.
4. Revised water use factor (0.9 af/lot) based on Cleath (2004).
5. 360 of the Program lots would be laid out in a village format (40 ac total, including a town square). Water use factor based on 2003 Water System Master Plan for CSA 23.

References

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Environmentally Superior Alternative Comparison of
RDEIR Alternative No. 14 vs. Alternative No. 12
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Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
Santa Margarita Ranch
Agricultural Residential Cluster Subdivision VTTM 2586
March 27, 2008

INTRODUCTION

Table 3-1 on page 3-38 of the RDEIR compares the proposed Agricultural Residential Cluster Subdivision to the alternatives, but does not contrast the alternatives to each other. According to the RDEIR, page 3-39, Alternative 14 is the environmentally superior alternative, followed by Alternative 12, and then 7, 3, and 13 (listing in order of superiority was confirmed with Rincon Consultants, Inc). Contrasting the alternatives to each other provides a much clearer understanding of environmental superiority.

Alternative 12 is consistent with applicant's original submittal addressed in the DEIR, and has the same number of clustered residential lots (111) and agricultural conservation easement lots (4). Alternative 14 has only 39 residential lots, and 1 agricultural conservation easement lot. We feel that this substantial difference in project size is not fair, and does not abide by CEQA's definition of an equal alternative.

Alternative 14 is also not consistent with the County's Agricultural Cluster Ordinance in Title 22 that had language in the Land Use Ordinance (LUO) which was in effect at the time the application was vested by Vesting Tentative Subdivision Map (VTTM) 2586. The LUO language in effect at the time of vesting did not contain language describing the potential reduction down to 26% of the maximum allowable density.

The applicant prepared Alternative 12 while maintaining consistency with the overall area and number of home sites contained in VTTM #2586. The applicant refined the proposed project to more thoroughly protect and respond to the sensitive resources of the project site. Alternative 12 refined the project road to more closely follow existing agricultural roads, reduce impacts on wetlands, lessen impacts to agricultural lands, and decrease the number of oak trees to be removed or impacted due to road construction. Alternative 12 relocated lots to locations that are substantially less visible from public roads. Other lots were adjusted from their original locations and building envelopes were developed to avoid or lessen the impacts to archaeological, biological, or agricultural resources. The applicant found the information contained in the DEIR very helpful when considering potential refinements to the project that significantly lessened Alternative 12's impact on many natural and cultural resources.

Alternative 14 appears to have condensed Phase One of Alternative 12 into a tighter cluster, and seems to rely upon the roadway alignment from the original VTTM submittal. Although Alternative 14 dramatically reduces the overall project footprint area and number of residential units, the impacts to sensitive resources remain significant. Alternative 14's dramatic reduction in the total number of home sites (35% reduction) does not result in a correspondingly dramatic decrease of impacts to the sensitive resources on Santa Margarita Ranch.

Refer to the "Mitigated Project Alternative Description" in DEIR comments for detailed changes made by Alternative 12 to the Agricultural Residential Cluster Subdivision ("Summary of Mitigated Proposed Project Alternative") and for a comprehensive comparison of Alternatives 12 and 7 ("Mitigated Project Alternative vs. DEIR Alternative No. 7").

RDEIR Over- Statement about Alternative 12:
Text on page 3-1 claims that there are 112 dwelling units; however, are only 111 clustered lots proposed. There is 1 additional dwelling unit proposed on Lot 40 which is an open space lot. This number is consistent with applicant's original submittal addressed in the DEIR. Text should be revised to read 111 clustered dwelling units throughout the description of the project.

RDEIR Over- Statement about Alternative 14:
Text on page 3-29 claims that there are 40 lots in Alternative 14. It is assumed that only 39 of these lots are dwelling units, and 1 is an open space lot. Text should be revised to read 39 dwelling units throughout the description of Alternative 14.

Alternative 12 vs. Alternative 14

Alternative 12 reduces potential impacts in several areas as compared to the Alternative 14 including cultural resources, drainage, and visual resources. There is one area where the two alternatives appear similar - Land Use Consistency. Because of the dramatic reduction in number of residential home sites, several areas of potential impacts are reduced by Alternative 14 - Air Quality, Geologic Stability, Noise, Public Safety, Public Services, Recreation, Transportation and Circulation, and Water and Wastewater.

Although Alternative 14 dramatically reduces the number of home sites, some of the impacts are in fact greater than Alternative 12. Also, because the impacts are all concentrated in one area of the site they are considered more damaging to sensitive resources than Alternative 12.

Alternative 14 did not provide building envelopes, and standard County setbacks of 25' in the front and 30' from the sides and rear of the lots were used for building envelopes in order to compare the alternatives. The following table summarizes the potential impacts from Alternatives 12 and 14.

Santa Margarita Ranch - Alternative Comparison

Percentage of Impacts for Alternative 12 as compared to Alternative 14

	ALT 12 (111 Lots)	ALT 14 (39 Lots)	% Impact Alt 12 vs Alt 14
Agricultural Resources (Acres)			
Grazing Areas	43.6	24.2	Alt 12 has 80.2% more impacts than Alt 14
Total Impacts for Grazing	**43.6**	**24.2**	**Alt 12 has 80.2% more impacts than Alt 14**
Agricultural Resources (# of Bldg Env)			
Prime Soils 1 & 2	0	0	Alt 12 has 100.0% equal impacts than Alt 14
Prime Soils 3 & 4	16	11	Alt 12 has 31.3% more impacts than Alt 14
Total Impacts for Prime Soils	**16**	**11**	**Alt 12 has 31.3% more impacts than Alt 14**
Biological Resources (Acres)			
Habitat Areas - Blue Oak	9.6	7.8	Alt 12 has 18.8% more impacts than Alt 14
Habitat Areas - Coast Live Oak	1.3	0	Alt 12 has 100.0% more impacts than Alt 14
Habitat Areas - Valley Oak	0.1	0	Alt 12 has 100.0% more impacts than Alt 14
Habitat Areas - Mixed Oak	10.4	9.2	Alt 12 has 11.5% more impacts than Alt 14
Total Impacts for Habitat Areas	**21.4**	**17**	**Alt 12 has 20.6% more impacts than Alt 14**
Biological Resources (Number of Impacts)			
Number of Lots Impacting Wetlands	0	1	Alt 12 has 100.0% less impacts than Alt 14
Number of Roads Impacting Wetlands	0	1	Alt 12 has 100.0% less impacts than Alt 14
Total Impacts for Wetlands	**0**	**2**	**Alt 12 has 200.0% less impacts than Alt 14**
Cultural Resources (Number of Impacts)			
Bldg Envelopes with Cultural Impacts	2	10	Alt 12 has 80.0% less impacts than Alt 14
Lots/ Driveways with Cultural Impacts	6	3	Alt 12 has 50.0% more impacts than Alt 14
Subtotal Impacts for Lots, Drwys & Env	**8**	**13**	**Alt 12 has 38.5% less impacts than Alt 14**
Roads with Cultural Impacts	6	2	Alt 12 has 66.7% more impacts than Alt 14
Total Impacts for Cultural Sites	**14**	**15**	**Alt 12 has 6.7% less impacts than Alt 14**
Visual Resources (Number of Lots)			
Number of Lots Visible & Dominant	0	10	Alt 12 has 100.0% less impacts than Alt 14
Number of Lots Visible & Not Dominant	8	0	Alt 12 has 100.0% more impacts than Alt 14
Total Visual Impacts	**8**	**10**	**Alt 12 has 20.0% less impacts than Alt 14**

Agricultural Resources

Grazing areas affected by Alternative 14 are less than Alternative 12; however, this is based on dramatically fewer home sites. Alternative 14 has only 39 home sites (35% of Alternative 12), but has only 19.4 less acres of cattle grazing impacts than Alternative 12.

The RDEIR claims that the tight cluster layout in Alternative 14 will reduce impacts to grazing unit fragmentation, but this option compacts grazing in two areas of Alternative 14, whereas in Alternative 12 corridors have been provided between the lots to allow for unrestricted movement of cattle. Alternative 14 creates less space between home sites for grazing. The tight clustering and road crossings of Alternative 14 will significantly reduce cattle grazing in these areas. Alternative 14 basically removes the entire 53 acre cluster area from active cattle grazing, whereas Alternative 12 allows cattle to continue to graze throughout the cluster area.

Cattle grazing is an integral part of the Ranch Fire Management Plan and home sites have been carefully located in Alternative 12 to allow for active grazing between lots. It is beneficial to have space between the lots for grazing to occur to as it reduces fire hazard significantly. In Alternative 12, cattle grazing is proposed to continue throughout the cluster, and be excluded only from building envelopes (as described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2,4 and 5). Refer to the response letter prepared by Kirk Consulting, Section 2.1 Ag Resources Section for additional information about conversion of rangeland.

Agricultural Conservation Easements enhance, maintain and preserve the long-term agricultural use of the agricultural land on Santa Margarita Ranch. The amount of Agricultural Conservation Easements for the project will be reduced by approximately 2,821 acres with Alternative 14. This is a significant impact to the agricultural resources, and Alternative 12 is a much more superior option for the viability of long-term agricultural protection for the Ranch. The Agricultural Conservation Easements for Alternative 12 total approximately 3,621 acres of the 3,778 acres in Tract 2586 (96% of the project area) and is a much better alternative to assure the preservation of long-term agricultural on the Ranch.

Class 1 and 2 prime soils affected by building envelopes in Alternative 14 are similar to Alternative 12, with both options avoiding these soils. Both of the alternatives have project roadways located on the alignments of existing agricultural roads which are located on Class 1 and 2 soils. Alternative 14 affects Class 3 soils listed as prime by only five fewer building envelopes than Alternative 12. Alternative 14 was developed with knowledge of this soil being potentially prime, but it was not included in the DEIR when Alternative 12 was developed. (Refer to "Review of the Agricultural Resources Section of the Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" prepared by Thomas Rice on March 7, 2008 for additional soil information).

Regardless as to whether the Class 3 and 4 soils are considered prime or not, a comparison was made on both alternatives to see which has a more significant impact on the soil types shown as prime in the RDEIR. The RDEIR states that the entire home site area (entire lot) should be used to determine the amount of land converted to non-agricultural uses. This analysis uses the entire home site area (not merely the building envelope) area over laid on top of the soil type boundaries map. Using this approach, the home sites for Alternative 14 impact 2.51 acres less than Alternative 12.

However, the home sites in Alternative 12 will be fenced at the building envelope delineation, and cattle grazing will continue outside of this area (as described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2, 4 and 5). Using this calculation approach, the home sites for Alternative 14 impact 0.16 acres more than the building envelope areas of Alternative 12. Based on the fact that Alternative 12 meets the objectives of the applicant and converts a smaller amount of prime soils by the building envelopes, Alternative 12 is an environmentally superior option.

The following table summarizes the differences between the prime soil impacts made by the two alternatives. (As mentioned above, Alternative 14 did not provide building envelopes, and standard County setbacks were used for building envelopes in order to compare the alternatives)

Santa Margarita Ranch - Soils Conversion

Alternative 12 vs Alternative 14

	ALT 12 (Lots on Soils) Acres	ALT 12 (Envelopes on Soils) Acres	ALT 14 (Lots on Soils) Acres	ALT 14 (Envelopes on Soils) Acres
Soil Type				
139 (Class 1 if Irrigated)	0.02	0	0	0
133 (Class 2 if Irrigated)	0.34	0	0	0
Total Impacts for Prime Soils (Class 1 & 2)	**0.36**	**0**	**0**	**0**
182 (Class 3 if Irrigated)	14.4	4.75	12.26	4.91
102 (Class 4 if Irrigated)	0.16	0	0.15	0
Total Impacts for Prime Soils (Class 3 & 4)	**14.56**	**4.75**	**12.41**	**4.91**

RDEIR Over- Statement on Alternative 12 Prime Soils:
Text on RDEIR page 3-2 states that Alternative 12 would convert 19.96 acres of prime agricultural soils. The soils referred to are primarily soil type 182 (Class 3 soil, if irrigated), and a small amount of soil types 102 (Class 4 soil, if irrigated), 133 (Class 2 soil, if irrigated, and 139 (Class 1 soil, if irrigated). The RDEIR states that the entire area within the lot lines would be converted to non-agricultural uses; however, it appears that this number includes portions of the lot area that are outside the soil type boundaries in question. If only the lot area that overlay the soil types are calculated, only 14.92 acres are impacted.

Also, as noted above Alternative 12 the home sites will be fenced at the building envelope and cattle grazing continue on the home site area outside of this envelope. Therefore the actual area being converted to residential use is actually only 4.75 acres. Text in the RDEIR should read 14.92 acres, and note the building envelope size of impacts.

Alternative 12 converting 0.36 acres of Class 1 or 2 soils, and 14.56 acres of Class 3 or 4 soils using the lot line methodology is not a significant impact to agricultural resources on 3,778 acres. In our opinion Agricultural Resources for Alternative 12 should be Class II, significant but mitigable.

RDEIR Over- Statement on Alternative 12 Agricultural Buffers:
Text on RDEIR page 3-7 states that Lot 100 is closer to active agricultural uses than the original Tract 2586 submittal. However; although the lot line is closer, the building envelope is actually in the same location as in Tract 2586. The location for Lot 100 in the Tract 2586 submittal was previously approved by the Agricultural Commissioner. The proposed building envelope for Lot 100 in Alternative 12 was created by using these approved lot lines, and then setting back based on County standards (25' in the front, and 30' from the sides and rear).

Text on RDEIR page 3-7 states that in the original Tract 2586 submittal Lot 99 was located further away from agricultural operations and thereby resulted in fewer compatibility impacts, but does not state that the impacts should be removed. The Alternative 12 building envelope for Lot 99 was relocated approximately 200' from the previous DEIR submittal. Lot 99 in Alternative 12 is located approximately 610' from the existing vineyard, and is not within the 500' vineyard buffer. Lots 99 and 100 should be removed from this section of text in the RDEIR.

Text on RDEIR page 3-7 states that proposed Lots 2B, 39, and 40 require relocation due to insufficient buffering from surrounding agricultural uses. Lot 40 has not changed from the original Tract 2586 DEIR submittal, and is separated from the potential vineyards by landform and vegetation (refer to the response letter prepared by Kirk Consulting, Section 2.1 Ag Resources Section for discussion about Lots 39 and 40). Although the lot lines for Lot 39 were revised in Alternative 12, the proposed building envelope is actually in the same location on the north-west side based upon using the County standard setbacks and prior lot lines, and it is only approximately 25' closer on the north-east side than the original Tract 2585 submittal.

The building envelope for Lot 2B is located approximately the same distance from the potential vineyards as Lots 39 and 40, and is topographically similar. The closest corner of the building envelope for Lot 2B is located 220' from the potential vineyards, and has approximately 20' elevation difference and a dense vegetation buffer of that varies between approximately 110' to 120'. This setback from agricultural uses is similar to others previously approved by the Agricultural Commissioner, and the boundary of the proposed vineyard can be adjusted if necessary to reach a reasonable setback. Text in the RDEIR should remove the reference to relocation of Lots 2B, 39 and 40, and instead state that these lots could require adjustment.

RDEIR Over- Statement on Alternative 14 Agricultural Buffers:
Text on RDEIR page 3-33 states that lots on the west and southwest areas of Alternative 14 would have increased distance from the vineyards over alternative 12; however, Lots 20 and 23 of Alternative 14 are located closer to the vineyards than lots in Alternative 12. The closest corner of the building envelope for Lot 20 is approximately 147' away from the proposed vineyard, and has approximately 10' elevation difference and a vegetation buffer of that varies between approximately 25' to 75'. Lot 23 is 210' away from the proposed vineyard, and has approximately 15' elevation difference and a vegetation buffer of that varies between approximately 33' to 35'.

The RDEIR claims that conflicts between residential and vineyard uses would be proportionally reduced with Alternative 14. The Tract 2586 original submittal had potential conflicts with Lots 1, 99 and 100. In Alternative 12, Lots 1 and 99 have been relocated and the building envelope for Lot 100 is in the same location that was previously approved by the Agricultural Commissioner. Alternative 12 has new potential impacts with on Lots 2B, 39 and 40 and a potential area of future vineyard that for unknown reasons was not included in the DEIR. Lots 2B, 39 and 40 are all located farther away from the potential vineyard, at an equal or higher elevation and with a substantially larger vegetative buffer, than Alternative 14's Lots 20 and 23. The conflicts for Alternative 14 will not be reduced, but will actually be similar or greater than Alternative 12.

RDEIR Over- Statement on Alternative 14 Cattle Grazing:
Text on RDEIR page 3-33 claims that because of the lesser population, conflicts between residential and grazing uses will be reduced with Alternative 14. However, Alternative 14 creates less space between the lots for grazing and thus promotes a greater chance of nuisances by the cattle. Alternative 14 provides only a few large openings for cattle to roam, and they are located at significant road crossings which create a physical barrier to cattle and a danger to vehicles. Alternative 12 allows the cattle to graze freely with ample space between lots to reduce the chance of conflicts from grazing, and does not funnel the cattle to roadways. The conflicts for Alternative 14 will not be reduced, and will actually be greater than Alternative 12.

Biological Resources

Alternative 14 has fewer impacts to biological resources than Alternative 12; however, this is based on the reduced size of the development. Alternative 14 has only 39 lots (35% of Alternative 12), but has only 4.4 acres fewer potential impacts to the oak tree habitat areas. (Refer to the "Alternative Comparison" table on page 3 of this report for detailed information)

It is an overstatement that in Alternative 12 large percentages of oak woodlands are impacted simply because home sites are located in the woodland areas. This statement appears to be made with little regard for precise locations of trees which was a determining factor in the design on Alternative 12. In the RDEIR, some of the areas depicted as oak woodlands contain sparse numbers of oak trees. In many of these areas the building envelopes of Alternative 12 could be built upon without affecting a single tree. However in the RDEIR the entire building envelope which is contained in the oak woodland is counted as a potential impact due to "fragmentation". For example, using the RDEIR methodology a building envelope located in the oak woodland that may only impact 2 oak trees out of 30 oaks in a 1/2 acre area, is instead equated to impacting 1/2 acre of oaks rather than merely 2 trees.

There are several lots in Alternative 14 that are located in areas that contain extensive tree canopy. This would make implementing building envelopes of a ½ acres size very difficult without significant impacts. In contrast to this, Alternative 12 has carefully sited each building envelope in relation to the existing trees in order to avoid impacts to the oak trees. We suspect that if the standard of counting actual impacts to existing individual trees were looked at more closely, there would most likely be greater impacts created by Alternative 14.

To base the impacts on area of potential fragmentation rather than impacts to individual trees is imprecise, and significantly overstates the potential impacts. Regardless we have used this methodology provided by the RDEIR to compare the Oak Woodland Habitat impacts, and they are remarkable similar given the dramatic reduction in number of home sites in Alternative 14.

- Blue Oak Woodland habitat areas affected by Alternative 14 are only 1.8 less acres than in Alternative 12

- Mixed Oak Woodland habitat areas affected in Alternative 14 are only 1.2 less acres than Alternative 12
- Alternative 14 does not have home sites proposed in the Coast Live Oak and Valley Oak Woodlands, and is therefore has no impacts to these habitat areas. However, only 1.3 acres of Coast Live Oak Woodland and 0.1 acre of Valley Oak Woodland are potentially impacted by Alternative 12.

Santa Margarita Ranch - Oak Woodland Habitat
Alternative 12 vs Alternative 14

	ALT 12 (Approx. Impact) Acres	ALT 14 (Approx. Impact) Acres	OVERALL ACREAGE (For the Site)	ALT 12 (% of Overall Impact)	ALT 14 (% of Overall Impact)
Biological Resources					
Blue Oak Woodland	9.6	7.8	890	1.1%	0.9%
Coast Live Oak Woodland	1.3	0	104.3	1.2%	0.0%
Valley Oak Woodland	0.1	0	215.7	0.05%	0.0%
Mixed Oak Woodland	10.4	9.2	190.4	5.5%	4.8%
Potential Impacts to Oak Woodlands	**21.4**	**17.0**	**1400.4**	**1.5%**	**1.2%**

Tract 2586 is 3,778 acres in size, and has approximately 1,400 acres of Oak Woodlands. As shown on the "Oak Woodland Habitat" table above, the overall percentage of potential impacts to the Oak Woodlands created by both alternatives is quite small, and the potential impacts by Alternative 12 are remarkably similar given the reduced project size in Alternative 14. (Overall acreage is based on the RDEIR information provided on page 2-42) Refer to the response letter by Althouse and Meade, Inc for additional discussion on oak woodland impacts.

- The overall percentage of potential impacts to the Blue Oak Woodland habitat areas in Alternative 14 is only 0.2% less than Alternative 12

- The overall percentage of potential impacts to the Mixed Oak Woodland habitat in Alternative 14 is only 0.7% less than Alternative 12

Santa Margarita Ranch - Oak Woodland Habitat Impacts by Phasing
Alternative 12 vs Alternative 14

	ALT 12 PHASE 1 (Approx. Impact) Acres	ALT 12 PHASE 2 (Approx. Impact) Acres	ALT 12 PHASE 3 (Approx. Impact) Acres	ALT 12 TOTAL (Approx. Impact) Acres	ALT 14 PHASE 1 (Approx. Impact) Acres
Biological Resources					
Blue Oak Woodland	4.5	3.7	1.4	**9.6**	7.8
Coast Live Oak Woodland	0	1.3	0	**1.3**	0
Valley Oak Woodland	0	0	0.1	**0.1**	0
Mixed Oak Woodland	5.3	2.5	2.6	**10.4**	9.2
Potential Impacts to Oak Woodlands	**9.8**	**7.5**	**4.1**	**21.4**	**17**

The fact that the potential impacts to the Oak Woodlands are in three phases in Alternative 12, and the impacts are scattered throughout Tract 2586 within these phases, significantly reduces the overall affect of the impacts. The impacts in Alternative 12 will allow for a staggered period of regeneration to the oak woodlands, and allow time for early mitigation measures to begin establishment before subsequent impacts occur.

- In Alternative 12, the Blue Oak Woodland habitat areas are scattered throughout three very different areas of in the Agricultural Cluster, and they occur in three separate phases. The impacts to Oak Woodlands in Alternative 14 occur in only one area of the Ranch, and they are assumed to occur in only one phase of development

- In Alternative 12, the potential impacts to the Mixed Oak Woodlands are scattered throughout three very different areas of the Agricultural Cluster, and they occur in three separate phases. The impacts to Oak Woodlands in Alternative 14 occur in only one area of the Ranch, and are assumed to occur in only one phase of development

RDEIR Over- Statement on Alternative 12 Plant Community Impacts:
Text on RDEIR page 3-11 claims that impacts to natural plant communities in Alternative 12 would be similar to the original Tract 2586 DEIR submittal. The applicant spent considerable time and effort developing the data and working in the field on site plan refinements in order to reduce impacts to many plant communities on the site. Building envelopes were field verified on site and adjusted specifically to avoid impacts on oak trees. The RDEIR should remove the text "and impacts to natural plant communities", and the text should read "Therefore the overall amount of site disturbance would be similar to the proposed Agricultural Residential Cluster Subdivision."

RDEIR Over- Statement on Alternative 12 Oak Woodland Impacts:
Text on RDEIR page 3-11 claims that an estimated 142 oak trees would be removed in a portion of Alternative 12, but does not indicate where this is located. Based on site verification of oak tree and building envelope locations and detailed grading plans, this number is much higher than would actually be removed for the entire 111 home site Ag Cluster project. Based upon the applicants detailed field analysis, the text should be revised to indicate that Alternative 12 would result in the removal of less than 100 oak trees. This number has been increased from the DEIR response in order to include a large contingency that accounts for additional trees that may need to be removed based on unforeseen site specific construction issues.

Text on RDEIR page 3-11 states that Alternative 12 would result in more oak trees removed in the northern portion of the site (area of Lots 1 to 39) than the original Tract 2586 Agricultural Residential Cluster Subdivision. The building envelopes in this area have been carefully field sited and verified to avoid oak tree impacts in Alternative 12, and would result in far fewer impacts. This sentence should be removed from the text if the RDEIR consultant cannot demonstrate the accuracy of the statement.

Text on RDEIR page 3-11 claims that impacts to oak trees outside of the Alternative 12 building envelope are expected. The RDEIR consultant provides no basis for this assumption. In contrast the applicant has provided field verified data and design work specifically targeting reduction of impacts to Oak trees. In addition the applicant has provided design guidelines for Alternative 12 with the specific intent that they do not intend for impacts to Oak trees outside of building envelops to occur. These guidelines are described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2, 4, 5 and 6.

Text on RDEIR page 3-11 states that Alternative 12 would result in the removal or impact of 250 to 350 oak trees. "Removal" of oak trees is significantly different from "impacted". Combining these two very different affects considerably overstates the potential impacts of the project. As stated above, the text should be revised to say that Alternative 12 would remove less than 100 oak trees throughout the entire Tract 2586, and this number includes a large contingency based on unforeseen construction issues.

Text on RDEIR page 3-11 states that Alternative 12 would have a "long time period" for replacement trees to possess equivalent habitat values. The RDIER states on page 2-62 that the establishment periods would be shorter in riparian floodplains that lack agricultural uses. There are ample areas within the Ag Cluster project boundary that meet this requirement and could accommodate tree restoration program(s). The impacts will be dispersed geographically and occur in three phases. This will allow time for early mitigation measures to begin establishment growth before subsequent impacts occur. Although the impacts to the oak woodlands may be significant, they are mitigable.

RDEIR Over- Statement on Alternative 12 Drainage Impacts:
Text on RDEIR page 3-12 states that Road A transverses a drainage for approximately 300' near Lot 39. Alternative 12 realigned Road A in this area to avoid an emergent wetland (W2-13A), where the residential cluster subdivision crossed into it. There is potential for indirect impacts into this wetland (as the RDEIR states), but the direct impacts are avoided.

Text on RDEIR page 3-12 claims that Alternative 12's Road D alignment near Lot 71 crosses Tostada Creek, but it is unclear of location they are referring to. This needs clarification.

Text on RDEIR page 3-12 states that Alternative 12's Road D alignment east of Lot 90B creates an additional crossing, but it does not appear to cross any drainages that are not currently being crossed by the existing agricultural roads. This needs clarification.

Text on RDEIR page 3-12 states Alternative 12's Road D alignment by Seasonal Pond 2 would have greater impacts to the southwestern pond turtle. Road D has been relocated in this area in Alternative 12 to reduce disturbance to the oak woodlands. Many more trees would be removed and or impacted using the road alignment in the original Tract 2586 DEIR submittal. The applicant determined through field review that this was the best alignment for reducing the road construction impacts. Although impacts to the southwestern pond turtle may be increased, impacts to the oak woodlands are significantly decreased. We feel that with mitigation and monitoring, the impacts to the southwestern pond turtle can be reduced.

RDEIR Over- Statement on Alternative 14 Oak Woodland Impacts:
Text on RDEIR page 3-34 indicates that Alternative 14 would reduce site disturbance because it has 72 fewer residential units. However, the intensity of impacts to approximately 17.0 acres of oak woodlands in one area of the ranch is a greater site disturbance than the 21.4 acres of Alternative 12 which is spread throughout a larger project. Also, the time necessary to possess equivalent habitat values will be significantly greater in Alternative 14 because the impacts occur in only one phase, and replacement trees will be planted at one time.

Alternative 14 did not allow for a water tank and accompanying access road and because of the necessity to place the water tank at a high elevation, it would require a greater impact to the Mixed Oak Woodlands than is indicated in the RDEIR.

Cultural Resources

Alternative 14 has five more cultural sites impacted by lots, driveways and building envelopes than Alternative 12. Although Alternative 12 has more lots potentially impacting cultural resources than Alternative 14, there are significantly less building envelopes impacts. Alternative 12 worked closely with an archeologist in the field to avoid and protect the sensitive cultural sites on the Ranch. Lot and building envelope placement was developed to ensure that cultural sites will be protected to the greatest extent practicable.

- Alternative 14 has ten building envelopes overlaid onto identified archaeological sites (three of these are isolates). Alternative 12 has two building envelopes overlaid onto identified archaeological sites (both of these are isolates).

- Alternative 14 has three roads overlaid onto identified archaeological sites (two of these are existing agricultural roads that have already impacted the sites), and Alternative 12 has six roads overlaid onto identified archaeological sites (three of these are existing agricultural roads that have already impacted the sites).

Alternative 14 has only 1 more lot than Phase One of Alternative 12, and this phase contains the majority of archeological sites. Approximately the same amount of residents will be located in the area of these cultural sites, and therefore the same potential for relic collecting/ vandalism occurs in this area for both alternatives.

RDEIR Over- Statement on Alternative 12 Cultural Impacts:
Text on RDEIR page 3-13 claims that precise boundaries of the cultural resource sites are unknown, and that they are based on surface visibility. This statement and related text should occur in all alternatives, and not just in Alternative 12. Alternative 12 has avoided cultural significant areas as much as possible, and should subsurface testing discover additional areas they will also be avoided and protected to the extent practicable.

Text on RDEIR page 3-13 states that because the same number of units would be constructed In Alternative 12, the amount of site disturbance would be similar to the original Tract 2586 submittal of the Agricultural Residential Cluster Subdivision. This is not an accurate statement because Alternative 12 significantly reduced impacts to cultural sites and thus improved protection for these resources. Text should be revised to say that Alternative 12 significantly reduced potential site disturbance to cultural sites.

Text on RDEIR page 3-13 goes on to say that because there is the same number of residents in Alternative 12 as with the original tract 2586 submittal, the likelihood for relic collecting or vandalism on archeological and historical sites would be similar to the original Agricultural Residential Cluster Subdivision. Alternative 12 has avoided cultural significant areas as much as possible, and the possibility of relic collecting or vandalism has significantly reduced in the Alternative 12 because the cultural sites are no longer located on the building envelopes. Text should be revised to say that Alternative 12 significantly decreased the likelihood for relic collecting and/or vandalism to cultural sites.

Text on RDEIR page 3-14 states that because the home sites in Alternative 12 would still be located in areas containing known archeological resources, and impacts would remain Class 1, significant and unavoidable. Alternative 12 has relocated lots and building envelopes to avoid culturally significant areas where possible, and only has two building envelopes overlaid onto identified archaeological sites (both of these are isolates). This determination seems inconsistent with other residential subdivisions in the vicinity that have not been given a Class I rating for similar impacts. Impacts to cultural sites have been drastically reduced with Alternative 12, and text in the RDEIR should combine the following paragraph that describes the reduced impacts, and state that the cultural impacts are Class II, significant but mitigable.

RDEIR Over- Statement on Alternative 14 Cultural Impacts:
Text on RDEIR page 3-34 claims that because the development in Alternative 14 does not occur south of Phase One of Alternative 12, impacts related to damage or destruction of important associations of these sites and disruption of their setting and feeling would be reduced compared to the original VTTM 2586 Agricultural Residential Cluster Subdivision. The RDIER also claims that site disturbance and impacts to disturbing unidentified buried deposits, and the potential for relic collecting/ vandalism would be reduced with Alternative 14. However, Alternative 14 has only 1 less lot than Phase One of the original VTTM 2586, and is located in the area that contains the majority of archeological sites. Approximately the same amount of residents will be situated in the area of the cultural sites and therefore the same potential impacts as the original VTTM 2586. Text should read that the indirect impacts from Alternative 14 will be similar to the Agricultural Residential Cluster Subdivision.

Text on RDEIR page 3-34 states that overall Alternative 14 will result in reduced impacts when compared to the original VTTM 2586 Agricultural Residential Cluster Subdivision, but the Agricultural Residential Cluster Subdivision had only eight lots located on archeological sites. Alternative 14 has thirteen lots overlaid onto identified archaeological sites. Text should be revised to say that Alternative 14 would result in increased impacts to cultural resources than the Agricultural Residential Cluster Subdivision.

Drainage, Erosion and Sedimentation

The concentration of disturbance from development as shown in Alternative 14 will lead to more paved surfaces in a smaller concentrated area. The more concentrated development will not allow for as much percolation and retention of storm water run-off as Alternative 12. The less dense plan of Alternative 12 allows for a very low intensity of paved surfaces and greater opportunity for storm water run-off to be filtered and retained prior to entering any wetlands or drainage courses. Alternative 12 is located on a larger development footprint leading to less concentrated flows that allow better natural absorption and fewer impacts.

Alternative 14 has one lot and one project road that require the impacts to wetland areas. Alternative 12 does not have any lots impacting wetlands. Lot 32 of Alternative 14 contains a wetland and the building envelope that would be located within the 50' buffer, and Alternative 12 has maintained a 50' buffer for all building envelopes. Road A alignment in Alternative 12 avoids an emergent wetland (W2-13A), where Alternative 14 crosses into it. Road C in Alternative 14 also crosses a drainage that would be avoided in Alternative 12. Drainage impacts from Alternative 14 will be greater than the impacts of Alternative 12.

Public Services

RDEIR Over- Statement on Alternative 12 Roadway Impacts:

Text on RDEIR page 3-19 states that Alternative 12 would not meet the Uniform Fire Code with 18' wide roads. Project engineers met with Chief Swan and Clint Bullard from Cal Fire, and it our understanding that they agreed to a roadway of 18' paved with 2' shoulders because it is consistent with CDF standards as of the vesting date of the Tentative Tract Map. This text should be removed from the RDEIR, or revised to read that Alternative 12 should result in similar impacts as compared to the Agricultural Residential Cluster Subdivision.

Visual Resources

Alternative 12 is far more sensitive to the visual resources of the property, to the off-site and on-site views. Alternative 12 has carefully located lots out of public view and evokes a rural setting and atmosphere for the Ranch. Alternative 14 would substantially change the rural character of the site, and be visually dominant from Highway 58 and Pozo Road. Alternative 12 carefully selected building envelopes which have the least amount of visual impact and preserved the rural character of the site and rural living experience; however, Alternative 14 has little regard for these standards.

Alternative 14 seems to use the basic design from Phase One of Alternative 12, but clusters the lots closer together with little apparent regard for constraints of the site and locates lots in areas identified by the DEIR as being visible. Alternative 14 will have a substantial adverse effect on a scenic vista, substantially damage scenic resources, and substantially degrade the existing visual character and quality of the site and its surroundings. It will create a new source of substantial light or glare which would adversely affect day or nighttime views in the vicinity.

Alternative 12 has eight lots that will have potentially visible homes out of 111 total home sites, and they will all be only partially visible for fleeting moments from public roads and they all include trees and hillsides as a backdrop. Alternative 12 has four lots potentially visible from State Route 58, and four more potentially visible from West Pozo Road. None of these lots will be visible at the same time due to the rolling terrain on State Route 58 and existing trees in Tract 2586.

Based on DEIR evaluation and site observation, Alternative 14 appears to have approximately 10 homes clearly visible and dominant from the public roads. It appears that these homes will be visible from State Route 58 and West Pozo Road and that most will be visible at the same time. Eight homes in Alternative 12 that are visible only for fleeting glimpses through the trees in the distance are far less intrusive than the obvious tract of homes shown in Alternative 14.

There are two areas of Road C in Alternative 14 that will be potentially visible and dominant based on DEIR evaluation and site observation. This road alignment also requires additional paving and grading than Road C shown in Alternative 12, thus creating a larger impact. Alternative 12 has relocated Road C to eliminate visibility from State Route 58 and West Pozo Road.

Road A in Alternative 14 does not exit the project by the cemetery as suggested in DEIR, Section 4.12, measure T-2(a) West Driveway Relocation. Alternative 12 make this change and reduces impacts related to stopping site distances as compared to Alternative 14.

CONCLUSION

Alternative 12 is a superior alternative because it avoids and protects sensitive areas, and allows the applicant to create the envisioned feel and atmosphere for the Ranch. The lots, building envelopes, roadways and driveways have been carefully located in Alternative 12 to avoid sensitive areas, allow for active grazing, and reduce visual obstructions.

Alternative 14 places lots in areas that are not appropriate for development in an effort to have lots condensed into a smaller area. The dramatic reduction in the number of homes sites in Alternative 14 when compared with Alternative 12 does not yield a commensurate dramatic reduction of impacts. In fact in many of the impact analysis Alternative 14 creates more significant impacts to the site's sensitive resources.

Alternative 12 reduces potential impacts in several areas as compared to the Alternative 14 including cultural resources, drainage, and visual resources. Alternative 12 has been carefully designed in the field with accurate field data and attention to detail in order to reduce impacts. It improves the way the project responds to the site, and preserves the important resources of the Ranch.

Alternative 12 is a refinement of the original Tract 2586 DEIR project application, and it is more consistent with the spirit and intent of the Agricultural Cluster Ordinance in effect at the time the project was vested. Alternative 12 is the environmentally superior alternative for Santa Margarita Ranch.