

8.0 REVISIONS, COMMENTS, AND RESPONSES

In accordance with Section 15088 of the *California Environmental Quality Act (CEQA) Guidelines*, the County of San Luis Obispo, as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (DEIR) for the Agricultural Cluster Subdivision Program and has prepared written responses to the comments received. The DEIR was circulated for a 45-day public review period that began on September 2, 2011 and concluded on October 21, 2011. Sections of the DEIR relating to air quality and greenhouse gas emissions were subsequently revised and recirculated for a 45-day public review period that began on December 16, 2011 and concluded on February 2, 2012. A list of the commenting agencies, organizations, and individuals is provided below in Section 8.1.

Each comment that the County received on the DEIR is included in this section. Responses to these comments have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the EIR addresses pertinent environmental issues.

The DEIR, Mitigation Monitoring and Reporting Program, and this Comments and Responses section collectively comprise the Final EIR for the Agricultural Cluster Subdivision Program. Any changes made to the text of the DEIR correcting information, data or intent, other than minor typographical corrections or minor changes, are noted in the Final EIR as changes from the DEIR.

Each issue within a comment letter is marked in the left margin with an abbreviation for the name of the commenter and a number. Comment PW-1, for example, is the first comment in the letter from the Public Works Department.

The focus of the responses to comment is the disposition of environmental issues that are raised in the comments, as specified by Section 15088 (b) of the *State CEQA Guidelines*. Detailed responses are not provided to comments on the merits of the proposed project. However, when a comment is not directed to an environmental issue, the response indicates that the comment has been noted and forwarded to the appropriate decision-makers for review and consideration, and that no further response is necessary.



8.1 LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIR

The following is a listing of names and addresses of persons, organizations, and public agencies that commented during the public review period for the Agricultural Cluster Subdivision Program DEIR.

Federal Agencies

United States Army Corps of Engineers

Address

915 Wilshire Blvd., 14th Floor, Los Angeles, CA 90017

State Agencies

California Regional Water Quality Control Board

Address

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401

California Coastal Commission

725 Front Street, Suite 300, Santa Cruz, CA 95060

California Department of Forestry and Fire Protection (Cal Fire)

635 N. Santa Rosa Street, San Luis Obispo, CA 93405

California Department of Transportation (Caltrans)

50 Higuera Street, San Luis Obispo, CA 93401

Governor's Office of Planning and Research, State Clearinghouse

1400 Tenth Street, P.O. BOX 3044, Sacramento, CA 95812

Native American Heritage Commission

915 Capitol Mall, Room 364, Sacramento, CA 95814

County and Other Local Agencies

San Luis Obispo County Department of Public Works

Address

County Government Center, Room 207, San Luis Obispo, CA 93408

San Luis Obispo County Air Pollution Control District

3433 Roberto Court, San Luis Obispo, CA 93401

Organizations

San Luis Obispo County Farm Bureau

Address

651 Tank Farm Road, San Luis Obispo, CA 93401

Home Builders Association of the Central Coast

P.O. BOX 748, San Luis Obispo, CA 93406

COLAB San Luis Obispo County

P.O. BOX 13601, San Luis Obispo, CA 93601

Individuals

RRM Design Group, Keith Gurnee

Address

RRM Design Group, 3765 S. Higuera Street, Suite 102, San Luis Obispo, CA 93401

Sue Luft

asluft@wildblue.net



8.2 LIST OF COMMENT LETTERS

Following is a list of letters that were received in response to the Draft EIR. These letters are included at the end of this section:

United States Army Corps of Engineers – September 12, 2011	8-4
California Regional Water Quality Control Board – October 14, 2011.....	8-4
California Coastal Commission – October 21, 2011	8-7
California Department of Forestry and Fire Protection (Cal Fire) – September 21, 2011	8-22
California Department of Transportation (Caltrans) – October 18, 2011.....	8-24
Governor’s Office of Planning and Research, State Clearinghouse – October 21, 2011	8-25
Native American Heritage Commission – September 16, 2011.....	8-25
San Luis Obispo County Department of Public Works – October 17, 2011.....	8-25
San Luis Obispo County Air Pollution Control District – October 17, 2011	8-32
San Luis Obispo County Farm Bureau Comment Letter No. 1 – October 13, 2011	8-42
San Luis Obispo County Farm Bureau Comment Letter No. 2 – February 2, 2012.....	8-46
Home Builders Association of the Central Coast Comment Letter No. 1 – October 21, 2011 ...	8-52
Home Builders Association of the Central Coast Comment Letter No. 2 – February 2, 2011 ...	8-60
COLAB San Luis Obispo County – October 21, 2011	8-69
RRM Design Group, Keith Gurnee Comment Letter No. 1 – October 17, 2011	8-73
RRM Design Group, Keith Gurnee Comment Letter No. 2 – February 2, 2012.....	8-78
Sue Luft – October 19, 2011.....	8-80



8.3 RESPONSE TO COMMENTS

United States Army Corps of Engineers - September 12, 2011

ACOE-1 The commenter asks if the program would affect Los Osos or Morro Bay. The proposed program would apply to agricultural lands adjacent to the Morro Bay city limits and Los Osos URL but not adjacent to the Morro Bay shoreline. This is shown on Figure 2.2-3 of the DEIR.

ACOE-2 The commenter lists federal laws that individual projects may need to comply with. For this program-level EIR, the relationship to federal laws and agencies are referenced and discussed within the individual chapters, as applicable.

California Regional Water Quality Control Board - October 14, 2011

RWQCB-1 Thank you for your comment that the DEIR generally addresses your water quality-related concerns, that the DEIR does not address the potential increased exposure or threat to residents of such agricultural cluster subdivisions, and that the concerns relating to increased exposure or threat to residents are described in the following comments. The comment is acknowledged.

RWQCB-2 This comment states: "According to the DEIR, the proposed changes will modify existing criteria and standards associated with agricultural cluster subdivisions in order to reduce environmental impacts and to protect lands for continued and enhanced agricultural production. These changes focus primarily on how any of the proposed subdivision projects would impact (adversely impact) the existing agricultural operations."

The DEIR analyzes the program's potential impacts to twelve different resources including, including agriculture. Each impact analysis has been performed to the appropriate level specified by the State CEQA Guidelines.

RWQCB-3 This comment states: "The DEIR places very little emphasis on the environmental effects or threats to public health that active agricultural operations could have on any subdivision that may be considered for approval. As you are aware, poorly managed irrigated agricultural practices can cause significant short and long-term environmental impacts and threats to public health."

The comment does not identify any specific public health issues. The State CEQA Guidelines does not identify "public health" as a separate and distinct environmental factor (See CEQA Guidelines, Appendix G, Environmental Checklist). However, public health issues are discussed as a part of other environmental factors to be considered such as: agricultural resources, air quality, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, noise, and water resources. The Notice of



Preparation found in Appendix A of the DEIR, Section 2 also identifies 15 “areas of focus,” many of which include, in part, a discussion on public health related issues.

RWQCB-4 This comment states: “Uncontrolled irrigation runoff and nutrient loading from agricultural discharges can result in serious nitrate impacts to underlying groundwater, including sources of drinking water. Existing water quality data from drinking water wells located in agricultural areas have documented widespread impacts to groundwater - in many case, nitrate exceeds the safe drinking water standard by several orders of magnitude.”

Impact WR-3 specifically addresses impacts to residential water quality from adjacent agricultural operations. For example, fertilizers used as part of agricultural operations can leach into the groundwater resulting in increased nitrate levels. In some circumstances, the nitrates, minerals, and dissolved solids could exceed drinking water standards. The analysis concludes that existing ordinance standards already address water quality concerns. In order to receive final map approval, applicants must supply comprehensive water quality testing data to County Environmental Health. In circumstances where water quality thresholds are exceeded, the project will be required to provide sufficient water treatment facilities to bring the water quality up to drinking water standards. A final map may not be approved until County Environmental Health has been satisfied that the well on each parcel will meet state-established water quality standards.

RWQCB-5 This comment states: “Irrigation and stormwater runoff containing sediments, fertilizers, pesticides and other chemicals can adversely impact surface waters, aquatic habitat, and fish and wildlife. Conditions such as these present a significant threat to human health and the environment. Furthermore, water quality impacts from agricultural dischargers are not always apparent and are often identified sometime in the future. This is especially problematic as it relates to nitrate loading from fertilizers to groundwater and long-term impacts to drinking water supplies.”

Impacts to surface water quality are discussed in Section 4.7, Hydrology and Water Quality. The discussion for Impact HWQ-6 addresses the matter raised by the commenter. With the implementation of existing State Water Resources Control Board’s requirements that address potential surface water impacts from agricultural pollutants, no further mitigation is required.

RWQCB-6 This comment states: “The DEIR does not clarify the process that the County intends to use (or put in place) to evaluate the potential environmental effects that could result from permitting a subdivision in close proximity to active agricultural operations. For instance, the following questions and concerns should be addressed: What process/procedures will the County use to evaluate the potential effects on human health from locating new subdivisions within active agricultural areas?”



DEIR Section 1.1 (Purpose and Legal Authority) explains the process to evaluate the potential environmental effects of the proposed ordinance amendment. The County has prepared this program-level EIR, which is appropriate for the proposed ordinance amendment as describe in State CEQA Guidelines Section 15168. Subsection 15168c (reiterated in Section 1.1 of the DEIR) explains the procedure of how to use this EIR with “later activities.” *“If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either and EIR or a Negative Declaration.”* [State CEQA Guidelines Section 15168(c)(1)]

As described above under RWQCB-4, applicants for agricultural cluster subdivisions will be required to supply comprehensive water quality testing data to County Environmental Health. In circumstances where water quality thresholds are exceeded, the project will be required to provide sufficient water treatment facilities to bring the water quality up to drinking water standards

RWQCB-7 The commenter raises the following question: “Should a proposed subdivision require the installation of drinking water wells (municipal supply well or private domestic well), what type and frequency of water quality monitoring of the source water (e.g. nitrate analysis) will the County require prior to project approval?” At this time, no specific water quality monitoring of wells will be required. Please refer to responses to RWQCB-4 and RWQCB-6.

RWQCB-8 The comment asks what contingencies are in place to identify and resolve unforeseen drinking water quality problems that result from farming activities. In other words, the comment is asking about water quality problems that are not presently apparent but that could potentially occur in the future. The water impact analysis focuses on reasonably foreseeable water quality problems, such as increased nitrate levels from irrigation runoff. This is consistent with State CEQA Guidelines Section 15144: *Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.* As described above, implementation of existing State Water Resources Control Board’s requirements would address these reasonably foreseeable impacts. The DEIR did not evaluate unforeseen water quality impacts because doing so would require sheer speculation (CEQA Guidelines Section 15145).

RWQCB-9 The comment states: “What process is in place to address unanticipated threats to public health or the environment that may result from the following potential situations:

- A farming operation becomes *active* sometime after a subdivision has been approved and located within a previously *inactive* agricultural area.
- A farming operation undergoes a significant change that may yield an increased threat to water quality (e.g., changes from vineyards to row crops) sometime after project approval and completion.”



DEIR Section 4.1.1(g) discusses the County agricultural buffer policies that are intended to minimize urban/agricultural land use conflicts. It also discusses the County's "Right-to-Farm" Ordinance as follows:

San Luis Obispo County has determined that the use of real property for agricultural operations is a high priority and favored use to the County, and those inconveniences or discomforts arising from legally established agricultural activities or operations, as defined in the San Luis Obispo County Code, or State law, shall not be or become a nuisance. Therefore, proposed projects near agricultural lands will continue to be subject to those inconveniences or discomforts arising from adjacent and surrounding agricultural operations which, if conducted in a manner consistent with State law and County code, shall not be or become a nuisance.

It is important to emphasize that future farming activities when operated consistently with State law and County Code shall not become a nuisance. See responses to RWQCB-4 and RWQCB-5, for example.

In addition, at the time of reviewing future agricultural cluster subdivisions under this program as a later activity (see response to RWQCB-6), the environmental determination must consider a reasonable worst-case scenario in terms of what activities may be occurring or will occur on adjacent properties and provide mitigation accordingly (e.g., applying an appropriate buffer). This is consistent with State CEQA Guidelines Section 15144: *Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.* Analyzing unforeseeable threats to public health or the environment would require sheer speculation (CEQA Guidelines Section 15145). Should a new use or agricultural operation that was not reasonably foreseeable be proposed at a future date, it would be obligatory for that use to undergo an environmental determination where its impacts are analyzed, or if exempt from an environmental determination, that use would be subject to all applicable local, state and federal health and safety laws in effect at the time.

California Coastal Commission - October 21, 2011

CCC-1 Thank you for your comments on the DEIR. The commenter recounts the County's previous proposal to adopt agricultural clustering standards in the Coastal Zone. The commenter acknowledges that the proposed ordinance incorporates many of the suggestions made by the Coastal Commission and staff during the previous amendment submittal. The commenter states their understanding of the intended purpose of the proposed ordinance amendment and lists four key requirements of the proposed ordinance. The comment is acknowledged.



- CCC-2 Thank you for your comment that the concept of an LCP clustering tool for a certain class of cases could enhance protection of agricultural land. The comment is acknowledged.
- CCC-3 The commenter states some general concerns about the proposed ordinance and questions and concerns specific to data and representations in the DEIR. It further states that the DEIR will require additional refinement and information. However, this comment does not identify any specific or substantive issues.
- CCC-4 This comment speaks to the proposed ordinance and that there appear to be some significant issues and questions about how such a tool should be structured, as well as when and how it should be applied. The commenter goes on to identify several LCP and Coastal Act policies directed at the protection of agricultural land. Although this comment does not raise a substantive issue to be addressed in the EIR, it does offer a general concern about the proposed ordinance and provides background information about LCP and Coastal Act policies. This concern and information will be forwarded to the decision makers.
- CCC-5 This comment generally states that the proposed ordinance appears to be inconsistent with the LCP and Coastal Act policies. However, the commenter goes on to state that the program could be crafted to integrate and carry out the agricultural protection policies of the LCP. Specifically, the commenter states that the proposed ordinance would allow for the conversion of agricultural land to non-agricultural residential uses through the creation of residential cluster parcels.

The Local Coastal Plan allows for the conversion of farmland to residential use in limited circumstances. First, residential single family dwellings are an allowed use in the Agriculture land use category. As stated in Policy 1 (shown below), the development of residential uses on agricultural lands must demonstrate that no alternative building site exists and the least amount of land possible is converted. This policy is implemented as a standard and would still apply to any proposed cluster subdivision, just as it would currently apply to any proposed residential development on existing lots in the Agriculture land use category. Secondly, additional lots will not be created by the implementation of the proposed ordinance. Therefore, the potential result would be the same number or fewer residential sites being developed with greater flexibility to avoid converting the most important agricultural land and thereby consolidating those lands into more viable agricultural parcels. This is demonstrated in Figure 8-2. Proposed agricultural clusters in the Coastal Zone would also be subject to Policy 2b (shown below).

Implementation of the following Coastal Plan policies would minimize impacts related to the conversion of agricultural land in the Coastal Zone. These policies are reinforced by similar provisions in the Coastal version of the proposed ordinance update.



Agriculture Policy 1: Maintaining Agricultural Lands. Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban uses.

Permitted Uses on Prime Agricultural Lands. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

Permitted Uses on Non-Prime Agricultural Lands. Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non-agricultural soils, that the least amount on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

Agriculture Policy 2: Divisions of Land. Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance. Land divisions for prime agricultural soils shall be based on the following requirements:

- a. The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the agricultural economy would not be diminished.



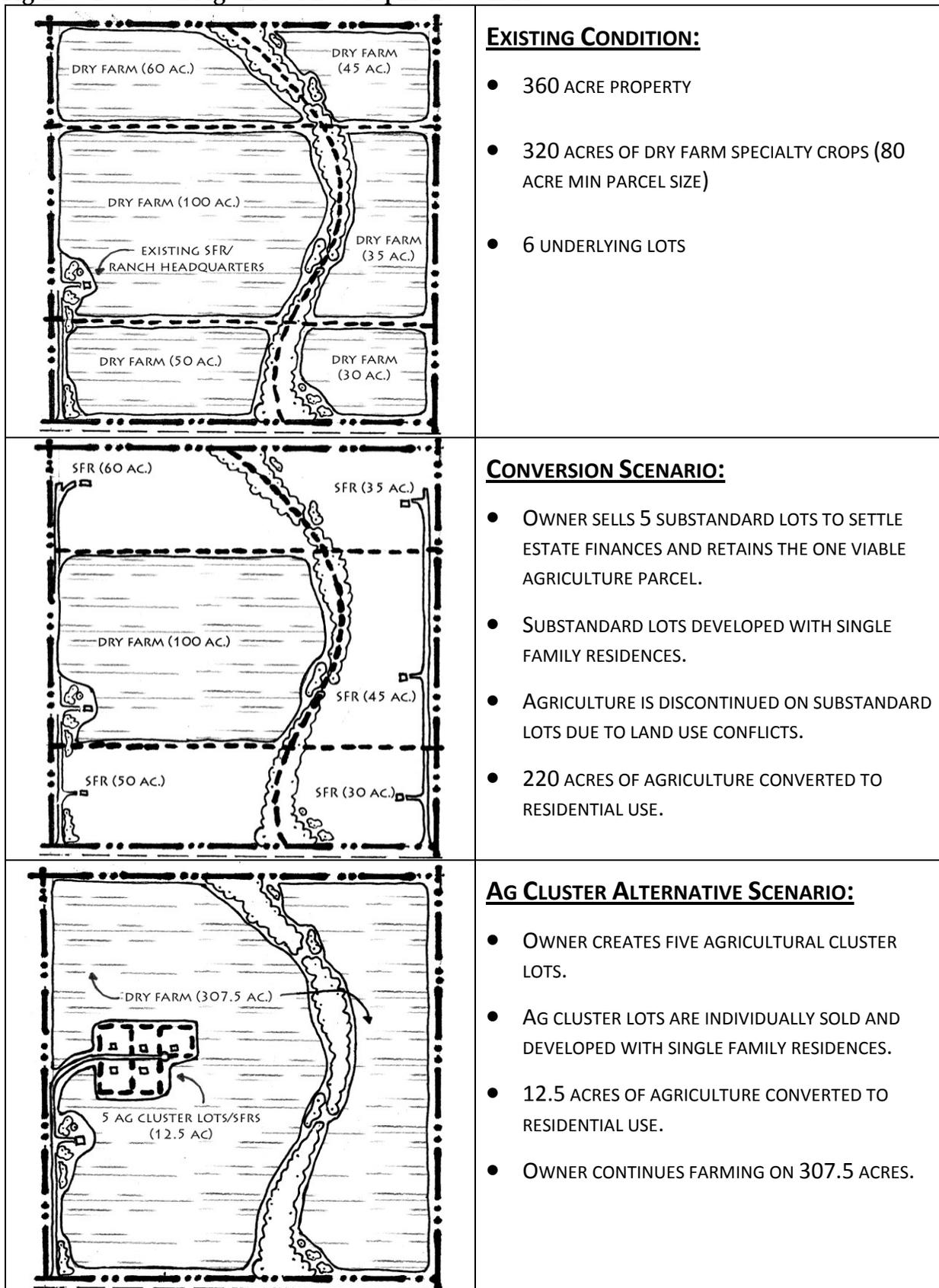
- b. The creation of new parcels whose only building site would be on prime agricultural soils shall be prohibited.
- c. Adequate water supplies are available to maintain habitat values and to serve the proposed development and support existing agricultural viability.

Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished. Division of non-prime agricultural soils shall be reviewed on a case-by-case basis to ensure maintaining existing or potential agricultural capability.

(This may lead to a substantially larger minimum parcel size for non-prime lands than identified in the Coastal Zone Land Use Ordinance. Before the division of land, a development plan shall identify parcels used for agricultural and non-agriculture use if such uses are proposed. Prior to approval, the applicable approval body shall make a finding that the division will maintain or enhance agriculture viability.)



Figure 8-1: Coastal Ag Cluster Development Scenario



CCC-6 The commenter states that cluster subdivisions should only be approved in cases where they would enhance agricultural viability and where residential development is sited and designed to strictly limit impacts on agricultural land and operations to the maximum extent possible. This statement is not at variance with the existing content of the DEIR or the proposed ordinance. The proposed ordinance would require an extensive agricultural viability study for future proposed agricultural cluster subdivisions and all agricultural subdivisions proposed in the Coastal Zone would be required to be found consistent with Policies 1 and 2 discussed in response to CCC-5. Further, these policies are reinforced by similar measures in the Coastal version of the proposed ordinance update.

CCC-7 This comment states that the DEIR is premised on the idea that residential clustering would enhance agricultural protection, but it does not clearly identify how that is the case, and why residential clustering is necessary to protect agricultural resources in the County, especially given the strong agricultural protection policies of the LCP.

The DEIR is an informational document to inform decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects and describe reasonable alternatives to the project. In compliance with CEQA, the DEIR discussed and analyzed the potential significant environmental effects on agricultural resources. The DEIR goes on to recommend mitigation measures to lessen those effects, where needed. The DEIR is not required to consider measures to enhance agricultural resources. However, it is the intent of the project (the proposed ordinance) to enhance agriculture in the county by adding a tool for agricultural protection that will work in conjunction with existing policies. Figure 8-1 shows a development scenario in which clustering would protect agricultural resources. The commenter's concern will be forwarded to the decision makers.

CCC-8 The commenter states that the DEIR should include a description of the quantity and location of substandard parcels that are in the project area and an explanation as to how the proposed ordinance would affect these parcels. In response to this comment and CCC-14, the discussion for Impact AG-1 under the "Compared to Existing Conditions" heading has been revised as follows and Figure 4.1-3 has been added.

Compared to Existing Conditions

Compared to existing conditions, the proposed ordinance revisions could result in the development of up to 418 new residences in agricultural areas within five miles of the following URLs: Arroyo Grande, Atascadero, San Luis Obispo, San Miguel, Nipomo, Templeton, and Paso Robles. Based on a minimum lot size of 2.5 acres and a maximum lot size of 5 acres, this could result in the conversion of between 1,045 and 2,090 acres (less than one percent of the 223,656 acre project area) of



agricultural land to residential and non-agricultural uses. As a reasonable worst case scenario, it's assumed that 100 percent of this land would be comprised of important farmland.

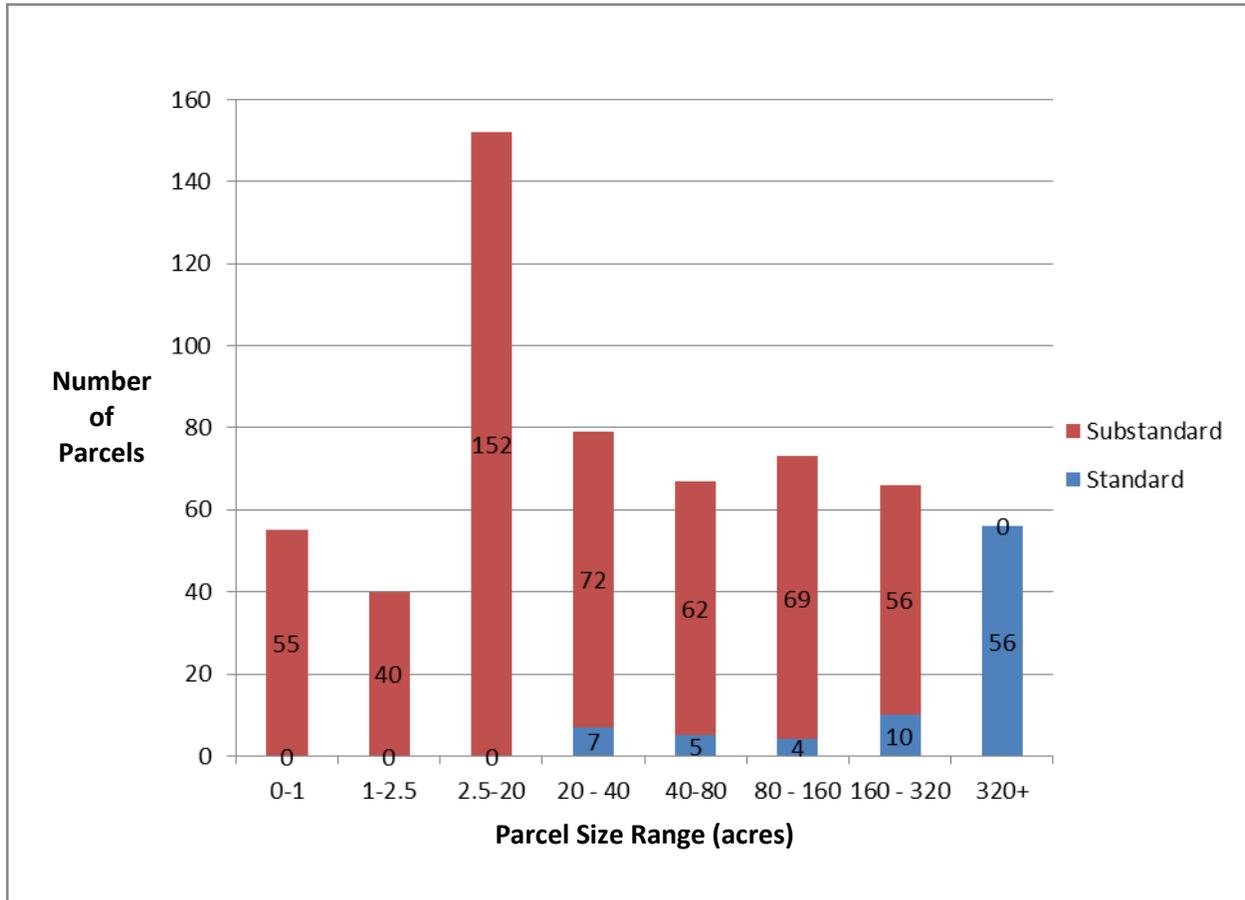
The program would also allow for the reconfiguration of legally established underlying lots in the Coastal Zone to accommodate residential development; ~~however, given the relatively small number of verified underlying lots in the Coastal Zone and the fact that many of these lots could already be developed in their current configuration with fewer restrictions than would be required under the proposed amendments, the program is not anticipated to result in a significant number of new cluster lots in the Coastal Zone.~~ Not including the proposed exclusion areas, there are 588 privately-owned assessor parcels in the Agriculture land use category in the Coastal Zone. Of these, 320 lots have been identified as legally established in the eligible areas of the Coastal Zone. Many of these parcels are already developed with residential uses and the vacant parcels have varying capabilities for future development. Some may easily be developed with residential uses without being reconfigured, while others may have environmental or physical constraints that limit their potential under the proposed agricultural cluster subdivision program. This leaves a relatively small number of underlying lots that may ultimately be reconfigured into clustered lots in the Coastal Zone. Nevertheless, ~~implementation of the program could~~ would allow new residences to be constructed in agricultural areas of the Coastal Zone, but they would be developed in a more compact, environmentally sensitive manner when compared to traditional lot patterning. As a result, in the conversion of important farmland to residential and non-agricultural uses could occur in the Coastal Zone.

In addition, eighty-six percent (506) of the 588 privately-owned assessor parcels are substandard in size when compared to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance² (refer to Figure 4.1-3). The substandard lots significantly outnumber standard lots and they are located prevalently throughout the Coastal Zone. These parcels are susceptible to conversion because their value in the rural residential housing market, in many cases, will exceed their agricultural production value. The proposed ordinance offers one solution to this problem by enabling farmers to extract the residential value of their property while keeping the family farm intact.

²CZLUO Section 23.04.024.c



Figure 4.1-3: Distribution of Standard and Substandard Parcels within the Coastal Project Area



CCC-9 This comment states: “Another example of a potential threat are standard size parcels that may meet minimum lot size requirements, but could be too small to allow for viable stand-alone agricultural uses:

The coastal project area contains 82 standard assessor parcels. Sixty-eight percent (56) of these parcels are greater than 320 acres in size. While these parcels comply with the minimum size criteria of the CZLUO, they are not necessarily viable for standalone agricultural use. Many of these larger parcels lack the soil characteristics necessary for crop production, and their suitability for cattle grazing is limited by steep terrain and dense vegetation. Other standard sized parcels in the coastal project area contain productive agricultural soils, but lack a permanent and reliable water source for irrigation. However, the proposed ordinance is not intended to address minimum parcel sizes for standard agricultural subdivisions.



CCC-10 This comment states: “Another potential threat to the County’s agricultural production is the purchase of agricultural land by people who may not intend to keep the land in agricultural use. If this problem is intended to be addressed too, then the EIR should explain and document the issue and describe how the proposed ordinance is expected to affect this trend.”

This comment speaks to the project description and the response is found in the content of the proposed amendment to the Coastal Zone Land Use Ordinance (CZLUO), which is part of the project description. The proposed ordinance does not attempt to regulate the intent that a property owner may have for their property. The proposed ordinance would provide the opportunity for a land owner to separate rural residential home sites away from the agricultural land. In order to do so, it would have to be demonstrated, under the provisions of the ordinance, that the resulting agricultural parcel would be agriculturally viable, and preserved for agricultural use. No changes to the EIR are necessary as a result of this comment.

CCC-11 This comment speaks to the issue of projects involving multiple lots and multiple proposed residences and perceived/defined development entitlement, and the potential need for better LCP tools to best protect agriculture in such a scenario. The commenter goes on to state the EIR needs to fully identify the particular threats to agricultural viability in the County's coastal zone.

Section 4.1 contains a full discussion of the project’s impacts on agricultural resources, including in the Coastal Zone. The proposed ordinance requires an extensive agricultural viability study for future agricultural cluster subdivisions.

CCC-12 Thank you for identifying important components of any package submitted for a future LCP amendment that includes the ordinance. The comment is acknowledged.

CCC-13 This comment indicates that the EIR needs to evaluate and identify the effect of implementing the proposed ordinance, especially those impacts related to agricultural production and viability.

Section 4.1 (Agricultural Resources) contains a full discussion of the project’s impacts on agricultural resources, including in the Coastal Zone. The proposed ordinance requires an extensive agricultural viability study for future agricultural cluster subdivisions.

CCC-14 Based on this comment, the second paragraph in Section 2.6 has been revised as follows:

The program would also allow for the reconfiguration of legally established underlying lots in the Coastal Zone to accommodate residential development. To date, 320 such lots have been identified in eligible areas of the Coastal Zone. ~~Many of these lots could already be developed with a single family residence in their current configuration and are therefore unlikely to participate in the agricultural cluster subdivision program. Given the relatively small number of underlying~~



~~lots that have been verified to date in the Coastal Zone combined with the fact that many of these lots could already be developed under existing regulations, the program is not anticipated to result in a significant number of new cluster lots in the Coastal Zone. Many of these parcels are already developed with residential uses and the vacant parcels have varying capabilities for future development. Some may easily be developed with residential uses without being reconfigured, while others may have environmental or physical constraints that limit their potential under the proposed agricultural cluster subdivision program. This leaves a relatively small number of underlying lots that may ultimately be reconfigured into clustered lots in the Coastal Zone.~~ Nevertheless, the program would allow new residences to be constructed in agricultural areas of the Coastal Zone, but they would be able to be developed in a more compact, environmentally sensitive manner when compared to traditional lot patterning.

This additional information will not change the conclusion in the DEIR that the proposed program would result in significant and unavoidable impacts related to the conversion of important farmland.

CCC-15

This comment states: "The evaluation of the 'worst-case' scenario should identify how many acres of prime and non-prime agricultural land could be converted to non-agricultural uses, how many new homes could be built, how much agricultural land would be protected by applying the ordinance versus using current LCP standards, and whether establishing residential clusters throughout the County's coastal zone would result in the fragmentation of agricultural land or other negative impacts to coastal resources, both in specific areas and cumulatively."

Section 15151 of the State CEQA Guidelines states: "*An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible.*"

Section 4.1 contains a full discussion, which considers a reasonable worst case scenario, of the project's impacts on agricultural resources, including in the Coastal Zone.

Under the discussion of Impact AG-2, it is noted that the CZLUO contains provisions prohibiting the development of new structures on prime-soils and that this requirement is not proposed to be changed. Therefore, it is reasonable to expect that prime agricultural soils will not be converted to non-agricultural uses under the proposed program.



According to recent projections developed by the San Luis Obispo Council of Governments (SLOCOG), the population in the rural North Coast and Estero planning areas is anticipated to increase by 508 new residents over the next 30 years. Based on a factor of 2.318 persons per dwelling unit, this additional population would generate demand for 219 new dwelling units. Assuming the continuation of historic permitting trends¹, approximately one-third of these units (73) would result from the proposed ordinance. The other two-thirds (146) would be developed on existing parcels. The residential cluster parcels would range between 2.5 to 5 acres. Therefore, compared to existing conditions, at an average of 3.75 acres, the reasonable worst-case conversion of non-prime agricultural land to non-agricultural uses over the next 30 years under the proposed ordinance in the Coastal Zone would be approximately 274 acres.

CCC-16 This comment speaks to the proposed ordinance. The commenter states that the ordinance needs to provide clear guidance to applicants and decision makers as to what is expected and why, in cases where a reduction [in the number of residential parcels] is going to be required to protect agricultural resources consistent with the LCP.

The proposed ordinance states: “Design criteria and environmental mitigation may reduce the number of residential cluster parcels allowed.” The commenter’s concern will be forwarded to the decision makers.

CCC-17 The commenter suggests that the DEIR needs to provide supporting information necessary to evaluate the proposed ordinance provisions, such as the following standard: “*Design criteria and environmental mitigation may reduce the number of residential cluster parcels allowed.*” The DEIR should describe the circumstances in which such a reduction would be necessary to minimize impacts on agricultural land.

The language referenced from the proposed ordinance describes a potential outcome with an agricultural cluster subdivision rather than identifying expressed or necessary criteria that would result in a reduced number of parcels. This language does not indicate that, in such circumstances, impacts on agricultural land will be *minimized*. Should an agricultural cluster subdivision result in a reduced number of parcels, then impacts on agricultural lands would be *lessened* but not necessarily minimized. Section 4.1.2 provides a full discussion on the potential impacts to agricultural resources. The EIR concludes that impacts resulting from the conversion of important farmland to residential uses would be significant and unavoidable. Please refer to the discussion for Impact AG-1.

¹ Over the past 25 years, 36 lot line adjustment maps were recorded in the North Coast and Estero planning areas. Permitting records indicate that these lot line adjustments resulted in the constructed of 31 new single family residences. This represents one-third of the 93 single family residences developed in the rural North Coast and Estero planning areas during the same time period.



This comment goes on to say: An undevelopable lot may be a legal lot created solely for placement of a well or other accessory structure or a legal lot that has no road access or ability to provide sewer and water services. A lot line adjustment that converts such a lot into a lot that can be developed with a residence and other non-agricultural uses on agricultural land could result in significant adverse impacts to agricultural resources, inconsistent with the LCP.

The County agrees with the comment that such a case could result in significant adverse impacts to agricultural resources. Please refer to the discussion for Impact AG-1. All subdivision applications in the Coastal Zone, whether it is an agricultural cluster or not must be found consistent with the LCP in order to be approved, and in particular with an agricultural cluster subdivision the following finding would need to be made: The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.

CCC-18 This comment makes recommendations for the proposed ordinance but does not raise a relevant issue related to an environmental issue pursuant to CEQA. The commenter's recommendations will be forwarded to the decision makers.

CCC-19 This comment states: "The EIR should examine the potential for the ordinance to mandate a reduction in the number of lots that result from a residential cluster lot line adjustment, such as language in the ordinance defining undevelopable lots and prohibiting the conversion of undevelopable lots into developable lots, and defining a process for identifying a baseline understanding of development potential overall."

This comment is essentially a recommendation for a project alternative. Section 6.0 discusses project alternatives and states:

EIRs are required to include a reasonable range of alternatives. The requirements pertaining to an EIR alternatives analysis are identified in Section 15126.6 of the State CEQA Guidelines. An EIR must consider a "reasonable range of alternatives" which:

- *Could feasibly accomplish most of the basic objectives of the program; and*
- *Could avoid or substantially lessen one or more of the significant effects of the program.*

Section 6.0.1, Regulatory Considerations states:

The Agricultural Cluster Subdivision Program will take effect as a countywide policy, implemented at a programmatic level. While this EIR does forecast reasonably foreseeable impacts of build-out, impacts from separate agricultural cluster subdivision projects on individual sites are not considered in this document.



The commenter's recommendation is not in conflict with the basic objectives of the program. As described, the recommendation has the potential to result in some incremental lessening of the impacts to important farmland. However, considering that this is a programmatic level EIR, it cannot be reasonably determined, without performing an exhaustive analysis (see response to CCC-15) of the develop-ability of existing agricultural parcels, that the recommendation would substantially lessen one or more of the significant effects of the program. Therefore, the recommended alternative does not meet the test established by Section 15126.6 of the State CEQA Guidelines.

CCC-20 This comment states: "The EIR should also explore the potential for requiring a reduction in the number of lots in other circumstances, such as where the site is severely constrained by prime agricultural land, environmentally sensitive habitat, or coastal views. Again, all of this information will be necessary to support a future LCP amendment submittal."

This comment is essentially a recommendation for a project alternative. The recommended alternative does not meet the test established by Section 15126.6 of the State CEQA Guidelines. Please refer to CCC-19. In addition, the proposed ordinance already has a provision to not allow residential development on prime soils, and it has provisions for the protection of agriculture, environmentally sensitive habitat, and visual resources, which may result in a reduction in the number of lot on a case-by-case basis.

CCC-21 This comment states: "Finally, the proposed ordinance requires the approval authority to make findings that the residential cluster lot line adjustment would maintain or enhance the agricultural viability of the site. However, because the creation of residential cluster parcels is a conversion of agricultural land to non-agricultural uses, in order to comply with the agricultural protection policies of the certified LCP that restrict the conversion of agricultural land, the required findings should be made more specific to the case at hand. First, the approval authority should be required to make findings that the project area is subject to constraints that substantially reduce the agricultural viability of the parcel, because conversions are not allowed under the LCP unless continued agricultural production is found to be infeasible."

Thank you for recommending additional findings to be included in the proposed ordinance. As noted in response to CCC-5, individual projects cannot be approved unless they are found to be consistent with the agriculture protection policies of the LCP. This recommendation will be forwarded to the decision makers.

CCC-22 This comment states: "In addition, the proposed lot line adjustment must enhance, not merely maintain, the agricultural viability of the site because the site must be infeasible for agriculture in order to be eligible for the lot line adjustment."

This comment is consistent with the findings found in the proposed ordinance.



CCC-23 This comment states: “The findings should also address the strict protection of prime agricultural land and the need for adequate water resources to maintain habitat values, serve existing and future agricultural operations and provide for the proposed residential development, similar to the requirements for land divisions in agricultural land found in LUP Policy 2.”

This comment is consistent with the provisions in the proposed ordinance.

CCC-24 This comment states: “Finally, as discussed above, the findings for approval required in the ordinance should explain why the total number of parcels that will be established in the residential cluster lot line adjustment is appropriate and consistent with the agricultural protection policies of the LCP, including in terms of the development potential and baseline questions as described above.”

The proposed ordinance requires a Development Plan for all agricultural cluster subdivision applications. This comment is consistent with CZLUO Section 23.02.034.c(4):

Required findings. The Review Authority shall not approve or conditionally approve a Development Plan unless it first finds that:

- (i) The proposed project or use is consistent with the Local Coastal Program and the Land Use Element of the general plan.

CCC-25 This comment states: “The proposed ordinance calls for residential cluster parcels to be a minimum of 2.5 acres and a maximum of either 2.5 acres or 5 acres, depending on the size of the entire site. The DEIR explains that the reason for the large size is to allow for adequate buffers to be located on the residential parcel, instead of the agricultural parcel, to maximize use of the agricultural parcel, and because the large parcel sizes would make it likely that water and wastewater systems could be located on-site, as required by the ordinance. However, the DEIR does not provide the information necessary to substantiate this reasoning. Such a large residential parcel may not be necessary to meet these purposes in all cases, and could therefore lead to unnecessary conversion of agricultural land to residential uses, inconsistent with the agricultural policies of the LCP.”

This comment questions the reasoning behind a feature of the project description but it does not raise a substantive environmental issue pursuant to CEQA. As noted by the commenter, the purpose of the minimum parcel size is to allow for on-site well and septic systems and adequate agricultural buffers on the residential parcels. The 2.5-acre minimum parcel size ensures sufficient site area for dual leach fields (100 percent replacement area) and for adequate horizontal separation between the well and septic systems. The larger parcel size also allows the required agricultural buffers to be located on the residential parcel. The County’s adopted Agricultural Buffer Policy requires buffers ranging from 50 to 200 feet for rangeland and from 200 to 600 feet for more intensive



agricultural uses, such as orchards and vineyards (refer to Table 4.1-5: Required Buffer Distance by Crop Type). It is impractical to apply buffers of this size to smaller residential parcels. For example, the most common lot size for past agricultural cluster subdivisions has been about one acre. A perfectly square one acre parcel has dimensions of about 208 feet on each side. With these dimensions, a typical agricultural buffer (about 100 – 400 feet) would occupy nearly the entire area of the parcel. To accommodate smaller (one acre) parcels, previous agricultural cluster subdivisions have placed the required buffers on the agricultural parcel, which burdens the agricultural landowner with the responsibility of maintaining the buffer area and removes more land from agricultural production.

CCC-26 The commenter recommends the EIR explore alternatives that would reduce minimum parcel sizes as compared to the current proposal (2.5 acre minimum). They recommend that the minimum residential cluster parcel size be reduced substantially, such as to $\frac{1}{4}$ acre.

Alternative 3 evaluated a 10,000 square foot (about a $\frac{1}{4}$ acre) minimum parcel size, which was the Coastal Commission's original recommendation for the ordinance. For the same reasons discussed above in response to CCC-25, it was determined that Alternative 3 would have greater impacts on agricultural resources and land use policy consistency, when compared to the proposed 2.5-acre parcel size. A square $\frac{1}{4}$ acre parcel has dimensions of about 100 feet on each side. Applying the average agricultural buffer (50 to 400 feet) to such a parcel would not allow for a residential building site. This would force the required buffers to be placed on the agricultural parcel, which removes agricultural land from production and conflicts with the County's Agricultural Buffer Policy. In addition to increased impacts on agricultural resources, $\frac{1}{4}$ acre residential parcels would increase visual impacts by promoting urban scale development in areas that are characterized by a rural, agrarian visual setting. Finally, smaller parcels would necessitate small community water systems. These systems can increase development pressure in agricultural areas since they can be expanded to support new connections.

CCC-27 This comment states: "We would also recommend that the County explore a 5,000 square foot development envelope for each such lot in addition to the 10,000 square foot development envelope currently proposed, and that the EIR identify the relative differences in agricultural impact that would be expected pursuant to each alternative. The use of shared driveways and related such development should also be required where feasible to limit the area that may be allotted to residential use."

It is important to note that 10,000 square feet is a maximum, factors such as buffer dimensions or physical and environmental constraints may dictate a size less than 10,000 square feet. Decreasing the maximum development area to 5,000 square feet will not change the conclusions found in the impact analysis in Section 4.1.2 and it will not avoid or substantially lessen one or more of the



significant effects of the program. Therefore, reducing the maximum development area does not need to be considered as an alternative.

CCC-28 The commenter questions the logic behind the proposed prohibition on community water systems, indicates that on-site systems could be more impactful to agricultural resources, and describes potential benefits of community systems such as better monitoring of water usage. The prohibition on community water systems for agricultural cluster development is consistent with Policy WR 1.9 of the Conservation and Open Space Element (COSE) of the County's General Plan. This policy strongly discourages the formation of new mutual or private water companies. This policy is further reinforced by Table H in the Coastal Zone Framework for Planning (part of the County's certified LCP) which indicates that individual wells and septic tanks are the appropriate levels of service in rural/agricultural areas. Small water companies are generally undercapitalized and lack the knowledge and expertise that is required to ensure adequate operation and maintenance of the water system. They are not conducive to conservation since they usually assess flat rates (rather than a tiered rate structure), provide little or no education, and psychologically separate users from their water supply. This can result in excessive water consumption by individual users without awareness of groundwater levels. Community water systems also increase development pressure in agricultural areas since they can be expanded to accommodate new service connections.

CCC-29 Based on this comment, Section 2.5.1, bullet point number 5, has been revised as follows:

- **Increase the minimum parcel size.** COSE Policy WR 1.9 strongly discourages the formation of new mutual or private water companies in rural areas. Establishing a 2.5 acre minimum size for residential cluster parcels, ~~which~~ would allow each cluster parcel to accommodate individual on-site well and septic systems consistent with COSE Policy WR 1.9.

CCC-30 Thank you for your comment that the efforts to date provide a strong baseline and foundation for developing an appropriate LCP tool that could help to protect and preserve coastal agriculture in San Luis Obispo County. Your recommendation(s) that the DEIR be supplemented and the ordinance adjusted as described above have been responded to in the previous responses CCC-1 through CCC-29.

California Department of Forestry and Fire Protection (Cal Fire) - September 21, 2011

CF-1 Thank you for noting that during wildland firefighting it requires fewer resources to protect structures when they are closer together rather than scattered over many acres and that this reduces the impact of the fire to life, property and the environment. This comment is not at variance with the content of the DEIR but it will be forwarded to the decision makers.



CF-2 The commenter explains that with an increase in residential growth there will be relative growth in commercial development and that different types of development would have different impacts for equipment and will impact the fire department's ability to perform fire suppression.

This concern is addressed in Section 5.0 (Growth Inducing Impacts). As stated in that section, the anticipated residential development and associated population increase under the proposed program would be consistent with the build-out potential under the current General Plan. Residents of agricultural cluster subdivisions would incrementally increase activity in retail establishments and may generate demand for such services as landscaping, gardening, home cleaning, and maintenance. However, new residents are expected to draw on existing retail and commercial services already available in the county, rather than inducing new service providers to relocate to the area. Thus, the proposed program would not lead to increased commercial development beyond levels that are already anticipated at General Plan build-out. All future residential and commercial development in the county would need to meet existing ordinance requirements for fire safety based on the project's size, location, and unique circumstances.

CF-3 This comment generally states that with an increase in growth there will be an equivalent increase in the number of emergency incidents the Fire Department responds to. This growth and/or the project's location could require an increase in staffing or the construction of new stations. The comment goes on to state that a person buying into an area that resembles an urban or suburban environment will have expectations to be served rapidly and effectively by emergency services. That expectation must be reasonably satisfied.

It is agreed that adequate, timely and effective emergency services are important. However, the thresholds of significance for public services are limited to impacts due to the construction of new or physically altered facilities that are necessary to maintain acceptable service levels. Thus, anticipated impacts to service levels alone are not required to be evaluated under CEQA. Although the program would increase demands for fire protection service in rural areas of the county, it is too speculative to determine the nature of future site specific impacts that may be secondary effects of this project (CEQA Guidelines 15145). Still, individual agricultural cluster projects will be required to pay public facilities fees pursuant to Title 18 of the County Code. A portion of these fees could be used to fund the construction of improvements which are necessary to maintain acceptable service levels in rural areas.

CF-4 This comment states: "With an increase in growth there is an equivalent increase in the ancillary responsibilities the department has. These will include planning and building review, fire prevention and education, fire investigation and enforcement, and emergency dispatch."

The proposed program would not increase development levels or population beyond what is already projected in the County's adopted General Plan.



Applications for agricultural cluster projects that are processed pursuant to the proposed amendments would be required to pay a Cal Fire review fee. As described in response to comment CF-3, the DEIR addresses physical impacts to the existing environmental setting that could result from the construction of new or physically altered facilities that are necessary to maintain acceptable service levels. While the program could result in new development that would increase Cal Fire's operational responsibilities, resulting impacts on the environment from the construction of new or physically altered facilities are too speculative for evaluation (CEQA Guidelines 15145).

CF-5 The commenter makes several corrections and editorial recommendations throughout Chapter 4.9, Public Services. These changes have been made in the Final EIR.

CF-6 Thank you for noting that Oceano is now served by the Five Cities Fire Authority. The text has been changed as follows:

~~The Oceano Community Services District has a volunteer force and provides services to the Oceano community, including Haleyon, from a station located at Paso Robles and 13th Street (San Luis Bay Area Plan, 2004).~~ Oceano is served by the Five Cities Fire Authority (established July 9, 2010), which also serves the cities of Arroyo Grande and Grover Beach. The Authority's response area is approximately 9.5 square miles and protects approximately 37,700 residents year-round (www.fivecitiesfireauthority.org).

California Department of Transportation (Caltrans) - October 18, 2011

DOT-1 Thank you for your comment that Caltrans is in general support of the proposed project.

DOT-2 In response to this comment, mitigation measure T-1(a) has been revised as follows:

T-1(a) Traffic Study and Facility Improvements. In certain cases, projects with the potential to significantly affect the County's roadway system or State Highways may need to provide a traffic study prepared by a qualified consultant. Projects will be referred to the Department of Public Works and for consideration, and the Director of Public Works, or their designee, shall have the authority to request such reports. If State Highways may be affected, projects shall also be referred to Caltrans for their comments and the Department of Public Works shall make their determination to request a traffic study in consultation with Caltrans staff. Once reviewed and approved, the recommended measures identified in the traffic study shall be incorporated into the project design. Appropriate measures incorporated through a traffic study or through individual review of the project may include, but are not limited to the following:



- Payment of a County road impact fee
- Payment of a road impact fee for a nearby city
- Contributing funds towards a regional intersection or interchange improvement
- Constructing additional road improvements, such as widening, channelization, adding a turn lane, etc.

Governor's Office of Planning and Research, State Clearinghouse - October 21, 2011

OPR-1 This informational notice identifies the agencies that were notified by the State Clearinghouse. No response to this letter is necessary.

Native American Heritage Commission - September 16, 2011

NAHC-1 Thank you for taking the time to review the Notice of Completion. This comment reaffirms the requirement to consider impacts to historic and archaeological resources during the preparation of an EIR (CEQA Guidelines 15064(b)). The proposed program's potential impacts to these resources are described in Section 4.4 of the DEIR.

NAHC-2 This comment lists actions that are recommended to adequately assess and mitigate project-related impacts to archaeological resources. These recommended actions are the standard protocol for preparing archaeological surveys that are used for project-level CEQA review. Archaeological surveys prepared for individual cluster projects pursuant to mitigation measures CR-2(a) will be reviewed for consistency with these requirements.

NAHC-3 This comment outlines the requirements to be followed when resources are discovered during construction activities. These State requirements are reinforced in both Title 19 (Section 19.02.070) and Title 22 (Section 22.10.040) of the County Code.

San Luis Obispo County Department of Public Works - October 17, 2011

PW-1 Thank you, the references to "County Engineer" have been changed with "Department of Public Works" or "Director of Public Works" where appropriate.

PW-2 As a result of this comment Mitigation Measure WR-1(a) has been revised as follows:

WR-1(a) Consideration of cumulative impacts as part of the project-specific environmental review process. The Initial Study prepared for any and all proposed agricultural cluster subdivisions shall consider and address any potential cumulative impacts on water resources that could result from the proposal. Such consideration shall also take into account existing and future water extraction from uses that may not presently be regulated by



~~the County~~ (e.g. agricultural water demand). Appropriate, feasible mitigation measures to offset the project's contribution towards an impact shall be provided. Such measures may include, but are not necessarily limited to the following measures, which would be presumably implemented for all uses (e.g. not just agricultural cluster subdivisions) basin-wide where cumulative impacts are anticipated, in order to effectively mitigate those cumulative effects:

- **Groundwater Management Plan Requirements.** Compliance with any applicable measures in an established groundwater management plan that are intended to address cumulative basin-wide impacts.
- **Compliance with any applicable requirements from Title 8 (or any other applicable groundwater management ordinance) of the County Code.** In areas where groundwater resources are limited, the County may establish water fixture retrofit programs. Such programs are presently in place in the Nipomo Mesa Management Area and in the Los Osos area. Applicants seeking to develop may be required to offset net increases in non-agricultural water by retrofitting a specified number of fixtures based on an established ratio.
- **Compliance with landscaping ordinances.** In certain areas, the County may require low-water-use landscaping. When implemented basin-wide, this can substantially reduce residential water demand.
- **Best Management Practices.** To address cumulative impacts, a project may be required to have all residential development comply with the California Urban Water Conservation Council (CUWCC)'s Best Management Practices for residential development and landscaping. The practices require water-efficient landscaping, low-flow fixtures, and water-efficient appliances.
- **Purchasing water offsets.** If such a program should be developed to address cumulative effects in a groundwater basin, an applicant may be required to purchase surface water or other supplemental water allocations (e.g. State Water Project, Nacimiento Lake, Lopez Lake) to be dedicated to uses within urbanized areas in order to allow a commensurate reduction in municipal pumping from that basin. This may require the applicant to enter into an agreement with the purveyor of the allocation ensuring that groundwater pumping is reduced.



PW-3 As a result of this comment mitigation measure WR-1(b) has been revised as follows:

WR-1(b) **Offset non-agricultural water use.** Where resulting residential development would conflict with agricultural water demands, agricultural cluster subdivision projects shall be required to offset net increases in non-agricultural water demand with non-agricultural water (water that has never been used, whether on or off the site, for an agricultural activity such as cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities). Mitigation measures that will offset the net increases shall be discussed and fully evaluated in a project-specific Initial Study. Measures offsetting non-agricultural water demand may include, but are not limited to, the following:

- Contributing proportionally towards an existing water mitigation program covering the underlying groundwater basin.
- Purchasing off-site water allocations (e.g. surface water allocations from Nacimiento Lake or the State Water Project) to be directed towards the agricultural use and subsidized by the residential development.
- Other feasible and suitable means identified by the Environmental Coordinator which would effectively negate any new conflicts in water demand brought about by residential development.

PW-4 Thank you for noting that the illicit discharge ordinance was adopted as Title 8.68. Text in the EIR was changed accordingly.

PW-5 The commenter is requesting more information regarding the description of Impact WR-2 found in Table ES-3 of the Executive Summary. Answers to the questions raised are contained in the complete discussion in the Water Resources Impact Analysis, Section 4.12.2.

PW-6 Thank you for noting that a number of CSDs also provide road maintenance services. This comment is not at variance with the existing language in Section 4.9.1.



PW-7 Based on this comment the discussion on “Compared to Existing Conditions” under the discussion on Impact PS-5 has been revised as follows:

Compared to Existing Conditions

As described under Impact PS-2, the proposed program could increase population by up to 969 additional residents in the Inland portion of the County and would generate new residents in the Coastal Zone. This additional population would incrementally increase demands on existing landfill capacities. ~~County landfills, Chicago Grade, Cold Canyon Paso Robles are regulated by the San Luis Obispo Integrated Waste Management Authority. This agency verified that these landfills have the capacity to serve waste generated by residences of future development~~ The three operating landfills in the county: Chicago Grade Landfill (privately owned and operated), Cold Canyon Landfill (privately owned and operated) and the Paso Robles Landfill (owned by the City of Paso Robles) are regulated by the California Department of Resources Recycling and Recovery. The local San Luis Obispo County Integrated Waste Management Authority verified that these landfills have the capacity to serve the waste generated by the projected residences from the future development and the construction of development generated by the Agricultural Cluster Subdivision Program.

~~County Recycling Ordinance (Title 8) requires the recycling of 50 percent of construction waste. Building permits are not issued without identification of waste handling methods and prior to final inspection applicants are required to submit original recycling and disposal receipts. The California Green Building Codes and the County Recycling Ordinance (Chapter 8.12.400 et seq) require the recycling of fifty percent of the construction and demolition debris generated by development activities. Construction and demolition permits are not issued without identification of a project's waste handling methods. Prior to final building inspection, permittees must demonstrate that the recycling requirement has been met, usually by the submittal of recycling and disposal receipts. Therefore, after implementation of existing ordinance requirements, impacts would be Class III, less than significant.~~

Mitigation Measures. No mitigation is required beyond standard County ordinance requirements. Compliance with current County and State requirements ~~county ordinance~~ for recycling of construction and demolition waste, and the ~~county's~~ ability of local landfills capacity to accommodate the generation of new solid waste makes impacts to solid waste/landfills less than significant.

PW-8 In response to this comment, Figure 4.10-1 and related text has been updated to remove the SLO-Fringe Road Fee Area and add the San Miguel Road Fee Area.



PW-9 In response to this comment Section 4.10.1g has been revised as follows:

g. Pedestrian and Bicycle Facilities. Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals at signalized intersections. Pedestrian activity is visible in the urban portions of the County, where development densities are high. The San Luis Obispo County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the County including bike lanes, routes, parking, and connections with other public transportation systems. The County's existing bikeways ~~include~~ are a system of Class I bike paths, Class II bike lanes on major streets and sporadic signage of Class III bike routes. Bicycle activity within the County is oriented primarily to and from major activity centers that include schools, parks, recreation facilities, employment centers and shopping centers. Bike classes are based on the following definitions:

- *Class I – Separated bike paths that are used most frequently in high traffic volume and high-speed areas, and other locations as required based on technical considerations.*
- *Class II – Bike lanes to include a striped division between traffic and stenciled bicycle symbol on pavement throughout the system.*
- *Class III – Bike route signified by signs in areas where Class I and II are not deemed feasible.*

PW-10 Thank you for noting there is a more recent copy of the Master Water Plan available. Section 4.12.1 (Water Resources - Setting) has been revised to reflect the latest version of the Draft Master Water Plan.

PW-11 This comment states: "Reflect established water management areas (in reference to the Management Areas in the Santa Maria Basin)." Figure 4.12.2 shows the established water management areas.

PW-12 The commenter recommends using notes about water basin yields from the latest copy of the Master Water Plan, in particular Section 1.3.3 and the tables in Section 4.2. Section 4.12.1 (Water Resources - Setting) has been revised to include notes from the latest Draft Master Water Plan.

PW-13 Based on this comment the discussion in Section 4.12.1b Water Supply, WPA 1-North Coast has been revised in the Final EIR (page 4.12-14, fourth paragraph) as follows:

WPA 1 – North Coast (North Coast Planning Area). Groundwater basins in WPA 1 include the San Carpoforo, Arroyo de la Cruz, Pico, San Simeon, Santa Rosa, and Villa basins. Estimates of groundwater availability indicate an annual yield of approximately 5,664 acre-feet (AFY). ~~In addition to groundwater supplies from several coastal basins,~~ WPA 1 also benefits from ~~stream flows with~~ an estimated 4,737 AFY in appropriated stream flows. Approximately one-third of the appropriated flows are along the San Carpoforo Creek, half from San Simeon Creek, and the remainder from Santa



Rosa Creek. Cambria CSD and the Hearst Corporation hold significant water rights in WPA 1.

PW-14 Thank you for your suggestion to reference the annual reports from the technical groups charged with managing the NCMA and NMMA in footnote number 4 in Section 4.12.1. This footnote (number 5 in the Final EIR) has been updated to reference the *Nipomo Mesa Management Area 4th Annual Report* (NMMA Technical Group; April 2012) and the *Northern Cities Management Area 2011 Monitoring Report* (GEI Consultants, Inc.; April 2012). These studies have been also added to the bibliography in Section 7.1.1. No changes to the information in Section 4.12.1 or the conclusions in the impact analysis were necessary after reviewing these documents.

PW-15 The commenter recommends updating the descriptions of the current water planning areas (WPAs) in Section 4.12.1 (Water Resources – Setting) with more recent data from the 2012 Master Water Plan. This section references the older 1998 Master Water Plan because that is the document that defines the current WPAs. More recent water data from the 2012 Master Water Plan is summarized in Tables 4.12-1, 4.12-2, and 4.12-3 of the DEIR. For consistency with this more recent data, the description for WPA 3 has also been changed in the Final EIR (page 4.12-15, first paragraph) as follows:

WPA 3 – Los Osos/Morro Bay (Portions of Estero Planning Area). Three groundwater basins (Morro, Chorro, and Los Osos) provide water to municipal, agricultural, recreational, institutional and local domestic users within WPA 3. While these three basins have been grouped together within this planning area, the three basins are very different in terms of their management issues, including seawater intrusion, high nitrate concentrations, and imported water recharge (Master Water Plan, 1998). Estimates of groundwater availability indicate an annual yield of approximately 3,2700 AFY in the Los Osos Valley groundwater basin, 1,500 AFY in the Morro Valley groundwater basin, and 2,210 AFY in the Chorro Valley groundwater basin (Master Water Plan, 2011~~1998~~). Surface supplies to WPA 3 include water from Whale Rock Reservoir, seawater desalination, State Water supplies, and stream flow. Non-groundwater supply is estimated at approximately 5,262 AFY (Master Water Plan, 1998).

PW-16 The commenter notes that more recent water data is available in the 2012 Master Water Plan. However, the purpose of this paragraph is to describe WPA 9A, which is defined in the 1998 Master Water Plan. This WPA generally consists of the Salinas River corridor. In the 2012 Master Water Plan, this WPA is proposed to be replaced by three new WPAs: Santa Margarita (WPA 12), Atascadero/Templeton (WPA 13), and a portion of Salinas /Estrella (WPA 14). The exact boundaries of the existing and proposed WPAs are shown in figures 4.12-1 and 4.12-2. The more recent 2012 water data for the proposed WPAs is described in Table 4.12-2. The commenter also notes that stream flow appropriations would not augment basin yields. This correction has been made in the Final EIR (page 4.12-16, third paragraph).



- PW-17** The commenter questions if the term “acceptable water budget” indicates a supply and demand balance. This term is used in a paragraph that describes available water information provided by the State Department of Resources in a publication called “Bulletin 118 – 2003 Update.” The publication’s glossary describes the term “groundwater budget” as follows: “A numerical accounting, the *groundwater equation*, of the recharge, discharge and changes in storage of an aquifer, part of an aquifer, or a system of aquifers.” By “acceptable,” the DEIR means that the available supply and demand information is well-understood, but not necessarily in balance.
- PW-18** Based on this comment, the last sentence in the second paragraph on page 4.12-23 has been revised as follows:
- Lopez Lake is currently under study for new yield estimates ~~and the dam is slated for seismic improvements.~~
- PW-19** In reference to the last paragraph on page 4.12-29, this comment asks if the author meant to say “could not” in the following sentence “...that these units *could* be developed...” The author meant “could” as stated in the DEIR.
- PW-20** This comment states: See ES comment. Any revision to the EIR made in response to comments on the Executive Summary has been made in both the applicable EIR chapter and the Executive Summary.
- PW-21** This comment states: “See ES comment. Also, WR 1.9 says to ‘discourage ... except where needed to resolve health and safety concerns.’ If a clustered residential area is allowed, what does Environmental Health or RWQCB have to say about whether a regulated community system is better than individual wells in terms of health and safety on a long-term basis?”
- The requirement for individual on-site wells and wastewater systems for agricultural cluster subdivisions is consistent with Policy WR 1.9 of the Conservation and Open Space Element (COSE) of the County’s General Plan. Residential development associated with an agricultural cluster subdivision may only occur where water quality and quantity requirements have been met in compliance with Environmental Health and RWQCB requirements. If the applicable health and safety requirements cannot be met with on-site individual wells, then the cluster subdivision cannot be approved.
- PW-22** This comment asks whether existing ordinance standards will address long-term water quality concerns and whether future residential development and agricultural uses could change water quality over time. Implementation of existing RWQCB requirements would address long-term water quality concerns associated with future agricultural and residential uses. Irrigated agriculture would be required to obtain a “conditional waiver of discharge” permit to address water quality issues, such as pesticides and toxicity, nutrients, and



sediments. Residential uses would also be subject to illicit discharge regulations pursuant to the National Pollutant Discharge Elimination System (NPDES).

PW-23 Thank you for noting that current policies [in certain circumstances] require [residential projects] hook up to an adjacent [water service] provider instead of using an individual well or forming a new community system. This comment is not at variance with the DEIR because the proposed ordinance will not allow an agricultural cluster subdivision to be approved if it cannot be served by an individual on-site well.

PW-24 Thank you for the editorial corrections to the second paragraph in Section 4.7.1 (Hydrology and Water Quality, Setting). The recommended revisions have been made in the Final EIR.

San Luis Obispo County Air Pollution Control District - October 17, 2011

APCD-1 Thank you for the comment in general support of the proposed amendments.

APCD-2 The commenter requests that there be provisions to ensure that no more than 418 parcels are allowed as part of the changes. Section 2.6.1 describes the development potential under the proposed amendments. Table 2.6-1, on page 2-24, identifies the potential number of new parcels to be 418. This estimate assumes that all eligible lands in the county would be subdivided using an agricultural cluster subdivision. The last paragraph of Section 2.6.1 states: "... the Agricultural Cluster Subdivision Program does not change the amount of development that could otherwise occur. Rather, it dictates where it should be located..." Since 418 parcels is the maximum theoretical potential number of new parcels under the proposed amendments, no additional provisions are needed to ensure that no more than 418 parcels would be created. Using a development cap is therefore not necessary.

APCD-3 The commenter's preference for Alternative 2 is noted.

APCD-4 Thank you for noting the correct number of air quality monitoring stations. The text in the first paragraph on page 4.2-3 was corrected in the recirculated Air Quality section. The section now identifies 10 air quality monitoring stations in San Luis Obispo County as shown in the 2010 Ambient Air Monitoring Network Plan. This revision was included in the recirculated Air Quality section with no additional comments received from APCD.

APCD-5 In response to this comment, parks and playgrounds, day care centers, and nursing homes were added to the last sentence of Section 4.2.1(e) as follows:

The majority of sensitive receptor locations are therefore residences, schools, parks and playgrounds, day care centers, nursing homes, and hospitals.



This revision was included in the recirculated Air Quality section with no additional comments received from APCD.

APCD-6 This comment states that the DEIR uses an outdated methodology for conducting consistency analysis with the Clean Air. In response, Section 4.2.2(a) was revised as follows:

- a. Methodology and Significance Thresholds.** This analysis of air quality issues follows the guidance and methodologies recommended for program-level analyses in the APCD's *CEQA Air Quality Handbook* (December, 2009). According to the APCD, program-level environmental review does not require a quantitative air emissions analysis at the project scale. Rather, a qualitative analysis of the air quality impacts should be conducted based upon criteria such as prevention of urban sprawl and reduced dependence on automobiles. A finding of significant impacts can be determined qualitatively by evaluating the project's consistency with the land use and transportation control measures and strategies outlined in the District's Clean Air Plan (CAP). If the project is consistent with these measures, it is considered consistent with the CAP. ~~comparing consistency of the project with the Transportation and Land Use Planning Strategies outlined in the District's Clean Air Plan (CAP).~~

~~CAP consistency impacts are determined based on evaluation of the following questions:~~

- ~~• Are the population projections used in the plan or project equal to or less than those used in the most recent CAP for the same area?~~
- ~~• Is rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?~~
- ~~• Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?~~

~~If the answer to all of the above questions is yes, then the proposed project or plan is consistent with the CAP. If the answer to any one of the questions is no, then the emissions reductions projected in the CAP may not be achieved, which could delay or preclude attainment of the state ozone standard. This would be inconsistent with the Clean Air Plan.~~

This revision was included in the recirculated Air Quality section with no additional comments received from APCD.

APCD-7 This comment states that the Air Quality significance thresholds should be expanded to include all of SLOAPCD's recommended special conditions, as found on page 3-5 of the SLOAPCD CEQA Air Quality Handbook.



In response to this comment, Section 4.2.2(a) was revised as follows:

The following thresholds are based on the County's Initial Study and Initial Study checklist and Appendix G of the State CEQA Guidelines. Air quality impacts would be significant if development facilitated by the proposed program would result in any of the following:

- *Violate any air quality standard or contribute substantially to an existing or projected air quality violation.* Refer to Impacts AQ-1 and AQ-2, below.
- *Expose sensitive receptors to substantial pollutant concentrations, air toxins, diesel particulate matter, Naturally Occurring Asbestos (NOA), or fugitive dust.* Refer to Impact AQ-1, below.
- *Create objectionable odors affecting a substantial number of people.* Refer to Section 4.13: Effects Finds Not to be Significant
- *Conflict with or obstruct implementation of the District's Clean Air Plan.* Refer to Impact AQ-3, below.
- *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).* Refer to discussion on cumulative air quality impacts, below.

This revision was included in the recirculated Air Quality section with no additional comments received from APCD.

APCD-8 In response to this comment, mitigation measure AQ-1(e) was added.

The following mitigation measure is required to reduce impacts related to naturally occurring asbestos (NOA) during site disturbing activities:

AQ-1(e) NOA Evaluation. Prior to any grading activities at the site, project applicants shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, project applicants must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

APCD-9 In response to this comment, mitigation measures AQ-1(f) and AQ-1(g) were added.

Public health risk benefits can be realized by idle limitations for diesel engines. To help reduce the emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:



AQ-1(f) California Diesel Idling Regulations.

- On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight rating of more than 10,000 pounds and licensed for operation on highway. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - Shall not idle the vehicle’s primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
 - Shall not operate a diesel-fueled auxiliary power system (ASP) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulations.
- Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board’s In-Use Off-Road Diesel regulation.
- Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state’s 5 minute idling limit.
- The specific requirements and exceptions in the regulations can be reviewed at the following web sites:
- www.arb.ca.gov/msprog/truck-idling/2485.pdf
www.arb.ca.gov/regact/2007/ordies107/froal.pdf

AQ-1(g) Diesel Idling Restrictions Near Sensitive Receptors. In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- Use of alternative fueled equipment is recommended; and
- Signs that specify that no idling areas must be posted and enforced at the site.

APCD-10 In response to this comment, mitigation measure AQ-2(c) was added.

AQ-2(c) Residential Backyard and Agricultural Burning. The following mitigation measures are required to minimize public nuisance and health impacts due to residential backyard and agricultural burning:



- a. Residential green waste burning shall be prohibited for all agricultural cluster development.
- b. Agricultural burning of materials from the agricultural land that is upwind of residential units shall be prohibited; for downwind locations, agricultural burning shall be prohibited within 1,000 feet of residential units.

APCD-11 In response to this comment, mitigation measure AQ-1(i) was added.

AQ-1(i) Construction Permit Requirements. Individual agricultural cluster projects shall attain all necessary construction permits from the SLOAPCD. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

APCD-12 In response to this comment, mitigation measure AQ-1(h) was added.

AQ-1(h) Developmental Burning. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of a fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and Cal Fire. Project applicants shall furnish the APCD with the study of technical feasibility which includes costs and other constraints) at the time of application.



APCD-13 In response to this comment, mitigation measure AQ-2(d) was added.

AQ-2(d) Residential Wood Combustion. Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:

- All EPA-certified phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than 7.5 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally recognized testing lab;
- Pellet-fueled wood heaters; and
- Dedicated gas-fired fireplaces.

APCD-14 The commenter requests that mitigation measures AQ-1(b), AQ-1(c), AQ-1(d) be conditioned to apply to all projects regardless of their size. Individual agricultural cluster subdivisions that are processed pursuant to the proposed amendments will require land use permit approval. During this process, projects will be referred to APCD for review and comment. At that time, APCD will recommend special conditions and mitigation measures to be applied to individual projects. Mitigation measures AQ-1(b), AQ-1(c), and AQ-1(d) are standard requirements that are recommended by APCD for all projects during the referral process. As such, these mitigation measures will be applied to all projects. No revision is necessary.

APCD-15 In response to this comment, mitigation measure AQ-2(b) was added.

AQ-2(b) Off-site Mitigation. Operational phase emissions from large development projects that cannot be adequately mitigated with on-site mitigation measures alone will require off-site mitigation in order to reduce air quality impacts to a level of insignificance. An off-site mitigation strategy should be developed and agreed upon by all parties prior to start of construction.

The off-site mitigation strategies include but are not limited to the list provided below:

- Develop or improve park-and-ride lots;
- Retrofit existing homes in the project area with APCD-approved natural gas combustion devices;
- Retrofit existing homes and /or businesses in the project area with energy-efficient devices;
- Construct satellite worksites;
- Fund a program to buy and scrap older, higher emission passenger and heavy-duty vehicles;
- Replace/repower transit buses;



- Replace/repower heavy-duty diesel school vehicles (i.e. bus, passenger or maintenance vehicles);
- Fund an electric lawn and garden equipment exchange program;
- Retrofit or repower heavy-duty construction equipment, or on-road vehicles;
- Install bicycle racks on transit buses;
- Purchase Verified Diesel Emission Control Strategies (VDECS) for local school buses, transit buses or construction fleets;
- Install or contribute to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG , conductive and inductive electric vehicle charging, etc.);
- Fund expansion of existing transit services;
- Fund public transit bus shelters;
- Subsidize vanpool programs;
- Subsidize transportation alternative incentive programs;
- Contribute to funding of new bike lanes;
- Install bicycle storage facilities; and
- Provide assistance in the implementation of projects that are identified in city or county bicycle master plans.

APCD-16 This comment is applicable to the “*Cumulative Operational Impacts*” section in Section 4.2. The commenter recommends that a provision for off-site mitigation be added in cases where on site mitigation will not reduce the impact to less than significant. The commenter indicates that adding this mitigation measure could reduce Cumulative Operational Impacts to Class II, *significant but mitigable*. As noted above (APCD-15), the requirement for off-site mitigation was added for projects that cannot be adequately mitigated with on-site mitigation measures alone.

Based on air quality modeling, total build-out under the program would generate 150 lbs/day of Ozone Precursors and 90 lbs/day of PM₁₀. This would exceed SLOAPCD’s 25 lbs/day threshold for each of these pollutants. However, the on and off site mitigation measures for operational emissions would only be applied to projects that individually exceed the 25 lbs/day threshold. Air quality modeling shows that this threshold equates to a project size of about 60 new residences. Given the restrictive provisions of the proposed ordinance and the elimination of the density bonus, a single project of this size is unlikely. Therefore, even with the added requirement for off-site mitigation, the program’s operational emissions at build-out could exceed SLOAPCD’s 25 lbs/day threshold. Impacts would remain Class I, *significant and unavoidable*.

APCD-17 In response to this comment, GHG emissions from solid waste disposal were estimated as described in Section 4.6.2 “*Proposed Ordinance: On-Site Operational Emissions*” with the additional language added below and revisions made to Table 4.6-1.



As discussed above, GHG emissions from the generation of electricity can be calculated using emissions factors from the CCAR General Reporting Protocol. CO₂ emissions estimates using the URBEMIS model take into account emissions from operational sources such as natural gas used for space heating. GHG emissions from solid waste disposal are quantified using EPA’s Waste Reduction Model (WARM) following the methodology established in CAPCOA’s GHG Quantification Report. Based on this analysis, solid waste generated by future residents of agricultural cluster subdivisions would increase annual GHG emissions by 90 CO₂E.

Table 4.6-1 shows the total operational emissions of GHGs associated with the proposed Agricultural Cluster Subdivision Program, estimated at ~~2,320~~ 2,410 metric tons per year.

Table 4.6-1: Proposed Agricultural Cluster Subdivision Program Annual On-site Operational Emissions of Greenhouse Gases upon Build-out (418 residential units)

Emission Source	Annual Emissions	
	Emissions	CO ₂ E
Carbon Dioxide (CO ₂) ^{1, 2, 3}	2,316 <u>2,405.45</u> metric tons	2,316 <u>2,405.45</u> metric tons
Methane (CH ₄) ²	0.04 metric tons	0.84 metric tons
Nitrous Oxide (N ₂ O) ²	0.01 metric tons	3.33 metric tons
Total On-Site Operational Emissions		2,320 <u>2,409.62</u> metric tons

Source:

¹ Area Source Emissions from URBEMIS 2007 (version 9.2.4).

² CCAR General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1, January 2009, page 33-40.

³Based on the EPA’s Waste Reduction Model (WARM), the proposed program would generate 90 CO₂E for the disposal of solid waste. This includes both CO₂ and Methane (CH₄) as the primary emissions; however, in this table, these emissions appear in the CO₂ row only because WARM does not provide a breakdown of CO₂ and CH₄ emissions.

See Appendix F for GHG emission factor assumptions and calculations.

APCD-18 Regarding Impact GHG-1, the commenter states: “The EIR indicates that GHG impacts compared to existing conditions would be Class I, *significant and unavoidable*. As indicated above for the criteria pollutants, these impacts could be reduced to Class II, *significant but avoidable* with the implementation of off-site mitigation. **District staff recommends that a provision for off-site mitigation be added to as a mitigation measure, in cases where on site mitigation will not reduce the impact to less than significant.**”



Although mitigation measure AQ-2(b) (refer to APCD-15) in conjunction with AQ-2(a) would reduce GHG emissions for individual projects, the program's total emission at build-out would remain Class I, *significant and unavoidable*. This is because many of the individual projects that would be processed under the program would not exceed GHG thresholds and therefore would not be required to incorporate mitigation.

APCD-19 This comment questions the rationale and methodology for the 5 year, 20 year and minimum year values presented in Table 4.6-3, and requests a copy of the spreadsheet used for the calculations in Appendix D. The purpose of this approach was to show how annual GHG emissions would vary over time as the program reaches build-out. Table 4.6-3 was revised for clarity and the revisions were included in the recirculated Section 4.6 (Greenhouse Gas Emissions) with no additional comments received from APCD. Appendix D includes the amortization spreadsheets used in the calculations.

APCD-20 In response to this comment, the URBEMIS modeling was redone using the default 13 miles for the assumed trip length rather than the 5.2 miles. This increased the anticipated quantity of GHG emissions and affirmed the conclusion that impacts would be significant and unavoidable. The modeling results are included in the recirculated Section 4.6 (Greenhouse Gas Emissions). No additional comments were received from APCD on the recirculated section.

APCD-21 Thank you for explaining that SLOAPCD has developed standard mitigation measures to apply to projects that exceed the GHG emission thresholds. In response to this comment, mitigation GHG-1(a) was revised as follows:

GHG-1(a) SLOAPCD Standard Mitigation Measures. Agricultural cluster subdivisions shall apply all applicable and feasible standard mitigation measures listed in Table 3-5 of the Air Pollution Control District's 2009 CEQA Air Quality Handbook in order to reduce their project-specific greenhouse gas impacts or contribution towards a cumulative impact to a level of insignificance.

~~**GHG-1(a) CAPCOA Strategies.** Agricultural cluster subdivisions shall apply all applicable and feasible strategies identified by the California Air Pollution Control Officers Association in their publication *CEQA and Climate Change* in order to reduce their project-specific greenhouse gas impacts or contribution towards a cumulative impact to a level of insignificance. If the Air Pollution Control District has developed more specific strategies to replace the CAPCOA strategies, such strategies shall be preferred. Appropriate measures may include, but not be limited to, the following:~~

- ~~• *LEED Certification* — Require compliance with Leadership in Energy and Environmental Design (LEED) criteria, which incorporate~~



- ~~sustainable site development, water savings, energy efficiency, materials selection, and environmental quality requirements.~~
- ~~• *Green Building Materials* — Use materials which are resource efficient, recycled, have a long life cycle, and are managed in an environmentally friendly way.~~
 - ~~• *Landscaping* — Use of drought resistant native trees, trees with low emissions and high carbon sequestration potential, and planting of trees to create shade.~~
 - ~~• *Facilities* — Projects shall use high efficiency pumps, natural gas or electric stoves (i.e. no wood burning), solar water heaters, and energy star appliances.~~
 - ~~• *Roofing* — Roofing shall be energy star compliant, vegetated (i.e. green roof), or light colored and highly emissive.~~
 - ~~• *On Site Renewable Energy* — Provide an on-site renewable energy system.~~
 - ~~• *Exceed Energy Requirements* — Exceed Title 24 (California Code of Regulations) energy requirements by 20 percent.~~
 - ~~• *Solar Orientation* — Orient buildings to face either north or south, provide roof overhangs, and use landscaping to create shade.~~
 - ~~• *Shading* — Install energy reducing shading mechanisms for windows, porches, patios, walkways, etc.~~
 - ~~• *Ceiling Fans* — Install energy reducing ceiling fans.~~
 - ~~• *Programmable Thermostats* — Install energy reducing programmable thermostats that automatically adjust temperature settings.~~
 - ~~• *Passive Heating and Cooling* — Install passive heating and cooling systems.~~
 - ~~• *Day Lighting* — Install energy reducing day lighting systems (e.g. skylights, light shelves, transom windows).~~
 - ~~• *Local Building Materials* — Use locally made building materials for construction projects and related infrastructure.~~
 - ~~• *Recycle Demolished Construction Materials* — Recycle or reuse demolished construction material.~~
 - ~~• *Off Site Mitigation Fee* — Provide or pay into an off-site mitigation fee program, which focuses primarily on reducing emissions from existing development and buildings.~~
 - ~~• *Offset Purchase* — Provide or purchase offsets for additional emissions by acquiring carbon credits or engaging in other market “cap and trade” systems.~~



San Luis Obispo County Farm Bureau

Comment Letter No. 1 – October 13, 2011

- FB1-1** The commenter asserts that the build-out estimates in the DEIR overstate the potential for future development due to agricultural cluster subdivisions. The commenter points to the fact that only 367 units have been approved under the existing ordinance over the past 25 years (an average of 15 units per year). The commenter notes that, at this rate, it will take a hundred years to reach even 12 percent of the County's 2025 population projection for the unincorporated area. Section 2.0 (Project Description) provides background information about the number of residential units that have resulted from the existing agricultural cluster subdivision program (367 units, as correctly noted by the commenter). Each of these units has resulted from applicants electing to apply for and receiving approval for agricultural cluster subdivisions. The commenter's concern about how long it will take development to occur will be forwarded to the decision makers.
- FB1-2** This comment states that, with strong incentives, agricultural cluster subdivisions could help the County to accommodate development while protecting the most agricultural land possible, but the DEIR doesn't address this. The purpose of the DEIR is to inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe a reasonable range of alternatives to the project (State CEQA Guidelines Section 15121).
- Section 4.1 (Agricultural Resources) provides a full discussion on potential impacts to agricultural resources. The DEIR is not required to analyze the potential success or failure of the particular project and it would be speculative to determine what the commenter means by "true incentives," which potentially could have been considered in the alternatives analysis.
- FB1-3** Thank you for your comment and concern about the future of the agricultural cluster subdivision program. This concern will be forwarded to the decision makers.
- FB1-4** The commenter identifies several locational restrictions contained within the proposed ordinance and asks: "how much is left?" Section 2.6.2 of the DEIR describes the maximum theoretical development potential under the proposed program. Given the proposed locational restrictions, the proposed program would apply to 119,976 acres of agricultural land in the inland area of the county. If subdivided pursuant to the proposed ordinance amendments, this area could theoretically be developed with up to 418 new dwellings.
- FB1-5** The commenter identifies several criteria in the Highway Corridor Design Standards discussed in Section 4.11.1(d). The commenter's concern about additional areas being eliminated from any cluster consideration will be forwarded to the decision makers.



FB1-6 This comment states that the onerous application requirements for a cluster subdivision will leave very few landowners that can afford the cost of even proposing an agricultural cluster project. This comment speaks to a feature of the proposed ordinance. This concern will be forwarded to the decision makers.

FB1-7 This comment states that agricultural clustering will “be a memory” since the program will end eligibility for properties designated Rural Lands, in addition to other restrictions. This comment speaks to a feature of the proposed ordinance. Cluster subdivisions in the Rural Lands land use category will remain an option under Land Use Ordinance Section 22.22.140. The commenter’s concern will be forwarded to the decision makers.

FB1-8 This comment states: “Yes, we all agree that there are some possible changes that can make Agricultural Clusters better, but the DEIR does not do this. It does not correctly address the issues surrounding amending the current agricultural clusters.”

Thank you for your comment that possible ordinance amendments could improve agricultural cluster development; however, the comment is too general and does not identify a substantive CEQA issue with the DEIR. The DEIR contains the information required by CEQA Guidelines Sections 15122 through 15131. The impact analysis in Section 4.0 is discussed to a level of detail consistent with the requirements of CEQA and applicable court decisions. The State CEQA Guidelines provide the standard of adequacy on which the DEIR is based. The State CEQA Guidelines Section 15151 state:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible..."

FB1-9 The commenter states that the DEIR should have analyzed the environmental effects that could potentially result from the development of 12,000 existing legal underlying lots that would not be eligible for a cluster subdivision under the proposed amendments. This type of analysis would require establishing the existing ordinance, rather than the environmental setting, as the baseline for assessing impacts. The EIR provided a comparison of environmental impacts between the existing and proposed versions of the ordinance for informational purposes; however, CEQA requires impacts to be measured against existing environmental conditions, not what is hypothetically allowed pursuant to existing zoning or permitted plans. Regardless, impacts relative to potential development on existing underlying lots would in fact be identical under both versions of the ordinance. This is because neither the existing nor the proposed ordinance addresses underlying lots in the inland area of the county. Under both versions of the ordinance, the allowed number of lots for a cluster project is equal to the number of lots that would result from a conventional subdivision,



not the number of legal underlying lots. Thus, a property with 10 underlying lots that qualifies for 5 new lots pursuant to the “use test” for determining minimum parcel size would qualify for 5 cluster lots only. This is the same under both scenarios.

FB1-10 This comment states: “Cookie cutter development is cheaper. As opposed to the statement on page 2.22 [2-22], the amendments will not ‘provide an incentive to landowners to choose the cluster...’ If the underlying lot exists, you don't have to do the extensive application studies and surveys, you just have to have access and water and you have the right to develop. With all the costly requirements and limitations on agricultural clusters, this cluster amendment has now actually created an incentive to chop up the acreages as opposed to saving 80 to 95 percent of the land. The DEIR does not cover this.”

The commenter’s analysis compares the project to a hypothetical development scenario pursuant to existing ordinance provisions that would not be modified under the program, rather than the existing environmental setting (CEQA baseline). Further, it is overly speculative to conclude that fewer cluster subdivisions would necessarily lead to a greater number of conventional subdivisions or more development on existing parcels. Finally, both cluster and conventional subdivisions would be subject to similar requirements. This is because conventional subdivisions would be subject to discretionary review by the County and would be reviewed by the Agricultural Commissioner’s office for consistency with the Agriculture Element of the General Plan, including policies that require: verification of adequate water resources for anticipated residential development without impacting water supplies for existing and future agricultural operations (AGP 11); the siting of new buildings and improvements to protect agricultural lands (AGP 18); and resulting parcel sizes that will maintain the land resources for long-term sustainable agriculture (AGP20 and AGP21). Conventional subdivisions that do not incorporate adequate measures to ensure consistency with these policies would be inconsistent with the General Plan and therefore could not be approved.

FB1-11 This comment states: “The Amendments don't reduce rural development potential. What will happen to the 12,000 existing lots? Does the county believe that many of them will not be developed? What the Amendments do is incentivize their development in an agriculturally splitting manner as opposed to protecting the 90 to 95 percent of the agricultural land.”

Neither the existing nor proposed versions of the inland ordinance address underlying lots. Please refer to the discussion in FB1-10. The commenter’s concern will be forwarded to the decision makers.

FB1-12 The commenter states that the project description in the DEIR is in conflict with itself because it encourages a compact cluster design while increasing the minimum parcel size from 10,000 square feet to 2.5 acres. As explained in response to CCC-25, the larger parcel size would not appreciably increase the footprint of the residential use on the agricultural parcel. Rather, it will enable



the required residential parcels to absorb the required agricultural buffers consistent with County's adopted Agricultural Buffer Policy. Other features of the project description are intended to achieve a more compact parcel configuration. In particular, the program would include a standard for residential cluster parcels to be physically contiguous to each other in a single cluster area (or two if environmental conditions warrant) which allows the agricultural parcel to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the agricultural parcel. This comment will be forward to the decision makers.

FB1-13 This comment states: "The unincorporated area will need to accommodate 6,500 new units by 2025. Again, in the July 15, 2008 Growth Management Ordinance report it was stated that 'by 2025 the projected total county population (including the cities) could require over 28,000 dwelling units' and 'over 16,000 of which proportionally would be built in the unincorporated communities and rural areas.' The report acknowledged that '6,500 would be built outside communities.' How better to accommodate those 'antiquated subdivisions' with the needed 6,500 units utilizing minor clusters and saving the maximum amount of agricultural land. The DEIR does not address this."

The purpose of the DEIR is to conduct an evaluation of the environmental effects of the proposed project consistent with State CEQA Guidelines and not to make a determination on whether or not the proposed ordinance satisfactorily responds to the need to accommodate 6,500 new units. The DEIR does analyze the program's potential effects on agricultural resources in Section 4.1.

FB1-14 This comment raises issues with the economic study for the proposed program. As described in response to COLAB-2, the economic study is not part of, or referenced in, the DEIR. Furthermore, discussion of project-related social or economic impacts is not required by CEQA. (State CEQA Guidelines Section 15382) The commenter's concerns will be forwarded to the decision makers.

FB1-15 This comment states: "In conclusion both the DEIR, and the Economic Analysis need to go back to the drawing board and look at the reality of San Luis Obispo County. These are only a few of my concerns, but just these lead me to believe that the DEIR is not taking a realistic look at the issues and is not accurately addressing how the current cluster ordinance and the amended ordinance will impact development in the unincorporated areas of the County. There are possible changes that can be made to the major and minor cluster programs, but the current amendments and the DEIR do not address the issues and changes accurately or beneficially."

Your concluding comments are acknowledged. Please see the response to comment FB1-8.



San Luis Obispo County Farm Bureau

Comment Letter No. 2 – February 2, 2012

FB2-1 This comment states: “APCD comments: There is concern over the fact that the San Luis Obispo County APCD is utilizing the Bay Area Air Quality Management District’s methodology and thresholds to set San Luis Obispo County’s thresholds (see ES-17). In addition to utilizing thresholds from a highly urbanized area and applying them to our much more rural county, the Superior Court recently ruled that the Bay Area District’s mitigation of air quality, their methodology and thresholds for new development is considered in violation of California’s Environmental Quality Act (CEQA). No CEQA review was included in the development of their guidelines and thresholds. These thresholds are extremely difficult to meet yet are part of San Luis Obispo County APCD thresholds.”

The Alameda County Superior Court issued a writ of mandate ordering the Bay Area Air Quality Management District (BAAQMD) to set aside their thresholds because the BAAQMD failed to comply with CEQA when it adopted the thresholds. The court did not determine whether the thresholds (or methodology) were valid (or invalid) on the merits, but found that the adoption of the thresholds was a “project” under CEQA, which requires an environmental determination. As provided by the Section 15064.4 of the State CEQA Guidelines, the County of San Luis Obispo, as lead agency, “*has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence.*” Section 4.6.2 discusses the methodology used in the impact analysis for greenhouse gas emissions. Using the BAAQMD May 2010 thresholds as a guideline, the County determined, for this *program level* EIR, that it would be sufficiently conservative to base the impact analysis on BAAQMD’s *project level* threshold of 4.6 metric tons CO₂E/year per capita rather than a program level threshold of 6.6 metric tons CO₂E/year per capita. The conclusion to the impact analysis in Section 4.6.2 for greenhouse gas emissions compared to development potential under the existing ordinance would be Class III, *less than significant and impacts compared to existing conditions would be Class I, significant and unavoidable.*

FB2-2 This comment states: “This concern relates to our Executive Summary comment on ES-2, fourth paragraph, ‘expanding the application content requirement for agricultural cluster subdivisions’ and the numerous additional mitigation requirements that APCD has included in the recirculated DEIR. This issue must be addressed as APCD included significant mitigations based upon the Bay Area District’s thresholds (ES-11 through ES-25, 4-2-9 through 4.2-13 and 4.6-15 through 4.6-17).”

The commenter’s concern about the application content requirement for agricultural cluster subdivisions is noted and will be forwarded to the decision makers.



BAAQMD's threshold were not the basis for any of the 17 mitigation measures listed in Section 4.2 (Air Quality) and Section 4.6 (Greenhouse Gas Emissions) and repeated in the Executive Summary on pages ES-11 through ES-25. The BAAQMD thresholds were used to help determine a level of significance for greenhouse gas emissions, which, when compared to existing conditions would be Class I, *significant and unavoidable*. The mitigation measures for a reduction in greenhouse gas emissions are standard measures that have been developed by San Luis Obispo County's Air Pollution Control District (SLOAPCD) and are intended to reduce greenhouse gas emissions to the greatest degree feasible. None of these have been developed to attain a specified reduced level in greenhouse gas emissions that may be result from the proposed program. Of the 17 mitigation measures, only GHG-1(d) references the BAAQMD thresholds. The thresholds are referenced only as an interim tool for SLOAPCD to use in reviewing individual agricultural cluster subdivisions, until SLOAPCD adopts its own thresholds.

FB2-3

This comment states: "Executive Summary: ES-1, Bullet 1: The bullet is only partially accurate in stating that the 'agricultural cluster subdivisions' do 'not presently exist' in the Coastal Zone. The current Agricultural Element allows, in AGP 23, Minor Agricultural Cluster Projects in the Coastal Zone. 'Properties throughout the county, including the coastal zone, can apply for a minor agriculture cluster project.' Although not in the CZLUO the potential for minor clusters do exist. What the current amendments are doing is removing any possibility of the minor cluster availability within the coastal zone. Yet, the minor cluster would have more potential for acceptance in the Coastal Zone than the major cluster. Why remove this possibility and cause more ag. land to be lost?"

The commenter is correct in that AGP 23 allows for Minor Agricultural Cluster projects in the Coastal Zone. However, the Agricultural Element is a policy document and an amendment to the CZLUO (the implementation document) would be necessary to allow for minor agricultural cluster projects to be applied for and considered by the County for approval. The commenter's concern for minor agricultural cluster projects will be forwarded to the decision makers.

FB2-4

This comment states: "Page ES-1, bullet 2: Bullet 2 states that the amendments are 'eliminating the distinction between major and minor agricultural cluster subdivisions.' How can this even be considered in the realm of accuracy? The amendments are not eliminating a 'distinction,' the amendments are eliminating the minor agricultural cluster subdivisions in total. The minor cluster will no longer be a potential vehicle anywhere to save 90% to 95% of the land in productive agriculture when a development project is proposed."

This comment speaks to language used in the project description and it fails to raise a substantive environmental issue. The key differences between the major and minor cluster are the locational criteria and density bonus provisions. Since the proposed ordinance would apply the same locational criteria to all cluster subdivisions and would eliminate the density bonus altogether, there is no longer a need to distinguish between the two types of cluster projects. In terms



of locational requirements, the proposed ordinance resembles the major cluster; however, the proposed ordinance also eliminates the density bonus, which is the other defining feature of the major cluster. Thus, it's more accurate to simply state the program would eliminate the distinction between major and minor cluster projects.

FB2-5 This comment states that neither the DEIR nor the recirculated DEIR compares the amount of farmland land that would be converted if the county's agricultural lands were subdivided with a conventional subdivision rather than a cluster subdivision.

As discussed in response to FB1-9 and FB1-10, the appropriate baseline for evaluating environmental impacts is the existing environmental conditions, not the hypothetical development potential under the existing regulations. Accordingly, the DEIR evaluates the physical changes to the environment that could result from the construction of up to 418 new dwelling units pursuant to the proposed ordinance amendments. It does not compare these impacts to a hypothetical scenario in which landowners decide to subdivide their land using a conventional subdivision.

As discussed in response to FB1-10, conventional subdivisions would still have to be found consistent with relevant policies in the Agriculture Element of the County General Plan. These policies are intended to promote and protect agriculture while minimizing urban/agricultural land use conflicts.

FB2-6 This comment states: "Page ES-1, Bullet 5: As stated in my letter of October 13, 2011, many of the 'identified urban reserve areas' are not eligible for agricultural clustering because they are in a water Severity II or III. To be accurate the restrictions need to be part of this summary to tell a complete story."

The restriction on subdivisions in rural areas that have a recommended or certified Resource Management System Level of Severity (LOS) II or III for water supply is not part of the project description for the Agricultural Cluster Subdivision Program. The restriction comes from Policy WR 1.13 in the Conservation and Open Space Element. It would be applicable to any subdivision proposal in those areas regardless of the land use category, if it is a conventional subdivision, or a cluster division. Therefore, the discussion is appropriately located in Section 4.11 (Water Resources) rather than the project description. It is also important to note that the LOS determinations are dynamic and they are subject to change as the conditions affecting the resources change.

FB2-7 This comment states: "ES-1, Bullet 6: In bullet 6 the summary addresses the increase in the minimum residential parcel size for the clusters from 10,000 square feet to 2.5 acres. As stated in my October 13, 2011 letter, how can you have more compact clusters when you increase the minimum residential parcel size? If you are attempting to reduce the number of residential parcels, then be



open about it and state that by increasing the minimum parcel size you will reduce the number of developable parcels.”

As explained in response to CCC-25, the larger parcel size would not appreciably increase the footprint of the residential use on the agricultural parcel. Rather, it will enable the required residential parcels to absorb the required agricultural buffers consistent with County’s adopted Agricultural Buffer Policy. Other features of the project description are intended to achieve a more compact parcel configuration. In particular, the program would include a standard for residential cluster parcels to be physically contiguous to each other in a single cluster area (or two if environmental conditions warrant) which allows the agricultural parcel to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the agricultural parcel. This comment will be forward to the decision makers.

The intent of the minimum parcel size is not to reduce the number of residential parcels that could be created with an agricultural cluster. However, the DEIR acknowledges in Section 2.6.1 (Development Potential under Proposed Amendments) that the minimum parcel size could have that effect in some circumstances:

Based on the use test minimum parcel size criteria in Section 22.22.040 of the LUO, when assuming irrigation, these areas would qualify for a 40 acre minimum parcel size. However, the proposed requirement for a 2.5-acre minimum residential cluster parcel combined with the 5 percent limitation on residential development effectively limits a cluster subdivision to the density that could be achieved by applying a 50 acre minimum parcel size.

FB2-8

The commenter states that individual water and wastewater systems do not save water because they are more difficult to monitor. As explained in response to CCC-29, this requirement is consistent with Policy WR 1.9 of the Conservation and Open Space Element (COSE) of the County’s General Plan. Small water companies are generally undercapitalized and lack the knowledge and expertise that is required to ensure adequate operation and maintenance of the water system. They are not conducive to conservation since they usually assess flat rates (rather than a tiered rate structure), provide little or no education, and psychologically separate users from their water supply. This can result in excessive water consumption by individual users without awareness of groundwater levels. Community water systems also increase development pressure in agricultural areas since they can be expanded to accommodate new service connections.

FB2-9

This comment states: “ES-2, Fourth Bullet: This bullet is the perfect incentive for people to "cookie-cutter" their development. Expanding the requirements, even more than is currently required, will guarantee that people desiring or needing to develop will only choose the standard subdivision and there goes the agricultural land.”



The commenter's concern about the application content requirement for agricultural cluster subdivisions is noted and will be forwarded to the decision makers.

FB2-10

This comment states: "As stated in my October 13, 2011 letter, in 2008 the County recognized that there are at least '12,000 undeveloped lots throughout the rural areas of the county' (source Planning Staff report, Growth Management Ordinance, Countywide Rural Plan, July 15, 2008, Page No. 13). The report even states that many of the parcels could be further subdivided under existing rules. In addition to all this the staff further admitted that there are 'many underlying lots created by old deeds that the county is unaware of until Certificates of Compliance are applied for.' How would the 12,000 undeveloped lots, along with further subdivision potential and the unidentified old deeds, impact agriculture if they were all developed under the standard subdivision versus if these same undeveloped lots were cluster developed? This issue has not been addressed in the DEIR or the Recirculated DEIR. This must be part of the review."

As noted in response to FB1-10, the baseline for evaluating environmental impacts under CEQA is the existing environmental setting, not a hypothetical development scenario pursuant to existing ordinances. This response also explains that conventional subdivisions would still have to be found consistent with relevant policies in the Agriculture Element of the County General Plan. These policies are intended to promote and protect agriculture while minimizing urban/agricultural land use conflicts.

Development on legal underlying lots could convert farmland and introduce land use conflicts in agricultural areas of the county. But this situation is not affected by the proposed ordinance amendments. It is too speculative to predict that the owners of these parcels will decide to develop their lots or apply for a conventional subdivision simply because the clustering tool is no longer available to them or because it's less enticing.

FB2-11

This comment states: "ES-2, Bullet 5: This bullet further raises the question, if there are 12,000 known lots and there are two primary residences allowed, without considering further subdivision or the old deeds, at the very least there could potentially be 24,000 homes. Again, how would the agricultural productivity and land be impacted by 24,000 or more homes built in "cookie-cutter" subdivision? This must be addressed."

The bullet point referenced identifies an aspect of the Land Use Ordinance that is not proposed to be changed. The DEIR is required to analyze the potential effects of the Agricultural Cluster Subdivision Program on the environment not what is hypothetically allowed pursuant to existing zoning or permitted plans. Please refer to the response to FB1-9 and FB1-10.



FB2-12 This comment states: “Page 4.2-6, Paragraph 4: It is difficult to follow the math in the assumption made in paragraph 4 that states the 20.9 units would be constructed annually when the historic number is 14.68 (source footnote on page 4.2-6). This is especially true with the current building and economic slump. Could staff please clarify this issue.”

Based on this comment, the discussion on Impact AQ-1 under “**Compared to Existing Conditions Construction Emissions**” has been revised as follows:

Based on historic cluster development trends¹, it’s assumed (as a reasonable worst-case) that the proposed program could reach build-out in approximately 20 years, ~~such that~~ if as many as 20.9 units are constructed annually (20.9x20=418).

¹Over the past 25 years, 367 agricultural cluster parcels were approved; an average of 14.68 units per year.

FB2-13 This comment states: “Page 4.2-6, Paragraph 2: It is amazing that County staff does not recognize the reality of the requirements being set by the proposed amendments when they actually make the following statement in paragraph 2 regarding the coastal zone. This reality exists whether the land is in the coastal zone or inland land use areas. The statement is ‘*However, since many of these lots could already be developed in their current configuration with fewer restrictions than would be required under the proposed amendments, only a small percentage of the eligible lots would be likely to participate in the program.*’ The DEIR again does not address the reality of the excessive requirements placed on the agricultural clusters except in this small paragraph. With this acknowledgement, how much agricultural land would be saved with reasonable cluster ordinances versus how much agricultural land will be lost if no clusters with reasonable requirements are available?”

The purpose of the DEIR is to inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe a reasonable range of alternatives to the project (State CEQA Guidelines Section 15121). Section 4.1 provides a full discussion on potential impacts to agricultural resources. The DEIR is not required to analyze the potential success or failure of the particular project and it would be speculative to determine what the commenter means by “reasonable requirements,” which potentially could have been considered in the alternatives analysis.



Home Builders Association of the Central Coast

Comment Letter No. 1 – October 21, 2011

HBA1-1 This comment states: “The Home Builders Association appreciates the county extending the period to submit comments on Agricultural Cluster Subdivision Program Draft Environmental Impact Report. However, because the Ag Cluster Economic Analysis was not published until Sept. 30, the county should have extended the comment period for 45 days from Sept. 30 since economic results from changing the clustering program will impact negatively agricultural.”

As stated in response to COLAB-2, the economic analysis is not incorporated, or otherwise referenced, in the DEIR. The DEIR was circulated for 45-days as required by CEQA.

HBA1-2 This comment states: “Overall, we are disappointed to see that San Luis Obispo County is preparing to eliminate or drastically reduce one of the most powerful and successful tools it has had to preserve and enhance agriculture and open space. Removing 1 million acres from clustering will reduce that lands value and could encourage more scattered development. The Draft EIR totally ignores that and should study it.”

CEQA requires that a “project” be evaluated based on its change from existing environmental conditions. A project’s baseline is normally comprised of the existing environmental setting, not what is hypothetically allowed pursuant to existing zoning or permitted plans. As required by CEQA, the DEIR evaluated the program’s impacts on the existing environmental conditions.

Regarding a potential reduction in land values, State CEQA Guidelines Section 15382 states:

“An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

HBA1-3 This comment states: “The county should not have done the DEIR itself for the same reason it does not let any other applicant do its own EIR. As a result of the county doing the study, the DEIR seems to lack the objectivity a neutral third party would have brought to the environmental analysis. The DEIR should either be redone by an impartial consultant or receive extensive peer review. The county owes the agricultural community an objective analysis by a qualified consultant.”

CEQA allows a lead agency to prepare an EIR with its own staff (State CEQA Guidelines Section 15084(d)). Interested individuals and agencies were invited to comment on the information and conclusions presented in the DEIR during the 45 day public review period. The comments received during that process will be forwarded to the decision makers who will ultimately determine the adequacy



and objectivity of the DEIR. Rincon Consultants, an environmental consulting company that has prepared numerous EIRs for County projects, including agricultural cluster subdivisions, peer reviewed the DEIR and prepared the initial drafts of the following DEIR sections: Agricultural Resources, Air Quality, and Greenhouse Gas Emissions. This is documented on page 7-7 of the DEIR.

HBA1-4 Thank you for your comment recommending that the County should be encouraging more clustering. The comment is acknowledged.

HBA1-5 This comment states: “The county's proposed changes -- eliminating incentives, reducing eligible land areas, requiring larger parcel sizes, and adding a layer of standards, regulations, and mitigation measures - will make agricultural clustering far less likely while making conventional development (spreading buildings over more agricultural lands) more attractive.”

As noted in response to FB1-10, the baseline for evaluating environmental impacts under CEQA is the existing environmental setting, not a hypothetical development scenario pursuant to existing ordinances. This response also explains that conventional subdivisions would still have to be found consistent with relevant policies in the Agriculture Element of the County General Plan. These policies are intended to promote and protect agriculture while minimizing urban/agricultural land use conflicts.

HBA1-6 This comment states: “The DEIR should evaluate the environmental impacts of eliminating 1 million acres from clustering on the overall economic viability of agricultural land. If land owners cannot cluster, it will be harder to keep their operations financially viable and may spur them to quit farming and develop their property or to develop their land under conventional development standards without the environmental benefits of clustering.”

This comment suggests that agricultural cluster development could protect agricultural resources to a greater extent than conventional subdivisions. This is not a substantive CEQA issue; rather, it’s a comparison between the impacts of the project and a hypothetical development scenario.

As described in response to HBA1-5, conventional development is not necessarily more impactful than cluster development because it would still have to be found consistent with applicable policies of the Agriculture Element of the County General Plan. These policies have historically resulted in similar development restrictions (e.g. open space and building envelope requirements) that are applied to cluster projects.

HBA1-7 This comment states: “The DEIR should also evaluate the environmental impact of where homebuyers will go as a result of the reduction in density and the loss of 1 million acres of land to clustering.”

As explained in response to COLAB-5, there is more than enough land use capacity in the unincorporated urban and village areas for the approximately



4,000 dwelling units that theoretically would not be constructed on agricultural lands outside of the five mile URL radius. It should also be noted that the 4,000 unit reduction is a theoretical maximum that includes several "worst case" assumptions, including the assumption that all agricultural lands in the inland area of the county would be subdivided to their maximum potential using an agricultural cluster subdivision. Considering that only 367 cluster parcels were actually created since the inception of the ordinance 25 years ago, it's unlikely that future cluster development would approach the theoretical maximum of about 4,500 units.

HBA1-8 Thank you for your comment that the program could be expanded and improved. This comment does not raise a substantive environmental issue under CEQA. However, it will be forwarded to the decision makers.

HBA1-9 This comment states: "Page ES-1 and 2 - As the first of numerous references in this document to "key components of the proposed project," the components obviously conflict with each other. It is not possible to simultaneously increase the minimal residential parcel size to 2 ½ acres (108,900 square feet) from 10,000 square feet while requiring agricultural clusters to be more compact. By what definition of "cluster" or "compact" would a 10 times increase in the minimal parcels fit?"

As explained in response to CCC-25, the larger parcel size would not appreciably increase the footprint of the residential use on the agricultural parcel. Rather, it will enable the required residential parcels to absorb the required agricultural buffers consistent with County's adopted Agricultural Buffer Policy. Other features of the project description are intended to achieve a more compact parcel configuration. In particular, the program would include a standard for residential cluster parcels to be physically contiguous to each other in a single cluster area (or two if environmental conditions warrant) which allows the agricultural parcel to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the agricultural parcel. This comment will be forward to the decision makers.

HBA1-10 This comment states: "Page ES-2 - What study did the county use to determine that requiring each subdivided cluster parcel to have its own individual on-site water and waste water system would use less land and make agriculture more economically viable than if the cluster subdivision united homes into a single system? Please provide that study."

No study was prepared to specifically address this issue. However, as noted in in response to CCC-29, this requirement is consistent with Policy WR 1.9 of the Conservation and Open Space Element (COSE) of the County's General Plan. Small water companies are generally undercapitalized and lack the knowledge and expertise that is required to ensure adequate operation and maintenance of the water system. They are not conducive to conservation since they usually assess flat rates (rather than a tiered rate structure), provide little or no education, and



psychologically separate users from their water supply. This can result in excessive water consumption by individual users without awareness of groundwater levels. Community water systems also increase development pressure in agricultural areas since they can be expanded to accommodate new service connections.

HBA1-11 This comment states: "Page ES-3 - The second paragraph under Agriculture discusses how much land could be converted under the amendments but doesn't note how much ag land would be converted if conventional development was used instead to build the allowed densities on the land. Which way would more land be used and which would preserve more - the existing program or under the amendments?"

As required by CEQA, the DEIR evaluated the program's impacts on the existing environmental conditions; however, for informational purposes, the EIR also evaluates the program's impacts compared to the development potential under the existing ordinance. Section 4.12.2(b), Impact AG-1 provides an informational comparison between the proposed program and the existing ordinance.

As described in response to FB1-10, conventional development would still have to be found consistent with applicable policies of the Agriculture Element of the County General Plan. These policies have historically resulted in similar development restrictions (e.g. open space and building envelope requirements) that are applied to cluster projects.

HBA1-12 This comment states: "Page ES-12 - The proposal to require LEED certification is too restrictive, economically unwise, and misguided at best. LEEDS has historically been a commercial program that puts much of the expense into certification instead of into making new development more energy-efficient. LEED for residential is a new and mostly untested program. The county should rewrite this requirement so it references "LEED, Cal Green, Build It Green or an equivalent program" that does a more balanced job of energy efficiency."

The mitigation strategy for air quality and greenhouse gas emissions was changed and the applicable DEIR sections 4.2 and 4.6 were recirculated. Please refer to the response to APCD-21 and revised mitigation measure GHG-1(b) that uses Cal Green Code.

HBA1-13 Your comment recommends removing the requirement to exceed Title 24 as a greenhouse gas emission mitigation measure. The mitigation strategy for air quality and greenhouse gas emissions was changed and the applicable DEIR sections 4.2 and 4.6 were recirculated. Please refer to the response to comment APCD-21. The requirement to exceed Title 24 has been removed.

HBA1-14 This comment states: "Page 2-15 - There must be a mathematical mistake in the central paragraph. The existing clustering ordinance has only produced 367 parcels in almost 25 years, an annual average of just 13 ½ parcels or just 1% of all development county wide. That indicates that the existing program is neither



having much impact on development choices nor causing a notable problem. Please explain if this is accurate and how such a small number can justify sacrificing such an agriculturally valuable tool as the existing ordinance."

This comment does not raise a substantive CEQA issue. As noted by the commenter, agricultural cluster subdivisions have represented only a small percentage of historical countywide development. But, over the past 10 years, they have accounted for nearly three-quarters of all newly created agricultural parcels. Thus, cluster development has had a significant impact in terms of introducing new residential uses into agricultural areas of the county.

HBA1-15 This comment states: "Page 3-1 - Why is the county using such old data in the second paragraph under Regional Setting? The county should update this information to reflect the 2010 Federal Census instead of the 2000 census."

Section 3.1 - Regional Setting states: "*Population growth in the county increased 13.6% between the years 1990 and 2000.*"

The section does cite the 2010 Census in reporting the percent of the county's total population that live in the seven incorporated cities (55 percent). It also uses January 2011 California Department of Finance information in reporting the number of residents that live in the county (270,996).

In response to this comment Section 3.1 (Regional Setting) and Section 5.2 (Population Growth) have been revised as follows:

Section 3.1

The county's population grew approximately ~~Population growth in the county increased~~ 13.6% between the years 1990 and 2000, and approximately 9.3% between 2000 and 2010 (based on US Census).

Section 5.2

The population of San Luis Obispo County has been steadily increasing over the past several decades. Between 1990 and 2000, the population of San Luis Obispo County increased approximately 13.6%. The County's population increased another ~~3.99~~ 9.3% between 2000 and 2010.

These revisions clarify background information used in the DEIR. But they do not affect any of the impact analyses or conclusions contained in the EIR.

HBA1-16 This comment states: "Page 4.1-1 - The second paragraph states, "Agriculture makes a substantial contribution to the County's economy." That conflicts with page 4 of the Ag Cluster Economic Analysis at the bottom of the page, which states "agriculture comprises a relatively small sector of San Luis Obispo's current economy. Please explain which statement is correct and fix the appropriate document so they match what is accurate."



As described in response to COLAB-2, the economic study is not part of, or referenced in, the DEIR. Furthermore, discussion of project-related social or economic impacts is not required by CEQA. (State CEQA Guidelines Section 15382) The commenter's concerns will be forwarded to the decision makers.

HBA1-17 This comment states: "Page 4.1-7- The first paragraph states that 1,203 acres of 'important farmland' and 1,912 acres of 'grazing land' were converted between 2006 and 2008, but it doesn't say what they were converted to. Please provide that information. They could have been converted to commercial use, water control structures or 'Other Land' uses related to agriculture. What percentage of 'Important Farmland' was converted? It seems to be 0.18 % of the total available. Is that correct? How is the term converted applied? If someone builds one home on a 10-acre parcel, is the entire parcel converted, just the land paved or what?"

This comment refers to the first paragraph of Section 4.1.1(d) (Agricultural Resources, Setting - Farmland Conversion). The paragraph does describe what the land was converted to. According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), Non-Agricultural Uses include Urban and Built-up Land and Other Land. According to the FMMP report, these acres were converted to Other Land (see Table 4.1-2). The paragraph goes on to list several examples of land use or land conditions that are considered Other Land. In addition, two large areas of rural residential housing are mentioned. According to the information in Tables 4.1.1 and 4.1-2 the total amount of important farmland converted during the period of 2006-2008 was 1,328 acres of 77,410 acres or 1.72%. Based on the information below from Chapter 3 (Understanding the Data) of the 2008 FMMP, it is likely that an entire 10 acre parcel would be considered converted.

"Residual polygons, those less than the 10- or 40-acre minimum land use mapping unit, are a natural result of the mapping process as changes are made to adjacent areas. In order to maintain map unit consistency, these small units are absorbed into the most appropriate adjacent land use type. This process results in shifts among categories that may appear anomalous in the conversion statistics - such as urban to agriculture or Prime Farmland to Farmland of Statewide Importance."

The application of the information on converted important farmland is discussed in Section 4.1.2.

HBA1-18 This comment asks for the definition of "low density ranchette housing" as used on page 4.1-7 of the DEIR. This section of the DEIR summarizes the findings of the 2006 - 2008 California Farmland Conversion Report published by the FMMP. The term in question is used in the FMMP's definition of Other Lands. This definition does not specify the exact density that qualifies a development as Other Lands. However, land occupied by structure with a building density of at least 1 unit to 1.5 acres would be classified as Urban and Built-up Land by the



FMPP. Thus, by inference, the term Other Land could be used to describe residential developments with an average density of less than 1 unit to 1.5 acres.

HBA1-19 This comment states: "Page 4.1-8 - Under 'Valuation Trends,' the DEIR notes agricultural production valuation has risen \$225 million in 10 years (almost 50 %). Doesn't that suggest that the existing cluster program has not negatively impacted agricultural economic health?"

Thank you for your comment on the existing cluster program's effect on the economic health of agriculture. This comment does not raise a substantive environmental issue. Please refer to the response to comment COLAB-2.

HBA1-20 This comment states: "Page 4.1-11 - The first paragraph under Impact Analysis says, 'this EIR assume all agricultural land converted as a result of an agricultural cluster subdivision would meet the state's definition of important farmland.' Why assume or guess? Why not use hard facts and good evidence? Why not determine what percentage of previous conversions were 'important farmland' and use the same number?"

The sentence from the DEIR mentioned in this comment says:

"As a reasonable worst case scenario, this EIR assume all agricultural land converted as a result of an agricultural cluster subdivision would meet the state's definition of important farmland."

The purpose of the DEIR is to inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe a reasonable range of alternatives to the project (State CEQA Guidelines Section 15121).

In light of the standard of reasonable worst case, it is prudent to be conservative and make the assumption that all agricultural land converted as a result of an agricultural cluster subdivision would meet the state's definition of important farmland. To assume otherwise could result in an inappropriate conclusion. In particular, it would be inappropriate to assume all future agricultural cluster subdivisions would reflect the same percentage of important farmland conversion as the previous agricultural cluster subdivisions.

HBA1-21 This comment states: "Page 4.1-13 - In the paragraph under 'URL Distance Reduction,' the DEIR states that this 'revision would reduce build-out potential by an estimated 2,902 residential parcels.' Parcels excluded from clustering can still be developed with homes. Does the 2,902 number account for that possible development? It seems as if the development potential will be the same, but some parcels can't cluster and others can. Please explain."

This statement specifically addresses cluster build-out potential. As the commenter notes, these areas could still theoretically be subdivided and developed with a conventional subdivision.



HBA1-22 This comment states: "Page 4.1-16 - The first paragraph under Compared to Existing Conditions, the DEIR again raises questions about its impartiality and objectivity by assuming a 'worst case scenario...that 100 % of the land (converted for housing) would be comprised of important farmland." There is no scientifically valid reason for constantly assuming the worst when the county can easily determine what the historical pattern has been over the last five, 10, 50 or 100 years. This scientific document should use facts, whenever possible. In this case, it is possible."

Please see the response to comment HBA1-20. As lead agency, the County would insist that any analysis in an EIR be based on reasonable worst case scenarios, regardless of who prepares the document. It should also be noted according to Section 15121 of the State CEQA Guidelines, the purpose of the DEIR is to serve as an informational document (rather than a scientific document) that:

"...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project..."

HBA1-23 This comment states: "Page 4.1-18 – In the first paragraph under Compared to Development Potential under the Existing Ordinance, the DEIR assumes that larger minimum lot sizes for cluster parcels will reduce the residential / agriculture interface and the potential for conflicts. Please provide the studies that show that to be the case. It seems as if the exact opposite would be true since the new requirement of 2 ½ acre minimums instead of 10,000 square feet will make a true clustering - putting all the homes in as small as possible of an area - impossible and the result will be far more breaking up of ag land around each clustered parcel."

The larger parcel size allows the required agricultural buffers to be located on the residential parcel. The County's adopted Agricultural Buffer Policy requires buffers ranging from 50 to 200 feet for rangeland and from 200 to 600 feet for more intensive agricultural uses, such as orchards and vineyards (refer to Table 4.1-5: Required Buffer Distance by Crop Type). It is impractical to apply buffers of this size to smaller residential parcels. For example, the most common lot size for past agricultural cluster subdivisions has been about one acre. A perfectly square one acre parcel has dimensions of about 208 feet on each side. With these dimensions, a typical agricultural buffer (about 100 - 400 feet) would occupy nearly the entire area of the parcel. To accommodate smaller (one acre) parcels, previous agricultural cluster subdivisions have placed the required buffers on the agricultural parcel, which burdens the agricultural landowner with the responsibility of maintaining the buffer area and removes more land from agricultural production. Thus, smaller residential parcels would have about the same footprint on the agricultural parcel when the required buffers are factored in. The difference is that the larger (2.5 acre) parcels enable the required buffers



to be absorbed by the residential parcel, which is consistent with the County's adopted Agricultural Buffer Policy.

HBA1-24 This comment notes that the cumulative impact analysis in Section 4.1 (Agricultural Resources) contains conflicting information in regards to the size of the property where the Laetitia agricultural cluster subdivision is proposed. The commenter explains that the stated amount of residential development (102 acres) and agricultural land (632 acres) totals 734 acres, which exceeds the stated size of the overall property (634 acres). The Laetitia project is proposed on multiple underlying parcels that total approximately 1,900 acres. The 634-acre figure used in the cumulative impact analysis describes the portion of the overall site that is devoted to agricultural use. The DEIR has been edited to clarify that the size of the Laetitia project site is 1,900 acres.

HBA1-25 This comment states: "Page 4.1-23 - The section under Compared to Existing Conditions contains a statement that again calls into question the objectivity of the DEIR. It says, 'Cumulative development throughout San Luis Obispo would gradually convert agricultural land to non-agriculture use.' History and facts from the DEIR clearly indicate that the above quote is inaccurate or unclear. In the 235 years since Europeans settled in the county, only 3% of the land has been urbanized, a rate that suggests conversion occurs very slowly and will continue so. The DEIR itself notes that a million acres of the county are in agriculture - either farming or grazing- and only 44,000 acres urbanized. The existing cluster program that the county wants to eliminate permanently protects 95 % of the ag land instead of converting it. This section should be rewritten to put the amount of agricultural land being converted into a realistic framework."

The impact analysis concludes that the anticipated conversion of important farmland to non-agricultural uses would constitute a significant impact. In essence, an impact has occurred when some amount of important farmland (depending on the size of the project) is converted to residential use. This is true whether the remaining agricultural land is permanently preserved or not. The sentence from the DEIR identified by the commenter says: "As described earlier in this section, cumulative development throughout San Luis Obispo County would gradually convert agricultural land to non-agricultural use." This wording is generally consistent with the commenter's assertion that conversion occurs very slowly over time.

Home Builders Association of the Central Coast

Comment Letter No. 2 – February 2, 2011

HBA2-1 This comment states: "After reading the original and revised Agricultural Cluster Subdivision Program Draft Environmental Impact Reports, the Home Builders Association still questions why San Luis Obispo County is preparing to purge or drastically reduce one of the most successful tools it has to preserve and protect agriculture and open space."



Your general concern about the proposed amendments will be forward to the decision makers. This comment does not raise a substantive CEQA issue. Subsequent comments are more specific.

HBA2-2 This comment states: “Removing 1 million acres from clustering will reduce agricultural land values, not reduce growth capacity, and promote scattered development. The Draft EIR ignores that and should study it. These amendments are so draconian that clustering will almost entirely disappear while rural development will not, harming the agricultural community.”

Regarding the statement on land values, social and economic considerations do not constitute significant impacts under CEQA. As for the claim that the program will promote scattered development, the proposed restrictive provisions include a requirement for residential cluster parcels to be physically contiguous to each other in a single cluster area (or two if environmental conditions warrant) which allows the agricultural parcel to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the agricultural parcel.

HBA2-3 This comment states: “The county should not have done the DEIR itself for the same reason it does not let other applicants do their own EIR. The resultant EIR lacks the objectivity a neutral third party would have given the environmental analysis. The DEIR should either be redone by an impartial consultant or receive extensive peer review. The county owes the agricultural community a fair, objective analysis by a qualified consultant.”

CEQA allows a lead agency to prepare an EIR with its own staff (State CEQA Guidelines Section 15084(d)). Interested individuals and agencies were invited to comment on the information and conclusions presented in the DEIR during the 45 day public review period. The comments received during that process will be forwarded to the decision makers who will ultimately determine the adequacy and objectivity of the DEIR. Rincon Consultants, an environmental consulting company that has prepared numerous EIRs for County projects, including agricultural cluster subdivisions, peer reviewed the DEIR and prepared the initial drafts of the following DEIR sections: Agricultural Resources, Air Quality, and Greenhouse Gas Emissions. This is documented on page 7-7 of the DEIR.

HBA2-4 The commenter cites the benefits of agricultural cluster subdivisions in helping to maintain viable agricultural operations while permanently preserving 90 to 95 percent of the land for continued agriculture, and concludes that the County should encourage cluster subdivisions, rather than making them more restrictive. This comment does not raise a substantive issue related to the DEIR. It does, however, suggest that the existing ordinance regulations would protect agricultural resources to a greater extent than the proposed program. As stated in response to earlier comments, the baseline for evaluating environmental impacts under CEQA is the existing environmental setting, not the hypothetical development potential under the existing ordinance. Nevertheless, for informational purposes, DEIR Section 4.1 (Agricultural Resources) compares the



impacts between the existing and proposed versions of the ordinance. The analysis in that section concludes that the proposed program would reduce impacts on agricultural resources compared to existing provisions. Further, Alternative 1 (No Project) evaluates the impacts that would result if the proposed ordinance amendments are not adopted. According to that analysis, the no project alternative would have greater impacts than the proposed project in all environmental issue areas, including agricultural resources.

HBA2-5 The comment states that the DEIR should evaluate the environmental impacts of eliminating one million acres from clustering on the overall viability of agricultural land. It reasons that agricultural landowners who would no longer be eligible to develop their land with a cluster subdivision would instead divide their land with a conventional subdivision without the environmental benefits of the cluster option. Following is a three-part response. First, the analysis compares the project to a hypothetical development scenario, not the existing environmental setting (CEQA baseline). Second, it's overly speculative to conclude that fewer cluster subdivisions will necessarily lead to more conventional subdivisions. Finally, conventional subdivisions would still be subject to environmental review and could not be approved without a finding of consistency with applicable policies of the County's General Plan. Historically, the application of these policies to conventional subdivisions has resulted in similar development restrictions (e.g. open space and building envelope requirements) compared to the ordinance provisions that are applied to cluster projects.

HBA2-6 The comment states that the type of residents who are attracted to agricultural cluster homes will not accept urban housing as a substitute. The commenter concludes that this could increase the demand for conventional subdivisions in agricultural areas. As stated in response to FB1-10, this comment does not adhere to the CEQA baseline, it's overly speculative, and it's based on the false premise that conventional subdivisions are necessarily more impactful on agriculture than cluster subdivisions.

HBA2-7 The commenter questions the underlying problems to be addressed by the proposed ordinance revisions and concludes that the County should expand (rather than contract) the reach of the program. A central objective of the program is to locate cluster subdivisions in closer proximity to commercial services and employment centers, which could reduce vehicle miles travelled and greenhouse gas emissions. Expanding the current program would be in direct conflict with this objective.

HBA2-8 This comment states that the recirculated DEIR did not include responses to the comments that were submitted in response to the initial DEIR. The purpose of the recirculated DEIR was to address SLOAPCD's comments on the sections of the DEIR that relate to air quality and greenhouse gas emissions. In fact, only Section 4.2 (Air Quality), Section 4.6 (Greenhouse Gas Emissions), Section 6.0 (Alternatives), and the executive summary were recirculated. The Final EIR includes responses to the initial DEIR and the recirculated DEIR, including



comments on the latter which do not specifically relate to one of the recirculated sections. This comment will be forward to the decision makers.

HBA2-9 This comment states that the project description is conflicted since it encourages compact cluster projects yet expands the minimum parcel size from 10,000 square feet to 2.5-acres. As explained in response to CCC-25, the larger parcel size would not appreciably increase the footprint of the residential use on the agricultural parcel. Rather, it will enable the required residential parcels to absorb the required agricultural buffers consistent with County's adopted Agricultural Buffer Policy. Other features of the project description are intended to achieve a more compact parcel configuration. In particular, the program would include a standard for residential cluster parcels to be physically contiguous to each other in a single cluster area (or two if environmental conditions warrant) which allows the agricultural parcel to remain intact, as opposed to the layout that would and has occurred under the existing agricultural cluster ordinance which fragments the agricultural parcel. This comment will be forward to the decision makers.

HBA2-10 The commenter asks whether a study exists that shows how individual on-site water and wastewater systems protect agricultural resources to a greater extent than small community systems. The comment goes on to state that the option for community systems should at least be preserved. There is no study. The County's General Plan discourages the use of small community water systems in rural areas. As described in response to CCC-29, small water companies are usually undercapitalized, lack the knowledge and expertise that is required to effectively run the system, provide little or no education, psychologically separate users from their water supply, and are growth-inducing since they can easily be expanded to accommodate new connections.

HBA2-11 The commenter disagrees with the conclusion that Alternative 2a is the environmentally superior alternative on the basis that it would remove the clustering option from areas between two and five miles of identified URLs, but would preserve the current density standard of two primary residences per agricultural parcel. The alternatives analysis considers the amount of agricultural cluster development that would be possible under each alternative compared to the proposed project. It does not analyze the other various ways the project area could be developed pursuant to pre-existing policies. Alternative 2a reduces cluster development potential by 49 percent compared to the proposed project. Of the five alternatives considered, Alternative 2(a) had the least environmental impacts.

HBA2-12 This comment states that the DEIR does not report on 1) how much land would be preserved under the existing ordinance compared to the proposed program, or 2) how much would be converted if conventional development was used instead of clustering. As stated in response to FB1-10, this comment does not adhere to the CEQA baseline, it's overly speculative, and it's based on the false premise that conventional subdivisions are necessarily more impactful on agriculture than cluster subdivisions.



HBA2-13 This comment states that, without clustering, rural residential development could occur at the same rate and have the same air quality effects. It goes on to state that the DEIR should show how eliminating clustering will improve air quality by measuring how much would be generated by clustering compared to building the same number of units without clustering. As stated in response to FB1-10, the required baseline for assessing impacts in an EIR is the existing environmental setting, not the hypothetical development potential under existing policies. This comment will be forwarded to the decision makers.

HBA2-14 This comment states that air quality impacts are more attributable to existing residences and vehicle miles traveled than to future development, and that the County should address the problem at the source. The DEIR includes an assessment of existing environmental conditions, such as existing air quality, to establish the baseline for assessing the project's impacts. And the cumulative impact analysis considers the project's incremental contributions to existing environmental problems. However, existing conditions alone (without the project) do not constitute a significant impact.

HBA2-15 The commenter asks how many total units could be built in rural areas under the existing program, how many could be built under the amendments, and how many by using antiquated subdivisions. As stated in response to FB1-10, this comment does not adhere to the CEQA baseline, it's overly speculative, and it's based on the false premise that conventional subdivisions are necessarily more impactful on agriculture than cluster subdivisions.

HBA2-16 This comment states that the GHG analysis should compare the anticipated emission between cluster and conventional development. The commenter estimates that the amount of emissions would be about the same under both scenarios and provides a calculation to show how GHG emissions from cluster development would equal a less than 0.0014 percent increase in countywide emissions. The commenter is asking for a comparative analysis between the impacts of the project and the impacts of a hypothetical development scenario. However, the correct baseline for assessing impacts in an EIR is the existing environmental conditions. This comment will be forwarded to the decision makers.

The significance threshold use in Section 4.6 (Greenhouse Gas Emissions) is based on per capita greenhouse gas emissions in terms of metric tons of CO₂E (carbon dioxide equivalent) per year. The EIR concludes the impact to be significant and unavoidable because the individual projects would incrementally contribute to climate change and buildout of the program would exceed the threshold of 4.6 metric tons of CO₂E/year per capita. The EIR's conclusion would be the same regardless of the program's percentage of the countywide GHG emissions.

HBA2-17 This comment states that the Section 4.10 (Transportation and Circulation) and Section 4.12 (Water Resources) should also evaluate impacts relative to a



hypothetical scenario in which agricultural landowners instead use a conventional subdivision. That is not the baseline for assessing impacts in an EIR. This comment will be forward to the decision makers.

HBA2-18 This comment states that increasing energy efficiency requirements for new construction is expensive, unnecessary, and unachievable. The commenter describes the State energy efficiency standards as background information to support this assertion. This comment speaks to a generalized feature of a Draft Scoping Plan (pursuant to Assembly Bill 32) being developed by the California Air Resources Board. The mitigation measure GHG-1(b) recognizes three broad programs, including the Draft Scoping Plan, that, when implemented, would help reduce the program's GHG.

HBA2-19 This comment states that the existing clustering ordinance has only produced 367 parcels in 25 years, an annual average of just 14.7 parcels or one percent of countywide development during the same time. The comment goes on to question why the County would want to change a program that has had such a small effect on historic development activity.

This comment does not raise a substantive CEQA issue. As noted by the commenter, agricultural cluster subdivisions have represented only a small percentage of historical countywide development. But, over the past 10 years, they have accounted for nearly three-quarters of all newly created agricultural parcels. Thus, cluster development has had a significant impact in terms of introducing new residential uses into agricultural areas of the county. The proposed program would continue to allow clustering within five miles of identified URLs, subject to enhanced resource protection standards.

HBA2-20 This comment points out an inconsistency between Section 4.1 (Agricultural Resources) of the DEIR and the economic study for the agricultural cluster subdivision program regarding the agricultural sector's contribution to the county's economy. However, the economic study is not a part of, or otherwise referenced in, the DEIR.

HBA2-21 This comment is similar to HBA1-17. It asks for the definitions of "other land" and "conversion" as used in Section 4.1 (Agricultural Resources). As described in the response to the HBA1-17, these terms are defined by the Department of Conservation's Mapping and Monitoring Program.

HBA2-22 This comment is similar to HBA1-18. It asks for the definition of "low density ranchette housing" as used on page 4.1-7. As described in response HBA1-18, residential developments of less than 1 unit to 1.5 acres could be considered "low density" as used in the narrow context of this particular sentence about the FMMP's 2004-2006 conversion figures.

HBA2-23 This comment is similar to HBA1-19. It points to the increase in agricultural production valuation of \$225 million in 10 years and relates that increase to the success of the existing agricultural cluster program. As stated in response to



HBA1-19, this comment does not raise a substitutive CEQA issue about the DEIR; but it will be forwarded to the decision makers.

HBA2-24 This comment is similar to HBA1-20. It questions the reasoning behind assuming that all agricultural land converted as a result of the program would meet the State's definition of important farmland. As stated in the response to HBA1-20, this is a reasonable worst case scenario.

HBA2-25 This comment is similar to HBA1-21. It states that the impacts of the proposed program should be evaluated relative to the hypothetical development potential of the existing parcels in the project area. However, as stated in response to HBA1-21, such an analysis would not adhere to the CEQA baseline for assessing impacts and would require sheer speculation.

HBA2-26 This comment is identical to HBA1-22. It questions the use of the "reasonably worst case" standard in assessing agricultural land conversion impacts and cites this as an example of the DEIR's lack of impartiality and objectivity. As described in response to HBA1-22, this is the industry standard for assessing impacts because it's the most conservative approach and it serves the purpose of an EIR to inform decision makers and the general public about the possible environmental consequences of the project (State CEQA Guidelines Section 15121). Rincon Consultants, an independent environmental consulting firm, drafted the agricultural resources section of the DEIR and peer reviewed the entire document.

HBA2-27 Thank you for your comment indicating that you agree with the following statement on page 4.1-16: "[the proposed program] does not change the amount of development that could otherwise occur; rather, it dictates where it should be located." This statement from the DEIR explains that the allowed density for a cluster subdivision is based on the number of parcels that would be allowed for a conventional subdivision.

HBA2-28 This comment is similar to HB1-23. It states that the larger minimum parcel size would increase (not reduce) land use conflicts between residential and agricultural uses and the conversion and fragmentation of agricultural land. As stated in response to HB1-23, the larger minimum parcel size will allow the agricultural buffer to be placed on the residential, instead of the agricultural, parcel. Thus, this requirement will not appreciably increase the overall residential footprint on the agricultural parcel.

HBA2-29 This comment is similar to HBA1-24. It asks for clarification on the acreage calculations for the Laetitia agricultural cluster project as described in the cumulative impacts analysis on page 4.1-22. As described in response to HBA1-24, the Laetitia project proposes 102 residential lots on a 1,900 acre site with 634 acres of land devoted to agricultural use. The DEIR has been edited to clarify that the size of the Laetitia project site is 1,900 acres.



- HBA2-30** This comment is similar to HBA1-25. It asserts that the cumulative impact analysis in Section 4.1 (Agricultural Resources) overstates potential farmland conversion impacts because historic conversion rates have been very slow. The commenter points to the fact that only 3 percent of county land has been urbanized since Europeans settled here 235 years ago and states that this fact should be incorporated into the DEIR to put the discussion into a realistic framework. The purpose of the cumulative impact analysis is to describe how the project, in addition to other pending development proposals, will contribute to the gradual conversion of county agricultural land to residential and non-agricultural uses. The conversion rate over the past 235 years is not the best proxy for determining future conversion rates. This is because farmland conversion is mostly a result of more recent (post-World War II) development trends. As described in Section 4.1 (Agricultural Resources), approximately 32,000 acres of farmland and grazing land have been converted between 1996 and 2008. That amounts to 2.6 percent of county agricultural land (1.25 million acres) is only 12 years.
- HBA2-31** This comment asks why the estimated build-out rate used on page 4.2-6 of the recirculated air quality section is 42 percent greater than the actual rate of cluster development experienced over the past 25 years. If the proposed program were to build-out at that historic rate, it would take approximately 28.5 years to build-out. This scenario would result in significantly lower emissions than the 5 and 20 year scenarios presented in the DEIR, however it would not be a sufficiently conservative estimate of the project's reasonably foreseeable air quality impacts.
- HBA2-32** The commenter provides statistical information on greenhouse gas emissions from Consol, an energy consulting firm. The upshot is that new residences that comply with State energy-efficiency standards result in minimal greenhouse gas emissions and do not significantly contribute to global climate change. This comment does not raise a substantive CEQA issue with the DEIR. Still, it should be noted that operational emissions due to electricity generation and space heating for new dwellings account for only 22 percent of the program's estimated GHG emissions. Most emissions (77 percent) are due to mobile sources (increased vehicle miles travelled). One percent is from construction activities.
- HBA2-33** This comment questions the use of the Bay Area Air Quality Management District's GHG thresholds to evaluate agricultural cluster development in SLO County. In particular, the commenter questions how a standard that was developed for a large metropolitan area can be applied to rural cluster subdivisions. As lead agency, the County has discretion to select the model or methodology it considers most appropriate provided the decision is supported with substantial evidence (State CEQA Guidelines Section 15064.4). As described in response to FB2-1, the County determined that it would be sufficiently conservative to base the impact analysis on BAAQMD's project level threshold of 4.6 metric tons CO₂E.
- HBA2-34** This comment asserts that the proposed program is not consistent with its central objective to reduce environmental impacts and protect lands for



continued and enhanced agricultural protection. The commenter points to the fact that the existing program has the potential to preserve 95 percent of 1.2 million acres while the amendments could only protect 95 percent of 222,575 acres. The following assumptions are inherent in this statement: 1) any land not subdivided with an agricultural cluster subdivision will instead be subdivided with a conventional subdivision; and 2) conventional subdivisions are necessarily more impactful on the environment and agricultural resources than cluster subdivisions. These assumptions are not supported by the facts. Agricultural cluster subdivisions have historically been the preferred means for introducing new homes into agricultural areas of the county. Three out of four newly created agricultural parcels created in the past 10 years have been the result of agricultural cluster subdivisions. The second assumption is false because subdivisions would still be subject to environmental review and could not be approved without a finding of consistency with applicable policies of the County's General Plan. Historically, the application of these policies to conventional subdivisions has resulted in similar development restrictions (e.g. open space and building envelope requirements) compared to the ordinance provisions that are applied to cluster projects.

HBA2-35 This comment states that the County has never indicated which existing urban areas have the infrastructure and resources that are necessary to accept the type of development that is encouraged by the County's adopted strategic growth principles. This comment is referring to one of the program's objectives, which is to implement strategic growth policies.

Section 4.9 (Public Services) provides an analysis of the program's potential effects on fire and police protection, emergency services, schools, parks and recreation libraries, and solid waste/landfill. The analysis considers whether or not the program would increase demands on these services to an extent that would necessitate the construction of new or physically altered facilities. Site-specific impacts related to the construction of these improvements are too speculative for evaluation. Section 4.10 (Transportation and Circulation) evaluates impacts related to roads and public transit and concludes that, with mitigation, these impacts would be less than significant. The program would not lead to the construction of community water or wastewater systems, since each new residential cluster parcel would be served by individual on-site well and septic systems. The commenter's concern about which existing urban areas are capable of accommodating additional population growth within their boundaries and providing adequate services will be forwarded to the decision makers.

HBA2-36 This comment asserts that the historic trend whereby second primary dwellings are constructed on only 8 percent of standard parcels contradicts the County's claim that 40 percent of all residential development is occurring in rural areas. The 8 percent trend shows that the density bonus for major cluster subdivisions inflates residential densities beyond what would otherwise occur because second primaries would not be constructed on most standard parcels. This does not conflict with the overall trend showing that 40 percent of new homes are



constructed in rural areas; rather, it indicates that people prefer to build these homes on separate parcels.

HBA2-37 The commenter points to a statement made in relation to the “no project” alternative, which states that owners of parcels in the Agriculture and Rural Lands category would have the option to subdivide through the standard subdivision process or through the agricultural cluster subdivision program. The commenter asserts that this statement supports the conclusion that the proposed program would lead to a greater number of conventional subdivisions without the economic or environmental benefits of a cluster subdivision. The statement is a fact about the options that presently exist for subdivisions in the Agriculture land use category. The issue raised is not at variance with the existing content of the DEIR.

HBA2-38 This comment points to a statement on page 6-10 that eleven times more rural development is occurring through clustering than by conventional building and concludes that this statement highlights the positive effects of the program. This statement is saying that, on average, cluster subdivisions have resulted in eleven times the number of new parcels than conventional subdivisions. The issue raised is not at variance with the existing content of the DEIR.

HBA2-39 This comment quotes a statement on page 6-16 that explains how cluster projects would be reviewed for consistency with applicable ordinance standards and General Plan policies. The commenter asks why the County is proposing to change a program that complies with existing county policies and protects agricultural land. The issue raised is not related to an environmental issue pursuant to CEQA.

COLAB San Luis Obispo County – October 21, 2011

COLAB-1 This comment states that the agricultural resources section of the DEIR failed to study many impacts of the proposed new restrictions imposed by Section 22.22.150 of the draft ordinance. This general comment and assertion does not raise a substantive CEQA issue. Subsequent comments are more specific.

COLAB-2 This comment states: “Moreover both the DEIR and the Economic Report incorporated as part of the DEIR fail on grounds of both accuracy and logic to analyze the destructive impacts of proposed Section 22.22.150 on the environment, agriculture, and social/economic impacts on county finances and services. Accordingly insufficient information is presented to decision makers and therefore the DEIR fails to meet the standards of the California Environmental Quality Act (CEQA).”

The economic study is an informational background report prepared independently of the DEIR; it is not incorporated as part of, or referenced in, the DEIR. The DEIR does not evaluate the potential social/economic impacts of the proposed program. This is consistent with State CEQA Guidelines Section 15382:



“An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

The DEIR provides the public and decision makers with sufficient information about the potential environmental effects, including potential impacts to agricultural resources, of the proposed Agricultural Cluster Subdivision Program, which includes proposed amendments to Section 22.22.150.

COLAB-3 This comment states that insufficient information is presented to decision makers and therefore the DEIR fails to meet the standards of the California Environmental Quality Act (CEQA). Thank you for your general comment regarding the sufficiency of the information presented in the DEIR. However, this comment does not raise a substantive issue with the DEIR.

COLAB-4 This comment states that the DEIR does not properly analyze the proposed program’s effects on public services and the economic study does not properly analyze its negative effects on the economic ability of the County and other taxing entities to provide public services. The commenter concludes by stating that, due to this lack of information, the DEIR does not meet the standards of CEQA to disclose environmental impacts to the public and decision makers.

As mentioned in the response to COLAB-2, the economic study is not part of the DEIR. The comment does not raise a substantive issue with the DEIR. It suggests that the DEIR should have included a fiscal analysis that compares the cost of serving future residential development with the anticipated tax revenues and fees that would be generated by the development. CEQA does not require this type of fiscal analysis. Consistent with the thresholds of significance in Appendix G of the State CEQA Guidelines, the public services section of the DEIR focuses on environmental impacts that could result from the construction of new or physically altered facilities that are necessary to maintain acceptable service levels. Although the program would increase demands for public services in rural areas of the county, it is too speculative to determine the nature of future site specific impacts that may be secondary effects of this project (*CEQA Guidelines 15145*). Still, individual agricultural cluster projects will be required to pay public facilities fees pursuant to Title 18 of the County Code. A portion of these fees could be used to fund improvements which are necessary to maintain acceptable service levels in rural areas.

Another way to interpret this comment is that the DEIR should have considered impacts on public services that could result from reduced property tax revenues due to the estimated reduction in development potential. That analysis, however, would rely on the existing agricultural cluster ordinance as the baseline for evaluating impacts. CEQA requires impacts to be measured against the existing environmental conditions, not the theoretical development potential under the existing regulations. Nevertheless, the commenter’s concerns about fiscal impacts will be forwarded to the decision makers.



COLAB-5 This comment states: “The DEIR does not assess the impact of the thousands of residences which would never be built in the foreclosed (current 5 mile zone) and the concomitant future dwelling units and population which would need to be incorporated within the 2 mile limit zone, inside unincorporated villages, or inside incorporated cities. Is there sufficient zoning capacity to absorb this shifted development? Since this concern was not analyzed there is no accumulative impact analysis of this shift in relation to all the other ‘Strategic Growth’ initiatives simultaneously underway within the County.”

Although the amendments would reduce the amount of future growth that could occur within rural areas of the county, the amendments would not modify countywide development potential compared to what could currently occur under the General Plan. This is because 1) the allowed density for an agricultural cluster subdivision is based on the number of new parcels that could already be created through a conventional subdivision in the Agriculture land use category; and 2) the proposed program would not re-designate land from one use category to another. The County’s latest build-out analysis indicates a total capacity for approximately 45,000 dwelling units in the unincorporated urban and village areas. About 26,000 units currently exist in these areas, which leaves a remaining capacity for 19,000 new units. Thus, there is more than enough land use capacity in the unincorporated urban and village areas for the approximately 4,000 dwelling units that theoretically would not be constructed on agricultural lands outside of the five mile URL radius. It should also be noted that the 4,000 unit reduction is a theoretical maximum that includes several “worst case” assumptions, including the assumption that all agricultural lands in the inland area of the county would be subdivided to their maximum potential using an agricultural cluster subdivision. Considering that only 367 cluster parcels were actually created since the inception of the ordinance 25 years ago, it’s unlikely that future cluster development would approach the theoretical maximum of about 4,500 units.

Cumulative impacts are analyzed within each impact area discussed in Section 4. The cumulative impact analysis considers the environmental impacts that could result from the construction of 418 new dwellings pursuant to the proposed program, in addition to other foreseeable development within the project area. Other strategic growth initiatives (for example, ordinance amendments to encourage infill development) would be subject to separate environmental review pursuant to CEQA.

COLAB-6 This comment asserts that the agricultural resources and public services sections of the DEIR include a finding that rural residential development, “mini farms,” and “boutique wineries” are more expensive to service than development in urban areas. The commenter claims that the DEIR is biased against estate homes as evidenced in a statement on page 4.1-8 that suggests these types of homes could spawn trespassers and vandals. The DEIR does not contain findings on the potential fiscal effects of the proposed ordinance amendments. See response to CLOAB-4. Public service impacts are only considered under CEQA when a



project would result in the need for the construction of new or physically altered facilities (a fire station, for example) in order to maintain acceptable levels of service.

As noted in Section 4.1 (Agricultural Resources), the County's right-to-farm ordinance advises purchasers of residential and other property types adjacent to existing agricultural operations of the inherent potential problems associated with the purchase of such property. The analysis concludes that agricultural/urban land use conflicts (Impact AG-3) would be less than significant when compared to both the existing environmental setting (CEQA baseline) and the existing ordinance. On page 4.1-18, in the discussion on Impact AG-3, trespass and vandalism from residential development are mentioned as potential physical impacts to agricultural uses. However, the discussion does not make any distinctions as to the size, type or value of the residence, nor does it suggest or recommend that rural homes should be prohibited.

COLAB-7 This comment raises issues with the economic study for the proposed program. As described in response to COLAB-2, the economic study is not part of, or referenced in, the DEIR. Furthermore, discussion of project-related social or economic impacts is not required by CEQA. (State CEQA Guidelines Section 15382) The commenter's concerns will be forwarded to the decision makers.

COLAB-8 This comment states: "The DEIR fails to analyze the County costs for the social and justice services (see footnote 1 below) and only examines municipal service costs. The DEIR should have analyzed the impacts to social and justice service provision and costs as well as municipal service costs in terms of the consequences of different land use scenarios."

Footnote 1 states: "The County staff and the economic consultant fail to recognize that counties (unlike cities) provide both municipal type services (sewers, aqueducts, fire, police, road, parks, libraries, planning) and social and justice services (welfare, clinical and environmental health services, jails, and probation, District Attorney, Public Defender, and child protective services). The social services cost much more in denser urban settings than in communities typified by large free standing estate houses and ranchettes. The failure to analyze the social and justice services when examining land use impacts to services in a county invalidates the DEIR."

This comment does not raise an issue that would result in a physical change to the environment. The DEIR is not required to include a fiscal analysis (see response to COLAB-4). As stated in response to COLAB-6, public service impacts are only considered under CEQA when a project would result in the need for the construction of new or physically altered facilities (a fire station, for example) in order to maintain acceptable levels of service. Future development pursuant to the proposed program would increase demands for public services. However, it is too speculative to determine the nature of future site specific impacts that may be secondary effects of this project (CEQA Guidelines 15145).



As described in response to COLAB-2, social and economic impacts alone are not considered under CEQA.

COLAB-9 This comment raises issues with the economic study for the proposed program. As described in response to COLAB-2, the economic study is not part of, or referenced in, the DEIR. Furthermore, discussion of project-related social or economic impacts is not required by CEQA. (State CEQA Guidelines Section 15382) The commenter's concerns will be forwarded to the decision makers.

COLAB-10 This is a general conclusionary comment regarding the overall adequacy of the DEIR. However, this assertion does not raise a substantiated issue with the DEIR. More specific comments are raised in COLAB-1 through COLAB-9.

RRM Design Group, Keith Gurnee

Comment Letter No. 1 - October 17, 2011

KG1-1 This comment states: "It should be no surprise to you that I have found the report to be completely inadequate and biased in its analysis of the impacts associated with the existing regulations and the County's proposed amendments to those regulations."

The standard for EIR adequacy is found in Section 15151 of the State CEQA Guidelines states: "*An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible.*"

The determination of adequacy is ultimately placed upon the independent judgment of decision makers. The commenter's concern will be forwarded to the decision makers.

KG1-2 This comment states: "In submitting these comments, I am also formally requesting that the County extend its deadline for public comment until at least November 14, 2011 to allow for a period of 45 days since the County's September 30, 2011 publication of its report on the Ag Cluster Economic Analysis and its associated Supplemental Memorandum that you prepared on that same date. In view of the fact that these documents have influenced so many of the fallacious conclusions on agricultural impacts in the environmental document, the public and most particularly the agricultural community should be allowed a proper period of time to comment on these works that were published 28 days after the County released the Public Review Draft of the EIR."

This comment raises issues with the economic study for the proposed program. As described in response to COLAB-2, the economic study is not part of, or referenced in, the DEIR. Furthermore, discussion of project-related social or



economic impacts is not required by CEQA (CEQA Guidelines Section 15382). The commenter's concerns will be forwarded to the decision makers.

KG1-3 This comment states: "The Environmental Impact Report as prepared by the applicant does not meet the test of objectivity and impartiality in its assessment of environmental impacts. The County of San Luis Obispo does not allow applicants to prepare their own environmental impact reports for their own projects and for good reason. While the County does have the responsibility as the lead agency for the implementation of CEQA within its jurisdiction, the County should have taken an arm's length and publicly transparent approach in having environmental documents prepared for its own projects to ensure objectivity and impartiality in their analysis. The process associated with the preparation of this EIR has been anything but publicly transparent and open. Instead, that process has been insular, secretive, and obscure resulting in a document that is biased and rife with fallacious assumptions and conclusions without foundation. The way the County has pursued this process reveals that it has a conflict of interest in preparing its own document to fit its own agenda."

CEQA allows a lead agency to prepare an EIR with its own staff (State CEQA Guidelines Section 15084(d)). Interested individuals and agencies were invited to comment on the information and conclusions presented in the DEIR during the 45 day public review period. The comments received during that process will be forwarded to the decision makers who will ultimately determine the adequacy and objectivity of the DEIR. Rincon Consultants, an environmental consulting company that has prepared numerous EIRs for County projects, including agricultural cluster subdivisions, peer reviewed the DEIR and prepared the initial drafts of the following DEIR sections: Agricultural Resources, Air Quality, and Greenhouse Gas Emissions. This is documented on page 7-7 of the DEIR.

KG1-4 This comment states: "The County has not allowed adequate time for public comments on the Draft EIR. While the County published the Draft EIR on September 30, 2011 and allowed a 45 day public comment period that expired on October 17, 2011, the County did not publish its Ag Cluster Economic Analysis report that appears to have been very influential to the EIR's conclusions on agricultural impacts until September 30, 2011. This allowed only 18 days for the public to absorb and comment upon this key contributing piece to the EIR. The County should extend the public comment period until November 14, 2011 or 45 days since it published the agricultural economic analysis report. The fact that many of the conclusions in this report conflict with the findings of the 2007 MKF Research report prepared for the Economic Vitality Corporation should also be addressed in the EIR."

This comment raises issues with the economic study for the proposed program. As described in response to COLAB-2, the economic study is not part of, or referenced in, the DEIR. Furthermore, discussion of project-related social or economic impacts is not required by CEQA (State CEQA Guidelines Section 15382). The commenter's concerns will be forwarded to the decision makers. The DEIR was circulated for 45 days as required by CEQA.



KG1-5 This comment states: “The EIR fails to evaluate the environmental impacts associated with the elimination of hundreds of thousands of acres from eligibility under the agricultural clustering program, a factor that will impair the County's ability to preserve 95% of the lands thereby eliminated as permanent open space under the current agricultural clustering program. More than a development tool, the present agricultural clustering program is an open space preservation tool that has preserved over 10,000 acres as permanent agricultural open space. The present program is designed to justly compensate agricultural landowners to be the willing providers of permanent open space preservation by clustering no more development than is allowed on conventional agricultural parcels on less than 5% of their land and permanently preserving the remainder of their properties. The County's proposed changes would rely purely on regulation which is not a permanent method of preserving open space.”

As noted in response to FB1-10, the baseline for evaluating environmental impacts under CEQA is the existing environmental setting, not a hypothetical development scenario pursuant to existing ordinances. This response also explains that conventional subdivisions would still have to be found consistent with relevant policies in the Agriculture Element of the County General Plan. These policies are intended to promote and protect agriculture while minimizing urban/agricultural land use conflicts.

KG1-6 This comment states: “The EIR fails to evaluate the environmental impacts associated with spurring the development of conventional agricultural lands under current regulations. With the proposed changes to the County's Agricultural Clustering Program and the further changes implied under Alternative 2(a), it is creating an ordinance that will not be used. Instead, the path of least resistance for agricultural landowners wishing to preserve or enhance the value of their lands will be to resort to conventional land fracturing under the LUO. Just assuming that only 8% of the parcels designated for agricultural use- the number of agricultural parcels presently devoted to two primary residences as alleged in the EIR- will continue as the norm once the present agricultural cluster regulations are eliminated would be fallacious. The EIR needs to evaluate the full range of environmental impacts associated with an uptick in conventional land fracturing and a likely push to place two primary residences on agricultural lands throughout the County, not just those portions of the county that are eligible for agricultural clustering.”

As noted in response to FB1-10, the baseline for evaluating environmental impacts under CEQA is the existing environmental setting, not a hypothetical development scenario pursuant to existing ordinances. This response also explains that conventional subdivisions would still have to be found consistent with relevant policies in the Agriculture Element of the County General Plan. These policies are intended to promote and protect agriculture while minimizing urban/agricultural land use conflicts.



KG1-7 This comment states: “The EIR erroneously concludes that agricultural clustering under present policies represents a conversion of agricultural lands to other uses. Nothing could be further from the truth. Present ag cluster regulations and the projects that have been completed to date consistent with those regulations not only permanently preserve agriculture, they enhance it. Every agricultural clustering project that has been implemented has increased agricultural production over the level of agricultural practices that existed before those projects were completed. Further, the actual clustered homesites must be situated on less productive non-prime soils, thereby assuring that the most productive agricultural lands will remain in agriculture. Add to this the double standard of expanding the minimum parcel size for ag clusters from 1 acre to 2.5 acres and then subtracting the acreage of cluster lots from agricultural productivity while not subtracting the acreage devoted to two homesites on conventional agricultural parcels. This is but another reflection that the proposed ordinance changes and the County's EIR associated with those changes are inherently biased.”

The growth inducing effect of the clustering provisions is evidenced by historic permitting trends that show a strong preference for cluster development over conventional subdivisions. As stated in the DEIR, over the past 10 years, nearly three-quarters of newly created parcels in the Agriculture land use category have been the result of agricultural cluster subdivisions.

As a reasonable worst case scenario, the DEIR assumes that new cluster homes (under both the existing and proposed ordinance) would be developed on land that meet's the State's definition of important farmland. Further, as discussed in FB1-9, the project is analyzed with the existing environmental setting as the baseline, not what is hypothetically allowed pursuant to existing zoning or permitted plans. The commenter's concern will be forwarded to the decision makers.

KG1-8 This comment states: “The EIR fails to prove that there is a conflict between the water used to serve the clustered homesites and the water used by agriculture. None of the agricultural clustering projects that have been implemented have encountered any issues associated with the competition for water use between homesites and agricultural practices. Just assuming there might be a conflict without providing any evidence to substantiate such a claim is disingenuous to a fault. If the EIR cannot find any evidence to substantiate its conclusion, that conclusion should be dismissed.”

The test for CEQA is matter of significance. The lead agency is required to analyze the impacts to resources based on the determination that a project, based on substantial evidence, in light of the whole record, has the potential to significantly affect the resource. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15384(b)).



Residential units developed pursuant to the proposed program would compete with adjacent agricultural uses for limited groundwater supplies. A conflict is created when residential water demand reduces supplies for existing and future agricultural uses. In regards to this potential conflict, the DEIR concludes that proposed program is essentially “self-mitigating” because it contains a requirement for a hydrogeologic analysis as substantial evidence to support a finding affirming the availability of water for residential and agricultural uses.

KG1-9 This comment states: “The EIR fails to evaluate the environmental impacts of eliminating ag clustering on Rural Lands category, thereby spurring conventional land fracturing on those lands that fall within that category. If the County is so concerned about impacts on agriculture, why would it propose to eliminate clustering on lands that are not designated for agriculture? Now those landowners can only resort to conventional regulations to preserve or enhance the value of their lands. The EIR should evaluate the environmental impacts of this likely outcome as well as the likelihood of an increase in General Plan Amendments for lands that fall within this category.”

As noted in response to FB1-7, cluster subdivisions in the Rural Lands land use category will remain an option under Land Use Ordinance Section 22.22.140. Further, as discussed in response to FB1-9, the project is analyzed with the existing environmental setting as the baseline, not what is hypothetically allowed pursuant to existing zoning or permitted plans.

KG1-10 This comment states: “The EIR fails to evaluate the environmental impacts associated with the conversion of agricultural lands due to the devaluation of agricultural lands caused by the adoption of the County's proposed changes to the Ag Cluster regulations. The County's proposed changes, including Alternative 2(a), will dramatically devalue hundreds of thousands of acres, threatening the economic viability of agricultural practices and possibly triggering General Plan Amendment requests for those lands where agriculture becomes infeasible.”

State CEQA Guidelines Section 15382 states:

“An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

The commenter’s concern with social/economic impacts on county finances and services does not constitute an environmental issue pursuant to CEQA.

KG1-11 This comment states: “The EIR fails to evaluate the environmental impacts of forcing landowners in the Coastal Zone to use the amended version of clustering for all lot line adjustments. This provision would preclude strategic adjustments between agricultural landowners to benefit their agricultural practices, thereby posing potential impacts that could retard agricultural productivity.”



The proposed amendment to the CZLUO includes a provision for de minimus lot-line adjustment as follows:

De Minimus Lot-line Adjustment Determination. Lot-line adjustments proposing minor changes in the location of a lot-line for purposes unrelated to future development proposals and that do not result in a significant change in the underlying lot sizes may be determined to be de minimus by the Planning Director. Examples include adjustments to lot-lines to reflect existing improvements such as a fence or road, or a major watercourse or to better situate existing development of the site. De minimus adjustments shall not result in an increase in the number of building sites, buildable lots, or density of permitted development.

RRM Design Group, Keith Gurnee

Comment Letter No. 2 – February 2, 2012

KG2-1 This comment states: “The basic premises behind the amendments and the EIRs that the present regulations provide for double the densities allowed on conventional county parcel sizes for agricultural lands, that agricultural clustering somehow represents a conversion of agricultural lands, and that someone might actually use these new regulations on agricultural properties are false, misleading, and without foundation. The fact that the draft EIRs have been totally built upon these unsubstantiated premises belies the purposes of CEQA to get at the truth of impacts.”

This comment is chiefly about the commenter’s concern about the basis for the proposed amendment rather than raising substantive environmental issues. The commenter does raise a very general concern about the construction of the DEIR as it relates to CEQA.

The DEIR contains the information required by CEQA Guidelines Sections 15122 through 15131. The impact analyses in Chapter 4, including Section 4.1 (Agricultural Resources) and the conversion of important farmland, are discussed to a level of detail consistent with the requirements of CEQA and applicable court decisions. The State CEQA Guidelines provide the standard of adequacy on which the DEIR is based. CEQA Guidelines Section 15151 states:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure."



KG2-2 This comment states the same conclusion as KG1-3 that the DEIR is bias because it was prepared by the County. CEQA allows a lead agency to prepare an EIR with its own staff (State CEQA Guidelines Section 15084(d)). Interested individuals and agencies were invited to comment on the information and conclusions presented in the DEIR during the 45 day public review period. The comments received during that process will be forwarded to the decision makers who will ultimately determine the adequacy and objectivity of the DEIR. Rincon Consultants, an environmental consulting company that has prepared numerous EIRs for County projects, including agricultural cluster subdivisions, peer reviewed the DEIR and prepared the initial drafts of the following DEIR sections: Agricultural Resources, Air Quality, and Greenhouse Gas Emissions. This is documented on page 7-7 of the DEIR.

KG2-3 This comment states: "Agricultural clustering allows no more density of homesites than are already allowed on conventional agricultural parcels. Instead, they allow the same number of homesites as allowed on conventional agricultural lands. Two primary residences are allowed on each agriculturally zoned parcel under the county's present regulations and this is an important provision for farming families to remain on their lands, continue their farming activities, and provide for their sound estate planning. The incentive to agricultural clustering under the present regulations is to allow those two homesites to be sold individually rather than in pairs while preserving over 90% of their lands and their agricultural practices in permanent open space. That's it. That the EIRs have chosen to couch their analysis of the environmental impacts of the existing regulations on the foundation of a doubling of density over conventional regulations renders them meaningless."

As noted by the commenter, the density bonus is predicted on the fact that two primary residences are allowed on agricultural parcels that are at least 20 acres in size. However, as evidenced by historic permitting records, second primaries are only constructed on about 8 percent of eligible parcels. Therefore, the density bonus allows for significantly more development than would otherwise occur on agricultural land.

KG2-4 This comment states: "Agricultural clustering does not convert agricultural lands to other uses, it enhances and sustains agriculture. Each of the agricultural clustering projects that we have worked on and implemented are more agriculturally productive than they were before using this technique. The fact that this tool provides for the permanent preservation over 90% of land and agricultural uses in permanent open space and encourages further investment in agricultural improvements seems to have become lost on the County. The conclusion that such projects represent a conversion of agricultural lands to non-agricultural uses is simply false, thereby rendering the County's EIRs as equally false in their analysis."

The purpose of the DEIR is to inform public agency decision makers and the public generally of the significant environmental effects of a project, identify



possible ways to minimize the significant effects, and describe a reasonable range of alternatives to the project (State CEQA Guidelines Section 15121).

Section 4.1.2(a) includes the methodology and significance thresholds for the conversion of important farmland. As a reasonable worst case scenario, the DEIR assumes all agricultural land converted as a result of an agricultural cluster subdivision would meet the State's definition of important farmland. This definition includes Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Farmland of Local Potential. The proposed program does not allow for residential development on soils with a Natural Resource Conservation Service (NRCS) classification of I or II (prime soils).

The project area contains of 77,410 acres of important farmland mapped by the State Department of Conservation. Therefore, it is reasonable to determine, even with the restriction on the location for residential development, that important farmland could be converted with development under the proposed program.

KG2-5 Thank you for your comment that the proposed program will never be used. The purpose of the DEIR is to conduct an evaluation of the environmental effects of the proposed project consistent with State CEQA Guidelines and not to make a determination on whether the proposed program will be used or not.

KG2-6 This comment states: "In concluding my comments on latest draft EIR, I also found it to be totally unresponsive to the comments I made to the original draft back on October 17, 2011 and those comments remain valid."

Responses to your October 17, 2011 comments are provided above in KG1-1 through KG1-11. The purpose of the Recirculated DEIR was to provide additional analysis on air quality and greenhouse gas impacts in response to SLOAPCD's comments on the DEIR.

KG2-7 Thank you for your comment regarding the Lead Agency's decision to not include the economic analysis as part of the DEIR. As stated in response to COLAB-2, the economic analysis is not incorporated, or otherwise referenced, in the DEIR. Further, economic and social impacts are not evaluated under CEQA (State CEQA Guidelines Section 15382).

KG2-8 This is a conclusionary comment that praises the merits of the existing agricultural clustering provisions. However, this assertion does not raise a substantiated issue with the DEIR.

Sue Luft - October 19, 2011

SL-1 This comment is a brief e-mail statement acknowledging the County's work on the proposed ordinance amendments and DEIR. The comment is acknowledged.





comments on draft EIR, Agricultural Cluster Subdivision Program - Notice of Availability of Draft Environmental Impact Report (LRP2008-00010), September 2011 (UNCLASSIFIED)

Brus, Kirk C SPL to: brobeson

09/12/2011 02:35 PM

Classification: UNCLASSIFIED
Caveats: NONE

Hello Bill Robeson:

Thank you for the opportunity to provide subject: comments on on draft EIR, Agricultural Cluster Subdivision Program - Notice of Availability of Draft Environmental Impact Report (LRP2008-00010), September 2011.

ACOE-1 | Comment 1:
Does the draft EIR, Agricultural Cluster Subdivision Program the Los Osos or Morro Bay?

ACOE-2 | Comment 2:
If there is an Federal interest and/or Federal properties are part of the draft EIR, Agricultural Cluster Subdivision Program, ensure that the following Federal laws are in compliance on the subject: Endangered Species Act; Fish and Wildlife Coordination Act (FWCA); National Historic Preservation Act (NHPA); Clean Air Act (CAA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/ RCRA (The Resource Conservation and Recovery Act RCRA).

Thank you,

Kirk Brus

mailing address:

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Classification: UNCLASSIFIED
Caveats: NONE



Matthew Rodriguez
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • FAX (805) 543-0397
<http://www.waterboards.ca.gov/centralcoast>



Edmund G. Brown Jr.
Governor

California Regional Water Quality
Control Board Comment Letter -
October 14, 2011

October 14, 2011

Bill Robeson, Senior Planner
brobeson@co.slo.ca.us
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

BY ELECTRONIC MAIL

Dear Mr. Robeson:

DRAFT ENVIRONMENTAL IMPACT REPORT, AGRICULTURAL CLUSTER SUBDIVISION PROGRAM, SAN LUIS OBISPO COUNTY (LRP2008-00010)

Thank you for the opportunity to comment on San Luis Obispo County's Draft Environmental Impact Report (DEIR) for the above referenced project. Central Coast Regional Water Quality Control Board (Water Board) staff understands that the document addresses the environmental impacts that may be associated with proposed amendments to existing Land Use Ordinance standards and General Plan policies pertaining to agricultural cluster subdivisions. The proposed ordinance and general plan changes will modify existing criteria and standards associated with agricultural cluster subdivisions in order to reduce environmental impacts and to protect lands for continued and enhanced agricultural production.

The Water Board is a responsible agency charged with the protection of Waters of the State of California in the Central Coast Region. Waters of the State include surface waters, groundwater, and wetlands. The Water Board is responsible for administering regulations established by the Federal Clean Water Act and the California Water Code (Porter-Cologne Water Quality Control Act). The Water Board also administers regulations, plans, and policies established by the Central Coast Region Water Quality Control Plan (Basin Plan) and the State Water Resources Control Board to protect watersheds, their resources, and their beneficial uses. These regulations cover discharges to surface water and groundwater, as well as discharges to land that may affect groundwater quality, and may apply to this project.

Our review of the subject DEIR focuses on the potential effects of discharges from intense farming operations near and adjacent to any proposed cluster agricultural subdivisions. Our primary water quality concerns revolve around water quality issues like nitrate, pesticides, tailwater, etc. As such, these comments may be outside the

California Environmental Protection Agency



scope of the DEIR but are important for the County to consider in evaluating and implementing the subdivision program.

COMMENTS

Based on our review, we find that the DEIR generally addresses our water quality-related concerns related to the environmental impacts that may be associated with proposed amendments to existing Land Use Ordinance standards and General Plan policies pertaining to agricultural cluster subdivisions. However, the DEIR does not address the potential increased exposure or threat to residents of such agricultural cluster subdivisions. To facilitate comprehensive environmental evaluation of this project, we offer the following clarifications and questions for your consideration.

RWQCB-1 | 1. According to the DEIR, the proposed changes will modify existing criteria and standards associated with agricultural cluster subdivisions in order to reduce environmental impacts and to protect lands for continued and enhanced agricultural production. These changes focus primarily on how any of the proposed subdivision projects would impact (adversely impact) the existing agricultural operations.

RWQCB-2 | 2. The DEIR places very little emphasis on the environmental effects or threats to public health that active agricultural operations could have on any subdivision that may be considered for approval. As you are aware, poorly managed irrigated agricultural practices can cause significant short and long-term environmental impacts and threats to public health. Uncontrolled irrigation runoff and nutrient loading from agricultural discharges can result in serious nitrate impacts to underlying groundwater, including sources of drinking water. Existing water quality data from drinking water wells located in agricultural areas have documented widespread impacts to groundwater – in many case, nitrate exceeds the safe drinking water standard by several orders of magnitude. Irrigation and stormwater runoff containing sediments, fertilizers, pesticides and other chemicals can adversely impact surface waters, aquatic habitat, and fish and wildlife. Conditions such as these present a significant threat to human health and the environment. Furthermore, water quality impacts from agricultural dischargers are not always apparent and are often identified sometime in the future. This is especially problematic as it relates to nitrate loading from fertilizers to groundwater and long-term impacts to drinking water supplies.

RWQCB-3 |

RWQCB-4 |

RWQCB-5 | 3. The DEIR does not clarify the process that the County intends to use (or put in place) to evaluate the potential environmental effects that could result from permitting a subdivision in close proximity to active agricultural operations. For instance, the following questions and concerns should be addressed:

- What process/procedures will the County use to evaluate the potential effects on human health from locating new subdivisions within active agricultural areas?

- RWQCB-6 • Should a proposed subdivision require the installation of drinking water wells (municipal supply well or private domestic well), what type and frequency of water quality monitoring of the source water (e.g. nitrate analysis) will the County require prior to project approval?
- RWQCB-7 • What contingencies are in place to identify and resolve drinking water quality problems that result from farming activities, but are not yet apparent?
- RWQCB-8 • What process is in place to address unanticipated threats to public health or the environment that may result from the following potential situations:
 - A farming operation becomes **active** sometime after a subdivision has been approved and located within a previously **inactive** agricultural area.
 - A farming operation undergoes a significant change that may yield an increased threat to water quality (e.g., changes from vineyards to row crops) sometime after project approval and completion.

Thank you again for the opportunity to review the DEIR for this project. We look forward to seeing and commenting on the FEIR, and request that we be contacted when the document is available. If you have any questions, please contact Hector Hernandez at (805) 542-4641 or at hhernandez@waterboards.ca.gov, or Angela Schroeter at (805) 542-4644.

Sincerely,



For
 Roger W. Briggs
 Executive Officer

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060 PHONE:
(831) 427-4883 FAX: (831) 427-4877

California Coastal Commission
Comment Letter – October 21, 2011



October 21, 2011

Bill Robeson
Senior Planner
San Luis Obispo County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Subject: **Draft Environmental Impact Report (DEIR) for the Agricultural Cluster Subdivision Revisions, SCH #2010011079**

Dear Mr. Robeson:

Thank you for forwarding the DEIR for the Agricultural Cluster Subdivision Revisions and the August 2011 Environmental Review Draft of the related ordinance amendments to our attention for input and comment. The proposed ordinance is intended as a new section of the County's Coastal Zone Land Use Ordinance (CZLUO) of the Local Coastal Program (LCP) that would allow for the creation of residential cluster parcels on agricultural land through a lot line adjustment process. The ordinance and supporting data of the EIR would be submitted to the Coastal Commission at some future date as an LCP amendment. Please consider the following.

Both the County and the Commission have considered the potential for allowing clustering of residential- uses on agricultural land in certain situations in San Luis Obispo's coastal zone for many years. In the Commission's periodic review of the County's LCP in 2001, the Commission recommended that the County incorporate a clustering ordinance into the LCP in order to provide an additional tool to enhance agricultural viability, especially in areas with substandard size parcels and other challenges to ongoing agricultural production. In addition, a proposed cluster ordinance was the subject of County LCP amendment proposal SLO-1-08. Staff from the County and the Commission spent considerable time working together on modifications to that proposal, but in the end it was ultimately withdrawn by the County. At the time the submittal was withdrawn, the County indicated that it intended to revise the proposed ordinance, taking into account the work done together to that point, and to resubmit the revised ordinance for certification into the LCP. It is our understanding that the current Agricultural Cluster Subdivision Revisions and DEIR represent the outcome of the periodic review recommendations and the work associated with SLO-1-08.

The County's current proposal is significantly different than the 2008 amendment submittal in that it eliminates the potential for agricultural cluster subdivisions that create new lots, and instead allows only for clusters associated with lot line adjustments. It also eliminates the minimum parcel size changes that were proposed in the previous version. The current proposal incorporates many of the suggestions made by the Commission and Commission staff during the periodic review and the previous amendment submittal. It would allow for residential cluster lot line adjustments on agricultural land throughout the County's coastal zone except for the San

CCC - 1 Luis Bay Coastal and South County Coastal planning areas, and except for the Hearst Ranch area of the North Coast planning area. The intended purpose of the ordinance is to minimize the impacts of residential development on agricultural land by clustering it in defined areas and maximizing the agricultural viability of the remaining land, which is required by the draft ordinance to be no less than 95% of the site area. The proposed ordinance would require various measures to maintain and protect the use of the remaining agricultural land, including: (1) it would require applications for residential cluster lot line adjustments to submit thorough agricultural viability reports; (2) it would require clustering of residential use and development; (3) it would require the land not committed to residential use and development to be put into an agricultural easement to ensure ongoing protection of agricultural resources, and; (4) it would prohibit future subdivisions of the affected property.

CCC - 2 We appreciate that many of the Commission's prior suggestions have been incorporated into the current proposed ordinance, and believe that the concept of an LCP clustering tool for a certain class of cases could enhance protection of agricultural land. However, we do have some concerns about the proposed ordinance, and have questions and concerns specific to the underlying data and representations in the DEIR. On the latter, we believe that the DEIR will require additional refinement and information to allow for a full evaluation of the proposed ordinance for consistency with the County's LCP Land Use Plan (i.e., the standard of review for proposed LCP ordinance changes). In the comments below, we have identified what we see as the more critical information gaps, and request that these gaps be addressed in the final EIR or a revised and re-circulated DEIR. If the ordinance is going to ultimately be submitted as an LCP amendment, this information is going to need to be a part of that submittal.

CCC - 4 In terms of the ordinance itself, we have done our best to evaluate it notwithstanding the information gaps, and there appear to be some significant issues and questions about how such a tool should be structured, as well as when and how it should be applied. As you know, the County's LCP, like the Coastal Act, requires agricultural land to be protected and maintained. Non-agricultural uses are only allowed on agricultural land if they are secondary and subordinate to the agricultural use, and the conversion of designated agricultural land to non-agricultural uses is strictly limited. LCP Agricultural Policy 1 requires that agricultural lands be maintained in, or available for, agricultural production. Similar to the Coastal Act, this policy also allows conversions of prime agricultural lands only under the following circumstances: (1) agricultural use is already severely limited by conflicts with urban uses; (2) adequate public services are available to serve the expanded urban uses and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, contributing to the establishment of a stable urban/rural boundary, and; (3) development on converted lands will not adversely affect surrounding agricultural uses. For non-prime lands, Agriculture Policy 1 allows the conversion to other uses where: (1) continued or renewed agricultural use is not feasible; (2) the conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services, and; (3) the conversion would not adversely affect surrounding agricultural uses. In addition, the LCP requires any necessary

CCC - 4 | residences and accessory structures to be sited on non-prime land and requires development to minimize and mitigate negative impacts on adjacent agricultural uses.

CCC - 5 | Given that context, the idea of developing an ordinance designed to facilitate residential development on certain agricultural lands is somewhat counterintuitive. Specifically, the proposed ordinance would allow for the conversion of agricultural land to non-agricultural residential uses through the creation of residential cluster parcels. Such an outcome, at face value, appears inconsistent with LCP and Coastal Act agricultural protection objectives. However, as Commission and County staff have previously discussed, there may be circumstances where such an outcome is most protective of agriculture. Therefore, these circumstances need to be clearly circumscribed, and the ordinance must be carefully crafted to integrate and carry out the agricultural protection policies of the LCP. From our perspective, the clustering tool should only be allowed in cases where agricultural viability is shown to be substantially reduced under existing and potential/expected future conditions, where the clustering would enhance the existing and future agricultural viability of the site and the surrounding agricultural area, and where any allowed residential development is sited and designed to strictly limit impacts on agricultural land and operations to the maximum extent possible.

Project Purpose and Need

CCC - 7 | The DEIR is premised on the idea that residential clustering would enhance agricultural protection, but it does not clearly identify how that is the case, and why residential clustering is necessary to protect agricultural resources in the County, especially given the strong agricultural protection policies of the LCP. The EIR needs to clearly identify the threats to agricultural viability in the County's coastal zone and the way in which the proposed ordinance would address those threats. For example, one potential threat to agricultural viability is existing substandard-sized lots. If the proposed ordinance intends to address this issue, then the EIR needs to provide information about the underlying problem that is being addressed, including a description of the quantity and location of substandard parcels that are in the project area and an explanation as to how the proposed ordinance would affect these parcels. Another example of a potential threat are standard size parcels that may meet minimum lot size requirements, but could be too small to allow for viable stand-alone agricultural uses. If this is the case, the EIR needs to identify and clearly describe that issue and potential solutions to it, and the ordinance may need to be revised to include requirements that address minimum parcel sizes more directly. Another potential threat to the County's agricultural production is the purchase of agricultural land by people who may not intend to keep the land in agricultural use. If this problem is intended to be addressed too, then the EIR should explain and document the issue and describe how the proposed ordinance is expected to affect this trend. Finally, perhaps what we understand to be the most compelling reason to consider an ordinance like this is the issue of projects involving multiple lots and multiple proposed residences and perceived/defined development entitlement, and the potential need for better LCP tools to best protect agriculture in such a scenario. For example, where there are eight lots and eight proposed residences, a tool that allows clustering might be more protective of agricultural lands than a series of more spread out 'estate' residential

CCC - 11 developments on the eight lots. But again, the EIR needs to document and explain this kind of problem in relation to the affected area (e.g., how many lots may present this kind of issue, where they are located, what their current legal status is, and what their current or potential agricultural status is, etc.). In short, the EIR needs to fully identify the particular threats to agricultural viability in the County's coastal zone that are meant to be addressed by the ordinance so that the ordinance is supported by the facts and data necessary to allow it to be appropriately evaluated in an LCP amendment context. This evaluation will also ensure that the ordinance itself is appropriately structured to address such threats explicitly, and so that it does not result in facilitating residential use of agricultural land more generally.

CCC - 12 The problem-solution methodology, data, and analysis are going to be important components of any package submitted for a future LCP amendment that includes the ordinance.

Impact Analysis

CCC - 13 The EIR needs to evaluate and identify the effect, including in terms of potential negative impacts, of implementing the proposed ordinance, especially those impacts related to agricultural production and viability. The DEIR states that there are 320 agricultural parcels in the coastal project area, but that the County believes few would be proposed for clustering because the proposed restrictions would likely make the creation of residential clusters undesirable for property owners. However, the DEIR does not include any direct information to bear out such assertion. The EIR should provide the information necessary to support this assertion and it should also describe the potential for property owners to use the ordinance to its full residential extent, in order to evaluate the impacts of a 'worst-case' scenario, in which all eligible parcels are clustered. The evaluation of the 'worst-case' scenario should identify how many acres of prime and non-prime agricultural land could be converted to non-agricultural uses, how many new homes could be built, how much agricultural land would be protected by applying the ordinance versus using current LCP standards, and whether establishing residential clusters throughout the County's coastal zone would result in the fragmentation of agricultural land or other negative impacts to coastal resources, both in specific areas and cumulatively. Again, as with the issues discussed above, such data and analytic framework will need to be part of any future LCP amendment submittal as well.

CCC - 14

CCC - 15

CCC - 16 In addition, the proposed ordinance states that the number of parcels created through an agricultural cluster lot line adjustment must be based on ensuring agricultural capability and may be less than the number of existing legal lots. However, it is not clear from the ordinance how the reduction in the number of lots could be effected per the ordinance. The ordinance needs to provide clear guidance to applicants and decision makers as to what is expected and why, in cases where a reduction is going to be required to protect agricultural resources consistent with the LCP. In addition, the EIR needs to provide supporting information necessary to evaluate any such language in the ordinance, including information about circumstances in which such a reduction would be necessary to minimize impacts on agricultural land. For example, such a reduction may be especially appropriate in cases that involve legal parcels that are not

CCC - 17

CCC - 17 | developable.¹ An undevelopable lot may be a legal lot created solely for placement of a well or
other accessory structure or a legal lot that has no road access or ability to provide sewer and
water services. A lot line adjustment that converts such a lot into a lot that can be developed with
a residence and other non-agricultural uses on agricultural land could result in significant adverse
impacts to agricultural resources, inconsistent with the LCP. We would recommend that the
ordinance and supporting documentation be fleshed out such that it includes a framework for
determining developability so that when undevelopable parcels are involved in a residential
cluster lot line adjustment, they are not be counted towards the total number of lots allowed,
regardless of their legal status. Similarly, the ordinance needs an internal process for determining
CCC - 18 | legal lot status, and a corresponding process for determining and assigning development
potential for such legal lots that may be involved in any particular project. For example, it is
possible that a proposed project includes seven lots determined to be legal, three of which are
determined to be developable, but that the overall development potential assigned to the legal
lots is two residences for other reasons (for example, unity of ownership, etc.). In such case, the
baseline for considering a potential cluster would be two as opposed to seven residential lots.
CCC - 19 | The EIR should examine the potential for the ordinance to mandate a reduction in the number of
lots that result from a residential cluster lot line adjustment, such as language in the ordinance
defining undevelopable lots and prohibiting the conversion of undevelopable lots into
developable lots, and defining a process for identifying a baseline understanding of development
potential overall. The EIR should also explore the potential for requiring a reduction in the
CCC - 20 | number of lots in other circumstances, such as where the site is severely constrained by prime
agricultural land, environmentally sensitive habitat, or coastal views. Again, all of this
information will be necessary to support a future LCP amendment submittal.

CCC - 21 | Finally, the proposed ordinance requires the approval authority to make findings that the
residential cluster lot line adjustment would maintain or enhance the agricultural viability of the
site. However, because the creation of residential cluster parcels is a conversion of agricultural
land to non-agricultural uses, in order to comply with the agricultural protection policies of the
certified LCP that restrict the conversion of agricultural land, the required findings should be
made more specific to the case at hand. First, the approval authority should be required to make
findings that the project area is subject to constraints that substantially reduce the agricultural
viability of the parcel, because conversions are not allowed under the LCP unless continued
agricultural production is found to be infeasible. In addition, the proposed lot line adjustment
CCC - 22 | must enhance, not merely maintain, the agricultural viability of the site because the site must be
infeasible for agriculture in order to be eligible for the lot line adjustment. The findings should
also address the strict protection of prime agricultural land and the need for adequate water
CCC - 23 | resources to maintain habitat values, serve existing and future agricultural operations and provide
for the proposed residential development, similar to the requirements for land divisions in
agricultural land found in LUP Policy 2. Finally, as discussed above, the findings for approval
CCC - 24 | required in the ordinance should explain why the total number of parcels that will be established

¹ This issue is described in detail in the Commission's 2001 periodic review of the San Luis Obispo County LCP, which can be accessed here: <http://www.coastal.ca.gov/recap/slosum.html>.

CCC - 24 | in the residential cluster lot line adjustment is appropriate and consistent with the agricultural protection policies of the LCP, including in terms of the development potential and baseline questions as described above.

Residential Cluster Parcels

CCC - 25 | The proposed ordinance calls for residential cluster parcels to be a minimum of 2.5 acres and a maximum of either 2.5 acres or 5 acres, depending on the size of the entire site. The DEIR explains that the reason for the large size is to allow for adequate buffers to be located on the residential parcel, instead of the agricultural parcel, to maximize use of the agricultural parcel, and because the large parcel sizes would make it likely that water and wastewater systems could be located onsite, as required by the ordinance. However, the DEIR does not provide the information necessary to substantiate this reasoning. Such a large residential parcel may not be necessary to meet these purposes in all cases, and could therefore lead to unnecessary conversion of agricultural land to residential uses, inconsistent with the agricultural policies of the LCP. The

CCC - 26 | EIR should provide examples of the recommended or required buffer widths to put the buffer requirements into context. In addition, it is unclear that parcels would need to be 2.5 acres to accommodate onsite water and wastewater systems, and because there is already a proposed requirement that residential parcels have onsite water and wastewater, the discretionary approval process will ensure parcels are large enough to meet this objective. Further, as discussed below, it is not clear that requiring these systems to be onsite would result in the necessary protection of agricultural resources. Whether or not water and wastewater systems are required to be onsite, the EIR should explore alternatives that would dramatically reduce minimum parcel sizes as

CCC - 27 | compared to the current proposal. To meet the requirements of the LCP, residential parcels should be the minimum necessary to allow for a residence and appropriate buffers, while maximizing the viability and parcel size of the agricultural parcels. Therefore, we recommend that the minimum residential cluster parcel size be reduced substantially, such as to ¼ acre. We recognize that residential parcels may need to be larger than the minimum size to meet the requirements of the ordinance, and that maximum parcel limits would apply, but allowing for discretion in reducing the parcel size will ensure non-agricultural development is sited and designed to protect surrounding agricultural uses, as required by the LCP. Small parcel sizes may be especially appropriate in areas constrained by prime agricultural land and/or biological resources, and where view and character impacts could be avoided or minimized. We would also

CCC - 28 | recommend that the County explore a 5,000 square foot development envelope for each such lot in addition to the 10,000 square foot development envelope currently proposed, and that the EIR identify the relative differences in agricultural impact that would be expected pursuant to each alternative. The use of shared driveways and related such development should also be required where feasible to limit the area that may be allotted to residential use.

CCC - 29 | As discussed above, the proposed ordinance requires onsite water and wastewater systems and prohibits the extension of urban services to residential cluster parcels, as well as the formation of community water/wastewater service. Although it is clear that urban services cannot be extended outside the urban services line consistent with the LCP, it is not clear why the prohibition on community systems is necessary, and how it would serve to protect agricultural resources. The

CCC - 29

EIR should explain this more fully. Given the information provided in the DEIR, it appears that the requirement for individual systems may lead to unnecessary expansion of residential uses onto agricultural land because individual systems would most likely require more land area than combined systems would. Further, small community systems may facilitate the control of water to ensure water for agriculture and biological resources is maintained, as required by the LCP and the proposed ordinance. Therefore, the EIR should analyze an alternative that would allow small community water and wastewater systems geared to the clusters approved where it would reduce adverse impacts on agriculture.

Conclusion

CCC - 30

We recognize and appreciate the effort that the County has put into preparing the DEIR and the draft ordinance, and also that many of the Commission's suggestions have been incorporated into the current proposal. We believe that the efforts to date provide a strong baseline and foundation for developing an appropriate LCP tool that could help to protect and preserve coastal agriculture in San Luis Obispo County. We do think, however, as described above, that the ordinance needs to be fully supported by data describing the problem and the way in which the ordinance (or an amended version of it as necessary) provides an appropriate solution. We recommend that the DEIR be supplemented and the ordinance adjusted as described above, and we look forward to continuing to work with the County on those efforts moving forward. If you have any questions or would like to discuss these issues further, please contact me at (831) 427-4863.

Sincerely,

Madeline Cavalieri
Coastal Planner



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org



Robert Lewin, Fire Chief

September 21, 2011

Bill Robeson, Senior Planner
Department of Planning & Building
County Government Center, Room 300
San Luis Obispo, CA. 93408

RE: Comments on the Draft EIR – Ag Cluster Subdivision Program – LRP2008-00010

Senior Planner Robeson

I have reviewed the Draft EIR for the Ag Cluster Subdivision Program – LRP2008-00010 for the County of San Luis Obispo. County Fire has a few comments which we have stated in the past but would like to reiterate our concerns for future planning. Attached you will find a letter dated 1-25-10 that appears not to be included in the Draft EIR, I have also provided comments in the text of Chapter 4.9 of the Draft EIR.

CF-1 | In addition to the above County Fire would like to add that during wildland fire fighting this department finds fewer resources are required to protect structures when they are closer together rather than spread out over many acres. It is proven that when fewer resources are required to protect structures the remaining resources can fight for perimeter control of the fire, thus reducing the impact of the fire to life, property and the environment.

Please feel free to contact me if you need further information.

Sincerely,

Paul Lee
Fire Marshal/Battalion Chief



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County Fire Department

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Matt Jenkins, Fire Chief

January 25, 2010

Bill Robeson, Senior Planner
Department of Planning & Building
County Government Center, Room 300
San Luis Obispo, CA. 93408

RE: Comments on the Notice of Preparation of an EIR – Ag Cluster Subdivision
Revisions – LRP2008-00010

Senior Planner Robeson

I have reviewed the Notice of Preparation for the Ag Cluster Subdivision Revisions – LRP2008-00010 for the County of San Luis Obispo. County Fire has a few comments which we have stated in the past but would like to reiterate our concerns for future planning.

Type of Development

CF-2

If there is an increase in residential growth there will be a relative growth in commercial development. The type of commercial and residential development will impact the fire department. For example, a storage facility will have a different impact than a retail store or a health care facility. Single family dwellings compared to multifamily dwellings. Resorts verses agriculture. In addition, the height of the buildings or the type of construction will impact the Departments ability to perform fire suppression. A building beyond that which our ground ladders can reach may require the Fire Department to acquire specialized equipment. Proper planning allows all public service agencies to have the required services needed and not have to waste time and money for over building or under building required services.

Development Location

CF-3

With an increase in growth there will be an equivalent increase in the number of emergency incidents the Fire Department responds to. The increase in call volume in many areas may be accommodated with the current station and staffing. However, in other areas an increase in staffing or the construction of new stations will be necessary.

Growth near a fire station that has not already reached incident response thresholds will have minimal impact. Growth near a station that is already responding to more calls than it can adequately handle or more importantly, growth in an area that is served by a fire station that is beyond a reasonable response time, i.e. 10 minutes, will cause an impact that will require either an increase in staffing or the construction and staffing of a new fire station.

CF-3

The location of the growth is an important aspect to consider in evaluating the impacts of demand on the fire department. The National Fire Protection Association 1710 sets the standard that the first fire engine should arrive within five minutes and the entire response within eight minutes. This standard can be met in a city jurisdiction where the growth is generally infill or on the edges of the town. However in a rural setting the growth can occur in pockets far away from the closest fire station. This causes a delay in the response time to the new development, and causes the fire engine to be committed farther away for longer periods of time from its fire station.

In an urban and suburban setting the public expects more service. A rancher knows that he or she is a long way from public service and gears their life style in that fashion. A person who is buying into an area that resembles an urban or suburban environment makes an assumption that they will be served rapidly and effectively by emergency services. This expectation is well grounded and must be reasonably satisfied.

Fire Department Responsibilities

With an increase in growth there is an equivalent increase in the ancillary responsibilities the department has. These will include planning and building review, fire prevention and education, fire investigation and enforcement, and emergency dispatch.

All new development is reviewed by the fire department for compliance with fire codes. This occurs prior to development, as part of attaining a building permit and inspected when the building is finished. In addition, a yearly inspection of houses in wildfire prone areas is done to make sure the homes are in compliance with defensible space requirements.

CF-4

Whenever a fire occurs an investigation is completed to determine the cause. With more people, there is an associated increase in the number of fires. All of these fires will have to be investigated.

Public education is one of the keys to fire prevention. Currently all school children are given instruction in fire safety by fire department personnel. As the growth in the County continues so to will the need for more fire safety classes.

These are just several concerns that should be considered as San Luis Obispo County continues to plan for it's future. Should you have any questions please feel free to contact me. Thank you for allowing us to comment.



Paul Lee
Fire Marshal/Battalion Chief

CAL FIRE

San Luis Obispo County Fire
San Luis Obispo Unit
635 N. Santa Rosa
San Luis Obispo, CA. 93405
805-543-4244

San Luis Bay (Inland) Planning Area. The rural portions of the San Luis Bay (Inland) planning area are serviced by septic tank systems. These suburban and rural areas should remain at densities that will permit the continued safe use of septic tank systems. This will be particularly important in the Arroyo Grande fringe area where soil types and/or slopes can be marginal for septic use (San Luis Bay- Inland Area Plan, 2003).

San Luis Obispo Planning Area. Sewage disposal needs of the rural and urban reserve portions of the San Luis Obispo planning area are served primarily by individual septic systems (San Luis Obispo Area Plan, 2007).

South County (Inland) Planning Area. Sewage disposal in this area relies on septic systems or other individual disposal system outside of the Nipomo urban area, Black Lake Specific Plan area, Woodlands Village area, and Cypress Ridge (South County Area Plan, 2007).

b. Fire Protection. The California Department of Forestry and Fire Protection (Cal Fire) contracts with the County to provide fire protection, emergency medical, and rescue services in the rural areas of the county where agricultural cluster subdivisions would occur. In certain urban areas of the county, CSDs provide fire protection services:

- Cayucos
- Santa Margarita
- Cambria
- Templeton
- Avila Beach (contract with Cal Fire)
- Los Osos (contract with Cal Fire)
- Oceano (part of the Five Cities Fire Authority)
- San Miguel

CF-5

CF-5

The project area contains land in designated high and very high fire hazard areas (refer to ~~Figure 4.9-1~~Figure 4.9-1). Fire hazard severity is determined by a number of factors including but not limited to: remoteness of the area, density of vegetation, the area's circulation network, proximity to fire fighting facilities, vegetation type, and the degree of urbanization. These factors among others contribute to an area's overall emergency response time.

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Appropriate response times for fire protection services vary with the degree of urbanization. Framework for Planning indicates appropriate response times for fire protection services. Appropriate response times for urban areas are up to six minutes; for suburban areas, six to seven minutes. In rural areas where agriculture cluster subdivisions will occur the appropriate response time for fire protection is ten minutes (Framework for Planning (Inland), 2003). Response times exceeding 15 minutes for structure fires provide little possibility of saving the structure, and 60 minutes or more could mean fires approaching disaster levels in steep, chaparral covered, remote areas such as the Santa Lucia Range. For structure fires, Cal Fire has mutual aid agreements with all fire protection agencies in the county. An air tanker squadron at Paso Robles Airport is available if needed. ~~Figure 4.9-2~~Figure 4.9-2 shows Cal Fire's estimated 10 and 15 minute response time areas in relation to the project area boundary.

CF-5

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Rural fires are primarily those associated with wildland fire hazards and structure fires. Most fires in the county are caused by human activity. Over the years, County development standards have become more stringent to reduce the frequency and severity of such events. Local ordinances often prohibit the use of fire-prone construction materials, such as shake-shingle roofs. Electrical standards have also been upgraded to reduce fire risk inside structures.

CF-5 | Smoke detectors are now required and sprinklers are required for all structures greater than 1,000 square feet in area and for any new residential structure of any size.

Following is a general description of existing fire protection services in those planning areas where agricultural cluster subdivisions could potentially occur based on the proposed locational criteria. Under the proposed amendments, cluster subdivisions would not occur in the Nacimiento, Las Pilitas, Los Padres, Shandon-Carrizo, San Luis Bay Coastal, or South County Coastal planning areas.

CF-5 | Adelaida Planning Area. Fire protection is provided in the planning area by stations located south of the City of Paso Robles and at Las Tablas (the intersection of Chimney Rock Road and Cypress Mountain Drive). ~~A lookout base is maintained on Rocky Butte in the extreme northwest corner of the planning area. Both the Las Tablas station and Rocky Butte lookout station are is manned-staffed~~ on a seasonal basis (generally May to October). The westerly edge of the planning area is also served by the Cal Fire stations at Cambria, Heritage Ranch and Cayucos on a secondary basis. Other ~~agencieagencys~~ agencies closest to the planning area ~~include~~ the City of Paso Robles, ~~and the Heritage Ranch volunteer fire company.~~ A fire company is also maintained at Camp Roberts by the California National Guard and is available for additional cooperative assistance (Adelaida Area Plan, 2003).

Fire response time in portions of the planning area is poor to fair, though the majority of the area has a response time of 30 minutes or less. The eastern and central northwest portions can be reached within 15 minutes due to closer proximity to primary stations at Paso Robles and Las Tablas. The Santa Lucia Range along the westerly edge of the planning area is less accessible, with response time from 45 to greater than 60 minutes (Adelaida Area Plan, 2003).

CF-5 | El Pomar-Estrella Planning Area. Cal Fire provides fire protection for the entire planning area and maintains mutual and automatic aid agreements with the Paso Robles, Atascadero City, and Templeton Fire Departments. The closest fire engine response is from stations in Creston and ~~on Highway 46 on near~~ Branch Road ~~near Highway 46~~ (Meridian). The County recently completed construction of a new fire station in Creston. At the time of the writing of this EIR, the Creston station had permanent staffing on Tuesday through Thursday of each week, and relied on ~~Ppaid Ceall F~~ paid call firefighters on Mondays and Fridays-Monday (Paul Lee, June 2011).

Estero Planning Area. Cal Fire provides fire protection for the majority of the rural and agricultural areas in the Estero planning area. A station is located immediately south of Cayucos. For further service, Cal Fire has reciprocal cooperative agreement with the Cayucos Fire Department district if the need arises (Estero Area Plan, 2008).

CF-5 | Huasna-Lopez Planning Area. Fire protection for the Huasna-Lopez planning area is provided by Cal Fire. Stations are located in San Luis Obispo and Nipomo, and an air tanker ~~squadron base is based~~ at the Paso Robles airport during ~~high-risk-fire seasons~~ summer months. Response times from the Cal Fire stations are generally poor, with most areas being served in more than 30 minutes, although some limited areas can be served within 15 to 30 minutes. Assistance can be requested from the U.S. Forest Service, which operates a helicopter just east of Lopez Lake on Hi Mountain Road during high fire risk season if available. Additional cooperative assistance is provided to the Arroyo Grande Valley area by the City of Arroyo Grande Fire Department. Prescribed burnings are conducted cooperatively by the Cal Fire and private landowners to reduce wildland fire hazards. Structural fire protection and medical aid

CF-5 | assistance is provided year-round by Cal Fire. ~~A fire pick-up pumper is maintained in the Lopez Lake Recreation Area for immediate response to fires in the park area.~~ The Huasna-Lopez Planning Area is identified by the Cal Fire as a "high" or "very high" fire hazard severity area (Huasna-Lopez Area Plan, 2003).

CF-5 | North Coast Planning Area. Fire protection for the rural portions of the planning area is provided by Cal Fire ~~with the headquarters~~ located in North Cambria. ~~A lookout base is maintained on Rocky Butte.~~ Cambria ~~is served through the~~ is served by the Cambria Community Services District (CCSD) with a fire station located ~~in the downtown village area on Burton Dr. near Highway 1, an agreement with CAL FIRE also provides an engine to most calls within the CCSD.~~ Fire protection service has been provided locally since 1957. At present, the district ~~CCSD~~ is served by ~~two one full-time permanent employee~~ full-time permanent employees and a volunteer force. ~~CAL FIRE is responsible for wildland fire fighting within the CCSD boundaries. An additional fire station is proposed in the west village near the Veterans Memorial Hall.~~ Fire protection in San Simeon Acres Communtiy Service District is provided through an all-volunteer fire unit by CAL FIRE of the Community Services District. ~~Equipment is maintained at the Cal Fire Station in Cambria.~~ (North Coast Area Plan, 2005).

CF-5 | Salinas River Planning Area. Cal Fire provides fire protection for rural areas outside of established service districts in San Miguel, Templeton and Santa Margarita, and the two cities of Paso Robles and Atascadero. In addition, the department has automatic and mutual aid agreements with the cities and independent districts. Cal Fire provides other initial attack engine companies in the Salinas River planning area. One CAL FIRE engine company is located in the ~~city of Paso Robles~~ community of Templeton and responds north to the county line, and south to the northern Atascadero city limits. The second engine company is located at the Parkhill Fire Station, east of Santa Margarita. It provides service from the south end of Atascadero to the top of Cuesta grade. During the summer months CAL FIRE provides 2 addatioanl engines at each station for a total of 6 engines (Salinas River Area Plan, 2003).

CF-5 | San Luis Bay (Inland) Planning Area. Pismo Beach ~~(a Cal Fire contract)~~, Arroyo Grande and Grover Beach provide fire protection services within their respective corporate limits. The rural portions of the planning area rely on fire protection from the Cal Fire stations located in either San Luis Obispo or Nipomo. Response times from the Cal Fire station at the San Luis Obispo County Airport range up to 7 ½ minutes for areas along the northerly half of Price Canyon Road, a small area around the intersection of Noyes Road and Highway 227, and a corridor along Highway 101 south to about Castro Canyon (San Luis Bay Area Plan, 2004).

CF-5 | ~~A recently established volunteer fire company in The~~ Avila Valley Fire Station provides fire protection service to Avila Valley, See, Squire, Price and Sycamore Canyons, north to the San Luis Obispo city limits, and the Diablo Canyon power plant, ~~also utilizing an all-volunteer force.~~
CF-6 | The Oceano Community Services District has a volunteer force and provides services to the Oceano community, including Halcyon, from a station located at Paso Robles and 13th Street (San Luis Bay Area Plan, 2004).

Comment [t1]: This is the new 5 City Fire Authority. They have full time staffing.

The Arroyo Grande fringe area is within a 7 ½ to 15 minute response time from either San Luis Obispo or Nipomo stations. The remaining portions of the planning area have response times of 15 minutes or greater. Some of the more remote portions of the Irish Hills and Indian Knob

CF-5 | area have response times in excess of 15 minutes. The U.S. Forest Service is available to back-up Cal Fire capabilities with air tanks and a helicopter with fire crew if available. For structure fires Cal Fire has mutual aid agreements with all fire protection agencies in the county (San Luis Bay Area Plan, 2004).

CF-5 | San Luis Obispo Planning Area. Fire protection and emergency medical assistance for rural areas and areas between the city limits and the urban reserve line, are provided by the Cal Fire, which acts as the County Fire Department by contract with the county. Two Cal Fire stations are located in the planning area: the county headquarters and Fire Station is just north of the city limits on Highway 1; the second is at the San Luis Obispo County Airport Fire Station south of the city on Highway 227. The city of San Luis Obispo provides fire protection within its corporate limits. Camp San Luis Obispo ~~maintains its own fire department's fire protection is provided by Cal Fire~~, while Cal Poly ~~provides daytime service only has fire protection provided in part by San Luis Obispo City under contract and Cal Fire~~ (San Luis Obispo Area Plan, 2003).

CF-5 | South County (Inland) Planning Area. Fire protection and emergency medical assistance are provided by Cal Fire, which acts as the County Fire Department by contract with the county. This protection is provided throughout the year from the station located on North Oak Glen, east of Highway 101 in Nipomo ~~and S and the new~~ station no. 22 located on Highway 1 on the west side of the mesa (South County Inland Area Plan, 2003).

c. **Police Protection and Emergency Services.** The County Sheriff's Department provides police and patrol services in the unincorporated areas of the county. The county is divided into three service areas for police protection: North, Coast, and South. The Sheriff's Department is headquartered near Camp San Luis Obispo on Kansas Avenue. Each area has its own substation, which is supervised by a sergeant and staffed with deputies and legal clerks.

The North Station is located at 65 North Main Street in Templeton. The North Station's area of responsibility consists of 1,400 square miles and extends from the top of Cuesta Grade to the Monterey County line, extending east to the Kern County line. Planning areas served by the North Station include: Nacimiento, Adelaida, El-Pomar/Estrella, Salinas River, Los Padres, Las Pilitas, and Shandon-Carrizo. Average response times are in the 5 to 20 minute range, while longer service requests to outlying county areas can be up to 45 minutes. Poor response times are generally due to the large area being served and the distances involved. These areas include the more rural portions of Adelaida, El-Pomar/Estrella, Nacimiento, Los Padres, Las Pilitas, and Shandon-Carrizo planning areas. The Nacimiento, Los Padres, Las Pilitas and Shandon-Carrizo planning areas are outside of the project area.

The Coast Station is located at 2099 10th Street in Los Osos, serving an area of 900 square miles. The Coast Station personnel provide service to San Simeon/Hearst Castle area, Cambria, Harmony, Cayucos, Los Osos/Baywood Park, rural San Luis Obispo, and Avila Beach/Port San Luis. Planning areas served by the Coast Station include: Nacimiento, Adelaida, North Coast, Estero, San Luis Bay Inland, San Luis Obispo, Los Padres, and Las Pilitas. Current average response times generally range from 5 to 30 minutes with longer response times to the more rural outlying areas of the service jurisdiction.

facilities to maintain adequate service ratios, response times, or other objectives for Sheriff, Cal Fire, and other emergency service providers. Although it has been acknowledged that build-out of the agricultural cluster program may have incremental impacts to these services, it is speculative to determine the nature of future site specific impacts that may be secondary effects of this project (CEQA Guidelines Section 15145).

As shown in ~~Figure 4.9-1~~ ~~Figure 4.9-1~~, the program could also result in the construction of new residences in high fire hazard areas. The fire hazard potential of an area is determined by the relative amounts of fuel loading, fire weather, and slope. Fuel loading refers to the age, type, and density of vegetation in an area. The fire weather index considers the number of hot, dry days. Slope refers to the topography of an area, which may hinder access for firefighting efforts. Slope is also important because fire travels faster on steep slopes. There are many areas in the county, including within the project area, which are subject to these fire threats. As described in Section 4.5, Geologic Hazards, approximately 18 percent of the project area is comprised of slopes of 30 percent or more. Residential structures developed under the proposed amendments could be located on steep slopes in order to avoid prime agricultural soils, as required by the agricultural clustering provisions.

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- CF-5 Existing ordinances require that individual projects maintain a specific gallon per minute fire flow ~~and~~ additional storage capacity in rural areas based on Cal Fire specifications. Fire flow is defined as the amount of water required, above and beyond domestic needs, to extinguish a
- CF-5 fire in a structure ~~and protect from wildland fire~~ ~~and~~ which shall be available during peak water demand periods. Every applicant would be required to comply with the most recent
- CF-5 ~~Uniform-California~~ Fire Code and implement County ~~F~~fire protection standards as required by both the Land Use Ordinance (Chapter 22.50 - Fire Safety) and Coastal Zone Land Use Ordinance (Sections 23.05.080 through 23.05.086). The design of driveways is required to meet County standards to ensure adequate emergency access to the site. Future proposed road systems are required to allow unhindered Fire Department access and maneuvering during emergencies.
- CF-5 An applicant is also required to ~~follow~~prepare a fire safety plan ~~in collaboration with the local fire agencies~~generated by Cal Fire. In areas where fire hazard is considered high or very high, in wildland /urban interface areas, and state responsibility areas, the fire safety plans will employ state-designated wildland urban interface requirements. Inspection of all required fire safety measures will take place before final occupancy is granted on any construction permit. Impacts would therefore be Class III, *less than significant*.

Mitigation Measures. Impacts resulting from the construction of new or physically altered emergency service facilities would be considered during the project-level environmental review for individual agricultural cluster projects. At this time, however, no meaningful information is available regarding the exact location of these projects or the scope of improvements which would be necessary to maintain or achieve acceptable levels of service. Impacts are therefore too speculative for evaluation. As required under existing ordinance provisions, individual cluster projects would pay public facilities fees and prepare a fire safety plan showing compliance with existing fire code requirements. No additional mitigation measures beyond existing requirements are necessary.

BR

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>

California Department of
Transportation (CalTrans)
Comment Letter - October 18, 2011



*Flex your power!
Be energy efficient!*

October 18, 2011

Bill Robeson
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408

SLO-var
SCH 2010011079

Dear Mr. Robeson:

Subject: Agricultural Cluster Subdivision Program Draft Environmental Impact Report

DOT-1 Thank you for the opportunity to review the subject document. In general terms, Caltrans is supportive of the proposed project, particularly as one outcome is both Average Daily Trip and peak hour trip reduction by as much as 91%.

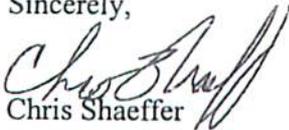
DOT-2 Just as the proposed project will reduce environmental impacts and protect lands, associated mitigation should also orient on preserving transportation resources. With respect to mitigation measures T-1(a) and T-2(a), Caltrans asks lead agency to consider adding to the of list of appropriate measures, the construction and use of development serving road network(s) which will provide access to the regional network at existing grade separations. The three primary purposes of such as measure are:

1. To avoid the need for development traffic to access US 101 by way of an at-grade intersection.
2. Minimize additional future costs when converting US 101 to freeway throughout the county.
3. Consistency with project objectives on page 2-13, bullet points 1, 2, and 4.

Avoiding the introduction of additional traffic at existing at-grade intersections to US 101 will protect the operational integrity and safety for all user of the facility. Similarly, minimizing the construction of new intersections on other State highways will preserve their operations.

Thank you for the opportunity to provide comments upon this proposed project. If you have questions about this letter please call me at (805) 549-3632.

Sincerely,


Chris Shaeffer
Development Review
Caltrans District 5

Cc: L. Newland, CT
C. Utter, CT



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Office of Planning and Research,
State Clearinghouse Comment
Letter - October 21, 2011

October 21, 2011

Bill Robeson
San Luis Obispo County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Subject: Agricultural Cluster Subdivision Program
SCH#: 2010011079

Dear Bill Robeson:

The State Clearinghouse submitted the above named Draft EIR 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 October 20, 2011, 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:

OPR-1

"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,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010011079
Project Title Agricultural Cluster Subdivision Program
Lead Agency San Luis Obispo County

Type EIR Draft EIR
Description The County of San Luis Obispo has existing ordinances and policies governing agricultural cluster land divisions. These ordinances and policies allow owners of eligible properties to apply for an agricultural cluster subdivision as an alternative to a conventional land division. The proposed ordinance and general plan changes will modify existing criteria and standards associated with agricultural cluster subdivisions in order to reduce environmental impacts and to protect lands for continued and enhanced agricultural production.

Lead Agency Contact

Name Bill Robeson
Agency San Luis Obispo County Department of Planning and Building
Phone (805) 781-5607 **Fax**
email brobeson@co.slo.ca.us
Address 976 Osos Street, Room 300
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Lat / Long
Cross Streets
Parcel No.

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Program affects lands which are designated for agricultural use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 09/06/2011 **Start of Review** 09/06/2011 **End of Review** 10/20/2011

NATIVE AMERICAN HERITAGE COMMISSION

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



Clear
10/20/11
e

September 16, 2011



Bill Robeson
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: SCH# 2010011079 Agricultural Cluster Subdivision Program EIR: San Luis Obispo County.

Dear Mr. Robeson:

NAHC-1

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:

NAHC-2

- ✓ 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 measures 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 public 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.

NAHC-3

- ✓ 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
Program Analyst
(916) 653-4040

cc: State Clearinghouse



SAN LUIS OBISPO COUNTY
 DEPARTMENT OF PUBLIC WORKS
 San Luis Obispo County Department
 of Public Works Comment Letter -
 October 17, 2011

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: October 17, 2011

TO: Bill Robeson, Senior Planner – Planning & Building Department

FR: Glenn Marshall, Development Services Engineer – Public Works Department *GM*

RE: PUBLIC WORKS COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR AGRICULTURAL CLUSTER SUBDIVISION PROGRAM [DRC08-00010]

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

General Comments:

No.	Comments and/or Recommendations
PW-1 1.	Throughout the entire document recommend replace “County Engineer” with “Department of Public Works”

Specific Comments:

No.	DEIR Page	Comments and/or Recommendations
2.	PW-2 ES-47 PW-3	<p>“Such consideration shall also take into account water existing and future extraction from uses not presently regulated by the County (e.g. agricultural water demand).” – Existing water is use not regulated by the county. Consider rewording for clarification.</p> <p>“Compliance with measures in an established groundwater management plan that is intended to address cumulative basin-wide impacts.” – Consider rewording to state “Participation in any measures in an established GMP that are being implemented by one or more entities that are . . . “. The entities that implement the GMP may be invoking different measures in the Plan at different times.</p> <p>“Compliance with any applicable requirements from Title 8 of the County Code.” – Consider adding “or any other applicable groundwater management ordinance that may be established in the future.”</p> <p>“Purchasing water offsets” – Would need to enter into an agreement to ensure the partner reduces pumping by the amount of supplemental water being brought in.</p> <p>“... agricultural cluster subdivision projects shall be required to offset net increases in non-agricultural water demand.” – Consider adding “with non-agricultural water”.</p>

	No.	DEIR Page	Comments and/or Recommendations
PW-3	3.	ES-49	Bullet item 2, replace "Nacimiento Lake" with "...the County's Nacimiento Water Project"..."
PW-4	4.	ES-51 HWQ-5 & 4.7-23 4 th bullet	Consider updating the text to note that the illicit discharge ordinance was adopted by the Board of Supervisors as Title 8.68
PW-5	5.	ES-55	"As a result, new residential development will need to obtain water service from on-site wells." – Please clarify, does this mean existing wells? Or to establish one well per residential parcel? Please expand upon why the formation of small system precluded?
PW-6	6.	4.9-1 3 rd ¶	A number of the CSD also provide road maintenance services. May want to include that in the description of services provided.
	7.	4.9-28 1 st ¶	"County landfills, Chicago Grade, Cold Canyon Paso Robles are regulated by the San Luis Obispo Integrated Waste Management Authority. This agency verified that these landfills have the capacity to serve waste generated by residences" <i>Suggested language for the above 2 sentences:</i> "The three operating landfills in the county, Chicago Grade Landfill (privately owned and operated), Cold Canyon Landfill (privately owned and operated) and the Paso Robles Landfill (owned by the City of Paso Robles) are regulated by the California Department of Resources Recycling and Recovery. The local San Luis Obispo County Integrated Waste Management Authority verified that these landfill have the capacity to serve the waste generated by the projected residences from the future development and..."
	8.	4.9-28 2 nd ¶	"County Recycling Ordinance (Title 8) requires the recycling of 50 percent of construction waste" <i>Suggested language:</i> "The California Green Building Codes and the County Recycling Ordinance (Chapter 8.12.400 et seq) require the recycling of 50% of the construction and demolition debris generated by development activities." <i>Suggested language:</i> "Building permits are not issued without identification of waste handling methods and prior to final inspection applicants are required to submit original recycling and disposal receipts."
PW-7	9.	4.9-28 3 rd ¶ 2 nd sentence	"Compliance with current county ordinance for recycling of construction waste and the county's land fills capacity to accommodate solid waste makes impacts to solid waste/landfills less than significant." Need to include the new State "Cal Green" building code requirements so, <i>Suggested language:</i> Compliance with current County and State requirements for recycling of construction and demolition waste and the local landfills' ability to accommodate new generation of solid waste, makes the impact to solid waste/landfills less than significant. This suggested change also needs to be incorporated into ES-54, Impact PS-5 residual impacts paragraph.

	DEIR No.	Page	Comments and/or Recommendations
PW-8	10.	4.10-7 Fig 4.10-1	Remove the SLO-Fringe Road Improvement Fee and add the San Miguel RIF
PW-9	11.	4.10-9 (g)	Consider referencing the County Bikeway Plan
PW-8	12.	4.10-10 (i)	Remove the SLO-Fringe Road Improvement Fee and add the San Miguel RIF
PW-10	13.	4.12-1 2 nd ¶	An August 2011 version of the MWP is available. The Board will probably not "adopt" the MWP, just receive and file.
PW-11	14.	4.12-1 5 th ¶	Reflect established water management areas (in reference to the Management Areas in the Santa Maria Basin.)
PW-12	15.	4.12-10	Please see August 2011 MWP - there are additional notes that should be added to these yield numbers regarding their reliability/limitations like on page 17. http://www.slocountywater.org/site/Frequent%20Downloads/Master%20Water%20Plan/index.htm Section 4.2 - tables; Section 1.3.3
PW-13	16.	4.12-14 4 th ¶	The stream flow appropriation and basin yield may not be additive - basin analyses usually include yield of alluvial formations, which are typically where water daylights in a stream. Recommend keeping the basin yield and steam flow appropriation statements separate.
PW-14	17.	4.12-14 footnotes	Consider referencing the Annual Reports from the Technical Groups charged with managing the NCMA and NMMA; may be an issue not recognizing those more recent efforts.
PW-15	18.	4.12-15 1 st ¶	Consider using the August 2011 data and discussion; especially for Los Osos.
PW-16	19.	4.12-15 2 nd ¶	2005 Master Water Plan. Again, not augmented, but may be a portion of the basin yield accounted for by appropriation. Check analysis methodology for basin yield.
PW-17	20.	4.12-16 4 th ¶	"...acceptable water budget." – Does this indicate supply and demand balance?
PW-18	21.	4.12-23 2 nd ¶	The Lopez dam seismic improvements have been completed.
PW-19	22.	4.12-29 Last ¶	"...that these units <i>could</i> be developed..." – Did you mean "could not"?
PW-20	23.	4.12-33 WR-1(a)	See ES comments
PW-21	24.	4.12-35 WR-2	See ES comment. Also, WR 1.9 says to "discourage ... except where needed to resolve health and safety concerns." If a clustered residential area is allowed, what does Environmental Health or RWQCB have to say about whether a regulated community system is better than individual wells in terms of health and safety on a long-term basis?
PW-22	25.	4.12-36 Last ¶	Do they address on a long-term basis? If this is a new development and new agriculture, over time will the water quality change?
PW-23	26.	4.13-7 Last ¶	Assuming the Ag Cluster is not near an existing water service provider - I believe current policies require hook up to an adjacent provider vs. individual wells or formation of a new community system

Please keep Public Works informed as to the progress of this project. If you have any questions regarding our comments I can be contacted by phone at (805) 781-1596, by email at (gdmarshall@co.slo.ca.us), or at the above address.

4.7 HYDROLOGY AND WATER QUALITY

4.7.1 Setting

a. **Countywide Hydrology.** Several major watercourses are located throughout the county including, but not limited to: the Salinas River, Estrella River, Huerhuero Creek, Santa Rosa Creek, Morro Creek, San Luis Obispo Creek, Arroyo Grande Creek, Nipomo Creek, Chorro Creek and their tributaries. Rural areas as well as a significant amount of urban development surround these and other watercourses throughout the county.

The San Luis Obispo Creek and Arroyo Grande Creek watersheds are the most heavily urbanized areas within the county. During flood events, these watercourses can carry large amounts of debris and have the potential to cause significant property damage within the urbanized areas of the San Luis Bay (coastal and inland), San Luis Obispo, and Huasna-Lopez planning areas. Arroyo Grande Creek flood storage south of the City of Arroyo Grande has reached nearly 85 percent capacity due to heavy siltation caused by surrounding development. Santa Rosa Creek is a steep gradient creek that has a history of flooding the community of Cambria. The Salinas River, although adjacent to several communities, is generally contained within its river channel during storm events.

b. **Drainage Problems and Generalized Flood Hazards.** Development adjacent to or near surface water is subject to specific design and construction conditions to ensure a project's surface water is adequately contained and directed offsite. Drainage problems exist in localized areas of the county due to site topography, soil conditions, and adjacent development. The County Public Works Department has completed drainage studies for specific known problem areas of the county. As a result, the County Board of Supervisors approved funding for Drainage and Flood Control Studies for the communities of Cambria, Cayucos, Nipomo, Oceano, San Miguel, and Santa Margarita.

Development resulting from the proposed program would occur in rural areas of the county. In general, drainage within rural areas is less of a concern, as the intensity of development is substantially lower. As a result of the lower development intensity, less land area is devoted to impervious surfacing and most natural drainage courses in the rural area have been retained.

c. **FEMA Floodplains.** Flood Insurance Rate Maps determine areas of 100-year flooding and divide the county into eleven Flood Hazard zones: Zone A, base flood elevations not determined; Zone AE, AH and AO, base flood elevations determined; Zone AR, Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified; Zone A99, area to be protected from 1% annual chance flood by a Federal flood protection system under construction, no Base Flood Elevations determined; Zone V, coastal flood zone with velocity hazard (wave action), no Base Flood Elevations determined; Zone VE, Coastal flood zone with velocity hazard (wave action), Base Flood Elevations determined; Zone X (shaded), areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood; Zone X (unshaded),





AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

Air Pollution Control District
Comment Letter – October 17, 2011

October 17, 2011

Bill Robeson
SLO County Department of Planning & Building
County Government Center
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the SLO County Ag Cluster Program Environmental Impact Report. (LRP2008-00010)

Dear Mr. Robeson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed amendments to Titles 22 and 23 of the County Code (Land Use Ordinance and Coastal Zone Land Use Ordinance), and Agriculture Element of the County General Plan. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

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.**

- APCD - 1 | The SLOAPCD generally supports the proposed amendments to Title 22, Title 23 and the Agriculture Element of the General Plan. With the follow recommendations:
- APCD - 2 | • District staff recommends that provisions be implemented to ensure that no more than 418 parces are allowed as part of these changes, whereby ensuring that loopholes in the Ordinances do not allow for additional development in the future.
- APCD - 3 | • District staff would recommend consideration of alternative 2 which would further restrict the development area to 2 miles from the URL and VRL verses the proposed 5 miles recommended.

Air Quality Section

- APCD - 4 | **Page 4.2-3**
It should be noted there are 10 air quality monitoring stations in San Luis Obispo County. Please refer to the 2010 Ambient Air Monitoring Network Plan (<http://www.slocleanair.org/air/pdf/2010/2010%20network%20plan.pdf>) for monitoring station locations.

Page 4.2-4

APCD - 5

It should be noted that, in addition to the criteria pollutant, diesel particulate matter is a primary concern with regard to sensitive receptors. Parks and playgrounds, day care centers, nursing homes, and hospitals are all considered sensitive receptors.

Page 4.2-4

APCD - 6

The methodology used to conduct the consistency analysis with the CAP is out dated. Rather than simply answering the 3 questions outlined on page 4.2-4, the current guidance is to evaluate all the land use and transportation control measures listed in the CAP. Please refer to the SLOAPCD CEQA Air Quality Handbook, page 3-1.

Page 4.2-4

APCD - 7

At the bottom of page 4.2-4, the DEIR states that air quality impacts would be significant if development facilitated by the proposed program would result in any of the following- this is followed by a list of conditions. It should be noted that in addition to the conditions listed on page 4.2-4, there are other special conditions that SLOAPCD recommends to be considered. These can be found on page 3-5 of the SLOAPCD CEQA Air Quality Handbook.

Page 4.2-7

APCD - 8

With regard to NOA, the following requirement should be included in the DEIR
Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact the APCD Enforcement Division at 781-5912.

Page 4.2-8

APCD - 9

The following language for construction phase idling should be included in the DEIR and would apply to projects where diesel emissions would be close to sensitive receptors.

Public health risk benefits can be realized by idle limitations for diesel engines. To help reduce the emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

1. California Diesel Idling Regulations
 - a. ***On-road diesel vehicles*** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

APCD - 9

1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
 - d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.tzov/msprou/truck-idlingZ2485.pdf and www.arb.ca.tzov/regact/2007/ordics107/frooal.pdf.
2. Diesel Idling Restrictions Near Sensitive Receptors
In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
 - a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.

Page 4.2-8

In addition to the mitigation measures listed in the DEIR, District staff recommend the following measures be included:

APCD - 10

Prohibition of Residential Backyard Burning and 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. It also allows for agricultural burning of agricultural green waste. However, green waste burning within or around agricultural clustered developments can result in nuisance and negative health impacts to residents and is just one 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:

- a. Prohibit residential green waste burning for this Agricultural Cluster Development.

APCD - 10

- b. 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.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.

APCD - 11

- Power screens, conveyors, diesel engines, and/or crushers
- Portable generators and equipment with engines that are 50 hp or greater
- Electrical generation plants or the use of standby generator
- Internal combustion engines
- Rock and pavement crushing
- Unconfined abrasive blasting operations
- Tub grinders
- Trommel screens
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)

To minimize potential delays, prior to the start of the project please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

APCD - 12

Residential Wood Combustion

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

APCD - 13

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-

APCD - 13

- recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact the APCD Enforcement Division at 781-5912.

APCD - 14

Page 4.2-9

Mitigation measure AQ-1b, AQ-1c, AQ-1d should be conditioned to apply to all projects regardless of the size.

APCD - 15

Page 4.2-11

Impact AQ-2 indicates that "compared to the existing condition, long-term operational emissions under the program could exceed the SLOAPCD's 25 lb/day threshold for these emissions." Impacts compared to the existing conditions would, therefore, be Class I, *significant and unavoidable*". These impacts could be reduced to Class II, *significant but avoidable* with the implementation of off-site mitigation. **District staff recommends that a provision for off-site mitigation be added to as a mitigation measures, in cases where on site mitigation will not reduce the impact to less than significant.**

APCD - 16

Page 4.2-17

Under the Cumulative Operational Impacts section, the DEIR states that "since future agricultural cluster project would be unlikely to individually exceed this threshold, their incremental contribution to cumulative operational air quality impact would go unmitigated." Therefore, under build-out of the program, cumulative impacts would remain Class I, *significant and unavoidable*. As indicated above, off site mitigation could reduce the impacts Class II significant but mitigable. Therefore, **District staff recommends that a provision for off-site mitigation be added to as a mitigation measure, in cases where on site mitigation will not reduce the impact to less than significant.**

Greenhouse Gases

APCD - 17

Page 4.6-9

The EIR indicates that URBEMIS was used to calculate GHG emission from area sources (space heating and mobile sources) and the California Climate Action Registry (CCAR) was used to calculate GHG emission for electricity. It is not clear if emissions from waste were included in the calculations. While emissions from waste are small compared to mobile and area source emissions, they should be included in future analysis.

APCD - 18

Page 4.6-10, Impact GHG-1

The EIR indicates that GHG impacts compared to existing conditions would be Class I *significant and unavoidable*. As indicated above for the criteria pollutants, these impacts could be reduced to Class II, *significant but avoidable* with the implementation of off-site mitigation. **District staff recommends that a provision for off-site mitigation be added to as a**

APCD - 18 | **mitigation measure, in cases where on site mitigation will not reduce the impact to less than significant.**

Page **4.6-13**

APCD - 19 | More detail should be provided as to the rational and methodology used for the 5 year , 20 year and minimum year values presented in Table 4.6-3. The spreadsheet for the calculation included in Appendix D, should be provided.

Appendix D

APCD - 20 | For the URBEMIS modeling, it appears that 5.2 miles was used for all vehicle trips for the purposes of determining VMT and associated emissions. While the amendments would limit ag cluster development to within 5 miles of the URL, this type of development would be considered rural in nature. As indicated in the SLOAPCD CEQA Handbook, the default trip length for rural projects should be 13 miles. While not all trips would be 13 miles, it is conceivable that some of the trips would be longer than 5 miles, especially those associated with work. District staff would recommend that future modeling use 13 miles for home-work trips as a worst case scenario.

Page 4.6-15

APCD - 21 | At the top of page 4.6-15, the statement is made that "*SLOAPCD has not yet developed standard mitigation measures to apply to projects that exceed the GHG emission thresholds*". This statement is not accurate. On page 3-14 through 3-18 of the CEQA Air Quality Handbook, a list of mitigation measures is provided and as indicated in the table, many of the measures are applicable to GHGs. The DEIR goes on to reference the CAPCOA *CEQA and Climate Change Handbook* which is a good source of information on GHG mitigation measures, as is the CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*. Any of the above referenced documents could be used in selecting GHG mitigation measures.

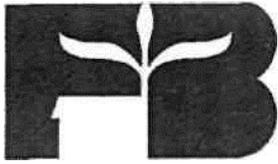
Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Melissa Guise
Air Quality Specialist

MAG/arr

Attachments: NOA Construction & Grading Form, NOA Construction & Grading
 Exemption Form



SAN LUIS OBISPO COUNTY FARM BUREAU

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October 13, 2011

Bill Robeson, Senior Planner
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

Re: DEIR and Economic Analysis, Ag. Cluster Amendments

Dear Bill Robeson:

I would like to take this opportunity to express my thoughts and concerns regarding the DEIR and Economic Analysis that have been released for comment.

Draft DEIR

FB1-1 First, I am questioning the DEIR's contention that the current Ag. Cluster has caused development. This is very confusing as there have only been 5 major and 5 minor clusters approved throughout the whole county within the last 25 years. This makes (page 2-15) 367 potential units or an average of less than 15 units per year. At this rate it will take a hundred years to develop even 12 percent of the County's unincorporated areas share of development per the projected county population by 2025 (see bullet 5 regarding July 15, 2008 Growth Management Ordinance). An Ag. Cluster with true incentives could help the County's development needs while protecting the most agricultural land possible, but the DEIR doesn't address this.

FB1-2
FB1-3 As I read the DEIR I soon came to the conclusion that this program that Shirley Bianchi proclaimed should be the standard method of development/subdivision when she was on the Planning Commission, will now be little more than a memory. With the elimination of the Minor Cluster, no clustering on Rural Lands and the extreme limitations on the remaining cluster areas coupled with the application requirements there will be no-one who will even consider an Ag. Cluster. Is this what the County wants? If so these amendments are on target.

I say Ag. Clustering will be a memory, because of what I am reading in the DEIR document. Here are a few of the reasons:

- FB1-4 • **Severity II and III areas are out.** Even though 7 inland URLs (Page ES-2) are listed as having cluster potential within 5 road miles of their boundaries, on page 4.12-31 it states that the project site may not be in a groundwater basin with the Level of Severity II or III. On ES-2 San Miguel, Paso Robles and Templeton are all listed as potential but are in a Severity III basin. Then, Nipomo Mesa is a Level III so Nipomo is out. The North Coast Planning Area, Cambria, Cayucos, Cuyama, and Los Osos are not cluster candidates because their basins are Level III. Further, Arroyo Grande, Cienega, Oso Flaco and the Hearst Ranch are excluded from consideration. How much is left? (see attachment 2009-2010 RMS Annual Summary Report)

FB1-5

- **Standards in Highway Design Corridors.** Starting on page 4.11-7 there is a lengthy list of standards that have to be met in Highway Design Corridors. Los Osos Valley Road was used as an example. In this list there is the prohibition of grading for structures or accesses on over 20 percent slopes. Development is prohibited on prime ag land (which I agree with), and it is coupled with a prohibition on grading over 20 percent slopes (page 4.11-7). The grim results are vast areas of the county as shown on Figure 4.11-1 are eliminated from any cluster consideration whether in or out of the Coastal Zone or regardless of the Level of Severity in groundwater basins.

FB1-6

- **Application Requirements.** Next are the numerous application requirements such as the surveys and studies proposed which will leave very few landowners that can afford the cost of even proposing to develop an agricultural land saving ag. cluster.

FB1-7

- **Rural Lands are eliminated.** Finally, all Rural Lands are eliminated from any consideration as clearly stated on page 2-20.

FB1-8

Yes, we all agree that there are some possible changes that can make Agricultural Clusters better, but the DEIR does not do this. It does not correctly address the issues surrounding amending the current agricultural clusters.

FB1-9

- **All minor clusters are eliminated.** Many of us want to protect agricultural land and minor clusters could be a solution for the 12,000 lots that the Planning Department acknowledged currently exist (see attached report to the Board of Supervisors on July 15, 2008 relating to the Growth Management Ordinance). Does this mean that the County would rather have these 12,000 lots developed in the so called "cookie cutter", standard subdivision manner? The minor cluster could be the vehicle to incentivize better development of these lots. The DEIR does not address this.

FB1-10

- **Cookie cutter development is cheaper.** As opposed to the statement on page 2.22, the amendments will not "provide an incentive to landowners to choose the cluster...". If the underlying lot exists, you don't have to do the extensive application studies and surveys, you just have to have access and water and you have the right to develop. With all the costly requirements and limitations on agricultural clusters, this cluster amendment has now actually created an incentive to chop up the acreages as opposed to saving 80 to 95 percent of the land. The DEIR does not cover this.

FB1-11

- **The Amendments don't reduce rural development potential.** What will happen to the 12,000 existing lots? Does the county believe that many of them will not be developed? What the Amendments do is incentivize their development in an agriculturally splitting manner as opposed to protecting the 90 to 95 percent of the agricultural land.

FB1-12

- **The DEIR is in conflict with itself.** On page ES-1 the cluster parcel size is increased to 2.5 acres, yet on page ES-2 the DEIR supports more compact clusters. Somehow this does not hang together. This scenario is repeated on page 2-1. Expand, but compact?

FB1-13

- **The unincorporated area will need to accommodate 6,500 new units by 2025.** Again, in the July 15, 2008 Growth Management Ordinance report it was stated that "by 2025 the projected total county population (including the cities) could require over 28,000 dwelling units" and "over 16,000 of which proportionally would be built in the unincorporated communities and rural areas". The report acknowledged that "6,500 would be built outside communities". How better to accommodate those "antiquated subdivisions" with the needed 6,500 units utilizing minor clusters and saving the maximum amount of agricultural land. The DEIR does not address this.

Agricultural Cluster Subdivision Economic Analysis

My first concern is why the inaccurate and outdated December 15, 2010 Economic Analysis relating to 2 road miles limits and 1 primary unit on agricultural land was brought forward as the document as the economic review of the September 2, 2011 DEIR.

The inaccuracies and assumptions written in the Economic Analysis make this analysis completely useless and it should be scrapped. The reasons are legion, but I will address only a few of the most egregious ones.

- **Agriculture in the County.** The author states that "agriculture is currently a relatively small sector of the economy of San Luis Obispo County" (page 21). This statement alone proves the author's ignorance of San Luis Obispo County. In 2005, The County in their Local Hazard Mitigation Plan states, "In terms of dollar value, agriculture is the largest industry in San Luis Obispo County, providing employment for a significant portion of the County's population". (See attached November, 2005, Local Hazard Mitigation Plan) There are numerous documents that refute the Economic Analysis's position as to the economic importance of the County's agriculture. Additionally, it is irrelevant to the economics comparing San Luis Obispo County agriculture to Monterey, Santa Barbara and Fresno counties. The point is how important economically is San Luis Obispo County's agriculture to San Luis Obispo.
- **What is agriculture.** The author states that "a fifth of the land in San Luis Obispo County is devoted to agricultural production" (page 19). Then justifies this statement by not only excluding grazing from agricultural production, but actually states that "increased conversion towards grazing" is conversion away from agriculture, implying that this is loss of agricultural land to development. Those that are in commercial cattle production would seriously differ from this classification that they are not agriculture.
- **Farmland and loans.** The author contradicts herself in pages 22 and 23. First, "farmland is often used as collateral for agricultural loans". Then on page 23 she states "loans do not depend on the underlying development potential of their farmland". Again it shows that this author does not understand the industry and the fact that the land use and the development potential are inseparable unless the land is under an Ag. Preserve Contract or has a conservation easement covering the land.
- **Ag Clusters resulted from clusters.** Although the statements on page 35 and page 41 may be accurate, they completely ignore that the 367 clustered units (over half of which currently are not developed) in the last 25 years are the least problem. There are 12,000 existing legal parcels that could benefit from clusters.
- **Expanding population.** The author is correct that "some form of rural development will be needed to accommodate the expanding population". As stated above, the analysis completely ignores how the cluster might better address these existing legal lots or the requirement for the unincorporated areas of the county to .
- **Reduced Development Potential.** As in the DEIR the Economic Analysis completely ignores development of current legal lots when it is stated that the revisions will "substantially reduce development potential in rural and agricultural areas of the county". Again, the reality has been completely ignored.
- **References.** It was quite disconcerting to see that 1981 references relating to farmland values were utilized as well as reference going back to 1974. Also utilizing market appreciation for clustering from 1990 rural Massachusetts. Development on the east

FB1-14

coast is completely different from west coast development and these conclusions do not relate.

In conclusion both the DEIR, and the Economic Analysis need to go back to the drawing board and look at the reality of San Luis Obispo County.

FB1-15

These are only a few of my concerns, but just these lead me to believe that the DEIR is not taking a realistic look at the issues and is not accurately addressing how the current cluster ordinance and the amended ordinance will impact development in the unincorporated areas of the County.

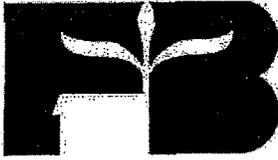
There are possible changes that can be made to the major and minor cluster programs, but the current amendments and the DEIR do not address the issues and changes accurately or beneficially.

I hope that these comments have been helpful in the process of addressing agricultural clusters and development issues in the rural areas of San Luis Obispo County.

s
ely,


JOY FITZHUGH
Legislative Analyst
San Luis Obispo County Farm Bureau

Enclosures



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February 2, 2012

Bill Robeson, Senior Planner
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: Ag. Cluster DEIR and Economic Analysis

Dear Bill Robeson:

We appreciate this opportunity to further address our thoughts and concerns. I am going to restrict my comments to the Recirculated DEIR as I addressed the Original DEIR and the Economic Analysis in our October 13, 2011 letter.

It is unfortunate that the County chose to only review and include changes from the statements by the APCD in the recirculated DEIR while ignoring all other comments, including the October 13, 2011 letter from Farm Bureau. It is our hope that all those commenting will get a fair review at this time of the original DEIR, Economic Analysis and the Recirculated DEIR of the Agricultural Cluster Amendments.

FB2-1

APCD comments: There is concern over the fact that the San Luis Obispo County APCD is utilizing the Bay Area Air Quality Management Districts methodology and thresholds to set San Luis Obispo County's thresholds (see ES-17). In addition to utilizing thresholds from a highly urbanized area and applying them to our much more rural county, the Superior Court recently ruled that the Bay Area District's mitigation of air quality, their methodology and thresholds for new development is considered in violation of California's Environmental Quality Act (CEQA). No CEQA review was included in the development of their guidelines and thresholds. These thresholds are extremely difficult to meet yet are part of San Luis Obispo County APCD thresholds. This concern relates to our Executive Summary comment on ES-2, fourth paragraph, "expanding the application content requirement for agricultural cluster subdivisions" and the numerous additional mitigation requirements that APCD has included in the recirculated DEIR. This issue must be addressed as APCD included significant mitigations based upon the Bay Area District's thresholds (ES-11 through ES-25, 4-2-9 through 4.2-13 and 4.6-15 through 4.6-17).

FB2-2

Executive Summary:

FB2-3

ES-1, Bullet 1: The bullet is only partially accurate in stating that the "agricultural cluster subdivisions" do "not presently exist" in the Coastal Zone. The current Agricultural Element allows, in AGP 23, Minor Agricultural Cluster Projects in the Coastal Zone. "*Properties throughout the county, including the coastal zone, can apply for a minor agriculture cluster project.*" Although not in the CZLUO the potential for minor clusters do exist. What the current

FB2-3 | amendments are doing is removing any possibility of the minor cluster availability within the coastal zone. Yet, the minor cluster would have more potential for acceptance in the Coastal Zone than the major cluster. Why remove this possibility and cause more ag. land to be lost?

FB2-4 | **Page ES-1, bullet 2:** Bullet 2 states that the amendments are "*eliminating the distinction between major and minor agricultural cluster subdivisions*". How can this even be considered in the realm of accuracy? The amendments are not eliminating a "*distinction*", the amendments are **eliminating the minor agricultural cluster subdivisions in total**. The minor cluster will no longer be a potential vehicle anywhere to save 90% to 95% of the land in productive agriculture when a development project is proposed.

FB2-5 | What neither the DEIR or the Recirculated DEIR do is compare, if all lots are developed, the saving of agricultural land using today's agricultural cluster versus how much agricultural land will be lost if the same agricultural land was developed with the standard subdivision. No EIR is complete or accurate without this comparison.

FB2-6 | **Page ES-1, Bullet 5:** As stated in my letter of October 13, 2011, many of the "identified urban reserve areas" are not eligible for agricultural clustering because they are in a water Severity II or III. To be accurate the restrictions need to be part of this summary to tell a complete story.

FB2-7 | **ES-1, Bullet 6:** In bullet 6 the summary addresses the increase in the minimum residential parcel size for the clusters from 10,000 square feet to 2.5 acres. As stated in my October 13, 2011 letter, how can you have more compact clusters when you increase the minimum residential parcel size? If you are attempting to reduce the number of residential parcels, then be open about it and state that by increasing the minimum parcel size you will reduce the number of developable parcels.

FB2-8 | **ES-2, First Bullet:** Requiring individual water and wastewater systems does not save water, but it certainly makes it more difficult to evaluate the overall available water. With individual wells, it will be more difficult to know if the water levels are declining or not.

FB2-9 | **ES-2, Fourth Bullet:** This bullet is the perfect incentive for people to "cookie-cutter" their development. Expanding the requirements, even more than is currently required, will guarantee that people desiring or needing to develop will only choose the standard subdivision and there goes the agricultural land.

FB2-10 | As stated in my October 13, 2011 letter, in 2008 the County recognized that there are at least "*12,000 undeveloped lots throughout the rural areas of the county*" (source Planning Staff report, Growth Management Ordinance, Countywide Rural Plan, July 15, 2008, Page No. 13). The report even states that many of the parcels could be further subdivided under existing rules. In addition to all this the staff further admitted that there are "*many underlying lots created by old deeds that the county is unaware of until Certificates of Compliance are applied for*". How would the 12,000 undeveloped lots, along with further subdivision potential and the unidentified old deeds, impact agriculture if they were all developed under the standard subdivision versus if these same undeveloped lots were cluster developed? **This issue has not been addressed in the DEIR or the Recirculated DEIR. This must be part of the review.**

FB2-11

ES-2, Bullet 5: This bullet further raises the question, if there are 12,000 known lots and there are two primary residences allowed, without considering further subdivision or the old deeds, at the very least there could potentially be 24,000 homes. Again, how would the agricultural productivity and land be impacted by 24,000 or more homes built in "cookie-cutter" subdivision? This must be addressed.

FB2-12

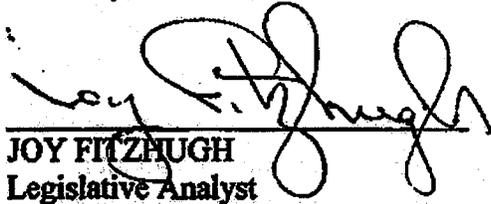
Page 4.2-6, Paragraph 4: It is difficult to follow the math in the assumption made in paragraph 4 that states the 20.9 units would be constructed annually when the historic number is 14.68 (source footnote on page 4.2-6). This is especially true with the current building and economic slump. Could staff please clarify this issue.

FB2-13

Page 4.2-6, Paragraph 2: It is amazing that County staff does not recognize the reality of the requirements being set by the proposed amendments when they actually make the following statement in paragraph 2 regarding the coastal zone. This reality exists whether the land is in the coastal zone or inland land use areas. The statement is *"However, since many of these lots could already be developed in their current configuration with fewer restrictions than would be required under the proposed amendments, only a small percentage of the eligible lots would be likely to participate in the program."* The DEIR again does not address the reality of the excessive requirements placed on the agricultural clusters except in this small paragraph. With this acknowledgement, how much agricultural land would be saved with reasonable cluster ordinances versus how much agricultural land will be lost if no clusters with reasonable requirements are available?

I hope these comments have been helpful and look forward to answers to the many questions that still exist regarding the agricultural cluster amendments.

Sincerely,



JOY FITZHUGH
Legislative Analyst

**Home Builders Association of the Central Coast
Comment Letter No. 1 – October 21, 2011**



Friday, Oct 21, 2011

Bill Robeson
Senior Planner
San Luis Obispo County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Dear Bill Robeson:

- HBA1-1 | The Home Builders Association appreciates the county extending the period to submit comments on Agricultural Cluster Subdivision Program Draft Environmental Impact Report. However, because the Ag Cluster Economic Analysis was not published until Sept. 30, the county should have extended the comment period for 45 days from Sept. 30 since economic results from changing the clustering program will impact negatively agricultural.
- HBA1-2 | Overall, we are disappointed to see that San Luis Obispo County is preparing to eliminate or drastically reduce one of the most powerful and successful tools it has had to preserve and enhance agriculture and open space. Removing 1 million acres from clustering will reduce that lands value and could encourage more scattered development. The Draft EIR totally ignores that and should study it.
- HBA1-3 | The county should not have done the DEIR itself for the same reason it does not let any other applicant do its own EIR. As a result of the county doing the study, the DEIR seems to lack the objectivity a neutral third party would have brought to the environmental analysis. The DEIR should either be redone by an impartial consultant or receive extensive peer review. The county owes the agricultural community an objective analysis by a qualified consultant.
- HBA1-4 | Clustering is a tool to conserve agricultural land, not developer subterfuge to convert it. The program has used incentives to promote concentrating building while permanently placing 95 % of the land in agriculture or open space, preserving more than 10,000 acres of county land. The county should help agriculture by encouraging more clustering in order to preserve more land and make agriculture more economically viable.
- HBA1-5 | The county's proposed changes -- eliminating incentives, reducing eligible land areas, requiring larger parcel sizes, and adding a layer of standards, regulations, and mitigation measures - will make agricultural clustering far less likely while making conventional development (spreading buildings over more agricultural lands) more attractive.
- HBA1-6 | The DEIR should evaluate the environmental impacts of eliminating 1 million acres from clustering on the overall economic viability of agricultural land. If land owners cannot cluster, it will be harder to keep their operations financially viable and may spur them to quit farming and develop their property or to develop their land under conventional development standards without the environmental benefits of clustering.
- HBA1-7 | The DEIR should also evaluate the environmental impact of where homebuyers will go as a result of the reduction in density and the loss of 1 million acres of land to clustering.

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HBA1-8 | Every ordinance can be improved, including the present clustering program. The proposed amendments should be revised to focus on improving and expanding the program.

Our specific comments on the DEIR are as follows:

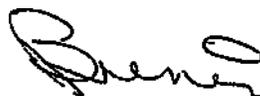
- HBA1-9 | 1. Page ES-1 and 2 - As the first of numerous references in this document to "key components of the proposed project," the components obviously conflict with each other. It is not possible to simultaneously increase the minimal residential parcel size to 2 ½ acres (108,900 square feet) from 10,000 square feet while requiring agricultural clusters to be more compact. By what definition of "cluster" or "compact" would a 10 times increase in the minimal parcels fit?
- HBA1-10 | 2. Page ES-2 - What study did the county use to determine that requiring each subdivided cluster parcel to have its own individual on-site water and waste water system would use less land and make agriculture more economically viable than if the cluster subdivision united homes into a single system? Please provide that study.
- HBA1-11 | 3. Page ES-3 - The second paragraph under Agriculture discusses how much land could be converted under the amendments but doesn't note how much ag land would be converted if conventional development was used instead to build the allowed densities on the land. Which way would more land be used and which would preserve more - the existing program or under the amendments?
- HBA1-12 | 4. Page ES-12 - The proposal to require LEED certification is too restrictive, economically unwise, and misguided at best. LEEDS has historically been a commercial program that puts much of the expense into certification instead of into making new development more energy-efficient. LEED for residential is a new and mostly untested program. The county should rewrite this requirement so it references "LEED, Cal Green, Build It Green or an equivalent program" that does a more balanced job of energy efficiency.
- HBA1-13 | 5. Page ES-13 - The requirement to exceed Title 24 is unnecessary and will soon be unachievable. New construction is already 65 % (counting the Cal Green program) more energy-efficient than homes built in 1990 and will be energy neutral by 2017 under current California Energy Commission plans. So within essentially five years, it will be impossible to exceed the state standards by 20 % since new construction will have already achieved 100 % energy-efficiency.
- HBA1-14 | 6. Page 2-15- There must be a mathematical mistake in the central paragraph. The existing clustering ordinance has only produced 367 parcels in almost 25 years, an annual average of just 13 ½ parcels or just 1 % of all development county wide. That indicates that the existing program is neither having much impact on development choices nor causing a notable problem. Please explain if this is accurate and how such a small number can justify sacrificing such an agriculturally valuable tool as the existing ordinance.
- HBA1-15 | 7. Page 3-1 - Why is the county using such old data in the second paragraph under Regional Setting? The county should update this information to reflect the 2010 Federal Census instead of the 2000 census.
- HBA1-16 | 8. Page 4.1-1- The second paragraph states, "Agriculture makes a substantial contribution to the County's economy." That conflicts with page 4 of the Ag Cluster Economic Analysis at the bottom of the page, which states "agriculture comprises a relatively small sector of San Luis Obispo's current economy. Please explain which statement is correct and fix the appropriate document so they match what is accurate.
- HBA1-17 | 9. Page 4.1-7- The first paragraph states that 1,203 acres of "important farmland" and 1,912 acres of "grazing land" were converted between 2006 and 2008, but it doesn't say what they were converted to. Please provide that information. They could have been converted to commercial use, water control structures or "Other Land" uses related to agriculture. What percentage of "Important Farmland" was converted? It seems to be 0.18 % of the total available. Is that correct? How is the term converted applied? If someone builds one home on a 10-acre parcel, is the entire parcel converted, just the land paved or what?
- HBA1-18 | 10. Page 4.1-7- The bottom of the page refers to "density 'ranchette' housing." What does that term mean? To what size parcel does it apply? Does it mean the entire parcel has been converted? What is that density? Please explain.
- HBA1-19 | 11. Page 4.1-8 - Under "Valuation Trends," the DEIR notes agricultural production valuation has risen \$225 million in 10 years (almost 50 %). Doesn't that suggests that the existing cluster program has not negatively impacted agricultural economic health?
- HBA1-20 | 12. Page 4.1-11 - The first paragraph under Impact Analysis says, "this EIR assume all agricultural land converted as a result of an agricultural cluster subdivision would meet the state's definition of important

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- HBA1-20 | farmland." Why assume or guess? Why not use hard facts and good evidence? Why not determine what percentage of previous conversions were "important farmland" and use the same number?
- HBA1-21 | 13. Page 4.1-13 - In the paragraph under "*URL Distance Reduction*," the DEIR states that this "revision would reduce build-out potential by an estimated 2,902 residential parcels." Parcels excluded from clustering can still be developed with homes. Does the 2,902 number account for that possible development? It seems as if the development potential will be the same, but some parcels can't cluster and others can. Please explain.
- HBA1-22 | 14. Page 4.1-16 - The first paragraph under Compared to Existing Conditions, the DEIR again raises questions about its impartiality and objectivity by assuming a "worst case scenario ... that 100 % of the land (converted for housing) would be comprised of important farmland." There is no scientifically valid reason for constantly assuming the worst when the county can easily determine what the historical pattern has been over the last five, 10, 50 or 100 years. This scientific document should use facts, whenever possible. In this case, it is possible.
- HBA1-23 | 15. Page 4.1-18 — In the first paragraph under Compared to Development Potential under the Existing Ordinance, the DEIR assumes that larger minimum lot sizes for cluster parcels will reduce the residential / agriculture interface and the potential for conflicts. Please provide the studies that show that to be the case. It seems as if the exact opposite would be true since the new requirement of 2 ½ acre minimums instead of 10,000 square feet will make a true clustering - putting all the homes in as small as possible of an area - impossible and the result will be far more breaking up of ag land around each clustered parcel.
- HBA1-24 | 16. Page 4.1 -22 - In the second paragraph under Cumulative Impacts, the numbers for the Lactitia property don't seem to add up. The graph says the project proposes 102 one-acre residential cluster lots, 627 acres of irrigated vineyards and five acres irrigated lemon orchards on a 634-acre agricultural property. But when you add 102,627 and five, the total property is 734 acres, not 634. Please correct or clarify.
- HBA1-25 | 17. Page 4.1-23 - The section under Compared to Existing Conditions contains a statement that again calls into question the objectivity of the DEIR. It says, "Cumulative development throughout San Luis Obispo would gradually convert agricultural land to non-agriculture use." History and facts from the DEIR clearly indicate that the above quote is inaccurate or unclear. In the 235 years since Europeans settled in the county, only 3 % of the land has been urbanized, a rate that suggests conversion occurs very slowly and will continue so. The DEIR itself notes that a million acres of the county are in agriculture - either farming or grazing- and only 44,000 acres urbanized. The existing cluster program that the county wants to eliminate permanently protects 95 % of the ag land instead of converting it. This section should be rewritten to put the amount of agricultural land being converted into a realistic framework.

The Home Builders Association is available for any additional information or clarifications you need regarding the above input.

Sincerely yours,



Jerry Bunin
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An Affiliate of the National Association of Home Builders and the California Building Industry Association

Home Builders Association of the Central Coast
Comment Letter No. 2 – February 2, 2011



Home Builders Association

OF THE CENTRAL COAST

creating quality housing and communities

Thursday, Feb. 2, 2012

Bill Robeson
Senior Planner
San Luis Obispo County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Dear Bill Robeson:

HBA2-1 After reading the original and revised Agricultural Cluster Subdivision Program Draft Environmental Impact Reports, the Home Builders Association still questions why San Luis Obispo County is preparing to purge or drastically reduce one of the most successful tools it has to preserve and protect agriculture and open space.

HBA2-2 Removing 1 million acres from clustering will reduce agricultural land values, not reduce growth capacity, and promote scattered development. The Draft EIR ignores that and should study it. These amendments are so draconian that clustering will almost entirely disappear while rural development will not, harming the agricultural community.

The county-produced DEIR lacks objectivity

HBA2-3 The county should not have done the DEIR itself for the same reason it does not let other applicants do their own EIR. The resultant EIR lacks the objectivity a neutral third party would have given the environmental analysis. The DEIR should either be redone by an impartial consultant or receive extensive peer review. The county owes the agricultural community a fair, objective analysis by a qualified consultant.

Clustering development helps conserve agricultural land and operations

HBA2-4 Clustering is a tool to conserve agricultural land and assist the agricultural economy. It is not a developer's contrivance. It gives farmers and ranchers revenue on a small portion of their land in order to help their operations survive normal economic up and down cycles, allowing agriculturalists to concentrate their development potential while placing 90 to 95 % of their land permanently in agricultural usage. It has permanently preserved more than 10,000 acres of land.

Instead of restricting the program so that it will die on the vine, the county should help agriculture by encouraging more clustering in order to preserve more land and make agriculture more economically viable.

The proposed changes — eliminating incentives, reducing eligible land areas, requiring larger parcel sizes, and adding regulations and mitigation measures — will make clustering less likely and make conventional development (spread over more land) more attractive to agriculturalists who occasionally need to tap that revenue source.

The DEIR ignores key environmental impacts the amendments will cause

HBA2-5 The DEIR should evaluate the environmental impacts of eliminating 1 million acres from clustering on the overall viability of agricultural land. If land owners cannot cluster, it will be harder to keep their operations financially viable and may spur them to quit farming and develop their property under conventional development standards

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HBA2-5 | without the environmental benefits of clustering. The DEIR should also evaluate the environmental impact of where
HBA2-6 | higher-end homebuyers will go. Anyone planning to live in such a cluster is not a candidate for a home in an urban
infill development. The county's proposal will likely result in the same rural density without the benefits of
clustering and without promoting its strategic growth principles.

HBA2-7 | It is difficult to see what problem the county is trying to fix since the number of residential units created under the
quarter-century-old program is minuscule, particularly when weighed against the amount of land protected under the
existing cluster ordinance. Every county ordinance, policy and program can be improved, including the clustering
program. These amendments should be rewritten to focus on improving and expanding the program, not destroying
it.

Revised DEIR ignores public input into the public process

HBA2-8 | And, it is most disappointing to find that the revised DEIR completely ignores the comments we submitted on the
original draft. That most certainly seems disrespectful of public input and suggests that your minds were made up
regardless what input the county received.

Our specific comments on the DEIR are as follows:

- HBA2-9 | 1. Page ES-1 sixth bullet and ES-2, fourth bullet - As the first of many references herein to "key components"
of this proposal, they obviously conflict. It is impossible to concurrently increase the minimal residential
parcel size to 2 ½ acres (108,900 square feet) from 10,000 square feet while requiring more compact
clusters. By what definition of "cluster" or "compact" would a 10 times increase in the minimal parcels fit?
- HBA2-10 | 2. Page ES-2, first bullet - What study did the county use to determine that requiring each subdivided cluster
parcel to have its own individual on-site water and waste water system would use less land and make
agriculture more economically viable and more environmentally sound than if a cluster united homes into a
single system? Please provide that study. A single system for a cluster should at least be an option to
consider.
- HBA2-11 | 3. Page ES-2, Fifth bullet - How can it be environmentally superior to eliminate clustering more than five
road miles from URLs while maintaining the existing density of two primary residents per parcel?
- HBA2-12 | 4. Page ES-3 - The second paragraph under Agriculture reports how much land could be converted under the
amendments but not how much would be preserved under the existing program vs. the new amendments or
how much would be converted if conventional development was used instead of clustering. Which way
would use more land and preserve more - the existing program or under the amendments?
- HBA2-13 | 5. Page ES-3/4, under Air Quality - This is the first reference to air quality issues. Without clustering, rural
residential development could occur at the same rate and have the same air quality effects. In order for the
DEIR to have value and be scientifically valid, it should show how eliminating clustering will improve air
quality by measuring how much would be generated by clustering vs. building the same number of units
without clustering. In addition, as noted in Points 7,9 and 23 below, air quality impacts in the county are
overwhelmingly more attributable to existing residences and vehicle miles traveled than to future
development. If the county determines there are problems it actually wants to fix, it must address the source
of the problem.
- HBA2-14 | 6. Page ES-4, first paragraph - The document states: "The proposed Agricultural Subdivision Program
reduces the overall number of residential dwellings that could be constructed in rural areas." Please clearly
explain how many total units could be built in rural areas under the existing program, how many could be
built under the amendments, and how many by using antiquated subdivisions?
- HBA2-15 | 7. Page ES-5 - The Greenhouse Gases paragraph is overly simplistic, measuring how much GHG would be
emitted if clustering was allowed. It should compare that figure with how much would be created under
conventional development. It seems most likely that they will be almost the same, rendering the change
inconsequential in this area. In addition, all new construction - commercial and residential - only
contributes 0.14 % to countywide GHG generation. Clustering historically accounts for 1 % of all county
residential growth, equaling less than a microscopic 0.0014 % increase in GHG emissions.
- HBA2-16 |

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- HBA2-17 | 8. Page ES-6 and 7 - The Transportation and Circulation section and Water Resources section makes the same mistake, referencing the potential impact from clustering without comparing it to what would occur under conventional development.
- HBA2-18 | 9. Page ES-16 - "Increasing energy efficiency requirements" for new construction is expensive, unnecessary, unachievable. New construction is already 65 % (counting the Cal Green program) more energy-efficient than homes built in 1990 and will be 100 % more efficient by 2017 under current California Energy Commission plans, making it nearly impossible and absolutely unnecessary to exceed the state standards unless the goal is to needlessly make new construction more expensive.
- HBA2-19 | 10. Page 2-15 - The existing clustering ordinance has only produced 367 parcels in 25 years, an annual average of just 14.7 parcels or 1 % of development countywide. Less than half of those parcels have been developed, clearly showing that the existing program is too small to be causing a problem. How can such a small number justify sacrificing such an agriculturally valuable tool as the existing ordinance?
- HBA2-20 | 11. Page 4.1-1 - The second paragraph states, "Agriculture makes a substantial contribution to the County's economy." That conflicts with page 4 of the Ag Cluster Economic Analysis at the bottom of the page, which states that "agriculture comprises a relatively small sector of San Luis Obispo's current economy." The economic analysis is wrong and should be ignored. In fact, it was a total waste of the taxpayer's money.
- HBA2-21 | 12. Page 4.1-7- The first paragraph states that " 125 acres of important farmland were converted to Urban and Built- Land" and 1,203 acres of "other land" were converted between 2006 and 2008." But it doesn't say what they were converted to. Please provide that data. They could have been converted to commercial use, water control structures or "Other Land" uses related to agriculture. What percentage of "Important Farmland" was converted? How is converted defined and applied? If someone builds one home on a 10-acre parcel, is the entire parcel converted, just the land paved, or what?
- HBA2-22 | 13. Page 4.1-7 - The bottom of the page refers to "density 'ranchette' housing." What does that term mean? To what size parcel does it apply? Does it mean the entire parcel has been converted? What is that density? Was that land newly subdivided or was something built according to existing standards? Please explain.
- HBA2-23 | 14. Page 4.1-8 - Under "Valuation Trends," the DEIR notes that agricultural production valuation rose \$225 million in 10 years (almost 50 %). So the current cluster program did not negatively impact agricultural economic health.
- HBA2-24 | 15. Page 4.1-11 - The first paragraph under Impact Analysis says, "this EIR assumes all agricultural land converted as a result of an agricultural cluster subdivision would meet the state's definition of important farmland." Why assume or guess when you have and can use hard facts and good evidence by determining what percentage of previous conversions were "important farmland" and use that?
- HBA2-25 | 16. Page 4.1-13 - In the paragraph under "*URL Distance Reduction*" the DEIR states that this "revision would reduce build-out potential by an estimated 2,902 residential parcels." Parcels excluded from clustering can still be developed with homes. Does the 2,902 number account for that? It seems as if the development potential will be the same, but some parcels can't cluster and others can. Please explain exactly what was computed in order to reach the 2,902 figure.
- HBA2-26 | 17. Page 4.1-16 - The first paragraph under Compared to Existing Conditions, the DEIR again raises doubts about its impartiality and objectivity by assuming a "worst case scenario ... that 100 % of the land (converted for housing) would be comprised of important farmland." Why assume the worst? The county can verify historical use over the last five, 10,50 or 100 years. This scientific document should use facts, whenever possible. Do the conclusions that the DEIR is trying to support change if other than "important farmland" is converted?
- HBA2-27 | 18. Page 4.1-16 - The third paragraph makes the same point we are - development will remain the same without the cluster but lack its benefits. It states that under the proposal, "the maximum number of residential cluster parcels allowed would be based on the number of parcels that would results from a demonstrated conventional land division applying the use test minimum parcel size.... Therefore, the Agricultural Cluster Subdivision Program **does not change the amount of development that could otherwise occur**. Rather, it dictates where it should be located (italics, underline added for emphasis)."
- HBA2-28 | 19. Page 4.1-18- The first paragraph under Compared to Development Potential assumes that larger minimum lot sizes for cluster parcels reduce the residential/agriculture interface and the potential for conflicts. Please provide the studies that show that to be true. The exact opposite seems true. The new requirement of 2 ½ acre

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- HBA2-28 minimums instead of 10,000 square feet will make true clustering - putting all homes in as small as possible - impossible and result in breaking up more land over a larger area around each clustered parcel.
- HBA2-29 20. Page 4.1-22 - In the second paragraph under Cumulative Impacts, the numbers for the Laetitia property don't add up. It says the project proposes 102 one-acre residential cluster lots, 627 acres of irrigated vineyards and five acres irrigated lemon orchards on a 634-acre agricultural property. But when you add 102,627 and five, the total property is 734 acres, not 634. Isn't the Leatitia project cover 1,900 acres? Please correct or clarify.
- HBA2-30 21. Page 4.1 -23 - The section under Compared to Existing Conditions again calls into question the objectivity of the DEIR. It says, "Cumulative development throughout San Luis Obispo would gradually convert agricultural land to non-agriculture use." The above quote is inaccurate. In the 235 years since Europeans settled in the county, only 3 % of the land has been urbanized, showing that conversion occurs very slowly and will continue so. The DEIR itself notes that 1.25 million acres of the county are in agriculture -- either farming or grazing - and only 44,000 acres urbanized out of a total of 2.2 million acres in the county. The cluster program that the county wants to eliminate permanently protects 90 to 95 % of the ag land instead of converting it. This section should be rewritten to put the amount of agricultural land being converted into a realistic framework.
- HBA2-31 22. Page 4.2-6 - Why does the fourth paragraph assume a growth rate for clustering that is 42 % higher than the actual rate over the last 25 years? Such seeming attempts to manipulate data only further makes this analysis an unreliable editorial instead of a scientific analysis.
- HBA2-32 23. Page 4.6-1 Greenhouse Gas Emissions - Consol, a nationally recognized energy consulting firm commissioned to do several studies for the California Building Industry Association (with which the HBACC is affiliated), noted in "Carbon Footprint of Single Family Residential New Construction" that new construction is not the problem regarding greenhouse gas emissions. Consol noted that in 2007, when the building boom was ending, California had 13,270,000 housing units and added 113,000 that year, less than a 1 % increase, adding only 0.12 % to annual GHG emissions (about one-tenth of 1 %). New housing historically averages 145,000 homes statewide annually. The 2011 total was about 45,000 units, making its 2011 GHG contribution about 60 % less than in 2007. The same percentages apply to San Luis Obispo County. It has about 117,000 homes and has averaged countywide 1,291 new homes annually since 1990, a 1.1 % growth rate producing less than 0.12 % more GHG emissions yearly. However, the 2007 number fell to 1,039, a yearly increase of 0.8 %. The 2011 total of 293 new homes, a 0.25 % growth rate and a 0.03 % increase in GHG emissions. Consol found that the carbon footprint of a new home built in 2007 produced 25 % fewer GHG emissions than a home built in 1990. New homes built in 2007 and today (an additional 30 % more energy efficient than one built in 2007) **already** exceed the AB32 requirement that new homes emissions by 2020 be no greater than 1990 levels. The state building code has **already** increased the energy-efficiency requirements by 65 % for new construction. Consol also noted that more than 70 % of GHG emissions statewide come from homes built before 1980, when the state had no energy code. The San Luis Obispo County Climate Action Plan reported that 80 % of the GHG emissions in the county come from the existing building stock and vehicle miles county residents now travel. Consol's cost-effectiveness study showed that the most environmentally and economically sound approach to GHG emission reduction is to focus on retrofitting existing homes and commercial building, not focusing on the few homes built annually under the ag cluster program. Consol concluded that spending \$10,000 to retrofit a 1960 home could cut GHG emissions by 8.5 tons a year, equaling \$558 to \$1,176 per ton, depending on tax credits and incentives. Increasing energy efficiency in a new home today by 35 % would cost \$5,000 and only cut emissions by 1.1 tons, about \$4,545 a ton.
- HBA2-33 24. Page 4.6-8 - We question using the Bay Area Air Quality Management District's GHG thresholds to evaluate ag cluster development in SLO County. How can standards for the state's second biggest metropolitan area be relevant and applicable to a small, rural, lightly populated county with little industry? How can urban standards be applied to a rural cluster subdivision?
- HBA2-34 25. Page 6-2 - Under the identification of Alternatives, Objective "the principle objective of the Agricultural Cluster Subdivision Program is to reduce environmental impacts associated with agricultural subdivisions and protect lands for continued and enhanced agricultural production." The existing program's potential is to permanently protect 95 % of 1.2 million acres while the amendments could only protect 95 % of 222,575 acres. How can such an enormous reduction in such a positive benefit possibly be misconstrued as an environmental improvement?

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- HBA2-35 | 26. Page 6-3 - For at least a half-decade, county land use policy documents have described the strategic growth principles as encouraging "development to be located within existing urban areas with adequate infrastructure and resources to accommodate future population growth." At no time, in no document, and in no public hearing has the county indicated which existing urban areas meet that standard.
- HBA2-36 | 27. Page 6-9 - In the first bullet under Existing Conditions, the DEIR states: "Historic trends demonstrate that only 8 % of existing standard parcels have been developed with 2 primary residences." That seems to contradict county claims that 40 % of all residential development is occurring in rural areas and seems to suggest that such minimal rural development cannot be worth the nuclear attack waged in the DEIR on clustering.
- HBA2-37 | 28. Page 6-10 - The second bullet notes the point we've been making herein that the existing cluster program allows the exact same development potential if each parcel was developed separately without the environmental and economic benefits of clustering.
- HBA2-38 | 29. Page 6-10 - Third bullet notes that 11 times more rural development is occurring through clustering than by conventional building. Unlike the total thrust of the DEIR, this bullet highlights the positive result of the existing program.
- HBA2-39 | 30. Page 6-16 - Under the second main bullet and its second sub bullet, the document states that "individual cluster projects reviewed under the existing ordinance are able to comply with Agriculture Element and COSE policies intended to protect agricultural land." If the program complies with such key county policy documents and is protecting ag land, why is the county trying to change the policy and program? This illustrates why this entire effort seems highly illogical, unnecessary and ridiculous.

The Home Builders Association is available for any additional information you need regarding the above input.

Sincerely yours,



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October 21, 2011

Mr. Bill Robeson, Senior Planner County
Planning and Building Department
976 Osos St., Rm. 300
San Luis Obispo, CA. 93408-2040

RE: Agricultural Cluster Subdivision DEIR Report and Economic Analysis

Dear Mr. Robeson:

COLAB - 1 | Section 4.1 of the Draft Environmental Impact Report (DEIR) failed to study many impacts of the
COLAB - 2 | proposed new restrictions imposed by Section 22.22.150 of the draft ordinance. Moreover both the DEIR
and the Economic Report incorporated as part of the DEIR fail on grounds of both accuracy and logic to
analyze the destructive impacts of proposed Section 22.22.150 on the environment, agriculture, and
social/economic impacts on county finances and services. Accordingly insufficient information is
presented to decision makers and therefore the DEIR fails to meet the standards of the California
Environmental Quality Act (CEQA).

COLAB - 3 | Similarly Section 4.9 fails to properly analyze the impact of Section 22.22.150 on public services and the
Economic Report fails to properly analyze the negative impacts on the economic ability of the County and
other taxing jurisdictions to provide public services. Again insufficient information presented to decision
makers and therefore the DEIR fails to meet the standards of CEQA.

Representative examples (not all) of these failures are listed below:

COLAB - 4 | The DEIR does not assess the impact of the thousands of residences which would never be built in the
foreclosed (current 5 mile zone) and the concomitant future dwelling units and population which would
need to be incorporated within the 2 mile limit zone, inside unincorporated villages, or inside
incorporated cities. Is there sufficient zoning capacity to absorb this shifted development? Since this
concern was not analyzed there is no accumulative impact analysis of this shift in relation all the other
"Strategic Growth" initiatives simultaneously underway within the County.

COLAB - 5 | Both Sections 4.1 and 4.9 are biased and erroneous in their findings that large rural lots with ranchettes,
estate houses, mini farms, boutique wineries, and similar development are inherently more costly for the

COLAB - 5 provision of municipal and county services than dense urban development. The bias is very apparent on page 4.1.18 of the DEIR which suggests that rural homes should be prohibited because they spawn trespassers and vandals (Right, all those retired folks in their \$ 2.5 million estate houses are coming out at night to steal the grapes). The County's economic consultant sites several old studies to support this

COLAB - 6 contention yet ignores the empirical data and examples currently existent on the central coast. For example large lot estate houses in communities such as Montecito, the Carpinteria foothills , the Gaviota Coast, and Santa Barbara's Hope Ranch generate far more in property taxes than they consume in municipal or county type services. The surplus actually helps fund the service overload in the dense communities such as Santa Maria and Lompoc. Similarly ranchetts, estate houses, and boutique farms in the Santa Inez Valley provide high property tax revenues.

COLAB - 7 The people who live in these communities have large discretionary incomes and are consumers of luxury automobiles, furniture, clothing, restaurant food, and professional/ medical services. They contract for a variety of services to construct, maintain, and enhance their property including building trades, nurserymen, and landscapers, and domestic help. These activities in turn generate sales taxes, and fees. The DEIR analysis only considers the property tax and does this only generally. It should have considered the other revenues and the means by which they are generated.

COLAB - 8 The DEIR fails to analyze the County costs for the social and justice services (see footnote 1 below) and only examines municipal service costs. The DEIR should have analyzed the impacts to social and justice service provision and costs well as municipal service costs in terms of the consequences of different land use scenarios.

COLAB - 9 The Economic Analysis states that when banks consider loans to farmers and ranchers, they do not consider the alternative potential asset value (if developed) of the property in assessing the decision to make the loan. Instead, and according to the Economic Analysis, the bank should primarily consider the production value vs. the underlying development value of the land.² This would be tantamount to only considering the income approach .Would the County itself accept this premise in assessing farm and ranch property for property tax purposes.? In any case, we have been told that this is not the case by bankers, farmers, and ranchers. The Economic Analysis is again flawed and should be redone.

COLAB - 10 The DEIR and subsidiary Economic Analysis are both false and incomplete. They should be rejected.

Very truly yours,

Michael F. Brown

Michael F. Brown,
Government Affairs Director

cc: Andy Caldwell, Executive Director

¹The County staff and the economic consultant fail to recognize that counties (unlike cities) provide both municipal type services (sewers, aqueducts, fire, police, road, parks, libraries, planning) and social and justice services (welfare, clinical and environmental health services, jails, and probation, District Attorney, Public Defender, and child protective services). The social services cost much more in denser urban settings than in communities typified by large free standing estate houses and ranchetts. The failure to analyze the social and justice services when examining land use impacts to services in a county invalidates the DEIR.

²See pages 22-23 of the Economic Analysis. The consultant does not present any local empirical data in this regard. Instead she cites a 1998 US Controllers circular to bankers on considerations for agricultural loans.

**RRM Design Group, Keith Gurnee
Comment Letter No. 1 – October 17, 2011**

October 17, 2011

Bill Robeson (brobeson@co.slo.ca.us)

Senior Planner

County of San Luis Obispo

Re: Comments on EIR for the Agricultural Cluster Subdivision Program

Dear Bill,

Attached are my comments on the Environmental Impact Report prepared by San Luis Obispo County on its proposed changes to the Agricultural Cluster Subdivision Program. It should be no surprise to you that I have found the report to be completely inadequate and biased in its analysis of the impacts associated with the existing regulations and the County's proposed amendments to those regulations. At this point, my comments are general in nature but I plan to make far more specific comments to the EIR when it comes before hearings at the Planning Commission and the Board of Supervisors.

KG1-1

In submitting these comments, I am also formally requesting that the County extend its deadline for public comment until at least November 14, 2011 to allow for a period of 45 days since the County's September 30, 2011 publication of its report on the Ag Cluster Economic Analysis and its associated Supplemental Memorandum that you prepared on that same date. In view of the fact that these documents have influenced so many of the fallacious conclusions on agricultural impacts in the environmental document, the public and most particularly the agricultural community should be allowed a proper period of time to comment on these works that were published 28 days after the County released the Public Review Draft of the EIR.

KG1-2

Bill, In making these comments I do not intend for you to take them personally. To the extent that the County has allowed you to do so, you have been helpful in keeping me somewhat informed about a subject near and dear to my heart. However, it is clear that the County has not been forthcoming in its largely nonresponsive replies to my multiple requests under the Public Records Act and its refusal to share much of the information I requested that could have shed some light on how the County came to its conclusions in preparing this EIR. Given the obvious bias the County has on this subject, it will be interesting to see how objective and impartial it will be in responding to these comments.

Thank you for your consideration, and please let me know at your earliest convenience whether the County will be willing to grant my request to extend the public comment period on an issue of such fundamental importance to the preservation of agriculture and open space in San Luis Obispo County.

Keith Gurnee

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Comments on the Environmental Impact Report for the San Luis Obispo County Agricultural Cluster Subdivision Program

Prepared by T. Keith Gurnee

October 17, 2011

I. General Comments:

- KG1-3
- A. **The Environmental Impact Report as prepared by the applicant does not meet the test of objectivity and impartiality in its assessment of environmental impacts.** The County of San Luis Obispo does not allow applicants to prepare their own environmental impact reports for their own projects and for good reason. While the County does have the responsibility as the lead agency for the implementation of CEQA within its jurisdiction, the County should have taken an arm's length and publicly transparent approach in having environmental documents prepared for its own projects to ensure objectivity and impartiality in their analysis. The process associated with the preparation of this EIR has been anything but publicly transparent and open. Instead, that process has been insular, secretive, and obscure resulting in a document that is biased and rife with fallacious assumptions and conclusions without foundation. The way the County has pursued this process reveals that it has a conflict of interest in preparing its own document to fit its own agenda.
- KG1-4
- B. **The County has not allowed adequate time for public comments on the Draft EIR.** While the County published the Draft EIR on September 30, 2011 and allowed a 45 day public comment period that expired on October 17, 2011, the County did not publish its Ag Cluster Economic Analysis report that appears to have been very influential to the EIR's conclusions on agricultural impacts until September 30, 2011. This allowed only 18 days for the public to absorb and comment upon this key contributing piece to the EIR. The County should extend the public comment period until November 14, 2011 or 45 days since it published the agricultural economic analysis report. The fact that many of the conclusions in this report conflict with the findings of the 2007 MKF Research report prepared for the Economic Vitality Corporation should also be addressed in the EIR.
- KG1-5
- C. **The EIR fails to evaluate the environmental impacts associated with the elimination of hundreds of thousands of acres from eligibility under the agricultural clustering program, a factor that will impair the County's ability to preserve 95% of the lands thereby eliminated as permanent open space under the current agricultural clustering program.** More than a development tool, the present agricultural clustering program is an open space preservation tool that has preserved over 10,000 acres as permanent agricultural open space. The present program is designed to justly compensate

KG1-5

agricultural landowners to be the willing providers of permanent open space preservation by clustering no more development than is allowed on conventional agricultural parcels on less than 5% of their land and permanently preserving the remainder of their properties. The County's proposed changes would rely purely on regulation which is not a permanent method of preserving open space.

KG1-6

D. **The EIR fails to evaluate the environmental impacts associated with spurring the development of conventional agricultural lands under current regulations.** With the proposed changes to the County's Agricultural Clustering Program and the further changes implied under Alternative 2(a), it is creating an ordinance that will not be used. Instead, the path of least resistance for agricultural landowners wishing to preserve or enhance the value of their lands will be to resort to conventional land fracturing under the LUO. Just assuming that only 8% of the parcels designated for agricultural use- the number of agricultural parcels presently devoted to two primary residences as alleged in the EIR- will continue as the norm once the present agricultural cluster regulations are eliminated would be fallacious. The EIR needs to evaluate the full range of environmental impacts associated with an uptick in conventional land fracturing and a likely push to place two primary residences on agricultural lands throughout the County, not just those portions of the county that are eligible for agricultural clustering.

KG1-7

E. **The EIR erroneously concludes that agricultural clustering under present policies represents a conversion of agricultural lands to other uses.** Nothing could be further from the truth. Present ag cluster regulations and the projects that have been completed to date consistent with those regulations not only permanently preserve agriculture, they enhance it. Every agricultural clustering project that has been implemented has increased agricultural production over the level of agricultural practices that existed before those projects were completed. Further, the actual clustered homesites must be situated on less productive non-prime soils, thereby assuring that the most productive agricultural lands will remain in agriculture. Add to this the double standard of expanding the minimum parcel size for ag clusters from 1 acre to 2.5 acres and then subtracting the acreage of cluster lots from agricultural productivity while not subtracting the acreage devoted to two homesites on conventional agricultural parcels. This is but another reflection that the proposed ordinance changes and the County's EIR associated with those changes are inherently biased.

KG1-8

F. **The EIR fails to prove that there is a conflict between the water used to serve the clustered homesites and the water used by agriculture.** None of the agricultural clustering projects that have been implemented have encountered any issues associated with the competition for water use between homesites and agricultural practices. Just assuming there might be a conflict without providing any evidence to substantiate such a claim is disingenuous to a fault. If the EIR cannot find any evidence to substantiate its conclusion, that conclusion should be dismissed.

KG1-9

G. The EIR fails to evaluate the environmental impacts of eliminating ag clustering on Rural Lands category, thereby spurring conventional land fracturing on those lands that fall within that category. If the County is so concerned about impacts on agriculture, why would it propose to eliminate clustering on lands that are not designated for agriculture? Now those landowners can only resort to conventional regulations to preserve or enhance the value of their lands. The EIR should evaluate the environmental impacts of this likely outcome as well as the likelihood of an increase in General Plan Amendments for lands that fall within this category.

KG1-10

H. The EIR fails to evaluate the environmental impacts associated with the conversion of agricultural lands due to the devaluation of agricultural lands caused by the adoption of the County's proposed changes to the Ag Cluster regulations. The County's proposed changes, including Alternative 2(a), will dramatically devalue hundreds of thousands of acres, threatening the economic viability of agricultural practices and possibly triggering General Plan Amendment requests for those lands where agriculture becomes infeasible.

KG1-11

I. The EIR fails to evaluate the environmental impacts of forcing landowners in the Coastal Zone to use the amended version of clustering for all lot line adjustments. This provision would preclude strategic adjustments between agricultural landowners to benefit their agricultural practices, thereby posing potential impacts that could retard agricultural productivity.

II. Specific comments: (To be provided if the deadline for public comment is extended or at the public hearings before the Planning Commission and Board of Supervisors)

Keith Gurnee Comment Letter -
February 2, 2012

**Ag Clustering EIR
Gurnee, Keith T.**

to: brobeson@co.slo.ca.us

02/02/2012 07:28 AM

From: "Gurnee, Keith T." <TKGurnee@rrmdesign.com>

To: "brobeson@co.slo.ca.us" <brobeson@co.slo.ca.us>

Dear Bill,

This e-mail constitutes my comments on the County's reissued Agricultural Cluster Subdivision Program Draft Environmental Impact Report. Having read and reread both the first and the second drafts of this report, I have wrestled with how to respond to them. If I were to prepare a point-by-point response to its inadequacies, that response would likely be nearly as thick as your reports. But given its fundamental and fatal flaws, and the false premises behind it and the proposed amendments it has sought to evaluate, I will keep my comments simple.

The purpose of my comments is not to throw sand in the gears of the CEQA process (the report has already done that to itself) or to be one of those who would abuse that process to cause further delays in bringing the county's proposed amendments to hearing. The sooner it can be brought to hearing to expose it for what it is, the better. Rather, it is to air my fundamental concerns about a document that simply isn't worth the paper it is written on.

The basic premises behind the amendments and the EIRs that the present regulations provide for double the densities allowed on conventional county parcel sizes for agricultural lands, that agricultural clustering somehow represents a conversion of agricultural lands, and that someone might actually use these new regulations on agricultural properties are false, misleading, and without foundation. The fact that the draft EIRs have been totally built upon these unsubstantiated premises belies the purposes of CEQA to get at the truth of impacts. Instead, the EIRs are little more than biased, non-objective advocacy documents to prop up the fallacious reasoning behind the County's proposed amendments. While I know that there are those who do not want to be confused with the facts, let me address each of these false premises with the real facts:

KG2-1

KG2-2

- KG2-3
1. **Agricultural clustering allows no more density of homesites than are already allowed on conventional agricultural parcels.** Instead, they allow the same number of homesites as allowed on conventional agricultural lands. Two primary residences are allowed on each agriculturally zoned parcel under the county's present regulations and this is an important provision for farming families to remain on their lands, continue their farming activities, and provide for their sound estate planning. The incentive to agricultural clustering under the present regulations is to allow those two homesites to be sold individually rather than in pairs while preserving over 90% of their lands and their agricultural practices in permanent open space. That's it. That the EIRs have chosen to couch their analysis of the environmental impacts of the existing regulations on the foundation of a doubling of density over conventional regulations renders them meaningless.
 2. **Agricultural clustering does not convert agricultural lands to other uses, it enhances and sustains agriculture.** Each of the agricultural clustering projects that we have worked on and implemented are more agriculturally productive than they were before using this technique. The fact that this tool provides for the permanent preservation over 90% of land and agricultural uses in permanent open space and encourages further investment in agricultural improvements seems to have become lost on the County. The conclusion that such projects represent a conversion of agricultural lands to non-agricultural uses is simply false, thereby rendering the County's EIRs as equally false in their analysis.
 3. **The County's new regulations will likely never be used.** In talking with some of the family farmers who have chosen to use agricultural clustering to protect their properties and agricultural operations, they said that they would never have pursued their projects were they not allowed to have the transactional incentive allowed under the present regulations. That any agricultural land owner would consider using an ordinance that allowed them only half the homesites they would otherwise be allowed under conventional regulations, and to run through the gauntlet of the additional criteria, regulations, and mind numbing mitigation measures to obtain entitlements for such a project is unimaginable. That the EIRs would evaluate the proposed amended regulations in the light that they would actually be used is little more than an academic, imaginary exercise that ignores reality.

KG2-6

KG2-7

KG2-5

In concluding my comments on latest draft EIR, I also found it to be totally unresponsive to the comments I made to the original draft back on October 17, 2011 and those comments remain valid. I also understand that the Economic Report that was intended to evaluate the economic impacts of the County's proposed changes to the agricultural clustering program is no longer considered to be a part of the County's CEQA process on this project. In view of the fact that this report could have provided a real opportunity to get at the truth of the economic impacts of the existing regulations and the county's proposed amendments, I am puzzled why they should not still be part of the EIR. However, after reading that document, I can understand why the county would want to distance itself from such a fundamentally unsubstantiated piece of work. Please know that I will be submitting further comments on that report later.

KG2-8

On a final note, I find the County's consideration of its proposed amendments that will gut what has been one of the county's most powerful agricultural and open space preservation tools to be a sad and misguided endeavor. As one of the original authors of the County's existing regulations back in 1984, I have always looked at them as far more open space preservation measures than development managers. I am proud of what this technique has been able to accomplish in this county and its preservation of well over 10,000 acres of permanent open space. That can't be taken away from me. But if there is one criticism that I would have of the present regulations, it is that the County has always been reactive rather than proactive in the use of this tool. Rather than leaving the initiative purely to landowners to decide whether to use agricultural clustering, the County could have reached out to urban fringe and outlying agricultural landowners to encourage them to use this tool to assemble permanently protected greenbelts around our County's urban and village areas. Alas, it appears that is not to be...



Ag cluster DEIR

Sue Luft

to:

Bill Robeson

10/19/2011 09:34 PM

Hide Details

From: "Sue Luft" <aslft@wildblue.net>

Sue Luft Comment Letter -
October 19, 2011

To: "Bill Robeson" <brobesson@co.slo.ca.us>

Bill,

SL-1

I only had a chance to skim the DEIR. Looks like you and other planning folks put in a lot of hard work. I look forward to commenting on the ordinance amendments as they move forward. Please keep me on the interested party list for the EIR and the ordinance revisions.

Thanks.
Sue

