

# County of Santa Barbara



Michael F. Brown  
County Executive Officer

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805/568-3400 • Fax 805/568-3414  
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## Executive Office

February 25, 2010

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

Fax: (805) 781-5603  
EMAIL: brobeson@co.slo.ca.us

Post-It® Fax Note 7671		Date 2-25-10	# of pages 1
To Bill Robeson	From		<b>FA X E D</b>
Co/Dept. City San Luis Obispo	Co. ID		
Phone #	Phone #		
Fax # 781-5603	Fax #		

RE: NOP of EIR for County of San Luis Obispo - Agricultural Cluster Subdivision Revisions


Dear Mr. Robeson:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the County of San Luis Obispo – *Agricultural Cluster Subdivision and Density Program, Involving Revisions to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and Agriculture Element of the General Plan.*

The County of Santa Barbara is dedicated to ensuring compatibility between residential and agricultural land uses. While the NOP has provided an outline of the potential land use impacts that will be analyzed for this project, we look forward to the opportunity to review the full analysis of these impacts in the draft EIR.

The County looks forward to continued dialogue on this and future projects. If you have any questions, feel free to contact my office directly or Derek Johnson, Director of the Office of Long Range Planning, at (805) 568-2072.

Sincerely,

  
Michael F. Brown  
County Executive Officer

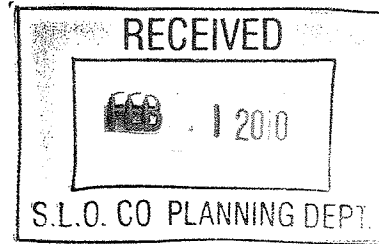
cc: Glenn Russell, Director, Planning and Development Department  
Derek Johnson, Director, Office of Long Range Planning

**NATIVE AMERICAN HERITAGE COMMISSION**

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



January 28, 2010



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

RE: SCH#2010011079 Agricultural Cluster Subdivision Revisions; San Luis Obispo County.

Dear Mr. Robeson:

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

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation 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.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

*Katy Sanchez*

Katy Sanchez  
 Program Analyst  
 (916) 653-4040

CC: State Clearinghouse

**Native American Contact**  
San Luis Obispo County  
January 28, 2010

Beverly Salazar Folkes  
1931 Shadybrook Drive  
Thousand Oaks, CA 91362  
805 492-7255  
(805) 558-1154 - cell  
folkes9@msn.com

Chumash  
Tataviam  
Fernandeño

San Luis Obispo County Chumash Council  
Chief Mark Steven Vigil  
1030 Ritchie Road Chumash  
Grover Beach CA 93433  
cheifmvigil@fix.net  
(805) 481-2461  
(805) 474-4729 - Fax

Santa Ynez Band of Mission Indians  
Vincent Armenta, Chairperson  
P.O. Box 517  
Santa Ynez, CA 93460  
varmenta@santaynezchumash.  
(805) 688-7997  
(805) 686-9578 Fax

Chumash

Diane Napoleone and Associates  
Diane Napoleone  
1433 Camino Trillado Chumash  
Carpinteria, CA 93013  
805-684-4213

Julie Lynn Tumamait  
365 North Poli Ave  
Ojai, CA 93023  
jltumamait@sbcglobal.net  
(5) 646-6214

Chumash

Santa Ynez Tribal Elders Council  
Adelina Alva-Padilla, Chair Woman  
P.O. Box 365 Chumash  
Santa Ynez, CA 93460  
elders@santaynezchumash.org  
(805) 688-8446  
(805) 693-1768 FAX

Lei Lynn Odom  
1339 24th Street  
Oceano, CA 93445  
(805) 489-5390

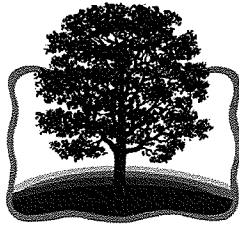
Chumash

Randy Guzman - Folkes  
655 Los Angeles Avenue, Unit E  
Moorpark, CA 93021  
ndnRandy@gmail.com  
(805) 905-1675 - cell  
Chumash  
Fernandeño  
Tataviam  
Shoshone Paiute  
Yaqui

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010011079 Agricultural Cluster Subdivision Revisions; San Luis Obispo County.



## North County Watch

Looking Out Today For Tomorrow

February 10, 2010

Planning Commission "Ramona Hedges" <rhedges@co.slo.ca.us>  
County of San Luis Obispo  
San Luis Obispo, CA 93406

Subject: Hearing Item 3  
Environmental Impact Report Scoping Meeting for the  
Agricultural Cluster Subdivision and Density Program

Dear Planning Commissioners:

North County Watch welcomes the opportunity to comment.

### BACKGROUND

By 1973 the state mandated each jurisdiction have Open Space Zoning. Government Code §65910

In response, the county amended their General Plan to define lands in the Agricultural and Rural Lands category are open space.

#### **22.01.040 - Open Space Zoning**

**A. Open space provisions.** The intent and purpose of each of the following provisions, together with all other applicable provisions of this Title, are consistent with the intent of the Agriculture and Open Space Element, and shall constitute the Open Space Zoning Ordinance of San Luis Obispo County in compliance with Government Code Sections 65910 et seq.:

1. The Agriculture (AG), Rural Lands (RL), Recreation (REC) and Open Space (OS) land use categories; and the Flood Hazard (FH), and Sensitive Resource Area (SRA) combining designations of the Land Use Element;
2. Chapters 22.14 (Combining Designations) and 22.22 (Subdivision Design Standards) of this Title.

**B. Public access or use.** In cases where the Land Use Element designates a property in the Open Space or Recreation land use categories, in the Sensitive Resource Area or Historic Area

*Page 1 of 2*

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

combining designations, or where the Land Use Element identifies a need for open space preservation through easement, contract, or other instrument, the designation does not in and of itself convey or imply any right of public use, access, trespass, or violation of privacy.

The state discourages converting Open Space Zoned lands.

§65561. The Legislature finds and declares as follows:

(b) That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.

### SCOPING RECOMMENDATIONS

North County Watch observes that strategic growth policies and principles are mentioned in the Environmental Checklist document. We think references to the county Open Space Zoning ordinance ought to be included as well.

- Page 3-28, Initial Study Summary – Environmental Checklist, 15. Land Use, Setting/Impact  
Add  
Agricultural (A) and Rural Lands (RL) land use categories are Open Space zoned land and project may result in a land use inconsistency.
- Page 3-35, ISSUES TO BE DISCUSSED IN THE EIR, Section 1: The EIR Document, Structure  
Add to the list  
Open Space
- Page 3-36, Section 2: Areas of Focus  
Add to the list  
Conversion of Open Space land

North County Watch hopes you find our comments useful. Thank you.

Very truly yours,

Susan Harvey



**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

February 22, 2010

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

**SUBJECT:** APCD Comments Regarding the SLO County Ag Cluster Program NOP Project Level. (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 above referenced project.

The proposed project consists of amendments to Titles 22 and 23 of the County Code (Land Use Ordinance and Coastal Zone Land Use Ordinance), Coastal Plan Policies and the North Coast Area Plan.

Amendments to the Land Use Ordinance (Title 22) are proposed as follows: reduce residential density on existing agricultural parcels; eliminate the distinction between major and minor clusters agricultural cluster subdivision; eliminate agricultural cluster subdivision as an option in Rural Lands; allow clusters only within 2 miles of urban areas; eliminate the density bonus; increase the minimum cluster parcel size; add design standards; add application requirements; clarify agricultural buffer requirements.

Amendment to the Coastal Zone Land Use Ordinance (Title 23) would add a new section to Chapter 23.04, which would allow for agricultural lands clustering in the Coastal Zone. This new section would be consistent with the proposed amendments to Title 22; however, the maximum allowed number of residential cluster parcels would be limited to the number of existing underlying lots.

Amendment to Chapter 2 of the Agricultural Element of the County General Plan would include, Agriculture Policy 5- Residential Density to specify that agricultural parcels are allowed one primary residence; Agriculture Policy 20- Agricultural Land Divisions to specify that the creation of residentially sized parcels and the bonus agricultural parcel provide an incentive to landowners to choose the cluster approach as an alternative to a conventional subdivision;

Agriculture Policy 22- Major Agriculture Cluster Projects to achieve consistency between the Agriculture Element and Agriculture Lands Clustering Ordinance; Eliminate Agriculture Policy 23- Minor Agricultural Cluster Projects; and update section references throughout.

The following are APCD comments that are pertinent to this project.

1. Contact Person:

Melissa Guise  
Air Pollution Control District  
3433 Roberto Court  
San Luis Obispo, CA 93401  
(805) 781-4667

2. Permit(s) or Approval(s) Authority:

Permits

Portable equipment used during construction activities may require statewide registration or an APCD permit. Additionally, some future developments (i.e. gas stations, auto body and paint shops, etc.) may require APCD permits and applicants will need to apply for an Authority to Construct. Please contact our Engineering Division at (805) 781-5912 prior to final permit approval of these types of projects by your agency.

3. Environmental Information:

The potential air quality impacts from construction and operational phases of the project should be assessed in the EIR. The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term (construction) and long-term (operational) emissions impacts (including traditional air pollutants and greenhouse gas emissions). The following is an outline of items that should be included in the analysis:

- a) A description of existing air quality and emissions in the impact area, including the attainment status of the APCD relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent CAP should be consulted for applicable information and the APCD should be consulted to determine if there is more up to date information available.

- b) A detailed quantitative air emissions analysis addressing the potential impacts from development of agricultural lands as proposes.
  - c) A qualitative analysis of the air quality impacts should also be conducted. A consistency analysis with the CAP will determine if the emissions resulting from development under the project will be consistent with the emissions projected in the CAP, as described in item 6 of this letter. The qualitative analysis should be based upon criteria such as prevention of urban sprawl and reduced dependence on automobiles. A finding of Class I impacts could be determined qualitatively. All assumptions used should be fully documented in an appendix to the DEIR.
    - To aid in the air quality analysis, the traffic study should include the total daily traffic volumes projected. The traffic study results can be used in the qualitative analysis by providing a tool for comparing trip generation between different alternatives and evaluating effectiveness of mitigation methods for reducing traffic impacts.
  - d) The DEIR should include a range of alternatives that could effectively minimize air quality impacts. A consistency analysis should be performed for each of the proposed alternatives identified, as described above. A quantitative and qualitative analysis of the air quality impacts should be generated for each of the proposed alternatives. Examples include but are not limited to:
    - Reducing the amount of agricultural land eligible for agriculture cluster development from within 2 mile of an urban area to within 1 mile of an urban area.
  - e) Assembly Bill 32, the California Global Warming Solution Act of 2006 and California Governor Schwarzenegger Executive Order S-3-05 (June 1, 2005), both require reduction of greenhouse gases in the State of California. The Governor has recognized, "mitigation efforts will be necessary to reduce greenhouse gas emissions. Greenhouse gases should be quantified and mitigation measure recommended in the DEIR.
  - f) Mitigation measures to reduce air quality impacts from construction and operational phases to a level of insignificance should be specified.
4. Permit Stipulations/Conditions:

It is recommended that you refer to the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the APCD web page ([www.slocleanair.org](http://www.slocleanair.org)) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the APCD. The Handbook provides information on mitigating emissions from development (Section 5) which should be referenced in the DEIR.

5. Alternatives:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3 listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The most appropriate standard for assessing the significance of potential air quality impacts for project EIRs is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections developed by the APCD are met and maintained. Failure to comply with the CAP could result in long term air quality impacts. Inability to maintain compliance with the state ozone standard could bear potential negative economic implications for the county's residents and business community. The APCD's CEQA Air Quality Handbook provides guidance for preparing the consistency analysis and recommends evaluation of the following questions:

- a) 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?
- b) Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?
- c) Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?

The land use and circulation policy areas contained in Appendix E of the APCD's CAP are crucial to the consistency analysis and should be specifically addressed in the DEIR. Implementation of these land use planning strategies is the best way to mitigate air quality impacts at the project scale.

These land use planning strategies are:

- Planning Compact Communities
- Providing for Mixed Land Use
- Balancing Jobs and Housing
- Circulation Management Policies and Programs
  - Promoting Accessibility in the Transportation System
  - Promoting Walking and Bicycling
  - Parking Management
  - Transportation Demand Management
  - Communication, Coordination and Monitoring

The formation of compact, pedestrian friendly and more economically self-sufficient communities will reduce automobile trip generation rates and trip lengths.

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:

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,

A handwritten signature in black ink, appearing to read "Melissa Guise for".

Melissa Guise  
Air Quality Specialist

MAG/arr