

## **APPENDIX B POLICY CONSISTENCY**

- General Responses
- Part I - Applicable Countywide Plans and Policies
- Part II - Applicable Coastal Plans and Policies
- Part III - Applicable Inland Plans and Policies



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## GENERAL RESPONSES

The following general responses are referenced throughout Appendix B:

1. **Development in Rural Areas.** The proposed Agricultural Cluster Subdivision Program allows for and facilitates residential development in rural and agricultural areas of the County. Such development could be considered potentially inconsistent with the County's adopted strategic growth principles, which encourage development to be located within existing communities with adequate services and resources to accommodate future growth. However, when compared to existing agricultural cluster subdivision standards, the proposed amendments reduce rural development potential and require individual cluster projects to be located closer to existing communities. Specifically, the proposed amendments would eliminate the density bonus for agricultural cluster subdivisions and limit cluster projects to Agriculture-designated properties within five road miles of specified URLs. According to a "worst case" build-out estimate, these amendments eliminate the potential for 4,163 new residential cluster parcels when compared to the development potential under the existing ordinance.
2. **Air Quality.** New development and site disturbance resulting from the proposed Agricultural Cluster Subdivision Program will be subject to review under the County's stormwater and grading ordinances. These ordinances include provisions for protecting air quality contamination resulting from fugitive dust and naturally occurring asbestos.
3. **Greenhouse gas emissions.** Presently, specific thresholds for greenhouse gas emissions have not been established by the State. The County will be implementing these policies once directives have been issued. Projects will be evaluated on an individual basis for consistency with greenhouse gas policies, once such policies have been put into place. Appropriate mitigation measures will be assigned through the environmental review process.
4. **Project-specific environmental review.** Projects subject to the proposed Agricultural Cluster Subdivision Program will be reviewed on an individual basis under the California Environmental Quality Act for environmental impacts. Appropriate mitigation will be applied on a project-by-project basis. Where the environmental review of a project identifies a potentially significant environmental impact, an Environmental Impact Report will need to be prepared. If the impact cannot be reduced to a less-than-significant level, the Review Authority will need to consider overriding findings.
5. **Archaeological, paleontological, and historical resources.** The proposed Agricultural Cluster Subdivision Program will provide for consideration of archaeological, paleontological, and historical resources through the project specific environmental review process. Additionally, should unforeseen resources be discovered during grading/construction, ordinance standards require that work stop immediately and that the findings be reported to the Environmental Coordinator for proper disposition.
6. **Energy efficiency.** Projects will be required to incorporate the energy efficient building standards of the



California Building Code and other state mandated building requirements. In addition, appropriate mitigation to achieve energy efficiency and conservation will be determined through the environmental review process.

7. **Compliance with building and safety requirements.** Existing County and State building code requirements are in place to implement Safety Element goals and policies relating to fire safety, flood hazards, landslide risk, liquefaction risk, geologic and seismic hazards, and potential for tsunami or seiche. All residential development will be required to comply with the California Building Code and locally adopted ordinances (e.g. Titles 19, 22, and 23 of the County Code). Compliance with ordinance standards will ensure that Safety Element goals and policies are applied. Additionally, in order for the Review Authority to approve an agricultural subdivision in the Inland area, findings asserting that the project has been designed to minimize risks relating to geologic, flood, and fire hazards, and soil erosion must be made. All new habitable construction is subject to the review and approval of a fire safety plan by the local fire agency.
8. **Balancing growth and resource capacity.** Future residential dwelling units resulting from the proposed amendments would require allocations in accordance with the 2.3 percent annual growth rate established in the Growth Management Ordinance. In accordance with the Resource Management System, the County annually monitors resource and service levels related to water, sewage disposal, schools, roads, air quality, and parks, and implements policies to ensure that growth does not exceed the capacities for these resources. Under the

proposed amendments, individual agricultural cluster subdivisions would be required to demonstrate the availability of adequate on-site water resources and to show that the resulting residential development will not adversely impact the availability of water for existing agricultural operations (see General Response 19).

9. **Balancing property rights and the public interest.** The Agricultural Cluster Subdivision Program provides an alternative to conventional subdivisions. The public hearing and environmental review processes enable public participation in land use decisions. Through the planning process, property rights interests are balanced with public interests, such as environmental resource protection.
10. **Affordable housing.** Residential development resulting from the proposed Agricultural Cluster Subdivision Program would be in the form of single family detached residences on large (2.5 – 5 acre) lots in rural areas of the County. Although these homes are not likely to be affordable to low or moderate income households, individual cluster projects would be required to comply with the County's Inclusionary Housing Ordinance by providing on-site affordable housing units, paying in-lieu fees, constructing off-site affordable units, or donating land for affordable housing. Therefore, by complying with the Inclusionary Housing Ordinance, individual agricultural cluster projects would contribute towards the creation of affordable housing units throughout the County.
11. **Predictable review process.** The proposed Agricultural Cluster Subdivision Program is consistent with this policy since it would strengthen and clarify existing standards for agricultural cluster subdivision projects.



The intent of providing clear standards regarding approval findings, subdivision design, and application contents is to result in a more streamlined and predictable review process for agricultural cluster subdivision applications.

12. **Inclusionary housing density bonus on agricultural lands.** As an incentive for developers to provide affordable housing on-site, an applicant may qualify for a density bonus in the Inland portion of the County (refer to Section 22.12.080G of the Land Use Ordinance). Granting of a density bonus on an agricultural cluster subdivision would mean that additional units could be developed on agricultural lands. This is inconsistent with Mitigation Measure AG-1(b) from the Affordable Housing Ordinances Environmental Impact Report (SCH# 2006021100), which specifies that on-site construction of affordable housing shall not be applicable to agricultural lands. Density bonuses most likely cannot be achieved on agricultural lands without having an immitigable adverse impact on the physical environment. This inconsistency will be addressed through an amendment to the ordinance.
13. **Rural design.** The visual context of each agricultural cluster subdivision will be considered on a project-by-project basis as part of the environmental review process. Required findings for approval will ensure that significant visual resources are preserved.
14. **Avoiding impacts to environmental resources.** The design standards required under the Agricultural Cluster Subdivision Program will ensure that areas containing sensitive resources (e.g. sensitive habitats, significant visual resources) will be preserved and not included in the residential development area. In order to approve an agricultural cluster subdivision, the Review Authority must find that the subdivision has been designed in such a manner as to preserve significant resources.
15. **Noise Element consistency.** Residential development associated with an agricultural cluster subdivision would be considered a “sensitive receptor” under the Noise Element. Noise-related impacts associated with locating residences in proximity to agricultural operations is discussed in the Noise chapter of this document. While stationary and transportation noise sources are addressed in the Noise Element, agricultural sources are considered exempt. Where an agricultural cluster subdivision could result in location of residences in an area where noise levels exceed acceptable thresholds, application of noise mitigation will be necessary. Noise mitigation standards are established in the Noise Element.
16. **Agriculture.** The proposed Agricultural Cluster Subdivision Program will result in the loss of up to 5 percent of a site’s area and the remaining 95 percent of the site will be protected within a permanent agricultural easement. Specific design standards and required findings are aimed at reducing land use incompatibilities and environmental impacts.
17. **Protection of biological resources.** Agricultural cluster subdivisions are discretionary projects subject to project-specific review under the California Environmental Quality Act. Subsection F.3.g of the preliminary draft



inland ordinance requires that parcels be sited to protect sensitive habitats. Project-specific environmental review will consider the potential impacts to biological resources, including sensitive habitats, special status animal and plant species, and wildlife corridors. Impacts to biological resources will be addressed through appropriate mitigation measures in order to reduce the magnitude of the impact to a less-than-significant level. Responsible and trustee agencies, such as the California Department of Fish and Game, US Army Corps of Engineers, and Regional Water Quality Control Board will be consulted on individual projects, and their comments and recommendations will be considered and included as part of the environmental review. Mitigation will focus on avoidance; measures requiring replacement (e.g. 4:1 replacement of removed oaks) will be applied where avoidance is infeasible. Projects which will result in a significant impact on biological resources will be evaluated through a separate Environmental Impact Report, and will necessitate overriding considerations.

18. **Water-efficient landscaping.** Chapter 22.16 of the Land Use Ordinance and Chapter 23.04.180 of the Coastal Zone Land Use Ordinance requires that a preponderance (80%) of landscaping materials will be native and/or drought-tolerant in most circumstances. As part of the application process, each agricultural cluster subdivision will be required to address sufficiency of water resources by providing a hydrogeologic analysis. The analysis may recommend water conservation measures, such as restrictions on water-intensive landscaping. If recommended in order to mitigate impacts to water resources, projects will be conditioned to comply with such water conservation measures.

19. **Water availability.** All agricultural cluster subdivisions will be required to obtain a domestic water supply from on-site sources (e.g. surface water or wells). As part of the application process, each agricultural cluster subdivision will be required to address sufficiency of water resources by providing a hydrogeologic analysis. Hydrogeologic analyses include all aquifer inputs (e.g. precipitation, inflow, and return flows) and outputs (e.g. domestic extraction, agricultural extraction, outflow, and phreatophyte demand). Consideration of water demand to support plant and animal habitats in and around watercourses are considered as part of the phreatophyte demand. In circumstances where new water extraction to support residential development associated with an agricultural cluster subdivision will impact other extractors (including phreatophytes), mitigation measures will be applied to ensure that demand will not exceed sustainable perennial yield, thereby reducing the impact to a less-than-significant level. Agricultural cluster subdivisions require that the Review Authority make a finding asserting that the project will have an adequate, long-term, sustainable supply of water to serve existing and future agricultural production and residential development. Where water resource impacts cannot be successfully mitigated to a level of insignificance, a project cannot be approved, as the development would be inconsistent with this finding. In addition, Agricultural Policy 11 of the Agriculture Element states that development will maintain water resources for production agriculture, and that General Plan Amendments or rezonings should not be approved when they adversely affect water supplies and quality or groundwater recharge capability needed for agricultural



use, and that facilities should not be approved to move groundwater from areas of overdraft to any other area.

20. **Low impact development.** Existing ordinance standards and state regulations (i.e. General Permit for Municipal Separate Storm Sewer Systems) require that discretionary projects prepare a Stormwater Quality Plan. This plan must address both construction-phase and long-term stormwater discharges, and must be consistent with the County's Low Impact Development (LID) policies. The County's LID policies promote the use of engineered vegetation systems (e.g. bio-swales, bioretention cells, open vegetated channels, rain gardens, etc.). Additionally, the County's LID policies promote protection of significant natural features such as streams and wetlands. Divergence from the County's LID policies may be considered where the modifications will avoid environmental impacts and maintain an equivalent level of hydrological benefit. Pursuant to the County's obligations under the "Joint Effort" coordinated by the Regional Water Quality Control Board, the County will be required to adopt and implement hydromodification control standards by 2012. These measures will be designed to avoid impacts to biological resources in streams and watercourses by requiring that development projects result in a post-development hydrograph that is roughly equivalent to the pre-development hydrograph.
21. **Development near Environmentally Sensitive Habitat Areas (ESHAs).** Designated ESHA is only found in the Coastal Zone. The proposed CZLUO amendments require agricultural cluster subdivisions to designate building envelopes outside of ESHA, and to avoid and buffer adjacent ESHA, including wetlands, riparian areas, and other identified sensitive habitats. Additionally,

existing ordinance standards require proposed development and site disturbance to be setback a minimum distance of 100 feet from ESHA unless the Review Authority can make the required findings for a setback adjustment. Agricultural cluster subdivision applications would also be subject to separate environmental determinations under CEQA. Through the environmental review process, individual projects would be required to incorporate mitigation measure to minimize potential impacts on sensitive biological habitats. Projects with unavoidable impacts to biological resources would be evaluated through a separate Environmental Impact Report and will necessitate overriding considerations.

22. **Williamson Act and agricultural preserves.** Entering into a Williamson Act contract is required for protection of the agricultural easement parcel covering 95% of a project site.



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## **APPENDIX B - PART I: APPLICABLE COUNTYWIDE PLANS AND POLICIES**

- Agriculture Element
- Design Guidelines
- Conservation and Open Space Element
- Economic Element
- Framework for Planning – Strategic Growth Policies
- Housing Element
- Noise Element
- Parks and Recreation Element
- Safety Element
- Land Use Ordinance (Title 22)
- Real Property Division Ordinance (Title 21)



## 1. AGRICULTURE ELEMENT

The Agriculture Element (AE) was adopted in 1998 and amended to separate from the Open Space Element (which is now the Conservation and Open Space Element) in 2010. The AE serves as a comprehensive update of the County’s 1972 Open Space Element. The goals of this Element include the conservation and protection of agricultural resources, support for county agricultural production.

**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 1: Support County Agricultural Production</b>	<ul style="list-style-type: none"> <li>a. Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County</li> <li>b. Facilitate agricultural production by allowing a broad range of uses and agricultural support services to be consistently and accessibly located in areas of prime agricultural activity.</li> <li>c. Support ongoing efforts by the agricultural community to develop new techniques and new practices.</li> <li>d. Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources and sensitive habitats.</li> </ul>	<p>Potentially Consistent: The proposed Agricultural Cluster Subdivision Program will result in the loss of up to 5 percent of a site’s area and the remaining 95 percent of the site will be protected within a permanent agricultural preservation easement. Specific design standards and required findings are aimed at reducing land use incompatibilities and environmental impacts.</p>
<b>AE Policy 2: Conserve Agricultural Resources</b>	<ul style="list-style-type: none"> <li>a. Maintain the agricultural land base of the county by clearly defining and identifying productive agricultural lands for long-term protection.</li> <li>b. Conserve the soil and water that are the vital components necessary for a successful agricultural industry in this county.</li> <li>c. Establish land-use policies in this element that support the needs of agriculture without impeding its long-term viability.</li> </ul>	<p>Potentially Consistent: Refer to General Response 16.</p>



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 3: Protect Agricultural Lands</b>	<ul style="list-style-type: none"> <li>a. Establish criteria in this element for agricultural land divisions that will promote the long-term viability of agriculture.</li> <li>b. Maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses. Establish criteria in this element and corresponding changes in the Land Use Element and Land Use Ordinance for when it is appropriate to convert land from agricultural to non-agricultural designations.</li> <li>c. Maintain and strengthen the county’s agricultural preserve program (Williamson Act) as an effective means for long-term agricultural land preservation.</li> <li>d. Provide incentives for landowners to maintain land in productive agricultural uses.</li> </ul>	<p>Potentially Consistent: The proposed program incentivizes continued and long-term agricultural production, because it allows smaller residential parcels to be created for individual sale, while maintaining agricultural activities on 95% of the site.</p>
<b>AE Policy 5: Residential Density</b>	<ul style="list-style-type: none"> <li>a. Allow residential density of two primary dwellings on each existing legal parcel of 20 acres or larger in the Agriculture land-use category. On parcels of less than 20 acres, allow one primary and one farm support dwelling.</li> <li>b. Allow farm support quarters consistent with the standards of the LUO.</li> <li>c. See AGP 21 for the allowed density when proposing land divisions to create new parcels on lands containing Class I and II irrigated soils.</li> </ul>	<p>Consistent: The proposed amendments do not change the allowed residential density on existing parcels in the Agriculture land use category. Alternative 4, however, considers reducing the allowed number of primary dwelling units on all standard agricultural parcels from 2 to 1.</p>



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 10: Water Conservation</b>	<ul style="list-style-type: none"> <li>a. Encourage water conservation through feasible and appropriate “best management practices.” Emphasize efficient water application techniques; the use of properly designed irrigation systems; and the control of runoff from croplands, rangelands, and agricultural roads.</li> <li>b. Encourage the U.C. Cooperative Extension to continue its public information and research program describing water conservation techniques that may be appropriate for agricultural practices in this county. Encourage landowners to participate in programs that conserve water.</li> </ul>	<p>Potentially Consistent: Refer to General Response 18 and 19. In addition, water conservation measures will be applied on a project-by-project basis as part of the environmental review for individual agricultural cluster subdivision projects.</p>
<b>AE Policy 11: Agricultural Water Supplies</b>	<ul style="list-style-type: none"> <li>a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.</li> <li>b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.</li> <li>c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.</li> </ul>	<p>Potentially Consistent: The proposed residential development could be competing for groundwater resources with agricultural uses. However, agricultural cluster subdivisions require that the Review Authority makes a finding asserting that the project will have an adequate, long-term, sustainable supply of water to serve existing and future agricultural production and residential development. Where water resource impacts cannot be successfully mitigated to a level of insignificance, a project cannot be approved, as the proposed specific development project would be inconsistent with this finding.</p>
<b>AE Policy 14: Agricultural Preserve Program</b>	<p>Encourage eligible property owners to participate in the county’s agricultural preserve program.</p>	<p>Potentially Consistent: Agricultural use parcels on agricultural cluster subdivisions must be placed in an agricultural preservation easement. These easements typically limit allowed uses similar to Williamson Act contracts. Refer to General Response 22.</p>



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 17: Agricultural Buffers</b>	Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisor.	Consistent: The proposed Agricultural Cluster Subdivision Program will require individual projects which involve non-agricultural development in agricultural areas to be reviewed in compliance with the County’s buffer policy. The required minimum parcel size of 2.5 acres is expected to accommodate most buffer sizes. Where a buffer cannot be accommodated, a larger parcel of up to 5 acres may be allowable.
<b>AE Policy 18: Location of Improvements</b>	Locate new buildings, access roads, and structures so as to protect agricultural land.	Potentially Consistent: As part of the review for individual agricultural cluster subdivision projects, the potential for impacts from structural development will be considered through the environmental review process. Agricultural cluster subdivisions must adhere to specific design requirements aimed at protecting agricultural resources and may not be approved where they are inconsistent with the protection of agricultural land.
<b>AE Policy 20: Agricultural Land Divisions</b>	<ul style="list-style-type: none"> <li>a. Where a division of agricultural lands is proposed, a contiguous cluster division consistent with AGP 22 or 23 is an alternative to a conventional “lot split” land division.</li> <li>b. Where a land division is proposed, the proposed parcels should be designed to ensure the long term protection of agricultural resources.</li> </ul>	Potentially Consistent: Refer to General Response 16. Agricultural cluster subdivisions must adhere to specific design requirements aimed at protecting agricultural resources and may not be approved where they are inconsistent with the protection of agricultural land.
<b>AE Policy 21: Minimum Parcel Size Criteria for the Division of Agricultural Lands</b>	Minimum parcel sizes for the proposed division of land designated Agriculture shall be based upon the existing and potential use of the land for cropland and grazing. Minimum parcel size standards for the creation of new parcels are shown in Figure 2-2.	Consistent: The proposed amendments will require that the proposed density is consistent with the minimum parcel sizes identified in Figure 2-2.



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<p><b>AE Policy 22: Major Agricultural Cluster Projects (not available in Coastal Zone)</b></p>	<ul style="list-style-type: none"> <li>a. Properties that are partly or entirely within five miles of the urban and village reserve lines designated in the LUO and that meet the minimum area criteria can apply for a major agriculture cluster.</li> <li>b. The maximum number of parcels allowed in a major agricultural cluster project shall be equivalent to the number of primary dwellings normally allowed on the parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria specified in Figure 2-2. (Major agricultural cluster projects may include a reduction in the number of parcels down to 26 percent of the maximum potential allowance if proposed by the applicant in order to mitigate potential impacts of the project).</li> <li>c. All resulting agricultural parcels must meet the minimum parcel size criteria of Figure 2-2 and must be covered by a permanent agricultural open space easement.</li> <li>d. All resulting residential parcels are entitled to one dwelling per parcel.</li> <li>e. Whether or not an EIR must be prepared will be determined by the CEQA “initial study.”</li> <li>f. Consistent with the provisions of the existing agricultural cluster ordinance in the LUO, areas of the site intended for agricultural production must be permanently protected by a recorded open space easement and be placed in a Land Conservation Act (Williamson Act) contract.</li> </ul>	<p>Consistency finding not applicable as this policy will be revised with the proposed amendments.</p>



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 23: Minor Agricultural Cluster Projects</b>	<ul style="list-style-type: none"> <li>a. Properties throughout the county, including the coastal zone, can apply for a minor agriculture cluster project.</li> <li>b. The maximum number of parcels allowed in a minor agricultural cluster project shall be equivalent to the number of parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria specified in Figure 2-2, with an increase of at least one more parcel or up to a maximum 25% increase in the number of parcels that could be achieved with a conventional land division.</li> <li>c. All resulting agricultural parcels must meet the minimum parcel size criteria specified in Figure 2-2 and must be covered by a permanent agricultural open space easement.</li> <li>d. All resulting residential parcels are entitled to one dwelling per parcel.</li> </ul>	<p>Consistency finding not applicable as this policy will be revised with the proposed amendments.</p>



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 24: Conversion of Agricultural Land</b>	<p>Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:</p> <ul style="list-style-type: none"> <li>a. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.</li> <li>b. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.</li> <li>c. Avoid land re-designation (rezoning) that would create new rural residential development outside the urban and village reserve lines.</li> <li>d. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.</li> </ul>	<p>Consistent: The proposed amendments do not propose to convert agricultural land but instead preserve 95% of the site for agricultural uses.</p>
<b>AE Policy 25: Unique or Sensitive Habitat</b>	<p>Encourage private landowners to protect and preserve unique or sensitive habitat.</p>	<p>Potentially Consistent: Refer to General Response 17.</p>
<b>AE Policy 26: Streams and Riparian Corridors</b>	<p>Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded. (Applies to “blue line” streams and their associated riparian vegetation.</p>	<p>Potentially Consistent: Refer to General Response 17.</p>



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 30: Scenic Resources</b>	<p>a. Designation of a scenic corridor through the public hearing process as described in the Visual Resources chapter of the Conservation and Open Space Element shall not interfere with agricultural uses on private lands.</p> <p>b. In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:</p> <ol style="list-style-type: none"> <li>1. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.</li> <li>2. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.</li> <li>3. Use natural landforms and vegetation to screen development whenever possible.</li> </ol>	<p>Potentially Consistent: As part of the review for individual agricultural cluster subdivision projects, the potential for impacts to visual and agricultural resources will be considered through the environmental review process. Agricultural cluster subdivisions must adhere to specific design requirements and may not be approved where they are inconsistent with the protection of visual resources.</p>
<b>AE Policy 32: Trail Access to Public Lands</b>	<p>a. In accordance with the County Parks and Recreation Element, access trails shall not conflict with agriculture or environmentally sensitive resources.</p> <p>b. Provide sufficient policing and maintenance so that trails do not result in trespass or in damage to sensitive resources, crops, livestock, other personal property, or individuals.</p>	<p>Potentially Consistent: Refer to General Response 4.</p>
<b>AE Policy 33: Archaeological and Cultural Sites</b>	<p>When reviewing discretionary development, protect sensitive archaeological and cultural sites by avoiding disturbance where feasible.</p>	<p>Potentially Consistent: Refer to General Response 5.</p>



**Table B.1-1: Agriculture Element**

Section	Policy	Discussion
<b>AE Policy 34: Historic Resources</b>	When initiated by landowners, protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan.	Potentially Consistent: Refer to General Response 5.

## 2. BUILDING AND CONSTRUCTION ORDINANCE (TITLE 19)

Construction in San Luis Obispo County is presently subject to the 2007 California Building Code. Title 19 of the County Code adopts specific modifications to the California Building Code.

**Table B.1-2: Building and Construction Ordinance (Tile 19 of the County Code)**

Section	Policy	Discussion
<b>19.07.022: Private Sewage Disposal Systems</b>	The use of a private, on-site sewage disposal system is allowed only within the rural areas of the county and within urban and village areas where no community sewage collection, treatment and disposal system exists.	Potentially Consistent: The new policies proposed under the Agricultural Cluster Subdivision Program will preclude establishment of community water or sewage systems in agricultural cluster subdivisions. Each lot will be required to have an on-site water supply and septic disposal system.
<b>19.07.022.b(2): Minimum site area with well</b>	An existing parcel that contains a water well may be approved for a private sewage disposal system only if the parcel is one acre or larger. A parcel smaller than one acre may use a private sewage disposal system only where the well serving the parcel is a public water supply or is located on another parcel that is one acre or larger. The minimum site area for a new parcel where a well and septic system are both proposed is determined by the Land Use Ordinance, Title 22 of this code, and the Coastal Zone Land Use Ordinance, Title 23 of this code.	Potentially Consistent: The new policies proposed under the Agricultural Cluster Subdivision Program will preclude establishment of community water or sewage systems in agricultural cluster subdivisions. Each lot will be required to have an on-site water supply and septic disposal system. Road infrastructure will be provided for as part of subdivision improvements.



### 3. CONSERVATION AND OPEN SPACE ELEMENT

The County adopted the Conservation and Open Space Element (COSE) in 2010. The COSE seeks to conserve and protect important natural resources while balancing the needs of the natural and built environment.

**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy AQ 1.1: Compact Development</b>	Encourage compact land development by concentrating new growth within existing communities and ensuring complete services to meet local needs	Potentially Consistent: Although this development will be located outside existing communities, the proposed amendments require development be sited within 5 road miles placing this rural development closer to urban services.
<b>Policy AQ 1.2: Reduce Vehicle Miles Traveled</b>	Require projects subject to discretionary review to minimize additional vehicle travel.	Potentially Consistent: Individual projects reviewed under the proposed ordinance will include review of access and can include transportation demand management tools.
<b>Policy AQ 1.3: Convenient Alternative Transportation</b>	Require new development to provide safe and convenient access to alternative transportation within the project area and safe access to public transportation as feasible.	Potentially Consistent: Because of the rural nature and location of development that could result from the proposed amendments, public transportation options are limited. However, options such as park-and-ride and carpooling are readily available in rural areas.
<b>Policy AQ 1.5: Transportation Efficiency</b>	Improve the operating efficiency of the transportation system by reducing vehicle travel demand and expanding opportunities for multi-modal travel.	Potentially Consistent: Because of the rural nature and location of development that could result from the proposed amendments, multi-modal options are limited, however, individual projects reviewed under the proposed ordinance can evaluate transportation demand management tools.
<b>Policy AQ 3.2: Attain Air Quality Standards</b>	Attain or exceed federal or state ambient air quality standards (the more stringent if not the same) for measured criteria pollutants.	Potentially Consistent: Refer to General Response 2.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy AQ 3.3: Avoid Air Pollution Increases</b>	Avoid a net increase in criteria air pollutant emissions in planning areas certified as Level of Severity II or III for Air Quality by the County's Resource Management System (RMS).	Potentially Consistent: Refer to General Response 2. These practices will be implemented countywide and will not be restricted to just those areas with a Level of Severity II or III.
<b>Policy AQ 3.4: Toxic Exposure</b>	Minimize public exposure to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead.	Potentially Consistent: Proposed development will be subject to agricultural buffers that are established to minimize potential conflicts between agricultural operations and residential development.
<b>Policy AQ 3.5: Equitable Decision Making</b>	Ensure that land use decisions are equitable and protect all residents from the adverse health effects of air pollution.	Potentially Consistent: Refer to General Response 2.
<b>Policy AQ 3.6: Strategic Growth Principles</b>	Ensure that implementation of the Strategic Growth principles and goals are balanced with protection of sensitive receptors near high-volume transportation routes and sources of toxic emissions (i.e. rail yards, downtown centers, gasoline development facilities, chrome platers, dry cleaners, and refineries).	Potentially Consistent: Refer to General Response 4.
<b>Policy AQ 3.8: Reduce Dust Emissions</b>	Reduce PM-10 and PM-2.5 emissions from unpaved and paved County roads to the maximum extent feasible.	Potentially Consistent: Refer to General Response 2.
<b>Policy AQ 4.1: Reduce Greenhouse Gas Emissions</b>	Implement and enforce state legislative or regulatory standards, policies, and programs designed to reduce greenhouse gas emissions.	Potentially Consistent: Refer to General Response 3.
<b>Policy AQ 4.4: Development Projects and Land Use Activities</b>	Reduce greenhouse gas emissions from development projects and other land use activities.	Potentially Consistent: Refer to General Response 3.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy AQ 4.5: Carbon Sequestration</b>	Reduce net carbon emissions through the preservation, protection, and enhancement, as appropriate, of the county’s terrestrial and aquatic carbon sequestration resources, including the county’s lakes, soils, and native forests, trees, and plants.	Potentially Consistent: Refer to General Response 3.
<b>Policy BR 1.1: Protect Sensitive Biological Resources</b>	Protect sensitive biological resources such as, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through:  1) Environmental review of proposed development applications, including consideration of cumulative impacts;  2) Participation in comprehensive habitat management programs with other local and resource agencies; and  3) Acquisition and management of open space lands that provide for permanent protection of important natural habitats.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.2: Limit Development Impacts</b>	Regulate and minimize proposed development in areas that contain essential habitat for special-status species, sensitive natural communities, wetlands, coastal and riparian habitats, and wildlife habitat and movement corridors as necessary to ensure the continued health and survival of these species and protection of sensitive areas.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.3: Environmental Review</b>	Require environmental review of development applications pursuant to CEQA and County procedures to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors.	Potentially Consistent: Please refer to General Response 4, 14, and 17



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy BR 1.4: No Net Loss</b>	Require that development projects are approved with conditions and mitigation measures to ensure the protection of sensitive resources and to achieve “no net loss” of sensitive habitat acreage, values, and function. Give highest priority to avoidance of sensitive habitat. When avoidance is not feasible, require	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.9: Preserve Ecotones</b>	Require that proposed discretionary development protects and enhances ecotones, or natural transitions between habitat types because of their importance to vegetation and wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.10: Identify and Protect Ecologically Sensitive Areas</b>	Protect and enable management of ecologically sensitive areas to the maximum extent feasible.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.11: Protect Wildlife Nursery Areas and Movement Corridors</b>	Identify, protect, and enable the management of connected habitat areas for wildlife movement. Features of particular importance to wildlife for movement may include, but are not limited to, riparian corridors, shorelines of the coast and bay, and ridgelines. Identification and designation of wildlife corridors will not interfere with agricultural uses on private lands. (Refer to AGP 29 in the Agriculture Element).	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.12: Development Impacts to Corridors</b>	Ensure that important corridors for wildlife movement and dispersal are protected as a condition of discretionary permits. Provide linkages and corridors as needed to connect sensitive habitat areas such as woodlands, forests, and wetlands.	Potentially Consistent: Please refer to General Response 4, 14, and 17



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy BR 1.13: Maintain Safe Wildlife Movement</b>	Maintain and enhance existing stream channels and riparian corridors to provide for wildlife movement at roadway crossings.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.14: Wildlife and Roadways</b>	Include the need for wildlife movement in designing and expanding major roadways and stream crossings.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 1.15: Restrict Disturbance in Sensitive Habitat during Nesting Season</b>	Avoid impacts to sensitive riparian corridors, wetlands, and coastal areas to protect bird-nesting activities.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 2.1: Coordinate with Trustee Agencies</b>	The County will consult with trustee and other relevant state and federal agencies during environmental review when special-status species, sensitive natural communities, marine resources, or wetlands may be affected. (Refer to Figure BR 5 Critical Habitats)	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 2.2: Promote Early Consultation With Other Agencies</b>	Require applicants to consult with all agencies with review and/or permit authority for projects in areas supporting wetlands and special-status species at the earliest opportunity.	Potentially Consistent: Please refer to General Response 4, 14, and 17



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<p><b>Policy BR 2.5 Species Recovery Plans and General Plan Amendments</b></p>	<p>The County will coordinate with the U.S. Fish and Wildlife Service to ensure that General Plan amendments do not conflict with the final recovery plans for federally listed species.</p>	<p>Potentially Consistent: US Fish and Wildlife Service, California Department of Fish and Game, and the Regional Water Quality Control Board were all provided with a Notice of Preparation for this Environmental Impact Report. No comments were received from these agencies. The General Plan Amendments included with this proposal are programmatic in nature, and so conflicts with specific recovery plans are unknown at this time. These agencies will also receive advance notice regarding individual agricultural cluster subdivision projects (refer to General Response 4, 14, and 17).</p>
<p><b>Policy BR 2.6: Development Impacts to Listed Species</b></p>	<p>Ensure that potential adverse impacts to threatened, rare, and endangered species from development are avoided or minimized through project siting and design. Ensure that proposed development avoids significant disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species. When avoidance is not feasible, require no net loss of sensitive natural plant communities and critical habitat areas.</p>	<p>Potentially Consistent: Please refer to General Response 4, 14, and 17</p>
<p><b>Policy BR 2.7: Fire Suppression and Sensitive Plants and Habitats</b></p>	<p>Balance the need for fire suppression and/or vegetation (fuel) management with the need to protect sensitive biological resources. Where possible, design land divisions and development so that fuel-breaks, vegetation, or fuel modification areas that are needed to reduce fire hazards do not disrupt special-status plant communities or critical habitat for special status animal species. Fuel-breaks and vegetation or fuel modification areas shall be located on the development side of required setbacks from sensitive features, and shall be in addition to the required setbacks. (Also refer to AGP 25.)</p>	<p>Potentially Consistent: Please refer to General Response 4, 14, and 17. CEQA analysis for Individual agricultural cluster subdivision projects will consider the need for removal of vegetation for fire safety purposes as part of the environmental review process.</p>



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy BR 2.9: Promote Use of Native Plant Species</b>	Landscaping for proposed development will use a variety of native or compatible non-native, non-invasive plant species as part of project landscaping to improve wildlife habitat values.	Potentially Consistent: Please refer to General Response 18.
<b>Policy BR 3.2: Protection of Native Trees in New Development</b>	Require proposed discretionary development and land divisions to avoid damage to native trees (e.g., Monterey Pines, oaks) through setbacks, clustering, or other appropriate measures. When avoidance is not feasible, require mitigation measures.	Potentially Consistent: Please refer to General Response 17.
<b>Policy BR 3.3: Oak Woodland Preservation</b>	Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 3.5: Non-native Trees</b>	Protect healthy and non-hazardous, non-native trees (e.g., eucalyptus groves) and forests that provide raptor nesting or roosting sites or support colonies of monarch butterflies.	Potentially Consistent: Please refer to General Response 4, 14 and 17
<b>Policy BR 4.1: Protect Stream Resources</b>	Protect streams and riparian vegetation to preserve water quality and flood control functions and associated fish and wildlife habitat.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 4.3: Alluvial Well Extractions</b>	Require discretionary projects that depend on alluvial well extractions and stream diversion to monitor the long-term effects on surface streamflow and riparian vegetation. Identify and implement contingencies for maintaining streamflow (e.g., minimum bypass flows, alternate water sources, decreased pumping rates, groundwater discharge).	Potentially Consistent: Please refer to General Response 19.
<b>Policy BR 4.4: Vegetated Treatment Systems (Low Impact Development Techniques)</b>	Promote use and maintenance of engineered, vegetated treatment systems such as constructed wetlands, vegetated swales, or vegetated filter strips where they will reduce nonpoint source pollution from private and public development.	Potentially Consistent: Please refer to General Response 20.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy BR 4.5: Encourage Stream Preservation on Private Lands</b>	Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 4.7: Contamination from Pesticides</b>	Contamination from the use of commercial, residential, and public application of pesticides and herbicides into all inland and coastal waters, including but not limited to rivers, streams, wetlands, and intertidal areas shall be eliminated.	Potentially Consistent: All legal pesticide applications meet or exceed label requirements for environmental protection. Therefore, legal pesticide applications within proximity to cluster development should not affect contamination into inland and coastal waters.
<b>Policy BR 4.9: Pesticide Regulation</b>	Encourage all landowners and pesticide applicators to consult with agencies such as the Natural Resource Conservation Service, U.C. Cooperative Extension, and Resource Conservation Districts to 1) reduce pesticide use, explore use of integrated pest management, 2) consider environmental impacts in choosing pesticides, and 3) otherwise reduce contamination of surface water and groundwater from pesticides.	Potentially Consistent: All legal pesticide applications meet or exceed label requirements for environmental protection. Therefore, legal pesticide applications within proximity to cluster development should not affect contamination into inland and coastal waters.
<b>Policy BR 5.1: Protect Wetlands</b>	Require development to avoid wetlands and provide upland buffers.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 5.2: No Net Loss of Wetlands</b>	Ensure that all public and private projects avoid impacts to wetlands if feasible. If avoidance is not feasible, ensure no net loss of wetlands, consistent with state and federal regulations and this Element.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 5.3: Wetland Conversion</b>	Avoid the conversion of wetlands, including vernal pools, except where grazing may improve the health and function of those wetlands. Where grazing occurs in and around wetlands and vernal pools, encourage grazing management that improves the health and function of those wetlands.	Potentially Consistent: Please refer to General Response 4, 14, and 17



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy BR 5.4: Wetlands on Agricultural Land</b>	Support use of best management practices and proper range uses to minimize impacts to wetlands on agricultural lands.	Potentially Consistent: Please refer to General Response 4, 14, and 17
<b>Policy BR 6.1: Avoid Impacts to Fisheries</b>	Require all proposed discretionary land use projects and land divisions to avoid impacts to freshwater and saltwater fisheries and wildlife habitat to the maximum extent feasible. When avoidance is not feasible, offset potential losses of fisheries and wildlife.	Potentially Consistent: Please refer to General Response 17.
<b>Policy BR 7.1: Coastal Protection</b>	The County should continue to advocate sound energy and coastal protection policies and oppose proposals along the San Luis Obispo County coastline that are inconsistent with the County’s Local Coastal Program and other County plans and policies.	Consistent: Individual agricultural cluster subdivisions may not be approved in the Coastal Zone unless they are consistent with the Local Coastal Program (LCP). Additionally, as stipulated in the proposed amendments, all agricultural cluster subdivision proposals in the Coastal Zone will be appealable to the California Coastal Commission.
<b>Policy BR 7.4: Sedimentation</b>	Support efforts on public and private lands to keep Chorro Creek, Los Osos Creek, and other watercourses free of excessive sediment and other pollutants to maintain freshwater flow into the Morro Bay National Estuary and the Monterey Bay National Marine Sanctuary, nurture steelhead trout, and support other plant and animal species. On County-owned lands, implement Best Management Practices in order to reduce sediment transport to coastal waters.	Potentially Consistent: Chorro Creek, Los Osos Creek, and Morro Bay are all on the list of impaired water bodies established under the Clean Water Act. Because of this, any project which has a potential to discharge sediment into these bodies will need to obtain coverage under the General Construction Permit overseen by the State Water Resources Control Board (SWRCB). Under the Grading and Stormwater Management Ordinances, such projects will also be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) subject to review by the County. Implementation, monitoring, and inspection of the BMPs required under the SWPPP will result in a reduction of sediment discharge into the impaired water bodies.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy BR 7.6: Morro Bay Estuary Water Quality</b>	Support efforts to ensure a level of water quality in the Morro Bay Estuary that supports recreation, viable commercial fishing and shellfish mariculture industries, healthy eelgrass beds, and thriving fish and shellfish populations.	Potentially Consistent: Land disturbance associated with agricultural cluster subdivisions will be subject to compliance with the County’s grading ordinance. Grading ordinance provisions are designed to minimize discharge of contaminants into the stormwater conveyance system, which includes all streams and tributaries in the Morro Bay watershed. Morro Bay is listed under the current Clean Water Act Section 303(d) list (i.e. impaired water bodies list) as exceeding acceptable levels of dissolved oxygen, and has the potential to be listed in the near future for metals, pathogens, and sedimentation/siltation. Projects which could result in discharge of these pollutants will require special permitting through the Regional Water Quality Control Board Irrigated agricultural production throughout the County are subject to the Irrigated Agricultural Discharge Waiver Order, which provides equivalent water quality controls.
<b>Policy CR 4.1: Non-Development Activities</b>	Discourage or avoid non-development activities that could damage or destroy Native American and archaeological sites, including off-road vehicle use on or adjacent to known sites. Prohibit unauthorized collection of artifacts.	Potentially Consistent: Refer to General Response 5.
<b>Policy CR 4.2: Protection of Native American Cultural Sites</b>	Ensure protection of archaeological sites that are culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance. Protect sites that have religious value or spiritual value, even if no artifacts are present. Protect sites that contain artifacts, which may have intrinsic value, even though their archaeological context has been disturbed.	Potentially Consistent: Refer to General Response 5.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy CR 4.4: Development Activities and Archaeological Sites</b>	Protect archaeological and culturally sensitive sites from the effects of development by avoiding disturbance where feasible. Avoid archaeological resources as the primary method of protection.	Potentially Consistent: Refer to General Response 5.
<b>Policy CR 4.5: Paleontological Resources</b>	Protect paleontological resources from the effects of development by avoiding disturbance where feasible.	Potentially Consistent: Refer to General Response 5.
<b>Policy CR 4.6: Resources-Based Sensitivity</b>	Protect archaeological resources near streams, springs and water sources, rock outcrops, and significant ridgetops, as these are often indicators of the presence of cultural resources.	Potentially Consistent: Refer to General Response 5.
<b>Policy E 3.1: Use of Renewable Energy</b>	Ensure that new and existing development incorporates renewable energy sources such as solar, passive building, wind, and thermal energy. Reduce reliance on non-sustainable energy sources to the extent possible using available technology and sustainable design techniques, materials, and resources.	Potentially Consistent: Refer to General Response 6.
<b>Policy E 3.2: Energy Efficient Equipment</b>	Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	Potentially Consistent: Refer to General Response 6.
<b>Policy E 4.2: Green Building Incentives</b>	Offer incentives to encourage green building practices in all development projects, including retrofits of existing buildings.	Potentially Consistent: Refer to General Response 6.
<b>Policy E 4.4: Solar Exposure</b>	Orient new buildings to maximize solar resources, shading, ventilation, and lighting.	Potentially Consistent: Refer to General Response 6.
<b>Policy E 5.4: Construction and Demolition Waste</b>	Continue to reduce construction and demolition waste in accordance with the County’s Construction and Demolition Debris Recycling Ordinance. Support increased diversion rates over time.	Potentially Consistent: Individual projects will be conditioned to meet the County’s adopted waste recycling program.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy MN 2.4: Discretionary Land Use Permits</b>	Require that proposed uses that require a discretionary land use permit will not adversely affect the continuing operation or expansion of an existing extraction use.	Consistent: Existing standards apply where an Extractive Resources Combining Designation is established to protect extractive uses.
<b>Policy OS 1.7: Open Space Resource Protection</b>	Protect open space resources by guiding development away from rural areas to more suitable areas.	Potentially Consistent: Refer to General Response 16.
<b>Policy OS 1.8: Land Division and Development</b>	Encourage the use of cluster land divisions and cluster development that will locate residential clusters on the least environmentally sensitive portions of properties.	Potentially Consistent: The proposed amendments will encourage the use of cluster division in the Agriculture Land Use Category while requiring development to avoid environmentally sensitive areas.
<b>Policy OS 4.1: Define Urban Areas to Prevent Sprawl</b>	Prevent urban sprawl by maintaining a well-defined boundary between urban/village boundaries and surrounding rural areas.	Consistent: The proposed amendments do not propose expansion of urban boundaries.
<b>Policy OS 4.2: Maintain Community Separators</b>	Maintain permanent separations between communities in order to retain the rural character of the county.	Potentially Consistent: The proposed amendments would allow for development on community edges. However, as part of individual project review, visual community separators will be considered including having the 95% agricultural parcel act as the permanent community separator.
<b>Policy SL 1.1: Prevent Loss of Topsoil in All Land Uses</b>	Minimize the loss of topsoil by encouraging broad-based cooperation between property owners, agricultural operators, agencies, and organizations that will lead to effective soil conservation practices on all lands, including County-controlled properties. (Also refer to Policy AG 9 in the Agriculture Element and Figure SL-1 Important Agricultural Soils.)	Potentially Consistent: Existing County ordinance standards regarding grading and site development require that topsoil be preserved during grading, and re-applied upon completion of rough grading.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy SL 1.2: Promote Soil Conservation Practices</b>	Require erosion and sediment control practices during development or other soil-disturbing activities on steep slopes and ridgelines. These practices should disperse stormwater so that it infiltrates the soil rather than running off, and protect downslope areas from erosion.	Consistent: Existing County ordinance standards require implementation of an erosion and sedimentation control plan to address soil loss during grading activities and during the long-term operational life of a project. Additionally, most developments will be subject to state-oversight under the General Construction Permit program, which will involve preparation of a Stormwater Pollution Prevention Plan (SWPPP); implementation of Best Management Practices (BMPs); inspection before, during, and after storm events; and long-term management.
<b>Policy SL 1.3: Minimize Erosion Associated with New Development</b>	Avoid development, including roads and driveways, on the steeper portions of a site except when necessary to avoid flood hazards, protect prime soils, and protect sensitive biological and other resources. Avoid grading and site disturbance activities on slopes over 30%. Minimize site disturbance and protect existing vegetation as much as possible.	Consistent: Existing County ordinance standards prohibit non-agricultural development on slopes exceeding 30 percent and require protection of significant vegetation to the maximum extent practicable.
<b>Policy SL 2.1: Protect Watersheds and Aquifer Recharge Areas</b>	Give high priority to protecting watersheds, aquifer-recharge areas, and natural drainage systems when reviewing applications for discretionary development. (Also refer to Water Resource Policies WR 2.4, 3.1, 3.2, 3.3, 3.4, 3.5, 5.1, 5.6, 6.4, 6.5, 6.6, 6.7 and BR 1.5, 2.7, 4.1, 4.5, 4.6, 6.1 and 7.7.)	Potentially Consistent: Existing County ordinance standards regulating stormwater discharges are designed to comply with Phase-Two National Pollutant Discharge Elimination System (NPDES) requirements. NPDES regulations preclude contamination of streams and watercourses with such pollutants as sediment, metals, and hydrocarbons. Additionally, ordinance standards governing discretionary development require preservation of natural drainage systems to the maximum extent practicable. Refer to General Response 20 for further discussion.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<p><b>Policy SL 3.1: Conserve Important Agricultural Soils</b></p>	<p>Conserve the Important Agricultural Soils mapped in Figure SL-1 and listed in Table SL-2. Proposed conversion of agricultural lands to non-agricultural uses shall be evaluated against the applicable policies in this COSE and in the Agriculture Element, including policies such as Policies AGP 18 and AGP 24.</p>	<p>Potentially Consistent: Subsection F.3.b of the draft inland ordinance would prohibit any residential development component of an agricultural cluster subdivision from occurring on prime farmland. In the Coastal Zone, Coastal Plan Policies (which are implemented equivalently to ordinance standards) also preclude development on prime farmland. Each agricultural cluster subdivision application will be referred to the Agricultural Commissioner’s office for review. The Agricultural Commissioner will consider consistency with Agriculture Element policies, potential for impact to agricultural resources, and implications of conversion of agricultural land as part of their evaluation. Where a significant impact to agricultural resources is anticipated, appropriate mitigation measures will be provided in order to reduce the impact to a level of insignificance. Projects resulting in a residual significant impact to agricultural resources even when mitigation measures are applied may not be approved. In such a circumstance, the Review Authority would be unable to make a necessary finding asserting that there would be no significant impacts on on-site or off-site agricultural resources.</p>
<p><b>Policy VR 1.1: Adopt Scenic Protection Standards</b></p>	<p>Adopt and maintain ordinance standards for development to avoid diminishing or intruding upon important scenic landmarks, views and landscapes. Adoption and implementation of scenic protection standards shall not interfere with agricultural uses on private lands consistent with AGP30.</p>	<p>Potentially Consistent: Refer to General Responses 13 and 14.</p>



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy VR 2.1: Develop in a Manner Compatible with Historical and Visual Resources</b>	Through the review of proposed development, encourage designs that are compatible with the natural landscape and with recognized historical character, and discourage designs that are clearly out of place within rural areas.	Potentially Consistent: Refer to General Responses 13 and 14.
<b>Policy VR 2.2: Site Development and Landscaping Sensitively</b>	Through the review of proposed development, encourage designs that emphasize native vegetation and conform grading to existing natural forms. Encourage abundant native and/or drought-tolerant landscaping that screens buildings and parking lots and blends development with the natural landscape.	Potentially Consistent: Refer to General Responses 14 and 18.
<b>Policy VR 3.4: Community Edge</b>	Maintain clear community edges for urban and village areas with appropriate plan designations when updating community and area plans. Avoid suburban or low-density sprawl at the edges of communities.	Potentially Consistent: The proposed amendments would allow for development on community edges. However, as part of individual project review, visual community separators will be considered including having the 95% agricultural parcel act as the permanent community separator.
<b>Policy VR 4.2: Balanced Protection</b>	Balance the protection of scenic resources with the protection of biological and agricultural resources that may co-exist within the scenic corridor.	Potentially Consistent: As part of the review for individual agricultural cluster subdivision projects, the potential for impacts to visual as well as agricultural and biological resources will be considered through the environmental review process. Agricultural cluster subdivisions must adhere to specific design requirements and may not be approved where they are inconsistent with the protection of visual resources.
<b>Policy VR 7.1: Nighttime Light Pollution Balanced</b>	Protect the clarity and visibility of the night sky within communities and rural areas, by ensuring that exterior lighting, including streetlight projects, is designed to minimize nighttime light pollution.	Consistent: Individual agricultural cluster subdivision projects will be required to address night lighting through the environmental review process, including submittal of an exterior lighting plan that will minimize nighttime light pollution.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy WR 1.6: Water dependent species</b>	Protect water sources for water-dependent species and the continuity of riparian communities.	Potentially Consistent: Refer to General Response 17.
<b>Policy WR 1.7: Agricultural operations</b>	Groundwater management strategies will give priority to agricultural operations. Protect agricultural water supplies from competition by incompatible development through land use controls.	Potentially Consistent: Residential development resulting from the proposed program could compete with agricultural uses for groundwater resources. However, agricultural cluster subdivisions require that the Review Authority make a finding asserting that the project will have an adequate, long-term, sustainable supply of water to serve existing and future agricultural production and residential development. Where water resource impacts cannot be successfully mitigated to a level of insignificance, a project cannot be approved, as the individual specific development would be inconsistent with this finding.
<b>Policy WR 1.8: Use of surface water projects</b>	Water from surface water projects (e.g. Lopez Lake, Lake Nacimiento) will only be used to serve development within urban and village reserve lines and will not be used to serve development in rural areas.	Consistent: Refer to General Response 19.
<b>Policy WR 1.9: Discourage new water systems</b>	Enable expansion of public services by community services districts and County service areas to serve contiguous development when water is available. Strongly discourage the formation of new water and sewer systems serving urban development at the fringe and outside of urban or village reserve lines or services lines. Strongly discourage the formation of new mutual or private water companies in groundwater basins with Resource Management System Levels of Severity I, II, or III, except where needed to resolve health and safety concerns.	Consistent: Refer to General Response 19.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy WR 1.10: Water wheeling</b>	When water wheeling is proposed to serve new development, demonstrate that the conveyance facility has an adequate unused capacity in accordance with the California Water Code.	Consistent: Refer to General Response 19.
<b>Policy WR 1.12: Impacts of new development</b>	Accurately assess and mitigate the impacts of new development on water supply. At a minimum, comply with the provisions of Senate Bills 610 and 221.	Consistent: Refer to General Response 19.
<b>Policy WR 1.13: Density increases in rural areas</b>	Do not approve General Plan amendments or land divisions that increase the density or intensity of non-agricultural uses in rural areas that have a recommended or certified Level of Severity II or III for water supply until a Level of Severity I or better is reached, unless there is an overriding public need.	Consistent: Refer to General Response 19.
<b>Policy WR 1.14: Avoid net increase in water use</b>	Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.	Consistent: Refer to General Response 19.
<b>Policy WR 3.1: Prevent water pollution</b>	Take actions to prevent water pollution, consistent with federal and state water policies and standards, including but not limited to the federal Clean Water Act, Safe Drinking Water Act, and National Pollutant Discharge Elimination System (NPDES).	Potentially Consistent: Refer to General Response 20.
<b>Policy WR 3.2: Protect watersheds</b>	Protect watersheds, groundwater and aquifer recharge areas, and natural drainage systems from potential adverse impacts of development projects.	Potentially Consistent: Refer to General Response 20.



**Table B.1-3: Conservation and Open Space Element**

Section	Policy	Discussion
<b>Policy WR 3.3: Improve groundwater quality</b>	Protect and improve groundwater quality from point and non-point source pollution, including nitrate contamination; MTBE and other industrial, agricultural, and commercial sources of contamination; naturally occurring mineralization, boron, radionuclides, geothermal contamination; and seawater intrusion and salts.	Potentially Consistent: Refer to General Response 20.
<b>Policy WR 4.1: Reduce water use</b>	Employ water conservation programs to achieve an overall 20% reduction in per capita residential and commercial water use in the unincorporated area by 2020. Continue to improve agricultural water use efficiency consistent with Policy AGP 10 in the Agriculture Element.	Potentially Consistent: Refer to General Response 18 and 19. In addition, water conservation measures will be applied on a project-by-project basis as part of the environmental review.
<b>Policy WR 4.7: Low Impact Development</b>	Require Low Impact Development (LID) practices in all discretionary and land division projects and public projects to reduce, treat, infiltrate, and manage urban runoff.	Potentially Consistent: Refer to General Response 20.
<b>Policy WR 6.4: Integrated drainage approach</b>	Assure that proposed development integrates ecosystem enhancement, drainage control, and natural recharge as applicable.	Potentially Consistent: Refer to General Response 20.



## 4. DESIGN GUIDELINES

The Design Guidelines were adopted in 1998. The Design Guidelines consist of design objectives, guidelines, and examples that will help retain and enhance the unique character of the unincorporated communities and rural areas of the County. The goals of the Design Guidelines include conservation of resources and the environment, distinction between urban and rural areas, consistency with local context, appropriate scale, non-motorized transportation, urban vitality, and the conservation of rural landscape.

**Table B.1-4: Design Guidelines**

Section	Policy	Discussion
<b>Goal 1: Conservation of Resources and the Environment</b>	<p>Development should respect the key natural and built resources on each site, including on-site ecological systems, vegetative communities, major trees, water courses, land forms, archaeological resources, and historically and architecturally important structures.</p> <ul style="list-style-type: none"> <li>a. Conserve special areas which are identified as having high ecological sensitivity. Examples of resources to preserve include riparian corridors, oak and pine woodlands, and estuaries.</li> <li>b. Conserve special areas which are considered as having high visual sensitivity. Examples of resources to conserve and enhance include undeveloped ridgelines and major geologic features such as the Morros.</li> </ul>	<p>Potentially Consistent: Refer to General Response 14.</p>
<b>Goal 2: Distinction Between Urban and Rural Areas</b>	<p>Create a clear distinction between urban and rural areas, expressed through differences in density and design.</p> <ul style="list-style-type: none"> <li>a. Create and maintain clear community edges for urban and village areas and prevent sprawl by using open space buffers, greenbelts, clustered development and other appropriate types of landscaping, gateways and changes in design.</li> <li>b. At the edges of rural areas, design low-density development to maintain a rural character, and preserve natural features such as fields, hillsides, and streams.</li> </ul>	<p>Consistent: The proposed ordinance encourages cluster development on the edges of urban and village areas and does not allow for high density at the edges of rural areas.</p>



**Table B.1-4: Design Guidelines**

Section	Policy	Discussion
<b>Goal 3: Consistency with Local Context</b>	<p>Design each project to be consistent with its unique local context and to enhance the diversity of the County.</p> <ol style="list-style-type: none"> <li>a. Design projects to fit their context in terms of building form, siting, massing, and scale.</li> <li>b. Design projects to be consistent with the site’s natural surroundings.</li> </ol>	Potentially Consistent: Refer to General Response 13
<b>Goal 7: Conservation of Rural Landscape</b>	<p>Respect and preserve natural landscape within rural areas.</p> <ol style="list-style-type: none"> <li>a. Design buildings to blend into the landscape.</li> <li>b. Emphasize native vegetation and natural forms in site design and landscaping of projects.</li> </ol>	Potentially Consistent: Refer to General Response 13
<b>Part 3, Chapter 9: Rural Area Guidelines</b>	<p>These design guidelines are intended to help protect attractive rural character and address the visual impacts of rural building construction and related grading. Applicable guidelines include:</p> <ul style="list-style-type: none"> <li>• Part A – Rural subdivision design – building site location, road design, landscaping, highway setback, and energy conservation;</li> <li>• Part B – Building forms and features – building style; roof design; balconies, decks, and exterior stairs; use-building screening;</li> <li>• Part C – Accessory structures and fences – accessory structure design, fence types, infrastructure siting, infrastructure color, undergrounding; and</li> <li>• Part D – Landscaping – turf, drought tolerant landscaping, drainage</li> </ul>	Potentially Consistent: Refer to General Response 13



**Table B.1-4: Design Guidelines**

Section	Policy	Discussion
<p><b>Part 4, Chapter 11 – Resource Conservation</b></p>	<p>San Luis Obispo places a high priority on the conservation of its natural resources. This chapter reflects the importance of those resources by providing design guidelines to preserve the natural appearance of ridgelines and other natural topographic features, and the ecological integrity of creeks, major vegetation features, and other habitats. Additional guidelines that encourage energy and water conservation are also included:</p> <ul style="list-style-type: none"> <li>• Part A – Creek habitat protection and drainage improvements – location of development, lot orientation in subdivisions, creek enhancement, natural drainage ways, public trail design, bridge materials, bridge design, culverts, drainage channels, outfalls, subdivision design, basin uses, basin depth, basin shape, habitat protection, tree preservation, tree replacement;</li> <li>• Part B – Grading – grading limitations, building forms, downslope development, graded slope, slope steepness, feathering, design, steep slopes; and</li> <li>• Part C – Energy and water conservation – solar orientation, overhangs, landscaping, energy element guidelines</li> </ul>	<p>Potentially Consistent: Refer to General Response 14 and 18.</p>



## 5. ECONOMIC ELEMENT

The Economic Element was adopted in 1999. The goals of the Economic Element recognize the importance of economic activity in enabling the residents of San Luis Obispo to find employment and pursue the lifestyles that they value. The goals are to promote a strong and viable local economy by pursuing policies that balance economic, environmental, and social needs of the county; create a diverse economy; assure the provision of strategically located opportunities for economic development; and to provide support for economic development in the County. The policies and programs for each goal describe principles that will guide decision-making and actions that will be taken to achieve those goals.

**Table B.1-5: Economic Element**

Section	Ordinance	Discussion
<b>Policy 1b</b>	Recognize and protect property rights by: <ul style="list-style-type: none"> <li>• Seeking to maintain a balance between the rights of property owners and efforts to plan for the community</li> <li>• Not taking property without just compensation; and</li> <li>• Recognizing and protecting the rights of all property owners, individuals and groups to participate in planning and land use decisions.</li> </ul>	Potentially Consistent: Refer to General Response 9.
<b>Policy 1c</b>	Balance the capacity for growth with the resources available.	Potentially Consistent: Refer to General Response 8.
<b>Policy 1d</b>	Maintain and protect a living environment that is safe, healthful, and pleasant for all residents.	Potentially Consistent: Refer to General Response 7.
<b>Policy 1e</b>	Protect open space resources that make SLO County an attractive place for economic development.	Potentially Consistent: Refer to General Response 16.
<b>Policy 1f</b>	Protect agricultural resources that make San Luis Obispo County an attractive place for economic development.	Potentially Consistent: Refer to General Response 16.
<b>Policy 1i</b>	Encourage businesses that promote the concept of sustainability.	Potentially Consistent: Agricultural cluster subdivision application requirements, design standards, and required findings are intended to promote sustainable agricultural



**Table B.1-5: Economic Element**

Section	Ordinance	Discussion
		production. An agricultural preservation easement covering 95 percent of the site will ensure that the property remains available for continued agricultural production, in perpetuity.
<b>Policy 2a</b>	In evaluating proposed plans and projects, consideration of potential economic benefits should be in balance with environmental and social considerations.	Potentially Consistent: Refer to General Response 9.
<b>Policy 2f</b>	Take action to help agriculture remain economically viable.	Potentially Consistent: Refer to General Response 4 and 16.
<b>Policy 3c</b>	Work closely with cities to provide continuity between City and County land use planning and to achieve a balance between economic and housing growth.	Potentially Consistent: Nearby cities are provided with a project referral and an opportunity to comment on all land use permit and subdivision applications. Planning Impact Areas for each city are identified in the General Plan. Additionally, the County has Memoranda of Agreement with the City of Paso Robles and City of San Luis Obispo establishing the procedure for mutual consultation on projects occurring on the urban fringe.
<b>Policy 4e</b>	Provide housing opportunities for worker households of all income groups.	Potentially Consistent: Refer to General Response 10
<b>Policy 4f</b>	Minimize administrative delays and costs to fee payers in the administration of the General Plan.	Potentially Consistent: Refer to General Response 11
<b>Policy 4g</b>	Simplify development review procedures and provide incentives for development to locate where plan policies encourage it to occur.	Potentially Consistent: Agricultural cluster subdivisions are not intended as a means of implementing the strategic growth principles in the Land Use Element of the General Plan, and are therefore not provided with expedited processing.



## 6. FRAMEWORK FOR PLANNING – STRATEGIC GROWTH POLICIES

In May 2009, the Framework for Planning (Part I of the Land Use Element) was amended by the Board of Supervisors to incorporate strategic growth policies and principles. The purpose of these policies and principles is to encourage locating new growth in urban areas and to reduce expansion into rural areas.

**Table B.1-6: Framework for Planning – Strategic Growth Policies**

Section	Ordinance	Discussion
<b>Principle 1, Policy 1</b>	Preserve open space, scenic natural beauty and natural resources. Conserve energy resources. Protect agricultural land and resources.	Potentially Consistent: Refer to General Response 16.
<b>Principle 1, Policy 2</b>	Keep the amount, location and rate of growth allowed by the Land Use Element within the sustainable capacity of resources, public services and facilities.	Potentially Consistent: Refer to General Response 8
<b>Principle 1, Policy 3</b>	Preserve and sustain important water resources, watersheds and riparian habitats.	Potentially Consistent: Refer to General Response 17 through 20.
<b>Principle 1, Policy 4</b>	Preserve and protect the air quality of the county by seeking to exceed or at least maintain the minimum state and federal ambient air quality standards.	Potentially Consistent: Refer to General Response 2, 3, and 7.
<b>Principle 1, Policy 5</b>	Conserve energy resources by: <ul style="list-style-type: none"> <li>a. Planning for energy efficiency and conservation in land use and transportation, and in subdivision and building regulations; and</li> <li>b. Decreasing reliance on environmentally costly energy sources, increasing conservation efforts, and encouraging use of alternative energy sources.</li> </ul>	Potentially Consistent: Refer to General Response 6.



**Table B.1-6: Framework for Planning – Strategic Growth Policies**

Section	Ordinance	Discussion
<b>Principle 1, Policy 6</b>	Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture.	Potentially Consistent: Refer to General Response 16.
<b>Principle 1, Policy 7</b>	Give highest priority to avoiding significant environmental impacts from development through site and project design. Where such impacts cannot be avoided, minimize them to the maximum extent feasible.	Potentially Consistent: The proposed amendments require agricultural cluster subdivision projects to avoid environmentally sensitive areas. Through the environmental review process, cluster projects will be required to mitigate potential environmental impacts to a level of insignificance. Proposed projects which will result in a significant environmental impact will be evaluated through a separate Environmental Impact Report and will necessitate overriding considerations.
<b>Principle 2, Policy 1</b>	Maintain rural areas in agriculture, low-intensity recreation, very low-density residential uses, and open space uses that preserve and enhance a well-defined rural character.	Potentially Consistent: Refer to General Response 16.
<b>Principle 3, Policy 1</b>	Protect and restore the valuable history, cultures, images and identity of communities and rural areas.	Potentially Consistent: Refer to General Response 6.
<b>Principle 3, Policy 2</b>	Protect rural areas between communities to achieve well-defined communities within an attractive rural setting.	Potentially Consistent: The proposed ordinance encourages clustering of development and permanent open space that can act as a community separator.
<b>Principle 4, Policy 5</b>	Create neighborhoods and non-residential areas that minimize fear and crime through environmental and urban design.	Potentially Consistent: Individual agricultural cluster subdivision projects will be reviewed on a case-by-case basis for consistency with this policy.



**Table B.1-6: Framework for Planning – Strategic Growth Policies**

<b>Section</b>	<b>Ordinance</b>	<b>Discussion</b>
<b>Principle 5, Policy 2</b>	Reduce and minimize the generation of air pollutants and greenhouse gasses from existing and future development, with emphasis on reducing vehicle miles traveled.	Potentially Consistent: Because of the rural nature and location of development that could result from the proposed amendments, multi- modal options are limited, however, individual projects reviewed under the proposed ordinance can evaluate transportation demand management tools.
<b>Principle 6, Policy 1</b>	Plan for most new housing to be within urban or village areas and close to jobs while protecting residential areas from incompatible uses.	Potentially Consistent: Although the proposed Agricultural Cluster Subdivision Program allows for and facilitates residential development in rural and agricultural areas, the proposed amendments would not impede the development of housing in existing urban or village areas. In addition, compared to existing agricultural cluster ordinance standards, the proposed amendments would reduce development potential in rural areas and require cluster projects to be located closer to urban reserve areas.
<b>Principle 6, Policy 2</b>	Provide quality housing choices that are affordable to people with a variety of incomes.	Potentially Consistent: Refer to General Response 10.
<b>Principle 9, Policy 1</b>	Minimize administrative delays and costs to fee payers in the administration of the Land Use Element.	Potentially Consistent: Refer to General Response 11.



**Table B.1-6: Framework for Planning – Strategic Growth Policies**

<b>Section</b>	<b>Ordinance</b>	<b>Discussion</b>
<b>Principle 9, Policy 2</b>	Expedite development review procedures and provide incentives, such as reduced fees for facilities and other project-related costs, for projects that implement these principles.	Potentially Consistent: Agricultural cluster subdivisions are not intended as a means of implementing the strategic growth principles, and are therefore not provided with expedited processing. However, the proposed amendments would clarify existing policies and standards and would reduce the environmental impacts and potential land use conflicts associated with agricultural cluster subdivisions. As a result, the proposed amendments could result in a more predictable and expeditious permitting process for agricultural cluster subdivisions, when compared to the existing ordinance.
<b>Principle 9, Policy 3</b>	Encourage public participation in planning and development review, and consider the needs of all affected persons.	Potentially Consistent: Agricultural cluster subdivisions require discretionary approval of both a subdivision map and a Conditional Use Permit. A duly noticed public hearing before either the Planning Commission or Subdivision Review Board is required. Applicants, neighbors, and other interested parties are afforded an opportunity to provide written or verbal comments for consideration by the Review Authority. In addition to the public hearing process, additional public review is accommodated through the California Environmental Quality Act (CEQA). The County’s CEQA guidelines provide for a review period for any Initial Study/Negative Declaration issued. Interested parties may file a “request for review” on any Initial Study/Negative Declaration during the allotted review period. If a request for review is filed it will cause a duly noticed public hearing to occur in order to consider the environmental determination. This is in addition to the public review/comment period already applied under CEQA. This procedure is not affected by the proposed Agricultural Cluster Subdivision Program.



## 7. HOUSING ELEMENT

The County’s current Housing Element was adopted and certified by the State in 2009. The Housing Element is one of seven required elements of the San Luis Obispo County General Plan. Its primary purpose is to facilitate the provision of needed housing in the context of the Land Use Element of the County General Plan and related ordinances. The secondary purpose is to meet the requirements of State law and achieve certification by the California Department of Housing and Community Development, which in turn will help the County qualify for certain funding programs offered by the State. The State requires an update to the Housing Element generally every five years.

**Table B.1-7: Housing Element**

Section	Policy	Discussion
<b>Policy HE 1.1</b>	Designate a sufficient supply of land for housing that will facilitate balanced communities, including a variety of housing types, tenure, price, and neighborhood character.	Potentially Consistent: Please refer to General Response 10.
<b>Policy HE 1.3</b>	Designate land for housing near locations of employment, shopping, schools, parks, and transportation systems.	Consistent: The proposed ordinance does not change the land use category to residential.
<b>Policy HE 1.4</b>	Offer incentives to encourage development of housing affordable to extremely low income, very low income, low income, and moderate-income households.	Potentially Consistent: The proposed ordinance does not propose removing incentives.
<b>Policy HE 1.6</b>	Review proposed housing developments to provide safe and attractive neighborhoods through high quality architecture, site planning, and site amenities. Safe and attractive neighborhoods are not only beneficial to their residents, they also can improve public receptiveness to growth.	Potentially Consistent: Project design is reviewed on a case-by-case basis. Projects are required to comply with Countywide design guidelines which include criteria for rural development.
<b>Policy HE 1.7</b>	Encourage development of live/work units, where housing can be provided for the workforce while generating economic activity in the community.	Consistent: Agricultural cluster subdivisions are not proposed within communities.



**Table B.1-7: Housing Element**

<b>Section</b>	<b>Policy</b>	<b>Discussion</b>
<b>Policy HE 1.9</b>	Encourage the use of Strategic (smart) Growth principles in development that create a range of housing choices, mix land uses, preserve open space, and focus development in urban areas.	Potentially Consistent: Although this proposed ordinance allows for development in rural areas, it also mandates 95% open space preservation.
<b>Policy HE 1.11</b>	Promote development standards that encourage well-designed communities and resource conservation through efficient site design and sustainable materials. This policy is intended to benefit future residents through development of architecturally compatible neighborhoods and reduced negative environmental impacts.	Potentially Consistent: The proposed parcel design standards in the Agricultural Cluster Subdivision Program are intended to reduce potential environmental impacts. Please also refer to General Response 6.
<b>Policy HE 1.13</b>	Reduce infrastructure constraints for development of housing to the extent possible. Infrastructure such as sewage disposal systems, water systems, and roads are necessary to support new housing.	Potentially Consistent: The new policies proposed under the Agricultural Cluster Subdivision Program will preclude establishment of community water or sewage systems in agricultural cluster subdivisions. Each lot will be required to have an on-site water supply and septic disposal system. Road infrastructure will be provided for as part of subdivision improvements.
<b>Policy HE 1.14</b>	Provide flexibility in meeting the Inclusionary Housing Ordinance requirements. Homebuilders can best decide which options they should choose to comply with this ordinance.	Consistent: Please refer to General Response 10.
<b>Policy HE 1.15</b>	Work with developers to encourage development of housing for local workers to meet the needs of the workforce and their families. Providing housing of the appropriate type, location, and price for local workers can improve the success of local businesses through dependable employees.	Potentially Consistent: Please refer to General Response 10.



## 8. NOISE ELEMENT

The Noise Element of the General Plan was adopted in 1992 and provides a policy framework within which potential noise impacts may be addressed during project review and long range planning. The Noise Element is directed at minimizing future noise conflicts. Recognition of the interrelationship of noise and the other mandated elements is necessary to prepare an internally consistent general plan and to initiate changes which will reduce noise exposure to acceptable levels in areas where noise presently exceeds the levels set forth by the adopted policies of the Noise Element.

**Table B.1-8: Noise Element**

Section	Policy	Discussion
<b>Policy 3.3.1: General Noise</b>	The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation.	Potentially Consistent: Refer to General Response 15
<b>Policy 3.3.2: Transportation Noise Sources</b>	New development of noise-sensitive land uses (see Section 1.5 – Definitions) shall not be permitted in areas exposed to existing or projected future levels of noise from transportation noise sources which exceed 60 dB LDN or CNEL (70 LDN or CNEL for outdoor sports and recreation) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaced to or below the levels specified for the given land use in Table 3-1.	Potentially Consistent: Refer to General Response 15
<b>Policy 3.3.4: Stationary Noise Sources</b>	New development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed the noise level standards of Table 3-2, unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the levels specified in Table 3-2.	Potentially Consistent: Refer to General Response 15
<b>Policy 3.3.6: Existing and Cumulative Noise Impacts</b>	San Luis Obispo County shall consider implementing mitigation measures where existing noise levels produce significant noise impacts to noise-sensitive land uses or where new development may result in cumulative increases of noise upon noise-sensitive land uses.	Potentially Consistent: Refer to General Response 15



## 9. PARKS AND RECREATION ELEMENT

The Parks and Recreation Element was adopted in 2006. The purpose of the Parks and Recreation Element is to (1) provide policy guidance regarding the provision of park and recreation services, (2) document the County's existing park and recreation resources, and (3) facilitate the evaluation of park and recreation needs including those resources that are outside of the County's management during the land use decision process.

**Table B.1-9: Parks and Recreation Element**

Section	Policy	Discussion
<p><b>Policy 3.12</b></p>	<p>Where public lands are not available or adequate to accommodate a public trail, a trail dedication in easement or fee across private property shall be considered and may be obtained only in the following instances:</p> <ol style="list-style-type: none"> <li>1. From a willing seller or donor.</li> <li>2. As part of a New Town or Specific Plan that would create urban uses.</li> <li>3. As a condition of a project approval, subject also to Policy 3.13:               <ol style="list-style-type: none"> <li>a. For land designated Agriculture when:                   <ol style="list-style-type: none"> <li>i. a general plan amendment would change the land use category from Agriculture to another land use category; or</li> <li>ii. a discretionary project that would convert agricultural land to uses not related to agriculture; or</li> <li>iii. a cluster subdivision would create eight or more residential parcels.</li> </ol> </li> <li>b. For land not designated</li> </ol> </li> </ol>	<p>Potentially Consistent: Individual agricultural cluster subdivision projects will be reviewed for consistency with this policy on a project-by-project basis. Cluster subdivisions resulting in eight or more residential lots and occurring in or around a proposed County trail alignment will be required to dedicate right-of-way for a public trail in compliance with this policy.</p>



## 10. REAL PROPERTY DIVISION ORDINANCE (TITLE 21)

The Real Property Division Ordinance was adopted in 1979. This ordinance implements the State Subdivision Map Act and governs design, process, and improvement requirements for subdivisions and lot line adjustments throughout the County.

**Table B.1-10: Real Property Division Ordinance (Title 21 of the County Code)**

Section	Policy	Discussion
<b>21.03.010(c)(1): Parcel and site design</b>	<p>The design of the subdivision shall comply with all land use regulations and general plan standards and requirements in effect in the area of the proposed subdivision and shall be based upon the following principles and policies:</p> <ol style="list-style-type: none"> <li>1. The size and configuration of parcels should be such as to encourage the efficient utilization of land and not deter or hinder the use of adjacent parcels, present or future. Where feasible, the use of clustering with open-space provisions shall be encouraged.</li> </ol>	<p>Consistent: The proposed amendments encourage the use of clustering when subdivisions are proposed on land in the Agricultural land use category.</p>
<b>21.03.010(c)(5): Parcel and site design</b>	<p>The resulting parcels shall achieve optimal utility as measured by:</p> <ol style="list-style-type: none"> <li>(i) Efficient use of land;</li> <li>(ii) Minimizing site disruption in developing access drives and building pads with respect to cuts and fills and vegetation removal;</li> <li>(iii) Ensuring that proposed parcels would not act to deter or hinder the use of the subject or adjacent parcels, present or future; and</li> <li>(iv) Maintaining the character and parcel configuration pattern of the surrounding area.</li> </ol>	<p>Potentially Consistent: Refer to General Response 4.</p>
<b>21.03.010(c)(8): Parcel and site design</b>	<p>Proposed building sites shall be in locations that are least visible from public roads and shall not be located on ridgetops such that future structures will silhouette against the skyline as viewed from public roads, unless an adjustment is approved pursuant to Section 21.03.020 of this title.</p>	<p>Potentially Consistent: Refer to General Response 13.</p>



**Table B.1-10: Real Property Division Ordinance (Title 21 of the County Code)**

Section	Policy	Discussion
<p><b>21.03.010(d)(1,2, 3, 4, 5, 6, and 8): Access and circulation design</b></p>	<p>The following standards shall be applicable to property proposed for division to promote adequate access and circulation:</p> <ol style="list-style-type: none"> <li>(1) Any existing or new street, intended or necessary for or serving as the principal means of vehicular access to the property shown on the tentative parcel or tract map, shall have a minimum right-of-way width of forty feet for a part-width street or a minimum right-of-way width of fifty feet for a full-width street. Improvement of said street shall be pursuant to Section 21.05.020 of this title.</li> <li>(2) The subdivision shall provide for the opening or extension of streets for traffic circulation for the convenience, safety, and welfare of the lot owners within the subdivision and the local neighborhood.</li> <li>(3) The area, dimension or frontage of each parcel should be such as to allow future widening, extension or opening of any street established by specific plans, official plan lines, or where ultimate rights-of-way are determinable from existing developments.</li> <li>(4) The centerline of all streets wherever practical should be continuations of the centerlines of existing streets or should be offset in accordance with the standard improvement specifications and drawings.</li> <li>(5) Street intersections should be as near as to a right angle as practical.</li> <li>(6) Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and resulting dead-end streets may be approved without a turnaround when such streets are less than six hundred feet in length. In all other cases, a turnaround having a minimum radius of forty feet or comparable area in other form shall be required, separated to the depth of one parcel from the exterior</li> </ol>	<p>Consistent: The proposed amendments include provisions that clustered parcels within agricultural cluster subdivisions shall take access from a private drive. Individual projects shall be referred to County Public Works and evaluated on a project-by-project basis. This includes requiring offers to dedicate.</p>



**Table B.1-10: Real Property Division Ordinance (Title 21 of the County Code)**

Section	Policy	Discussion
	<p>boundary of the subdivision.</p> <p>(7) Where real property is divided into parcels which are capable of being further divided according to the applicable general plan, the parcels should be of such size and shape as to provide for the opening of primary and secondary streets, and for the ultimate extension and opening of minor streets at such intervals as will permit subsequent division into parcels of minimum size.</p> <p>(i) Block lengths should not exceed one thousand feet unless existing conditions warrant an exception. Long blocks are desirable adjacent to heavily traveled streets in order to reduce the number of intersections.</p> <p>(ii) Blocks should be of sufficient width to permit two tiers of parcels of required depth.</p> <p>(iii) When the lots are proposed to front on major or secondary streets or highways, the sub-divider may be required to dedicate and improve a service road separate from the major street or highway. When lots front on major streets or highways, direct access to such roads may be prohibited.</p>	
<p><b>21.03.010(d)(7): Access and circulation design</b></p>	<p>Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.</p>	<p>Consistent: The proposed amendments include provisions that clustered parcels within agricultural cluster subdivisions shall take access from a private drive. Individual projects shall be referred to County Public Works and evaluated on a project-by-project basis. This includes requiring offers to dedicate.</p>
<p><b>21.03.010(e): Flood hazard and drainage</b></p>	<p>(1) Where all or any portion of the subdivision is located within a Flood Hazard combining designation, evidence must be submitted to show that the parcels will have flood free building sites which satisfy the requirements of Title 22 or Title 23 of this code. In addition, the subdivision must not cause a flood hazard</p>	<p>Potentially Consistent: Refer to General Response 7.</p>



**Table B.1-10: Real Property Division Ordinance (Title 21 of the County Code)**

Section	Policy	Discussion
	<p>to surrounding properties.</p> <p>(2) Privately maintained drainage basins shall be designed to contain two feet of water or less under the design storm as measured from the lowest point in the basin, and shall be landscaped so as to provide usable open space. Where it is not feasible to construct a drainage basin containing two feet of water or less, an adjustment may be granted pursuant to Section 21.03.020. Where such a basin is proposed, a conceptual plan shall be submitted illustrating: basin cross sections, perimeter safety/access barrier, and interior and exterior landscaping and irrigation. The interior of such a basin shall be landscaped to control erosion and the exterior of the fencing shall be landscaped to screen and soften the fencing.</p>	
<p><b>21.03.010(f): Water Supply</b></p>	<p>(1) Water provision for proposed parcels of less than sixty acres. Prior to the approval of a tentative parcel or tract map for a subdivision creating any parcel of less than sixty acres, sufficient evidence shall be submitted to the county health department showing that water adequate for domestic (human consumption) uses is available on-site or from an approved water purveyor to serve the uses proposed for each parcel. Prior to the recordation of the parcel map or tract map for any subdivision containing any parcel of less than sixty acres, the county health department shall certify for each such parcel less than sixty acres created that an adequate on-site water supply intended for domestic uses, including operable facilities, or water from an approved water purveyor meeting the domestic standards of the California Domestic Water Quality and Monitoring Regulations (California Code of Regulations, title 22, sections 64401 et seq.) exists and is available. When service is by a public water system as defined by section 64411 of title 22 of the California Code of Regulations, construction of the required improvements may be delayed, when approved by the county health department, through</p>	<p>Potentially Consistent: Refer to General Response 19.</p>



**Table B.1-10: Real Property Division Ordinance (Title 21 of the County Code)**

Section	Policy	Discussion
	<p>preparation of plans, posting of bonds, and preparation and execution of subdivision and inspection agreements in accordance with Sections 21.05.040, 21.05.045, 21.05.050 and 21.05.055 of this title.</p>	
<p><b>21.03.010(g): Sewage Disposal</b></p>	<p>The disposal of sewage from or within the parcel shall not, in the opinion of the county health department, constitute a health problem. Adequate provision shall be made for sewage disposal by:</p> <p>Septic tanks, where a community sewer system is unavailable. In such cases, a letter shall be submitted from the county health department certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the parcel arrangement and sizes as shown on the tentative parcel or tract map. Field investigations, borings, etc., under the guidelines established by the Central Coast Regional Water Quality Control Board Basin Plan, shall be made by and at the expense of the divider under supervision of the county health department.</p>	<p>Potentially Consistent: Refer to General Response 4. Individual projects will be referred to County Environmental Health for wastewater facilities review.</p>
<p><b>21.03.010(i): Additional coastal requirements</b></p>	<p>(i) Additional coastal zone requirements. All subdivisions located within the coastal zone, except for condominium conversions, shall satisfy the additional requirements of Section 23.04.021 and, where applicable, Sections 23.04.024 through 23.04.036, inclusive, of Title 23 of this code. In the event of any conflict between the provisions of Section 23.04.021 and those of Sections 23.04.024 through 23.04.036, the provisions of this Section 23.04.021 shall prevail. These provisions include, but are not limited to, the following:</p> <p>(1) Water and sewer capacities - urban areas: In communities with limited water or sewage disposal service capacity as defined by Resource Management System alert Level II or III:</p> <p>(i) Within an urban services line, new subdivisions shall not be approved unless the planning commission or</p>	<p>Consistent: Agricultural cluster subdivisions are not proposed within urban areas or with urban service areas. The proposed ordinance does not allow for the creation of community water or sewage disposal systems.</p>



**Table B.1-10: Real Property Division Ordinance (Title 21 of the County Code)**

Section	Policy	Discussion
	<p>subdivision review board first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels.</p> <p>(ii) A proposed subdivision between an urban services line and urban reserve line shall not be approved unless the planning commission or subdivision review board first finds that sufficient water and sewage disposal service capacities are available to accommodate both existing development within the urban services line and development that would be allowed on presently vacant parcels within the urban services line.</p> <p>(2) Minimum parcel size between urban services and urban reserve lines: In communities with limited water or sewage disposal service capacity problems as defined by Resource Management System alert Level II or III, new subdivisions of land (except as provided for in subsection (4)) between an urban services line and urban reserve line are subject to the following requirements:</p> <p>(i) New parcels shall be no smaller than the largest minimum parcel size established for the subject land use category by Sections 23.04.024 through 23.04.036, inclusive.</p> <p>(ii) A cluster subdivision may be permitted (under Section 23.04.036) provided that the overall density does not exceed the base density computed by using the largest parcel size required for the applicable land use category by Sections 23.04.024 et seq.</p> <p>(3) Subdivisions requiring new service extensions. To minimize conflicts between agricultural and urban land uses, subdivisions requiring new community water or sewer</p>	



**Table B.1-10: Real Property Division Ordinance (Title 21 of the County Code)**

Section	Policy	Discussion
	<p>service extensions beyond the urban services line shall not be approved.</p> <p>(4) Conveyances of land by public agencies and other public entities. In making the determination of whether public policy necessitates the filing of a parcel map pursuant to Section 21.02.010(a)(9) of this title, the planning director at a minimum shall require a tentative parcel map. Such map shall not be approved unless it is found to be consistent with the county's local coastal program.</p>	

## 11. SAFETY ELEMENT

The Safety Element was adopted in 1999. The two basic principles of the Safety element are to be ready for disaster and to manage development to reduce risk.

**Table B.1-11: Safety Element**

Section	Policy	Discussion
<b>Policy S-8: Flood Hazard</b>	Strictly enforce flood hazard regulations both current and revised. FEMA regulations and other requirements for the placement of structures in flood plains shall be followed. Maintain standards for development in flood-prone and poorly drained areas.	Consistent: Refer to General Response 7.
<b>Policy S-13: Fire Safety</b>	New development should be carefully located, with special attention given to fuel management in higher fire risk areas. Large, undeveloped areas should be preserved so they can be fuel-managed. New development in fire hazard areas should be configured to minimize the potential for added danger.	Potentially Consistent: Refer to General Response 7.



**Table B.1-11: Safety Element**

<b>Section</b>	<b>Policy</b>	<b>Discussion</b>
<b>Policy S-14: Fire Safety</b>	Ensure that adequate facilities, equipment and personnel are available to meet the demands of fire fighting in San Luis Obispo County based on the level of service set forth in the fire agency's master plan.	Potentially Consistent: Residential development occurring under the agricultural cluster subdivision program is required to contribute towards Public Facility Fees. These fees are used to provide capital improvements to public facilities, including fire safety facilities. When considering changes to existing agricultural cluster subdivision policies, the proposed program would require that clustered residences be located closer to existing urban areas. Therefore, the likelihood is that residential development would be located closer to existing fire stations than what could otherwise occur under the existing ordinance. The ability of the fire agency to serve new residential development will be considered on a project-by-project basis.
<b>Policy S-16: Geologic and Seismic Hazards</b>	Improve structures and other values at risk to reduce the impact of fire. Regulations should be developed to improve the defensible area surrounding habitation.	Potentially Consistent: Refer to General Response 7.
<b>Policy S-18: Geologic and Seismic Hazards</b>	Locate new development away from active and potentially active faults to reduce damage from fault rupture. Fault studies may need to include mapping and exploration beyond project limits to provide a relatively accurate assessment of a fault's activity. The County will enforce applicable regulations of the Alquist-Priolo Earthquake Fault Zoning Act pertaining to fault zones to avoid development on active faults.	Potentially Consistent: Refer to General Response 7.
<b>Policy S-19: Geologic and Seismic Hazards</b>	The County will enforce applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and reduce the amount of property damage.	Potentially Consistent: Refer to General Response 7.



**Table B.1-11: Safety Element**

<b>Section</b>	<b>Policy</b>	<b>Discussion</b>
<b>Policy S-20: Geologic and Seismic Hazards</b>	The County will require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the currently adopted Uniform Building Code.	Potentially Consistent: Refer to General Response 7.
<b>Policy S-21: Geologic and Seismic Hazards</b>	The County acknowledges that areas of known landslide activity are generally not suitable for residential development. The County will avoid development in areas of known slope instability or high landslide risk when possible, and continue to encourage that development on sloping ground use design and construction techniques appropriate for those areas.	Potentially Consistent: Refer to General Response 7.
<b>Policy S-23: Geologic and Seismic Hazards</b>	Development shall not be permitted near the top of eroding coastal bluffs.	Potentially Consistent: Refer to General Response 7.
<b>Policy S-24: Other Safety Issues</b>	Reduce the potential for disaster from airport and land use conflicts in conjunction with the Airport Land Use plans.	Potentially Consistent: Individual agricultural cluster subdivision projects within the Airport Review combining designation will be reviewed for consistency with the Airport Land Use Plan. Projects which are inconsistent with the Airport Land Use Plan may not move forward unless the Board of Supervisors takes an action to override the Airport Land Use Commission’s determination on a project.
<b>Policy S-27: Other Safety Issues</b>	Reduce the potential for pesticide exposure to humans and the environment.	Potentially Consistent: Legal application of pesticides to agricultural operations are designed to reduce exposure to humans and the environment.
<b>Policy S-28: Other Safety Issues</b>	Reduce the potential for health hazards from electromagnetic fields.	Potentially Consistent: Refer to General Response 7.

