Final

Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program

State Clearinghouse No. 2004111112

Volume 2 of 2: Comments and Responses

Prepared for:
County of San Luis Obispo
Department of Planning and Building

Prepared by:
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June 2008

Environmental Scientists Planners Engineers

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TABLE OF CONTENTS

Page

Volume 1 of 2: EIR Analysis (*bound under separate cover)*

1.0 Introduction CR-1

2.0 Master Responses CR-2

3.0 Written Comments and Responses on the Draft EIR CR-14

4.0 Written Comments and Responses on the Revised Draft EIR CR-914

TABLES:

Table CR-1 Comparison of Draft Vineyard Estates Design Guidelines and Agricultural Residential Cluster Subdivision Mitigation Measures CR-7

Table CR-2 Comparison of Fugro EIR and Future Development Program Land Uses ... CR-10

Table CR-3 Commentors on the Draft EIR CR-14

Table CR-4 Commentors on the Revised Draft EIR CR-914

OTHER AVAILABLE DOCUMENTS:

January 2007 Draft EIR, February 2008 Revised Draft EIR and all appendices to the Draft EIR are available at the San Luis Obispo County Department of Planning and Building, at the address shown on the title page of this document.

COMMENTS and RESPONSES

1.0 INTRODUCTION

In accordance with § 15088 of the State California Environmental Quality Act (CEQA) Guidelines, the County of San Luis Obispo, as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (Draft EIR) and the Revised Draft Environmental Impact Report (Revised Draft EIR) for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision and Future Development Program and has prepared written responses to the written comments received. Circulation of the Draft EIR was extended from the required 45-day public review period an approximately 90-day public review period, beginning January 9, 2007, and concluding April 12, 2007. The Revised Draft EIR was circulated for a 45-day public review period that began February 11, 2008 and concluded on March 26, 2008.

Each written comment that the County received is included in this Comments and Responses document (refer to Sections 3.0 and 4.0 for responses to comments received on the Draft EIR and Revised Draft EIR, respectively). Master Responses are included in Section 2.0 of this Comments and Responses Document. Responses to comments have been prepared to address the environmental concerns raised by the commentors and to indicate where and how the EIR addresses pertinent environmental issues. The comment letters included herein were submitted by public agencies, local interest groups, companies, private citizens, and the applicants.

The Draft EIR, Revised Draft EIR, and this Comments and Responses report collectively comprise the Final EIR for the project. Any changes made to the text of the Draft EIR or Revised Draft EIR correcting information, data or intent, other than minor typographical corrections or minor working changes, are noted in this section and shown in the applicable section of the Final EIR. This Comments and Responses report consists of this introduction (Section 1.0), master responses (Section 2.0), comment letters and responses to comments on the Draft EIR (Section 3.0), and comment letters and responses to comments on the Revised Draft EIR (Section 4.0).

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

Where a comment results in a change to the EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by bold font (**bold font**) where text is added. If text is added where the font is already bold, additions are noted using underlined bold font (**underlined bold font**). Text is revised in the applicable section of the Final EIR.

2.0 MASTER RESPONSES

Responses to specific comments on the Draft EIR and Revised Draft EIR are provided in Sections 3.0 (Written Comments and Responses on the Draft EIR) and 4.0 (Written Comments and Responses on the Revised Draft EIR), respectively. The following Section provides "Master Responses," which are general in nature. These responses are intended to clarify points which were raised by commentors throughout the Draft EIR and Revised Draft EIR comment periods, and are in some cases referred to in specific response throughout Sections 3.0 and 4.0 of this Comments and Responses document.

2.1 Master Response 1: Detailed responses will only be given to comments on environmental issues.

Section 15088 (a) of the State CEQA Guidelines states that, in evaluating and responding to comments on a Draft or Revised Draft EIR, "the lead agency shall evaluate comments on *environmental issues* received from persons who reviewed the draft EIR and shall prepare written responses" (emphasis added). State CEQA Guidelines Section 15204 states that "When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." Accordingly, detailed responses are not provided to comments on the merits of the project or program. Rather, the focus of the responses to comments is the disposition of environmental issues that are raised in the comments.

In addition, Section 15131 of the State CEQA Guidelines states that "Economic or social effects of a project shall not be treated as significant effects on the environment."

When a comment is not directed to an environmental issue, the comment is herein noted and will be forwarded to the appropriate decision-makers for review and consideration.

2.2 Master Response 2: Impacts analyzed in the EIR must be reasonably foreseeable, linked to a physical change, and must not be speculative.

As stated in Section 15003 (c) of the State CEQA Guidelines, the purpose of an EIR is to inform governmental agencies and the public generally of the environmental impacts of a proposed project. State CEQA Guidelines Section 15358 defines environmental effects as:

- Direct or primary effects which are caused by the project and occur at the same time and place; and/or
- Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still *reasonably foreseeable* (emphasis added).
- Effects analyzed under CEQA must be related to a physical change.

Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems (refer to Section 5.0 of the Final EIR for a discussion of growth inducing impacts). However, as noted in the second bullet above, indirect or secondary effects must be reasonably foreseeable. Therefore, indirect or

secondary impacts which are not a reasonably foreseeable result of the proposed Agricultural Residential Cluster Subdivision or Future Development Program were not analyzed in the EIR.

In addition to being reasonably foreseeable, effects analyzed under CEQA must be related to a physical change. For example, public service impacts analyzed in the EIR are related to physical impacts associated with the provision or need of new or physically altered government facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. A reduction is service ratios, response times or other performance objectives are not in themselves an impact under CEQA unless they are related to a physical change. Impacts which are not related to a physical change are beyond the scope of the EIR.

Lastly, although drafting an EIR necessarily involves some degree of forecasting, State CEQA Guidelines limit the requirement for forecasting to that which could be reasonably expected under the circumstances [§ 15144]. In addition, Section 15145 of the State CEQA Guidelines prohibits the analysis of speculative impacts. As a result, the EIR impact analysis is limited to the effects of the proposed Agricultural Residential Cluster Subdivision or Future Development Program that could be reasonably expected without engaging in undue speculation.

As noted in Section 15003 (g) of the State CEQA Guidelines, the purpose of CEQA "is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind." As a result, impacts which are not reasonably foreseeable, are not linked to a physical change, or were determined to be too speculative were not evaluated in the EIR.

2.3 Master Response 3: Purpose and scope of Future Development Program analysis.

a. The Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review.

No application has been filed for the Future Development Program. The Future Development Program, which represents a conceptual buildout of the Santa Margarita Ranch, is evaluated in the EIR because of a settlement agreement between the community group Santa Margarita Area Residents Together (SMART), the County, and the applicant (refer to Section 2.0, *Project Description,* of the Final EIR for a discussion of settlement agreement requirements). The land uses and locations are conceptual and based on allowable uses in the Salinas River Area Plan. They do not represent an application for development. If applications for future projects are submitted, future environmental review will be required, including preparation of additional EIRs and associated public review as necessary.

Because future environmental review will be required, particular impacts contained in the program-level Future Development Program analysis may be reanalyzed and reclassified in the future, based on project attributes that become available at a development-plan level of detail. In other words, a less than significant impact for a Future Development Program conceptual land use in the EIR does not preclude a significant impact for a specific project in the future.

b. The conceptual description of Future Development Program components provides adequate specificity to sufficiently analyze environmental impacts without entering the realm of speculation.

As noted under Master Response 3(a), the Future Development Program represents a conceptual buildout of the Santa Margarita Ranch based on allowable uses in the Salinas River Area Plan and is evaluated in the EIR not because it is proposed or planned, but because of a settlement agreement. As a result, this EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program.

State CEQA Guidelines Section 15146 states that "The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow."

The conceptual description of Future Development Program components provides adequate specificity to sufficiently analyze environmental impacts at a program level of detail without entering the realm of speculation. Because only generalized Future Development Program land use locations are available at this time, and no site plans or other project-level details have been provided by the applicant, greater impact specificity would necessarily require speculation. As noted in the State CEQA Guidelines § 15145 discussion, "where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences."

The level of specificity in the EIR with respect to the description and analysis of the Future Development Program is adequate given the balance of detail and speculation. It should also be noted that, as described under Master Response 3(a) above, a less than significant impact for a Future Development Program conceptual land use in the EIR does not preclude a significant impact for a specific project in the future.

c. Because the EIR analyzes a conceptual future buildout of the Santa Margarita Ranch, it inherently avoids segmentation.

CEQA mandates that environmental considerations do not become submerged by separating a large project into many little ones — each with a minimal potential impact on the environment — which cumulatively may have significant impacts. This problem is often referred to as "segmenting" or "piecemealing." Because the EIR comprehensively analyzes a scenario for future buildout of the Santa Margarita Ranch subject parcels, it evaluates the full magnitude of

cumulative impacts associated with development of the property and avoids segmentation. Refer also to Master Response 3(b).

2.4 Master Response 4: Intent and Scope of Alternatives.

Section 15126.6 of the State CEQA Guidelines states that: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." [§ 15126.6 (a)]

The Draft EIR analyzed 11 alternatives to the proposed Agricultural Residential Cluster Subdivision and Future Development Program, including the CEQA-required "no project" alternative. The Revised Draft EIR analyzed three additional alternatives to the proposed Agricultural Residential Cluster Subdivision, including an Amended Project Alternative, a Santa Margarita Town Expansion Alternative, and a Reduced Project Alternative (refer to Section 3.0, *Analysis of New Alternatives,* in the Revised Draft EIR). In total, 14 alternatives are included in the Final EIR. As required by § 15126.6 (c) of the State CEQA Guidelines, the alternatives included "those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." The applicant's objectives for the proposed Agricultural Residential Cluster Subdivision and the Future Development Program are listed in Section 2.5, *Project Objectives,* in the Project Description. Alternatives which would not meet most of the basic objectives listed therein were not included in the analysis.

In addition, proposed alternatives were intended to avoid or substantially lessen *one or more* of the significant effects of the project, in accordance with § 15126.6 (c). The environmentally superior alternative (Alternative 7 in the Draft EIR and Alternative 14 in the Revised Draft EIR and Final EIR) was not intended, and is not expected, to reduce all significant impacts associated with the proposed Agricultural Residential Cluster Subdivision.

As noted in § 15126.6 of the State CEQA Guidelines, "An EIR need not consider every conceivable alternative to a project." The 14 alternatives analyzed in the Final EIR represent a reasonable range of potentially feasible alternatives.

2.5 Master Response 5: Although the Agricultural Residential Cluster Subdivision would result in significant and unavoidable traffic-related impacts, project-generated traffic would not degrade levels of service (LOS) on local roadways within the community of Santa Margarita.

Although the Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to traffic, these impacts are related to the addition of traffic to

areas with existing hazards and deficiencies. They do not result from a degradation of local roadway or intersection levels of service (LOS). In other words, although the addition of traffic from the Agricultural Residential Cluster Subdivision is projected to significantly increase the daily volumes on area roadways (a 43 percent increase), including along El Camino Real, roadways within the community are nevertheless capable of handling projected traffic. Impacts result, however, when trips are added to locations with existing safety and design deficiencies.

2.6 Master Response 6: Applicant-contracted technical studies were adequately reviewed and evaluated prior to incorporation into the EIR.

All technical studies used in the EIR analysis were either directly contracted by the County of San Luis Obispo or thoroughly scrutinized by the County's lead consultant and their consultant team, as impartial third party environmental analysts. The data and conclusions contained in technical studies contracted by the applicant were not assumed to be factual, nor were they assumed to be biased. Of note, the Preliminary Hydrogeological Study conducted by Hopkins Groundwater Consultants (Appendix K) utilized data provided by past groundwater studies, including one contracted by Santa Margarita Ranch, LLC. However, the Hopkins report came to independent conclusions based on technical expertise that contradicted the study contracted by the applicants.

2.7 Master Response 7: Standards for EIR Adequacy.

State CEQA Guidelines Section 15204 states that EIR "reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors."

2.8 Master Response 8: The Draft Vineyard Estates Design Guidelines are not part of the Agricultural Residential Cluster Subdivision because they are guidelines, not requirements, and were not proposed as part of the project. Several EIR mitigation measures reflect the intent of design concepts noted in the Draft Guidelines, but are project requirements with identified implementation, timing, and monitoring standards.

The Draft Vineyard Estates Design Guidelines (Item 10 in the applicants' Draft EIR comment letter package) were not included in the Project Description and therefore not analyzed as part of the Agricultural Residential Cluster Subdivision because they hold no weight with regard to implementation or monitoring. They are guidelines, not requirements.

In an email from the applicant team to County and Rincon staff (July 26, 2006), the applicant's representative stated that: "The owners [Santa Margarita Ranch, LLC] do not want to be bound to the Draft Guidelines. We are looking at them as guidelines and not standards." It would not be appropriate to evaluate the Draft Vineyard Estates Design Guidelines as aspects of the project, since the guidelines are merely design suggestions rather than proposed project design features. Rather, the EIR evaluates a reasonable worst-case scenario regarding the disturbance associated with future development on the 112 proposed residential lots.

It should also be noted that the applicant team reviewed the Administrative Draft Project Description in February 2006 and did not contend at the time that the Draft Guidelines were a part of the project that should be included in the Project Description. The comments that were made on the Administrative Draft Project Description consisted of minor corrections to the description of project components and clarification that one of the Agricultural Residential Cluster Subdivision units would be located at the Ranch Headquarters on Parcel 42. In addition, the Draft Guidelines were not included as part of the project application.

In addition, the Draft Guidelines do not contain requirements for implementation, nor do they provide a mechanism for monitoring. However, several mitigation measures contained in the EIR capture the intent of certain guidelines with the advantage of implementation and monitoring requirements. For example, Agricultural Residential Cluster Subdivision measure VR-1(c) (Oak Tree Avoidance) requires that the removal of oak trees be avoided where feasible, including through the design of roads and the location of home sites. This is similar in scope to Draft Development Guideline 3.3 (Resource Protection: Oak Trees), which states that the design of residences and related driveways, drive courts, outdoor living areas and landscape should "preserve and protect native oak trees as much as possible." However, the EIR mitigation requires the Planning and Building Department to review tract improvement and individual site plans for avoidance of oak tree removal prior to final recordation to ensure compliance with the mitigation measure. The applicant's Draft Development Guideline 3.3 contains no language which requires implementation of the guideline, nor does it provide for compliance monitoring.

The following table provides a list of Draft Vineyard Estates Design Guidelines and Agricultural Residential Cluster Subdivision mitigation measures which capture the intent of that guideline:

Table CR-1. Comparison of Draft Vineyard Estates Design Guidelines and Agricultural Residential Cluster Subdivision Mitigation Measures

Draft Vineyard Estates Design Guideline	Agricultural Residential Cluster Subdivision Mitigation Measure(s)
2.1 (Design Principles)	VR-1(h) (Grading), VR-1(i) (Accessory Structures/Infrastructure)
2.3 (Roads and Drives)	VR-1(h) (Grading), VR-1(i) (Accessory Structures/Infrastructure)
3.1 (Design Principles)	VR-1(b) (Architectural and Landscape Guidelines)
3.2 (Agricultural Resource Protection – Interface between Home sites and Agricultural Conservation Easement Area)	AG-2(a) (Disclosure of Potential Nuisance), AG-2(b) (Agricultural Buffers), AG-2(d) (No Climb Fencing), B-9(e) (Native Landscaping), W-1(b) (Water Conservation Measures)
3.3 (Resource Protection: Oak Trees)	VR-1(c) (Oak Tree Avoidance)
3.4 (Resource Protection: Visual Quality)	VR-1(a) (Prohibition of Structural Silhouetting) , VR-1(b) (Architectural and Landscape Guidelines), VR-1(e) (Lighting)
3.5 (Architectural Character)	VR-1(b) (Architectural and Landscape Guidelines)
4.0 (Creeks and Water Resource Protection)	B-4(a) (Wetland and Riparian Protection), D-2(c) LID-Integrated Management Practices
5.0 (Water Tanks)	VR-1(d) (Bury Water Tanks)
6.0 (Archeological Resource Protection)	CR-1(a) (Avoidance), CR-1(b) (Cultural Design Guidelines), CR-2(a) (Avoidance), CR-2(b) (Mitigative Data Recovery Excavation), CR-3(a) (Buried Site Testing at Isolate Locations), CR-3(b) (Archaeological

Table CR-1. Comparison of Draft Vineyard Estates Design Guidelines and Agricultural Residential Cluster Subdivision Mitigation Measures

Draft Vineyard Estates Design Guideline	Agricultural Residential Cluster Subdivision Mitigation Measure(s)
	Resource Construction Monitoring), CR-4(a) (Treatment of Human Remains), CR-5(a) (Prohibition of Archaeological Site Tampering), CR-5(b) (Periodic Monitoring of Archaeological Site Condition), CR-6(a) (Preparation of a, Paleontological Resource Monitoring Plan), CR-6(b) (Paleontological Monitoring), CR-6(c) (Treatment of Paleontological Remains Discovered During Monitoring), Future Development Program CR-2(a) (Additional Archaeological and Historical Surveys)

Overall, the Design Guidelines provide generalized descriptions of preferred design concepts which were not intended to be standards or project features, while mitigation measures contained in the DEIR (and listed above) provide not only greater specificity directly related to an identified impact, but an implementation, timing, and monitoring mechanism as well.

2.9 Master Response 9: The Final Program EIR for the Draft Salinas River Area Plan was not used as a tiering document because it did not adequately address environmental impacts associated with development on the Santa Margarita Ranch.

Tiering refers to the coverage of general environmental matters in a broader EIR, such as a Program EIR for an area plan, with subsequent focused environmental documents for individual projects that implement the program. When tiering environmental review, the project environmental document incorporates by reference the broader discussions in the Program EIR and concentrates on project-specific issues. CEQA Statues and Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference.

The Final Program Environmental Impact Report for the Draft Salinas River Area Plan (Fugro-McClelland, Certified January 2, 1996; hereafter "Fugro EIR") analyzed the environmental impacts associated with the Draft Salinas River Area Plan, of which the Santa Margarita Ranch is a part. The use of the Fugro EIR as a tiering document for the Agricultural Residential Cluster Subdivision Project and Future Development Program EIR would require incorporating by reference the general discussions from the Fugro EIR and concentrating the current EIR solely on the issues specific to the Agricultural Residential Cluster Subdivision Project and Future Development Program.

However, a Tiered EIR may not always be appropriate, and is indeed inappropriate in this case. The following discussion outlines why tiering is inappropriate for the current EIR due to inadequate analysis in the Fugro EIR and potential General Plan inconsistencies.

Inadequate Analysis

State CEQA Guidelines § 15152 (f) requires that a later (non-tiered) EIR be written when it is determined that "the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR." Significant environmental effects have been "adequately addressed" if the lead agency determines that:

> (A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or
>
> (B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

The Fugro EIR did not examine environmental effects at a sufficient level of detail to meet the above requirements. The following discussion outlines ways in which the Fugro EIR inadequately addressed the impacts of Santa Margarita Ranch development and therefore cannot be used as a tiering document for the current EIR.

A. The Fugro EIR is outdated.

The Fugro EIR was certified in 1996, twelve (12) years prior to the current EIR. As a result, baseline conditions, threshold levels and sophistication of analysis have changed since certification of the Fugro EIR.

For example, the ambient air quality standards listed in Table 5.3-1 of the Fugro EIR have changed dramatically over the last 12 years, including the addition of an 8-hour ozone standard and increased standards for PM_{10} (100 to 50 µg/m3) and SO_2 (0.05 to 0.04 ppm). In addition, the Fugro EIR utilized the URBEMIS3 air quality model to estimate emissions, which only accounted for motor vehicle emissions. The URBEMIS model has been updated several times since 1996 to estimate construction and area source emissions and to more accurately estimate vehicle emissions. Although changes in threshold levels and analysis methods do not in themselves discredit an old EIR, the combination of lower thresholds and less accurate analysis methods render the Fugro EIR Air Quality analysis irrelevant for use in the current Agricultural Residential Cluster Subdivision Project and Future Development Program EIR.

Other sections of the Fugro EIR experience similar inadequacies due to the outdated nature of the analyses, including Transportation/Circulation (outdated and inaccurate trip generation rates), Noise (outdated baseline noise levels and analysis methodology [no quantitative project-specific projection]), Water Resources (outdated and inaccurate baseline and water consumption rates), Public Services (outdated baseline service capacities and student generation rates), Biological Resources (outdated and inaccurate sensitive species lists) and Agricultural Resources (inaccurate and incomplete baseline information).

B. The Fugro EIR is too vague to provide an adequate description of potential impacts from Santa Margarita Ranch development.

The Fugro EIR's generalized analysis of potential buildout of the Santa Margarita Ranch was added to the document after the Draft EIR was circulated for public review, as evidenced by the highlighted text throughout the FEIR. This additional analysis is not at the same level of detail as the rest of the document. Impact discussions are generally only one to two paragraphs in length and provide broad generalizations with regard to potential impacts. For example, the analysis of impacts to prehistoric sites is limited to the following: "A total of 16 identified prehistoric sites are located within the boundaries of the Santa Margarita Ranch. Buildout of the Ranch could potentially affect all of these sites, as well as yet unidentified archaeological resources" (Page 5.12-8). This analysis is too vague (e.g., it doesn't note the extent of the property surveyed, the general locations of the sites, a description of how the resource will be impacted, etc.) to provide an adequate description of potential impacts from Santa Margarita Ranch development. Nonetheless, this is one of the few impact areas in the Fugro EIR where a hint of a conclusion is made relative to future development of the Ranch property. Remaining issue areas in all 13 impact sections are deferred to future analysis.

The extent of deferred analysis in the Fugro EIR undermines the identification of environmental impacts associated with Santa Margarita Ranch development. All 13 impact sections defer analysis to an Environmental Constraints Analysis (ECA) and EIR prepared for a Santa Margarita Ranch Specific Plan. Although a Draft ECA was prepared in March 1994, this document was never certified and is therefore invalid. In addition, no Specific Plan and consequently no Specific Plan EIR has yet been prepared for the Santa Margarita Ranch. In other words, the Fugro EIR deferred to future analysis that was never conducted. As a result, impacts associated with buildout of the Ranch had not been sufficiently analyzed until preparation of this EIR.

Due to the delayed inclusion of the Santa Margarita Ranch in the analysis, buildout of the Ranch is also not included in Area Plan-wide quantitative analyses of traffic, air quality, water demand or public services. As a result, the conclusions of these sections are inadequate for use in the evaluation of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program.

C. The Fugro EIR assumes a different level of buildout than the proposed Agricultural Residential Cluster Subdivision and Future Development Program.

The following table compares the land uses included in the Fugro EIR with land uses included the Santa Margarita Ranch Project and Future Development Program EIR.

Table CR-2. Comparison of Fugro EIR and Future Development Program Land Uses

Fugro EIR	Agricultural Residential Cluster Subdivision Project and Future Development Program EIR
500 dwelling units	519 dwelling units (112 in Agricultural Residential Cluster Subdivision, 402 in Future Development Program, and 5 ranch/farm headquarters)
36-hole golf course	27 to 36-hole golf course, club house, shop
150-unit guest ranch and 40-table restaurant	150 to 250-unit guest ranch, lodge, and 40-table restaurant
12-room bed and breakfast inn with 20 table café	12-room bed and breakfast with 20 table café
200-seat amphitheater	200 to 600-seat amphitheater
400-seat horse arena/stables, boarding facility and track	Horse ranch

Table CR-2. Comparison of Fugro EIR and Future Development Program Land Uses

Fugro EIR	Agricultural Residential Cluster Subdivision Project and Future Development Program EIR
3,000 square feet interpretive center/gift shop	3,000 square feet interpretive center/gift shop
Small-scale retreat with 24 units and 10-table dining facility	Retreat center with 16 to 24 units with lodge and residence
3,000 square feet gym and 25-yard lap pool	Not included (see swimming pool listed with neighborhood parkland)
Vineyard and winery with wine-tasting	Nine wineries, tasting rooms, and special events
Neighborhood parkland	Neighborhood parkland and swimming pool
Not analyzed	6,000 square feet Craft studios, galleries, and shops
Not analyzed	Livestock sales yard and café
Not analyzed	Three places of worship

As outlined in the above table, several conceptual future uses on the Ranch property were not previously analyzed in the Fugro EIR, including: 19 dwelling units; a club house and shop (associated with the golf course); up to 100 additional units at the guest ranch and lodge; up to 400 additional seats at the amphitheater; eight wineries; winery special events; 6,000 square feet of craft studios, galleries and shops; a livestock sales yard and café; and three places of worship. The Agricultural Residential Cluster Subdivision and Future Development Program are therefore not entirely consistent with the certified EIR for the Salinas River Area Plan. It should also be noted that the Fugro EIR does not analyze potential locations or distribution of the 500 units. In other words, development similar to the Agricultural Residential Cluster Subdivision is not specifically assumed in the Fugro EIR.

As discussed under Items A through C above, the Fugro EIR is outdated and provides only vague descriptions of potential impacts, deferring further analysis of impacts to future environmental review. The result is an analysis which is irrelevant, inadequate and at times absent with respect to the Santa Margarita Ranch. As noted previously, § 15152 (f) requires that a later (non-tiered) EIR be written when it is determined that "the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR." Because no impacts have been adequately addressed, the current DEIR cannot be tiered off the Fugro EIR.

Plan Inconsistencies

The Agricultural Residential Cluster Subdivision site is designated and zoned Agriculture (AG) under the San Luis Obispo County General Plan. As described in the County Framework for Planning (Inland), the purpose of the Agriculture land use designation is:

a) To recognize and retain commercial agriculture as a desirable land use and as a major segment of the county's economic base.
b) To designate areas where agriculture is the primary land use with all other uses being secondary, in direct support of agriculture.
c) To designate areas where a combination of soil types, topography, water supply, existing parcel sizes and good management practices will result in the protection of agricultural land for agricultural uses, including the production of food and fiber.
d) To designate areas where rural residential uses that are not related to agriculture would find agricultural activities a nuisance, or be incompatible.

e) To protect the agricultural basis of the county economy and encourage the open space values of agriculture to continue agricultural uses, including the production of food and fiber.
f) To recognize that agricultural activities on a small scale can supplement income from other sources, particularly where older subdivisions have resulted in parcels smaller than would currently qualify for new subdivisions within the parcel size range for the Agriculture category.
g) Support conversion of agricultural lands to other uses only when such conversion would be appropriate or because the continuing agricultural productivity of a specific site is infeasible, considering the factors in purpose statement C, above.
h) To give high priority to the protection of commercial prime and nonprime agricultural soils where the commercial viability, siting (whether inside or outside urban reserve lines), and natural resources allow for agricultural uses, including the production of food and fiber.

As discussed in Appendix C (Policy Consistency), the Agricultural Residential Cluster Subdivision is potentially inconsistent with the Agriculture land use designation of the San Luis Obispo County General Plan. This inconsistency results primarily from the Class I, *significant and unavoidable*, impacts related to agricultural conversion and land use compatibility (refer to Section 4.1, *Agricultural Resources*). In addition, the proposed Agricultural Residential Cluster Subdivision is potentially inconsistent with 10 Countywide General Plan goals, 15 General Plan policies (including policies in the Noise, Energy, Safety, Circulation and Agriculture and Open Space Elements), portions of the Salinas River Area Plan, LUO Section 22.22.150 (Agricultural Lands Clustering) and the San Luis Obispo County Clean Air Plan (CAP).

State CEQA Guidelines § 15152 (e) states that tiering "shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering." Because the project is potentially inconsistent with the San Luis Obispo County General Plan and zoning and does not include a General Plan amendment or zone change to achieve or maintain conformity with the General Plan, the inconsistencies outlined above prohibit tiering in accordance with § 15152 (e).

2.10 Master Response 10: Any differences between the thresholds of significance used in the EIR and those used in previous agricultural cluster EIRs are superficial and/or reflect County experience with agricultural cluster projects. Any changes in thresholds are warranted based on San Luis Obispo County's experience with agricultural cluster subdivision projects.

A thorough comparison of the thresholds of significance used in the EIR and those used in the FEIRs for the Biddle Ranch Agricultural Cluster Subdivision and Paso Robles Vineyard Agricultural Cluster Subdivision was conducted in response to the applicants' assertion that lower thresholds were assigned to previous agricultural cluster projects in San Luis Obispo County. The Biddle Ranch and Paso Robles Vineyard EIRs were specifically cited by the applicants as examples of threshold inconsistency. These EIRs were certified in January 2003 and June 2001, respectively.

The comparison revealed few minor superficial variations in the thresholds of significance between the three EIRs. These differences can be grouped into three categories:

A. Differences in wording or added specificity which do not in themselves result in higher standards. Examples include thresholds used in the following EIR sections: Water and Wastewater, Transportation and Circulation, Cultural Resources, Public Services, and Recreation (recreation thresholds and impacts are located in the Public Services Sections of the Biddle Ranch and Paso Robles Vineyard EIRs).
B. Slight changes in wording due only to recent updates to Appendix G (Environmental Checklist Form) of the State CEQA Guidelines. This occurs in the Visual Resources, Geologic Stability, and Drainage, Erosion and Sedimentation EIR sections.
C. Updated thresholds to reflect current regulatory standards. Examples include thresholds used in the Air Quality and Biological Resources sections. Although these updated thresholds are indeed higher, this increase is consistent with current requirements.

The thresholds of significance used throughout the Agricultural Residential Cluster Subdivision Project and Future Development Program EIR may differ somewhat from previous agricultural cluster projects in the County. However, these superficial variations do not result in higher thresholds except where required as a result of updated legislation or new regulations since preparation of the previous EIRs.

It should also be noted that San Luis Obispo County has not adopted thresholds of significance, as encouraged in CEQA Guidelines § 15064.7. Because thresholds have not been adopted, the tailoring of thresholds to adequately address impacts particular to certain types of projects in the County is not prohibited.

3.0 WRITTEN COMMENTS and RESPONSES on the DRAFT EIR

Each written comment regarding the Draft EIR that the County of San Luis Obispo received is included in this section (refer to Table CR-3). Written comments regarding the Revised Draft EIR are included in Section 4.0 (refer to Table CR-4). Responses to these comments have been prepared to address the environmental concerns raised by the commentors and to indicate where and how the EIR addresses pertinent environmental issues. The comment letters included herein were submitted by public agencies, local interest groups, companies, private citizens, and the applicants. The comment letters have been numbered sequentially, and each issue within a comment letter, if more than one, has a letter assigned to it. Each comment letter is reproduced in its entirety with the issues of concern lettered in the margin. References to the responses to comments identify first the letter number, and second, the lettered comment (6B, for example, would reference the second issue of concern within the sixth sequential comment letter).

Table CR-3. Commentors on the Draft EIR

Commentors on the Draft EIR			
Letter	**Commentor**	**Agency**	**Date**
Federal, State, and Local Public Agencies			
1	Terry Roberts, Director	State of California, Governor's Office of Planning and Research, State Clearinghouse	April 13, 2007
2	Michael Shore, Branch Chief	U.S. Department of Homeland Security, FEMA Region IX, Community Mitigation Programs	February 15, 2007
3	Brian Leahy, Assistant Director	California Department of Conservation, Division of Land Resource and Protection	February 23, 2007
4	Katy Sanchez, Associate Governmental Program Analyst	Native American Heritage Commission	March 28, 2007
5	Kevin Boles, Environmental Specialist	California Public Utilities Commission, Rail Crossings Engineering Section, Consumer Protection and Safety Division	April 2, 2007
6	Jeanette Di Leo, Parks Planner	County of San Luis Obispo, Department of General Services	April 2, 2007
7	Terry Eberhardt, Parks and Recreation Commission Chair	County of San Luis Obispo, Department of General Services	April 4, 2007
8	Michael Winn, Chairman	San Luis Obispo County Water Resources Advisory Committee (WRAC)	April 4, 2007
9	Rob Kinnear, Chairman	Community Service Area No. 23 (CSA 23) Advisory Group	April 5, 2007
10	James Kilmer, Development Review	California Department of Transportation, District 5	April 9, 2007
11	Pandora Nash-Karner, Parks Commissioner, District 2	Pandora & Company/San Luis Obispo County Parks and Recreation Commission	April 9, 2007
12	Julie Eliason, Environmental Resource Specialist	County of San Luis Obispo, Department of Planning and Building, Environmental Division	April 10, 2007
13	Andy Mutziger, Air Quality Specialist	County of San Luis Obispo Air Pollution Control District	April 11, 2007
14	Lynda L. Auchinachie,	County of San Luis Obispo, Department	April 11, 2007

Table CR-3. Commentors on the Draft EIR

Commentors on the Draft EIR			
Letter	**Commentor**	**Agency**	**Date**
	Agriculture Department	of Agriculture/Weights and Measures	
15	Jacob M. Martin, Acting Assistant Field Supervisor	U.S. Department of the Interior, Fish and Wildlife Service, Ventura Fish and Wildlife Office	April 12, 2007
16	Roger W. Briggs, Executive Officer	California Regional Water Quality Control Board, Central Coast Region	April 12, 2007
17	Richard Marshall, Development Services Engineer	County of San Luis Obispo, Department of Public Works	April 16, 2007
Local Interest Groups, Companies and Private Citizens			
18	Santa Margarita Ranch, LLC	Project Applicants	April 12, 2007
19	Patricia Ross	Private Citizen	January 18, 2007
20	George Havale	Private Citizen	January 30, 2007
21	Carol Whitaker	Private Citizen	February 1, 2007
22	Susan Knott	Private Citizen	February 7, 2007
23	Miranda Joseph	Private Citizen	February 10, 2007
24	Mike and Marshawn Porter	Private Citizens	February 12, 2007
25	Landon Young	Private Citizen	February 13, 2007
26	O'Brien Young	Private Citizen	February 15, 2007
27	John W. Egbert	Private Citizen	February 18, 2007
28	William C. Bianchi	Private Citizen	March 1, 2007
29	James Joseph	Private Citizen	March 17, 2007
30	Michael C. Blanc	Private Citizen	March 22, 2007
31	Victoria A. Brien	Private Citizen	March 27, 2007
32	Miranda Joseph	Private Citizen	March 28, 2007
33	David H. Chipping, Vice President	California Native Plant Society	May 4, 2007
34	C.Z. Whitney, Chairman	Santa Margarita Area Advisory Council	March 30, 2007
35	Phil Ashley	Private Citizen	April 1, 2007
36	SMART Board of Directors	Santa Margarita Area Residents Together (SMART)	April 3, 2007
37	David Blakely	Private Citizen	April 6, 2007
38	Holly Sletteland	Private Citizen	April 7, 2006
39	Eric Greening	Private Citizen	April 8, 2007
40	Mark Tomes	Private Citizen	April 9, 2007
41	Rita M. Conway	Private Citizen	April 10, 2007
42	Shelly Davis-King	Davis-King & Associates	April 10, 2007
43	Dana Eagle	Private Citizen	April 10, 2007
44	Susan A. Harvey	Private Citizen	April 10, 2007
45	Gordon R. Hensley	San Luis Obispo Coastkeeper	April 10, 2007
46	Daniel E. Krieger	Private Citizen	April 10, 2007
47	Cheri and Malcolm Roe	Private Citizens	April 10, 2007
48	Bettina H. Salter	Private Citizen	April 10, 2007
49	Mark Tomes	Private Citizen	April 10, 2007
50	Sheila Wynne	Private Citizen	April 10, 2007
51	Anonymous	Private Citizen	April 11, 2007
52	Andrew Christie, Chapter Director	Sierra Club, Santa Lucia Chapter	April 11, 2007
53	Carol Eastman	Private Citizen	April 11, 2007
54	Dorothy Jennings	Private Citizen	April 11, 2007
55	Miranda Joseph	Private Citizen	April 11, 2007

Table CR-3. Commentors on the Draft EIR

Commentors on the Draft EIR			
Letter	**Commentor**	**Agency**	**Date**
56	Sue Luft, President	North County Watch	April 11, 2007
57	Jeff Kuyper, Executive Director	Los Padres Forest Watch	April 11, 2007
58	Michael Sullivan	Private Citizen	April 11, 2007
59	Patti Dunton, Cultural Resource Specialist	Playano Salinan Heritage Services	April 12, 2007
60	Sue Luft, President	North County Watch	April 12, 2007
61	Irv McMillan	Private Citizen	April 12, 2007
62	Morgan Rafferty, Executive Director	Environmental Center of San Luis Obispo County (EcoSlo)	April 12, 2007
63	Neil Kelley	Private Citizen	April 14, 2007

Letter 1

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

RECEIVED
S.L.O. CO. PLANNING

April 13, 2007

James Caruso
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408-2040

Subject: Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program
SCH#: 2004111112

Dear James Caruso:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 12, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

A

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

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

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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

Document Details Report
State Clearinghouse Data Base

SCH# 2004111112
Project Title Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program
Lead Agency San Luis Obispo County

Type EIR Draft EIR

Description The proposed agricultural residential cluster subdivision includes 111 clustered approximately 1.0 to 2.5-acre homesites and one ranch headquarters unit, with development area totaling 163.1 acres, with the remaining 3,633 acres placed in agricultural conservation easements (ACEs). The proposed residential units would be located throughout a 676.6 acre area in the north-central portion of the site, west of West Pozo Road, to be constructed in three phases, each with independent services, infrastructure, and respective agricultural/conservation dedications.

The envisioned but not proposed Future Development Program occurs throughout the portions of the Santa Margarita Ranch property, east of Highway 101 and surrounding both the community of Santa Margarita and the proposed Agricultural Residential Cluster Subdivision. The Future Development Program includes 402 residences and the additional following uses: private golf course, club house, and pro shop; guest ranch, lodge, and restaurant; 12-room bed and breakfast; cafe; amphitheater; crafts studios, galleries and shops; interpretive center and gift shops; nine wineries with tasting rooms and permitted special events; neighborhood park and swimming pool; five ranch/farm headquarters; one livestock sales yard and cafe; three places of worship and a retreat center.

Lead Agency Contact

Name James Caruso
Agency San Luis Obispo County
Phone (805) 781-5702 **Fax**
email
Address County Government Center
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Cross Streets State Highway 58 / W. Pozo Road
Parcel No. 070-094-001; 070-095-002; 070-251-016 for the Agricultural Residential Cluster Subdivision.
Township **Range** **Section** **Base**

Proximity to:

Highways 58
Airports Santa Margarita Ranch Private La
Railways UPRR
Waterways Rinconada Creek, Trout Creek, Yerba Buena Creek, Santa Margarita Creek, Taco Creek
Schools Santa Margarita
Land Use Various

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

Note: Blanks in data fields result from insufficient information provided by lead agency.

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

Date Received 01/09/2007 ***Start of Review*** 01/09/2007 ***End of Review*** 04/12/2007

Letter 1

COMMENTOR: Terry Roberts, Director, California State Clearinghouse

DATE: April 13, 2007

RESPONSE:

Response 1A

The commentor states that he has distributed the Draft EIR to selected state agencies for review and acknowledges that the County has complied with the State Clearinghouse review requirements for draft environmental documents.

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

February 15, 2007

RECEIVED
FEB 26 2007
S.L.O. CO. PLANNING DEPT.

James Caruso
San Luis Obispo, Department of Planning and Building
County Government Center
1050 Monterey Street
San Luis Obispo, California 93408-2040

Dear Mr. Caruso:

This is in response to your request for comments on the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the San Luis Obispo County (Community Number 060304, Map revised February 4, 2004. Please note that the County of San Luis Obispo, State of California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65. A

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. B

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. B

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The San Luis Obispo County floodplain manager can be reached by calling Noel King, Director, Public Works Department at (805) 781-5252. C

If you have any questions or concerns, please do not hesitate to call Gregor Blackburn of my staff at (510) 627-7186.

Sincerely,

for: Michael Shore
Branch Chief
Community Mitigation Programs

cc:
Noel King, Director, Public Works Department, San Luis Obispo County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources
Southern District
Gregor Blackburn, Floodplanner, DHS/FEMA, Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA, Region IX

James Caruso
San Luis Obispo, Department of Planning and Building
County Government Center
1050 Monterey Street
San Luis Obispo, California 93408-2040

Noel King, Director
Public Works Department, San Luis Obispo County
County Government Center
1057 Monterey Street, Room 207
San Luis Obispo, California 93408

Garret Tam Sing/Salomon Miranda
State of California, Department of Water Resources
Southern District
770 Fairmont Avenue, Suite 102
Glendale, California 91203-1035

Letter 2

COMMENTOR: Michael Shore, Branch Chief, U.S. Department of Homeland Security, FEMA Region IX, Community Mitigation Programs

DATE: February 15, 2007

RESPONSE:

Response 2A

The commentor suggests review of the current effective Flood Insurance Rate Maps (FIRMs) for San Luis Obispo County (Community Number 060304 revised February 4, 2004).

Community Number 060304 refers to all of unincorporated San Luis Obispo County and includes a number of individual FIRMs. These FIRMS are referenced with a Panel Number which is listed following the Community Number. The Santa Margarita Ranch is covered by Panel Numbers 0477, 0481, and 0500B (or 0603040477, 0603040481, and 0603040500B, respectively). According to the FEMA Map Service Center web site, a flood map is effective on or after the date published on the map's title block (http://msc.fema.gov/). Although several FIRMs within Community Number 060304 were revised on February 4, 2004, the FIRMs applicable to the Santa Margarita Ranch are all dated July 5, 1982 (http://msc.fema.gov/). The current FIRMS were therefore reviewed for the Santa Margarita Ranch.

The first sentence below Agricultural Residential Cluster Subdivision Impact D-3 and the first sentence below Future Development Program D-3 have been revised to reflect the above distinction. Refer to Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.

The associated reference in Section 8.0, *References,* has also been revised accordingly.

Response 2B

The commentor summarizes National Flood Insurance Program (NFIP) requirements. As noted in Agricultural Residential Cluster Subdivision Impact D-3 in Section 4.5, *Drainage, Erosion and Sedimentation,* portions of the Agricultural Residential Cluster Subdivision would be located in a 100-year flood zone. However, no habitable structures would be located in these areas. The impact is therefore identified as Class III, *less than significant.*

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No additional response is required.

Response 2C

The commentor notes that many NFIP participating communities have adopted floodplain management requirements which are more restrictive than the minimum federal standards, and suggests contacting the local floodplain manager for more information on local floodplain building requirements. Refer to the discussion under Agricultural Residential Cluster Subdivision Impact D-3 (refer also to Response 2B). Local requirements for construction in flood plains are discussed therein. No additional response is required.

STATE OF CALIFORNIA, RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

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28
S.L.O. CO. PLANNING DEPT.

TO: Project Coordinator
Resources Agency

James Caruso, Project Manager
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

S.L.O. CO. PLANNING DEPT.

FROM: Brian Leahy, Assistant Director
Department of Conservation
Division of Land Resource Protection

DATE: February 23, 2007

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program **SCH# 200411112**

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above DEIR and offers the following comments.

The proposed project involves two components on the 14,000-acre Santa Margarita Ranch: the Agricultural Residential Cluster Subdivision (ARCS; Tentative Tract 2586) on 3,778 acres; and a Future Development Program for the remaining Ranch acreage. The ARCS will include 111 clustered homes and one ranch headquarters in a 676.6-acre area with a development footprint of 163.1 acres. The remaining 3,633 acres will be placed in agricultural conservation easements. The Future Development Program area will include 402 residences, golf course and associated facilities, guest ranch, lodge, restaurant, bed and breakfast, café, amphitheater, various studios and shops, nine wineries/tasting rooms, park/pool, five ranch headquarters, livestock salesyard, churches and a retreat center. No application has been filed for the second component. A

The DEIR specifies that the project area currently does not include any lands under Williamson Act contract and that the use of agricultural conservation easements is being proposed in lieu of Williamson Act contracts due to their less restrictive nature. The DEIR does not provide information on the specific types of land uses allowable in the agricultural conservation easement areas. This information would be useful to decisionmakers and readers of the EIR. B

The DEIR notes that if a Specific Plan application is made and adopted, permanent agricultural preservation would be required for 8,400 acres; and interim preservation would be required for 3,600 acres. The interim protection would be accomplished through the use of 40-year term Williamson Act contracts. The DEIR notes that the applicant requests evaluation of specified land uses for the 3,600 acres to be protected by Williamson Act contracts. Included in these uses are bed-and-breakfasts; public utility facilities; residential care; eating and drinking places; warehousing, wholesaling and distribution; and other land uses. Conceptual locations for a 12-room bed-and-breakfast, nine wineries with tasting rooms and special events, and five ranch/farm headquarters are identified within Williamson Act agricultural conservation areas. C

The Williamson Act provides for land uses compatible with commercial agricultural production and some specified open space land uses on contracted lands. Although every compatible land use is not listed in the Act, Government Code Section 51238.1 provides principles of compatibility that must be met by land uses to be approved on prime and nonprime contracted lands. Proposed land uses on Williamson Act contracted lands should be evaluated against the referenced principles of compatibility to ensure compliance. Of note, residential subdivisions are specifically prohibited as a land use on contracted lands. Many of the uses listed by the applicant for evaluation appear to be incompatible on contracted land. D

The DEIR references the County Agricultural Preserve Rules of Procedure which require certain minimum parcel sizes and land use restrictions applicable to agricultural preserve lands and contracts. The DEIR does not specify the approval or update dates for the Rules of Procedure or specify which of the land uses to be evaluated are currently included as allowable uses in the Rules of Procedure. This information should be specified in the Final EIR. E

The Division of Land Resource Protection recommends that the county contact the Division to discuss proposed land uses for areas to be under contract if it is unclear whether the land uses meet the principles of compatibility. In some cases, slight project modifications may render an incompatible land use as compatible or some seemingly compatible land uses may not be compatible due to size or intensity of use. The Division would be able to provide feedback on various land uses to avoid incompatible land uses or possible material breaches (Government Code Section 51250). F

Thank you for the opportunity to comment on the DEIR. Please contact Bob Blanford at telephone (916) 327-2145, or at 801 K Street, MS 18-01, Sacramento, California 95814, regarding the Williamson Act and appropriate land uses on contracted lands.

cc: Coastal San Luis RCD
545 Main Street, Suite B1
Morro Bay, CA 93442

Letter 3

COMMENTOR: Brian Leahy, Assistant Director, California Department of Conservation, Division of Land Resource and Protection

DATE: February 23, 2007

RESPONSE:

Response 3A

The commentor's summary of the proposed Agricultural Residential Cluster Subdivision and Future Development Program is noted.

Response 3B

The commentor notes that the DEIR does not provide information on the specific types of land uses allowable in the Agricultural Conservation Easement (ACE) areas and comments that this information would be useful to decision makers and readers of the EIR.

A discussion of Agricultural Conservation Easements (ACE's) is provided in Section 4.1.1(b) (Santa Margarita Ranch Agricultural Resources) in Section 4.1, *Agricultural Resources*, of the FEIR. As discussed therein, the terms of ACE's can be tailored to suit the needs of the landowner and his or her property. Because the terms of the Santa Margarita Ranch ACE's have not yet been determined, providing a specific list of land uses that may be allowed in these areas would be speculative. However, as noted in the FEIR, an ACE generally permits the construction of new farm buildings and can allow construction of a home for family members or the subdivision of a lot for resale. In addition, ACE's often permit commercial development related to the farm operation.

Additionally, San Luis Obispo County Land Use Ordinance (LUO) Section 22.22.150 (Agricultural Lands Clustering) outlines structural and nonstructural uses allowed in defined agricultural land/open space areas of an agricultural cluster. This includes:

(c) Structural uses allowed in defined open space areas. The area proposed for agricultural land and/or open space preservation is not to be developed with structural uses other than:
  (1) A ranch/farm headquarters including up to two of the residential units allowed pursuant to Subsection B9, residential accessory structures and farm support housing, which may be approved or modified after the initial Conditional Use Permit approval through Minor Use Permit, provided that the building site does not exceed 2.5 acres.
  (2) Areas set aside for the preservation of historic buildings identified by the Land Use Element, to be delineated on the recorded map.
  (3) Agricultural accessory structures or agricultural processing uses essential to the continuing agricultural production of food and fiber in the immediately surrounding area, which may be approved or modified after the initial Conditional Use Permit approval through Minor Use Permit, which shall not occupy an aggregate area of the site larger than five acres.

(d) Nonstructural uses allowed in defined open space areas. The following nonstructural uses may be allowed in the open space areas: crop production and grazing; animal raising and keeping; specialized animal facilities; nursery specialties (nonstructural); range land or wildlife preserves; water storage or recharge; leachfield or spray disposal area; scenic area protection or buffers from hazardous areas; public outdoor recreation uses on non-prime lands, or other similar open space uses; and roads/turnarounds directly serving agricultural use. [§ 22.22.150(B)(8)]

Response 3C

The commentor summarizes land uses that may be allowed in Williamson Act areas. The comment is noted.

Response 3D

The commentor notes that many of the land uses listed by the applicant for evaluation (refer to Response 3C) appear to be incompatible on contracted land. It should be noted that the land uses identified for evaluation on Williamson Act lands are currently conceptual. The Department of Conservation will maintain authority over allowable uses on such lands.

Refer also to Master Response 3a. As described therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review.

Response 3E

The *Land Conservation Act* discussion in Section 4.1.1(b) (Santa Margarita Ranch Agricultural Resources) has been revised to provide additional detail about the County Agricultural Rules of Procedure. Refer to Section 4.1, *Agricultural Resources,* of the FEIR.

The commentor additionally recommends that the FEIR specify which of the Future Development Program land uses are currently included in the Rules of Procedure. Refer to Master Response 3a. As described therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review.

Response 3F

The commentor recommends that the County contact the Division of Land Resource Protection to discuss proposed land uses for areas to be under agricultural contract. No uses are currently proposed for these areas. Refer also to Master Response 3a.

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

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

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APR 18 2007
STATE CLEARING HOUSE

March 28, 2007

Clear
4.12.07
late

Jeff Oliveira
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

2004111112

RE: SCH# ~~2006021100~~-Santa Margarita Project and Future Program; San Luis Obispo County

Dear Mr. Oliviera:

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

✓ Contact the appropriate Information Center for a record search to determine:
- If all or a part of the APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded on or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center. A

✓ Contact the Native American Heritage Commission for:
- A Sacred Lands File Check.
  Please describe the project's location in terms of USGS quadrangle name, township, range, and section.
- A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contact List Attached**
  The NAHC makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received. If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information.

Lack of surface evidence of archeological resources does not preclude their subsurface existence. Lead agencies should include in their mitigation plan:
- Provisions for the identification and evaluation of accidentally discovered archeological resources, per CEQA Guidelines §15064.5(f).
- Provisions for monitoring all ground-disturbing activities in areas of identified archaeological sensitivity by a archaeologist meeting the professional qualifications as defined in the in the *Secretary of the Interior's Standards and Guidelines* for archaeology and a culturally affiliated Native American monitor.
- Provisions for the curation of recovered artifacts, per CEQA Guidelines 15126.4(5)(b)(3)(C), in consultation with culturally affiliated Native Americans.

- Provisions for discovery of Native American human remains. Health and Safety Code §7050.5, CEQA Guidelines §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. A

Sincerely,

Katy Sanchez

Katy Sanchez
Associate Governmental Program Analyst
(916) 653-4040

CC: State Clearinghouse

Letter 4

COMMENTOR: Katy Sanchez, Associate Governmental Program Analyst, Native American Heritage Commission

DATE: March 28, 2007

RESPONSE:

Response 4A

The commentor outlines the Native American Heritage Commission's (NAHC) recommendations for the assessment of historical and archaeological resource in an EIR. Section 4.4.2 (Existing Cultural Resources) in Section 4.4, *Cultural Resources,* of the Final EIR outlines research and analysis conducted by Applied EarthWorks, Inc. (Æ). This includes the recommendations provided by the commentor.

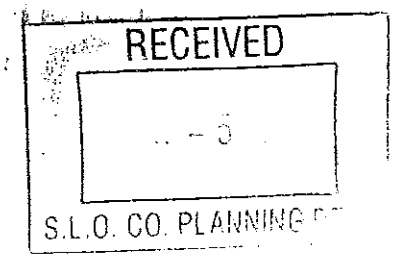
The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No additional response is required.

STATE OF CALIFORNIA

Arnold Schwarzenegger, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

April 2, 2007



James Caruso
County of San Luis Obispo
County Government Center- Planning
San Luis Obispo, CA 93408

RE: Santa Margarita Ranch, SCH# 2004111112

Dear Mr. Caruso:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way. A

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Any project that includes a modification to an exiting crossing or proposes a new crossing is legally required to obtain authority to construct from the Commission. If the project includes a proposed new crossing, the Commission will be a responsible party under CEQA and the impacts of the crossing must be discussed within the environmental documents. B

In the DEIR, Future Development Program T-2(a) sums up most of our specific concerns with the project:

- Use the existing public highway-rail crossings for access to the project.
- Close the private crossing located on El Camino Real just north of the El Camino Real/Estrada Road intersection.
- Install vandal-resistant fencing along the entire rail corridor within the project limits.

C

In addition to the above, improvements are needed to the existing at-grade highway-rail crossing on Estrada Road. FDP T-1 (a) of the document describes the potential signalization of the El Camino Real/Estrada Road intersection 70 feet west of an existing highway-rail crossing. FDP T-1 (a) specifies that Caltrans shall determine the need of signalizing the intersection. However, Caltrans' main concern is service levels of their roadways; existing signal warrants do not directly take into account close proximity rail crossings, and the need to signalize those intersections to provide rail signal preemption to clear any vehicles that may be trapped on the tracks. The CA MUTCD states that a traffic signal ***SHOULD*** (emphasis added) not be installed unless one of the warrants is met. The word ***should*** indicates this is a guidance statement, and not an absolute standard. The Commission has exclusive jurisdiction of safety at all rail crossings within the State, and Commission staff will assess the need for signalizing intersections for rail safety D

preemption. The traffic discussion of the DEIR presents a field observation of the intersection, describing an existing average queue of two to three cars during the am peak. A diagnostic meeting consisting of staff from the County, California Public Utilities Commission, Caltrans and Union Pacific Railroad for a potential railroad Quiet Zone was held at the crossing on August 22, 2006. During the on-site diagnostic, large trucks were observed routinely fouling the tracks while queued for turns onto El Camino Real from west bound SR 58/Estrada. On page 4.12-24 of the DEIR, the document states that with increased traffic, queuing is "projected" to back up to the railroad tracks. Unfortunately, without the increased traffic, this situation is already occurring. The traffic signal must be included as a requirement for project approval at an early stage of the project to mitigate for the increased traffic during construction as well as future traffic created by the development. As an alternative, a northbound acceleration/escape lane on El Camino Real could be built to allow any trapped vehicles to clear off of the tracks, but signalization is the preferred improvement. D

Another concern is that average traffic volumes will be used exclusively for queuing analysis, and brief periods of time of excessive queuing will be overlooked. The documents mentions that the eight wineries planned for the project, seven of which will use the Estrada Road rail crossing for ingress/egress, will each have six events a year that will attract a 1,000 attendees, and an additional 36 events with 100 to 500 attendees. There is no mention in the document of how these events (especially during a mass-exodus), in addition to the existing traffic serving the area will affect the rail crossing. Signalization of the intersection must be a requirement for project approval. The impacts the project will have on the rail crossing are not a matter of inconvenience from reduced level of service, but are major safety issues from a mainline heavy rail corridor which carries Amtrak trains. If a passenger train were to derail, it could injure many people. Safety is not something that should overridden by other considerations. E

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County. F

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Terrel Anderson, Union Pacific Railroad
Lisa Carvalho, Steefel, Levitt & Weiss
Frank Honeycutt, County of San Luis Obispo

Letter 5

COMMENTOR: Kevin Boles, Environmental Specialist, California Public Utilities Commission, Rail Crossings Engineering Section, Consumer Protection and Safety Division

DATE: April 2, 2007

RESPONSE:

Response 5A

The commentor recommends that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. As noted in the Final EIR, the Agricultural Residential Cluster Subdivision development area would be located over 3,000 feet from the UPRR right-of-way. Safety issues associated with the proximity to the UPRR line are addressed in Section 4.9, *Public Safety,* of the Final EIR.

Response 5B

The commentor outlines safety factors that should be considered when planning development projects near rail corridors, including analysis of any proposed new rail crossings. It should be noted that the Agricultural Residential Cluster Subdivision does not propose a new rail crossing. Future rail crossings associated with Future Development Program implementation would require consultation and approval from the Public Utilities Commission.

Response 5C

The commentor notes that Future Development Program measure T-2(a) summarizes the Public Utility Commission's specific concerns with the project. It should be noted that Future Development Program measure T-2(a) applies to the Future Development Program only and does not apply to the proposed Agricultural Residential Cluster Subdivision.

Refer also to Master Response 3a.

Response 5D

The commentor argues that Future Development Program measure T-1(a) (El Camino Real/Estrada Avenue Signalization) should be included as a requirement for project approval at an early stage of the project. The mitigation measure in question applies to the Future Development Program only and does not apply to the proposed Agricultural Residential Cluster Subdivision. In addition, although the commentor asserts that the Public Utilities Commission has exclusive jurisdiction of safety at all rail crossings, Caltrans has jurisdiction over state-maintained roadways, including SR 58/El Camino Real. As a result, Caltrans will make the final determination on the need for a signal at this location.

Refer also to Section 4.12, *Transportation and Circulation*, in the Final EIR for revisions to this mitigation measure.

Response 5E

The commentor expresses concern over traffic volumes being used exclusively for queuing analysis, resulting in "brief periods of time of excessive queuing" being overlooked.

A *Manual on Uniform Traffic Control Devices* (MUTCD) signal warrants analysis was conducted for the El Camino Real/Estrada Avenue intersection referred to by the commentor. Although signal warrants were not met under Existing + Agricultural Residential Cluster Subdivision conditions, the results of the MUTCD peak-hour warrants indicate that a signal is warranted under Cumulative + Future Development Program conditions, thereby requiring mitigation. Refer to Future Development Program measure T-1(d) in the Final EIR [T-1(a) in the DEIR]. As noted therein, future signalization would include rail pre-emption to allow northbound vehicles on Estrada Avenue to clear the rail tracks. The design of the future traffic signal will also incorporate current rail safety design standards. Refer also to Response 10D.

Response 5F

The commentor's statement that working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County is noted.

Letter 6

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

April 2, 2007

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

RE: Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program (State Clearinghouse No. 2004111112) (Case number: VTTM 2586)

This letter is regarding the Draft Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR dated January 9, 2007. The comments provided below are from County Parks.

CHAPTER 4.11, RECREATION:

Page:	Comment:	
4.11-1	First Paragraph - Italized. This section discusses a deficiency of parkland and then indicates the impact is mitigated by the payment of an "in-lieu public open space fee". The mitigation should be indicated as County Park Impact Fees (Quimby and Public Facility Fees), not "an in-lieu public open space fee". The County's impact fees do not address open space.	A
4.11-1	Second Paragraph - Italized. See comment above.	B
4.11-1	Setting, First Paragraph, Last Sentence. SLO County Parks makes a distinction between parks and open space. We call "open space" "natural areas". Parks are for active and perhaps some passive recreation. Natural Areas are places where resource protection is the primary goal with a secondary goal of passive recreation. For example, the Elfin Forest is a Natural Area. County Parks would not put play equipment in the Elfin Forest. That is the distinction made on page 4.11-2 under (b). The last sentence on page 4.11-1 should be reworded to state: "Parks provide opportunities for active and passive recreation, while Natural Areas provide places for nature appreciation and resource protection."	C
4.11-2	Table 4.11-1. Both Santa Margarita Community Park and Santa Margarita Lake Regional Park are SLO County park facilities. That was not clear from the table.	D
4.11-2	Recreation Standards, First Paragraph, Last Two Sentences. The 3 acres per 1,000 is tied to neighborhood and community park acreage. As a result, Parks would suggest you change the last two sentences as follows: "The County has roughly 1,112 acres of neighborhood and community parkland. In addition, the County has roughly 12,000 acres of Natural Areas. The County is currently not meeting the 3 acres of	E

Page: **Comment:**

neighborhood and community parkland per 1,000 population as set out by the newly adopted Parks and Recreation Element."

4.11-2 Recreation Standards, Second Paragraph, 2nd and 3rd Sentence. Parks would suggest you change these sentences as follows: "The community currently has 2 acres of parkland, or approximately 1.5 acres of neighborhood and community parkland per 1,000 residents. This is below the County's standard of 3 acres of neighborhood and community parkland per 1,000 residents." F

4.11-3 Top of page, Sentences continuing from last page. Parks would suggest you change these sentences as follows: "...should have approximately 7.7 acres of neighborhood and community parkland per 1,000 residents. The community of Santa Margarita therefore would not meet the County's parkland standard at full General Plan build-out."

4.11-3 Impact Analysis (a), Second Paragraph, First and Second Sentence. The first sentence should be changed as follows: "The County has a standard requirement of three acres of neighborhood and community parkland per 1,000 residents." The second sentence is not necessarily true, i.e., that "Impacts are significant if a development project causes the County to contain less than three acres ..." First off, it would be 3 acres of neighborhood and community parkland specifically, and the County's goal does not address open space. There is no standard for open space or Natural Areas. The Quimby fee is intended to address the issue of neighborhood and community parkland specifically. So the significance would occur if (1) no fee is paid and no parkland is provided, or (2) insufficient fee or parkland are provided. Basically the project would be significant if it was inconsistent with the Quimby Ordinance or the adopted Parks and Recreation Element. G

4.11-3 Impact Analysis (b), Second Paragraph, Second Sentence. The Quimby Ordinance references 3 acres of "neighborhood or community" parkland specifically. The County's Impact Fees do not reference an open space requirement – just parkland. This sentence should be corrected accordingly. Your analysis in this section is correct in regard to the fee offsetting the impact. H

4.11-4 Impact Analysis (c), Third Paragraph. In this paragraph there is a discussion of the proposed parkland dedication. In order to be consistent with the County's Impact Fee Ordinances, the dedication would need to be neighborhood or community parkland and/or recreation facilities. Their offer of a 5-acre community park with a swimming pool would meet this criterion. A golf course is considered a regional facility – not neighborhood or community. The construction of a golf course would not be used to offset the County's Impact fees. I

4.11-4 Future Development Program R-1(a). When the specific plan comes in more residences could be proposed. Perhaps the wording in this section should state "... specify a minimum 5-acre community park..."

4.11-5 Top of Page, Plan Requirement and Timing. Parks recommends changing the second sentence as follows: "The community park's acreage and design shall be reviewed and approved by County Parks prior to the issuance of improvement plans or the final map for new residential development proposed under the Specific Plan. The applicant shall provide an adequate bond/security for completion of the proposed community park and the associated recreation. Prior to occupancy of any of the residential units proposed under the Specific Plan, the park's construction shall be reviewed and J

Page:	Comment:	
	approved by County Parks." Parks also recommends changing the monitor condition as follows: "Planning and Building shall review the Specific Plan for compliance prior to adoption of the Specific Plan, and County Parks shall ensure parkland and recreation is adequately constructed prior to occupancy of any new Specific Plan residential development.	J
4.11-5	Future Development Program Impact R-2 & R-2(a). There are trails other than the Juan Bautista de Anza that are located in the vicinity of Santa Margarita Ranch. On December 19, 2006, the Board of Supervisors adopted the Parks and Recreation Element. Since the Specific Plan would be a future document, perhaps a simple solution is simply to say the future Specific Plan shall conform to the County's adopted Parks and Recreation Element.	K

CHAPTER 4.12, TRANSPORTATION & CIRCULATION:

Page:	Comment:	
4.12-31	Pedestrian Pathway. This section discusses making the proposed pathway between the cluster and the community a public trail. This pathway will primarily serve the cluster subdivision and is not shown in the Parks and Recreation Element or the 1991 Trails Plan. Parks would recommend this pathway be maintained by a homeowner's association or similar entity – not County Parks. Future development will be assessed for community trails.	L

If you have questions or concerns regarding my comments please contact me at 781-4089 or via email at jdileo@co.slo.ca.us.

Sincerely,

Jeanette Di Leo

Jeanette Di Leo,
Parks Planner

cc: Rincon Consultants, Inc., 1530 Monterey Street, Suite D, San Luis Obispo, California 93401

Letter 6

COMMENTOR: Jeanette Di Leo, Parks Planner, San Luis Obispo County Parks Department

DATE: April 2, 2007

RESPONSE:

Response 6A

The first paragraph on page 4.11-1 has been revised to include the commentor-recommended change. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6B

The second paragraph on page 4.11-1 has been revised to include the commentor-recommended change. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6C

The last sentence of the first paragraph under Section 4.11.1(a) (Existing Recreation Facilities) has been revised in accordance with the commentor's recommendation. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6D

A note has been added to Table 4.11-1 to clarify that Santa Margarita Community Park and Santa Margarita Lake Regional Park are San Luis Obispo County park facilities. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6E

The last two sentences in the first paragraph under Section 4.11.1(b) (Recreation Standards) have been revised in accordance with the commentor's recommendations. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6F

The second paragraph under Section 4.11.1(b) (Recreation Standards) has been revised to include the commentor-recommended changes. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6G

The second full paragraph, first two sentences, under Section 4.11.2(a) (Methodology and Significance Thresholds) has been revised in accordance with the commentor's recommendations. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6H

The second full paragraph under Agricultural Residential Cluster Subdivision Impact R-1 has been revised to include the commentor-recommended change. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6I

The commentor notes that the 5-acre community park included in the Future Development Program would meet the criterion of a neighborhood or community park, thereby fulfilling the Future Development Program parkland requirement. The Final EIR notes that this 5-acre community park would fulfill the parkland requirement.

Response 6J

Future Development Program measure R-1(a) (Community Park Implementation Timing) has been revised in accordance with the commentor's recommendations. Refer to Section 4.11, *Recreation,* in the Final EIR.

It should be noted that the currently envisioned 5-acre park would exceed the Future Development Program's generated need of 4.2 acres of parkland (refer to discussion under Future Development Program Impact R-1). Therefore, wording in the above referenced mitigation measure has not been altered to read "~~the~~ **a minimum** 5-acre community park," as suggested by the commentor.

Response 6K

Future Development Program measure R-2(a) (Juan Bautista de Anza Historic Trail Connection) has been revised in accordance with the commentor's recommendations. Refer to Section 4.11, *Recreation,* in the Final EIR.

Response 6L

Agricultural Residential Cluster Subdivision measure T-4(b) (Pedestrian Pathway) has been revised to include commentor-recommended revisions. Refer to Section 4.12, *Transportation and Circulation,* in the Final EIR.

Letter 7

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

April 4, 2007

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

RE: Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program (State Clearinghouse No. 2004111112) (Case number: VTTM 2586)

This letter is regarding the Draft Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR dated January 9, 2007. The County's Parks and Recreation Commission unanimously supports the letter provided by County Parks dated April 2, 2007. Thank you for the opportunity to comment. **A**

Sincerely,

Terry Eberhardt

Terry Eberhardt,
Parks and Recreation Commission Chair

cc: Rincon Consultants, Inc., 1530 Monterey Street, Suite D, San Luis Obispo, California 93401

Letter 7

COMMENTOR: Terry Eberhardt, Parks and Recreation Commission Chair, San Luis Obispo County Parks Department

DATE: April 4, 2007

RESPONSE:

Response 7A

The commentor notes that the County's Parks and Recreation Commission unanimously supports the letter provide by County Parks dated April 2, 2007 (Letter 6). Refer to Responses 6A through 6L and Section 4.11, *Recreation,* in the Final EIR.

Letter 8

Water Resources Advisory Committee

Michael Winn, Chairperson
Eric Greening, Vice Chairperson
Paavo Ogren, Secretary
Room 207, County Government Center
San Luis Obispo CA 93401
PH (805) 781-5269
FAX (805) 788-2182

Members
Steve Sinton, *District 1*
Bill Garfinkel, *District 2*
Michael Winn, *District 4*
Dan O'Grady, *District 5*
Chuck Fellows, *Arroyo Grande*
George Luna, *Atascadero*
John Shoals, *Grover Beach*
Betty Winholtz, *Morro Bay*
Douglas Monn, *Paso Robles*
Kris Vardas, *Pismo Beach*
Christine Mulholland, *San Luis Obispo*
Ken Weathers, *Atascadero MWC*
Henric Szopinski, *Golden State Water Co.*
Bryan Bode, *Cambria CSD*
John D'Ornellas, *Heritage Ranch CSD*
Steve Senet, *Los Osos CSD*
Bruce Buel, *Nipomo CSD*
Richard Searcy, *Oceano CSD*
Bill VanOrden, *Templeton CSD*
Linda Chipping, *Coastal RCD*
Tom Mora, *Upper Salinas RCD*
Chris Long, *Camp San Luis Obispo*
Joy Fitzhugh, *County Farm Bureau*
Edralin Maduli, *Cuesta College*
John Kellerman, *CA Men's Colony*
Bill Bianchi, *Environmental-at-Large*
Eric Greening, *Environmental-at-Large*
Ray Allen, *Agriculture-at-Large*

April 4, 2007

Mr. James Caruso
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

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

Dear Mr. Caruso,

The Draft Environmental Impact Report (DEIR) for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program were discussed at the February 7, 2007, March 7, 2007 and April 4, 2007 meetings of the San Luis Obispo County Water Resource Advisory Committee (WRAC). It is apparent from the large number of comments and their specificity, that the WRAC has significant concerns about the impacts of the subject project on the water issues under our purview. While it is not yet the appropriate time for the WRAC to advise County Supervisors of our opinions and recommendations with respect to the Final EIR, the WRAC believes it is important to collectively communicate individual member responses made during the DEIR Comment Period to you and to the Supervisors. Accordingly, please find the enclosed attachment of member comments. **A**

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

Respectfully,

Michael Winn Michael Winn
Chairman, San Luis Obispo County Water Resources Advisory Committee

Cc: County Supervisors, w/attachments
Attachments: Comments on DEIR from WRAC Members

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

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

COMMENTS ON DRAFT EINVIRONMENTAL IMPACT REPORT April 4, 2007

By Daniel O'Grady, 5th District Representative to the Water Resource Advisory Committee

Section 4.14 Water and Wastewater

1. CSA 23/ Ranch Agreement (pg 4.14-2): It should be noted that even though "the Board of Supervisors approved a policy to consider a cooperative arrangement between the Ranch and County Service Area No. 23," no agreement has been reached. B

2. Table 4.14-1 (pg 410-3): This table should include information about the water used at the Assistencia because there is a rodeo arena in that area and other special events take place in that vicinity. Water must be used for dust control and for consumption by animals and humans at the arena. Water use for the special events held in that area should also be included in this table.

   This table should also include information on water use at the wineries planned for the open space parcel. Planning documents have used between 10 and 12 gallons of water used per case of wine produced. This water utilization was not included.

   On Page 2-33 of the DEIR it is stated: Vesting Tract 2586 includes two wineries, two ranch/farm headquarters (each 2.5-acres in size), one primary residence, and several farm support buildings within the Agricultural Conservation Easements (ACEs) associated with the Agricultural Residential Cluster Subdivision. One winery would be located on a five-acre site at the Margarita Vineyard site (previously the Mondavi Vineyard) in the northern portion of Lot 86, approximately 5 miles south of the community of Santa Margarita. A second winery would be located near the center of Lot 42 and include a 20,000 to 40,000 square foot agricultural processing facility with on-site tasting, gift shops, and a bed and breakfast. One ranch/farm headquarters would be located approximately 800 feet east of the Lot 86 (Margarita Vineyard) winery and include farm worker housing on approximately 2.5 acres. A second ranch/farm headquarters would be located approximately 1,200 feet north of the Lot 42 winery and include farm worker housing as well as one single family residence on approximately 2.5 acres. C

   Page 2-34: Each of the nine wineries, two (2) of which are within the Tract 2586 boundaries in the Future Development Program, are anticipated to host up to 42 special events per year. The following event sizes are probable: six events accommodating 1,000 people, six events accommodating 500 people, six events accommodating 300 people, 10 events accommodating 200 people, and 14 events accommodating 100 people. Each of wineries includes a 5-acre processing facility with on-site tasting room, gift shops and a bed and breakfast. Initial production is estimated to be 5,000 tons with maximum production of up to 20,000 tons at each winery.

   These impacts must be analyzed and mitigated.

3. Consumptive Use (pg 4.14-3): The information in the DEIR does not support the assumption that 40% of rural residential water use and 32% of agricultural water results in groundwater recharge. This analysis did not take into consideration the clay soil type and subsurface structure of the area. Since the Santa Margarita area is known for its clay soils, percolation would be reduced. If there is a clay lens strata under the surface much of the water used will D

not make in into the ground water basin and would come out of the ground in springs or into the numerous creeks and drainages that traverse the area. Since these assumptions are used for determining consumptive use, a further analysis would be warranted to get a more accurate calculation of recharge to determine consumptive use.

4. Consumptive Use (pg 4.14-5): With the potential for overdraft of the ground water basins, it is critical to understand the influence of soil type and rainfall patterns in determining ground water recharge for this area. If the surface is already saturated by rainfall, little subsequent rainfall will make its way into the ground water basin because it will runoff into the creeks and flow to the Salinas River. E

5. Drainage Basin (pg 4.14-5): "It should be noted that the applicant proposes storm drains along area roadways to direct drainage from the proposed development to detention features within the agricultural conservation easements (ACEs). This would further promote percolation and groundwater recharge." While this may be true, the amount of percolation will be determined by the size of the basin and the structure of the basin. If native clay soils find their way into the basin, percolation will be reduced and the amount of water recharging the basin will be over-estimated. The design and maintenance of the drainage basin must consider this in calculating consumptive use. F

6. Imported Water (pg 4.14-7): The DEIR requires "Imported Water Supply. The applicant shall acquire imported water supply to serve the agricultural Residential Cluster Subdivision. Potential sources include State Water and/or the Nacimiento Water Project." Since Nacimiento water is planned to be untreated surface water and would require expensive treatment, it has not been considered as an option by the CSA 23. If State Water is used, the CSA 23 would have to purchase an entitlement from Shandon. If this were to happen, a supplemental EIR for the State Water Project must be completed. If that report has been completed it must be part of the DEIR. The economic impacts of the cooperative agreement for State Water between the proposed project and the CSA should be investigated as it may have significant impacts on local residents. G

7. Many of the mitigations require plan review by the County Public Works Department and/or the County Planning Department. Since the CSA 23 has an interest in water and drainage issues which may impact the community of Santa Margarita, information should be reviewed by the CSA too. H

Appendix K Hydrogeological Study

1. An investigation of the water demands for the proposed project have been analyzed, but the DEIR should also look at the impacts the proposed project will have on the water supply for the community of Santa Margarita. I

2. Table 1 (pg 4-5): Information on water use for existing wineries, farm support facilities associated with existing vineyard, 400 seat equestrian center arena, mission era structures, stables and boarding facilities must be provided and considered. This table should also consider the water usage for the open space parcel as a winery is proposed on that parcel. The uses of the open space parcel need to be delineated so that impacts can be investigated. J

General Comments

1. Given the information in the report and the consultant studies of the Santa Margarita Area basin contained in the DEIR and other studies contained in the DEIR, I concur with the finding on page 4.14-5:
   "The Agricultural Residential Cluster Subdivision would increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 96 acre-feet per year. This net consumptive use may contribute to overdraft of the aquifer system. Groundwater use associated with the Agricultural Residential Cluster Subdivision is Class 1, significant and unavoidable, impact." K

2. I support the comments of San Luis Obispo County Senior Engineer Jeff Werst and agree with his suggestions for changes to the DEIR:
   "Due to concerns about water rights, safe yield, water quality and operational issues, Public Works staff considers the existing groundwater resources for the community to be vulnerable, and has therefore shared the community's interest in the release of the draft EIR...if the project is approved, the Department would advocate implementing mutually beneficial water resource programs and improvements. Such improvements might include an emergency or operational inter-tie between the water distribution systems for the two communities, shared water storage facilities, and/or shared acquisition of supplemental water." L

Comments of Christine Mulholland to WRAC on Santa Margarita Ranch DEIR

I have only reviewed Section 4:14, Water and Wastewater, and look forward to a full discussion at the next WRAC meeting on April 4th.

A few initial thoughts, questions, and concerns:

4.14-2: "The safe annual yield of the aquifer system has not been determined in the vicinity of the Santa Margarita Ranch." This seems basic to me, when discussing the conversion of ag land to higher intensity use. M

Perhaps there will be resultant groundwater recharge, but 1.44 AFY per single-family home is excessive! N

W-1(a): "A comprehensive groundwater monitoring program shall be established...", but only "prior to occupancy clearance"! Then "remedial action" may be required.
Cart before the horse, in my opinion. More certainty should be required before project approval. O

W-1(b): Of course, water conservation measures taken "during construction" are a must. But I doubt construction will go so far as to "include the installation of high efficiency washing machines" as these are normally resident purchases. The cost of replacing a low-flow shower head would be nothing to someone who can purchase these upscale houses. Where is the large education component needed to bring new residents to the area up to speed with what the on-going issues are when living in a resource-restricted, agricultural location? P

W-1(c): "...additional water supply would still be required." "However, due to uncertainty regarding timing and availability of the sources, additional water supply cannot be assured." More cart before the horse. Supply must be understood and secured before project approval. Q

W-2: General concern regarding the lack of percolation testing and information. R

W-3(a): How will water softeners be prohibited? Inspection is required "prior to occupancy." What happens if residents put them in later? What will prevent this from happening? S

Major concerns about Future Development. The Ag Cluster plan should be reviewed in conjunction with the Future Development Program so that all impacts from the Ranch development are known up front. Future Development Program W-2(b) is a good example. The Wastewater Master Plan should include the Ag Cluster project as well as the Future Development Plan, and "should proceed in advance of" any portion of Ranch development approval. T

There are defects in other parts of the EIR but I will try to focus for the WRAC only on water supply and wastewater discharge systems. (E.g., Alternative 6.2.1 refers to current zoning allowing 28 residences but then quickly doubles it to 56, without noting that a) the second 28 are secondary, not primary residences, 2) the entitlement for secondary units is not often exercised, and 3) secondary units do not typically landscape as much as primaries--which means that this alternative would actually use much less water than given in the EIR. And there are others.) U

But I would hope to have included in the WRAC's assessment one large-scale general comment, with several specifics.

A. In general, this EIR seems designed to make an "end run" around CEQA; and though more effective mitigations are mentioned in the study, they are often discarded in favor of cheaper - and thus more profitable - alternatives for the applicant. V

On pages 7-1 to 7-3, the EIR assigns a Class I impact to nine (9) categories of impacts. Though it mentions partial mitigations for most of these, it categorically says that each one is "significant and unavoidable". This is improper. Class I designation should only be used where adequate mitigation is not possible, because in those cases policy makers are allowed by CEQA to make "findings" that there are "overriding considerations". And then the impact need not be mitigated. W

Many people assume that Class I is the most onerous impact level, but that is not true. Actually, Class II carries the greatest burden, because such impacts must be adequately mitigated, with expenses that applicants often wish to avoid. For the WRAC I will not comment further re whether the Class I designation is abused in the eight categories other than water and wastewater; but in general, all nine categories deserve closer scrutiny before deciding that they cannot be adequately mitigated. X

Also, please note on pages 7-4 to 7-5 that the same treatment is promised to come for the EIR for Santa Margarita Ranch development. CEQA forbids analyses that add a series of small, apparently less significant impacts when a larger development is known or in planning, and these two pages could be used to demonstrate that this principle was not violated. For that reason, we must look at those impacts as seriously as we do the project in hand. Y

(Please note p. 4.14-13 where it states that the County must make a 610/221 verification of the sustainability of the water supply. We must make sure the County's liabilities are fully covered in that effort.) Z

B. Specifically, there are more adequate mitigations available to the applicant when it comes to water supply and wastewater discharge systems. Those two should be designated Class II impacts, and full mitigation - which is possible - need to be required. Those impacts are clearly "significant but avoidable". AA

B.1. Water Supply called a Class I impact.

The Groundwater Consultants write in part in their cover letter for Appendix K, the Hydrogeologic Study: "The groundwater resources beneath the Santa Margarita Ranch may not be sufficient to support the existing land uses and the proposed Agricultural Residential Cluster Subdivision project and/or the Future Development Program without resulting in potentially significant impacts. We recommend mitigation measures be considered for the water supply component of the Agricultural Residential Cluster Subdivision project."

Further, on page 2 of Appendix K they write, "... past studies have not identified the safe yield/periennial yield of the groundwater basin aquifer system(s) in the vicinity of the Ranch ..." They go on to say that taking 0.9 afy per acre for 112 residences "could potentially lower groundwater levels and production capacity in other wells in the vicinity, ..." And they say clearly that the greatest impact on neighboring parcels would be in County Service Area 23.

There are a number of apparent data anomalies, e.g., a 200-seat restaurant - which cooks with, serves, and washes dishes with water - uses the same 0.022 afy per seat as an amphitheater of similar size (p. 4.14-12), but I'll leave that to the professionals in your department to analyze. But I ask that we focus on the major policy issues here: AB

The EIR says, "This net consumptive use may contribute to overdraft of the aquifer system," going on to say that "available groundwater data from the Ranch are not sufficient to determine the long-term impacts of existing and proposed groundwater pumping." (p. 4.14-5) On the following two pages it outlines three mitigation measures to be required:

W-1(a) Groundwater and Surface Water Monitoring Programs, to be established prior to occupancy clearance and continued annually thereafter.

W-1(b) Water Conservation Measures, subject to approval and inspection by Public Works prior to occupancy clearance.

These two are sensible and capable of verification.

W-1(c) Imported Water Supply, to be confirmed by both Planning & Building and Public Works prior to issuance of a development permit.

It would seem that this mitigation is also required as a condition of development. It says, "The applicant *shall* acquire imported water supply to serve the Agricultural Residential Cluster Subdivision. [italics mine] Potential sources include State Water and/or the Nacimiento Water Project." (p. 4.14-7) But the certainly of this requirement is undermined in several places. On the same page it says, "However, due to uncertainty regarding timing and availability of these sources, additional water supply cannot be

assured at this time. Impacts would remain significant and unavoidable." This is stated again on pp. 4.14-12, 4.14-14 and 7-5.

The necessity of taking imported water is further undermined by comments in the accompanying Hydrogeologic Report (Appendix K), which says in part: "The [2004 Cleath] report concluded that the project water supply could be provided by the installation of additional wells, by Nacimiento Water Project deliveries, and (through a cooperative agreement with CSA 23) by State Water Project deliveries." (p. 2) And it goes on to say: "The applicant proposes to construct facilities for the newly formed Santa Margarita Mutual Water Company and/or establish other onsite groundwater sources to serve the proposed future development scenario. The Nacimiento Water Project and, through a cooperative agreement with CSA No. 23, the State Water Project *may* be an alternative source of water supply for both components of the project." (p. 3) [italics mine]

AB

These comments say clearly that the applicant intends to serve the development by digging more wells, and that imported water MAY be an alternative source - not a requirement.

In reality, the Nacimiento Water Project is a certainty; and State Project Water is available, both in entitlement (from Shandon and excess capacity at Polonio Pass) and in pipeline capacity. The EIR should not characterize these as "uncertain" - and thus give the applicant an excuse not to mitigate as directed. Instead, this requirement should be insisted on. The "small print" might allow the applicants to begin as soon as they signed binding contracts to take Nacimiento water or some such arrangement. That's for County experts to craft. But this impact is definitely avoidable, not a Class I.

B.2. The second specific area of concern is the inadequate analysis of the mitigation measures for the proposed wastewater disposal systems.

This is clearly a Class I impact, but the mitigations measures are not crafted rigorously.

W-3(a) Water Softeners, inspected by the County prior to occupancy of the structures. (p. 4.14-10)

AC

This has been crafted carelessly by the County in the past, with harm to the underlying groundwater. E.g., Blacklake Village was prohibited to install self-regenerating water softeners, but it was not clearly noted on all the titles and in the CC&Rs. Thus a number of residents have converted to systems cheaper to maintain, and the Village violates RWQCB standards for chlorides from time to time. The NCSD tested to find which owners were violating the agreement, but it was expensive, time-consuming, and imprecise. In short, as originally formulated, the prohibition does not work; and if the violations continue, everyone in Blacklake Village will have to pay a proportion of the fine - that is, unless the violators admit their fault, which so far is not happening.

The monitoring needs to be on-going; the prohibition needs to be crafted by County Counsel in such as way that it can be enforced; and penalties need to be assigned for violations. A very common pattern in this county is for people to retire here on larger rural lots after having lived in urban settings most of their lives. They have not lived with a septic system and often damage them without intending to do so. This cannot be helped, but their resulting damage to the aquifer constitutes a problem for all of us. AC

W-3(b) Pollutant Input Minimization, to be noticed each time the title is transferred. (p. 4.14-11)

One flyer in a pile of documents to be signed in a realtor's office does not constitute "due diligence" on the part of the County. This effort needs an annual notice, with enforceable penalties for those who violate the standards. (Given the new septic standards that the State will impose on everyone, including the CSAs, this is a liability the County needs to make a strong effort to minimize.) AD

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

William C. Bianchi, PhD – 3/1/07

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

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

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

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

Individual Lot Demand.

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

Current Status of the Groundwater Basin and Performance Existing Demands

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

AE

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

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

Conclusions

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

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

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

The agricultural water use of the existing ranch and projected developments need to be refined in the light of current available existing information as to consumptive use. Accurate metering of the existing and potential future Ag use should be a pre-development requirement. The existence of 'wet water' must be verified prior to the issuance of any grading permit, and must be a condition of approval.

AE

The requirement for engineered septic mound disposal systems on the cluster lots shall be a condition of approval prior to the issuance of a grading permit. (There was State Water Board legislation greatly strengthening the criteria for septic disposal systems. This should be part of this discussion.)

Comments of David Chipping to WRAC on Santa Margarita Ranch DEIR

(My regrets that I shall be unable to attend the April 4 Meeting, as I am meeting three classes for the first time- Spring Quarter start at CalPoly)

1. Water Balance Calculations:

(a) Future Crop Use:

The amount of irrigation return water from vineyards may be overstated. With drip irrigation there is almost no return flow, as that is considered wasted application water. In addition, the Central Coast Vineyard Team considered return flow to be bad practice. The Malheur Experimental Station (Oregon State University) states:

"Drip irrigation can help you use water efficiently. A well-designed drip irrigation system loses practically no water to runoff, deep percolation, or evaporation. Drip irrigation reduces water contact with crop leaves, stems, and fruit. Thus conditions may be less favorable for the onset of diseases. Irrigation scheduling can be managed precisely to meet crop demands, holding the promise of increased yield and quality."

On the other hand, the amount of water that would be applied to a vineyard might be understated. Certainly, irrespective of the manner of irrigation, water use might be guestimated using ET and Crop Coefficient, and the 1.6 afy number used in the DEIR might or might not be right, particularly during a drought year.

AF

month	Crop Coeff.	ET Zone 6	inches	ET Zone 16	inches
4	0.45	4.8	2.16	5.7	2.565
5	0.6	5.58	3.348	7.75	4.65
6	0.7	6.3	4.41	8.7	6.09
7	0.7	6.51	4.557	9.3	6.51
8	0.7	6.2	4.34	8.37	5.859
9	0.6	4.8	2.88	6.3	3.78
10	0.6	3.72	2.232	4.34	2.604
11	0.35	2.4	0.84	2.4	0.84
			24.767		32.898

The above is an attempt to make sense of the 1.6 afy water application number requires some info on the ET (supposedly Zone 6 under CIMIS) and the Crop Coefficients for grapes under these conditions. It probably makes some assumptions, but it estimates grape watering requirements from April to November, and the requirement looks like about 2 feet, irrespective of how it is applied. Thus drip irrigation could provide the needed 2 feet but with almost no return water going to the aquifer. The ET numbers for the Paso Robles area are considerably higher (Zone 16), and suggest about 2.5 feet would be needed. The numbers are a little lower than those used in UC Leaflets 21427 and 21428, where ET for grapes in July is given as 0.8. I tried getting some validation on

these numbers from Cal Poly's Irrigation Institute, but they would not discuss the issue with me, besides saying that I needed more information than this and the approach was unscientific. I asked them what would be a good 'ball-park' number for grape irrigation and they would not give me an answer. I did find a reference at CIMIS that stated:

"This study demonstrates that the water budget method of irrigation scheduling, i.e., using published crop coefficients and CIMIS ETo, is useful for scheduling wine grape irrigation on California's central coast. However, recommended crop coefficients in the literature appear to overestimate crop water needs, so local crop coefficients are needed." (http://www.cimis.water.ca.gov/cimis/pdf/CIMIS_ag_resource.pdf)
I am hoping this issue can be clarified in the FEIR.

In addition to the water demand for the grapes themselves, the Regional Water Quality Control Board considers a cover crop between the vines to be good management practice. I would presume that this would require possibly as much water as the grapes themselves.

The addition of vineyards has already made an impact over the previous low-water-demand grazing land use, and it probably the cause of the large cones of depression up-watershed from Santa Margarita.

(b) Recharge from development

The degree to which septic tanks in the Ag Cluster will recharge groundwater is unknown, due to the lack of infiltration data. The low infiltration numbers from the existing percolation tests suggest that clay lenses and aquitards are present that could result in diffusion of water along the sides of the hill toward the surface and use by vegetation. Thus the water returns suggested by the consultant could be overly optimistic. AF

2 Conflicts with Santa Margarita on Safe Yield

In reference to DEIR Chapter 4- page 5, where it states that there has been no safe yield determination. There has been a safe yield determination for existing wells in the vicinity of the existing town. (Powerpoint Presentation on file and web-mounted with SLO County- made in 2004). The CSA estimated it at 210 afy, with current demand in town being 190-217 afy. They estimated in 2004 that future in-town demand would be 300 afy, which would indicate a future shortfall of 90 afy. The CSA recommended that the CSA and the proposed new SMR cooperate on water supply. The 2004 report noted that the entire production for Santa Margarita was from shallow alluvium, and therefore any upstream use that impacted creek underflow would have an impact on the existing town. The 2004 numbers are slightly different from those used by Hopkins, who used a net consumption for Santa Margarita of 116 afy after 40% return flow (193 afy gross), and a future net demand of 164 afy after 40% return flow (gross 270 afy)

Hopkins shows large cones of depression developing around the Pozo Road well fields, and in his report suggests that the sustained yield of the Pozo Road field that taps the Santa Margarita Formation may be in the order of 55 afy, while the ag cluster use will be

96 afy (160 afy input minus 40% return flow). It has not been demonstrated if there is a connection between the units being tapped within the Pozo Road cones of depression would directly affect the flow into the CSA wells, but the contour maps strongly suggest that all water south of the southern end of the Ag Cluster is being diverted into the deeper well field, and that deficinces in the CSA wells could result under heavy sustained pumping to the south.

3 Comments on Chapter 4- regarding phasing and alternative projects

AF

The DEIR maintains that both the Ag Cluster and Future Development would contribute to an existing water deficit. Should there be 'a difference amongst experts' that makes a correct decision by SLO County difficult, it would be vital to look at a 'first toe in the cold pond' approach to the entire development, including the three phases of the Ag. Cluster. However the Program EIR appears to be an 'all-or-nothing' in terms of the individual parts of the project, such as wineries and golf courses. While it states that no part should be approved until its water needs are serviced, little attention is given to the order in which projects could be added. It is also difficult to see how the phases of the Ag Cluster would interact with the phases of the Future Development, and the ordering should require that no new-demand water be put on line for the Future Development until the effects of the Ag Cluster on the entire local basin, including Santa Margarita and Garden Farms, can be evaluated.

4 Comments on Section 5.3.2- Future Development Program Removal of Obstacles to Growth

AG

The decision to take NWP or SWP project water, which according to the rest of the DEIR would be required due to apparent deficiencies in on-site water resources, will have an impact beyond that of the project that should be addressed. This is particularly an issue regarding the possibility of using NWP water at the site, for which there is a large need and a finite supply. The Future Development Program contains water uses such as an irrigated golf course that will contribute to an overall water supply deficiency, and irrespective of how a mix of well water and imported water is used on the project, the entire water demand should be considered as a whole. Thus using well water to irrigate a golf course, while importing for other uses will simply be an assignment of the imprted water.

AH

It is critical for the WRAC and the DEIR contractors to consider any relatively frivolous use of water relative to the needs of housing and people in the other potential users of either NWP or SWP water. Water used for golf is water that cannot be used for housing elsewhere, and therefore should be considered an impact, although this would be anti-growth and population-limiting. This also has an impact on the cost of water, and as low income housing water provisions have been an issue, this should also be addressed.

5 Comments on Impacts to Wildlife

(a) Recharge to wetlands

On page 4.3-77. THE DEIR states:

" It should be noted that, as discussed in Section 4.14 (Water and Wastewater) of this EIR, water demand from implementation of the Future Development Program may contribute to overdraft of the aquifer system. Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply), which applied to the Future Development Program as well, requires that the applicant acquire imported water supply to serve the envisioned Future Development Program land uses. Due to uncertainty regarding timing and availability of these sources, this impact is significant and unavoidable. Although this is a Class I impact, the applicant is required to obtain imported water prior to implementation of the Future Development Program land uses, and development could not occur without adequate water supply. As a result, water use to serve the Future Development Program land uses would not reduce stream flow and water supply available for riparian vegetation and SS migration and breeding habitats." AI

The above statement is true only if the points of effluent disharge, by which imported water return flows come back to wetlands and streams, are similar to those currently supporting those wetlands. This is extremely unlikely, particularly if effluent from tourist facilities, golf irrigation etc. is centered around either treatment facilities or the points of water application. Furthermore, there is every incentive for the developer to take 'free' water over purchased water, and to minimize pipe runs and pumping costs to agriculture. Thus it is unlikely that all Class I impacts to wildlife can be eliminated by importing water.

(b) Minimal instream and surface sheet flows

On page 4.4-73 there is a discussion of no net loss for wetlands, along with setbacks and other mitigations to protect species. However water needs for species do not appear in any of the water budget calculations. There should be somevalue given to the amount of water that must be set aside for wildlife. This would involve the amount of surface water that should be allowed to sheet flow into vernal pools and other wetland habitats. AJ

Letter 8

COMMENTOR: Michael Winn, Chairman, San Luis Obispo County Water Resources Advisory Committee

DATE: April 4, 2007

RESPONSE:

Response 8A

The commentor notes that the Water Resources Advisory Committee (WRAC) discussed the DEIR at their February 7, March 7 and April 4, 2007 WRAC meetings and explains that individual member comments are enclosed. Refer to Responses 8B through 8AJ for responses to individual member comments.

Response 8B

The last paragraph under Section 4.14.1(a) (Water Supply and Current Demand) has been revised to include the commentor-recommended change. Refer to Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 8C

The commentor states that Table 4.14-1 should include information on the water used at the Ranch headquarters parcel.

The commentor also recommends that the table include information on water use at wineries planned for the open space parcel. Refer to Table 4.14-1 in Section 4.14, *Water and Wastewater,* in the Final EIR, which has been revised to include planned orchards and vineyards throughout the Ranch property.

The actual water consumption associated with these uses is anticipated to be relatively small, and of a magnitude that will not change the overall impact related to the Future Development Program. The water demand estimate for this type of use was not available in the County provided water demand information.

Response 8D

The commentor claims that the information in the Draft EIR does not support the assumption that 40% of rural residential water use and 32% of agricultural water results in groundwater recharge.

Septic leach fields, mound systems, or vertical shafts will be designed based on County standards and site specific soil types to handle the volume of water being discharged from the homes. Because the septic discharge is over a large area at a relatively low rate (note the density of housing per acre) the low permeability soils that are reportedly present are believed capable of percolating the volume of residential effluent. Should mounding systems be utilized

for disposal and evapotranspiration of plants is the main mechanism of water removal from these systems, the offset/reduction in irrigation demand should compensate for the amount of water that does not percolate back to groundwater.

Response 8E

The comment states that with the potential for overdraft of the ground water basins, it is important to understand the influence of soil type and rainfall patterns in determining ground water recharge for this area. If the surface is already saturated by rainfall, little subsequent rainfall will make its way into the ground water basin because it will runoff into the creeks and flow to the Salinas River.

Groundwater recharge for this area is indicated by the water level recovery (or decline) observed in the well data. Typically, until a soil is saturated, it will not release water to percolate downward to the water table. The rate at which water will move through a soil is dependent on its composition.

Response 8F

The comment is concerned about storm drain design issues relative to percolation capabilities of underlying soils. Consistent with proposed mitigation, the design and maintenance program for these structures will consider site specific conditions and be altered to accommodate the potential conditions indicated by this comment.

Response 8G

The commentor notes that Nacimiento water would require expensive treatment and has therefore not been considered as an option by the CSA 23. The commentor additionally notes that if State Water is used, the CSA 23 would have to purchase an entitlement from Shandon, which would require a Supplemental EIR for the State Water project.

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. The revised discussion addresses these concerns.

Response 8H

The commentor requests that mitigation measures contained in Section 4.14, *Water and Wastewater,* that require plan review be reviewed by CSA 23. The County of San Luis Obispo Public Works Department retains the discretion to forward plans for review by CSA 23.

Response 8I

The comment suggests that the DEIR did not consider the proposed project's impacts on the water supply for the community of Santa Margarita.

The hydrogeological study did analyze the impacts of the proposed project on the Santa Margarita water supply and found that because the proposed groundwater production for the

project would be in the Trout Creek and Rinconada Creek watersheds the pumping impacts would be less than significant in the Santa Margarita and Yerba Buena Creek watersheds where the community water supply wells are located. If the location of groundwater production for the project changes to one of the other watersheds, or a location that could impact runoff from one of the other watersheds, then there could be a significant impact to the shallow groundwater source that supplies Santa Margarita and Garden Farms. A discussion of this is provided in the cumulative impacts analysis for this issue in Section 4.14, *Water and Wastewater*.

Response 8J

The commentor is concerned that information on water use for existing wineries, farm support facilities associated with existing vineyard, 400 seat equestrian center arena, mission era structures, stables and boarding facilities have not been considered.

While Table 1 does not include estimates for the "existing" uses identified by this comment, the amount of existing use is observed in the groundwater response to production that supplies them. An attempt to estimate these uses may raise incrementally the estimated existing demand; however, the level of significance of the identified impacts will not change. The uses of the open space parcel are included in the Future Development Program portion of the table on pages 5 and 6.

Response 8K

The commentor's concurrence with Agricultural Residential Cluster Subdivision Impact W-1, which finds that groundwater use associated with the Agricultural Residential Cluster Subdivision is a Class I, *significant and unavoidable,* impact, is noted.

Response 8L

The commentor expresses agreement with comments made by San Luis Obispo County Senior Engineer Jeff Werst. These excerpted comments note that existing groundwater resources are vulnerable in the community and that if the project is approved, the Department of Public Works would advocate implementing mutually beneficial water resource programs and improvements. Although "mutually beneficial" water resource programs are not required to mitigate the identified impact, such programs and improvements could be required by the County as a condition of project approval.

Response 8M

The EIR water supply evaluation analyzed the ability of the underlying aquifers to adequately serve existing demand in combination with demand generated by the Agricultural Residential Cluster Subdivision Project and Future Development Program, based on a review of existing groundwater data and projections for proposed and future demand. The EIR concluded that existing groundwater resources would not be adequate to serve either the proposed project or Future Development Program, unless imported water was acquired.

Response 8N

The comment states the opinion that the DEIR overstates the magnitude of groundwater recharge per single-family home. The water use factor for this size of parcel and this type of land use was provided by the County, based on professional experience. No specific reasons were provided by the commentor why the DEIR's recharge estimate is considered excessive.

Response 8O

The commentor argues that the groundwater monitoring program required by Agricultural Residential Cluster Subdivision measure W-1(a) should be established prior to project approval, rather than prior to occupancy clearance. The intent of the mitigation measure is to monitor groundwater impacts associated with the Agricultural Residential Cluster Subdivision. Monitoring groundwater prior to construction and occupancy would not serve this purpose. Nevertheless, it should be noted that the EIR concludes that existing groundwater resources would not be adequate to serve either the proposed project or Future Development Program, unless imported water was acquired.

Response 8P

Agricultural Residential Cluster Subdivision measure W-1(b) (Water Conservation Measures) has been revised to clarify that high efficiency washing machines may be installed after construction. Refer to Section 4.14, *Water and Wastewater,* in the Final EIR.

Response 8Q

The commentor notes that water supply must be secured prior to project approval. Refer to Agricultural Residential Cluster Subdivision Impact W-1 and the associated *Residual Impacts* discussion in Section 4.14, *Water and Wastewater,* in the Final EIR.

Response 8R

The commentor expresses concern regarding the lack of percolation testing and information. As noted in Section 4.14, *Water and Wastewater,* percolation testing was conducted in conformance with the methods provided in the Uniform Plumbing Code (UPC) and per the requirements of the Regional Water Quality Control Board (RWQCB) Central Coast Region (Basin Plan) standards in 26 locations around the property. Although San Luis Obispo County typically requires a minimum of 3 percolation tests per leachfield (or 336 total borings for 112 lots), Agricultural Residential Cluster Subdivision measure W-2(b) (Septic Tank and Leachfield Site Plans) requires percolation tests and borings in accordance with County leachfield design/construction requirements.

Response 8S

Agricultural Residential Cluster Subdivision measure W-3(a) (Water Softeners) has been revised to clarify how water softeners will be prohibited after occupancy. Refer to the *Mitigation Measures* discussion under Agricultural Residential Cluster Subdivision Impact W-3 in Final EIR Section 4.14, *Water and Wastewater*.

Response 8T

The commentor suggests that the Agricultural Residential Cluster Subdivision should be reviewed in conjunction with the Future Development Program so that all impacts from Ranch development are known "up front." Refer to Master Response 3a through 3c. The Agricultural Residential Cluster Subdivision has been reviewed in conjunction with the Future Development Program. The Wastewater Master Plan required in Future Development Program W-2(a) is not triggered as a result of Agricultural Residential Cluster Subdivision impacts.

Response 8U

The description of Alternative 2 refers to the 28 existing parcels located on the Ranch. The residences are "doubled" to 56 because Chapter 22.30.480(A) of the San Luis Obispo County Code permits up to two primary residential units on each agricultural parcel. The Alternative assumes that the Ranch property is developed in accordance with the existing zoning and General Plan designations for the site, which allow up to two residences. As a reasonable worst-case analysis, the EIR analysis assumes that all lot owners choose to implement both units and that each unit would demand a similar amount of water.

Response 8V

The EIR was drafted in accordance with State CEQA Statutes and Guidelines. The EIR presents mitigation which is intended to minimize impacts. As stated in Section 15126.4 of the State CEQA Guidelines, "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified… Measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." The commentor does not provide examples of specific EIR mitigation measures to support the comment regarding the discarding of more effective mitigation measures. Therefore, no further response is required.

Response 8W

Class I impact designations apply to impacts that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Throughout the EIR, in cases where impacts are identified as Class I, *significant and unavoidable*, mitigation is nevertheless attempted. However, in certain cases, no feasible mitigation measures are available to fully reduce the impact below a threshold of significance.

Response 8X

Class I, *significant and unavoidable*, impacts are those impacts that cannot be reduced to below the threshold level even with implementation of reasonably available and feasible mitigation measures. Class II, *significant but mitigable*, impacts are those that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Therefore, while both Class I and Class II impacts require implementation of feasible mitigation measures, Class I impacts also require a Statement of Overriding Considerations. Accordingly, Class I impacts are appropriately construed as "more onerous" than Class II impacts.

Response 8Y

Refer to Master Response 3c.

Response 8Z

The comment is noted.

Response 8AA

The commentor suggests that more adequate mitigation is available to reduce water supply impacts to a Class II, *significant but mitigable*, level. However, the commentor does not provide this mitigation. Therefore, no response is possible.

Response 8AB

The comment discusses the potential effectiveness of several mitigation measures related to ensuring the adequacy of water supply, and provides additional insight as to the status of various water supplies that could serve the project, including groundwater, State water, and Nacimiento water. The comment concludes that the impact related to water supply should be Class II, not Class I as stated in the DEIR, since there appear to be adequate water supplies for a combination of these sources.

Without monitoring as required in Mitigation Measure W-1(a), there is no way to definitively determine the magnitude of impacts that groundwater withdrawal is having on stream flow in the Trout Creek and Rinconada Creek watersheds. This fact, in combination with the uncertainty regarding the timing and/or long-term availability of Nacimiento and State water supplies, leads to the conclusions that there may be a Class I impact.

Under CEQA, an agency is required to mitigation unavoidable impacts to the extent feasible, thus addressing the commentor's concern that a Class I impact may be cause for ignoring such mitigation measures.

Response 8AC

The commentor argues that Agricultural Residential Cluster Subdivision measure W-3(a) (Water Softeners) is inadequate because it does not provide adequate monitoring or enforcement. Refer to Response 8S.

Response 8AD

Agricultural Residential Cluster Subdivision measure W-3(b) (Pollutant Input Minimization) has been revised to address the commentor's concerns. Refer to the *Mitigation Measures* discussion under Agricultural Residential Cluster Subdivision Impact W-3 in Final EIR Section 4.14, *Water and Wastewater*.

Response 8AE

The comment provides a critique of the water budget calculations presented in the DEIR. The comment is also concerned about the effectiveness of the mitigation measures presented.

See the responses to comments 8D, 8E, 8I, and 8N.

In addition, the Santa Margarita community lays within the valley floor adjacent the streams where the water table is relative to stream elevations, and the water table is relatively shallow. Existing leach field construction and operation will not be affected by the proposed project.

It is true that existing development in the vicinity of Santa Margarita relies on a water supply that has historically been impacted by drought conditions. However, the water balance study provided for the EIR is reliable based on available data and clearly identifies the potential impacts of the proposed project.

The information used in the study is adequate to draw the conclusions included in the EIR. The EIR concludes that there may be Class I impacts, in spite of the proposed mitigation measures, which require monitoring, water conservation, and imported water supply. This conclusion is based in part on some of the uncertainties alluded to in the comment. It should be noted that the water supply impact analysis was prepared by a professional hydrogeologist, using the data available, augmented by new analysis as appropriate. The conclusion of the EIR is appropriate, and notes correctly that a potentially unavoidable impact to water supply may occur.

Response 8AF

The comment concerns water consumption issues related to crop use, potential recharge from development, and long-range water consumption issues.

In general, please refer to the responses to comments 8D, 8E, 8I, 8N and 8AE.

In addition, while a cover crop between vines may be good management practice, the applicant has indicated it is not conducting this practice. Groundwater impacts from existing demand are identified in the DEIR study.

Because existing data are not available to demonstrate hydraulic connection or lack of connection between the watersheds, the establishment of a groundwater monitoring program was recommended.

Response 8AG

The commentor notes that the decision to take Nacimiento or State Water Project water would have impacts beyond those of the project that should be addressed. Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. The revised discussion addresses these concerns.

Refer also to Master Response 3a. Future Development Program water demand was evaluated in combination with proposed Agricultural Residential Cluster Subdivision water demand.

Response 8AH

Refer to Master Response 3a. The EIR evaluates total water demand from both the Future Development Program and Agricultural Residential Cluster Subdivision project, and does not make policy judgments regarding water use priorities for various land uses. However, it should be noted that State law requires provision of priority water supply for affordable housing.

Response 8AI

The commentor notes that it is unlikely that all Class I impacts to wildlife can be eliminated by importing water. The EIR does not claim that all Class I wildlife impacts would be eliminated via water importation. No further response is possible.

Response 8AJ

The commentor notes that the water budget calculations do not consider water needs for species. The water budget calculations are intended to determine the amount of water that may be used by the Agricultural Residential Cluster Subdivision and/or the Future Development Program. This does not include water for wildlife, as neither the project nor the program include "setting aside" water for wildlife. However, it should be noted that the EIR requires importation of water rather than use of groundwater, to accommodate project and program demand. Accordingly, withdrawals of groundwater will not affect wildlife.

Letter 9

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

April 5, 2007

Mr. James Caruso
Department of Building and Planning
County of San Luis Obispo
San Luis Obispo, CA 93408

Subject: Comments on the Draft EIR
Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project
And Future Development Project

Dear Mr. Caruso:

County Services Area No. 23 (CSA 23) supplies water, lighting and drainage services to the town of Santa Margarita. The town is approximately 320 acres surrounded on all sides by the Santa Margarita Ranch.

Water is currently supplied from two wells: No. 4, located in the middle of town and No. 3, located on the Southeast side of town, near Hwy. 58. Well No. 4 is the main source of water (85 percent) and taps a shallow aquifer approximately 50 feet in depth. Well No. 3 taps a deep aquifer at 740 feet, but the aquifer is in a low yielding sandstone. **A**

Current water use in the CSA is approximately 200 acre feet per year. It is estimated the town will need an additional 54 acre feet at build out. Much of the town is built on the flood plain of Yerba Buena creek. The creek channel can only hold the run off from a 5-year storm and frequently overflows its banks flooding streets, yards and sometimes homes.

The CSA 23 Advisory Group has been researching the water supply and flooding situations for many years. The Group would like to continue to co-operate with the owners of the Santa Margarita Ranch to identify and implement the most cost effective solutions. Water supply concerns are presently being addressed with either drilling a new well or hooking into the State Water System for a more reliable long-term water supply. **B**

The CSA 23 Advisory Group believes that a 100-acre foot detention basin located south of town on the Santa Margarita Ranch will provide some flood relief from the Yerba Buena Creek. This is proposed in the Santa Margarita Drainage and Flood Control Study, Final Report by RMC, Inc for the San Luis Obispo County Flood control and Water Conservation District (2004). This is not to be confused with the drainage basin plan proposed as mitigation for the Ranch. **C**

The CSA 23 Advisory Group formed a subcommittee which has reviewed the draft EIR for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and wants to be assured that the project will not adversely affect the water supply or drainage in the area served by CSA 23. Following are our comments. We have addressed **D**

Appendixes H and K and Chapters 4.5 and 4.14, as they concern water and drainage, our Advisory Group's responsibility.

After review of these sections, we found some of the data conflicting and some assumptions vague. Our concern is that this project not adversely affect the water supply or drainage in the area served by CSA 23. D

Comments on Appendix H:

Page 1. The soils investigation (Buena 2003) cited was done at the request of the property owner and the information in it should be corroborated by objective work done by Boyle. Boyle should perform a separate review to ensure the accuracy of the report. Additionally, the groundwater levels should be referenced to rainfall. The locations of the well test borings should be mapped to give an accurate picture of the ground water levels. E

Table 2. The CSA is concerned about the recommendation to use mounds for the septic systems because they do fail. F

Page 5. Detention basins are proposed to be 50 years for detention as per minimum county standard. A 100-year detention basin should be considered, as there have been multiple 100 year events in the last 10 years. The creeks in Santa Margarita have a five to 25 year flood capacities. G

Page 5. The first bulleted item does not agree with the results of the EDA report in Table 1. H

Page 6, Table 3. Pre development and post development flows show no change for Yerba Buena and Trout Creeks. I

Page 7. The Report says that Trout Creek affects the town, but Trout Creek bypasses Santa Margarita (second paragraph, line 5) J

Page 8. A private consultant is used without verification from a neutral source. According to the Cleath study, the amount of water from test wells appears inadequate. K

Page 9. Since water softeners increase the amount of TDS in ground water, and we doubt that the use of off site water softeners can be enforced we are concerned about water quality being diminished. L

Page 10. Identify who will maintain the drainage system. The DEIR just says an entity. M

Page 14. The referenced attachments (soil loss calculations) are missing. N

Appendix K: Hopkins Report

Table 1

Three items: the stable, arena, and mission structures show no water use, but they must use some. Where is the water usage of the proposed winery on the remainder parcel in the table? It does not appear to be accounted for. O

Page14. They need to indicate what formations the water for the Ag Cluster will be pumped from, which formations underlie the community of Santa Margarita and how or if the Town's water supply will be affected. P

Table 5 indicates that soil has low permeability, which means a low infiltration factor. This means the ground water basin will not recharge as expected and runoff will be greater. This information was not reflected in calculating the consumptive use. Q

Page 18. The report calls the elementary school well a high school well. R

Page 23. The wells proposed for the ag cluster don't have good records on dry cycle availability for the Trout Creek drainage; there should be a similar review of the Ag Cluster wells on down gradient wells. S

Section 4.5 Drainage, Erosion and Sedimentation

Page 4.5.1

The detention basin as proposed is too small and needs to be expanded to handle a 100-year event. T

In the Future Development Program (FDP) they state that the FDP will have a Class II impact. At this time we feel that this is speculative and unsubstantiated. They also say that they may place habitable structures in the hundred-year flood zone. U

Figure 4.5-1 does not match current 100 / 500 year County/FEMA flood maps or the CSA 23 Flood Study (2004). A regional solution for the subdivision and Santa Margarita should be considered. V

4.5.7. The drainage system should be constructed concurrently with road improvements. W

4.5-6 D2. Yerba Buena System. The drainage study produced by the qualified hydrologist should be reviewed by CSA 23. The mitigation suggested to make this issue mitigatable is flawed and based upon incomplete data and lack of guaranteed maintenance for the proposed drainage basin. The information used for the design of the basin must take into consideration not only the historic annual rainfall, soil absorption and runoff patterns, but it must use greater granularity in understanding the flooding problems affecting the community of Santa Margarita in evaluating the design and X

potential mitigation of this impact. The annual rainfall data provides weak information about the flooding behavior in Santa Margarita as a more accurate body of information would include rainfall patterns. When the soil is saturated and the rainfall is extremely heavy is when flooding is most likely to occur. If a large amount of rain falls early in the season, much of the water is absorbed by the parched soil and little flooding occurs, but if the same amount rainfall occurs after the ground is saturated, then flooding occurs. Given the difficulty of gathering this type of data, incorrect conclusions have been drawn. Because this data has not been investigated, it is inappropriate to declare that the potential flooding of Santa Margarita will or will not be made worse by the proposed Ag Cluster project and the implementation of this drainage basin. X

4.5-9. Will cattle graze or not graze, as it may or may not cause coliform in the runoff. Y

4.5-10. Add "CSA 23 Advisory Group" to review of the plan (1st paragraph). Z

4.5-12. Since they do not know where the future development will occur, they cannot predict the level of impact. AA

Section 4.14 Water and Wastewater

Table 4.14-1. Do they identify where the existing seven support houses are in relation to the community? This is the Hopkins table that did not address stable, arena and mission building uses, this should be addressed in this table, too. AB

4.14-2. On 5/18/04 the Board of Supervisors authorized County staff to pursue cooperative development of water supply between CSA No. 23 and the Santa Margarita Ranch. Please include a copy of the agreement discussed or policy or Board Agenda Item. The CSA 23 Advisory Group is unaware of any outcome. AC

4.14-3. Consumptive use. Evidence to support the notion that 40% of rural residential use and 32% of agricultural water results in groundwater recharge is not based in fact. This analysis did not take into consideration the soil type and subsurface structure of the area. Since the Santa Margarita area is known for its clay soil, percolation would be reduced. If there is a clay lens strata under the surface, much of the water used will not make it into the ground water basin and would tend to come out of the ground in springs or into the numerous creeks that traverse the area. AD

Table 1 in this section does not include water use of the area around the Assistencia, Information should be included for the water used for dust control, horses and spectators to provide a more accurate water use calculation. AE

The last paragraph of page 2-33 discusses proposed buildings, including wineries within the Agricultural Conservation Easement (ACE). The impacts caused by this portion of the project are not discussed in the water balance calculations as well as other areas studied in the DEIR. There is also no discussion of other water uses on the open space parcel. Depending on the ACE's for this parcel, different water demands will be needed. AF

The requirements of the ACE's must be known to adequately address the water demands for uses on this parcel. Under current zoning there is a broad range of uses allowed on this open space parcel. Those uses should be limited and investigated. Without knowing what uses are proposed it is impossible to determine the impacts associated with them. **AF**

Farm support buildings within the ACE should be exactly described to adequately address the impacts associated with this use.

4.14-4 b. All CSA 23 wells are within the boundaries of CSA 23, not "in the vicinity." **AG**

4.14-5. The drainage basins will not greatly affect the recharge as when they are full, the ground is likely to be saturated. **AH**

The CSA Advisory Group is extremely concerned about any well developed on the Ranch that will affect the Water Supply for the town. **AI**

4.14-6. The Ranch should comply with the recommendations of the mitigation measures. Please add "CSA 23 Advisory Group shall review groundwater and stream flow data" in addition to the County reviewing it. **AJ**

Respectfully Submitted,

Rob Kinnear

Rob Kinnear
Chairman, CSA 23 Advisory Group

DEIR Sub-Committee:

Tom Becker
David Blakely
Ann Flynn
Rob Kinnear
Alan Volbrecht
John Wilkins

Letter 9

COMMENTOR: Rob Kinnear, Chairman, Community Service Area No. 23 (CSA 23) Advisory Group

DATE: April 5, 2007

RESPONSE:

Response 9A

The comment is noted.

Response 9B

The comment is noted.

Response 9C

The comment is noted.

Response 9D

The comment is noted.

Response 9E

Refer to Master Responses 6 and 7.

Response 9F

The commentor expresses concern over the recommendation to use mounds for septic systems.

Although septic mound systems are mentioned in Table 2 in Appendix H (Drainage and Wastewater Analysis), the table merely states that County Environmental Health is working on developing special design requirements for septic systems in the Santa Margarita area. It does not recommend this type of system in the Santa Margarita area. In addition, the only place in the EIR where "mounding" is mentioned is in Future Development Program measure W-2(a) (Groundwater Characterization Study), which requires a characterization study to analyze groundwater mounding potential. Groundwater mounding is described in Response 36U. As noted therein, it does not refer to a septic system design.

Response 9G

The commentor recommends that a 100-year detention basin be considered. Refer to Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation*, which require 100-year detention basins.

Response 9H

The bulleted item in question is not intended to summarize findings in the "Preliminary Drainage Report for Santa Margarita Ranch" by EDA (Revised March 29, 2004). Information provided by EDA was reviewed by the EIR consultants, and verified or revised as appropriate.

Response 9I

The commentor notes that pre-development and post-development flows show no change for Yerba Buena and Trout Creeks. The commentor referenced Table 3 of Appendix H. Yerba Buena and Trout Creeks are fairly large watersheds (4.5 and 8.8 square miles, respectively) and the Agricultural Residential Cluster Subdivision is relatively close to the community of Santa Margarita, particularly compared to the overall "length" or maximum flow path within each of these watersheds. As a result, the numbers in Table 3 of Appendix H are correct.

Response 9J

The commentor notes that Trout Creek bypasses the community of Santa Margarita. The second paragraph on page 7 of Appendix H has been revised accordingly.

Response 9K

The commentor claims that a private consultant is used without verification of a neutral source. The private consultant who provided data for the water quality analysis was Curtis Hopkins, a registered hydrogeologist, neutral third-party source, and member of the EIR team under contract to the County of San Luis Obispo. Refer also to Master Response 6.

Response 9L

The commentor expresses concern that the use of off-site water softeners cannot be enforced. Refer to Agricultural Residential Cluster Subdivision measure W-3(a) (Water Softeners) in Section 4.14, *Water and Wastewater,* of the Final EIR, which prohibits the installation of water softeners which require on-site regeneration or are self-regenerating. Refer also to Response 8S.

Response 9M

The commentor requests identification of who will maintain the drainage system. Refer to Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System). As noted therein, an entity, comprised of homeowners, shall be formed to maintain storm drain systems for the life of the Agricultural Residential Cluster Subdivision. This entity will function as a Home Owners Association.

Response 9N

The commentor requests inclusion of the attachments referenced in Appendix H. These documents were included in and circulated with the Revised DEIR, and are also included in the Final EIR.

Response 9O

The uses of the proposed winery are included in the assumptions inherent in the Future Development Program portion of the table on pages 5 and 6.

Response 9P

The hydrogeological study analyzed the impacts of the proposed project on the Santa Margarita water supply and found that because the proposed groundwater production for the Project would be in the Trout Creek and Rinconada Creek watersheds the pumping impacts would be less than significant in the Santa Margarita and Yerba Buena Creek watersheds where the community water supply wells are located (see page 27). If the location of groundwater production for the project changes to one of the other watersheds, or a location that could impact runoff from one of the other watersheds, then there could be a significant impact to the shallow groundwater source that supplies Santa Margarita and Garden Farms. A discussion of this is provided in the cumulative impacts section (see page 28).

Response 9Q

The comment concerns the relationship between soil permeability and infiltration.

Septic leach fields, mound systems, or vertical shafts will be designed based on County standards and site specific soil types to handle the volume of water being discharged from the homes. Because the septic discharge is over a large area at a relatively low rate (note the density of housing per acre) the low permeability soils that are reportedly present are believed capable of percolating the volume of residential effluent. Should mounding systems be utilized for disposal and evapotranspiration of plants is the main mechanism of water removal from these systems, the offset/reduction in irrigation demand should compensate for the amount of water that does not percolate back to groundwater.

Response 9R

The comment provides clarification of the status of a well that is referred to in the DEIR. However, no substantive issue is raised. The comment is noted, but does not affect the analysis in the DEIR.

Response 9S

The hydrogeological study analyzed the impacts of the proposed project on the Santa Margarita water supply and found that because the proposed groundwater production for the Project would be in the Trout Creek and Rinconada Creek watersheds the pumping impacts would be less than significant in the Santa Margarita and Yerba Buena Creek watersheds where the community water supply wells are located (see page 27). If the location of groundwater production for the Project changes to one of the other watersheds, or a location that could impact runoff from one of the other watersheds, then there could be a significant impact to the shallow groundwater source that supplies Santa Margarita and Garden Farms. A discussion of this is provided in the cumulative impacts section (see page 28).

Response 9T

The commentor states that the detention basin as proposed is too small and needs to be expanded to handle a 100-year event. Refer to Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System), which require 100-year detention basins.

Response 9U

The commentor claims that a Class II, *significant but mitigable,* impact for the Future Development Program is speculative and unsubstantiated. The commentor does not provide evidence to support this claim. Refer to Master Response 3b and the discussion under Future Development Program Impacts D-2, D-3 and D-4 for evidence to support the Class II, *significant but mitigable,* findings for each of these impacts.

Response 9V

The commentor claims that Figure 4.5-1 does not match the current FEMA flood maps or the CSA 23 Flood Study (2004). The floodplain indicated on the maps represents the latest FEMA Flood Insurance Rate Maps (FIRM) for this area (Refer to Response 2A).

Response 9W

The commentor recommends that drainage systems be installed prior to construction.

Although construction-related activities may increase erosion and sedimentation within drainages, these impacts are assessed under Agricultural Residential Cluster Subdivision Impact D-1. As discussed therein, compliance with the National Pollutant Discharge Elimination System (NPDES) program and compliance with county grading and storm water ordinances would ensure less than significant construction-related drainage impacts. Measures D-2(a) and D-2(b) are intended to mitigate operational impacts.

Response 9X

Agricultural Residential Cluster Subdivision measure D-2(a) (Yerba Buena Drainage System) requires preparation of a Drainage Study by a qualified hydrologist. The commentor recommends that this Drainage Study be reviewed by CSA 23. Although review of the study is under the jurisdiction of the County Public Works Department and Planning Department, the Departments retain the discretion as to whether to allow review of the study by CSA 23. Similarly, design of detention basins would also be subject to review by the County Public Work Department and Planning Department.

Response 9Y

As noted in the second paragraph below Agricultural Residential Cluster Subdivision Impact D-4, the conversion of portions of the site from agricultural to residential use would remove cattle from the Agricultural Residential Cluster Subdivision area, thereby decreasing the quantity of pathogens (such as coliform bacteria) entering stream courses in the area.

Response 9Z

Agricultural Residential Cluster Subdivision measure D-4(a) (Pollutant Removal Techniques) requires that drainage plans be submitted to Planning and Building, Public Works and Environmental Health Services for review and approval prior to issuance of grading permits. The commentor recommends that the CSA 23 Advisory Group review this plan. Although review of the plans is under the jurisdiction of the County Public Works Department and Planning Department, the Departments retain the discretion as to whether to allow review of the study by CSA 23.

Response 9AA

Refer to Master Response 3b.

Response 9AB

While the table does not include estimates for the "existing" uses identified by this comment, the amount of existing use is observed in the groundwater response to production that supplies them. An attempt to estimate these uses would raise the estimated existing demand somewhat; however, the level of significance of the existing impacts will not change. The uses of the open space parcel are assumed within the Future Development Program portion of the table on pages 5 and 6.

Response 9AC

The comment requests that information be included documenting a cooperative agreement between CSA 23 and Santa Margarita Ranch. The information is available at the County as part of the administrative record, but does not reflect on the adequacy of the EIR's conclusions.

Response 9AD

The commentor claims that the information in the Draft EIR does not support the assumption that 40% of rural residential water use and 32% of agricultural water results in groundwater recharge.

Septic leach fields, mound systems, or vertical shafts will be designed based on County standards and site specific soil types to handle the volume of water being discharged from the homes. Because the septic discharge is over a large area at a relatively low rate (note the density of housing per acre) the low permeability soils that are reportedly present are believed capable of percolating the volume of residential effluent. Should mounding systems be utilized for disposal and evapotranspiration of plants is the main mechanism of water removal from these systems, the offset/reduction in irrigation demand should compensate for the amount of water that does not percolate back to groundwater.

Response 9AE

Please refer to the response to comment 9AB.

Response 9AF

Please refer to the response to comment 9AB.

Response 9AG

The comment provides clarification of the status of a well that is referred to in the DEIR. However, no substantive issue is raised. The comment is noted, but does not affect the analysis in the DEIR.

Response 9AH

Please refer to the response to comment 9AD.

Response 9AI

Please refer to the response to comment 9S.

Response 9AJ

The commentor agrees that the applicant must comply with the recommendations of the mitigation measures, and requests that the CSA 23 Advisory Group review groundwater and stream flow data as part of the mitigation process. The suggestion is noted and will be considered by the County.

Letter 10

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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April 9, 2007

SLO-58 PM 0.0/3.14

James Caruso
Department of Planning & Building
San Luis Obispo County
County Government Center, Rm 310
San Luis Obipso, CA. 93408-2040

Dear Mr. Caruso;

RE: Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project (Ag Cluster) and Future Development Program - Draft EIR - NOC

The California Department of Transportation (Caltrans) has reviewed the above referenced project information and as a result, the following comments were generated.

1. (Ref. Section 4.12, *Transportation and Circulation*, Figure 4.12-4, *Residential Trip Distribution.* The number of trips (25%) performing a right turn from Estrada Avenue and heading north on El Camino Road seems high for morning traffic conditions. For the a.m. peak hour, we feel that 10% may be a more realistic percentage heading north on El Camino Real and that the other 15% would head south on U.S. 101 to San Luis Obipso since it is the leading job market in the county. **A**

2. (Ref. Section 4.12, *Transportation and Circulation*, Figure 4.12-*5 Proposed Agricultural Residential Cluster Subdivision Trip Assignment*) According to Figure 4.12-5, approximately 25% (21 a.m. inbound trips) of the a.m. peak hour will be heading back into the AG Cluster. The traffic study uses the standard peak hour split (26% entering and 64% leaving) offered in the Institute of Transportation Engineers (ITE) *Trip Generation.* But given the exclusive nature of the residences that will be offered in the Ag Cluster, it may not be reliable to surmise that these homeowners will be working a night shift which could be one explanation for trips heading back into the Ag Cluster during the a.m. peak hour. It may be more meaningful to assume a much lower ingress split for the a.m. trip generation/distribution. **B**

3. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-22 *Existing + Agricultural Residential Cluster Subdivision Freeway Ramp Operations,)* The traffic study offers an adequate discussion of the 101/58 northbound off-ramp and 101/58 southbound off-ramp operations as affected by Ag Cluster traffic impacts. Missing however, is a weave analysis for both 101/58 on-ramp operations – how safely can traffic from the Santa Margarita area and the Ag Cluster in particular, merge with the fast-moving through traffic on U.S. 101. The traffic analysis needs to document the safety and operational impacts of the added Ag Cluster traffic to these ramps and the operation of U.S. 101. C

4. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-24 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, El Camino Real/Estrada Avenue Intersection Section T-1(d)*) There are a number of operational, geometric and potential safety issues at this intersection that need more analysis than is provided in the EIR's traffic study. Of paramount importance is the issue of added a.m. peak hour traffic from the Ag Cluster and this intersection's proximity to the railroad tracks.

   On the top of page 4.12-24 is a one-sentence discussion of the issue of the intersection's proximity to railroad tracks, stating; "A review of the northbound (Estrada Avenue) queues indicate that the northbound left-turns are projected to queue back to the railroad tracks during the a.m. peak hour." This brief declarative statement is not a sufficient analysis for this important safety issue. Although a, *Manual on Uniform Traffic Control Devices (MUTCD)* signal warrants analysis was conducted at the intersection, the analysis was limited to studying the need for protected left-turn signal phasing for westbound El Camino Real traffic turning onto Estrada Avenue. Signal Warrants were not met for this turning movement according to the traffic study. There was no disclosure in the traffic study if an MUTCD analysis for signal warrants were met for northbound Estrada Avenue traffic turning left to head west on El Camino Real. More specifically, can MUTCD signal warrants for any turning movement be met given the intersection's very close proximity to the railroad tracks? If warrants can be met, what will be the conditions associated with the placement of the signal and the phasing of the signal timing? Also, what are the alternatives if a traffic signal cannot be placed there? D

   A full safety analysis needs to disclose the ramifications of adding the Ag Cluster's traffic to the existing a.m. peak hour queue that will back onto the railroad tracks. The safety analysis needs to disclose if there are safety issues, and if there are any, what are the implications if the Ag Cluster cannot mitigate back to non-significance any potential safety issues at the El Camino Real/Estrada Avenue Intersection.

5. (Ref. Section 4.12-*Transportation and Circulation*,, Page 4.12-24 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Estrada Avenue/H Street Intersection – Santa Margarita Elementary School Crossing*) This section states that there is "limited sight-distance due to an existing crest on Estrada Avenue," and that, "Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph design speed and may not have sufficient time and pavement to come to a complete stop if pedestrians are crossing Estrada Avenue to travel to Santa Margarita School or to Santa Margarita Park" **E**

   This section goes on to state that a Flashing Beacon School Crossings Warrant (Section 4K.103 MUTCD 2003 CA Supplement) is satisfied under existing + project conditions. The warrants analysis used expected traffic volumes (exceeding 140 vehicles during analysis interval), school age kids (numbering 40), and critical approach speeds (above 35 mph) to analyze if warrants were met. The EIR does not say to what degree or if the flashing beacons will address the lack of appropriate stopping sight distance at the intersection. Nor does it disclose the extent to which the intersection operation will be exacerbated by additional traffic from the Ag Cluster – only that a flashing beacon will be warranted based on the above criteria.

6. (Ref. Section 4.12-*Transportation and Circulation*,, Page 4.12-25 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Mitigation Measures T-1(a))* Caltrans, supports the concept of realigning State Route (SR) 58 along a tangent, south of J Street. We therefore encourage this being included as a condition of approval for the Ag Cluster. **F**

7. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-25 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Mitigation Measures T-1(b)* through *T-1(c)).* The traffic study did not include a weave analysis for either the northbound or southbound 101-58 on-ramps. A weave analysis needs to be included in the traffic study. The current on-ramps have non-standard geometric configurations and therefore, the Ag Cluster will add traffic on a non-standard facility. Lengthening the on-ramps to current standards may be a suitable mitigation strategy. It is the Lead Agency's discretion to not treat the ramp improvements on the 101/58 Interchange as project-specific mitigation, however, Caltrans requires that all improvements to the on-ramps and off-ramps be in place by the certificate of occupancy for the final phase of the AG Cluster's development. **G**

8. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-25 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Mitigation Measures T-1(b) U.S. Northbound Off-Ramp to SR 58)* Caltrans agrees in concept to the mitigation being offered for the northbound off-ramp. If the improvements to the ramp do not meet the criteria of work that can be done with an encroachment permit, a Project Study Report/Project Report (PSR/PR) can be prepared. Mitigation costs needs to include the securing of all encroachment permits or final project development documentation as well as construction. If the improvements can be done with an encroachment permit, they may be approved for each separate interchange improvement and can be timed as successive phases of development of the Ag Cluster are absorbed by the housing market and successive increments of traffic occur at the interchange. H

9. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-26 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Mitigation Measures T-1(c) U.S. Southbound Off-Ramp to SR 58)* See comment # 8. I

10. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-26 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Mitigation Measures T-1(d) El Camino Real/Estrada Avenue)* The mitigation for this intersection needs to be based on a thorough safety analysis (considerably more than just " Consideration should be given to the railroad tracks, which are located 60 feet from the intersection") as discussed in previous comment # 4. The only mitigation being offered here is bringing the Estrada Avenue approach grade up the El Camino Real grade. This may not be possible given the short distance between El Camino Real and the tracks. J

11. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-26 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Mitigation Measures T-1(e)Estrada Avenue/H Street Warning Beacon)* The installation of the warning beacon will require an encroachment permit from Caltrans. We requests that the Lead Agency require as a condition of approval for the Ag Cluster development, the elimination of the hill/crest between H Street and I Street as a means of improving the stopping sight distance. K

12. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-26 *Existing + Agricultural Residential Cluster Subdivision Intersection Operations, Mitigation Measures T-2, Site Access)* Caltrans recommends realigning SR 58 tangentially south of J Street. The realignment would become the new SR 58 route south of J Street through the Ag Cluster on an alignment to be selected after further study. As mentioned in the traffic study, the realignment would have the effect of eliminating the 90-degree corner south of J Street. L

It would also have the potential benefit of facilitating as mitigation, the bicycle and pedestrian facilities along SR 58. On the current SR 58 alignment, engineering and environmental constraints exist that will make it difficult to incorporate bicycle and pedestrian facilities. L

13. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-34, *Future Development Program Impact T-1)* Significant impacts to State highway facilities that will occur as a result of additional traffic loading from the Future Development Program and other cumulative project impacts. Caltrans recommends that formal studies (e.g. PSRs, Project Approval & Environmental Document - PA&ED, etc.) commence as soon as possible to study the ultimate improvements needed at the 101/58 Interchange. This will be a prudent measure to ensure that State highway improvements are in place as the future development program comes on-line. All improvements within the State's Right of Way will require either an encroachment permit or formal environmental studies. The installation of traffic signals as Future Development Program impact mitigation - along SR 58 through the downtown, can probably be achieved with an encroachment permit. Final authority to allow the placement traffic signals on State highway facilities rests with Caltrans. M

14. (Ref. Section 4.12-*Transportation and Circulation*, Page 4.12-40, *Funding Plan)* Caltrans agrees that a that a funding plan needs to be prepared to show how the Future Development Plan will participate in financing improvements on State highway facilities, such as main line improvements on U.S. 101 and the above mentioned 101/58 Interchange ultimate improvement project. The funding plan could be done simultaneously and in conjunction with the preparation of supplemental studies such as the ultimate improvement analysis of the 101/58 Interchange. N

If you have any questions, please contact me at 549-3683.

Sincerely;

James Kilmer
District 5
Development Review

cc: Jim Patterson – SLO County Supervisor
Ron DeCarli – Director of SLOCOG

Letter 10

COMMENTOR: James Kilmer, Development Review, California Department of Transportation, District 5

DATE: April 9, 2007

RESPONSE:

Response 10A

The commentor notes that the number of trips performing a right turn from Estrada Avenue and heading north on El Camino Real seems high for morning traffic conditions.

The project trip distribution was developed in consultation with County and Caltrans staff and is based on existing travel patterns and the location of complementary land uses. Nearly half of Agricultural Residential Cluster Subdivision traffic was assigned south on US 101 towards San Luis Obispo. County staff also commented that residential traffic traveling to jobs, school and service to Atascadero would use El Camino Real because it is a shorter route than US 101 and travelers would save time by not traveling through downtown Santa Margarita.

Response 10B

The commentor argues that the DEIR should assume a lower ingress split for the Agricultural Residential Cluster Subdivision morning trip generation/distribution, based on the assumption that Agricultural Residential Cluster Subdivision homeowners would not be working at night.

Trips generated by residential development include work trips, school trips, trips to commercial uses, and other trips. Home-based work trips typically represent 25 to 35 percent of all trips. The majority of the inbound trips to project residences during the morning peak hour are expected to be non-work trips.

Response 10C

The commentor notes that a weave analysis of the US 101/SR 58 interchange is missing from the DEIR. Such an analysis is not applicable to the US 101/SR 58 interchange because no weaving maneuvers are made at or near the US 101/SR 58 interchange. Vehicles either merge or diverge when traveling between the two State facilities. The Final EIR does include a merge and diverge analysis of the interchange to evaluate operations.

Response 10D

The commentor argues that although a *Manual on Uniform Traffic Control Devices* (MUTCD) signal warrants analysis was conducted that the El Camino Real/Estrada Avenue intersection, this analysis was limited to studying the need for protected left-turn signal phasing for westbound El Camino Real traffic turning onto Estrada Avenue. The commentor recommends that MUTDC signal warrants analyses be conducted for northbound Estrada Avenue traffic turning left to head west on El Camino Real.

It should be clarified that MUTCD peak-hour signal warrants are not conducted for individual turning movements. The MUTCD takes into account the total intersection peak-hour volumes. Therefore, the entire El Camino Real/Estrada Avenue intersection was analyzed. Left-turn channelization warrants were evaluated for the westbound movement (from El Camino Real to Estrada Avenue) to determine if left-turn channelization is warranted. This analysis was not conducted for the northbound left-turn movement because the intersection approach is wide enough to allow vehicles to turn right even with a left-turn queue.

In addition, although the commentor notes that signal warrants were not met under Existing + Agricultural Residential Cluster Subdivision conditions, the results of the MUTCD peak-hour warrants indicate that a signal is warranted under Cumulative + Agricultural Residential Cluster Subdivision + Future Development Program conditions [refer to Future Development Program measure T-1(d) (El Camino Real/Estrada Avenue Signalization), previously T-1(a)].

Response 10E

The commentor claims that the DEIR fails to state to what degree Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) will address the lack of appropriate stopping sight distance at the Avenue/H Street intersection.

The installation of a pedestrian-activated advance warning beacon will not completely resolve the stopping sight distance deficiency at the Estrada Avenue/H Street intersection. However, the beacon, when activated, will notify approaching drivers of pedestrians crossing at the intersection and improve conditions for pedestrians. The impact of traffic from the Agricultural Residential Cluster Subdivision on operations at the Estrada Avenue/H Street intersection is presented in Tables 4.12-12 and 4.12-16.

Response 10F

The commentor's statement that Caltrans supports Agricultural Residential Cluster Subdivision measure T-1(a) (SR 58 South of J Street) is noted. Refer also to Master Response 1.

Response 10G

The commentor notes that the DEIR did not include a weave analysis for either northbound or southbound US 101/SR 58 ramps. Refer to Response 10C.

The commentor additionally notes that Caltrans would require that all improvements to the US 101/SR 58 ramps be in place prior to Agricultural Residential Cluster Subdivision occupancy. Refer to revised Agricultural Residential Cluster Subdivision measures T-1(b) and T-1(c) in Final EIR Section 4.12.2(c) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures), which now require that improvements be installed by the applicant prior to occupancy clearance.

Response 10H

The commentor's statement that Caltrans supports Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58) is noted. Refer also to Master Response 1.

Response 10I

The commentor's statement that Caltrans supports Agricultural Residential Cluster Subdivision measure T-1(c) (U.S. 101 Southbound Off-Ramp to SR 58) is noted. Refer also to Master Response 1.

Response 10J

The commentor notes that Agricultural Residential Cluster Subdivision measure T-1(d) (El Camino Real/Estrada Avenue Redesign) needs to be based on a thorough safety analysis.

This mitigation measure would upgrade the El Camino Real/Estrada Avenue intersection to current design standards. In addition, as revised in the Final EIR, this measure now requires that advance limit lines for northbound Estrada traffic be provided immediately south of the rail tracks, and a Manual on Uniform Traffic Control Devices (2003 Edition) R8-10 sign which states "Stop Here When Flashing" be provided to minimize the potential for vehicles to stop directly on the railroad tracks.

Refer also to Response 10D.

Response 10K

The commentor notes that the installation of the warning beacon required by Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) will require an encroachment permit from Caltrans. Refer to the revised measure, located in Section 4.12.2(c) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR, which notes this requirement.

Response 10L

The commentor notes that Caltrans recommends realigning SR 58 tangentially south of J Street, as required by Agricultural Residential Cluster Subdivision measure T-1(a) (SR 58 South of J Street). The comment is noted. Refer also to Master Response 1.

Response 10M

The commentor recommends that formal Caltrans studies commence as soon as possible to determine the ultimate improvements needed at the US 101/SR 58 interchange. The FEIR includes mitigation measures that require preparation of appropriate Caltrans environmental documents to evaluate improvements at this interchange. The County, in consultation with Caltrans, will ultimately be the lead agency for such reports.

Response 10N

The commentor notes that Caltrans agrees that a funding plan needs to be prepared to show how Future Development Program applicants will participate in financing necessary roadway improvements. The comment is noted. Refer also to Master Response 1.

Letter 11

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April 9, 2007

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

RE: Draft Environmental Impact Report for Santa Margarita Ranch

Dear Mr. Caruso,

The San Luis Obispo County Parks and Recreation Commission enthusiastically supports providing recreation and trails consistent with the SLO County Park and Recreation Element, as adopted unanimously by the Board of Supervisors on December 19, 2006. **A**

We support the U.S. Forest Service's efforts to connect Forest Service lands to Santa Margarita Ranch and the community of Santa Margarita. Although we did not take a formal vote on this specific issue at our March 22, 2007 meeting, we have traditionally supported these kinds of connectors. **B**

While the current Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project may not be appropriate for requiring the connector, future project may be and we would appreciate your keeping that in mind. **C**

Sincerely,

Pandora

Pandora Nash-Karner
Parks Commissioner, District 2

cc: Bruce Gibson
Jan Di Leo
Pete Jenny

Letter 11

COMMENTOR: Pandora Nash-Karner, Parks Commissioner, District 2, Pandora & Company/San Luis Obispo County Parks and Recreation Commission

DATE: April 9, 2007

RESPONSE:

Response 11A

The commentor's statements that the San Luis Obispo County Parks and Recreation Commission supports providing recreation and trails consistent with the Park and Recreation Element are noted.

Response 11B

The commentor's statement that the San Luis Obispo County Parks and Recreation Commission supports connecting the Santa Margarita Ranch and community of Santa Margarita with the U.S. Forest Service land is noted.

Response 11C

The commentor's request that future projects provide a connection between the Santa Margarita Ranch and community of Santa Margarita with the U.S. Forest Service land is noted.

Comments on Administrative Draft Santa Margarita Ranch EIR that were not addressed in the DEIR

From Julie Eliason, Environmental Resource Specialist

April 10, 2007

Biology Section:

13. Also include copies of previous biological reports in the appendix. Indicate how much of the ranch was surveyed (the entire project site? The entire project site outside of the vineyards?) Only 3 of the biological reports were included in the appendix. **A**

14. This section should include tables of all potentially occurring sensitive plant and wildlife species (as determined by CNDDB and other sources).
Both lists should include all potentially occurring sensitive plant and animal species as identified by The CNDDB and other sources. Shortened lists that include the most likely species to occur can also be presented, but the more comprehensive lists should also be included. The EIR only included species observed on the ranch. Another table of sensitive species not found onsite was included in the appendix but not referenced in EIR. **B**

20. The sensitive species tables indicated the survey results for each species, but the text of the biology section should also include this information. The best place to include it is in the section that includes the written description for each species. **C**

22. Page 4.3-34, Impact B-3: This project will not only impact oak trees but may qualify for significant impacts to oak woodland habitat. The County is currently working on an oak woodland mitigation program, which may go into effect soon. Discuss with the County Environmental and Resource Management Division whether this mitigation should be incorporated into the EIR. (later discussion with Ellen Carroll indicates that oak woodland mitigations should be incorporated into the EIR). Only oak tree mitigation was included but no oak woodland mitigation as required by the Kueh Bill. The Kuehl Bill was mentioned but no appropriate mitigation for loss of oak woodland habitat discussed. **D**

Is there room on the project site outside of the proposed development area to plant 1600 oak trees (400 tree removed X 4:1 mitigation ratio)? **E**

28. Page 4.3-41, last paragraph: Change monitoring requirements as described in the Impacts section of this document. Add language that all restoration/mitigation efforts must be coordinated to ensure they do not conflict with one another (for example, you do not want applicant to plant oak trees in the **F**

needlegrass restoration area without adequate coordination between all responsible parties. F

32. General Comment: It was confusing that some of the impacts and mitigation measures (MM) for the cluster subdivision and the future development program were numbered the same, but they didn't necessary correspond to each other. I suggest giving the future development program unique impact and MM numbers that cannot be confused with the numbers used for the cluster project. G

33. Page 4.3-19: No description of the western spadefoot toad was included in the species description section. Please include. H

41. Page 4.3-34 and 35: Impacts to oak woodlands needs to be addressed in the EIR as per SB1334 Kuehl Bill). Please see Julie Eliason or John McKenzie in the Environmental Division for this information. Kuehl Bill was mentioned but mitigation for loss of oak woodland was not discussed (only mitigation for loss of individual oak trees was discussed. The Kuehl Bill has specific requirements. I

58. Page 4.3-46, MM B-5(e): Worker Education Program: The worker education program should be a requirement to provide information about all sensitive resources and not be limited to just the mariposa lily. I suggest including a worker education program mitigation measure for all resources. This measure was added to B-5(e) but should also be added to B-9 J

67. Page 4.3-49, residual impacts, line 3: It is not clear how MM B-9(b) (southwestern pond turtle avoidance, capture, and relocation) would reduce impacts to VPFS. Either justify why this measure would reduce impacts to VPFS or delete. K

72. Page 4.3-51, MM B-7(b): Include other measures to decrease impacts to SS such as onsite monitor, marked access routes, educational training, trash removal, spill prevention measures, etc. L

73. Page 4.3-52, MM B-7(b), 2nd para: Include take avoidance measures such as monitoring, access routes, etc. For all future development and cluster subdivision impacts, describe how species/resources would be impacted. (e.g. mortality, sedimentation, loss of habitat, etc.) M

75. Page 4.3-52, MM B-7(b), 2nd para on this page, lines 2 & 4: Delete reference to USFWS since NOAA does consultation for SS. N

76. Pages 4.3-52 to 4.3-54, MM B-8: The description of impacts seemed a bit confusing. One way to clarify would be to insert subheadings for short term, long-term, direct, and indirect impacts. O

86. Page 4.3-58, Impacts to special status wildlife: This section did not include a discussion of impacts to the spadefoot toad or coast range newt, but they are species expected or known to occur on site. This section should include more details about the impacts. For example, how will the project impacts badgers, pallid bats, and Townsend's big eared bat? Partially addressed. P

91. General Comment: I suggest that you include some mitigation measure(s) that reduce impacts to all aquatic species such as pre-construction surveys, education, monitoring, trash removal, spill prevention, etc. This measure was included in B-5(e) but also should be in B-9. Q

101. Page 4.3-67, Impact B-2: Change impact description to include impacts to oak woodland habitat (in addition to oak tree impacts). R

123. Page 4.3-75, MM B-9(a), 1st para: It is not clear how B-6(a), B-6(b), and B-8(a) will benefit spadefoot toads. Pools should be avoided, if possible. If pool is to be destroyed by the development, at a minimum, the work should be done at after the pool dried up. S

Letter 12

COMMENTOR: Julie Eliason, Environmental Resource Specialist, County of San Luis Obispo, Department of Planning and Building, Environmental Division

DATE: April 10, 2007

RESPONSE:

Response 12A

Previous biological reports used for EIR evaluations are available for review at the San Luis Obispo County Department of Planning and Building, at the County Government Center at the corner of Monterey Street and Osos Street. The entirety of the Agricultural Residential Cluster Subdivision site was surveyed, as were ponds and creeks on the remainder of the Ranch. Biological analyses for Future Development Program conceptual land uses were conducted programmatically based on review of historical resource records, aerial photography, and knowledge of the property and area.

Response 12B

Tables 4.3-3 (Special-Status Plant Species Occurring Within the Project Site) and 4.3-4 (Special Status Wildlife Species Potentially Occurring on the Project Site) in Section 4.3, *Biological Resources,* of the Final EIR do not only list species observed on the Ranch, as suggested by the commentor. Rather, these tables list special-status plants and animal species that may occur in the vicinity based on CNDDB records of the area. The tables then describe the suitability of the Agricultural Residential Cluster Subdivision and Future Development Program sites for potential occurrence of these species, including observations, as applicable. This methodology is described in Section 4.3.1(e) (Special-Status Species) in the Final EIR.

Response 12C

The commentor suggests that information in Tables 4.3-3 (Special-Status Plant Species Occurring Within the Project Site) and 4.3-4 (Special Status Wildlife Species Potentially Occurring on the Project Site) in Section 4.3, *Biological Resources,* of the Final EIR also be included in the setting discussion. The purpose of these tables is to summarize data in a succinct matter. Adding this discussion to the setting would lengthen the discussion unnecessarily and would not provide new information or alter the analysis. Surveys results in indicated in the text description of each species.

Response 12D

Refer to the *Updated Oak Tree Impacts and Mitigation* discussion in Section 2.3 (Biological Resources) of the Revised Draft EIR, which has also been incorporated into Agricultural Residential Cluster Subdivision Impact B-3 and associated mitigation measures in Section 4.3, *Biological Resources,* of the Final EIR. The oak woodland mitigation and Kuehl Bill discussion requested by the commentor is included therein.

Response 12E

Refer to Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in Section 4.3, *Biological Resources,* of the Final EIR. As required therein, a County approved arborist shall prepare an oak tree replacement plan, including identification of replacement planting areas.

Response 12F

Refer to Agricultural Residential Cluster Subdivision measures B-1(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-1(b) (Oak Tree Replacement, Monitoring, and Conservation) in Section 4.3, *Biological Resources,* of the Final EIR.

Response 12G

The commentor's suggestion is noted. However, the numbering system for mitigation measures is consistent throughout all EIR impact sections and is intended to distinguish between the project and program by stating "Agricultural Residential Cluster Subdivision" or "Future Development Program" directly before the mitigation number.

Response 12H

A description of western spadefoot has been added to the Section 4.3.1(e) (Special-Status Species) in Section 4.3, *Biological Resources,* of the Final EIR, as requested by the commentor.

Response 12I

Refer to Response 12D.

Response 12J

The commentor-referenced mitigation measure [Agricultural Residential Cluster Subdivision measure B-5(e) (Worker Education Program)] requires a worker education program which includes information about "the San Luis Obispo mariposa lily, San Luis Obispo County morning glory, vernal pool fairy shrimp, South/Central California Coast Steelhead, California red-legged frog, and other special-status plant and animal species occurrences on-site." Refer to this measure in Section 4.3, *Biological Resources,* of the Final EIR.

Response 12K

The mitigation measure referenced by the commentor is not intended to reduce impacts to vernal pool fairy shrimp (VPFS). Refer to Agricultural Residential Cluster Subdivision Impact B-6 and measures B-6(a) (VPFS Presence/Absence Determination) and B-6(b) (Mitigation for VPFS) for a discussion of impacts and mitigation measures related to VPFS.

Response 12L

Refer to the revised Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] in Section

4.3, *Biological Resources,* of the Final EIR. Refer also to Response 12J. Worker education is required by Agricultural Residential Cluster Subdivision measure B-5(e) (Worker Education Program).

Response 12M

Refer to Response 12L. Refer also to Future Development Program Impact B-7 for analysis of Future Development Program impacts on steelhead.

Response 12N

Refer to the revised Agricultural Residential Cluster Subdivision measure B-7(a) (Mitigation for Steelhead) in Section 4.3, *Biological Resources,* of the Final EIR.

Response 12O

The commentor's recommendation is noted. However, the commentor requested revision would not alter the analysis of conclusion under Agricultural Residential Cluster Subdivision Impact B-8.

Response 12P

The commentor states that impacts to western spadefoot, Coast Range newt, American badger, pallid bat, and Townsend's big-eared bat are not fully discussed in Agricultural Residential Cluster Subdivision Impact B-9. The western spadefoot was omitted from the Draft EIR because it has not been found on the site. Refer also to Response 12H. The Coast Range newt was similarly omitted because it is not expected to occur on-site. Impacts to the other species mentioned by the commentor are detailed under *Impacts to Special-Status Wildlife* in Agricultural Residential Cluster Subdivision Impact B-9.

Response 12Q

The requested measure is included in Agricultural Residential Cluster Subdivision measure B-5(e) (Worker Education Program). Repeating these requirements in another mitigation measure is unnecessary.

Response 12R

Refer to the discussion under Future Development Program Impact B-2 in Section 4.3, *Biological Resources,* of the Final EIR. Refer also to Response 12D.

Response 12S

The mitigation measures referenced by the commentor are not intended to reduce impacts to he spade foot toad. Refer to the analysis under Agricultural Residential Cluster Subdivision Impact B-9 for a discussion of the impacts these mitigation measures are intended to address.

Letter 13

April 11, 2007

James Caruso, Senior Planner
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

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

Dear Mr. Caruso,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process for this project. We have completed our review of the Draft Environmental Impact Report (DEIR) for the proposed project that is identified above. The applicant (Santa Margarita Ranch, LLC) has applied for an agricultural residential cluster (ARC) subdivision under a Vested Tentative Tract Map (VTTM). This action triggered a settlement agreement condition between the applicant and the community group Santa Margarita Area Residents Together (SMART). The condition required that the applicant submit a future development plan for the areas within the original Rancho boundaries at the time that the applicant applies for a specific entitlement request such as the ARC. A

The DEIR addresses the environmental impacts associated with the ARC that would include 111 clustered homesites and one ranch headquarter unit with the total developed area being 163 acres. The remaining 3,633 acres of the VTTM would be placed in agricultural conservation easements. The ARC project would also include a 2,417 acre remainder parcel, a new water system, roads and drainage facilities. The future potential development of the ranch includes land uses such as about 400 more homes, a golf course, hotel, nine wineries and other commercial uses.

GENERAL COMMENTS
As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. Based on APCD's review, the following modifications to the DEIR are needed:

CONCEPT MODIFICATIONS: AGRICULTURAL RESIDENTIAL CLUSTER

A. ARC Impact AQ-4: Expand the ARC's Impact & Inconstancies Discussion:
This agricultural residential cluster would exacerbate the effects from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. This type of development is inconsistent with:

1. The land use planning strategies recommended in the San Luis Obispo County Clean Air Plan (CAP) which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines (URL/VRL) to reduce vehicular emissions; B
2. The Smart Growth Principles adopted by the SLO County Board of Supervisors on June 7, 2005 which support many of the land use planning goals in the CAP;
3. The results of the 2006 Transportation System Performance Indicators Report that was adopted by the SLO County Council of Governments Board on March 7, 2007, a report that identified a system backslide with vehicular travel times and vehicle miles traveled increasing while the average vehicle ridership is decreasing;

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4. Goals in the County's General Plan's Framework for Planning and the Resource Management System such as ensuring that vacant and underutilized parcels within URL/VRLs are developed first and that a distinction between urban and rural areas is maintained; and
5. The land use goal of development that provides jobs/housing balance as a means of providing sustainable, low impact growth.

B

If this ARC is to move forward, the operational phase air quality impacts can not be adequately mitigated. The APCD does not support this project or this type of development. Further, the Board of Supervisors would need to vote in contradiction to the adopted policies identified above to authorize the ARC development as a Class I, significant and unavoidable impact.

B. ARC Impact: Operational Phase Green House Gas Evaluation

On April 6, 2007, the Intergovernmental Panel on Climate Change (IPCC) released its second summary report this year on global warming, finding ample evidence that global warming is already affecting the planet. Health effects from global climate change may arise from temperature increases, climate-sensitive diseases and extreme events. Global warming may also contribute to air quality problems from increased frequency of smog and particulate air pollution.

California Governor Arnold Schwarzenegger announced on June 1, 2005 through Executive Order S-3-05, the following GHG emission reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires the California Air Resources Board (CARB), the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve greenhouse gas emissions equivalent to statewide levels in 1990 by 2020.

C

Carbon dioxide (CO2) is the most dominant greenhouse gas, making up approximately 84% of all greenhouse gases. Fossil fuel combustion is responsible for 97% of all CO2 emissions worldwide; thus, reducing fossil fuel combustion is essential to solving this problem. On March 7, 2007, the SLO Council of Governments Board accepted a staff report that demonstrates that the commute patterns in our County are moving in the wrong direction, with longer trip lengths, increased driving times and more single occupant vehicles. This ARC project will further exacerbate the problem through low-density sprawl in a rural area and lack of foresight in designing for increased use of renewable resources.

In recognition of the international and California efforts to address this serious environmental issue, the APCD recommends the evaluation and quantification of greenhouse gas emissions associated with the ARC.

C. ARC Impact AQ-1: Operational Phase Threshold Evaluation

The APCD does not concur with the evaluated impacts in the DEIR for the Agricultural Residential Cluster Subdivision. The URBEMIS2002 evaluation used to determine the operational phase impacts of the ARC included some incorrect assumptions that resulted in low emission estimates. The APCD made the following corrections to the assumptions based on the default settings in the 2003 CEQA Air Quality Handbook and based on the remote nature of the ARC:

1. Changed the summertime average temperature to 75 from 85 degrees Fahrenheit;
2. Changed the average trip speed to 35 from 45 miles per hour; and
3. Made the trip distance for all categories of trips 13 miles which is appropriate due to the remote nature of the ARC.

D

These more appropriate simulation assumptions result in emission estimates for the ARC exceeding the APCD's Tier 2 threshold of significance for nitrogen oxide (NOx) and reactive organic gases (ROG). The particulate matter

(PM10) emission estimates for the ARC exceeds the APCD's Tier 1 threshold of significance if it is assumed that the roads in to the ARC are paved. If the roads are unpaved, then the APCD expects that operational PM10 emissions for the ARC would significantly exceed the APCD's Tier 2 threshold of significance and paving would be necessary to mitigate the impacts. D

The operational phase emission estimates need to be updated with the assumptions listed above and with dirt road distances, if any, built into the total trip length. Table 4.2-5 and the DEIR text regarding the updated emission estimates will need to be updated.

D. ARC Operational Phase Mitigation Measures

With the exception of the potential paving mitigation identified in item C above, the operational phase mitigation measures for the ARC as provided in the DEIR, with the changes listed below, are necessary. However, these mitigation measures will still not bring the operational phase impacts of the ARC to a level of insignificance.

1. Standard Site Design Measures: The Mitigation Measures discussion on page 4.2-7 states that the standard site-design measures required by the APCD tend to be best suited for urban developments and would not feasibly reduce the impacts associated with the ARC. While this may be true, the project should take credit for the following four Transportation and Circulation mitigation measures that address bicyclist and pedestrian infrastructure improvements for the ARC and the neighboring community of Santa Margarita: E
   a. T-1(a) – both direction bike lanes from El Camino to the ARC
   b. T-1(e) – Estrada Ave/H Street pedestrian warning beacon
   c. T-4(a) – El Camino/Encina pedestrian in-pavement flashing lights
   d. T-4(b) – Private pathway from ARC to Santa Margarita

   Update the text in this mitigation discussion to identify that although these measures will not bring the vehicular impacts of the project down to a level of insignificance, they are notable measures that should help to reduce some vehicle trips in and around the ARC.

2. Transportation and Circulation Measure T-1(a) – Bike Lanes: The APCD urges the County to work with the applicant to continue the bike lanes identified in measure T-1(a) all the way from El Camino Real to the Highway 58/Pozo Road intersection. This action would properly address the safety concerns identified in the fourth paragraph on page 4.12-10. Improving the safety of this area for both cyclist and motorists makes the area a more compatible bicycle route for commuters thus improving trip reduction opportunities. F

3. Transportation and Circulation Measure T-4(b) – Private Pathway: Improve the alternative transportation options for residents in the ARC by adding bicycles as a designated and allowed option for the current pedestrian only pathway between the ARC and Santa Margarita. G

4. Transit Mitigation Measure: Add the following Transit Mitigation Measure to the Transportation and Circulation section To reduce summertime vehicle trips from the ARC, add the following: H
   Provide Regional Transit Agency bus stops at the two ARC entrances for the Santa Margarita Lake Shuttle.

5. Air Quality Mitigation Measure AQ-1(b) – Shade Trees: Replace the first sentence with: I
   Shade trees native to the Santa Margarita Ranch shall be planted to shade the southern exposure of the on-site homes and structures, decreasing the indoor temperatures and reducing energy demand for air conditioning.

6. Air Quality Mitigation Measure AQ-1(e) – Residential Wood Combustion: Remove the sentence about "Backyard burning" as it will be covered separately in added AQ-1(f). J

7. Add Air Quality Mitigation Measure AQ-1(f) as follows:
   Prohibition of Residential Backyard Burning and Agricultural Burning
   APCD's Rule 501 does allow backyard burning for residential homes outside of Urban or Village Reserve Lines when homeowners have APCD backyard burning permits. It also allows for agricultural burning of agricultural green waste. However, green waste burning within or around agricultural clustered developments can result in nuisance and negative health impacts to residents and is just one example of the incompatibility of allowing clustered residential developments inside land that has intensive agricultural practices. Implement the following mitigation measures to minimize these public nuisance and health impacts: J

   a. Prohibit residential green waste burning for this Agricultural Cluster Development.
   b. Prohibit agricultural burning of materials from the agricultural land that is upwind of residential units; for downwind locations, prohibit agricultural burning within 1000' of residential units.

E. ARC Impact AQ-2: Construction Phase Threshold Evaluation

The URBEMIS2002 evaluation used to determine the construction phase impacts of the ARC provided information to compare the construction emissions against the APCD's daily construction emission thresholds, but an evaluation against the APCD's quarterly construction emission thresholds was not included in the DEIR. The quarterly emissions for the ARC project need to be evaluated and mitigation proposed if threshold exceedences are identified. K

F. ARC Construction Phase Mitigation Measures

The mitigation measures provided in the DEIR with the below listed changes are necessary and will bring the ARC's construction phase impacts to a level of insignificance.

1. Portable Equipment Mitigation: To ensure that State or APCD portable equipment requirements met, place the portable equipment discussion on page 4.2-10, into a numbered Air Quality Mitigation Measure. L

2. Air Quality Mitigation Measure AQ-2(a) – Construction Equipment Controls: Update the header paragraph for this measure to the following:
   Construction Equipment Controls. Upon application for grading permits, the applicant shall submit grading plans, the proposed rate of material movement and a construction equipment schedule to the APCD. Based on the DEIR emission estimates, the construction phase would exceed the daily construction emission threshold and the applicant shall implement the following measures to mitigate equipment emissions through the entire construction of the ARC subdivision. M

   Note: this header section may need to be further updated if the evaluation of the APCD's quarterly threshold for construction activities demonstrates a threshold exceedence. Such an exceedence would be addressed by the construction mitigation measures identified in the DEIR.

3. Air Quality Mitigation Measure AQ-2(b) – Dust Control: On page 4.2-12, after the last bulleted dust mitigation measure, add the following standard APCD measure:
   All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area. N

4. Air Quality Mitigation Measure AQ-2(f) – Naturally Occurring Asbestos: On page 4.2-14, update the second to last paragraph with the following: O

An Asbestos Health and Safety Program would be required if grading were to occur in serpentine or ultramafic rock deposits with such concentrations of asbestos present that the potential to exceed the Cal OSHA asbestos permitable exposure limit (PEL: 0.1 fiber/cc). If required, the Asbestos Health and Safety Program shall be designed by a certified asbestos consultant to ensure the personal protection of workers. The Asbestos Health and Safety Program will include but will not be limited to, an air monitoring plan approved by the APCD to include: air monitoring in the worker breathing zone, the use of respirators, and/or decontamination. O

CONCEPT MODIFICATIONS: FUTURE DEVELOPMENT PROGRAM (FDP)

A. FDP Impact: Operational Phase Green House Gas Evaluation

The background for this comment can be found above in Section B of the Concept Modifications for the ARC. In recognition of the international and California efforts to address this serious environmental issue, the APCD recommends the evaluation and quantification of greenhouse gas emissions associated with the subsequent development scenarios that are realized. P

B. FDP Impact AQ-1: Odor Impact Discussion Update

Update the first and second odor impact discussion paragraph on page 4.2-18 as follows:

There are four principal features of the Future Development Program subsequent to the Agricultural Residential Cluster Subdivision that have the potential to create odors which may be nuisance either to adjoining residents, including residents of the Agricultural Residential Cluster Subdivision and the community of Santa Margarita, or to residents and occupants of the Future Development Program land uses. These features include odors associated with equestrian uses, a livestock sales yard, nine wineries, and those that may be associated with individual septic systems on each lot. If the FDP moves forward it is essential that the siting of individual uses be carefully evaluated to ensure that nuisance potentials are minimized prior to the finalization of site plans. Q

Equestrian and livestock uses can generate odors that are perceived as unpleasant to some people. The degree of unpleasantness is partly a function of personal tolerance for short-term odors associated with horse and livestock manure. Odors generating from wineries may also be perceived as unpleasant, and result primarily from the fermentation and aging processes and the resultant ethanol emissions. Lastly, septic systems that are not properly installed have the potential of creating nuisance odors, as described in Agricultural Residential Cluster Subdivision Impact AQ-3.

C. FDP Impact AQ-2: Expand the FDP's Impact & Inconstancies Discussion

The policy inconstancies identified in Section A of the Concept Modifications for the ARC also apply to the FDP. If the FDP is to move forward, the operational phase air quality impacts can not be adequately mitigated even with the implementation of the identified measures. The APCD does not support the FDP or this type of development. Further, the Board of Supervisors would need to vote in contradiction to the adopted policies that were previously identified to authorize the FDP development as a Class I, significant and unavoidable impact. R

D. FDP Impact AQ-3: Construction Phase Mitigation

Update the Mitigation Measures section on page 4.2-22 as follows:

Mitigation Measures: The appropriate construction phase mitigation measures for the FDP would need to be determined based on the specific impacts that are identified during environmental review of the specific projects or plan for the FDP. Since regulations, evaluation and mitigation techniques change over time, it is not appropriate to assume that the construction phase mitigation for the Agricultural Residential Cluster Subdivision will be adequate to address the construction impacts of the FDP. Therefore, the construction phase impacts and appropriate mitigation measures for the FDP will have to be determined with APCD review and approval if the FDP is initiated. S

E. FDP Cumulative Impacts

Update the last paragraph in this section on page 4.2-22 as follows:

> The Agricultural Residential Cluster Subdivision independently exceeds the SLOAPCD Tier 2 operational threshold of significance and is inconsistent with long-term regional air quality planning efforts that are identified in the CAP and other policies identified in this letter in Section A of the Concept Modifications for the ARC. Similarly, if buildout of the Future Development Program occurs, there will be significant additional construction and operational phase emissions associated with the FDP and the FDP would be inconsistent with the CAP and other identified policies. While all applicable mitigation measures will need to be implemented to reduce project impacts, not all impacts will be able to be mitigated to a level of insignificance. Therefore, the cumulative air quality impacts would be significant. T
>
> The APCD does not support the ARC or the FDP projects as they are inconsistent with the land use policies that are identified in the CAP and other policies. Further, the Board of Supervisors would need to vote in contradiction to their adopted policies to authorize the ARC or the FDP as a Class I, significant and unavoidable impact.

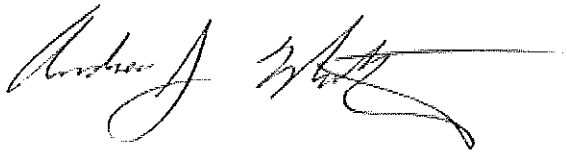
Other DEIR Air Quality Section Text Modifications

Attainment Status

1. In second to last sentence in the first paragraph on page 4.2-3 and the last sentence on page 4.2-5, add "ozone" to the list of state ambient air quality standards for which the County has a non-attainment status. U
2. Replace the last paragraph on page 4.2-3 and the first sentence on page 4.2-4 with:
   > On April 28, 2005, the California Air Resources Board (ARB) approved the nation's most health protective ozone standard with special consideration for children's health. The new 8-hour-average standard at 0.070 ppm will further protect California's most vulnerable population from the adverse health effects associated with ground-level ozone. Based on monitoring data, San Luis Obispo County has once again been deemed nonattainment for the new ozone standard.
3. Replace the second paragraph on page 4.2-4 with:
   > As noted above, San Luis Obispo County is in nonattainment for State ozone and PM10 levels. In 2005, the Atascadero Monitoring Station had one violation of the State 1-hour ozone standard and would have had at least three violations of the current 8-hour standard. That Station also had one exceedence of the State PM10 standard between 2003 and 2005.
   >
   > Ground level ambient ozone is primarily generated by combustion byproducts reacting with sunlight and ambient conditions. San Luis Obispo County's primary areas where ozone violations occur are in the northern and eastern portions of the county were the summer temperatures are high. In addition, ozone is transported to SLO County from up-wind regions of the state. The ARC and the future development scenarios will further County resident's dependency on motor vehicles, which will provide new ozone precursor emissions when operational. V
   >
   > Ambient PM10 concentrations have been primarily a localized issue of concern in the southern portion of San Luis Obispo County, providing the major impetus for the County's non-attainment designation for the State PM10 standard. The major sources for PM10 are mineral quarries, grading, demolition, agricultural tilling, road dust, and vehicle exhaust. PM10 levels in the Santa Margarita Ranch area are primarily due to agriculture tilling, road dust, motor vehicle emissions, and the sand and gravel quarry located northeast of the Ranch property.

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

Sincerely,



Andy Mutziger
Air Quality Specialist

AAG/AJM/sll

cc: Tim Fuhs, APCD Enforcement Division
Karen Brooks, APCD Enforcement Division
Gary Willey, APCD Engineering Division
Richard Daulton, Planning Manager, Rincon Consultants, Inc.

Attachments: Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

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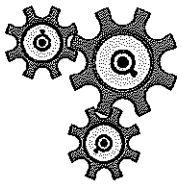
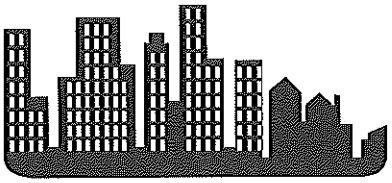
Naturally Occurring Asbestos - Construction & Grading Project Form



Send To:
San Luis Obispo County Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
805-781-5912



Applicant Information/Property Owner		**Project Name**	
Address		**Project Address and/or Assessors Parcel Number**	
City, State, Zip		**City, State, Zip**	
Email:		**Email:**	
Phone Number	**Date Submitted**	**Agent**	**Phone Number**

Check Where Applicable	ITEM	APCD REQUIRED ELEMENT 1	APCD REQUIRED ELEMENT 2
	Project IS NOT Subject to NOA Requirements	Mapped Location Attached	
	Project IS Subject to NOA Requirements but NOT Disturbing NOA	Geological Evaluation Attached	Exemption Request Form Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - More than One Acre	Geological Evaluation Attached	Dust Control Measure Plan Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - One Acre or Less	Geological Evaluation Attached	Mini-Dust Control Measure Plan Attached

APPLICANT MUST SIGN BELOW:

Legal Declaration/Authorized Signature: Date:

OFFICE USE ONLY - APCD Required Elements

Geological Evaluation		Exemption Request Form		Dust Control Measure Plan		Monitoring, Health & Safety Plan	
Approved		Approved		Approved		Approved	
Not Approved		Not Approved		Not Approved		Not Approved	
Comments:		Comments:		Comments:			

APCD Staff:	Intake Date:	Date Reviewed:	OIS Site #	OIS Proj. #
INVOICE No.	Basic Fee:	Additional Fees:	Billable Hrs:	Total Fees:

Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form

Send To:

San Luis Obispo County
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Phone: (805) 781-5912
Fax: (805) 781-1002

Applicant Information/ Property Owner		**Project Name**	
Address		**Project Address and /or Assessors Parcel Number**	
City, State, Zip		**City, State, Zip**	
Email Address		**Email Address**	
Phone Number	**Date Submitted**	**Agent**	**Phone Number**

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout **"ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements."**

NOTE: A basic exemption evaluation fee of $100.00 will be charged.

APPLICANT MUST SIGN BELOW:
I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.
Legal Declaration/Authorized Signature:
Date:

OFFICE USE ONLY - APCD Required Element – Geological Evaluation			
Intake Date:	APCD Staff:	OIS Site #:	OIS Project #:
Date Reviewed:	APCD Staff:	Approved	Not Approved
Comments:			

Letter 13

COMMENTOR: Andy Mutziger, Air Quality Specialist, San Luis Obispo County Air Pollution Control District (APCD)

DATE: April 11, 2007

RESPONSE:

Response 13A

The commentor's summary of the project is noted.

Response 13B

The commentor notes that the Agricultural Residential Cluster Subdivision is inconsistent with the San Luis Obispo County Clean Air Plan (CAP), Smart Growth Principles adopted by the San Luis Obispo County Board of Supervisors, the findings of the 2006 Transportation System Performance indicators Report, Goals in the County's General Plan, and the land use goal of development that provides a jobs/housing balance. The commentor additionally notes that operational impacts resulting from the Agricultural Residential Cluster Subdivision cannot be mitigated and that the APCD does not support this project or this type of development. The comment is noted and has been forwarded to the appropriate decision-makers for review and consideration.

Response 13C

The commentor recommends the evaluation and quantification of Agricultural Residential Cluster Subdivision greenhouse gas emissions. Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR.

Response 13D

The commentor provides several corrections to the assumptions (default settings) used in the URBEMIS model. The URBEMIS analysis has been revised in accordance with these corrections. In addition, because an updated version of URBEMIS has been made available since circulation of the DEIR, the analysis has been revised using the latest version available. Refer to Sections 4.2.2(a) (Methodology and Significance Thresholds) and 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.2, *Air Quality,* of the Final EIR.

It should be noted that Agricultural Residential Cluster Subdivision roadways will be paved. As a result, emissions estimates were not revised to include dirt road distances, as suggested by the commentor.

Response 13E

The commentor notes that several mitigation measures in Section 4.12, *Transportation and Circulation,* help reduce some of the vehicle trips associated with the Agricultural Residential Cluster Subdivision. The *Mitigation Measures* discussion under Agricultural Residential Cluster Subdivision Impact AQ-1 in Section 4.2, *Air Quality,* has been revised to acknowledge this. Refer to Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 13F

The commentor recommends that Agricultural Residential Cluster Subdivision measure T-1(a) (SR 58 South of J Street) in Section 4.12, *Transportation and Circulation,* be revised to extend bike lanes farther than is currently required by the measure. However, there is no nexus to require the applicant to extend bike lanes as requested by the commentor. No further response is required.

Response 13G

Agricultural Residential Cluster Subdivision measure T-4(b) (Pedestrian Pathway) in Section 4.12, *Transportation and Circulation,* has been revised as recommended by the commentor. Refer to Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 13H

The commentor recommends that a mitigation measure be added to Section 4.12, *Transportation and Circulation,* to require provision of Regional Transit Agency bus stops at each of the two entrances to the Agricultural Residential Cluster Subdivision for the Santa Margarita Lake Shuttle. Refer to Agricultural Residential Cluster Subdivision measure AQ-1(f) (Off-Site Mitigation), which has been added to Section 4.2, *Air Quality,* of the Final EIR. This measure includes "funding public transit bus shelters" as potential off-site mitigation.

Response 13I

Agricultural Residential Cluster Subdivision measure AQ-1(b) (Shade Trees) has been revised in accordance with the commentor's recommendations. Refer to Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 13J

The commentor recommends revisions to Agricultural Residential Cluster Subdivision measure AQ-1(e) (Residential Wood Combustion) and the addition of a new mitigation measure to prohibit both residential backyard burning and agricultural burning. Residential backyard burning is already prohibited by measure AQ-1(e) and the EIR cannot prohibit agricultural burning on off-site agricultural properties. As a result, the recommended changes will not be made.

Refer to the last paragraph under Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR, which discloses agricultural burning as a land use compatibility conflict. As noted therein, potential land use conflicts are a Class I, *significant and unavoidable,* impact.

Response 13K

Agricultural Residential Cluster Subdivision Impact AQ-2 has been revised in accordance with the commentor's recommendation. Refer to this impact discussion in Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 13L

The commentor-recommended revision regarding portable construction equipment has not been made because the equipment registration and APCD permitting is already a requirement, and therefore does not constitute mitigation.

Response 13M

Agricultural Residential Cluster Subdivision measure AQ-2(a) has been revised in accordance with the commentor's recommendations. Refer to this measure in Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 13N

The commentor requests that Agricultural Residential Cluster Subdivision measure AQ-2(b) (Dust Control) be revised to require the contractor or builder to designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Refer to Agricultural Residential Cluster Subdivision measure AQ-2(d) (Dust Control Monitor).

Agricultural Residential Cluster Subdivision measure AQ-2(b) (Dust Control) has been revised to require that dust control measures be shown on grading and building plans. In addition, Agricultural Residential Cluster Subdivision measure AQ-2(d) has been revised to require that the name and telephone number of the dust control monitor provided to the APCD prior to land use clearance for map recordation and finished grading of the area. Refer to these measures in Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 13O

The second to last paragraph of Agricultural Residential Cluster Subdivision measure AQ-2(f) (Naturally Occurring Asbestos) has been revised as requested by the commentor. Refer to this measure in Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 13P

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR. It should be noted that Future Development Program emissions were not quantified because the APCD does not require program-level environmental review to quantify air emissions.

Response 13Q

The commentor requests revisions to the first two paragraphs under Future Development Program Impact AQ-1 in Section 4.2, *Air Quality.* However, the requested revisions are opinion and do not warrant inclusion in the EIR. The comments are noted herein. Refer also to Master Response 1.

Response 13R

Refer to Response 13B. The commentor notes that operational impacts resulting from the Future Development Program, similar to those resulting from the Agricultural Residential Cluster Subdivision, cannot be mitigated and that the APCD does not support the Future Development Program or this type of development. The comment is noted and has been forwarded to the appropriate decision-makers for review and consideration.

Response 13S

The commentor requests revisions to the *Mitigation Measures* discussion under Future Development Program Impact AQ-3 in Section 4.2, *Air Quality.* These revisions would constitute deferral, which is prohibited by CEQA [§ 15126.4(a)(1)(B)], and were therefore not included. Refer also to Master Responses 3a through 3c.

Response 13T

The commentor requests revisions to Section 4.2.2(d) (Cumulative Impacts) in Section 4.2, *Air Quality.* The requested revisions constitute deferral and opinion and are therefore not included. Refer to Responses 13S and 13Q, respectively, and Master Responses 3a through 3c.

Response 13U

The commentor-requested revisions have been incorporated into Sections 4.2.1(a) (Air Pollution Regulation) and 4.2.2(a) (Methodology and Significance Thresholds) of the Final EIR.

Response 13V

The discussion after Table 4.2-2 in Section 4.2.1(b) (Current Ambient Air Quality) has been revised as requested by the commentor. Refer to this discussion in Section 4.2, *Air Quality,* of the Final EIR.

Letter 14

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISIONER/SEALER FAX (805) 781-1035
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RECEIVED
APR 12 2007
Planning & Bldg

DATE: **April 11, 2007**

TO: **James Caruso, Project Manager**

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

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

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

Project Description

1. **Residential Cluster** (2-12) – Please clarify if each proposed phase of development includes an agricultural conservation easement (ACE) area with the required qualifying agricultural uses to allow the number of dwelling units proposed for each phase of development. **A**

2. **Residential Cluster** (2-12) – The proposed ARCS and remainder parcel are currently one parcel. The Salinas River Community Planning Standards (page 9-91) include a subdivision requirement that "This agricultural clustering division shall reconfigure and/or relocate existing parcels…." The applicant is proposing both establishing ACEs and creating separate agricultural conservation easement parcels. Is the proposed creation of additional parcels resulting in further fragmentation of the ranch rather than reconfiguring or relocating existing parcels consistent with the Salinas River planning area standard? **B**

Agricultural Resources

1. **Agricultural Conservation Easements** (4.1-9) – The discussion on ACEs includes the possibility of future subdivision and commercial development related to farm operations. Please note the Land Use Ordinance (LUO) precludes future subdivision of cluster project sites and restricts allowed uses. **C**

2. **Methodology and Significance Thresholds** (4.1-14) – Farmland of Local Importance, Farmland of Local Potential, and Grazing Land should be added to the list of mapped Farmland to more accurately reflect the significance of local agricultural resources and provide consistency with the County's Agriculture and Open Space Element. D

3. **ARCS Impacts and Mitigation Measures** (4.1-14) – The analysis indicates that 5 acres of prime soil would be permanently converted. Does this include prime soils that would no longer be suitable for production agriculture due to the location of the proposed residential development? If not, could you please provide information regarding how many acres would be indirectly converted to a non-agricultural use. E

4. **ARCS AG-2(a)** (4.1-16) – This mitigation measure should include the following: 1) Notification language shall identify that the adjoining agricultural land is permanently protected for agricultural uses, 2) Future agricultural uses might vary from current uses and might include processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and 3) The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment. The sentence "Should crop maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective project residents." should be deleted. F

5. **Additional Mitigation Measure** – To preclude further fragmentation of the ranch, the creation of agricultural conservation easement <u>parcels</u> should be precluded. G

Water and Wastewater

1. **ARCS W-1(b)** (4.14-7) – The limited turf mitigation measure should be replaced with the following: The maximum amount of turf (lawn) area may not exceed twenty percent (300 square feet) of the site's total irrigated landscape area, and, in all cases the site's total irrigated landscape area shall be limited to 1,500 square feet. H

2. **ARCS W-1(c)** (4.14-7) - Due to the uncertainty of available water supply, <u>all</u> water for non-agricultural uses should be provided by an imported water supply rather than compete with agricultural uses for groundwater. I

3. **Additional Mitigation Measures** – In order to ensure the long-term sustainability of the protected agricultural land, the following mitigation measures should be incorporated into the project: 1) The owner shall retain and reserve all ground water, and all appropriative, prescriptive, contractual or other water rights appurtenant to the protected agricultural land, and 2) The owner of the protected agricultural property J

shall not transfer, encumber, lease, sell or otherwise separate such quantity of water or water rights from title to the parcel itself. No separation of water or water rights shall be permitted. J

Land Use

1. **Regulatory Setting** (4.7-2) – The proposed ARCS would result in the continuation and long-term preservation of only 82% of agricultural resources and operations on the project site rather than the 95% required by the LUO. The 676.7 acres of agricultural land being taken out of production (not including the proposed trail) would require an ACE totaling 12,857 acres rather than the proposed 3,633 acres. The proposed project does not appear to be consistent with LUO standards. K

2. **Regulatory Setting** (4.7-2) – As described on page 2-33, proposed development within the ACEs includes two wineries and two ranch/farm headquarters. One winery is proposed on a five-acre site and the other on a site of unspecified size that will include gift shops and a bed and breakfast. The two ranch/farm headquarters are proposed to each be 2.5 acres in size. Please note that the LUO limits agricultural processing uses to an aggregate area of five-acres for the entire cluster project site. Additionally, bed and breakfasts and gift shops are not an allowed uses within the preserved area of the project site. The LUO also limits development to one ranch headquarters of 2.5 acres in size including allowed residential units and farmworker housing. The proposed project does not appear to be consistent with LUO standards. L

Transportation and Circulation

1. **ARCS T-4(b)** (4.12-31) – It is not clear if the proposed trail linking the ARCS with the community of Santa Margarita includes fencing that would preclude pedestrian access to the adjacent agricultural area. If fencing is not part of the proposal, mitigation needs to be included to protect agricultural resources and reduce incompatibilities. Such fencing should be a type of no climb-fence for the entire length of the trail. Additionally, signage with specific rules and regulations aimed at minimizing impacts to agriculture should be posted. It is also recommended that a regularly maintained wildlife-proof trash receptacle be located along the trail. M

Alternative 11

1. **Description** (6-77) – Thank you for reviewing an alternative location for the livestock auction market. If the opportunity presents itself, another location recommended for review includes suitable areas near the quarry with access from the existing quarry road located off of El Camino Real. N

If you have questions, please call 781-5914.

Letter 14

COMMENTOR: Lynda L. Auchinachie, Agriculture Department, County of San Luis Obispo, Department of Weights and Measures

DATE: April 11, 2007

RESPONSE:

Response 14A

The first paragraph in Section 2.4.1(a) (Residential Cluster) has been revised in accordance with the commentor's recommendation. Refer to this discussion in Section 2.0, *Project Description,* of the Final EIR.

Response 14B

The commentor notes that the proposed Agricultural Residential Cluster Subdivision creates additional parcels, rather than reconfiguring or relocating existing parcels as required by the Salinas River Area Plan. An ultimate determination of consistency with the Salinas River Area Plan will be made by the County Board of Supervisors in their review of the project. Refer to Master Response 1.

Response 14C

The second paragraph under *Agricultural Conservation Easements* in Section 4.1.1(b) (Santa Margarita Ranch Agricultural Resources) has been revised in accordance with the commentor's recommendation. Refer to this discussion in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response 14D

The commentor recommends revisions to the significance thresholds listed in Section 4.1.2(a) (Methodology and Significance Thresholds). These thresholds are taken directly from Appendix G of the State CEQA Guidelines and cannot, therefore, be modified. However, a note has been added below this list to clarify that "Farmland" includes land which is currently under agricultural production (including grazing). Refer to this discussion in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response 14E

The prime soil acreage listed in the impact statement for Agricultural Residential Cluster Subdivision Impact AG-1 (five acres in the Draft EIR; revised to 21.2 acres in the Final EIR) includes only those areas directly converted by Agricultural Residential Cluster Subdivision development. A discussion of indirect conversion has been added to the third paragraph of this impact analysis. Refer to Section 4.1.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response 14F

Agricultural Residential Cluster Subdivision measure AG-2(a) has been revised in accordance with the commentor's recommendation. Refer to Section 4.1.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response 14G

The commentor recommends the inclusion of an additional mitigation measure which precludes the creation of agricultural conservation easement parcels in order to preclude further fragmentation of the Ranch. Refer to Response 14B.

Response 14H

Agricultural Residential Cluster Subdivision measure W-1(b) (Water Conservation Measures) has been revised in accordance with the commentor's recommendation. Refer to Section 4.14.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 14I

The commentor suggests that 100% of water for non-agricultural uses be provided by imported water supply, rather than compete with agricultural uses for groundwater. Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply), to which the commentor references, does not specify a ratio of imported water to groundwater. As a result, this measure would not necessarily result in competition between agricultural and non-agricultural uses.

Response 14J

Refer to Response 14I.

Response 14K

The commentor argues that the Agricultural Residential Cluster Subdivision is inconsistent with LUO standards requiring preservation of 95% of the gross site area, as discussed in the last paragraph under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 2.1 (Agricultural Resources) of the Revised Draft EIR. Comment noted. It should also be noted, however, that this discussion has been removed from the Final EIR [refer to Response R-15Z in Section 3.0 (Written Comments and Responses on the Revised Draft EIR) of this document]. Potential inconsistencies with the applicable ordinance will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

It should also be noted that an ultimate determination of consistency with the LUO will be made by the County Board of Supervisors in their review of the project.

Response 14L

The commentor argues that the proposed Agricultural Residential Cluster Subdivision is inconsistent with the LUO because it includes two wineries and two ranch/farm headquarters within the proposed ACEs which would exceed allowed development areas and include uses which are not allowed within preserved areas. The proposed Agricultural Residential Cluster Subdivision includes one dwelling unit at the Ranch Headquarters on Parcel 42 in addition to the 111 clustered residential lots and does not include any wineries. This is described in Section 2.4.1 [Agricultural Residential Cluster Subdivision (Tract 2586)] in Section 2.0, *Project Description.*

However, the commentor references a discussion in Section 2.4.2 (Future Development Program Component) which states that "Vesting Tract 2586 includes two wineries, two ranch/farm headquarters (each 2.5-acres in size), one primary residence, and several farm support buildings within the Agricultural Conservation Easements (ACEs) associated with the Agricultural Residential Cluster Subdivision." This statement was intended to portray which Future Development Program land uses would conceptually be located on the Agricultural Residential Cluster Subdivision site (Vesting Tract 2586). However, these uses are not included as part of the Agricultural Residential Cluster Subdivision Project.

To clarify the discussion, Section 2.4.2 (Future Development Program Component) has been revised. Refer to Section 2.0, *Project Description,* of the Final EIR.

Response 14M

Agricultural Residential Cluster Subdivision measure T-4(b) (Pedestrian Pathway) has been revised in accordance with the commentor's recommendation. Refer to Section 4.12.2(c) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.12, *Transportation and Circulation,* of the Final EIR.

Response 14N

Refer to Master Response 4.

Letter 15

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
PAS: 521.2139.7146

April 12, 2007

Mr. James Caruso, Project Manager
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, California 93408

Subject: Draft Environmental Impact Report for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program; State Clearinghouse No. 2004111112; Case Number VTTM 2586

Dear Mr. Caruso:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments on the above-referenced draft environmental impact report (DEIR) for Santa Margarita Ranch (SMR). A copy of the document (in compact disc format) was hand-delivered to Julie M. Vanderwier of the Service's Ventura Fish and Wildlife Office on March 13, 2007. It is our understanding that comments are due to the County of San Luis Obispo (County) by 5 pm on April 12, 2007. **A**

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

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

constitute a full review of project impacts. Rather, they will focus on those sections that address the federally threatened California red-legged frog (*Rana aurora draytonii*) and vernal pool fairy shrimp (*Branchinecta lynchi*), particularly as they relate to compliance with the Act and its implementing regulations. C

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

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

Agricultural Residential Cluster Subdivision

The Agricultural Residential Cluster Subdivision site contains one anthropogenic and nine native habitat types. The native habitats include California annual grassland, valley needlegrass grassland, central (Lucian) scrub, chamise chaparral, blue oak woodland, coast live oak woodland, valley oak woodland, riparian/riverine, and emergent wetland/seasonal pool. The remaining habitat consists of a vineyard and stock pond. F

A number of general and focused biological surveys have been conducted on the SMR property, including wet-season surveys for the federally threatened vernal pool fairy shrimp and the California red-legged frog. It should be noted that while an individual California red-legged frog was observed in Yerba Buena Creek on July 22, 2004, by Ventura Fish and Wildlife Office staff biologists Ray Bransfield, Mary Root, and Julie M. Vanderwier, this observation was incidental to a site visit and not part of a focused survey effort as indicated in Table 4.3-1 of the DEIR. As part of the inventory efforts, a wet-season habitat assessment survey for listed vernal pool branchiopod species was conducted in several on-site seasonal pools in 2003. G H I

Biological Resource Section 4.3 states that implementation of the proposed Agricultural Residential Cluster Subdivision would result in impacts to two federally threatened species: the California red-legged frog and southern steelhead (*Oncorhyncus mykiss*). It could also result in impacts to federally listed vernal pool branchiopod species (e.g., vernal pool fairy shrimp) if completion of surveys indicates their presence. As southern steelhead are regulated by the National Oceanic and Atmospheric Administration (NOAA) Fisheries, they are not addressed in our comments. J

California Red-legged Frog

Surveys for the federally threatened listed California red-legged frog were conducted in suitable naturally-occurring habitat within the Agricultural Residential Cluster Subdivision project area. It is not clear, however, if the stock pond (considered in the DEIR to be a created habitat) was surveyed as part of this effort. California red-legged frogs use stock pond habitat; therefore, any stock ponds within SMR should be surveyed for this species. K L

California red-legged frogs were identified in both Trout and Tostada Creeks. Surveys were conducted in accordance with our 2005 survey guidelines and we consider them to be complete for these waters. Text in Table ES-3 (Summary of Agricultural Residential Cluster Subdivision Environmental Impacts, Mitigation Measures, and Residual Impacts) indicates that unavoidable impacts to the California red-legged frog would result from the implementation of the proposed Agricultural Residential Cluster Subdivision project. Proposed mitigation relies predominantly on coordination with the Service, NOAA Fisheries, and/or the U.S. Army Corps of Engineers (Corps). We are concerned that this would effectively defer (CEQA) mitigation to the Service as part of necessary compliance with the Act. The conclusion that such coordination would reduce significant effects to a level that is less than significant presumes that take would be exempted or authorized by the Service. We cannot be pre-decisional regarding the effects of an action that we have yet to analyze under the Act. It also should be noted that NOAA Fisheries has no authority over the California red-legged frog. M N

Within Table ES-3 there appears to be confusion over the use of the term "FESA Consultation." Consultation is the term used when there is a Federal nexus that requires interagency consultation pursuant to section 7 of the Act. The process involving section 10(a)(1)(B) (i.e., the incidental take permit, or HCP, process) is not technically a consultation. We presume that what is meant by this term is compliance with the Act. If so, text should be revised. There also appears to be confusion regarding the section 7 interagency consultation and section 10 incidental take permit processes. Interagency consultation pursuant to section 7 does not result in the issuance of an incidental take permit; rather, take is exempted via an incidental take statement pursuant to the section 7(o)(2) of the Act. Absent a Federal nexus, take would need to be authorized pursuant to an incidental take permit issued as part of the section 10(a)(1)(B) process. It is unclear what is meant by "Inadvertent Take Procedures, including USFWS notification requirements" provided as the last bullet in ARCS Impact B-8. Please clarify these issues. O

Due to the proposed road crossings of Trout and Tostada Creeks, there appears to be the possibility of a federal nexus through the Corps' Clean Water Act permit process. If so, the Corps would likely consult with the Service (and NOAA Fisheries regarding southern steelhead) to ensure that any activity that they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. It should be noted that the moving of any life stage of the California red-legged frog would constitute take and require exemption or authorization. O

Vernal Pool Fairy Shrimp

The results of wet season surveys for vernal pool fairy shrimp (and other listed branchiopods) conducted in seven seasonal wetlands during the 2005-2006 rainy season were negative; however, these surveys are not conclusive as they have not been completed in accordance with our 1996 guidelines. In order for the Service to concur with a determination that vernal pool fairy shrimp (or other listed branchiopod species) are not present within the proposed project area, a second wet season survey must be conducted before or during the 2010-2011 rain year. There is no longer an option to use a dry season survey to complete the presence-absence surveys as one was not conducted during the dry season that followed the wet season survey (as indicated in our guidelines). P

Mitigation measure ARCS B-6(a) needs to be revised to reflect that an additional wet season survey is needed. It should also be noted that surveys are not considered to be mitigation but rather are needed to collect information that will be necessary to complete an analysis of the effects of the proposed action and to develop minimization and/or mitigation measures to reduce and/or offset the effects of take (if the species is determined to be present). Submittal of a 90-day report is a condition of the surveyor's recovery permit, not mitigation for the proposed action. Deferring determination of presence or absence to "prior to the issuance of grading permits" would result in our having to react to the proposed project design rather than explore other alternatives that could avoid or minimize take. Q R Q

As with the California red-legged frog, to presume that compliance with the Act would reduce impacts to vernal pool fairy shrimp (or other listed branchiopods) to a less than significant level is pre-decisional, as it assumes the outcome of the section 7 consultation/section 10 permit process. Text in the DEIR presumes that capture and relocation of the species into created habitat would be acceptable as compensation or mitigation for project impacts to vernal pool fairy shrimp (or other listed branchiopods) should they be found to occur within the project area. Considerable controversy and debate exist regarding the ability to successfully create vernal pool ecosystems and the appropriateness of using habitat creation as mitigation for impacts to vernal pools. We recommend avoidance of vernal pools/seasonal wetlands and surrounding uplands as the best way to minimize project effects on these habitats and any constituent listed species. S T

The mitigation section for vernal pool fairy shrimp again contains a confusing discussion regarding the regulatory path needed to comply with the Act. As the seasonal ponds appear to be isolated wetlands, the Corps may not extend its jurisdiction over this area and, therefore, take U

authorization would need to be sought pursuant to section 10(a)(1)(B) if take of listed branchiopods can not be avoided. U

Future Development Program

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

As with the Agricultural Residential Cluster Subdivision project area, a number of general and focused surveys for special-status and common plant and wildlife species have been conducted on the SMR property. Buildout of the Future Development Program would result in impacts similar to those resulting from the Agricultural Residential Cluster Subdivision, including impacts to California red-legged frog and listed vernal pool branchiopod species (if present). W The mitigation measures provided in Table ES-4 for these species are very similar to those presented for the Agricultural Residential Cluster Subdivision (Table ES-3). Please refer to our comments on Table ES-3 when updating both of these tables. X

California Red-legged Frog

It is unclear if surveys for California red-legged frogs were conducted throughout the future development area. If not, then a habitat assessment should be conducted and submitted to the Service for our determination of whether or not focused surveys should be conducted in accordance with current guidelines. Y

Many of our comments presented for the Agricultural Cluster Residential Subdivision are relevant to the future development area. We recommend that the County and applicant work with the Service early on in the process to design a project that avoids and minimizes impacts to California red-legged frogs to the maximum extent feasible and to identify suitable mitigation strategies for those impacts determined to be unavoidable. Z

It is unclear why the setback for Tostada Creek is proposed at 50 feet while the setback for Trout Creek is proposed to be 100 feet. Both creeks are occupied by California red-legged frogs and they should therefore receive equal setbacks, which should be maximized. AA

Vernal Pool Fairy Shrimp

The future development area contains habitat for listed vernal pool branchiopod species. As such, surveys should be conducted for these species in all suitable habitats in accordance with our current guidelines. We recommend that the surveys for listed vernal pool branchiopod species be completed in a timely fashion so that comprehensive landscape planning for any occupied vernal pools may occur. To put surveys off until "prior to the issuance of grading permits" reduces the opportunity for a project to be designed to avoid impacts or to incorporate minimization measures to reduce impacts. If a combination of wet and dry season surveys are proposed, wet season surveys should be conducted first. In this way, ponded areas can be noted so that a comprehensive survey during the dry season is assured. **AB** **AC**

Many of the comments presented for the Agricultural Cluster Residential Subdivision are relevant to the future development area. Again, we recommend that the County and applicant work with the Service early on in the process to design a project that avoids and minimizes impacts to vernal pool fairy shrimp (and other listed branchiopod species) to the maximum extent feasible and to identify suitable mitigation strategies for those impacts determined to be unavoidable. **AD**

On page 3 of the vernal pool fairy shrimp and California red-legged frog habitat assessment prepared by Rincon Consultants (April 2006), a statement is made regarding what constitutes potential vernal pool fairy shrimp habitat. This statement is misleading and could result in suitable habitat being overlooked. While vernal pool fairy shrimp typically reach maturity in approximately 41 days, they can reach maturity under optimal conditions (e.g., when daytime water temperatures rise to at least 20 degrees Centigrade) in as few as 18 days. The statement that indicates that suitable habitat consists of areas that remain ponded for at least 45 days should be revised. **AE**

Migratory Birds

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

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

Sincerely,

Jacob M. Martin
Acting Assistant Field Supervisor

cc: Julie Eliason, County of San Luis Obispo

Letter 15

COMMENTOR: Jacob M. Martin, Acting Assistant Field Supervisor, U.S. Department of the Interior, Fish and Wildlife Service, Ventura Fish and Wildlife Office

DATE: April 12, 2007

RESPONSE:

Response 15A

Comment noted.

Response 15B

The commentor's summary of U.S. Fish and Wildlife Service (USFWS) responsibilities related to administering the Endangered Species Act of 1973 is noted.

Response 15C

The commentor notes that their comments will focus on the California red-legged frog and vernal pool fairy shrimp. Comment noted.

Response 15D

The commentor's summary of the Agricultural Residential Cluster Subdivision and Future Development Program is noted.

Response 15E

The commentor's summary of the Santa Margarita Ranch location is noted.

Response 15F

The commentor's summary of habitat types on the Agricultural Residential Cluster Subdivision site is noted.

Response 15G

The commentor's summary of biological surveys on the Santa Margarita Ranch property is noted.

Response 15H

The commentor notes that the sighting of a California red-legged frog (*Rana draytonii*) in Yerba Buena Creek was an incidental observation, and was not a result of a focused survey as stated in the Draft EIR. This fact has been clarified in Table 4.3-1 in Section 4.3, *Biological Resources,* of the Final EIR.

Response 15I

The commentor notes that inventory efforts included a wet-season habitat assessment in 2003. Comment noted.

Response 15J

The commentor's summary of Agricultural Residential Cluster Subdivision impacts is noted.

Response 15K

The commentor's statements regarding California red-legged frog surveys are noted.

Response 15L

The commentor notes that it was not clear in the Draft EIR whether California red-legged frog surveys were conducted in the stock pond that is present within the Agricultural Residential Cluster Subdivision project area. It is not clear which pond is being referred to by this comment. However, clarification regarding the extent of protocol California red-legged frog surveys was added under Agricultural Residential Cluster Subdivision Impact B-8 in the Final EIR.

Response 15M

The commentor's summary of California red-legged frog surveys and impacts is noted.

Response 15N

The commentor notes that mitigation in the Draft EIR relies predominantly on coordination with the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and/or the U.S. Army Corps of Engineers. These changes have been incorporated into the Executive Summary, Agricultural Residential Cluster Subdivision Impact B-8, and Future Development Program Impact B-8 in the Final EIR.

Response 15O

The commentor notes that the terms "FESA Consultation" and "incidental take permits" have been used incorrectly in Table ES-3. Corrections in the terminology have been incorporated into the Executive Summary, Agricultural Residential Cluster Subdivision Impact B-8, and Future Development Program Impact B-8 in the Final EIR.

The commentor's summary of Corps federal nexus and NOAA Fisheries consultation is noted.

Response 15P

The commentor notes that the results of past vernal pool fairy shrimp surveys are inconclusive because the number of required surveys has not been met. Since the time period has expired in which a dry season survey could have been performed in conjunction with the 2005/2006 wet

season survey, the only way to complete the requirement is to perform a second wet season survey prior to the 2010/2011 rain year. The requested change has been incorporated into Agricultural Residential Cluster Subdivision Impact B-6 and Agricultural Residential Cluster Subdivision measure B-6(a) (VPFS Presence/Absence Determination) in Section 4.3, *Biological Resources,* of the Final EIR.

Response 15Q

The commentor notes that requiring surveys is not considered to be mitigation, and that postponing presence/absence surveys would decrease the ability to explore alternatives to avoid or minimize take. The mitigation is the actual actions that will be taken to protect the species, and the surveys are the method of determining the extent of the impact. Mitigation measure Agricultural Residential Cluster Subdivision measure B-6(b) (Mitigation for VPFS) has been revised in Section 4.3, *Biological Resources,* of the Final EIR to require avoidance of occupied habitats when possible.

Response 15R

The commentor notes that the submittal of a 90-day report is a condition of recovery permit, and cannot be used as mitigation. The requested change has been made to Agricultural Residential Cluster Subdivision measure B-6(b) (Mitigation for VPFS) and Future Development Program measure B-6(a) (VPFS Presence/Absence Determination) in Section 4.3, *Biological Resources,* of the Final EIR.

Response 15S

The commentor notes that to presume compliance with the Endangered Species Act is pre-decisional. These changes have been incorporated into the Executive Summary, Agricultural Residential Cluster Subdivision measure B-6(b) (Mitigation for VPFS) and Future Development Program B-6(a) (VPFS Presence/Absence Determination) in Section 4.3, *Biological Resources,* of the Final EIR.

Response 15T

The commentor notes that controversy exists over whether vernal pools can successfully be created and whether the capture and relocation of vernal pool fairy shrimp into created habitats would be acceptable mitigation. The commentor recommends avoidance of vernal pools and adjacent habitats in preference to habitat creation and species relocation. These changes have been incorporated into Agricultural Residential Cluster Subdivision measure B-6(b) (Mitigation for VPFS).

Response 15U

The commentor notes that seasonal ponds may not be under Corps jurisdiction, and therefore some of the text regarding the regulatory path for compliance with the Endangered Species Act is incorrect. These changes have been incorporated into Agricultural Residential Cluster Subdivision measure B-6(b) (Mitigation for VPFS).

Response 15V

The commentor's summary of the Future Development Program is noted.

Response 15W

The commentor's summary of surveys on the Santa Margarita Ranch property is noted.

Response 15X

The commentor notes that Table ES-4 has similar mitigation measures as those listed in Table ES-3, and comments provided on ES-3 also apply to Table ES-4. Applicable changes have been made to Table ES-4.

Response 15Y

The commentor notes that the extent of California red-legged frog surveys conducted in the future development area is unclear. Known California red-legged frog occurrences in the future development area are shown on Figure 4.3-3. Agricultural Residential Cluster Subdivision measure B-8 (a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures), which also applies to the Future Development Program, requires preconstruction surveys to determine avoidance and mitigation measures for California red-legged frogs throughout the Future Development Program area. This requirement is adequate mitigation because occupancy of California red-legged frogs changes over time depending on hydrologic and other habitat conditions. Also refer to Master Response 3a.

Response 15Z

The commentor notes that avoidance and minimization measures for the California red-legged frog are preferred within the future development area, as has been noted by the commentor in the Agricultural Cluster Residential Subdivision sections. Agricultural Residential Cluster Subdivision measure B-8 (a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures), which also applies to the Future Development Program, has been revised in the Final EIR to emphasize avoidance and minimization measures. Also refer to Master Response 3a.

Response 15AA

The commentor notes that the Draft EIR contains a 50 foot setback from Tostada Creek and a 100 foot setback from Trout Creek while both of these streams contain California red-legged frogs. Agricultural Residential Cluster Subdivision measure B-8(a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures), which also applies to the Future Development Program, has been revised in the Final EIR to include a 200 foot buffer from all California red-legged frog-occupied habitats.

Response 15AB

The commentor notes that protocol listed vernal pool branchiopod surveys should be done throughout suitable habitats within the future development program area, instead of prior to the issuance of grading permits as is stated in the Draft EIR. Refer to Master Response 3a.

Response 15AC

The commentor notes that wet season surveys should be conducted before dry season surveys. Comment noted.

Response 15AD

The commentor notes that avoidance and minimization measures for vernal pool fairy shrimp are preferred within the future development area, as has been noted by the commentor in the Agricultural Cluster Residential Subdivision sections. Agricultural Residential Cluster Subdivision measure B-6(b) (Mitigation for VPFS), which also applies to the Future Development Program, has been revised in the Final EIR to emphasize avoidance and minimization measures. Also refer to Master Response 3a.

Response 15AE

The commentor notes that the vernal pool fairy shrimp and California red-legged frog habitat assessment (Rincon Consultants, 2006) contains a misleading statement about the hydroperiod required for vernal pool fairy shrimp to reach maturity. Comment noted. This statement does not appear in the Draft EIR.

Response 15AF

The commentor's summary of the Migratory Bird Treaty Act (MBTA) is noted.

Response 15AG

The commentor notes that under the Migratory Bird Treaty Act work shall not be conducted during the season that active birds' nests may be present, and if this restriction is not possible nesting bird surveys shall be conducted to ensure avoidance. These measures are contained within the Draft EIR in Agricultural Residential Cluster Subdivision measure B-9(c) (Pre-Construction Bird Survey), which also applies to the Future Development Program.

Letter 16

California Regional Water Quality Control Board
Central Coast Region

Linda S. Adams
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

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S.L.O. CO. PLANNING DEPT.

April 12, 2007

James Caruso
San Luis Obispo County Building and Planning
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Caruso:

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT, SANTA MARGARITA RANCH, SAN LUIS OBISPO COUNTY

Regional Water Quality Control Board, Central Coast Region (Water Board) staff appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Santa Margarita Ranch. The Water Board has numerous concerns and comments regarding wastewater management, stormwater runoff and Low Impact Development strategies for the Santa Margarita Ranch development. After review of the Draft Environmental Impact Report (DEIR), we would appreciate your thorough consideration of the following comments:

Agricultural Residential Cluster Subdivision Impacts

- Water and Wastewater Impact ARCS W-1(a), Groundwater and Surface Water Monitoring Programs, states that groundwater quality samples shall be taken on a bi-annual basis. Water quality parameters analysis by a certified laboratory includes: TDS, chlorides, nitrate, nitrite, total nitrogen, ammonia, sodium, and sulfate. We recommend that groundwater quality be monitored semi-annually (dry and wet weather), at a minimum. The DEIR also states that monitoring reports shall be submitted to County Public Works staff for review. We recommend that monitoring reports also be submitted to the County Building and Planning Department and the Water Board. **A**

- Water and Wastewater Impact ARCS W-1(a) states that Public Works shall review groundwater and surface water stream flow monitoring data annually and require remedial action as necessary. We understand that depth to groundwater studies were conducted in the fall (October 23, 2003). Summer and fall-month monitoring provide an insufficient understanding of the actual water table fluctuations. Groundwater table studies must be performed throughout the wet season in order to properly design septic and Low Impact Development systems. Garden Farms is noted by Hopkins Groundwater Consultants of having groundwater levels oscillate seasonally on the order of 5 to 10 feet with peaks that occur during February and March. The lowest static water levels occur **B**

typically between July and November. We request that the Public Works confer with Building and Planning and the Water Board before any type of remedial action is required. B

- Santa Margarita is a known problem area for onsite sewage disposal systems. The Water Board considers a community-wide wastewater treatment facility, owned and operated by a public entity, the best option for the existing town of Santa Margarita and any new development. Santa Margarita has high groundwater in winter months and has slow percolating soils, both of which are not conducive for onsite systems. We therefore request that all onsite systems receive County Building and Planning and Water Board approval to ensure that they adequately meet all Central Coast Basin Plan requirements. We anticipate that many lots within the proposed Ranch will not meet the Central Coast Basin Plan requirements for conventional onsite systems and will require alternative onsite systems. With this said, no alternative onsite systems will be approved until a County-wide Onsite Management Program is approved by the Board of Supervisors and the Regional Water Board. C

- Water and Wastewater Impact ARCS W-2(a), states that a Septic Tank Maintenance Plan must be submitted and approved by the County Building and Planning Department prior to occupancy clearance. We considered this a favorable redundancy to the County-wide Onsite Management Program since the Plan is stated to require a minimum tank cleaning frequency of once every two years and the County Onsite Program may not require as frequent septic tank pumping. However, a five year cleaning frequency is sufficient for a properly sized and operated septic tank. D

  Please note that W-4 states that each 1,200-gallon septic tank will be required to be pumped approximately once every five years. This is contradictive of the above two-year requirement noted in W-2(a). Please clarify what will be required in the Septic Tank Maintenance Plan. E

- Water and Wastewater Impact ARCS W-2(a), states that Public Works staff shall review regular groundwater monitoring reports (as specified in the Plan) and determine whether a Wastewater Collection, Treatment and Disposal Master Plan is required. This determination should be in concurrence with Planning and Building and the Water Board. The DEIR states that the County shall determine the groundwater constituents of concern and threshold limits. This determination should be in concurrence with the Water Board. The DEIS also does not adequately describe the requirements to be contained within the Wastewater Collection, Treatment, and Disposal Master Plan, nor state a time requirement for implementation of the Plan by the applicant if groundwater is found to be impacted. F

- Water and Wastewater Impact ARCS W-2(a), states that installation of monitoring wells shall be ensured through a bond or performance security G

provided by the applicant. However, three sentences later it states that monitoring wells shall be installed prior to clearance for occupancy. Please clarify what is being required. The Water Board supports the implementation of groundwater monitoring wells upgradient and downgradient of the development before occupancy. G

- Water and Wastewater Impact ARCS W-2(a), states that an entity composed of individual Agricultural Residential Cluster Subdivision homeowners shall specify long-term septic tank maintenance and groundwater monitoring requirements. Please further explain why individual homeowners should be responsible for development of requirements and not the Planning and Building department or the Water Board. H

- San Luis Obispo County does not have a septage receiving facility. The nearest septage receiving facility is located in Santa Maria, approximately 40 miles south of the community of Santa Margarita. This facility is currently at capacity; therefore, approval of a large number of additional onsite systems in San Luis Obispo County is not appropriate. The Water Board does not support the approval of additional onsite systems without a viable septage receiving facility. Water and Wastewater Impact ARCS W-4 states that approximately 27,000 gallons of septage per year would be hauled from the proposed Agricultural Residential Cluster Subdivision. However this calculation is for septic tank pumping occurring every five years, not every two years as noted in W-2(a). This number will increase to 67,200 gallons of septage per year with bi-annual pumping for 112 septic tanks at 1,200 gallons each. Air quality impacts from septage pump-out and hauling from the Agricultural Residential Cluster Subdivision are not included within the DEIR. Please include air quality impacts from septage pump-out and hauling in the Final EIR. I

- Stormwater runoff - Section 402(p)(3)(B)(iii) of the Clean Water Act requires controls that reduce pollutants to the Maximum Extent Practicable, and "such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." The San Luis Obispo County Storm Water Management Plan (SWMP) was adopted by the Regional Water Board on March 23, 2007. The SWMP states, J

> "Some of the SWMP elements that the County will develop during the permit term are ordinances regulating... construction and postconstruction; a Low Impact Development (LID) Design Manual;..."Low impact development" generally refers to construction design features that reduce the volume of stormwater runoff and reduce pollutant loads in stormwater runoff. This design approach incorporates large-scale planning with small-scale management techniques to achieve environmental protection, while allowing for development or infrastructure rehabilitation to occur. The goal of LID is to mimic a site's predevelopment hydrology by maintaining characteristics of stormwater runoff, in quality, rate, and quantity. Design techniques aim to infiltrate, filter, store, evaporate, and detain stormwater close to its source. In addition to micro-scale

engineered features, strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, mature trees, flood plains, woodlands, and highly permeable soils. LID is a versatile approach that can be applied equally well to new development, urban retrofits, and redevelopment / revitalization projects. The MEP standard requires implementation of LID techniques."

The Santa Margarita Ranch project must abide by the terms of the SWMP as described above, by including Low Impact Development techniques that mimic pre-development hydrology and preserve floodplains and riparian areas. We are concerned that the project does not fully implement Low Impact Development, as discussed below.

All development results in placing impervious material (concrete, buildings, asphalt, etc.) over previously pervious natural land. The result is increased stormwater runoff, which causes increased overland flow often resulting in downstream flooding, increased stream flow resulting in erosion, and increased urban pollutant transport. The existing town of Santa Margarita currently has well documented flooding problems. It cannot handle excess runoff, via overland or creek flow, from upstream development. The required mitigation is to use Low Impact Development techniques that capture, retain and infiltrate stormwater runoff on a site-by-site (small scale, dispersed) basis. The key is to maintain the current hydrologic runoff rates and volumes. This can only be achieved with strict adherence to Low Impact Development techniques during the planning stage. Low Impact Development includes infiltration into all landscaped areas, minimizing pavement, using porous paving materials, not building in floodplains, not filling (building pads or other) in floodplains, and not providing urban pollutant sources (such as landscaping) within floodplains. History has shown that even incremental increases in filling and pollutant sources in floodplains collectively result in downstream flooding and pollution impacts. Portions of the Agriculture Residential Cluster Subdivision are located within the floodplain. This portion of the proposed development violates the Low Impact Development principles and the MEP standard and thus is unacceptable. J

- Drainage, Erosion, and Sedimentation Impact ARCS D-2 correctly described the problem of increased impermeable areas. However, the Mitigation Measures do not address this problem. The mitigation measures include temporary erosion control techniques, revegetation of graded areas and an incrementally phased Drainage Master Plan. These mitigation measures will not address long term problems associated with increased stormwater runoff. The temporary erosion control methods described are for the construction phase only and will not benefit the post-construction (build-out) phase. Revegetation will help with erosion, but will not address the source of development-caused flooding and erosion issues. The Drainage Master Plan described in mitigation D-2a should not be entirely relied upon to mitigate urban runoff and pollutant issues because such plans are typically do not properly address street and building layout. To properly utilize Low Impact Development, the stormwater runoff issues must be incorporated at K

the site-design (building and street layout) phase, and must include conscious decisions to limit interconnected impermeable areas. Low Impact Development goes far beyond pipe layout, regional detention basins, and fossil filters, typical of Drainage Master Plans, and as described in this DEIR. Typical Drainage Master Plans can and will not adequately address stormwater volume, discharge durations, and urban pollutants (especially nutrients and pesticides). The project must not include any filling or alteration of floodplains, must include methods to infiltrate, retain and use stormwater on a diffused, lot-by-lot basis, and must rely on bioremediation methods that address urban pollutants better than vault or fossil filter systems. K

- Mitigation measure ARCS D-2(a) and (b) approaches the necessary mitigation by requiring pre-development conditions, but does not go far enough to warrant true mitigation. It is well documented that creek morphology, and thus erosion/sedimentation balance, is based on the 2-year flow events which includes flow rates, and duration of discharge (volume). Mitigation measure D-s(a) aims at the 100-year flood event rate. Low Impact Development addresses the highly critical, low flow events such as the 2-year flow. New development must mimic the low flow hydrology (rate, volume, discharge duration and time of concentration) across the developed land. Mitigation measure ARCS D-2 (c) lists the Low Impact Development methods to consider, but the measure needs to specify that the project must aim to mimic pre-development 2 and 10-year flow events in order to meet the County's permit requirements. L

Future Development Program (FDP) Impacts

- Table 4.14-2, Future Development Program Water Demands, does not include the future wastewater treatment facility. Please include the water required to operate and maintain a wastewater treatment facility in the Final EIR. M

- Water and Wastewater Impact FDP W-2, states that since the capacity, features, location and timing of the potential future sewage treatment facility envisioned for dedication have not yet been determined, individual future developments could require the use of septic systems prior to treatment plant implementation. The Water Board does not consider this a viable option. Approval of an additional 550 onsite systems is inappropriate for Santa Margarita due to numerous site constraints and the lack of a septage receiving facility in San Luis Obispo County. Again, we would like to reiterate the need for a community-wide wastewater treatment facility before future development can occur in the Santa Margarita area. This point is mentioned in W-2(b), which states that implementation of the wastewater treatment facility should proceed in advance of the first Future Development Program subdivision proposed subsequent to the Agricultural Residential Cluster Subdivision. N

- Water and Wastewater Impact FDP W-2(b) states that a Community Wastewater Collection, Treatment, and Disposal Facility Master Plan shall include provisions O

to serve the existing community of Santa Margarita. The Water Board supports a community-wide system and feels that the Santa Margarita Ranch development must incorporate the existing discharges within the town of Santa Margarita. O

- Water and Wastewater Impact FDP W-1(a) and W-2(b) state that the Master Plan shall also investigate the feasibility of irrigating Future Development Program landscaping and recharging groundwater with treated effluent from the wastewater treatment facility. The Water Board fully supports the development of a reuse project to help offset water requirements for current and future developments. Water Reclamation Requirements will be required for all recycled water users. P

- Water and Wastewater Impact FDP W-2(a) states that a Groundwater Characterization Study shall be conducted to characterize existing groundwater and estimate of assimilative capacity of groundwater underneath each Future Development Program development area (or individual septic field locations, as applicable). The Characterization Study shall analyze long-term hydraulic disposal capacity, subsurface soil profiles, groundwater lateral hydraulic gradient and mounding potential, and assimilative capacity of the site(s) for water quality constituents of concern. Please explain why this study is not required before the Agricultural Residential Cluster Subdivision can be developed. The Water Board has numerous concerns with existing groundwater quality and development of the initial 112 onsite sewage disposal systems should initiate the Groundwater Characterization Study. Along with Planning and Building and Environmental Health, we request that the Groundwater Characterization Study be reviewed by the Water Board prior to approval. Q

- Waste Discharge Requirements will be required for all discharges from the proposed nine wineries. R

- The Stormwater runoff and Drainage, Erosion, and Sedimentation comments in the Agriculture Residential Cluster Subdivision section also apply in full to the Future Development Program. S

We appreciate your consideration of these comments. If you have questions, please contact **Allison Dominguez at (805) 549-3882** or Harvey Packard at (805) 542-4639.

Sincerely,

Roger W. Briggs
Executive Officer

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Letter 16

COMMENTOR: Roger W. Briggs, Executive Officer, California Regional Water Quality Control Board, Central Coast Region

DATE: April 12, 2007

RESPONSE:

Response 16A

Agricultural Residential Cluster Subdivision measure W-1(a) (Groundwater and Surface Water Monitoring Programs) has been revised to require semi-annual water quality testing and review of monitoring reports by Planning and Building and the RWQCB, as requested by the commentor. Refer to Section 4.14.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 16B

The commentor recommends that Public Works confer with Planning and Building and the Water Board before requiring remedial action in accordance with Agricultural Residential Cluster Subdivision measure W-1(a) (Groundwater and Surface Water Monitoring Programs). Refer to Response 16A and Section 4.14.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 16C

The commentor notes that the Regional Water Quality Control Board (RWQCB) considers a community-wide wastewater treatment facility, owned and operated by a public entity, the best option for the existing community of Santa Margarita and any new development in the surrounding area. According to the commentor, this is due to the fact that the Santa Margarita Ranch is a known problem area for on-site sewage disposal systems.

According to RWQCB standards, Agricultural Residential Cluster Subdivision lot sizes meet the minimum requirements for septic systems. Although the County could consider requiring a wastewater treatment plant as a condition of approval, it would not be appropriate to require such a facility as mitigation for the Agricultural Residential Cluster Subdivision because a corresponding impact is not triggered pursuant to CEQA thresholds.

The commentor additionally requests that all on-site septic systems receive County Planning and Building and Water Board approval to ensure they adequately meet all Central Coast Basin Plan requirements. Agricultural Residential Cluster Subdivision measure W-2(b) (Septic Tank and Leachfield Site Plans) requires submittal of septic tank and leachfield site plans, as well as percolation tests and borings in accordance with County leachfield design/construction requirements, to demonstrate sufficient leachfield percolation for each proposed residential unit and lot, in accordance with County standards. The measure requires County Planning and Building and Environmental Health review and approval. Because County requirements are the same as

Central Coast Basin Plan requirements, this measure would ensure that on-site septic systems meet requirements referenced by the commentor.

Response 16D

Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring) has been revised to require a 5-year cleaning frequency for septic tanks, as requested by the commentor. Refer to Section 4.14.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 16E

The commentor points out that the requirement of a 2-year cleaning frequency for septic tanks [as required by Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tanks Maintenance and Monitoring)] is contradictive to the claim under Agricultural Residential Cluster Subdivision Impact W-4 that each septic tank will be pumped approximately once every five years. As noted in Response 16D above, this measure has been revised to require a 5-year cleaning frequency.

Response 16F

The *Plan Requirements and Timing* and *Monitoring* sections of Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring) have been revised in accordance with the commentor's recommendations. Refer to Section 4.14.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR.

Refer also to Response 16D above.

Response 16G

Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring) has been revised to clarify that monitoring wells be installed prior to occupancy clearance. Refer to this measure in Section 4.14.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

The commentor's statement that the RWQCB supports the implementation of groundwater monitoring wells up gradient and down gradient of the development before occupancy is noted. Refer to Response 8O.

Response 16H

Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring) has been revised to require that County Public Works staff and the Regional Water Quality Control Board (RWQCB) dictate long-term septic tank maintenance and groundwater monitoring requirements. The entity comprised of individual Agricultural Residential Cluster Subdivision homeowners described in the measure will be required to comply with the plan, but

will not dictate its requirements. Refer to this measure in Section 4.14.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Refer also to Responses 16D and 16F.

Response 16I

The commentor notes that the RWQCB does not support the approval of additional on-site septic systems without a viable septage receiving facility. The comment is noted. Refer to Master Response 1.

The commentor additionally notes that Agricultural Residential Cluster Subdivision Impact W-4 calculates septage hauling based on a 5-year cleaning frequency although Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring) requires a 2-year cleaning frequency. Refer to Response 16D above. As noted therein, this measure has been revised to require a 5-year cleaning frequency.

The commentor further requests that air quality impacts from septage pump-out and hauling be included in the Final EIR. Trips related to septage hauling would be minimal and likely outside of the peak travel periods. As a result, air quality impacts would be temporary and short-lived. Refer also to Master Response 5.

Response 16J

The commentor notes that the Agricultural Residential Cluster Subdivision must abide by the terms of the Stormwater Management Plan (SWMP) by including Low Impact Development (LID) techniques that mimic pre-development hydrology and preserve floodplains and riparian areas. The commentor expresses concern that the proposed Agricultural Residential Cluster Subdivision does not fully implement LID techniques. Agricultural Residential Cluster Subdivision measure D-2(c) (LID-Integrated Management Practices) requires implementation of low impact development (LID) design technologies. Refer also to Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR, which have been revised to clarify that drainage systems must be designed to comply with County criteria (reduction of the 50 year, 10 hour post-development peak flow to 2 year, 10 hour pre-development conditions). Refer to Response R-8B in Section 4.0 (Written Comments and Responses on the Revised Draft EIR) of this document.

Response 16K

The commentor claims that Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System), D-2(b) (Trout Creek Drainage System) and D-2(c) (LID-Integrated Management Practices) do not adequately mitigate Agricultural Residential Cluster Subdivision Impact D-2 because they do not address long-term problems associated with increased stormwater runoff. The commentor states that the measures "include temporary erosion control techniques, revegetation of graded areas and an incrementally phased Drainage Master Plan," when they should be incorporating Low Impact Development (LID) strategies at the site-design phase.

Agricultural Residential Cluster Subdivision measures D-2(a) and D-2(b) require that drainage systems for Yerba Buena and Trout Creeks, respectively, reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, at a minimum. Agricultural Residential Cluster Subdivision measure D-2(c) requires employment of LID design technologies during site design to re-establish pre-development runoff conditions. As noted in Response 16J above, this measure has been revised to address 2- and 10-year flows, per LID design requirements in the Stormwater Management Plan (SWMP).

The measures required for Agricultural Residential Cluster Subdivision Impact D-2 address long-term runoff. Because the commentor does not provide alternate measures that they would find satisfactory, no further response is required.

Response 16L

Refer to Response 16J above. As noted therein, Agricultural Residential Cluster Subdivision measure D-2(c) (LID-Integrated Management Practices) has been revised to address 2- and 10-year flows, per LID design requirements in the Stormwater Management Plan (SWMP).

Response 16M

The commentor notes that Table 4.14-2 (Future Development Program Water Demands) does not include the future wastewater treatment facility. As described throughout Section 2.0, *Project Description,* of the Final EIR, the Future Development Program includes *dedication of land* for a future sewage treatment facility. Refer also to Master Responses 3a through 3c.

Response 16N

The commentor reiterates that the RWQCB does not consider septic systems a viable option on the Santa Margarita Ranch. Comment is noted. Refer to Master Response 1 and Response 16C.

Response 16O

The commentor expresses support for the requirement in Future Development Program measure W-2(b) (Wastewater Master Plan) that a Community Wastewater Collection, Treatment, and Disposal Facility Master Plan include provision to serve the existing community of Santa Margarita. The comment is noted. Refer to Master Response 1.

Response 16P

The commentor expresses support for Future Development Program measures W-1(a) (Reclaimed Water) and W-2(b) (Wastewater Master Plan). The commentor additionally notes that Water Reclamation Requirements would be required for all recycled water uses. Future Development Program measure W-1(a) has been revised to state this requirement. Refer to Section 4.14.2(c) (Future Development Program Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR. Refer also to Master Response 1.

Response 16Q

The commentor questions why Future Development Program measure W-2(a) (Groundwater Characterization Study) is not required prior to development of the Agricultural Residential Cluster Subdivision. The timing of this study is appropriate, based on the level of impact identified in the DEIR, and the hydrogeological analysis that supports the study.

Response 16R

The commentor notes that Waste Discharge Requirements will be required for all discharges from the nine Future Development Program wineries. This statement has been added to the discussion under Future Development Program Impact W-5. Refer to Section 4.14.2(c) (Future Development Program Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR. It should also be clarified that, although the commentor refers to the wineries as "proposed," no application has been filed for the Future Development Program. No wineries are proposed at this time. Refer to Master Response 3a.

Response 16S

The commentor states that the stormwater runoff and drainage, erosion, and sedimentation comments in the Agricultural Residential Cluster Subdivision section of Letter 16 also apply to the Future Development Program. Where revisions were made to Agricultural Residential Cluster Subdivision mitigation measures which apply to the Future Development Program, said revisions will extend to the Future Development Program. Refer to the Executive Summary of the Final EIR.

Letter 17

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
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S.L.O. CO. PLANNING DEPT.

April 16, 2007

MEMORANDUM

TO: James Caruso, Senior Planner

FROM: Richard Marshall, Development Services Engineer RGM

SUBJECT: Draft EIR – Santa Margarita Ranch

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan. I have consulted with staff from all divisions of the Public Works Department, and this memo represents our consolidated response. **A**

Water and Wastewater

1. Mitigation measure W-1(c) requires that the applicant acquire imported water supply to serve the ag cluster subdivision, noting the Nacimiento Water Project (NWP) as a possible source, but that there is some uncertainty about timing and availability of this source (as well as State Water). Additional information has been provided by the Nacimiento Project Manager, which is attached to this memo for reference. In short, his conclusion is that the Ranch project is eligible to enter into a contract for water supply from the NWP. The pipeline has capacity to deliver this supply if the Ranch pursues it, and he does not see any problem with supplying water from the NWP to the Ranch project. **B**

2. The proposed FDP W-2(b) mitigation proposes the preparation of a Wastewater Master Plan. Timing for the plan is designated as <u>after</u> the Ag cluster development. It would be prudent to perform initial work on the master plan prior to final approval of the Ag cluster development, to identify the location of a proposed regional treatment plant, and to facilitate design of conveyance infrastructure before final construction of the streets. **C**

3. In addition, completion of the wastewater master plan up front would provide **D**

background on the feasibility of the proposed FDP W-1(a) mitigation to irrigate landscaping with reclaimed water in order to offset a portion of the water supply demand or even the feasibility of recharging groundwater with treated effluent. D

Traffic and Circulation

1. The basic problem is the report's recommendations to pay "fair share" fees toward mitigating several identified potential impacts. The first concern is that some of the "fair share" projects should more-correctly be identified as project-specific impacts, with the applicant required to construct the improvement directly, rather than contribute financially to a future improvement. The second is that there is no existing financial mechanism to receive such "fair share" fees. Attached to this memo are the complete comments from our Transportation Engineer, which provides the details about which mitigations should be re-characterized as project-specific impacts, and provides several recommendations for how to deal with the "fair share" financing concept. E

2. A related problem is the potential for some of the larger improvements to have secondary impacts. The report identifies this concern and concludes that, due to the uncertainty of these improvements, the development's impacts are therefore significant and unavoidable (Class I). It is our feeling that the report should do the additional analysis now, to eliminate the potential uncertainty and define a path to accomplishing the necessary mitigations. We have coordinated with staff from Caltrans District 5, and determined that all of the improvements under consideration can be constructed through the encroachment permit process, and will not need to go through the much more complicated and lengthier Project Study Report (PSR) process. More details on this finding, and specific recommendations on how the EIR should proceed, are contained in the attachment. F

Please call me at 781-5280 if you have questions or need additional information.

Attachments

c: Dave Flynn, Transportation Manager
John Hollenbeck, Nacimiento Project Manager

File: Tract 2586

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NWP NACIMIENTO WATER PROJECT
San Luis Obispo County Flood Control & Water Conservation District

San Luis Obispo County FC&WCD
John R. Hollenbeck, P.E.
Nacimiento Project Manager

Commissioners
Harry Ovitt, SLO County FC&WCD
Frank Mecham, City of Paso Robles
David Brooks, Templeton CSD
Grigger Jones, Atascadero MWC
Dave Romero, City of San Luis Obispo

MEMORANDUM

March 9, 2007
NWP File No. D.4

TO: Richard Marshall, P.E.

FROM: John R. Hollenbeck, P.E.
Nacimiento Project Manager

SUBJECT: **Santa Margarita Ranch Agricultural Residential Cluster Project EIR**

I have reviewed the Santa Margarita Ranch Agricultural Cluster Subdivision Project (Ranch Project) and Future Development Program EIR in the interest of the Nacimiento Water Project (NWP). The NWP conveys raw water from Lake Nacimiento to the City of San Luis Obispo, and the pipeline passes through the Community of Santa Margarita. Ranch ownership participated in the planning phases of the NWP. G

The NWP EIR, certified by the District's Board on January 6, 2004, identified up to 200 acre-feet per year of imported NWP water to support some residential and recreation facilities, as well as expanded vineyard planting[1]. The Ranch Project has a unique ability to utilize imported raw water in different ways:

- Raw water can be treated by the Ranch Project and potable water delivered to the new residences.
- Raw water can be used to irrigate the vineyards and the vineyards' groundwater irrigation pumps can be shut off and greatly reduce the pumping of groundwater. This form of surface water irrigation is often termed "in-lieu groundwater recharge" because water is used to irrigate in-lieu of the groundwater. The un-used groundwater can then be used to support the residential and recreation development. H
- Raw imported water can be spread over groundwater recharge ponds to percolate into the groundwater basin to recharge the groundwater supply.

[1] "Nacimiento Water Project, Environmental Impact Report, Final," SCH#2001061022, December 2003, p. 2-5.

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Since the Ranch Project was part of the NWP EIR, they are eligible to enter into a contract with the District for a supply of water. Hydraulically, the pipeline currently has unused reserve volume to be delivered to the Ranch Project, should they desire a supply from the NWP. I do not foresee any problems with supplying water from the NWP to the Ranch Project.

Comments on the Santa Margarita Ranch DEIR – Traffic/Circulation Section
March 7, 2007
Dave Flynn, Public Works Department

There are several key processing issues on mitigation implementation that are unresolved. Toward that end, we have discussed processing of improvements along the State Highway system with Caltrans staff from both their Planning and Operations divisions. From these discussions, there is no need to pursue a Project Study Report (PSR) for Route 58 or the Highway 101 interchange. All improvement projects currently being discussed are operational improvements, and can be accomplished under an encroachment permit. This would utilize a Permit Engineering Evaluation Report (PEER) format, which can be done readily under the EIR preparation process. The key to having work expedited under this process is to have the operational improvement projects identified as project mitigation, and cleared for construction by the project developer, under this environmental document. As this mitigation is tied to both the short term Ag Cluster and Future Development Plan, the impacts associated with these mitigation improvements must be addressed in the current EIR document. This will allow for processing the mitigation projects under Caltrans encroachment permits. The objective must be to get improvements on the ground to serve as mitigation, not to defer the improvements to future studies under a PSR and subsequent Caltrans project reports and environmental documents. That will not lead to near-term improvements, and will only obligate the County to a lengthy list of state highway-related projects that the County is neither staffed to pursue nor does it have a means to fund such improvements. J

The other main unresolved issue is how the DEIR proposes that several mitigations be accomplished by payment of "fair share" fees. This would require further traffic study to determine the project's share, as well as a separate determination on the cost of these mitigation improvements. If we are to pursue a "fair share" mitigation solution, these additional analyses should be performed as part of the EIR. K

The options for payment of the "fair share" may require (1) establishment of a Community Facilities District (CFD, from the "Mello-Roos" legislation) for the entire development in order to assure proper funds will be in place to accomplish the mitigation; (2) the applicant creating a mitigation program through which the "fair share" payment can be made, with the expectation the applicant would then proceed to construct the mitigation improvements under a reimbursement agreement for repayment from future fees; or (3) the applicant directly construct selected mitigation projects on the State Highway system in lieu of reimbursement fee agreements or CFD implementation. L

The following are specific comments that need to be addressed in the Final EIR.

- For the freeway mainline volume, the previous analysis was done with 33,000 ADT. We need to see the analysis and resulting LOS based on the SLOCOG regional model projection of 44,000 ADT. In addition, the grade south of the 58/101 interchange needs to be addressed in the LOS for southbound on-ramp merge area. M

- The northbound off-ramp diverge area shows a project-specific impact for the Ag Cluster. We need to have the mitigation defined in terms of project scope and limits; then an environmental assessment/determination; and the completion of a PEER through Caltrans to establish the time frame for plan development and implementation. As a project-specific impact, we will need to see that Caltrans processing is confirmed and that this project will be funded and built by the applicant prior to occupancy of the Ag Cluster. **N**

- For the Ag cluster impacts, the report needs to state an additional p.m. impact on the northbound off-ramp and eastbound Route 58 merge area. The mitigation needs to achieve the minimum 400-foot merge distance. The work to provide this mitigation will result in secondary impacts to the existing Park and Ride Lot. This to needs to be included in the report, and clearance for displacement of the Park and Ride also addressed in the environmental document. An alternative location for the Park and Ride may be the Caltrans material storage area located on the north side of Route 58, approximately ¼ mile east of the interchange. **O**

- Ag Cluster Mitigation measure T-1(a), i.e. the addition of shoulders along Route 58 south of El Camino Real intersection, needs to be stated as a project-specific improvement, not just subject to payment of "fair share" fees. The improvement follows the frontage of the Ag Cluster development and mitigates the increased traffic load from the development. The development itself adds 1,000 ADT, which represents 25% of the projected volume of the road. Moreover, the FDP plan adds an additional 1,400 ADT. This is an overwhelming amount of traffic growth expected on this section of Route 58. The study indicates only an additional 900 ADT to points east of the ranch development. In addition, the work needs to begin at El Camino Real, not at J Street as indicated in the DEIR. The work for this project must be done by the applicant under a PEER process through Caltrans. Again, to expedite the construction of the mitigation, the project scope/limits should be cleared under the EIR. This would then meet the stated timing requirements of having the improvements installed prior to occupancy clearance. **P**

- Ag Cluster Mitigation measure T-1(d), correction of the Route 58 and El Camino Real intersection must also be processed under PEER and the EIR should provide environmental determination for the work. In reviewing the scope with Caltrans traffic operations staff, Paul McClintic, the modification of the intersection will require a westbound left-turn pocket under their criteria. As noted in the measure, this will require the extension of the existing culvert to the north to provide width. This project, as stated, will also need to be completed prior to the Ag Cluster occupancy. This project does have regional benefits and could be done under a reimbursement agreement, if the fee area is established by the applicant, or could be done by the near-term project with credit for mitigation be assigned to relieve work at other locations. The amount of the credit would need to be determined. **Q**

- Ag Cluster Mitigation measure T-1(e) is a project-specific mitigation to offset the project's increase in traffic. The existing deficiency at this location is the crest vertical curve. The Ag Cluster should either contribute the long-term fix of removing the crest, or just do the project-specific mitigation of the pedestrian-activated flashing beacon, installed under a Caltrans permit prior to occupancy. R

- On 4.12-27, please delete paragraph entitled "Residual Impacts" as this does not achieve the objective of the EIR. We need to be able to resolve these impacts and define their mitigation. As stated earlier, Caltrans staff has indicated no impediment towards accomplishing the mitigation under a series of permits. As the timing of the need for the mitigation is determined by the applicant, the applicant needs to resolve these issues as part of the EIR process. The following paragraphs also defer these studies. Again, the layout and area of impacts are roughly known from the traffic impact study, and should be addressed as part of this document in order for the development to receive entitlements. The County is in no position to take on this burden. S

- Ag Cluster Mitigation measure T-2(a) should be looked at for a precise location so as not to conflict with potential left turn channelization for the cemetery entrance. If the cemetery is to be expanded in the future, Caltrans would require channelization into the entrance. The development could elect to realign this portion of Route 58 through its property. This would provide the benefit of a proper entrance to the west driveway, elimination of the 90-degree curve at J Street, and provide for the entrance to the winery listed in the FDP. This would also require assessing the environmental impacts of such an option as part of this document. T

- Ag Cluster Mitigation measure T-4: As noted for measure T-1(a), the limits of improvement should be shoulder work from the east driveway to El Camino Real to mitigate bike conflict. U

- Ag Cluster Measure T-4(a): In-pavement warning lights at the crosswalk should be a project-specific permit project to be done by the applicant prior to occupancy. The total improvements needed at this intersection to address safety involve construction of bulbouts, median islands and drainage correction. While a the total improvements are a long-term project which will require outside funding, the in-pavement device can be installed under a permit at approximately 20% of the overall project expense and should be considered as the Ag Cluster contribution. V

- Future Development mitigation measure T-1: It should be identified that the individual ramps and the intersections can all be corrected under Caltrans encroachment permits, so they should not be defined as Class I, significant and unavoidable. Since the EIR is really an overview for a likely future specific plan of the actual future development plan, it provides a means to define these improvements, and set up course to implement them with the future development W

plan so they would not be called out as Class I. For a future Specific Plan, there would need to be a financing element which establishes the payment mechanism for these improvements. Defining the "fair share" issue under the EIR is essential so that action can be taken in the near term and in the future to fund the mitigation improvements by way of:

- Overall mitigation fee program, with the applicant constructing improvements and getting reimbursed under agreements as development occurs in future.
- The applicant enters into Community Facilities District formation, to bond for improvements up front and be reimbursed through other developments joining the district.
- The applicant agreeing to construct key mitigation projects up front as their fair share contribution.

W

- On page 4.12-38, improvement of the southbound off-ramp should be called out as its own mitigation measure. Specifically, as there would be increase in destination traffic heading to the guest ranch, ag uses, and winery activity, truck traffic through this ramp would be increased. Caltrans' operational review determined this will be a permit project of extending the ramp to the south for the noted diverge taper and deceleration requirements and then lining up the ramp terminus with the existing driveway to the Spanish Oaks development. This will impact a ravine and oak tree mitigation which was planted by Caltrans when they improved the northbound on-ramp in 1997.

X

- Future Development mitigation measure T-1(a): Note that this traffic signal will require railroad preemption which can add $300,000 to $400,000 to the project. The signal should be installed by the applicant, reimbursed under a fee program or CFD.

Y

- Future Development mitigation measure T-1(b): Since the proposed future residential development would take access from Wilhelmina Avenue, and since it is the applicant's traffic (residential village, guest ranch, lodge, restaurant, winery, golf course) triggering the need, this should be a project-specific mitigation and not subject to a "fair share" contribution.

Z

- Future Development mitigation measure T-1(c): At a minimum, the future development should be conditioned to develop the overall plan for the road segment, from which exact project costs can be derived and the cost share determined.

AA

- Future Development Mitigation measure T-1(d): It is essential to have this determined up front, so as to realize the required mitigation improvements rather than defer to future studies and funding plans. In adopting this EIR it needs to be defined how both the Ag Cluster and Future Development Plan will achieve that mitigation and define the recommended process. Again the options of:

AB

- Overall mitigation fee program with applicant constructing improvements and getting reimbursed under agreements as development occurs in future.
- Applicant enters into CFD formation, to bond for improvements up front and be reimbursed through other developments joining the district.
- The applicant agrees to construct key mitigation projects up front as their fair share contribution.

AB

Attached is a draft Mitigation Fee Program project list with escalated construction costs. If the first option above is chosen, the County would need to see this enacted as part of the development entitlements. The second option could require the formation of a CFD under the Ag cluster and/or future specific plan, but this EIR would need to define the criteria. The last option is provided as an alternative, since Caltrans seems agreeable to having the applicant conduct the work under encroachment permits, versus a lengthy Project Study Report process.

- On page 4.12-43, strike the "residual impact" paragraph as there are means to define impacts and mitigation. **AC**

- Future Development mitigation measure T-2, future site access: It is unacceptable to allow access utilizing the frontage road adjacent to the 58/101 interchange. With increasing traffic through the interchange, the close spacing of the frontage road intersection does not provide for proper sight distance and operations. First, the frontage road is not a public road, but rather a private access road or driveway. If this was to be pursued, the frontage road intersection would need to be realigned some 300 to 500 feet further to the east through what is now the Park and Ride as described in mitigation measure T-2(a). This only fuels the need to provide proper design in the merge area of the northbound off-ramp and Route 58 eastbound, which displaces the Park and Ride and this frontage road intersection. **AD**

- Future Development mitigation measure T-2(a) calls out potential new road access points to Route 58 from the south side of Santa Margarita. No part of any plan can be allowed to introduce any new railroad crossing to the area. Additionally, the existing crossing at Encina Avenue should not have any additional traffic directed to it, because Encina Avenue is a residential street and there is no plan to signalize its intersection with Route 58. Access to Route 58 from this area will need to be focused on Estrada Avenue and Wilhelmina Avenue. **AE**

- Future Development mitigation measure T-4(b): The center turn lane cost share needs to be defined through this study. What is needed first is the development of the plan to define costs. **AF**

Attachment – Conceptual CIP program

SANTA MARGARITA
CONCEPTUAL
Capital Improvement Projects Table

Dev Phase Trigger	Project Number	Road	From	To	Recommended Improvement	Pavement Width	Cost Estimate	Escalated Cost	Less: Existing Deficiencies	Less: Other Sources	Less: Regional COG	Funding From Impact Fees	Actual Construction Cost	Expected Completion
		Circulation Study Update (until 2034)				-	$50,000	$84,000				$84,000		2034
Ag Cluster	0-1	Route 58	El Camino Real Intersection		Reconstruct Superelevation, add turn pocket	52/44	$772,000	$940,000				$940,000		2012
FDR	0-2	Route 58	El Camino Real Intersection		Traffic Signal		$780,000	$990,000				$990,000		2020
Ag Cluster	0-3	58/101 IC	Northbound off ramp		Reconstruct for additional merge lane	24	$650,000	$782,000	$156,000			$626,000		2012
Ag Cluster	0-4	58/101 IC	Existing Park and Ride Lot		Construct new lot displaced by project 3		$430,000	$523,000			$262,000	$261,000		2012
FDR	0-5	58/101 IC	Southbound off ramp		Realign ramp to south	24	$1,009,000	$1,228,000	$368,000			$860,000		2012
contribute	0-6	Route 58	H Street	I Street	Improve Ped Crossing/Remove Hump	32	$480,000	$672,000	$336,000			$336,000		2012
contribute	0-7	Route 58	Encina Avenue		Improved Pedestrian Crossing	62	$296,000	$360,000	$108,000			$252,000		2012
contribute	0-8	Route 58	Wilhelmina Ave	Murphy Ave	Provide Center Turn Lane	60	$3,120,000	$4,456,000				$4,456,000		2025
FDR	0-9	58/101 IC	Southbound OnRamp		Reconstruct ramp with accel lane	24	$1,586,000	$2,265,000				$2,265,000		2025
contribute	0-10	El Camino Real	Bridge at Santa Margarita Creek		Widen bridge	46	$3,354,000	$4,790,000		$4,072,000		$718,000		2025
	TOTALS						$12,527,000	$17,090,000	$968,000	$4,072,000	$262,000	$11,788,000		

C:\temp\notes82F023\Draft Capital Improvement Table - Santa Margarita.xls

AG

Letter 17

COMMENTOR: Richard Marshall, Development Services Engineer, County of San Luis Obispo, Department of Public Works

DATE: April 16, 2007

RESPONSE:

Response 17A

The commentor notes that his memo represents a consolidated response from all divisions of the Public Works Department. Comment noted.

Response 17B

The commentor references an attached memo from the project manager for the Nacimiento Water Project (NWP) which states that the Ranch is eligible to enter into a contract for water supply from the NWP. Comment noted. Refer to Responses 17G through 17I for responses to this memo.

Response 17C

The commentor recommends that Future Development Program measure W-2(b) (Wastewater Master Plan) be required prior to final approval of the Agricultural Residential Cluster Subdivision.

Agricultural Residential Cluster Subdivision lot sizes meet the minimum requirements for septic systems. Although the County could consider requiring a wastewater treatment plant as a condition of approval, it would not be appropriate to require such a facility as mitigation for the Agricultural Residential Cluster Subdivision because a corresponding impact is not triggered pursuant to CEQA thresholds. Because the Agricultural Residential Cluster Subdivision would not require a wastewater treatment facility, and because no application has been filed for the Future Development Program, preparation of a Wastewater Master Plan would not be appropriate mitigation for the Agricultural Residential Cluster Subdivision.

Response 17D

Refer to Response 17C.

Future Development Program measure W-1(b) (Wastewater Master Plan) would provide background on the feasibility of reclaimed water irrigation required by Future Development Program W-1(a) (Reclaimed Water) without being required prior to final approval of the Agricultural Residential Cluster Subdivision.

Response 17E

Refer to Agricultural Residential Cluster Subdivision measures T-1(a) through T-1(e) and T-4(a) in Section 4.12, *Transportation and Circulation,* of the Final EIR. The use of "fair share" fees for required improvements has been removed.

Refer also to Responses 17K through 17AG for responses to the commentor-referenced Transportation Engineer memo.

Response 17F

Refer to the revised *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. Although impacts remain Class I, *significant and unavoidable,* this is not due to uncertainties related to the required improvements. Rather, if the construction and occupation of residences occurs prior to completion of improvements, existing deficiencies and associated impacts would remain.

The commentor additionally notes that traffic-related mitigation measures could be completed through the encroachment permit process rather than requiring preparation of a Project Study Report (PSR). Refer to mitigation measures in Section 4.12, *Transportation and Circulation,* of the Final EIR, which have been revised accordingly.

Response 17G

Comment noted.

Response 17H

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. The revised discussion addresses these concerns. The commentor-referenced EIR has been incorporated by reference and the options presented by the commentor have been addressed therein.

Response 17I

Comment noted. Refer also to the first paragraph of the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR, where it is acknowledged that the Santa Margarita Ranch Mutual Water Company (SMRMWC), which is proposed by Santa Margarita Ranch, LLC as part of the Agricultural Residential Cluster Subdivision, is identified as an eligible agency for the Nacimiento Water Project (NWP).

Response 17J

Refer to revised mitigation measures in Section 4.12, *Transportation and Circulation,* of the Final EIR, which have been revised to specify that improvements may be completed under encroachment permits.

Response 17K

Refer to revised mitigation measures in Section 4.12, *Transportation and Circulation,* of the Final EIR, which have been revised to require the applicant to construct improvements rather than pay fair share fees.

Response 17L

Refer to revised mitigation measures in Section 4.12, *Transportation and Circulation,* of the Final EIR, which have been revised to require the applicant to construct improvements rather than pay fair share fees.

Response 17M

The Draft EIR inadvertently listed average daily traffic (ADT) volumes for U.S. 101 which were lower than Caltrans data for 2005. Although the incorrect volumes were not used in any of the operational analyses, the volumes were corrected and recirculated as part of the Revised DEIR [refer to *Cumulative Impacts* in Section 2.7 (Transportation/Circulation) of the Revised DEIR]. The revised analysis has also been incorporated into the Final EIR.

Response 17N

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation.* As noted therein, since the precise location of the U.S. 101 Northbound Off-Ramp to SR 58 roadway improvements has not been determined, precise environmental impacts associated with such improvements would be too speculative to address at this time. Environmental impacts associated with implementation of required transportation improvements would be evaluated during the preparation of a Permit Engineering Evaluation Report (PEER), if one is determined necessary during the encroachment permit process and/or separate environmental documentation prepared pursuant to the California Environmental Quality Act (CEQA).

As noted in the *Plan Requirements and Timing* discussion in Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58), the applicant is required to install these improvements prior to occupancy clearance.

Response 17O

Refer to the last sentence of the first paragraph under Table 4.12-11 in Section 4.12, *Transportation and Circulation,* of the Final EIR. Refer also to Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58), which requires reconstruction of the area where the northbound U.S. 101 off-ramp merges with eastbound SR 58 to provide 400 feet of merging distance, as requested by the commentor. Potential impacts to the park and ride lot from these improvements are addressed in the second paragraph of this mitigation measure.

The commentor's suggestion for an alternate location of the park and ride lot is noted.

Response 17P

Refer to revised Agricultural Residential Cluster Subdivision measure T-1(a) (SR 58 South of J Street) in Section 4.12, *Transportation and Circulation,* of the Final EIR. This measure has been revised in accordance with the commentor's recommendations.

Response 17Q

Refer to revised Agricultural Residential Cluster Subdivision measure T-1(d) (El Camino Real/Estrada Avenue Redesign) in Section 4.12, *Transportation and Circulation,* of the Final EIR. This measure has been revised in accordance with the commentor's recommendations. Refer also to Future Development Program measure T-1(d) (El Camino Real/Estrada Avenue Signalization).

Response 17R

Refer to revised Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) in Section 4.12, *Transportation and Circulation,* of the Final EIR. This measure has been revised in accordance with the commentor's recommendations.

Response 17S

The *Residual Impacts* discussion referenced by the commentor is consistent with all other impact sections of the EIR. The discussion is intended to disclose the level of impacts of a particular impact after implementation of the required mitigation measure. The discussion under Agricultural Residential Cluster Subdivision Impact T-1 related to future environmental review is required because analyzing specific impacts associated with traffic improvements would be speculative, which is specifically prohibited by CEQA (refer to Master Response 2).

Response 17T

The commentor recommends that Agricultural Residential Cluster Subdivision measure T-2(a) (West Driveway Relocation) specify a precise location to prohibit conflicts with potential left turn channelization for the cemetery entrance. As no cemetery expansion is currently planned, left turn channelization would not be required for the cemetery in the foreseeable future. Analysis of potential future conflicts would therefore be speculative, which is specifically prohibited by CEQA (refer to Master Response 2).

Response 17U

Neither mitigation measure for Agricultural Residential Cluster Subdivision Impact T-4 applies to shoulder work. Refer to Response 17P.

Response 17V

Refer to revised Agricultural Residential Cluster Subdivision measure T-4(a) (El Camino Real/Encina Avenue In-Pavement Flashing Lights) in Section 4.12, *Transportation and Circulation,* of the Final EIR. This measure has been revised in accordance with the commentor's recommendations.

Response 17W

The commentor notes that mitigation measures for Future Development Program Impact T-1 can all be implemented under a Caltrans encroachment permit. Refer to revised Future Development Program measures T-1[d (previously a)] (El Camino Real/Estrada Avenue Signalization), T-1[e (previously b)] (El Camino Real/Wilhelmina Avenue Signalization), and T-1[f (previously c)] (SR 58 Improvements between Wilhelmina Avenue and Pinal Avenue) in Section 4.12, *Transportation and Circulation,* of the Final EIR. These mitigation measures were modified as part of the Revised Draft EIR to note that improvements may be installed under an encroachment permit and/or Project Study Report (PSR). This distinction is necessary because a PSR would in fact be required should the cost of improvements exceed three million dollars.

Refer also to Future Development Program measures T-1(b) (U.S. 101 Southbound Off-Ramp to SR 58) and T-1(c) (U.S. 101 Southbound On-Ramp from SR 58) in Section 4.12, *Transportation and Circulation,* of the Final EIR. These measures, which were added to the Revised Draft EIR and incorporated into the Final EIR, have been revised to clarify that an encroachment permit may suffice, as suggested by the commentor.

The commentor additionally questions the funding mechanism associated with installation of these improvements. Refer to the revised measures identified above, which have all been revised to clarify that, should a Specific Plan be required as a result of the first Future Development Program component on the Ranch property, the Specific Plan shall establish a finance district to fund the installation of improvements. In the event that a Specific Plan is not required for the first Future Development Program component, the applicant shall fund improvements and an area wide traffic model and associated reimbursement agreement. Refer also to Future Development Program measure T-1[g (previously d) (Future Development Program Impact Fee) in Section 4.12, *Transportation and Circulation,* of the Final EIR, which has been revised to the detail this funding mechanism.

It should also be clarified that Future Development Program mitigation measures are not identified as Class I, *significant and unavoidable.* Rather, the impact (Future Development Program Impact T-1) is identified Class I, *significant and unavoidable.* Refer to the *Residual Impacts* discussion under Future Development Program Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. As noted therein, if the construction and occupation of any Future Development Program land use occurs prior to completion of identified mitigation, existing deficiencies and associated impacts would remain. Although mitigation measures would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, it cannot be assured that all improvements would be constructed prior to occupation of the first Future Development Program land use.

Refer also to Master Response 3b.

Response 17X

Refer to Future Development Program measure T-1(b) (U.S. 101 Southbound Off-Ramp to SR 58) in Section 4.12, *Transportation and Circulation,* of the Final EIR. This improvement is now called out as a separate mitigation measure, as suggested by the commentor.

Refer also to the *Residual Impacts* discussion under Future Development Program Impact T-1 for a discussion of potential impacts of required transportation improvements.

Response 17Y

Refer to Future Development Program measure T-1[d (previously a)] (El Camino Real/Estrada Avenue Signalization) in Section 4.12, *Transportation and Circulation,* of the Final EIR. The requirement for rail pre-emption is noted in this measure. Refer also to Response 17W. As noted therein, funding for this mitigation measure has been clarified in the Final EIR. Should the cost of improvements exceed three million dollars, a Project Study Report (PSR) would be required.

Response 17Z

Refer to Future Development Program measure T-1[e (previously b)] (El Camino Real/Wilhelmina Avenue Signalization) in Section 4.12, *Transportation and Circulation,* of the Final EIR and Response 17W. The commentor's concerns related to funding of this improvement have been addressed therein.

Response 17AA

Refer to Future Development Program T-1[f (previously c)] (SR 58 Improvements between Wilhelmina Avenue and Pinal Avenue) in Section 4.12, *Transportation and Circulation,* of the Final EIR and Response 17W. The commentor's concerns related to funding of this improvement have been addressed therein.

Response 17AB

Refer to Future Development Program measure T-1[g (previously d) (Future Development Program Impact Fee) in Section 4.12, *Transportation and Circulation,* of the Final EIR. This measure has been revised in accordance with the first option listed by the commentor.

Response 17AC

Refer to Response 17S.

Response 17AD

The commentor argues that no Future Development Program site access should be allowed to utilize the existing frontage road adjacent to the SR 58/US 101 interchange. Future Development Program measure T-2(a) (Site-Specific Access Analysis) requires a detailed analysis of access points to Future Development Program land uses, including consideration of the commentor-referenced

site access. Hazards associated with access in this area would be identified during this process. Nonetheless, the commentor's concerns are noted.

Response 17AE

Refer to Response 17AD.

Response 17AF

Refer to Future Development Program measures T-4(a) (Bicycle Facilities), T-4(b) (Pedestrian Facilities) and T-4(c) (Transit Facilities) in Section 4.12, *Transportation and Circulation,* of the Final EIR. These measures have all been revised to eliminate the payment of fair share fees and define funding requirements, in accordance with the commentor's recommendations.

Response 17AG

The commentor provides a conceptual list of Capital Improvement Projects for the Agricultural Residential Cluster Subdivision and Future Development Program. Refer to Responses 17J through 17AF. As noted throughout these responses, traffic-related mitigation has been revised.

The comment does not address specific issues of concern with the Draft EIR analysis. As a result, no further response is required.

Letter 18

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April 12, 2007

VIA HAND DELIVERY

Ellen Carroll
Environmental Division
County of San Luis Obispo
Dept. of Planning and Building
County Government Center
1035 Palm Street
San Luis Obispo, CA 93408

RE: Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program, State Clearinghouse No. 2004111112 Case number VTTM 2586

Dear Ms. Carroll:

This office, together with a broad ranging technical team, represents Santa Margarita Ranch, LLC, the owner of the property included in Tract #2586 located in Santa Margarita, California. **A**

The purpose of this letter is to comment upon the Draft EIR (DEIR) for the project. Concurrently with this letter are detailed comments prepared by various project consultants. It is our opinion that inclusion of these comments in the Final Environmental Impact Report (FEIR) for the project results in a legally adequate FEIR. In general terms, the DEIR overstates potentially significant environmental impacts, does not fully consider the previously certified General Plan EIR, the regulatory framework for the project, and must be evaluated with regard to mitigations and alternatives. **B**

While overstating the significance of potential environmental impact does not render an EIR inadequate, the owners and project team feel that it is imperative that these comments in behalf of the applicant be included so that a correct assessment of the levels of significance can be drawn from the final document and completely inform the decision makers. **C**

The following comments are intended to place within a legally recognized context, the DEIR's discussion of the project, potential impacts, mitigations, prior environmental work, and feasible alternatives. **D**

Ultimately, the decision makers utilizing the Final EIR will have to assess those potions of the draft in light of the comments provided concurrently herewith, and with regard to the following well established CEQA principles. **E**

1. THE DRAFT EIR OVERSTATES POTENTIAL SIGNIFICANT IMPACTS FROM THE AGRICULTURAL CLUSTERING PROJECT

An EIR must identify and focus on the "significant environmental effect" of a proposed project. Pub. Res. Code §21100(b)(1) 14 Cal Code Regs §15126(a), 15143. A significant effect on the environment is defined as a substantial or potentially substantial adverse change in the environment. Pub. Res. Code §§21068. 21100(d). The "environment" refers to the physical conditions "existing within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, objects of historic or aesthetic significance." Pub. Res. Code §21060.5 An agency may find that an impact to the environment is less than significant if it concludes that the impact is not a substantial adverse change; it need not find a zero impact to conclude that it is less than significant. *National Parks & Conserv. Ass'n V. County of Riverside* (1999) 71 CA4th 1341, 1359, 84 CR2d 563. F

An EIR must analyze all foreseeable impacts of a project, but the report need not analyze speculative impacts, as suggested in 14 Cal Code Regs §15145:

> "If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

In determining whether impacts are significant, an EIR should compare the potential impacts of the project with pre-project environmental conditions ("setting the baseline for the environmental review"). The provisions on setting the environmental baseline are included in the CEQA Guidelines governing environmental setting (14 Cal Code Regs §15125(a)) and in the Guideline governing analysis of environmental impacts (14 Cal Code Regs §15126.2(a)). Under these provisions, an EIR's description of existing physical environmental conditions should normally be used as the baseline for determining whether impacts are significant. Existing conditions are determined as of the time the notice of preparation is published, or, if no notice of preparation is published, at the time the environmental analysis is commenced. 14 Cal Code Regs §§15125(a), 15126.2(a). *Save Our Peninsula Comm. V. Monterey County Bd. of Supervisors* (2001) 87 CA4th 99, 104 CR2d 326. See also *Fat v. County of Sacramento* (2002) CA4th 1270, 119 CR2d 402.

2. THE DRAFT EIR ANALYSIS PROVIDES NO BASIS FOR DISREGARDING THE CONCLUSIONS AND BOARD FINDINGS IN THE "FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DRAFT SALINAS RIVER AREA PLAN"

The agricultural clustering project is entirely consistent with the area standards in the County's Salinas River Area Plan. The Board of Supervisors certified on January 2, 1996, the "Final Program Environmental Impact Report for the Draft Salinas River Area Plan" ("Fugro-McClelland EIR"). The statute of limitations for challenging the adequacy of that EIR an the Board of Supervisors' Findings certifying that document have long since passed. (P.R.C. Section 21167(c).) It's findings and conclusions may only be disregarded in limited circumstances.

P.R.C. Section 21083.3(b) establishes the limits upon the subsequent approval of a general plan consistent project: G

> "(b) If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the aproval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant that described in the prior environmental impact report."

P.R.C. Section 21083.3(d) provides that the effects of a project "shall not be considered peculiar to the parcel or to the project" if they are uniformly applied to "development policies or standards" which have previously been adopted and that the development policies or standards "will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect." There is nothing in the Draft EIR which would prevent the application of the Board of Supervisors' findings and the content and conclusions of the Fugro EIR.

In addition, a lead agency may be able to rely of a previously prepared cumulative impact analysis rather than preparing a new one. This is authorized by provisions of the CEQA Guideline governing cumulative impacts (14 Cal Code Regs §15130(d)) as well the CEQA Guideline governing tiering (14 Cal Code Regs §15152(e), (f)(2)). These provisions apply when two conditions are met: First, the project must consistent with a general, specific, master, or comparable programmatic plan. (14 Cal Code Regs §15130(d)). Second, the lead agency must determine that the cumulative impacts have been adequately addressed in the certified EIR for

the plan. (14 Cal Code Regs §15130(d)).

If cumulative impacts have been adequately addressed, the lead agency may incorporate the prior cumulative impact analysis by reference, and no further evaluation of cumulative impacts is required. (14 Cal Code Regs §15130(d)). An EIR's cumulative impacts analysis may incorporate information from an EIR that was previously prepared for a general plan or related planning document rather that repeat the information. Under 14 Cal Code Regs 15130(d), a discussion of cumulative impacts contained in previously certified EIRs for land use plans may be incorporated by reference "pursuant to provisions for tiering and program EIRs." No further analysis of cumulative impacts beyond the incorporated information is required when a project is consistent with a general plan, specific plan, master plan, or "comparable programmatic plan" if the lead agency determines that the regional or area wide cumulative impacts relevant to the project have already been "adequately addressed" in a certified EIR for the plan. A cumulative impact has been "adequately addressed" if the lead agency finds that the prior analysis meets the standards in 14 Cal Code Regs §15152(f). In addition 14 Cal Code Regs §15152 (e) provides that if a cumulative impact was adequately addressed in an EIR for a general plan, community plan, or zoning action, and a project is consistent with the plan or zoning action, an EIR on the project "should not further analyze the cumulative impact." G

3. LEGAL STANDARDS FOR MITIGATION MEASURES AND ALTERNATIVES SUGGGESTED IN THE DEIR

A mitigation measure is designed to minimize a significant environmental impact. Pub. Res. Code §§15126.4(a)(1). Mitigation measures may consist of measures suggested by the project proponent as aspects of the project or measures that could reduce adverse impacts if imposed as conditions of project approval. 14 Cal Code Regs §15126.4(a)(1)(A).

Economic information may be required, either in the EIR or elsewhere in the agency record, to support findings that certain mitigation measures or alternatives are economically feasible. Under 14 Cal Code Regs §15131(c) agencies must consider economic and social factors, particularly housing needs, along with environmental, legal, and technological factors, in determining whether mitigation measures and project alternatives are infeasible. See 14 Cal Code Regs §§15091, 15364. H

Existing County mitigation programs must be considered adequate in addressing mitigation measures in the Draft EIR. Assessment of a fee is an appropriate from of mitigation

when it is linked to a specific mitigation program. See *Save our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 CA4th 99, 141, 104 CR2d 326 (traffic impact fees upheld as adequate mitigation on basis that it comprised "reasonable plan" to mitigate traffic impacts). Such fee-based mitigation programs based on fair-share contributions by individual projects are adequate mitigation if they "are part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing" *Anderson First Coalition v. City of Anderson* (2005) 130 CA4th 1173, 30 CR3d 738.

CEQA confers no independent grant of authority to impose mitigation measures on a project. When imposing measures to mitigate a project's significant environmental effects, a public agency may exercise only powers provided by legal authority independent of CEQA. Pub Res. Code §21004.

Under Pub. Res. Code §and 14 Cal Code Regs §15040, mitigation measures that go beyond the powers conferred by law on lead and responsible agencies are legally infeasible. *Kenneth Mebane Ranches v. Superior Court* (1992) 10 CA4th 276, 291, 12 CR2d 562. Under 14 Cal Code Regs §15364, "feasible" is defined as capable of being accomplished in a reasonable time, considering various matters, including legal factors. The purpose of setting forth mitigation measures in an EIR is to identify mitigation measures that could minimize significant adverse impacts, 14 Cal Code Regs §15126(c). Thus, agencies are not required to propose or analyze a mitigation measure that cannot be legally imposed. 14 Cal Code Regs §15126.4(a)(5).

H

When a project includes housing, a public agency may not reduce the number of housing units as a CEQA mitigation measure if it determines that another feasible mitigation measure or project alternative would provide a comparable level of mitigation. Pub. Res. Code §21159.26; 14 Cal Code Regs §15092(c).

Like any government exaction or condition of approval, a mitigation measure cannot violate state or federal constitutional standards. This limitation is explicitly stated in the Guidelines. 14 Cal Code Regs §15041(a), 15126.4(a)(4). As developed by the California courts and the United States Supreme Court, the primary limit on an agency authority is the requirement that a "reasonable relationship" or "nexus" exist between the project's impacts and an exaction, fee, or condition imposed by the agency. *Dolan v. City of Tigard* (1994) 512 US 374, 129 L Ed 2d 304, 114 S Ct 2309; Nollan *v. California Coastal Comm'n* (1987) 483 US 825, 97 L Ed 2d 677, 107 S Ct 3141.

The requirement that EIRs identify and discuss alternatives to the project stems from the fundamental statutory policy that public agencies should require the implementation of feasible

alternatives or feasible mitigation measures to reduce the project's significant environmental impacts. Pub. Res. Code §21002. To implement this policy, CEQA requires that an EIR identify both feasible mitigation measures and feasible alternatives that could avoid or substantially lessen the project's significant environmental effects. Pub. Res. Code §§21002, 21002.1(a), 21100(b)(4), 21150.

The basic purpose of an EIR's discussion of alternatives is to suggest ways project objectives might be achieved at less environmental cost. The alternatives discussed must, however, be able to attain most of the basic objectives of the project 14 Cal Code Regs §15126(a).

An EIR also need not consider alternatives that would change the basic nature of the project. Sel *Al Larson Boat Shop, Inc. v. Board of Harbor Comm'rs* (1993) 18 CA4th 729, 745, 22 CR2d 618 (alternatives for port expansion projects could properly be weighed with respect to port's needs or desires to handle more commercial shipping); *Marin Mun. Water Dist. v. KG Land Cal. Corp.* (1991) 235 CA 3d 1652, 1 CR2d 767 (because objective of proposed moratorium on a new water supply connections was to respond to short-term shortage, EIR properly rejected suggested alternatives designed to respond to long-term water supply problem). H

An EIR need not consider alternatives that are infeasible. The alternatives presented in an EIR must be potentially feasible. 14 Cal Code Regs §15126(a).

The term "feasible" is defined in Pub. Res. Code §21061.1 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

The alternatives discussed in an EIR must be reasonable alternatives, selected to foster informed decision-making and public participation. 14 Cal Code Regs §15126.6(a). An EIR need not consider an alternative whose effect cannot reasonable be ascertained or whose implementation is remote and speculative because unrealistic alternatives do not contribute to a useful analysis. 14 Cal Code Regs §15626.6 (f)(3). *Foundation for San Franciso's Architectural Heritage v. City of County of San Francisco* (1980) 106 CA3d 893. 910-165 CR 401.

Once the policy decision has been made on the appropriate uses for a site, and that policy is incorporated in applicable land use plans, a specific development proposal should not trigger ad hoc reconsideration of plan policies. As the supreme court state in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553, 573, 276, CR 410 (*Goleta II*), "reconsideration of I

local and regional land use policies in the context of development application is the 'antithesis' of the comprehensive, long-range planning mandated by state law; preparation of an EIR for a proposed development should ordinarily not provide occasion for reexamination of those policies." This reasoning was adopted by the court in *Mira Mar Mobile Commmuynity v. City of Oceanside* (2004) 119 CA 4th 477, 14 CR3d 308, which held that an EIR for a residential development consistent with planning policies of an adopted redevelopment plan did not need to examine alternative sites for the project. Relying on *Goleta II*, the court held that a development proposal that implements existing planning policies shold not prompt reconsideration of those policies. Because the project was consistent with the city's existing plans, policies, and zoning, a review of alternative sites was not necessary.

Thank you for an opportunity to comment upon the Draft EIR, and provide this general context within which the Draft EIR should be reviewed, and the inclusion of the applicant's comments which provide for a certifiable EIR.

Very truly yours,

WILLIAM S. WALTER
Attorney for Santa Margarita Ranch, LLC

April 11, 2007

Ellen Carroll
Environmental Division
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

RE: Santa Margarita Ranch Draft Environmental Impact Report

Dear Ms. Carroll:

We are writing this letter representing the ownership(s) of the Santa Margarita Ranch in regard to responses on the Draft Environmental Impact Report (D.E.I.R.) prepared by the County for Vested Tentative Tract Map 2586 as well as Future Development Program(s). While our submittal contains a substantial amount of information, which when included comments to the D.E.I.R., will result the ability to certify the final E.I.R. as consistent with CEQA. We believe that the three (3) issues can be characterized in a rather succinct way. J

First, the DEIR is surprisingly absent much of the information that was provided to the County as part of the application package for Tract 2586 as well as the additional information requested and provided throughout the D.E.I.R. process. Most of that information is being re-submitted as part of our comments to the D.E.I.R. so that it can be properly included, analyzed, and appropriate conclusions drawn. This was the basis of the intent for the programmatic portion of the E.I.R. as agreed to with the County and S.M.A.R.T. (Santa Margarita Area Residents Together). That will result in a complete and legally adequate Final Draft Environmental Impact Report (F.E.I.R.). K

Secondly, the D.E.I.R. identified a number of issues which we believe relevant concerns. This resulted in some minor refinements to Tract 2586. Thus, we are submitting what is termed the "Mitigated Proposed Project Alternative" (MPPA), which is based upon feasible mitigation measures. The MPPA incorporates many of the design recommendation in the DEIR, which significantly reduces identified impacts to a level of magnificence. L

Thirdly, many of the issues, in the Draft are overstated or inadequately analyzed. The D.E.I.R. analysis is often in conflict with already adopted County documents, not the least of which is the County's General Plan under Title 22 including the Area Standards established on pages 9-93 and 9-98 that pertain specifically to the Santa Margarita Ranch. These standards were established as the result of years of community discussions and debates. These community discussions resulted in the adoption of the 1996 General Plan and its accompanying certified EIR M

(Fugro EIR). Much of this "baseline information" and existing standards appear absent from most of the D.E.I.R.'s considerations. M

In fact, the alternative(s) section as an example of how the D.E.I.R. drafters approach violate many established design and land use parameters. Recommending alternatives such as Alternative Number 7 is in direct conflict with protection of agricultural lands, avoidance of delineated wetlands, neglect of visibility issues from public roadways, and many others. By supplying the information in these comments, the F.E.I.R. will be consistent with C.E.Q.A. N

Therefore, we respectfully request corrections with regard to the information previously submitted (again herein provided) to be included in the F.E.I.R., to fully inform the decision makers. O

Respectfully submitted on behalf of the Ranch's ownerships,

Santa Margarita Ranch, LLC

Rob Rossi, Doug Filipponi, Karl Wittstrom

Cc: Jamie Kirk, Kirk Consulting
William S. Walter, Esq.
Paul G. Metchik, Esq.

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Mitigated Project Alternative Description
Santa Margarita Ranch
Agricultural Residential Cluster Subdivision VTTM 256 &
Mitigated Project Alternative vs. DEIR Alternative No. 7

Introduction

The project applicant has reviewed the DEIR for VTTM 2586 and considered all of the project analysis and observations related to potential environmental impacts that may be the result of the proposed project. Though all of the information presented in the DEIR was carefully considered, particular attention was paid to the DEIR sections on Visual Resources, Archaeological Resources, Biological Resources, and Agricultural Resources. The project applicant found the information contained in the DEIR to be helpful when considering potential refinements to the project that would significantly lessen the project's impact on the various natural and cultural resources.

The applicant has prepared a site plan, the ***Mitigated Project Alternative*** (Attachment 1.A), that refines the proposed project to more thoroughly protect and respond to the visual, archaeological, biological, and agricultural resources of the project site. Though the Mitigated Project Alternative site plan better fits the project features to the land, it is a refinement of the Proposed Project, and it is consistent with applicant's submittal addressed in the DEIR.

While addressing many of the mitigation measures discussed in the DEIR relative to the proposed project, the Mitigated Project Alternative also proves to be superior to the environmentally superior Alternative No. 7 presented in the DEIR. The Mitigated Project Alternative is much more carefully designed to fit the contours of the land, and protect visual, biological, archaeological, and agricultural resources than Alternative No. 7 as described in the DEIR.

Summary of Mitigated Proposed Project Alternative

Roads

The Mitigated Project Alternative (MPA) has 111 residential cluster lots and 4 agricultural conservation easement lots, the same number shown on VTTM 2586 addressed in the EIR. The MPA refines the project road layout to more closely follow existing agricultural roads, reduce impacts on wetlands, reduce the impacts to agricultural lands, and reduce the number of oak trees to be removed due to road construction. By closely aligning the project roads with existing agricultural roads, and utilizing smaller residential driveways to serve cluster lots, the MPA eliminated four (4) project roads, and shortened the length of another. The project roads will be 18 feet of paved surface with small shoulders. The MPA road alignment follows the

P

alignment of existing ranch roads for 75% of the total length Ag Cluster project roads proposed. Refer to Ranch Roads (Attachment 1.B)

Residential Lots
The Mitigated Project Alternative (MPA) relocated eleven (11) lots and adjusted two (2) lots to locations that are not visible from public roads, or are substantially less visible from those roads. Lots 2 & 7 were moved to less visible locations on the west side of the cluster where they are partially visible from longer distances and partially screened by large oak trees. Lots 3, 6, 8, & 9 were moved to interior areas of the cluster and are not visible from public roads. Lots 10, 51, 90, 97 and 98 were also moved to locations that are not visible from public roads. Lots 11 and 99 were adjusted to lower elevations to reduce their visibility from the public roads.

Other lots were relocated or adjusted from their original locations as shown on the VTTM to avoid or lessen the impacts to archaeological, biological, or agricultural resources. Lots 2, 20, 26, 30, 32, 66, 96, 97, and 109 were relocated or adjusted to avoid impacts to archaeological resources. Lots 43, 66, and 71 were relocated to avoid impacts to prime agricultural soils. Lots 58 and 89 were relocated to avoid impacts to oak trees that would require removal. Refer to DEIR Tract 2586 Map and Mitigated Project Alternative Comparison (Attachment1.C) for graphic representation of changes.

In summary, twenty one (21) lots were relocated or adjusted to avoid DEIR identified impacts to visual, archaeological, agricultural, or biological resources. These refinements, along with the refinements to the project roads, substantially reduce or completely eliminate potential impacts to visual, archaeological, biological, and agricultural resources. The **Mitigated Project Alternative** (MPA) does not have any lots that impact agricultural or archaeological resources. New project roads also have less than significant impacts to these resources. Following the relocation or refinement of many lots, and incorporation of building envelopes for all lots, and height restrictions on several lots, only eight (8) lots remain partially visible from long distance for fleeting glimpses from public roads. This is in comparison to thirty (30) lots visible on the VTTM. The result is a Mitigated Proposed Project that removes all Class I impacts for visual, archaeological, biological, and visual resources. Refer to Existing DEIR Tract 2586 Map of Class 1 Impacts (Attachment 1.D), Mitigated Project Alternative Map of Class 1 Impacts (Attachment 1.E), and Mitigated Project Alternative Tract 2586 - Class 1 Impacts Spreadsheet (Attachment 1.F) for a comparison of Class I Impacts

Mitigated Project Alternative vs. DEIR Alternative No. 7
The Mitigated Project Alternative (MPA) is superior to Alternative No. 7 as described in the DEIR. The MPA reduces potential impacts in several areas as compared to the Alternative No. 7 including agricultural resources, biological resources, cultural resources, drainage, land use consistency, and visual resources. There are other areas where the two alternatives are neutral, including noise, public safety, public services, recreation, transportation, waste water. Overall, the MPA is the environmentally superior alternative as compared to the proposed project and all of the identified alternatives.

Agricultural Resources
The impacts related to the conversion of prime soils are substantially less in the MPA. The MPA **does not have any lots** located on **prime soils**. However, **Alternative No. 7 has 46 lots overlaid on prime soils** and consequently a much greater impact on the agricultural resources of the site. Conflicts with agricultural operations have been addressed in the MPA with the establishment of the 500-foot buffer proposed by the Ag Commissioners office. All lots in the MPA are outside of the buffer with the exception of 6 lots that have substantial topographic features as separation, plus several hundred feet buffer. Lot 1 was made smaller and Lot 99 was pulled back away from agricultural areas to further separate those lots from the agricultural uses, thereby eliminated the requirement for the building control line recommended by the agricultural commissioners office in mitigation measure AG-2 pg 4.1-17.

Air Quality
The MPA and Alternative No. 7 would generate similar trips and construction activity. Due to the more compact neighborhood arrangement of roads and lots in Alternative No. 7, there will likely be more total site disturbance per lot than in the MPA. The lots in the MPA are designed to be well integrated into the ranch environment with building envelopes requiring less site disturbance on each lot. Also, the roads are substantially located on existing agricultural roads in the MPA, whereas the Alternative No. 7 roads are located in grazing land and prime soils. These roads will require additional disturbance of previously undisturbed soil.

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Biological Resources
The MPA has fewer impacts to biological resources than Alternative No. 7. The plan for Alternative No. 7 has eleven (11) lots and project roads that require the removal of wetland area. The MPA does not have any lots impacting wetlands and only road crossings or culverts intersecting roads and wetlands. The road connecting the two clusters in Alternative No. 7 will require the removal of a substantial number of oak trees to traverse the heavily wooded and steep slope. Road construction for the MPA will require approximately 6 trees to be removed. Though other impacts to biological resources will be slightly reduced with Alternative No. 7, the significant tree removal and greater impacts to wetlands makes the MPA a superior alternative.

Cultural Resources
The MPA has fewer impacts to archaeological sites than the plan for Alternative No. 7. The plan for Alternative No. 7 has eleven (11) lots overlaid onto identified archaeological sites. The MPA does not have any lots that create impacts to archaeological sites. Roads in the MPA plan that intersect with archaeological sites are also existing agricultural roads that have already impacted the sites. Since other impacts to sites are neutral to the Alternative No. 7, the MPA reduces direct impacts to known sites and therefore is the superior alternative.

Drainage, Erosion and Sedimentation
The concentration of disturbance from development as shown in Alternative No. 7 will lead to more paved surfaces in a smaller more concentrated area. The more concentrated development will not allow for as much percolation and retention of storm water run-off and lead to discharge directly into the large wetland south of the town. The MPA uses existing agricultural roads that mostly follow gentle grades. The plan also places lots and driveways away from drainages in most cases. The less dense plan of the MPA allows for a very low intensity of paved surfaces and greater opportunity for storm water run-off to be treated and retained prior to

entering any wetlands or drainage courses. The MPA is located on a larger development footprint, yet the other factors leading to less concentrated flows make this a plan with fewer impacts.

Land Use
The MPA is more consistent with the County's General Plan than Alternative No. 7. The MPA is an agricultural cluster project in the tradition of Varian Ranch, the original Ag Cluster, and Biddle Ranch, the more recently approved Ag Cluster. Both of these projects cluster lots on the less productive land and preserve the most import prime agricultural soils. Alternative No. 7 significantly impacts the prime agricultural soils south of town, while the MPA has less than significant impacts to prime soils (project roads on existing ranch roads). Further, Alternative No. 7 locates lots on wetlands and sensitive archaeological sites. The Agricultural Land Use Ordinance encourages roads to be constructed on existing ranch or Ag roads where possible.

P

Visual Resources
The MPA is far more sensitive to the visual resources of the property, to the traveler, and to the way it relates to the land. The MPA has eight lots that will have visible homes out of 111 total home sites. Of these, eight lots will have homes that will be only partially visible for fleeting moments from public roads, and include trees and hillside as a backdrop. Alternative No. 7 appears that it would have between 75 and 85 homes clearly visible and dominant from the public roads. There would be little filtering of views and the first cluster would be completely inconsistent with the character of the ranch. Eight homes visible for fleeting glimpses through the trees in the distance, over the entire cluster area of 3,778 acres, are far less intrusive than the obvious tract of homes shown in Alternative No. 7.

In conclusion, the Mitigated Project Alternative has carefully included valuable information from the DEIR, improving the way the project site plan responds and reflects the important resources of the site. The MPA is certainly an improved refinement of the project application and more completely consistent with the spirit and intent of the Agricultural Cluster Ordinance. Further, the Mitigated Proposed Project is substantially superior to Alternative No. 7 as described in the DEIR.

Overstatement of Identified Impacts
Reference Documents

We are attaching a copy of the Certified EIR for the Biddle Ranch Agricultural Cluster (2003) and the Certified EIR for the HuerHuero Agricultural Cluster (2001). These are two Agricultural Cluster EIR's recently processed in the County of San Luis Obispo and authored by Rincon Consultants. These two documents are intended to act as supplementary evidence with regards to our arguments that the impacts are overstated as "Class I" . These two EIR's provide examples of how the same consultant and the County have assigned lower CEQA thresholds on similar projects. Q

While the County of SLO does not have "adopted CEQA significance thresholds", these two environmental documents utilized substantially different thresholds of significance than those applied to impacts identified and analyzed for Tract 2586 and the Future Development Program DEIR. Based on previous and comparable analysis in other documents, and thresholds assigned in those documents, the similar if not lesser impacts for Tract 2586 in the DEIR have been significantly over-stated.

Kirk Consulting

PROJECT
CLASS I IMPACT RESPONSE
Vesting Tentative Tract Map 2586

Agricultural Resources Section 4.1 – Project Impacts:
The DEIR assumes that the Project will result in two (2) Class 1 impacts to Agricultural Resources. The impacts to Agricultural Resources are overstated based upon empirical data. A detailed analysis of the technical aspects of the Agricultural Resources Section has been performed by Thomas Rice, Ph.D., C.P.S.S., Certified Professional Soils Scientist No. 1932 (see Attachment A). The evaluation performed by Dr. Rice and the additional information below is intended to provide the County with sufficient information to reclassify the Agricultural Impacts of the DEIR from Class 1, Significant and Unavoidable Impacts; to Class II Impacts, Significant but Mitigable Impacts.

R

Agricultural Residential Subdivision Cluster Impact AG-1: Page 4.1-14
The proposed Agricultural Residential Cluster Subdivision would permanently compromise the sustainability of a 676.7 acre grazing unit and would permanently convert 5 acres containing prime soils to non-agricultural uses. Impacts related to agricultural conversion would be Class I, significant and unavoidable.

Grazing Land:
On Page 4.1-14 of the Agricultural Resources Section, the DEIR author assumes that the project would result in the loss of 513 acres of land available for grazing, thereby resulting in the loss of a 676.7 acre grazing unit (163.7* acres of developed area + 513 acres).

S

* It should be noted that it is unclear where the DEIR derived the 163.7 acres. However, for the basis of continuity we will utilize the same number for the discussion below. The DEIR should have included a reference for the acreage.

As stated in Mr. Rice's report, this statement in not supported by facts. The statement is based on an assumption that all of the land within the cluster fields would not be suitable for grazing because of "inherent incompatibilities between residential uses and cattle grazing". There is no basis for this determination; the County recognizes grazing as viable on similar sized acreages near housing. Furthermore, there are several examples in our county on both a small scale and a large scale, where grazing in and around residential uses viably co-exist.

T

Varian Ranch, the County's first approved and constructed agricultural cluster, was designed using the same principals as the Vesting Tentative Tract Map 2586. At Varian Ranch there is no lot boundary fencing, the only fencing is around the building

envelope(S) for cattle control. This allows for successful grazing throughout the residential areas. The inherent incompatibilities between the residential uses and the grazing are not based on fact. Implementation of proper rangeland/animal management techniques as well as CC&R's managed by the proposed "Margarita Preserve" along with California Rangeland Trust Conservation Easements will assure the human interaction/ presence will not diminish viability. Varian Ranch and other Ag/ Residential, exemplify the successful interfaces between the uses. These examples "validate" the wisdom of the County's "Ag Cluster" provisions. T

Santa Margarita Ranch supplied the County with Draft Design Guideline for Tract 2586. These "guidelines" were intended to implement many of the same agricultural interface concepts incorporated at Varian Ranch. (See Pages 4-5 of SMR Design Guidelines Submitted June 27, 2006, and the draft California Rangeland Trust Easement etc). As shown in the Figure 4, Page 4, a portion (up to and sometimes exceeding 50%) of the residential lots will continue to be utilized for open grazing, along with the surrounding Ranch lands. The D.E.I.R. should be restated to indicate the residential area is actually much less than 100 acres. U

Safe guards, such as perimeter fencing and cattle-guards, will be on and around the "residential envelope" located within the lot boundary, not at the property lines. These standards will reduce the overall conversion of grazing land. This information was supplied to the County and should be referenced in the D.E.I.R.

Land Area Converted to Residential Use

"Residential building envelopes" are designated on the tentative map in order to more accurately quantify the area that will continue to be available for grazing. The building envelope cumulative acreages total 40.9 acres. As a result, the residential areas will result in only 40.9 acres being converted from current grazing land to residential uses. The project intends to utilize existing Ranch roads where possible for the internal site circulation. Therefore the use of those roads do not, and will not, disrupt the movement of the animals and will not result in a significant conversion of grazing land. In fact, the roads will continue to be used for both agricultural uses and will continue to provide access through the Cluster and to other portions of the Ranch not apart of Tract 2586. The road improvements required for the subdivision will result in an insignificant amount of additional conversion. In order to assume a real worst case scenario, 100 acres should be used as the amount of area that could potentially be removed from grazing. V

Animal Unit Assumptions within Tract 2586

The DEIR assumes that there will be a conversion of a 676.7 acre grazing unit and that the conversion would result in a reduction in the overall carry capacity of the Ranch by 85 animal units. There is no factual information contained in the DEIR that illustrates how this conclusion was made. It presumes +/- 8 acres of grazing land can support one animal unit. The DEIR states a range of 1 animal unit per 50 acres to 1 animal unit per 4 acres depending on quantity of forage. Based on site specific information provided by Orin Sage, (Registered by the California Board of Forestry as Certified Rangeland Manager #64; and by the American Registry of Certified Professionals in W

Agronomy, Crops, and Soils as Soil Erosion and Sedimentation Control Specialist #692) in an Agricultural Management and Enhancement Plan prepared for SMR in May 2001(submitted by Applicant in 2003), the number of acres required to support an animal unit in this area of the Ranch (historically known as the Remeck Field) is 14 acres. This is almost twice the acreage of the number used by the DEIR author. Based on actual cow counts provided by Aaron Lazanoff, SMR Ranch Manager, there are currently 35 animal units per year in this portion of the cluster field area, this equates to 19 acres per animal unit on a rotational grazing scenario. The DEIR needs to be revised to include accurate animal units and affected acreage. **W**

Additionally, the DEIR states that the Ranch stocking rate within the cluster area is light to moderate and that the stocking rate could be increased. Based on the rangeland management practices and the high quality stewardship practices employed by the Ranch, the "low to moderate" stocking rate has a beneficial impact to the quality of the Ranch rangeland. If higher stocking rates were applied to the Ranch, as the DEIR author assumes, it would compromise the quality of the rangeland, thereby actually reducing the animal unit ratio. Since the DEIR does not identify on what these "assumptions are based" proper stewardship of the Ranch by Ranch Foreman Aaron Lazanoff and guided by Orin Sage should be the standard by which the animal densities is measured/devried. **X**

Impacts:
The overstated impacts to grazing lands in the DEIR agricultural resources section(s) need to be revised to correctly quantify that up to 100 acres will be removed from grazing, not 676.7 acres. This equates to a 60% reduction of the assumed impacted areas. Furthermore, within the 3,778 acres that comprise Tract 2586, 2,615.1 acres are available for grazing. Based on the discussion above, a maximum of 100 acres will be converted as part of the proposed project. This is 3% of the site grazing land. In addition, the acreage required to support one animal unit needs to reflect facts. Based on these site specific aspects and the project's design, the residential project will result in the loss of less than 100 acres of grazing land, which will result in a maximum carry capacity reduction of 5 animal units. This is not a significant impact as it affects only a 0.5% change in capacity of the entire Ranch's "700 pair". **Y**

Mitigation:
Orin Sage's 2001 management plan prepared as an "Agricultural Master Plan" indicates that Yellow Star thistle may decrease available grazing area by up to 25% of the site. One method to mitigate the loss of the grazing land impacted by the house sites would be to include a management plan to eradicate the star thistle. If the project were required to implement star thistle management on 500 acres within the Tract boundary, the overall grazing capacity of the range would be increased by 125 acres. This mitigation measure alone would result in a net increase of grazing land and add back 9 animals units. **Z**

Alternative Mitigation Measures AG-1: Grazing Land Impact
In order to further reduce the on-site grazing impacts the following mitigation measures shall be implemented:

1. Prior to map recordation a Rangeland Management Plan shall be reviewed and approved by the Agricultural Commissioner's office. The Rangeland Management Plan shall include measures to spray an additional 500 acres of selected portions of the Ranch for Yellowstar thistle reduction/ elimination. **Z**

Prime Soils:
The DEIR states that the cluster division "could result in the direct conversion of 5 acres of prime agricultural soils". It is unclear specifically what area was included in the author's 5-acre assumption as the DEIR is silent. This should be identified. Based on the soils map provided in Figure 4.1-1 it was inferred that the presumed 5 acre loss of prime soils was based on the installation of a 'new' cluster access road and impacts associated with residential development on lots 43, 66, 70, and 71. **AA**

Area of Land Converted:
The access for the Ag cluster will utilize portions of the existing cross ranch access road and will result in the conversion of 2.05 acres of Class II if irrigated soils. The current roads alignment will continue to be utilized for agricultural and general access in order to eliminate impacts associated with the conversion of prime soils; it will continue to serve as a shared access for residential and agricultural uses. The majority of this road area is already used as a road and thus not being "converted". The road will continue to be used as a historic ranch cross road/access. The road exists between a seasonal drainage, which is subject to farming setbacks and a steep grade with existing at grade improvements; this area of 'prime' soils could not currently qualify as a "farmable" unit. Further, in Mr. Rice's review, portions of residential lots 66 and 70 are "located on transitional soil boundaries that do not classify as "Elder loam, 2 to 9 percent slopes", and therefore are not located on 'prime agricultural soils'." The Mitigated Proposed Project Alternative relocates lots 43 and 71 thereby eliminating any potential impacts on prime soils. **AB**

Impacts:
Based on the configuration of the prime soils unit, the farming setbacks , and the existing road, the conversion of this 2.05 -acres of "prime soils if irrigated" will not result in any impact, significant or otherwise, because it is not farmable as is by Best Practices Standards. The D.I.E.R. impact is thus over-stated. **AC**

Alternative Mitigation Measures AG-1: Prime Soils Impact
In order to further reduce impacts to on-site Prime Soils to a level of less than significant the following mitigation measures shall be implemented: **AD**

2. Improvements to the existing Ranch road shall be constructed to the minimal width standards as required by CDF. (as requested by applicant)
3. Lots 43 and 71 shall be relocated. (Done)

Agricultural Residential Subdivision Cluster Impact AG-2: Page 4.1-18
The proposed Agricultural Residential Cluster Subdivision would create conflicts between proposed urban uses and existing and future agricultural uses. Potential land use conflicts are Class 1 significant and unavoidable impact.

The DEIR states that based on Ag Commissioner's review of the clustered lots, the location of the proposed residences are compatible with the adjacent agricultural production areas and additional buffers are not required with the exception of building control lines on Lots 1, 99, 100. Lot 1 has been revised to a one acre lot therefore the entire lot is located outside of the building restriction line location suggested by the Ag Commissioner's office. Lot 99 has been relocated and 100 has been shifted to avoid the necessity of a building restriction line. Additionally, Varian Ranch and other existing "Ag Cluster" have demonstrated no such conflicts. **AE**

The County's General Plan as adopted in 1996 along with the accompanying E.I.R. prepared by Furgo/McClelland certified on January 2, 1996 included several material aspects that established Tract 2586 and the future "Village" areas for residential development. Both are within the "1800 Acre" area defined in the General Plan for development. **AF**

Impact:
The DEIR states that the direct impacts from trespass can be mitigated, and the parcel locations are compatible with and were carefully placed with production agriculture in mind. The DEIR does not provide justification of a Class 1 impact relating to the direct or indirect impacts to agriculture from nearby urban uses. As stated in the previous discussion, the potential land use compatibility that the DEIR states creates the Class 1 impact <u>is an unsubstantiated assumption</u> that the residents and grazing can not co-exist. The evidence is opposite with proper management and notification, residents and grazing can and do co-exist, as is seen in numerous other examples in the County. **AG**

Mitigation:

Mitigation measures in addition to those listed in the DEIR (AG-2(a), (c), (d)) can reduce the impacts to a less than significant level. Additional mitigation measures include fencing standards to limit the intrusion of cattle onto the residential envelopes and providing proper disclosure to future residents regarding the surrounding ongoing agricultural operations. The existing Rangeland Management Plan, the County's Right to Farm Ordinance, a Discloser of Potential Nuisance, proposed California Rangeland Trust Easement(s) and the ongoing Management by Ranch ownership(s) will ensure that impacts are minimized. Additionally, the Santa Margarita Preserve will maintain stewardship which will ensure overall continuity. Furthermore, by sensitive project design, exposure of the residents to the agricultural operations will be minimal and will result in little or no impact in regards to land use compatibility issues; as has been the case for twenty years at Varian Ranch . **AH**

Alternative / Additional Mitigation Measures: Land Use Compatibility

Add the following Mitigation measure to AG-2(a)
The additional Map Sheet and the CC&R's shall include the following requirements:

1. Cattle fencing shall be located at or within the building envelope lines identified on the tentative tract map, and as further defined by each site plan.
2. Each Lot Owner shall pay to maintain the "cattle fence" so that it effectively keeps the cattle out of the residential building envelope.
3. Each homeowner is required to install a cattle guard and/or gate at the point where their driveway enters their "building envelope". The cattle fencing must come to the edge of the cattle guard/ gate so as to form a complete closure.
4. All homeowner's domestic pets shall remain inside each building envelope. Dogs may be walked on leash on certain Ranch roads subject to a "License Agreement" between the homeowners and the Ranch and by following Ranch Rules as established from time-to-time.

AI

Based on project redesign AG-2(b),which consequently had incorrect lot numbers (101 instead of 99) should be revised to only list Lot 100.

AJ

Residual Impacts Page 4.1-18:
The DEIR states that the non-contiguous design of the proposed residential lots and the existing agricultural activities on the site (vineyards) will result in a Class 1 impact. This is in direct contrast to the statement made on Page 4.1-15, paragraph three, which states the following: "the locations proposed for the residential parcels are considered compatible with the adjacent agricultural production areas and additional distances are not required....". This statement by itself and the fact that grazing will continue within the area of the clustered lots, is adequate evidence required to reclassify the Class 1 impact to a Class II or less.

AK

Air Quality DEIR Section 4.2

The DEIR assumes that the Project will result in two (2) Class 1 impacts to Air Quality. The impacts to Air Quality are overstated. A detailed analysis of the technical aspects of the Air Quality Section has been performed by Diana Gould-Wells (See Attachment B). The evaluation performed by Ms. Gould-Wells and the additional information below is intended to provide the county with sufficient information to reclassify the Air Quality Impacts of the DEIR from Class 1, Significant and Unavoidable Impacts; to Class II Impacts, Significant but Mitigable Impacts. In addition, the cumulative air quality impacts for the entire scope of development for Tract 2586 and the programmatic portion of the D.E.I.R. have already been addressed in the 1996 Salinas River Area Plan E.I.R. certified in 1996, which included overriding considerations.

AL

Agricultural Residential Cluster Subdivision Impact AQ-1: Page 4.2-6
The proposed Agricultural Residential Cluster Subdivision will result in operational air pollutant emissions, primarily from vehicular traffic. This would result in an exceedance of the APCD thresholds, and would be a Class I, significant and unavoidable, impact.

The density of the proposed in Tract 2586 is consistent with a portion of the density anticipated and provided for in the current General Plan. The Fugro FEIR determined that Air Quality was a Class II impact and CEQA Findings and a Statement of Overriding Considerations was certified and adopted by the Board of Supervisors. The Fugro EIR includes the Air Quality impacts associated with the density proposed in both Tract 2586 and the Reasonable Development Program. The SMR DEIR re-analyzes impacts that were already analyzed in the Fugro FEIR. Thus, it is only necessary to verify the anticipated impacts are within the limits established by Fugro's certification. There is no new information or change to the "project", which would necessitate a re-analysis of air quality impacts. **AM**

As a result, the air quality impacts are misstated in the DEIR. The Fugro FEIR findings should be incorporated by reference to address air quality impacts rather than re-analyzing and thus, eliminating this as an issue. These Class I impacts are found to be acceptable due to previously adopted overriding considerations. This impact should be reclassified to a to a Class IV impact as the impact has already been addressed in a previous review and certified with overriding considerations.

AQ-4: Agricultural Residential Cluster Subdivision Impact AQ-4
The Agricultural Residential Cluster Subdivision would exceed the population growth assumptions of the 2001 Clean Air Plan (CAP). In addition, due to the distance of the site from services, Agricultural Residential Cluster Subdivision implementation would result in a substantial increase in vehicle miles traveled. Therefore, the Agricultural Residential Cluster Subdivision is inconsistent with the CAP. This is a Class I, significant and unavoidable impact. **AN**

This impact was previously discussed in the Fugro EIR (Page 5.3-11) with regard to residential density and location of "residential development". It is already included within the General Plan. Again, this section reanalyzes an already-identified impact in which a statement of overriding considerations and appropriate findings have been certified and adopted. Thus, the previous analysis should either a) be incorporated by reference, or b) included as an appendix in this SMR DEIR. This impact should be reclassified to a Class IV impact as the impact has already been addressed in a previous review and certified with overriding considerations.

The DEIR states that there is no feasible mitigation measures available to reduce the population associated with the Agricultural Residential Cluster Subdivision without substantially redesigning the proposed subdivision. In addition, no measures are available to substantially reduce the vehicle miles traveled associated with the Agricultural Residential Cluster Subdivision, due to the distance between the project and community services. It is unclear under what "standard" of redesign the project would result in a reduction in the population. The DEIR should expand on this **AO**

statement since the population and its housing is consistent with the County's General and Area Plan as certified in 1996. AO

Furthermore, the cluster is located in close proximity to community services and a pedestrian link has been provided between the cluster and the Santa Margarita URL. The beneficial aspects of this component should be discussed in the DEIR evaluation. The DEIR fails to identify that the project is closer to the (San Luis Obispo and Atascadero) job centers and services than other housing opportunities in the North County. The commute distance for a resident in Tract 2586 is closer to 40% of the County's jobs (San Luis Obispo City) versus the northern part of San Luis Obispo County. This should be analyzed as a "distance reducer" for employment and services. AP

Biological Resources DEIR Section 4.3

The DEIR assumes that the Project will result in one (1) Class I impact to Biological Resources. The impacts to Biological Resources are overstated. A detailed analysis of the technical aspects of the Biological Resources Section has been performed by LynneDee Althouse and Dan Meade (see Attachment C). The evaluation performed by Althouse and Meade and the additional information below is intended to provide the county with sufficient information to reclassify the Biological Impacts of the DEIR from a Class 1, Significant and Unavoidable Impacts; to a Class II Impact, Significant but Mitigable Impact. AQ

Agricultural Residential Cluster Subdivision Impact B-3: Page 4.3-71
The proposed Agricultural Residential Cluster Subdivision would result in the removal of an estimated 200 to 400 blue oak, coast live oak, and valley oak trees within the Blue Oak Woodland, Coast live Oak Woodland, Valley Oak Woodland, Valley Needlegrass Grassland, and California Annual Grassland habitats on the site. In the short term, oak trees that are removed can be replaced, but the quality of their habitat values will not be the same until the new trees mature, the timeframe of which cannot be accurately determined. Thus, impacts to oak woodlands are Class I, significant and unavoidable.

The DEIR incorrectly states that Tract 2586 would result in the removal of 200 – 400 oak trees. The DEIR states that the assumption was based on an "aerial map assessment". This is not a scientific approach to assessing oak tree impacts and/or removal. The impact section of the DEIR actually states that the project has the potential to directly impact (page 4.3-36) 200 – 400 trees, it does not specifically state that 200 – 400 trees will be removed as Impact B-3 states (Page 4.3-35). It is unclear how "impacted" was revised to "removed" in the translation of the impact assessment into the mitigation measure. Furthermore, our application stated trees would be retained to the extent possible and impacts would be minimized. This was not carried through in the project description of the DEIR. The discrepancy above needs to be corrected including taking into account the Tract 2586 "Design Standards". AR

Based on numerous site visits, tree counts, and subtle redesign of the Tract 2586 layout, it has been determined that Tract 2586 will result in the removal of between 30

to 60 oak trees with dbh greater than 5-inches, not 200- 400 as the DEIR incorrectly states. The loss of potential 30 to 60 mature trees is less than a .05% impact to the number of healthy existing trees. Tract 2586, which covers 3,600 acres contains approximately 10,000 mature oak trees and an equal number of smaller trees. The design layout has worked hard to avoid tree impacts for the environmental and aesthetic reasons. **AR**

As stated by Althouse and Meade in their technical review, a Class 1 impact to blue and coast live oaks based on this amount of removal / impact is unprecedented. Obviously, the Class I impact was based on erroneous interpretation of the impacted discussion on Page 4.3-36. Additionally, the County has adopted mitigation measures to mitigate tree removals and impacts such as this. These measures are routinely implemented on large and small projects. Based on the project redesign and the commitment to restrict and/or minimize oak tree impacts on individual lots (See Pages 5-6 of SMR Design Guidelines Submitted June 27, 2006), B-3 should be reclassified from a Class I, significant and unavoidable impact, to a Class II, significant but mitigable impact. Mitigation measures B-3(a) – B-3(c) should be included as the appropriate mitigation measures to reduce the impact to a Class II impact. Additionally, the setbacks for the live oak trees listed in B-3(c) shall be revised as described in the Althouse and Meade technical review. **AS**

Residual Impacts: The residual impact is over-stated. This should be reclassified to a Class II, significant but mitigable impact. The Class I impact is not based upon the amount of tree removal / impact and the fact that the County currently has adopted standards for oak tree mitigation(s). Furthermore, the proper mitigation monitoring and the existing range management practices employed by the Ranch will ensure that the tree replacements are successful and the impact is mitigated. **AT**

Cultural Resources DEIR Section 4.4

The DEIR assumes that the Project will result in two (2) Class 1 impact to Cultural Resources. The DEIR inappropriately establishes impact thresholds that are inconsistent with CEQA guidelines and concludes based upon these thresholds that impacts are Class I significant and unavoidable. The impacts to Cultural Resources are premature and overstated. A detailed analysis of the technical aspects of the Cultural Resources Section has been performed by Thor Conway, Heritage Discoveries, Inc. (See Attachment D). The evaluation performed by Mr. Conway and the additional information below is intended to provide the county with sufficient information to reclassify the Cultural Resource Impacts of the DEIR from Class 1, Significant and Unavoidable Impacts; to Class II Impacts, Significant but Mitigable Impacts. **AU**

Agricultural Residential Cluster Subdivision Impact CR-1
The Santa Margarita ranch is a rural historic district eligible for the CRHR. The proposed Agricultural Residential Cluster Subdivision is located in one of the character-defining area of the ranch. Development of the proposed residential cluster in this area would **AV**

substantially diminish the integrity of the design, setting, materials, feeling, and association of this character-defining area. In addition, implementation of the Agricultural Residential Cluster Subdivision would adversely impact traditional Native American values. This is considered a Class I, significant and unavoidable, impact.

The statement that the Future Development Program could adversely impact the SMR RHD and traditional Native American values is purely speculation. The first error in the mitigation measure is that is assumes the Ranch qualifies as a Rural Historic District, while the DEIR provides no basis for the geographic boundaries of the 'district". Additionally, the DEIR does not provide sufficient evidence that the cluster area is in fact a "character defining area".

The National Park Service defines a rural historic landscape / district as a: **AV**

"as a geographical area that historically has been used by people, or shaped or modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads and waterways, and natural features",

The DEIR does not provide adequate documentation to support a finding that the Ranch, in its entirety, is a distinct 'geographical area'. Furthermore, the DEIR conclusions and mitigation to designate the 14,000 acres of the Ranch as a Rural Historic District is inconsistent with the Cultural Landscape Report which indicates the proposed historic district boundary should be limited to the 9600 acre ranch "core". The DEIR mitigation proposes a 4,200 acre expansion of the proposed Historic District with no technical supporting documentation whatsoever and in contrast to the recommendations /conclusions of the Cultural Landscape Report. It is significant to note that the map prepared as part of the Cultural Landscape Report to delineate the 9600 acre "core" area, is omitted from the technical appendix and are not shown in the DEIR document.

The DEIR defines an "environmentally preferred alternative" shown on Figure 6-5, page 6-45. The location of this "preferred" alternative would have substantially more impact upon the design, setting and feeling of the ranch than the proposed location especially after the applicants' mitigated alternative is considered. The proposed Ag Cluster provides permanent long term protection of resources outside of the +/- 148 acres used for development in comparison to the entire 3,778 acre cluster parcel. **AW** Furthermore, all but a handful of the house sites will remain outside of the public view corridor. The permanent protection of 95%+ of the resource area and the careful siting of the building envelopes ensures that the landscape will remain intact as viewed from the public. The project as designed will ensure that the landscape is maintained. This impact should be re-classified to a Class II impact.

The DEIR indicates that the cluster will "adversely impact the traditional Native American values". However this is not to the applicants' knowledge as a CEQA threshold and is not consistent with the CEQA threshold listed in the EIR on page 4.4-11. The DEIR neglects to mention the existence of the Executed Memorandum of **AX**

Agreement for Cultural and Environmental Protocols between the Santa Margarita Ranch and the San Luis Obispo Chumash Council. This agreement sets forth protocols requirements for future development on the Ranch, including avoidance and established mitigation measures for any potential impacts. Consideration of the applicants mitigated alternative, protection of over 95% of the site, and existing archeological protocols will lower the significance of this impact to a Class II mitigable impact. **AX**

Mitigation measures CR-1(d) and CR-1(e) should be removed as they are both premature based on the limited knowledge and the unknown ramifications of the mitigation measures. **AY**

Agricultural Residential Cluster Subdivision Impact CR – 2

Thirty two prehistoric and historic archaeology sites and six isolates are located within or immediately adjacent to the Agricultural Residential Cluster Subdivision site. All of these resources contribute to the significance of the Santa Margarita Rural Historic District and are eligible for the California Register of Historic resources (CRHR) under multiple significance criteria. Recovery of the important information in these sites through excavation would lessen the impacts. However, damage to or destruction of the important associations of these sites, and disruption of their setting and feeling, is a Class I, significant and unavoidable impact. **AZ**

The applicant has prepared a Mitigated Proposed Project Alternative that further reduces impacts. The mitigated alternative only impacts a handful of already impacted / disturbed archeological sites and proper mitigation monitoring will ensure that impacts are reduced to level of less than significant. The DEIR notes for the remaining twenty two sites the boundaries of "most sites" are not well defined. It is speculative for the DEIR to opine that significant numbers of these sites will be significantly and adversely impacted with no possible mitigation when the site locations are ill defined. Consideration of the applicants mitigated alternative, protection of over 95% of the site, and existing archeological protocols will lower the significance of this impact to a Class II mitigable impact.

Noise DEIR Section 4.8

The DEIR assumes that the Project will increase noise levels at existing receptors adjacent to roadways, resulting in one Class 1 impacts. The impacts related to the noise generation are overstated. A detailed analysis of the technical aspects of the Noise Section has been performed by David Lord, PhD (see Attachment G). The evaluation performed by Mr. Lord and the additional information below is intended to provide the county with sufficient information to reclassify the anticipated Noise Impacts identified in the DEIR from Class 1, Significant and Unavoidable Impact; to a Class III Impact, not a significant impact. **BA**

Agricultural Residential Cluster Subdivision Impact N-2 Page 4.8-16
Long-term traffic generated by the Agricultural Residential Cluster Subdivision would incrementally increase noise levels at existing receptors located adjacent to roadways in the Santa Margarita Ranch vicinity. The effect of this noise on off-site sensitive receptors in the area is a Class I, significant and unavoidable, impact.

Table 4.8-6 of the DEIR indicates that the Ag cluster will result in a .00 dBA - 1.4 dBA increase to the ambient noise level in various locations based on an increase in traffic trips through town. The DEIR incorrectly characterizes these increases as a Class I, significant and unavoidable impact. The DEIR should reference the basis for the threshold of significance used in their draft document. As succinctly summarized in David Lord's review of the Noise Section, a permanent increase in noise levels is not 'significant' until it reaches between 3 dBA - 5dBA (depending on the document reference source). Furthermore, a permanent increase of less than 3dBA's is not even perceptible therefore, it cannot by definition be a significant impact. Based on the generally accepted noise level increases discussed in comparable certified CEQA documents and other Agency Noise Elements throughout California the maximum 1.4 dBA noise increase associated with the Tract 2586 Ag cluster should be re-classified as a Class III, less than significant impact. **BB**

The use of decimals to suggest accuracy in the DEIR should also be addressed. Decimals should be "rounded to the nearest whole number". As stated in David Lord's summary, the instruments reported used for the noise testing is not accurate to a decimal point level of accuracy. **BC** The DEIR should also reference the language in SLO County Land Use Ordinance (Section 22.10.120.B.2) that states the following:

> *In the event the measured ambient noise level exceeds the applicable exterior noise level standard in Subsection B.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.* **BD**

Based on this standard alone the impact is clearly consistent with existing acceptable thresholds, thereby making a Class III impact warranted.

Transportation DEIR Section 4.12

The DEIR incorrectly assumes that the Project will result in one (1) Class 1 impact to Transportation and Circulation. The impact to Transportation and Circulation is overstated and there is no nexus between the prescribed mitigation and the Tract 2586 project. A detailed analysis of the technical aspects of the Transportation and Circulation Section has been performed by Scott A. Schell, AICP with Associate Transportation Engineers (see Attachment K). **BE** The evaluation performed by Mr. Schell and the additional information below is intended to provide the County with sufficient and accurate information to reclassify the Transportation and Circulation Impacts of the DEIR from a Class 1, Significant and Unavoidable Impact; to a Class II Impact, Significant but Mitigable Impact.

Agricultural Residential Cluster Subdivision Impact T-1 Page 4.12-16
Development of the Agricultural Residential Cluster Subdivision would result in the addition of 1,154 average daily trips (88 AM peak hour and 119 PM peak hour trips) to study area roadways and intersections. Although this would not result in exceedances of roadway or intersection LOS standards, with the exception of the US 101/SR 58 interchange northbound off-ramp, the Agricultural Residential Cluster Subdivision will add traffic to locations with existing hazards and deficiencies. Implementation of proposed mitigation measures would improve hazards and deficiencies. However, due to uncertainty regarding Caltrans approval of facilities within State jurisdiction, Class I, significant and unavoidable, impacts would result.

As stated in the DEIR the project does not result in an exccedance of roadway or intersection LOS standards, with the exception of adding to the existing US 101/58 interchange north bound off ramp which is currently operating at a LOS D. Although the project does not exceed a LOS threshold, the DEIR recommends the implementation of several mitigation measures to address existing operational and roadway design deficiencies in the towns existing deficient circulation system. With the mitigation methodology suggested by the DEIR, one single family dwelling would result in a significant and unavoidable impact. This analysis and conclusion is flawed as it is putting an undo burden on a single or multiple applicants requiring them to fix deficiencies they did not create. **BF**

Under Section 4.12.2 Impact Analysis, the DEIR outlines Methodology and Significance Thresholds outlines in the State CEQA Guidelines. They are as follows:

- *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections);*
- *Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways;*
- *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;*
- *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);*
- *Result in inadequate emergency access;*
- *Result in inadequate parking capacity; or*
- *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).*

The impact discussion acknowledges that the project is contributing less than 30 % to existing deficiencies, but not resulting in exceedance of adopted level of service thresholds. The DEIR should state exactly which CEQA impact guidelines and/or adopted General Plan thresholds Tract 2586 and/or the future project exceeds,

thereby creating a Class I impact. These deficiencies have already been characterized as area-wide problems and should be addressed through the adoption of an area-wide traffic impact fee, not project specific mitigation measures. The Fugro EIR for the Salinas River Area Plan update considered the cumulative traffic associated with the project density and addressed traffic regionally as a Class I and certified with overriding considerations. This impact should be reclassified to a Class II impact. **BF**

Visual Resources: DEIR Section 4.13

The DEIR assumes that the Project will result in one (1) Class I impacts to Visual Resources. The DEIR inappropriately establishes impact thresholds that are inconsistent with CEQA guidelines and concludes based upon these thresholds that impacts are Class I significant and unavoidable. A detailed analysis of the technical aspects of the Visual Resources Section has been performed by Victor Montgomery of RRM Design Group (See Attachment L). The evaluation performed by Mr. Montgomery, the Mitigate Propose Project Alternative, and the additional information below is intended to provide the county with sufficient information to reclassify the Visual Resources of the DEIR from a Class 1, Significant and Unavoidable Impact; to a Class II Impacts, Significant but Mitigable Impact.. **BG**

Agricultural Residential Cluster Subdivision Impact VR-1

The clustering of the proposed Agricultural Residential Cluster Subdivision units and preservation of open space and agricultural lands would partially maintain the rural character of the site. However, the proposed development has the potential to alter the aesthetic character of the Agricultural Residential Cluster Subdivision vicinity through alteration of scenic vistas, the introduction of new light and glare generators in to the area, and the changing of the area's character from a rural to rural-residential condition. This is Class I, significant and unavoidable, impact to the aesthetic character of the area. **BH**

It is significant to note that the DEIR fails to acknowledge or use or consider the design guidelines submitted by the applicant prior to preparation of the DEIR. The DEIR threshold used for determination of a Class I impact is "Alterations" of a scenic vista. This threshold is not consistent with CEQA. The appropriate CEQA thresholds for visual are more clearly defined as "substantial adverse effect" or "substantially degrade". The DEIR indicates that Estrada Avenue and J Street is a "sensitive public vantage point". However, the photograph used to document this vantage point (figure 14.13-2) clearly shows that the context of this vantage point is not sensitive but is in fact suburban and affected by at least 5 existing buildings, fences, power lines and a street. The DEIR also mentions that Lot 30 would be visible from private homes and change the character of the view from the homes. There is no CEQA, State or County right to view protection from private homes. **BI** **BJ** **BK**

The DEIR indicates that West Pozo Road and State Route 58 are not designated Scenic Highways. The DEIR indicates that "portions" these roads are identified in the General Plan (no document reference is provided in the DEIR) as "potential scenic roadways". Despite identifying that these are not currently scenic highways and that only **BL**

unidentified "portions" of them may be "potential" scenic roadways (as distinguished from designated Scenic Highways) the DEIR proceeds to evaluate impacts as if they were scenic Highways and subject to special consideration. For both of these roadway evaluations the DEIR fails to demonstrate objectively that impacts reach the CEQA thresholds of substantial adverse impact or substantially degrade. The DEIR incorrectly applies a standard of merely being visible as equating to a significant adverse effect or substantial degradation. Similarly the DEIR concludes that the introduction of new light source(s) would "extend the light glow or an urban area" further into rural areas. The presence of 112 homes on an area of over 3000 acres is not urban. In addition the DEIR fails to consider that relatively simple mitigation measure could be employed to reduce light and glare. **BL** **BM**

The DEIR fails to use and apply appropriate CEQA standards and it fails to recognize the potential for mitigation measures that are simple and reasonable to implement erroneously concluding that impacts are significant and unavoidable. The applicants mitigated alternative dramatically reduces impacts of visibility, assures no house will silhouette against the sky and reduces light and glare to levels that are clearly below the CEQA thresholds for determination that impacts are significant, adverse and unavoidable. Based upon the mitigated alternative relocation of lots, adjustment of lots, use of building envelops, restrictions of height and mitigation measures for controlling light this impact should be revised to Class II, significant but mitigable. **BN**

Water and Wastewater Section 4-14

The DEIR assumes that the Project may contribute to overdraft of the aquifer resulting in one (1) Class 1 impact. The impacts related to the water use are overstated. A detailed analysis of the technical aspects of the Water Section has been performed by Joe Scalmanini of Luhdorff and Scalmanini, Consulting Engineers (LSCE) (see Attachment M). The evaluation performed by Mr. Scalmanini is intended to provide the county with sufficient information to reclassify the Water Impacts of the DEIR from Class 1, Significant and Unavoidable Impact; to a Class III Impact. **BO**

Agricultural Residential Cluster Subdivision Impact W-1: Page 4-14-5
The Agricultural Residential Cluster Subdivision would increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 96 acre-feet per year (afy). This net consumptive use may contribute to overdraft of the aquifer system. Groundwater use associated with the Agricultural Residential Cluster Subdivision is a Class I, *significant and unavoidable,* impact. **BP**

The information contained in LSCE concludes that the Hopkins Report greatly overestimated water demand for the project and underestimated basin yield. Based on the inaccuracies in Hopkin's water demand estimates, the impact to water resources is overstated. Furthermore, the conclusions in the DEIR that the basin is in overdraft are incorrect as the LSCE report verifies that the basin is not in overdraft. Since it is proven that there are sufficient groundwater supplies to supply the Project

and the basin is not in overdraft, the impacts to water supply should be revised to a Class III impact.

BP

The DEIR should also revise the mitigation measures as prescribed in the LSCE report.

Kirk Consulting

FUTURE DEVELOPMENT PROGRAM
CLASS I IMPACT RESPONSE

Agricultural Resources Section 4.1 – Program Impacts
The DEIR assumes that the Future Development Scenario will result in two (2) Class 1 impacts to Agricultural Resources. The impacts to Agricultural Resources are overstated and have also been evaluated on a Program level review in the FEIR for the Salinas River Area Plan update.

A detailed analysis of the technical aspects of the Agricultural Resources Section has been performed by Thomas Rice, Ph.D., C.P.S.S., Certified Professional Soils Scientist No. 1932 (see Attachment A). The evaluation performed by Dr. Rice and the additional information below is intended to provide the county with sufficient information to reclassify the Agricultural Impacts of the DEIR from Class 1, Significant and Unavoidable Impacts; to Class II Impacts, Significant but Mitigable Impacts. **BQ**

Future Development Program AG-1
Development in accordance with the Future Development Program could permanently convert existing grazing lands and 573 acres containing prime soils to non-agricultural uses. Impacts related to agricultural conversion would be a Class I, significant and unavoidable.

Prime Soils / Grazing:

The Program portion of the project contains potential development envelopes within identified areas of the Ranch. Specific uses are listed within those envelopes and conceptual site layouts were submitted as part of the supplemental information requested by the consultant during the preparation of the DEIR. The DEIR seems to have ignored this information and assumes that there will be a conversion of prime soils and grazing lands based on the Future Development Scenario. It is impossible to make the statement that all the prime soils within the potential development envelopes will convert to non-agricultural uses and that the grazing land will be impacted. The determination is pre-mature and not based on fact or science nor is it using the "concept layouts" for the basis. **BR**

The concept submitted for the Future Development Program will have less impact on agricultural resources thus it should be quantified appropriately at a Program level. Regardless, the Class I impact has no basis. Furthermore, the setting may change, as stated in our application and supplemental information, (i.e. additional intensification, **BS**

change in existing operation, etc) in the future and the DEIR should have included these factors, it has not. **BS**

In-lieu of assigning Class I impacts based on conjecture, it would be more appropriate to incorporate our concepts of uses, layouts, etc, with mitigation measures that would be implemented if a Specific Plan were submitted for the balance of the Ranch. **BT**

Mitigation Measure AG-1(a) is an appropriate mitigation measure to ensure that siting of future projects is done accordingly to minimize impacts to prime soils and existing agricultural operations. **BU**

Future Development Program Mitigation Measure AG-1(b) on Page 4.1-19-4.1-20 (Future Agricultural Conservation Easements) is not an appropriate mitigation measure. The Salinas River Area Plan specifically states in the event a Specific Plan is applied for, 3600 acres will be required to be entered in non-permanent Williamson Act contract. There is no legal nexus in requiring that agricultural conservation easements be recorded on the portions of Santa Margarita Ranch that will remain in agricultural use. The Dolan v. Tigard case states that a lead agency may not require a person to give up a constitutional right in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the benefit. **BV**

Because the Future Development Program is presently a concept level proposal and there is no application, there is no tangible relationship between the Future Development Scenario and the requirement to put agricultural areas in permanent conservation easements. There is no evidence that Agricultural Conservation Easements provide a higher level of protection than Williamson Act contracts. Mitigation Measure AG-1(a) is sufficient to provide mitigation measures for future application(s) for projects included in the Future Development Scenario. Mitigation Measure AG-1(b) should be removed. **BW**

Furthermore, as stated on Page 34 of the FEIR of the Parks and Recreation Element (which is a program level review of yet to be determined projects) "without a specific site, specific impacts cannot be addressed. However, they can be discussed in general, and general mitigation measures can be developed for use when a project is implemented". **BX**

The approach on the Future Development Project analysis should be general in nature and focus on developing mitigation measures that can be implemented during the future project(s) specific CEQA review. Furthermore, it should be noted that the issues of "conversion of agricultural land" has already been dealt with and concluded with the adoption of the Salinas River Area Plan and the Fugro EIR with its overriding considerations.

Land Use Conflict

Future Development Program Impact AG-2

The Future Development Program would create conflicts between proposed urban uses and existing and future agricultural uses. Potential land use conflicts are a Class I, significant and unavoidable, impact.

The DEIR states that all potential future development pursuant to the Future Development Program has the possibility to abut farming operations, creating potential conflicts. As stated in the previous discussion, the design concepts submitted by the Ranch were based upon the adopted standards contained with LUO Section 22.104.040, applicable only to the Santa Margarita Ranch. The concepts submitted were not included nor analyzed. They should be discussed and general mitigation measures developed for use when a project is implemented. Because specific sites have been conceptually determined, the ability to reduce impacts by careful siting and project components is possible. **BY**

The author states that "All" (Page 4.1-20 paragraph 5) future development uses have the potential to abut farming operations. This is not a true statement, the concept layouts submitted for the future development uses are compatible and support the on going agricultural uses on the site (i.e. livestock sales yard, wineries, B&B, and guest ranch).

Land Use Conflicts are not a Class I impact because the impacts have not been quantified correctly. The "future concepts" submitted demonstrated a sensitive layout and compatibility with adjacent uses.

Alternative / Additional Mitigation Measures: Land Use Compatibility

Mitigation measures in addition to those listed in the DEIR (AG-2(a), (c), and (d)) may reduce future impacts to a less than significant level. Additional mitigation measures include

e. Future development shall be consistent with the standards in the General Plan including the County's Agriculture and Open Space Element, including adopted agricultural buffer policies. **BZ**

f. Future development shall stay as far away as reasonable from farming, ranching and other commercial operations.

g. Future development shall be built to minimize impacts to sensitive resources.

h. A Specific Plan application shall be consistent with the requirements set forth in the Salinas River Planning Area Standards for Santa Margarita Ranch.

i. Future Development shall be subject to the County Right to Farm Ordinance.

Residual Impacts:
The DEIR states that with the implementation of required mitigation measures, land use compatibility impacts between agricultural and urban land uses would be reduced to the extent feasible. However, no feasible measures are available that would fully mitigate impacts related to land use compatibility without substantial limitations to the location and extent of future conceptual development envisioned for the Future Development Program. Therefore, impacts would remain Class I, *significant and unavoidable.* **CA**

This section should be revised to state the following:

A future Specific Plan should include the requirements set for in the Salinas River Planning Area Standards specific to the Ranch relating to Agricultural and Resource protection. It should also implement the policies and programs of the Agriculture and Open Space Element. The combination of these two requirements would serve to reduce impacts from the future development programs impact on agriculture to less than significant levels.

FEIR for Salinas River Area Plan
The DEIR should also take into consideration that the Agricultural Resource impacts of the future development scenario were evaluated under the Fugro EIR and a statement of overriding consideration has already been adopted for the Program level review of the Reasonable Development Scenario. Finding 'L' of the FEIR for the Salinas River Area Plan update specifically identifies the environmental effects of the Specific Plan components (Future Development Program) to be acceptable. **CB**

H. **Agriculture**

1. Impacts - Refer to Final EIR pages 5.13-8 through 5.13-10, EIR Addendum (Exhibit E1) and Board of Supervisors staff report (9/12/95), attachment C, Table 1. Approximately 943 acres will change from the Agriculture category to a non-agriculture category. Of this acreage, approximately 269 acres are considered prime ag soil. The analysis has considered the approximate 4,770 acres within Santa Margarita Ranch being taken from the Las Pilitas and Los Padres planning areas and added to the Salinas River planning area.

2. Mitigation - County goals and objectives encourage urban areas to develop prior to rural areas. The County Board of Supervisors has adopted a program that applies to discretionary permits to reduce ag conflicts whereby new development may include measures such as residential setbacks, clustering, constructing physical barriers, and requiring disclosures of existing ag operations and how they may affect surrounding non-ag uses (right-to-farm ordinance). *The EIR identifies the need to establish a TDC program as a means to insure long-term protection of important agriculturally productive lands (see Table E1).* Standards have been included for several specific properties to use this TDC program if it is developed within two years of Area Plan adoption. CC

3. Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment; however, these effects have not been lessened to a level of insignificance for the following reasons: prime soils with the potential for commercial productivity will be converted to non-agricultural uses, and *provisions to implement the additional measure suggested for the LUO and/or Framework for Planning has not been established.*

4. Supportive Evidence - The following is a brief description of the mitigation which will reduce the impacts:

   a. Several goals of the plan have been revised to provide greater emphasis on agricultural uses.
   b. When compared to the existing Plan, language has been modified to make it easier for agricultural development to occur.
   c. The Area Plan encourages residential clustering when significant constraints, including surrounding agricultural operations, exist.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

The unavoidable impacts resulting from the proposed project will occur as a result of how buildout of development will proceed, as well as the level of development that may occur for certain areas.

In balancing the project benefits against the significant unavoidable environmental impacts, the Planning Commission recommends that the Board of Supervisors find the environmental effects to be acceptable based on the following conclusions:

L. The proposed Plan includes many new Rural Area standards and guidelines that address how development should occur for a future development on the Santa Margarita Ranch, including: subdivision and specific plan requirements/objectives that will address public participation, resource constraints, open space, mixed land uses, agricultural protection, residential densities, appropriate land use categories, development phasing, and design guidelines.

Air Quality DEIR Section 4.2

The DEIR assumes that the Future Development Program will result in one (1) Class 1 impact to Air Quality. The impact to Air Quality is overstated. A detailed analysis of the technical aspects of the Air Quality Section has been performed by Diana Gould-Wells (See Attachment B). The evaluation performed by Ms. Gould-Wells and the additional information below is intended to provide the county with sufficient information to reclassify the Air Quality Impacts of the DEIR from Class 1, Significant and Unavoidable Impacts; to Class II Impacts, Significant but Mitigable Impacts. **CD**

Future Development Program Impact AQ-2: Page 4.2-19

Many of the Future Development Program conceptual land uses are inconsistent with the land use designations and population assumptions of the San Luis Obispo County General Plan. In addition, Future Development Program implementation would result in a substantial increase in vehicle miles traveled. Therefore, the Future Development Program is inconsistent with the 2001 Clean Air Plan (CAP). This is a Class I, significant and unavoidable impact. **CE**

The components of the Future Development Program are consistent with the General Plan or are listed as allowed/ conditionally allowed uses in the Agricultural Land Use Category. The impact assumption regarding General Plan consistency is incorrect and the statement should be removed.

While the Future Development Program may not be consistent with the CAP assumptions, the DEIR should address the fact that the assumptions in the CAP are functionally flawed because the document did not take into consideration land use density assignments in the General Plan that was adopted at the time the CAP was enacted. Although the discussion under "Populations Projection Consistency" is correct that land use changes will be required for many uses listed in the Future Development Program it does not correctly note that the population densities and various uses were assumed in the Fugro FEIR for the Salinas River Area Plan. **CF**

Under the *Vehicle Trip Rate of Increase and Miles Traveled* discussion on Page 4.2-20, the DEIR has an incorrect assumption of dwelling units as it did not remove the 112 units of the Ag cluster that are within the density evaluated under the Project DEIR review. This number should be corrected to 402 units. The review does not include an evaluation of the reduction of trips that will occur based on the creation of jobs and shopping associated with the Future Development Program. The DEIR should evaluate the commercial components in the Future Development Program which will provide employment and shopping opportunities. Additionally, the wineries will provide employment opportunities and reduce the traffic trips associated with the transportation of grapes to off-site facilities. Both of these components result in a decrease in trip rate and length. Because the DEIR did not take into consideration the reduction in trips the impacts of the DEIR are overstated. **CG**

Furthermore, as stated on Page 34 of the FEIR of the Parks and Recreation Element (which is a program level review of yet to be determined projects) "without a specific site, specific impacts cannot be addressed. However, they can be discussed in general, **CH**

and general mitigation measures can be developed for use when a project is implemented".

CH

The approach on the Future Development Project analysis should be general in nature and focus on developing mitigation measures that can be implemented during the project specific CEQA review.

Finally, the Fugro FEIR determined that Air Quality was a Class II impact and CEQA Findings and a Statement of Overriding Considerations were adopted by the Board of Supervisors for the Air Quality impacts associated with the density proposed as part of the Future Development Scenario. The SMR DEIR re-analyzes impacts that were already analyzed in the Fugro FEIR certified for the Salinas River Area Plan update. Thus, it is unnecessary to analyze these impacts again in the SMR DEIR. There is no new information or change to the project, which would necessitate a re-analysis of air quality impacts. As a result, the air quality impacts are overstated in the DEIR. The Fugro FEIR findings should be incorporated by reference to address air quality impacts rather than re-analyzing and thus, overstating these impacts. These Class I impacts were found to be acceptable due to overriding considerations. Since overriding findings were made for these impacts, an additional statement of Class I impacts are unnecessary.

CI

Fugro EIR Excerpt

B. **Air Quality**

1. Impacts - Refer to Final EIR pages 5.3-7 through 5.3-14, EIR Addendum (Exhibit E1) and Board of Supervisors staff report (9/12/95), attachment C, Table 1. Buildout of the proposed Plan will increase short-term construction-related air quality impacts, as well as long-term impacts. The County is considered in non-attainment by the State for the following pollutants: ozone, respirable particulate matter.

2. Mitigation - Partial implementation of 1988 Clean Air Act and County Clean Air Plan programs and strategies. Continued application of project-specific measures, as recommended by APCD, to reduce vehicle and construction emissions as well as respirable particulate matter below established thresholds.

3. Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. However, the effects will not be lessened to a level of insignificance for the following reasons: *1) provisions to implement short-term construction measures have not been fully established (see Table E1),* and 2) several areas with intensified development in rural areas conflict with the Clean Air Plan's strategies to "Plan for Compact Communities" and "Providing for Mixed Land Use". **CJ**

4. Supportive Evidence - The County has been designated a non-attainment area for the state standards for ozone and particulate matter (PM10). The Clean Air Plan includes land use strategies, as well as project-specific strategies to improve air quality to acceptable levels. The proposed Area Plan, a land use document, has partially incorporated the following land use strategies proposed in the Clean Air Plan, thereby reducing the Plan's potential impacts to air quality when compared to the existing Plan. The land use strategies that have been partially incorporated into the revised Area Plan include:

   a. **Improve the jobs/housing balance** - Based on the proposed Area Plan's land use category changes, the overall jobs/housing balance will be approximately 1.25 at buildout, which is considered almost "balanced" and close to the county's average of 0.91. Improving the jobs/housing balance should result in fewer trips and shorter trip lengths. This could result in a slight decrease of nitrogen oxides and reactive organic gases (ozone pre-cursers), and respirable particulate matter generated by mobile sources, when compared to the existing Plan.
   b. **Design for compact communities** - Some of the land use categories in many of the urban areas have been changed as part of the proposed Area Plan that generally provide for more compact communities when compared to the existing Plan.
   c. **Provide for a mixed land use** - Most of the urban areas in the proposed Plan provide for a mix of commercial and residential uses, which are expected to reduce the number and length of vehicle trips. Residential land use categories provide for some neighborhood commercial development.
   d. **Incorporate circulation management strategies** - The proposed Area Plan (Circulation Element) identifies a number of major county roadways that would provide for acceptable levels of service. In addition, the Plan includes a number of policies and standards to encourage transit, bicycling, pedestrian and air and rail traffic.

Biological Resources: Section 4.3

The DEIR assumes that the Future Development Program will result in one (1) Class 1 impact to Biological Resources. The impacts to Biological Resources are overstated. A detailed analysis of the technical aspects of the Biological Resources Section has been performed by LynneDee Althouse and Dan Meade (see Attachment C). The evaluation performed by Althouse and Meade and the additional information below is intended to provide the County with sufficient information to reclassify the Biological Impacts of the DEIR from a Class 1, Significant and Unavoidable Impacts; to a Class II Impact, Significant but Mitigable Impact. **CK**

Future Development Program Impact B-2: Page 4.3-71
Implementation of the Future Development Program would result in the removal of oak woodland habitat and an unknown number of native coast live oak, blue oak, and valley oak trees within the Coast live Oak Woodland, Blue Oak Woodland, Valley Oak Woodland and California annual grassland habitat types. This is a Class I, significant and unavoidable impact. **CL**

Because the Future Development Program, even at a concept level proposal avoided existing trees, (see concept layouts submitted June 13th) there is no tangible relationship between the Future Development Scenario and the assumption that future development will result in a Class I impact. The "assumed" Class I impact speculates removal of "unknown" numbers of oak trees; this statement is based on pure conjecture and not based on the concepts that were submitted.

Furthermore, as stated on Page 34 of the FEIR of the Parks and Recreation Element (which is a program level review of yet to be determined projects) "without a specific site, specific impacts cannot be addressed. However, they can be discussed in general, and general mitigation measures can be developed for use when a project is implemented". **CM**

The approach on the Future Development Project analysis should be general in nature and focus on developing mitigation measures that can be implemented during the project specific CEQA review. The Impact should be revised to a Class II impact with supplemental mitigation measures including those outlined in B-3(a) – B-3(c) on pages 4.3-37 through 4.3-39. (The impractical mitigation measures described in the Althouse and Meade technical review should be removed.) **CN**

Cultural Resources Section 4.4
The DEIR assumes that the Future Development Program will result in two (2) Class 1 impact to Cultural Resources. The DEIR inappropriately establishes impact thresholds that are inconsistent with CEQA guidelines and concludes, based upon these thresholds, that impacts are Class I significant and unavoidable. The impacts to Cultural Resources are premature and overstated. A detailed analysis of the technical aspects of the Cultural Resources Section has been performed by Thor Conway, Heritage Discoveries, Inc. (See Attachment D). The evaluation performed by Mr. Conway and the additional information below is intended to provide the county with sufficient information to reclassify the Cultural Resource Impacts of the DEIR from Class 1, Significant and Unavoidable Impacts; to Class II Impacts, Significant but Mitigable Impacts. **CO**

Future Development Program Impact CR-1 Page 4.4-29
Future development in accordance with the Future Development Program could adversely impact the Santa Margarita Ranch Rural Historic District and could adversely impact traditional Native American values. This is considered a Class I, significant and unavoidable impact. **CP**

The statement that the Future Development Program could adversely impact the SMRRHD and traditional Native American values is purely speculation. The first error in the mitigation measure is that is assumes the Ranch qualifies as a Rural Historic District, while the DEIR provides no basis for the geographic boundaries of the 'district'. CP

The National Park Service defines a rural historic landscape / district as a: "*as a geographical area that historically has been used by people, or shaped or modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads and waterways, and natural features*" The DIER does not provide adequate documentation to support a finding that the Ranch in its entirety is a distinct 'geographical area'. Furthermore, the DEIR conclusions and mitigation to designate the 14,000 acres of the Ranch as a Rural Historic District is inconsistent with the Cultural Landscape Report, which indicates the proposed historic district boundary should be limited to the 9,600 acre ranch "core". The DEIR mitigation proposes a 4,200 acre expansion of the proposed Historic District with no technical supporting documentation whatsoever and in contrast to the recommendations/conclusions of the Cultural Landscape Report. It is significant to note that the map prepared as part of the Cultural Landscape Report to delineate the 9,600 acre "core" area are omitted from the technical appendix and are not shown in the DEIR document. CQ

Because the Future Development Program, even at a concept level proposal, avoided archeological sites and maintains the viewshed(s) (see concept layouts submitted June 13th), there is no tangible relationship between the Future Development Scenario and the assumption that future development will result in a Class I impact. The Class I impact is based on the statement that future development could adversely impact the Santa Margarita Ranch Rural Historic District and could adversely impact traditional Native American values. From a Programmatic EIR review this statement is based on pure conjecture and not based on the future concept exhibits that were submitted. The DEIR neglects to mention the existence of the Executed Memorandum of Agreement for Cultural and Environmental Protocols between the Santa Margarita Ranch and the San Luis Obispo Chumash Council. This agreement sets forth protocols requirements for future development on the Ranch, including avoidance and established mitigation measures for any potential impacts. CR

Furthermore, as stated on Page 34 of the FEIR of the Parks and Recreation Element (which is a program level review of yet to be determined projects) "without a specific site, specific impacts cannot be addressed. However, they can be discussed in general, and general mitigation measures can be developed for use when a project is implemented". CS

The approach on the Future Development Project analysis should be general in nature and focus on developing mitigation measures that can be implemented during the future project specific CEQA review. The Impact should be revised to a Class II impact with supplemental mitigation measures including those outlined in the Memorandum CT CU

of Agreement for Cultural and Environmental Protocols between the Santa Margarita Ranch and the San Luis Obispo Chumash Council. CU

Future Development Program Impact CR-2
Future development in accordance with the Future Development Program would adversely impact identified and previously unidentified archeological deposits. These resources contribute to the significance of the Santa Margarita Ranch Rural Historic District and are eligible for the California Register of Historic Resources (CRHR) under multiple significance criteria. Recovery of the important information in these sites through excavation would lessen the impacts. However, damage to or destruction of the important associations of these sites, and disruption of their setting and feeling, is a Class I, significant and unavoidable impact. CV

As stated in Mr. Conway's review this mitigation measure is untrue and pre-mature. The DEIR neglects to mention the existence of the Executed Memorandum of Agreement for Cultural and Environmental Protocols between the Santa Margarita Ranch and the San Luis Obispo Chumash Council. This agreement sets forth protocols requirements for future development on the Ranch, including avoidance and established mitigation measures for any potential impacts. This and the fact that the extensive surveys have been conducted for areas proposed for development ensure that with proper mitigation and / or avoidance, impacts can be reduced to a level of less than significant.

Noise DEIR Section 4.8
The DEIR assumes that the Future Development Program will increase noise levels at existing receptors adjacent to roadways, resulting in one (1) Class 1 impact. The impacts related to the noise generation are overstated. A detailed analysis of the technical aspects of the Noise Section has been performed by David Lord, PhD (see Attachment G). The evaluation performed by Mr. Lord and the additional information below is intended to provide the County with sufficient information to reclassify the Noise Impacts of the DEIR from Class 1, Significant and Unavoidable Impact; to a Class II Impact, Significant but Mitigable. CW

Future Development Program Impact N-2
Long-term traffic generated by the Future Development Program would incrementally increase noise levels at existing receptors located adjacent to roadways in the Santa Margarita Ranch vicinity. The effect of this noise on off-site sensitive receptors in the area is a Class I, significant and unavoidable, impact.

As stated in Mr. Lord's review, the dBA increases identified in the DEIR are over-stated. The estimated projected incremental increase in noise based on traffic trips was not completed in accordance general noise prediction standards (i.e. a doubling of traffic increases typically results in a 3 dBA increase). As succinctly summarized in David Lord's review of the Noise Section, a permanent increase in noise levels is not 'significant' until it reaches between 3 dBA - 5dBA (depending on the document reference source). Furthermore a permanent increase of less than 3dBA's is not even perceptible; therefore it cannot by definition be a significant impact. CX

Based on the calculations provided by David Lord for the increase in noise levels associated with the additional traffic generated by the future project there is are only two locations in which an increase would exceed 3dBA, and only one location that would exceed 5dBA. If a significant impact is determined, site specific mitigation can be applied in these locations to reduce the noise impacts. CY

Furthermore, as stated in the previous sections, the Future Development Program is a concept level proposal and there is no application. The DEIR author has arbitrarily decided to assume that future development will result in a Class I impact. CZ

As stated on Page 34 of the FEIR of the Parks and Recreation Element (which is a program level review of yet to be determined projects) "without a specific site, specific impacts cannot be addressed. However, they can be discussed in general, and general mitigation measures can be developed for use when a project is implemented". DA

The approach on the Future Development Project analysis should be general in nature and focus on developing mitigation measures that can be implemented during the future project(s) specific CEQA review. The Impact should be revised to a Class II impact with supplemental mitigation measures, specifically for potential impacts to noise sensitive uses on Wilhelmina between I Street and ECR.

Transportation 4.12

The DEIR inappropriately establishes impact thresholds that are inconsistent with CEQA guidelines and concludes based upon these thresholds that impacts are Class I significant and unavoidable. The DEIR assumes that the Future Development Program will result in two Class 1 impacts to Transportation and Circulation. The impacts to Transportation and Circulation are overstated and there is no nexus between the prescribed mitigation(s) and the future project. A detailed analysis of the technical aspects of the Transportation and Circulation Section has been performed by Scott A. Schell, AICP with Associate Transportation Engineers (see Attachment K). The evaluation performed by Mr. Schell and the additional information below is intended to provide the county with sufficient information to reclassify the Transportation and Circulation Impacts of the DEIR from a Class 1, Significant and Unavoidable Impact; to a Class II Impacts, Significant but Mitigable Impact. DB

Future Development Program Impact T-1: Page 4.12-34

The Future Development Program would result in the addition of 8,137 average daily weekday trips (655 AM peak-hour and 818 PM peak-hour trips) to the study-area roadways and intersections. This would cause two local roadway segments, four U.S. 101 mainline segments, all four U.S. 101/SR 58 interchange ramps, and four intersections to operate at unacceptable levels of service during peak hours. Implementation of proposed mitigation measures would partially reduce impacts. However, due to uncertainty regarding Cal Trans approval of facilities within State jurisdiction and uncertainty regarding the timing of the improvements, impacts would be Class I, significant and unavoidable. DC

Because this is a Program level review, the approach on the Future Development Project analysis should be general in nature and focus on developing mitigation measures that can be implemented during the project specific CEQA review of a Specific Plan. The Impact should be revised from a Class I impact to a Class II impact. The DEIR should include a mitigation measure that requires future development(s) to pay their fair share/ proportional share of the future off-site improvements needed to accommodate the Cumulative + Project Traffic. The improvements should be identified through a fee program developed by the County. **DC**

Furthermore, it is unknown, if and when, an application may be submitted for a Specific Plan therefore the transportation setting may change.

Future Development Program Impact T-2: Page 4.12-43
The Future Development Program may result in inadequate site access and/or internal circulation conflicts. This would generate a Class I, significant and unavoidable, impact.

As stated by ATE in their review, this impact is not substantiated by any analysis. Furthermore, as stated in the previous sections, the Future Development Program is a concept level proposal and there is no application and only conceptual plans. The plans do show intended access locations and internal circulation. The DEIR author has decided to assume that future development will result in a Class I impact without analysis of this information, thus the impacts are unfounded. **DD**

As stated on Page 34 of the FEIR of the Parks and Recreation Element (which is a program level review of yet to be determined projects) "without a specific site, specific impacts cannot be addressed. However, they can be discussed in general, and general mitigation measures can be developed for use when a project is implemented".

The approach on the Future Development Project analysis should be general in nature and focus on developing mitigation measures that can be implemented during the future project specific CEQA review. The DEIR should include mitigation measures that require future development to provide site distance evaluations and be designed in compliance with intersection and design requirements set forth in Cal Trans and SLO County Public Works standards and specifications. The Impact should be revised from a Class I impact to a Class II impact. **DE**

Visual Resources Section 4.13
The DEIR assumes that the Future Development Program will result in one (1) Class 1 impacts to Visual Resources; however it did not analyze the conceptual site plan information that was submitted to the County. The DEIR inappropriately establishes impact thresholds that are inconsistent with CEQA guidelines and concludes based upon these thresholds that impacts are Class I significant and unavoidable. The analysis ignored the previously submitted concept plans which resulted in an overstatement of the impacts. A detailed analysis of the technical aspects of the Visual Resources Section has been performed by Victor Montgomery of RRM Design Group (See Attachment L). The evaluation performed by Mr. Montgomery, the resubmittal of the previously submitted material, and the additional information below is intended to **DF**

provide the county with sufficient information to reclassify the Visual Resources of the DEIR from a Class 1, Significant and Unavoidable Impact; to a Class II Impacts, Significant but Mitigable Impact.. DF

Future Development Program Impact VR -1.
Development in accordance with the Future Development Program would unavoidably alter the existing rural visual character of the area, introduce new development along viewing corridors, and introduce new light and glare generators into the area. Potential impacts to visual resources are Class I, significant and unavoidable. DG

Alteration of visual character, introduction of new development and introduction of new sources of light do not trigger Class I impacts. Properly applied CEQA thresholds require significantly more robust determinations as listed on page 4.13 – of the DEIR. To establish significance for visual resources the CEQA thresholds require establishing such conditions as "adverse effect", "substantially damage", "substantially degrade". Mere alteration or introduction of elements into the visual resource does not reach the CEQA standards needed for conclusion that impacts are significant and unavoidable.

US 101, El Camino Real, State Route 58 West Pozo Road and the Santa Margarita Community Viewshed do not have "protected status" in county or State policy. None of the roadways mentioned have scenic highway designations. There is no County or State policy protecting views from private residences. The adopted General Plan and Certified EIR anticipates specific additional development on the Santa Margarita Ranch subject to preparation and adoption of a Specific Plan, EIR and subsequent required development review. Furthermore, the review did not include an analysis of the concept site plan that was prepared consistent with the General Plan requirements for a Specific Plan. Development consistent with the adopted General Plan is not a Class I impact. In-lieu of assigning Class I impacts based on conjecture, it would be more appropriate to incorporate our concepts of uses, layouts, etc, with mitigation measures that would be implemented if a Specific Plan were submitted for the balance of the Ranch. DH DI

Future Development Program Impacts VR – 1 (b – d)
These identified impacts and recommended mitigation measures are premature, overly detailed in relation to the level of information available in the future development program and have the potential if required to be inconsistent with the required Specific Plan and the detailed standards set forth therein. Furthermore, the review did not take into consideration the "future concept" exhibits submitted to the County. For example on page 4.13 -25 the mitigation measure (second bullet from the top of the page) suggests that trees shall be planted in parking lots with a minimum of one tree per three parking spaces planted at the rear of the parking space. This standard is clearly premature and may conflict with the approaches and standards delineated in the required Specific Plan. These mitigation measures should be deleted. DJ

Water and Wastewater: Section 4.14

Program Impact W-1: Page 4.14-11
The Future Development Program would increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 926 acre-feet per year (afy). This net consumptive use may contribute to overdraft of the aquifer system. Groundwater use associated with the Future Development Program is a Class I, significant and unavoidable, impact.

DK

The DEIR assumes that the Reasonable Development Program may contribute to overdraft of the aquifer resulting in one Class 1 impact. The impacts related to the water use are overstated. A detailed analysis of the technical aspects of the Water Section has been performed by Joe Scalmanini of Luhdorff and Scalmanini, Consulting Engineers (LSCE) (Attachment M). The evaluation performed by Mr. Scalmanini is intended to provide the county with sufficient information to reclassify the Water Impacts of the DEIR from Class 1, Significant and Unavoidable Impact; to a Class II Impact, significant but mitigable.

"Attachment A"

DL

Agricultural Resources Impact Analysis

Dr. Tom Rice

Review of the Agricultural Resources section of the Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program"

DL

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April 6, 2007

Table of Contents

Page

Introduction 3

Methodology and Literature Resources 3

Findings and Discussion 5

Bibliography 21

Appendix A: USDA-NRCS "Prime Farmland Criteria" and "Guide for Placing Soils into Capability Classes" 22

Prime Farmland Criteria 23

Guide for Placing Soils into Capability Classes 25

Appendix B: Prime (Agricultural) Soils listed on the State of California, Department of Conservation, Important Farmlands Maps within the Soil Survey of San Luis Obispo County, Paso Robles Area (Lindsey, 1983). 26

Appendix C: Figure 4.1-2 (DEIR) showing Soil Map Unit 129, which should be deleted from this figure. 31

Figure 4.1-2 (DEIR) with hand-drawn notations 32

DL

April 6, 2007

Review of the Agricultural Resources section of the Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program"

Introduction

DL

The primary purpose of this report is to review the Agricultural Resources section of the draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" (DEIR) (Rincon Consultants, Inc., 2007). The Final Program Environmental Impact Report for the Draft Salinas River Area Plan (Fugro-McClelland (West), Inc., 1993) was also reviewed as it applies to the agricultural and soils resources of Santa Margarita Ranch.

Methodology and Literature Resources

A site visit was made to the Santa Margarita Ranch (Ranch) location of the proposed agricultural cluster subdivision on Friday, March 9, 2007. The primary purpose was to examine the soils and land located along a ranch access road, which bisects the proposed agricultural cluster subdivision.

DM

Particular attention was given to two (2) soil map units, which are located within and adjacent to the proposed agricultural cluster subdivision. These two soil map units are as follows: Soil Map Unit 133: Cropley clay, 2 to 9 percent slopes; and Soil Map Unit 139: Elder loam, 2 to 9 percent slopes.

The most recent U.S. Department of Agriculture, Natural Resources Conservation Service (USDA) soil survey report (Lindsay, 1983) was examined and compared with the soils information reported in the DEIR.

Several USDA definitions of prime farmland and prime agricultural soils were examined. The USDA general definition of prime farmland soils is "Prime farmland is land that has the best

combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding" (USDA, 2005).

DM

In order to assess whether these Santa Margarita Ranch soils meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), the NRCS definition of prime farmland was examined. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth.

In addition, the Ranch's chemical and physical soil properties reported in the soil survey report (Lindsey, 1983) were used to classify each soil into a Land Capability Class (LCC) using the most recent "Guide for placing soils in capability classes in California," which is attached to this report (Soil Survey Staff, California, 2006; see Appendix A). Soils that classify as LCC I and II are usually defined as prime agricultural soils.

Findings and Discussion

A. Soil Phases and Inclusions within soil map units

The USDA uses terms such as soil map unit, soil phase, soil type and inclusions to define the soil landscape areas that are mapped in USDA soil survey reports. Using a soil map unit found within the Ranch, the following examples are shown.

"Soil Map Unit:" Cropley clay, 2 to 9 percent slopes is the dominant "soil phase" along with the additional "inclusions" within this soil map unit.

"Soil Phase:" Cropley clay, 2 to 9 percent slopes. Cropley clay is the dominant "soil type" within the soil map unit and is found on slopes of 2 to 9 percent. No inclusions are considered along with the soil phase. The soil phase has the same name as the soil map unit.

"Soil Type:" Cropley clay is the most extensive soil, which classifies as Cropley series, and the surface soil texture is clay.

"Inclusions:" These are soils or non-soil areas within a soil map unit that are different than the named soil phase. Every soil map unit described and mapped by the USDA soil scientists has some soil, non-soil or land areas that are different than the named soil phases. These areas are called "inclusions," which have properties that are different than the named soil phases (Soil Survey Division Staff, 1993).

DN

The inclusions located within two soil map unit descriptions are listed below (Lindsey, 1983).

1.) Soil Map Unit 133: Cropley clay, 2 to 9 percent slopes

The soil survey report states that "Included in mapping are about 10 percent Capay clay and 5 percent are areas of Mocho clay loam, Rincon clay loam, and Still clay loam. A few areas are gravelly and cobbly at the surface. In places, slopes are 9 to 15 percent."

DO

My on-site examination of Soil Map Unit 133, located within the proposed agricultural residential cluster subdivision, found that the primary "Cropley clay" soil type is found within this map unit. However, the Cropley clay soils are bisected by two intermittent creek drainages,

and this soil map unit contains the following soil inclusions: a well traveled ranch road, vertical creek banks with gravelly and cobbly soils, gravelly alluvial soils within the intermittent creek channels, and Mocho clay loam soils located on the creek terraces and that are covered by tree and brush vegetation. Only about 40 to 50 percent of the soils within this soil delineation of Soil Map Unit 133 can be accurately called "Cropley clay, 2 to 9 percent slopes." **DO**

The proposed home site #43 (see DEIR, Figure 4.1-1) is located on soils that are designated as "Cropley clay, 2 to 9 percent slopes," which classify as "prime agricultural soils." Portions of the proposed home sites #1 and #44 (see DEIR, Figure 4.1-1) are located on transitional soil boundaries that do not classify as "Cropley clay, 2 to 9 percent slopes," and therefore are not located on "prime agricultural soils."

2.) Soil Map Unit 139: Elder loam, 2 to 9 percent slopes

The soil survey report states that "Included in mapping are about 15 percent Still clay loam, 10 percent Pico fine sandy loam, and 5 percent small areas of Hanford fine sandy loam, Metz loamy sand, Mocho clay loam, San Emigdio fine sandy loam and Tujunga fine sand. A few areas have wet spots."

My on-site examination of Soil Map Unit 139, located within the proposed agricultural residential cluster subdivision, found that the primary "Elder loam" soil type is found within this map unit. However, the Elder loam soils are bisected by one intermittent creek drainage, and the soil map unit contains the following soil inclusions: two well traveled ranch roads, an area of compacted soils adjacent to a cattle feed trough, gravelly alluvial soils within the intermittent creek channel, a seasonally wet area of soils covered by sedge vegetation, and Mocho clay loam soils located on the creek terrace and that are covered by grass and brush vegetation. Only about 60 to 70 percent of the soils within this soil delineation of Soil Map Unit 139 can be accurately called "Elder loam, 2 to 9 percent slopes." **DP**

The proposed home site #71 (see DEIR, Figure 4.1-1) is located on soils that are designated as "Elder loam, 2 to 9 percent slopes," which classify as "prime agricultural soils." Portions of the

proposed home sites #66 and #70 (see DEIR, Figure 4.1-1) are located on transitional soil boundaries that do not classify as "Elder loam, 2 to 9 percent slopes," and therefore are not located on "prime agricultural soils." **DP**

B. Definitions of prime farmland soils

1. Prime Farmland

Santa Margarita Ranch's soils, which meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), are designated as "prime soils" on the maps produced by the State of California, Department of Conservation. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth. Lists of these soil map units, organized by counties within California, are reported on the internet (see Appendix B). **DQ**

2. Land Capability Classification (LCC)

A sentence in the DEIR states "By USDA definition, Capability Class I and Class II soils qualify as prime soils, depending on irrigation" (DEIR, page 4.1-9). In contrast, the USDA soil survey report states that "Class I soils have few limitations that restrict their use. Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices" (Lindsey, 1983; page 75). Further, the USDA soil survey report states that "Capability classes and subclasses show, in a general way, the suitability of soils for most kinds of field crops." (Lindsey, 1983; page 74). **DR**

3. Storie Index Rating (SIR)

A sentence in the DEIR states "By USDA definition, soils with a Storie index from 80 to 100 qualify as prime soils" (DEIR, page 4.1-10). In contrast, the USDA soil survey report states that "Soils of grade 1 (i.e., Storie index rating of 80 to 100) are excellent or well suited to general intensive agriculture" (Lindsey, 1983; page 76). Further, the USDA soil survey report states that "This (Storie) index expresses numerically the relative degree of suitability of a soil for general intensive agriculture as it exists at the time of evaluation." (Lindsey, 1983; page 76). The soils survey report additionally states "Other factors, such as availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area are not considered. Therefore, in itself, the index should not be considered as a direct index of land value." (Lindsey, 1983; page 76). **DS**

The following conclusions can be reached from these USDA-NRCS publications and information gathered from USDA-NRCS soil scientists.

1.) The Storie index rating is not a good determining factor in the assignment of prime farmland classification for soils since it does not consider the "availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area." As such, the Storie index rating has not been used in USDA soil survey reports in California for at over ten years (pers. comm., Susan B. Southard, USDA-NRCS; March 28, 2007). **DT**

2.) The "prime agricultural soils" designation for soils should be confined to those soil phases that classify as Capability Class I (1) or II (2) (see Appendix A).

3.) The "prime farmland" designation for each soil should be assigned to those soil map phases that meet the ten (10) criteria used to classify "prime soils" and which are shown on the important farmland maps produced by the State of California, Department of Conservation and are listed as prime farmland (see Appendices A and B). **DU**

4.) No soil phases within the entire Santa Margarita Ranch should be classified as "prime soils," "prime agricultural soils," or "prime farmland" unless they are irrigated or have "a developed irrigation water supply that is dependable and of adequate quality. A dependable water **DV**

supply is one which is available for the production of the commonly grown crops in 8 out of 10 years." (see Appendix A). DV

C. Significant comments and questions regarding the DEIR

1. There are six (6) text errors found in Table 4.1-1 (pages 4.1-10 to 4.1-12 of the DEIR):
   a.) "Arbuckle fine-sandy loam (2 – 9% slopes)" should be written "Arbuckle fine sandy loam (2 – 9% slopes)," (i.e., no hyphen between fine and sandy).
   b.) "Cropely clay, (2 – 9% slopes)" should be spelled "Cropley clay (2 – 9% slopes)."
   c.) The soil map unit named "Hanford and Greenfield gravelly sandy loams (2 – 9% slopes)" should have a Prime Soil Classification of "Prime" not "Non-Prime."
   d.) "Santa Lucia-Lopez complex (15 – 30% slopes)" should be written as "Santa Lucia-Lopez complex (15 – 50% slopes)."
   e.) "Vista-Cieneba coarse sandy loam, 15 – 30% slopes" should be written as "Vista-Cieneba coarse sandy loams, 15 – 30% slopes," (i.e., "loams" should be plural).
   f.) "Xerofluvents-Riverwas association" should be spelled as "Xerofluvents-Riverwash association." DW

2. There are ten (10) errors found in Table 4.1-1 related to the Storie Index column list (pages 4.1-10 to 4.1-12 of the DEIR):
   a.) "Ayar and Diablo soils (15 – 30% slopes)" has a Storie Index of "23: Diablo and 36: Ayar" not "36."
   b.) "Balcom-Nacimiento association, moderately steep" has a Storie Index of "41: Nacimiento and 45: Balcom" not "28 to 25."
   c.) "Gaviota-San Andreas association, very steep" has a Storie Index of "7: Gaviota and 12: San Andreas" not "7 to 12."
   d.) "Hanford and Greenfield fine sandy loams (0 – 2% slopes)" has a Storie Index of "95: Hanford and 100: Greenfield" not "100."
   e.) "Hanford and Greenfield fine sandy loams (2 – 9% slopes)" has a Storie Index of "85: Hanford and 90: Greenfield" not "85."
   f.) "Nacimiento-Ayar complex, (9 – 30% slopes)" has a Storie Index of "39" not "49."

g.) "Santa Lucia-Lopez complex, (15 – 50% slopes)" has a Storie Index of "10" not "50."

h.) "Shimmon-Dibble association, steep" has a Storie Index of "18: Dibble and 23: Shimmon" not "18."

i.) "Shimmon-Dibble association, very steep" has a Storie Index of "9: Dibble and 11: Shimmon" not "11."

j.) "Xerofluvents-Riverwash association" has a Storie Index of "2: Riverwash and 17: Xerofluvents" not "17."

DW

3. There are two (2) additional changes to the "Prime Soil Classification" column list found in Table 4.1-1 (pages 4.1-10 to 4.1-12 of the DEIR):

a.) "Hanford and Greenfield fine sandy loams (2 – 9% slopes)" classifies as "Non-Prime," since they are not on the state list of prime soils (see Appendix B).

b.) "Oceano loamy sand (2 – 9% slopes)" classifies as "Prime," since it is on the state list of prime soils (see Appendix B).

4. I recommend that Table 4.1-1 (pages 4.1-10 to 4.1-12 of the DEIR) be re-written and re-formatted as follows:

a.) Change the title of this table to "Santa Margarita Ranch Soil Map Units and Agricultural Classifications" from the present "Santa Margarita Ranch Soil Characteristics." The table, as written, does not contain soil characteristics but rather it lists the agricultural classifications of the fifty four (54) soil map units located within the Ranch.

b.) Add a column for the "USDA map unit symbol" so that the soil map unit names and their corresponding soil map unit symbols can be more easily referenced to the existing soil survey report maps (Lindsey, 1983).

c.) Assign a "Prime" soil classification to only those soil map units, which are listed as prime soils on the State of California, Department of Conservation, Important Farmlands maps and to those soil map units, which classify as Capability Class I, irrigated, or Class II, irrigated. See Appendix B to examine a list of these soil map units listed as "prime soils" in this USDA soil survey report (Lindsey, 1983).

d.) Reorganize and rewrite Table 4.1-1 to be organized as follows (see the following three pages of this report).

(REVISED) Table 4.1-1: Santa Margarita Ranch Soil Map Units and Agricultural Classifications

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	Storie index rating	Prime Soil classification (DOC map list)
101	Arbuckle fine sandy loam, 2 – 9% slopes	II	IV	85	Prime
102	Arbuckle-Positas complex, 9 – 15% slopes	III	IV	59	Non-Prime
103	Arbuckle-Positas complex, 15 – 30% slopes	IV	IV	45	Non-Prime
104	Arbuckle-Positas complex, 30 – 50% slopes	NA*	VI	28	Non-Prime
106	Arbuckle-San Ysidro complex, 2 – 9% slopes	III	IV	72	Non-Prime
108	Arnold-San Andreas complex, 30 – 75% slopes	NA	VII	13	Non-Prime
109	Ayar and Diablo soils, 9 – 15% slopes	III	IV	43	Non-Prime
110	Ayar and Diablo soils, 15 – 30% slopes	IV	IV	23: Dia. 36: Ay.	Non-Prime
114	Balcom-Nacimiento association, moderately steep	NA	IV	41: Nac. 36: Bal.	Non-Prime
116	Botella sandy loam, 2 – 9% slopes	II	IV	77	Prime
126	Cieneba coarse sandy loam, 30 – 75% slopes	NA	VIII	6	Non-Prime
127	Cieneba-Andregg coarse sandy loams, 30 – 75% slopes	NA	VII	10	Non-Prime
129	Clear Lake clay	NA	IV	21	Non-Prime
130	Clear Lake clay, drained	II	IV	38	Prime
133	Cropley clay, 2 – 9% slopes	II	IV	38	Prime
134	Dibble clay loam, 9 – 15% slopes	III	IV	35	Non-Prime
138	Elder loam, 0 – 2% slopes	I	IV	100	Prime
139	Elder loam, 2 – 9% slopes	II	IV	90	Prime
140	Elder loam, flooded, 0 – 5% slopes	II	IV	85	Prime
143	Gaviota-San Andreas association, very steep	NA	VII	7: Gavi. 12: San.	Non-Prime
144	Gazos shaly clay loam, 9 – 30% slopes	IV	IV	28	Non-Prime
145	Gazos shaly clay loam, 30 – 50% slopes	NA	VI	16	Non-Prime

DW

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	Storie index rating	Prime Soil classification (DOC map list)
147	Hanford and Greenfield fine sandy loams, 0 – 2% slopes	I	IV	95: Han. 100: Gr.	Prime
148	Hanford and Greenfield fine sandy loams, 2 – 9% slopes	II	IV	85: Han. 90: Gr.	Non-Prime; Prime: LCC
149	Hanford and Greenfield gravelly sandy loams, 0 – 2% slopes	II	IV	70	Prime
150	Hanford and Greenfield gravelly sandy loams, 2 – 9% slopes	II	IV	63	Prime
152	Linne-Calodo complex, 9 – 30% slopes	IV	IV	39	Non-Prime
153	Linne-Calodo complex, 30 – 50% slopes	NA	VI	22	Non-Prime
162	Lompico-McMullin complex, 50 – 75% slopes	NA	VII	9	Non-Prime
166	Metz loamy sand, 0 – 5% slopes	III	IV	61	Non-Prime
167	Metz-Tujunga complex, occasionally flooded, 0 –5% slopes	NA	IV	55	Non-Prime
169	Millsholm-Dibble clay loams, 15 – 30% slopes	NA	VI	20	Non-Prime
170	Millsholm-Dibble clay loams, 30 – 50% slopes	NA	VII	15	Non-Prime
177	Nacimiento-Ayar complex, 9 – 30% slopes	IV	IV	39	Non-Prime
179	Nacimiento-Los Osos complex, 9 – 30% slopes	IV	IV	33	Non-Prime
182	Oceano loamy sand, 2 – 9% slopes	III	VI	68	Non-Prime:LCC Prime:DOC
183	Pico fine sandy loam, 0 – 2% slopes	I	IV	100	Prime
185	Pits	NA	NA	NA	Not assigned
188	Rincon clay loam, 2 – 9% slopes	II	IV	58	Prime
190	Rock outcrop-Gaviota complex, 30 – 75% slopes	NA	VIII	1	Non-Prime
191	Ryer clay loam, 2 – 9% slopes	II	IV	58	Prime

DW

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	Storie index rating	Prime Soil classification (DOC map list)
192	San Andreas sandy loam, 15 – 30% slopes	IV	IV	35	Non-Prime
193	San Andreas-Arujo sandy loams, 9 – 15% slopes	III	IV	50	Non-Prime
198	Santa Lucia-Lopez complex, 15 – 50% slopes	NA	VI	10	Non-Prime
199	Santa Lucia-Gazos complex, 50 – 75% slopes	NA	VII	7	Non-Prime
202	Shimmon loam, 30 – 50% slopes	NA	VI	23	Non-Prime
203	Shimmon-Dibble association, steep	NA	VI	18: Dib. 23: Shi.	Non-Prime
204	Shimmon-Dibble association, very steep	NA	VII	9: Dib. 11: Shi.	Non-Prime
207	Still gravelly loam, 0 – 2% slopes	II	IV	80	Prime
208	Still clay loam, 0 – 2% slopes	I	IV	85	Prime
209	Still clay loam, 2 – 9% slopes	II	IV	76	Prime
210	Vista coarse sandy loam, 9 – 15% slopes	NA	IV	36	Non-Prime
211	Vista-Cieneba coarse sandy loams, 15 – 30% slopes	NA	VI	22	Non-Prime
212	Xerofluvents-Riverwash association	NA	VIII	9: Riv. 11: Xer.	Non-Prime

*NA = NOT APPLICABLE.

DW

D. Comments and Recommendations regarding the DEIR authors' statements in Section 4.1.1

1.) In the text on page 4.1-9, the authors state "By NRCS definition, soils with a Capability Class I and Capability Class II soils qualify as prime soils, depending on irrigation." No reference is made to a specific USDA-NRCS publication, which gives this definition. DX

2.) In the text on page 4.1-10, the authors state "By NRCS definition, soils with a Storie Index from 80 to 100 qualify as prime soils." The DEIR authors make no reference to a specific DY

USDA-NRCS publication, which contains this definition. In fact, the NRCS does not use the Storie Index of 80 to 100 (Grade 1) to define "Prime Agricultural Soils." This definition comes from the California "Government Code, Section 51200-51207; 51200…the California Land Conservation Act of 1965 or as the Williamson Act." The exact text found in California "Government Code, Section 51201" reads as follows:

"(c) "Prime agricultural land" means any of the following:
(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.
(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
(4) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.
(5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five years." (State of California, 2007).

DY

3.) There appear to be several inconsistencies between Figures 4.1-1, Figure 4.1-2 and Figure 4.1-3 related to the identification of prime farmland and the relationships between "prime agricultural soils" as shown on Figures 4.1-1 and 4.1-2 and "prime farmland" as shown on Figure 4.1-3. The map information referenced on Figure 4.1-3 refers to the "Source" as a year 2004 map provided by the "California Department of Conservation, Division of Land Protection, Farmland Mapping and Monitoring Program." The most recent version (year 2006) of this DOC, Farmland Mapping and Monitoring Program map should be obtained from the DOC and added to the Final EIR for the Ranch.

DZ

4.) The map legends shown on Figure 4.1-1 and Figure 4.1-2 should be revised as follows.

a.) The heading "PRIME AGRICULTURAL SOILS REGARDLESS OF IRRIGATION:" should be deleted on both Figures 4.1-1 and 4.1-2. No soil map units in this soil survey area can be considered as "prime agricultural soils" unless they are irrigated.

EA

b.) On both Figures 4.1-1 and 4.1-2, the legend heading should read "PRIME AGRICULTURAL SOILS IF IRRIGATED (BASED ON LCC)" not "PRIME

AGRICULTURAL SOILS IF IRRIGATED." That way, the basis (i.e., LCC) for the "prime agricultural soil classification" of each soil map unit is clearly stated.

c.) On Figure 4.1-2, the Soil Map Unit 150, "Hanford and Greenfield fine sandy loams, 2 – 9% slopes" should be added to the list of "PRIME AGRICULTURAL SOILS IF IRRIGATED (BASED ON LCC)." Also, the soil map in Figure 4.1-2 should be revised to add a color to represent all the soil delineations of Soil Map Unit 150 found within the Ranch boundaries.

d.) On both Figures 4.1-1 and 4.1-2, the Soil Map Unit 130, listed as "CLEAR LAKE CLAY, NA" should be written "CLEAR LAKE CLAY, DRAINED."

e.) On Figure 4.1-2, there are two (2) soil map unit delineations of Soil Map Unit 129, Clear Lake clay, that are represented as Soil Map Unit 130, "CLEAR LAKE CLAY, DRAINED." Soil Map Unit 129 is "Non-prime," Soil Map Unit 130 is "Prime." One of these Soil Map Unit 129 delineations is located southeast of and adjacent to the existing community of Santa Margarita. The second DELINEATION is located south of the proposed cluster subdivision and adjacent to the west of a delineation of Soil Map Unit 207 (see Appendix C).

EA

5.) The soil map unit symbols should used along with each soil map unit name to make it easier to compare with the published USDA soil maps. The legend for Figure 4.1-1 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED (BASED ON LCC):

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
148: HANFORD AND GREENFIELD FINE SANDY LOAMS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

EB

6.) The soil map unit symbols should used along with each soil map unit name to make it easier to compare with the published USDA soil maps. The legend for Figure 4.1-2 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED (BASED ON LCC):

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
138: ELDER LOAM, 0 – 2% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
140: ELDER LOAM, FLOODED, 0 – 2% SLOPES
147: HANFORD AND GREENFIELD FINE SANDY LOAMS, 0 – 2% SLOPES
148: HANFORD AND GREENFIELD FINE SANDY LOAMS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
150: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 2 – 9% SLOPES
183: PICO FINE SANDY LOAM, 0 – 2% SLOPES
188: RINCON CLAY LOAM, 2 – 9% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

EB

6.) In the text on page 4.1-12 of the DEIR, the authors state "A total of 54 soil types occur throughout the Santa Margarita Ranch." These are not soil "types" but are soil "map units." The statement should be corrected to read "A total of 54 soil map units occur throughout the Santa Margarita Ranch."

EC

7.) In the text on page 4.1-12 of the DEIR, the authors state "Of these soils, nine (9) are considered prime regardless of irrigation, while 16 (total) are considered prime if irrigated." This statement is not correct. As stated on page 8 of this report, no soil phases within the Santa Margarita Ranch should be classified as "prime soils," "prime agricultural soils," or "prime farmland" unless they are irrigated or have "a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years." (see Appendix A). Therefore, the statement should be re-written to read "Of the total 54 soil map units, 16 of them are considered prime agricultural soils, according to their Land Capability Class (Class I or Class II), if irrigated."

ED

8.) In the text on page 4.1-13 of the DEIR, the authors state "Of the above 7,174 acres, approximately 6,276 acres are suitable for winegrapes, again, based solely on soil characteristics and regional soil uses." This statement should be deleted from the DEIR since it is not defensible and is not supported by factual information. No specific soil characteristics are listed and/or discussed as being the criteria that are used to determine the soils' suitability for growing wine grapes. No regional soil and land use analysis was conducted or reported. No soil comparisons are given by the DEIR authors that demonstrate which of the Ranch's soils are suitable for wine grape production. **EE**

E. Comments and Recommendations regarding the DEIR authors' statements in Section 4.1.2

1.) In the text on page 4.1-14 of the DEIR, the authors state "...based on the non-contiguous layout of the proposed lots, approximately 513 acres of the grazing unit (including areas between and around lots) would not be suitable for grazing after the development of the proposed residential lots..." This statement is mere conjecture and is not supported by facts. Loss of grazing suitability is not the logical consequence due to development of the proposed lots within the residential cluster subdivision. **EF**

2.) In the text on page 4.1-14 of the DEIR, the authors state "Prime soils are defined as those with a Land Capability Class of I or II or a Storie Index of 80 to 100." For reasons discussed earlier, the statement should be re-written to read "Prime agricultural soils are defined as those with a Land Capability Class of I or II." **EG**

3.) In the text on page 4.1-14 of the DEIR, the authors state "Of the 32 soil types that are found on the Agricultural Residential Cluster Subdivision site, four are considered prime regardless of irrigation, while 10 (total) are considered prime if irrigated." For reasons discussed earlier, the statement should be re-written to read "Of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, 10 soil map units are considered prime if irrigated." **EH**

4.) In the text on page 4.1-14 of the DEIR, the authors state "Of the 163 acres that would be directly converted by the Agricultural Residential Cluster Subdivision development, one soil type occurs that is considered prime soil regardless of irrigation status [Elder loam (2 – 9% slopes)]. However, two additional soil types occur that are considered prime if irrigated: [Botella sandy loam (2 – 9% slopes) and Cropley clay (2 – 9% slopes)]." For reasons discussed earlier and with an examination of Figure 4.1-1, the statement should be re-written to read "Of the 163 acres that would be directly converted by the Agricultural Residential Cluster Subdivision development, two soil map units occur that are considered prime agricultural soils, if irrigated: (Elder loam, 2 – 9% slopes and Cropley clay, 2 – 9% slopes)." **EI**

5.) In the second to last paragraph on page 4.1-15 of the DEIR, the authors state "Residential development adjacent to farmland can have several negative impacts on continued on-site and adjacent agricultural production activities. Direct physical impacts resulting from trespassing may include vandalism to farm equipment and theft of crops." These statements are conjecture and are not supported by facts. Mitigation measures, such as warning signs, exclusionary fencing and locked gates, would help to avoid any potential negative impacts. **EJ**

6.) In the last paragraph on page 4.1-15 of the DEIR, the authors state (paraphrased as follows) "Other indirect impacts to agriculture from nearby urban uses (are)…Increased regulations and liability insurance…costs time and money. Some farmers…voluntarily limit their hours of operation and do not intensively use portions of their property…has the effect of lowering crop yield (and)…long-term economic viability… Over time, this may provide an incentive for property owners of adjacent lands under the Williamson Act contract to file a notice of non-renewal." These statements constitute conjecture and hearsay. There are no facts presented by the DEIR authors to demonstrate and prove the cause and effect relationships that are stated. The vague and unsupported statements by the DEIR authors should be deleted unless they can be substantiated by facts. **EK**

7.) In the text on page 4.1-16 of the DEIR, the authors state "…rangeland buffers are recommended of 50-100 feet from residential uses. Given the non-contiguous design of the proposed Agricultural Residential Cluster Subdivision, buffers would not effectively mitigate **EL**

incompatibilities. Therefore, grazing on the existing 676.6-acre grazing unit could not practically occur." This cause and effect relationship is not valid. The DEIR authors state that a rangeland buffer distance of 50-100 feet is only recommended, it is not mandatory. There are no facts given by the DEIR authors to conclusively demonstrate that the 676.6-acre grazing unit would fail to be viable and remain productive after development. **EL**

8.) In the text on page 4.1-16 of the DEIR, the authors state "In addition, although the location of proposed residential lots satisfies buffer distances recommended by the County Agricultural Commissioners Office, ongoing agricultural operations could result in nuisances experienced by future homeowners. These would be potentially significant land use compatibility impacts." These statements are conjecture and are not supported by facts. They pre-suppose consequences that cannot be proven by the DEIR authors to be factual. **EM**

9.) In the Mitigation Measures section, part AG-2(c) on page 4.1-17, the DEIR authors state "Oak Tree Retention. All existing oak trees located between Agricultural Residential Cluster Subdivision lots and vineyards shall be retained for screening/buffering purposes." To ask that the Ranch owners retain "all" existing oak tress is not practical or wise. Diseased oak trees and oak trees that pose a threat to public health and safety should be allowed to be removed by the Ranch owner. **EN**

10.) In the Residual Impacts section on page 4.1-18, the DEIR authors state (paraphrased as follows) "...the proposed Agricultural Residential Cluster Subdivision and envisioned Future Development Program would not result in impacts related to agricultural tourism activities of the site...when compared with existing conditions, because no intensification of existing baseline agricultural tourism activities is proposed with the exception of the guest ranch and other lodging units..." These statements appear to be contradictory. On one hand, the DEIR authors state that there would be no impacts to agricultural tourism activities and then go on to mention significant instances of intensification of agricultural tourism activities, i.e., the guest ranch and other lodging units. Therefore, I recommend that the entire last paragraph in the "Residual Impacts" section be deleted. **EO**

11.) In the Future Development Program Impact AG-1, opening statement on page 4.1-18, the DEIR authors state "Development in accordance with the Future Development Program could permanently convert existing grazing lands and 573 acres containing prime soils to non-agricultural uses." Later in the DEIR (on page 4.1-19), the authors refer to this quoted statement as a "...worst case scenario..." This statement is a gross conjecture and is not supported with any facts. The DEIR authors admit that it is a "worst case scenario" and is most unlikely to occur. Due to existing land use regulations, it is most probable that the Ranch owners will design the future development projects to avoid most of the areas containing the productive existing grazing lands and the 573 acres of prime agricultural soils. **EP**

12.) In the Mitigation Measures section, Future Development Program Impact AG-1 (b), on page 4.1-19, the DEIR authors state "Agricultural conservation easement(s) shall be established for all agricultural areas of the entire Ranch, including both rangeland and cropland, which are outside of the area anticipated to be converted to future development." The decision to enter into agricultural conservation easement(s) should be at the option of the Ranch owner and should not be mandated. **EQ**

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ER

Appendix A

ALL 'ES'

USDA-NRCS "Prime Farmlands Criteria"

and

"Guide for Placing Soils into Capability Classes"

Prime Farmland

The following definition for Prime Farmland was developed by the USDA-NRCS as part of their nationwide Land Inventory and Monitoring (LIM) system (Internet source: http://www.consrv.ca.gov/DLRP/fmmp/overview/prime_farmland_fmmp.htm).

Prime Farmland is land, which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Prime Farmland must meet all the following criteria:

1. Water holding capacity and supply

   The soils have xeric, ustic, or aridic (torric) moisture regimes in which the available water capacity is at least 4.0 inches (10 cm) per 40 to 60 inches (1.02 to 1.52 meters) of soil, and a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years; and

2. Soil temperature regime

   The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50.8 cm), have a mean annual temperature higher than 32 ^{o}F (0 ^{o}C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47 ^{o}F (8 ^{o}C); in soils that have no O horizon, the mean summer temperature is higher than 59 ^{o}F (15 ^{o}C); and

3. Acid-alkali balance

   The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1.02 meters); and

4. Water table depth

   The soils have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and

Prime Farmland (page 2)

5. Soil sodium content

The soils can be managed so that, in all horizons within a depth of 40 inches (1.02 meters), during part of each year the conductivity of the saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage is less than 15; and

6. Flooding

Flooding of the soil (uncontrolled runoff from natural precipitation) during the growing season occurs infrequently, taking place less often than once every two years; and

7. Soil erodibility

The product of K (erodibility factor) multiplied by the percent of slope is less than 2.0; and

8. Soil permeability

The soils have a permeability rate of at least 0.06 inch (0.15 cm) per hour in the upper 20 inches (50.8 cm) and the mean annual soil temperature at a depth of 20 inches (50.8 cm) is less than 59° F (15° C); the permeability rate is not a limiting factor if the mean annual soil temperature is 59° F (15° C) or higher; and

9. Rock fragment content

Less than 10 percent of the upper 6 inches (15.24 cm) in these soils consists of rock fragments coarser than 3 inches (7.62 cm); and

10. Rooting depth

The soils have a minimum rooting depth of 40 inches (1.02 meters).

Guide for Placing Soils in Capability Classes in California (http://www.ca.nrcs.usda.gov/intranet/techres/mlra02/guides/interp/landcapabcl.html)

Capa-biltiy Class	Effective Soil depth (inches) 1/	Climate Thornthwaite 1948 indices (inches) Irr. ETp 32F	Dry 4ETa	Surface Layer Texture Irrigated	Dryland	Permea-bility 2/	Drainage Class 3/	Available Water Capacity 4/	Slope A 5/	B 6/ 7/	Erosion Hazard	Flooding Hazard	Salinity ECx1U @ 25o C 8/	Alkali ESP 8/	Toxic Sub-stances 9/	Frost Free Season
1	≥ 40	≥ 20	≥ 20	Sandy Loam thru Clay Loam	Sandy Loam thru Clay Loam	Mod. Rapid thru Mod. Slow	Well or Mod. Well >60"	≥ 7.5 inch av. AWC ≥ 0.13 In/In.	<2%	<2%	None or slight	None or rare	<4 mmhos (none)	None	None	≥ 140 Days
2	≥ 40	≥ 14	≥ 16	Loamy Sand thru Clay may be Gravelly	Sandy Loams thru Clay (may be Gravelly)	Rapid thru Slow	Somewhat Poorly thru Somewhat Excessively >36"	≥ 5.0 inch av. AWC ≥ 0.08 In/In.	<5%	<8%	None thru Mod.	None thru Occas.	<8 mmhos	< 25	None or Slight	≥ 100 Days
3	≥ 20	≥ 10	≥ 12	Any, may be Gravelly or Cobbly	Sandy Loam thru Clay (may be Gravelly or Cobbly)	Rapid thru Very Slow	Poorly thru Excessively > 20"	≥ 3.5 inch av. AWC ≥ 0.06 In/In.	<8%	<15%	None thru High	None thru Occas.	<16 mmhos	< 50	None thru Mod.	≥ 80 Days
4	≥ 10	≥ 6	≥ 8	Any, may be Very Gravelly, Very Cobbly or Stony 10/	Loamy Sand thru Clay, Very Gravelly Very Cobbly or Stony 10/	Any	Poorly thru Excessively > 20"	≥ 2.5 inch av. AWC ≥ 0.04 In/In.	<15%	<25%	Any	None thru Frequent 11/	<16 mmhos	< 50	None thru Mod.	≥ 50 Days
5	≥ 20	≥ 6	≥ 8	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any	Any	≥3.0 inch av. AWC	<2%	<2%	None or Slight	Any	<8 mmhos	< 25	None or Slight	Any
6 12/	≥ 10	≥ 4	≥ 6	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any	Any	≥ 2.0 inch av. AWC	<25%	<50%	Any	Any	Dry Land <16 mmhos Irr. Any	Dry Land <25 Irr. <50	Dry Land Slight Irr. Slight thru Moderate	Any
7 13/	Any		≥ 2	Any	Any	Any	Any	≥ 1.0 inch av. AWC	<50%	<75%	Any	Any	Any	Any	Any	Any
8 14/	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any

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Certified Professional Soil Scientist No. 1932

Footnotes for "Guide for Placing Soils in Capability Classes in California"

1/ Clay pans with permeabilities less than 0.06 in/hr., will be treated as limiting the effective depth.

2/ Permeability of the least permeable subsurface horizon.

3/ Depth to water table during growing season.

4/ Available moisture between field capacity and wilting point.

5/ Use erosion hazard to help determine upper slope percent.

6/ In existing mapping units 9% and 30% can be substituted for 8% and 25%.

7/ Column A is used for soils w/ K factors of 0.37 or greater and soils subject to rill and gully erosion, such as soils formed from granitic parent material or w/ claypans. Other soils are in grp B.

8/ For salts and alkali to be a major limitation, there should be other soil limitations, such as slow permeabilities or high water tables.

9/ Such as boron and magnesium that leach with difficulty.

10/ Coarse fragments interfere with tillage, but do not prevent cropping.

11/ Frequent flooding that does not prevent normal cropping.

12/ Range & wdlnd. mechanical practices can be applied to class 6 land.

13/ Range & wdlnd. mechanical practices are impractical on class 7 land.

14/ Class 8 lands have limitations that preclude their use for commercial plant production and restrict their use to recreation, water supply or esthetic purposes.

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Certified Professional Soil Scientist No. 1932

Appendix B

All "ET"

Prime (Agricultural) Soils listed on the State of California, Department of Conservation Important Farmlands Maps within the Soil Survey of San Luis Obispo County, Paso Robles Area (Lindsey, 1983).

Excerpted and modified from Internet Source:
http://www.consrv.ca.gov/DLRP/fmmp/mccu/prime_soils.htm (DOC, 2007).

California Department of Conservation

FARMLAND MAPPING AND MONITORING PROGRAM

SOIL CANDIDATE LISTING

for

PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE

SAN LUIS OBISPO COUNTY

Soil Survey of San Luis Obispo County, California, Paso Robles Area, May 1983

(8/25/95, updated 1/19/06)

Beginning in 2002, SSURGO digital soil information has been incorporated into the San Luis Obispo County Important Farmland Map. Prior versions of the map have not been modified.

The SSURGO data San Luis Obispo County, Paso Robles Area (published 10/17/2005).

For more information on the NRCS SSURGO data, please see:
http://www.ftw.nrcs.usda.gov/ssur_data.html

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
DAVIS, CALIFORNIA 95616

THESE SOIL MAP UNITS MEET THE CRITERIA FOR PRIME FARMLAND AS OUTLINED IN THE U.S. DEPARTMENT OF AGRICULTURE'S LAND INVENTORY AND MONITORING (LIM) PROJECT FOR THE SAN LUIS OBISPO COUNTY, PASO ROBLES AREA SOIL SURVEY.

SAN LUIS OBISPO COUNTY, PASO ROBLES AREA

Symbol Name **(Those in bold print are located in the Santa Margarita Ranch)**

100 Arbuckle fine sandy loam, 0 to 2 percent slopes

101 Arbuckle fine sandy loam, 2 to 9 percent slopes

116 Botella sandy loam, 2 to 9 percent slopes

Symbol Name

130 Clear Lake clay, drained

132 Cropley clay, 0 to 2 percent slopes

133 Cropley clay, 2 to 9 percent slopes

138 Elder loam, 0 to 2 percent slopes

139 Elder loam, 2 to 9 percent slopes

140* Elder loam, 0 to 5 percent slopes, flooded

147 Hanford and Greenfield soils, 0 to 2 percent slopes

149 Hanford and Greenfield gravelly sandy loams, 0 to 2 percent slopes

150 Hanford and Greenfield gravelly sandy loams, 2 to 9 percent slopes

157 Lockwood shaly loam, 0 to 2 percent slopes

173 Mocho clay loam, 0 to 2 percent slopes

174 Mocho clay loam, 2 to 9 percent slopes

182 Oceano loamy sand, 2 to 9 percent slopes

183 Pico fine sandy loam, 0 to 2 percent slopes

184 Pico fine sandy loam, 2 to 9 percent slopes

187 Rincon clay loam, 0 to 2 percent slopes

188 Rincon clay loam, 2 to 9 percent slopes

191 Ryer clay loam, 2 to 9 percent slopes

194 San Emigdio fine sandy loam, 0 to 2 percent slopes

195 San Emigdio fine sandy loam, 2 to 9 percent slopes

205 Sorrento clay loam, 0 to 2 percent slopes

206 Sorrento clay loam, 2 to 9 percent slopes

Symbol Name

207 Still gravelly loam, 0 to 2 percent slopes*

208 Still clay loam, 0 to 2 percent slopes

209 Still clay loam, 2 to 9 percent slopes

* Prime farmland if drained

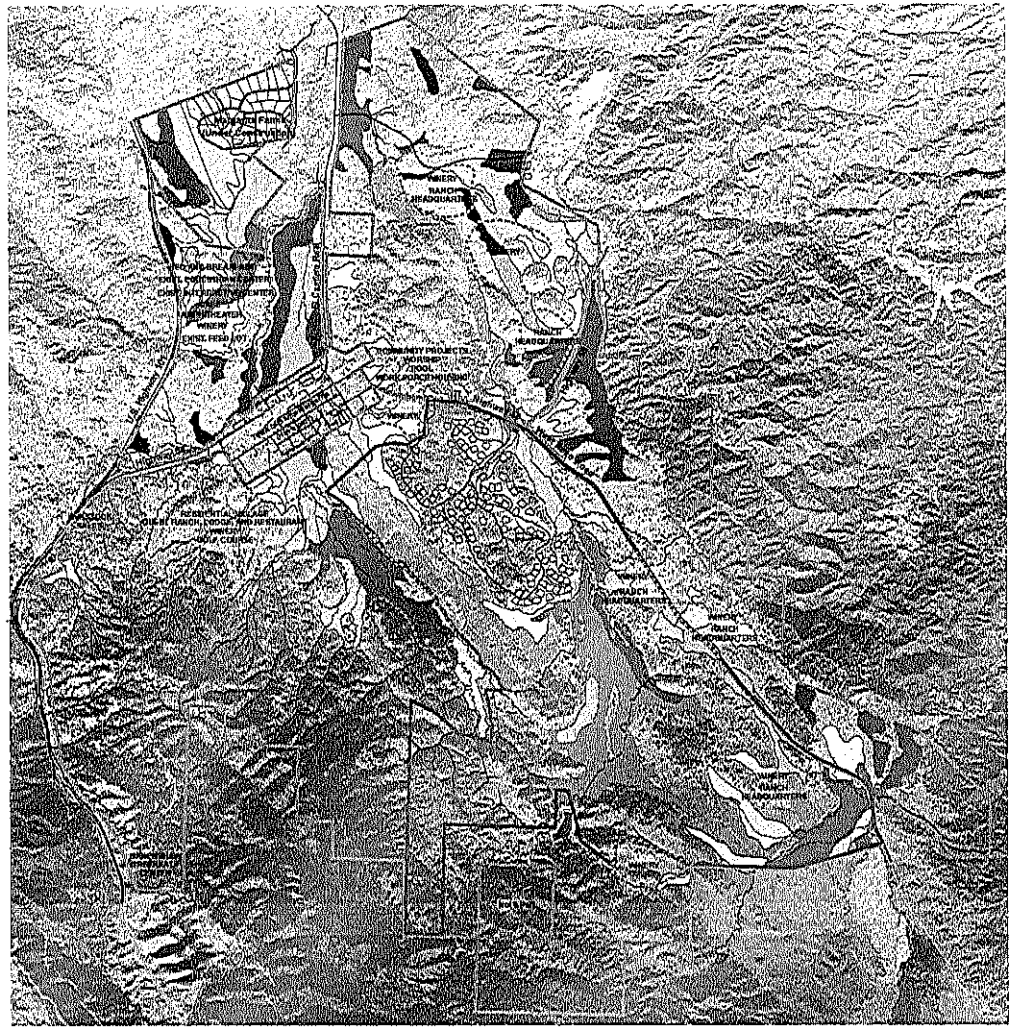
RLW Revised 12/15/80

NOTE: According to this California DOC list, there are seventeen (17) soil map units within the Santa Margarita Ranch listed as prime farmland.

Appendix C

All "EU"

Figure 4.1-2 (DEIR) showing Soil Map Unit 129, which should be deleted from this figure



- TENTATIVE TRACT 2586 BOUNDARY
- PROPOSED LOT LINES FOR TENTATIVE TRACT 2586 RESIDENTIAL CLUSTER SUBDIVISION
- RANCH PROPERTY BOUNDARY
- FUTURE DEVELOPMENT PROGRAM LAND USE LOCATIONS

PRIME AGRICULTURAL SOILS REGARDLESS OF IRRIGATION:

- ELDER LOAM, 0-2
- ELDER LOAM, 2-9
- HANFORD AND GREENFIELD FINE SANDY LOAMS, 0-2
- HANFORD AND GREENFIELD FINE SANDY LOAMS, 2-9
- PICO FINE SANDY LOAM, 0-2
- STILL CLAY LOAM, 0-2
- STILL GRAVELLY LOAM, 0-2

PRIME AGRICULTURAL SOILS IF IRRIGATED:

- ARBUCKLE FINE SANDY LOAM, 2-9
- BOTELLA SANDY LOAM, 2-9
- CLEAR LAKE CLAY, NA
- CROPLEY CLAY, 2-9
- ELDER LOAM, FLOODED, 0-5
- HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0-2
- RINCON CLAY LOAM, 2-9
- STILL CLAY LOAM, 2-9

N

0 2,500 5,000 10,000 Feet

Future Development Program
Prime Agricultural Soils

Figure 4.1-2

Source: SSURGO, 2004, EDA Design Professionals, June 2006.

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Thomas J. Rice, Ph.D., C.P.S.S.
Certified Professional Soil Scientist No. 1932

Date: April 6, 2007

To: Jamie Kirk
Kirk Consulting
9720 Atascadero Avenue
Atascadero, CA 93422
Office: 805-461-5765
Fax: 805-462-9466

EV

RE: Transmittal Letter: Report of the review of the DEIR for Santa Margarita Ranch

Enclosed are two (2) bound copies and one (1) unbound, camera-ready copy of my report entitled "Review of the Agricultural Resources section of the Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program."

Please contact me with any questions. Thank you for the opportunity to work with you on this project.

Sincerely,

Thomas J. Rice, Ph.D.

Thomas J. Rice, Ph.D., C.P.S.S.

Enclosures

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dan@althouseandmeade.com

April 12, 2007
File #208.18

EW

County of San Luis Obispo
Attention: James Caruso
Department of Planning and Building
County Government Center
San Luis Obispo, California 93408

Re: Santa Margarita Ranch Draft EIR Agricultural Resources Section
Response to Project Evaluation, Tract 2586

Dear Mr. Caruso:

EX

We examined the Santa Margarita Ranch draft EIR agricultural resources section. The proposed project is an agricultural cluster residential development on 145 acres within a 3778 acre parcel. An agricultural conservation easement is proposed over 3633 acres of the 3778 acre parcel. The conservation easement would protect 96 percent of the parcel in perpetuity. Habitats proposed for conservation include riparian, creek, wetland, oak woodland, oak savanna, chaparral, grassland, and farmland.

EY

Section 4.1 Agricultural Resources of the Santa Margarita Ranch Draft EIR contains numerous errors in the inventory and description of agricultural resources on the Ranch, as well as faulty logic in the analysis of impacts to these resources. Furthermore, conclusions made in this section of the Draft EIR contradict analysis and conclusions made in other sections of the document. Typographical and grammatical errors are also present in this section.

EZ

The Draft EIR demonstrates a lack of understanding of basic soil science and agronomic principles on the part of the preparers. The legal definition of "prime" soils and agricultural lands are misrepresented, and the role of the Storie Index in assessing the value of a soil is misinterpreted. Site-specific surveys performed by a trained professional to assess the extent of prime soils that could realistically be farmed were not performed as part of the Draft EIR. The assumption that NRCS soil survey maps are accurate enough to correctly delineate the extent and location of prime soil on a specific property is akin to using a USGS 7.5' quad to select an appropriate topographic position and draw a grading plan for building a structure.

FA

"Conflicts" between grazing uses on Ag Cluster Subdivision land surrounding the 111 proposed residential lots are never specified. The source of this "conflict" is not defined. Conjectures about the suitability of soils for specific crops (such as winegrapes) are not substantiated with scientific evidence. Furthermore, impacts of the

proposed Ag Cluster are described in several places as conflicts between "**urban uses**" and agriculture; the proposed Ag Cluster Subdivision is a rural residential project, not an urban development. FA

Dr. Thomas J. Rice, Jr., C.P.S.S., has prepared a thorough and accurate response to the Draft EIR section on Agricultural Resources, particularly with regard to soils on the Ranch. Our review is intended to highlight additional inconsistencies, misrepresentations, and points of concern not specifically discussed in the response by Dr. Rice, particularly conflicts between Section 4.1 and Section 4.3 of the Draft EIR. It does not include all typographical and grammatical errors observed in the document. FB

We provide the attached comments for your consideration.

Sincerely,

Daniel E. Meade, Ph.D. LynneDee Althouse, M.S.

Page 4.1-1, Par. 1 to 2 (Summary).

- Paragraph 1 states that "The Agricultural Residential Cluster Subdivision... would permanently convert 5 acres of prime soil to non-agricultural uses." This paragraph, and indeed this entire section, fails to mention that these five acres are a narrow strip bound by Pozo Road to the east, and divided by Tostada Creek, a drainage with a well-defined channel and riparian vegetation that would not be feasible to farm. Indeed, tilling these five acres could result in serious impacts to wetland, riparian, and stream habitats and special status species associated with them. (Dr. Rice also addresses this issue at length.) **FC**

- Logistics, cost-effectiveness, and environmental concerns can make intensive farming of small isolated patches of prime soils impractical and even detrimental, particularly where these soils occur as narrow strips intersected by existing roads and drainages or surrounded by steep slopes. Areas with prime soils that are not feasible locations for intensive farming for various reasons, such as presence of wetland, oak woodland, existing streams or roads, or small, irregular extent of workable soils, are not discussed. Field work performed by a qualified professional soil scientist is required to determine extent of prime soils and feasibility of their cultivation; this work was not performed as part of Draft EIR preparation. **FD**

- Paragraph 1 also states that the "sustainability of a 676.7-acre grazing unit" would be compromised due to "compatibility conflicts", yet over 500 acres of grazing land within the proposed Ag. Residential Cluster would remain open and available to grazing. Additionally, a recommended mitigation measure for valley needlegrass grassland in section 4.3, page 34 recommends placement of the mitigation site between proposed lots, and suggests "grassland management strategies such as seasonal mowing or grazing." Apparently, grazing is not a conflict if it's done for grassland management practices. **FE**

- Paragraph 1 refers to conflicts between "proposed urban uses" and existing and future agricultural uses without specifying what these conflicts would be. An ag cluster with 111 homes hardly constitutes "urban" uses. **FF**

Figures 4.1-1 and 4.1-2

- Figures 4.1-1 and 4.1-2 have erroneous data and include soils mis-classified as "prime agricultural soils regardless of irrigation". Soils in California require irrigation to be considered prime soils by the California Department of Conservation. **FG**

  - CEQA states ' "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring (LIM) criteria, as modified for California.' (California Public Resources Code Section 21060.1 (a)). **FH**

- The Important Farmland Mapping Categories and Soil Taxonomy Terms as defined by the California Department of Conservation clearly state that: '...LIM definitions have been modified for use in California. The most significant modification is that Prime Farmland and Farmland of Statewide Importance must be irrigated.' (document available from California Department of Conservation website at www.consrv.ca.gov/DLRP/fmmp/pubs/soil_criteria.pdf) FI

- Such mistakes call into question the acreage calculations for the entire agricultural resource assessment, and most especially the calculations of potential impacts to prime soils. This item is addressed in more detail by Dr. Rice.

Page 4.1-9 Par. 7

- This paragraph states that "soil characteristics of each soil type found on the Santa Margarita Ranch property were analyzed based on their Capability Class and Storie Index grade." Analyses of soil characteristics were performed by the NRCS Cooperative Soil Survey, not the writers of this EIR. FJ Capability class data are presented in tabular form in the EIR, but are not analyzed in terms of field-truth of NRCS mapped data or even inclusions of other soil series and phases within named map units. These inclusions can occupy as much as 50 percent of a mapped soil unit, and should be considered in a discussion of soil resources on a specific site.

- The agriculture resource assessment in the Draft EIR does not address inclusions within soil map units and does not attempt to determine whether presence of these inclusions is substantial on the subject site. Presence of non-prime inclusions would alter the extent of soils fitting the "prime" designation. FK This issue is discussed in more detail by Dr. Rice.

Inconsistency between Section 4.1 and Section 4.14

- Soils in California must have irrigation available to be considered prime. The EIR lists 573 acres of prime soils (incorrectly listing some of these soils as prime regardless of irrigation). To be considered prime, therefore, there must be an adequate supply of water to irrigate these 573 acres to produce a crop 8 out of 10 years. However, **Section 4.14 Water and Wastewater** states that the proposed residential cluster subdivision would use about 96 acre-feet of water per year, and that this use of water would result in a Class I significant and Unavoidable Impact due to potential overdraft of the aquifer and uncertainty of future water supply. Used for irrigation, that estimated 96 acre-feet of water (4,181,760 cu ft of water) applied evenly over all 573 acres of prime soils would provide only 0.17 acre-feet of water per acre of soil per year. (For non-agriculturalists, this is approximately the same as having about two inches of rainfall on that soil.) Many crops require more supplemental irrigation than this during the growing season. For instance, alfalfa, a common forage crop grown in San Luis Obispo County, typically receives less than half the water it requires over the course of a year from rainfall. **Thus, the conjecture that 96 acre-feet of water would create a significant** FL

strain on available resources is in direct conflict with the statement that 573 acres of prime soil occur on the Ranch. FL

Assumptions regarding Suitability of Land for Specific Agricultural Purposes

- Page 4.1-13, Paragraph 2. The last sentence of this paragraph estimates the available acreage suitable for the production of crops and the area "suitable for winegrapes" to the nearest acre based on soil characteristics and regional soil uses. NRCS soil maps are not prepared on a scale conducive to estimating viable soils to the nearest acre (remember, each soil map unit has inclusions of other soil phases and conditions). NRCS soil surveys are not usually detailed enough to plan vineyard locations down to the nearest acre. If this were the case, viticulturists in the region would not be paying soil scientists to perform detailed soil surveys and soil fertility analysis of their lands prior to vineyard installation. Furthermore, bottomlands, seasonally wet or flooded soils, and nutrient-rich soils ideal for other crops are not always ideal for wine grapes. FM

Page 4.1-13, Par. 3 and **Page 4.1-14–15.**

- The first paragraphs discuss range condition on the ranch as "good to excellent" and management as committed to "high-quality stewardship practices". However, the assessment of impacts to agricultural resources states that "the proposed Agricultural Residential Cluster Subdivision would create conflicts between proposed urban uses and existing and future agricultural uses. Potential land use conflicts are a Class I, significant and unavoidable impact." This doesn't make logical sense. If the condition of rangeland on the proposed Ag Cluster Subdivision is in good to excellent condition, and over 500 acres of grazing land will remain intact after development of the residential cluster, why would this land be lost to grazing? The EIR states that activities would be "incompatible" but does not explain why. FN

- Furthermore, ranch management is capable of practicing intensive "high-quality stewardship"; indeed, the current ranch manager assesses grazing and pasture condition and moves cattle on a daily basis. This ranch management style is a viable approach to sustaining range quality, and could be practiced in the vicinity of rural homes. This "pulse" grazing (high numbers of animals for short duration) has the added benefit that cattle are not kept in any one location for extended periods of time, further reducing chances of "incompatible" encounters between residents and grazing activities. FO

- Page 4.1-16 Par 1. This paragraph states that an impact to residential uses would result because of the "unpredictable behavior by cattle in the presence of pedestrians, bicyclists, and/or domestic pets." This presumes that cattle will be in unfenced pastures. This is not a necessary or a currently practiced management style on the ranch. The cattle are currently moved between fenced pastures, and additional fences would be built to utilize grazing land on the agricultural cluster development property. Cattle that are managed in a pulse grazing system are moved frequently and thus are usually accustomed to presence of people, vehicles, and dogs. Cattle on well-traversed areas of local FP

ranches, such as the working ranches surrounding Cal Poly University, have coexisted with hikers and bicyclists for decades. Cattle operations on Santa Margarita Ranch will be a known part of the agricultural cluster development, and is not likely to be a surprise, or a conflict with buyers who are fully informed. FP

- The County Department of Agriculture recommends a buffer of 50 to 100 feet between grazing activities to residential uses. This buffer is easily accomplished via fencing around building envelopes or lots, which homeowners often choose to install in any case. The recommended size of the buffer is small enough that lot locations are a secondary issue. Grazing could easily occur in open space around home sites, even with a fifty-foot buffer. Thus, the statement that buffers and lot arrangement could not effectively mitigate incompatibilities is not defensible. FQ

Inconsistencies between Section 4.1 and Section 4.3

- After stating in Section 4.1 that grazing would be incompatible with the proposed Agriculture Residential Cluster Subdivision, the EIR states in **Section 4.3 Biological Resources Page 4.3-43** Paragraph 3 that the restoration area for needlegrass grassland should be located near proposed lots and that "grassland management strategies such as seasonal mowing or grazing shall be employed, which will allow for a higher likelihood that perennial grasses could compete with annual grasses found within these area." Grazing in this context is described as a beneficial activity required to maintain and improve needlegrass habitat. These two sections of the EIR directly contradict each other. Furthermore, if needlegrass grassland habitat is indeed present and considered a sensitive habitat type to be preserved to the extent possible, grazing should be encouraged rather than assumed to be an "incompatible use". FR

- Other sections of the Draft EIR, namely Section 4.3 Biological Resources, include non-standard terms and incorrect references with respect to soil descriptions. For example, Page 4.3-14, paragraph 3 states "All seasonal pools have a moderately impervious clay, loamy clay, or sandy loam soil substrate (USDA 1994) that supports seasonal pooling." Loamy clay is a non-standard term with no recognized definition among soil scientists. Twelve soil textural classes are recognized by the USDA and soil scientists: clay, sandy clay, silty clay, sandy clay loam, silty clay loam, clay loam, loam, sandy loam, silt loam, loamy sand, sand, and silt. These textural classes have specific definitions based on the particle size distribution within each class. Water holding capacity, erodibility, and friability are partially dependent on soil textural class, and proper soil management requires an understanding of soil texture. "Loamy clay" is a meaningless term FS

Summation

In this Draft EIR, the analysis of agricultural resources and potential impacts of the proposed project on agricultural resources is based on generalizations of information not specifically collected for this site. The analysis contains flaws in logic and directly contradicts information presented in Section 4.3 Biological Resources and Section 4.14 Water and Wastewater. Impacts to prime soils and other agricultural resources should be based on site-specific information and existing Ranch conditions. FT FU

"Attachment B"

FV

Air Quality Impact Analysis

Diana Gould-Wells

Air Quality Impacts Analysis as Presented in the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project EIR

FV

SUMMARY OF AIR QUALITY ANALYSIS

Background:

The Santa Margarita Ranch Tract 2586 Agricultural Residential Cluster Subdivision Project DEIR (DEIR) analyzes environmental impacts associated with the development of this project (hereafter referred to as Ag Cluster Subdivision). These residential components are summarized in Table 1, below:

Table 1
Summary of Existing, Project and Program Residential Development

Residential Development Component	Number of Dwelling Units
Existing Development (Margarita Farms)	**36**
Proposed Agricultural Residential Cluster Subdivision	
Single-Family Homes	*111*
Ranch Headquarters Unit	*1*
Subtotal (Agricultural Residential Cluster Subdivision)	112
Future Development Program	
Market-Rate Single Family Homes	*352*
Workforce (Affordable) Housing	*50*
Subtotal (Future Development Program)	402
Subtotal Proposed Project (Cluster plus Program)	**514**
TOTAL (Existing, plus Cluster, plus Program)	**550**
Maximum Allowed under Salinas River Rural Area Standards, County Land Use Ordinance Section 22.104.040	*550*

FW

The components of this project were previously included in the analysis presented in the Final Program Area EIR for the Draft Salinas River Area Plan (Fugro EIR). This EIR was prepared between 1993 and 1995 and certified in January 1996.

FX

Table 2 on the following page includes the various anticipated land use components, which were included in the Fugro EIR's review and certification. This is substantially the same scope reviewed as part of the D.E.I.R. from Tract 2586 and future projects.

FY

Table 2
Santa Margarita Ranch Development Population and Employment Projections

Santa Margarita Ranch Development
Population and Employment Estimates

Project Components:

A. 500 Dwelling Units
B. 18-Hole Golf Course
C. 70-unit guest ranch and 20-table restaurant
D. 12-room bed and breakfast inn with 20 table cafe
E. 200-seat amphitheatre
F. 6,000 SF crafts studio and gallery
G. 3,000 SF interpretive center
H. 200-seat horse arena/stables
I. Small-scale retreat w/ 24 units and 10-table dining facility
J. 3,000 SF gym and 25-yard lap pool
K. Vineyard
L. Winery with wine-tasting

Population/Employment Assumptions:

Dwelling Units:	500
Persons Per Household:	2.7
Hotel/Motel Rooms:	106
Emp. per Motel Room:	0.39
Dining Tables:	50
SF/Dining Table:	.50
Employees/Golf Course:	30
Employees/Gymnasium:	10
Employees/Winery:	10
Employees/Horse Arena	15
Comm. SF/Employee:	500

Commercial Square Footage:

Crafts Studio:	6,000
Interpretive Center:	3,000
Restaurants:	2,500
TOTAL:	11,500

Employment:

Commercial (Misc.):	12
Lodging:	41
Golf Course:	30
Gymnasium:	10
Winery:	10
Horse Arena:	15
TOTAL:	118

Population:

TOTAL:	1,350

FY

Agricultural Residential Cluster Subdivision (Project) Air Quality-Related Impacts:

The DEIR has characterized as Class I (significant and unavoidable) the air quality impacts resulting from buildout of the Tract 2586 Ag Cluster Subdivision. The DEIR states that "...The Agricultural Residential Cluster Subdivision independently exceeds the SLOAPCD Tier 1 thresholds of significance and is potentially inconsistent with long-term regional air quality planning efforts".

This is at direct odds with both the data and findings previous analyzed in the Fugro EIR and certified as Class II impacts. It appears unnecessary to reanalyze these impacts again in the SMR DEIR. There is no new information or change to the current and future project description, which would necessitate re-analysis of air quality impacts.

FZ

As a result, the air quality impacts contained in the DEIR are overstated. The Fugro EIR findings , which the applicant highlighted and submitted, should be incorporated by reference in the D.E.I.R. to address air quality impacts. These Certified Class II impacts were determined and found acceptable with adoption of overriding considerations.

The following text from the Fugro EIR discusses the findings related to air quality impacts.

> Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. However, the effects will not be lessened to a level of insignificance for the following reasons: *1) provisions to implement short-term construction measures have not been fully established (see Table E1),* and 2) several areas with intensified development in rural areas conflict with the Clean Air Plan's strategies to "Plan for Compact Communities" and "Providing for Mixed Land Use".

The following mitigation measures have been partially incorporated into the adopted Salinas River Area Plan. Thus, no further mitigation measures should be required for this Ag Cluster Subdivision.

GA

a. **Improve the jobs/housing balance** - Based on the proposed Area Plan's land use category changes, the overall jobs/housing balance will be approximately 1.25 at buildout, which is considered almost "balanced" and close to the county's average of 0.91. Improving the jobs/housing balance should result in fewer trips and shorter trip lengths. This could result in a slight decrease of nitrogen oxides and reactive organic gases (ozone pre-cursers), and respirable particulate matter generated by mobile sources, when compared to the existing Plan.

b. **Design for compact communities** - Some of the land use categories in many of the urban areas have been changed as part of the proposed Area Plan that generally provide for more compact communities when compared to the existing Plan.

c. **Provide for a mixed land use** - Most of the urban areas in the proposed Plan provide for a mix of commercial and residential uses, which are expected to reduce the number and length of vehicle trips. Residential land use categories provide for some neighborhood commercial development.

d. **Incorporate circulation management strategies** - The proposed Area Plan (Circulation Element) identifies a number of major county roadways that would provide for acceptable levels of service. In addition, the Plan includes a number of policies and standards to encourage transit, bicycling, pedestrian and air and rail traffic.

GA

Since these mitigation measures have already been included in the Salinas River Area Plan, the impacts at this project level should be reduce to Class IV, significant, but mitigable consistent with the prior analysis.

Future Development Program

The DEIR states that "because no active application exists for the Future Development Program subsequent to the Agricultural Residential Subdivision, the assessment of air quality impacts is based on a reasonable worst case scenario with regard to future location and size of future land uses within anticipated development areas." Presumably, these areas are consistent with the Salinas Area Plan "1,800 acres" set aside for development. GB

The DEIR identifies Class I (significant and unavoidable) air quality impacts resulting from the Future Development Program due to inconsistencies with the Clean Air Plan projections for the rate of increase in vehicle trips and miles traveled as these relate to population growth rates.

Since no tangible development applications exist but all feasible mitigations have been addressed as contained within the Salinas River Area Plan, no Class I findings are required nor possible given the "earlier Fugro E.I.R." acknowledgement of the same impacts and the Board of Supervisors certification thereof. Thus, air quality impacts should be considered Class IV impact, consistent with prior actions.

SECTION-BY-SECTION ANALYSIS

- **Section 4.2.1 Setting**

The information in this section comes directly from the San Luis Obispo County APCD, and thus accurately reflects the meteorology and topography of the area. These factors directly influence air quality in San Luis Obispo County. **GC**

"Section a" discusses air pollution regulations, and presents correct information with no errors. "Section b" presents current ambient air quality data. Since data from 2006 has not yet been certified by the California Air Resources Board (CARB), it is appropriate to discuss data from the previous three years, ending in 2005.

- **Section 4.2.2 Impact Analysis**

Subsection a – Methodology and Significance Thresholds

The analysis of air quality impacts was performed using methodologies outlined in the APCD's *CEQA Quality Handbook* (2003). The nature of this analysis is qualitative in nature, which is appropriate for this program-level DEIR. The APCD has established four separate categories of evaluation for determining the significance of project impacts. These are listed below: **GD**

1. Comparison of calculated project emissions to APCD emission thresholds
2. Consistency with most recent Clean Air Plan For San Luis Obispo County
3. Comparison of predicted ambient pollutant concentrations resulting from the project to state and federal health standards, when applicable
4. Existence of special conditions which apply to certain projects

Since the APCD has established a clearly defined methodology for evaluating air quality impacts from land use development (defined in Section 4.2.2.a of this DEIR), this methodology should be clearly delineated in the air quality analysis section. In this section, there is no discussion of criteria 3 or 4, as listed above. At the very least, these items should be referenced in this section, along with a statement of applicability. Please refer to Section 5.3 Air Quality, Pages 5.3-11, 5.3-12, 5.3-13, & 5.3-14 (attached)

Specific Comments Regarding this Section:

Section 4.2.2(a) – Methodology and Significance Thresholds **GE**

- *Page 4.2-5 - Comparison to Air Quality Standards:* There is no discussion presented , at the least Fugro's cumulative analysis applies.
- *Page 4.2-5 - Short-term Construction Impacts:* This discussion should be contained within the category labeled "Comparison to APCD Emission Thresholds", listed at the top of this page. **GF**

- *Page 4.2-5 - Short-term Construction Impacts:* Table 4.2-4, Level of Construction Activity Requiring Mitigation should be shown in the section titled "Comparison to APCD Emissions Thresholds" listed at the top of the page. Furthermore it logically precedes the table labeled 4.2-3, Significance Thresholds for Operational Emission. The accepted practice is to discuss construction impacts prior to operational impacts. **GG**

Section 4.2.2(b) – Tract 2586 Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures

General Comment **GH**

- *Page 4.2-6 - Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures:* An introduction to what is included in this section should precede the actual listing of impacts. Otherwise, the document does not flow well.

Discussion of Mitigation Measures

Page 4.2-6: Agricultural Residential Cluster Subdivision Impact AQ-1
The DEIR states that the proposed Tract 2586 would result in operational air pollutant emissions, primarily resulting from vehicular traffic. This would result in an exceedance of APCD thresholds, however, this plus the "Future Projects" are already analyzed, quantified, and included in the Certified Furgo E.I.R. as a Class II Impact. Therefore, a Class I designation appear indefensible. **GI**

As previously stated, the air quality impacts from this development were analyzed in the Fugro EIR, which was certified in 1996. This FEIR stated that air pollutant emissions from area sources and vehicular traffic, even with appropriate mitigation, would result in Class I impacts. . Since overriding findings were made for these impacts, the D.E.I.R. should be modified to reflect no Class I, but rather reaffirmation of the 1996 determination.

Page 4.2-7 Mitigation Measures
The discussion here states that the APCD requires standard site design measures for **urban residential** development. Furthermore, the statement is made that the site design measures listed such as linking cul-de-sac and dead end streets to encourage pedestrian and bicycle travel; providing traffic calming modifications to project roads, etc., would not contribute to reduce impacts associated with an Ag Cluster Subdivision. Proximity of Tract 2586 homes to town helps, but like all of Santa Margarita, South Atascadero, and East, trips to work and ordinary conveniences require more significant job creation and shopping in Santa Margarita. **GJ**

This statement is not correct. The mitigations listed in this section will encourage non-polluting modes of travel, thus reducing air pollutant emissions associated with vehicular travel as mentioned above this is a rural setting. **GJ**

Pages 4.2-7through 4.2-9 - Standard Energy Efficiency Measures and Discretionary Measures for Tract 2586.

Mitigation Measure AQ-1(a) is an appropriate mitigation measure to increase building energy efficiency ratings, and thus reduce energy consumption.

Mitigation Measure AQ-1(b) is an appropriate mitigation measure to shade on-site structures, thus decreasing indoor temperatures and reducing energy demand for air conditioning. **GK**

Mitigation Measure AQ-1(c) is an appropriate mitigation measure to encourage the use of electrical appliances and tools.

Mitigation Measure AQ-1(d) is an appropriate mitigation measure to encourage telecommuting, teleconferencing and telelearning. This is only appropriate for those residents whose employees support remote work sites/alternatives.

Mitigation Measure AQ-1(e) is an appropriate mitigation measure to reduce particulate emissions associated with fireplaces and wood stoves.

Page 4.2-9 – Residual Impact:
The statement is made that standard site-design mitigation measures required by the APCD would not be applicable to the proposed Tract 2586 Ag Subdivision, and impacts would remain significant and unavoidable. It is not clear whether or not this statement refers to the mitigation measures listed on Pages 4.2-7 through 4.2-9 (as discussed above). If it does, there should be a clear, concise analysis included stating why these mitigation measures are not sufficient to provide a reduction in air quality impacts. If this statement does not refer to the mitigation measures listed on Pages 4.2-7 through 4.2-9, then this warrants additional clarifications. **GL**

Pages 4.2-9 – 4.2-15: Tract 2586 Ag Residential Cluster Subdivision Impact AQ-2
This section is the beginning of the discussion on construction impacts and mitigations. This discussion is contained on pages 4.2-9 through 4.2-15. There should be an introduction or statement to clearly delineate that this discussion focuses on "construction impacts" as opposed to site design impacts. These are two distinct areas of analysis and should be discussed as such. **GM**

Mitigation Measures AQ-2 (a) through AQ-2 (e) pertains to construction activities for Tract 2586. These are standard APCD mitigation measures designed to reduce particulate matter (wind-blown dust) associated with construction and grading activities. These mitigation measures are appropriate for this size and type of construction project, and are properly included. **GN**

Mitigation Measure AQ-2(f) discusses the need to ensure that a geologic evaluation be conducted to determine if naturally occurring asbestos is present within the areas of site disturbance. This mitigation measure is appropriate if a prior geological study has not been prepared. If such a study has been prepared, the findings of this study should be considered sufficient to address this issue. **GO**

Page 4.2-15 – Tract 2586 Ag Residential Cluster Subdivision Impact AQ-3
This mitigation measure requires that private septic systems be installed per County Private Sewage Disposal System standards. Proper installation will reduce odor impacts to less than significant. As such, no additional mitigation is required. **GP**

Page 4.2-15 – Tract 2586 Ag Residential Cluster Subdivision Impact AQ-4, Exceedance of Clean Air Plan Population Growth Projections: This impact was previously discussed in the Fugro EIR, thus section attempts reanalysis an already-identified impact. Thus, the previous analysis should be incorporated in the D.E.I.R. by reference. **GQ**

Section 4.2.2(c) – Future Development Impacts and Mitigation Measures

Pages 4.2-17 through 4.2-22
In the first paragraph under this section, the third sentence states: " It should be noted that the APCD does not require quantified analysis of construction or operational air contaminant emissions impacts for program-level evaluations, such as for the Future Development Program." As defined in the SM DEIR, the Future Development Program represents potential buildout of the Santa Margarita Ranch, including the proposed Tract 2586 Ag Residential Cluster Subdivision. **GR**

It should be noted that the construction and operational emissions from the Tract 2586 Ag Cluster development are discussed in detail in Section 4.2.2(b) of the SM EIR and summarized in Table 4.2-5. The quantified impacts discussion is not required by the APCD for a program-level EIR (as stated above). Furthermore, these impacts have been previously quantified and analyzed in the Fugro EIR Page 5.3-1 through 5.3-17.

Specific Mitigation Measures
Future Development Program Impact AQ-1 discusses on-site uses and the potential to generate odor impacts. These impacts would be mitigated as suggested below: **GS**
Future Development Program Impact AQ-1(a) is an appropriate mitigation measure requiring the development and implementation of an odor abatement plan to reduce odors from on-site uses.

Future Development Program Impact AQ-2 incorrectly states that conceptual land uses are inconsistent with land use designations and population assumptions of the San Luis Obispo County General Plan. In fact the Salinas River Area Plan Planning Area Standards, Section 22.104.040, page 9-93 through 9-98 are to the Contrary. In addition, Future Development Program implementation would result in a substantial increase in vehicle miles traveled is assumed, identified, and accepted in the Fugro E.I.R. and its certified "overriding considerations". Therefore, the Future Development Program is assumed inconsistent with the 2001 Clean Air Plan, thus a Class I impact would result. **GT**

In addition, the statement in the middle of page 4.2-20 (second complete paragraph) suggests that the rate of increase in vehicle trips and miles traveled associated with the Future Development Program <u>may exceed</u> population growth rates for the area. This statement is incorrect as described previously and clearly analyzed in the Fugro EIR and current General Plan projections. **GU**

Future Development Program Impact AQ-2(a) discusses trip reduction designed to reduce vehicles and miles traveled. Specific components of a **GV**

trip reduction program would be determined as this Future Development Program is more clearly defined. These mitigation measures would then be incorporated as appropriate. As previously stated, no Class I findings are possible given the Fugro FEIR shows overriding findings with regard to this issue. GV

Future Development Program Impact AQ-3 addresses construction-related impacts. These standard APCD mitigation measures are appropriate to reduce construction impacts to a less than significant level. GW

Page 4.2-22(d) – Cumulative Impacts (page 4.2-22
This discussion states that, 1) the Tract 2586 Ag residential Cluster Subdivision is incorrect and assumes to independently exceed the SLOAPCD Tier 1 Thresholds, and thus is potentially inconsistent with the Clean Air Plan, and 2) buildout of the Future Development Program is also inconsistent with the Clean Air Plan. This is misstated and based on an incorrect "base line". GX

Since overriding findings were made for the Salinas River Area Plan FEIR, and all appropriate mitigation measures have been included and addressed. No further findings nor can a Class I impacts are necessary

"Attachment C"

GY

Biological Resources Impact Analysis

Lynnedee Althouse & Dan Meade
with Supplemental Information from Rick Hoffman

Rick Hoffman and Associates
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TELEPHONE (805) 569-1911 FAX (805) 569-0142

ENGINEERING GEOLOGISTS & HYDROGEOLOGISTS
RG #3740 EG #1135 HG#448

FILE:GR07Apr:EIRResponseBio

April 9, 2007

Mr. James Caruso
SLO Planning and Building
County Government Center
San Luis Obispo, California 93401

RE: RESPONSE TO BIOLOGICAL IMPACTS ANALYSIS within EIR for the *Santa Margarita Ranch Agricultural Residential Cluster Subdivision Santa Margarita, California*

Dear Ms. Kirk:

This letter is a brief response to your request for hydrologic information regarding water use and potential impacts on riparian vegetation and the Southern Steel Head Trout migration. You are correct in stating that the Santa Margarita Ranch Residential Cluster Subdivision plans to use well (groundwater) to meet its domestic and landscaping water needs as opposed to an imported water supply.

GZ

The proposed residential project has a revised water demand of approximately 101 acre feet per year (afy) based on a water duty factor of 0.9 afy per parcel for the 112 parcels (see recently prepared Response Letter and Hydrologic Analysis prepared by Luhdorff & Scalmanini, Consulting Engineers). Water for this phase of the project is to be provided by on-site deep bedrock wells already completed and tested on the Santa Margarita Ranch. There are three wells identified as potential sources of groundwater for the residential project. They are Well #12, Well #15, and Well #16. I have included a ***WELL LOCATION MAP*** of the three wells for your review. These wells produce groundwater from either the Paso Robles Formation (Well #15 and Well #16) or from a combination of the Paso Robles Formation and the Santa Margarita Formation (Well #12). These aquifers are ***NOT*** considered "alluvial aquifers". None of these wells are located near any large creek that could directly contribute to recharge to the local aquifer thereby directly impacting surface flow within the creek. I therefore conclude that both short and long term pumping from any of the above listed wells will not have a significant impact on surface flows or riparian habitat within the major named creek corridors on the Santa Margarita Ranch.

I trust this brief summary letter provides you with the information you requested. If you have any questions regarding this data or other hydrologic issues, please fell free to contact me.

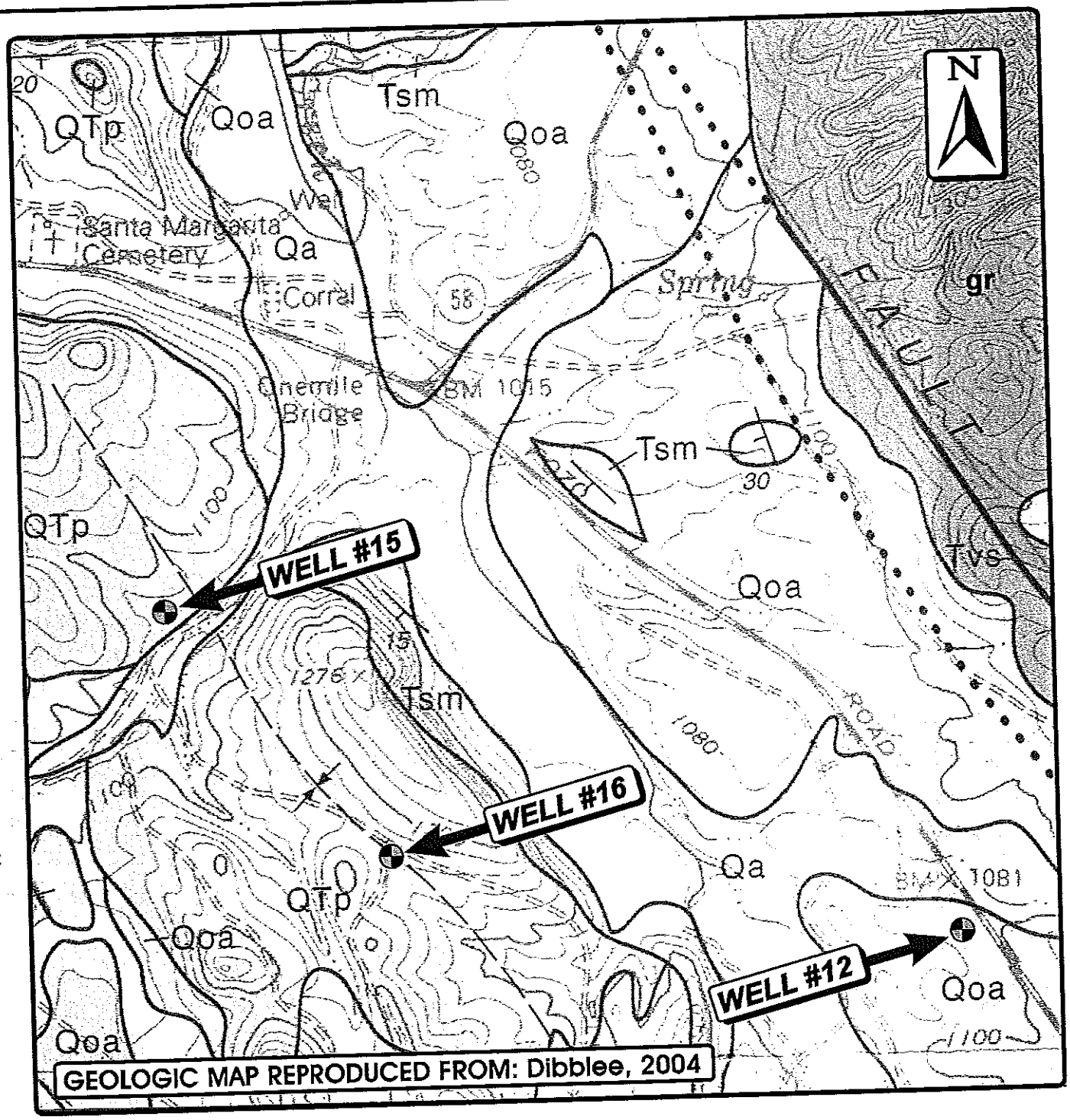
Sincerely,

Rick Hoffman

Rick Hoffman
Certified Engineering Geologist & Hydrogeologist
State of California RG #3740; EG #1135; HG #448

enclosure: Figure 1, WELL LOCATION MAP

GZ



LEGEND

Qa	Alluvium
Qoa	Older Alluvium
QTp	Paso Robles Formation
Tsm	Santa Margarita Formation
Tvs	Vaqueros Formation
gr	Granitic Basement rocks
——— - - -	Formational contact: dashed where approximate
▬ ▬ ▬	Fault contact: dotted where covered
24°	Strike & dip of bedding
⊕	Well Sites: approximate location

SCALE IN FEET

0 1000 2,000 3,000

WELL LOCATION MAP

PROPOSED CLUSTERED RESIDENTIAL PROJECT
Santa Margarita Ranch Project
Santa Margarita, California

Rick Hoffman and Associates
ENGINEERING GEOLOGISTS & HYDROLOGISTS

1149 Palomino Rd., Santa Barbara, CA 93105
TEL. (805) 569-1911 FAX (805) 569-0142

FIGURE **1**

FILE:GR07Apr:MargaritaBio1.CDR

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April 11, 2007
208.18

County of San Luis Obispo
Attention: James Caruso
Department of Planning and Building
County Government Center
San Luis Obispo, California 93408

Re: Santa Margarita Ranch Draft EIR Biological Resources Section
Response to Project Evaluation, Tract 2586

Dear Mr. Caruso:

We examined the Santa Margarita Ranch draft EIR biological resources section. The proposed project is an agricultural cluster residential development on 145 acres within a 3778 acre parcel. An agricultural conservation easement is proposed over 3633 acres of the 3778 acre parcel. The conservation easement would protect 96 percent of the parcel in perpetuity. Habitats proposed for conservation include riparian, creek, wetland, oak woodland, oak savanna, chaparral, grassland, and farmland. **HA**

Mixed oak woodlands (also known as foothill woodlands) and oak savanna habitats characterize the proposed conservation easement parcel. More than 6000 oaks (blue, valley, coast live) occupy rolling terrain that would be conserved.

Oak woodland, oak savanna, and grassland habitats dominate gentle slopes proposed for residential development. Trees vary in size and stature from saplings to grand mature and overmature decadent specimens. The EIR incorrectly states that 200 to 400 trees would be removed for residential development. Lots were sited to avoid tree removal. Residential lots and roads were further adjusted to address issues raised in the draft EIR; Potential tree removal would be less than 60 trees in scattered locations. **HB**

An agricultural conservation easement on 3633 acres would protect over 6000 oaks plus saplings and small trees. Residential development would remove fewer than 60 trees—a loss of less than 1% of trees on the parcel. In addition, special status species, such as white tailed kite and legless lizard, that rely on oak woodlands for habitat would be protected within conserved lands. **HC**

We provide the attached comments for your consideration.

Sincerely,

Daniel E. Meade LynneDee Althouse

Daniel E. Meade, Ph.D. LynneDee Althouse, M.S.

Impacts Overstated

Oaks

Page 4.3-35, Impact B-3, second sentence states: "In the short term, oak trees that are removed can be replaced, but the quality of their habitat values will not be the same until the new trees mature, the timeframe of which cannot be accurately determined."

A time frame for blue oak planting mitigation was published in 2002 by Rick Standiford et al.[1] The Standiford model predicted canopy cover ranging from 7 to 33 percent with an average diameter at breast height after 50 years ranging from 3.4 to 4.1 inches. Valley and coast live oaks may grow to be over 40 feet tall and 10 inches in diameter within 20 years when planted in riparian zones (LynneDee Althouse, Dan Meade, Meg Perry personal observations, and Sunset Western Garden Book, 2001). **HD**

Page 4.3-36, Par. 1. states "Development impacts would disturb or fragment approximately 43.2 acres of blue oak, approximately 20.2 acres of coast live oak, and 12.1 acres of valley oak woodland habitat, and blue oak, coast live oak, and valley oak trees within these habitats and within the valley needlegrass grassland and California annual grassland habitats."

Habitats have not been accurately mapped. For example, "valley oak woodland" within the proposed development area is actually foothill woodland. Furthermore, if lot locations are strategically placed in openings of woodlands and where density of trees is low, less than 60 trees should be removed. **HE**

Page 4.3-36, Par. 2. states "State Law, as per the SB 1334 Kuehl bill, requires counties to require a project that will significantly affect oak woodlands to offset the loss of any oaks destroyed."

SB 1334 as amended in February 2004 specifically states, "This bill would require that a county with oak woodlands include in an oak woodlands management plan, developed pursuant to the Oak Woodlands Conservation Act, a provision that requires mitigation of **any conversion of oak woodlands**, and would require that the plan contain specified mitigation alternatives and procedures to minimize impacts to oak woodlands in specified areas." The operative word is "conversion".[2] **HF**

"Conversion[3]" means cutting or removing 30 percent or more of the canopy from an oak woodland and changing the land use so that the converted acreage will not sustain oak

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[1] Standiford, Richard B., Douglas McCreary, and William Frost. 2002. Modeling the effectiveness of tree planting to mitigate habitat loss in blue oak woodlands. *In* USDA forest Service Gen. Tech. Rep. PSW-GTR-184., pp. 591-600.

[2] California Oaks Foundation website, copy of SB 1334, http://www.californiaoaks.org/ExtAssets/sb_1334_bill_20040617_amended_asm.pdf

[3] California Oaks Foundation website, synopsis of SB1334. http://www.californiaoaks.org/ExtAssets/SB1334synopsis.pdf

species functioning as a biological unit in the future, or undertaking an activity within the dripline of an oak tree in order to convert the land into another use.

"Oak woodland[3]" means a tree habitat with five or more oak trees per acre, except for valley oaks (*Quercus lobata*) that include one or more trees per acre. HF

A careful determination of proposed oak woodland conversion area relevant to the Kuehl bill's definition was not provided in the EIR.

Page 4.3-36, Par. 2. "In addition, several Heritage or Stately Oak trees (an oak tree with a ≥ 36-inch DBH) occur on-site and could potentially be impacted."

What is the source of definition for heritage or stately oak trees? I suggest that a definition include: The tree should be of good or fair quality in terms of health, vigor of growth, and conformity to generally accepted horticultural standards of shape for its species. Heritage Oaks are defined for the purpose of increasing awareness that this is a special tree that should be preserved and for application of a greater tree replacement requirement. Heritage or Stately Oaks deserve special consideration, and their proposed removal should be scrutinized carefully. HG

We agree that stately oaks with good or fair quality occur within the proposed agricultural cluster development. HH

Who has designated any of the trees as "heritage oaks"? HI

Page 4.3-36, Par. 3. "Based on an aerial map assessment of the proposed lot and associated road locations, it is estimated that more than 200 and as many as 400 oak trees have potential to be directly impacted as a result of the residential development. This is a Class I, *significant and unavoidable,* impact. These trees are a biological resource that provide habitat for several species of resident and migratory birds including the raptors listed in Table 4.3-4." HJ

Impacts to a tree's root zone during road construction may not be a significant and unavoidable impact. Removal of oak woodland may be a significant and unavoidable impact. EIR authors do not clearly differentiate between impacts to individual trees and impacts to woodland. Neither set of impacts is Class I, *significant and unavoidable.* The EIR authors do not acknowledge that resident wildlife and migratory birds, including raptors, may continue to thrive in a carefully planned development among oaks.

Based on lot-by-lot on site evaluations, we estimate that fewer than 60 trees will be removed in scattered locations for roads and home site development. Approximately 350 trees may be impacted, with most of the impacts over 50 feet from the trunks (minor impacts).

Page 4.3-40 and 71. A Class 1 impact for oaks is unprecedented. For example, the Biddle Ranch Agricultural Cluster Subdivision Project final EIR[4] states "the proposed project would **result in the removal of an unknown number of native coast live oak trees** within the Coastal Oak Woodland and Annual Grassland habitats on the project site. This is considered a Class II, *significant but mitigable* impact...The proposed project would disturb or fragment approximately 55 acres of Coastal Oak Woodland (includes approximately 20 acres of Oak Savannah). These impacts are considered to be significant but mitigable...Removal of individual oak trees is not considered significant from a biological resources perspective unless those trees contain active nests of raptors or other migratory birds or their removal would significantly alter the nature of the habitat in which they occur." HK

Page 4.3-11. Par. 4. Line 7. There is no evidence that the isolated Valley Oaks in the Moore ridge vineyard are remnants of a larger Valley Oak Woodland. Line 8. How many trees recently removed? What is the evidence of this? HL

Page 4.3-13. Par. 4. Line 5. Oaks in the vineyard are not remnants. No oaks were removed for the vineyard. HM

Mapping of valley oak woodlands within the proposed agricultural cluster development is exaggerated, and does not correspond well to accepted definitions of valley oak woodland. Foothill woodland (Holland and Keil[5]), Mixed Oak Series (Sawyer and Keeler-Wolf), or Blue oak-Digger pine [sic], now foothill or gray pine (R.F. Holland)[6] would be more appropriate descriptions of habitat onsite. Furthermore, mapped locations in the EIR contradict verbal descriptions of the occurrence and extent of Valley Oak Woodland on the Ag Cluster site. The EIR states (EIR p. 4.3-11) "The Valley Oak Woodland habitat type within the Agricultural Residential Cluster Subdivision most closely corresponds to Valley Oak Woodland as described by Holland and the Valley Oak Series described by Sawyer and Keeler-Wolf. This habitat type is primarily located on deep, well drained alluvial soils, usually in valley bottoms and as a component of riparian communities." However, most of the "valley oak woodland" mapped near proposed lots in the agricultural cluster is located on the tops of hills. HN

Valley Needlegrass

Page 4.3-1. Valley needlegrass grassland with density above 50% has not been shown to occur on the property. HO

Page 4.3-1. A Class 1 impact to blue and coast live oaks is unprecedented. Impact to trees is estimated without basis. Less than 60 trees should be removed for project homes and roads if tree protection is built into the project specifications. HP

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[4] Rincon Consultants, Inc.. 2003. Biddle Ranch Agricultural Cluster Subdivision Project, Final Environmental Impact Report (State Clearinghouse No. 2001021060). Submitted to the County of San Luis Obispo. P. 4.1-25.

[5] Holland, V.L. and David J. Keil. 1995. California Vegetation. Kendall/Hunt Publishing Co. P. 276-280.

[6] Holland, R.F. 1986. Preliminary descriptions of the terrestrial natural communities of California. California Department of Fish and Game. Pp. 71 and 77.

Page 4.3-8, 30, 33 and 34 The EIR states, "Valley needlegrass grassland is found in open areas on moderately sloping hillsides in the northern portion of the Agricultural Residential Cluster Subdivision site and comprises 66.8 acres or 1.8% of the vegetation cover." The EIR further states on page 4.3-33, "About 24.0 acres of valley needlegrass grassland, which is a CDFG Plant Community of Special Concern or rare plant community, would be impacted by grading and development activities, based on field observations of contiguous grassland areas with more than **50% cover** of purple needlegrass."

A Manual of California Vegetation by Sawyer Keeler-Wolf[7] describes Purple needlegrass as sole or dominant grass in ground layer. Needlegrass as 25% cover of California is misquoted.

Holland and Keil (1995, page 203) state that prior to the late 1800's native grasslands (California prairies) **and related oak woodland communities** with a grassland understory covered about 25% of California. Note, that was **oak woodlands** with a grassland understory—grasslands were not necessarily bunch grass grasslands, nor specifically needlegrass grasslands. HQ

To test the claim that needlegrass density was more than 50% cover, we conducted measurements of the areas designated in the EIR as valley needlegrass grassland. We used the line quadrat sampling method with a one meter square quadrat, and the Daubenmire plot method to determine percent cover by species. Except for one transect line, locations were determined *a priori* based on the outline of valley needlegrass grassland in the EIR (see Figure 1). One transect (transect 7) was selected in the field to measure an area that appeared to be the highest density needlegrass grassland we could find (this area was partially outside the EIR delineation area). At each quadrat plot location plant species were identified and area of cover was determined for all plant species that occupied one percent cover or greater. Absolute cover was measured as ground occupied within the quadrat. Bare ground or leaf litter cover was also recorded.

Our results found that for the seven transects measured, including one selected to cover the highest density needlegrass grassland we observed near the designated needlegrass grassland, the average percent cover of needlegrass was 4.7%. Of the 126 plots sampled, 69 plots, or 55% of all plots measured, did not contain any needlegrass plants (see Table 1). The vast majority of the sample plots (95%) had 25% or less needlegrass cover. Eighty-five percent (85%) of the sample plots had 10% or less needlegrass cover.

The seven transects provide a reasonable estimate of percent cover for areas designated in the EIR as more than 50% cover with purple needlegrass. The actual cover of needlegrass within areas designated in the EIR as greater than 50% needlegrass cover is estimated by our sampling to be less than 5% cover, an order of magnitude difference.

[7] Sawyer, John O. and Todd Keeler-Wolf. 1995. A Manual of California Vegetation. California Native Plant Society. P. 75.

Table 1. Distribution table of percent cover for 126 sample plots. No plots had percent cover above forty percent.

Percent cover	Count
0	69
1	9
2	3
3	2
4	0
5	13
10	12
15	5
20	7
25	3
30	2
35	0
40	1

HQ

Needlegrass is a common component of grassland habitat in the Santa Margarita area. Recent grazing practices on the Santa Margarita Ranch employ pulse grazing, using high density of stock for durations of a day or less in some cases. The grazing management has contributed to in an increase in perennial grasses, including purple needlegrass over much of the rangeland. It has been our observation over the last five years that needlegrass abundance and distribution has increased on the ranch.

The designation of location as a California Department of Fish and Game (CDFG) Plant Community of Special Concern or rare plant community is reserved for occurrences that truly meet the threshold for that plant community type. Areas in San Luis Obispo County where valley needlegrass grassland have been designated are in Montana de Oro state park, and along the Cambria coast where densities actually reach over 50% cover. The needlegrass grasslands on the Santa Margarita Ranch, although to be admired as a great example of proper range management, do not meet either the quantitative or qualitative threshold of Plant Community of Special Concern.

Special Status Species

Page 4.3-1 Par 2. Twenty special status plant and wildlife species are not found in the agricultural cluster subdivision. Therefore, how would it "reduce the populations"? HR

Page 4.3-19 Table 4.3-4, row for fish. Steelhead trout are not expected in Taco Creek or Rinconada Creek. These creeks are above Pierce Dam (15 feet high) on the Salinas River, an impassable barrier to steelhead. Also, due to poor habitat and low seasonal flow, there is no potential spawning habitat in Taco Creek. HS

Page 4.3-30. Par. 3. Areas of lot impacts have been revised. HT

Page 4.3-61. Par. 4. Line 14-15. Townsend's big eared bat is a cave dweller that will also use mine tunnels and abandoned buildings with cave-like attics. It will not be found in a roost in the Agriculture Residential Cluster Subdivision area; therefore no impact to breeding habitat is possible from this project. HU

Mitigation Measures

The following comments address mitigation measures. Mitigation measures for oak trees and for valley needlegrass grassland are based on incorrect measurements and assumptions. HV

Oaks

Page 4.3-35. B-3. The EIR states, "The proposed Agricultural Residential Cluster Subdivision would result in the **removal of an estimated 200 to 400 blue oak, coast live oak, and valley oak trees** within the Blue Oak Woodland, Coast live Oak Woodland, Valley Oak Woodland, Valley Needlegrass Grassland, and California Annual Grassland habitats on the site. In the short term, oak trees that are removed can be replaced, but the quality of their habitat values will not be the same until the new trees mature, the timeframe of which cannot be accurately determined. Thus, impacts to oak woodlands are Class I, *significant and unavoidable.* " HW

Adjusted lot and building envelope configuration would require removal of fewer than 60 oak trees within the habitats listed above.

Page 4.3-37, B-3(a) "Tree Identification...4. A landscaping plan that shows the size and species of all trees proposed to be planted in the project...The tree identification review shall be prepared by a County approved arborist...arborist or botanist shall verify the landscape plan."

Both grading and landscape plans need to be reviewed by the project arborist or oak tree specialist. Plans should show all existing trees with size, species, and tree health rating indicated. Proposed trees to be removed, impacted, or completely protected should be indicated on grading and landscape plans. Tree protection practices should be shown and detailed in the plans. For landscape plans, all proposed ground disturbance, irrigated areas and plant palette should be presented in relationship to existing trees. HX

A County approved arborist or oak tree specialist should verify existing tree information on grading and landscape plans and review said plans for potential oak tree impacts.

Page 4.3-38, **B-3(c) "Oak Tree Protection and Mitigation and Monitoring Plan.** A qualified arborist/botanist shall inventory all oak trees within 200 feet of the limits-of-grading and provide measures to ensure the required replacement ratios per County standards are achieved, and that remaining oak trees are adequately protected during construction activities. In addition, the project arborist/botanist shall monitor construction activities and enforce an approved tree protection plan. Tree protection guidelines and a root protection zone shall be established and implemented for each tree to be preserved. On average, the outer edge of the tree root zone is 1.5 times the distance from the trunk to the dripline of the tree. For Valley Oak trees, the protection/setback zone shall be 100 feet from the base of the trunk. The project arborist/botanist must approve work within the root protection zone." HY

The EIR requires an oak inventory within 200 feet of grading limits. Our comments follow:

i) Inventory within 200 feet is not necessary when trees are densely spaced and unlikely to be affected. An inventory of oaks within 100 feet may be excessive in some areas where small trees in dense stands are unlikely to be affected by construction activities. HZ

ii) Trees that may be impacted should be evaluated by a certified arborist (International Society of Arboriculture) or qualified oak tree specialist to determine appropriate protection measures on a case-by-case basis. For large trees that are topographically removed from a proposed disturbance (up slope or down hill), or where young trees buffer a large tree, setback requirements may be adjusted while still protecting a tree from impacts to its critical root zone.

The EIR requires tree protection guidelines and root protection zones for each tree to be preserved. Our comments follow:

i) Clarify "each tree to be preserved" to say "preserved trees that may be affected by construction activities."

ii) Revise the arbitrary designation of 100 feet as a setback required for any valley oak tree. A setback of 100 feet means a diameter of 200 feet, or three quarters of an acre (31,400 square feet) around each valley oak tree. IA

iii) We suggest that critical root zone for oaks be determined based on tree species, age, and size (Table 1, adapted from Arboriculture[8] page 262). Valley and blue oaks are more sensitive to disturbance than coast live oaks.

Table 1. Setback ratio for oaks on the Santa Margarita Ranch. Ratio is distance in feet to trunk diameter in inches.

Species	Tree Age	Ratio of Setback Distance (feet) to Trunk Diameter (inches)
Valley Oak and Blue Oak	Young	1.25
	Mature	1.5
	Overmature	1.5
Coast Live Oak	Young	1.0
	Mature	1.0
	Overmature	1.25

For example, to avoid tree impacts to a 24 inch mature valley oak tree, a setback would be one and a half times its diameter at breast height (dbh),

[8] Harris, Richard W., James R. Clark and Nelda P. Matheny. 2004. Arboriculture; integrated management of landscape trees, shrubs, and vines, fourth edition. Prentice Hall New Jersey.

or 36 feet. A 60 inch overmature valley oak would require a setback one and a half times its dbh, or a setback of 90 feet.

Attached are photos of a valley oak tree on lot 29 that indicate a setback of 100 feet (200 ft diameter) as suggested by the EIR, and a setback based on tree diameter as suggested by Arboriculture. IA

Page 4.3-37, **B-3(b) "Heritage Oak Tree**...or other oak trees with an equal to or greater than 36 inch DBH shall be avoided, or if avoidance is not feasible…then such oak tree(s shall be transplanted to a determined receptor site." IB

Relocation of overmature large trees is generally not practicable. Relocation of large valley oaks may cost over a million dollars and require moving over 450 tons of tree and associated soil[9]. The effort to move a 36 inch tree would require house-moving equipment, large areas of ground disturbance, and the result would likely not prove to be a viable tree.

Page 4.3-38. B-3(c). A 100 foot setback may be appropriate for the largest valley oak trees, but not for a six inch valley oak tree. This mitigation measure is unwarranted and impractical for many trees. IC

Page 4.3-38 Par. 4. Line 4. Deciduous oak trees planted between October and January will be entering or in dormancy and will not establish roots. Irrigation is likely to be necessary for at least the first year for trees to survive, especially in low rainfall years. ID

Page 4.3-39. Par. 3. Line 3. Fifty years is an arbitrary number. With adequate water, valley oaks and coast live oaks can reach forty feet in height in twenty years.

The statement, "they take at least that long to establish" is nonsense. Trees are considered established when they can grow without supplemental water or care. This can occur, and is usually planned to occur, within three to five years of planting. It may be fifty years before trees are of large stature; however young trees are usable habitat in the mean time. Also, an increase in total trees (four to one) results in a greater population of trees and a concomitant increase in biomass – Increased population and growing biomass compensates for removal of the original tree. An increase in tree population is the rational behind virtually all of the oak mitigation measures required in California to date. Apparently, the EIR's mitigation measure claims that all of the previous oak tree mitigation measures in the County have been inadequate. IE

Page 4.3-40, Par 2 "In the short-term, impacts to oak trees and oak woodland habitats cannot be mitigated, because of the length of time required for replacement trees to reach maturity and have a [sic] similar habitat values as those that are replaced." IF

If only a small proportion of trees (less than 60) are removed, the project will not have a significant impact.

[9] Associated Press. 2005. The Epoch Times. El Monte, California. March 24-30.

Valley Needlegrass

Measure B-2(a). There are only small patches, on the order of square meters, where needlegrass density reaches 50%. Restoration or creation of large-scale needlegrass habitat with 50% or greater density is **creating a habitat that does not currently exist on the property**. Additionally, it is an impractical mitigation measure. It would require a gardening effort over 48 acres, and may not be sustainable after intensive maintenance ended due to competition with annual grasses and forbs.. IG

Actual impacts to a 50% density needlegrass grassland would be zero. High density needlegrass patches (over 50% needlegrass cover) can likely be avoided. If patches with over 50% needlegrass cover are located in proposed disturbance areas and cannot be avoided, they can be mitigated at a 2:1 ratio within the tract boundaries.

Special Status Species

Page 4.3-48. B-5(c). This measure is confused. The two plants (lily and morning glory) are not closely related. The measures states, "... can be grown from seed given the appropriate environment such as edaphic factors and competition from other plants." Perhaps the intention was, ". . . can be grown from seed where environmental conditions are appropriate, necessary edaphic factors are present, and competition from other plants is not present." IH

Also, Mariposa lily species are very difficult to grow from seed. Plants take from 3 to 5 years to bloom and are difficult to track in the field. This plant should be salvaged by removing bulbs. Seeds may be sent to the Central Coast Plant conservation Seed Bank at the Santa Barbara Botanic Garden for propagation and study.

Page 4.3-55. Par. 1. Line 2-4. It is not yet known if a take permit will be necessary. The only permit NOAA would issue is an incidental take permit, as per ESA Section 10(a)(1)(B). The consultation process may route through section 7, but the permit is issued as per ESA Section 10(a)(1)(B). The only other permit for take NOAA issues under the ESA is as per ESA 10(a)(1)(A) for scientific collection purposes. II

Page 4.3-60. Par. 2. Line 9. Again, as immediately above, take permits are as per ESA Section 10(a)(1)(B), not Section 7. IJ

Drainages

Page 4.3-42. Measure B-4(a). Item 4. The 1600 program does not regulate or authorize grading or fill in wetlands if they are isolated from a stream or lake. It would be appropriate to require on-site mitigation for any impacts to wetlands, such that there is no net loss of wetlands as a result of project impacts. IK

Page 4.3-43. Item g. It may be impractical to require no disturbance or alteration of a drainage bottom from installation of a drain or outlet structure. In some drains, if protection is not placed in the drainage bottom severe erosion would result. Permits should be obtained from regulatory agencies for appropriate outfall installation. IL

Alternatives

Page 6-6 Alternative 6.2 No Project/Existing zoning: The authors state "Because less area would be developed and less site activity would result, biological resources impacts, including impacts to sensitive habitats and species and impacts to trees, would be reduced when compared to the proposed Agricultural Residential Cluster Subdivision and Future Development Program." This is a hypothetical statement. If the 28 ranch lots are allowed to be developed as ranchettes, impacts to biological resources could be significant. Backyard farming operations with horses, cattle, goats, sheep, other livestock, and cropping operations are often not as well managed as larger intact parcels such as the Santa Margarita and Avenales Ranches in San Luis Obispo County. The EIR also states that this alternative "could include industry, manufacturing and processing uses; recreation, education and public assembly uses; retail trade uses; and/or service uses". These land uses could have dramatic biological impact potential. A summary statement of reduced impact is unfounded. **IM**

Page 6-15 Alternative 6.3 Revised cluster design: "Slightly reduced" biological impacts are the EIR authors' analysis of the revised cluster. Placing lots in a tight configuration may require significantly greater impacts to oak woodland habitat because it will be more difficult to avoid trees. **IN**

Page 6-23 Alternative 6.4 Revised cluster location 1: North of community. The EIR authors state "Overall, biological resource impacts would be both better and worse when compared to the proposed Agricultural Residential Cluster Subdivision." However, permanent loss of farmed wetland habitat would be a Class 1, significant and unavoidable impact. **IO**

Page 6-32 Alternative 6.5 Revised cluster location 2: South of community. The EIR authors state, "Overall, biological resource impacts would be both better and worse when compared to the proposed Agricultural Residential Cluster Subdivision." However, permanent loss of farmed wetland habitat would be a Class 1, significant and unavoidable impact. **IP**

Page 6-39 Alternative 6.6 Revised cluster location 3: Southwest of community. Impacts to oaks may be significant due to new road construction on slopes that are much steeper than the proposed agricultural cluster. **IQ**

Page 6-47 Alternative 6.7 Tighter cluster. The EIR authors state, "Overall, this alternative would result in slightly reduced impacts related to biological resources when compared to the proposed Agricultural Residential Cluster Subdivision." However permanent loss of wetland habitat would be a Class 1, significant and unavoidable impact. **IR**

Corrections

The following comments are directed at typographic mistakes, mis-statements, and inaccuracies. Each comment is preceded by the page reference number. **IS**

Page 4.3-3. Affiliation list at page bottom: Cassie Murphy not with Cal Poly, with A&M, Cletis England not with Cal Poly, with A&M. **IT**

Page 4.3-4, Par. 2. Directions are somewhat vague and confused. The ag cluster is located southeast of Santa Margarita. Taco Creek is to the southeast, Forest is to the southwest. IU

Page 4.3-8 Par. 2. There are no migratory animal species on the property except birds, and their migratory paths are so large that the property can not be called vital. A dispersal corridor means that animals breeding or aggregating at one location move through the corridor upon leaving that location. This could apply to CFLF and southwestern pond turtles; however their dispersal is not confined to a specific corridor, but can be random, especially for CRLF. Note: Golden eagle home ranges average 34.9 square miles in Southern California. IV

Page 4.3-9. Par. 1, line 7. Santa Lucia range does not extend to Point Conception. IW

Page 4.3-10. Par. 2. line 1. " . . . chaparral provides . . ." Chaparral is a habitat, singular. IX

Page 4.3-10. Par. 4. line 7. Circular definition. One can not describe a habitat (perennial grassland) as being characteristic of itself, "on-site valley needlegrass grasslands". Also, the majority of oak woodland understory is not valley needlegrass grassland. IY

Page 4.3-12. Par. 4. Line 16. "to permanently" should read "or permanently" IZ

Page 4.3-13 Par. 2. Line 5. Typo, remove period after *Juncus* JA

Page 4.3-13. Par. 2. Line 12 Typo. Specific epithets are always lower case. *Fulica americana* JB

Page 4.3-13. Par. 3. Line 6. Comma between "managed" and" regularly" should be replaced with "and". JC

Page 4.3-13. Par. 3. Line 10. There are no concrete lined irrigation ponds on the property. JD

Page 4.3-13 Par. 4. Line 3. Should read, "species commonly observed in vineyards. . . ." JE

Page 4.3-14 Par. 1. Line 5. with the Salinas River. JF

Page 4.3-15 Par. 6. Line 6. add "and" between "acre" and "a". JG

Page 4.3-20. Table 4.3-4, row for California red-legged frog. Column 5. CFLF were not found in Santa Margarita Creek during inventory effort. SMR Pond should be 4a, not 2a. JH

Page 4.3-20. Table 4.3-4, row for Coast range newt. Column 5. Also observed in upper Trout Creek. JI

Page 4.3-20. Table 4.3-4, row for Golden eagle, column 2. " Cliffs, rocky ledges, and trees for nesting." Column 5. Nesting habitat on site is not marginal, but good. Tall pines are very good. We observed golden eagle nesting on a high power line tower. JJ

Page 4.3-20. Table 4.3-4, row for yellow warbler. Habitat used. Aspens do not occur on the Santa Margarita Ranch. JK

Page 4.3-21. Table 4.3-4 row for Merlin. Incorrect name. Merlin is *Falco columbarius*. *Falco mexicanus* is the Prairie Falcon. Both species were observed on the ranch. The description in the table refers to Prairie Falcon. Merlin occasionally winter in Southern JL

and Central California, but nest in open woods and wooded prairies in the far north. We have observed Prairie Falcon nesting in the Bitterwater area.

Page 4.3-21 Table 4.3-4. row for Bald Eagle. Suitable nesting habitat is not present on the proposed tract because Bald Eagles always nest within view of large bodies of water. **JM**

Page 4.3-21 Table 4.3-4. row for Yellow breasted chat. Column 4. They were not observed nesting on site during inventory. Nesting record in lower Trout Creek (downstream from Highway 58) was historical from Tom Edell. **JN**

Page 4.3-21 Table 4.3-4. row for Shrike, fourth column Change "... Taco Creek is the northeastern portion..." to "... Taco Creek in the southeastern portion...". **JO**

Page 4.3-24, Par. 6. Pond turtles. Line 1. *Clemmys*, not *Clemmis* **JP**

Page 4.3-24, Par. 6. Pond turtles. Line 7. Tense incorrect. This species inhabits . . . **JQ**

Page 4.3-25, Par. 2. Coast horned lizard. Line 7. Tense incorrect. This species occurs . . **JR**

Page 4.3-26. Par. 5. Line 5. Should read "... white-tailed kite..." **JS**

Page 4.3-27. Par. 2. Merlin. The common name used is incorrect. This paragraph describes Prairie falcon (*Falco mexicanus*), not Merlin (*Falco columbarius*). Merlin was also observed on the site, but a write-up for merlin is missing. **JT**

Page 4.3-27. Par. 2. Bald eagle. Line 6. Bald eagles will not nest on the proposed tract. They nest within sight of large bodies of water. The closest potential nesting site is Santa Margarita Lake, and they have not been observed nesting there yet. **JU**

Page 4.3-27. Par. 5. Shrike. Line 9. ... Taco Creek bordering the southeastern ... **JV**

Page 4.3-28. Par. 4. Line 6. Latin genus name should be capitalized. *Myotis volans.* **JW**

Page 4.3-33. Par. 2 Line 5. Prairie falcon may be intended where merlin is used. **JX**

Page 4.3-36. Par. 1. Line 3. "root drip zone" There is a critical root zone, and there is a canopy drip line, but what is the root drip zone? This is a new term. Roots do not drip. **JY**

Page 4.3-39. Par. 3. Line 10. Define" short-term" in relation to oak trees. **JZ**

Page 4.3-40. Par. 1. "Implementation of the above mitigation measures would reduce the impacts to oak trees and oak woodland habitat to the extent feasible. The effectiveness of the long-term provisions of the oak tree replacement would be a function of the financial capabilities of the applicant and the willingness of that entity to **enforce** the recommendations of the County-approved biologist conducting the monitoring program." **KA**

Change "enforce" to "implement" **KB**

Page 4.3-41 Par. 1. Line13. should read, "Trout and Tostada Creeks." **KC**

Page 4.3-49. B-5(e) Line 9. Unclear meaning and wrong tense. Should read, " special status plants and animals. . ." **KD**

Page 4.3-49. B-5(e) Line 10. Should read, "these species." **KE**

Page 4.3-50. B-6(a) Line 3. Should read, " ... a qualified and federally permitted biologist . . .", or "...qualified and federally permitted biologists. . . " **KF**

Page 4.3-51. B-6(b) P2. The ACOE would be involved only if a section 404 permit was needed. KG

Page 4.3-52. Impact B-7. Par. 1. Line 9. Personal communication is listed as CDFG. A personal communication should refer to a particular person. KH

Page 4.3-53. Par. 4. Mitigation Measures. Line 2. Should read, "... to a less than significant level:" KI

Page 4.3-54. Par. 3. Line 6. Typo. Should read, ". . . NOAA Fisheries, . . . " KJ

Page 4.3-61. Par. 4. Line 21. Townsend's big eared bat feeds primarily on moths, but also takes other flying insects. Pallid bat forages on the ground for arthropod prey. The development would reduce foraging habitat for pallid bat, but not necessarily for Townsend's big eared bat. KK

Page 4.3-66. Par. 5. Line 4. Should read, "The brochure will also inform potential homebuyers . . . " KL

Page 4.3-66. Par. 6. This instruction is unclear. Is the notice to *include* the information just described for the pet brochure, or refer to (indicate) the brochure as a source of information? KM

Page 4.3-67. Par. 7. Line 8. "common throughout the region and central to southern portions of the state." Not clear what meaning is intended. Perhaps that annual grassland is a widespread habitat type in southern portions of the state. KN

Page 4.3-67. Par. 7. Line 10. Wildlife is plural, therefore the sentence should read, ". . . wildlife that use California annual grassland . . ." KO

Page 4.3-71. Par. 6. Line 3. Remove "a" before "similar". KP

Page 4.3-71 and 72. Valley needlegrass grassland. Incorrectly identified in the field. See discussion regarding this habitat type. KQ

Page 4.3-75. Par. 2. Line 13. Should read, ". . . biologist/botanist. . . " KR

Page 4.3-77. Par. 1. Line 2. Steelhead do not occur in Rinconada Creek. It is above Pierce Dam and not accessible to steelhead. KS

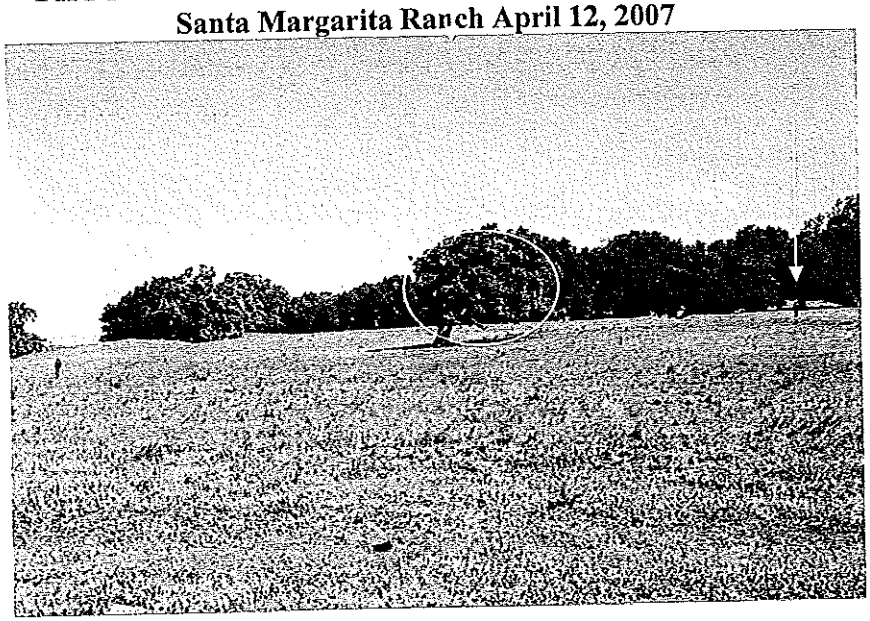
Page 4.3-77. Par. 1. Line 2. Rinconada Creek is not occupied by steelhead. KT

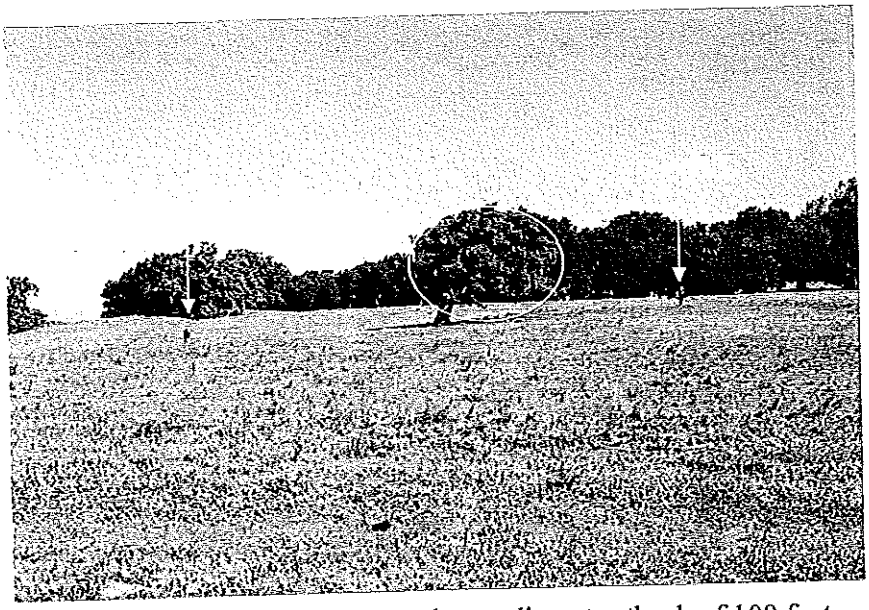
Page 4.3-77. Par. 1. Line 10. Rinconada Creek has no migratory habitat. It is unreachable by steelhead. KU

Page 4.3-79. Par. 3. Line 21. Replace "weight" with "wait" KV

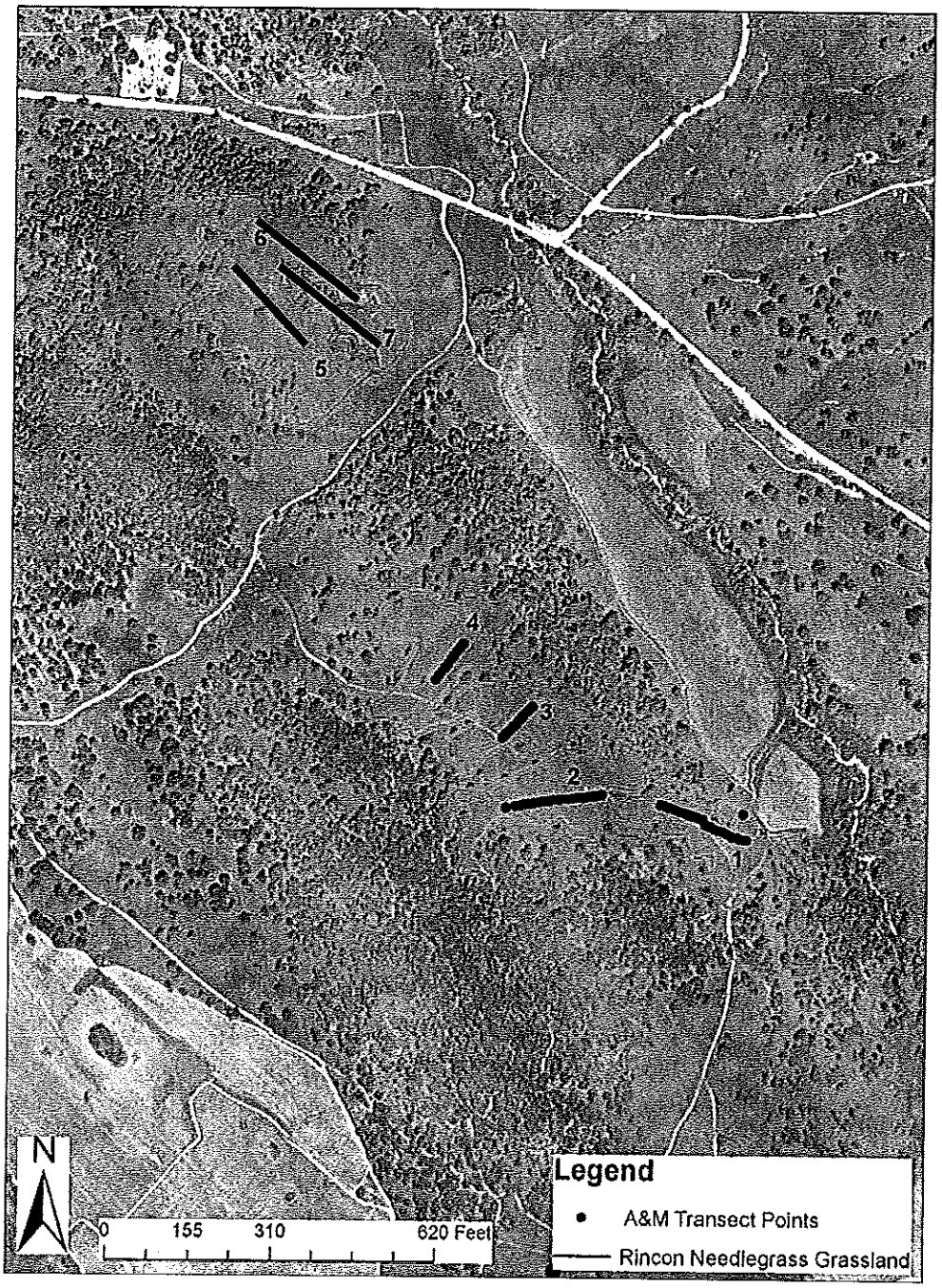
PHOTO REGARDING VALLEY OAK TREE SETBACKS
Santa Margarita Ranch April 12, 2007

KW





Photos: Arrows indicate two people standing at setback of 100 feet (A) and 66 feet (B) from 42 inch valley oak trunk, lot 29. View north.



KX

Figure 1. Green outline is the mapped valley needlegrass grassland area from the EIR. Numbered lines represent the transects used by Althouse and Meade, Inc. to measure needlegrass density. Transects 1-4 show actual plot locations as dots. Transects 5-7 are shown by representative lines drawn from landmarks. Of the three transects (5, 6, 7) in the northern patch, transect 7 had the highest density of needlegrass at four point four (4.4) percent cover. Of the four transects in the southern patch (1, 2, 3, 4) transect 1 had the highest density of needlegrass at ten (10.0) percent cover.

"Attachment D"

Cultural Resources Impact Analysis

KY

Thor Conway

Heritage Discoveries Inc.

April 10, 2007

James Caruso
Department of Planning & Building
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93401

KY

Subject: Cultural Resources Review of DEIR for Santa Margarita Ranch

Dear Mr. Caruso,

I have enclosed a review of the cultural resources / archaeological resources and heritage planning portions of the Draft Environmental Impact Report (DEIR) prepared for Tract 2586 (Project) and the Santa Margarita Ranch Future Development Scenario (Program). My comments are divided into various sections including general comments, comments directed at the Program component and comments for the Program component. Please forward this letter and my review to Rincon for their review and inclusion into the response to comments to the DEIR.

Sincerely,

Thor Conway
Professional Archaeologist

cc. Kirk Consulting, Atascadero

Heritage Discoveries Inc., 793 East Foothill Blvd., Suite A, PMB 108, San Luis Obispo, CA 93405--1699
Telephone (805) 545-0724 Fax (805) 545-0724 E-mail hdiarky@charter.net

Cultural Resources DEIR Review

The DEIR makes assumptions based on incomplete use of available information and on erroneous use of cultural resource data that the Agricultural Residential Cluster Subdivision and the Future Development Program will result in several Class I impacts to cultural resources. The following review contains information to clarify the cultural resource management and planning background for Santa Margarita Ranch with details to reclassify the Cultural Resource impacts from Class I, Significant and Unavoidable Impacts; to Class II impacts; Significant but Mitigable Impacts. The DEIR should include information from the Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council which established and enacted cultural resource management Protocols identified and accepted by Native Americans. The DEIR should describe how the Protocol has been enacted successfully to achieve heritage management goals. KZ

The DEIR contains far too many speculative statements regarding cultural resources and these should be removed. While the County of San Luis Obispo does not have adopted CEQA significance thresholds, comparison of the cultural resources treatment in the Santa Margarita Ranch DEIR to previous environmental documents including the Biddle Ranch EIR and the Santa Ysabel Ranch Expanded Initial Study shows that significantly different significance thresholds were applied to the document under review. Based on previous and comparable analyses in other documents, the impacts to cultural and related historic resources have been unilaterally overstated in this document. LA

Agricultural Residential Cluster Subdivision

Two of the six impacts to cultural resources for the Agricultural Residential Cluster Subdivision are currently listed as Class I, Significant and Unavoidable Impacts. Four Class II impacts; Significant but Mitigable Impacts for cultural resources are also reviewed. LB

Broad level procedural problems lessen the validity of the DEIR information about this tract. Unlike several recent certified EIRs completed in San Luis Obispo County for tracts containing numerous archaeological sites similar to the Santa Margarita Ranch Agricultural Residential Cluster Subdivision, the DEIR treats the archaeological sites as a group without evaluating their significances or lack of significant status individually. None of the sites in the Agricultural Residential Cluster Subdivision are described individually despite the great variability in size, research potential and site types. These criteria directly affect levels of mitigation required. The DEIR should include descriptions of individual archaeological sites. LC

Also, some of the archaeological sites within the Agricultural Residential Cluster Subdivision show areas of concentrated archaeological materials and much larger areas with sparse or diminished amounts of cultural materials. Impacts to these different portions of the archaeological sites would vary in importance within the planning framework. LD

Individual prior impacts to the specific cultural resources within the developable part of the Agricultural Residential Cluster Subdivision are not discussed. Several of the archaeological sites have been subject to over a century of agricultural activities. Ranch roads cross some sites. Natural processes, such as ground squirrel degradation of site stratigraphy, are not mentioned in the DEIR. At the Santa Ysabel Ranch subdivision at Paso Robles, archaeological sites with the same physiographic and soil settings as sites at Santa Margarita Ranch were found to have significant levels of disturbances and reduction of research potential (Stevens et al. 2004). The DEIR should include a characterization of archaeological sites that have been impacted by human and natural processes. LE

The DEIR should be corrected throughout to distinguish between cultural resources located in, or within one hundred feet, of the developable portion of the Agricultural Residential Cluster Subdivision and cultural resources located in non-developable areas. LF

Agricultural Residential Cluster Subdivision Impact CR-1

The Santa Margarita Ranch is a rural historic district eligible for the CRHR. The proposed Agricultural Residential Cluster Subdivision is located in one of the character-defining areas of the ranch. Development of the proposed residential cluster in this area would substantially diminish the integrity of the design, setting, materials, feeling, and association of this important character-defining area. In addition, implementation of the Agricultural Residential Cluster Subdivision would adversely impact traditional Native American values. This is considered a Class I, significant and unavoidable, impact. LG

The DEIR does not state that the evidence for the various rural historic district themes is not uniformly spread across the ranch. The DEIR author states that the cluster area (Appendix E: Page 6.1 Cultural Resources Report) is located in one of the character defining areas based on the presence of the petrified oyster shells. The DEIR provides no archeological or archival evidence that the specific deposits located within the cluster area were used for the mortar for the Asistencia construction, etc. The archeological record indicate that while there is a 'mine site' present at the base of one of the fossil bed locations within the cluster development area, Lloyds 2006 records indicate that is was "a mining site, but it is not clear as to what they were mining. The site integrity is low, but the setting remains intact." It also dated the site as being active during the late 19th century and into the 20th century. Similar fossil bed locations occur elsewhere on the Ranch and on properties in closer proximity to the Asistencia location. There LH

is no scientific evidence that the fossil beds within the cluster development area were used in the mission era or Chumash era. Furthermore the evidence supports a contrary conclusion. The basis that the cluster area is "one of the character defining areas of the Ranch" is unsubstantiated. LH

Within the developable area of Tract 2586, over 80% of the cultural resources are prehistoric Native American sites. The two historic era archaeological sites located near but outside of the house lots—one mining site and one probable historic, Euro-American cabin site—cultural resources that could relate to a Rural Historic District will be completely preserved. The developable portion of Tract 2586 does not contain historic buildings, historic orchards, historic roads or other visible features. The DEIR should identify any heritage resources that relate directly to a rural historic district located within the developable portion of the Agricultural Residential Cluster Subdivision. The general discussion of heritage themes relating to a potential Rural Historic District nomination found elsewhere on the ranch, mainly in the ranch headquarters area, does not belong in this section and should be removed. LI

A procedural error regarding a Rural Historic District in the DEIR should be corrected. The DEIR appears to assume that the entire ranch should be classified under a Rural Historic District. This assumption is premature and based on incomplete studies. However, there is evidence suggesting that the largest concentration of archaeological and structural resources relating to Mission era, Spanish Rancho era, early Euro-American ranching and other historic themes occurs in one limited part of the ranch. The DEIR does not clearly state the basis and merits of a Rural Historic District classification versus a nomination to the National Register for the management and preservation of cultural resources. These classifications need to be distinguished in the DEIR. LJ

The DEIR states that the ranch vegetation "largely reflects historic conditions...." (Page 4.4-14). This is not true. However, a proactive program by the ranch to reestablish native vegetation and careful grazing practices is working toward original conditions. So the DEIR states the opposite of the true condition of vegetation; and does not acknowledge ranch management policies that would restore conditions to their historic baseline. The DEIR is silent regarding what historic era (pre-mission historic Chumash, early mission, later mission or rancho) is considered a baseline for the comment. LK

Also the DEIR states that the subdivision "would adversely impact traditional Native American values (Page 4.4-13)." The DEIR needs to identify the basis for this statement if such a basis exists. There are no pictographs, shrines or ethnographically identified sacred sites within the subdivision. Native Americans identify water sources etc. as places held sacred. The DEIR needs to recognize that all water locations such as springs, wetlands and streams will be preserved, resulting in no effect to Native American values for these areas (Page 4.4-15). LL

Review Recommendation—The Agricultural Residential Cluster Subdivision Impact CR-1 should be changed to Class II Impacts, Significant but Mitigable Impacts. The mitigations listed in the DEIR in CR 1-a. through CR-1-d, LM

as well as heritage resource management policies contained in the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council, will mitigate impacts to a less than significant level. LM

Agricultural Residential Cluster Subdivision Impact CR-2

Thirty-two prehistoric and historical archaeological sites and six isolates are located within or immediately adjacent to the Agricultural Residential Cluster Subdivision site. All of these resources contribute to the significance of the Santa Margarita Ranch Rural Historic District and are eligible for the California Register of Historic Resources (CRHR) under multiple significance criteria. Recovery of the important information in these sites through excavation would lessen the impacts. However, damage to or destruction of the important associations of these sites, and disruption of their setting and feeling, is a Class I, significant and unavoidable impact. LN

This DEIR impact statement is erroneous and does not acknowledge avoidance of the archaeological sites already accomplished through enacted planning. The standard applied to this part of the Santa Margarita Ranch DEIR exceeds standards applied to identical cultural resource situations in other environmental documents such as the Biddle Ranch EIR and the and Santa Ysabel Ranch Expanded Initial Study. The comments below are based on a technical review of the DEIR and the map title "Mitigated Propose Project Alternative". LO

The DEIR states that "Based on the available mapping 12 archaeological sites would be directly impacted by proposed home sites or access roads in the Agricultural Residential Cluster Subdivision: CA-SLO-1948H, 1949, 1973, 2060, 2061, 2505, 2506, 2507, 2508, 2509, and 2510H." It is recommended that this sentence be deleted from the DEIR. LP

Individual examination of the status of these archaeological sites refutes the above stated claim. Only 4 of the 11 sites enumerated above actually occur in, or near to, the developable portion of the Agricultural Residential Cluster Subdivision. Three of these four archaeological sites situated within the subdivision will be preserved completely. The fourth site will have road improvements that are mitigable.

Site CA-SLO-1948H—This site is removed from future residential construction and protected by an additional buffer zone. No impacts will occur. LQ

Site CA-SLO-1949—This site is removed from future residential construction areas and protected by an additional buffer. Future road improvements will mitigate impacts already occurring from a ranch road that crosses the site.

Site CA-SLO-1973—This site does not occur in the developable portion of the Agricultural Residential Cluster Subdivision.

Site CA-SLO-2060—This site is completely protected from developments within the Agricultural Residential Cluster Subdivision. A buffer provides additional protection. No impacts will occur.

LQ

Site CA-SLO-2061—This site is removed from future residential construction areas and protected by an additional buffer zone. No impacts will occur.

Site CA-SLO-2505—This site does not occur in the developable portion of the Agricultural Residential Cluster Subdivision.

Site CA-SLO-2506—This site does not occur in the developable portion of the Agricultural Residential Cluster Subdivision.

Site CA-SLO-2507—This site does not occur in the developable portion of the Agricultural Residential Cluster Subdivision.

Site CA-SLO-2508—This site does not occur in the developable portion of the Agricultural Residential Cluster Subdivision.

Site CA-SLO-2509—This site does not occur in the developable portion of the Agricultural Residential Cluster Subdivision.

Site CA-SLO-2510H—This site does not occur in the developable portion of the Agricultural Residential Cluster Subdivision.

It is recommended that the DEIR should be revised to state that twelve archaeological sites occur in, or near to, the developable part of the Agricultural Residential Cluster Subdivision. The following table should be included in the DEIR to clarify which cultural resources have received management to identify, eliminate or reduce impacts from future developments.

LR

Table 1—Managed Archaeological Sites at the Developable Portion of the Agricultural Residential Cluster Subdivision

Site #	Status	Mitigation	Future Management Activities
CA-SLO-1948H	Complete preservation	For indirect impacts only	Phase II testing & monitoring on nearby lots
CA-SLO-1949	90% preservation	For existing road impacts	Phase II testing & monitoring on nearby lots Phase III mitigation of road impacts
CA-SLO-2060	Complete preservation	For indirect impacts only	Regular inspection
CA-SLO-2061	Complete preservation	For indirect impacts only	Regular inspection
CA-SLO-2062	90% preservation	For existing road impacts	Phase II testing & monitoring on nearby lots Phase III mitigation of road impacts
SMR-JDMN-1	Complete preservation	For indirect impacts only	Phase II testing & monitoring on nearby lots
SMR-JDMN-2	Complete preservation	For indirect impacts only	Regular inspection
SMR-JDMN-3	95% preservation	For existing road impacts	Phase II testing & monitoring on nearby lots Phase III mitigation of road impacts
SMR-JDMN-4	Complete preservation	For indirect impacts only	Regular inspection
SMR-JDMN-5H	Complete preservation	For indirect impacts only	Regular inspection
SMR-JB-Site 1	90% preservation	For existing road impacts	Phase II testing/Phase III road mitigation
CA-SLO-1493H	95% preservation	For existing road impacts	Phase II testing/Phase III road mitigation

LR

The DEIR should include the following specific information that 7 of these 12 archaeological sites located in, or near to, the developable part of the Agricultural Residential Cluster Subdivision will be completely preserved. Only indirect impacts, which will be mitigated through a cultural resources management plan including annual inspections, would possibly occur. These indirect impacts have been identified. LS

The DEIR should include a statement that lot lines for residential development were adjusted in response to the archaeological surveys and additional cultural resource planning at Santa Margarita Ranch. LT

The DEIR should include a statement that the remaining impacts to archaeological sites in the developable portion of the Agricultural Residential Cluster Subdivision respond to road improvements. Five archaeological sites in the developable part of the Agricultural Residential Cluster Subdivision have existing impacts from ranch roads. The DEIR should state that these five areas will have archaeological mitigation for road improvements during future development (Table 1). LU

Review Recommendation—The Agricultural Residential Cluster Subdivision Impact CR-2 should be revised to Class II Impacts, Significant but Mitigable Impacts. The mitigations listed in the DEIR, as well as heritage resource management policies contained in the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council, will mitigate impacts to a less than significant level. LV

Agricultural Residential Cluster Subdivision Impact CR-3 LW

Construction of the Agricultural Residential Cluster Subdivision could disturb previously unidentified buried archeological deposits. This is considered a Class II, significant but mitigable impact.

The DEIR should state that the mitigation measures stated to protect potential buried sites not located by the previous, intensive archaeological surveys at the developable portion of the Agricultural Residential Cluster Subdivision already exist as part of the Protocol between Santa Margarita Ranch and the San Luis Obispo Chumash Council. LX

Review Recommendation—The Agricultural Residential Cluster Subdivision Impact CR-3 should remain as Class II Impacts, Significant but Mitigable Impacts. Heritage resource management policies contained in the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council will mitigate impacts to a less than significant level. LY

Agricultural Residential Cluster Subdivision Impact CR-4 LZ

There is the potential that Agricultural Residential Cluster Subdivision construction will disturb previously unidentified human remains. This is considered a Class II, significant but mitigable impact.

This impact treats the potential disturbance of human remains (Page 4.4-23). Existing laws and state policies in regard to human remains are discussed elsewhere in the DEIR. These remain in effect. In addition, the DEIR should state that the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council also includes policies for potentially encountered human remains. MA

Elsewhere in the DEIR, it was noted that "Prehistoric archaeological sites... containing... human interments..." are a cultural issue (Page 4.4-6). This statement is potentially misleading and should be corrected in the DEIR. The MB

DEIR does not provide the specific evidence for the presence or absence of actual human remains/prehistoric graves that have been encountered at Santa Margarita Ranch. Burials were not found in the 2006 survey (Lloyd 2006) or the 2000 survey report (Flint et al. 2000) for the developable portion of the Agricultural Residential Cluster Subdivision. Studies elsewhere on Santa Margarita Ranch have not encountered prehistoric graves (Gibson 1996 & 2003). MB

The DEIR should contain information that burials were reported infrequently in numerous studies completed elsewhere on Santa Margarita Ranch. Site CA-SLO-1430 contains two prehistoric cemeteries that have not been disturbed. The DEIR should include factual information regarding burials at Santa Margarita Ranch. The DEIR should acknowledge that activities near, but not within, the cemeteries at CA-SLO-1430 ensured that these graves were not disturbed (Gibson 2002). An historic Euro-American cemetery is present at site CA-SLO-1681H on the ranch (Flint et al. 2000: 40-42). One prehistoric burial was reinterred at the Ranch Headquarters site in the Future Development Program area (M. Vigil Sr., personal communication 2007). MC

It is important to acknowledge the fact that while prehistoric burials likely exist at a few of the archaeological sites on the ranch, actual documentation of burials has not occurred at the majority of archaeological sites despite numerous, intensive studies. The DEIR should eliminate conjecture about human burials and present facts.

Review Recommendation—The Agricultural Residential Cluster Subdivision Impact CR-4 should remain as Class II Impacts, Significant but Mitigable Impacts. Heritage resource management policies contained in the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council, will mitigate impacts to a less than significant level. MD

Agricultural Residential Cluster Subdivision Impact CR-5

Implementation of the Agricultural Residential Cluster Subdivision could result in indirect impacts to identified or unidentified archaeological and historical resources. This is considered a Class II, significant but mitigable impact. ME

Review Recommendation—The Agricultural Residential Cluster Subdivision Impact CR-5 should remain as Class II Impacts, Significant but Mitigable Impacts. Heritage resource management policies contained in the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council, will mitigate impacts to a less than significant level. MF

Agricultural Residential Cluster Subdivision Impact CR-6

No comment. MG

Archaeological Survey Coverage for the Agricultural Residential Cluster Subdivision

The DEIR does not emphasize enough the fact that the developable area of this tract has had intensive, 100% surface survey for cultural resources. The archaeological survey teams included Chumash monitors to ensure that sacred and other culturally valued sites and materials would be recognized and treated accordingly. MH

The DEIR contains potentially misleading statements about the presence of archaeological resources. The DEIR references the 2006 survey (Flint 2006), but fails to include the pertinent specific archaeological site data contained in that report. The DEIR should specifically mention the six archaeological sites discovered during the 2006 survey. MI

The DEIR states that approximately 60% of Tract 2586 was surveyed for cultural resources and approximately the same for the Future Development Program (Page 4.4-5 & 4.4-6). The next sentence stated, "All lands within or immediately adjacent to the proposed Agricultural Residential Cluster Subdivision have been inventoried." That implies 100% archaeological surface survey coverage for the tract, which is true. MJ

The Archaeological Survey Coverage Map (Figure 4.4-1) of the DEIR shows about 80% coverage of the tract. Lloyd (2006) states that approximately 526 acres within the developable portion of the Agricultural Residential Cluster Subdivision were surveyed (page 35 and page 3, Figure 1-2). Lloyd's survey coverage map, coupled with the prior survey in 2000 (Flint et al. 2000: 26, Figure 3-2) indicates 100% coverage for the developable area of the tract. The DEIR should include this information for clarification. The DEIR should include a revised map. MK

The DEIR states that "Within or immediately adjacent to the studied areas, 62 prehistoric and historic archaeological sites…" (Page 4.4-6). This statement is misleading and should be corrected in the DEIR. It infers that all sites are located in areas chosen for development, which is not correct. The DEIR should be changed to state that 62 archaeological sites have been recorded on the Santa Margarita Ranch so far, although the number may be higher if the 2006 survey was not included. The DEIR should state that in the one location planned for specific land use, the developable part of the Agricultural Residential Cluster Subdivision, all 12 archaeological sites have received protection through avoidance. Mitigation measures have been developed for the few, minor unavoidable impacts. ML MM

Sacred Lands Inventory

The Native American Heritage Commission has Ranch listed in Sacred Lands Inventory (Page 4.4-5). The DEIR needs to identify the basis for this listing. The DEIR needs to identify whether there comparable listings elsewhere in San Luis Obispo County. The DEIR needs to identify what are legal impacts and related policies, if any, for this designation. The DEIR should include the basis for the Sacred Lands Inventory. The topic is mentioned then not analyzed. **MN**

The Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council is a legal document with direct effect on the management of cultural resources at the Ranch. This item does not appear in the section "c. Native American Consultation" (Page 4. 4-5). This needs to be corrected within the DEIR. **MO**

Historic District

The DEIR notes that the Ranch "...qualifies as a historic district eligible for the California Register of Historic Resources" (Page 4.4-6). The DEIR should state that a portion of the ranch potentially qualifies, since it has not been nominated nor submitted. The DEIR should state that not all 14,000 acres of Santa Margarita Ranch contain heritage resources. **MP**

In reference to the rural historic district, the DEIR says the Agricultural Residential Cluster Subdivision would "diminish the integrity... of this important character defining area" (Page 4.4-13 & 4.4-14) The DEIR does not identify what resources located within the Agricultural Residential Cluster Subdivision would be part of the rural historic district. Nor does it offer contrast such as the Ranch Headquarters area having the greatest concentration of the historic themes (Spanish, Mission, rancho, Euro-American etc.). The DEIR does not state that any critical archaeological areas will be preserved and actively managed. These points need to be corrected with the DEIR. **MQ**

Archaeological Sites Adjacent to Tract 2586

The DEIR states that "Thirty-two archaeological sites are within or adjacent to the boundaries of Tract 2586" (Page 4.4-6). This is an erroneous and misleading statement that needs to be corrected. The DEIR should state that there are 12 recorded archaeological sites occurring near or within the developable portion of Tract 2586. It should also state that several archaeological sites exist within a one mile radius of the tract; but these sites will not be impacted by the tract. **MR**

The DEIR states that "Of the 32 sites within Tract 2586, 22 are within or surrounding the Agricultural Residential Cluster Subdivision." This contradicts the sentence a few lines before. It also is an erroneous statement by itself. It adds extra cultural resources to the developable area discussion—resources that lie outside of the subdivision boundaries. It creates a false impression of greater impacts.

Also, there is a problem of holding the cultural resource setting of the developable area of Tract 2586 to a standard different that used for tracts containing cultural resources in previous environmental documents including the Biddle Ranch EIR and the Santa Ysabel Ranch Expanded Initial Study **MS**

These environmental documents do not show whether the County of San Luis Obispo has a publicly available policy regarding the definition of "adjacent sites." The DEIR needs to identify the basis for inclusion of "adjacent" cultural resources, identify the policy basis for this term and provide a full definition. **MT**

For cultural resource management, the goal would be the identification of an archaeological site situated within fifty feet of the Agricultural Residential Cluster Subdivision boundaries. Such a site may have potential to extend into the subdivision, although the archaeological surface surveys would have identified this. By contrast, the Biddle Ranch Agricultural Cluster Subdivision Project does not mention archaeological sites adjacent to that subdivision because they are not pertinent. **MU**

The DEIR needs to distinguish archaeological sites that occur in clusters elsewhere on Santa Margarita Ranch, but are unrelated to potential impacts at the developable portion of the Agricultural Residential Cluster Subdivision. **MV**

The DEIR for Santa Margarita Ranch does not mention the existence of clusters of prehistoric sites similar to the group of archaeological sites found within the developable area of the Agricultural Residential Cluster Subdivision that will be preserved elsewhere on the Ranch. The DEIR should clearly state that the majority of archaeological sites found in or adjacent to the developable area of the Agricultural Residential Cluster Subdivision will be preserved through avoidance. **MW**

The Agricultural Residential Cluster Subdivision tract will be separated from adjacent lands by fencing. These adjacent sites occur on agricultural lands. These adjacent sites will be observed by ranch employees and actively managed under the Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council. **MX**

Future Development Program Areas

Two of the four impacts to cultural resources for the Future Development Program are currently listed as Class I, Significant and Unavoidable Impacts. Two Class II impacts, Significant but Mitigable Impacts for cultural resources are also reviewed. **MY**

Broad level procedural problems lessen the validity of the DEIR information about the Future Development Program. Unlike several recent certified EIRs completed in San Luis Obispo County for areas containing numerous archaeological sites similar to the Santa Margarita Ranch Future Development Program, the Santa Margarita Ranch DEIR treats the archaeological sites as a group without evaluating their significances, or lack of significant status, individually. None of the sites in the Future Development Program are described individually despite the great variability in size, research potential and site types. These criteria directly affect levels of mitigation required. **MZ**

Also, some of the archaeological sites within the Future Development Program show areas of concentrated archaeological materials and much larger areas with sparse or diminished amounts of cultural materials. Impacts to these different portions of the archaeological sites would vary in importance within the planning framework. **NA**

Individual prior impacts to the specific cultural resources within the Future Development Program are not discussed. Several of the archaeological sites have been subject to over a century of agricultural activities. Ranch roads cross some sites. Natural processes, such as ground squirrel degradation of site stratigraphy, are not mentioned in the DEIR. At the Santa Ysabel Ranch subdivision at Paso Robles, archaeological sites with the same physiographic and soil settings as sites at Santa Margarita Ranch were found to have significant levels of disturbances and reduction of research potential (Stevens et al. 2004). **NB**

The general statement "Thirty archaeological sites are within or adjacent to Future Development Program areas proposed for residential development..." is misleading (Page 4.4-6). There is a need to distinguish between the general Future Development Program areas in general and specific locations to be developed. This statement does not acknowledge the intent to preserve all archaeological sites to the maximum extent possible at Santa Margarita Ranch. This needs to be corrected in the DEIR. **NC**

The DEIR should be corrected since each of the Future Development Program Impacts is speculative, premature and unsubstantiated.

Future Development Program Impact CR-1

Future development in accordance with the Future Development Program could adversely impact the Santa Margarita Ranch Rural Historic District and could adversely impact traditional Native American values. This is considered a Class I, significant and unavoidable impact.

ND

The statement that the Future Development Program ..."could adversely impact the Santa Margarita Ranch Rural Historic District" ....."could adversely impact traditional Native American values" is unsubstantiated and it ignores ranch heritage policies (Page 4.4-29). "This is considered a Class I, significant and unavoidable impact." This appears to be based on "...any substantial development of undisturbed sites is a significant impact."

The two points are pertinent (1) most sites are not undisturbed (they have agricultural use, roads, natural processes such as rodent burrowing, erosion etc.) and (2) almost no archaeological sites will be developed per the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council.

This section should be changed to a Class II, significant but mitigable impact in the DEIR. Most potential impacts to archaeological sites have been, or will be, mitigated by avoidance during the planning process through additional archaeological management work and revision of lot lines, road alignments etc. This active planning work, with many provisions detailed in the Chumash MOA, reduces potential impacts to very small occurrences that will be treated through additional studies, monitoring etc. The CR-1 statement is premature, since Future Development Program Areas remain as their name implies part of the future.

NE

Review Recommendation—The Future Development Program Impact CR-1 should be changed to Class II Impacts, Significant but Mitigable Impacts. The CR-1 impact is premature and speculative. The DEIR also should recognize that heritage resource management policies contained in the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council will mitigate any potential impacts to a less than significant level.

Future Development Program Impact CR-2

Future development in accordance with the Future Development Program would adversely impact identified and previously unidentified archeological deposits. These resources contribute to the significance of the Santa Margarita Ranch Rural Historic District and are eligible for the California Register of Historic Resources (CRHR) under multiple significance criteria. Recovery of the important information in these sites through excavation would lessen the impacts. However, damage to or destruction of the important associations of these sites, and disruption of their setting and feeling, is a Class I, significant and unavoidable impact.

NF

The statement "...would adversely impact identified and previously unidentified archaeological deposits" should be removed from the DEIR (Page 4.4-30). It is untrue and premature. Archaeological surveys with follow-up studies are completed for all areas chosen for possible development. All archaeological sites, regardless of their level of significance, are protected early in the design and planning process.

Review Recommendation—The Future Development Program Impact CR-2 should be changed to Class II Impacts, Significant but Mitigable Impacts. The CR-2 impact is premature and speculative. The DEIR also should recognize that heritage resource management policies contained in the existing Memorandum of Agreement for Cultural and Environmental Protocols between Santa Margarita Ranch and the San Luis Obispo Chumash Council will mitigate any potential impacts to a less than significant level.

NG

Future Development Program Impact CR-3

Future development in accordance with the Future Development Program could adversely impact historical buildings and structures on the ranch. This is considered a Class II, significant but mitigable impact.

NH

This impact should be dropped from the DEIR as it is speculative and unsubstantiated.

Future Development Program Impact CR-4

Future development in accordance with the Future Development Program could adversely impact previously identified or unidentified human remains. This is considered a Class II, significant but mitigable impact.

NI

This impact should be dropped from the DEIR as it is speculative and unsubstantiated.

Cumulative Impacts for Cultural Resources

NJ

The DEIR fails to acknowledge what could be termed "cumulative avoidance" or "cumulative preservation." As future applications for individual Future Development Program projects are submitted at a project level of detail, the ensuing cultural resource studies will identify such resources and plan for their preservation.

Sources Cited

Flint, Sandra et al.

2000 *Archaeological Survey of Selected Portions of the Santa Margarita Ranch, San Luis Obispo County, California.* Volume I & II. Applied Earthworks. Fresno.

Gibson

1996 *Results of Archaeological Monitoring for Unocal Soil Testing Program along Pipelines near Santa Margarita, San Luis Obispo County, California.* Report prepared for Unocal. Gibson's Archaeological Consulting. Paso Robles.

2002 *Results of Archaeological Monitoring at SLO-1430, Horse Arena Project, Santa Margarita Ranch, San Luis Obispo County, California.* Report prepared for Santa Margarita Ranch. Gibson's Archaeological Consulting. Paso Robles.

2003 *Final Report of Archaeological Monitoring for the Southern California Gas Company Pipeline Project on Santa Margarita Ranch, San Luis Obispo County, California.* Gibson's Archaeological Consulting. Paso Robles.

Lloyd, Jay

2006 *Cultural Resources Survey for the Santa Margarita Ranch Agricultural Residential Subdivision Project, San Luis Obispo County, California.* Applied Earthworks. Fresno.

NK

Stevens, Nathan et al.

2004 *Archaeological Test Excavations at Santa Ysabel Ranch, Paso Robles, San Luis Obispo County, California.* Cultural Resource Management Services. Paso Robles.

Vigil, Mark Sr.

2007 Personal communication regarding the presence of human remains near the Asistencia at the ranch headquarters at Santa Margarita Ranch. Mark Vigil Sr. is the spokesman for the San Luis Obispo Chumash Council.

NK

"Attachment E"

NL

Drainage, Erosion, and Sedimentation Impact Analysis

EDA

design professionals
eda
civil engineers | land surveyors | land planners

April 12, 2007

James Caruso
c/o San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

RE: Comments on Santa Margarita Ranch DEIR, Appendix H

Dear Mr. Caruso:

On behalf of the project applicant, we respectfully submit the following comments on the subject DEIR.

eda Comments on Appendix H: Drainage and Wastewater Analysis.

Table 1 – Summary of Drainage Reports/Studies:

- Under the "Firm or Agency" column, see the row for **eda**.
- *Under the "Boundaries of Area Studied" column, the description for* **eda** *is inaccurately stated.* The **eda** report addresses only the portion of the development that is located within the Yerba Buena Creek watershed, not all watersheds within the project's boundary. **NM**
- *Under the "Objectives" column, the description for* **eda** *is inaccurately stated.* The objective of the **eda** report was to identify the magnitude of downstream impacts on the community of Santa Margarita.

2. Environmental Impacts

A. Impact Analysis: Improvements related to the Vested TR 2586 Agricultural Residential Cluster Subdivision, such as vegetation removal, grading, excavation or fill will result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions. **NN**

- *Inaccurately Stated Impact:* The stated soil erosion and unstable soil conditions would only occur in the absence of proper construction and mitigation methods, which the project would employ.
- *Response:* The grading for the project will be limited in scope and area, thus preserving almost all of the existing vegetation on the

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property, and thus maintaining existing soil stability over a large portion of the site. Disturbed areas will be protected from potential erosion by the application of one or more Best Management Practices, including hydraulic mulch, hydroseeding, straw mulch, wood mulch, geotextiles, plastic covers, and erosion control blankets/mats (see Caltrans BMPs SS-2 through SS-8). **NN**

B. Impact Analysis: Implementation of the Agricultural Residential Cluster Subdivision will change rates of soils adsorption, and the amount and direction of surface runoff.

- *Typographic Error:* "rates of soils *adsorption*." **NO**
- *Correction:* We believe the author means absorption not adsorption. Adsorption means the accumulation of substance on a surface or the adhesion of a thin layer of molecules of some substance to the surface of a solid or liquid.

- *Inaccurately Stated Impact.* – The DEIR confuses what portions of the proposed project would impact the Yerba Buena Creek Watershed.
- *Response:* Only approximately 20 homes sites of the drain to the Yerba Buena Creek Watershed, in which the community of Santa Margarita is located. The remainder home sites drain to other watersheds. The total impervious areas (including roofs, driveways, roadways, etc.) that would be added to the 2820-acre Yerba Buena Creek watershed is approximately 8.2 acres (the DEIR incorrectly stated 29 acres), or approximately 0.29% of the site area. The construction of one or more small detention basins to hold approximately one acre-foot of runoff would result in an overall decrease in storm water peak flow discharges from the site. **NP**

- *Inaccurately Stated Impact:* The DEIR inaccurately states that there will be "a minor net decrease in groundwater recharge if the runoff is permanently rerouted or detained".
- *Response:* The proposed project does not propose to reroute drainage from one watershed to another. Detained storm runoff will effectively stay in the same watershed, and can recharge into the same groundwater table. **NQ**

- *Inaccurately Stated Impact:* "Runoff to Yerba Buena Creek may overflow the proposed detention structure during a 100-year storm event, since the basin is designed to handle a 50-year storm event. Therefore, the post-development runoff during a 100-year storm event **NR**

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would exceed the pre-development event and would increase downstream flooding."

- *Response:* The basin will overflow during a 100-year storm, because it is designed to contain a 50-year storm, per county standards. For this locale, the peak flow from a 100-year storm event is approximately 15 % higher than the peak flow from a 50-year storm. The overflow from the detention basin would be the incremental difference between the 50- and 100-year storm flows, not the full 100-year storm flow. Since the 50-year storm would still be detained in the basin, the post-development 100-year storm peak runoff from the site would be less than pre-development 100-year storm peak runoff. **NR**

- *Inaccurately Stated Impact:* "Runoff volume to Trout Creek and Rinconada Creek may significantly increase during all storm events since no detention storage is proposed for portions of the Agricultural Residential Cluster Subdivision site within these watersheds. This would increase downstream flooding."
- *Response:* The **eda** report did not address the Trout Creek and Rinconada Creek watersheds, so consequently did not propose detention basins for those watersheds. However, San Luis Obispo County would not typically require detention for similar low-density rural developments where the risk of downstream impacts is very low. If downstream flooding was shown to be a real risk, appropriate mitigations would be implemented to protect downstream areas. **NS**

- *Inaccurate Statement*: "Boyle developed hydrologic models of these watersheds using the Santa Barbara Unit Hydrograph with the Natural Resource Conservation Service Type I Rainfall Distribution."
- *Response:* **eda** did not review the cited Boyle report. However, the Santa Barbara Unit Hydrograph, also known as the Santa Barbara Urban Hydrograph, is typically used to model urban areas, not rural areas such as Santa Margarita Ranch. A hydrologic study in rural watersheds would be typically modeled with the SCS Hydrograph **NT**

- *Inaccurate Statement*: The DEIR concludes this section (section 2.D.) stating, "Since a substantial portion of the Santa Margarita community is within the 100-year floodplain, the proposed Agricultural Residential Cluster Subdivision would result in a significant impact related to off-site flooding without appropriate stormwater detention facilities."
- *Response:* Detention storage is typically required as part of San Luis Obispo County Engineering Standards and proposed for the small portion of Vested TR 2586. The project would meet County requirements. **NU**

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C. Impact Analysis: Implementation of the Agricultural Residential Cluster Subdivision will change the drainage patterns (such as relocation of drainage ways during construction), resulting in substantial on- or off-site sedimentation/erosion or flooding.

NV

- *Impacts Overstated*: The DEIR overstates that, "as a result of the increased impervious area, peak flow rates may increase to the creeks and to areas which have historically had drainage problems in Santa Margarita."
- *Response:* With construction of one or more small detention basins and implementation of appropriate Best Management Practices during construction, existing drainage problems would not be exacerbated.

D. Impact Analysis: Involve activities within the 100-year flood zone

NW

- *Impacts Overstated after Mitigation:* The DEIR states that the Agricultural Residential Cluster Subdivision is expected to cause "impacts on the downstream drainage system."
- *Response:* As discussed above, with the construction of detention basin(s) and Best Management Practices, the proposed project will not significantly impact the downstream drainage systems.

Please call me if you have any questions on the above, or if I can be of any assistance to you in this matter.

Yours truly,
eda - design professionals

Jeffrey P. Wagner, PE
Vice President

eda *- design professionals*

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"Attachment F"

NX

Land Use Impact Analysis

Diana Gould-Wells

Comments on Section 7.0: Land Use
Santa Margarita Ranch Draft Environmental Impact Report

BACKGROUND INFORMATION

The components of this development were previously included in the analysis presented in the Final Program Area EIR for the Draft Salinas River Area Plan (Fugro FEIR). This EIR was prepared in June 1993 and certified in January 1996. This FEIR determined that land use impacts of the Salinas River Area Plan are insignificant. This information is shown below:

NY

C. Land Use

1. Impacts - Refer to Final EIR pages 5.1-2 through 5.1-8. Several potential conflicts may result at buildout between residential and rural uses in the following areas: Santa Margarita, Templeton, San Miguel, and the Atascadero and Paso Robles fringe areas. Potential air quality and noise conflict may exist between residential and industrial uses within most of these areas.

2. Mitigation - Existing measures outside of the Area Plan (namely the Noise Element and the Agricultural Commissioner's ag buffering policies) provide adequate measures to reduce potential impacts of new impacts to insignificant levels.

3. Finding - Insignificant Impacts - no changes required.

4. Supportive Evidence - The following is a brief description of how existing policies/programs or proposed Plan will reduce the identified impacts to a level of insignificance:

   a. The proposed Plan's goals are generally consistent with the County's Land Use Ordinance and Framework for Planning (Inland Portion).
   b. Loss of important habitat around the City of Atascadero can be partially mitigated on a case-by-case review of discretionary permits.
   c. The proposed changes generally improve the jobs/housing balance.
   d. The proposed development around the cities of Atascadero and Paso Robles is generally consistent with their General Plans.
   e. Potential conflicts between residential and industrial/agricultural uses can be mitigated through implementation of the Noise Element, the Agricultural Commissioner's Office agricultural buffering program and the "Right-to-Farm" Ordinance. Additional measures to reduce other land use conflicts may be added for those projects requiring discretionary review.

DETAILED ANALYSIS OF SM DEIR SECTION 4.7 LAND USE

NZ

Section 4.7.1 Setting (Pages 4.7-1 through 4.7-2)

This section appropriately describes both the physical and regulatory setting pertaining to the Santa Margarita Ranch property.

Section 4.7.1(a) Setting

The title of Section 4.7.1(a) should be renamed with a more descriptive title such as *Physical Setting* (as opposed to *Setting*). This would more clearly distinguish this from the Regulatory Setting as described in Section 4.7.1(b). Also, it would be useful to show the table referred to as Table 2-2 (existing land uses) in this section, also. This would further enhance the discussion of the physical setting. **OA**

Section 4.7.1(b) Regulatory Setting

In section 4.7.1(b), it would be useful to show a zoning map of the area being described. This would provide a visual picture to enhance the text discussion. **OB**

Section 4.7.2 Impact Analysis (Pages 4.7-2 through 4.7-6)

4.7.2(a) Methodology and Significance Thresholds
Land use impacts were assessed based upon the level of physical impact anticipated in the various issues, which can affect compatibility such as noise, air quality and visual resources. These thresholds are augmented by those contained in the respective sections of this DEIR (Section 4.8: Noise, Section 4.2:Air Quality. Section 4.13: Visual Resources). This is an appropriate method for analyzing the respective impacts. **OC**

4.7.2(b) Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures
Impact LU-1: As stated, construction activity associated with this development would create temporary noise, air quality and visual impacts due to the use of construction equipment and generation of fugitive dust. Mitigations, as suggested in the respective sections of this DEIR would reduce these impacts to Class II, *significant but mitigable*. This is correctly stated in this section. No additional mitigation would be required. **OD**

4.7.2(c) *Future Development Program Impacts and Mitigation Measures*

Impact LU-1: As stated, construction activity associated with this development would create temporary noise, air quality and visual impacts due to the use of construction equipment and generation of fugitive dust. **OE**

Without a specific site plan, specific impacts cannot be addressed. It is appropriate, however, to discuss these impacts in general and to recommend general mitigation measures. The discussion presented here is too detailed considering no site plans have been prepared or land use permits applied for. **OF**

"Attachment G"

Noise Impact Analysis

OG

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April 12, 2007

TO: **Mr. James Caruso**
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

OG

SUBJECT: **Comment on Draft Environmental Impact Report**
for Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan
Section 4.8 Noise and Appendix I Noise Calculations.

These comments are specific to Section 4.8 of the Draft EIR, however, some of that section depends on data reported in Section 4.12, Transportation and Circulation. Quotations from the Draft EIR are shown in italics.

OH

On page 4.8-1

> *"Overview of sound measurement. Sound is technically described in terms of its loudness (amplitude) and frequency (pitch). The standard unit of measurement of the loudness of sound is the decibel (dB)."*

OI

To be more precise, the Decibel (dB) is a measure of sound intensity, related to power of the sound source. "Loudness" is a subjective measure. What is loud to one person may not be loud to another.

In this section, subjective terms and objective units of measure are sometimes mixed together, resulting in less precision.

OJ

Lmax is designated in Table 4.8-1 but Lmax is not defined in "Overview of Sound Measurement."

OK

> *"Everyday sounds normally range from 30 dB (very quiet) to 100 dB (very loud)."*

Everyday sounds in the countryside around Santa Margarita range from below 30 dBA (as low as 20 dBA) to above 100 dBA. For instance, the Union Pacific Railroad (UPRR) train horn, 1,000 feet before grade crossing is 110 dBA measured at 50 ft. distance from the horn. Later, the DEIR lists the value of 110.5 dB Lmax in Table 4.8-1.

OL

Page 4.8-3. A question about the methodology used in the noise study is raised:

> *"Rincon Consultants, Inc. staff monitored average noise levels at 13 locations on the Ranch property in April 2006 during the peak traffic hours of 7:30-8:30 am and 5:30-6:30 pm on weekdays. Noise levels were taken over 20 minute sample periods. Noise metering was performed using the Larson-Davis Model 720 Type 2 Integrating Sound Level Meter."*

There is no mention of the methodology used for sound level measurement, and this indicates a possible lack of rigor in establishing precise sound levels. There are established methodologies in the field of acoustic measurement such as American Society for Testing and Materials (ASTM) E 1014 and the Caltrans Traffic Noise Analysis Protocol, which require specific information be provided in a noise analysis. It is not known if these standards and procedures were used. The established procedures govern the following: the preparation of the instrument before measurement, the type of microphone used for the instrument, whether wind protection was used, height of microphone above the ground, direction the microphone is pointed (straight up or toward the noise source, or at an angle). Wind speed and direction, atmospheric pressure, and temperature should be measured at all times during sound level measurements. It is also important to field-calibrate the sound level meter before and after each measurement with a recently certified acoustic calibrator to insure that the instrument is measuring within standard tolerances. Is the meter set to Fast or Slow or Impulse response time? Which weekdays were chosen? Friday has a very different noise signature from Tuesday. Were the sound level measurements correlated with peak traffic hour? **OM**

There is no mention of the number of separate instruments used, technical details such as the serial number of the instruments, whether there is a current instrument calibration history or the certification date for the sound level meter(s) used for sound level monitoring. **ON**

The weather records for the month of April 2006, at a weather station in South Atascadero, a few miles from the site, indicate that the wind speed regularly exceeded 10 mph, which is the limit set by Caltrans and other agencies for the accurate measurement of sound levels. **OO**

Specific time of day for sound level measurements is not indicated, so it is not possible to correlate sound level to peak traffic volume which was listed as 7:30 to 8:30 am and 5:30 to 6:30 pm. Twenty minute sample periods are stated, but it is not known if the sample was taken morning or afternoon. **OP**

All of the above variables have a potentially significant effect on results. These facts should appear in the Appendix. **OQ**

Throughout the report, sound level values are recorded and expressed to a tenth of a decibel (e.g., typically, in Table 4.8-1, site 1, near proposed lot 6 Leq = **46.6** dB), whereas the accuracy of the Larson Davis Model 720, Type 2 Sound Level Meter, is only plus or minus two decibels. **OR**

A common convention in science and engineering is to express accuracy and/or precision implicitly by means of significant figures. In scientific and engineering practice, when not **OS**

explicitly stated, the margin of error is understood to be one-half the value of the last significant place. As an example: a recording of 61.6 dBA, or 60.0 dBA would imply a margin of 0.05 dBA (the last significant place is the tenths place), while a recording of 61 dBA, or 60 dBA (or any other integer value) would imply a margin of error of 0.5 dBA (the last significant place is the ones place). **OS**

For better or worse, the Larson Davis 720 is a Type 2 instrument which gives readings on the console in tenths of decibels. However, its accuracy in indicating sound pressure level is only within plus or minus 2 decibels. Therefore a meter reading of 61.6 dBA could actually be recording a sound level that is as low as 59.6 dBA or as high as 63.6 dBA. (ANSI Standard S1.4-1983, "Specifications for Sound Level Meters.") **OT**

Table 4.8-1
Measurements are not designated as "A" scale or "C" scale, nor is the "Fast" or "Slow" or "Impulse" time weighting indicated. **OU**

Sound level measurements taken more than 50 feet from centerline of roadway noise source begin to yield less accurate measurements of traffic sound levels. For instance, the measurement distance listed for site 12 of 2,680 feet from the centerline of the roadway, may be in error due to topographic variation, meteorological conditions (wind), built environment noise barriers and reflectors, and extraneous ambient noise coming from sources other than the roadway. The report should explain how these potential errors are accommodated and compensated for to determine a believable sound level to the nearest tenth of a decibel (*Leq = 38.7 dBA*). **OV**

It is not clear how the Leq measurements reported in Table 4.8-1 relate to the calculated Ldn values presented later in the EIR and in the Appendix. **OW**

Measurements throughout the EIR are presented as "Leq" values, taken over a 20 minute period and also as Lmax, an instantaneous value. However, earlier in the EIR, in "Overview of Sound Measurement" a strong case is made for evaluating all results using the County standard Ldn or CNEL (24 hour average) values. **OX**

There is a large difference between "Leq" measured for 20 minutes at a position near the road and the CNEL 24 hour calculated value for that same location. This difference should be explained **OY**

The report should correlate the Leq measurements made with conclusions that are expressed as Ldn or CNEL. **OZ**

Evaluations and comparisons of transportation noise levels in the context of the County Noise Element should only be made between CNEL or Ldn values. **PA**

Table 4.8-2
The "distance to CNEL contour from centerline" is only a rough approximation for flat terrain, with no buildings or topographic variation. Topographic variations and intervening buildings will drastically affect the CNEL contours near the transportation source. All segments of El **PB**

Camino Real bordered by UPRR dual tracks do not indicate the added effect of railroad noise next to State Route 58. Railroad noise is far greater than vehicular traffic noise from Route 58 and will dominate the noise contours of that part of the transportation corridor. Railroad noise should be taken into account in the analysis and conclusions. PB

The Draft EIR does not explain why its traffic data for Highway 101 shown in Table 4.8-2 differs significantly from the data provided by Caltrans for U.S. Highway 101. The segment at postmile 37.86, "Junction Route 58 East"is provided by Caltrans, Traffic and Vehicle Data Systems Unit (Last Updated on 5/5/2004): The Draft EIR lists Existing ADT for U.S. 101 north of SR58 as 19,750. Caltrans lists the same segment as 40,500 (see below). PC

U.S. Highway 101 Traffic Volume at Postmile 37.86, JCT Rt. 58 East.

South PEAK HOUR	South PEAK MONTH ADT	South AADT	North PEAK HOUR	North PEAK MONTH ADT	North AADT
4,350	**46,000**	**41,000**	**4,200**	**40,500**	**39,000**

Source: Caltrans Traffic and Vehicle Data Systems Unit.
http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/2003all/r101i.htm

If the higher Caltrans ADT figures above are used in noise calculations, then Project and Cumulative traffic increases would have a smaller proportional impact on future noise contours.

Table 4.8-5 in the narrative is based on 1971 E.P.A. data. Newer available data shows lower sound level values for construction equipment as a result of modern muffler design and better sound suppression in stationary equipment. PD

Table 4.8-6 in the narrative does not specify units for existing noise levels at the defined distance to nearest sensitive receptor (CNEL, Ldn?). In **Table 4.8-6,** changes of 0.1 decibel are imaginary because they are not measurable with any known instrument, and they are not perceptible by an ordinary person. The best accuracy possible is limited to values rounded to the nearest two or three decibels under the best of conditions. PE PF

For instance, at the Roadway Segment "El Camino Real North of Estrada Avenue" the nearest existing sensitive receptor is 40 feet (from the centerline?) from the roadway. Existing plus project noise is indicated 0.2 dBA greater than existing noise level. Although the existing noise level is already above the "Normally Acceptable" range, the increase due to the project is not perceptible, and therefore not substantial. The conclusion that the "Threshold is Exceeded" is therefore in error. PG

The greatest change in noise levels (1.4 dBA) indicated to be due to the project is at West Pozo Road between J street and West Driveway (SR 58). This change is far below the customary 3 dBA used as a threshold of significance in most EIRs (see references below). The change is attributed to an additional 1,402 vehicles due to the project. PH

In the Appendix, the same mix of automobile, medium truck and heavy truck percentages is indicated for existing and for future traffic. Surely there will be a higher proportion of PI

automobile traffic attributed to the project, but less medium truck and heavy truck traffic. The noise study should take this new mix of automobile-dominated project traffic into account and reduce the percentage of truck traffic attributed to the project. PI

Table 4.8-6. When threshold is indicated as "exceeded," the exceedance is not caused by the project. The noise impact of the project is not significant, unless it raises Ldn or CNEL by at least 3 dB or 5 dB. PJ

Page 4.8-12. Why are proposed, simple mitigation measures such as walls, solid doors, double windows asserted to be infeasible? A case-by-case noise study for new projects will be necessary in order to determine the correct mitigation, based on individual circumstances. PK

Table 4.8-9. A general rule of thumb is: a doubling of traffic volume (ADT) will result in an increase of 3 dBA. Sound levels can only increase by 3 dBA or more if traffic volume (ADT) doubles. A 3 dBA permanent, project-related sound level increase may be significant if sound levels already exceed the "Normally Acceptable" limit. PL

For instance, on El Camino Real, traffic increases from 7,000 ADT to 11,000 ADT. This is not a doubling of traffic, and the increase due to project may be mostly passenger cars, which are the quietest vehicles on the road. Therefore, Existing-plus-project and cumulative noise should be less than a 3 dBA increase. However, sound levels are projected in the DEIR at 4.5 dBA increase in table 4.8-9. This defies scientific, acoustical principles. PM PN

The dBA increases reported in Table 4.8-9 of the Draft EIR are derived from STAMINA calculations. The results are compared below to a simple logarithmic addition of sound levels based on the reported Fehr and Peers Average Daily Traffic (ADT) values. The "Calculated Change dBA" was compared to the "Reported Change dBA in the DEIR" in the table below. There is a substantial difference in some locations (9 dBA calculated vs. 11.2 dBA reported in the DEIR for Wilhelmina Ave, for instance). These differences should be explained. PO

	Existing Traffic (ADT)	cum + ARCS + FDP (ADT)	Existing noise level (LDN) dBA	Calculated Change dBA	Reported Change dBA in D.E.I.R.	calculated future noise level dBA
Highway 101 n. of SR 58	19,750	28,386	59.0	**1.6**	1.8	**60.6**
Hwy 101 s. of SR 58	22,614	33,202	70.7	**1.7**	2.2	**72.4**
El Camino Real n. of Estrada	4,300	7,302	68.4	**2.3**	3.0	**70.7**
W. Pozo Rd betw J St & W. Dr.	3,000	6,492	65.4	**3.4**	4.1	**68.8**
W. Pozo SE of SR 58	1,000	1,726	43.7	**2.4**	3.2	**46.1**
SR 58 NE. of W. Pozo Rd	1,900	2,960	58.2	**1.9**	2.5	**60.1**
El Camino Real betw. Wilhelmina & Maud	5,490	11,816	68.1	**3.3**	4.5	**71.4**
El Camino Real betw. Pinal & Estrada	5,300	10,332	64.8	**2.9**	3.7	**67.7**
Estrada S. of El Camino	3,900	7,712	63.5	**3.0**	3.6	**66.5**
Wilhelmina Av. Betw E.C.R. & I Street	740	5,932	64.8	**9.0**	11.2	**73.8**

Overall Comment on SMR Draft EIR relationship to previous Fugro Salinas River Area Plan Final EIR

The statement about Santa Margarita Ranch future development in the earlier Final EIR for Salinas River Area Plan correctly stated that increased noise levels could be generally mitigated through careful site planning and other feasible measures. The SMR Draft EIR does not refer to the baseline noise impacts and mitigations established in the earlier Salinas River Area Plan Final EIR. **PP**

Comment on the STAMINA method shown in Noise Calculations, Appendix I:

The Federal Highway Administration Transportation Noise Model 2.5 (TNM 2.5), released in 2004, has superseded the use of STAMINA2 and is viewed as a more accurate method of modeling transportation noise. STAMINA2 was known to "over-predict," as reported in the literature. TNM 2.5 has been required for all federally financed projects for the last two years. **PQ**

Comment on determining levels of significance

The Draft EIR should recognize the known limitations of measurement and prediction techniques, highlighted in the following California State Guideline:

> "Although considerable effort may go into developing noise contours which, in some instances, utilize rather sophisticated digital programming techniques, the present state-of-the-art is such that their accuracy is usually no better than +/- 3 dB. In fact, the accuracy of the noise exposure prediction decreases with increasing distance from the noise source. In the near vicinity of the source, prediction accuracy may be within the range of +/- 1 dB, while at greater distances this may deteriorate to +/- 5 dB or greater. At greater distances, meteorological and topographic effects, typically not totally accounted for in most models, may have significant influence. Thus, while dealing with the concept of noise contours, it is best not to think of them as absolute lines of demarcation on a map...."
>
> *California State General Plan Guideline, 1998, page 185.*

PR

The CEQA Environmental Checklist, Appendix G asks the following noise-related questions:

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

PS

In general, noise elements and threshold manuals define Significant Noise Impacts from New Development on Existing Land Uses in the following way:

Increase in Ldn of Existing Development from New Development:

> If existing land uses are in the "Normally Acceptable" range, a significant impact would be more than 5 dBA, if the noise level remains in the "Normally Acceptable" range. **PT**
>
> or more than 3 dBA if the noise level exceeds the "Normally Acceptable" range
>
> The Ldn is normally measured at any point along the property line shared by the proposed development and existing land uses.
>
> "Normally Acceptable" is defined by the State of California "Noise and Land Use Compatibility Guidelines."

The CEQA Guidelines do not provide an objective definition of the levels at which temporary and permanent increases in ambient noise are considered "substantial." In general, a noise level increase of 3 dBA is barely perceptible to most people, a 5 dBA increase is readily noticeable, and a difference of 10 dBA would be perceived as a doubling of loudness. **PU**

Based on this information, temporary increases in noise levels of 10 dBA or more due to construction are considered to be substantial and, therefore, significant. **PV**

Elsewhere, in contemporary California County Noise Elements, the following thresholds generally apply to permanent increases in noise due to the operational characteristics of a development project:

- Less than 3 dBA: not discernible: not significant. **PW**
- Between 3 dBA and 5 dBA: not significant if noise levels remain below the General Plan noise level standards; significant if the noise increase would meet or exceed the General Plan noise level standards.
- 5 dBA or greater: significant.

Specific References to Levels of Significance in Recent Guidelines and EIRs.

1. Diablo Canyon Power Plant Steam Generator Replacement Project D.9 NOISE AND VIBRATION Draft EIR, March 2005. D.9.3.1 Definition and Use of Significance Criteria (page D.9-5): *"A substantial permanent increase in ambient noise levels (more than five dBA) in the project vicinity above levels existing without the project."* **PX**

2. Rice Ranch Specific Plan Supplemental EIR, Santa Barbara County, 2006. Section 5.7 Noise, sec. 5.7-2, Impact Analysis:

"Noise sources that increase ambient noise levels substantially but remain under 65 dBA CNEL may also be determined significant. This must be determined on a case-by-case basis. For purposes of this project, an impact is considered significant if project implementation would cause the ambient noise level to increase by 3 dBA or more. A 3 dBA change represents the minimum change that is audible to most receptors. Exterior noise level changes of 1-2 dBA are not considered significant since they are generally not perceptible."

3. U.S. Department of Transportation Federal Highway Administration Measurement of Highway-Related Noise FHWA-PD-96-046 DOT-VNTSC-FHWA-96-5
http://www.fhwa.dot.gov/environment/noise/measure/toc.htm

4. San Diego Sunrise Powerlink Transmission Line Project EIR 2007 "*Significant adverse impacts to noise and vibrations would only occur as a result of implementation of the Project (if it):*

PX

- *Substantially and permanently increased ambient noise levels* ***(more than five dBA)*** *in the vicinity of the Project above levels existing without the Project"*

5. Caltrain Electrification Program EA/EIR, San Carlos, CA, 2004. CEQA Significance Criteria, page 5-6:

"(c) a substantial permanent increase in ambient noise in the project vicinity (an increase of 10 db, perceived as a doubling of noise, is generally considered substantial);"

6. Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development IV.I Noise Draft Environmental Impact Report Page IV.I-8 Construction Noise and Long Term Operational Noise:

"If the existing ambient noise level at the receptor property location is 65 dBA or more, then an incremental increase of 5 dBA for receptor properties that are residential and 8 dBA for non-residential properties, over the existing ambient sound level would be considered significant.

The proposed Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development would result in a significant impact during the operational phase if it causes a change in the noise environment, measured by the CNEL (24-hour average), of five decibels or more above the existing noise level, at a sensitive noise receptor."

7. Santa Cruz County, City of Scotts Valley General Plan Noise Element, Table 3 (Updated December 1999) City of Scotts Valley Maximum Noise Increase Standards for Residential Use are listed as 5 dBA at the property line and 3 dBA 50 feet from the property line.

8. Cabrillo Port Liquefied Natural Gas Deepwater Port Revised Draft EIR, March 2006. page 4.14-6 Significance Criteria for long-term operational Noise Increase is listed as:

"A substantial (3 dBA) permanent increase in ambient noise levels"

9. San Mateo Corridor Plan and Bay Meadows Specific Plan Amendment EIR 4.7-12 Stationary Noise Impacts November 2005:

"According to Policy N 2.2 of the San Mateo General Plan Noise Element, project stationary impacts would beconsidered significant if noise generated on-site by new developments would generate noise levels of 60 dB (DNL) or above, and increase background noise levels by 3 dB (DNL) or more at property lines of existing noise sensitive development. For other than noise sensitive land uses, the noise level at common property lines should not exceed 65 dB (DNL) or result in an increase in background noise levels of 3 dB (DNL)."

PX

10. Playa del Rey and Marina del Rey Noise Impacts Discussion
http://www.cpuc.ca.gov/Environment/info/esa/playa/pdfs/2xii_noise.pdf

"A change in noise levels of less than three dBA is not discernible to the general population; an increase in average noise levels of three dBA is considered barely perceptible, while an increase of five dBA is considered readily perceptible to most people (Caltrans, 1998).

Therefore, for evaluation of operational noise due to project-related traffic, a noise increment of 3 dBA is used as the significance threshold for this project. A doubling of traffic volumes (100 percent increase in traffic volume) would result in a 3 dBA increase in traffic noise."

11. County of San Diego Guidelines for Determining Significance NOISE LAND USE AND ENVIRONMENT GROUP Department of Planning and Land Use Department of Public Works March 19, 2007 http://www.sdcounty.ca.gov/dplu/Resource/docs/3~pdf/Noise-Guidelines.pdf

The significance guidelines listed above have been selected for the following reasons: Significance guidelines are derived from existing local noise standards which in turn, were derived from State regulation to address human health and quality of life concerns. Additionally the guidelines are based on study results of the relationship between noise exposure and percentage of community highly annoyed by noise.

Significance guidelines set a limit for when a project will increase noise levels by 10 dB CNEL or more. This guideline is based on studies completed by the ISO on the topic of acoustics (ISO 362; ISO 1996 1-3; ISO 3095; and ISO 3740-3747). An increase of 10 dB is perceived as twice as loud; therefore, significantly increases the ambient sound level. Moreover, the ISO standard is in general conformance with State (+12 dB, CalTrans) and Federal (+10 to 15 dB, Federal Highway Administration) standards.

"Attachment H"

PY

Public Safety Impact Analysis

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Review of the Public Safety Section of the Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program"

PY

Introduction

The primary purpose of this report is to review the Public Safety section of the draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" (DEIR) (Rincon Consultants, Inc., 2007).

PZ

Response for Tract 2586 (Project)

Public Safety Section 4.9
Agricultural Residential Cluster Subdivision Impact S-1

S-1:	Acceptable
S-2:	Acceptable
S-3:	Acceptable
S-3(a):	Acceptable
S-4:	Acceptable
S-4(a):	Acceptable
S-5:	Acceptable

QA

Future Development Program

Future Program Impacts and Mitigation Measures
Future Development Program Impact S-1(a – c)

S-1(a):	Acceptable
S-1(b):	Acceptable
S-1(c):	Acceptable

QB

Future Development Program Impact S-2
Acceptable

QC

Future Development Program Impacts 2(a)
S-2(a): Acceptable with the exception of the trail location criteria. The trail location should be determined as part of the analysis in the Specific Plan. Requiring the trail locations "as far away from the active rail line and highways as possible" is premature and may preclude preferable location identified in the Specific Plan.

QD

Future Development Program Impact S-3
Acceptable **QE**

Future Development Program Impact S-4 and 4(a)
S-4(a): The requirement for and location of pull outs and/or shoulder widening is premature. This determination should be made at the time of and as a part of the required Specific Plan. Delete this mitigation as it is premature. **QF**

Future Development Program Impact S-5
Acceptable **QG**

Future Development Program Impact S-6 and S-6(a)
S-6: The mitigation measure is premature. The determination of golf course routing criteria and relationship to proposed uses should be a part of the required Specific Plan. This mitigation should be deleted. **QH**

S-6(a): Acceptable **QI**

Future Development Program Cumulative Impacts
Acceptable **QJ**

"Attachment I"

QK

Public Services and Utilities Impact Analysis

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Review of the Public Services Section of the Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" QK

Introduction QL

The primary purpose of this report is to review the Public Services section of the draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" (DEIR) (Rincon Consultants, Inc., 2007).

Tract 2586 (Agricultural Residential Cluster Subdivision) QM

Public Services and Utilities Section 4.10
Agricultural Residential Cluster Subdivision Impact PS-1 – Law Enforcement
Acceptable

Agricultural Residential Cluster Subdivision Impact PS-2(a) QN
Acceptable with the exception of the requirements related to lighting. Elsewhere in the DEIR, the introduction of new sources of light is described as a significant impact. The amount, placement, brightness and fixture type should be determined in consultation with the Planning department.

Future Development Program QO

Future Development Program Impacts – Law Enforcement
Future Development Program Impact PS-1
Acceptable

Future Development Program Impact PS-2 QP
Acceptable with the exception of lighting requirements (see comment on AG Cluster Impact 2a above).

Agricultural Residential Cluster Subdivision Impact PS-3(a – d) – Fire Protection QQ
PS -3: The DEIR indicates that the response time to the Ag Cluster area is 10 minutes based upon a distance from the nearest station of 3.2 miles. This time estimate seems excessive given the distance. The DEIR is unclear if the Santa Margarita Volunteer Fire Department located 1.7 miles away from the cluster site could respond faster.

P-S – 3(a): Accepted QR

P-S – 3(b): Accepted as proposed with the exception of road widths. The road widths should be determined in consultation with Cal Fire and shall include provisions allowing the road width to vary consistent with on-site conditions and the objective to preserve resources - so long as Cal Fire agrees to the proposed roadway plan and widths. QS

P-S – 3(c): Acceptable QT

P-S – 3(d): Acceptable. It is unclear in the 4th bullet what "exteriors being more than 2 inches refers to. QU

Future Development Program Impacts – Fire Protection
Future Development Program Impact PS-3
Acceptable QV

Future Development Program Impacts – Cumulative
Acceptable QW

Agricultural Residential Cluster Subdivision – Schools
Agricultural Residential Cluster Impact PS-4
Acceptable QX

Future Development Program Impacts – School PS-4a
Acceptable QY

Future Development Program Impacts – Cumulative
Acceptable QZ

Agricultural Residential Cluster Subdivision – Section 41.4 – Solid Waste
Agricultural Residential Cluster Subdivision Impacts - PS-5(a and b) RA

PS – 5(a): Acceptable with the word feasible changed to "practicable".

PS – 5(b): The mitigation measure as proposed is unclear if the burden for monitoring the effectiveness of the recycling program is an applicant requirement. The mitigation measure should be re-written to be clear the applicant/developer shall work with the service provider to develop a mitigation monitoring plan, and upon implementation it shall be the duty of the service provider to monitor effectiveness. RB

Future Development Program Impacts – Solid Waste – PS-5
Acceptable RC

Future Development Program Impacts – Solid Waste – Cumulative
Acceptable RD

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"Attachment J"

Recreation Impact Analysis

RE

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Review of the Recreation Resources Section of the Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" RE

Introduction

The primary purpose of this report is to review the Recreation Resources section of the draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" (DEIR) (Rincon Consultants, Inc., 2007). RF

Tract 2586 (Agricultural Residential Cluster Subdivision)
Applicant agrees to pay in-lieu public park fees RG

Future Development Program
Applicant agrees to pay the in-lieu public open space fees, and agrees that the community park and swimming pool shall be constructed prior to residential development. RH

Comments and Recommendations Regarding the DEIR Section 4.11-5, R-1(a)
Acceptable RI

Comments and Recommendations Regarding the DEIR Section 4.11-5, R-2(a)
Applicant agrees to dedicate a right-of-way or easement to fully implement the public Juan Bautista de Anza Historic Trail through the property. However, the precise alignment has not yet been determined. The applicant believes that the trail should not need to be implemented until construction of the applicant's project has begun. RJ

The Plan Requirements and Timing should read as follows:
"The required trail connection shall be included in the Specific Plan for future development on the Ranch property. Right-of-way or trail easement shall be dedicated prior to issuance of grading permits for the first Specific Plan land use development, and the trail shall be implemented in accordance with county standards concurrently with the start of construction. Monitoring. Planning and Building shall review the Specific Plan prior to adoption and verify trail implementation prior to occupancy for the first Specific Plan land use development." RK

"Attachment K"

RL

Traffic Impact Analysis

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RL

REVIEW OF TRANSPORTATION AND CIRCULATION SECTION OF THE SANTA MARGARITA RANCH TRACT 2586 AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION PROJECT AND FUTURE DEVELOPMENT PROGRAM DEIR

Associated Transportation Engineers (ATE) has reviewed the Transportation and Circulation section of the Draft Environmental Impact Report (DEIR) that has been prepared for the Santa Margarita Ranch Project. The Transportation and Circulation section includes analyses of two scenarios: 1) the proposed Agricultural Residential Cluster Subdivision (Vested Tentative Tract 2586) and, 2) the Future Development Scenario. ATE also reviewed the Salinas River Area Plan, focusing of the Transportation and Circulation section prepared for the Santa Margarita Ranch area.

PROJECT DESCRIPTION

The proposed projects consists of two components: 1) a Vested Tentative Map Tract 2586 agricultural cluster subdivision for development of 112 single family homes, and 2) a Future Development Scenario.

RM

The Future Development Scenario was required to be studied in the EIR by a Settlement Agreement. Santa Margarita Ranch totals approximately 14,000 acres, 9,600 of which are within the boundaries of the historic Rancho Santa Margarita. A settlement agreement between the community group Santa Margarita Area Residents Together (SMART), the County, and the applicant requiring that the applicant submit a Future Development Scenario for the areas within the original Rancho boundary at the time of any specific entitlement request. The settlement agreement required the preparation of a Program EIR to evaluate the environmental

effects of the likely buildout of the Ranch pursuant to CEQA. Any future required CEQA documents would be tiered from the Program EIR at this time further entitlements are requested for projects listed within the Future Development Scenario.

The Santa Margarita Ranch DEIR assumes that the Future Development Scenario consists of 514 residences (including the proposed Tract 2586 Agricultural Residential Cluster Subdivision), and the following uses: a private golf course, clubhouse and pro shop; 150 to 250 unit guest ranch, lodge, and restaurant; 12-room bed and breakfast; cafe; amphitheater; craft studios, galleries and shops; interpretive center and gift shops; nine (9) wineries with tasting rooms and permitted special events; neighborhood parking and swimming facility; five (5) new ranch/farm headquarters; one livestock sales yard and cafe; three places of worship; and a retreat center. RM

ASSESSMENT OF SALINAS RIVER AREA PLAN EIR

The environmental analyses for the Salinas River Area Plan was prepared in a report dated June 1993 and the EIR was certified January 2, 1996. As stated on Page 3-24 in the EIR, "As of this writing, an Environmental Constraints Analysis (ECA) is under preparation for Santa Margarita Ranch. Once completed, it is expected that a Specific Plan and subsequent EIR will be prepared on the anticipated development of the Ranch. Both the ECA and subsequent EIR will be providing a much greater level of environmental analysis on potential impacts. The Salinas River Area Plan Program EIR will evaluate the Santa Margarita Ranch development on a general and conceptual level." RN

Table 5.2-3A on Page 5.2-6 of the Salinas River Area Plan EIR shows that the land uses analyzed in that document are nearly identical to those that are included in the Santa Margarita Ranch Project DEIR. The Salinas River Area Plan EIR shows 500 dwelling units, 27- to 36-hole golf course, 150-unit guest ranch with lodge and restaurant, 12-room bed and breakfast, cafe, amphitheater, craft studios/galleries/shops, interpretive center/gift shop, 200-400-seat horse arena with boarding facilities/track/stables, winery with wine tasting, and neighborhood parkland.

The trip generation estimate shown in the Salinas River Area Plan EIR for the Santa Margarita Ranch was 8,120 Average Daily Trips (ADT), which is about the same as the 8,138 ADT estimate shown on Page 4.12-32 of the Santa Margarita Ranch Project DEIR. The traffic analyses for the Santa Margarita Ranch contained in the Salinas River Area Plan EIR (Page 5.2-7) found that,

> "It is anticipated that the development of the Santa Margarita Ranch would further degrade future levels of service on U.S. Highway 101 and S.R. 58, and could potentially generate significant adverse traffic conditions on the local street system serving the Santa Margarita and Garden Farms communities. Local roadways that would primarily be affected by the development of the Santa Margarita Ranch are El Camino Real and Estrada Avenue. Traffic impacts will be analyzed in greater detail in the EIR that will be prepared for the proposed Santa Margarita Specific Plan."

ASSESSMENT OF SANTA MARGARITA RANCH DEIR

Our comments on the salient issues/impacts are detailed in our review of the traffic analyses below. As a general comment, it is our opinion that the level of detail included in the traffic study is well beyond that prepared for other Program EIRs. This level of detail has resulted in the identification of impacts and the inclusion of mitigations that are over and above the normal level required for developments in the County by past practice and standards.

RO

It is also important to understand at the outset of our review that many of the identified impacts are presented without proper analyses or application of significance thresholds. For instance, the Field Observations and Existing Operational Issues include numerous statements regarding existing conditions that are not supported by proper analyses of data and facts. Potential impacts are then assessed assuming that the issues raised in the Field Observations and Existing Operational Issues are factual, resulting in the determination of significant impacts generated by the project. Instead, the Field Observations and Existing Operational Issues are just observations, and include anecdotal citations from crossing guards and County staff. They may be important considerations but must be defined and quantified by data and analysis.

Comments on Section 4.12 Transportation and Circulation

Section 4.12.1.b. Two-Lane Highways . The DEIR text states that four of the study-area roadway segments were evaluated using the two-lane highway analysis methodology descried in Chapter 20 of the 2000 Highway Capacity Manual (2000 HCM). The traffic study applies "percent time following" as the performance measure for these local roads. Since the four roadways are local roads that serve as access for adjacent lands or for local trips within the immediate area, the analyses should be completed using the methods applied to the other local roadways included in the traffic study.

RP

Section 4.12.1.b. Freeway Segments. The DEIR analysis includes LOS analyses for the U.S. Highway 101 mainline as well as for the ramp junctions at the U.S. Highway 101/SR 58 interchange. The ramp junction analyses illustrative traffic operations for the merge and diverge areas of the U.S. Highway 101 ramps at the interchange (e.g. the northbound SR 58 ramp analysis illustrates the affect of confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp in the vicinity of the off-ramp. ATE has never seen ramp junction operational analyses included in a traffic study prepared for a development project proposed in San Luis Obispo County. The County does not have any adopted criteria or thresholds for assessing freeway ramp facilities. Instead, it is typical to analyzing traffic operations at the intersection of the off-ramp (or on-ramp) and the local street.

RQ

The ADT volumes for U.S. Highway 101 that are shown on Figure 4.12-1 appear low. The volumes shown are 19,750 to 22,060 ADT, while Caltrans 2005 data show volumes in the 41,000 to 43,000 ADT range. It is noted that the incorrect volumes are not used in any of the operational analyses. Peak hour volumes are used instead and they appear to be representative of actual conditions.

RR

Section 4.12.1.e. Collision Rates The DEIR traffic study includes a summary of the accident rates for the 36-month period between August 2002 through July 2005. The summary compares the actual rate of accidents to the statewide average for similar facilities. The accident summary is then used as a basis for assessing potential impacts. The analysis assumes that any location with an accident rate that is higher than the statewide average would be significantly impacted by the addition of traffic generated by the project. This approach is misleading since the accident summary does not include the detailed analysis necessary to determine if the actual rate of accidents is significant (a statistical analyses) and it does not analyze the project's traffic additional from a scientific standpoint.

RS

Often times the actual rate of accidents is higher than the statewide average due to the low volume of vehicles using the facility. A statistical analysis can determine if the number of accidents is statistically significant. In addition, the accident records should be analyzed to determine the cause of the accidents and whether or not there is a correctable problem, and to determine if the addition of traffic from a project would constitute a significant impact.

The traffic analysis identifies impacts as potentially significant and mitigations are required where the project adds traffic to locations where the August 2002 through July 2005 accident rates are higher than statewide averages. It is recommended that the accident analysis be updated using current accident data. The analysis should determine the significance of the number of accidents based on traffic volumes using statistical tools and the accident data should be analyzed to determine if there is a accident pattern that can be corrected. A set of criteria for determining the significance of the project's traffic additions to the locations studied should also be provided in the EIR. The way that it is written, building one house that adds one trip to any of the locations studied would constitute a significant impact.

Section 4.12.1.f. Field Observations and Existing Operational Issues This section discusses several "operational issues" based on field observations. The operational issues outlined in this section are then carried forward into the impact analysis as if the observed "operational issues" are in fact deficiencies. This approach results in several impacts/mitigations that may not be substantiated by data, facts, and analyses. Instead, some of the "operational issues" are based on anecdotal statements. One example, there is a discussion of Estrada Avenue south of J Street that states that, "Estrada Avenue transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (MPH) warning sign, no additional warnings signs or physical barriers are in place. Vehicles have to slow considerably to navigate through this curve." The impact analysis identifies the addition of Tract 2586 Agricultural Residential Cluster Subdivision traffic as potentially significant and mitigations are required based on the observed "operational issues." This approach to assessing impacts if faulty since impacts need to be substantiated by data, facts, and analyses.

RT

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds The thresholds used for the traffic analysis include the Environmental Checklist Form of the State's CEQA Guidelines (Appendix G). The checklist is simply a list of potential impacts that public agencies should be mindful of when reviewing projects. They are in fact guidelines and provide little guidance in judging whether the potential impact might be environmentally

RU

significant. How does one determine the significance of an impact using the criteria stated in the first bullet of the checklist, "causes an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., results in a substantial increase in either the number of vehicles trips, the volume to capacity ratio on roads, or congestion at intersections)." What is the definition of substantial increase? How is congestion at intersections determined? RU

Relying on the checklist results in environmental review that is confusing and inefficient. Most agencies develop well defined criteria for assessing potential impacts. In this case, the County of San Luis Obispo has adopted defined criteria for assessing potential impacts to County roadways and intersections (as outlined on Page 4.12-15 of the DEIR). The Environmental Checklist Form of the State's CEQA Guidelines should be removed from the EIR to eliminate confusion when identifying the significance of project impacts.

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds. Bicycle and Pedestrian Impacts. The source of this threshold should be stated. The County of San Luis Obispo does not have an adopted threshold for assessing potential impacts to bicycle and pedestrian facilities. RV

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds. Transit Impacts. The source of this threshold should be stated. The County of San Luis Obispo does not have an adopted threshold for assessing potential impacts to transit facilities. RW

Section 4.12.2.b. Agricultural Residential Cluster Subdivision-Generated Traffic Volumes. The trip generation estimates are based on equation rates from the ITE manual rather than the average rates. The choice of selecting the equation rates instead of the average rates is not stated. Average rates are typically used for subdivision of the size proposed. Using the average rates results in an estimate of 1072 ADT, 84 A.M. peak hour trips, and 113 P.M. peak hour trips, slightly less than used in the DEIR. RX

The trip distribution pattern used in the DEIR was "estimated based on the existing travel patterns in the area and the relative locations of employment centers and other attractions such as schools, parks, and retail areas." This pattern is significantly different that the pattern developed for the traffic study prepared by ATE, [1] which is shown below in Table A. In general, the DEIR traffic study assigns more traffic to/from U.S. Highway 101 to the south (48%) and less traffic to the local Santa Margarita area. The existing traffic volumes at the U.S. Highway 101/SR 58 interchange show that the 48% assignment to/from U.S. Highway 101 to the south may be too high. RY

[1] Draft Traffic and Circulation Study for the Santa Margarita Ranch Project, Associated Transportation Engineer, August 2004.

Table A
Project Trip Distribution Percentages

Origin/Destination	Direction	Distribution %	
		ATE	DEIR
U.S. 101	South	35%	48%
U.S. 101	North	15%	15%
El Camino Real	North	30%	25%
Local - Santa Margarita	-	15%	10%
SR 58	Northeast	3%	1%
Pozo Road	South	2%	1%
Total			100%

RY

Section 4.12.2.c. Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures.

Existing + Agricultural Residential Cluster Subdivision Roadway Operations. The roadway operational analysis found that all of the study-area roadway segments would operate at LOS C or better, which meets the County level of service standard. Nevertheless, the text at the top of Page 4.12-22 identifies an impact to SR 58.

> "As shown in Tables 4.12-10(a) through 4.12-10(c), all roadway segments are projected to operate at acceptable LOS with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems on SR 58 near J Street. As discussed in Section 4.12.1(e), SR 58 transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (mph) warning sign, no additional warning signs or physical barriers are in place. As indicated in the Existing Conditions section, a total of six (6) collisions were reported over a three-year period. These collisions include the following types and number of incidents: head-one collision (2), side-swipe collision (2), broad-side collision (1), and hitting a fixed object (1). Therefore, impacts are potentially significant and mitigation is required."

RZ

This impact is not based on any adopted criteria nor is it based on sound engineering analyses of the geometry of the roadway and the cause of accidents. The source of the impact threshold needs to be clearly identified. ATE does not know of any San Luis Obispo County thresholds that have been adopted for use in this case. In addition, as discussed above, a detailed analysis of the accident history is needed to determine if the number of accidents is significant, whether or not the geometry of the roadway is the cause of the accidents, and whether the addition of project traffic would exceed an adopted threshold of significance.

Existing + Agricultural Residential Cluster Subdivision Freeway Ramp Operations . This analysis indicates that the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems at the U.S. 101 southbound off-ramp to SR 58 based on the existing configuration. The impact is defined with the following statement:

> "The existing design does not meet Caltrans standards and the addition of Agricultural Residential Cluster Subdivision traffic will exacerbate the existing operational problems."

SA

This impact is not based on any adopted criteria nor is it based on engineering analyses of the geometry of the ramp. Even though the County does not have any adopted criteria or thresholds for assessing freeway ramp facilities, the analysis found that the southbound off-ramp would operate at LOS B-C during the peak hour periods with the addition of project traffic. The definition of this impact appears arbitrary. The DEIR analysis seems to indicate that the addition of traffic to any facility that in not build to today's design standards constitutes a significant impact.

Existing + Agricultural Residential Cluster Subdivision Intersection Operations. The intersection operational analysis found that all of the study-area intersections would operate at LOS C or better, which meets the County level of service standard. Nevertheless, the text beginning at the bottom of Page 4.12-23 identifies several impacts to the area intersections based on unsupported analyses. Impacts are identified at the El Camino Real/Estrada Avenue intersection due to the presence of a crest vertical curve in combination with accident data; and at the Estrada Avenue/H Street intersection due to sight distance and crest on Estrada in the vicinity of Santa Margarita Elementary School. These impacts are not based on any adopted criteria nor are they based on engineering analyses. Instead, they are based on cursory information (field review of existing conditions).

SB

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(a). This measure includes the widening of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision site access) to provide shoulders and/or bike lanes in accordance with County standards. However, the impact analysis did not identify an impact to this segment that requires the roadway widening.

SC

This measure also requires the realignment of SR 58 along a tangent south of J Street to the Agricultural Residential Cluster Subdivision development to make the SR 58/J Street intersection into more of a "typical intersection layout." However, the impact analysis did not identify an impact based on adopted thresholds that triggers the need for this mitigation.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(b). This measure requires improvements to the U.S. 101 northbound off-ramp to SR 58 to provide 400 feet of merging distance for the transition between the two facilities. The project's impact to this merge area is not analyzed in the DEIR. Instead, the ramp analysis is for the confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp. That analysis shows LOS D for Existing conditions and LOS D for

SD

Existing + Project conditions. The LOS D operations is the affect of diverging vehicles from northbound U.S. Highway 101 onto the off-ramp to SR 58. There is no analysis provided for the confluence area of the northbound U.S. Highway 101 off-ramp flow and the eastbound SR 58 flow adjacent to the park-and-ride facility. **SD**

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(c). This measure requires improvements to the U.S. 101 southbound off-ramp to SR 58 to lengthen the ramps to meet the current Caltrans standard. There are no adopted thresholds to assess the project's impact to this ramp nor is there an impact analysis showing the affect of project traffic for this area of the ramp system. Moreover, there are many transportation facilities located within the County that were constructed years ago that do not meet current standards. Assuming a significant impact for developments that add traffic to such facilities would result in no development in the County without bringing the facilities up to today's standards. **SE**

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(d). This measure requires improvements to the El Camino Real/Estrada Avenue intersection prior to occupancy clearance. This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. **SF**

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(e). This measure requires pedestrian activated warning beacons be installed at Estrada Avenue/H Street prior to occupancy clearance. This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. **SG**

Agricultural Residential Cluster Subdivision Impact T-2 . A potential significant impact is identified for the location of the west driveway that would serve the Agricultural Residential Cluster Subdivision based on Caltrans criteria for stopping sight distances. However, the analysis is based on estimated speeds, "According to County of San Luis Obispo Department of Public Works staff, vehicles travel at speeds at or over 55 mph along this corridor. The stopping sight distance for a 60-mph road is 590 feet." The analyses of sight distances at the project driveways should be based on speeds measured in the field adjacent to the proposed driveway. Applicable sight distance criteria should be applied rather than estimates. **SH**

Agricultural Residential Cluster Subdivision Impact T-4. A potential significant impact is identified for conflicts with pedestrians and bicyclists. The pedestrian impact discussion contained in the DEIR states:

> "Limited pedestrian sidewalks and crosswalks are provided in downtown Santa Margarita and there is currently no pedestrian facilities between the proposed development and downtown. Typical activities within the Agricultural Residential Cluster Subdivision development are unlikely to create high demand for pedestrian facilities to and from downtown because the site is located more than one mile away. However, traffic generated by the Agricultural Residential Cluster Subdivision will add traffic to the El Camino Real/Encina Avenue intersection. According to San Luis Obispo County Public Works Department, Caltrans District 5 Traffic Safety staff have **SI**

> completed a warrant study which shows the El Camino Real/Encina Avenue intersection meeting warrant for pedestrian flashing warning lights (the volume warrant is not met). According to Caltrans District 5 staff, the proposed Agricultural Residential Cluster Subdivision would likely trigger the volume warrant being satisfied."

The mitigation requires in-pavement flashing light be installed at the intersection based on unsupported analysis. The DEIR texts states that the volume warrant is not met but "according to Caltrans District 5 staff, the proposed Agricultural Residential Cluster Subdivision would likely trigger the volume warrant being satisfied." This impact and associated mitigation is not supported by numerical analysis or adopted methods and standards for assessing impacts generated by the project. **SI**

Similarly, the pedestrian impact discussion contain in the DEIR states,

> "The proposed provision of a private pathway between the community of Santa Margarita and the Agricultural Residential Cluster Subdivision would accommodate a portion of the increased pedestrian demand. However, because the pedestrian trail would be gated and private, some pedestrians traveling between the subdivision and community would be diverted to West Poza Road, which would be considered unsafe for pedestrian movement due to the conflicts with vehicles. As a result, impacts related to pedestrian facilities would be potentially significant."

The mitigation requires the gate to the proposed pedestrian pathway between the subdivision and community be removed and the pathway dedicated as a public trail. Again, this impact and mitigation are not supported by numerical analysis or adopted methods and standards for assessing impacts. **SJ**

The analysis present for the bicycle impact states,

> "Several bicycle facilities exist in the vicinity of the Agricultural Residential Cluster Subdivision site. However, bike lanes are not provided on SR 58 adjacent to the site. Bicyclist are forced to use the narrow shoulders or to ride in the travel lanes. The traffic added by the Agricultural Residential Cluster Subdivision will increase potential automobile-bicycle conflicts on SR 58 between downtown Santa Margarita and the Agricultural Residential Cluster Subdivision driveways due to the narrow roadway width on West Poza Road (SR 58). Mitigation is required to ensure less than significant impacts." **SK**

The mitigation measure states,

> "Implementation of Agricultural Residential Cluster Subdivision Mitigation Measure T-1(a), which requires widening of West Pozo Road (SR 58) along the Agricultural Residential Cluster Subdivision site's frontage to accommodate County-planned Class II bicycle lanes or shoulders, would reduce potential automobile-bicycle conflict impacts to a less than significant level."

SK

It is common to require frontage improvements for development projects. In this case, that would include widening West Pozo Road (SR 58) along the Agricultural Residential Cluster Subdivision site's frontage to County standards. However, Agricultural Residential Cluster Subdivision Mitigation Measure T-1(a) calls for widening both sides of SR 58 from El Camino Real to the Agricultural Residential Cluster Subdivision site access to provide shoulders and/or bike lanes. Mitigation Measure T-1(a) also call for realigning SR 58 along a tangent south of J Street to the Agricultural Residential Cluster Subdivision site to make the SR 58/J Street intersection into a "more typical intersection layout." There DEIR provides no impact analysis that would require the project to widen both sides of SR 58 from El Camino Real to the Agricultural Residential Cluster Subdivision site access (beyond the site's frontage) nor does it provide analysis that shows the need to realign the roadway to make the SR 58/J Street intersection into a "more typical intersection layout."

SL

Section 4.12.2.e. Future Development Program Impacts and Mitigation Measures. Cumulative traffic volumes were forecasted assuming pending projects that would affect the study area as well as 20 years of growth assuming a 1.4% per annum growth rate. This cumulative basis is well beyond what is typically used for CEQA analyses. Applying the 1.4% per annum growth rate for 20 years increases the traffic volumes on the local Santa Margarita street network by about 30%. It is unclear where the future developments would occur within Santa Margarita that would result in this level of traffic increase. Other traffic studies prepared for development projects assume occupancy of approved and pending projects within the area of influence.

SM

The distribution pattern used for the Future Development Program show traffic heavily weighted to/from U.S. Highway 101 (75% of all trips are assigned to the freeway and thus the U.S. Highway 101/SR 58 interchange). The existing traffic pattern in the Santa Margarita area show that more than 25% of the community's trips are local within town (and thus less than 75% use the freeway).

In addition, the Future Development Program includes homes, a guest ranch, golf course, cafe, restaurant, bed and breakfast, craft studios, galleries, shops, wineries, churches, etc. Many of these land uses will compliment each other. The trip generation analysis does not include a mixed-use factor to account for the interaction of the proposed land uses (e.g. people staying at the guest ranch will play golf, shop, and visit wineries). Assigning 75% of the future traffic external to the Santa Margarita area to/from U.S. Highway 101 is not reasonable or substantiated by the analyses in the EIR.

The forecast for U.S. Highway 101 that are shown on Figure 4.12-9 are lower than existing conditions. The volumes shown are in the 28,000 to 33,000 range, while Caltrans 2005 data show current volumes in the 41,000 to 43,000 ADT range. Again, it is noted that the incorrect volumes are not used in any of the operational analyses (peak hour volumes are used). **SN**

Cumulative + Future Development Program Roadway Operations. The roadway operational analysis compares the Cumulative + Future Development Program levels of service to Existing levels of service. Cumulative + Future Development Program levels of service should be compared to Cumulative (baseline) conditions in order to assess the impacts of the Future Development Program. **SO**

Cumulative + Future Development Program Intersection Operations. Similar to the roadway analysis, the intersection analysis compares the Cumulative + Future Development Program levels of service to Existing levels of service. Cumulative + Future Development Program levels of service should be compared to Cumulative (baseline) conditions in order to assess the impacts of the Future Development Program. **SP**

The mitigations identified for the Cumulative + Future Development Program impacts correctly assign a contribution of fair share fees for the Future Development Program. In other words, the Future Development Program would pay a fair share towards the improvements that have been identified to accommodate Cumulative + Future Development Program traffic. However, Future Development Program T-1(d) requires that the Future Development Program develop an area-wide fee program, including detailed plans for the improvements that have been identified to accommodate Cumulative + Future Development Program traffic. **SQ**

An area-wide fee program should instead be developed by the County as the responsible agency. Similar fee programs have been developed by the County for other areas (e.g. Nipomo area, Templeton area, etc.). It is noted that the Cumulative baseline traffic increases are significant (however, no operational analysis is provided for the Cumulative baseline scenario). For reference, El Camino Real currently carries 5,490 ADT east of Wilhelmina Avenue. The Cumulative growth is projected to increase volumes to 7,250 ADT, an increase of 1,760 ADT. The Tract 2586 Agricultural Residential Cluster Subdivision component is forecast to add 728 ADT to the segment and the remaining project development would add 3,838 ADT to the roadway. This begs the question, why is the Santa Margarita Ranch development being required to develop an area-wide fee program?

The "Plan Requirements and Timing" statements are unclear as to whether or not detailed design plans are required for the mitigations. For instance, Future Development Program Mitigation T-1(b) identifies the need for a traffic signal at the El Camino Real/Wilhelmina Avenue intersection. The associated Plan Requirements and Timing states that "detailed site plans displaying proposed traffic signal shall be included in the Specific Plan (or within individual plans, as applicable) for review by Caltrans and the County of San Luis Obispo prior to approval." **SR**

Does this mean that the signal should be designed prior to approval of the Agricultural Residential Cluster Subdivision component of the project? Furthermore, the Monitoring statement says, "Prior to issuance of occupancy permits, Caltrans and County Public Works shall verify implementation of approved plans." This statement implies that the traffic signal should be designed and install prior to occupancy of the Tract 2586 Agricultural Residential Cluster Subdivision component of the project. Or, it could be interpreted to mean that the traffic signal be designed and installed prior to occupancy of one of the other components of the Future Development Program. In any event, the traffic signal may not be warranted at the time that one of the project components is construction and ready for occupancy, since the need for the traffic signal was determine assuming a 1.4% per annum growth rate for 20 years + pending projects + the Agricultural Residential Cluster Subdivision component of the project + the remaining components of the Santa Margarita Ranch project. SR

It is recommended that the DEIR be revised to indicate that the project pay a fair share of the future improvements needed to accommodate the Cumulative + Project traffic. The improvements should be identified through a fee program developed by the County. An area-wide fee program developed similarly to others in the County, would include cost estimates for all of the future infrastructures projects and assign costs based on traffic generation of the cumulative developments (including developments within the Santa Margarita Ranch). SS

Future Development Program Impact T-2. This impact and the associated mitigation is not substantiated by any analysis. Instead, the Site Access analysis states:

> "Because no active application currently existing for the Future Development Program subsequent to the Agricultural Residential Cluster Subdivision, the assessment of site access is based on a reasonable worst case scenario with regard to the location of future access points. It is assumed that the livestock sale yard and Oakenshaw Retreat Center would connect to SR 58 via the frontage road along U.S. 101...As a result, sight distances cannot be analyzed for this component of the project. However, potential hazards may be associated with assumed access points. For example, the livestock sales yard and Oakenshaw Retreat Center are presumed to connect to SR 58 via the frontage road, which would create unsafe turning movements on SR 58 to access the frontage road...."

ST

All of this text is highly speculative and seems to be written to set up the mitigation measures. The Future Development Programs Mitigation Measure T-2(a) states that a detailed analysis of access points to Future Development Program land uses and possible impacts to area intersections shall be conducted as part of the Specific Plan. The statement goes on to require that the site specific access analysis consider requiring that access to the livestock sales yard and Oakenshaw Retreat Center be provided via a new roadway connection to SR 58 rather than the frontage road. The mitigation also states that the site specific access analysis consider requiring additional access for the residential and commercial areas located south and east of Santa Margarita to minimize intrusion into the existing residential neighborhoods via new roadways extending east to SR 58.

This concludes our reviewed the Transportation and Circulation section of the Santa Margarita Ranch DEIR.

Associated Transportation Engineers

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Principal Planner

SAS/DLD

"Attachment L"

SU

Visual Resources Impact Analysis

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Review of the Visual Resources Section of the Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program"

SU

Introduction

The primary purpose of this report is to review the Visual Resources section of the draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" (DEIR) (Rincon Consultants, Inc., 2007).

SV

The Agricultural Clustering provisions of the San Luis Obispo General Plan Land Use Ordinance identify specific areas where Agricultural Clustering is allowed (San Luis Obispo County Code-Title 22, Land Use Ordinance Section 22.22.150 A.1.a.). Within the General Plan, the Agriculture and Open Space Elements encourage the use of Agricultural Clustering (San Luis Obispo County Code-Title 22, Land Use Ordinance Section 22.22.150 A.1.b.). These two documents combined, encourage and anticipate the use of Agricultural Clustering on Santa Margarita Ranch as an alternative to conventional subdivision techniques. Furthermore, the 1990 Salinas Area Plan identifies an area on the Ranch anticipated for location of an Ag Cluster(s). The EIR for the Salinas Area Plan prepared by Fugro Associates further anticipated the use of Ag Clustering and projected at a program level the potential impacts from such a project and concluded they were not significant except in specific issues areas. During adoption of the Salinas River Area Plan, the County Board of Supervisors adopted "overriding findings" in regard to issues identified as Class I significant impacts and then certified the EIR and adopted the Salinas River Area Plan update - the current General Plan for the Salinas River Planning Area - including Santa Margarita Ranch.

SW

Tract 2586 (Agricultural Residential Cluster Subdivision)

Following a review of the plan submitted for the DEIR, the applicant felt that a Mitigated Project Alternative (MPA) was necessary to provide a more environmentally and visually appropriate plan. The primary purpose of the MPA was to locate lots out of views from public roadways and residences, and away from sensitive habitats and slopes. The overall goal of the MPA was to reduce impacts to below the level of being significant, adverse and unavoidable (Class I).

SX

Methodology

Mitigated Project Alternative Methodology

Several site visits were made to the proposed Agricultural Cluster Subdivision at the Santa Margarita Ranch (Ranch) to review existing lot locations. Particular attention was given lots shown as visible in the DEIR in figures 4.13-2, 3 and 4. The MPA carefully scrutinized these lots. When necessary, the MPA has relocated the lots to more appropriate locations.

SY

Story poles were erected to verify that the lots were not visible, and they were also used to determine appropriate building heights. The story poles are a total of 28' high with 4 inch x 5 feet bands with varying colors located at 28', 22' and 17'. Several lots were relocated based on this study because they were found to be visually dominant. Photos and video was taken of the poles, and they are still located on-site for future visual verification.

Rating systems were used to evaluate the level of potential visual impact. Examples were taken from the U.S. Department of the Interior and the U.S. Forest Service. The visual effect from view points were rated based on specific criteria, and then given an accumulated value to determine the degree of visual impact. **SY**

The MPA reviewed archeological data, biological mapping, slope surveys and existing roadway locations to locate lots in more appropriate locations. Archeological sites, wetlands and drainages were carefully avoided; building envelopes were developed to preserve existing trees and avoid steep slopes; and existing agricultural roads were used as often as possible to minimize impacts.

DEIR Methodology and Thresholds of Significance for Impact Analysis:
The DEIR lists four CEQA threshold criteria that may result in identification of significant adverse impacts to Visual Resources:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; and/or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

SZ

However, the DEIR does not follow the criteria as the basis for assessment of the visual impacts of the proposed Ag Cluster. The DEIR instead establishes two thresholds different from CEQA. The DEIR states that "modifications to the viewshed were considered not significant if the modification would be **visually subordinate**". A modification that is **visually dominant**, or one that substantially modifies the existing view adversely, is considered a **significant impact**. **TA**

However, in the impact analysis VR-1 the standards referred to are "visible" or "alter" or "modify" the visual character. Careful review of the CEQA Guidelines criteria reveals that the threshold for significance is not "visible," "alter," or "modification". The CEQA criteria are clearly defined. An example of this change in threshold away from the CEQA threshold is in regard to trees, rock outcroppings, and historic buildings within a State Scenic Highway. The CEQA threshold is clearly stated as "**substantially damage**" not "modification" as used in the DEIR. Another example in regard to visual character is the CEQA threshold of "**substantially degrade**" the existing visual character or quality of the site and its surroundings. "Substantially degrade" is a far different threshold than "modification" used in the DEIR. **TB**

Findings

The MPA significantly reduced the number of visible lots to eight, which are visible for very short periods of time. These lots are located in three separate areas on the Ranch. These lots will be restricted in height and by design guidelines, and none of the lots will silhouette against the sky. Landscape screening and appropriate architectural design will also mitigate these impacts, therefore, these lots were considered not visually dominant or significant.

TC

The MPA has maintained the natural and agricultural countryside as much as possible, and protected the existing views from surrounding residential areas and roadways. The ability for the landscape to screen the potential light and glare impacts is very high. There is ample rolling terrain and dense vegetation, and the home sites have been carefully nestled into the trees and tucked away into the terrain. The continuance of the working vineyards and cattle grazing, protection of open space and habitat areas, plus the reduced visual impacts will maintain a rural ranch atmosphere.

The proper application of CEQA thresholds, County General Plan Policy direction, and interpretation precedence established by prior Ag Cluster projects, requirement of the DEIR mitigation measures and requirement for the mitigation measures contained in the applicants MPA clearly reduce the Visual Resource impacts to less than significant. Visual impacts have been significantly reduced. Visual Resources should be changed from Class 1, Significant and Unavoidable Impacts to Class II Impacts, Significant but Mitigable Impacts.

TD

<u>Significant Comments and Questions Regarding the DEIR</u>

A. **Impacts overstated based on incorrect assumptions:**
Lots 1, 30, 92, 93, 106, and 112 were found by the applicant not be visible from view locations shown in the Viewshed Photo Simulations in the DEIR. Lots 1, 30, 92, 93, and 106 were verified with story poles. The story poles are located on the site for future verification.

The applicant performed additional visual analysis of Lot 30 including the placement of story poles and determined that a structure within the residential building envelop of Lot 30 would not be visible from the photograph location in figure 4.13-2.

TE

B. **Impacts overstated before mitigation:**
Lots 50, 51, 53 and 54 were not shown as being visible on the Viewshed Photo Simulation from Highway 58 (Figure 4.13-3), yet they are called out as potentially silhouetting in the DEIR. See discussion below in "Comments and Recommendations regarding DEIR Mitigation Measure, VR-1(a)".

TF

C. **Impacts overstated before mitigation:**
State Route 58 and West Pozo Road are not designated scenic corridor routes. Despite this, the DEIR evaluates views from them as if they were scenic highways using the criteria that they have the "potential" to become scenic "roadways". This is a mis-application of policy.

TG

D. **Impacts overstated before mitigation:**
Design Guidelines were submitted to County for distribution to DEIR authors. They were apparently not included or referenced in the DEIR. These guidelines reference the project's goals and policies for minimizing disruption to the surrounding environment, and home site and roadway design criteria. The guidelines also describe the working agricultural ranch and residential lot transitions, and locating the water tank underground. The Vineyard Estates Development Guidelines are attached for reference (Attachment 2.A) **TH**

<u>Comments and Recommendations Regarding the DEIR Section 4.13.2, VR-1</u>
Impact VR-1. The clustering of the proposed Agricultural Residential Cluster Subdivision units and preservation of open space and agricultural lands would partially maintain the rural character of the site. However, the proposed development has the potential to alter the aesthetic character of the Agricultural Residential Cluster Subdivision vicinity through ***alteration of scenic vistas****, the introduction of* ***new light and glare*** *generators into the area, and the changing of the area's character from a* ***rural to rural-residential*** *condition. This is Class I, significant and unavoidable, impact to the aesthetic character of the area.*

A. **Impact Analysis: The Agricultural Residential Cluster Subdivision has the potential to alter the aesthetic character through alteration of scenic vistas:**
The Mitigated Project Alternative addresses the relocation (if necessary) of lots called out as visible in the DEIR to have minimal or no visual impact. All of the potentially visible lots were verified with story poles, and they are still located on the Ranch for future verification. Eight of the lots were determined to be potentially visible (see below). These lots are located in three separate areas on the Ranch. These lots will be restricted in height per design guidelines, and none of the lots will silhouette against the sky. Therefore, these lots are considered visually subordinate and not significant. **TI**

The MPA has permanently protected scenic viewsheds and environmentally sensitive areas by maintaining the historical rural setting. Natural topography, vegetation and scenic features have been retained and incorporated into the MPA. Lots, building envelopes, and roadways have been carefully located to not significantly affect or damage scenic views or impact sensitive habitats. Each lot and building envelope was critically examined to determine placement. Building envelopes were developed to locate home sites away from trees and drainages, and development was restricted on slopes 30% or greater. Roads have been minimized and existing agricultural roads used as much as possible. New roads and driveways conform to topography and vegetation patterns, and are as narrow as possible. Grading will preserve hillsides and natural topography whenever feasible. Gentle grading transitions will be used, and cut and fill slopes will conform to existing landforms. Water tanks and utility services will be buried below grade. Refer to Mitigated Project Alternative Building Envelope Map, Sheets 1 through 5 (Attachments 2.B.1 to 2.B.5)

Estrada Avenue and J Street: In this evaluation, the DEIR establishes a new threshold inconsistent with the CEQA guidelines. The DEIR concludes "nevertheless, because the development would alter the rural character of the site to a more developed condition as **TJ**

viewed from public roadways and private residences in the community of Santa Margarita, the Agricultural Residential Cluster Subdivision would result in potentially significant impacts on views from the viewing corridors". Review of Figure 4.13-2 indicates that one residential structure will be partially visible at a distance of approximately 3,000 feet from the location of the photographer. Partial visibility of one residence at a distance of 3,000 feet does not violate the CEQA thresholds of "substantially adverse effect" or "substantially degrade" as applied to the context of this site. The foreground of the photograph shows at least five other built structures. Protection of views from existing private residences is not county policy and is not a CEQA threshold for significance. The application of protection of views from private residences as a threshold is therefore inconsistent with CEQA and County policy. **TJ**

In the MPA, Lot 2B is not visible at Estrada Avenue and J Street; however, it may visible from the residential areas in this vicinity. It is located behind dense vegetation and restricted to a 17-foot height. View from the community is at a significant angle away from the viewpoint at a distance of 2,500 feet - not visually significant or dominant. **TK**

State Route 58 Viewshed: State Route 58 is not a designated scenic highway and therefore Scenic Highway protection policies are not applicable. The DEIR indicates that "Lots 1-4, 6-11, 14 and 52 would be *visible* in the background" (emphasis added). The DEIR further states that "certain proposed residential structures may silhouette against the sky from the viewpoints". The DEIR does not identify which structures would silhouette. The DEIR does not use the CEQA thresholds as the basis for determining significance. Instead, the threshold is established at mere "visibility". This is not consistent with the CEQA thresholds of "substantial adverse impact" or "substantially degrade" as applied to scenic vista or visual character. The applicant as part of preparation of a MPA reviewed each lot identified in Figure 4.13-3. Lot visibility from State Route 58 was verified by the placement of story poles, and lots were relocated (if necessary) to reduce visibility to less than dominant, eliminate visibility altogether, or restrict building heights to reduce visibility. **TL**

In the MPA, four lots have the potential to be visible from State Route 58. None of these lots will be visible at the same time due to the rolling terrain on State Route 58 and existing trees in Tract 2586.

Lot 2B is visible briefly from State Route 58. It is located behind dense vegetation and restricted to a 17-foot height. Lot 2B is located in a significantly different area of the development from Lots 4, 11 and 14; and will not be viewed from the same stretch of highway. There will be a glimpsing view of 2B from SR 58 at a significant angle away from the road at a distance of 2,500 feet for three stretches 4 seconds at 35 mph - not visually significant or dominant. **TM**

Lot 4 is visible briefly from State Route 58. It is located behind dense vegetation and restricted to a 22-foot height. There will be a glimpsing view from SR 58 at a distance of approximately 4,350 feet for two stretches 2 seconds at 50 mph - not visually significant or dominant.

Lot 11 is visible briefly from State Route 58. It is located behind dense vegetation and restricted to a 17-foot height. There will be a glimpsing view from SR 58 located at a distance of approximately 4,150 feet for 3 seconds 35 mph - not visually significant or dominant.

TM

Lot 14 is visible briefly from State Route 58. It is located behind dense vegetation and restricted to a 17-foot height. There will be a potential view from SR 58 at a distance of approximately 4,150 feet for 10 seconds at 50 mph - not visually significant or dominant.

West Pozo Road Viewshed: West Pozo Road is not a designated scenic highway and therefore Scenic Highway protection policies are not applicable. The DEIR identifies that Lots 90, 92 - 95, 97 - 99, 101, 104, 106, and 112 would be *visible* in the background from West Pozo Road and SR 58" (emphasis added). The DEIR further states that "certain proposed residential structures may silhouette against the sky from the viewpoints". The DEIR does not identify which structures would silhouette. The DEIR does not use the CEQA thresholds as the basis for determining significance. Instead the threshold is established at mere "visibility". This is not consistent with the CEQA thresholds of "substantial adverse impact" or "substantially degrade" as applied to scenic vista or visual character. The applicant as part of preparation of a MPA has reviewed lots identified in Figure 4.13-4 in regard to visibility.

TN

In the MPA, four lots have the potential to be visible from State Route 58. None of these lots will be visible at the same time due to the rolling terrain and existing trees in Tract 2586.

Lot 52 is visible briefly from West Pozo Road. It is located behind dense vegetation and restricted to a 17-foot height. There will be a glimpsing view from West Pozo Road at a significant angle away from the road at a distance of approximately 2,200 feet for 1 second in two stretches at 55 mph - not visually significant or dominant.

TO

Lot 54 is visible briefly from West Pozo Road. It is located behind dense vegetation and restricted to a 17-foot height. There will be a glimpsing view from West Pozo Road at a significant angle away from the road at a distance of approximately 2,200 feet for 3 seconds in two stretches at 55 mph - not visually significant or dominant.

Lot 91 is visible briefly from West Pozo Road. It is located behind dense vegetation and rolling terrain and restricted to a 17-foot height. There will be a glimpsing view from West Pozo Road at a significant angle away from the road at a distance of approximately 2,500 feet for 3 second in two stretches at 55 mph - not visually significant or dominant.

Lot 104 is visible briefly from West Pozo Road. It is located behind dense vegetation and rolling terrain and restricted to a 17-foot height. There will be a potential view from West Pozo Road at a distance of approximately 4,200 feet for 5 seconds at 55 mph -not visually significant or dominant.

The following table is formatted based on the HASSELL Visual Assessment Matrix, a rating system used by the U.S. Department of the Interior and the U.S. Forest Service to determine visual impacts (Attachment 2.C). The eight visible lots were rated based on specific criteria, and then given an accumulated value to determine degree of visual impact.

TP

Lot #	Visual Character	Visual Modification	Horizontal Effect	Vertical Effect	Distance to View Point	Final Value
2B	Natural Transition -Value 4	Limited Impact - Value 2	20 degrees - Minor Impact - Value 1	15 degrees- Minor Impact - Value 1	Point 1- 0.5 mile (0.8 km) - Value 4	Value 12- Slight
2B	Natural Transition -Value 4	Limited Impact - Value 2	20 degrees - Minor Impact - Value 1	15 degrees- Minor Impact - Value 1	Point 1a- 0.3 mile (0.5 km) - Value 4	Value 12- Slight
4	Natural Transition -Value 4	Limited Impact - Value 2	20 degrees - Minor Impact - Value 1	10 degrees- Minor Impact - Value 1	Point 2 - 0.8 mile (1.3 km) - Value 3	Value 11- Slight
11	Natural Transition -Value 4	Limited Impact - Value 2	10 degrees- Minor Impact - Value 1	10 degrees- Minor Impact - Value 1	Point 2a - 0.8 mile (1.3 km) - Value 3	Value 11- Slight
14	Natural Transition -Value 4	Limited Impact - Value 2	25 degrees- Minor Impact - Value 1	15 degrees- Minor Impact - Value 1	Point 2 - 0.9 mile (1.4 km) - Value 3	Value 11- Slight
52	Natural Transition -Value 4	Limited Impact - Value 2	30 degrees- Minor Impact- Value 1	15 degrees- Minor Impact - Value 1	Point 3b - 0.3 mile (0.5 km) - Value 4	Value 12- Slight
54	Natural Transition -Value 4	Limited Impact - Value 2	30 degrees- Minor Impact- Value 1	15 degrees- Minor Impact - Value 1	Point 3b - 0.3 mile (0.5 km) - Value 4	Value 12- Slight
91	Natural Transition -Value 4	Limited Impact - Value 2	20 degrees - Minor Impact - Value 1	15 degrees- Minor Impact - Value 1	Point 3a - 0.3 mile (0.5 km) - Value 4	Value 12- Slight
104	Natural Transition -Value 4	Limited Impact - Value 2	25 degrees- Minor Impact - Value 1	15 degrees- Minor Impact - Value 1	Point 3 - 0.8 mile (1.3 km) - Value 3	Value 11- Slight

The rolling terrain on both the traveled roadways and MPA create scattered glimpses of a few home sites, most for a few seconds at a time, at significance distance and with a forced turn of the head. The observer will have to be searching to make out an occasional house through the trees. The views of the homes will be very minor relative to the broad panoramic open space and the complexity of the surrounding landform and vegetation. None of the homes will be permitted to silhouette, and the densely vegetated hillsides behind the lots will further shield the homes from view. Refer to Mitigated Project Alternative Reduced Visual Impacts (Attachment 2.D) **TP**

Conclusion: Impacts will be reduced to Class II with mitigations as proposed in the Mitigated Project Alternative.

B. **Impact Analysis: The Agricultural Residential Cluster Subdivision has the potential to introduce new light and glare in the area:**
The DEIR indicates that nighttime lighting associated with the Ag Cluster may adversely affect passing motorists, degrade the nighttime view from public viewing corridors (WPR and SR 58) of the area in general. The DEIR fails to provide any evidence supporting the assertion that nighttime lighting will "adversely affect passing motorists" ,yet concludes that this is part of a significant, adverse and unavoidable impact. Furthermore the DEIR makes broad assumptions about the type of lighting proposed but fails to consider obvious and simple mitigation measure that could reduce impacts. For example, the DEIR assumes that street lighting will be present in the Ag Cluster. However, the DEIR does not consider that other existing Ag Cluster projects do not have street lighting along the streets with the cluster area (Varian Ranch, Edna Ranch). The DEIR also fails to consider practicable and relatively simple mitigations to restrict the height, wattage and fixture design for other types of lighting that could reduce impacts. **TQ**

Development will be carefully located to reduce impacts from light and glare, and restricted by Architectural Guidelines. Home orientation and window placement will be considered on a lot-by-lot basis, and landscape screening and ample tree planting will be incorporated to minimize potential impacts. The following mitigations measures, if applied to this Ag Cluster, could reduce impacts substantially: **TR**

1. Limit entry lighting at the project entry to focused identification lighting directed away from WPR and SR 58. Further limit the lighting to spot type fixtures without side spill. Prohibit streetlights at the entry.
2. Limit street lighting to a maximum of 2 light fixtures at each street intersection. The fixtures to be limited to 10 feet in height and hooded to force light into a downward (to the ground) pattern only with no side "spill" light. **TS**
3. Prohibit "area" lighting on the individual home sites. Require all exterior yard lighting to be down lighting without side spill and limit the height to three feet.
4. Require all residential lighting mounted on the outside of the residential buildings (porch lights, patio lights, etc.) to be down lighting and controllable by dimmer switch.
5. Prohibit security lighting operated by motion sensors.
6. Prohibit reflective building materials and roof materials

The ability for the landscape to screen the potential light and glare impacts is high. The MPA is primarily separated from the roadways by a large landforms that shields the development from view, and therefore unlikely to produce glare. The MPA has been separated into five separate and distinct areas that are visible at different times from varied locations. The home sites have been carefully nestled into the trees and tucked away into the terrain. Some lights may be visible at night; however, due to the dense tree canopy and gently rolling terrain, it will be minimal. **TT**

Conclusion: The proposed mitigated alternatives will reduce the impacts from lighting to less than significant.

C. **Impact Analysis: The Agricultural Residential Cluster Subdivision changes the character from rural to rural-residential:**
The DEIR conclusion (page 4.13-6) indicates the project has the "potential to *alter* the aesthetic character of the site vicinity by *changing* the scenic views from public viewing locations by introducing community design elements that may be aesthetically inconsistent with the surrounding area". The DEIR proposes thresholds to determine significance "alter" and "change" that are inconsistent with CEQA guidelines. The CEQA guidelines as indicated on page 4.13-3 of the DEIR are more definitive. The CEQA guideline thresholds are "substantial adverse effect" or "substantially degrade". The DEIR fails to establish substantial degradation will occur and the adverse effects identified are in many cases done without consideration of simple, feasible mitigation measures utilized in other existing Ag Cluster projects. **TU**

The Mitigated Project Alternative has been carefully scaled and developed in areas with limited agricultural productivity. The project has a very low population density, and clustered lots provide ample open and natural countryside. Lots are arranged to fit the character of the land and preserve open space. Development is surrounded by open space and agricultural uses which serve as a greenbelt to the project. The rural atmosphere of the ranch will remain due to the continuance of the working vineyards and cattle grazing. **TV**

Conclusion: DEIR impacts are overstated and can be reasonably mitigated.

<u>Comments and Recommendations Regarding DEIR Mitigation Measures</u>
The applicant has the following comments on the suggested mitigation measures:

DEIR Mitigation Measure, VR-1(a):
Prohibition of Structural Silhouetting. Proposed lots located on on-site ridgelines shall be relocated, building heights shall be limited, and vegetative screening shall be provided such that the residential units do not silhouette against the sky when viewed from off-site viewpoints. If structural setbacks are implemented, structures shall be setback as follows: units on Lots 50 through 54 shall be setback to the west from the top of the bluff a sufficient vertical distance to preclude silhouetting of units on the top of on-site bluffs. This could also require the relocation of Lots 47 and 55. **TW**

The lots on the ridgelines were studied and found to not silhouette, or in sole cases even be visible, and therefore not necessary to relocate. Lots 50, 51, 53 and 54 were not shown as being visible on the Viewshed Photo Simulation from Highway 58 (Figure 4.13-3). To further verify their potential visibility, story poles were erected on each of the lots located on the ridgeline. Lots 50, 52, and 53 were found to not be visible from any public viewing location; however, Lot 54 was determined to be visible in glimpses from the West Pozo Road. All of these lots will be restricted in height to not silhouette, and by design guidelines to not be visually significant or dominant. **TW**

DEIR Mitigation Measure, VR-1(b):
Avoidance of Visual Prominence. To avoid the visual prominence of structures located at Lots 1 through 4, 6 through 11, 14, 30, 52, 90, 92 through 95, 97 through 99, 101, 104 through 106, and 112, no structure shall exceed a height of 22 feet, except for ancillary features such as antennas or other elements determined to be compatible by Planning and Building.

The visual prominence of structures was carefully studied, and story poles were erected to determine appropriate building heights. Based on visual studies, some of the lots described in this mitigation measure will vary from 22' in height. **TX**

- The following lots will be restricted to 17 feet high:
  - Lots 2B, 11, 14, 30, 52, 53, 54, 91 and 104
- The following lots will be restricted to 22 feet high:
  - Lots 4, 94, 95B, 96B, 99B, 100, 101, 105, and 106
- The following lots will be restricted to 28 feet high:
  - Lots 1, 10B, 35B, 50, 91, 92, 93, and 112
- The remaining lots will be permitted to 35 feet high

DEIR Mitigation Measure, VR-1(c): Acceptable **TY**

DEIR Mitigation Measure, VR-1(d): Acceptable **TZ**

DEIR Mitigation Measure, VR - 1(e): Acceptable **UA**

DEIR Mitigation Measure, VR - 1(f): Acceptable **UB**

DEIR Mitigation Measure, VR - 1(g): Acceptable **UC**

DEIR Mitigation Measure, VR - 1(h): Acceptable **UD**

DEIR Mitigation Measure, VR - 1(i): Acceptable **UE**

Future Development Program
The Future Development Program is at a conceptual level and is subject to interpretation. Given the conceptual level of detail, the DEIR assumed the worst-case scenario for the program development. The applicant is committed to creating a project that maintains a rural character. **UF**

Methodology
Site visits were made to the areas surrounding the Future Development Program areas to analyze program locations. Particular attention was given to areas listed as potentially visible in the DEIR. UG

Findings
The Future Development Program will be designed at a more detailed level in the future. The applicant is committed to creating a project that maintains a rural character. Development will be restricted in height per design guidelines, and none of the project will silhouette against the sky from public viewing areas. UH

The Future Development Program portion of the project contains potential development envelopes within identified areas of the Ranch. Specific uses are listed within those envelopes; however, locations are not chosen. The impact the Future Development Program may have visual resources that cannot be sufficiently quantified in a Program level review; therefore the Class I impact has no basis. Furthermore, the setting may change in the future, and the DEIR cannot foresee future scenarios. In-lieu of identifying Class I impacts based on speculation, it would be more appropriate to incorporate mitigation measures that would be implemented if a Specific Plan were submitted for the Ranch. UI

<u>Comments and Recommendations Regarding the DEIR Section 4.13.19, VR-1</u>
*Impact VR-1 Development Program would unavoidably **alter the existing rural visual character of the area, introduce new development along viewing corridors,** and introduce **new light and glare generators** into the area. Potential impacts to visual resources are Class I, significant and unavoidable.* UJ

A. **Impact Analysis: The Future Development Program alters the existing rural visual character of the area, and may introduce new development along viewing corridors:** The Future Development Program is consistent with the adopted General Plan and certified EIR. The elements of the Future Development Program described in the General Plan were derived from an extensive community outreach effort. This process, which reached consensus, reflects the General Plan Land Uses identified in the Salinas River Area Plan.

The Future Development Program has been carefully located away from the surrounding community and existing roadways. The program has located areas available for potential development in areas unsuitable for agriculture and areas that are not environmentally or culturally significant. The program will maintain ample open and natural countryside. Development areas will be arranged to fit the character of the land and preserve open space, biological habitats, and historical resources. Development will be surrounded by open space and agricultural uses which will serve as a greenbelt to the project. UK

The applicant will develop Landscape Guidelines to blend the development with the surrounding area. The landscape will mimic the natural environment with open space in non-agricultural areas left as native grassland and trees. Sensitive biological habitat areas are protected, and agricultural buffers and building envelopes are developed. UL

Walls and fences will be natural building materials and colors, and incorporate historic fence types will be used whenever feasible. The golf course will appear as natural as possible. The golf course will be located around natural features and incorporate the natural topography. Turf will be limited, and will integrate native grasses that blend with the surrounding hillsides.

The applicant will develop Architectural Guidelines to develop several building styles that have the design principles and massing of historic ranch structures and draw from historic influences. The styles will be carefully located and vary depending on the lot location and visibility. Natural building materials and colors compatible with surrounding environment will be specified. Height and scale will be compatible with surrounding environment and vary based on existing vegetation and slopes. Structures will be built around tree canopies and be designed to accentuate these features and not remove them. Structures will be located to conform to existing topography with stepped foundations used for sloping lots. Storage, refuse and loading areas will be screened from public view, and parking lots appropriately landscaped. UL

Building heights will be limited to prohibit silhouetting and shield structures from public viewing areas, and surrounding vegetation and topography will be incorporated to further screen development. There is considerable rolling hill and dense vegetation in the program areas, and ample locations for sensitively located development. The program areas will not be located adjacent roadways. Fast growing native landscaping will be developed to further screen development from view.

Conclusion: DEIR impacts are overstated and can be reasonably mitigated.

B. **Impact Analysis: The Future Development Program may introduce new light and glare generators in the area:**
Any new development will produce some light and glare; however, the Future Development will minimize impacts as much as possible. Lighting Standards will be developed to ensure that lighting is oriented away from sensitive uses. Hooded and shielded lights with no exposed bulbs will be specified and used only for safety and security on pathways, parking and loading areas. Streetlights will be 12-feet high and located at intersections only, and parking lot lights and decorative lighting will be a low intensity. Architectural Design Guidelines will be developed (see above) and reflective building materials, signage, and surface materials will not be permitted. UM

Existing residences surrounding the program areas are in a densely populated community. The program areas are located in separated areas throughout the Ranch and visible at significantly different times from varied locations. The projects will not all be constructed at one time.

Conclusion: DEIR impacts are overstated and can be reasonably mitigated.

<u>Comments and Recommendations Regarding DEIR Mitigation Measure, VR-1(a-d)</u> UN
See responses to Tract 2586 above.

"Attachment M"

UO

Water and Wastewater Impact Analysis

Joseph Scalmanini
Consulting Engineer

LUHDORFF & SCALMANINI
CONSULTING ENGINEERS

GROUND-WATER RESOURCES
HYDROLOGY • DEVELOPMENT • MANAGEMENT

April 11, 2007
File No. 07-1-019

UO

Mr. James Caruso
Department of Planning Building
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408-2040

SUBJECT: COMMENTS ON THE DRAFT EIR FOR THE SANTA MARGARITA RANCH AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION

Dear Mr. Caruso:

At the request of Santa Margarita Ranch, Luhdorff and Scalmanini, Consulting Engineers (LSCE) have reviewed the Draft Environmental Impact Report (DEIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Program prepared by Rincon Consultants, Inc. (Rincon). This letter includes comments on the hydrogeologic evaluation and findings in the DEIR and specific comments on predicted impacts and proposed mitigation for the Agricultural Cluster Subdivision (Project). We are preparing a separate comment letter to address predicted impacts and mitigation measures for the Future Development Program (Program). Our comments herein focus on the analysis of hydrogeologic conditions, impacts, and mitigation summarized in Section 4.14 and Appendix K of the DEIR. That appendix contains the hydrogeologic study prepared by Hopkins Groundwater Consultants, Inc. (Hopkins) in June 2006.

UP

In summary, our most significant comments relate to the speculative nature of the conclusions, expressed in the DEIR and in the transmittal of the Hydrogeological Study, that the net consumptive use of the proposed project (96 afy according to the Hydrogeological Study) "**may** contribute to overdraft of the aquifer system" and that "the groundwater resources beneath the Santa Margarita Ranch **may** not be sufficient to support the existing land uses and the proposed Agricultural Residential Cluster Subdivision project and/or the Future Development Program" (emphases added). These conclusions are particularly questionable in light of the finding in the body of the Hydrogeological Study that "available data do not directly indicate that the aquifer system beneath the Ranch is in overdraft". They are even more questionable when considered in the context of actual existing water demands on the Ranch, which are incorrectly estimated in the Hydrogeological Study and the DEIR to be about three times the actual water demands. Other notable comments on the overall combination of the DEIR and Hydrogeological Study extend to the speculative nature of

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groundwater basin yield. Despite the lack of any quantitative analysis, the Hydrogeological Study concludes that "the average annual yield of the groundwater basin beneath the ranch **may** ultimately prove to be in the range of between 400 and 600 afy (emphasis added). It is fundamentally impossible to understand how a "hydrogeological study" can estimate current water demands to be slightly more than 1,600 afy (for a number of years), to also report that groundwater basin yield "may ultimately prove to be" less than that demand by at least 1,000 afy, and to then find that available data do not indicate the aquifer system to be in overdraft. Finally, despite any limitations in data, it defies fundamental understanding of both groundwater hydrology and the calculation of various hydrologic quantities to express that the net increase of an estimated 96 afy for the Project cannot be assessed until after the demand is in place and groundwater levels are measured over "at least one complete hydrologic cycle to establish a trend (generally several decades)". This is tantamount to saying that one needs to build the project in order to assess its impacts but, short of that, since safe yield cannot be "verified" and overdraft condition "is not known" (in conflict with the Hydrogeological Study), the impacts can simply be stated as "could be" significant, which is what the DEIR concludes. This flawed line of reasoning leads to the unwritten conclusion that there is no available groundwater for the project, and that all new demand needs to be met with imported water (Mitigation Measure W-1(c)). UP

Included with these comments are summaries of overall water budgets for the four watersheds in the Santa Margarita area and focused water budgets for the existing irrigation operations at the Ranch, and for the proposed Project. The focused water budgets track the groundwater that is, or is proposed to be pumped; and they are used to make quantitative estimates of how much new recharge has occurred, or would be expected to occur. These water budgets also identify the probable source of recharge that reduces groundwater impacts from existing pumping and the proposed Project; and they place the magnitude of that recharge in a context which is quantitatively small, but can be objectively assessed as to significance.

In order to ultimately comment on the findings and proposed mitigation in the DEIR, the following is organized to first address certain components, most notably the water demands and groundwater conditions, of the Hydrogeological Study, since it appears to be the basis for most of the discussion, findings, and recommended mitigation related to groundwater in the DEIR.

1.0 HYDROGEOLOGICAL STUDY (HOPKINS' REPORT)

1.1 Water Demands

Residential Water Demand – The current and projected water demands for the Ranch used in the DEIR are based on estimates shown in Table 1 of the Hopkins' report, and some of these estimated demands are notably high, which in turn affect all the subsequent analysis of both historical and projected groundwater-related impacts. The estimated water use factor for existing and proposed residential clustered lots on the Ranch (1.44 acre-feet [af]/lot) is UQ

reasonable for the existing residential cluster (Tract 1), which has relatively large lots, but is high for the Project, which will have smaller lots (average of 1.1 acres) and will also incorporate water conservation measures in the design. The Hopkins' demand estimate was extracted from a reference table. Cleath (2004) noted that the community of Garden Farms contains 91 lots that range in size from 0.5 to 2 acres (ac) and have an average water demand of 0.9 af/lot. Cleath estimated the water demand of the Project to also be 0.9 af/lot based on the metered usage in Garden Farms. Hopkins dismissed the Cleath observations of actual water use by speculating that the proposed project would "likely include substantial landscaping, swimming pools, etc." Since the difference in projected residential demand is relatively small, both the Hopkins and the Cleath demand estimates are shown on **Table 1-1,** and the impacts of both are discussed below. The Cleath report and other references cited in this comment letter are listed in **Appendix A.** UQ

Agricultural Water Demand – Hopkins estimated the demand for irrigation of the existing vineyard on the Ranch to be 1,558 af/year (afy). This is approximately three times the actual irrigation demand based on Ranch pumpage and irrigation data discussed below. One reason for the erroneously high estimated demand is that the net vineyard acreage (the area that is actually planted to grapes) is about 782 acres according to detailed Ranch records. This represents 80 percent of the gross acreage (974 acres) that was used for Hopkins' calculations. The difference (88 acres) includes unplanted areas between the vine rows and the surrounding fences to allow access by farm machinery. It also includes reservoirs, pumping stations, staging areas, and vineyard access roads. While the total area is devoted to overall vineyard operation and can thus be properly classified as vineyard, only that portion that is actually planted has an irrigation water requirement. UR

The difference between net and gross vineyard acreage is not the primary reason that irrigation demands estimated by Hopkins are high. The demand was calculated using an applied water factor of 1.6 af/ac/yr, which was based on estimates in a 1991 EIR prepared by the California Department of Water Resources (DWR). Although that value may have been appropriate at that time, it is far higher than the water use for modern vineyards. The combination of modern vineyard cultural practices and the use of drip irrigation results in much lower irrigation requirements than estimated by Hopkins. Estimates of applied water demand for vineyards irrigated with drip are available from several sources, including Battany (2007). As shown in **Appendix B,** Battany calculated an irrigation rate of 154 gallons per vine between May 1 and September 30, 2006 for eight mature vineyards near Paso Robles. For the Ranch's vine density of 908 plants per acre, this would represent an irrigation rate of 0.43 af/ac during the six-month period when most irrigation occurs. As discussed below, after considering other water requirements (e.g. for frost protection, or pre-irrigation in the spring, or post-harvest irrigation in the fall) this is similar to the actual water demand for vineyards at the Ranch.

The Ranch's vineyards were planted by the Robert Mondavi Winery, with approximately 300 acres planted in 2000, about 200 acres in 2001, and about 300 acres in 2002. The three

vineyard areas, labeled Phases 1 through 3, are shown on **Figure 1-1**. A drip irrigation system was installed in each vineyard at the time of planting. The drip system uses a single 0.5 gallon per hour (gph) emitter per vine, and the vines are planted six feet apart with eight-foot spacing between rows. There are thus 908 plants per acre, and the resulting application rate is about 450 gph/ac. The overall vineyard is divided into 50 blocks, and each block is irrigated on a different schedule depending on grape variety and soil type. The previous operator maintained some records of each irrigation event so that the irrigation schedule and the amount of water applied to each vineyard block could be tracked. As part of this review, LSCE used 2003 irrigation records, which were the most complete available data, to calculate actual irrigation demand; the results are summarized in **Table 1-2**. For reference, the 2003 water year was approximately average, with a precipitation total of about 30.7 inches.

UR

Based on the available records of actual irrigation cycles, applied water through the drip irrigation system was about 250 afy in 2003. In addition to drip irrigation, some water is also used for frost control during most years and is applied using micro-sprinklers above each row of vines. Beginning in mid to late March, the frost control sprinklers are activated for about four hours a night when the temperature drops below 34 to 36 degrees Fahrenheit. The frost control sprinklers apply about 18 gallons per minute per acre (1,080 gph/ac), and all but 95 acres of the vineyard are equipped with frost control sprinklers. The number of nights requiring frost control measures varies considerably from year to year. The frost control system was used extensively in 2003, which had a relatively cold spring, resulting in the application of 123 af of water. In contrast, the frost control sprinklers were not activated at all in 2006. At the low micro-sprinkler application rate, much of the water used for frost control is retained in the soil beneath the vines and replaces an equivalent amount of pre-irrigation that would otherwise be required. In other words, whether applied for frost control or as pre-irrigation, which are totally dependent on year-to-year weather, the total amount of applied water is about the same.

Other agricultural water uses shown on **Table 1-2** are water for spraying, dust control during the grape harvest, and evaporation and seepage from three reservoirs that occupy a total of 15 acres. Reservoir evaporation is estimated to be about 80 afy; however, about half of that loss is directly offset by incident precipitation of about 40 afy, resulting in a net evaporative loss from the reservoirs of about 40 afy.

Based on available operational records for 2003, total water requirements for irrigation, frost protection, and related operations were about 435 af, which equates to about 0.56 af/acre. That unit water demand factor would be generally consistent with the Battany analysis described above. However, after consideration of metered and other pumping records on the Ranch, as discussed in the next section, that calculated unit water demand was increased to 0.67 af/acre. The resultant total amount of pumping for irrigation, and frost control when required, plus other related water uses, is about 525 afy. While current Ranch operations tend toward reduced irrigation rates, 525 afy is a realistic estimate of the Ranch's average water demand since the vineyard was fully planted.

Hopkins attempted to justify its high water demand estimate (1,558 afy) by claiming that mature crops require more water, due in part to greater leaf area and crop canopy. This is completely counter to modern vineyard cultural practices, which fundamentally focus on controlled plant growth and grape production. Those cultural practices are, in turn, complemented by the use of vine root stocks that develop deep root structures and thus can reduce the applied water requirement by accessing deeper soil moisture when mature. There is no basis for the Hopkins' rationale that mature vineyards require more applied water. In fact, applied water is purposely constrained at certain points in the annual growth cycle, first to limit the length (and thus the leaf area) of canes, and later to force the development of the wine grapes. The applied water rates described herein are realistic for irrigation on the Ranch, and in the surrounding area as reported by Battany. In contrast, application of the water rates assumed by Hopkins would result in failed vineyard production (promotion of vigorous plant growth and poor quality wine grapes). The significant discrepancy between limited pumpage data and higher estimated demand is not explained in the Hopkins' report except to dismiss the available pumpage data and note that vineyards take approximately four years to mature, with a gradually increasing irrigation demand during this period. In fact, more water is applied during the first two years when the grape roots are shallow, and mature plants require less water partly because of their deep roots according to the Ranch's Vineyard Consultant (Neil Roberts, 2007, personal communication). UR

1.2 Groundwater Pumping

The records of irrigation (and frost protection) system operation, described above, can be compared against flow meter data from the respective wells, and from engine operating records at the respective wells. Rick Hoffman and Associates (RHA, 2006a) reported one-time flow meter malfunctions on four of the Ranch wells; it appears that, as a result, Hopkins considered all Ranch pumpage data to be suspect and used uncertainty associated with the flow meter readings as a partial explanation for the significant difference between its high demand estimates and measured pumpage. Based on our review of the pumpage data and discussions with Rick Hoffman, who recorded most of the meter readings, the problems with the well meters are greatly overstated by Hopkins. There were data gaps due to malfunctioning flow meters at Wells 2, 3, 8, and 9, but these were all of relatively short duration. The flow meter at Well 2 was replaced; the others were promptly repaired. The pump engines on these wells have Hobbs meters that record the total hours of engine operation, and these meters were read periodically by Ranch technicians. RHA interpreted the engine operating data, with respective well capacities, to fill missing flow meter data. In the process, RHA discovered that the Well 5 flow meter data had been recorded incorrectly (meter totalizer recorded in gallons instead of acre-feet), but was able to correct the previous meter readings. The corrected metered pumpage data for individual wells are plotted on **Figure 1-2**. US

After thorough interpretation of available flow meter and engine operation records, there are sufficient data to produce reasonable estimates of annual pumpage. The resultant annual pumpage estimates are tabulated and plotted on **Figure 1-3**. These estimates show pumpage gradually increasing from about 180 af in 2000 to 607 af in 2004. This increase was expected since about 300 acres of vineyard were planted in 2000, 200 more acres in 2001, and the final 300 acres in 2002. Pumpage decreased to about 400 af in 2006 due to a warm and wet spring, which collectively eliminated the need for both frost control and pre-irrigation. US

As noted above, interpretation of the flow meter and engine operation data suggests that actual pumping has been slightly higher, by about 90 afy, than might be interpreted from the 2003 irrigation records discussed above. After adjusting estimated water requirements for those reasons, it is estimated that the Ranch's average annual pumpage has been about 525 af for the five year period 2002-2006. This average value does not include 2000 and 2001 data because the final 300 acres of vineyard were not planted until 2002. Future pumpage can be expected to vary from year to year because irrigation demand is affected by climatic conditions (precipitation patterns and the number of frost days during the spring). Because the vineyard is now mature, however, the average future demand is not expected to increase and may slightly decrease due to changes in vineyard operation by the current managers. Thus, for the existing vineyard, a total agricultural water duty of 0.67 af/ac/yr, or about 525 af/yr, can be considered to be a conservative estimate of future demand.

Collectively, the available irrigation records and the combination of flow meter and engine operation data are sufficiently complementary to conclude that the total agricultural water requirements on the Ranch have been, and can be expected to be, on the order of 525 afy. Analyses in the Hydrogeological Study that rely on estimated existing and future agricultural water demand of 1,558 afy are thus significantly too high.

1.3 Groundwater Levels and Overdraft

Hopkins prepared water level hydrographs for the Ranch wells; these generally showed declining water levels during the first several years of vineyard operation, followed by stabilization in recent years. Hopkins noted that "the distribution of Ranch pumping....appears to have resulted in groundwater levels that may be stabilizing (reaching a steady state with the present rate of recharge) at levels that range between 25 and 50 feet below historical levels". Hopkins considered this stabilization to be the result of "slightly above average rainfall" and "shifting pumping stresses among the Ranch wells". Precipitation records do not show "above average" conditions, as discussed below; and it is unclear, particularly from the available pumping records, what might be meant by "shifting pumping stresses among Ranch wells". There does not appear to have been any "shifting" of pumping among Ranch wells, and there is nothing in the Hydrogeological Study that addresses or substantiates any kind of "shifting" of pumping. UT

Updated hydrographs showing water levels and pumpage at each well are attached to this letter (**Appendix C**). The hydrographs have been updated to show fall 2006 and spring 2007 data as available and to remove some questionable water level data collected by previous operators during 2002-2005. It is clear from these hydrographs that the trend of water level stabilization reported by Hopkins continued during 2006-2007. The timing of water level stabilization is difficult to determine because of the data gaps, but some wells showed stable or increasing water levels after the spring 2003 measurement. Other wells did not show stabilization until more frequent measurements began in 2006. The only wells that show water level declines during 2006-2007 are wells in the central portion of the Ranch (Wells 8, 9, and 12). The 2007 data from these wells are affected by pumping of other wells in the area for frost control (such as Well 10), and the lack of recharge during the unusually dry winter of 2006-2007.

UT

In order to evaluate the effect of climatic conditions, LSCE prepared plots of annual precipitation and the cumulative departure from mean annual precipitation at the Santa Margarita Booster Station located in the western portion of the Ranch (**Figures 1-4** and **1-5**). The station location is shown on **Figure 1-6**. The period of record for this station is 1949 to the present, and precipitation during periods of missing data were approximated based on data from other nearby stations. The mean annual precipitation at this station is 31.9 in/yr, and the cumulative departure plot shows that precipitation was almost exactly average during the 2000-2006 period, not above average as indicated by Hopkins. Thus, groundwater levels were not beneficially affected by above-average recharge as implied by the Hopkins' interpretation.

Hopkins also suggests that lowered groundwater levels in the vicinity of the Ranch's primary production wells indicate that pumping "may need to be spread over a larger area to prevent local overdraft conditions." This suggestion conveys a lack of understanding of the fundamental concept of overdraft. Overdraft is a long-term, chronic condition where groundwater extractions exceed recharge on an ongoing basis, reflected by progressive groundwater level declines, and resulting in ongoing depletion of groundwater storage. The occurrence of declining groundwater levels during dry periods is not overdraft unless it continues through subsequent wet and normal periods, and it is definitely not overdraft if groundwater levels stabilize or recover on a long-term basis. "Local overdraft" is fundamentally a misnomer. Concentrated pumping may cause localized groundwater level declines, but this is a phenomenon more properly described as mutual pumping interference, which derives from fundamental well hydraulics and aquifer characteristics. Particularly if "local overdraft" is considered to exist because pumping is not distributed over a large enough area, the condition is not overdraft, and is certainly not "significant and unavoidable". The very description includes both a lack of significance, because it is "localized" and thus does not affect the rest of the aquifer system, and the capability of "avoidance" because it can be avoided by distributing pumping over a larger area.

The groundwater level data indicate that cones of depression surrounding the Ranch's wells are relatively localized and overdraft is not occurring anywhere in the Santa Margarita area. The Paso Robles Groundwater Basin Study (Fugro West, Inc., 2002) also indicates that overdraft is not occurring within the subbasin located immediately downgradient of the Santa Margarita area. The lack of overdraft is supported by Hopkins' statement that water level data from Wells 13, 14, and 15 "indicate that groundwater pumping from the southeastern portion of the Ranch has not impacted groundwater levels located midway between the area of Ranch groundwater production and the town of Santa Margarita." This means that groundwater outflow from the northern portion of the Trout Creek watershed has not changed due to Ranch pumping. Initial water level declines, as have occurred, are a normal expectation when pumping from an aquifer that had not experienced previous development. As previously noted by RHA (2006b), groundwater declines are inevitable and expected whenever new wells are installed in a previously unused aquifer. Prior to the start of vineyard irrigation in 2000, the aquifer was "full" and potential additional recharge was "rejected" because the aquifer lacked available storage space to receive further recharge. As development has occurred, recharge has increased. Equilibrium between recharge and pumping, as has occurred at a lower than pre-development groundwater level, would subsequently then be indicative of a developed, non-overdrafted condition. Although water levels can then be expected to fluctuate as a result of short-term changes in pumping or climatic conditions, water levels in the aquifer system would not be expected to ever permanently recover to pre-development levels. Except in rare local settings, it is impossible to make beneficial use of groundwater without some lowering of pre-development groundwater levels. However, the change from pre-development to developed (lower) conditions is not overdraft if groundwater conditions equilibrate on a long-term basis at the new lower level. UT

Overdraft can only occur when groundwater levels continue to decline instead of stabilizing at a lower level. Hopkins is incorrect in stating that permanently lowered groundwater levels are themselves an undesirable result. As indicated above, permanently lowered groundwater levels are inevitable whenever a new groundwater resource is developed. If water levels stabilize at a lower level and do not cause other undesirable impacts (such as subsidence), the aquifer system is not in overdraft. Lowered groundwater levels beneath the Ranch would not be expected to impact other users because drawdowns are localized and there are very few third-party wells in the vicinity of the Ranch wells. Lowered groundwater levels may increase pumping costs for other Ranch wells but appear to have no other impacts.

1.4 Basin Yield

It is difficult to comment on what the Hydrogeological Study does or does not address with regard to the yield of the groundwater basin/aquifer system. On the one hand, it reports that, "because of a lack of pertinent data, an accurate water budget analysis could not be conducted for the study area to estimate available groundwater supply under existing conditions". On the other hand, it concludes that, despite the same lack of data and with no apparent analysis, UU

"available data indicate that the average annual yield of the groundwater basin beneath the ranch may ultimately prove to be in the range of between 400 and 600 afy". The former statement says that yield cannot be computed, and the latter statement reports a quantitative conclusion, leaving the reader (and decision maker) to wonder which (if either) is correct.

In reaching its conclusions about perennial yield, Hopkins ignored the study conducted by Dr. John Mann in 1987. As stated on Page 1 of the Mann report, "[t]he purpose of the present report was to estimate the amount of ground water which would be available to the Ranch from underlying aquifers on a perennial basis. This has been accomplished by hydrogeologic studies, test boring, test pumping, and reasonable extrapolations from the data obtained." The primary conclusion of the Mann (1987) report was "[t]he Santa Margarita Ranch is underlain by aquifers capable of yielding at least 1300 acre-feet per year of ground water on a perennial basis." Mann based his perennial yield estimate on geologic formations rather than watersheds, and the 1,300 afy total was based on estimated yields of 500 afy from the Santa Margarita Formation, 500 afy from the Paso Robles formation and overlying Trout Creek alluvium, and 300 afy from the Yerba Buena Creek alluvium. Mann considered his perennial yield estimate to be conservative. UU

The combination of observed conditions and the reported results of a perennial yield analysis (Mann, 1987) undermine any "conclusion" that the yield is somehow limited to what "may ultimately prove to be in the range of 400 to 600 afy". In summary, the Hydrogeological Study did not even attempt to quantify available groundwater supply, exactly as it said, and thus has no basis for speculating about what the yield might "ultimately prove to be". Thus, the 400 to 600 afy range of possible yield is completely unsubstantiated and speculative. It is also an invalid range on which to base any assessment of available groundwater supply, and it is an equally invalid range on which to base any determination of available surplus or overdraft. Actual groundwater level response to actual pumping stresses over the last several years indicate that the yield of the basin/aquifer will already support at least 900 afy of water demand, including pumping for the Ranch and other existing uses, as shown on **Table 1-4**, which is discussed below.

For reference in the following comments on impacts reported in the DEIR, and also for context relative to potential groundwater recharge that would support basin yield, water budgets were developed for the four individual watersheds in the vicinity of Ranch (**Figure 1-6**). A separate water budget was developed for each watershed to estimate the magnitude of the various components that affect groundwater supply. The water budget components shown on **Table 1-3** are based on the Todd (2004) water budgets developed for CSA 23, which supplies water to the town of Santa Margarita. The inflow components are precipitation, surface water inflow (assumed to be zero due to the use of watershed boundaries), groundwater inflow, and return flow. The outflow components are evaporation, surface water outflow, groundwater outflow, and pumpage. The water budget assumptions and calculations are summarized in **Appendix D**.

Todd (2004) developed water budgets for the Santa Margarita and Yerba Buena watersheds but only included pumpage and return flow estimates for water pumped by CSA 23. Todd also did not include groundwater inflow from the Yerba Buena watershed into the Santa Margarita watershed. The water budgets for these watersheds summarized in **Table 1-3** are based on Todd's estimates but were modified to include the missing components. Similar water budgets developed by LSCE for the Rinconada and Trout Creek watersheds are also summarized in **Table 1-3**. For Rinconada Creek, groundwater outflow to the east was assumed to be zero due to the low permeability of the Rinconada fault zone, but northerly groundwater outflow to the Trout Creek watershed was estimated to be 436 afy. This estimated outflow is also included as an inflow to the Trout Creek watershed. Groundwater outflow from the Trout Creek watershed was estimated similarly to be 502 afy. There are no stream gages on Rinconada or Trout Creeks; therefore, surface water outflow was estimated using the water budget. As indicated in **Appendix D**, inflow was assumed to equal outflow for these watersheds so that the water budget equation could be solved for surface water outflow. Surface water outflow was thus estimated to be about 5,600 afy for each of the watersheds. The total estimated surface water outflow for all watersheds is approximately 18,000 afy. UU

Current and projected demands in the four watersheds are summarized in **Table 1-4**. Current demand is estimated to be 933 afy, which includes 216 afy for CSA 23, 82 afy for Garden Farms, 55 afy for private wells, and 580 afy for the Ranch. The estimate of projected future demand includes 270 afy for CSA 23 (a 25 percent increase), and private pumpage was assumed to increase by the same amount (to 69 afy). The demand for Garden Farms was projected to increase by 14 percent to 93 afy. The total projected future water demand including the Project is 1,113 afy.

The perennial yield of the aquifers underlying the Ranch was estimated to be at least 1,300 afy by Mann (1987) based on hydrogeologic studies, test borings, and test pumping. This yield is considerably more than the estimated current and projected future demand, with the proposed Project, shown on **Table 1-4**. Based on this and the other analyses discussed herein, there are sufficient groundwater resources to supply current demands and those of the proposed Project. Overdraft would not be projected to occur as a result of the future demand of the Project and the other projected future uses shown on **Table 1-4**.

2.0 DEIR IMPACTS

As with the topic of basin/aquifer yield, it is difficult to extract what the Hydrogeological Study concludes regarding the potential development of additional groundwater to meet the proposed Project's water requirements. In the report itself, the conclusion is that "it is highly unlikely that development of a supply to meet the projected demand of current uses (1,185 afy) is sustainable". Actually, the 1,185 afy demand would appear to be the combination of Hopkins' estimates of existing plus Project **consumptive** demand, most of which is significantly overestimated as discussed herein. In his transmittal, Hopkins states differently UV

that "groundwater resources beneath the Santa Margarita Ranch may not be sufficient to support the existing land uses and the proposed Agricultural Residential Cluster Subdivision project and/or the Future Development Program without resulting in potentially significant impacts". It is unclear why Hopkins used "and/or" in his transmittal; "or" is not applicable since the Agricultural Residential Cluster Project is proposed but the Future Development Program is not an alternative to it (it's not one "or" the other). It is also unclear what Hopkins concludes about just the Agricultural Residential Cluster Project by itself. And it is unclear what is meant by "potentially significant impacts" since none is identified in either the transmittal or the conclusions. UV

2.1 DEIR Impact W-1

Despite the preceding lack of specificity, the Hydrogeological Study goes on to list a number of "mitigation measures related to the water resources impacts identified by this study", some of which would reduce local groundwater use, some of which would alter water demand, and some of which would monitor surface water and groundwater conditions in the Project area.

The DEIR compounds all the problems associated with the Hydrogeological Study discussed herein by concluding that Agricultural Residential Cluster Subdivision Impact W-1 would be significant and unavoidable (Class I):

> "The Agricultural Residential Cluster Subdivision would increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 96 acre-feet per year (afy). This net consumptive use may contribute to overdraft of the aquifer system. Groundwater use associated with the Agricultural Residential Cluster Subdivision is a Class I, *significant and unavoidable*, impact."

UW

Declaring this potential impact to significant and unavoidable (Class I) greatly overstates the probable impact of the Project on groundwater resources. Certainly, an impact that "may" occur is not conclusively both significant and unavoidable. And there is certainly no analysis which suggests that significance as defined in DEIR Section 4.14.2 would be experienced, i.e. that "the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses…".

To place the probable impact of the proposed project in context, focused water budgets were computed to estimate the net effect of existing Ranch groundwater demands, and the net effect of the proposed Project, on groundwater and related surface water resources.

Existing groundwater pumping at the Ranch is almost entirely for vineyard irrigation and directly related water demands; the few occupied houses have minimal impact and are ignored in the following water budget. Agricultural water demands average about 525 afy as developed in detail above. Of that total demand, only a small fraction, about 40 afy, is estimated to return to the aquifer as recharge from applied water, primarily because of the purposeful near-deficit irrigation practices. Thus the net extraction from groundwater is an

average of about 485 afy. Normal irrigation of the 782 acres of actual vineyard planting, notably including post-harvest irrigation, maintains residual soil moisture that exceeds what would be present at the end of the growing season if native vegetation were still present where the vineyard is now planted. It is well recognized that irrigated land with higher residual soil moisture at the end of the growing season will transmit more incident precipitation through the root zone to become groundwater recharge in the following rainy season; native vegetation leaves a soil moisture deficit that must be replenished by early rainfall before groundwater recharge can occur, thus "intercepting" water that could deep percolate as recharge beneath irrigated lands. For the soils and types of native vegetation at the Ranch, a reasonable estimate of moisture holding capacity and native rooting depth is about 3 inches of total moisture (0.25 af/ac) that would be intercepted from incident precipitation if the vineyard were still in native vegetation. In other words, maintenance of residual soil moisture via vineyard irrigation results in about 0.25 af/ac of additional groundwater recharge than would be the case if the vineyard were not planted and irrigated. For the 780 planted vineyard acres, the result is about 195 afy of additional groundwater recharge from precipitation, which partly offsets the net average groundwater extraction of about 485 afy. For balanced groundwater conditions, i.e. no long-term depletion of groundwater storage, the remaining part of net average groundwater extraction (290 afy) derives from some combination of new recharge from streamflow and interception (reduction) of groundwater outflow. Since hydraulic gradients have not appreciably changed in the downgradient direction in the northern portion of the Ranch, it is most logical that the remaining 290 afy of recharge derives primarily from streamflow.

UW

Interpretation of water budget analyses by Todd (2004) for the Santa Margarita Creek and Yerba Buena Creek watersheds, and application of the same methodology to the Trout Creek and Rinconada Creek watersheds, suggests that total streamflow is on the order of nearly 18,000 afy (**Table 1-3**). If all the remaining 290 afy of recharge that replenishes groundwater pumped for existing agricultural uses were to derive from streamflow, it would represent an equivalent 290 afy reduction in streamflow, or about 1.6 percent reduction of total surface water flow. Thus, for the apparently stable groundwater conditions indicated on the hydrographs, the development of almost 525 afy for Ranch (vineyard) irrigation over the last several years has most likely induced additional recharge from streamflow. The amount of total streamflow reduction has been about 290 afy, or about 1.6 percent of total streamflow.

For the proposed Agricultural Cluster Project, based on the high estimate of total projected demand in the Hydrogeological Study (1.44 af/lot), essentially all inside water use can be expected to return to groundwater as "recharge" through the proposed on-site individual waste disposal systems (septic tanks and leach fields). For an estimated inside water use of 150 gpd/house, that return flow would amount to about 19 afy for all 112 proposed houses. Assuming that all the rest of the 1.44 af/lot is used outside, and conservatively assuming that 15 percent of outside water use contributes to recharge (with the balance evaporated and evapotranspirated), outside water use on the 112 proposed lots would result in return-flow recharge of about 21 afy. Following the same rationale for increased recharge from incident

precipitation on irrigated landscaping as described for the irrigated vineyard above, the maintenance of soil moisture by irrigation on all 112 proposed lots would add nearly 17 afy of recharge from incident precipitation that would otherwise not occur due to soil moisture deficit under native vegetation. Of the total projected water demand in the Hydrogeological Study for the 112 proposed lots (161 afy), a total of about 57 afy would be recharged to the aquifer via return flow and increased recharge from incident precipitation. In order for balanced aquifer conditions to occur, the remainder of the net groundwater extraction, 104 afy, would have to derive from some combination of stream recharge and intercepted groundwater outflow.

UW

For the nature of soil and aquifer materials at the Ranch, and for the amount of available streamflow, it is most logical that the proposed pumping for the Project would induce most of the additional 104 afy of recharge from streamflow. That amount of streamflow reduction equates to an average of about 0.15 cfs, or about 0.6 percent of total streamflow. The probability of increased recharge from streamflow, combined with return flows and increased recharge from incident precipitation, renders the pumping of 161 afy for the Project to have no net impact on groundwater. Therefore, the predicted groundwater impacts would not be significant and thus not Class I ("significant and unavoidable) or Class II ("significant and mitigable") as defined in the DEIR. Streamflow reductions of an average of 0.15 cfs, or about 0.6 percent of total streamflow, would seem almost insignificant relative to total stream flow, and definitely too small to be measurable in a stream. Again based on the definitions in the DEIR, streamflow reductions of that magnitude are too small to be classified as "significant", i.e. Class I or Class II.

Replication of the preceding analysis based on the more realistic Cleath estimate of unit residential water demand (0.9 af/lot) would result in less water (48 afy) being recharge to the aquifer via return flow and increased recharge from incident precipitation. However, the total water demand for the 112 proposed lots would also be smaller (101 afy as shown on **Table 1-1**). For those conditions, the remainder of the net groundwater extraction (53 afy) would have to derive from some combination of stream recharge and intercepted groundwater outflow. As above, it is logical that the proposed pumping for the Project will induce most of the additional 53 afy from streamflow. That amount of streamflow reduction equates to an average of about 0.07 cfs, or about 0.3 percent of total streamflow. The small streamflow reductions combined with return flows and increased recharge from incident precipitation, results in no ongoing depletion of groundwater storage due to the pumping of an additional groundwater (either 161 or 101 afy) to supply the Project.

3.0 PROPOSED MITIGATION

Although it does not appear that the Project will cause any impacts to groundwater that would be considered significant, ongoing monitoring of groundwater levels would be appropriate as "mitigation" for Impact W-1 to verify that stable groundwater conditions actually occur and impacts are minimal as expected. Routine monitoring of groundwater conditions would

UX

ensure that, if adverse conditions were to occur, appropriate mitigation could be implemented, e.g. development of a supplemental (Nacimiento or State Water Project) water supply to complement local groundwater. Other mitigation measures proposed in the DEIR are excessive because there is sufficient groundwater to supply the Project:

- Streamflow monitoring – The recharge from streamflow to replenish on the order of 100 afy of groundwater pumping from the Santa Margarita or Paso Robles formations would have a less than measurable effect on streamflow. Newly installed stream gages (as proposed in the DEIR) would suffer from an inability to measure such small changes in streamflow, and would be unable to provide comparative monitoring due to the lack of any long-term period of record under pre-project conditions.
- Water conservation measures – The Ranch has incorporated adequate water conservation measures into the Project design. Additional measures are not necessary to reduce impacts that are most likely to be less than significant. UX
- Imported water supply –While sufficient imported water is available, it is not necessary for the proposed Project and should be at the applicant's discretion unless found to be required based on actual, monitored conditions in the future.
- Plan requirements and timing – The Mann (1987) report and other studies contain sufficient documentation of adequate water supply. Additional "proof" is unnecessary. Groundwater monitoring will demonstrate the adequacy of groundwater supplies or, if adverse conditions do develop, demonstrate the need for actual mitigation.

We appreciate the opportunity to provide comments on the DEIR, and hope that our comments will be helpful in improving the evaluation of hydrogeologic impacts for the final EIR. If we can provide further detail or respond to questions about any of the above, we would be pleased to do so.

Sincerely,

LUHDORFF AND SCALMANINI
CONSULTING ENGINEERS

Joseph C. Scalmanini
Senior Principal

Glenn Browning
Senior Hydrologist

Attachments

All Attachments: UX

Attachments

Table 1-1
Santa Margarita Ranch Water Demands

Element	Size (acres)	Hopkins' Estimate		Revised Estimate		Notes
		Water Use Factor (af)	Water Demand (afy)	Water Use Factor (af)	Water Demand (afy)	
Existing Water Uses						
36 Residential Lots	4.9 avg. (180.6 total)	1.44/lot	53	1.44/lot	52	(1)
Vineyard	974 (gross); 782 (net)	1.6 af/ac/yr	1,558	0.67 af/ac/yr	525	(2)
Other Uses			10		3	(3)
Existing Water Demand			1,621		580	
Agricultural Residential Cluster (Project)						
112 Residential Lots	1.1 avg, (127.5 total)	1.44/lot	161	0.9/lot	101	(4)
Project Water Demand			161		101	
Total Water Demand			1,782		681	
Future Development Program (Program)						
360 Lots (Village Format)	0.11 avg. (40 total)	1.44/lot	518	0.4/lot	144	(5)
42 Residential Lots	~1.0 avg.	1.44/lot	60	0.9/lot	38	
Other Uses			726		726	
Program Water Demand			1,305		908	
Total Water Demand			3,087		1,589	

1. All lots have private wells and are not included in Ranch pumpage (only 9 homes are currently occuppied). Hopkins assumed 37 lots total.
2. Revised estimate based on 2003 water demands shown on Table 1-2. Future water use for vineyard irrigation based on the water use for 2003 (0.55 af/ac), which was increased to 0.67 af/ac to match estimated the pumpage
3. Revised estimate based on 3 residences and a well for misc. uses at the Ranch headquarters.
4. Revised water use factor (0.9 af/lot) based on Cleath (2004).
5. 360 of the Program lots would be laid out in a village format (40 ac total, including a town square). Water use factor based on 2003 Water System Master Plan for CSA 23.

Table 1-2
Santa Margarita Ranch 2003 Agricultural Water Demand and Consumptive Use

Usage	Water Demand (gal)	Water Demand (af)	Return Flows (af)	Consumptive Use (af)
Irrigation and Frost Control[1]				
Irrigation	82,202,000	252.3	12.6	239.7
Frost control	40,080,000	123.0	12.3	110.7
Subtotal	122,282,000	375.3	24.9	350.4
Other Agricultural Uses				
Spraying[2]	200,000	0.6	0.03	0.6
Dust control during harvest[2]	450,000	1.4	0.1	1.2
Net seservoir evap. (15 ac x 3.0 ft/yr)[3]	13,197,000	40.5	-	40.5
Reservoir seepage (15 ac x 1.0 ft/yr)	4,888,000	15.0	15.0	0.0
Shop	163,000	0.5	0.2	0.3
Subtotal	18,898,000	58.0	15.4	42.6
Total		**433**	**40**	**393**

1. Based on 2003 irrigation records for 211 ac of vineyard that used 0.18 af/ac for frost control and 0.32 af/ac for drip irrigation. Other vineyard blocks were assumed to be irrigated at the same rate except for 95 ac that do not have frost control sprinklers. The total applied water was estimated to be about 375 af (0.48 af/ac).
2. Based on estimate for 2006.
3. Net evaporation is evaporation minus precipitation. Evaporation estimated to be 5.5 ft/yr based on pan evaporation at Salinas Dam (DWR, 1979). Precipitation estimated to be 2.5 ft/yr.

Table 1-3
Water Budget Summary (afy)

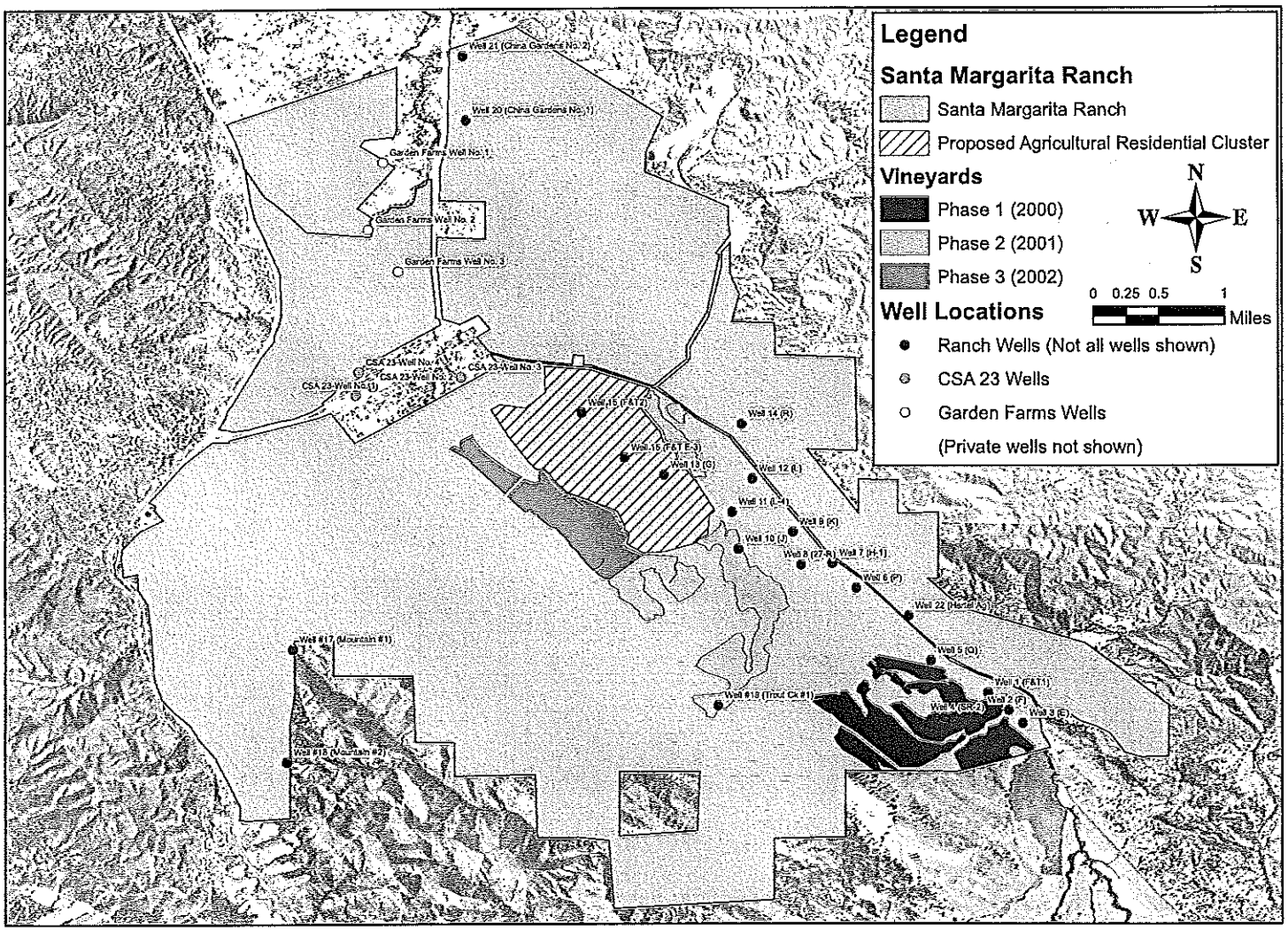
Component	Santa Margarita Creek	Yerba Buena Creek	Rinconada Creek	Trout Creek	Total
Inflow					
Precipitation[1]	17,988	6,965	20,777	19,512	65,242
Surface Water Inflow[2]	0	0	0	0	0
Groundwater Inflow[3]	203	0	0	436	0
Return Flow[4]	67	82	56	77	282
Total Inflow	18,258	7,047	20,833	20,025	65,524
Outflow					
Evapotranspiration[5]	12,592	4,876	14,544	13,658	45,670
Surface Water Outflow[6]	4,862	1,861	5,589	5,572	17,884
Groundwater Outflow[7]	233	203	436	502	502
Pumpage[8]	290	31	264	293	878
Total Outflow	17,977	6,971	20,833	20,025	64,934
Error[9]	1.6%	1.1%	-	-	0.9%

1. Precipitation for Santa Margarita and Yerba Buena Creeks estimated by Todd (2004); precipitation for Rinconada and Trout Creeks estimated by Hopkins (2006).
2. Surface water inflow equals zero due to watershed boundaries.
3. Groundwater inflow to Yerba Buena and Rinconada Creeks assumed to be zero. Groundwater outflow from Yerba Buena and Rinconada provides groundwater inflow to Santa Margarita and Trout Creeks, respectively.
4. Return flow for Santa Margarita estimated by Todd and LSCE; return flow for Yerba Buena estimated by Todd (2004); return flow for Rinconada and Trout Creeks estimated by LSCE.
5. Evapotranspiration for Santa Margarita and Yerba Buena Creeks estimated as 70% of precipitation by Todd (2004); evapotranspiration for Rinconada and Trout Creeks also estimated as 70% of precipitation..
6. Surface water outflow for Santa Margarita and Yerba Buena estimated by Todd (2004); surface water outflow for Rinconada and Trout Creeks calculated with water budget.
7. Groundwater outflow for Santa Margarita and Yerba Buena Creeks estimated by Todd (2004); grounwater outflow for Trout and Rinconada Creeks estimated by LSCE. Groundwater outflow from Yerba Buena to Santa Margarita Creek and Rinconada to Trout Creek are internal to the study area. The total groundwater outflow is based on the outflow from Trout Creek.
8. Pumpage for Yerba Buena estimated by Todd (2004), pumpage for Santa Margarita estimated by Todd and LSCE, and pumpage for Rinconada and Trout Creeks estimated by LSCE.

Table 1-4
Current and Future Demand and Consumptive Use for Agricultural Residential Cluster and Other Uses in Santa Margarita Area (afy)

Entity or Use	Current		Projected	
	Demand	Consumptive Use	Demand	Consumptive Use
Santa Margarita (CSA 23)[1]	216	130	270	162
Garden Farms[2]	82	49	93	56
Private Wells[3]	55	33	69	41
Santa Margarita Ranch				
Agriculture[4]	525	476	525	476
Residential[5]	55	33	156	94
Ranch Subtotal	580	509	681	570
Total	**933**	**721**	**1,113**	**829**

1. From Todd (2004)
2. From Cleath (2004)
3. Santa Margarita Ck = 24 afy, Trout Ck = 4 afy, Rinconada Ck = 27 afy.
4. Based on avg. annual pumpage (2002-2006)
5. Current demand assumes 52 afy for buildout of Tract 1 (36 lots) and 3 afy for other residential. Future demand adds 101 afy for the Project.



LUHDORFF & SCALMANINI
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Figure 1-1
Santa Margarita Ranch
Vineyards and Well Locations

Well Name	2000 Annual Total (afy)	2001 Annual Total (afy)	2002 Annual Total (afy)	2003 Annual Total (afy)	2004 Annual Total (afy)	2005 Annual Total (afy)	2006 Annual Total (afy)	2007 Total (afy)	Cumulative Total (af)
Well #1	17.4	30.4	42.2	36.2	28.2	28.2	8.4	0.0	191.0
Well #2	57.3	103.7	94.2	51.1	59.7	59.7	53.2	8.9	487.9
Well #3	27.3	39.0	39.0	42.4	45.1	45.1	35.9	15.1	289.0
Well #4	16.3	36.6	48.1	48.2	49.1	49.1	32.9	6.7	286.9
Well #5	5.4	23.8	90.7	104.2	114.8	114.8	82.4	10.5	546.6
Well #6	11.4	46.2	56.8	100.5	114.1	114.1	61.4	0.0	504.6
Well #7	11.1	20.7	27.7	40.6	48.9	48.9	22.2	5.1	225.0
Well #8	0.8	0.8	0.8	2.3	3.5	3.5	1.0	0.0	13.1
Well #9	6.2	14.1	9.2	11.1	13.9	13.9	5.7	0.8	74.9
Well #10	17.8	33.4	64.3	75.0	75.1	75.1	70.0	10.5	421.0
Well #12	8.8	20.9	17.0	15.7	15.7	15.7	4.7	0.0	98.5
Well #19	0.0	0.0	0.0	0.0	38.8	39.5	19.7	2.0	100.0
TOTALS	179.8	369.6	490.0	527.2	607.0	607.6	397.4	59.6	3238.6

Annual Average (2002-2006): 525.8

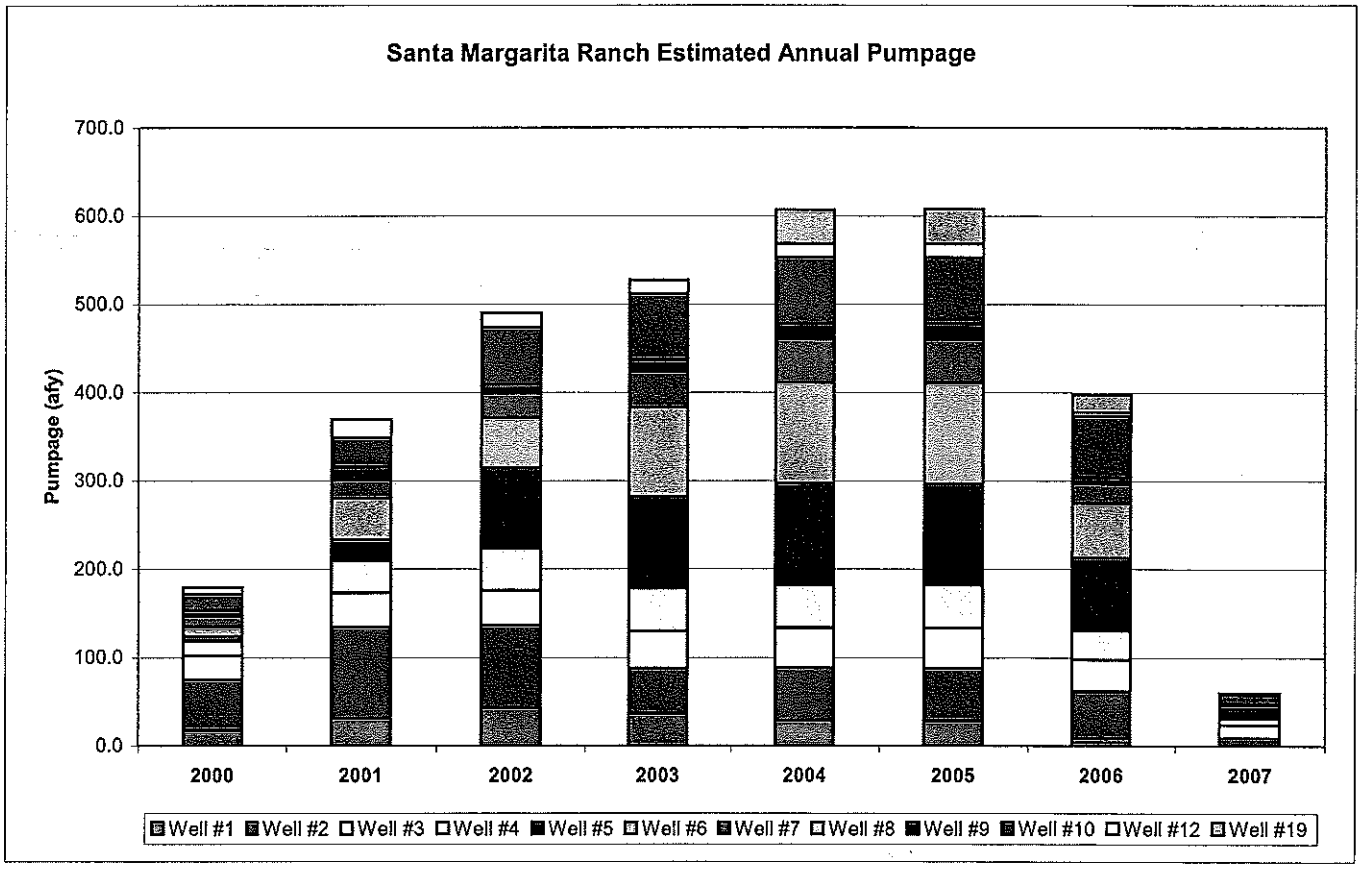

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Figure 1-3
Santa Margarita Ranch
Estimated Annual Pumpage

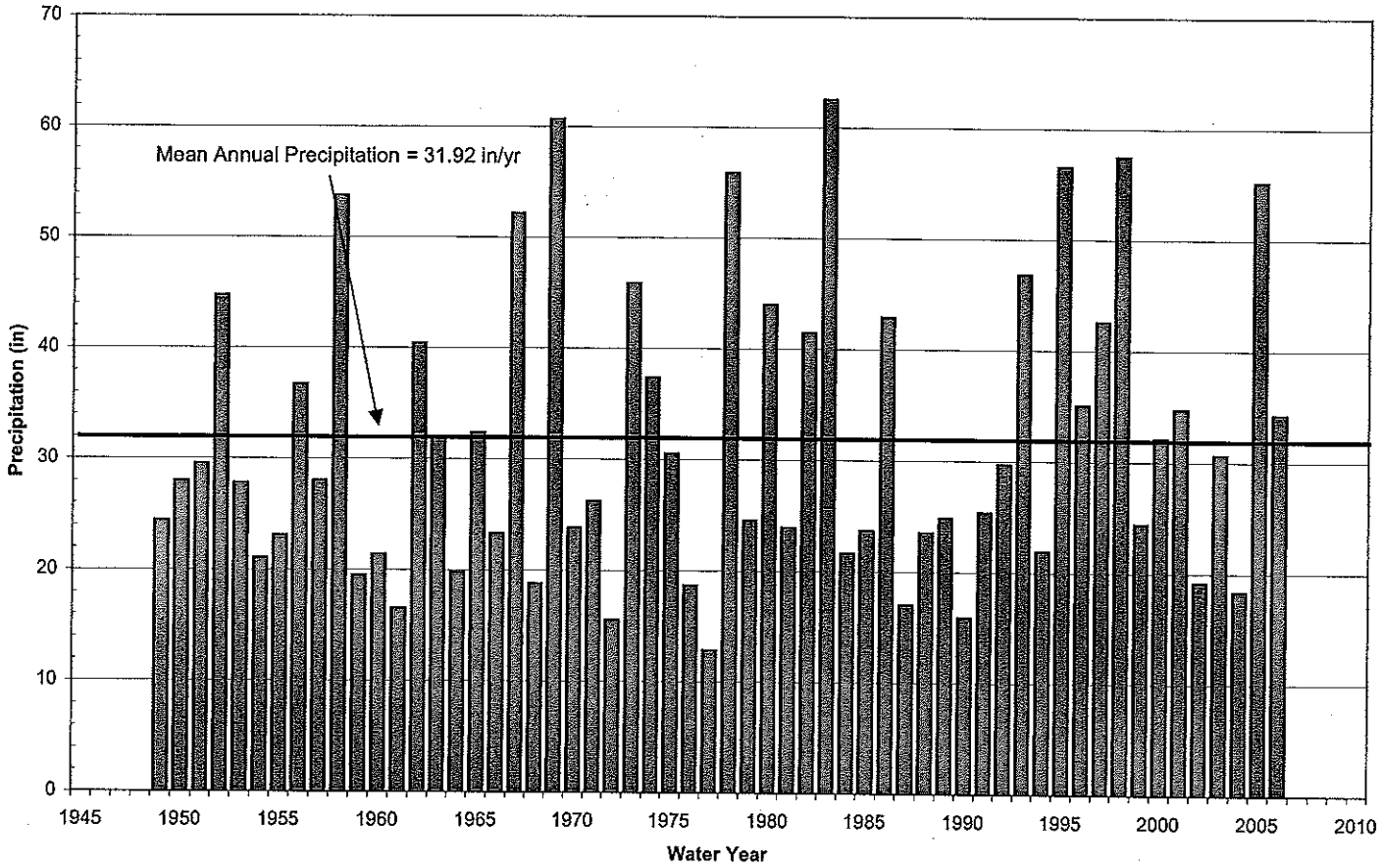

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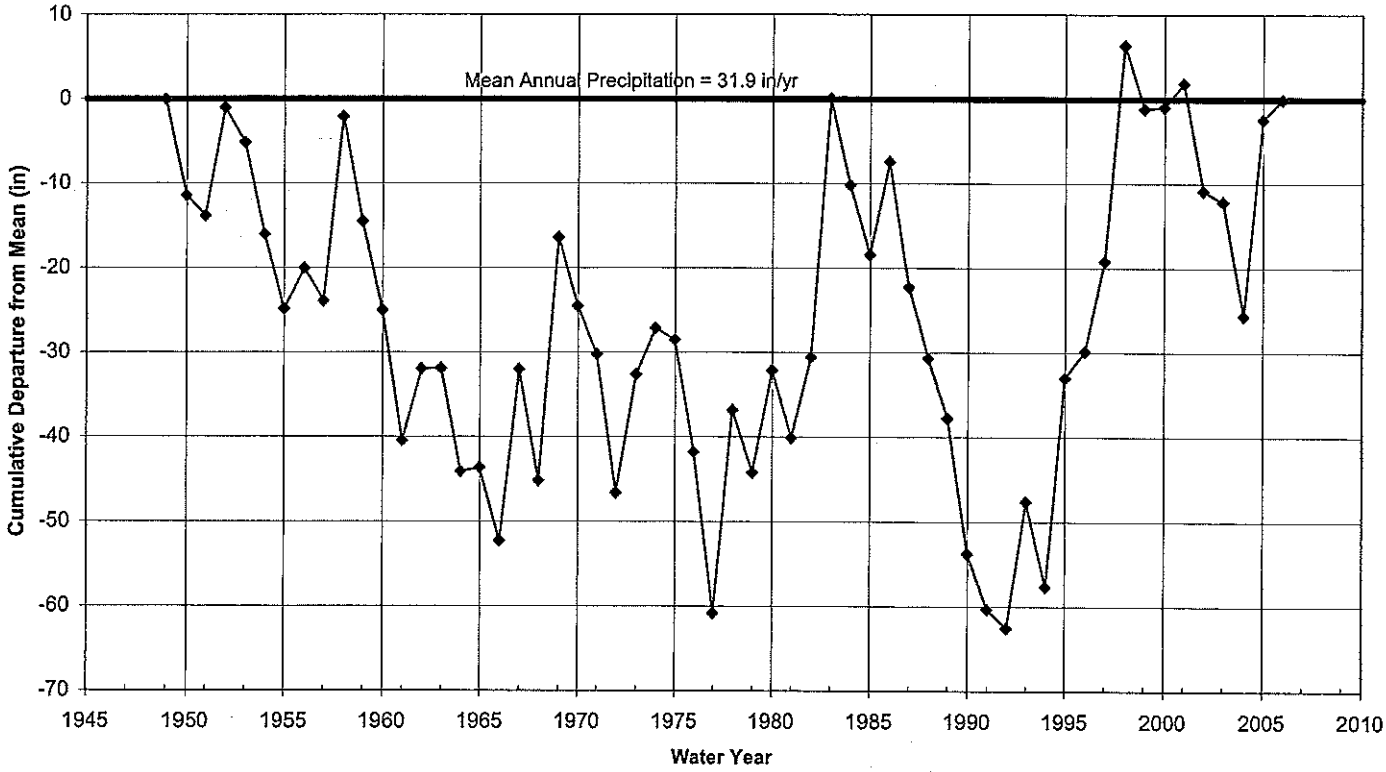
Figure 1-4
Annual Precipitation at Santa Margarita Booster Gauge
Water Years 1949-2006



1948 - 2006 Santa Margarita Booster Station monthly precipitation data from National Climatic Data Center. Missing data (3/1954, 4/1978, 5/1978, 8/1978, 10/1978, 6/1979, 4/1981, 5/1989, 4/1990, 3/2001, 10/2006, 12/2006) approximated using correlation with Santa Margarita 2 SW, San Luis Obispo Polyte, and Salinas Dam Stations.
Santa Margarita Booster Station (35°22'N / 120°38'W, 1100 feet msl elev) source: National Climatic Data Center; Western Region Climate Center
Santa Margarita 2 SW Station (35°22'N / 120°38'W, 1201 feet msl elev) source: National Climatic Data Center
San Luis Obispo Polyte Station (35°18'N / 120°40'W, 315 feet msl elev) source: National Climatic Data Center, www.wunderground.com
Salinas Dam Station (35°20'N / 120°30'W, 1245 feet msl elev) source: National Climatic Data Center

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Figure 1-5
Cumulative Departure from Mean Annual Precipitation at Santa Margarita Booster Gauge

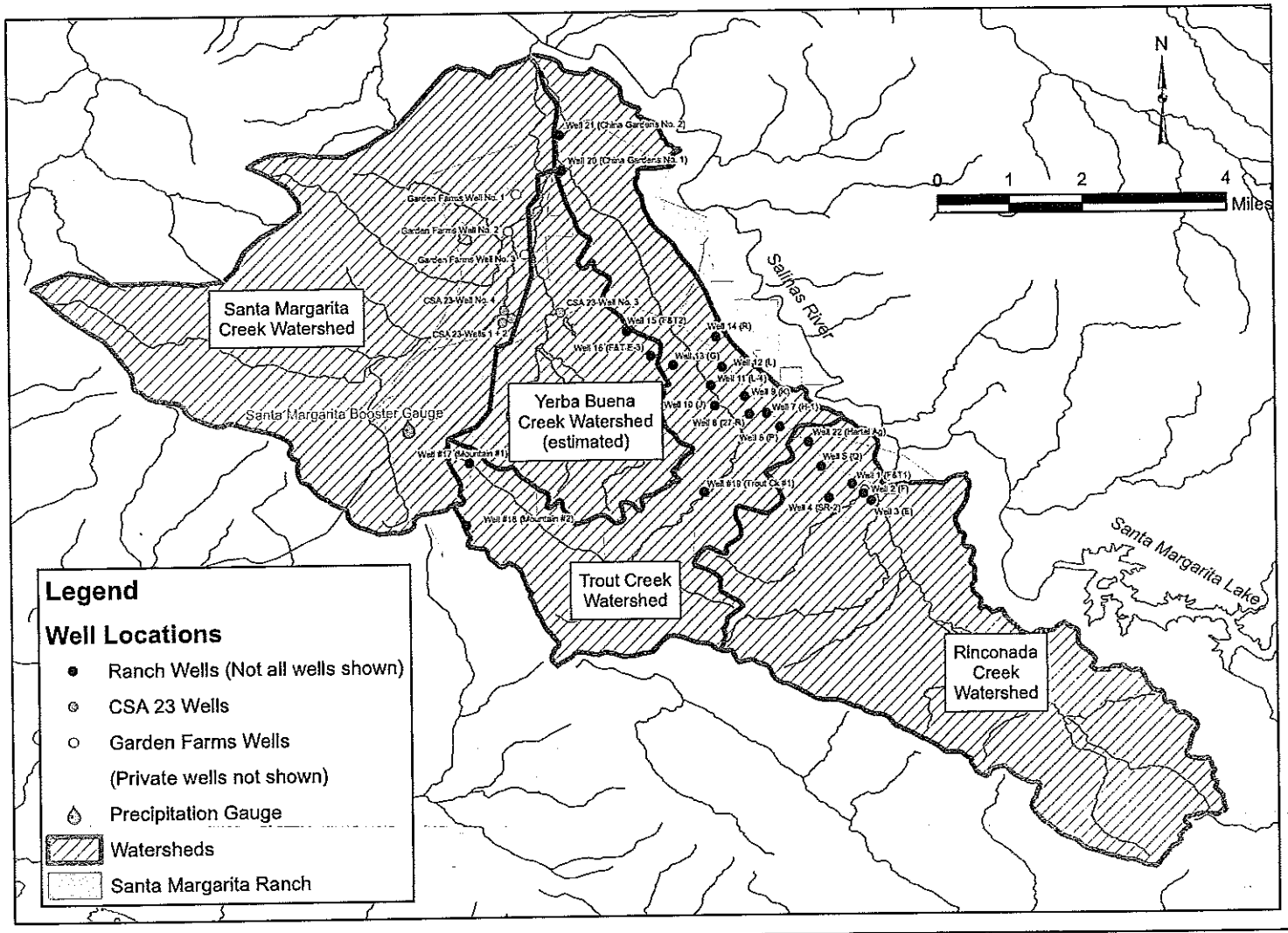

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Figure 1-6
Well Locations and Watershed Boundaries in Santa Margarita Area

Appendix A

References

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Appendix B

Water Use by Paso Robles Area Vineyards

UNIVERSITY of CALIFORNIA
Agriculture & Natural Resources

COOPERATIVE EXTENSION • SAN LUIS OBISPO COUNTY
2156 Sierra Way, Suite C • San Luis Obispo, CA 93401-4556
Telephone (805) 781-5940 Fax (805) 781-4316

Water use by Paso Robles area vineyards

Mark Battany, Farm Advisor

Most growers know how many gallons of water they apply to their vineyards, but knowing how much of the potential vine water consumption this water represents has been difficult to measure. The primary difficulty in making accurate assessments has been the lack of crop coefficients which are representative of individual vineyards.

In 2006 I worked with a new method for measuring local irrigation crop coefficients at eight mature vineyards east of Paso Robles; the method allowed me to measure the crop coefficient over a relatively large number of vines at each site (40), at five or more times between budbreak and harvest. Additionally I also monitored the irrigation system operation with pressure switches connected to dataloggers at each site. Seven of the sites had little to moderate vertical shoot positioning, while one site was a low-vigor sprawl canopy, similar in size to the others.

With this data, I was able to: 1) estimate the full potential vine water requirement (i.e. 100% ETc) for each vineyard from budbreak to harvest, and 2) determine what percentage of this theoretical amount was met by the growers' actual irrigation applications. Note that I only measured irrigation applications between budbreak (approx. May 1) and the end of September. As such, this analysis does not take into account any irrigation which was applied earlier or later in the season. The spring of 2006 was quite wet, so little if any irrigation was likely applied prior to budbreak; however, many growers would have applied some fall irrigation which was not captured by this analysis.

The figure below shows the averages of the values for the eight sites; total applied irrigation from budbreak to the end of September equaled **41%** of the theoretical full water consumption over this period. The remainder of vine water needs was met by soil storage of winter rainfall. In most winegrape vineyards, total vine water use is intentionally less than the theoretical full potential water use, to avoid excessive vegetative growth; therefore, the applied irrigation plus soil storage consumption were likely less than the theoretical vine water requirement.

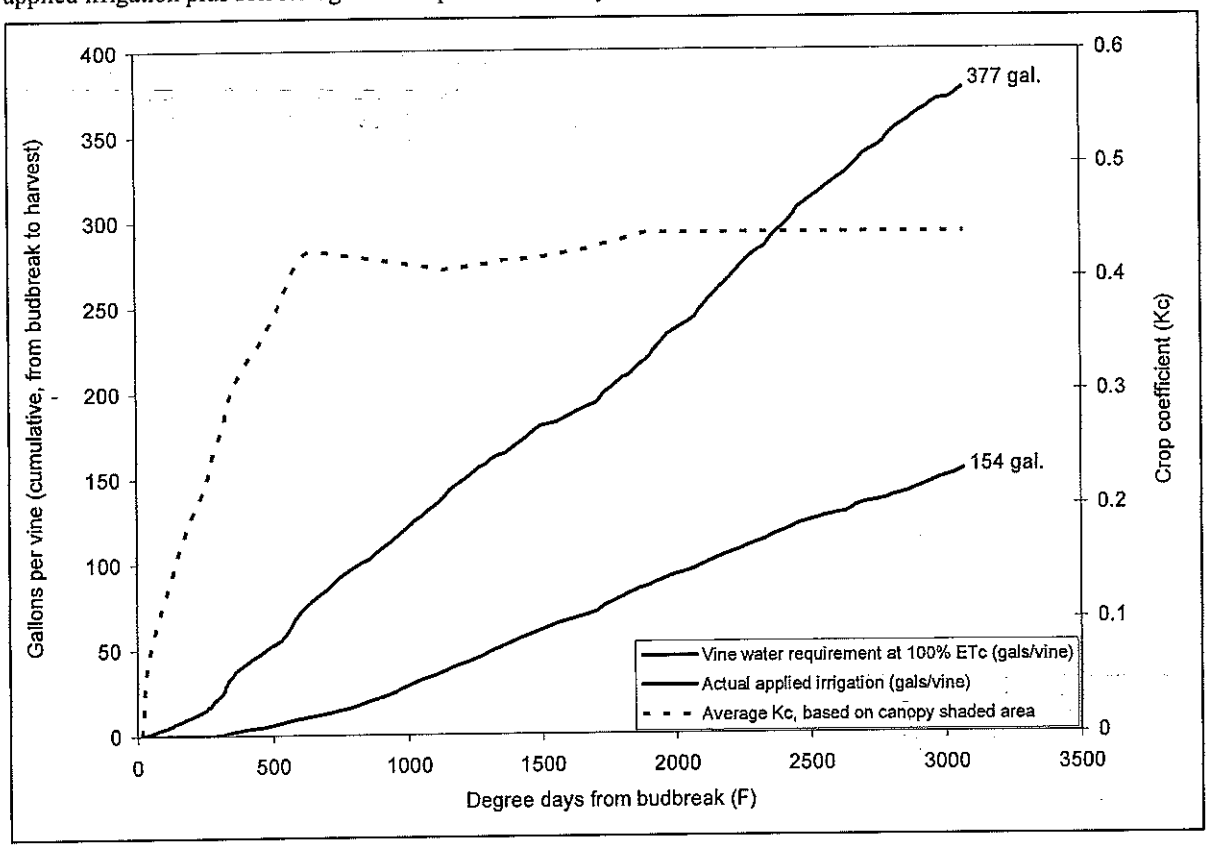
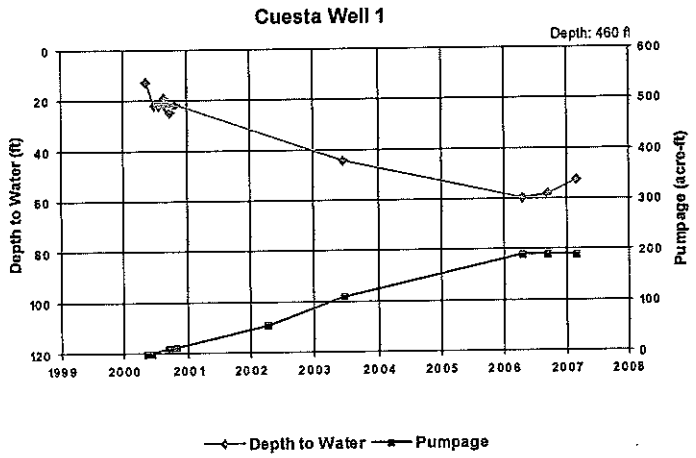


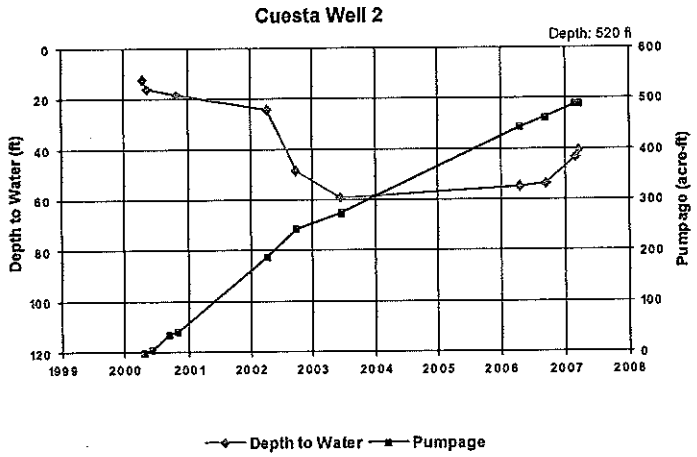
Figure 1. Theoretical vine water requirement, actual applied irrigation, and the average crop coefficient measured at eight mature vineyards in the Paso Robles area from budbreak (May 1) through September 2006.

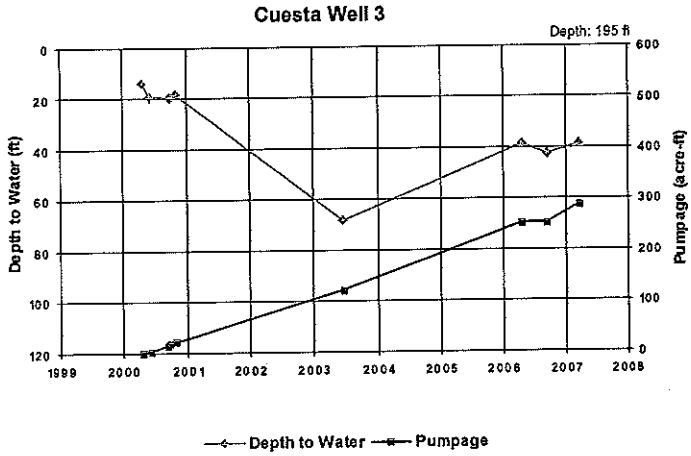
Appendix C

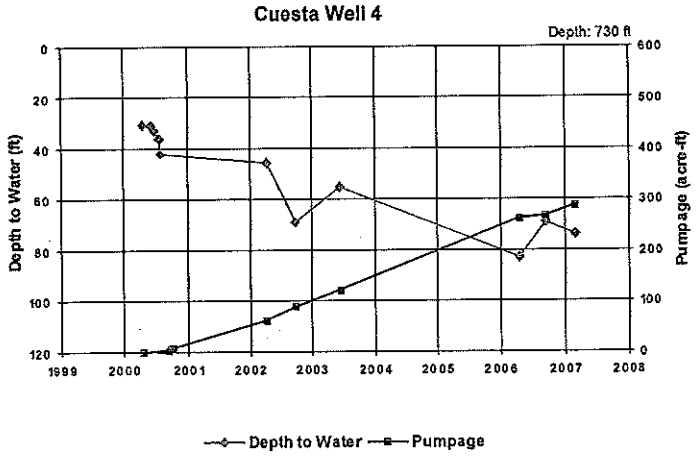
Water Level Hydrographs

Hydrographs of Santa Margarita Ranch Wells

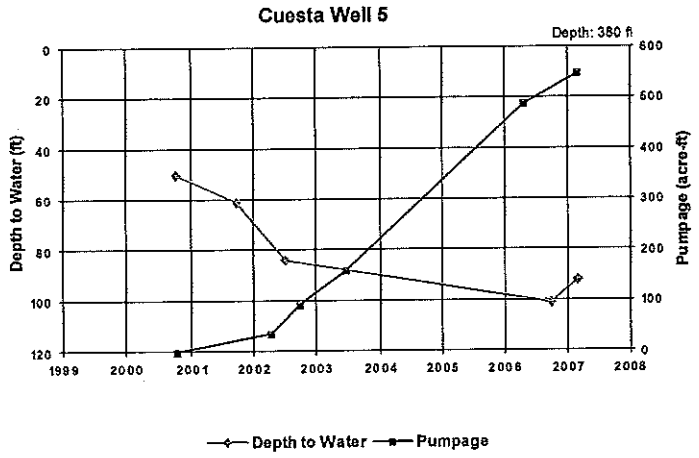


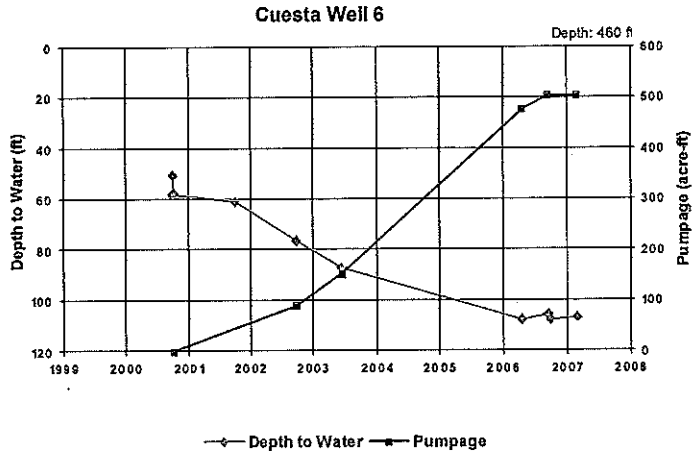


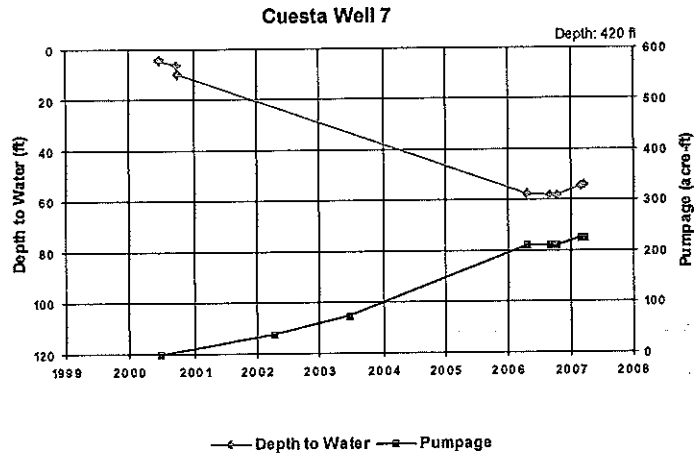


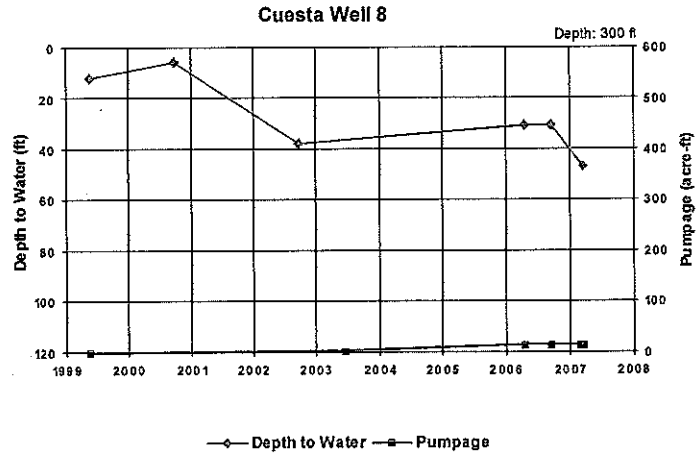


Hydrographs of Santa Margarita Ranch Wells

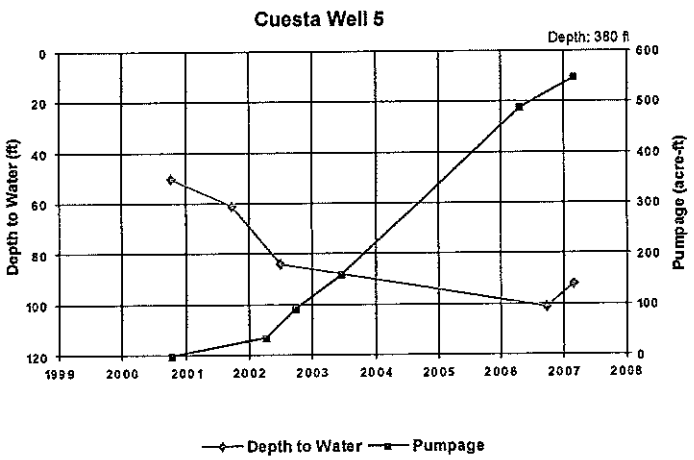


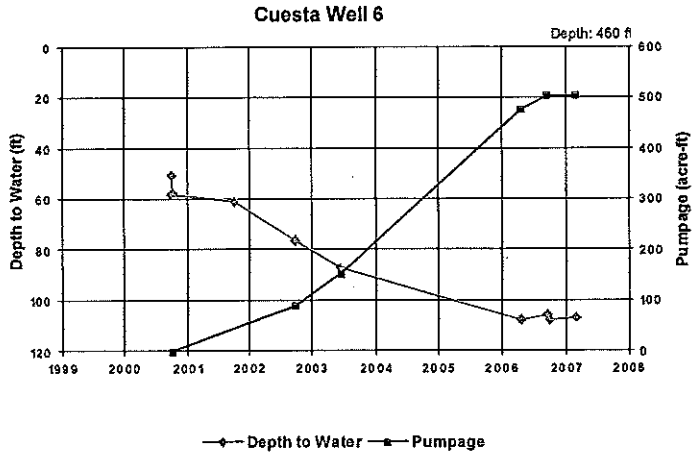


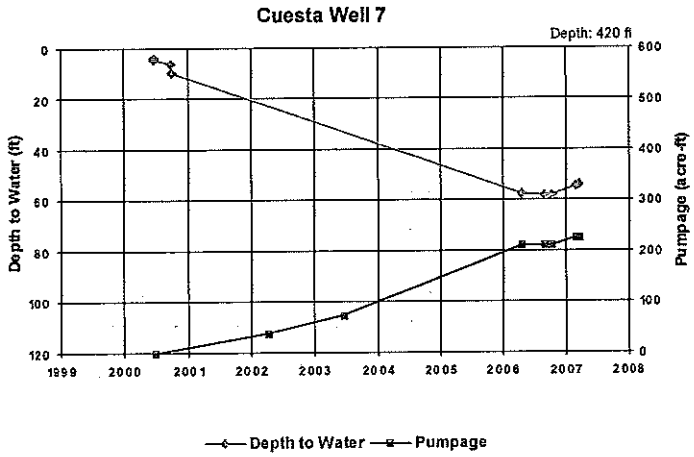


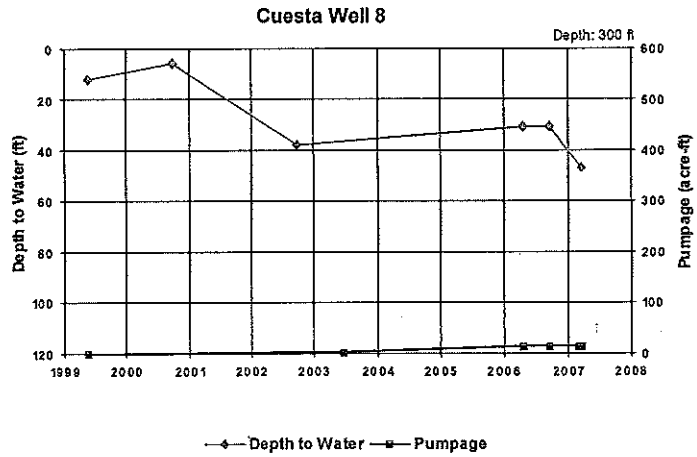


Hydrographs of Santa Margarita Ranch Wells

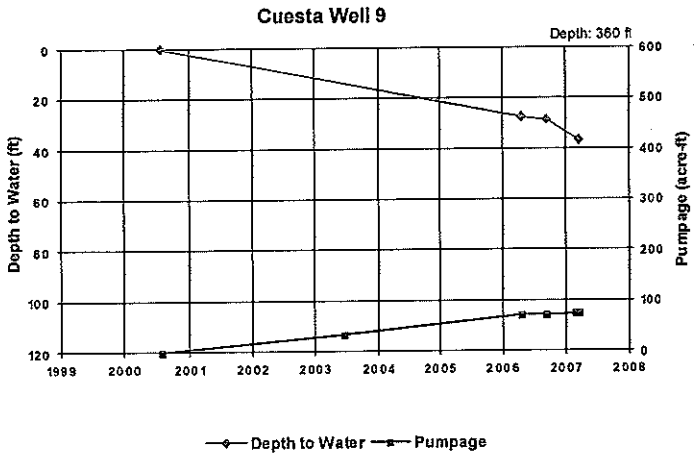


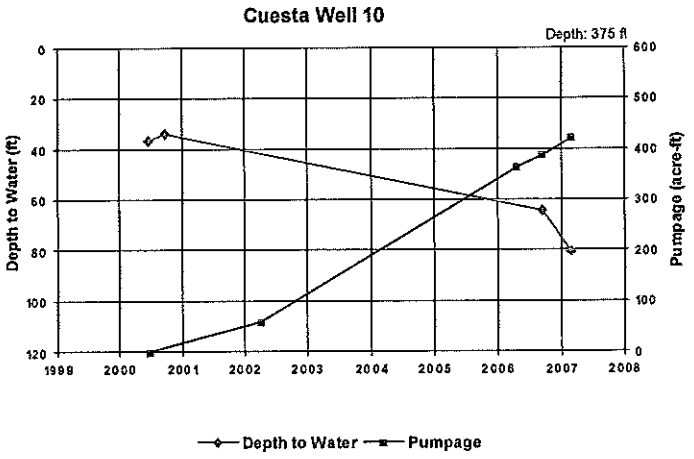


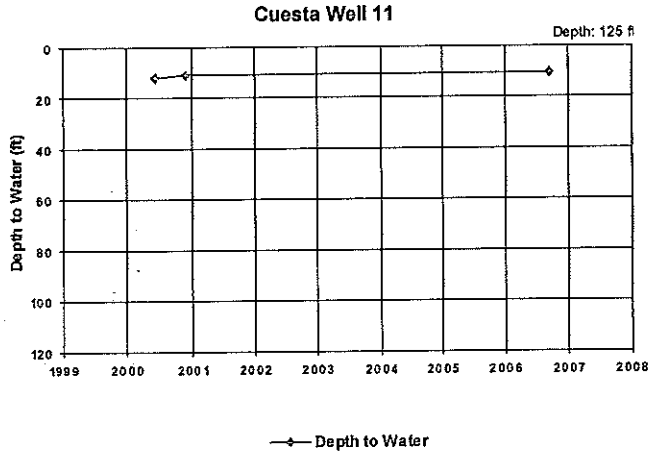


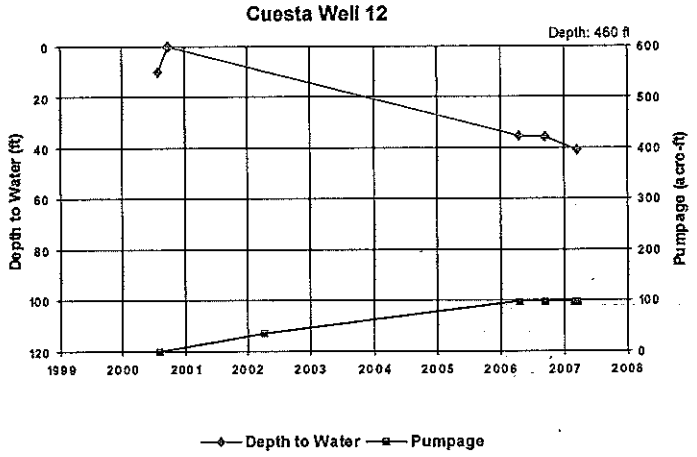


Hydrographs of Santa Margarita Ranch Wells

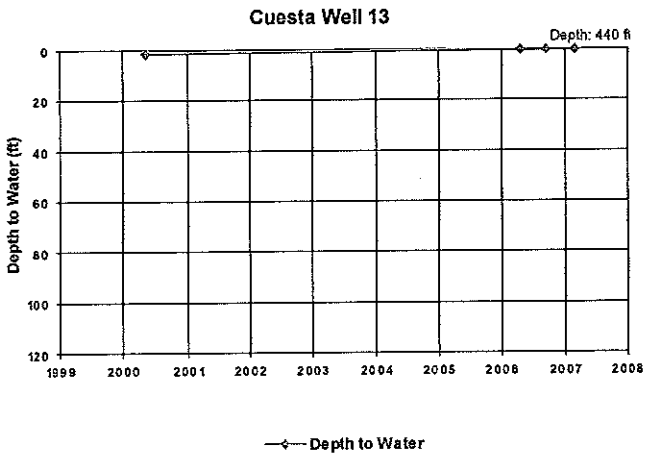


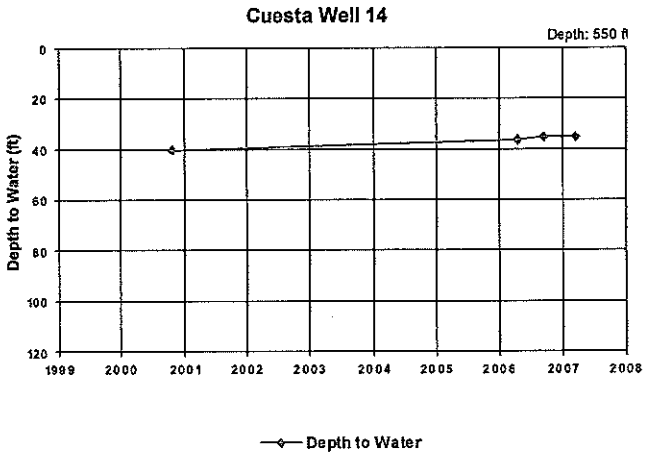


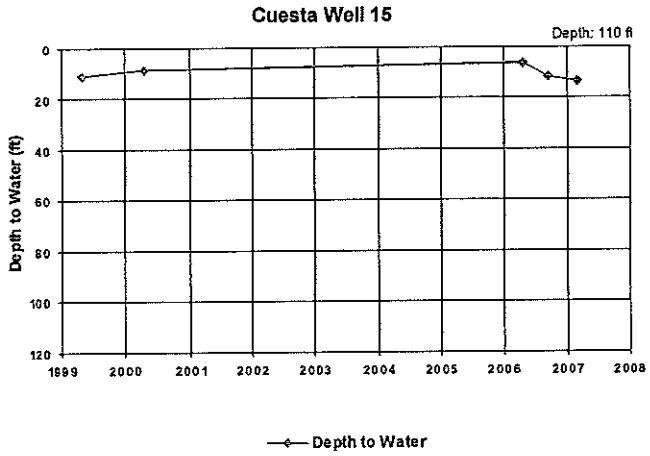


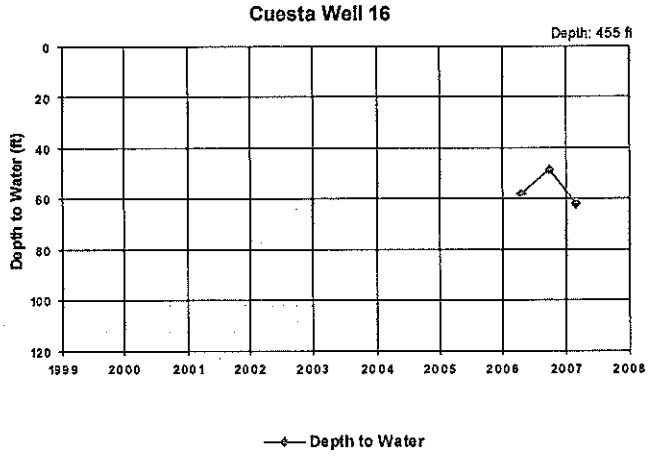


Hydrographs of Santa Margarita Ranch Wells

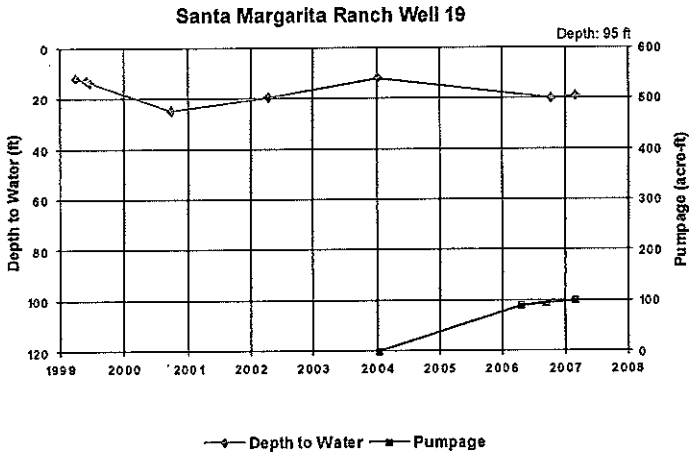


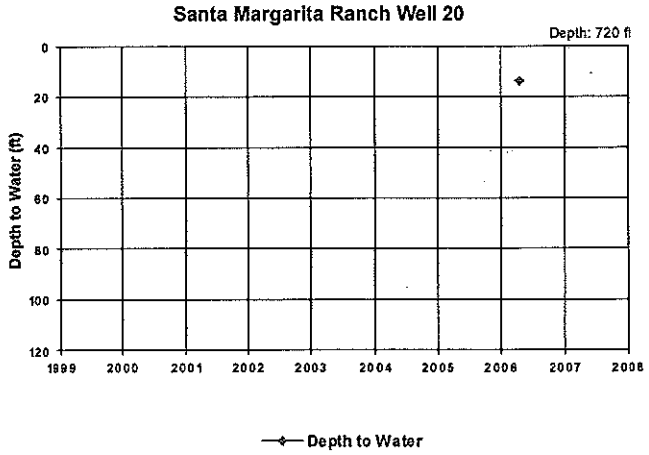


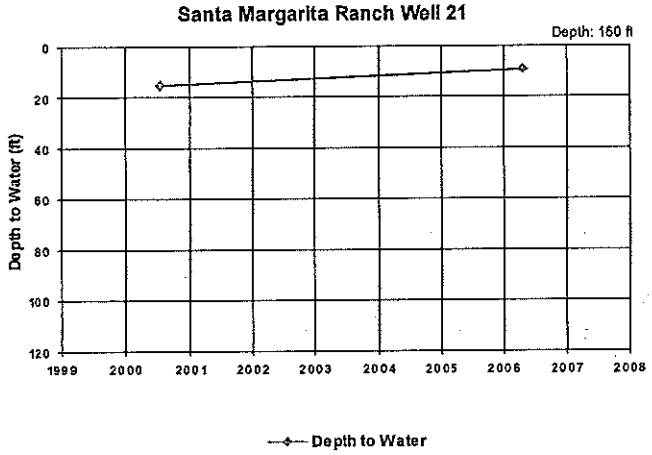


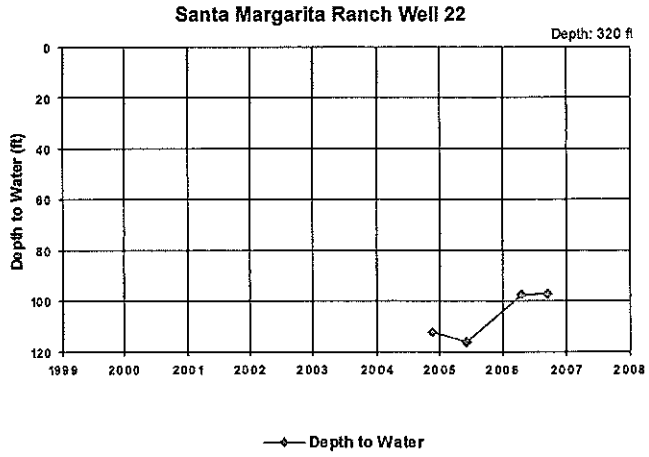


Hydrographs of Santa Margarita Ranch Wells









Appendix D

Water Budget

Water Budget for Watersheds in the Santa Margarita Area

Water Budget Equation (Todd, 2004)

Inflow - Outflow = Change in Storage

Change in storage assumed to be zero for equilibrium conditions, therefore:

Inflow = Outflow

Inflow = Precipitation + Surface Water Inflow + Groundwater Inflow + Return Flow

Outflow = Evapotranspiration (ET) + Surface Water Outflow + Groundwater Outflow + Pumpage

Water Budgets for Individual Watersheds

I. Santa Margarita Creek Watershed

Inflow

Precipitation	=	17,988 afy (Todd, 2004)
Surface Water Inflow	=	0
Groundwater Inflow	=	203 afy (outflow from Yerba Buena watershed)
Return Flow		
CSA 23	=	21 afy (Todd, 2004)
Other (116 afy)(40%)	=	46 afy
Total Return Flow	=	67 afy
Total Inflow	=	18,258 afy

Outflow

ET	=	12,592 afy (Todd, 2004)
Surface Water Outflow	=	4,862 afy (Todd, 2004)
Groundwater Outflow	=	233 afy (Todd, 2004)
Pumpage:		
CSA 23	=	174 afy (Todd, 2004)
Garden Farms (metered)	=	82 afy (Cleath, 2004)
Garden Farms (private wells) (13 wells)(0.9 af/ac)	=	11.7 afy
Ranch: (11 homes)(0.9 af/ac)	=	9.9 afy
Other private wells (14 homes)(0.9 af/ac)	=	12.6 afy

Total Pumpage	= 290 afy
Total Outflow	= 17,977 afy
Error	= 281 afy (1.6%)

II. Yerba Buena Creek Watershed

Inflow

Precipitation	= 6,965 afy (Todd, 2004)
Surface Water Inflow	= 0
Groundwater Inflow	= 0
Return Flow	= 82 afy (Todd, 2004)
Total Inflow	= 7,047 afy

Outflow

ET	= 4,876 afy (Todd, 2004)
Surface Water Outflow	= 1,861 afy (Todd, 2004)
GW Outflow	= 203 afy (Todd, 2004)
Pumpage	= 31 afy (Todd, 2004)
Total Outflow	= 6,971 afy
Error	= 76 afy (1.0%)

III. Rinconada Creek Watershed

A. Groundwater Outflow (estimated using Darcy's Equation)[1]:

$$Q = KAi = Twi$$

Hydraulic gradient between Ranch Wells 5 and 7 on 2/26/07:

$$\frac{36.8 \text{ ft}}{5{,}050 \text{ ft}} = 0.0073 \text{ ft/ft}$$

Aquifer width = 6,000 ft

Median transmissivity for all Ranch wells[2] = 8,885 gpd/ft

Groundwater Outflow = Q = Twi = 436 afy (to Trout Creek watershed)

B. Pumpage

Ranch pumpage		= 237 afy (45% of total)
Other pumpage		
(30 homes)(0.9 af/ac)		= 27 afy
	Total	= 264 afy

C. Return Flow

Ranch return flow		= 45afy (19% of pumpage, see Table 1-2)
Other return flow		
(30 homes)(0.36 af/ac)		= 11 afy
	Total	= 56 afy

Rinconada Creek Water Budget

Inflow

Precipitation	=	20,777 afy (Hopkins, 2006)
Surface Water Inflow	=	0
Groundwater Inflow	=	0
Return Flow	=	56 afy
Total Inflow	=	20,833 afy

Outflow

ET (0.7*20,777 afy)[3]	=	14,544 afy
Surface Water Outflow	=	5,589 afy (calculated with water budget)
GW Outflow	=	436 afy
Pumpage	=	264 afy
Total Outflow	=	20,833 afy (assumed equal to inflow)

IV. Trout Creek Watershed

A. Groundwater Outflow (estimated using Darcy's Equation)[1]:

$Q = KAi = Twi$ where Q = groundwater flow
K = hydraulic conductivity
i = hydraulic gradient
T = transmissivity (K x thickness)
w = aquifer width

Hydraulic gradient between Ranch Wells 14 and 20 on 4/21/06:

$$\frac{133.8 \text{ ft}}{16{,}000 \text{ ft}} = 0.0084 \text{ ft/ft}$$

Aquifer width = 6,000 ft

Median transmissivity for all Ranch wells[2] = 8,885 gpd/ft

Groundwater Outflow = Q = Twi = 502 afy

B. Pumpage

Ranch pumpage (total)	= 526 afy (2002-2006 average)
Ranch pumpage (Trout Creek)	= 289 afy (55% of total)
Other pumpage (4 homes) (0.9 af/ac)	= 3.6 afy
Total	= 293 afy

C. Return Flow

Ranch return flow	= 55 afy (19% of pumpage, see Table 1-2)
Other return flow:	
(62 homes)(0.36 af/ac)	= 22 afy
Total	= 77 afy

Trout Creek Water Budget

Inflow

Precipitation	= 19,512 afy (Hopkins, 2006)
Surface Water Inflow	= 0
Groundwater Inflow	= 436 afy (from Rinconada watershed)
Return Flow	= 77 afy
Total Inflow	= 20,025 afy

Outflow

ET (0.7*19,512 afy)[3]	= 13,658 afy
Surface Water Outflow	= 5,572 afy (calculated with water budget)
GW Outflow	= 502 afy
Pumpage	= 293 afy
Total Outflow	= 20,025 afy (assumed equal to inflow)

1. Darcy (1856)
2. Transmissivity data based on RHA (2001)
3. Evapotranspiration assumed to equal 70% of precipitation based on Todd (2004)

LUHDORFF & SCALMANINI
CONSULTING ENGINEERS

GROUND-WATER RESOURCES
HYDROLOGY • DEVELOPMENT • MANAGEMENT

April 12, 2007
File No. 07-1-019

Mr. James Caruso
Department of Planning Building
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408-2040

SUBJECT: COMMENTS ON ANALYSIS OF THE FUTURE DEVELOPMENT PROGRAM IN THE SANTA MARGARITA RANCH DRAFT EIR

Dear Mr. Caruso:

At the request of Santa Margarita Ranch, Luhdorff and Scalmanini, Consulting Engineers (LSCE) have reviewed the Draft Environmental Impact Report (DEIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Program prepared by Rincon Consultants, Inc. (Rincon) and offer the following comments. Our first letter included general comments on the hydrogeologic evaluation and findings in the DEIR and specific comments on predicted impacts and proposed mitigation for the Agricultural Cluster Subdivision (Project). This letter is specific to the Future Development Program (Program) and addresses both the findings of the hydrogeologic study prepared by Hopkins Groundwater Consultants, Inc. (Hopkins, 2006) that relate to the Program and the predicted impacts and proposed mitigation in the body of the DEIR.

1.0 HYDROGEOLOGICAL STUDY

1.1 Water Demands

Residential Demands – As discussed in more detail in our comment letter on the Project, a number of the demands estimated by the Hydrogeological Study (Hopkins, 2006) are high, which in turn affect all the subsequent analysis of groundwater-related impacts. The estimated water use factor for existing and proposed residential clustered lots on the Ranch (1.44 acre-feet [af]/lot) is reasonable for the existing residential cluster (Tract 1), which has relatively large lots, but is very high for the Program, which will have much smaller lots. We understand that 360 of the 402 lots will be laid out in a village configuration around a central square on a total of 40 acres. These lots would average less than 0.11 acres in size, and the water demand is estimated to be no more than 0.4 af/lot based on current water

500 First Street • Woodland, CA 95695-4026 • 530.661.0109 • Fax 530.661.6806

demand for the town of Santa Margarita. As indicated in the 2003 Water System Master Plan for CSA 23 (San Luis Obispo County Public Works Department, 2004), the residential water demand in Santa Margarita during 2002-2003 was about 0.37 af/connection. The other 42 lots that would be developed under the Program would be similar in size to the Project (about one acre on average), and the estimated water demand would also be similar. A water demand of 0.9 af/lot was originally estimated for the Project by Cleath (2004) based on the metered usage on similar size lots in Garden Farms, and is more realistic than Hopkins' estimate of 1.44 af/ac/yr. The Hopkins (2006) demand estimates are shown in **Table 1-1** along with revised demand projections based on the CSA 23 data and Cleath's original estimate. Hopkins' estimate of 578 afy for the 402 lots included in the Program is almost 400 af higher than the revised estimate of 182 afy.

Agricultural Demands – As discussed in our comment letter on the Project, Hopkins' estimate of the demand for irrigation of the existing vineyard (1,558 afy) is almost triple the actual irrigation demand based on pumpage and irrigation data provided by the Ranch. The erroneously high estimated demand is due in part to the difference between the gross vineyard acreage (974 acres) used for Hopkins' calculations and net vineyard acreage (782 acres) that is actually planted to grapes. While the total area is devoted to overall vineyard operation, only that portion that is actually planted has an irrigation water requirement.

The primary reason that irrigation demands estimated by Hopkins are high is the use of an outdated applied water factor (1.6 af/ac/yr), which was based on a DWR publication that did not account for the effect of drip irrigation and other modern vineyard operations. The drip irrigation system installed in the Ranch's vineyards at the time of planting uses a single 0.5 gallon per hour (gph) emitter per vine and applies about 450 gph/ac. LSCE used 2003 irrigation records provided by the Ranch to calculate the actual irrigation demand, and this is summarized in **Table 1-2**. This table shows water used during the spring for frost control in addition to water applied for irrigation during the summer and fall. Other agricultural water uses shown in the table are water for spraying, dust control during the grape harvest, and evaporation and seepage from three reservoirs totaling 15 acres. The net reservoir evaporation rate (evaporation minus direct precipitation) is estimated to be about 40 afy, making it the largest of these uses. The total agricultural water use was estimated to be about 435 af, or about 0.56 af/ac., in 2003. That estimate was subsequently increased to 0.67 af/ac after interpretation of flow meter and engine operating data for the Ranch wells. A value of 0.67 af/ac was used on **Table 1-1** to estimate current and future agricultural water demands.

As explained in our comment letter on the Project, the Ranch's average annual pumpage is about 525 af based on the five year period (2002-2006) since the full vineyard has been planted. Because the vineyard is now mature, the average future demand is not expected to increase and may actually decrease due to changes in vineyard operation made by the new managers. A total agricultural water use of 0.67 af/ac/yr is considered to be a conservative estimate of future demand.

As shown on **Table 1-1**, Hopkins estimate of total future water demand for the Ranch including the Program is 3,087 afy. This is almost double the revised estimate of 1,589 afy based on actual irrigation and pumpage data and more realistic assumptions.

1.2 Overdraft and Perennial Yield

As noted in our comment letter on the Project, water level hydrographs prepared for the Ranch wells generally show declining water levels during the first several years of vineyard operation, followed by stabilization in recent years. There is no evidence of overdraft occurring anywhere in the Santa Margarita area, and additional groundwater pumping to supply the Project is not anticipated to cause overdraft.

The DEIR's finding that projected Program pumping may cause overdraft in the future in spite of proposed mitigation measures that include development of a supplemental water supply and use of reclaimed water for the golf course and landscape irrigation is based in part on Hopkins' very low estimate of perennial yield (400 to 600 afy). Hopkins does not indicate how this was estimated. In reaching his conclusions about perennial yield, Hopkins ignored the study conducted by Dr. John Mann in 1987. As stated on Page 1 of the Mann report, "[t]he purpose of the present report was to estimate the amount of ground water which would be available to the Ranch from underlying aquifers on a perennial basis. This has been accomplished by hydrogeologic studies, test boring, test pumping, and reasonable extrapolations from the data obtained." The primary conclusion of the Mann (1987) report was "[t]he Santa Margarita Ranch is underlain by aquifers capable of yielding at least 1300 acre-feet per year of ground water on a perennial basis." Mann based his perennial yield estimate on geologic formations rather than watersheds, and the 1,300 afy total was based on estimated yields of 500 afy from the Santa Margarita Formation, 500 afy from the Paso Robles formation and overlying Trout Creek alluvium, and 300 afy from the Yerba Buena Creek alluvium. Mann considered his perennial yield estimate to be conservative.

Almost all of the Ranch's wells are located in the Rinconada and Trout Creek watersheds, which are almost as large as the Santa Margarita watershed and support year around streamflow (**Figure 1-1**). As discussed in our comment letter on the Project, a separate water budget was developed for each watershed to estimate the magnitude of the various components that affect groundwater supply. Details of these water budgets are included with our comment letter on the Project. The water budget components shown on **Table 1-3** are based on the Todd (2004) water budgets developed for CSA 23, which supplies water to the town of Santa Margarita. The inflow components are precipitation, surface water inflow (assumed to be zero due to the use of watershed boundaries), groundwater inflow, and return flow. The outflow components are evaporation, surface water outflow, groundwater outflow, and pumpage.

Todd (2004) developed water budgets for Santa Margarita and Yerba Buena watersheds but only included pumpage and return flow estimates for water pumped by CSA 23. Todd also

did not include groundwater inflow from the Yerba Buena watershed into the Santa Margarita watershed. The water budgets for these watersheds summarized on **Table 1-3** were modified to include the missing components. Similar water budgets developed by LSCE for the Rinconada and Trout Creek watersheds are also summarized on **Table 1-3**. For Rinconada Creek, groundwater outflow to the east was assumed to be zero due to the low permeability of the Rinconada fault zone, but northerly groundwater outflow to the Trout Creek watershed was estimated to be 436 afy. This outflow is also included as an inflow component to the Trout Creek watershed. Groundwater outflow from the Trout Creek watershed was estimated similarly to be 502 afy. There are no stream gages on Rinconada or Trout Creeks; surface water outflow was estimated to be about 5,600 afy for each of these watersheds using the water budget. The total estimated surface water outflow is approximately 18,000 afy.

1.3 Adequacy of Water Supply

Current and projected demands for the Santa Margarita Ranch and other water uses in the area are summarized in **Table 1-4**. Current demand is estimated to be 933 afy, which includes 216 afy for CSA 23, 82 afy for Garden Farms, 55 afy for private wells, and 580 afy for the Ranch. As discussed above, this level of pumping has not resulted in overdraft. Consumptive use is estimated based on a return flow of 40 percent for all residential uses and about 9 percent for the Ranch's agricultural uses. Current consumptive use is estimated to be 721 afy for all uses.

The estimate of projected future demand includes 270 afy for CSA 23 (a 25 percent increase) based on Todd (2004), and private pumpage was assumed to increase by the same amount (to 69 afy). The demand for Garden Farms was projected to increase by 14 percent to 93 afy based on Cleath (2004). The total water demand for Ranch was projected to increase to 1,589 afy as a result of the Program. The total projected future demand in the four watersheds that encompass the Santa Margarita is 2,021 afy including the Program. The projected consumptive demand was estimated as above to be 1,374 afy for all uses.

The perennial yield of the aquifers underlying the Ranch was estimated to be at least 1,300 afy by Mann (1987) based on hydrogeologic studies, test borings, and test pumping. This suggests that available groundwater may be insufficient to supply the Program and other predicted future demands. However, in light of the lack of any support for the Hopkins estimate of what perennial yield "might prove to be", and in light of Mann's work that estimated perennial yield to be at least 1,300 afy, it is not possible to reach a definitive conclusion that groundwater pumping for the Program will result in, or contribute to, overdraft. Additional analysis is needed to examine whether the collective changes in the basin contribute to an increase in its perennial yield; it is well recognized that changes in cultural conditions in a basin result in changes in perennial yield.

2.0 PREDICTED IMPACTS

Hopkins indicated that the potential impacts of additional pumping by the Ranch could cause overdraft and therefore should be considered "potentially significant impacts". That conclusion applied to the both the Project and the Program. As discussed in our comment letter on the Project, that conclusion was not based on any quantitative analysis and was incorrect relative to the Project. In the case of the Program, the lack of any analysis of basin yield in the Hydrogeological Study, exacerbated by the notable overestimation of water demand for the Program, makes it impossible to conclude whether there would be an impact on groundwater and, if so, whether it would be avoidable or mitigable. Thus, the DEIR's conclusion that Future Development Program Impact W-1 would be significant and unavoidable is speculative and not supportable. That conclusion in the DEIR states:

> "The Future Development Program would increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 926 acre-feet per year (afy). This net consumptive use may contribute to overdraft of the aquifer system. Groundwater use associated with the Future Development Program is a Class I, *significant and unavoidable*, impact."

As noted in our comments on the proposed Project, any impact that "may" occur is not conclusively both significant and unavoidable. And there is certainly no analysis which suggests that significance as defined in DEIR Section 4.14.2 would be experienced, i.e. that "the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses...". No significant impact is identified and quantified in the either the Hydrogeological Study or the DEIR. In summary, there is no basis for a conclusion of a "significant and unavoidable" (Class I) impact related to water supply for the Program level of development. The DEIR needs to recognize that it cannot conclude whether there will be a significant impact, and it certainly cannot conclude that indeterminable impacts that "may" occur are significant and unavoidable.

3.0 PROPOSED MITIGATION

As discussed above, it is premature to try to define appropriate mitigation for the Program until the impacts have been determined. However, there is no reason to assume that proposed mitigation such as the use of supplemental water (from the State Water Project or Nacimiento) and reclaimed water to complement local groundwater would not sufficiently mitigate any water supply impacts. Groundwater monitoring could then be used to demonstrate the adequacy of water supplies or, if adverse conditions do develop, demonstrate the need for additional mitigation.

We appreciate the opportunity to provide comments on the DEIR, and hope that our comments will be helpful in improving the evaluation of hydrogeologic impacts for the

Program in the final EIR. If we can provide further detail or respond to questions about any of the above, we would be pleased to do so.

Sincerely,

LUHDORFF AND SCALMANINI
CONSULTING ENGINEERS

Joseph C. Scalmanini
Senior Principal

Glenn Browning
Senior Hydrologist

Attachments

Attachments

Table 1-1
Santa Margarita Ranch Water Demands

Element	Size (acres)	Hopkins' Estimate		Revised Estimate		Notes
		Water Use Factor (af)	Water Demand (afy)	Water Use Factor (af)	Water Demand (afy)	
Existing Water Uses						
36 Residential Lots	4.9 avg. (180.6 total)	1.44/lot	53	1.44/lot	52	(1)
Vineyard	974 (gross); 782 (net)	1.6 af/ac/yr	1,558	0.67 af/ac/yr	525	(2)
Other Uses			10		3	(3)
Existing Water Demand			1,621		580	
Agricultural Residential Cluster (Project)						
112 Residential Lots	1.1 avg, (127.5 total)	1.44/lot	161	0.9/lot	101	(4)
Project Water Demand			161		101	
Total Water Demand			1,782		681	
Future Development Program (Program)						
360 Lots (Village Format)	0.11 avg. (40 total)	1.44/lot	518	0.4/lot	144	(5)
42 Residential Lots	~1.0 avg.	1.44/lot	60	0.9/lot	38	
Other Uses			726		726	
Program Water Demand			1,305		908	
Total Water Demand			3,087		1,589	

1. All lots have private wells and are not included in Ranch pumpage (only 9 homes are currently occuppied). Hopkins assumed 37 lots total.
2. Revised estimate based on 2003 water demands shown on Table 1-2. Future water use for vineyard irrigation based on the water use for 2003 (0.55 af/ac), which was increased to 0.67 af/ac to match estimated the pumpage
3. Revised estimate based on 3 residences and a well for misc. uses at the Ranch headquarters.
4. Revised water use factor (0.9 af/lot) based on Cleath (2004).
5. 360 of the Program lots would be laid out in a village format (40 ac total, including a town square). Water use factor based on 2003 Water System Master Plan for CSA 23.

Table 1-2
Santa Margarita Ranch 2003 Agricultural Water Demand and Consumptive Use

Usage	Water Demand (gal)	Water Demand (af)	Return Flows (af)	Consumptive Use (af)
Irrigation and Frost Control[1]				
Irrigation	82,202,000	252.3	12.6	239.7
Frost control	40,080,000	123.0	12.3	110.7
Subtotal	122,282,000	375.3	24.9	350.4
Other Agricultural Uses				
Spraying[2]	200,000	0.6	0.03	0.6
Dust control during harvest[2]	450,000	1.4	0.1	1.2
Net seservoir evap. (15 ac x 3.0 ft/yr)[3]	13,197,000	40.5	-	40.5
Reservoir seepage (15 ac x 1.0 ft/yr)	4,888,000	15.0	15.0	0.0
Shop	163,000	0.5	0.2	0.3
Subtotal	18,898,000	58.0	15.4	42.6
Total		**433**	**40**	**393**

1. Based on 2003 irrigation records for 211 ac of vineyard that used 0.18 af/ac for frost control and 0.32 af/ac for drip irrigation. Other vineyard blocks were assumed to be irrigated at the same rate except for 95 ac that do not have frost control sprinklers. The total applied water was estimated to be about 375 af (0.48 af/ac).
2. Based on estimate for 2006.
3. Net evaporation is evaporation minus precipitation. Evaporation estimated to be 5.5 ft/yr based on pan evaporation at Salinas Dam (DWR, 1979). Precipitation estimated to be 2.5 ft/yr.

Table 1-3
Water Budget Summary (afy)

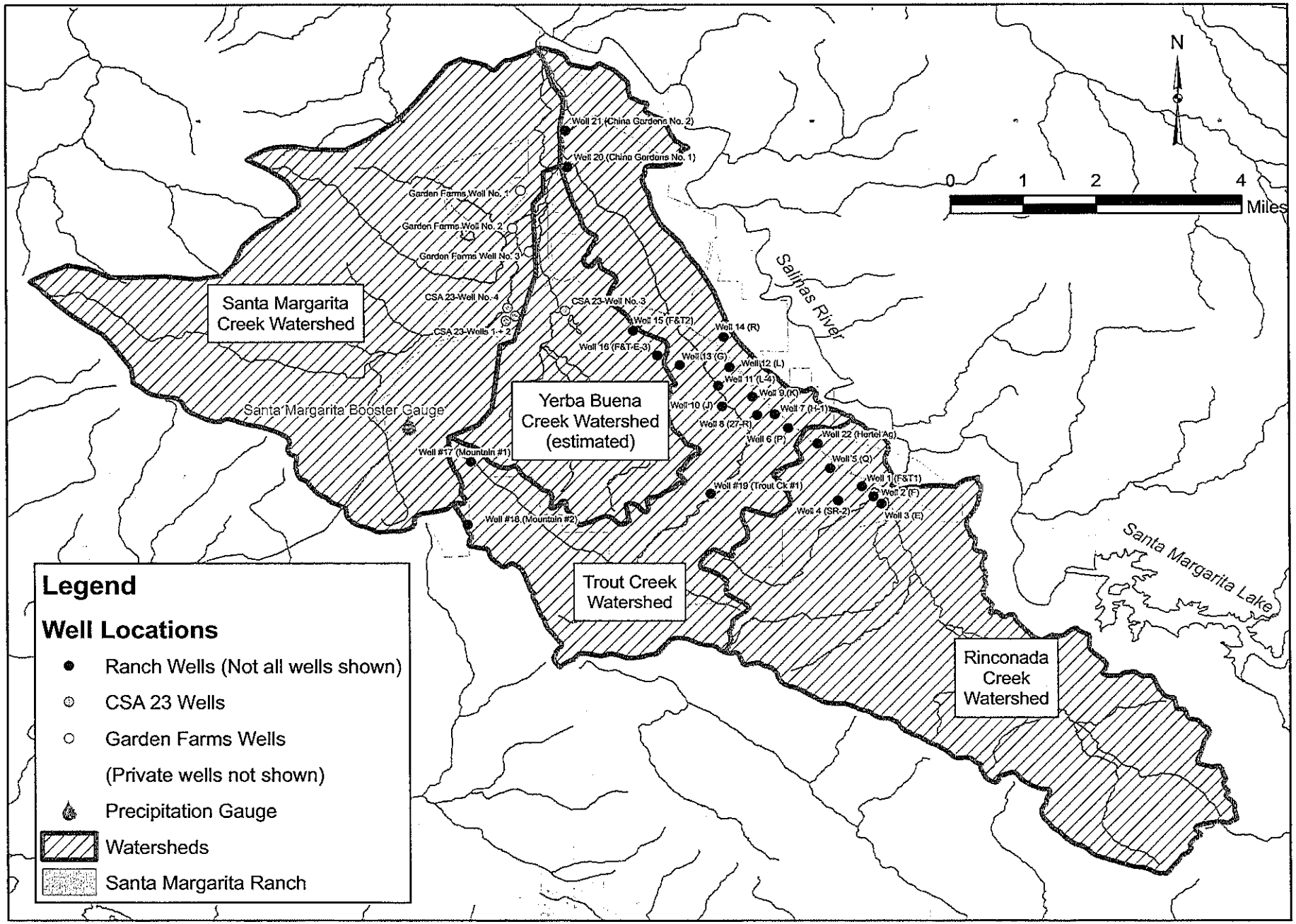
Component	Santa Margarita Creek	Yerba Buena Creek	Rinconada Creek	Trout Creek	Total
Inflow					
Precipitation[1]	17,988	6,965	20,777	19,512	65,242
Surface Water Inflow[2]	0	0	0	0	0
Groundwater Inflow[3]	203	0	0	436	0
Return Flow[4]	67	82	56	77	282
Total Inflow	18,258	7,047	20,833	20,025	65,524
Outflow					
'Evapotranspiration[5]	12,592	4,876	14,544	13,658	45,670
Surface Water Outflow[6]	4,862	1,861	5,589	5,572	17,884
Groundwater Outflow[7]	233	203	436	502	502
Pumpage[8]	290	31	264	293	878
Total Outflow	17,977	6,971	20,833	20,025	64,934
Error[9]	1.6%	1.1%	-	-	0.9%

1. Precipitation for Santa Margarita and Yerba Buena Creeks estimated by Todd (2004); precipitation for Rinconada and Trout Creeks estimated by Hopkins (2006).
2. Surface water inflow equals zero due to watershed boundaries.
3. Groundwater inflow to Yerba Buena and Rinconada Creeks assumed to be zero. Groundwater outflow from Yerba Buena and Rinconada provides groundwater inflow to Santa Margarita and Trout Creeks, respectively.
4. Return flow for Santa Margarita estimated by Todd and LSCE; return flow for Yerba Buena estimated by Todd (2004); return flow for Rinconada and Trout Creeks estimated by LSCE.
5. Evapotranspiration for Santa Margarita and Yerba Buena Creeks estimated as 70% of precipitation by Todd (2004); evapotranspiration for Rinconada and Trout Creeks also estimated as 70% of precipitation..
6. Surface water outflow for Santa Margarita and Yerba Buena estimated by Todd (2004); surface water outflow for Rinconada and Trout Creeks calculated with water budget.
7. Groundwater outflow for Santa Margarita and Yerba Buena Creeks estimated by Todd (2004); grounwater outflow for Trout and Rinconada Creeks estimated by LSCE. Groundwater outflow from Yerba Buena to Santa Margarita Creek and Rinconada to Trout Creek are internal to the study area. The total groundwater outflow is based on the outflow from Trout Creek.
8. Pumpage for Yerba Buena estimated by Todd (2004), pumpage for Santa Margarita estimated by Todd and LSCE, and pumpage for Rinconada and Trout Creeks estimated by LSCE.

Table 1-4
Current and Future Demand and Consumptive Use for Future Development Program and Other Uses in Santa Margarita Area (afy)

Entity or Use	Current		Projected	
	Demand	Consumptive Use	Demand	Consumptive Use
Santa Margarita (CSA 23)[1]	216	130	270	162
Garden Farms[2]	82	49	93	56
Private Wells[3]	55	33	69	41
Santa Margarita Ranch				
Agriculture[4]	525	476	525	476
Residential[5]	55	33	338	203
Other Uses[6]			726	436
Ranch Subtotal	580	509	1589	1115
Total	**933**	**721**	**2,021**	**1,374**

1. From Todd (2004)
2. From Cleath (2004)
3. Santa Margarita Ck = 24 afy, Trout Ck = 4 afy, Rinconada Ck = 27 afy.
4. Based on avg. annual pumpage (2002-2006)
5. Current demand assumes 52 afy for buildout of Tract 1 (36 lots) and 3 afy for other residential. uses shown on Table 1-1. Projected demand includes Project and Program.
6. "Oher Uses" for Program based on Hopkins (2006).



LUHDORFF & SCALMANINI CONSULTING ENGINEERS

Figure 1-1
Well Locations and Watershed Boundaries in Santa Margarita Area

Appendix A

References

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"Attachment N"

UY

Growth Inducing Impacts

Diana Gould-Wells

Comments on Section 5.0: Growth Inducing Impacts
Santa Margarita Ranch Draft Environmental Impact Report

Section 1512(g) of the State CEQA Guidelines requires a discussion of a proposed project's potential to foster economic or population growth, including ways in which a project cold remove obstacles to growth. The following discussion relates to the growth inducing impacts from the Agricultural Residential Cluster Subdivision (Ag Cluster Development) and the Future Development program as presented in Section 5.0 (Growth Inducing Impacts) of the Santa Margarita Ranch Draft Environmental Impact Report (SM DEIR). UY

BACKGROUND INFORMATION

The components of this project (Ag Cluster Subdivision) were previously included in the analysis presented in the Final Program Area EIR for the Draft Salinas River Area Plan (Fugro FEIR). This EIR was prepared in June 1993 and certified in January 1996. Growth inducing impacts were determined to be Class I, significant and unavoidable. These impacts, as stated in the Fugro FEIR, are shown below.

Growth Inducing UZ

1. Impacts - Refer to Final EIR page 6.1. The loss of approximately 943 acres of agriculturally-zoned land will increase pressures of surrounding ag lands to convert to non-agricultural uses. Extension of the planning area's social and physical urban infrastructure may induce future population growth by eliminating constraints to growth. Planning area population growth may increase pressure on future development of adjacent planning areas. Changing categories in the rural areas to more intense uses will foster growth and result in pressures for other properties to change to more intensive uses.

2. Mitigation - While no measures are specifically proposed, the intent of the proposed Salinas River Area Plan is to provide for orderly growth.

3. Findings - No changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment; however, these effects have not been lessened to a level of insignificance.

4. Supportive Evidence - The following is a brief description of the mitigation which will reduce the impacts:

   a. The general intent of the proposed Salinas River Area Plan is to provide for orderly growth.

Overriding findings were made for this impact, the justification for which is presented below.

The unavoidable impacts resulting from the proposed project will occur as a result of how buildout of development will proceed, as well as the level of development that may occur for certain areas.

In balancing the project benefits against the significant unavoidable environmental impacts, the Planning Commission recommends that the Board of Supervisors find the environmental effects to be acceptable based on the following conclusions:

A. The proposed land use categories and densities are based, in part, on input received from the three advisory groups and other individuals. The Plan now provides development opportunities that are considered more acceptable to the community than that of the existing Plan. **UZ**

B. The proposed land use categories and densities will better provide for the development visions and goals of the communities, villages and rural areas involved when compared to the existing Plan. Each community will have a better jobs/housing balance, as well as a better mix of land uses (that reflect current development trends) to provide for more self-sustaining communities when compared to the existing Plan.

C. The proposed land use categories and densities for the Salinas River Area Plan are expected to encourage more growth in the urban areas, which, in turn, would provide more County services, due to the increased revenues from additional property and sales tax. Growth will also result in more employment opportunities for construction and new business employment. This, in turn, should have a positive affect on the economic health of the communities.

DETAILED ANALYSIS OF SM DEIR SECTION 5.0

Pages 5-1 through 5-2

Section 5.1 Economic Growth

Section 5.1.1: Agricultural Residential Cluster Subdivision Economic Growth **VA**

As proposed, the Ag cluster Subdivision involves private residential development and does not include any commercial or industrial development. Therefore, it would not directly generate jobs or economic activity.

The first paragraph in this section states that a factor of 2.7 persons per dwelling unit is used to determine the number of residents associated with the 112-unit development. For completeness, the source for this factor should be referenced. **VB**

This development would result in a 22.8% increase in existing population of the Santa Margarita area. This population increase would provide more County services due to increased property taxes. As stated in the Fugro FEIR, this would have a positive economic effect on the community. **VC**

The second paragraph in this section states that improvements to existing commercial business would be required to comply with County regulations. This paragraph also states that environmental impacts of other development in the area could likely be similar to the Ag Cluster **VD**

Subdivision, and that these impacts would be addressed on a case-by-case basis. The Salinas River Area Plan (and its' impacts as identified in the Fugro FEIR) discusses these growth projections and provides for orderly growth. Thus, no further mitigation would be required. **VD**

Section 5.1.2: Future Development Program Economic Growth
As correctly stated on page 5-1, the commercial components of the Future Development program would directly generate jobs and influence economic activity. A factor of 500 building square feet per worker is used for estimating the number of square feet for commercial/retail development. It would be appropriate to include a reference showing the source of this factor. **VE**

Under the Future Development Program, new jobs would be created. It is reasonable to state that a portion of these jobs would be filled by existing Santa Margarita residents. This would improve the current jobs-housing imbalance in this region. **VF**

Under the Future Development Program, circulation, water, sewer and drainage infrastructure would be constructed to accommodate this urban development. It is correctly stated that the costs of these improvements would at least be partially offset by the additional, tax base. **VG**

In the second complete paragraph on page 5-2, the factor of 2.7 persons per dwelling unit is again used. As previously stated, it would e appropriate to include a reference for this factor. **VH**

Pages 5-2 through 5-3
Section 5.2: Economic Growth

Section 5.2.1: Agricultural Residential Cluster Subdivision Economic Growth

The statement that the Ag Cluster Subdivision directly induces growth in a rural location is correct. The Salinas River Area Plan addresses these growth projections and provides for orderly growth. Overriding findings for these impacts have been made. As such no additional mitigation would be required. **VI**

Section 5.1.2: Future Development Program Economic Growth
The statement that the Future Development Program directly induces growth in a rural location is correct. The Salinas River Area Plan addresses these growth projections and provides for orderly growth. Overriding **VJ**

findings for these impacts have been made. As such no additional mitigation would be required. VJ

Pages 5-3 though 5-5

Section 5.3: Removal of Obstacles to Growth

Section 5.3.1: Agricultural Residential Cluster Subdivision Removal of Obstacles to Growth VK

The discussion of the potential for the types of infrastructure to induce growth is appropriately presented. Mitigation GI-1 is designed to limit the potential for the Ag Cluster Subdivision to induce growth in the area, thereby reducing significant physical effects associated with growth. This is an appropriate mitigation measure and is correctly applied.

Section 5.3.2: Future Development Program Removal of Obstacles to Growth

VL

The discussion of the potential for the types of infrastructure to induce growth is appropriately presented. Mitigation GI-1, designed to limit the potential for the Ag Cluster Subdivision to induce growth in the area, would also apply to the Future Development Program land uses. In addition, it is appropriate to coordinate these land uses through a Specific Plan and through the individual development project review process.

Letter 18

COMMENTOR: Santa Margarita Ranch, LLC

DATE: April 12, 2007

RESPONSE:

Response 18A

The commentor notes that the law offices of William S. Walter, together with a broad ranging technical team, represent Santa Margarita Ranch, LLC. Comment is noted.

Response 18B

The commentor claims that the DEIR overstates potentially significant environmental impacts and does not fully consider the previously certified General Plan EIR. Each impact which the commentor claims to be overstated is addressed in impact-specific comments throughout the Santa Margarita Ranch, LLC comment package. Refer also to Master Response 9.

Response 18C

The commentor notes that overstating the significance of potential environmental impacts does not render an EIR inadequate. As noted under Response 18B, each impact which the commentor claims to be overstated is addressed in impact-specific comments throughout the Santa Margarita Ranch, LLC comment package.

Response 18D

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is warranted.

Response 18E

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is warranted.

Response 18F

Refer to Response 18B.

Response 18G

The commentor claims that the Draft EIR analysis provides no basis for disregarding the conclusions and board findings in the "Final Program Environmental Impact Report for the Draft Salinas River Area Plan." The commentor summarizes Public Resources Code (PRC) Section 21083.3(b), which establishes limits upon the subsequent approval of a general plan consistent project, and State CEQA Guidelines pertaining to cumulative impacts and tiering.

The commentor does not provide project-specific evidence to support the claim the Final EIR for the Draft Salinas River Area Plan (Fugro-McLelland, Certified January 2, 1996; hereafter "Fugro EIR") should have been used as a tiering document for the Draft EIR. As noted in Appendix C (Policy Consistency), the proposed project is potentially inconsistent with several policies in the Salinas River Area Plan, as well as with the Agriculture land use designation of the San Luis Obispo County General Plan, Agriculture Element Policy 22 (Major Agricultural Cluster Projects), and the County's Agricultural Cluster Ordinance (Section 22.22.150 of the County LUO).

Refer also to Master Response 9. As noted therein, the Fugro EIR was not used as a tiering document because it did not adequately address environmental impacts associated with development on the Santa Margarita Ranch.

Response 18H

The commentor discusses legal standards for mitigation measures and alternatives in an EIR. The comment does not directly address the Draft EIR. No specific response is warranted.

Response 18I

The comment does not directly address the Draft EIR. No specific response is warranted.

Response 18J

The commentor states that they represent the ownership(s) of the Santa Margarita Ranch. Comment is noted.

Response 18K

The commentor claims that the Draft EIR excludes information that was provided to the County as part of the application package, as well as additional information requested and provided throughout the DEIR process. The commentor notes that they have resubmitted this information. These items include the following:

1) Supplemental Development Statement Submitted March, 2004
2) CD of Santa Margarita Preserve by Sage & Associates
3) Memorandum of Agreement for Cultural and Environmental Protocols between San Luis Obispo County Chumash Council and Santa Margarita Ranch LLC
4) Master Plan Concepts Submitted June 13, 2006
5) Draft Vineyard Estates Development Guidelines
6) Package of Previous Submitted EIR Information (primarily emails between the applicants' representative, the County of San Luis Obispo, and the County's lead consultant)

These above listed items have not been included in the Response to Comments document due to their length and extraneous nature. However, they can be reviewed at the County of San Luis Obispo Department of Planning and Building Environmental Coordinators Office, 976 Osos Street, San Luis Obispo, CA 93408. Each item and their inclusion or exclusion in the Draft EIR is addressed below.

Item 1 above was used to create the Project Description contained in Section 2.0 of the Draft EIR.

Item 2 above includes The Santa Margarita Preserve Agricultural Management and Enhancement Plan (AMEP) prepared by Sage Associates in May 2001. The report was used to inform the background/setting information included in Section 4.1, *Agricultural Resources,* of the Final EIR.

Item 3 above is a Memorandum of Agreement (MOA) between the Santa Margarita Ranch, LLC and the San Luis Obispo Chumash Council. This MOA constitutes a private and confidential agreement between two parties. It does not have the force of law or regulation and cannot substitute for a standard CEQA analysis, nor can its provisions, no matter how well intentioned, substitute for necessary and appropriate mitigation measures pursuant to the requirements of CEQA and the professional standards and practices employed in CEQA compliance. Refer to Response 18CR.

Item 4 above includes nine hand drawn illustrations representing three schemes of conceptual development which include a lodge, conference center, single-family and condominium residences, civic center, restaurants, retail and golf course. These illustrations were excluded from the DEIR analysis because they are conceptual. They do not represent plans for development, nor is there any guarantee that future development on the Ranch would employ them. Assuming implementation of the conceptual site layouts would be speculative (refer to Master Response 2).

Item 5 above is addressed in Master Response 8. As noted therein, the Draft Vineyard Estate Design Guidelines were not included in the Project Description or Draft EIR analysis because they are guidelines, not requirements, and were not proposed as part of the project.

Item 6 above includes emails between the applicants' representative, the County of San Luis Obispo, and the County's lead consultant. The issues discussed in these emails were incorporated into the Project Description and DEIR analysis where necessary. The commentor does not specifically identify issues addressed in Item 6 which they believe were erroneously excluded from the EIR. As a result, no further response is feasible.

<u>Response 18L</u>

The commentor notes that the applicant team has submitted a "Mitigated Proposed Project Alternative" which incorporates design recommendations in the Draft EIR. This submittal is analyzed as Alternative 12 (Amended Project) in Section 6.0, *Alternatives,* of the Final EIR. This analysis was also recirculated as part of the Revised Draft EIR.

<u>Response 18M</u>

The commentor claims that many of the issues in the Draft EIR are overstated or inadequately analyzed. Each impact which is allegedly overstated is addressed in impact-specific comments throughout the Santa Margarita Ranch, LLC comment package.

Refer also to Master Response 9. As noted therein, the Fugro EIR did not adequately address environmental impacts associated with development on the Santa Margarita Ranch.

Response 18N

The commentor claims that recommending Alternative 7 (Tighter Cluster Alternative) is in direct conflict with protection of agricultural lands, visual resources, and delineated wetlands.

Refer to Master Response 4. As noted therein, each of the 14 alternatives analyzed for the Agricultural Residential Cluster Subdivision and Future Development Program were intended to avoid or substantially lessen one or more of the significant effects of the project, in accordance with State CEQA Guidelines § 15126.6 (c). Alternative 7 was not intended, and is not expected, to reduce all significant impacts associated with the proposed Agricultural Residential Cluster Subdivision.

Response 18O

Refer to Response 18K.

Response 18P

The commentor provides a description of the "Mitigated Proposed Project Alternative." Refer to Response 18L. As noted therein, this submittal is analyzed as an alternative to the Agricultural Residential Cluster Subdivision [refer to Section 6.12 (Alternative 12: Amended Project) of the Final EIR].

Response 18Q

Refer to Master Response 10. As noted therein, any differences between the thresholds of significance used in the EIR and those used in previous agricultural cluster EIRs are superficial. In addition, any changes in thresholds are warranted based on San Luis Obispo County's experience with agricultural cluster subdivision projects.

These referenced EIRs have not been included in the Response to Comments document due to their length and tangential relationship to the project. However, they can be reviewed at the County of San Luis Obispo Department of Planning and Building Environmental Coordinators Office, 976 Osos Street, San Luis Obispo, CA 93408.

Response 18R

The commentor argues that the two Class I, *significant and unavoidable,* impacts identified in Section 4.1, *Agricultural Resources,* have been overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Thomas Rice. This technical study is included as Attachment A to the applicants' comment letter package.

Refer to Responses 18S through 18AK for responses to the commentor's claim that agricultural impacts have been overstated. Refer to Responses 18DM through 18FU for responses to Attachment A.

Response 18S

As noted in the third paragraph in Section 2.0, *Project Description,* the proposed agricultural cluster development area totals 163.1 acres. Refer to Table 2-3 for a breakdown of this acreage. Neither the project description nor the agricultural resources section of the Draft EIR references 163.7 acres, as stated by the commentor. The 676.7 acres cited under Agricultural Residential Cluster Subdivision Impact AG-2 is also derived directly from the project description.

Response 18T

Even if the Agricultural Residential Cluster Subdivision were similar to the Varian Ranch project, this similarity would not preclude impacts to grazing viability or conflicts between agriculture and residential uses. Complaints have been received from individual homeowners within Varian Ranch, which are directed to the Varian Ranch Homeowner's Association (HOA). Typical complaints relate to animal waste, animals in roadways, landscape damage, and concerns related to walking in a neighborhood with free range animals. The Edna Ranch Subdivision, another agricultural cluster in San Luis Obispo County, has resulted in similar complaints. Complaints from this project are directed to vineyard owners, since no HOA is in place, and include complaints related to noise, dust and pesticide use.

Incompatibilities result when non-agricultural uses, such as residential uses, are placed in close proximity to or intermingled with agricultural activities. The presence of pedestrians, bicyclists, and/or domestic pets, which would be expected in a residential development of the size proposed, induces stress on cattle. When cattle and calves are stressed they run more and eat less. This gets in the way of weight gain, which is the main objective of a cattle operation. Calves are especially stressed by such activities, and one running cow/calf can easily trigger a stampede. In addition, if stressed cattle are running because they are scared or being bothered by a domestic animal, cattle can be injured, resulting in losses for the operation.

The above disruptions to cattle operations are evident in the recorded testimony during the County Trail Plan hearings.

Response 18U

The commentor claims that the Draft Vineyard Estate Design Guidelines (Draft Guidelines) were intended to implement many of the same agricultural interface concepts incorporated at Varian Ranch (refer to Responses 18T above). Refer to Master Response 8. The Draft Guidelines are not part of the Agricultural Residential Cluster Subdivision because they are guidelines, not requirements, and were not proposed as part of the project.

Response 18V

The commentor claims that residential building envelopes are designated on the tentative map in order to more accurately quantify the area that will continue to be available for grazing. It should be noted that the tentative map does not include building envelopes.

Response 18W

The commentor claims that the DEIR does not contain factual information to support the conclusion that conversion of the 676.7 acre grazing unit would result in a reduction in the overall carrying capacity of the Ranch by 85 animal units. Refer to the first paragraph under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR, which has been revised to clarify the source of this information.

It should also be noted that the DEIR states that the sustainability of the 676.7 acre grazing unit would be permanently compromised.

The commentor additionally cites data which conflicts with the Draft EIR, referencing the Santa Margarita Preserve Agricultural Management and Enhancement Plan (AMEP) prepared by Sage Associates in May 2001 and personal accounts of the Ranch manager. This information has not been confirmed by an impartial source. Refer also to Response 18K for a discussion of the AMEP.

Response 18X

The commentor claims that the Draft EIR does not identify the source of information used to determine animal unit impacts and should therefore use the sources mentioned in Comment 18W. Refer to Response 18W. As noted therein, the first paragraph under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR, has been revised to clarify the source of this information.

Response 18Y

Refer to Response 18V.

In addition, as noted in Responses 18W and 18X, the first paragraph under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR, has been revised to clarify the source of the animal unit impact.

Refer also to Master Response 8 regarding the Draft Guidelines.

Response 18Z

The commentor outlines mitigation measures which they argue would reduce impacts related to grazing land to a less than significant level. These measures focus on the eradication of Yellow star thistle on-site. Section 4.3, *Biological Resources,* did not identify the Yellow star thistle as occurring on the property. Because Yellow star thistle is not known to occur on the property in any substantial quantity, these mitigation measures would not be effective.

Refer also to Response 18Y.

Response 18AA

Agricultural Residential Cluster Subdivision Impact AG-1 describes the soil types and locations that would be considered prime soils.

Response 18AB

The commentor argues that the direct conversion of prime soils would be reduced because Lots 43 and 71 would be relocated and because current road alignments would continue to be utilized. The commentor is referring to the applicants' Mitigated Proposed Project Alternative (MPPA), which is analyzed in the Section 6.0, *Alternatives,* of the Final EIR as Alternative 12 (Amended Project). As noted in Section 6.12.2 under *Agricultural Resources,* this alternative would relocate Lots 43, 66 and 71 to avoid prime soil locations identified in the Draft EIR. As disclosed therein, this would result in fewer impacts related to the direct conversion of prime soil areas. The commentor's statement related to the relocation of Lot 43 and 71 are the associated impact reduction is therefore noted.

It should also be noted that, although existing road alignments would be utilized to the extent feasible, construction and pavement of roadways meeting County standards would nevertheless directly convert prime soils, as these areas would be paved and therefore not viable for agricultural use.

Response 18AC

Refer to Response 18AB.

Response 18AD

The commentor provides mitigation measures which they argue would reduce impacts related to prime soil conversion to a less than significant level.

The first measure includes constructing Ranch roads to the minimal width allowable by the CDF. As noted by the commentor, the applicant has already requested that this be allowed. This is evident in Section 2.4.1(a) of the Final EIR, which describes Phase 1 and 3 roadways as 22-feet wide or less and Phase 2 roadways as 18-feet wide or less. Therefore, the effects of minimizing road widths are already addressed in the EIR as part of the project, and this would not represent additional mitigation. It is therefore unclear how constructing Ranch roads to the minimal width allowable would reduce impacts, as this is already proposed.

The second measure consists of relocating Lots 43 and 71. Relocating Lots 43 and 71 cannot be required as mitigation because the EIR analyzes the Agricultural Residential Cluster Subdivision as proposed, and cannot require redesign as mitigation. Refer to Alternative 12 (Amended Project) in Section 6.0, *Alternatives,* of the Final EIR, which relocates these lots to avoid prime soils. As noted in Section 6.12.2 under *Agricultural Resources* therein, Alternative 12 would have fewer impacts on prime soil areas as a result of this lot relocation.

Response 18AE

The commentor claims that no conflicts between proposed urban uses and existing and future agricultural uses would occur because lots which have been identified as requiring additional buffers (Lots 1, 99, and 100) have been relocated. The relocation of these lots is included in the applicants' MPPA and is analyzed in the Section 6.0, *Alternatives,* of the Final EIR (refer to

Response 18AB). The proposed Agricultural Residential Cluster Subdivision would still result in impacts and require additional buffers on Lots 1, 99, and 100.

The commentor additionally claims that Varian Ranch and other existing agricultural clusters have demonstrated no such conflicts. Refer to Responses 18T and 18U.

Response 18AF

Refer to Master Response 9.

Response 18AG

The commentor claims that the DEIR does not provide justification of a Class I, *significant and unavoidable,* impact related to conflicts between urban and agricultural uses. Refer to the discussion under Agricultural Residential Cluster Subdivision Impact AG-2 for evidence to support the Class I finding.

Response 18AH

The commentor argues that fencing around residential envelopes, disclosure, implementation of an existing Rangeland Management Plan, proposed California Rangeland Trust Easement(s) and ongoing management by Ranch ownership, in addition to mitigation measures already required in the EIR, would ensure less than significant impacts related to land use compatibility. Refer to Response 18T. Regardless of proper management and incorporation of suggested measures, impacts related to land use compatibility would remain Class I, *significant and unavoidable.*

The commentor claims that "sensitive project design" would ensure little or no impact in regards to land use compatibility, similar to Varian Ranch. Refer to Responses 18T and 18U.

Response 18AI

The commentor suggests additional mitigation measures which the commentor claims would further reduce impacts related to agriculture-urban conflicts. Refer to Response 18AH above.

Response 18AJ

The commentor's reference to "project redesign" refers to the applicants' Mitigated Proposed Project Alternative (MPPA), which is analyzed as an alternative to the proposed project (refer to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). Because the EIR analyzes and mitigates the Agricultural Residential Cluster Subdivision as proposed, the commentor-referenced measure shall remain as worded (although the typographical error has been corrected in the Final EIR). However, as noted in the fourth full paragraph under *Agricultural Resources* in Section 6.12.2 of the Final EIR, Alternative 12 would adjust Lot 1 and relocate Lot 99 to increase distance from on-site vineyards, while Lot 100 would remain as proposed. The commentor-suggested revision to Agricultural Residential Cluster Subdivision measure AG-2(b) (Agricultural Buffers) would therefore apply to the Amended Project Alternative, should that alternative move forward.

Response 18AK

Agricultural Residential Cluster Subdivision Impact AG-2 states the following:

> "According to the San Luis Obispo County Agricultural Commissioners' Office, based on a lot-specific review of site conditions relative to adjacent agricultural uses, the locations of proposed residential parcels are considered compatible with the adjacent agricultural production areas, and additional buffer distances are not required with the exception of Lots 1, 99 and 100. *Nevertheless, the proposed residential uses would be expected to result in potential conflicts between the existing on-site agricultural operations and new non-agricultural uses. Potential land use conflicts are described below* (emphasis added)"

The discussion goes on to describe potential impacts to agricultural uses that could result from implementation of the proposed residential development, as well as potential impacts to residential uses that could result from adjacent agricultural operations.

The latter statement referenced by the commentor is a conclusory statement based on the evidence presented under Agricultural Residential Cluster Subdivision Impact AG-2, as well as consideration of mitigation measures provided therein

The commentor additionally states the opinion that grazing will continue within the area of the clustered lots. Refer to Response 18T.

Response 18AL

The commentor argues that the two Class I, *significant and unavoidable,* impacts identified in Section 4.2, *Air Quality,* have been overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Diana Gould-Wells which is included as Attachment B to the applicants' comment letter package.

Refer to Responses 18AM through 18AP for responses to the commentor's claim that air quality impacts have been overstated. Refer to Responses 18FV through 18GX for responses to Attachment B.

The commentor additionally claims that cumulative air quality impacts have been addressed in the Final Program EIR for the Draft Salinas River Area Plan (Fugro EIR). Refer to Master Response 9.

Response 18AM

Refer to Master Response 9.

Response 18AN

The commentor claims that the Class I, *significant and unavoidable,* impact related to CAP consistency should be reclassified as Class IV, *no impact,* because this issue was already analyzed in the Final Program EIR for the Draft Salinas River Area Plan (Fugro EIR). Refer to Master Response 9.

Response 18AO

The commentor claims that the population generated by the Agricultural Residential Cluster Subdivision would be consistent with the County General Plan. CAP consistency is determined based on three factors. One of these factors is whether or not the population of a proposed project would be consistent with population projections used in the CAP [refer to Section 4.2.2(a), under *Consistency with the District's Clean Air Plan*]. CAP population projections are based on the San Luis Obispo County Planning Department and San Luis Obispo Council of Governments population estimates for January 1, 1999 and growth projections. Therefore, consistency with the 1996 General Plan projections does not necessarily ensure consistency with CAP population projections.

As noted in the second paragraph under Agricultural Residential Cluster Subdivision AQ-4, the CAP growth rate estimate for rural San Luis Obispo is 16% between 1995 and 2015. The proposed project would increase the population of the community of Santa Margarita by approximately 22.8%, which would exceed this estimate.

As stated in the EIR, there is no feasible mitigation available to reduce the population associated with the Agricultural Residential Cluster Subdivision without substantially redesigning the project. The standard of redesign to theoretically meet CAP consistency requirements would be a reduction in the number of units to obtain consistency with CAP population projections.

Response 18AP

The commentor claims that the Agricultural Residential Cluster Subdivision is located in close proximity to community services, and notes that a pedestrian link would be provided between the cluster and the community of Santa Margarita. The community of Santa Margarita does not contain ample community services (e.g. grocery store, gas station, etc.), thus requiring project residents to travel to the communities of San Luis Obispo or Atascadero for such services.

Response 18AQ

The commentor argues that the Class I, *significant and unavoidable,* impact identified in Section 4.3, *Biological Resources,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Althouse and Meade, Inc. which is included as Attachment C to the applicants' comment letter package.

Refer to Responses 18AR through 18AT for responses to the commentor's claim that biological resource impacts have been overstated. Refer to Responses 18GY through 18KX for responses to Attachment C.

Response 18AR

The commentor argues that 'aerial map assessment' is not a scientific approach to assessing oak tree impacts or removal. Site visits were conducted in October and November 2007 which corroborates the findings presented in the Draft EIR. Refer to the discussion under *Updated Oak Tree Impacts and Mitigation* in Section 2.3 (Biological Resources) of the Revised Draft EIR. Refer also to Master Response 7.

The commentor additionally notes that the impact statement related to oak tree removal claims that 200-400 oak trees would be removed, while the subsequent discussion notes that 200-400 oak trees would be removed or impacted. The impact statement has been revised to be consistent with the impact discussion. Refer to Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR.

The commentor further claims that Design Standards would minimize oak tree removal. Refer to Master Response 8.

The commentor's reference to "subtle redesign of the Tract 2586 layout" refers to the applicants' Mitigated Proposed Project Alternative (MPPA). Oak tree impacts and removal associated with the MPPA are analyzed in Section 6.12.2 of the Final EIR, under *Biological Resources.* As noted therein, the Amended Project Alternative is estimated to remove or impact between 250 and 350 oak trees, depending on the ultimate location of building envelopes.

It should also be noted that, even if the number of trees removed during the construction of residential units and road improvements was minimized to the maximum extent possible, hundreds of oak trees would be impacted due to the proximity of the subdivision roads, CalFire clearance and limbing requirements, septic tanks and leach fields, potential conversion of parts of the lots into paddocks for horses or other livestock, and other appurtenant residential uses. CalFire requirements will apply to areas outside of building footprints, and it is probable that other suburban land uses such as livestock or pet use will occur throughout the entire boundaries of the lots since they will be privately owned. Many lots are so densely wooded that removal of at least 30 percent of the canopy would be required for residential construction. The additional land uses on the lots are likely to result in the failure of oak reproduction, which means that the converted acreage will not sustain oak species functioning as a biological unit in the future.

Response 18AS

The commentor argues that impacts to oak trees should be reduced to a Class II, *significant but mitigable,* level based on the project redesign and the commitment to restrict and/or minimize oak tree impacts on individual lots. Refer to Response 18AR above. As noted therein, the applicants' Mitigated Proposed Project Alternative (MPPA) is estimated to remove or impact between 250 and 350 oak trees, depending on the ultimate location of building envelopes. This is still considered a Class I, *significant and unavoidable,* impact. Refer also to Master Response 8. As noted therein, Design Standards are not included in the Agricultural Residential Cluster Subdivision or project alternatives and would not, therefore, minimize oak tree removal.

Refer also to the revised mitigation measures under Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources.*

Response 18AT

Refer to Responses 18AR and 18AS.

Response 18AU

The commentor argues that the two Class I, *significant and unavoidable,* impacts identified in Section 4.4, *Cultural Resources,* have been overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Heritage Discoveries, Inc. which is included as Attachment D to the applicants' comment letter package.

Refer to Responses 18AV through 18AZ for responses to the commentor's claim that cultural resource impacts have been overstated. Refer to Responses 18KY through 18NK for responses to Attachment D.

The commentor additionally claims that the Class I impacts to cultural resources are based on impact thresholds which are inconsistent with CEQA Guidelines. Refer to Section 4.4.4 (Thresholds of Significance) in Section 4.4, *Cultural Resources,* of the Final EIR and Section 15064.5 (Determining the Significance of Impacts to Archaeological and Historical Resources) of the State CEQA Guidelines. As noted in the CEQA Guidelines, a project "with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." With regards to archaeological and historical sites, direct impacts may occur by:

(1) Physically damaging, destroying, or altering all or part of the resource;
(2) Altering characteristics of the surrounding environment that contribute to the resource's significance;
(3) Neglecting the resource to the extent that it deteriorates or is destroyed; or
(4) The incidental discovery of cultural resources without proper notification.

Indirect impacts primarily result from the effects of project-induced population growth. Such growth can result in increased construction as well as increased recreational activities that can disturb or destroy cultural resources.

The EIR additionally provides four criteria for defining the significance of historical resources and their eligibility to the California Register of Historical Resources (CRHR) established by Public Resources Code Section 5024.1 [refer to Section 4.4.4 (Thresholds of Significance) in Section 4.4, *Cultural Resources,* of the Final EIR]. Impacts to an archaeological resource that is significant solely for its scientific information (significance criterion D) may be mitigated to less than significant levels through data recovery excavation and/or other means. However, such measures may not mitigate impacts to less than significant levels for resources significant for their associative values (criteria A and B) or other distinctive characteristics (criterion C) [see, for example, 14 CCR 15126.4(b)(2) and *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland*, 52 Cal.App.4th 896]. Because the resources in question are eligible for the CRHR under multiple criteria, mitigation measures would reduce the level of impacts but not mitigate to less than significance, and thus the impact remains Class I, *significant and unavoidable*.

Response 18AV

Public Resources Code (PRC) 5020.1(h) defines a Historic District as "a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites,

buildings, structures, or objects united historically or aesthetically by plan or physical development." Appendix E to the Final EIR (Cultural Landscape Report) provides a thorough and detailed justification for the significance and CRHR-eligibility of the Santa Margarita Ranch Rural Historic District (SMRRHD). This analysis is summarized in Section 4.4, *Cultural Resources,* of the Final EIR.

The Cultural Landscape Report (Appendix E to the Final EIR) defines the proposed boundaries of the SMRRHD. Language explaining these boundaries has been added to Section 4.4, *Cultural Resources,* of the Final EIR. Refer specifically to the Agricultural Residential Cluster Subdivision impact summary on page 4.4-1, the Agricultural Residential Cluster Subdivision Impact CR-1 impact statement, the second paragraph under Agricultural Residential Cluster Subdivision Impact CR-1, and Agricultural Residential Cluster Subdivision measure CR-1(e) (Nomination to the national Register of Historic Places).

Response 18AW

Refer to the analysis of alternatives in Section 6.0, *Alternatives,* of the Final EIR. The commentor does not provide evidence to support the claim that impacts should be reduced.

Response 18AX

Refer to Response 18AU above for a discussion of cultural resource thresholds. The EIR describes extensive consultation with Chumash and Salinan people as the basis for statements regarding impacts on traditional Native American values. Appendix F of the Final EIR provides detailed documentation of that consultation (refer to Response 18LL).

Refer also to Response 18CR. The Memorandum of Agreement (MOA) between the Santa Margarita Ranch, LLC and the San Luis Obispo Chumash Council constitutes a private and confidential agreement between those parties. It does not have the force of law or regulation and cannot substitute for a standard CEQA analysis, nor can its provisions, no matter how well intentioned, substitute for necessary and appropriate mitigation measures pursuant to the requirements of CEQA and the professional standards and practices employed in CEQA compliance. Although mitigation measures required in Section 4.4, *Cultural Resources,* of the Final EIR would not be inconsistent with or contradictory to the provisions of this agreement, they are nonetheless required.

Impacts remain Class I, *significance and unavoidable.* The commentor does not support the claim that impacts should be reduced.

Response 18AY

Refer to Responses 18AU through 18AX above.

Response 18AZ

The commentor argues that the Mitigated Proposed Project Alternative (MPPA) would only impact a 'handful' of already impacted/disturbed archaeological sites and would result in less than significant impacts. The MPPA is analyzed as an alternative to the proposed project (refer

to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). The commentor additionally claims that it is speculative for the Draft EIR to conclude that the Agricultural Residential Cluster Subdivision would impact 'ill-defined' cultural sites. Refer to the analysis in Section 4.4, *Cultural Resources,* of the Final EIR for analysis to support the Class I impact determination.

Response 18BA

The commentor argues that the Class I, *significant and unavoidable,* impact identified in Section 4.8, *Noise,* is overstated and should be reclassified as Class III, *less than significant.* The commentor cites a technical study prepared by David Lord which is included as Attachment G to the applicants' comment letter package.

Refer to Responses 18BB through 18BD for responses to the commentor's claim that noise impacts have been overstated. Refer to Responses 18OH through 18PX for responses to Attachment G.

Response 18BB

The commentor claims that because a permanent increase in ambient noise of less than 3dBA is not perceptible, it is "by definition" a less than significant impact.

As noted in the second paragraph of Section 4.8.1(a) (Overview of Sound Measurement) in the Final EIR, "a 3 dB change in community noise levels is noticeable, while 1-2 dB changes are generally not perceived." However, as noted in Section 4.8.2(b) (Methodology and Significance Thresholds), an impact is significant if Agricultural Residential Cluster Subdivision implementation "would expose existing and future sensitive receptors to noise levels exceeding County standards" (60 dBA CNEL). Neither County standards nor CEQA thresholds specify a level of increase that would result in an impact. Therefore, the addition of any amount of noise to levels already exceeding County thresholds is considered a potentially significant impact.

Refer to Table 4.8-6 (Current and Projected Noise Levels along Agricultural Residential Cluster Subdivision Area Roadways) and the subsequent discussion. Six of the ten studied roadway segments in the Santa Margarita Ranch area exceed the County's threshold of 60 dBA CNEL at the nearest sensitive receptor under the existing conditions. The proposed Agricultural Residential Cluster Subdivision would add to this existing deficiency, thereby exposing existing and future sensitive receptors to noise levels exceeding County standards. Based on the thresholds outlined above, this is a potentially significant impact. Because no feasible measures are available that would mitigate impacts to existing sensitive receptors, impacts remain Class I, *significant and unavoidable.*

Response 18BC

The commentor questions the accuracy of the noise instruments used in the EIR preparation. Field measurements were conducted using a Larson-Davis Model 720 (ANSI Type 2) integrating sound level meter and statistical data logger. Instantaneous sound levels were measured, integrated, and recorded by the sound level meter in 0.1-second intervals. The sound level data collected included date, time, duration of measurement (in seconds), L_{eq}, SEL, statistical sound levels (L_{90}, L_{50}, L_{33} and L_{10}), L_{max}, L_{min}, and peak (A-weighted). The set-up consisted of mounting the sound level meter on a tripod with the microphone top at 4.5 feet

above the ground surface level as measured with a tape measure. Calibration of the sound level meter prior to measurements was performed using a Larson-Davis Acoustic Calibrator CAL150 using a sound power level of 94 dBA at a frequency of 1,000 Hz. Calibration level was also checked at the end of the measurement period to ensure accurate results.

The commentor additionally requests that decimals should be rounded to the nearest whole number. The comment is noted.

Response 18BD

The commentor requests that the EIR reference Subsection B.2 of LUO Section 22.10.120 (Noise Ordinance), which states that "In the event the measured ambient noise level exceeds the applicable exterior noise standard in Subsection B.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB." The exterior noise standards in Subsection B.1 include the following:

Maximum Allowed Exterior Noise Level Standards

Sound levels	Daytime 7 a.m. to 10 p.m.	Nighttime (1) 10 p.m. to 7 a.m.
Hourly Equivalent Sound Level (Leq, Db)	50	45
Maximum level, dB	70	65

1) Applies only to uses that operate or are occupied during nighttime hours.

The EIR utilized maximum allowable noise exposure from both transportation and stationary sources, as outlined in the Noise Element (refer to Tables 4.8-3 and 4.8-4 in the Final EIR). According to the Noise Element, 60 dBA CNEL is the maximum allowable noise exposure for residential land uses from transportation noise sources. Because the Agricultural Residential Cluster Subdivision would primarily increase noise due to increased vehicular traffic, the standards set forth in the Noise Element were therefore utilized.

Response 18BE

The commentor argues that the Class I, *significant and unavoidable,* impact identified in Section 4.12, *Transportation and Circulation,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Associated Transportation Engineers (ATE) which is included as Attachment K to the applicants' comment letter package.

Refer to Response 18BF for response to the commentor's claim that transportation and circulation impacts have been overstated. Refer to Responses 18RM through 18ST for responses to Attachment K.

Response 18BF

The commentor notes that, although the Agricultural Residential Cluster Subdivision would not result in an exceedance of roadway or intersection level of service (LOS) standards, the EIR recommends mitigation measures to address existing operational and roadway design deficiencies.

The identification of impacts is based upon the fourth CEQA Guideline regarding substantially increasing hazards, where project traffic is added to a location that will exacerbate existing operational problems [refer to Section 4.12.2(a) of the Final EIR]. The addition of traffic to a substandard roadway section could result in a potentially significant impact. The existing operational problems were identified by a field review and a comparison of the existing design to current Caltrans design standards.

Refer also to Master Response 9.

Response 18BG

The commentor argues that the Class I, *significant and unavoidable,* impact identified in Section 4.13, *Visual Resources,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by RRM Design Group which is included as Attachment L to the applicants' comment letter package.

Refer to Responses 18BH through 18BK for response to the commentor's claim that visual resource impacts have been overstated. Refer to Responses 18SV through 18UN for responses to Attachment L.

Response 18BH

Refer to Master Response 8 regarding design guidelines

Response 18BI

The commentor claims that the EIR used a threshold of "alterations" of a scenic vista, which is inconsistent with CEQA. The commentor notes that the appropriate CEQA thresholds for visual resources are more clearly defined as "substantial adverse effect" or "substantially degrade."

As noted in Section 4.13.2(a) (Methodology and Significance Thresholds), the thresholds used in the EIR analysis are in accordance with Appendix G of the State CEQA Guidelines, and include the terminology "substantial adverse effect." Although the term "alteration" is used within the analysis, this does not signify a threshold.

In addition, the conclusion is made in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact VR-1 that impacts would remain Class I, *significant and unavoidable,* because "no mitigation is available to avoid changing the site from its rural condition to a more suburban condition."

Response 18BJ

The commentor's opinion that the view in the photograph on Plate 4.13-2A is unattractive is noted.

Response 18BK

The commentor notes that there is no CEQA, State or County right to view protection from private homes.

It should be noted that the EIR states that "proposed development would alter the rural character of the site to a more developed condition as viewed from public roadways and private residences in the community of Santa Margarita." Although it is disclosed views from private residences may be impacted, this is a disclosure statement and does not represent the exclusive rationale for the impact. The EIR does not claim CEQA, State or County protection of views from private homes.

Response 18BL

The commentor notes that the Draft EIR indicates that portions of roadways are identified as potentially scenic in the General Plan, and then contends that no document reference is provided. Refer to the third paragraph in Section 4.13(c) (Regulatory Setting) in Section 4.13, *Visual Resources,* of the Final EIR. As noted therein, the County General Plan Open Space Element Policy #24 specifies a number of County roads to be studied to determine if and where scenic corridors should be designated, including two in the project vicinity: Highway 58 from the Santa Margarita urban reserve line to the Kern County line and West Pozo Road between Hi Mountain Road and Highway 58.

The commentor additionally states that the Draft EIR applies a standard of merely being visible as equating to a significant adverse effect or substantial degradation. Refer to Response 18BI.

Response 18BM

Refer to the discussion under *Light and Glare Impacts* under Agricultural Residential Cluster Subdivision Impact VR-1. The excerpt in question appears in a general discussion of impacts that could result from the introduction of new lighting into an unlit area. In relation to the Agricultural Residential Cluster Subdivision specifically, the EIR concludes that "implementation of the proposed Agricultural Residential Cluster Subdivision would require additional lighting that could be visible from public viewing corridors, including Highway 58 and West Pozo Road. Streetlights, entry lights, and interior lights have the potential to adversely affect passing motorists and degrade the nighttime view of the area. The addition of homes and street lighting in this area would contribute to an alteration of the rural character of the Agricultural Residential Cluster Subdivision site."
Refer to Agricultural Residential Cluster Subdivision measures V-1(e) (Lighting) and VR-1(f) (Street Light Limitations).

Response 18BN

Refer to Responses 18BI and 18BM.

The commentor claims that measures taken in the Mitigated Proposed Project Alternative (MPPA) would ensure Class II, *significant but mitigable,* impacts. The MPPA is analyzed as an alternative to the proposed project (refer to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). As noted under *Visual Resources* in Section 6.12.2 therein, the Amended Project

Alternative would reduce the visual prominence of future residences as viewed from off-site public viewpoints would reduce impacts related to adverse changes in visual character to a Class II, *significant but mitigable,* level.

Refer also to Response 18L.

Response 18BO

The commentor argues that the Class I, *significant and unavoidable,* impact identified in Section 4.14, *Water and Wastewater,* is overstated and should be reclassified as Class III, *less than significant.* The commentor cites a technical study prepared by Luhdorff and Scalmanini Consulting Engineers (LSCE) which is included as Attachment M to the applicants' comment letter package.

Refer to Response 18BP for response to the commentor's claim that water and wastewater impacts have been overstated. Refer to Responses 18UO through 18UX for responses to Attachment M.

Response 18BP

The commentor makes several claims regarding the water supply analysis in Section 4.14, *Water and Wastewater.* The commentor does not provide support for these claims but instead refers to a technical study prepared by Luhdorff and Scalmanini Consulting Engineers (LSCE). Refer to Responses 18UP through 18UX for responses to this study.

Response 18BQ

The commentor argues that the two Class I, *significant and unavoidable,* Future Development Program impacts identified in Section 4.1, *Agricultural Resources,* are overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Thomas Rice which is included as Attachment A to the applicants' comment letter package.

Refer to Responses 18BR through 18CC for responses to the commentor's claim that Future Development Program agricultural resource impacts have been overstated. Refer to Responses 18DM through 18FU for responses to Attachment A.

Refer also to Master Response 9.

Response 18BR

The commentor claims that the Draft EIR ignored conceptual site layouts submitted by the applicant team during preparation of the Draft EIR. Conceptual site layouts were excluded from analysis because they are conceptual. They do not represent plans for development, nor is there any guarantee that future development on the Ranch would employ them. Assuming implementation of the conceptual site layouts would be speculative (refer to Master Response 2). Refer also to Response 18K.

Refer also to Master Response 3a. As noted therein, the Future Development Program does not preclude future environmental review. Should any applicant utilize the conceptual site layouts in the future, site-specific environmental review would be required.

Response 18BS

The commentor notes that the setting may change in the future, arguing that the Draft EIR should have included this in the analysis of the Future Development Program.

State CEQA Guidelines § 15125(a) states that the environmental setting of an EIR "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective." The EIR cannot speculate what the future environmental setting might be. Refer also to Master Response 3a.

Response 18BT

Refer to Responses 18BR and 18BS.

Response 18BU

The commentor approves of Future Development Program measure AG-1(a) (Avoidance of Agricultural Areas). The comment is noted.

Response 18BV

The commentor does not approve of Future Development Program measure AG-1(b) (Future Agricultural Conservation Easements). The commentor argues that the Salinas River Area Plan requires 3,600 acres to be entered into a "non-permanent" Williamson Act Contract upon completion of a Specific Plan. The nexus for the requirement to provide Agricultural Conservation Easements on the remainder of the Ranch outside Future Development Program conceptual land use locations is the magnitude of the Future Development Program's impact on agricultural resources.

Response 18BW

Refer to Responses 18BU and 18BV.

Response 18BX

The commentor notes that the approach of the Future Development Program analysis should be general in nature. Refer to Master Responses 3a and 3b. The Future Development Program is analyzed at a Program level of detail.
Refer also to Master Response 9.

Response 18BY

Refer to Response 18BR.

Response 18BZ

The commentor provides alternative/additional mitigation measures to reduce Future Development Program Impact AG-2. All five of the recommendations are already required based on the General Plan and County Ordinances and are therefore not mitigation measures.

Response 18CA

The commentor suggests revisions to the *Residual Impact* discussion under Future Development Program Impact AG-1. The suggested replacement discussion generally states that a future Specific Plan for the Ranch should be consistent with the General Plan and argues that this requirement would reduce impacts from the Future Development Program to a less than significant level.

The requirement that a future Specific Plan be consistent with the General Plan is redundant, since this would be required regardless. A Specific Plan is only required before an application is approved for a subdivision other than a Cluster development (LUO Section 22.104.040). Therefore, portions of the Future Development Program may be applied for and constructed prior to adoption of a Specific Plan for the area.

Impacts would remain Class I, *significant and unavoidable.* Refer also to Master Response 3a.

Response 18CB

Refer to Master Response 9.

Response 18CC

The commentor provides excerpts from the FEIR for the Salinas River Area Plan (Fugro EIR). Refer to Master Response 9.

Response 18CD

The commentor argues that the Class I, *significant and unavoidable,* Future Development Program impact identified in Section 4.2, *Air Quality,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Diana Gould-Wells which is included as Attachment B to the applicants' comment letter package.

Refer to Responses 18CE through 18CJ for responses to the commentor's claim that Future Development Program air quality impacts have been overstated. Refer to Responses 18FV through 18GX for responses to Attachment B.

Response 18CE

The commentor claims that components of the Future Development Program are consistent with the General Plan and requests removal of statements regarding General Plan inconsistency in Future Development Program Impact statement AQ-2.

Refer to the discussion under Future Development Program Impact AQ-2. As noted therein, many Future Development Program components would require General Plan Amendments and/or a Specific Plan prior to implementation. Because implementation of the Future Development Program would require amendments to the General Plan, the Future Development Program is inconsistent with the land uses anticipated for the area (and therefore inconsistent with the General Plan).

Response 18CF

The commentor questions the adequacy of the Clean Air Plan (CAP). The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Refer to Master Response 9.

Response 18CG

Refer to Section 4.2.2(c) (Future Development Program Impacts and Mitigation Measures). As noted therein, the Future Development Program represents potential future buildout of the Santa Margarita Ranch, including the proposed Agricultural Residential Cluster Subdivision. This approach is consistent through all 14 EIR impact sections.

The commentor additionally argues that Future Development Program commercial uses would reduce trips by creating new jobs and shopping opportunities. Although some jobs would be created, it cannot be assumed that these jobs would be filled by existing residents in the community of Santa Margarita and/or future residents in the Agricultural Residential Cluster Subdivision and Future Development Program. In addition, the commercial development included in the Future Development Program is primarily visitor serving (craft studios, galleries, and gift shops). Because the commercial uses would not provide services to area residents (e.g. supermarkets, drug stores, gas stations), trip rates would not be substantially reduced.

Response 18CH

Refer to Response 18BX.

Response 18CI

Refer to Master Response 9.

Response 18CJ

The commentor provides excerpts from the FEIR for the Salinas River Area Plan (Fugro EIR). Refer to Master Response 9.

Response 18CK

The commentor argues that the Class I, *significant and unavoidable,* Future Development Program impact identified in Section 4.3, *Biological Resources,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Althouse and Meade, Inc. which is included as Attachment C to the applicants' comment letter package.

Refer to Responses 18CL through 18CN for responses to the commentor's claim that Future Development Program biological resource impacts have been overstated. Refer to Responses 18GZ through 18KX for responses to Attachment C.

Response 18CL

The commentor claims that the Future Development Program would avoid existing trees "even at the concept level." Refer to Response 18BR. As noted therein, conceptual site layouts do not represent plans for development, nor is there any guarantee that future development on the Ranch would employ them. Assuming implementation of the conceptual site layouts would be speculative (refer to Master Response 2). Refer also to Master Response 8.

Refer also to Master Response 3.

Response 18CM

Refer to Response 18BX.

Response 18CN

Refer to revised Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation).

Response 18CO

The commentor argues that the two Class I, *significant and unavoidable,* Future Development Program impacts identified in Section 4.4, *Cultural Resources,* are overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Heritage Discoveries, Inc. which is included as Attachment D to the applicants' comment letter package.

Refer to Responses 18CP through 18CV for responses to the commentor's claim that Future Development Program cultural resource impacts have been overstated. Refer to Responses 18KZ through 18NK for responses to Attachment D.

Refer also to Response 18AU for a discussion of thresholds.

Response 18CP

As noted in Master Response 3a, no application has been filed for the Future Development Program. As a result, the analysis of Future Development Program impacts is necessarily programmatic. The assessment of cultural resources impacts is based on a reasonable worst case scenario with regard to the location of Future Development Program land uses. The EIR notes that additional cultural resources surveys would be required to fully assess the potential for additional resources and the precise nature of impacts.

Refer also to Response 18AV for a discussion of the Santa Margarita Ranch Rural Historic District (SMRRHD).

Response 18CQ

Appendix E to the Final EIR (Cultural Landscape Report) provides thorough documentation and justification for the finding that the historical core of the Santa Margarita Ranch qualifies as a historical district. Refer to the second paragraph under Agricultural Residential Cluster Subdivision Impact CR-1 in Section 4.4, *Cultural Resources,* of the Final EIR. A new paragraph has been added to the analysis to clarify the intended boundaries of the Santa Margarita Ranch Rural Historic District (SMRRHD). The EIR does not propose to expand the boundary of the SMRRHD beyond that discussed in the Cultural Landscape Report, as suggested by the commentor.

Response 18CR

As noted in Response 18CP, the analysis of Future Development Program impacts is necessarily preliminary and is based on a reasonable worst case scenario with regard to the location of Future Development Program land uses. However, it is not conjectural to presume that some future development may occur in the Ranch headquarters area, or in other key character defining areas of the SMRRHD. The EIR notes that additional cultural resources surveys would be required to fully assess the potential for additional resources and the precise nature of impacts. Future Development Program mitigation measures are general and programmatic in nature. Refer also to Master Response 3b.

The commentor additionally references a Memorandum of Agreement (MOA) between the Santa Margarita Ranch, LLC and the San Luis Obispo Chumash Council (Council). The Council is one of several Chumash and Salinan groups with a traditional cultural interest in the Ranch property. The MOA was developed pursuant to a settlement agreement in a civil litigation between Santa Margarita Ranch, LLC and the Council, and constitutes a private and confidential agreement between those parties. It does not have the force of law or regulation and cannot substitute for a standard CEQA analysis, nor can its provisions, no matter how well intentioned, substitute for necessary and appropriate mitigation measures pursuant to the requirements of CEQA and the professional standards and practices employed in CEQA compliance. Regardless, mitigation measures recommended in Section 4.4, *Cultural Resources,* of the Final EIR would not be inconsistent with or contradictory to the provisions of this agreement.

Refer also to Response 18BR. As noted therein, conceptual site layouts do not represent plans for development, nor is there any guarantee that future development on the Ranch would employ them. Assuming implementation of the conceptual site layouts would be speculative (refer to Master Response 2). Refer also to Master Response 8.

Response 18CS

Refer to Response 18CR above.

Response 18CT

Refer to Response 18BX.

Response 18CU

Refer to Response 18CR above.

Response 18CV

Refer to Response 18CR above.

Response 18CW

The commentor argues that the Class I, *significant and unavoidable,* Future Development Program impact identified in Section 4.8, *Noise,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by David Lord which is included as Attachment G to the applicants' comment letter package.

Refer to Responses 18CX through 18DA for responses to the commentor's claim that Future Development Program noise impacts have been overstated. Refer to Responses 18OH through 18PX for responses to Attachment G.

Response 18CX

The commentor claims that the Draft EIR analysis was not completed in accordance with general noise prediction standards. The commentor does not provide evidence to support this claim, other than to refer to the technical study prepared by David Lord. Refer to Responses 18OH through 18PX for responses to the technical report. No further response is possible.

The commentor additionally notes that a permanent increase of less than 3 dBA is not perceptible and can therefore not be considered an impact. Refer to Response 18BB.

Response 18CY

The commentor cites noise calculations provided by David Lord. Refer to Responses 18OG through 18PX for responses to the technical report.

Response 18CZ

Refer to the discussion under Future Development Program Impact N-2 for evidence to support the Class I finding. Refer also to Master Responses 3a and 3b.

Response 18DA

Refer to Response 18BX. Refer also to Response 18CY.

Response 18DB

The commentor argues that the two Class I, *significant and unavoidable,* Future Development Program impacts identified in Section 4.12, *Transportation and Circulation,* are overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Associated Transportation Engineers (ATE) which is included as Attachment K to the applicants' comment letter package.

Refer to Responses 18DC through 18DK for responses to the commentor's claim that Future Development Program traffic impacts have been overstated. Refer to Responses 18RM through 18ST for responses to Attachment K.

The commentor additionally claims that the Draft EIR inappropriately establishes impact thresholds that are inconsistent with CEQA guidelines. Refer to Response 18BF.

Response 18DC

The commentor notes that the approach of the Future Development Program analysis should be general in nature. Refer to Master Responses 3a and 3b. The Future Development Program is analyzed at a Program level of detail.

The commentor additionally argues that the EIR should include a mitigation measure that requires future development(s) to pay their fair share of future off-site improvements, identified through a fee program developed by the County. Refer to Future Development Program measure T-1(g) (Future Development Impact Fee) [previously T-1(d) in the Draft EIR] in Section 4.12, *Transportation and Circulation,* of the Final EIR. Refer also to Response 18SQ.

The commentor also notes that the transportation setting may change before an application is submitted for a Specific Plan on the Santa Margarita Ranch. Refer to Response 18BS.

Response 18DD

The commentor claims that Future Development Program Impact T-2 is unsubstantiated because the Future Development Program is conceptual. Refer to Master Responses 3a and 3b. The EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program. Although the preliminary access points to Future Development Program land use locations are conceptual, the proposed mitigation measures identify actions required by the applicant at the time the applications are submitted to the County.

Response 18DE

Refer to Response 18BX.

Response 18DF

The commentor argues that the Class I, *significant and unavoidable,* Future Development Program impact identified in Section 4.13, *Visual Resources,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by RRM Design Group which is included as Attachment L to the applicants' comment letter package.

Refer to Responses 18DG through 18DJ for responses to the commentor's claim that Future Development Program visual resource impacts have been overstated. Refer to Responses 18SV through 18UN for responses to Attachment L.

The commentor additionally claims that the Draft EIR ignored conceptual site plans submitted to the County and inappropriately established impact thresholds that are inconsistent with CEQA Guidelines. Refer to Responses 18BR and 18BI, respectively.

Response 18DG

Refer to Response 18BI. Refer to the discussion under Future Development Program Impact VR-1 in Section 4.13, *Visual Resources,* of the Final EIR for evidence to support the finding of Class I, *significant and unavoidable,* impacts.

Response 18DH

The commentor notes that none of the roadways in the vicinity of the Santa Margarita Ranch have scenic highway designations. Refer to Response 18BL.

The commentor also notes that there is no CEQA, State or County right to view protection from private homes. Refer to Response 18BK.

The commentor additionally states that the FEIR for the Salinas River Area Plan anticipated development on the Santa Margarita Ranch. Refer to Response 18G and Master Response 9.

Lastly, the commentor argues that the Draft EIR ignored conceptual site plans submitted to the County. Refer to Response 18BR.

Response 18DI

The commentor claims that development consistent with the adopted General Plan is not a Class I impact. State CEQA Guidelines require analysis of environmental effects of a proposed project as they relate to "changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced" [Section 15126.2(a)]. In other words, impacts of a project are determined against baseline (existing) conditions, rather than

General Plan conditions. Refer also to Alternative 2 (No Project/Existing Zoning) in Section 6.0, *Alternatives,* of the Final EIR.

It should also be noted that many of the Future Development Program land uses are inconsistent with the General Plan (refer to Response 18CE).

Refer also to Responses 18DG and 18DH above.

Response 18DJ

Refer to Master Response 3a. As noted therein, the Future Development Program is evaluated in the EIR because of a settlement agreement. In addition, as discussed in Master Response 3b, the EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program. The conceptual description of Future Development Program components provides adequate specificity to sufficiently analyze environmental impacts without entering the realm of speculation.

The commentor additionally claims that Future Development Program mitigation measures may conflict with the required Specific Plan. As described in Section 2.0, *Project Description,* of the Final EIR, a Specific Plan is only required before an application is approved for a subdivision other than a Cluster development (LUO Section 22.104.040). Therefore, portions of the Future Development Program may be applied for and constructed prior to adoption of a Specific Plan for the area.

Response 18DK

The commentor argues that the Class I, *significant and unavoidable,* Future Development Program impact identified in Section 4.14, *Water and Wastewater,* is overstated and should be reclassified as Class II, *significant but mitigable.* The commentor cites a technical study prepared by Luhdorff and Scalmanini Consulting Engineers (LSCE) which is included as Attachment M to the applicants' comment letter package. Refer to Responses 18UO through 18UX for responses to Attachment M.

Response 18DL

Attachment A to the applicants' comment package consists of "Review of the Agricultural Resources section of the Draft 'Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program'" prepared by Thomas J. Rice for Kirk Consulting and Santa Margarita Ranch, LLC on April 6, 2007. Attachment A additionally includes three appendices and a letter sub-attachment prepared by Althouse and Meade, Inc. However, Thomas J. Rice's review comprises the majority of Appendix A.

Refer to Responses 18DM through 18FU for responses to Attachment A. Refer also to Responses 18R through 18AK and 18BQ through 18CC, which address the applicants' summary of Attachment A for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively.

Response 18DM

The commentor summarizes the methodology and literature resources used to conduct the review of the Agricultural Resources section of the Draft EIR. The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18DN

The commentor describes soil phases within soil map units on the Ranch. The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18DO

The commentor argues that proposed Lots 1 and 44 are located on transitional soil boundaries that do not classify as Cropley clay (2 – 9% slopes) due to substantial inclusions of non-prime soils, and are therefore not located on prime agricultural soils. The commentor bases this assessment on a site-specific soil analysis.

The EIR utilized soil mapping information from the Natural Resource Conservation Service (NRCS) to determine prime soils locations. The NRCS is an accepted source of soils data in San Luis Obispo County for land use planning [refer to San Luis Obispo County's Agriculture and Open Space Element Appendix C (Agricultural Mapping Criteria)]. NRCS soils data provides an objective, accurate determination of soil classifications Countywide. According to NRCS soils data, Cropley clay (2 – 9% slopes) has objectively been determined to be a prime soil.

Refer also to Figure 4.1-1 in Section 4.1, *Agricultural Resources,* of the Final EIR, which has been revised to reflect updated analysis contained in the Revised Draft EIR. This revised analysis has also been incorporated into the Final EIR.

Response 18DP

The commentor argues that portions of proposed Lots 66 and 70 are located on transitional soil boundaries that do not classify as Elder loam (2 – 9% slopes) due to substantial inclusions of non-prime soils, and are therefore not located on prime agricultural soils. The commentor bases this assessment on a site-specific soil analysis.

Refer to Response 18DO above. As noted therein, the NRCS is an accepted source of soils data in San Luis Obispo County for land use planning [refer to San Luis Obispo County's Agriculture and Open Space Element Appendix C (Agricultural Mapping Criteria)]. According to NRCS soils data, Elder loam (2 – 9% slopes) has objectively been determined to be a prime soil.

Refer also to Figure 4.1-1 in Section 4.1, *Agricultural Resources,* of the Final EIR, which has been revised to reflect updated analysis contained in the Revised Draft EIR. This revised analysis has also been incorporated into the Final EIR.

Response 18DQ

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No response is warranted.

Response 18DR

The commentor challenges the statement in the first paragraph of Section 4.1.1(c) (Santa Margarita Ranch Soil Characteristics) that "By USDA definition, Capability Class I and II soils qualify as prime soils, depending on irrigation" by providing verbatim definitions of Class 1 and 2 soils from the USDA soil survey, as well as a verbatim description of the purpose of capability classes and subclasses. It should be noted that the purpose of the statement in question is to define "prime soils," rather than capability classes. Nonetheless, the statement has been revised to clarify that Government Code Section 51201 (California Land Conservation Act of 1965) defines Class 1 and 2 soils as prime. Refer to Section 4.1, *Agricultural Resources,* of the Final EIR.

Refer also to Response 18DT.

Response 18DS

The commentor challenges the statement in the first paragraph of Section 4.1.1(c) (Santa Margarita Ranch Soil Characteristics) that "By USDA definition, soils with a Storie Index from 80 to 100 qualify as prime soils" by providing verbatim descriptions of soil grades from the USDA soil survey. It should be noted that the purpose of the statement in question is to define "prime soils," rather than Storie index grades. Nonetheless, the statement in question has been revised to clarify that Government Code Section 51201 (California Land Conservation Act of 1965) defines soils with a Storie Index from 80 to 100 as prime. Refer to Section 4.1, *Agricultural Resources,* of the Final EIR.

Refer also to Response 18DT.

Response 18DT

The commentor argues that the Storie Index rating is not a good determining factor in the assignment of prime farmland classification and that prime soils designation should be confined to Land Capability Class 1 and 2. Government Code § 51201 states that "'Prime agricultural land" means *any* of the following: (1) All land that qualifies for rating as Class I or II in the Natural Resource Conservation Service land capability classifications; (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating…(emphasis added)." State law mandates that Storie Index be used to determine prime soils.

It should also be noted that the Final EIR has been revised to include the most recent California Revised Storie Index ratings. Refer to Response 18DW below.

Response 18DU

The commentor argues that prime farmland designations for each soil should be assigned to soils that meet the ten (10) criteria used to classify "prime soils" and which are shown on the important farmland maps produced by the Department of Conservation (DOC).

Important farmland designations (including prime farmland) in the Final EIR are taken directly from the DOC important farmlands maps. The commentor does not provide adequate evidence to support the claim that this mapping system should be circumvented.

Response 18DV

The commentor argues that no soil phases within the Santa Margarita Ranch should be classified as prime soils, prime agricultural soils, or prime farmland unless they are irrigated. As shown on Figure 2-7 in Section 2.0, *Project Description,* approximately 973.9 acres of the Ranch are currently irrigated. In addition, approximately 1,026 acres of additional vineyards, as well as approximately 500 acres of orchards, are planned throughout the Ranch property (refer to the first paragraph under Agricultural Residential Cluster Subdivision Impact AG-2). In addition, Government Code § 56064 species that prime agricultural land may include "land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land capability classification, *whether or not land is actually irrigated, provided that irrigation is feasible*" (emphasis added). It is therefore reasonable to assume that irrigation could occur over much of the Agricultural Residential Cluster Subdivision site.

It should also be noted that the Final EIR makes a clear distinction between soils which are prime if irrigated and those that are prime regardless of irrigation. This is evident in Figures 4.1-1 and 4.1-2, as well as the discussion under Agricultural Residential Cluster Subdivision Impact AG-1 (refer to Section 4.1, *Agricultural Resources,* of the Final EIR). As noted at the end of the second paragraph under Agricultural Residential Cluster Subdivision Impact AG-1, of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, 13 are considered prime regardless of irrigation. As a result, even if the commentor's assertions are accepted, the Agricultural Residential Cluster Subdivision would still result in direct conversion of prime soils. Refer also to Response 18ED.

It should also be noted that important farmland designations (including prime farmland) are taken directly from the California Department of Conservation (DOC) important farmlands maps.

The commentor cites Appendix A to Attachment A. Refer to Response 18ES.

Response 18DW

The commentor provides numerous suggestions for revising Table 4.1-1 in Section 4.1, *Agricultural Resources*. These suggestions include minor technical or spelling corrections, as well as opinions regarding organization and formatting. Table 4.1-1 and the relevant discussion in Sections 4.1.1(c) (Santa Margarita Ranch Soil Characteristics) and 4.1.1(d) (Santa Margarita Ranch Farmland Characteristics) have been revised reflect many of these suggestions. The table has additionally been revised to utilize up-to-date digital Capability Class data and the updated

California Revised Storie Index [refer to Section 2.1 (Agricultural Resources) of the Revised Draft EIR for a detailed discussion of these revisions]. Refer to the referenced sections of Section 4.1, *Agricultural Resources,* of the Final EIR.

Figures 4.1-1 and 4.1-2 have also been revised to reflect the revisions to Table 4.1-1.
Due to updated methodologies and other factors, several of the commentor's suggested revisions were not made, as follows:

- The commentor notes errors in Table 4.1-1 related to Storie Index and provides applicable corrections (Item 2 under Comment 18DW). These corrections utilized outdated Storie Index methodology and were therefore excluded from the above revisions.
- The commentor claims that Hanford and Greenfield fine sandy loams (2-9% slopes) should be classified as non-prime because the soil is not classified by the NRCS as prime farmland (Item 3a under Comment 18DW). However, this soil has a California Revised Storie Index of Grade One (Excellent). In accordance with the definition of prime soil used in the Final EIR, the soil in question is prime.
- The commentor suggests that prime soil classification only be assigned to soils which are listed as prime on the California Department of Conservation (DOC) important farmlands maps and those which are classified as Class 1 or Class 2 irrigated (Item 4c under Comment 18DW). Prime soils are defined as those with a Land Capability Class of 1 or 2, a California Revised Storie Index of Grade One (Excellent), or an NRCS farmland classification of "prime farmland if irrigated." The use of both the Capability Class and Storie Index to determine prime soils is in accordance with state law (Government Code § 51201) (refer to Response 18DT). The additional use of the NRCS farmland classifications is a reasonable worst case scenario approach consistent with San Luis Obispo County methodologies. California Department of Conservation (DOC) important farmlands are considered separately in the Final EIR.
- The commentor suggests additional reorganization of Table 4.1-1, including minor phrasing alterations and alternate cell alignment (Item 4d under Comment 18DW). These suggestions have no bearing on the validity of Table 4.1-1 and would result in formatting inconsistencies with other tables throughout the DEIR.

<u>Response 18DX</u>

The commentor questions the source for the statement in the first paragraph of Section 4.1.1(c) (Santa Margarita Ranch Soil Characteristics) that "By NRCS definition, soils with a Capability Class I and Capability Class II soils qualify as prime soils, depending on irrigation." As noted in Response 18DR, this statement has been revised to clarify that Government Code § 51201 (California Land Conservation Act of 1965) defines Class 1 and 2 soils as prime.

<u>Response 18DY</u>

The commentor questions the source for the statement in the first paragraph of Section 4.1.1(c) (Santa Margarita Ranch Soil Characteristics) that states: "By USDA definition, soils with a Storie Index from 80 to 100 qualify as prime soils." As noted in Response 18DS, this statement has been revised to clarify that Government Code § 51201 (California Land Conservation Act of 1965) defines soils with a Storie Index from 80 to 100 as prime.

Response 18DZ

The commentor recommends that the most recent version (2006) California Department of Conservation (DOC) Farmland Mapping and Monitoring Program be obtained and added to Figure 4.1-3 in the Final EIR.

The most recent version of the data in question is 2004, which is the version utilized in the DEIR. Year 2006 data is expected to be available in summer 2008.

Response 18EA

The commentor suggests revisions to the legends on Figures 4.1-1 and 4.1-2. These revisions are discussed below.

- The commentor claims that no soils on Figures 4.1-1 or 4.1-2 can be considered prime soils unless they are irrigated, and therefore the heading "Prime Agricultural Soils Regardless of Irrigation" should be deleted (Item a in Comment 18EA). Refer to Response 18DV. As noted therein, 13 soils on the Santa Margarita Ranch are considered prime regardless of irrigation. This is because they have a California Revised Storie Index of Grade One (Excellent), a classification that does not change depending on irrigation. This distinction is clarified in a footnote on the last page containing Table 4.1-1 in Section 4.1 of the Final EIR.
- The commentor claims that the remaining legend heading should read "Prime Agricultural Soils if Irrigated (Based on LLC)" (Item b in Comment 18EA). This would be inaccurate because the prime designation is not based solely on LLC. Refer to the third bullet under Response 18DW.
- The commentor suggests that Soil Map Unit 150 (Hanford and Greenfield fine sandy loams, 2-9% slopes) be added to the list of "Prime Agricultural Soils if Irrigated" (Item c in Comment 18EA). As noted in Response 18DW, Figures 4.1-1 and 4.1-2 have been revised to reflect the revisions to Table 4.1-1 outlined therein. This includes the designation of this map unit as prime.
- The commentor notes that Soil Map Unit 130 should be listed on Figures 4.1-1 and 4-1-2 as Clear Lake Clay, drained, rather than Clear Lake Clay, NA. Both figures have been revised accordingly.
- The commentor claims that Soil Map Unit 129 (Clear Lake Clay) is shown on Figure 4.1-2. However, only Soil Map Unit 130 (Clear Lake Clay, drained) is shown on this figure. It should also be noted that the EIR utilized soil mapping information from the Natural Resource Conservation Service (NRCS) to determine soils locations (refer to Response 18DO).

Response 18EB

The commentor suggests that soil map unit symbols be included on Figures 4.1-1 and 4.1-2. Both figures have been revised accordingly.

Refer also to Response 18DW. These map unit symbols have also been included on Table 4.1-1.

Response 18EC

In accordance with Comment 18DW, the first sentence following Table 4.1-1 has been revised as suggested by the commentor. Refer to Section 4.1.1(c) (Santa Margarita Ranch Soil Characteristics) of the Final EIR.

Response 18ED

The commentor suggests revisions to the discussion following Table 4.1-1 in Section 4.1, *Agricultural Resources,* based on the assumption that no soil phases within the Santa Margarita Ranch should be classified as prime soil unless they are irrigated. Refer to the last sentence preceding Table 4.1-1 in the Final EIR. As noted therein, prime soils are defined as those with a Land Capability Class of 1 or 2, a California Revised Storie Index of Grade One (Excellent), or an NRCS farmland classification of "prime farmland if irrigated." Although Land Capability Class and NRCS farmland classifications may change depending on irrigation, the California Revised Storie Index does not. As a result, those soils with a California Revised Storie Index of Grade One (Excellent) are considered prime regardless of irrigation. Refer also to Response 18DV.

Response 18EE

The commentor suggests deletion of the following sentence in Section 4.1.1(f) (Existing Cropland and Rangeland Conditions) of the Final EIR: "Of the above 7,174 acres, approximately 6,276 acres are suitable for wine grapes, again, based solely on soil characteristics and regional soil uses."

The statement in question is based on soil mapping information from the Natural Resource Conservation Service (NRCS), as noted in the preceding sentence. As discussed in Response 18DO, the NRCS is an accepted source of soils data in San Luis Obispo County for land use planning [refer to San Luis Obispo County's Agriculture and Open Space Element Appendix C (Agricultural Mapping Criteria)].

Response 18EF

The commentor argues that the areas between and around Agricultural Residential Cluster Subdivision lots would still be suitable for grazing after development. Refer to the discussion under Agricultural Residential Cluster Subdivision Impact AG-1 for evidence to support the conclusion made in the EIR.

Refer also to Responses 18T and 18V.

Response 18EG

Refer to Response 18DT. State law mandates that the Storie Index be used to determine prime soils. It should also be noted that the EIR has been revised to include the most recent California Revised Storie Index ratings. Refer to Response 18DW and Section 4.1, *Agricultural Resources,* of the Final EIR.

Response 18EH

Based on the revisions outlined in Response 18DW, the second and third paragraphs under Agricultural Residential Cluster Subdivision Impact AG-1 have been revised. Refer to the discussion in the Final EIR.

Refer also to Response 18ED. As noted therein, soils with a California Revised Storie Index of Grade One (Excellent) are prime regardless of irrigation.

Response 18EI

Refer to Response 18EH and the revised discussion under Agricultural Residential Cluster Subdivision Impact AG-1 in the Final EIR.

Response 18EJ

Refer to Agricultural Residential Cluster Subdivision measures AG-2(a) through AG-2(d), which would reduce impacts related to conflicts between agriculture and adjacent proposed residential uses. Refer also to Response 18T.

Response 18EK

Refer to Response 18EJ.

Response 18EL

Refer to Responses 18T and 18W.

Response 18EM

Refer to the discussion under Agricultural Residential Cluster Subdivision Impact AG-2 for evidence to support the conclusion made in the EIR.

Refer also to Response 18T.

Response 18EN

The commentor argues that Agricultural Residential Cluster Subdivision measure AG-2(c) (Oak Tree Retention) should not require Ranch owners to retain all existing oak trees between cluster lots and vineyards because this is "not practical or wise." The commentor states that diseased oaks and oaks that pose a public health/safety thread should be allowed to be removed. The mitigation measure has been revised to allow for tree removal for safety reasons, and also to require that these removed oaks be replaced in accordance with Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation). Refer to Agricultural Residential Cluster Subdivision measure AG-2(c) in the Final EIR.

Response 18EO

The commentor argues that two statements in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact AG-2 are contradictory. The two statements are not contradictory because the guest ranch and other lodging units would not constitute significant changes in baseline agricultural tourism. As noted in the third paragraph under *Residual Impacts,* "the proposed Agricultural Residential Cluster Subdivision and envisioned Future Development Program would not result in impacts related to agricultural tourism activities on the site (e.g., tours, dude ranch activities), when compared to existing conditions, because no intensification of existing baseline agricultural tourism activities is proposed with the exception of the guest ranch and other lodging units evaluated throughout this EIR. Ongoing and/or intensified agricultural tourism activities are subject to County land use regulations and nuisance ordinances."

Response 18EP

The commentor argues that Future Development Program Impact AG-1 is overstated because the acreage referenced is a worst case scenario. Refer to the first paragraph in Section 2.0, *Project Description.* As noted therein, "since only generalized Future Development Program land use locations are available at this time, and no site plans or other project-level details have been provided by the applicant, this EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program." This approach is consistent through all 14 EIR impact sections.

Response 18EQ

Refer to Response 18BV.

Response 18ER

The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18ES

The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18ET

The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18EU

Refer to Response 18EA. As noted therein, only Soil Map Unit 130 (Clear Lake Clay, drained) is shown on this figure. It should also be noted that the Final EIR utilized soil mapping

information from the Natural Resource Conservation Service (NRCS) to determine soil locations (refer to Response 18DO).

Response 18EV

The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18EW

The commentor provides a letter from Althouse and Meade, Inc. regarding the Agricultural Resources section of the EIR. Refer to Responses 18EX through 18FU for responses to this letter.

Response 18EX

The commentor's summary of the Agricultural Residential Cluster Subdivision is noted.

Response 18EY

Refer to Responses 18EX through 18FU.

Response 18EZ

The Final EIR defines prime soils as those with a Land Capability Class of 1 or 2, a California Revised Storie Index of Grade One (Excellent), or an NRCS farmland classification of "prime farmland if irrigated." The use of both the Capability Class and Storie Index to determine prime soils is mandated by state law in Government Code § 51201 (refer to Response 18DT). The additional use of the NRCS farmland classifications is a reasonable worst case scenario approach consistent with San Luis Obispo County methodologies.

The commentor additionally notes that site-specific soil surveys were not performed as part of the EIR analysis. Refer to Response 18DO. As noted therein, the EIR utilized soil mapping information from the Natural Resource Conservation Service (NRCS) to determine soil locations. The NRCS is an accepted source of soils data in San Luis Obispo County for land use planning [refer to San Luis Obispo County's Agriculture and Open Space Element Appendix C (Agricultural Mapping Criteria)] . NRCS soils data provides an objective, accurate determination of soil classifications Countywide.

Response 18FA

The commentor claims that conflicts between grazing uses and the proposed urban uses are never specified. Refer to the discussion under Agricultural Residential Cluster Subdivision Impact AG-2 in the Final EIR.

The commentor additionally expresses dislike of the word "urban" to describe the Agricultural Residential Cluster Subdivision. The comment is noted.

Response 18FB

The commentor references Thomas J. Rice's review of the Agricultural Resources section of the Draft EIR. As noted in Response 18DL, this review composes the bulk of Attachment A to the applicants' comment letter package. The commentor notes that their comments are intended to supplement Thomas J. Rice's review. The comment is noted.

The commentor additionally points out that their comments do not include all typographical and grammatical errors observed in the Draft EIR. It should be noted that such typographical errors would have no bearing on the analysis.

Response 18FC

Refer to Response 18DO. It should also be noted that the five acres of prime soils impacts has been revised to 21.2 acres, based on a revised definition of prime soils and updated methodologies. Refer to Section 2.1 (Agricultural Resources) of the Revised Draft EIR for a detailed discussion of these revisions, which have also been incorporated into the Final EIR.

Response 18FD

The commentor notes that site-specific field work by a qualified professional soil scientist was not conducted for the Draft EIR. Refer to Response 18DO. The methodology used in the EIR analysis is the accepted methodology in San Luis Obispo County for land use planning.

Response 18FE

The commentor claims that over 500 acres (presumably the land between and around lots) would remain open and available for grazing upon implementation of the Agricultural Residential Cluster Subdivision, thus arguing that the sustainability of the 676.7-acre grazing unit would not be compromised. Refer to Responses 18T, 18U and 18V.

The commentor additionally references Agricultural Residential Cluster Subdivision measure B-2(a) (Valley Needlegrass Grassland Restoration Plan) in Section 4.3, *Biological Resources,* which requires that grassland management strategies such as seasonal mowing or grazing be employed between lots. The mitigation measure, which has been revised and renamed "Native Perennial Grassland Restoration Plan" in the Final EIR, has also been revised to remove grazing as a possible grassland management strategy. Refer to the measure in Section 4.3, *Biological Resources,* of the Final EIR.

Response 18FF

Refer to Response 18FA.

Response 18FG

The commentor claims that soils in California require irrigation to be considered prime soils by the California Department of Conservation (DOC). Refer to Response 18DV. DOC important farmlands differ from the NRCS farmland classification because the NRCS farmland

classification is based solely on soil quality, while the DOC important farmland designation is based on both soil quality and land use. DOC important farmlands are considered separately from prime soils in the DEIR. Refer to Response 18DW.

Refer also to Response 18EA for a discussion of revisions to Figures 4.1-1 and 4.2-2.

Response 18FH

The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18FI

The commentor notes that Prime Farmland and Farmland of Statewide Importance, as designated by the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP), must be irrigated. The commentor claims that the Draft EIR miscalculates prime soil acreage because the site is not currently irrigated.

Prime soils are defined as those with a Land Capability Class of 1 or 2, a California Revised Storie Index of Grade One (Excellent), or an NRCS farmland classification of "prime farmland if irrigated" (refer to the third bullet in Response 18DW). The acreage calculations in question are based on this data. DOC important farmlands are considered separately from prime soils in the Final EIR and are distinct from the NRCS farmland classification because the NRCS farmland classification is based solely on soil quality, while the DOC important farmland designation is based on both soil quality and land use. Refer to Response 18DW.

It should also be noted that FMMP important farmland designations (including Prime Farmland) are taken directly from the California Department of Conservation (DOC) important farmlands maps.

Response 18FJ

The commentor disagrees with the statement that "soil characteristics of each soil type found on the Santa Margarita Ranch property were analyzed based on their Capability Class and Storie Index grade" because analysis was performed by the NRCS, not the writers of the EIR. The EIR references the NRCS as the source for this information. The purpose of the above-referenced sentence is to introduce Table 4.1-1, which lists each soil type with their Capability Class, Storie Index Rating, and Prime Soil classification.

Response 18FK

Refer to Response 18DO. The EIR utilized soil mapping information from the Natural Resource Conservation Service (NRCS) to determine prime soils locations. The NRCS is an accepted source of soils data in San Luis Obispo County for land use planning [refer to San Luis Obispo County's Agriculture and Open Space Element Appendix C (Agricultural Mapping Criteria)]. NRCS soils data provides an objective, accurate determination of soil classifications Countywide.

Response 18FL

The commentor claims that soils in California must have irrigation to be considered prime. Refer to Response 18DV. As noted therein, it is reasonable to assume that irrigation could occur over much of the Agricultural Residential Cluster Subdivision site. In addition, of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, 13 are considered prime regardless of irrigation. This is because they have a California Revised Storie Index of Grade One (Excellent), a classification that does not change depending on irrigation. This distinction is clarified in a footnote on the last page containing Table 4.1-1 in Section 4.1 of the Final EIR.

Response 18FM

Refer to Response 18EE. The statement in question is based on soil mapping information from the Natural Resource Conservation Service (NRCS). As discussed in Response 18DO, the NRCS is an accepted source of soils data in San Luis Obispo County for land use planning [refer to San Luis Obispo County's Agriculture and Open Space Element Appendix C (Agricultural Mapping Criteria)].

Response 18FN

The commentor questions how land use conflicts between agriculture and residential uses could occur if the rangeland condition on the Ranch is good to excellent and over 500 acres of grazing land would remain intact after development. Refer to Responses 18T, 18U and 18V. Refer also to the discussion under Agricultural Residential Cluster Subdivision Impact AG-2.

Response 18FO

The commentor claims that current Ranch management is capable of practicing high quality stewardship. The comment is noted.

Response 18FP

The commentor claims that "additional fences would be built to utilize grazing land on the agricultural cluster development property" and that cattle would be well-behaved within the cluster vicinity. As noted in Responses 18U and 18V, the proposed Agricultural Residential Cluster Subdivision does not include design guidelines or building envelopes. Therefore, there is no basis to assume that safe guards such as perimeter fencing and cattle-guards will be on and around residential envelopes, or that such measures would reduce impacts.

Response 18FQ

The commentor disagrees with the conclusion that buffers and lot arrangement could not effectively mitigate incompatibilities. The Final EIR concludes that recommended mitigation measures would partially reduce impacts, but given the non-contiguous design of proposed lots and intensity of existing agricultural activities, impacts would remain Class I, *significant and unavoidable.* Alternate lot arrangements are considered in Section 6.0, *Alternatives,* of the Final EIR.

Response 18FR

Refer to Response 18FE.

Response 18FS

The commentor points out that the term "loamy clay," which is a non-standard term, is used in Section 4.3, *Biological Resources.* The first paragraph in Section 4.3.1(d) (Seasonal Pools) has been revised to remove the term "loamy clay."

Response 18FT

As noted in Response 18DO, The EIR utilized soil mapping information from the Natural Resource Conservation Service (NRCS) to determine prime soils locations. The NRCS is an accepted source of soils data in San Luis Obispo County for land use planning [refer to San Luis Obispo County's Agriculture and Open Space Element Appendix C (Agricultural Mapping Criteria)]. Refer to Responses 18FE and 18FL for response to the claim that the agricultural resources section contradicts other EIR sections.

Response 18FU

The commentor concludes that impacts to prime soils and other agricultural resources should be based on site-specific information and existing Ranch conditions. Refer to Response 18DO.

Response 18FV

Attachment B to the applicants' comment package consists of "Air Quality Impacts Analysis as Presented in the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project EIR" prepared by Diana Gould-Wells for Kirk Consulting and Santa Margarita Ranch, LLC.

Refer to Responses 18FW through 18GX for responses to Attachment B. Refer also to Responses 18AL through 18AP and 18CD through 18CJ, which address the applicants' summary of Attachment B for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively.

Response 18FW

The commentor's summary of the Agricultural Residential Cluster Subdivision is noted. Refer to Master Responses 3a and 3b.

Response 18FX

Refer to Master Response 9. Refer also to Response 18FY below.

Response 18FY

Refer to Table 9-2 in Master Response 9. This table compares the land uses included in the Fugro EIR (the same uses presented by the commentor) with the Agricultural Residential

Cluster Subdivision and Future Development Program. As outlined therein, several conceptual future uses on the Ranch property were not previously analyzed in the Fugro EIR, including: 19 dwelling units; a club house and shop (associated with the golf course); up to 100 additional units at the guest ranch and lodge; up to 400 additional seats at the amphitheater; eight wineries; winery special events; 6,000 square feet of craft studios, galleries and shops; a livestock sales yard and café; and three places of worship.

Response 18FZ

Refer to Master Response 9.

Response 18GA

Refer to Master Response 9.

Response 18GB

Refer to Master Responses 3a and 9.

Response 18GC

The commentor's statement that information contained in Section 4.2.1 (Setting) is accurate is noted.

Response 18GD

The commentor lists the four categories of evaluation established by the Air Pollution Control District (APCD) and claims that categories 3 and 4 are not discussed in the Draft EIR. Refer to the third full paragraph under Section 4.2.2(a) (Methodology and Significance Thresholds). Although detailed discussion is not included, these categories are indeed referenced, as requested by the commentor. Refer also to Letter 13 and Responses 13A through 13R.

Response 18GE

Refer to Agricultural Residential Cluster Subdivision Impact AQ-1 in Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures).

Refer also the Master Response 9.

Response 18GF

The commentor argues that *Short-term Construction Impacts* should be discussed under the header *Comparison to APCD Emission Thresholds.* The commentor's preferred format would not change the analysis or conclusions of the EIR.

Response 18GG

Refer to Response 18GF.

Response 18GH

The commentor requests an introduction to Section 4.2.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures). Refer to the introduction on page 4.2-1. The commentor's preferred format would not change the analysis or conclusions of the EIR.

Response 18GI

Refer to Master Response 9.

Response 18GJ

The commentor summarizes the discussion under *Mitigation Measures* for Agricultural Residential Cluster Subdivision Impact AQ-1 and declares that this discussion is not correct. The commentor does not provide evidence to support the claim that this discussion is incorrect, other than simple disagreement. No response is feasible.

Response 18GK

The commentor approves of Agricultural Residential Cluster Subdivision measures AQ-1(a) through AQ-1(e). The comment is noted.

Response 18GL

The commentor expresses confusion regarding reference to "standard site-design measures" in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact AQ-1. Refer to the revised *Mitigation Measures* discussion under the same impact. The required mitigation measures discussed in Response 18GK above are referred to as "standard energy efficiency measures," rather than "site-design" measures. As noted in the *Residual Impacts* and *Mitigation Measures* discussions, site-design measures would not be applicable. Agricultural Residential Cluster Subdivision measures AQ-1(a) through AQ-1(e) are still required.

Response 18GM

Operational and construction impacts are discussed separately in the EIR. Refer to Response 18GH.

Response 18GN

The commentor approves of Agricultural Residential Cluster Subdivision measures AQ-2(a) through AQ-2(e). The comment is noted.

Response 18GO

The commentor approves of Agricultural Residential Cluster Subdivision measure AQ-2(f) as long as a prior geologic study has not been conducted. The comment is noted.

Response 18GP

The commentor summarizes Agricultural Residential Cluster Subdivision Impact AQ-3 and expresses approval of the mitigation measure contained therein. There is no mitigation measure for Agricultural Residential Cluster Subdivision Impact AQ-3.

Response 18GQ

Refer to Master Response 9.

Response 18GR

The commentor's summary of required Program-level analysis is noted. Refer also to Master Response 9.

Response 18GS

The commentor's summary and approval of Future Development Program Impact AQ-1 and Future Development Program measure AQ-1(a) is noted.

Response 18GT

The commentor claims that the Future Development Program is consistent with the Salinas River Area Plan, but does not provide evidence to support this claim. No response is feasible.

The commentor additionally claims that impacts were addressed in the Fugro EIR. Refer to Master Response 9.

Response 18GU

Refer to Response 18GT and Master Response 9.

Response 18GV

Refer to Master Response 9.

Response 18GW

The commentor approves of the application of Agricultural Residential Cluster Subdivision measures AQ-2(a) through AQ-2(e) and AQ-3(f) to the Future Development Program. The comment is noted.

Response 18GX

Refer to Master Response 9.

Response 18GY

Attachment C to the applicants' comment package consists of "Santa Margarita Ranch Draft EIR Biological Resources Section Response to Project Evaluation, Tract 2586" prepared by Althouse and Meade, Inc. for Kirk Consulting and Santa Margarita Ranch, LLC on April 11, 2007. Attachment C additionally includes a supplemental letter from Rick Hoffman and Associates dated April 9, 2007.

Refer to Responses 18GZ through 18KX for responses to Attachment C. Refer also to Responses 18AR through 18AT and 18CL through 18CN, which address the applicants' summary of Attachment C for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively.

Response 18GZ

The commentor utilizes data provided by LSCE (Attachment M to the applicants' comment package) regarding water demand and concludes that both short- and long-term pumping from any of the on-site wells will not have a significant impact on surface flows or riparian habitat within the major named creek corridors on the Santa Margarita Ranch. Refer to Responses 18UP through 18UX.

Response 18HA

The commentor's summary of the proposed Agricultural Residential Cluster Subdivision is noted. Potential inconsistencies with the applicable Land Use Ordinance requirements related to the percentage of open space will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

The commentor's description of oak trees within the proposed conservation easements is noted. However, the commentor does not provide evidence to support the claim that over 6,000 oak trees would be protected in the proposed agricultural conservation easements.

Response 18HB

The commentor claims that lots were sited to avoid tree removal. The comment is noted. Refer to Response 18L.

As noted in the *Biological Resources* discussion in Section 6.12.2 of the Final EIR, the Amended Project Alternative (or MPPA) is estimated to remove or impact between 250 and 350 oak trees.

Response 18HC

Refer to Responses 18HA and 18HB. The commentor does not provide evidence to support the claim that over 6,000 oak trees would be protected in the proposed agricultural conservation easements. In addition, the Agricultural Residential Cluster Subdivision would remove or impact 200 to 400 oak trees, while the MPPA (analyzed as "Alternative 12: Amended Project Alternative" in the Final EIR) would remove or impact 250 to 350 oak trees.

Response 18HD

Refer to the revised impact statement for Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR. The statement referenced by the commentor now states: "In accordance with Kuehl Bill mitigation techniques, half of the oak trees that are removed or impacted can be replaced, but due to the long time-period required for the planted trees to possess equivalent oak woodland habitat values and the fact that there is no assurance that oak trees designated to remain on the lots will be protected in the future, impacts to oak trees and oak woodlands are Class I, *significant and unavoidable*." The time frame for blue oak planting mitigation referenced by the commentor no longer applies to the statement in question.

It should also be noted that oak trees other than blue oaks would be removed and/or impacted by the Agricultural Residential Cluster Subdivision. Refer to the first sentence under Agricultural Residential Cluster Subdivision Impact B-3 in the Final EIR.

Response 18HE

Refer to Section 2.3 (Biological Resources) of the Revised DEIR. As noted therein, two of the habitat type classifications have been updated to better reflect the characteristics of the site, and the mapped boundaries of the habitat types have been revised. The revised classifications follow those used in the *Inventory of Wildlife and Plant Species on the Six Rancho Parcels of the Santa Margarita Ranch* (Althouse and Meade, Inc. 2005). These revisions have been incorporated into the Final EIR. As a result, the statements referenced by the commentor have been revised. Refer to the first paragraph under Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR.

The commentor claims that "valley oak woodland" should be classified as "foothill woodland." Because the commentor does not provide evidence support this claim, no direct response is feasible.

Refer also to Response 18HB. More than 60 trees would be removed under both the Agricultural Residential Cluster Subdivision and the MPPA (Amended Project Alternative).

Response 18HF

Refer to the fourth paragraph under Agricultural Residential Cluster Subdivision Impact B-3. The discussion in question has been revised to characterize the adopted version of SB 1334 (refer also to *Updated Oak Tree Impacts and Mitigation* in Section 2.3 of the Revised DEIR). As noted in the revised discussion, SB 1334 "specifies procedures for mitigating effects of oak woodland conversions." It does not define "oak woodland" or "conversion" of oak woodland, as claimed by the commentor.

The Kuehl Bill (SB 1334) was adopted in October 2004 and became effective on January 1, 2005. Previous (non-adopted) versions of the Kuehl Bill included definitions of oak woodland and oak woodland conversion. However, the Kuehl Bill (as codified in PRC § 21083.4) defines "oak" but not "oak woodland" or "impacts to oak woodland." Rather, the responsibility of determining a significant effect to oak woodlands is placed on the county with jurisdiction over

a project. The full text of the Kuehl Bill, as adopted, can be viewed at http://www.leginfo.ca.gov/calaw.html.

Because the Kuehl Bill does not include the definitions referenced by the commentor, the Final EIR utilizes County of San Luis Obispo definitions and thresholds.

Response 18HG

The referenced statement has been removed from the Final EIR, as has any reference to "Heritage" or "Stately" oaks.

Response 18HH

Refer to Response 18HG.

Response 18HI

Refer to Response 18HG.

Response 18HJ

Refer to the revised analysis under Agricultural Residential Cluster Subdivision Impact B-3. The analysis differentiates between impacts to individual oak trees and impacts to oak woodland. Specifically, the second paragraph discusses impacts to individual oaks, while the third paragraph discusses impacts to oak woodland. As a whole, the impact is Class I, *significant and unavoidable.*

The commentor's claims that resident wildlife and migratory birds, including raptors, may continue to thrive in a carefully planned development among oaks. Refer to Master Responses 2 and 8.

The commentor additionally claims that fewer than 60 trees would be removed. Refer to Response 18HC.

Response 18HK

Refer to Master Response 10.

Response 18HL

The commentor questions the statements made in the last three sentences of the *Valley Oak Woodland* discussion in Section 4.3.1(b) (Habitat Types). These sentences have been revised to clarify that isolated valley oaks occur throughout the vineyards (rather than remnants of valley oak woodland) and that recent removal is evidenced through field observations. Refer to this discussion in Section 4.3, *Biological Resources,* of the Final EIR.

Response 18HM

The commentor references a statement made in the second paragraph under *Vineyard* in Section 4.3.1(b) (Habitat Types), and claims that oaks in on-site vineyards are not remnants and that no oaks were removed for the vineyard. Refer to Response 18HL. Similar revisions have been made to the referenced discussion.

Response 18HN

The commentor claims that mapping of oak woodlands has been exaggerated, and that alternate habitat type descriptions should be used. The commentor does not provide evidence to support either of these claims. The mapping and descriptions contained in the Final EIR are based on project related map layers, aerial photographs, topographic maps, CNDDB database, previous biological report findings, field surveys, scientific literature, and professionally accepted flora manuals and wildlife field guides to identify species. As the commentor does not adequately demonstrate fault in the Final EIR methodologies nor provide support for their requested revisions, no further response is feasible.

Response 18HO

The commentor references the first page of Section 4.3, *Biological Resources,* and claims that valley needlegrass grassland with density above 50% has not been shown to occur on the property. Refer to Agricultural Residential Cluster Subdivision Impact B-2 in the Final EIR. As noted therein, a discussion related to the percent cover of purple needlegrass within valley needlegrass grassland has been revised from 50% cover to 10% cover.

Response 18HP

Refer to Responses 18HC and 18HK.

Refer also to Master Response 8.

Response 18HQ

The commentor describes measurements of percent cover of purple needlegrass that they conducted in the Agricultural Residential Subdivision site that resulted in estimates of less than 50% cover by purple needlegrass. Refer to Agricultural Residential Cluster Subdivision Impact B-2 in the Final EIR. As noted therein, a discussion related to the percent cover by native perennial grasses, including purple needlegrass, deergrass, and California oatgrass, has been revised from 50% cover to 10% cover.

The commentor claims that recent grazing practices employed have contributed to an increase in perennial grasses. Comment noted.

The commentor claims that valley needlegrass grassland is considered to be a Plant Community of Special Concern by the California Department of Fish and Game only when densities reach over 50% cover, and that there are only two areas in San Luis Obispo County that have been designated. The CDFG does not have a threshold for percent cover by purple needlegrass in

order for a valley needlegrass grassland to be considered to be a Plant Community of Special Concern, nor are there only two areas designated in the county (Dave Hacker, CDFG, personal communication 25 April 2008). Impacts to native perennial grasslands should be considered for any extensive areas in which native perennial grasses are an important component of the species composition (Dave Hacker, CDFG, personal communication 25 April 2008).

Response 18HR

The commentor disagrees with the first sentence in the second paragraph on page 4.3-1, claiming that twenty special-status species are not found on the project site. The commentor is referencing the summary at the beginning of the section, which does not contain evidence or analysis. Refer to Section 4.3.1(e) (Special-Status Species) for a discussion of special-status species found on-site, and to Section 4.3.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) for analysis of impacts to these species. Absent any evidence to support the claim that none of these species occur on the property, no further response is feasible.

Response 18HS

The commentor notes that Pierce Dam is a barrier to steelhead, therefore suitable habitat cannot exist in Taco and Rinconada Creeks. Dave Highland, California Department of Fish and Game (CDFG) Fish Habitat Specialist, confirmed that this dam is a barrier to movement to steelhead. The information contained in the Draft EIR was based upon personal communications with Mike Hill from the CDFG, in which this species has been observed in Rinconada Creek. It is likely that these individuals produce juveniles which may wash over the dam and become steelhead. Therefore, the Rinconada Creek population should be considered to be a locally important biological resource. Table 4.3-4 (Special Status Wildlife Species Potentially Occurring on the Project Site), row titled "Steelhead trout – South Central Coast ESU," fifth column, has been revised to note this potential occurrence. Future Development Program Impact B-7 has similarly been revised.

Response 18HT

Refer to Response 18L.

Response 18HU

The Draft EIR describes roosting habitat requirements of this species in several locations throughout Section 4.3, and states that this habitat does not occur on the site.

Response 18HV

The commentor asserts that mitigation measures for oak trees and valley needlegrass are based on incorrect measurements and assumptions. The commentor does not provide evidence to support this claim. Refer to Responses 18HD through 18HQ for responses to specific comments regarding oak trees and valley needlegrass grassland.

Response 18HW

Refer to Response 18HT. As noted in the *Biological Resources* discussion in Section 6.12.2 of the Final EIR, the Amended Project Alternative (or MPPA) is estimated to remove or impact between 250 and 350 oak trees.

Response 18HX

The commentor references Agricultural Residential Cluster Subdivision measure B-3(a) in the Draft EIR. This measure has been substantially revised in the Final EIR. Refer to Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in Section 4.3, *Biological Resources,* of the Final EIR. These revisions were included in the Revised DEIR, which was circulated from February 11, 2008 to March 26, 2008.

Response 18HY

Refer to Response 18HX. The referenced measure has been deleted from the Final EIR, although the purpose of this measure has been incorporated into revised Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation). Refer to Section 4.3, *Biological Resources,* of the Final EIR.

Response 18HZ

Refer to Response 18HY. Agricultural Residential Cluster Subdivision measure B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) now requires inventory of all trees at least 5 inches in diameter at breast height within 50 feet of all proposed Agriculture Residential Cluster Subdivision impact areas. This addresses the commentor's concern expressed in item (i) of Comment 18HZ.

Agricultural Residential Cluster Subdivision measure B-3(a) additionally requires a County approved arborist to assess impacted trees on a case-by-case basis, as requested by the commentor.

Response 18IA

Refer to Response 18HY. Agricultural Residential Cluster Subdivision measure B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) now requires tree protection guidelines and a root protection zone for each tree "to be retained that occurs within 50 feet of impact areas." This addresses the commentor's concern expressed in item (i). In addition, this measure now requires protection of the arborist-defined critical root zone, rather than a 100-foot setback. This addresses the commentor's concern expressed in item (ii). Refer to the revised mitigation measure under Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR.

The commentor additionally suggests a methodology for determining the critical root zone. As noted in the revised Agricultural Residential Cluster Subdivision measure B-3(a), a qualified

arborist will determine the critical root zone for each retained tree on a case-by-case basis, based upon tree species, age, and size.

Response 18IB

The commentor notes that the relocation of Heritage oak trees not practicable. Refer to Response 18HX. As noted therein, mitigation measures for Agricultural Residential Cluster Subdivision Impact B-3 have been substantially revised in the Final EIR. This includes elimination of the requirement for Heritage or other oak tree transplanting.

Response 18IC

Refer to Response 18IA. As noted therein, Agricultural Residential Cluster Subdivision measure B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) now requires protection of the arborist-defined critical root zone, rather than a 100-foot setback. Refer to this revised measure in Section 4.3, *Biological Resources,* of the Final EIR.

Response 18ID

The commentor expresses concern regarding Agricultural Residential Cluster Subdivision measure B-3(c) in the Draft EIR, which requires replacement trees to be planted between October and January. As noted in Response 18HY, this measure has been deleted from the Final EIR, although the purpose of this measure has been incorporated into revised Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation). Revised measure B-3(b) requires preparation of an oak tree replacement plan by a County approved arborist, which will provide a species-specific planting schedule and a landscape and irrigation plan if planting should occur outside of the specified time period. Refer to the revised measures in Section 4.3, *Biological Resources,* of the Final EIR.

Response 18IE

The commentor disagrees with the statement that oak trees and oak woodland habitat that are lost would take at least 50 years to restore because they take at least that long to establish, as stated in Agricultural Residential Cluster Subdivision measure B-3(c) in the Draft EIR. As noted in Response 18HY, this measure has been deleted from the Final EIR, although the purpose of this measure has been incorporated into revised Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation). The revised measures do not reference the 50 year establishment period referenced by the commentor.

In accordance with Senate Bill 1334, the Kuehl Bill, replacement plantings may only fulfill up to 50% of a particular project's mitigation requirement. Therefore, while mitigation plantings are prescribed at a 4:1 ratio, since only half of the trees lost are subject to replacement, overall project replacement is equivalent to a 2:1 ratio. After the monitoring and replacement period of seven years, planted trees may die due to drought, disease, fire, or other adverse conditions. Young trees are generally more susceptible to these factors than larger trees. Therefore, there is no guarantee that the number of replacement trees that actually reach stature similar to that of

those that will be removed will be equivalent to or exceed the number that will be removed. In addition, the commentor does not provide sufficient evidence to support the implication that young trees of lesser stature possess equivalent habitat values for wildlife.

Response 18IF

The commentor claims that if only a small proportion of trees (less than 60) are removed, the Agricultural Residential Cluster Subdivision will not have a significant impact. Refer to Response 18HC. As noted therein, the Agricultural Residential Cluster Subdivision would remove or impact 200 to 400 oak trees, while the MPPA (Amended Project Alternative) would remove or impact 250 to 350 oak trees.

Response 18IG

Refer to Response 18HQ.

Response 18IH

The wording and organization of mitigation for the San Luis Obispo mariposa lily and the San Luis Obispo County morning glory under Impact B-5 have been revised in the Final EIR.

Response 18II

Wording regarding compliance with the federal Endangered Species Act has been revised in the Final EIR within Agricultural Residential Cluster Subdivision Impact B-6 (Vernal Pool Fairy Shrimp), Agricultural Residential Cluster Subdivision Impact B-7 (Steelhead), Agricultural Residential Cluster Subdivision Impact B-8 (California Red-legged Frog), Future Development Program Impact B-6 ((Vernal Pool Fairy Shrimp), and Future Development Program Impact B-8 (California Red-legged Frog).

Response 18IJ

Refer to Response 18II.

Response 18IK

Statements provided by the commentor on Section 1600 program regulation do not conflict with the wording in the Draft EIR.

Agricultural Residential Cluster Subdivision B-4(a) has been revised in the Final EIR to detail minimum compensatory mitigation requirements for the loss of wetland and riparian habitats that are independent from, but in concert with, those prescribed by regulatory agencies.

Response 18IL

The requested change regarding disturbance to drainage bottoms and required permits has been incorporated into Agricultural Residential Cluster Subdivision B-4(a) in the Final EIR.

Response 18IM

Refer to Master Responses 2 and 4.

Response 18IN

Refer to the *Biological Resources* discussion in Section 6.3 (Alternative 3: Revised Cluster Design) for a complete analysis of this Alternative. The commentor's claim that placing lots in a tight configuration would result in greater impacts to oak woodland habitat is presumably based on the commentor's previous claims that the Agricultural Residential Cluster Subdivision would only result in the removal of 60 oak trees. As noted in Response 18HC and others, the Agricultural Residential Cluster Subdivision would remove or impact 200 to 400 oak trees. This magnitude of tree impact and removal, as well as the fact that Alternative 3 would reduce overall project footprint by approximately 47%, confirms the conclusion that Alternative 3 would result in slightly fewer impacts related to oak tree removal.

Response 18IO

The comment is noted. However, the alternatives analysis is not intended to classify levels of impact, but rather weigh each alternative's impact against the proposed Agricultural Residential Cluster Subdivision. Impacts to biological resources associated with each of the alternatives are addressed in the alternatives analysis.

Response 18IP

Refer to Response 18IO.

Response 18IQ

Refer to Response 18IO.

Response 18IR

Refer to Response 18IO.

Response 18IS

The commentor provides several pages of minor typographical corrections. Refer to Responses 18IT through 18KV for responses to each of these corrections. It should be noted, however, that none of these corrections have any effect on the analysis or conclusions made in the Final EIR.

Response 18IT

Refer to the bottom of Table 4.3-1 in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18IU

Refer to the first two sentences in the second paragraph under Section 4.3.1(a) (Characterization of the Santa Margarita Ranch Area) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendations.

Response 18IV

Comment noted. Minor revisions were made to the Final EIR to clarify the usage of biological terms.

Response 18IW

The referenced paragraph does not claim that the Santa Lucia range extends to Point Conception, but rather notes the extent of coastal scrub in California.

Response 18IX

Refer to the first sentence of the second paragraph under *Chamise Chaparral* in Section 4.3.1(b) (Habitat Types) of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18IY

The referenced statement describes oak woodland understory, not perennial grassland.

Response 18IZ

Refer to the *Emergent Wetland* discussion in Section 4.3.1(b) (Habitat Types) of the Final EIR. The statement referenced by the commentor has been deleted from the Final EIR.

Response 18JA

Refer to the fourth sentence of the second paragraph under the *Emergent Wetland* discussion in Section 4.3.1(b) (Habitat Types) of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JB

Refer to the third to last sentence in the second paragraph under the *Emergent Wetland* discussion in Section 4.3.1(b) (Habitat Types) of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JC

The noted typographical issue would have no bearing on the analysis or conclusions of the EIR.

Response 18JD

The last sentence in the *Agriculture (Vineyard/Stock Ponds)* discussion in Section 4.3.1(b) (Habitat Types) in Section 4.3, *Biological Resources,* of the Final EIR has been revised to clarify that irrigation ponds are lined with clay, not concrete.

Response 18JE

Refer to the second sentence of the second paragraph under the *Agriculture (Vineyard/Stock Ponds)* discussion in Section 4.3.1(b) (Habitat Types) of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JF

Refer to the third sentence under the *Trout Creek* discussion in Section 4.3.1(c) (Natural Drainages) of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JG

Refer to the second to last sentence in the second to last paragraph of Section 4.3.1(d) (Seasonal Pools) of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JH

Column five of the "California red-legged frog" row in Table 4.3-4 of the Final EIR has been revised in accordance with the commentor's recommendation.

Response 18JI

Refer to column five of the "coast range newt" row in Table 4.3-4 of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JJ

Columns two and five of the "golden eagle" row in Table 4.3-4 of the Final EIR have been revised in accordance with the commentor's recommendations. The *Golden Eagle* discussion in Section 4.3.1(e) (Special-Status Species) following Table 4.3-4 in the Final EIR has also been revised in accordance with the commentor's recommendation.

Response 18JK

Habitat requirements in column 3 of Table 4.3-4 are generalized throughout the species' ranges, and not specific to habitat use on Santa Margarita Ranch.

Response 18JL

A correction has been made to the *Falco mexicanus* row in Table 4.3-4 based upon the commentor's observation.

Merlin has been added to Table 4.3-4 based upon observations on the Ranch by the commentor.

Response 18JM

Columns four and five of the "bald eagle" row in Table 4.3-4 of the Final EIR have been revised in accordance with the commentor's recommendations. The *Bald Eagle* discussion in Section 4.3.1(e) (Special-Status Species) following Table 4.3-4 in the Final EIR has also been revised in accordance with the commentor's recommendation.

Response 18JN

Column four of the "yellow-breasted chat" row in Table 4.3-4 of the Final EIR have been revised in accordance with the commentor's recommendations.

Response 18JO

Refer to column four of the "Loggerhead shrike" row in Table 4.3-4 of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JP

Refer to the first sentence of the *Southwestern pond turtle* discussion in Section 4.3.1(e) (Special-Status Species) following Tables 4.3-3 and 4.3-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JQ

Refer to the third to last sentence of the *Southwestern pond turtle* discussion in Section 4.3.1(e) (Special-Status Species) following Tables 4.3-3 and 4.3-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JR

Refer to the second to last sentence of the *Coast horned lizard* discussion in Section 4.3.1(e) (Special-Status Species) following Tables 4.3-3 and 4.3-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JS

Refer to the second to last sentence of the *White-tailed kite* discussion in Section 4.3.1(e) (Special-Status Species) following Tables 4.3-3 and 4.3-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JT

Refer to Response 18JL and the first sentence of the *Merlin* discussion in Section 4.3.1(e) (Special-Status Species) following Table 4.3-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JU

Refer to Response 18JM.

Response 18JV

Refer to the second to last sentence of the *Loggerhead shrike* discussion in Section 4.3.1(e) (Special-Status Species) following Tables 4.3-3 and 4.3-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JW

Refer to the first sentence of the *Other uncommon wildlife species* discussion in Section 4.3.1(e) (Special-Status Species) following Tables 4.3-3 and 4.3-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18JX

Both prairie falcon and merlin forage in grasslands. However, prairie falcon has been added to the list of species that may forage in California annual grassland in the mitigation measures under Agricultural Residential Cluster Subdivision Impact B-1.

Response 18JY

Refer to the first sentence under Agricultural Residential Cluster Subdivision Impact B-3 in the Final EIR, which has been revised and now excludes the term "root drip zone."

Response 18JZ

The commentor references Agricultural Residential Cluster Subdivision measure B-3(c) from the Draft EIR. As noted in Response 18HY, this measure has been deleted from the Final EIR, although the purpose of this measure has been incorporated into revised Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation). The revised measures do not use the term "short term."

Response 18KA

The commentor provides an excerpt from the *Residual Impact* discussion for Agricultural Residential Cluster Subdivision Impact B-3. Comment noted.

Response 18KB

Refer to the first paragraph of the *Residual Impact* discussion for Agricultural Residential Cluster Subdivision Impact B-3, which has been revised in accordance with the commentor's recommendation.

Response 18KC

Refer to the last sentence of the third paragraph under Agricultural Residential Cluster Subdivision Impact B-4 in the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KD

Refer to the second sentence of Agricultural Residential Cluster Subdivision measure B-5(e) (Worker Education Program) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KE

Refer to the second sentence of Agricultural Residential Cluster Subdivision measure B-5(e) (Worker Education Program) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KF

Refer to the first sentence in Agricultural Residential Cluster Subdivision measure B-6(a) (VPFS Presence/Absence Determination) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with one of the commentor's recommendations.

Response 18KG

The noted typographical issue would have no bearing on the analysis or conclusions of the EIR.

Response 18KH

The requested change to the personal communication citations have been made under Agricultural Residential Cluster Subdivision Impact B-7.

Response 18KI

Refer to the *Mitigation Measures* discussion under Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KJ

Refer to the last sentence in Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KK

The commentor claims that the Agricultural Residential Cluster Subdivision would impact foraging of the pallid bat but not the Townsend's big eared bat due to differences in diet. The commentor does not provide evidence to support this claim.

Response 18KL

Refer to the second sentence of Agricultural Residential Cluster Subdivision measure B-9(f) (Pet Brochure) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised to address the commentor's concern.

Response 18KM

Refer to the second paragraph of Agricultural Residential Cluster Subdivision measure B-9(f) (Pet Brochure) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised for clarity.

Response 18KN

Refer to the fourth sentence under Future Development Program Impact B-1 in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised for clarity.

Response 18KO

Refer to the fifth sentence under Future Development Program Impact B-1 in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KP

Refer to the first sentence of the *Residual Impact* discussion under Future Development Program Impact B-2 in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KQ

The presence of Valley Needlegrass Grassland was correctly identified in the field by studies performed for the Draft EIR, as well as by the commentor. Since other native grasses are common on the site, the definition of native grasslands has been expanded to include these additional species under the habitat type Native Perennial Grassland, and these changes have

been made throughout section 4.3 Biological Resources in the Final EIR, including the section referenced by the commentor, Future Development Program Impact B-3.

Response 18KR

Refer to the second to last sentence of Future Development Program measure B-5(b) (Special-Status Plant Species Monitoring Plan) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KS

Refer to Response 18HS.

Response 18KT

Refer to Response 18HS.

Response 18KU

Refer to Response 18HS.

Response 18KV

Refer to the third to last sentence of Future Development Program measure B-9(a) (Western Spadefoot Toad Avoidance, Capture and Relocation) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised in accordance with the commentor's recommendation.

Response 18KW

Refer to Response 18IA. As noted therein, Agricultural Residential Cluster Subdivision measure B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) now requires protection of the arborist-defined critical root zone, rather than a 100-foot setback. Refer to this revised measure in Section 4.3, *Biological Resources,* of the Final EIR.

Response 18KX

The commentor provides a map showing transects referenced in Comment 18HQ. Refer to Response 18HQ.

Response 18KY

Attachment D to the applicants' comment package consists of "Cultural Resources Review of DEIR for Santa Margarita Ranch" prepared by Thor Conway of Heritage Discoveries, Inc. for Kirk Consulting and Santa Margarita Ranch, LLC on April 10, 2007.

Refer to Responses 18KZ through 18NK for responses to Attachment D. Refer also to Responses 18AR through 18AZ and 18CP through 18CV which address the applicants' summary of

Attachment D for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively.

Response 18KZ

The commentor claims that the Draft EIR makes assumptions based on incomplete use of available information and on erroneous use of cultural resource data. The commentor does not provide evidence to support this claim.

The commentor additionally references a Memorandum of Agreement (MOA) between the Santa Margarita Ranch, LLC and the San Luis Obispo Chumash Council (Council) and claims that this MOA should be discussed in the Final EIR. Refer to Response 18CR. As noted therein, it would not be appropriate for the Draft or Final EIR to analyze implementation of the MOA or its effectiveness in achieving heritage management goals, as it constitutes a private and confidential agreement between two parties and cannot substitute for a standard CEQA analysis.

Response 18LA

Refer to Master Response 10.

Response 18LB

The commentor summarizes the impact levels of those impacts analyzed in Section 4.4, *Cultural Resources,* of the Final EIR. Comment noted.

Response 18LC

The commentor suggests that the Draft EIR is faulty because archaeological sites were treated as a group rather than individually. There is ample justification for viewing the archaeological sites within a group context, particularly when they are clearly part of a broader district. However, individual sites may require specific evaluation, including definition of individual site boundaries. Refer to Agricultural Residential Cluster Subdivision measures CR-2(a) (Avoidance) and CR-2(b) (Mitigative Data Recovery Excavation), which require boundary definition to ensure avoidance and data recovery to mitigate impacts. Refer also to Agricultural Residential Cluster Subdivision measure CR-3(a) (Buried Site Testing at Isolate Locations) regarding buried site testing.

Resources are described individually in the archaeological survey reports.

Response 18LD

The commenter speculates on the significance of resources based on their size and surface distribution of cultural remains, rather than on their associations, distinctive characteristics, and district-wide research potentials. This is inappropriate, particularly within the Agricultural Residential Cluster Subdivision area, where surface visibility is poor, site boundaries are ill-defined, and prior studies have demonstrated the high potential for buried sites. The commenter further suggests that the nature of impacts and required "levels of mitigation" are

conditioned by surface-visible evidence. While it is unclear what is meant by "levels of mitigation," scope of work or level of effort for data recovery cannot be determined until sites are individually sampled to define their content and their horizontal and vertical extent.

Response 18LE

The commentor notes that impacts to archaeological sites from past agricultural activities, ground squirrel activities and Ranch road installation have not been addressed in the analysis. State CEQA Guidelines require analysis of environmental effects of a proposed project as they relate to "changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced" [Section 15126.2(a)]. In other words, impacts of a project are determined against baseline (existing) conditions, which inherently include previous agricultural activities, ground squirrel activities, etc.

It should also be noted that prior impacts are discussed in the individual site records and descriptions in the inventory reports. In addition, the extent of prior disturbance and the overall integrity of sites cannot be defined exclusively from surface evidence.

Refer also to Master Response 10 and Response 18T for a discussion of the merits of comparing the Agricultural Residential Cluster Subdivision analysis to past agricultural cluster projects in the County. It should also be noted that archaeological sites in the Santa Ysabel Ranch project area were excavated and analyzed before determinations were made regarding their integrity.

Response 18LF

The commentor requests that the EIR analysis distinguish between cultural resources located in the developable portion of the Agricultural Residential Cluster Subdivision site and cultural resources located in non-developable areas. The commentor does not define 'developable' or 'non-developable' areas of the Ranch. In addition, as discussed in Agricultural Residential Cluster Subdivision Impact CR-5, implementation of the Agricultural Residential Cluster Subdivision could result in indirect impacts to identified or unidentified archaeological and historical resources, including resources outside of development footprints.

Refer also to Response 18LC. As noted therein, there is ample justification for viewing the archaeological sites within a group context, particularly when they are clearly part of a broader district.

Response 18LG

The commentor provides the Agricultural Residential Cluster Subdivision Impact CR-1 impact statement verbatim. Comment noted.

It should also be noted that this impact statement has been slightly revised in the Final EIR in accordance with Response 18AV above.

Response 18LH

The ridge of petrified oyster shells in the vicinity of the Agricultural Residential Cluster Subdivision is a character-defining element of the historical landscape not only because of the possible association with mission-era activities, but because of the long record of historical use of the area and its unusual and distinctive nature, which visitors to the area were noticing and remarking upon in the written record as early as 1856. The ridge and its petrified shell deposits were a natural wonder for nineteenth- and twentieth-century travelers, and the numerous documented remarks upon it in journals, newspapers, and other writings are evidence that this area constitutes a distinctive and character-defining feature of the landscape.

Response 18LI

The commentor claims that the Agricultural Residential Cluster Subdivision would not impact resources that could relate to a Rural Historic District and requests that the EIR specifically identify relevant heritage resources that would be impacted rather than generally discuss heritage themes.

As explained by the National Park Service in National Register Bulletin 30, *Guidelines for Documenting and Evaluating Rural Historic Landscapes*, a historical landscape is defined not only by the buildings, structures, and objects within it, but also by areas of land use, vegetation, roads, waterways, and natural features. As described therein, "large acreage and a proportionately small number of buildings and structures differentiate rural historic landscapes from other kinds of historic properties." Historic landscapes "contain substantial areas of vegetation, open space, or natural features that embody, through past use or physical character, significant historical values." Importantly, a historic landscape may embody multiple themes and contexts that were important in shaping the landscape at different times in history and prehistory. Thus, it may contain multiple property types including prehistoric and historical archaeological sites, buildings, structures, and traditional cultural properties.

Response 18LJ

Refer to Responses 18CQ. The distinction between a district classification and a nomination to the National Register is described in Section 4.4, *Cultural Resources,* of the Final EIR. A district is a type of property; nomination to the National Register is required in Agricultural Residential Cluster Subdivision measure CR-1(e) (Nomination to the National Register of Historic Places).

Response 18LK

The commentor claims that a statement in the Draft EIR that Ranch vegetation largely reflects historic conditions is not true. The commentor does not provide evidence to support this claim, but notes that a proactive program by the Ranch to reestablish native vegetation and 'careful' grazing practices is working toward original conditions. Comment noted.

It should also be noted, however, that the EIR does not imply that vegetation is inert or unchanged. Section 4.4, *Cultural Resources,* of the Final EIR recognizes that "vegetation is less static, with some species dying out or being replaced and their distributions changing with time" (refer to the last sentence in the fourth paragraph under Agricultural Residential Cluster

Subdivision Impact CR-1). What is important is that the scale, type and visual effect of the current vegetation regime reflects historical conditions in terms of the placement of agricultural fields and pastures and their relationship to other cultural elements and the natural environment; these still reflect historical decisions about spatial organization and land use, and offer the feeling of an association with the rural historic character of the Ranch.

Response 18LL

The commentor requests an explanation of the basis behind the statement that the Agricultural Residential Cluster Subdivision would adversely impact traditional Native American values. The EIR describes extensive consultation with Chumash and Salinan people as the basis for statements regarding impacts on traditional Native American values. Appendix F to the Final EIR provides detailed documentation of that consultation. "Pictographs, shrines, and ethnographically identified sacred sites" are not the only things held sacred by Native Americans. Cultural and natural features of the landscape, and their surrounding natural contexts, also are important in native ceremonial and spiritual life. Many native people view the landscape and its component elements, both cultural and natural, as sacred elements of their cultural patrimony.

Response 18LM

The commentor claims that Agricultural Residential Cluster Subdivision Impact CR-1 should be Class II, *significant but mitigable,* rather than Class I, *significant and unavoidable.* Refer to Responses 18KZ through 18LL above. The commentor does not provide support for this claim.

Response 18LN

The commentor provides the Agricultural Residential Cluster Subdivision Impact CR-2 impact statement verbatim. Comment noted.

Response 18LO

Refer to Master Response 10 and Response 18T for a discussion of the merits of comparing the Agricultural Residential Cluster Subdivision analysis to past agricultural cluster projects in the County.

Response 18LP

The commentor suggests that a statement in the Draft EIR be removed from the Final EIR because 11 of the 12 archaeological sites listed therein would be avoided and that impacts to the remaining site could be mitigated. Refer to Response 18LQ below.

Response 18LQ

The commentor lists the 12 archaeological sites referred to in Response 18LP above and claims that impacts to each would be less than determined in Section 4.4, *Cultural Resources,* of the Final EIR. In claiming reduced impacts, the commentor is referencing the MPPA, which is analyzed in Section 6.0, *Alternatives,* of the Final EIR (Alternative 12: Amended Project). Refer

specifically to the *Cultural Resources* discussion in Section 6.12.2 (Impact Analysis) for a discussion of cultural resource impacts from this alternative. As noted therein, Alternative 12 would result in reduced impacts to identified cultural resources. However, mapped site locations reflect the best estimation possible at the Phase 1 inventory level on the horizontal extent of sites, based on surface visible evidence. Surface visibility in most areas is limited by dense vegetation, resulting in often indistinct site boundaries. In addition, prior studies have demonstrated the high potential for buried sites. As a result, rearranging the lots, as in Alternative 12, does not ensure that these sites are effectively avoided.

Refer also to Agricultural Residential Cluster Subdivision measure CR-2(a) (Avoidance), which requires site boundary definition and isolate testing to ensure effective avoidance of archaeological sites.

Response 18LR

The commentor provides a table summarizing the information in Comment 18LQ and suggests that this table be included in the Final EIR. Refer to Response 18LQ. Refer to the *Cultural Resources* discussion in Section 6.12.2 (Impact Analysis) of the Final EIR for a discussion of cultural resource impacts from the Amended Project Alternative.

Response 18LS

Refer to Responses 18LQ and 18LR.

Response 18LT

Refer to Responses 18LQ and 18LR.

Response 18LU

Refer to Responses 18LQ and 18LR.

Response 18LV

The commentor claims that Agricultural Residential Cluster Subdivision Impact CR-2 should be Class II, *significant but mitigable,* rather than Class I, *significant and unavoidable.* Refer to Response 18CR and Responses 18LN through 18LU above. The commentor does not provide support for this claim.

Response 18LW

The commentor provides the Agricultural Residential Cluster Subdivision Impact CR-3 impact statement verbatim. Comment noted.

Response 18LX

Refer to Response 18CR. The Memorandum of Agreement (MOA) between the Santa Margarita Ranch, LLC and the San Luis Obispo Chumash Council constitutes a private and confidential

agreement between those parties. It does not have the force of law or regulation and cannot substitute for a standard CEQA analysis, nor can its provisions, no matter how well intentioned, substitute for necessary and appropriate mitigation measures pursuant to the requirements of CEQA and the professional standards and practices employed in CEQA compliance. Although mitigation measures required in Section 4.4, *Cultural Resources,* of the Final EIR would not be inconsistent with or contradictory to the provisions of this agreement, they are nonetheless required.

Response 18LY

The commentor suggests that Agricultural Residential Cluster Subdivision Impact CR-3 remain as Class II, *significant but mitigable,* and suggests that and MOA between Santa Margarita Ranch, LLC and the Chumash Council would mitigate impacts. Refer to Response 18LX.

Response 18LZ

The commentor provides the Agricultural Residential Cluster Subdivision Impact CR-4 impact statement verbatim. Comment noted.

Response 18MA

The commentor summarizes Agricultural Residential Cluster Subdivision Impact CR-4 and notes that existing laws and state policies regarding human remains are discussed elsewhere in the Draft EIR. Comment noted.

Refer also to Responses 18LX and 18CR.

Response 18MB

The commentor provides an extremely truncated excerpt from Section 4.4.2(d) (Inventory of Cultural Resources) in Section 4.4, *Cultural Resources,* of the Final EIR. The full citation reads: "Prehistoric archaeological sites range from large, dense midden deposits containing a broad range of artifact classes and types, dietary refuse, residential debris, structural remains, and human interments to small, diffuse scatters of stone tool manufacturing debris." In context, the commentor referenced excerpt does not "potentially mislead" as claimed by the commentor. A statement has been added to the second paragraph in Section 4.4.2(d) of the Final EIR to further clarify that human remains and prehistoric graves have not been regularly encountered on the Ranch.

Response 18MC

The commentor lists additional information that they argue should be included in the document. Refer to Response 18MB.

It should also be noted that it is a standard State regulatory provision to require mitigation for potential impacts to previously unidentified human remains.

Response 18MD

The commentor suggests that Agricultural Residential Cluster Subdivision Impact CR-4 remain as Class II, *significant but mitigable,* and suggests that and MOA between Santa Margarita Ranch, LLC and the Chumash Council would mitigate impacts. Refer to Responses 18LX and 18CR.

Response 18ME

The commentor provides the Agricultural Residential Cluster Subdivision Impact CR-5 impact statement verbatim. Comment noted.

Response 18MF

The commentor suggests that Agricultural Residential Cluster Subdivision Impact CR-5 remain as Class II, *significant but mitigable,* and suggests that an MOA between Santa Margarita Ranch, LLC and the Chumash Council would mitigate impacts. Refer to Responses 18LX and 18CR.

Response 18MG

The commentor notes that they have no comments on Agricultural Residential Cluster Subdivision Impact CR-6 in Section 4.4, *Cultural Resources,* of the Final EIR. Comment noted.

Response 18MH

Refer to Section 4.4.2 (Existing Cultural Resources) in Section 4.4, *Cultural Resources,* of the Final EIR, which includes a description of cultural resource surveys completed on the Santa Margarita Ranch.

Response 18MI

Language has been added to Section 4.4.2(b) of the Final EIR clarifying that the 2006 survey covered portions of the Agricultural Residential Cluster area that had not been surveyed previously.

Response 18MJ

Comment noted. Refer also to Response 18MH.

Response 18MK

The commentor expresses confusion regarding Figure 4.4-1 in the Draft EIR. The Tract includes areas between lots which are not proposed for development. All of the developable areas of the site have been surveyed, although some areas that would not be developed have not been surveyed. Estimates of survey coverage of the Agricultural Residential Cluster Subdivision site and the greater Ranch property are accurate.

Response 18ML

Refer to Response 18MK.

Response 18MM

Refer to Responses 18LQ and 18LR.

Response 18MN

The commentor recommends that the EIR identify the basis for a listing on the Sacred Lands Inventory by the Native American Heritage Commission. It is not the purpose of the EIR to question the judgment of the Native American Heritage Commission or to presume to tell the tribal members what is or should be important to them. It is not relevant to this project whether there are comparable listings elsewhere in San Luis Obispo County. The Native American consultation described in the EIR meets CEQA standards and was sufficient to identify a significant impact to Native American cultural values. Further ethnographic study or discussions with the tribes may be carried out in the future in the context of the County's SB18 consultation, when and if such consultation occurs.

Response 18MO

Refer to Responses 18LX and 18CR.

Response 18MP

It should be clarified that a property does not have to be "nominated or submitted" to qualify for the California Register of Historic Resources (CRHR), as suggested by the commentor. Section 15064.5(a) of the State CEQA Guidelines authorizes a lead agency to determine that a property qualifies for the CRHR.

Refer also to Response 18AV and 18LJ.

Response 18MQ

Refer to Responses 18LH and 18LI.

Response 18MR

Refer to Response 18ML.

Response 18MS

Refer to Master Response 10 and Response 18T for a discussion of the merits of comparing the Agricultural Residential Cluster Subdivision analysis to past agricultural cluster projects in the County.

Response 18MT

Refer to Master Response 10 and Response 18T for a discussion of the merits of comparing the Agricultural Residential Cluster Subdivision analysis to past agricultural cluster projects in the

County. Refer also to Response 18AU regarding the thresholds used in the cultural resource analysis.

Response 18MU

Refer to Master Response 10 and Response 18T for a discussion of the merits of comparing the Agricultural Residential Cluster Subdivision analysis to past agricultural cluster projects in the County.

Refer also to Response 18LQ. As noted therein, surface visibility in most areas of the Agricultural Residential Cluster Subdivision site is limited by dense vegetation, resulting in often indistinct mapped archaeological site boundaries. In addition, prior studies have demonstrated the high potential for buried sites.

Response 18MV

The commentor recommends that the Final EIR discuss archaeological resources that occur elsewhere on the Santa Margarita Ranch but are unrelated to impacts associated with the Agricultural Residential Cluster Subdivision. Refer to Section 4.4.5(b) (Future Development Program Impacts and Mitigation Measures) in Section 4.4, *Cultural Resources,* of the Final EIR and Master Response 3a.

Response 18MW

Refer to Response 18MV above and Agricultural Residential Cluster Subdivision measures CR-1(a) (Avoidance) and CR-2(a) (Avoidance), which also apply to the Future Development Program.

Response 18MX

The commentor claims that adjacent sites occur on agricultural lands and will be protected by Ranch employees. Refer to Master Response 10 and Response 18T. Refer also to Responses 18LH and 18LI.

Refer also to Responses 18LX and 18CR for a discussion of the MOA.

Response 18MY

The commentor summarizes the impact levels of those impacts analyzed in Section 4.4, *Cultural Resources,* of the Final EIR. Comment noted.

Response 18MZ

Refer to Response 18LC.

Response 18NA

Refer to Response 18LD.

Response 18NB

Refer to Response 18LE.

Response 18NC

Refer to Master Responses 3a and 3b, and Master Response 8.

Refer also to Response 18BR.

Response 18ND

The commentor provides the Future Development Program Impact CR-1 impact statement verbatim and claims that impacts should be Class II, *significant but mitigable,* rather than Class I, *significant and unavoidable,* because most sites are not disturbed and the MOA between Santa Margarita Ranch, LLC and the Chumash Council would mitigate impacts.

Refer to Responses 18LC, 18LD, 18LH, 18LL and 18LQ. The commentor does not adequately support the claim that impacts should be reduced. Refer also to Responses 18LX and 18CR for a discussion of the MOA.

Response 18NE

Refer to Response 18ND and Master Response 3b.

Response 18NF

The commentor provides the Future Development Program Impact CR-2 impact statement verbatim and claims that the impact is premature because archaeological sites will be protected early in the design and planning process. Refer to Master Response 3a for clarification regarding the Future Development Program.

Refer also to Future Development Program Impact CR-2 in Section 4.4, *Cultural Resources,* of the Final EIR. The word "would" has been changed to "could" in the impact statement.

Response 18NG

The commentor suggests that Future Development Program Impact CR-2 be classified as Class II, *significant but mitigable,* rather than Class I, *significant and unavoidable,* because the impact is premature and speculative, and would be mitigated by the MOA between Santa Margarita Ranch, LLC and the Chumash Council. Refer to Master Responses 3a and 3b and Responses 18LX and 18CR.

Response 18NH

The commentor provides the Future Development Program Impact CR-3 impact statement verbatim and suggests that this impact be dropped from the EIR as it is speculative and

unsubstantiated. Refer to Master Responses 3a and 3b. The purpose and scope of the Future Development Program are described in detail in Section 2.0, *Project Description,* of the Final EIR.

Response 18NI

The commentor provides the Future Development Program Impact CR-4 impact statement verbatim and suggests that this impact be dropped from the EIR as it is speculative and unsubstantiated. Refer to Master Responses 3a and 3b. The purpose and scope of the Future Development Program are described in detail in Section 2.0, *Project Description,* of the Final EIR.

Response 18NJ

The commentor recommends deferral of impact assessment and mitigation. Comment noted.

Response 18NK

The commentor provides a bibliography. Comment noted.

Response 18NL

Attachment E to the applicants' comment package consists of "Comments on Santa Margarita Ranch DEIR, Appendix H" prepared by EDA Design Professionals for Kirk Consulting and Santa Margarita Ranch, LLC on April 12, 2007.

Refer to Responses 18NM through 18NW for responses to Attachment D. It should be noted that the applicants' summary letter (addressed in Responses 18R through 18DK) did not reference Attachment E.

Response 18NM

The commentor recommends corrections to Table 1 in Appendix H (Summary of Drainage Reports/Studies). Refer to Table 1 in Appendix H to the Final EIR, which has been revised in accordance with these recommendations.

Response 18NN

The commentor argues that disturbed areas would be protected from potential erosion by the application of one or more Best Management Practices (BMP's). The BMP's listed by the commentor were considered and incorporated into the Final EIR where applicable. For example, Agricultural Residential Cluster Subdivision measure G-2(b) (Grading and Erosion Control Plan) in Section 4.6, *Geologic Stability*, would require retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags to minimize erosion on slopes and siltation into Yerba Buena, Santa Margarita and Trout Creeks (including the unnamed tributary to Trout Creek) during grading and construction activities.

Response 18NO

The first sentence in Section 2.B (Impact Analysis) of Appendix H has been revised in accordance with the commentor's recommendation. Refer to the Appendix as attached to the Final EIR.

Response 18NP

The EIR analysis addresses all watersheds affected by the Agricultural Residential Cluster Subdivision and estimates that the total impervious area would increase by 29 acres. The commentor's calculation of 8.2 acres only addresses development within the Yerba Buena Creek watershed.

Response 18NQ

The commentor argues that the Draft EIR inaccurately states that there will be a "minor net decrease in groundwater recharge if the runoff is permanently rerouted or detained." The first sentence of the second full paragraph under Section 2.B (Impact Analysis) of Appendix H has been revised to similarly exclude this statement. Refer to the Appendix as attached to the Final EIR.

Response 18NR

The commentor notes that a detention basin designed to handle a 50-year flood (as proposed) would reduce the peak from a 100-year flood to pre-development flows. The commentor argues that this assertion alone discredits the conclusion in the EIR that runoff to Yerba Buena Creek would overflow the proposed detention structure during a 100-year storm event (refer to Agricultural Residential Cluster Subdivision Impact D-2 in Section 4.5, *Drainage, Erosion and Sedimentation*). Although a 50-year detention basin would partially contain runoff from a 100-year flood (as it would handle up to the 50-year level), it would not contain all of the runoff associated with this size of flooding event. As noted under Agricultural Residential Cluster Subdivision Impact D-2 in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR, runoff to Yerba Buena Creek may overflow the proposed detention structure during a 100-year storm event, since the basin is designed to handle a 50-year storm event.

Response 18NS

As noted in Response 18NP, the EIR analysis addresses all watersheds affected by the Agricultural Residential Cluster Subdivision, which includes Trout Creek. As noted under Agricultural Residential Cluster Subdivision Impact D-2, unless detention storage is provided in the unnamed tributary to Trout Creek Watershed, the proposed Agricultural Residential Cluster Subdivision would increase flooding along Trout Creek at the southern limits of the existing Santa Margarita Community during a 100-year storm event. Detention storage is therefore required as mitigation [Agricultural Residential Cluster Subdivision measure D-2(b) (Trout Creek Drainage System)].

Response 18NT

The Santa Barbara Urban Hydrograph, as cited prior to Table 3 in Appendix H to the Final EIR, is an appropriate methodology for use in urbanizing watersheds. The model has been applied successfully to projects throughout the Central Coast, and was recently used for similar, rural watersheds near Guadalupe (as part of the School Lake Project) and in the City of Paso Robles (primarily rural watershed draining to Sherwood Park). It should also be noted that this is an accepted modeling method in Santa Barbara County for modeling predevelopment (rural) and postdevelopment (urban) hydrology, as explicitly stated in the Santa Barbara County Flood Control and Water Conservation District's "Standard Conditions of Project Approval."

Response 18NU

The commentor disagrees with the statement in Section 2.B of Appendix H that "Since a substantial portion of the Santa Margarita community is within the 100-year floodplain, the proposed Agricultural Residential Cluster Subdivision would result in a significant impact related to off-site flooding."

Refer to Agricultural Residential Cluster Subdivision Impact D-2 in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR. As noted therein, any additional runoff caused in part by the Agricultural Residential Cluster Subdivision would exacerbate existing flooding in the community. Although detention basins are required to be designed to County standards, as noted by the commentor, the Agricultural Residential Cluster Subdivision does not propose a detention structure for the portions of the site draining to Trout Creek and the unnamed tributary to Trout Creek, nor would the proposed detention structure for Yerba Buena Creek have the capacity to handle a 100-year storm event (refer to Response 18NR above). As a result, as proposed, the Agricultural Residential Cluster Subdivision would have an impact on downstream flooding during a 100-year storm event.

Response 18NV

The commentor disagrees with the statement in Appendix H that "as a result of the increased impervious area (as discussed above), peak flow rates may increase to the creeks and to areas which have historically had drainage problems in Santa Margarita." The commentor provides no evidence to support their disagreement with this conclusion. Refer to the discussion in Response 18NU.

Response 18NW

The commentor disagrees with the statement in Appendix H that the Agricultural Residential Cluster Subdivision would result in "impacts on the downstream drainage system." The commentor provides no evidence to support their disagreement with this conclusion. Refer to the discussion in Response 18NU.

Response 18NX

Attachment F to the applicants' comment package consists of "Comments on Section 7.0: Land Use, Santa Margarita Ranch Draft Environmental Impact Report" prepared by Diana Gould-Wells for Kirk Consulting and Santa Margarita Ranch, LLC.

It should be noted that Section 7.0 in the EIR is *Significant Irreversible Changes.* It is assumed the commentor meant to refer to Section 4.7, *Land Use.*

Refer to Responses 18NY through 18OF for responses to Attachment F.

Response 18NY

Refer to Master Response 9.

Response 18NZ

The commentor states that Section 4.7.1 (Setting) appropriately describes both the physical and regulatory setting pertaining to the Santa Margarita Ranch. Comment is noted.

Response 18OA

The commentor recommends that Section 4.7.1(a) (Setting) be renamed with a more descriptive title and include Table 2-2, which is already included in Section 2.0, *Project Description.* These suggestions would not alter the analysis or conclusions of the EIR.

Response 18OB

The commentor recommends that Section 4.7.1(b) (Regulatory Setting) include a zoning map of the area being described. This suggestion would not alter the analysis or conclusions of the EIR. Refer also to Master Response 7.

Response 18OC

The commentor summarizes Section 4.7.2(a) (Methodology and Significance Thresholds) and states that the methodology described therein is appropriate. Comment is noted.

Response 18OD

The commentor summarizes Agricultural Residential Cluster Subdivision Impact LU-1 and states that the analysis contained therein is appropriate. Comment is noted.

Response 18OE

The commentor summarizes Future Development Program Impact LU-1. Comment is noted.

Response 18OF

The commentor argues that the analysis in Future Development Program Impact LU-1 is too detailed considering no site plans have been prepared or land use permits applied for. Refer to Master Responses 3a and 3b.

Response 18OG

Attachment G to the applicants' comment package consists of "Comment on Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision and Future Development Plan Section 4.8 Noise and Appendix I Noise Calculations" prepared by 45dB.com for Kirk Consulting and Santa Margarita Ranch, LLC on April 12, 2007.

Refer to Responses 18OH through 18PX for responses to Attachment G. Refer also to Responses 18BB through 18BD and 18CX through 18DA, which address the applicants' summary of Attachment G for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively.

Response 18OH

The commentor notes that comments within Attachment G are specific to Section 4.8, *Noise,* but clarifies that some of that section depends on data reported in Section 4.12, *Transportation and Circulation.* Comment is noted.

Response 18OI

The commentor provides alternative definitions of decibel (dB) and loudness. The second sentence in Section 4.8.1(a) (Overview of Sound Measurement) of the Final EIR has been revised in accordance with the commentor-provided definition.

Response 18OJ

The commentor claims that subjective terms and objective units of measure are sometimes mixed together in Section 4.8, *Noise*, resulting in less precision. The commentor provides no evidence to support this claim. No further response is warranted.

Response 18OK

The commentor points out that Lmax is listed in Table 4.8-1 but is not defined in the preceding discussion [Section 4.8.1(a) (Overview of Sound Measurement)]. Table 4.8-1 occurs in Section 4.8.1(d) (Existing Conditions). Although Lmax is defined within this section, this definition occurs below the table in question. The sentence preceding Table 4.8-1 has therefore been revised for clarity. Refer to Section 4.8, *Noise,* in the Final EIR.

Response 18OL

The commentor disputes the statement in the second paragraph of Section 4.8.1(a) (Overview of Sound Measurement) that "Everyday sounds normally range from 30 dB (very quiet) to 100 dB (very loud)" by noting that everyday sounds on the Santa Margarita Ranch are likely below 30 dB. The statement in question is a general description of everyday sound, intended to explain sound measurements to the reader as they relate to perceived loudness. Sound levels on the Ranch are discussed in Section 4.8.1(d) (Existing Conditions).

Response 18OM

Refer to Response 18BC. Noise measurements were taken between Tuesday and Thursday. See also Response 18OP below for a list of specific times of noise measurements.

Response 18ON

Refer to Response 18BC above.

Response 18OO

Noise measurements were taken when wind speeds did not exceed approximately 10 miles per hour.

Response 18OP

The commentor-recommended specific times of noise measurement are listed below:

Site	Location	Start Time	End Time
1	Northeastern portion of the Agricultural Residential Cluster Subdivision, near proposed Lot 6	5:30 pm	5:50 pm
2	West of Site 1, near proposed Lot 40	5:30 pm	5:50 pm
3	Southern portion of the Agricultural Residential Cluster Subdivision, near proposed Lot 87	6:00 pm	6:20 pm
4	South of the Agricultural Residential Cluster Subdivision lots, on a Future Development Program potential winery/Ranch headquarters location	6:10 pm	6:30 pm
5	North of Highway 58, northeast of West Pozo Road, on a Future Development Program potential Ranch headquarters location	8:00 am	8:20 am
6	East of the community of Santa Margarita, near the	7:30 am	7:50 am

Site	Location	Start Time	End Time
	Future Development Program land use location that includes a 5-acre park and swimming pool, three worship centers, and work force housing		
7	North of the community of Santa Margarita	5:30 pm	5:50 pm
8	North of the community of Santa Margarita	8:35 pm	8:55 pm
9	South of the community of Santa Margarita, south of the UPRR tracks	4:40 pm	5:00 pm
10	Near Highway 101, south of SR 58, on the Future Development Program potential livestock sales yard location	7:30 am	7:50 am
11	Northern portion of the Ranch property, adjacent to Highway 101	8:10 am	8:30 am
12	On the existing Ranch headquarters parcel, approximately 2,680 feet east of Highway 101	7:30 am	7:50 am
13	Within the community of Santa Margarita	8:00 am	8:20 am

Response 18OQ

Refer to Responses 18OM through 18OP. The information requested is provided and does not affect the results or conclusions of the analysis.

Response 18OR

Refer to Response 18BC.

Response 18OS

The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response 18OT

Refer to Responses 18BC and 18OS. Refer also to Master Response 7.

Response 18OU

The supplemental information requested by the commentor would not change the analysis or conclusions of the EIR.

Response 18OV

The purpose of the noise measurements was to measure actual noise levels at a given location. Therefore, topographic variations, built environment noise barriers and reflectors, and extraneous ambient noise are necessarily taken into account. Traffic noise levels are based on traffic volumes measured by Fehr & Peers (refer to Table 4.8-2 in Section 4.8, *Noise,* of the Final EIR).

Refer to Response 18OO for a discussion of wind.

Response 18OW

The Leq measurements reported in Table 4.8-1 represent existing noise levels based on noise measurements. Noise levels calculated in the impact analysis of the EIR (and in Appendix I) are dBA CNEL (and dBA LDN in the Appendix), not Leq.

Response 18OX

Leq and Lmax values are only discussed in Section 4.8.1(d) (Existing Conditions). Impacts analyzed in Sections 4.8.2(c) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) and 4.8.2(d) (Future Development Program Impacts and Mitigation Measures) are based on CNEL values, in accordance with County standards.

Response 18OY

Refer to Response 18OX. Refer also to Section 4.8.1(a) (Overview of Sound Measurement) for a discussion of the difference between Leq and CNEL, as requested by the commentor.

Response 18OZ

Refer to Responses 18OX and 18OY. The conclusions expressed as CNEL relate to traffic noise levels, which are based on traffic volumes measured by Fehr & Peers. Leq measurements in Table 4.8-1 provide background setting information which is not used in the analysis of impacts.

Response 18PA

The commentor notes that evaluations and comparisons of transportation noise levels in the context of the County Noise Element should only be made between CNEL or Ldn values. Refer to Sections 4.8.2(c) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) and 4.8.2(d) (Future Development Program Impacts and Mitigation Measures). As evidenced therein, impacts related to transportation noise are made based on CNEL values. Refer also to Response 18OZ.

Response 18PB

The commentor notes that topographic variations and intervening buildings will affect the CNEL contours near roadways. Refer to the last sentence of the second paragraph under

Roadway Noise in Section 4.8.1(d) (Existing Conditions). As acknowledges therein, "Areas adjacent to these roads are exposed to lower noise levels than modeled where there are intervening structures, vegetation and/or topography." To provide further clarification, a note has been added to the bottom of Table 4.8-2 that actual noise levels may be lower due to intervening topography and vegetation.

The commentor additionally argues that railroad noise should be taken into account in the analysis and conclusions. Refer to Agricultural Residential Cluster Subdivision Impact N-5 and Future Development Program Impacts N-5 and N-6.

Response 18PC

The commentor questions why the traffic data for Highway 101 in Table 4.8-2 differs from the data provided by Caltrans for Highway 101. The traffic data in Table 4.8-2 is based on traffic volumes from Fehr & Peers (Appendix J; June 2006). Fehr & Peers obtained year 2004 freeway mainline counts from Caltrans. Refer also to Response 18RR below.

Response 18PD

The commentor claims that more recent data is available regarding sound levels of construction equipment. However, the commentor does not provide reference to said data. No further response is feasible.

Response 18PE

The third column in Table 4.8-6 has been revised to specify the units for existing noise levels. Refer to Section 4.8, *Noise,* in the Final EIR.

Response 18PF

Refer to Response 18BB.

Response 18PG

Refer to Response 18BB.

Response 18PH

Refer to Response 18BB.

Response 18PI

Refer to Master Response 2. Assuming a different automobile mix in the future, as suggested by the commentor, would be based on speculation. Refer also to Response 13D. As noted therein, the air emissions analysis has been revised to utilize an updated version of the URBEMIS model. The updated URBEMIS model assigns a different fleet mix than that which was referenced in the Draft EIR. Refer to the end of the second paragraph under Agricultural

Residential Cluster Subdivision Impact AG-2 in the Final EIR, which has been revised to reflect the new fleet mix.

Response 18PJ

Refer to Response 18BB.

Response 18PK

The commentor questions why measures such as walls, solid doors and double windows would be infeasible. As noted in the *Mitigation Measures* discussion under Agricultural Residential Cluster Subdivision Impact N-2, the implementation of such structural measures would be infeasible due to physical, economic, or other constraints, and would rely upon the cooperation of off-site property owners, which cannot be assured.

The commentor additionally asserts that a case-by-case noise study for new projects will be necessary in order to determine the correct mitigation, based on individual circumstances. Refer to Future Development Program measure B-3(b) (Reduction of Nuisance Noise), which requires a site-specific acoustical study for noise sensitive development proposed within projected 60 dBA noise contours under the Future Development Program.

Response 18PL

The commentor asserts that, as a "general rule of thumb," a doubling of traffic volume will result in an increase of 3 dBA. The comment is noted.

Refer also to Response 18BB.

Response 18PM

Refer to Response 18BB. As noted therein, the addition of any amount of noise to levels already exceeding County thresholds is considered a potentially significant impact.

Response 18PN

Refer to Appendix I to the Final EIR for noise calculations which support the 4.5 dBA increase.

Response 18PO

The commentor claims that the dBA increases reported in Table 4.8-9 (Cumulative Noise Increases Along Area Roadways) are inaccurate. The commentor provides a table which compares the EIR-reported changes with the commentor's own calculations.

The commentor bases his calculations on the "Future with Ambient Growth and Cumulative Projects" projection (refer to Appendix I). This projection accounts for ambient and cumulative growth, but does not include the Future Development Program (referred to as "the project" in Appendix I). The EIR therefore correctly reports dBA changes based on the "Future with

Ambient, Cumulative, and Project Growth" projection, which includes the Future Development Program.

Response 18PP

Refer to Master Response 9.

Response 18PQ

The commentor claims that the STAMINA2 noise model used in the EIR "over-predicts" impacts and that a different model should be used. The commentor does not provide evidence to support the claim that the STAMINA2 model over-predicts impacts. The commentor additionally does not provide evidence to support the use of the alternate model recommended.

Response 18PR

The commentor recommends that the Final EIR recognize the known limitations of noise measurements. The commentor does not provide reasoning for this addition. No specific response is feasible.

Refer also to Master Response 7.

Response 18PS

The commentor provides the noise-related questions included Appendix G of the State CEQA Guidelines. These are the same questions listed in Section 4.8, *Noise,* of the Final EIR.

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No further response is warranted.

Response 18PT

The commentor provides "definitions" of significant noise impacts based on "general" noise "elements and threshold manuals." These definitions are not included in the San Luis Obispo County Noise Element.

Response 18PU

The commentor acknowledges that CEQA Guidelines do not provide an objective definition of the levels at which temporary and permanent increases in ambient noise are considered "substantial." The commentor then claims that a 3 dBA change should be used as a threshold. The commentor does not provide evidence to support this claim. Refer to Response 18BB.

Response 18PV

Refer to Response 18PU.

Response 18PW

The commentor provides thresholds for permanent increases in noise based on "contemporary California County Noise Elements." Refer to Response 18PT. These thresholds are not included in the San Luis Obispo County Noise Element.

Response 18PX

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is warranted.

Response 18PY

Attachment H to the applicants' comment package consists of "Review of the Public Safety Section of the Draft 'Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program'" prepared by RRM Design Group for Kirk Consulting and Santa Margarita Ranch, LLC.

Refer to Responses 18PZ through 18QJ for responses to Attachment H.

Response 18PZ

The commentor notes that the purpose of Attachment H is to review the Public Safety section of the Draft EIR. Comment is noted.

Response 18QA

The commentor notes that the analysis of Agricultural Residential Cluster Subdivision impacts and mitigation measures contained therein are acceptable. Comment is noted.

Response 18QB

The commentor notes that the Future Development Program Impact S-1 and mitigation measures contained therein are acceptable. Comment is noted.

Response 18QC

The commentor notes that the Future Development Program Impact S-2 is acceptable. Comment is noted.

Response 18QD

The commentor argues that the trail location in Future Development Program measure S-2(a) (Transportation Corridor Safety Plan) should be determined as part of the analysis in the Specific Plan.

The measure in question requires that the Transportation Corridor Safety Plan "consider" locating of the trail as far away from the active rail line and highways as possible. It does not

specifically identify its location. Rather, it requires that the location be determined as part of the Specific Plan, as suggested by the commentor.

Response 18QE

The commentor notes that the Future Development Program Impact S-3 is acceptable. Comment is noted.

Response 18QF

The commentor argues that the requirement for and location of pullouts in Future Development Program measure S-4(a) (Farm and Quarry Equipment Pull-Outs) should be determined as part of the analysis in the Specific Plan.

The measure in question requires that the provision and location of pullouts and/or shoulder widening be determined by the County Public Works Department. It does not specifically identify their location, as suggested by the commentor. The commentor additionally suggests that pullouts and/or shoulder widening be determined as part of the Specific Plan. However, because a Specific Plan is only required before an application is approved for a subdivision other than a Cluster development (LUO Section 22.104.040), portions of the Future Development Program may be applied for and constructed prior to adoption of a Specific Plan for the area. Therefore, pullouts and/or shoulder widths may be necessary prior to the Specific Plan process.

Response 18QG

The commentor notes that the Future Development Program Impact S-5 is acceptable. Comment is noted.

Response 18QH

The commentor claims that Future Development Program measure S-6(a) (Fairway Orientation) is premature because the determination of golf course routing should be part of a future Specific Plan. Refer to Response 18QF above. As noted therein, portions of the Future Development Program may be applied for and constructed prior to adoption of a Specific Plan for the area. This could potentially include the envisioned golf course. Therefore, addressing potential hazards may be necessary prior to the Specific Plan process.

Refer also to Response 18QI below

Response 18QI

The commentor notes that Future Development Program measure S-6(a) (Fairway Orientation) is acceptable. Comment is noted. Refer also to Response 18QH.

Response 18QJ

The commentor notes that the cumulative impacts discussion in Section 4.9, *Public Safety,* is acceptable. Comment is noted.

Response 18QK

Attachment I to the applicants' comment package consists of "Review of the Public Services Section of the Draft 'Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program'" prepared by RRM Design Group for Kirk Consulting and Santa Margarita Ranch, LLC.

Refer to Responses 18QL through 18RD for responses to Attachment I.

Response 18QL

The commentor notes that the purpose of Attachment I is to review the Public Services section of the Draft EIR. Comment is noted.

Response 18QM

The commentor notes that Agricultural Residential Cluster Subdivision impact PS-1 is acceptable. Comment is noted.

Response 18QN

The commentor argues that security lighting in common areas, as required by Agricultural Residential Cluster Subdivision measure PS-2(a) (Defensible Space Features), should be determined in consultation with the Planning Department.

The mitigation measure in question requires consultation with the County Sheriff's Department. This is because the purpose of the measure is to provide for public safety as it relates to law enforcement. Visual impacts resulting from lighting, including security lighting, are discussed in Section 4.13, *Visual Resources.* Included therein is Agricultural Residential Cluster Subdivision measure VR-1(e) (Lighting), which requires new lighting to be oriented away from sensitive uses, hooded, shielded, and located to direct light pools downward and prevent glare.

Response 18QO

The commentor notes that Future Development Program Impact PS-1 is acceptable. Comment is noted.

Response 18QP

Refer to Response 18QN.

Response 18QQ

The commentor argues that a 10 minute response time from the nearest CDF fire station seems excessive. This number was provided by Robert Lewin, San Luis Obispo County Fire Marshall, and is therefore considered accurate.

The commentor additionally questions whether the Santa Margarita Volunteer Fire Department could respond faster. As noted in Section 4.10.2(a) (Fire Protection Setting) of the Final EIR, the Santa Margarita Volunteer Fire Department would provide mutual aid to the Ranch property. However, the Agricultural Residential Cluster Subdivision is outside of their jurisdiction. Therefore, the fire station that would provide first response to the Agricultural Residential Cluster Subdivision is the CDF fire station described above.

Response 18QR

The commentor notes that Agricultural Residential Cluster Subdivision measure PS-3(a) (Fire Station) is acceptable. Comment is noted.

Response 18QS

The commentor argues that road widths, as specified in Agricultural Residential Cluster Subdivision measure PS-3(b) (On-Site Fire Protection) should be determined in consultation with the California Fire Department. The Agricultural Residential Cluster Subdivision is under the jurisdiction of the CDF/San Luis Obispo County Fire Department. The mitigation measure in question requires road widths in accordance with Fire Department standards and subject to the review and approval by CDF/County Fire Department.

Response 18QT

The commentor notes that Agricultural Residential Cluster Subdivision measure PS-3(c) (Fire/Vegetation Management Plan) is acceptable. Comment is noted.

Response 18QU

The commentor notes that Agricultural Residential Cluster Subdivision measure PS-3(d) (Structural Safeguards) is acceptable. Comment is noted.

The commentor additionally questions to what the fourth bullet refers. The fourth bullet in Agricultural Residential Cluster Subdivision measure PS-3(d) has been revised to clarify this point. Refer to this measure in Section 4.10, *Public Services and Utilities,* of the Final EIR.

Response 18QV

The commentor notes that Future Development Program Impact PS-3 is acceptable. Comment is noted.

Response 18QW

The commentor notes that cumulative impacts associated with fire protection are acceptable. Comment is noted.

Response 18QX

The commentor notes that Agricultural Residential Cluster Subdivision Impact PS-4 is acceptable. Comment is noted.

Response 18QY

The commentor notes that Future Development Program measure PS-4(a) (Buildout Date Notification) is acceptable. Comment is noted.

Response 18QZ

The commentor notes that cumulative impacts associated with schools are acceptable. Comment is noted.

Response 18RA

The requested language would not change the analysis or conclusions of the EIR.

Response 18RB

The commentor notes that Agricultural Residential Cluster Subdivision measure PS-5(b) (Recycling Plan) is unclear with regard to monitoring requirements. The measure has been revised to clarify that the applicant is responsible for preparing the recycling plan. Refer to this measure in Section 4.10, *Public Services and Utilities,* of the Final EIR.

Response 18RC

The commentor notes that Future Development Program Impact PS-5 is acceptable. Comment is noted.

Response 18RD

The commentor notes that cumulative impacts associated with solid waste are acceptable. Comment is noted.

Response 18RE

Attachment J to the applicants' comment package consists of "Review of the Recreation Section of the Draft 'Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program'" prepared by RRM Design Group for Kirk Consulting and Santa Margarita Ranch, LLC.

Refer to Responses 18RF through 18RK for responses to Attachment J.

Response 18RF

The commentor notes that the purpose of Attachment J is to review the Recreation section of the Draft EIR. Comment is noted.

Response 18RG

The commentor states that the applicant agrees to pay in-lieu public park fees. Comment is noted. Refer also to Letter 6 and Responses 6A through 6L. These fees are now referred to as "County Park Impact Fees" in the Section 4.11, *Recreation,* of the Final EIR.

Response 18RH

The commentor states that the applicant agrees to pay in-lieu public park fees. Refer to Response 18RG. The commentor additionally states that the applicant agrees that the community park and swimming pool shall be constructed prior to residential development (in the Future Development Program). Comment is noted.

Response 18RI

The commentor notes that Future Development Program measure R-1(a) (Community Park Implementation Timing) is acceptable. Comment is noted.

Response 18RJ

The commentor states that the applicant agrees to dedicate right-of-way or an easement to fully implement the Juan Bautista de Anza Historic Trail, as required by Future Development Program measure R-2(a) (Juan Bautista de Anza Historic Trail Connection). The commentor notes, however, that the precise alignment has not been determined and, as a result, the applicant should not have to implement the trail until construction of their project has begun.

It should be noted that the mitigation measure in question is required of the Future Development Program, not the Agricultural Residential Cluster Subdivision. However, the Agricultural Residential Cluster Subdivision is the only project currently applied for on the Ranch.

Refer also to Response 6K.

Response 18RK

The commentor provides alternate wording for the *Plan Requirements and Timing* section of Future Development Program measure R-2(a) (Juan Bautista de Anza Historic Trail Connection). This wording has been added to the measure in question. Refer to Section 4.11.2(c) (Future Development Program Impacts and Mitigation Measures) in the Final EIR.

Refer also to Response 18RJ above.

Response 18RL

Attachment K to the applicants' comment package consists of "Review of Transportation and Circulation Section of the Santa Margarita Ranch Tract 2586 Agricultural Residential Cluster Subdivision Project and Future Development Program DEIR" prepared by Associated

Transportation Engineers for Kirk Consulting and Santa Margarita Ranch, LLC on April 11, 2007.

Refer to Responses 18RM through 18ST for responses to Attachment K. Refer also to Responses 18BF and 18DC through 18CV, which address the applicants' summary of Attachment K for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively.

Response 18RM

The commentor's summary of the proposed Agricultural Residential Cluster Subdivision and Future Development Program is noted.

Response 18RN

Refer to Master Response 9.

Response 18RO

The commentor argues that the level of detail included in the traffic study is "well beyond" that prepared for other Program EIRs. The commentor argues that this excessive detail has resulted in the identification of impacts and the inclusion of mitigation measures which are "over and above" the normal level required for developments in the County.

As stated in the first paragraph of Section 2.0, *Project Description*: "For the proposed Agricultural Residential Cluster Subdivision, the EIR will serve as a Project EIR pursuant to Section 15161 of the *CEQA Guidelines,* and evaluate the specific proposed development characteristics. For the Future Development Program, the EIR will serve as a Program EIR at a more conceptual level of detail." Refer to CEQA Guidelines Sections 15161 and 15168 for a discussion of Project and Program EIRs, respectively. Refer also to Master Response 3a.

The traffic analysis (including study scenarios, study locations and analysis methodologies) was prepared in consultation with the County of San Luis Obispo and Caltrans, the staff of which concurred with the methodology and approach for the Agricultural Residential Cluster Subdivision Project and Future Development Program. The use of field observations to substantiate significant or potentially significant impacts is a reasonable approach and is required by CEQA and industry practice to provide full disclosure of operating conditions. The use of engineering data and theoretical calculations to identify operating levels and traffic issues may have to be supplemented or augmented if the calculations do not replicate existing conditions (i.e., the setting). In many cases regarding hazards or potential hazards, field observations can be used to verify conditions known to the public and/or decision makers who may review the environmental document.

Response 18RP

The commentor disagrees with the analysis of four study-area (local) roadways utilizing two-lane highway methodology.

As noted in the first paragraph of the *Two-Lane Highways* discussion in Section 4.12.1(b) (Roadway and Intersection LOS Methodologies): "Although these roadway segments are local roads, the two-lane highway methodology was selected because the segments contain two lanes, have relatively high posted speed limits, and have rural characteristics (relatively low volumes and few access points)." The two-lane highway methodology was not applied to the other roadway segments because they have different operating characteristics (e.g. lower posted speed limits, pedestrian traffic and multiple access points).

Response 18RQ

The commentor notes that ATE has never seen a ramp junction operational analysis included in a traffic study prepared for a development project proposed in San Luis Obispo County. The commentor additionally claims that the County does not have adopted criteria or thresholds for assessing freeway ramp facilities.

As indicated on page 5 of the *Guide for the Preparation of Traffic Impact Studies* (December 2002), Caltrans identifies ramp junction analysis for traffic impact analyses. In addition, Caltrans requested that the EIR evaluate improvements to the on- and off-ramps at the US 101/SR 58 interchange. Therefore, the ramp junction analysis is used to evaluate the operations of the ramps. The US 101/SR 58 interchange is under Caltrans jurisdiction and therefore subject to Caltrans level of service standard and significance criterion. County staff concurred with the scope and analysis.

Response 18RR

The commentor questions why the average daily traffic (ADT) volumes listed for US Highway 101 are lower than Caltrans data for 2005.

The Draft EIR inadvertently listed average daily traffic (ADT) volumes for U.S. 101, which were lower than Caltrans data for 2005. Although the incorrect volumes were not used in any of the operational analyses, the volumes were corrected and recirculated as part of the Revised DEIR [refer to *Cumulative Impacts* in Section 2.7 (Transportation/Circulation) of the Revised DEIR]. The revised analysis has also been incorporated into the Final EIR.

Response 18RS

The EIR traffic analysis includes a summary of accident rates for a 36-month period between August 2002 and July 2005, comparing these rates to the statewide average for similar facilities. The commentor argues that this approach is misleading because the accident summary is somewhat outdated, and a statistical analysis was not performed.

The collision data provided in the Draft EIR was the most recent information available at the time the report was prepared. In addition, although collision data was one of the factors used in assessing impacts, it was not the primary factor used. While statistical analysis suggested by the commentor may help to further determine a collision problem, mitigation measures were identified to improve safety for locations of substandard design.

Response 18RT

The commentor argues that field observation is an inadequate approach for assessing impacts. Field observations were used to validate the results (e.g. level of service ratings, delays, and queues) from technical calculations, as well as to ensure replication of existing traffic flow in the community Santa Margarita. In the case of the Estrada Avenue curve cited by the commentor, typical roadway analysis tools would not accurately replicate the effect of the substandard road design. Both sections of the roadway beyond the curve are posted for higher speeds and field observations were used to properly identify existing operations. This information is reasonable to use as a basis for identifying an impact due to a potential hazard.

Response 18RU

The commentor argues that the CEQA Guidelines checklist should be removed from the Final EIR because they are in fact guidelines, not requirements, and only serve to confuse the analysis.

The CEQA checklist is provided as a guide to the reader as to the scope of potential transportation/circulation impacts to be reviewed by an agency. As noted on the pages following the list, impact thresholds are specifically defined for each jurisdiction for the checklist item regarding increases in traffic loads.

Response 18RV

The commentor notes that the County of San Luis Obispo does not have an adopted threshold for assessing potential impacts to bicycle and pedestrian facilities, and requests the source of the threshold used in the EIR.

Impact criteria for bicycle and pedestrian modes were reviewed by County staff. Both modes are part of the transportation/circulation system in the Santa Margarita Ranch area, and CEQA allows the use of impact criteria that have not been officially adopted by a public agency.

Response 18RW

Refer to Response 18RV above.

Response 18RX

The commentor claims that average trip generation rates are typically used for a subdivision of the size proposed, and questions why equation rates from the Institute of Transportation Engineers (ITE) manual were used instead.

As stated in the *Trip Generation Handbook (2nd Edition)* by the Institute of Transportation Engineers (ITE, June 2004), use of the regression equation is recommended when such an equation is provided, the independent variable (number of housing units) is within the data range, and there are at least 20 data points. The regression equations for single-family detached housing meet these requirements.

Response 18RY

The commentor notes that trip distribution patterns used in the EIR are different from those used by ATE in a previous study of the Santa Margarita Ranch.

The Agricultural Residential Cluster Subdivision trip distribution was developed in consultation with San Luis Obispo County and Caltrans staff.

Response 18RZ

The commentor argues that roadway operations impacts identified in Agricultural Residential Cluster Subdivision Impact T-1 are not based on any adopted criteria, nor are they based on sound engineering analysis of the geometry of the roadway and the cause of accidents.

Agricultural Residential Cluster Subdivision Impact T-1 is based upon the fourth CEQA guideline, as outlined on page 4.12-11: "Substantially increase hazards due to design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)." As stated in the first paragraph following Table 4.12-10(c) in Section 4.12, *Transportation and Circulation*, SR 58 transitions into a 90-degree curve south of J Street, and this condition represents a nonstandard design with two tangent sections posted for 30 mph joined by a 15 mph curve. Thus, the addition of project traffic to this location is considered a potentially significant impact and mitigation measures are recommended.

Refer also to Response 18RS.

Response 18SA

The commentor argues that freeway ramp operations impacts identified in Agricultural Residential Cluster Subdivision Impact T-1 are not based on any adopted criteria, nor are they based on sound engineering analysis of the geometry of the ramp.

The identification of impacts is based upon the fourth CEQA guideline regarding substantially increasing hazards, where project traffic is added to a location that will exacerbate existing operational problems. The addition of traffic to a substandard roadway section could result in a potentially significant impact. The existing operational problems were identified by a field review and a comparison of the existing design to current Caltrans design standards. As noted in the discussion under Agricultural Residential Cluster Subdivision Impact T-1, the addition of traffic by the Agricultural Residential Cluster Subdivision is projected to significantly increase the daily volumes on SR 58 by 43 percent compared to existing conditions, and would increase the existing AM and PM peak-hour volumes on the US 101 northbound off-ramp by 15 percent compared to existing conditions. This is a substantial addition of traffic to areas with existing deficiencies.

Refer also to Master Response 5 and Response 18RZ above.

Response 18SB

Refer to Response 18SA above.

Response 18SC

The commentor claims that Agricultural Residential Cluster Subdivision measure T-1(a) (SR 58 South of J Street), which requires widening and re-alignment of SR 58, mitigates impacts which were not identified in the EIR analysis.

The widening of SR 58 to provide shoulders and/or bike lanes is required because the proposed Agricultural Residential Cluster Subdivision would generate bicycle demand without providing adequate and appropriate facilities for safe non-motorized mobility [see *Bicycle and Pedestrian Impact* criteria in Section 4.12.2(a) (Methodology and Significance Thresholds)]. Refer to Response 18SA for identification of impacts requiring re-alignment of SR 58.

Response 18SD

The commentor claims that Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58), which requires reconstruction of the Northbound U.S. 101 off-ramp to provide 400 feet of merging distance, mitigates an impact which is not identified in the EIR analysis.

The field observations listed in Section 4.12.1(f) (Field Observations and Existing Operational Issues) indicate that the merging area for northbound off-ramp vehicles from US 101 to eastbound SR 58 does not satisfy current design standards. As noted in Table 4.12-11, the northbound off-ramp from US 101 to eastbound SR 58 currently operates at an unacceptable level (LOS D) according to Caltrans LOS C/D cusp standard. The addition of Agricultural Residential Cluster Subdivision traffic will exacerbate unacceptable operations. Therefore, Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58) recommends improvements to the interchange.

Response 18SE

The commentor claims that there is no adopted threshold to assess the Agricultural Residential Cluster Subdivision's impact to freeway ramps, and hence no threshold against which to require Agricultural Residential Cluster Subdivision measure T-1(c) (U.S. 101 Southbound Off-Ramp to SR 58).

Refer to Response 18SA. As noted therein, the identification of impacts is based upon the fourth CEQA guideline regarding substantially increasing hazards, where project traffic is added to a location that will exacerbate existing operational problems. Said problems were identified in a field review and by comparison of the existing design to current Caltrans design standards.

Response 18SF

Refer to Response 18SA.

Response 18SG

Refer to Response 18SA.

Response 18SH

The commentor claims that the analysis of sight distances should be based on speeds measured in the field, rather than estimated speeds (as provided by County Public Works staff). Estimated speeds are adequate to determine the level of impact. Refer to Master Response 7.

Response 18SI

The commentor claims that Agricultural Residential Cluster Subdivision Impact T-4 is not supported by numerical analysis or adopted methods and standards for assessing impact generated by the Agricultural Residential Cluster Subdivision.

As noted in the second paragraph under Agricultural Residential Cluster Subdivision Impact T-4, Caltrans District 5 staff has indicated that warrants other than volume are satisfied for the pedestrian flashing warning lights. The Agricultural Residential Cluster Subdivision is adding traffic to El Camino Real where there are inadequate pedestrian facilities [refer to the El *Camino Real (SR 58) west of Pinal Avenue* discussion in Section 4.12.1(f) (Field Observations and Existing Operational Issues) regarding observations about mid-block crossings on El Camino Real]. The Agricultural Residential Cluster Subdivision is exacerbating an existing operational deficiency by increasing vehicular and pedestrian conflicts.

Because the commentor does not provide numerical analysis or adopted methods and standards to refute the findings of Agricultural Residential Cluster Subdivision Impact T-4, no further response is feasible.

Response 18SJ

The commentor argues that Agricultural Residential Cluster Subdivision measure T-4(b) (Pedestrian Pathway) is unwarranted because the impact is not supported by numerical analysis or adopted methods and standards for adopting impacts.

The proposed Agricultural Residential Cluster Subdivision would generate pedestrian demand without providing adequate and appropriate facilities for safe non-motorized mobility [refer to the *Bicycle and Pedestrian Impacts* discussion in Section 4.12.1-2(a) (Methodology and Significance Thresholds)]. The mitigation measure in question requires the removal of the gate to facilitate access between the site and downtown Santa Margarita. The mitigation measure referenced by the commentor is warranted given the magnitude of the identified impact.

Response 18SK

Refer to Response 18SC. If no widening of SR 58 were to occur, then the impact would remain significant and unavoidable.

Response 18SL

The commentor claims that the cumulative growth rate used in the EIR is beyond what is typically used in CEQA analyses.

According to County staff, no pending projects were identified in the Santa Margarita area. Thus, the annual 1.4 percent growth factor, based on historical traffic volumes from 2001 to 2006, was used to estimate future traffic growth. Traffic growth would be from other development in the Santa Margarita area and through traffic growth in the SR 58 corridor. CEQA does not define a timeframe for cumulative analyses. The 20-year time horizon reflects an anticipated timeframe for completion and implementation of the Future Development Program.

Response 18SM

The commentor claims that the traffic distribution pattern used for the Future Development Program is too heavily weighted to/from US 101, and claims that Future Development Program land uses would be "complimentary," thereby reducing the number of overall trips due to internalized trips.

The majority of the land uses in the Future Development Program reflect regional or resort destinations. In addition, many of the Future Development Program uses would not directly serve residents in new homes, but are intended to serve visitors to the area. Thus, the majority of the traffic is assumed to originate outside of Santa Margarita and would be expected to use US 101 to access the anticipated sites. In addition, the majority of these uses would generate traffic outside of the typical weekday commute hours (e.g. during the weekends), so there would be limited opportunities for internalized trips for the Future Development Program uses within Santa Margarita during the weekday peak hours.

Response 18SN

The commentor notes that the average daily traffic (ADT) volumes listed for US Highway 101 are lower than Caltrans data for 2005. Refer to Response 18RR. As noted by the commentor, the daily freeway volumes are not used in the operational analysis.

Response 18SO

The commentor notes that Cumulative + Future Development Program levels of service should be compared to Cumulative (baseline) conditions, rather than Existing conditions.

The Draft EIR inadvertently compared the Cumulative + Future Development Program scenario to Existing conditions, rather than Cumulative No Project conditions. The analysis was revised and recirculated as part of the Revised DEIR [refer to *Cumulative Impacts* in Section 2.7 (Transportation/Circulation) of the Revised DEIR]. The revised analysis has also been incorporated into the Final EIR. Refer to Section 4.12.2(d) (Cumulative No Traffic Volumes) and all subsequent discussion in Section 4.12, *Transportation and Circulation,* of the Final EIR. It should be noted that the revisions therein do not change the analysis or conclusions of the EIR.

Response 18SP

Refer to Response 18SO.

Response 18SQ

The commentor argues that an area-wide fee program [as required by Future Development Program measure T-1(g) (Future Development Impact Fee), previously T-1(d) in the Draft EIR] should be developed by the County, rather than the applicant.

The mitigation measure in question has been revised to require that a finance district be created as part of the Specific Plan process in part to reimburse the applicant as land uses are developed, and to clarify that, because future development could occur in accordance with the Future Development Program prior to preparation of a Specific Plan, the applicant may be required to fund the creation of a traffic model and create a funding mechanism to reimburse the cost of the required improvements. Refer to the revised measure under Future Development Program measure T-1(g) in the Final EIR. Although the applicant will be required to fund improvements, the measure now ensures that the applicant be reimbursed as other land uses are developed.

It should also be noted that the remaining Future Development Program mitigation measures have been revised to remove the "fair share" language referenced by the commentor.

Refer also to Response 18DC.

Response 18SR

The commentor argues that "Plan Requirements and Timing" for Future Development Program Impact T-1 mitigation measures are unclear. Refer to Future Development Program measures T-1(a) through T-1(g) in the Final EIR. These measures have been revised to improve clarity.

Response 18SS

Refer to Response 18SP.

Response 18ST

The commentor claims that Future Development Program Impact T-2 is not substantiated by analysis. Refer to Master Responses 3a and 3b. As noted therein, the EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program. In addition, although the preliminary access points to Future Development Program land uses are conceptual, the proposed mitigation measures identify actions required by the applicant at the time the applications are submitted to the County.

Response 18SU

Attachment L to the applicants' comment package consists of "Review of the Agricultural Resources Section of the Draft 'Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program'" prepared by RRM Design Group for Kirk Consulting and Santa Margarita Ranch, LLC.

Refer to Responses 18SV through 18UN for responses to Attachment L. Refer also to Responses 18BH through 18BK and 18DG through 18DJ, which address the applicants' summary of Attachment L for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively.

Response 18SV

The commentor notes that the purpose of Attachment L is to review the Visual Resources section of the Draft EIR. Comment is noted.

Response 18SW

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is warranted.

Refer also to Master Response 9.

Response 18SX

The commentor notes that the a Mitigated Project Alternative (MPA, previously referred to in the applicants' comment letter package as 'Mitigated Proposed Project Alternative' or MPPA) is intended to locate lots out of views from public roadways and residences. The MPPA is analyzed as an alternative to the proposed project (refer to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). As noted under *Visual Resources* in Section 6.12.2 therein, the Amended Project Alternative would reduce the visual prominence of future residences as viewed from off-site public viewpoints would reduce impacts related to adverse changes in visual character to a Class II, *significant but mitigable,* level.

Refer also to Response 18L.

Response 18SY

The commentor provides a description of the methodology for drafting the MPA. Comment is noted. Refer also to Section 6.0, *Alternatives,* of the Final EIR, and Response 18SX.

Response 18SZ

The commentor lists the CEQA thresholds used in the EIR. Comment is noted.

Response 18TA

The commentor claims that the EIR does not follow the CEQA thresholds discussed in Response 18SZ above, but rather establishes two new thresholds. Refer to Response 18BI.

Response 18TB

The commentor claims that the Draft EIR used a threshold of "alterations" of a scenic vista, which is inconsistent with CEQA. The commentor notes that the appropriate CEQA thresholds

for visual resources are more clearly defined as "substantially damage" or "substantially degrade."

Refer to Response 18BI.

Response 18TC

The commentor claims that the MPPA would reduce impacts related to visual resources. Refer to Response 18SX and Section 6.0, *Alternatives,* of the Final EIR.

Response 18TD

Refer to Responses 18BI for a discussion of the thresholds used to determine visual impacts.

As noted under *Visual Resources* in Section 6.12.2 therein, the Amended Project Alternative would reduce the visual prominence of future residences as viewed from off-site public viewpoints would reduce impacts related to adverse changes in visual character to a Class II, *significant but mitigable,* level.

Response 18TE

The commentor claims that Lots 1, 30, 92, 93, 106 and 112 were found by the applicant not to be visible from view locations shown in the Viewshed Photo Simulations in the Draft EIR. Lot 1 is shown on Figure 4.13-1, Lot 30 is shown on Figure 4.13-2, and Lots 92, 93, 106 and 112 are shown on Figure 4.13-3. As noted under the *Estrada Avenue and J Street* discussion in Agricultural Residential Cluster Subdivision Impact VR-1, existing views looking south from the intersection Estrada Avenue and J Street in the community of Santa Margarita are composed of relatively flat agricultural grazing land in the foreground and rising oak-covered hills in the background. Proposed Lot 30 would be visible from this viewpoint (refer to Plate 4.13-2B). Similarly, as noted under the *State Route 58 Viewshed* discussion, existing views looking west from the segment of SR 58 east of West Pozo Road consist of agricultural uses and associated structures and vegetation in the foreground, hillsides, vegetation, and oak woodlands in the middle-ground, and the Santa Lucia Mountains in the background. Proposed structures and other improvements along the north and westerly Phase I ridgelines, including Lots 1 through 4, 6 through 11, 14 and 52, would be visible in the background from this viewpoint (refer to Plate 4.13-3B). Lastly, as noted under the *West Pozo Road Viewshed* discussion therein, proposed structures and other improvements along southern facing Phase III ridgelines, including on Lots 90, 92 through 95, 97 through 99, 101, 104 through 106, and 112, would be visible in the background from West Pozo Road viewpoints south of SR 58 (refer to Plate 4.13-4B).

Response 18TF

The commentor notes that several lots were not shown as being visible in Figure 4.13-3, although they are called out as potentially silhouetting in the EIR. Refer to Figure 4.13-1 (Visual Simulation Photo Location Map). Visual simulations were conducted from three viewpoints. These viewpoints do not cover every possible view of the Agricultural Residential Cluster Subdivision site from area roadways. Therefore, it is possible for the lots in question to

silhouette against the sky, as stated in the EIR, even if they are not visible on one of the viewshed photosimulation figures.

Response 18TG

Refer to Response 18BL.

Response 18TH

Refer to Master Response 8 and Response 18U.

Response 18TI

The commentor argues that the MPPA would reduce impacts to visual resources. The MPPA is analyzed as an alternative to the proposed project (refer to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). As noted under *Visual Resources* in Section 6.12.2 therein, the Amended Project Alternative would reduce the visual prominence of future residences as viewed from off-site public viewpoints would reduce impacts related to adverse changes in visual character to a Class II, *significant but mitigable,* level.

Response 18TJ

The commentor argues that one residential structure being partially visible at a distance of 3,000 feet does not violate the CEQA threshold of "substantially adverse effect" or "substantially degrade." Agricultural Residential Cluster Subdivision Impact VR-1 (the impact in question) does not claim to be based on one residential structure being partially visible at a distance of 3,000 feet. A key component of the determination of significance for this issue area is the existing visual sensitivity of the site. Refer to discussion under this impact in the Final EIR.

Refer also to Response 18BK. As noted therein, the EIR states that "proposed development would alter the rural character of the site to a more developed condition as viewed from public roadways and private residences in the community of Santa Margarita." Although it disclosed views from private residences may be impacted, this is a disclosure statement and does not represent the exclusive rationale for the impact. The EIR does not establish a threshold of significance associated with views from private homes. Refer to Section 4.13.2(a) (Methodology and Significance Thresholds) for a discussion of the thresholds used in the analysis.

Response 18TK

Refer to Response 18TI.

Response 18TL

Refer to Responses 18BI and 18BL.

Response 18TM

Refer to Response 18TK.

Response 18TN

Refer to Responses 18BI and 18BL.

Response 18TO

Refer to Response 18TK.

Response 18TP

The commentor provides a visual matrix which assesses impacts of the MPPA. The MPPA is analyzed as an alternative to the proposed project (refer to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). As noted under *Visual Resources* in Section 6.12.2 therein, the Amended Project Alternative would reduce the visual prominence of future residences as viewed from off-site public viewpoints would reduce impacts related to adverse changes in visual character to a Class II, *significant but mitigable,* level.

Response 18TQ

The commentor claims that the Draft EIR fails to provide evidence to support the conclusion that nighttime lighting will adversely affect passing motorists. Refer to discussion under *Light and Glare Impacts* under Agricultural Residential Cluster Subdivision Impact BR-1 for evidence to support this conclusion.

The commentor additionally asserts that the Draft EIR incorrectly assumes that the Agricultural Residential Cluster Subdivision would include street lighting. The commentor then claims that because other agricultural clusters do not have street lighting (including Varian Ranch and Edna Ranch), neither will the Agricultural Residential Cluster Subdivision.

The Varian and Edna Ranch projects differ substantially from the proposed Agricultural Residential Cluster Subdivision and therefore do not constitute an accurate standard against which to compare the proposed project. Both the Varian and Edna Ranch projects are composed of a different design and layout than the Santa Margarita Ranch Agricultural Residential Cluster Subdivision. For example, residences are not dispersed among entire grazing units like the Santa Margarita Ranch project. Rather, residences in these projects are located on one edge of a larger grazing area. In both instances, there are thousands of acres of adjacent grazing areas that do not have residential development. In addition, Varian Ranch includes 44 residential units on 3,127 acres while Edna Ranch includes 55 residential units on 1,806 acres. As a result, they are both at a vastly different scale and density than the proposed project. There is no grazing among the residential areas in the Edna Ranch project, and the open space is held in common by the homeowner's association (HOA) in the Varian Ranch project, so that the homeowners control the agricultural operation. Refer also to Response 18T.

Refer also to Master Response 8.

Response 18TR

The commentor claims that development will be carefully located to reduce impacts from light and glare. Refer also to Master Response 8.

Response 18TS

The commentor provides six mitigation measures which they claim would "substantially" reduce visual resource impacts. These measures include limiting entry and street lighting, reducing and restricting the types and amount of exterior lighting and prohibiting reflective building materials. These measures are already accounted for in Agricultural Residential Cluster Subdivision measures VR-1(b) (Architectural and Landscape Guidelines), VR-1(e) (Lighting) and VR-1(f) (Street Light Limitations).

Response 18TT

The MPPA is analyzed as an alternative to the proposed project (refer to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). As noted under *Visual Resources* in Section 6.12.2 therein, the Amended Project Alternative would reduce the visual prominence of future residences as viewed from off-site public viewpoints would reduce impacts related to adverse changes in visual character to a Class II, *significant but mitigable,* level, including impacts related to light and glare.

Response 18TU

Refer to Response 18BI.

Response 18TV

The MPPA is analyzed as an alternative to the proposed project (refer to Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR). As noted under *Agricultural Resources* in Section 6.12.2 therein, impacts from this alternative related to prime soils and conflicts between urban and agricultural uses would be slightly reduced but remain Class I, *significant and unavoidable.*

Response 18TW

The commentor argues that Agricultural Residential Cluster Subdivision measure VR-1(a) (Prohibition of Structural Silhouetting) is not necessary because no lots would silhouette against the sky. The commentor does not provide evidence to support this assertion. Refer to Response 18TF.

Response 18TX

The commentor cites Agricultural Residential Cluster Subdivision measure VR-1(b) (Architectural and Landscape Guidelines), which limits building heights to 22 feet. According to this measure, no lots will be permitted to have structures that exceed this limit, except for ancillary features such as antennas.

Response 18TY

The commentor notes that Agricultural Residential Cluster Subdivision measure VR-1(c) (Oak Tree Avoidance) is acceptable. Comment is noted.

Response 18TZ

The commentor notes that Agricultural Residential Cluster Subdivision measure VR-1(d) (Bury Water Tanks) is acceptable. Comment is noted.

Response 18UA

The commentor notes that Agricultural Residential Cluster Subdivision measure VR-1(e) (Lighting) is acceptable. Comment is noted.

Response 18UB

The commentor notes that Agricultural Residential Cluster Subdivision measure VR-1(f) (Street Light Limitations) is acceptable. Comment is noted.

Response 18UC

The commentor notes that Agricultural Residential Cluster Subdivision measure VR-1(g) (Clear Excess Debris) is acceptable. Comment is noted.

Response 18UD

The commentor notes that Agricultural Residential Cluster Subdivision measure VR-1(h) (Grading) is acceptable. Comment is noted.

Response 18UE

The commentor notes that Agricultural Residential Cluster Subdivision measure VR-1(i) (Accessory Structures/Infrastructure) is acceptable. Comment is noted.

Response 18UF

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is warranted.

Response 18UG

The commentor describes the methodology used in reviewing the Future Development Program. Comment is noted.

Response 18UH

Refer to Master Response 3a. As noted therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review. Refer also to Master Response 8 and Response 18BR.

Response 18UI

The commentor claims that Future Development Program impacts cannot be quantified at a program level of review and should therefore not be classified as Class I, *significant and unavoidable.* Refer to the discussion under Future Development Program Impact VR-1 for evidence to support the Class I finding. Refer also to Master Responses 3a and 3b. The conclusions made in Section 4.13, *Visual Resources,* were based on a reasonable worst case scenario.

The commentor notes that the setting may change in the future, arguing that the Final EIR cannot foresee future scenarios. Refer to Response 18BS.

The commentor recommends incorporation of mitigation measures that would be implemented if a Specific Plan were submitted for the Ranch. Refer to Response 18QF above. As noted therein, portions of the Future Development Program may be applied for and constructed prior to adoption of a Specific Plan for the area. Therefore, visual resource mitigation measures may be necessary prior to the Specific Plan process. Refer also to Future Development Program measures VR-1(a) through VR-1(d) and Agricultural Residential Cluster Subdivision measures VR-1(a) through VR-1(i), which would similarly apply to the Future Development Program.

Response 18UJ

The commentor claims that the Future Development Program is consistent with the adopted General Plan and that impacts have been analyzed in the Final Program EIR for the Salinas River Area Plan. Refer to Master Response 9.

Response 18UK

The commentor claims that the Future Development Program will be sited to avoid impacts. Refer to Response 18BR.

Refer also to Master Response 3a. As noted therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review.

Response 18UL

The commentor claims that the applicant will develop Landscape Guidelines and Architectural Guidelines for the Future Development Program that will reduce impacts to visual resources, biological resources and agricultural resources. The commentor claims that these actions would ensure less than significant impacts with mitigation.

Refer to Master Responses 3a and 3b. As noted therein, the Future Development Program represents a conceptual buildout of the Santa Margarita Ranch based on allowable uses in the Salinas River Area Plan. The EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program. The actions listed by the commentor, although admirable, do not contain any requirements for implementation or monitoring. As a result, there is no basis to assume these actions would be implemented; they cannot be included in the reasonable worst case scenario analysis.

The conclusions made in Section 4.13, *Visual Resources,* were appropriately based on a reasonable worst case scenario. Impacts remain Class I, *significant and unavoidable.*

Response 18UM

The commentor claims that the applicant will develop Lighting Standards for the Future Development Program that will reduce impacts to visual resources. Refer to Response 18UL above.

Response 18UN

Refer to Responses 18TW through 18UE above.

Response 18UO

Attachment M to the applicants' comment package consists of "Comments on the Draft EIR for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision" prepared by Luhdorff & Scalmanini Consulting Engineers (LSCE) for Kirk Consulting and Santa Margarita Ranch, LLC on April 11, 2007. Attachment M additionally includes attached tables and figures, four appendices, and a second letter titled "Comments on Analysis of the Future Development Program in the Santa Margarita Ranch Draft EIR," dated April 12, 2007. The second letter includes attached tables and figures and one appendix.

Refer to Responses 18UP through 18UX for responses to Attachment M. Refer also to Response 18BP, which addresses the applicants' summary of Attachment M for the Agricultural Residential Cluster Subdivision. The applicants do not summarize Attachment M for the Future Development Program.

Response 18UP

The commentor states the general opinion that the EIR conclusions are speculative in nature. The analysis is based on information that was available at the time of the report's preparation, and independently evaluated by a qualified hydrogeologist. Based on this information, the study concluded that a significant unavoidable impact to water resources would occur, based in part on uncertainties inherent in the data record with regard to water availability.

The critique offered by the commentor does not include specific alternative methodologies, facts, data or analysis that would support a conclusion other than the one drawn in the DEIR.

Response 18UQ

The comment states the opinion that the residential water demand used in the analysis appears to be high. The EIR analysis explained the rationale for the difference in the projected water demand as compared to that reported in the Cleath report. Differences among experts are anticipated under CEQA, and do not make such a document inadequate.

Response 18UR

The comment states the opinion that the agricultural water demand used in the EIR analysis appears to be high. The comment provides an argument as to why water demand may be less, and this information may be considered by decision makers for the project. However, the water factors used are consistent with those reported by the California Department of Water Resources, and represent a reasonable worst scenario. The EIR also acknowledges that water conservation measures and practices could reduce water demand to some extent.

Response 18US

The comment asserts that groundwater pumping data was misinterpreted by the EIR analysis, and overstated potential uncertainties associated with the gathering of that data. The comment acknowledges that there were problems with the well meters, which was one of the problems identified through the EIR technical analysis. The EIR applied a conservative approach to analyzing the data, which is appropriate in a CEQA document, and based its conclusions on this approach.

Response 18UT

The comment disagrees for the EIR's approach to interpreting groundwater use data and its relationship to potential overdraft of the groundwater basin. Recent hydrograph data described in the comment from 2006-07 indicate some wells appear to have stabilized, while others still appear to be in decline, consistent with the overall trends described in the EIR's hydrogeological report.

The applicant's hydrogeologist does not believe that the groundwater basin is in overdraft based on the interpretation of the data provided in the comment. The EIR's independent hydrogeologist draws an alternate conclusion, as reported in the EIR. A disagreement among experts is allowed under CEQA. The difference in opinion may be considered by decision makers as the project is considered for potential approval.

Response 18UU

The comment disagrees with the EIR's approach to analyzing basin yield, and provides information to support this view. Among the information cited is a 1987 report that described the state of the basin as it was known during that time. The EIR's analysis is based on a series of more recent reports generally prepared since 2003, as well as recent professional experience and knowledge of the basin that could not have been known in 1987.

Response 18UV

The comment suggests that the EIR is unclear in stating its conclusions regarding the potential significance of impacts related to water use. Refer to Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, the Agricultural Residential Cluster Subdivision would increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 96 acre-feet per year (afy). This net consumptive use may contribute to overdraft of the aquifer system. Groundwater use associated with the Agricultural Residential Cluster Subdivision is a Class I, *significant and unavoidable,* impact. Although implementation of Agricultural Residential Cluster Subdivision measures W-1(a) (Groundwater and Surface Water Monitoring Program) and W-1(b) (Water Conservation Measures) would reduce the overall water system demand for the Agricultural Residential Cluster Subdivision, additional water supply would still be required. Additional water may be available for the Agricultural Residential Cluster Subdivision through the State Water Project and/or the Nacimiento Water Project, as outlined in Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) above. However, due to uncertainties regarding timing and availability of these sources, additional water supply cannot be assured at this time. Impacts would remain significant and unavoidable.

Response 18UW

The comment disagrees with the EIR conclusion that potential impacts to water resources would be Class I, significant and unavoidable. Much of the basis of the disagreement was described in comments 18UQ through 18UU. Please refer to the responses to these comments.

Response 18UX

The applicant's hydrogeologist disagrees with the EIR's conclusion that there is a significant impact to water supply, but nevertheless agrees with the inclusion of a mitigation measure to monitor groundwater use. The commentor's rationale for the monitoring would be to show the potential stability of long-term water use associated with the project. The comment also states the opinion that other mitigation measures in the EIR, including water conservation and additional water supplies, are either excessive or unnecessary. To some extent, this opinion is based on information contained in the 1987 Mann report, which is now 21 years old.

This view may be considered by decision makers as potential project approval is considered, along with the EIR's detailed analysis and conclusion to the contrary, prepared by an independent hydrogeologist based on more recent information.

Response 18UY

Attachment N to the applicants' comment package consists of "Comments on Section 5.0: Growth Inducing Impacts Santa Margarita Ranch Draft Environmental Impact Report'" prepared by Diana Gould-Wells for Kirk Consulting and Santa Margarita Ranch, LLC.

Refer to Responses 18UY through 18VL for responses to Attachment N. It should also be noted that the applicants' summary letter (addressed in Responses 18R through 18DK) did not reference Attachment N.

Response 18UZ

Refer to Master Response 9. The EIR cited by the commentor did not adequately address environmental impacts associated with development on the Santa Margarita Ranch and is therefore irrelevant to the EIR analysis.

Response 18VA

The commentor rewords the first two sentences under Section 5.1.1 (Agricultural Residential Cluster Subdivision Economic Growth). Comment is noted.

Response 18VB

As noted in Section 4.10, *Public Services and Utilities,* the factor of 2.7 persons per dwelling unit is the Sheriff Department's population generation factor. This reference has been added to Section 5.0, *Growth Inducing Impacts,* of the Final EIR, as recommended by the commentor.

Response 18VC

The commentor does not provide support for the claim that increased population would provide more County services due to increased property tax. No further response is warranted.

Response 18VD

Refer to Master Response 9.

Response 18VE

The commentor notes that a factor of 500 building square feet per worker is used to estimate the number of square feet for commercial/retail development. It should first be noted that the 500 building square feet per worker was used to estimate the number of workers; the square feet of commercial/retail development is provided in the project description.

The factor of 500 building square feet per worker is a standard rule of thumb in EIR analyses. No further response is warranted.

Response 18VF

The commentor argues that a portion of the jobs created by the Future Development Program would be filled by existing Santa Margarita residents. The comment is noted.

Response 18VG

The commentor's rewording of the second paragraph in Section 5.1.2 (Future Development Program Economic Growth) is noted.

Response 18VH

Refer to Response 18VB.

Response 18VI

Refer to Master Response 9.

Response 18VJ

Refer to Master Response 9.

Response 18VK

The commentor approves of Section 5.3.1 (Agricultural Residential Cluster Subdivision Removal of Obstacles to Growth). Comment is noted.

Response 18VL

The commentor approves of Section 5.3.2 (Future Development Program Removal of Obstacles to Growth). Comment is noted.

Letter 19

Jan. 15, 2007

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JAN 22 2007
S.L.O. CO. PLANNING DEPT.

Mr James Caruso
Senior Planner of S. L. O. Co.

Mr Caruso:

A I have lived & owned property in S. Margarita for over 35 years. I am very concerned for "Our Little Town."

B After reading the article in the S. L. O. Tribune and attending the Jan. 11th meeting in Margarita, I am wondering why so many wine tasting rooms are needed? This seems inappropate for a family community.

C Highway 58 is already too heavy with traffic. Adding to this situation would be a disaster. A new approach should be made off 101 - across from the development and by-pass the town of S. Margarita.

D Also - the Cluster of houses should have a sewer system which possibly could include Santa Margarita, which will be greatly impacted by more people as a result of this development.

E This is a tremondous undertaking - and I only hope it can be accomplished in a reasonable fashion.

Patricia Ross
4120 Old Nacimiento Road
Paso Robles, Calif. 93446

Letter 19

COMMENTOR: Patricia Ross, Private Citizen

DATE: January 18, 2007

RESPONSE:

Response 19A

Refer to Master Response 1.

Response 19B

Refer to Master Response 1.

Response 19C

Refer to Master Response 5. As noted therein, Agricultural Residential Cluster Subdivision traffic would not significantly increase congestion within the community of Santa Margarita. As a result, access to the Agricultural Residential Cluster Subdivision via bypass of the community is not warranted. In addition, a bypass would not be optimal because an access road west of the community would require construction of a new roadway through sensitive habitat and prime soil areas.

Response 19D

The commentor argues that the Agricultural Residential Cluster Subdivision should include a sewer system which could also include the community of Santa Margarita. Refer to Response 16C. As noted therein, Agricultural Residential Cluster Subdivision lot sizes meet RWQCB minimum requirements for septic systems. Although the County could consider requiring a wastewater treatment plant as a condition of approval, it would not be appropriate to require such a facility as mitigation for the Agricultural Residential Cluster Subdivision because a corresponding impact is not triggered pursuant to CEQA thresholds. In addition, Agricultural Residential Cluster Subdivision measure W-2(b) (Septic Tank and Leachfield Site Plans) requires submittal of septic tank and leachfield site plans, as well as percolation tests and borings in accordance with County leachfield design/construction requirements, to demonstrate sufficient leachfield percolation for each proposed residential unit and lot, in accordance with County standards.

It should also be noted that a wastewater treatment facility would be required as part of the Specific Plan for future development subsequent to the Agricultural Residential Cluster Subdivision [Refer to Future Development Program measure W-2(b) (Wastewater Master Plan)].

Response 19E

Refer to Master Response 1.

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Letter 20

01/30/2007

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

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

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

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

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

Sincerely,

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

Letter 20

COMMENTOR: George Havale, Private Citizen

DATE: January 30, 2007

RESPONSE:

Response 20A

The commentor requests that the Final EIR address potential impacts resulting from alternate traffic routes through the community of Santa Margarita. Refer to the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

Refer also to Master Response 7.

Letter 21

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S.L.O. CO. PLANNING DEPT.

To James Caruso
County Planning Dept.
County Government Center
San Luis Obispo, Calif.
93408-

Dear Sir,

A Since I have been a Santa Margarita resident for 28 yrs. I would like to have some input. I did not attend the meeting recently, but I have previously seen the "extreme" plans for the Margarita Ranch. First off I'd like to comment on the lawsuit agreement to give 20-30 yr planning layed out. 10 yrs would be enough. For how do we know what would be good for this town past 10 yrs? Certainly the grade will not

B be adequate with additional Ranch occupants or many people North at Dana Creek, etc. I don't mind seeing growth as long as it is sensible. I personally am glad for the ER

C reports in seeing much hurtfull changes in Nature. Removal of 200-400 oak trees! And for the beautiful wildlife disturbances. Drainage just East of the town is a problem

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It would be nice to have help with a larger cemetery and help with a sewer system, more than other exchanges. D

Please carefully consider what you allow to impact this area. Perhaps the town itself could expand for more homes, depending on the water availability. This could allow more homes to be closer to San Luis + to work. E

Thank You for hearing me

Carol Whitaker
9602 Encina St.
Santa Margarita, Calif.
93453

Letter 21

COMMENTOR: Carol Whitaker, Private Citizen

DATE: February 1, 2007

RESPONSE:

Response 21A

The commentor argues that the settlement agreement between the community group Santa Margarita Area Residents Together (SMART), the County, and the applicant (Santa Margarita Ranch, LLC) should not require planning beyond a 10 year horizon. Refer to Master Responses 1 and 3a. The Future Development Program is a concept for future buildout of the Ranch property, but is not proposed at this time.

Response 21B

The commentor states that the Cuesta Grade (U.S. 101 south of SR 58) will not be adequate with the addition of Ranch occupants and other North County development. As discussed under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* all roadway segments (including U.S. 101 south of the SR 58) are projected to operate at acceptable levels of service with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, as noted under Future Development Program Impact T-1, both directions of U.S. 101 south of SR 58 (the Cuesta Grade) are forecast to operate at unacceptable level of service (LOS) D with *Cumulative + Future Development Program* traffic volumes. As discussed therein, no mitigation is available to adequately reduce impacts to U.S. 101 in this location because the widening of U.S. 101 from four to six lanes is identified as a planned improvement in the *2005 Regional Transportation Plan* but is not currently funded. In addition, Caltrans (rather than the County) must approve improvements within their jurisdiction. As result, impacts would remain significant and unavoidable.

Response 21C

Refer to Master Response 1.

Response 21D

The commentor's request that future development of the property should include a larger cemetery and a sewer system is noted. Refer also to Response 16C and Master Response 1.

Response 21E

Refer to Section 6.0, *Alternatives,* of the Final EIR, which includes an analysis of several alternatives contiguous to the community of Santa Margarita. Refer also to Master Response 1.

Letter 22

Sue Knott-Frontier Ranch Tack
<frontierranchtack@yahoo.com>
02/07/2007 09:16 AM

To jcaruso@co.slo.ca.us, ekavanaugh@co.slo.ca.us, jlebombard@co.slo.ca.us, hphipps@co.slo.ca.us, knall@co.slo.ca.us
cc
bcc
Subject Santa Margarita Proposed Developement

Dear Mr. Causo,
I am writing in regards to the proposed development of the Santa Margarita Ranch property.

I have lived on Parkhill Rd. for 17 years. I moved to the Santa Margarita area for the main purpose of a small town atmosphere and the peace and quiet that type of area offers. I am deeply troubled by the scope of the proposed Santa Margarita Ranch development. It is my belief that this development will entirely change the WHOLE Santa Margarita community. I feel this change will be 99% NEGATIVE. **A**

I implore you, and the whole of the planning commission to DENY this development. Santa Margarita is one of the last small communities on the central coast. Most of the residence moved to the area to live in such a community as now exists. PLEASE do not ruin our town. **B**

Sincerely,

Susan Knott
Parkhill Rd.
Santa Margarita, CA

Frontier Ranch Tack
Home of Custom Made Tack
www.frontierranchtack.com
sales@frontierranchtack.com

Letter 22

COMMENTOR: Susan Knott, Private Citizen

DATE: February 7, 2007

RESPONSE:

Response 22A

Refer to Master Response 1. The commentor's opposition to the project is noted.

Response 22B

Refer to Master Response 1. The commentor's opposition to the project is noted.

Letter 23

RECEIVED
S.L.O. CO. PLANNING DEPT

Miranda Joseph
1903 J ST
Santa Margarita, CA 93453
805/438-4958

February 10, 2007

Dear James:

We spoke a few months back about the proposed development project, Ag cluster on the Santa Margarita Ranch. I never heard about the informational meeting last week until I read about it in the paper. As we discussed before, we are very concerned about the scale of this project, and the many threatened species that will be effected by developing this last intact land grant. We own property at the headwaters of Trout Creek which flows towards the project and which has been diverted and tapped to supply the large scale vineyard and reservoir nearby. We have watched major changes occur in the water level of Trout Creek and in the ground water since the vineyard has gone in. Our wells are now running dry by the end of the season, which was unheard of in the 35 years we have been using them. The creek has lowered substantially, and not just the usual fluctuations that have always occurred with regular cycles of flood and drought. We know earthquakes can have some effect on the water tables, but the correlation between human intervention, and water levels is unmistakable. **A**

Trout Creek holds a native steelhead population that is disappearing all over California due to rampant development and water diversion from a growing population. The proposed development of 122 large houses to be followed by a golf course , then some 375 more houses and a mall, all on individual wells is simply outrageous. These proposed wells will tap Trout Creeks' water shed to the point where the steelhead will no longer be able to survive, THERE IS NO WATER for this monstrous scheme. Somewhere, this land grab and disregard for open space must be curtailed. Further more, the sewer, drainage, and air pollution problems are not going to be mitigated as the developers suggest, except by the careful manipulation of data to justify their end. Traffic on Pozo Road is already beginning to back up through town and adding 1000 new cars or more a day will create gridlock on this little country road. This project is wrong from every viewpoint except from the already wealthy few that will benefit from it. It won't create "affordable housing" and there is already massive construction nearby on Santa Barbara Road and in Paso Robles. **B**

The Santa Margarita Ranch is one of the last intact open spaces which are so vital to the health of people and animals. Allowing this development is the beginning of the end of yet another ecological preserve. When is it enough? Seems like only when its all gone. Please have the courage to help us stand up to this pressure. This land is full of irreplaceable species and archeological treasures that will be gone from this area forever once development takes over. **C**

Thank you for your consideration.

Miranda Joseph and family

Letter 23

COMMENTOR: Miranda Joseph, Private Citizen

DATE: February 10, 2007

RESPONSE:

Response 23A

The commentor expresses concern over the Agricultural Residential Cluster Subdivision's impacts on threatened species. These impacts are described in the detail in Section 4.3, *Biological Resources,* of the Final EIR. The commentor additionally notes that the well on her property, as well as the water running in Trout Creek, has dropped substantially since vineyards were planted on the Ranch. This observation is noted and will be forwarded to the appropriate decision-makers for review and consideration. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Response 23B

The commentor argues that, based on her observations of water in Trout Creek, developing 122 residences, a golf course, 375 more residences and a mall on individual wells is inappropriate. As a point of clarification, the proposed Agricultural Residential Cluster Subdivision includes 112 residences, rather than 122. In addition, the Future Development Program includes 402 residences and limited commercial uses, but does not include a mall. Refer to Table 2-3 in Section 2.0, *Project Description* for a list of conceptual Future Development Program land uses. Refer also to Master Response 3a.

Refer to Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* for a discussion of impacts to steelhead.

Groundwater impacts from the 112 Agricultural Residential Cluster Subdivision residences were addressed in Section 4.14, *Water and Wastewater* (refer to Agricultural Residential Cluster Subdivision Impact W-1) of the Final EIR. As discussed therein, additional imported water supply would be required for the proposed project. However, due to uncertainty regarding timing and availability of additional sources, this water supply cannot be assured at this time and impacts would remain significant and unavoidable. Similar conclusions were made regarding the Future Development Program. Refer Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater.*

Response 23C

The commentor expresses concern over impacts to biological and cultural resources. Refer to Sections 4.3, *Biological Resources,* and 4.4, *Cultural Resources,* of the Final EIR, respectively. Refer also to Master Response 1.

Letter 24

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FEB 20 2007
S.L.O. CO. PLANNING DEPT.

James Caruso, Senior Planner
San Luis Obispo County Department of Building and Planning
County Government Building, Room 310
San Luis Obispo, CA 93408

February 12, 2007

Re: Proposal of Santa Margarita Ranch Residential Development Cluster

Mr. Caruso,

We are writing this letter because we have some concerns about the proposed home cluster project planned for Santa Margarita. We are very concerned about numerous issues that this project raises, but have chosen to focus on a few. The first is the dramatic change to our community that will occur. One of the reasons we chose to buy a home in Santa Margarita is that it is a small town, with a tight knit community where we feel safe and comfortable walking down the street, talking with our neighbors, going to the post office and to the park to play. This project aims to completely destroy this aspect in one big swoop. We realize that change and development will occur and are inevitable. Given the amount of land around our town and the need for affordable housing we realize that it is logical to build in Santa Margarita. Typically the development of a town or community it is gradual process that occurs over time. This is not the case with the proposal of this development; this project will forever change the look and feel of Santa Margarita. **A**

A second reason we chose to live here is because our child would be attending an elementary school that is close to home. As the parents of a 3-year-old child who live on Estrada Ave., we are very concerned about the increased level of traffic this project will generate. It does not seem logical to build 111 homes with two entrances on Hwy 58. Why is there not a proposed entrance to the gated development on the West end of town? It would make sense to divert a majority of this traffic away from the center of town and away from the school crossing. **B** We also enjoy walking to the post office to get our mail. Too often we wait for car after car to pass before entering the cross walk at the corner of El Camino and Pinal. Rarely does a car stop for us. Most of the time they are speeding by. When we do go into the crosswalk we run across or end up stopping mid cross. We never know if traffic will actually stop for us. In fact a man was killed walking across because someone was talking on a phone and not paying attention to him in the crosswalk. Diverting traffic away from the center of our town should be a priority of the developer. Planning an entrance at the beginning of town is a simple way to solve this issue. If this is inconvenient to the developer because it may cut through planned vineyards, too bad. The safety of the people who live in Santa Margarita should be the main consideration. It is the responsibility of the county and the developer to ensure that all safety considerations are considered and reduced or eliminated when proposing such a development. **C**

Our child will be in Kindergarten around the time this project is being built. This means that we will be walking him to school and from school each day. We live 3 houses away from school and it does not make sense for us to drive him. I realize that Estrada Ave, is a highway, but it is also the only access this community has to the Elementary School. While the posted speed limit may be 30 mph (4.12-24), I watch traffic speed, in excess of this, by my home on a regular basis. In addition to getting to school, there are children constantly walking or riding their bikes to the park along this road. The addition of 1100-8500 cars trips a day at full build out (4.12-16, 31, 34) is unacceptable, and suggesting a flashing crosswalk as mitigation is ridiculous. In San Luis Obispo, where these flashing crosswalks are used, I have seen people hit while in the crosswalk. This is by people, who have more than an adequate view of the crosswalks, and are not paying attention. Cars coming into town on Hwy 58 would have a very difficult time seeing a flashing light over the crest of Estrada Ave. thus, this is a dangerous suggestion . As noted on page 24 in the EIR drivers are currently coming to an abrupt stop when there is a pedestrian crossing the street. A stop sign would at least let drivers know that they need to slow down to come to a stop. The addition or a third entrance on the West end of town should be a requirement to this development, because it would divert some of this traffic away from problem areas. D

In addition to diverting traffic from Estrada Ave. an additional entrance would allow fire/police access to the development in the event that Estrada Ave./Hwy 58 was blocked. During the warm months Pozo Saloon often has concerts that attract hundreds of cars. There have been times when I have been unable to leave my driveway for long periods of time due to the number of car coming from an event. Also, it is not uncommon for the train to stop on the track on this end of town, blocking any movement of traffic. You add in an additional 1100 vehicles during peak hours and this could create a real problem. You add an accident and there could be a deadly situation. E

In the EIR it is noted that the collision rates for Santa Margarita intersections are higher than state averages in many areas, (4.12-9). Estrada Ave. was noted for having many traffic related issues that may or may not be able to be resolved. It would be a great expense and additional inconvenience to us to have the intersection at El Camino/Estrada Ave. and the 90-degree turn redone. Since this would be the responsibility of Cal Trans, there is no guarantee that the work would be completed in a timely manner if ever. This is a lot of additional headache and unnecessary cost that would be reduced or eliminated if there were a third entrance on the West end of the town. F

Another concern we have is the quality of our water supply. The addition of 111-550 homes on septic systems should have us all concerned. Are we creating another Los Osos? The water table in Santa Margarita is very high and it would not take much additional waste to contaminate it to an unsafe level. Also, if future homes are going to force the issue of a sewer, who is going to pay for this? Is the developer expecting the people who live in Santa Margarita, and like it the way it is, to come up with the money to cover this? This is indeed the same issue that is occurring in Los Osos, and needs to be addressed prior to allowing a project of this size to go through the planning process. If G

not we will be in the same situation with millions of dollars being wasted, and homeowners being forced to pay for poor planning by the county and developers. G

We believe that some development is necessary, however this project is too large as proposed for our community to absorb and be able to retain our character. It is also too big of a project within a short time span. We would ask that the project be scaled back to a reasonable size with the safety of the people in Santa Margarita and the quality of life we have here seriously taken into consideration. H

Mike and Marshawn Porter
9555 Estrada Ave.
Santa Margarita, CA 93453

Letter 24

COMMENTOR: Mike and Marshawn Porter, Private Citizens

DATE: February 12, 2007

RESPONSE:

Response 24A

The commentor expresses concern that the Agricultural Residential Cluster Subdivision will change the community of Santa Margarita. Environmental impacts of the proposed Agricultural Residential Cluster Subdivision are addressed throughout Section 4.0, *Environmental Impact Analysis,* of the Final EIR, including impacts related to land use compatibility, noise, public safety, public services, and visual resources. Impacts related to character of the Ranch are specifically addressed in Agricultural Residential Cluster Subdivision Impact CR-1 in Section 4.4, *Cultural Resources.*

Refer to Master Response 3a for a response to the concern regarding buildout of the Future Development Program. As noted therein, no application has been filed for the Future Development Program and future environmental review will be required if applications for future projects are submitted.

Response 24B

The commentor recommends an alternate entrance to the Agricultural Residential Cluster Subdivision west of the community of Santa Margarita. Refer to Master Response 5 and Response 19C. Agricultural Residential Cluster Subdivision traffic would not significantly increase congestion within the community of Santa Margarita. As a result, access to the Agricultural Residential Cluster Subdivision via bypass of the community is not warranted. In addition, an entrance west of the community would require additional paving and disturbance due to its longer distance, and would likely result in impacts related to farmland conversion and conflicts, biological resources (particularly blue oak woodlands, California annual grassland and emergent wetlands), cultural resources and public safety (rail crossing hazards).

Response 24C

Refer to Response 24B and Master Response 5.

Response 24D

The commentor expresses concern that Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) is inadequate to address impacts related to the limited sight distance at the intersection of Estrada Avenue and H Street, in the vicinity of Santa Margarita Elementary School. The commentor argues that drivers consistently exceed the 30 mph speed limit and that flashing beacons at crosswalks do not work.

It is noted under Agricultural Residential Cluster Subdivision Impact T-1 that vehicles are currently exceeding the 30 mph speed limit and may not have sufficient time and pavement to come to a complete stop if pedestrians are crossing Estrada Avenue at H Street to travel to Santa Margarita Elementary School or to Santa Margarita Park. Flashing Beacon at School Crossings warrant [Section 4K.103 from Manual on Uniform Traffic Control Devices (MUTCD) 2003 CA Supplement] is therefore satisfied under Project Conditions. Based on the MUTCD and Caltrans standards, measure T-1(e) would reduce impacts to the extent possible, and would improve safety conditions compared to existing conditions, even with the addition of project traffic.

Nevertheless, the commentor's safety concern is noted and has been forwarded to the appropriate decision-makers for review and consideration.

Response 24E

The commentor notes that, in the event that the intersection at SR 58 and Estrada Avenue is blocked, access to the Agricultural Residential Cluster Subdivision would not be available. The commentor additionally notes that this problem would be compounded during concert events at the Pozo Saloon. The commentor's concerns are noted and have been forwarded to the appropriate decision-makers for review and consideration. However, as noted in Response 24B, an entrance to the Agricultural Residential Cluster Subdivision west of the community of Santa Margarita is not warranted based on projected levels of service (LOS).

Impacts related to emergency access are discussed in Section 4.10, *Public Services*. Safety impacts related to railroad transportation are discussed in Section 4.9, *Public Safety.*

Response 24F

The commentor notes that it would be a great expense and inconvenience for the community of Santa Margarita to have the intersection at El Camino Real and Estrada Avenue redesigned, as required by Agricultural Residential Cluster Subdivision measure T-1(d). It should be noted that this mitigation measure is required because this intersection has been identified as an existing operational hazard. Refer also to Master Response 1.

The commentor argues that the inconvenience would be reduced or eliminated if an entrance to the Agricultural Residential Cluster Subdivision were provided west of the community. Refer to Response 24B and Master Response 7. It should also be noted that a third entrance in this location would not eliminate the need for Agricultural Residential Cluster Subdivision measure T-1(d), as traffic would still be added to an area with existing hazards.

Response 24G

The commentor expresses concern regarding the quality of water supply and the addition of septic systems. These impacts were addressed in Section 4.14, *Water and Wastewater.* Refer also to Response 19D and Master Response 1.

Response 24H

The commentor argues that the Agricultural Residential Cluster Subdivision is too large for the community of Santa Margarita. Refer to Response 24A and Master Response 3a. The commentor's opinion is noted and has been forwarded to the appropriate decision-makers for review and consideration.

Letter 25

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February 13, 2007

Mr. James Caruso
Santa Margarita Liaison
San Luis Obispo Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

cc: Board of Supervisors, San Luis Obispo County
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

Dear Sirs:

In 1969 I purchased an acreage adjacent to the Santa Margarita Ranch, which my children and grandchildren now own, and where they currently live. **A**

The Santa Margarita Ranch's proposed Agricultural and Residential Cluster Plan, involving the construction of 111 houses on 1 - 2.5 acre lots in an initial phase, is a classic example of marketing rhetoric/palaver— yet another grab for big bucks, and a thinly disguised sham. **B**

Many of us believe that the quality of life in much of coastal and rural California has been seriously degraded in an apparently unquenchable thirst for economic gain. It is unfortunate and in my view, unacceptable, that this scenario is on the brink of happening here. Do we really want another Disneyland tourist trap? Consider thousands of urbanites flocking to their wine-tasting, mini-mall, golfing and B & B trysts, whose very presence will deplete an already fragile water table and create unimaginable traffic, drainage, pollution, fire control and other environmental problems! And does the much touted balance between "growth" (that is certainly a euphemism!) and economic gain mean that only folks who can afford $1 million plus for their hacienda on 1-2.5 acre lots, will take up the slack for an apparent need of housing on Cuesta Grade? Sounds more like an up-scale plan for the well-to-do, than housing for those who can no longer afford to meet the high cost of living in many of California's coastal cities. There will be no retreat once the wheels of progress start turning; say "NO" to this ill conceived and greedy plan. **C**

Sincerely,

Landon Young

Landon Young
POB 16; Miami, NM 87729
505-483-0121; zopilote@bacavalley .com

Letter 25

COMMENTOR: Landon Young, Private Citizen

DATE: February 13, 2007

RESPONSE:

Response 25A

Refer to Master Response 1.

Response 25B

Refer to Master Response 1.

Response 25C

Refer to Sections 4.14, *Water and Wastewater,* 4.12, *Transportation and Circulation,* 4.5, *Drainage, Erosion and Sedimentation,* 4.2, *Air Quality,* and 4.10, *Public Services,* of the Final EIR, respectively. Refer also to Master Response 1.

Letter 26

Ms. O'Brien Young
1354 Kearny Street
San Francisco, CA 94133
415/398-7455
obyoung@sbcglobal.net

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February 15, 2007

Mr. James Caruso
Santa Margarita Liaison
San Luis Obispo Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

cc: Board of Supervisors, San Luis Obispo County
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

Dear Sirs:

My family has owned around 140 acres adjacent to the Santa Margarita Ranch for almost 40 years. During this time we have seen the necessary, incremental changes due to the population growth of the area. But the changes that would result from the Agricultural and Residential Cluster Plan now slated for the Ranch would occur virtually overnight, and would permanently degrade the quality of the whole county. **A**

I urge you to consider what a Pandora's Box would be opened.

The current plan is threatening enough, but changes brought about by the Future Development Program would be absolutely catastrophic and totally inappropriate to the area. Do you really want San Luis Obispo County to be Carmel-ized? **B**

Since the present vineyards went in on the Ranch, we have seen our creeks retreat and our well go dry in the fall. Can you not imagine what effect hundreds of houses, plus more vineyards and a golf course, yet, would have on the water table? I believe it would be irresponsible stewardship to encourage the influx of thousands more people and let the despoilment of this area just happen. **C**

What is this development really about? The answer, of course, is money – money for the developers, and money for certain segments of the county. I would like to suggest that there are long-term environmental and quality-of-life issues involved here that far outweigh the intention of some people to reap short-term profits. **D**

Sincerely yours,

O'Brien Young

Letter 26

COMMENTOR: O'Brien Young, Private Citizen

DATE: February 15, 2007

RESPONSE:

Response 26A

Refer to Master Response 1.

Response 26B

Refer to Master Response 1.

Response 26C

The commentor notes that wells and creeks in the area have dropped substantially since vineyards were planted on the Ranch. Refer to Response 23A. Groundwater impacts from the Agricultural Residential Cluster Subdivision and Future Development Program were discussed in Section 4.14, *Water and Wastewater,* and concluded to be Class I, *significant and unavoidable*.

Refer also to Master Response 1.

Response 26D

Refer to Master Response 1.

Letter 27

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EGBERT DESIGN & FABRICATION
22815 El Camino Real, Santa Margarita CA 93453
RESIDENTIAL AND COMMERCIAL CABINETRY
805 / 438-3530 FAX 805 / 438-3488
License No. 491283

February 18, 2007

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

Dear Mr. Caruso:

This is a response to the Santa Margarita Agricultural Residential Cluster Subdivision Project and Future Development Program Environmental Impact Report. The proposed development is a very ambitious plan for the ranch owners that will take many years to complete. The information found in the Environmental Impact Report is incredible and truly humbling. Something I didn't see however, was a plan to save the downtown community of Santa Margarita from the traffic and congestion to come. A

Fehr and Peers have prepared traffic access documents (figure 3) that show the majority of the ranch's south bound traffic will funnel directly through the small town on El Camino Real to reach the freeway. This along with traffic from special events and growth of the outlying eastern community does not look like a formula for a successful charming downtown community (without speed bumps). Unfortunately, the town of Santa Margarita can not spread out to avoid what is imminent. After all of the mitigation measures have been implemented, the fact remains, a high volume of traffic will travel through the downtown area. B

The ranch owners have a multitude of uses planned within the boundaries of their property without creating any infrastructure to accommodate increased demand for freeway access. The proposed development should have a traffic access plan to join the freeway junction southwest of Santa Margarita. It seems reasonable and responsible to require the owners to develop a roadway system within the confines of their property to connect the proposed residential clusters and other development uses to minimize the traffic impact on the existing community. The ranch property adjoins the north side of El Camino Real between U.S. 101 and Wilhelmina Avenue and the south side is separated by a small railroad easement. Intersections on both sides of El Camino Real in this area would provide more direct access to the freeway with the least amount of disruption to the existing roadways and downtown community. C

Suggestions: To improve the traffic flow though the downtown corridor of Santa Margarita and relieve some of the impact at the intersection of Estrada Avenue and El Camino Real.

The Downtown Corridor of Santa Margarita: Divide the impact of high volumes of traffic and reduce congestion of the downtown area. Implementing two separate entrances at the proposed development areas southwest of town on El Camino Real would provide more direct routes to the freeway junction. D

The north side of El Camino Real: Events in the area of the Bed and Breakfast, Equestrian Center, Interpretive Center, Café, Amphitheater, Winery and Feed Lot would benefit by creating a separate entrance other than Yerba Buena Avenue. The northwest ranch entrance would absorb traffic before it reaches the downtown area and create better visibility for freeway access. E

The south side of El Camino Real: Fehr and Peers (figure 3) show an arrow point in the direction of El Camino Real or vaguely to connect Wilhelmina Avenue. Here again, traffic access of the Residential Village, Guest Ranch, F

Lodge and Restaurant, Winery and Golf Course to El Camino Real would be greatly improved by having a separate entrance (not using Wilhelmina Avenue). Disruption to the residents and the downtown area would again benefit. F

Intersection at Estrada and El Camino Real: The intersection would benefit by redirecting proposed development uses. Connecting the southwest entrance to the proposed residential cluster would form a direct route between the other development uses and freeway access. Implementing this system of roadways early on in the development would aid construction traffic access immediately and later, residents could make use of more direct routes. G

The downtown community of Santa Margarita is an island surrounded by an ocean of ranch land soon to be developed in a very large way. As the ranch develops into its full potential of growth, the problems of traffic will overwhelm the small town. Widening roads to county standards, placing flashing lights, pedestrian signs, and traffic signals will aid in slowing the flow of the traffic, but it will not change the volume. The volume of traffic needs to be diverted away from the downtown corridor and provide more direct routes from the development to freeway access. Implementing good planning early on will hopefully benefit all of us in Santa Margarita, together as one community. H

Thank you,

JOHN W. EGBERT

Letter 27

COMMENTOR: John W. Egbert, Private Citizen

DATE: February 18, 2007

RESPONSE:

Response 27A

The commentor expresses concern regarding traffic and congestion in downtown Santa Margarita. As discussed under Impact Agricultural Residential Cluster Subdivision T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR, all roadway segments (including those within the community) are projected to operate at acceptable levels of service (LOS) with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. Refer also to Master Response 5.

Response 27B

Refer to Master Response 5.

Response 27C

The commentor recommends an alternate entrance to the Agricultural Residential Cluster Subdivision west of the community of Santa Margarita. Refer to Response 24B.

Response 27D

Refer to Response 24B.

Response 27E

The commentor recommends an alternate entrance to the existing Ranch headquarters, where a 12-room Bed and Breakfast, 6,000 square foot café, 600 seat amphitheater and 40,000 square foot winery are envisioned under the Future Development Program. Refer to Master Response 3a and b. Because no active application currently exists for the Future Development Program subsequent to the Agricultural Residential Cluster Subdivision, the assessment of site access is based on a reasonable worst case scenario with regard to the location of future access points. Traffic from the bed and breakfast, equestrian and interpretive centers, café, amphitheater, winery, and feed lot was assumed to access via El Camino Real and Yerba Buena Avenue.

Response 27F

The commentor recommends an alternate entrance to the area southwest of the community of Santa Margarita, where a residential village, 250-unit guest ranch and lodge, winery, and 36-hole golf course, including a clubhouse and shop, are envisioned under the Future Development Program. Additional access in this location would require a new rail crossing, which could result in safety concerns. Refer also to Response 27E.

Response 27G

Refer to Responses 27C and 24B.

Response 27H

Refer to Master Response 5 and Response 24B.

Letter 28

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

William C. Bianchi, PhD – 3/1/07

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

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

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

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

Individual Lot Demand.

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

Current Status of the Groundwater Basin and Performance Existing Demands

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

A

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

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

Conclusions

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

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

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

The agricultural water use of the existing ranch and projected developments need to be refined in the light of current available existing information as to consumptive use. Accurate metering of the existing and potential future Ag use should be a pre-development requirement. The existence of 'wet water' must be verified prior to the issuance of any grading permit, and must be a condition of approval.

The requirement for engineered septic mound disposal systems on the cluster lots shall be a condition of approval prior to the issuance of a grading permit. (There was State Water Board legislation greatly strengthening the criteria for septic disposal systems. This should be part of this discussion.)

A

Letter 28

COMMENTOR: William C. Bianchi, Private Citizen

DATE: March 1, 2007

RESPONSE:

Response 28A

This comment letter was included as an enclosure to Letter 8 (San Luis Obispo County Water Resources Advisory Committee). Refer to Response 8AE.

Letter 29

Mr. James Caruso
Department of Building and Planning
County Government Center
San Luis Obispo, CA 93408-2040

Saturday, March 17, 2007

Dear Mr. Caruso,

I am writing as a native Californian who is concerned about the proposed development on the Santa Margarita Ranch. I am a biologist and retired Director of an international resource management organization, and have spent my career in the field of wildlife and fisheries conservation. During various visits to the Pierce and the Young properties, which abut the ranch, I have had the good fortune to observe its beauty, charm and biodiversity. Not only is the ranch special because of its beauty and biodiversity, but it carries a unique pre-Columbian and early Californian history. **A**

I was born and raised in Los Angeles and during my 76 years have observed Southern California go from a beautiful and tranquil place to live where the air was clean, the water pure, and the sunsets magnificent, to an urban sprawl that suffocates and stresses its inhabitants. I am concerned that the proposed development of the Santa Margarita Ranch will be the first step in moving Santa Margarita towards the Southern California model. **B**

Reading the EIR for the project I am alarmed that it will result in eleven significant and unavoidable impacts, impacts which will alter the environment of the region and threaten its biodiversity. Species such as the Mariposa Lily and Steelhead Trout are of special concern. Alteration of water usage patterns will affect stream flows and the future survival of the steelhead, which, under the U.S. Endangered Species Act, is listed as a threatened species in the immediate area of the ranch, and endangered in areas to the north and south of it. I am aware of the mitigation measures suggested in the EIR, but based on my experience, such measures often fall short of achieving their objectives. **C**

I am certainly aware that our form of government provides for the promotion of free enterprise and entrepreneurial development, and that the you must weigh such initiatives for development against the adverse impacts of those developments on the environment and the quality of life of your constituents. We are living in a time of expanding populations and the concomitant adverse developments that accompany such growth. California suffers from overcrowding, abuse of its natural resources, alterations of water balance on a continental scale, and contamination of the air necessary for our survival. As a steward of the natural resources of San Luis Obispo County, and with responsibility for the well-being of its inhabitants, your office is answerable to the future generations of Santa Margarita and its environs. Once a species is lost, or a habitat irreversibly altered, a part of our natural heritage is gone forever. **D**

You may wish to take my comments as the ranting of an old man, but I have experienced many of the adverse impacts that will result from the type of developments proposed for the Santa Margarita Ranch. Therefore, I urge you to support implementation of Alternative 1 of the EIR, *i.e.* No Project/No Development. **E**

Respectfully yours,

JAMES JOSEPH, PhD, (jjoseph@iattc.org)

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MAR 26 2007
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Letter 29

COMMENTOR: James Joseph, Private Citizen

DATE: March 17, 2007

RESPONSE:

Response 29A

Refer to Master Response 1.

Response 29B

Refer to Master Response 1.

Response 29C

The commentor summarizes several of the Class I impacts discussed in the EIR. Refer to Master Response 1.

Response 29D

Refer to Master Response 1.

Response 29E

The commentor's support for Alternative 1 (No Project/No Development) is noted. Refer to Master Response 1.

Letter 30

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3-22-07

Dear Mr. Caruso,

The DEIR did not consider the impact of the Project on the Library in Santa Margarita.

The Library is at Maximum Capacity now. There is no increase in Funding or Staffing planned until 2020

Please consider this as a significant impact of the project.

Thank you,

Michael C. Blank
PO Box 66
Santa Margarita, Ca.
93453
805-438-3806

A

Letter 30

COMMENTOR: Michael C. Blanc, Private Citizen

DATE: March 22, 2007

RESPONSE:

Response 30A

The commentor notes that the Draft EIR did not consider the impacts of the project on the Santa Margarita Library, noting that the library is at maximum capacity and is not slated to receive additional funding or staffing until 2020. The commentor argues that this should be considered a significant impact.

An analysis of library impacts has been added to the Final EIR. Refer to Section 4.10.5 (Libraries) in Section 4.10, *Public Services and Utilities*. As noted therein, the Santa Margarita Library would require an additional 239 square feet of space to serve the Agricultural Residential Cluster Subdivision-generated population. According to the San Luis Obispo County Public Facilities and Financing Plan for Unincorporated Area Facilities (Revised June 24, 2006), the cost of providing additional library facilities necessary to maintain established standards is currently $172 per resident. As a condition of project approval, the applicant will be required to pay this fee at the time each building permit is issued. Because this fee is an existing requirement, impacts would be Class III, *less than significant.*

Letter 31

RECEIVED
APR 30 2007
S.L.O. CO. PLANNING DEPT.

27 March 2007

Mr. James Caruso
Dept. of Planning and Building
COUNTY GOVERNMENT CENTER
San Luis Obispo, Calif. 93408

Dear Mr. Caruso:

After reading the brief article about the proposed development of the Santa Margarita Ranch in New Times last month I decided to visit the area. This I did recently on a lovely day that set off the town and the surrounding countryside to perfection. Due to the visit I can certainly see why the townspeople are so upset. Santa Margarita clearly is not at present able to handle the additional one thousand daily vehicle trips projected. I did not even see a traffic signal--and come to think of it--very few sidewalks. Just which streets, then, will become major thoroughfares--with the accompanying noise and danger to humans and animals? **A**

Speaking of the latter, as I travelled the road out to Santa Margarita Lake, and thus through the Ranch land, it was clear that with the advent of more than 100 houses the animals for whom this is home will suffer. They, as well as the humans in the nearby town, will have to deal with noise, pollution and a change in their surroundings. For the humans these factors will bring unwelcome stresses, for the animals the result will likely be death--most certainly for any predators whose hunting grounds are invaded by human residents. **B**

One of the ranch owners commented in the New Times article that he needs the development income to pay the mortgage on his property. It seems to me that prior to purchasing what evidently was/is a cattle ranch he should have taken into consideration the reality of said mortgage. However, judging from the many years local residents have been fighting this project, it appears that he instead purchased the land in order to develop it for profit. ...and this without consideration of how unsuited the property is for what he desires. **C**

I greatly enjoyed my visit to this lovely portion of San Luis Obispo County and would gladly return unless the development proceeds. Should that occur, then it will be too depressing to have to see yet another relatively pristine area of California be needlessly spoiled. **D**

Sincerely,

Victoria A. Brien
340-A Pismo Street, San Luis Obispo 93401

Letter 31

COMMENTOR: Victoria A. Brien, Private Citizen

DATE: March 27, 2007

RESPONSE:

Response 31A

Refer to Master Response 5. Refer to Sections 4.12, *Transportation and Circulation,* 4.8, *Noise,* and 4.9, *Public Safety* of the Final EIR for a discussion of traffic, noise and safety impacts. Refer also to Master Response 1.

Response 31B

Refer to Section 4.3, *Biological Resources,* of the Final EIR for a discussion of biological resources impacts. Refer also to Master Response 1.

Response 31C

Refer to Master Response 1.

Response 31D

Refer to Master Response 1.

Letter 32

SLO CNTY
PLANNING/BUILDING
DEPT

2007 APR -4 PM 5:00

Mr. James Caruso
San Luis Obispo County
Planning and Building
County Government Center

March 28, 2007

Dear Mr. Caruso,
I am writing to note some issues that should be further addressed in the DEIR of The Santa Margarita Ranch Agricultural Cluster subdivision proposal currently under review in the San Luis Obispo County planning process. Because the following issues are under-represented and not adequately addressed in the DEIR, no further movement or progress on the proposal should be allowed until adequate studies and acceptable mitigation measures are adopted. **A**
The following should be considered in the DEIR.

1. Steelhead (Oncorhynchus mykiss) are listed under the U.S. Endangered Species Act as threatened in the area of The Santa Margarita Ranch, as endangered in the areas to the north and south of there, and are under federal protection. **B**

2. This threatened species and its protected critical habitat is under- represented in the DEIR where loss of said habitat or take of this species has been listed as only a class II impact (significant but mitigable), and has only been listed as being impacted as a result of the "future development program," not as a result of the first phase of the development of 111 houses and roads above Trout Creek, Yerba Buena Creek, Rinconada Creek and other similar creeks in the vicinity. This first phase of development will also cause drainage problems, polluted runoff and sedimentation, which are all certain to have an effect on this threatened species. Therefore, the impact on Steelhead should be listed as a class I impact. Sedimentation in the creeks from runoff will be significant and unavoidable, especially during the large storm events. Such sedimentation is detrimental to the quality of water and the adequacy of the streambed and spawning gravel necessary for Steelhead survival. **C**

3. The DEIR has identified a class I impact that is absolutely critical to the survival of steelhead: The overuse of water from aquifers and the waste water pollution and runoff created by the project. These class I impacts however, are not mentioned as such in relation to the impact on area steelhead. The threat to Steelhead in the DEIR is considered only a class II impact. A hydrology study by Hopkins (source: Hopkins 2006) indicated that the project will contribute to an overdraft of the aquifer system and of the groundwater of the surrounding area. The DEIR has not however, made the correlation between this class I impact and the threat it will create for the future of this species in the area creeks. How can you accurately project what an impact will be on this species when you cannot accurately predict what will happen during a flood or drought situation after such development has occurred? Without more accurate study and/or data from normal years, as well as from years with extreme weather patterns, the impact on streams and Steelhead should be considered class I since it is actually thus far completely **D**

unpredictable. Furthermore, the DEIR has suggested mitigation measures that will take place AFTER the homes and roads have been built and the damage to aquifers, groundwater and critical habitat has already been done. The mitigation proposed is surface water monitoring and water conservation. Surface water monitoring should take place over a period of time, BEFORE the depletion of the aquifer is allowed. Once the damage is done, it cannot be considered mitigation, just because you have monitored and determined that you now have a problem after the fact. This is too little too late for the fish. E

The DEIR gives little mention to the impact that just the large-scale vineyard has had on the water levels in Trout Creek. I have observed water levels for 38 years on Trout Creek, and there has been a substantial reduction in surface water since the addition of the vineyard operation in and around the proposed project site. I am aware that earthquakes can affect surface water, but there is an unmistakable correlation between the creek levels and the introduction of the large-scale tapping of the aquifer for the Santa Margarita Ranch Vineyard, which is currently being irrigated year- round. This year- round irrigation is also contradictory to the owners' description of current water use on the vineyard. Their irrigation calculations are based on "best case scenarios" where there is substantial rainfall. The minimal rainfall of 2007 should make us aware of what will happen when these best-case estimations are used in place of concrete data to support a case for adequate water. There is clear data in the Hopkins Hydrology study (source: Hopkins 2006) to refute the argument that there is enough water for large-scale vineyards, housing developments, golf courses and the numerous scenarios of the future development plan. F

4. The accuracy of the perk tests done for the proposed home sites' septic tanks are critical to ground water pollution and run off, which also will affect Steelhead habitat.. The owners are conducting their perk testing during a record dry winter, where the results are not going to be representative of a typical winter. The ground water in Santa Margarita has already been threatened by outbreaks of giardia and shows high levels of dangerous minerals and human waste, which are currently being filtered out for human consumption, but then being allowed to re-enter the water table through run off near the community well, which sits below the proposed project site. This well is also in a flood plain which likely contains vernal fairy shrimp. Santa Margarita already has these existing problems from too many septic tanks and poor drainage in a flood plain. Adding 111 new septic tanks on and around the hills above the community's primary water source is likely to compound the current problems to a crisis level. The owners must be required to re-test during flood times, rather than drought times. The project site already has a newly installed water system of wells that stretch the length of the proposed area and into the future development proposed areas. I believe the issue of the availability of water and the adverse effects discussed above should be resolved before permits are granted to the builders. I also believe the builders should have had these permits in place and should have done more thorough and objective studies BEFORE putting in their preliminary water system which is intended for a project that has not yet been approved. G H

Sincerely Yours,

Miranda Joseph

Letter 32

COMMENTOR: Miranda Joseph, Private Citizen

DATE: March 28, 2007

RESPONSE:

Response 32A

The commentor states that several impacts in the DEIR are understated and argues that no progress on the proposal should be allowed until adequate studies and acceptable mitigation measures are adopted. Refer to Responses 32B through 32H.

Response 32B

The commentor notes that Steelhead is listed under the U.S. Endangered Species Act as threatened in the Santa Margarita Ranch area. This is acknowledged in Section 4.3.1(e) (Special Status Species) in Section 4.3, *Biological Resources,* of the Final EIR.

Response 32C

The commentor argues that impacts to the federally threatened steelhead are underrepresented in the DEIR. Impacts to South/Central California Coast Steelhead and the loss of Steelhead Critical Habitat are discussed under Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR. Both impacts are Class II, *significant but mitigable.*

The commentor states that steelhead impacts have only been addressed for the Future Development Program. However, as noted above, steelhead impacts from the Agricultural Residential Cluster Subdivision are discussed under Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* including impacts to this species from runoff and sedimentation. In addition, although the commentor argues that this should be considered a Class I impact, mitigation measures identified therein would reduce impacts to a less than significant level.

Response 32D

The commentor argues that a Class I impact related to groundwater should result in a Class I impact to steelhead. As noted under Agricultural Residential Cluster Subdivision Impact W-1, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. Steelhead impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program B-7 in Section 4.3, *Biological Resources,* of the Final EIR.

Response 32E

The commentor argues that Agricultural Residential Cluster Subdivision measures W-1(a) (Groundwater and Surface Water Monitoring Programs) and W-1(b) (Water Conservation Measures) should be implemented prior to development. Refer to Response 8O.

Response 32F

The commentor notes that the water level of Trout Creek has dropped since vineyards were planted on the Ranch. Refer to Response 23A.

Response 32G

The commentor expresses concern regarding the quality of water supply and the addition of septic systems, and questions the accuracy of the percolation tests conducted for the Agricultural Residential Cluster Subdivision. Refer to Section 4.14, *Water and Wastewater*, of the Final EIR. Refer also to Response 19D and Master Response 6.

Response 32H

The commentor notes that water availability should be resolved before permits are granted to the builders. Refer to Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, the applicant is required to provide proof of adequate water supply to serve the Agricultural Residential Cluster Subdivision prior to issuance of grading permits. Refer also to the revised *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1.

Letter 33

California Native Plant Society

Attn: James Caruso
SLO County Planning Dept.
City of San Luis Obispo
CA 93408

Friday, May 4, 2007

Comments by California Native Plant Society on the Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program

The California Native Plant Society's San Luis Obispo Chapter has reviewed the DEIR and is constraining its comments to issues surrounding the biological impacts of the project. We find the DEIR to be of high quality regarding the evaluation of the resources in the residential cluster, and to have developed a reasonable set of alternatives under the constraints of CEQA. CNPS is concerned about the Class I impacts to flora, particularly to needlegrass grasslands and to CNPS List 1B plants. **A**

Several impacts may have been understated. Calochortus simulans will spend many years without flowering, and therefore the impacts to the plant may be higher than estimated. It would be helpful if the cumulative impacts of the cluster subdivision's take of Calochortus could be calculated in the light of the impacts to the plant for the whole project, but doing such a cumulative impact is impossible as detailed botanic analysis for the future projects is to be postponed. This failure to estimate total impacts effectively exempts the cluster subdivision to a reasonably quantitative cumulative impacts analysis, and we are left with a scientifically weakened evaluation. **B**

The issues of additional housing and its locations should not be deferred until later, and all impacts of the entire project should be weighed while the cluster's configuration is being determined. It may, for example, be preferential to export the development credits of this cluster to another part of the ranch. **C**

CNPS is also concerned about the fate of wetland species on the ranch, and is concerned about apparent large well drawdowns that might impact riparian species. This is also of concern due to an apparent letter by one of the developer parties to the WRAC that data that was provided for analysis of hydrologic impacts was incorrect. CNPS would therefore ask that the DEIR be reissued with a corrected hydrologic analysis, as many factors addressed within the DEIR depend upon that analysis. **D**

David H. Chipping
Vice President CNPS-SLO
1530 Bayview Heights Drive
Los Osos, CA 93402

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0 7 2007
SLO CO PLANNING & BLDG.

Letter 33

COMMENTOR: David H. Chipping, California Native Plant Society

DATE: May 4, 2007

RESPONSE:

Response 33A

The commentor notes that the Draft EIR is of "high quality" regarding the evaluation of the Agricultural Residential Cluster Subdivision and project alternatives. The commentor additionally expresses concern related to Class I impacts to flora. Comment noted.

Response 33B

The commentor claims that several biological resource impacts may have been understated. Impacts to the San Luis Obispo mariposa lily (*Calochortus simulans*) are discussed under Agricultural Residential Cluster Subdivision Impact B-5 and Future Development Program Impact B-5 in Section 4.3, *Biological Resources,* of the Final EIR. Both impacts are Class II, *significant but mitigable*. Since the Final EIR requires surveys in addition to those already performed, and compensatory mitigation at a 2:1 ratio, impacts to this species would be reduced to a Class II, *significant but mitigable,* level. For cumulative effects in relation to the Future Development Program, refer to Master Response 3.

Response 33C

Refer to Master Response 3.

Response 33D

The commentor's concern related to wetland species is noted. Groundwater impacts are addressed in Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Refer also to Letter 8 and Responses 8A through 8AJ.

Letter 34

SANTA MARGARITA AREA ADVISORY COUNCIL

Post Office Box 627
Santa Margarita, CA 93453

30 March, 2007

Planning and Building Department
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408
Attn: James Caruso, Senior Planner
Re: Santa Margarita Ranch Ag. Cluster Draft EIR

Dear Mr. Caruso:

The Santa Margarita Area Advisory Council has reviewed the Draft Environmental Impact Report and believes it is within our purview and expertise to respond to water, drainage, traffic and noise issues within the report. Because the CSA23 is studying and commenting on water and drainage and we believe them to be more proficient in those areas, we will defer to their comments on those sections of the report. Therefore, our efforts are focused on traffic and noise. A

The Santa Margarita Area Advisory Council Unanimously supported the following comments on the Draft Environmental Impact Report:

1. We understand the county policies set the threshold for noise levels at 60 dbA CNEL therefore the existing noise levels at receptor sites currently exceed this threshold creating a class 1 impact regardless of any development. B

2. The need for construction noise monitoring highlights a need for mitigation monitoring standards, procedures and enforcement project wide. C

3. The EIR should consider the "quite zone" efforts underway in the community of Santa Margarita and mitigate any adverse impacts if any exist. D

4. The future development program impacts seem inconsistent with the findings for the Agricultural Residential Cluster in regards to noise. E

5. The noise impacts of the future development portion are difficult to predict without site specificity for each element. F

6. The EIR should analyze impacts associated with traffic shortcutting down I St. G

7. Obvious problems with trip assignments such as the addition of only one trip to the elementary school and inconsistencies at Estrada and H St. give concern about the accuracy of all trip assignments H

8. The EIR should consider impacts to the park and ride at the Santa Margarita exit from highway 101 I

9. The EIR should prioritize the correction of the vertical curve at Estrada and H St. with all vested parties contributing to the mitigation. J

If you or other planning staff members have any questions regarding these comments please do not hesitate to contact the Council.

Sincerely,

C. Z. Whitney

C. Z. Whitney, Chairman
Santa Margarita Area Advisory Council

cc: James R. Patterson, Fifth District Supervisor
Planning Commission
Kirk Consulting

:czw

SLO CNTY
PLANNING/BUILDING
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2007 APR -3 PM 3:51

Letter 34

COMMENTOR: C.Z. Whitney, Chairman, Santa Margarita Area Advisory Council

DATE: March 30, 2007

RESPONSE:

Response 34A

The commentor notes that the Santa Margarita Area Advisory Council defers to the CSA 23 Advisory Group comments (Letter 9) on the topics of water and drainage. The comment is noted. Refer to Responses 9A through 9AJ.

Response 34B

The commentor's statement that existing noise levels along area roadways currently exceed the County's 60 dBA threshold, thereby creating a Class I impact regardless of any development, is noted.

Response 34C

The commentor states that the need for construction monitoring highlights a need for mitigation monitoring standards, procedures and enforcement project wide. Plan requirements, timing, and enforcement measures are specified for each mitigation measure identified in the EIR.

Response 34D

The commentor argues that the EIR should consider the "quiet zone" efforts underway in the community of Santa Margarita. The "quiet zone" efforts referred to by the commentor are an ongoing community effort to prevent trains from blowing their whistles through the community at night. This effort does not have any bearing on the EIR analysis. Refer also to Master Response 2. The EIR uses public information that has been certified by public decision makers. Because no quiet zone documentation has been certified, such documentation has not been used in the EIR analysis.

Response 34E

The commentor claims that Future Development Program impacts seem inconsistent with the findings of the Agricultural Residential Cluster Subdivision in regards to noise. The same thresholds and methodology were used for both analyses. Subtle differences may result from the nature of the project- and program-level analyses used for the Agricultural Residential Cluster Subdivision and Future Development Program, respectively (refer to Master Response 3).

Response 34F

Refer to Master Response 3a and 3b.

Response 34G

The commentor recommends that the EIR analyze impacts associated with traffic shortcutting down I Street. Refer to the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

Refer also to Master Response 7.

Response 34H

The commentor disagrees with trip assignments associated with the Elementary School on Estrada Avenue and H Street. Refer to the third to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses trip generation in the vicinity of Santa Margarita Elementary School in greater detail.

Response 34I

The commentor recommends that the EIR consider impacts to the park and ride lot on SR 58 near US 101.

Refer to Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58). As noted therein, the park-and-ride lot must be redesigned to accommodate improvements to the US 101 northbound off-ramp to SR 58 and the applicant must include designs for the revised park and ride and frontage road access in the permit with Caltrans.

Refer also to Master Response 7.

Response 34J

The commentor argues that the EIR should prioritize the correction of the vertical curve at Estrada Avenue and H Street (near the Elementary School) with all vested parties contributing to the mitigation. Agricultural Residential Cluster Subdivision measure T-1(d) (Camino Real/Estrada Avenue Redesign) requires the applicant to reduce the superelevation of the El Camino Real curve at Estrada Avenue. Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) requires installation of a flashing beacon to warn drivers of pedestrians in the roadway on Estrada Avenue at H Street. Both of these improvements are required prior to occupancy clearance for the Agricultural Residential Cluster Subdivision. Refer to Section 4.12, *Transportation and Circulation,* of the Final EIR.

Letter 35

Phil Ashley
<pashley@calpoly.edu>
04/01/2007 02:25 PM
Please respond to
pashley@calpoly.edu

To jcaruso@co.slo.ca.us
cc pashley@calpoly.edu
bcc
Subject Comments on Santa Margarita Ranch EIR

From: Phil Ashley
1586 La Cita Court
San Luis Obispo, CA 93401
544-9741
April 1, 2007

To: Mr. James Caruso
San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

Subject: My comments on the Environmental Impact Report (EIR) for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program (SMRARCSPAFDP-- April Fools' Day).

Dear James Caruso:

Here it is April 1st and I think this EIR exemplifies April Fools' Day.

For the County to argue that the feasible alternative of Extending the Community of Santa Margarita is not feasible because it does not meet the objective of utilizing the County's Agricultural Scatter Cluster Ordinance is ridiculous. The County's Ag Scatter Cluster Ordinance promoting growth that is always accompanied by enormous unmitigable valley wildlife impacts (despite what the payed consultants say) demonstrates the worst possible "planning" in the form of leap frog development. And the County's Ag Scatter Cluster Ordinance always promotes a disearnest form of development by (1) hiding development from town citizens who by demographics have the majority political vote, power, and influence and (2) satisfying the ever burgeoning force of aesthetiticians in planning agencies, EIR consulting firms, and environmental organizations who all believe they have done their job well if they have to the best of their abilities hidden development from the views of citizens of towns and highways. **A**

And in hiding these valley developments in the rapidly disappearing sanctuaries of valley wildlife (behind the hills and woodlands and in the dales and woodlands of valleys), the sanctuaries, heretofore buffered from older town & road developments are decimated. And the consultants and planners always say that no critical & significant habitat was lost as attested to by the professional EIR. Anyone ever asked a single member of a single valley wildlife species what it thought of all this valley humanism at their survival expense? Soon there'll be little left but the weirdlife pest species (with far graver consequences to valley wildlife than to us) we attract and profligate. And don't blame the pest species (weirdlife). It is not their fault. It is ours. **B**

So this EIR that makes the ridiculous claim that building contiguous with the existing town of Santa Margarita for either the proposed Agricultural Residential Cluster Subdivision or the envisioned Future Development Program is not feasible and therefore this alternative was rejected outright, is enormously inadequate. And it will remain enormously inadequate until an **C**

alternative specifically for this purpose is done and not confusingly hidden in the Alternatives 4 & 5 of the existing EIR. Because how can it be said that Alternatives 4 & 5 that address only the current proposed Ag Scatter Cluster somehow also address all of the proposed Future Development, almost all of which (including golf course[s], guest ranch, wineries[unless reduced to a reasonable 1], churches, retreat center, sewage plant, cemetery, bed & breakfast, restaurant, café, craft & interpretive facilities, park & pool, ranch & farm headquarters[unless reduced to a reasonable 1], etc.) likewise should be contiguous with existing Santa Margarita Town? C

And although Future Development Scenarios 1, 2, and 3 (i.e., Alternatives 8, 9, and 10) each do reduce proposed future development somewhat, they still scatter it all over the ranch instead of making almost all of it rightfully contiguous with Santa Margarita Town. D

It may be true that there are constraints that would make it somewhat difficult to build the current and future proposed projects contiguous to existing Santa Margarita Town. But they are the same constraints that existed for the existing Santa Margarita Town and virtually all existing valley towns everywhere because there are naturally so many environmental/ecological constraints everywhere in the lush valleys we usurp from all valley wildlife species without regard to their inevitable demise. E

Simply put it is vastly worse for dwindling valley wildlife for us to promote absurd excuses in EIRs to justify leap frog development, than it is for them if we deal honestly with these constraints in order to wisely build contiguous with existing developments-- no matter how much the oldies don't want to look at the newbies and vice versa. F

I support the No Project/No Development Alternative, but it has little chance with the current Board of Supervisors, or any other one we will ever have based on past experience. G

So, if this enormously inadequate EIR goes to court, I ask that the local judge and any appeal judges require that the EIR do a full blown alternative on building the existing proposed residential subdivision project and almost all future proposed development contiguous with the town of Santa Margarita to avoid further needless decimation of rapidly disappearing valley wildlife and their likewise rapidly disappearing valley sanctuaries! H

Finally, there is one alternative that has reasonable consideration of our beleaguered valley wildlife brethren and sistren. But not as presented in this EIR. And that is Alternative 7, which is almost a true cluster (rather than just scattering the lots around in whatever oversized landscape the county and developer want to scatter them, as in all heretofore SLO County so-called cluster developments and this proposed one). Alternative 7 reduces all lot sizes to one acre and places all 111 of them mostly contiguous with each other and a few contiguous with the south-east boarder of Santa Margarita Town in a long, somewhat L-shaped area. Unfortunately the eastern 56 of these lots unacceptably string out all the way to where Highway 58 splits off from Poso Road one mile south east of Santa Margarita Town. However, if the north-east part of the Alternative 5 area (the alternative contiguous with the "south" side Santa Margarita Town) is shifted to entirely lie between Highway 58 and the High Landslide Potential area in the middle of the Alternative 5 area, and all 111 proposed lots are downsized to fit contiguously in this area adjacent to the south-east boarder of Santa Margarita Town, then it has environmental/ecological potential. But only after a full blown environmental analysis is done in a new EIR, because this EIR does not assess this true cluster site that I have suggested has good planning, environmental, and ecological potential. I

Sincerely, Phil Ashley

Letter 35

COMMENTOR: Phil Ashley, Private Citizen

DATE: April 1, 2007

RESPONSE:

Response 35A

The commentor expresses support for an alternative adjacent to the community of Santa Margarita. Refer to Alternative 14 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) in Section 6.0, *Alternatives,* of the Final EIR. The commentor's opinions regarding the County's Agricultural Cluster Ordinance (Section 22.22.150 of the County LUO) are noted.

Impacts of the Agricultural Residential Cluster Subdivision on biological resources are addressed in Section 4.3, *Biological Resources,* of the Final EIR.

The commentor additionally claims that the Agricultural Residential Cluster Subdivision would be hidden from the community of Santa Margarita. As noted in Section 4.13, *Visual Resources,* of the Final EIR, the Agricultural Residential Cluster Subdivision would in fact be visible from the community of Santa Margarita. This fact is disclosed in the document and impacts to visual resources are described as Class I, *significant and unavoidable.*

Response 35B

Biological resource impacts resulting from the Agricultural Residential Cluster Subdivision and Future Development Program are discussed in Section 4.3, *Biological Resources.* Impacts are based on thresholds of significance in accordance with Appendix G of the State CEQA Guidelines.

Response 35C

Refer to Alternative 14 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) in Section 6.0, *Alternatives,* of the Final EIR. Refer also to Response 34A.

Response 35D

Refer to Master Response 4.

Response 35E

Refer to Response 34A and Master Response 4. Refer also to Response 34B.

Response 35F

Refer to Response 34A and Master Response 4. Refer also to Response 34B.

Response 35G

The commentor's support for Alternative 1 (No Project/No Development) is noted. Refer to Master Response 1.

Response 35H

Refer to Master Response 7, Response 34A and Master Response 4.

Response 35I

Refer to Master Response 4.

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

Comments:
Draft Environmental Impact Report
April 3, 2007

Introduction

SMART is pleased to contribute comments to the Draft Environmental Impact Report (DEIR) for the Santa Margarita Ranch. As an active, legal participant, and the party responsible for the requirement to include the Future Development Scenario impacts section of the DEIR, we feel we have heightened standing in this process.

Our comments are in four general categories:

1. Comments supporting a finding or findings within a particular section of the DEIR.
2. Comments in which we support a finding or findings but which we feel the impacts are understated.
3. Comments in which we disagree with a finding or findings within a particular section.
4. Comments on fundamental violations of the CEQA process.

A

We will be commenting on the following impact areas:

- Agricultural
- Air Quality
- Biological
- Cultural
- Traffic
- Noise
- Water/Waste water
- Drainage
- Visual

GENERAL COMMENTS
Violations of CEQA Process

We feel the Water Resources section of the DEIR violates the fundamentals of CEQA process and renders the entire section invalid. That section needs to be re-evaluated by County Counsel in light of current case law and re-written once the Developer can identify realistic, proven water resources. Please see section below "Water Resources."

B

Continued

While we appreciate the opportunity to review the specific impacts of the Agricultural Residential Cluster Subdivision (ACRS), CEQA states that the cumulative impacts must be considered. The Future Development Scenarios on the Santa Margarita Ranch will of course contribute to these cumulative impacts, yet these Future Development projects are described in the DEIR in only the most vague terms. It is therefore impossible to accurately assess the cumulative impacts. The reticence of the Ranch owners should not be rewarded as it hampers true analysis of the impacts. **Permits for the ACRS should not be issued until the level of detail for the Future Development Scenarios is specified sufficiently to allow adequate analysis.** SMART will stand by this interpretation and support it in any way necessary. We request that the County of San Luis Obispo Department of Planning provide commentary on how they can support the analysis of the cumulative impacts of the ACRS considering the lack of detailed plans for Future Development on the Santa Margarita Ranch. C

The case law, Vineyard Area Citizens for Responsible Growth, Inc., et Al. V City of Ranch Cordova, speaks directly to this issue:

> *...the promise of future environmental analysis merely sidesteps the County's obligation to disclose and consider the impacts of supplying water to the entire planned Sunrise Douglas project at the outset, before approving that project.* D

This is identical to the delayed analysis we see here except for the scope here is even broader than just supplying water resources. It is documented that the developers of the Santa Margarita Ranch have big plans for the Future Development Scenarios. Permitting the ACRS without a full study of the entire scope of Ranch Development plans is patently 'piecemealing'.

Monitoring/CC&RS as Mitigation

We note that in numerous sections of the DEIR, mitigations consist solely of 'monitoring' and enforcement by home owners associations through CC&Rs. Case law is clear on this point that these are inadequate mitigations. Furthermore, it has been stated consistently that the County Code Enforcement is under-funded and understaffed and CC&Rs have no legal penalties available for enforcement purposes. We find these mitigations to be inadequate and we require that realistic mitigations be identified or the impacts not be allowed. E

WATER RESOURCES

The DEIR categorizes impacts associated with water resources as Class 1 impacts both for the ACRS (ARCS Impact W-1) and the Future Development (FDP Impact VR-1). The DEIR is unclear on where water resources will be obtained. To quote from the DEIR: F

Continued

> *Additional water may be available for the Future Development Program land uses through the State Water Project and/or the Nacimiento Water Project, as outlined in Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply). However, due to uncertainty regarding timing and availability of these sources, additional water supply cannot be assured at this time.*

In Vineyard Area Citizens for Responsible Growth, Inc., et al. V City of Ranch Cordova, (http//www.courtinfo.ca.gov/opinions/documents/S132972.PDF) the same situation occurs wherein analysis of impacts are delayed until sources of water are determined. This violates the CEQA process as seen in this excerpt from pages 13 and 14:

> *The appellate court held this treatment of future water supplies defeated CEQA's fundamental informational purpose. Before approving a specific plan for an entire development, the decision makers must be informed of the intended source or sources of water for the project, "what the impact will be if supplied from a particular source or possible sources and if that impact is adverse how it will be addressed." (Stanislaus Natural Heritage, supra, 48 Cal.App.4th at p. 206.) CEQA, the court recognized, permits the environmental analysis for long term, multipart projects to be "tiered," so that the broad overall impacts analyzed in an EIR at the first-tier programmatic level need not be reassessed as each of the project's subsequent, narrower phases is approved,[6] but tiering "is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause." (Stanislaus Natural Heritage, at p. 199.) Nor can the unanalyzed impacts of unknown water sources be mitigated by providing that if water proves unavailable, the project's future phases will not be built: "While it might be argued that not building a portion of the project is the ultimate mitigation, it must be borne in mind that the EIR must address the project and assumes the project will be built." (Id. at p. 206.)*

F

As can be seen from the DEIR, the case cited is exactly parallel to that within this DEIR. **It is our opinion that the entire Water Resources section of the DEIR is invalid because of this breach of the CEQA process.** The County Counsel must review the entire DEIR in light of this case law and require that the Developer obtain certain, proven off-site water sources, including, if necessary, binding water contracts, and that the DEIR be re-written and re-distributed with the specifics of this water source identified for review of environmental impacts. Until such time, a realistic review of impacts are impossible and commenting irrelevant.

AGRICULTURAL RESOURCES

Class 1 Impacts

Continued

We support the DEIRís conclusions concerning the Class 1 impacts that are significant and unmitigable. G

With regards to the loss of existing prime soils, we propose the elimination of lots 66, 70, and 71 that present a direct impact, and also propose the removal of lots 21, 64, 65, 67 and 69 in order to provide adequate buffers.

With regards to the loss of potential prime soils, if irrigated we propose the elimination of lots 1, 43, and 44 that present a direct impact, and propose the removal of lots 3, 20, and 69 in order to provide adequate buffers. H

In addition, we propose the elimination of any uses in the Future Development Scenario that encroach on prime soils. (e.g., the historical area, the proposed wineries, some ranch headquarters, etc.)

Even with the above suggested changes, the compromising of 675 plus acres of grazing potential remains unavoidable and unmitigable.

The conflicts between agricultural use and urban use also remain unavoidable and unmitigable. The 22.8% increase in the population will drastically change the character of the area from one of agricultural to rural residential, as is accurately stated in the DEIR. Only with a reduction in housing numbers could you reduce the conflict potential. A reduction in numbers of overall housing units must be considered as a way of avoiding and reducing significant impacts. I

Future Development Scenario

Because the DEIR for the Future Development Scenario is conceptual, it is not specific enough to know the true impacts. Therefore the DEIR must evaluate the worst-case scenario with regards to the potential significant impacts. Because of this, all impacts have the potential of being Class 1 and should be addressed accordingly. Reducing and restricting what is allowed in the Future Development Scenario, and eliminating uses is the only way to avoid or to lessen the impacts. J

Ag. Conservation Easements

The final EIR should address in further detail the Ag conservation easements. It needs to list what will be allowed and not allowed in these areas. Restrictions should be placed on these easements which would eliminate any Table O uses from the Ag and Open Space Element that allow ancillary uses such as bed and breakfasts or wineries etc.. This could be used as a mitigation to offset the loss of grazing lands. K

Williamson Act

Continued

A discussion should be included in the final EIR of how the proposed agricultural cluster could affect the Williamson Act preservation zone. Furthermore, the 3600 acres of 40 year Williamson Act parcels cited in Table ES-1 needs be addressed as to it's allowable uses in the Future Development Scenario. Once again, restrictions should be used to reduce the cumulative impacts of future build out. L

Remainder Parcel (page 2-33)

The DEIR fails to analyze the possible impacts of what might take place on this parcel. Restrictions should be placed on this parcel eliminating any Table O uses from the Ag. and Open Space Element that allow ancillary uses such as bed and breakfasts or wineries. Once again, this could be used as a mitigation to offset the loss of grazing lands. M

BIOLOGICAL RESOURCES

Class 1 Impacts

We support the DEIRís conclusion that the impacts on the oak tree habitat is a Class 1 impact that is significant and unmitigable. N

We propose the elimination of lots 4, 13, 15, 17, 19, 50, 51, 53, 57, 58, 59, 60, 62, 63, 64, 65, 67, 68, 69, 70, 89, 91, 105, 106.107, 110, 111, and 113 to avoid the loss of blue oak woodland. We also propose removal of lots 97, 98, 99, 100, and 101 to avoid impacts on the Valley oak woodland. It should be noted that the loss of valley and blue oak woodland is a statewide concern and must be treated with this in mind. Any elimination of lots to lessen the loss of blue and valley oak woodland should be enacted. Even if housing is reconfigured to avoid trees, this does not necessarily avoid the impact on the habitat value itself. Any claims of saving oaks by changing the building location within the building envelopes must be discredited because with the lack of a county-wide oak tree ordinance, there is no method to ensure protection of these trees from homeowners in the future. O

Class 2 Impacts

While the Class 2 impacts of the proposed Ag. cluster subdivision may be mitigable with regards to the Valley Needlegrass, SLO Mariposa Lily, SLO Morning Glory, Vernal Pool Fairy Shrimp, Southern Steelhead, CA Red Legged Frog, State and Federal wetlands, and the loss of general wildlife habitat as well as species of special concern (the Southwestern Pond Turtle, the Legless and Horned Lizards, the White Tailed Kite, the Golden eagle, the Bald eagle etc.), we disagree that these would remain Class 2 impacts under the Future Development Scenario. The worst case scenario must be assessed and the amount of potential development would produce far reaching cumulative impacts that would be significant and unmitigable. Therefore, a more accurate assumption would be that all of the future impacts would be Class 1. Presently, P

Continued

these impacts are unable to be measured adequately in this programmatic analysis, therefore the future build-out must be fully analyzed in the final EIR. P

Mitigation and Restoration Plans

We agree with the DEIR mitigations to protect Blue and Valley oak habitat, as well as Valley Needlegrass land, and California Annual Grassland habitats to avoid loss during construction, and to vigilantly monitor replanting and restoration long-term. We also support the mitigations for the Class 2 impacts cited with regards to animal species of special concern, (e.g. red legged frogs, southwestern pond turtle, fairy shrimp, southern steelhead, legless and horned lizards) and the plant species of special concern (e.g. Mariposa Lily, Morning Glory). However, once again under the Future Development Scenario the worst-case scenario must be presumed which would designate these impacts as Class 1. Elimination or reconfiguration of lots would be superior to any proposed mitigation. Elimination of some of the future build-out scenario must be done in order to lessen significant impacts. Q

Biological Sensitive Areas

We agree that Alternative 9 which eliminates all future uses that encroach on sensitive biological areas is vastly superior with regards to the future build-out scenario. The same approach of eliminating uses should be used to reduce the number of houses allowed in the Ag cluster subdivision. Therefore, alternatives with a reduction of dwellings need to be considered. R

WASTE WATER/DRAINAGE

The DEIR correctly identifies inadequacies of the Buena study (App H). We add that percolation tests done for the Buena study used holes drilled 5-7' rather than the county standard 15'. This could easily result in misinformation from the results of those tests, and therefore those tests are inadequate for the purposes of establishing leachfield capabilities in general. The Buena study was contracted by the owners of the ranch, who have a clear bias toward desired results. Studies done at the behest of developers have the potential to be strongly slanted in favor of development. Independent studies are necessary to assure impartiality in analysis and results. S

Similarly, findings of the study done by EDA are suspect, as it was also initiated by and for the owners. The results of this study are controversial at best, and clearly shows a pro-development bias. The EDA study should be removed from the EIR and replaced by new studies done by independent firms. Additionally, it appears the EDA study used incomplete and inaccurate data in developing their findings (App H, Table 1). If this study is retained, Table 1 should include a column that identifies the initiator of each study (i.e. developer vs. county/EIR) as an indicator of probable bias in results and findings. T

Continued

The DEIR correctly identifies potential significant impacts on drainage and wastewater issues, but incorrectly suggests that septic mound systems might be a solution for new construction (App H, Table 2). Mound systems have been tried in various places around the existing town of Santa Margarita and have an unacceptably high rate of failure. Mound systems are, at best, a remedy for an existing home faced with septic leachfield failure. They are not currently an appropriate system for new construction. This must be removed from the list as a system design for new construction. U

The DEIR correctly identifies the need for a septic tank maintenance program, and specifically requires the developers prepare one (ARCS W-2(a)). Monitoring wells are also required. The DEIR suggests a homeowners association as the entity to maintain, take data, and prepare reports from these monitoring wells. With no homeowners association planned, identifying a replacement entity to perform this monitoring must be done prior to approval and/or this must be reclassified as a Class 1 impact. V

The DEIR has correctly established a risk from the use of water softeners. Water from local wells is notoriously hard. Water softeners will, for the upper-end homes in this development, most assuredly be demanded by occupants. Discharge from individually-owned water softeners will impact ground water, potentially finding it's way into the drinking water of Santa Margarita. As mitigation, the DEIR correctly prohibits individually-owned water softeners (ARCS W-3(a)). There will be no mechanism in place to monitor or restrict owner-installed water softeners. This also is unenforceable, and also must be reclassified as a Class 1 impact. W

The DEIR in several instances relies upon CC & R's to establish and/or monitor mitigations. The developers have consistently stated there will be no homeowners association. Every impact that relies upon CC & R's to enforce mitigation measures must be re-evaluated and reclassified as a Class 1 impact. Should the developers reverse themselves and decide to institute a homeowners association, all CC & R roles in this DEIR must include county-enforceable responsibilities. Similarly, project approval must include mechanisms to require remediation should monitoring results indicate a need for remediation (i.e. should monitoring wells indicate septic systems are impacting water quality, there must be a mechanism in place to halt ARCS leachfield use immediately). These mechanisms must be in place prior to issuance of occupancy permits. X

The DEIR has correctly identified a likely increase in residential pesticide and herbicide pollution into the ground water and septic systems. The DEIR has identified this as a Class 2 (significant but mitigable) impact. The DEIR-required mitigation (ARCS W-2(b)) relies upon a written statement issued to individual homeowners upon purchase of their home. Monitoring is limited to the text of that document (i.e. there is no monitoring). Actual compliance by individual homeowners is unenforceable. Therefore this impact is unmitigable, and must be reclassified as a Class 1 impact. Y

Continued

The DEIR correctly identifies a septage overload generated by the new Ag. cluster development (ARCS W-4) but incorrectly suggests this will result in a Class 3 impact. The DEIR establishes that the Santa Maria facility is at capacity now, and will not be able to handle the added septage of the Ag cluster subdivision. Current residents of Santa Margarita will certainly be adversely affected should the Santa Maria Wastewater Treatment facility be over capacity. There is no mechanism suggested to require homes in the Ag. cluster to not use the Santa Maria facility. Therefore there is the strong likelihood that septage from these new homes will displace septage from existing homes. Higher fees will result from increased septage shipping mileage, and those fees will, in part, be bourn by current residents. Mitigation would have to include either a treatment facility on-site, or some other method to prevent septage from the Ag. cluster subdivision from going to the Santa Maria facility. Otherwise this is an unmitigable impact, and is therefore Class 1. This also applies to future development (FDP W-4). Z

Additionally, this section (ARCS W-4) suggests septic tanks in the new subdivision will be pumped on average every five years, and a yearly average is calculated. In a previous section (ARCS W-2) a proposed mitigation requires septic tank pumping on a two-year cycle. A new yearly average must be calculated for ARCS W-4 using the two-year cycle before true impacts can be identified and evaluated for the FEIR. AA

The DEIR correctly identifies the need for a larger, 100-year, retention basin to handle additional runoff from the Ag cluster development (ARCS D-2(a)). The DEIR incorrectly suggests timing that requires completion of this "prior to issuance of occupancy permits" (ARCS D-2(a) and D-2(b)). Since storm water runoff from this project will increase as soon as construction begins, the 100-year retention basin should be completed prior to the start of all other improvements. Over the past ten years the town of Santa Margarita has experienced several 100-year event storms resulting in significant flooding. Studies cited in the DEIR correlating rainfall with flooding are general, and as such are inadequate and incomplete. A 100-year event after a long dry period (when the ground is not saturated) will yield a result significantly different than one when the ground is already saturated after days of rain. The same applies to a ten-year event that can cause flooding if the ground is fully saturated. A detailed analysis of existing weather data done on daily rainfall amounts, correlated to significant flood events in the town of Santa Margarita, is necessary to adequately evaluate retention basin design and placement. AB

The DEIR assumes cattle will not be present in and around the Ag cluster site, and predicts a decrease in cattle-born pathogens in storm water runoff (ARCS D-4). The developers have steadfastly maintained cattle will continue to graze among the new home sites. Therefore, the assertion that there will be a decrease in pathogens in storm water runoff is incorrect. It is logical to assume, with grading and pavement, there will be an increase in cattle-born pathogens. It is unknown whether this increase in expected pathogens would prompt a reclassification of this impact from a Class 2 to AC

Continued

a Class 1, but the likelihood of cattle-bourn pathogens entering storm runoff must be included in the analysis, and a re-evaluation of this impact is required for the FEIR. AC

The current Ag cluster includes an Ag conservation easement on the remainder parcel generated by the development. The pending ARCS project shows plans for added vineyards and a winery situated between the Ag cluster project and the town of Santa Margarita. Sited where they are, the cumulative impact of additional vineyards and a winery on the town's drinking water supply will likely be significant. Water use, discharge from leach fields, increased storm runoff, waste water from grape processing, herbicide/pesticide use; all have the potential to seriously affect the town's groundwater supply (as noted in FDP W-5). These uses are planned, yet their impacts have not been addressed here. Cumulative impacts on the town from this increased Ag use must be factored in to the development of this remainder parcel as a component of the current ARCS development project. AD

According to our suit against the developers and the county, SMART won the right to have future development examined at the same time as this first project. On a whole, this DEIR does a credible job analyzing potential development as outlined by the current owners. Analyzing impacts from nebulous projects is not easy. It is a difficult task. We recognize that. The omission of a detailed analysis of the above mentioned winery and vineyard does a disservice to an otherwise excellent report. In particular, situating a winery on a border of the existing town demands more extensive analysis - even in absence of a specific application to build this winery. This was, in fact, the intention of requiring analysis of future projects - to address cumulative impacts of development as a whole rather than in piece-meal fashion. It would be acting contrary to the settlement to allow this project to move forward in absence of adequate environmental impacts analyses of all projects. AE

RECREATION

This current project encompasses a geographic area deemed significant and important to a viable county trail network. A public trail connecting the town of Santa Margarita with the Los Padres National Forest has long been on the list of unmet recreation needs identified by the county Parks and Recreation Commission. Now is the time to require, as a condition of approval, a public trail corridor through (or circumventing the border of) this project. Public access to the National Forest in this area will be critical to establishing a county-wide network of public non-motorized hiking/biking/equestrian trails. AF

Prior to the current owners purchase, local townsfolk regularly enjoyed access across the ranch to reach the national forest. Many older residents have recalled times before large no trespassing signs went up, and they were free to cross the ranch to access the Los Padres. All National Forests by law have to be accessible across private property if AG

Continued

there is not another reasonably-close public access route to the forest. This certainly would apply to the present situation. It is arguably in everyone's best interest to legitimize access to the Los Padres, and to establish one formal route to do so. AG

If not included in this ARCS project, the last remaining viable site for forest access will be where the developers have long said they want their private retreat/golf course/lodge. That site will possibly be less suitable for access than the current site, and certainly, as already noted by the developers, less appealing to the developers. AH

Dedication of a public trail easement must be a mandatory condition of approval of the ARCS.

VISUAL

The DEIR does an admirable job analyzing visual impacts from the proposed Ag cluster subdivision, and correctly establishes this as a Class One impact. In addition, however, lighting impacts can be significant and the mitigations required by the DEIR apply only to initial construction (ARCS VR-1(e)). It provides no mechanism for post-occupancy monitoring or enforcement. There will be little or no recourse for current residents of Santa Margarita should a new homeowner decide to add floodlight-style lighting in their driveway or elsewhere outside their structures. AI

Residents of Santa Margarita highly value their rural surroundings, including the dark skies available in few other populated areas. This is a significant and potentially critical impact on existing conditions. A requirement for ongoing monitoring and a mechanism for enforcement/remediation must be included as a condition of approval to ensure lighting impacts do not increase post-occupancy.

CULTURAL

Background

The DEIR clearly documents the cultural history of the Santa Margarita Ranch. This history includes the prehistoric Native American occupancy, the Mission Period, the Mexican rancho years, and the establishment of the Southern Pacific Railroad and City of Santa Margarita. Although not all of the Santa Margarita Ranch land has been surveyed, the parts that have been examined include 62 prehistoric and historic sites along with 33 isolated discoveries. There are 32 documented archaeological sites within or adjacent to Tract 2586 boundaries and 22 documented sites and 6 isolated discoveries within or adjacent to the proposed Agricultural Residential Cluster Subdivision. In addition, the local native Chumash population considers the proposed site sacred. The tribal elders say that the site is an important part of their cultural heritage and has been an offering and ceremonial site for thousands of years. The site contains a ridge of petrified oyster shells which have historical significance. The DEIR AJ

Continued

concludes that all of the documented cultural resources associated with the ranch contribute to the significance of the Santa Margarita Ranch Rural Historic District, eligible for the California Register of Historic Resources, and that impacts associated with the proposed Agricultural Residential Cluster Subdivision and Future Development Scenarios would remain Class 1, significant and unavoidable. The DEIR recognizes the importance of the Santa Margarita Ranch to the cultural heritage of California and America. The DEIR stipulates that the Santa Margarita Ranch shall be nominated to the National Register of Historic Places as a Rural Historic District prior to the issuance of a grading permit. AJ

Local residents have always appreciated the rich history of the Santa Margarita Ranch. The current-day local culture of the Santa Margarita community reflects this appreciation of the cumulative cultural heritage of the ranch. You can see it in the way people dress, act, and relate to their neighbors. There is a "Santa Margarita" way of living we all enjoy and it depends, in no small part, on the ranch remaining in its present undeveloped state. We believe the ranch should be left undeveloped and preserved as a Rural Historic District for all Californians to enjoy as part of their heritage. AK

Conclusion

SMART is of the opinion that the Santa Margarita Ranch should be nominated as a Rural Historic District immediately, and definitely before the approval process proceeds to the next step. Registered Rural Historic Status will be an important consideration in deliberations regarding ranch development for both the County Planning Commission and The Board of Supervisors. AL

Proposed change of wording for DEIR

Page 4.4-19, Paragraph under the heading: Plan Requirements and Timing, remove: "prior to issuance of grading permit ", substitute: " prior to project approval "

Required Response

Registered Rural Historic District status will be an influencing factor in the approval process for future development of the ranch. If the above proposed change in wording for paragraph 4.4-19 is not approved, please justify the current Plan Requirements and Timing date, "prior to issuance of grading permit", which would occur after the project has been approved. AM

TRAFFIC

Introduction: We agree that traffic and circulation impacts caused by the Agricultural Residential Cluster Subdivision and the Future Development Scenarios will cause AN

severe and unavoidable impacts. We feel the DEIR understates many of these impacts as explained in our comments below.

While the Traffic and Circulation portion of the DEIR was researched and written by professionals trained in this line of work, these professionals do not have the benefit of living for years in the area and the understanding of traffic patterns and existing problems in the area. We can apply that local knowledge not available to the traffic engineers to analyze the results of the DEIR. AN

We have found that some of the predictions for increases in traffic associated with the ARCS and the Future Development Scenarios are low, based on common sense and local knowledge. Furthermore, we feel that the effects of multiple traffic hazards in close proximity have been under stated. Lastly, we know from experience that the timing of traffic flow increases the existing congestion and will increase future congestion beyond what is indicated in the DEIR.

Traffic Predictions, AM Traffic on Estrada at El Camino: Some of the predictions of traffic increases associated with both the ARCS and Future Development Scenarios seem quite low. This is particularly evident when one examines the Trip Assignment diagrams. As an example, Figure 4.12-5 indicates the assignment of trips associated with the ARCS. The morning traffic from Highway 58 (Estrada) northbound turning east onto H street would represent parents taking children to the Santa Margarita Elementary School (SMES). There is assigned only one trip. Are we to assume that only one family of the 111 in the ARCS would have a child in the Elementary School? Is there demographic information not published to indicate that 110 of the families would have no children in SMES? This is strong evidence that the traffic assessments are under-predicting traffic increases. AO

Furthermore, the same figure indicates that 0 trips will be generated from the direction of the SMES towards Estrada. One could only assume that parents taking children to school would not spend the day at school, so for every trip into the dead-end of H Street where the SMES is located, there is a trip back out moments later. This, when examined logically would indicate that any prediction of traffic that realistically accounted for the SMES would require a doubling of that traffic prediction. AP

Further analyzing the traffic increases attributable to the ARCS, morning traffic from the ARCS onto El Camino Real is most likely comprised of wage earners. It does not seem reasonable to assume that there are only 64 wage earners in the entire 111 home subdivision (47 turning west and 17 turning east), again indicating that predictions are low. AQ

Traffic Hazard Proximity: The DEIR makes only passing reference to the compounding effect of the numerous traffic hazards located in a very short stretch of AR

Continued

Estrada/Highway 58 between the proposed ARCS access to Highway 58 and the intersection between Estrada and El Camino Real: Sight distances at the proposed driveways is minimal. There is a very abrupt crest of a hill close by that causes sight distance problems on both sides of the crest. Very close to the crest there are not one but two short radius 90 degree turns. Not far from there is another high crest causing sight distance problems at the school crossing. Near to that is a double railroad track crossing on a curve, and immediately adjacent to the double railroad crossing is another crest which also coincides with the intersection with El Camino Real on a curve. Traffic southbound on El Camino Real is slowing from 55 mph limit (often exceeded) to 35 in town. Traffic regularly backs up onto El Camino Real and onto Estrada because of train traffic. School busses are required by law to stop at the crossing to monitor for train traffic, further backing up traffic, a fact not taken into account in the DEIR. AR

Individually, these hazards are serious. Packed into such a close area, the hazards make this stretch of road extremely dangerous even without the under-predicted increases in trip numbers.

Traffic Timing Problems: Morning peak traffic is compacted into a twenty-minute time period between 8:00 AM and 8:20 AM. The first bell at SMES rings at 8:20 and parental and bus traffic all occurs during this twenty minute period, which coincides with much of morning commute traffic. The DEIR makes no mention of the compounding of existing and future congestion caused by this chronological compression. AS

School Bus Routes: Our research shows that there are too few school bus routes. For example, children at nearby Garden Farms (a scant one mile from SMES) must board the bus 1 hour and 15 minutes before school starts to make the 1 mile trip to school. Few if any children in Garden Farms will ride the bus to school, adding to car trips through multiple traffic hazards in a very compressed period of time. The DEIR makes no mention of any effect the lack of bus routes has on existing and future congestion. AT

Mitigation Measures too vague: The suggestion to 'realign SR58 along a tangent south of J street to the Agricultural Residential Cluster Subdivision...' is too vague. The term 'tangent' is a poor choice of words as it makes no sense geometrically, trigonometrically and idiomatically. The mitigation should include a schematic of how the road should be realigned to avoid ambiguity in implementation. AU

Local Customs: A majority of the businesses in Santa Margarita are located on the north side of El Camino Real in a one and one half block section of town, as is the Post Office. There is a severe lack of parking in Santa Margarita for patrons of these businesses. There is no local mail delivery in Santa Margarita so residents must use the Post Office in downtown to receive and send mail. Locals are in a habit of making unsafe u-turns in the middle of El Camino Real to park in front of these businesses. This peculiar and frequent occurrence causes an increase in the potential for traffic AV

collisions and some congestion as cars swerve to avoid this unsafe turn. A non-local would not know about the lack of mail delivery, this prevalent unique driving habit and the impacts future traffic would have on this situation. There is no requirement in the DEIR to have mail delivery at homes in the ARCS or future development. Residents in Santa Margarita would not like to have home mail delivery foisted upon them as a mitigation as this would impact the cultural heritage inherent the 'meet and greet' component of every day life in one of a few remaining small ranch towns in the state. AV

Transit Facilities: The DEIR states: 'Typical activities within the Agricultural Residential Cluster Subdivision are unlikely to create demand for transit facilities...' We feel this is flat wrong. What about domestic workers? Will the houses in the ARCS be so upscale that all domestic workers (house cleaners, nannies, etc.) will be assured of owning their own cars? We think not and believe that a transit stop within the ARCS should be required. When developers choose to create remote (non-contiguous) islands of population through the use of the Ag Cluster ordinance, special mitigations must be applied. AW

Diversion Traffic: Because of the potential for congestion at the intersection of Estrada and El Camino Real, there is a very high probability that a significant number of drivers traveling north on Highway 58 from the ACRS or points south will choose to turn onto 'H' or 'I' streets in Santa Margarita. The choice is attractive for a number of reasons: 1. Traffic will back up at El Camino Real, 2. at the railroad crossing (even when no trains are present, due to school busses making required stops), 3. and at lHî street due to school traffic and 4. the turn onto 'H' or 'I' streets offers options to bypass traffic by proceeding to Encina or, even more conveniently, to Wilhelmina Street. AX

Concern about his impact are very strong among residents of Santa Margarita living on both sides of El Camino Real. Santa Margarita has a very active walking contingent and residents are opposed to any increase in neighborhood traffic even if it will not pass directly in front of their own homes. Approximately three years ago a petition drive to install stop signs on 'I' street to control tr affic was strongly supported by the community. There is no way to prevent motorists from exercising their right to choose a path through the residential neighborhoods in Santa Margarita.

Conclusion - Traffic Impacts: If one were to choose a location for the ARCS that would have the greatest traffic impact on the community of Santa Margarita, the proposed location of the ARCS would be it. Traffic to and from the ARCS to San Luis Obispo, the center of county business, education and government has to pass through town and through a gamut of traffic and congestion hazards. Increased traffic will increase congestion, air pollution, noise and public safety hazards. The ARCS puts our elementary school children at risk twice every day ñ before school and again after. It is the opinion of SMART that the proposed location is simply unacceptable. Unfortunately, relocation of the project will trade traffic impacts for biological, cultural and other impacts as the remainder of our comments explains. AY

Continued

ALTERNATIVES

Ag Cluster Subdivision

We agree with the DEIR assessment that Alternative 1 (No project/ No development), Alternative 2 (No project/ existing zoning) and Alternative 7 (tighter cluster alternative) are all superior to the presently proposed project. However the impacts especially of water and traffic still remain problematical enough that a reduction in the quantity of homes, and a reduction of the size of the overall project footprint would be the only way to lessen the impacts in these key areas, Alternatives which reduce the footprint of the project and the number of home should be studied. AZ

Future Development Scenario

We support the DEIR conclusion that Alternative 9 (Alt. Future Development Scenario 2) is superior because it eliminates uses that would affect biologically sensitive areas. We also agree that Alternative 10 (Alt. future dev scenario 3) is superior because it eliminates uses in the most sensitive cultural areas.

Of the two, Alternative 10 is the superior because it reduces more of the development potential and thus reduces more of the significant impacts. Both of these alternatives should be combined to create a environmentally superior alternative that eliminates all development-related uses in both the biologically and culturally sensitive areas. BA

Alternatives Conclusions

Since CEQA law requires cumulative impacts be assessed, the ranch owners should be required to give specific, detailed information about the future dev scenario so that the final EIR could truly assess the total environmental impacts. This should be done before the proposed Ag. cluster is allowed to go forward. If not, then the worst case scenario for future build-out must be assessed, and all impacts must be assumed to be Class 1. Alternatives must be generated that look at the whole picture of how the Ag cluster and future dev combined will create impacts that must be dealt with in a cumulative fashion. BB

SPECIAL EVENTS

It is wrong to use a list of special events provided by ranch owners as the sole source for determining the baseline for special events, in the same way it would be wrong to rely on the biased water study that they hired EDA to do for them. It is obvious that the more uses that they can list, the higher the baseline will be, so as a result you have events such a the Loftus Baby shower, the Loftus Graduation party, Claudia and Kathyís Surprise Birthday Party etc. listed in Appendix B. BC

SMART's input at the scoping meetings was for discussion of the historical uses of the ranch to take place in the EIR and a determination by the county be made as to what

Continued

current uses would be appropriate. This would take into consideration what would support the Ag operations of the ranch, and what would be appropriate under the Ag use category. There have been numerous community concerns about the number of events that are now taking place on the ranch since the present owners took over. There have been complaints about noise (e.g., the steam train whistle), and traffic. **BC**

While we do not wish to discourage the generosity of the owners in allowing community fund raisers, we propose that no commercial events be allowed where there is any fee paid for use of the ranch. **BD**

Therefore we ask once again that this EIR address the historical uses and the county make a determination as to what should be allowed according to current Ag. uses. **BE**

End of DEIR Comments

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PLANNING/BUILDING
DEPT
2007 APR 11 PM 4:08

John Becco

Wm E Clark

SMART BOARD OF DIRECTORS

Letter 36

COMMENTOR: SMART Board of Directors, Santa Margarita Area Residents Together [SMART]

DATE: April 3, 2007

RESPONSE:

Response 36A

The commentor provides a summary outline of the comment letter. Refer to Responses 36B through 36BF below.

Response 36B

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. The revised discussion addresses the concerns raised by the commentor.

Response 36C

Refer to Master Response 3b.

Response 36D

Refer to Master Response 3a through 3c. Refer also to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 36E

The commentor argues that mitigation measures in "numerous sections" of the DEIR are inadequate because they rely on monitoring and enforcement by Homeowners Associations through Covenants, Conditions and Restrictions (CC&Rs) which are considered inadequate in case law. The commentor therefore requests that realistic mitigation measures be identified or the impacts not be allowed.

Monitoring and enforcement mitigation measures throughout the EIR are the responsibility of the County, who will be required to review and monitor compliance with the CC&Rs. All CC&Rs noted in the EIR would become conditions of project approval.

Because the commentor does not specify which mitigation measures are considered inadequate, identify case law defending the claims, or suggest alternative mitigation measures, a more detailed response is not feasible.

Response 36F

Refer to Agricultural Residential Cluster Subdivision Impact W-1 and the associated *Residual Impacts* discussion in Section 4.14, *Water and Wastewater,* of the Final EIR. The EIR does not defer any analysis of water supply, but rather identifies potential sources of water and acknowledges a Class I impact due to uncertainties of these sources. The EIR does not rely upon phasing as mitigation and is therefore consistent with the findings of the *Vineyard* case, as referenced by the commentor. There has been no breach of CEQA process, as the revised *Residual Impact* discussion was included in the Revised Draft EIR for the Agricultural Residential Cluster Subdivision Project and Future Development Program, which was circulated for public review from February 7, 2008 to March 28, 2008.

Response 36G

The commentor's support of the conclusion of Class I impacts related to agricultural conversion and agriculture-urban conflicts is noted.

Response 36H

The commentor recommends elimination of several Agricultural Residential Cluster Subdivision lots and "any" Future Development Program land uses to reduce impacts to prime soils. Refer to Alternative 14 (Reduced Project) in Section 6.0, *Alternatives,* of the Final EIR and Master Responses 4.

Response 36I

The commentor notes that, regardless of the amount of prime soils converted, compromising the 676.7 acre grazing unit would remain significant and unavoidable. The comment is noted.

Refer also to the analysis of Alternative 14 (Reduced Project) in Section 6.0, *Alternatives,* of the Final EIR.

Response 36J

Refer to Master Response 3b. The EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program, as the commentor suggests.

Response 36K

The commentor requests that the Final EIR address land uses that may be allowed in the proposed Agriculture Conservation Easements.

The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. The impacts associated with implementation of conceptual land uses as part of the Future Development Program, including agricultural uses on Agricultural Conservation Easements, are evaluated throughout the EIR. Any future development in the areas proposed for Agriculture

Conservation Easement would require future environmental review, including preparation of additional EIRs and associated public review as necessary.

Response 36L

The commentor requests that the Final EIR address impacts of the proposed Agricultural Residential Cluster Subdivision on Williamson Act parcels, as well as address land uses that may be allowed in these areas. Refer to Response 36K. The impacts associated with implementation of conceptual land uses as part of the Future Development Program are evaluated throughout the EIR. Any future development on Williamson Act parcels would require future environmental review, including preparation of additional EIRs and associated public review.

Response 36M

The commentor requests that the Final EIR address land uses that may be allowed on the remainder parcel. Refer to Response 36K. The impacts associated with implementation of conceptual land uses as part of the Future Development Program, including development on the remainder parcel, are evaluated throughout the EIR. Any future development on the remainder parcel would require future environmental review, including preparation of additional EIRs and associated public review as necessary. Such future development is not reasonably foreseeable at this time, and would therefore be considered speculative.

Response 36N

The commentor's support of the conclusion of a Class I impact related to oak tree removal is noted.

Response 36O

The commentor recommends elimination of several Agricultural Residential Cluster Subdivision lots to reduce impacts to oak trees. Refer to the analysis of Alternative 14 (Reduced Project) in Section 6.0, *Alternatives,* of the Final EIR.

The commentor additionally notes that there is no method to ensure protection of trees from homeowners in the future. Refer to the first paragraph under Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR. As noted therein, an unknown number of oak trees would be impacted from residential activities which would occur after the Agricultural Residential Cluster Subdivision is constructed. This impact is disclosed as being Class I, *significant and unavoidable.*

Response 36P

The commentor does not agree that biological resource impacts which are Class II, *significant but mitigable*, for the Agricultural Residential Cluster Subdivision would remain Class II under the Future Development Program. The commentor claims that because a worst-case scenario must be analyzed, a more accurate assumption would be that all of the Future Development Program impacts would be Class I, *significant and unavoidable*.

Refer to Master Responses 2 and 3b. The EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program. In addition, future environmental review will be required for Future Development Program components.

Response 36Q

The commentor expresses support for mitigation measures required in Section 4.3, *Biological Resources,* but argues that impacts from the Future Development Program should be Class I, *significant and unavoidable*, regardless of these mitigation measures. Refer to Response 36P.

The commentor additionally recommends elimination or reconfiguration of Agricultural Residential Cluster Subdivision lots and elimination of Future Development Program land uses to reduce impacts to biological resources. Refer to Alternative 14 (Reduced Project) in Section 6.0, *Alternatives,* of the Final EIR and Master Responses 4.

Response 36R

The commentor expresses support for Alternative 9 (Alternative Future Development Program Scenario 2) for the Future Development Program. The comment is noted.

The commentor additionally requests that an alternative with a reduced number of dwelling units for the Agricultural Residential Cluster Subdivision be considered. Refer to the analysis of Alternative 14 (Reduced Project) in Section 6.0, *Alternatives,* of the Final EIR.

Response 36S

The commentor questions the adequacy of percolation tests conducted for the Agricultural Residential Cluster Subdivision, specifically noting that borings were not drilled to the depth required by the County. As noted in the drainage and wastewater analysis prepared by Boyle Engineering Corporation (Appendix H), "the generalized percolation test, borings, and leachfield siting study performed by the applicant thus far are not sufficient for assessing the capacity of each individual leachfield…County criteria for borings and percolation tests must be applied to each proposed leachfield site for each lot." Accordingly, Agricultural Residential Cluster Subdivision measure W-2(b) (Septic Tank and Leachfield Site Plans) in Section 4.14, *Water and Wastewater,* of the Final EIR requires percolation tests and borings for each lot "in accordance with County leachfield design/construction requirements."

The commentor additionally notes that independent studies are necessary to assure impartiality in analysis and results. Refer to Master Response 6.

Response 36T

Refer to Response 36S and Master Response 6.

Response 36U

The commentor claims that the EIR incorrectly suggests that septic mound systems might be a viable alternative for new construction. Future Development Program measure W-2(a) (Groundwater Characterization Study) requires a characterization study to analyze groundwater mounding potential. Groundwater mounding refers to an outward and upward expansion of the free water table caused by shallow re-injection, percolation below an impoundment, or other surface recharge method. It does not refer to a septic system design. The EIR does not suggest septic mound systems.

Although septic mound systems are mentioned in Table 2 in Appendix H (Drainage and Wastewater Analysis), the table merely states that County Environmental Health is working on developing special design requirements for septic systems in the Santa Margarita area. It does not recommend this type of system in the Santa Margarita area.

Response 36V

The commentor states that Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring) requires a Homeowners Association (HOA) to take data and prepare reports from monitoring wells. The commentor argues that, because no HOA is planned, a replacement entity to perform this monitoring must be identified prior to approval or the impact should be reclassified as Class I.

This measure has been revised to require County Public Works and Regional Water Quality Control Board (RWQCB) staff, rather than an HOA, to specify long-term septic tank maintenance and groundwater monitoring requirements. Refer to Agricultural Residential Cluster Subdivision Impact W-2 in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 36W

The commentor argues that Agricultural Residential Cluster Subdivision measure W-3(a) (Water Softeners) does not provide a mechanism to monitor or restrict owner-installed water softeners. Agricultural Residential Cluster Subdivision measure W-3(a) (Water Softeners) has been revised to clarify how water softeners will be prohibited after occupancy. Refer to the *Mitigation Measures* discussion under Agricultural Residential Cluster Subdivision Impact W-3 in Final EIR Section 4.14, *Water and Wastewater*.

Response 36X

The commentor argues that any impact which relies on CC&Rs to enforce mitigation measures must be re-evaluated and reclassified as a Class I impact. Refer to Response 36E. As noted therein, monitoring and enforcement mitigation measures throughout the EIR are the responsibility of the County, who will be required to review and monitor compliance with the CC&Rs. All CC&Rs noted in the EIR would become conditions of project approval.

Response 36Y

Proper site design and installation of septic systems would ensure sufficient percolation, filtering, and separation from groundwater, and would therefore reduce the identified potential water quality impact below threshold levels. No additional monitoring beyond review of the septic tank and leachfield site plans for each proposed lot, as well as percolation tests and borings in accordance with County leachfield design/construction requirements, as specified in mitigation measure Agricultural Residential Cluster Subdivision W-2(b) (Septic Tank and Leachfield Site Plans), is required for the identified impact.

Response 36Z

The commentor argues that Agricultural Residential Cluster Subdivision Impact W-4 and Future Development Program Impact W-4 (septage load) should be reclassified from Class III, *less than significant,* to Class I, *significant and unavoidable,* because the Santa Maria Wastewater Treatment Plant is at capacity. As noted in the Final EIR, compliance with County health and water quality standards and State and federal regulations would ensure less than significant impacts related to septage loads.

The commentor does not provide a threshold against which to measure this impact which would warrant a Class I designation. In addition, the commentor's claim that septage from the Agricultural Residential Cluster Subdivision will displace septage from existing homes is speculative, as is the claim that displacement will result in increased fees to be borne by current residents. Refer to Master Response 2.

Response 36AA

The commentor points out that Agricultural Residential Cluster Subdivision Impact W-4 states that septic tanks will be pumped every five years, although Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring) requires pumping every two years. Refer to Response 16D. As noted therein, this measure has been revised to require a 5-year cleaning frequency.

Response 36AB

Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) require increased detention basin capacity and installation of drainage systems prior to occupancy clearance. The commentor argues that stormwater runoff will increase as soon as construction begins, thereby necessitating installation "prior to the start of all other improvements."

Although construction-related activities may increase erosion and sedimentation within drainages, these impacts are assessed under Agricultural Residential Cluster Subdivision Impact D-1. As discussed therein, compliance with the National Pollutant Discharge Elimination System (NPDES) program and compliance with county grading and storm water ordinances would ensure less than significant construction-related drainage impacts. Measures D-2(a) and D-2(b) discussed above are intended to mitigate operational impacts. In addition, it

would be infeasible to install many drainage improvements prior to the construction of roadways, driveways and other on-site improvements.

Response 36AC

The second paragraph under Agricultural Residential Cluster Subdivision Impact D-4 in Section 4.5, *Drainage, Erosion and Sedimentation,* has been revised to address the commentor's concerns. Refer to Section 4.5.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in the Final EIR.

Response 36AD

The commentor claims that the Agricultural Residential Cluster Subdivision includes a winery on the remainder parcel located north of the cluster and argues that cumulative impacts from this use have not been analyzed. This winery is not currently proposed, and is therefore not part of the Agricultural Residential Cluster Subdivision. However, this winery is included in the Future Development Program and has therefore been analyzed under the cumulative scenario. Refer also to Master Response 3a. As noted therein, future environmental review will be required for Future Development Program components.

Response 36AE

Refer to Response 36 AD. Impacts from the winery located on the Agricultural Residential Cluster Subdivision remainder parcel have been analyzed under the Future Development Program. Refer also to Master Response 3a.

Response 36AF

The commentor recommends requiring, as a condition of approval, a public trail corridor through (or circumventing the border of) the Agricultural Residential Cluster Subdivision. Although such a trail corridor would not be required to mitigate an environmental impact pursuant to CEQA, it could potentially be required by the County as a condition of approval.

Response 36AG

Refer to Response 36AF.

Response 36AH

Refer to Response 36AF.

Response 36AI

The commentor notes that mitigation measures identified in Section 4.13, *Visual Resources,* do not provide a mechanism for post-occupancy monitoring or enforcement regarding the installation of floodlight-style lighting. The commentor recommends a requirement for ongoing monitoring as a condition of approval.

Agricultural Residential Cluster Subdivision measures VR-1(a) through VR-1(i) have been revised as necessary to require inclusion of visual resource-related restrictions in Covenants, Conditions and Restrictions (CC&Rs) and monitoring by a Homeowners Association (or similar entity) with oversight by County Planning and Building. Refer to Section 4.13.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.13, *Visual Resources,* of the Final EIR.

Response 36AJ

The commentor's summary of cultural resource impacts is noted.

Response 36AK

Cultural resources impacts and associated mitigation measures are described in Section 4.4, *Cultural Resources*, of the Final EIR. The commentor's preference for no development of the property is noted.

Response 36AL

The commentor expresses support for nomination of the property as a Rural Historic District. Refer to Master Response 1.

Response 36AM

The commentor disagrees with Agricultural Residential Cluster Subdivision measure CR-1(e) (Nomination to the National Register of Historic Places), which requires nomination prior to the issuance of grading permits. The commentor recommends that nomination instead be required prior to project approval, since registered status will be an influencing factor in the approval process for future development on the Ranch.

The EIR cannot require mitigation for a project which has not yet been approved. The measure is intended to preserve the historical integrity of the Ranch. If the measure is implemented prior to grading, as is required, the intent of the measure is fulfilled.

Response 36AN

The commentor argues that the Draft EIR understates traffic and circulation impacts. The commentor references later comments as evidence to support this claim. Refer to Responses 36AO through 36AY.

Response 36AO

The commentor disagrees with trip assignments associated with the Elementary School on Estrada Avenue and H Street. Refer to Response 34H.

Response 36AP

The commentor correctly points out that Agricultural Residential Cluster Subdivision trips to the Santa Margarita Elementary School would include both inbound and outbound trips. Refer to the third to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses trip generation in the vicinity of Santa Margarita Elementary School in greater detail.

Response 36AQ

The commentor argues that there would be more morning traffic on El Camino Real because there would be more wage earners in the Agricultural Residential Cluster Subdivision.

Refer to Response 10B. As noted therein, trips generated by residential development include work trips, school trips, trips to commercial uses, and other trips. Not all trips generated by the Agricultural Residential Cluster Subdivision would occur during the one-hour morning and evening commute periods. In addition, the number of peak hour trips generated by residences is affected by retired persons, workers with non-standard work hours, use of residences as vacation homes, and workers who are ill or on vacation on a given day.

Response 36AR

The commentor requests consideration of hazards along Estrada Avenue, including poor sight distance, a 90-degree curve, and railroad tracks. Refer to Agricultural Residential Cluster Subdivision Impact T-1 and measures T-1(a) (SR 58 South of J Street), T-1(d) (El Camino Real/Estrada Avenue Redesign) and T-1(e) (Estrada Avenue/H Street Warning Beacon), respectively.

Response 36AS

The commentor claims that morning traffic is compacted between 8:00 AM and 8:20 AM due to parental and bus traffic at the Santa Margarita Elementary School.

The traffic analysis evaluates the highest one-hour period between 7-9 AM and 4-6 PM. As indicated in the intersection traffic counts, the highest one-hour period at Estrada Avenue/H Street (near the Elementary School) occurs between 7:30 and 8:30 am. Therefore, the twenty minute period of congestion referenced by the commentor is reflected in the traffic counts and analysis.

Response 36AT

The commentor claims that there are too few bus routes to the Santa Margarita Elementary School and claims that the DEIR makes no mention of the effect the lack of bus routes may have on traffic congestion.

The lack of existing bus routes provides a conservative estimate of existing vehicle traffic since students would typically be driven to school if not riding transit. If the school bus became a more attractive option, the number of vehicle trips would be reduced and result in improved

operations, which was not assumed in the EIR. Overall, the project is not expected to result in a significant impact on Estrada Avenue levels of service based on vehicle congestion, regardless of school bus service. However, project-generated traffic would worsen existing operational hazards along this roadway.

Response 36AU

The commentor claims that Agricultural Residential Cluster Subdivision measure T-1(a) (SR 58 South of J Street) is too vague. The commentor additionally claims that the term "tangent" makes no sense geometrically, trigonometrically or idiomatically.

The mitigation measure in question has been revised to remove the use of "tangent." Refer to this measure in Section 4.12.2(c) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR.

Response 36AV

The commentor notes that Santa Margarita residents make unsafe and illegal u-turns on El Camino Real to access the Post Office. The commentor then notes that Santa Margarita residents would likely not want home mail delivery required as a result of the Agricultural Residential Cluster Subdivision and this existing operational issue.

Future Development Program measure T-4 (b) (Pedestrian Facilities) includes improvements on El Camino Real in downtown Santa Margarita. These improvements will mitigate the existing operational issues (unsafe u-turns) mentioned by the commentor.

Response 36AW

The commentor argues that the Agricultural Residential Cluster Subdivision would create demand for transit facilities because domestic workers (house cleaners, nannies, etc.) would likely not own their own cars.

The Agricultural Residential Cluster Subdivision is a low-density housing development located in an area not currently served by public transit. The proposed development would be gated, which would preclude travel of a public bus through the site. Based on existing transit usage patterns in the County and the limited number of potential riders, demand would not justify transit service to the Agricultural Residential Cluster Subdivision.

Response 36AX

The commentor recommends that the EIR analyze impacts associated with traffic shortcutting down I Street. Refer to the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

Refer also to Master Response 7.

Response 36AY

Refer to Master Response 5 and Response 19C.

Response 36AZ

Refer to Master Response 4.

Response 36BA

Refer to Master Response 4.

Response 36BB

Refer to Master Response 3a through 3c. Refer also to Master Response 4.

Response 36BC

The commentor disagrees with the use of a list of special events provided by Ranch owners. The list represents the best available data regarding special events. As noted under Future Development Program Impact N-7 in Section 4.8, *Noise*, of the Final EIR, nuisance noise from special events is regulated through the County's permitting process for commercial outdoor entertainment events (County Code Section 6.56). Violations of the terms of the commercial outdoor entertainment event license could result in revocation of the license.

Response 36BD

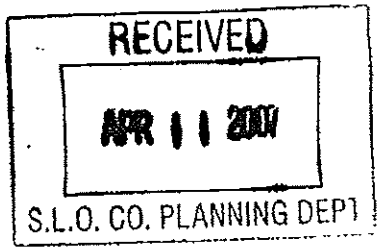
The commentor recommends that no commercial events be allowed where there is any fee paid for use of the Ranch. Refer to Master Response 1 and Response 36BC.

Response 36BE

Refer to Response 36BC.

Letter 37

DAVID BLAKELY
P.O. BOX 909
SANTA MARGARITA, CA 93453



April 6, 2007

James Caruso
Department of Planning and Building
San Luis Obispo County
Government Center
San Luis Obispo, CA 93408

Dear Mr. Caruso,

Thank you for the opportunity to comment on the Draft EIR.

The public should know from the DEIR what the implementation of the plan will mean to their communities. It is impossible to determine the impacts of the Future Development Scenario as the location of the development is not known. The impacts will be very different based upon location. Because the exact location of the development is unknown the analysis is almost worthless. For example a golf course developed off El Camino Real near Garden Farms will have a much different set of impacts than a golf course developed near Highway 101 and El Camino Real.

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles, (1977) 71 Cal.App.3d 185, 192-193* A

It is impossible to determine the impacts of a project that is not located or described properly. Impacts associated with areas of disturbance, traffic, visual, cultural, drainage, water, and air quality cannot adequately be addressed without knowing what level of development will occur and where it will occur.

Pax Vobiscum,

David Blakely

David Blakely

1.0 Introduction

1. In the second paragraph on page 1-1 it states:
   The San Luis Obispo County Land Use Ordinance, Section 22.104.040 (Salinas River Rural Area Standards), requires that a Specific Plan be prepared for the Santa Margarita Ranch area before any application is approved for subdivision other than a Cluster development."

The correct language from this document states:

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

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

   2. *Specific Plan Requirement. A specific plan is required to be prepared for the entire Santa Margarita Ranch as shown in Figure 7-24, to be in accordance with California Government Code Section 65450 for review and approval before an application is approved for any subdivision of land other than the agricultural cluster division that is allowed by Standard No. 1 above. This restriction shall not apply to lot line adjustments.*

B

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

2.0 Project Description

Page 2-1 In the second paragraph the project description includes a 2,417 acre remainder parcel. The future impacts associated with the potential uses on this remainder parcel are not discussed anywhere in the DEIR. If a remainder parcel will be created with this project, any foreseeable uses on that parcel should be delineated and analyzed. At a minimum the DEIR should list the allowable uses in that remainder parcel. It is unclear if the 2417 acre remainder parcel is the same as the proposed area of agricultural conservation easements. There are maps in the DEIR that show a winery in the northern portion of the remainder parcel, between the tract and Santa Margarita. Since the remainder parcel has no status, no winery should be shown on it. C

Page 2-23 "Covenants, Conditions and Restrictions are required for the 11 clustered residential home sites." Any mitigation that depends on CC&Rs to mitigate is weak at best. There is no real enforcement of CC&Rs. Mitigations should be a condition on the tract map and enforcement by the County or other third party. If the County is to enforce mitigations the County should be reimbursed for all cost associated with enforcement. Many of the proposed mitigations could be monitored by a third party mitigation monitor paid for by the property owners. Consequences for non compliance should also be articulated. D

Page 2-3 In the paragraph that starts with, "The terms of ACE's..." The terms of the ACEs must be delineated as the impacts associated with the uses allowed in the ACEs, must be addressed in the DEIR. Without knowing what will be allowed in the ACEs impacts cannot be studied and mitigated... The DEIR states that "some limited development may be allowed." If that is true then the type and amount of development must be known so it can properly be mitigated. Since this is the first Ag Cluster in the County to not use Williamson Act over the ACE impacts must be addressed. Such things as prisons, mining and petroleum extraction are allowed in the AG zone. E

This proposal includes two wineries and ancillary uses within the area covered by the ACEs. The EIR must analyze the impacts associated with the facilities and the special events held there. F

Any discussion of the Future Development Scenario should not only focus on the potential development allowed when using the Specific Plan requirements of the General Plan but it should also look at a Future Development Scenario that allows development under the current Ag Land Use and the potential development of subsequent ag clusters. For example, if the property owner chooses not to use the Specific Plan option then how many additional Ag Clusters could they do on the ranch and based upon that calculation the impacts should be addressed as part of the Future Project Scenario. G

Page 2-13 Table 2-3 This table, as well as the rest of the DEIR, does not address the proposed winery within the boundaries of this project. If a winery currently exists or if a winery or multiple wineries are requested then the impacts associated with them must be discussed. Since H

wineries are allowed in the open space parcel their impacts must be analyzed. Traffic and water utilization must be investigated and mitigated. H

Table 2-3 Under project Elements of the Agricultural Residential Cluster:

- There is no listing for the drainage basin proposed as a mitigation for the drainage issues associated with this project.
- Allowable uses on parcel 42 must be delineated. Parcel 42 is the ranch headquarters parcel. Since this parcel is to remain in the AG zone there are a variety of uses that could have significant impacts. These impacts must be addressed at this point in the process or this project will violate CEQA as segmentation. I
- The developer has indicated that the remainder parcel and the open space parcel shall remain in ag. Without limiting the uses in the ag zone all allowable uses should be investigated.

Figure 2-3 Some of the proposed residential parcels appear to be located within the 500 foot Ag buffer. They should be located outside of that buffer or the map should reflect this. J

Page 2-33 Last paragraph. If these uses are proposed for the land under the ACE then their impacts must be mitigated. These uses are not studied in the Water or Drainage studies of the DEIR. There is nowhere a discussion of the impacts associated with the wineries or the proposed bed and breakfast. Yes, they are not being proposed at this time but if they are being contemplated they must be mitigated or the project is piecmealing the development to avoid impacts.

The DEIR states on page 2-33 that,

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

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

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

Page 2-34 In the center of this page there is a discussion about the $500 payment for a community swimming pool. Will the Ag Cluster project pay into this fund? L

The Future Development Scenario should look at the potential development pattern if the property owner continues to use the Ag Cluster Ordinance to continue to develop the property. The impacts associate with serial Ag Clusters will be different than those allowed under the Specific Plan. M

Chapter 3. Environmental Setting

Page 3-3 Section 3.4 This section states, "The State CEQA Guidelines require the analysis of the cumulative effects of a project in combination with other foreseeable development in the area. CEQA defines "cumulative impacts" as two or more individual events that, when considered together, are considerable or will compound other environmental impacts. Cumulative impacts are the changes in the environment that result from the incremental impacts of development of the proposed project and other nearby projects. For example, traffic impacts of two nearby projects may be insignificant when analyzed separately, but could have significant impacts when analyzed together." N

Using this description of cumulative impacts the impacts of the two proposed wineries must be investigated at this time. Other uses contemplated for the areas under ACEs must also be investigated as their impacts will be cumulative.

Since the property owner has indicated that they "may" do a project like the Future Development Scenario it should be considered as part of a phased EIR and the impacts should be fully investigated. O

It is in violation of the California Environmental Quality Act (CEQA), which requires that the environmental impact report (EIR) of this project consider not only the impacts of *this* project, but the cumulative impacts of this project and all other development that is likely to occur on the property as a whole. Evaluating the impacts of this project alone would constitute "segmentation," which is not allowed under CEQA. P

The California Environmental Quality Act

The proposed phased Ag Cluster on the Santa Margarita Ranch must not only be consistent with the Planning Area Standards it must also meet all CEQA requirements.

The imperative for doing a specific plan or evaluating all potential development on the Santa Margarita Ranch at the time of the first submittal for reconfiguration or relocation of existing parcels on the ranch is articulated in a letter from the San Luis Obispo County Department of Planning and Building dated December 8, 2000 and addressed to Santa Margarita Ranch, LLC.

The letter states: *CEQA Argument against Segmenting a Project:*
The State CEQA Guidelines define a "project" as "the whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. The term "project" is to be given a broad interpretation in order to maximize protection of the environment. The lead agency should fully analyze each "project in a single environmental document. This approach ensures "that environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have [environmental] consequences."

It is evident that strategies for avoiding segmenting need to draw on considerations and concepts developed for addressing cumulative impacts. *"The requirement for cumulative impact analysis must be interpreted so as to afford the fullest possible protection of the environment within the reasonable scope of the statutory and regulatory language."* Similarly, the requirement to avoid segmenting must be applied to afford the same level of protection to the environment. While the possible approval of a Lot Line Adjustment does not commit the County or the applicant to an irreversible course of action, there is no doubt that in the analysis of future projects the existence of altered parcel boundaries, with some of those parcels covered by conservation easements, could severely limit the ability of the County or the applicant to require changes in the overall project for the benefit of the environment. Failure of the County to fully analyze the potential impacts of the whole project at this point in time by allowing the first phase of the project to be segmented from future phases would be inconsistent with CEQA policies and case law dealing with segmenting and cumulative effects. Q

The need for cumulative impact analysis, either through a cumulative analysis in an EIR or through an EIR that considers the "whole project" reflects the fact that, although a project may cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the increment may be "cumulatively considerable", and therefore significant, when viewed against the backdrop of past, present, and probable future projects.

On several occasions since the current owners of the Santa Margarita Ranch purchased the property, they have shared maps or other materials that included their wish list of development scenarios, at Santa Margarita Area Advisory Council meetings, during community meetings and in other situations. They consistently have mentioned the following items: R

- Up to seven wineries with tasting rooms and event centers
- Two bed and breakfast facilities
- A produce market
- 100-acre heritage center
- A guest ranch with equestrian facilities and golf course
- An executive retreat
- At least 6 agricultural clusters
- An equestrian center
- Affordable housing
- Airport
- Camping Areas
- Hunting lodges and cabins
- Site for swimming pool
- Land for a waste water treatment facility
- Sites for several community projects (churches, senior housing, affordable housing, library)

R

It is clear that the ranch owners have been seriously and consistently considering the inclusion of the above in their plans for future development of their property .CEQA mandates a thorough investigation of all planned future development.

The ranch has a responsibility to disclose and the County of San Luis Obispo has the duty to address the cumulative effects of proposed development at the earliest point in the process.

S

The owners have stated that they plan to complete an EIR on the entire ranch as part of the application for the phased Ag cluster project, but the scope of such an EIR will not include any consideration of the impacts of future development. A better tool for assessing all of the impacts of currently proposed development and planned growth would be a Specific Plan and a complete EIR addressing all development and land conservation.

T

On numerous occasions the courts have confirmed that CEQA requirements must be followed and that projects must include analysis of all reasonably foreseeable indirect or direct physical changes in the environment.

U

It appears that the most expeditious way to move forward with the development of the Santa Margarita Ranch is to present a Specific Plan for the entire ranch and do a complete EIR on the proposal.

V

4.1 Agriculture

Isolating only prime lands is ignoring much of the Resource base, Storrie ratings of 60-80 are also highly suitable to agricultural production and considered "good" agricultural lands (ref: "Soil Survey of SLOCounty..-Coastal Part", pp.109-112). This is published by USDA-SCS (now NRCS) in cooperation with UC Agric Experiment Station. So the DEIR's limitation to only the best is like saying ignore all your "B" students only the A's are worth saving or commenting on, let alone the C's and D's! Land Capability Classes 3&4 are comparable to Storrie 60-80 and require more management yet can be very productive. W

4.2 Air Quality

The Air Quality section of the DEIR provides a marginally adequate analysis for emissions and air quality impacts attributable to the Agricultural Residential Cluster Subdivision. However, adequacy for the Future Development Program is difficult to determine since assumptions naturally must be made. The determination in the DEIR that the Cluster Subdivision-related vehicle and stationary source emission impacts are Class I, significant and unavoidable, is a clear conclusion based on the information presented. It does not follow, though, that the larger Future Development Program-related vehicle and stationary source emissions are Class II, significant but mitigable, unless the Future Development Program is either disapproved or severely reduced in scope. X Y

The DEIR Air Quality section should be expanded to include an analysis based not only on the Clean Air Plan and the County Resource Management System, but also other important applicable planning documents, discussed in the comments which follow below.

The DEIR correctly identifies the impacts from both components of the project for dust generation and odor impacts (Class II), odor impacts from private septic systems (Class III, less than significant), and potential inconsistency with the 2001 San Luis Obispo Clean Air Plan (Class I). Cumulative air quality impacts, or those impacts caused by the contribution of the project together with existing and future air quality levels, would also be significant and unavoidable as stated in the DEIR.

Development of the type envisioned by the proposed project has been addressed in California in many, many circumstances over the past quarter century, with few if any instances showing a neutral or favorable effect on air quality. Air quality impacts that would result from this proposed development, as mentioned, must be judged against several important planning documents, including: Z

Clean Air Plan: The 2001 Clean Air Plan for San Luis Obispo County lays out several measures designed to avoid adverse air quality impacts associated with development, including: planning for compact communities; providing for mixed land use; balancing jobs and housing; promoting accessibility to the transportation system; promoting walking and bicycling; and, encouraging the use of alternative forms of transportation. The DEIR attempts to provide mitigation based on the provisions of the CAP, but cannot, and finds instead that both components of the project are 'potentially inconsistent with the CAP.' Based on its review of the project and the proposed mitigation, SMART argues that the project is inconsistent with the CAP (not 'potentially').

County General Plan: The San Luis Obispo County General Plan includes Smart Growth Principles adopted by the Board of Supervisors in 2005 to implement that part of the County mission statement, "to enhance the economic, environmental and social quality of life in San Luis Obispo County." There are eleven Principles, including: strengthening and directing development towards existing communities; providing a variety of transportation choices; creating walkable neighborhoods and towns; preserving open space, farmland, natural beauty

and environmental areas; and, taking advantage of compact building design. These five Principles have direct or indirect implications for air quality, and the proposed project conflicts with each.

Vision 2025: Vision 2025 is our regions blueprint for a transportation system that enhances our quality of life and meets our mobility needs now and in the future. It was approved in April, 2005 by the San Luis Obispo County Council of Governments. Vision 2025 was developed around eight essential goals. The Santa Margarita Ranch Agricultural Residential Cluster Subdivision and Future Development Program conflict with at least six of these essential goals, including: Mobility(reliable, integrated, and flexible travel choices within and through the region); Accessibility (improve accessibility to goods, services and jobs); Safety (enhance public safety and security in all modes of travel); Sustainability (maintain and improve a viable transportation system for current and future users); Efficiency(maximize the efficiency of the existing transportation system); and Environmental Protection(conserve and protect natural and sensitive resources, and preserve aesthetic resources and promote environmental enhancements with all transportation projects). Development that is in conflict with these six goals would have a negative impact on the area's air quality.

Z

2005 Performance Indicators Report: Included in the SLOCOG 2005 Performance Indicators Report were statistics for average vehicle occupancy (AVO) and vehicle miles traveled (VMT). A disturbing trend was identified that showed the AVO in our area declining by 17% - meaning that more and more people are traveling alone in their vehicles, and VMT increasing by 24% - meaning we are driving further, including on our daily commutes. This disparity indicates the likelihood of ever-increasing tailpipe emissions, and more difficulty complying with state and national health-protective air quality standards. The proposed project, with its size and location will exacerbate this problem.

Ahwahnee Principles: The Ahwahnee Principles for Resource-Efficient Communities were developed and adopted by the Local Government Commission in 1991. The Principles are intended for use in urban and suburban development to avoid generating excessive air pollution resulting from increased dependence on automobiles, preserve open space, and reduce congestion, among other things. Included in the Principles are fifteen Community Principles, four Regional Principles, and four Implementation Principles. Of these twenty-three Principles nine relate directly or indirectly to air quality; the Santa Margarita Ranch Project is in conflict with all nine.

California Global Warming Solutions Act of 2006: This Act, signed into law in September, 2006, caps greenhouse gas emissions at 1990 levels by the year 2020. It requires the State Air Resources Board to establish a program for statewide greenhouse gas emissions reporting and to monitor and enforce compliance with this program. Although the program is still being developed the State Attorney General's office has commented on a general plan and a transportation plan DEIR that did not address global warming and this act. Global warming is perhaps the most serious environmental threat currently facing California, with passenger vehicles and light duty trucks being responsible for forty percent of total greenhouse gas emission in the state. In AB 32, the Legislature recognized California's particular vulnerability to the effects of global warming, making legislative findings that global warming will "have detrimental effects on some of California's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry." Until such time that the County General Plan and Regional Transportation Plan address global warming and greenhouse gas emissions we believe this issue must be covered in DEIR's for projects of this magnitude, and should include measures to reduce greenhouse gas emissions. AA

In summary, based on evaluation against the Clean Air Plan, each of the two components of this project, and the combination of those components, cause Class I air quality impacts that cannot be fully mitigated. Additionally, these significant impacts are inconsistent with several other planning documents, including the County General Plan and the Transportation Improvement Plan. The EIR should include these inconsistencies, and the project must be either substantially mitigated for air quality impacts or denied.. AB

ALTERNATIVES

While the DEIR briefly discusses the reduction of air quality impacts in the No Project/No Alternative and No Project/Existing Zoning analyses, it fails to fully present not only the direct air quality benefits inherit in these alternatives, but the indirect benefits as well. These should be explored and presented in the EIR. AC

SIGNIFICANT IRREVERSIBLE CHANGES

Again, this section of the DEIR only briefly describes the significant irreversible changes the project would cause to the air quality, and compares those changes only to the CAP. Significant, irreversible air quality changes should also be evaluated against several important planning documents, as stated previously, and expanded to discuss the policy implications of achieving and maintaining air quality standards if the fracturing of rural lands were to be continued with the approval of this project AD

Based on the air quality impacts alone this project should be denied. The County is struggling to achieve and maintain health-based air quality standards while this development, and potentially others in the future, threaten to undo the progress that has been made to date. There are a myriad of plans adopted by the County Board of Supervisors, the Council of Governments, the Air Pollution Control District, and other agencies and organizations that provide the direction to help avoid significant, AE

irreversible and unmitigable impacts. The project contradicts this guidance. The Board of Supervisors and the County Planning Department must reestablish the will to have development done in a sustainable manner, and in compliance with the goals, objectives and principles of these plans. AE

The Air Quality Standards Table 4.2-1 on Page 2 is out of date. AF

The ending comment in Section 4.2.1.b is a bit misleading. ***" However, this monitoring station has not recorded exceedances of State or federal standards for CO or NOx over the years 2003-2005, inclusive."*** CO monitoring ended in June, 2004. AG

4.4 Cultural Resources

Page 4.4-4 First Paragraph at the end states, "Three vineyards have been planted; these are the only current agricultural pursuits on the ranch." The DEIR should also include the grazing and cattle raising pursuits as "agricultural pursuits". AH

Page 4.4-12 The DEIR states, "Preservation in place is the preferred manner of mitigating impacts." If this is true the only way to mitigate this impact is to leave the ranch in its historical condition. This supports the Class 1 impact listed in CR-1. AI

Section 4.5 Drainage, Erosion, and Sedimentation

In General
There is no discussion of potential runoff which might impact the flooding of the Community of Santa Margarita in the area of the Community Building on I Street and Murphy and the flooding which occurs on F Street. The potential of this project to cause additional flooding in these areas must be investigated. AJ

There are significant issues with the under sizing of the proposed drainage basin off of Yerba Buena Creek. The basin should be sized to accommodate the requirements of a 100 year flood event. Since the evidence in the record does not detail the actual rainfall patterns but only provides annual rainfall data then a worst case scenario should be used as the basis of design. It is not only the annual rainfall data but also the saturation of the soil and duration of storms that influence drainage problems in the community of Santa Margarita. AK

There are significant issues with the proposed long term maintenance and operation of the proposed drainage basin. Some mechanism other than a homeowners' association must be utilized to insure long term maintenance and functionality of the basin. Monitoring with enforcement by the county Public Works Department should be required and the County should be compensated for providing the monitoring service to this project. AL

All studies and reports prepared for this project should be circulated to the CSA 23 Advisory Board for consideration. AM

The DEIR did not consider the sedimentation data contained in the Santa Margarita Ranch Constraints Analysis. The sedimentation impacts were not adequately considered in the DEIR. Since this was identified as an issue of concern in the Constraints Analysis there should be a more through investigation of this potential problem The Santa Margarita Ranch Constraints Analysis states on page 2-55, AN

> Finally, with respect to the sedimentation constraints on the Ranch, it has been pointed out that channel reaches in the vicinity of 100-year flood plains are likely the current location of substantial sedimentation. These areas pose a constraint to future intensified activities on the Ranch because any increased erosion upstream will likely result in decreased drainage capability at these locations, resulting in exacerbated flood conditions. Consequently, these areas will need constant attention and maintenance to assure that channel capacity is maintained, particularly if erosive conditions are increased upstream.

Page 4.5-1
Under "Future Development Program" the DEIR concludes that-"Impacts are Class II, significant but mitigatable" This is a conclusion not supported by the documentation. Since it is unknown where the future development will occur and at what intensity, it is impossible to make this determination at this time. The DEIR should be revised to AO

indicate that there is not enough information in what is a flawed process to make a determination of significance. AO

The DEIR continues on this issue on page 4.5.2 at the bottom of the page where it states, that CEQA would require a finding of significance if …." Place within a 100-year flood hazard area structures which would impede or redirect flood flows." Since place has not been identified it is incorrect to assume Class II impacts. AP

The basin is not sized properly to contain the amount of water. The basin should be sized for a 100 year flood event. AQ

The size and location of the basin must be considered as it may adversely impact other important environmental issues like Ag soil, oak trees or cultural impacts. AR

In the future development program, impacts are speculative and unsubstantiated by the record. While it may be true that the drainage issue is significant because of the definition in the CEQA Guidebook, it is unclear that the mitigation may provide for a mitigatable impact. Therefore, it is impossible to state that it is a Class II impact. AS

The map Figure 4.5-1 is not consistent with the County/FEMA 100 and 500 year flood map. This map should be amended to show proper data. AT

Page 4.5-6
A regional solution should be analyzed. Instead of creating a drainage basin only for this project an option should be investigated to combine this drainage solution with one proposed for the community of Santa Margarita. AU

Impact D-2
The mitigation suggested to make this issue mitigatable is flawed and based upon incomplete data and lack of guaranteed maintenance for the proposed drainage basin. The information used for the design of the basin must take into consideration not only the historic annual rainfall, soil absorption and runoff patterns but it must use greater granularity in understanding the flooding problems affecting the community of Santa Margarita in evaluating the design and potential mitigation of this impact. The annual rainfall data provides weak information about the flooding behavior in Santa Margarita as a more accurate body of information would include rainfall patterns. When the soil is saturated and the rainfall is extremely heavy, flooding is most likely to occur. If a large amount of rain falls early in the rainy season much of that water is absorbed by the parched soil and there is very little flooding in town but if that same amount of rainfall occurs after the ground is saturated by earlier rainfall then flooding occurs. Given the difficulty of gathering this type of data incorrect conclusions have been drawn. Because this data has not been investigated it is inappropriate to declare that the potential flooding of Santa Margarita will or will not be made worse by the proposed Ag Cluster project and the implementation of this drainage basin. AV

The method for maintenance of the drainage basin is unclear. Currently the county is seeing a number of problems with drainage basins created by property owners in the Nipomo area. The issues of maintenance and management of the drainage basin must be discussed with recommendation made. Assessment districts could provide the greatest guarantee of funding to manage this drainage basin and should be considered. A homeowners association is fraught with problems that could lead to a lack of basin management. **AW**

The drainage problems created by this project will be forever and the mitigation for this impact must have a long term management solution.

The DEIR states, " However, runoff to Yerba Buena Creek may overflow the proposed detention structure during a 100 year storm event, since the basin is designed to handle a 50 year storm event. This is a potentially significant impact." Any additional runoff from this project will add to an already dire situation in the community of Santa Margarita and it must be mitigated to a level of insignificance. To get this to a level of insignificance would require a design of a detention basin which could handle a 100 year event. **AX**

The following statement is unclear, "Unless detention storage is provided in the unnamed tributary to Trout Creek Watershed, the proposed Agricultural Residential Cluster Subdivision would increase flooding along Trout Creek at the southern limits of the existing Santa Margarita Community during a 100 year storm event." **AY**

Where is this flooding going to occur? Is there a map which shows where this flooding will occur? **AZ**

4.5-6 D-2a
A potential mitigation for the drainage problems that will be caused by this project is to have a drainage study prepared "by a qualified hydrologist". It should be included that this study shall be reviewed by the CSA 23 Advisory Board. **BA**

Page 4.5-7
Under Plan Requirements and Timing it is stated, "An entity, comprised of home owners, shall be formed to maintain storm drain systems for the life of the Agricultural Residential Cluster Subdivision." A homeowners' association will not guarantee the long term maintenance of the draining system in the cluster. An assessment district funded by either the county or an outside contractor operating under the guidance of the county should be considered as an assessment district will provide for more permanent and adequate funding. **BB**

Basin and drainage infrastructure shall be constructed concurrently with road improvements, as drainages will be affected by road work. The timing of drainage infrastructure is critical to mitigation. The drainage infrastructure must be constructed early in the construction process to immediately mitigate any drainage problems this project will create to down stream property owners. **BC**

Page 4.5-8 D-2(C)
Page 4.5-8
LID-Integrated Management Practices. While the guidelines of the LID are applaudable the enforcement of this mitigation is not required or delineated other than to say it will be employed by individual lot developers to the maximum extent practicable. It must be defined as to who will determine if the lot developers are actually using LID practices to the maximum extent practicable. A condition should be developed that includes this language and enforcement shall be by the County Planning and Building.

Another problem with the language in the DEIR as it relates to the LID is that there is no long term monitoring to ensure compliance with this condition. A property owner could use LID practices but once they receive their final building permit all of the LID components could be removed. If this is truly a mitigation for drainage and wastewater impacts then a long term implementation and enforcement of the LID must take place. BD

Page 4.5-9 D-4(a) The LID is suggested as mitigation for this impact yet the LID is not required or enforced. A mitigation should not rely on such a discretionary solution. There is no mandate to implement the LID. If there is no mandate there can be no mitigation. "..... to the maximum extent practicable" This imprecise language leaves much to interpretation.

Page 4.5-9
In the paragraph started with "It should be noted that ...." There is a discussion of removal of cattle from the residential area of the Ag Cluster. The property owner has indicated that part of their plan is to allow the cattle to continue to graze on the open space areas outside of lots. If the cattle will continue to have access to these areas this section must be revised. The property owner made these statements at the Feb 14, 2007 Santa Margarita Area Advisory Council meeting. The property owner indicated that to deal with the language in the DEIR concerning Ag mitigations, they plan to allow cattle to roam freely through the proposed cluster development. BE

4.5-10
Plan Requirements and Timing- The CSA 23 Advisory Board should be included in the review process of any plans developed for mitigation of this and other drainage related issues. BF

4.5-11 Future Development Program Impact D-2
This should be a Class 1 impact as the impacts of the future development scenario will have similar impacts as the ARCS for discharge volumes of runoff and to indicate they are mitigable is not supported by the record since the location and intensity of development is unknown it is impossible to determine that these impacts can be mitigable. The location and intensity of development is unknown so the impacts are not known. Unknown impacts cannot be mitigated. Even though the DEIR looked at areas of potential future development there is nothing that will require the development to take place in these areas. Therefore impacts cannot be determined and mitigations cannot be required. BG

Page 4.5-12

It is impossible to state that drainage problems of the future development scenario would be Class II because it is unknown as to where the development will occur. For example the future development scenario may propose to build in the Yerba Buena water shed and cause unmitigatable impacts on the Yerba Buena drainage. The impacts are unknown until a project is proposed. This statement applies to all of the drainage impacts associated with the Future Development Scenario. There is no information in the record that indicates that the development of the future development scenario will not cause adverse unmitigatable impacts to any of the areas down stream from this project. BH

In Section 2.2.2.3 of the Santa Margarita Constraints Analysis there is much information about erosion on the Santa Margarita Ranch. By reference this information should be included in the DEIR. BI

4.7 Land Use

Page 4.7-5 Future Development Program Impact LU-2
The record does not support a Class III impact. The record supports this being a Class 1 impact. Much of the document outlines the impacts associated with the FDS. Yet on page 4.7-6 the DEIR incorrectly states that, "Residual Impacts. Impacts are less than significant." There is nothing in the record to support this. As a matter of fact there will be significant unavoidable and unmitigable impacts associated with this project. BJ

4.8 Noise

Page 4.8-5
Wilhelmina Avenue..... The potential additional traffic on Wilhelmina and I street needs additional analysis as the probability that additional traffic from the proposed cluster development will take a "shortcut" from Estrada to I Street then to Wilhelmina was not studied. If there is traffic congestion at El Camino Real and Estrada (Highway 58) caused by increased traffic loads, school traffic or train blockage then traffic will go down I Street. This will impact noise levels on Wilhelmina. **BK**

Air Strip Operations- It is reported that the airstrip is currently "used approximately three times per week". The source of this information should be cited as anecdotal information would suggest that this number is high. **BL**

Page 4.8-8
This defines how a level of significance in CEQA is determined. This says nothing about mitigatabilty. **BM**

Page 4.8-10
N-1(a) Monitoring- "Planning and Building staff shall spot check and respond to complaints". Because Planning and Building staff is stretched very thin their response time can be long. A better option would be for the developer to hire through the county a third party environmental monitor to monitor and enforce not only this mitigation measure but all construction related measures. **BN**

While this mitigation is "required" the penalty for non compliance is not articulated. What will happen if this or other mitigations are not adhered to? Consequences for violation must be discussed. **BO**

Page 4.8-12
Impact N-3
Impact N-3 is Class III as noise levels in the area of the proposed development will not exceed the county standard of 60 dBA CNEL. We do have some concerns in that the future industrial agricultural uses in the proposed cluster development were not investigated for their noise generating impacts.(Wineries and grape processing). **BP**

Page 4.8-13
Impact N-4
The statement that the runway is "used approximately thee times per week" should provide a citing for this information. It is also important to recognize that the number of times this runway is used <u>may</u> increase as a result of the additional development in the cluster subdivision. The culminative impacts of use on this airstrip must be investigated and mitigated. Since the potential additional use of this runway is not analyzed it is not possible to conclude that this is a Class III impact. If there are assurances that the **BQ**

proposed development will not contribute to the utilization of this airport then a Class III level is warranted. BQ

Page 4.8
Program Impact N-7
The evidence in the record does not support this being a Class III impact. The evidence in the record supports this being a Class 1 impact.

For the same reason that the proposed Ag cluster creates a Class 1 impact in the area of noise the future development scenario would also contribute to the excedence of the 60 dBA level of the Noise Element. The number of wineries and the number of events will significantly contribute to the road noise and the noise coming from the special events that will have adverse impacts on the neighboring receptors. The noise from current events held at the Assistencia can easily be heard in the community of Santa Margarita. The noise is so loud sometimes that neighbors can hear the word to the songs being performed by the entertainment there. Noise from these events and future events from the wineries and amphitheatre are not adequately investigated. Without this investigation it is impossible to state this as a Class III impact. BR

Page 4.8-24
The DEIR states, "Mitigation Measures - Because the future Development Program would not expose receptors to noise levels that exceed County thresholds, mitigation is not required." There is no evidence in the record to make this statement. There has been no study done of potential noise generating activities at the 9 wineries and amphitheatre along with the associated traffic for events held at these location. The location of these facilities will influence the amount of noise at receptor sites and without knowing the location it is impossible to identify level of impact. A more accurate statement would be that the potential impacts for noise in the future development scenario are unknown and will be studied as part of any project specific development. BS

Section 4.9 Public Safety

Page 4.9-2
c. Air Safety – The DEIR defines the current air strip as Personal Use. It is important to reinforce that this airport will not become an accessory to the proposed Ag cluster. BT

Page 4.9-3
Hazardous Materials Record Review
There should be a mention of the pipeline from the pumping facility (UNOCAP) near Garden Farms across the ranch to the coast. There was a major project in the replacement of this pipeline and major environmental issues were found during the replacement of the pipeline. There should be mention of this project. The County staff was intimately involved in this project and would have information that should be included in the EIR. BU

There is concern that soil disturbance could cause additional exposure to Valley Fever (*Coccidioides immitis*). The number of Valley Fever cases is on the rise in San Luis Obispo County. There should a mitigation measure to ensure that there is no probability of Valley Fever contamination from soil disturbance at the site. BV

There did not appear to be any consultation with the owners of the railroad tracks in the community of Santa Margarita. The railroad should be consulted to ensure this project is consistent with any concerns they may have as this project will dramatically increase traffic at railroad grade crossings. BW

Section 4.10 Public Services and Utilities

Page 4.10-2
Impact PS-1 Mitigation Measures-
The DEIR states that "Beyond the required fees described in the impact statement no additional mitigation measures are required." In the past the Sheriff's office in collaboration with the San Luis Obispo Environmental Coordinator has suggested a number of mitigations to minimize potential public safety impacts. That list of mitigations should be included as part of the mitigations for this impact. BX

Fire Safety

The EIR should consider the consolidation of the cluster project into the Santa Margarita Fire District. The responsible fire safety organization is CDF out on Parkhill road. Since they are so far away many of the emergency calls will be responded to by the Santa Margarita Fire District. Most of those calls are not for fire issues but for medical emergencies. BY

The Santa Margarita Fire District will be the first responder because of their proximity and because they have a Mutual Aid Agreement with CDF. BZ

Under the current proposal there is no offsetting revenue to cover the cost for this service. This issue should be further studied to determine who will bear the cost for providing service to the new development. CA

As a person who pays taxes into the Santa Margarita Fire District I am concerned that the level of service to the community of Santa Margarita will be diminished as unpaid service will be provided to the new cluster project. A reimbursement program or consolidation should be considered. CB

The DEIR must investigate and mitigate the impacts this project will have on the Santa Margarita Fire District and their ability to provide service to the taxpayers of the existing district.

Page 4.10-4
States that CDF will be the first responder to problems at the Cluster. This is not accurate as Santa Margarita Fire will in most cases be the first responder. CC

Page 4.10-6
Impact PS-3
The record does not support a Class II impact as it states that "In addition, the Agricultural Residential Cluster Subdivision would be located outside the acceptable response time radius of the nearest Fire station." This issue is not mitigated therefore this should be a Class I impact. On page 4.10-7 there is a requirement that the project provide CD

land for a new CDF station. The dedication of the land does not provide mitigation as until the station is constructed there is no mitigation for the issue that the project is outside the acceptable response time radius. To mitigate this issue the station must be constructed prior to occupancy. The Sundtorm case requires the improvement not just a plan for improvement. CD

This is even more critical as the San Luis Obispo County Safety Element rates this property as within a zone of high to very high fire hazard.

Any fire safety plans for the cluster project should not only be reviewed by CDF but they should also be reviewed by the Santa Margarita Fire Department. CE

If a new fire station is required as a mitigation for this project the environmental impacts of its construction should be considered as part of this plan. On page 4.10-5 the DEIR states that- " The Agricultural Residential Cluster Subdivision and Future Development Program would result in potentially significant impacts if they would result in substantial adverse physical impacts associated with provision of a new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response time or other performance objectives." CF

The above issue is also discussed on page 4.10-10 under Residual Impacts. There is a requirement for a new fire station. It must be constructed as part of this project and the impacts of that new station must be evaluated.

SUNDSTROM v. COUNTY OF MENDOCINO requires that a plan for mitigation is not sufficient to mitigate an impact.

> The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. California Administrative Code, title 14, section 15070, subdivision (b)(1) provides that if an applicant proposes measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures "before the proposed negative declaration is released for public review...." (Emphasis added.) Here, the use permit contemplates that project plans may be revised to incorporate needed mitigation measures after the final adoption of the negative declaration. This procedure, we repeat, is contrary to law. CG
>
> By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. (See Pub.Resources Code § 21003.1; *No Oil, Inc. v. City of Los Angeles, supra, 13 Cal.3d 68, 84, 118 Cal.Rptr. 34, 529 P.2d 66.*) In *Bozung v. Local Agency Formation Com., supra, 13 Cal.3d 263, 282, 118 Cal.Rptr. 249, 529 P.2d 1017*, the Supreme Court approved "the principle that the environmental impact should be assessed as early as possible in government planning." Environmental problems should be

considered at a point in the planning process "where genuine flexibility remains." (*Mount Sutro Defense Committee v. Regents of University of California, supra, 77 Cal.App.3d 20, 34, 143 Cal.Rptr. 365.*) A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (Id. at p. 35, 143 Cal.Rptr. 365; *No Oil, Inc. v. City of Los Angeles, supra, 13 Cal.3d 68, 81, 118 Cal.Rptr. 34, 529 P.2d 66; Environmental Defense Fund, Inc. v. Coastside County Water Dist. (1972) 27 Cal.App.3d 695, 706, 104 Cal.Rptr. 197.*) **CG**

Public Library

There is no mention of the Public Library located in Santa Margarita. This library is one of the busiest libraries in the entire system. The addition of 302 new residents will have a significant impact on this facility and must be mitigated. **CH**

Future Development Program (FDP)

The record does not support any impacts of the FDP to be anything less than Class I. Without knowing the location or intensity of development it is impossible to make any determination as to the level of severity for any impact of a FDP. **CI**

4.11 Recreation

The Salinas Area Plan Section 22.104.040 in subsection d states, "Dedication of land within Santa Margarita or five acres elsewhere for a community swimming pool and payment of $500 per approved dwelling unit in contribution for construction." Even though this language is for a possible Specific Plan for the Santa Margarita Ranch it seems appropriate to collect this money on this development as some day in the future it may become part of a Specific Plan for the entire ranch. It is not the intention of the Salinas Area plan to allow these smaller piecemeal developments to escape that condition. Each lot developed in this project should be assessed $500 for the construction of a community swimming pool. An additional condition can be requested that would require the $500 fee and land dedication with this application. CJ

There is no discussion of this project and its consistency with the Park and Rec Element and its consistency with the SLO County Trails Plan. There are trails that are recommended in those plans that traverse the Santa Margarita Ranch. Dedications for those trails should be considered. CK

Page 4.11-3 Impact R-1
Even though the developer will be required to pay parkland in –lieu fees for their development the monies generated though this program go into a county wide pool and are used throughout the county. While this may mitigate this impact on a county wide basis it does nothing to mitigate the impacts of this project on the Santa Margarita Park. Therefore it is impossible to say that this mitigation will reduce this impact to less than significant. The impacts will be primarily in the Santa Margarita Area and the mitigations should be in the Santa Margarita Area. If the fees are spent in other areas of the county the project will provide mitigation but it will not reduce the impact on Santa Margarita Parks to a level of insignificance. CL

The impacts of this project will be directly felt at the Community Park in Santa Margarita. Even though the project must contribute to parkland in-lieu fees there is no correlation between the collections of those fees and the mitigation of the projects impact on the Santa Margarita Community Park.

Section 4.12 Transportation and Circulation

The traffic study fails to consider the impacts from the two proposed wineries and the ancillary events that will take place at those venues.

In Section 2 it is stated, "Vesting Tract 2586 includes two wineries, two ranch / farm headquarters, one primary residence, and several farm support buildings within the Agricultural Conservation Easements.... One winery would be located on a five acre site at the Margarita Vineyard site and in the northern portion of Lot 86... A second winery would be located near the center of Lot 42 and include a 20,000 to 40,000 square foot agricultural processing facility with on – site tasting, gift shops and bed and breakfast." The impacts caused by this portion of the project are not discussed in the water balance calculations as well as other areas studied in the DEIR. The impacts of these uses must be understood and analyzed as part of this DEIR. If the application is asking for these uses the impacts of them must be understood and mitigations must be developed. CM

There needs to be an analysis of impacts associated with traffic shortcutting down I Street to avoid congestion at Estrada and El Camino Real. CN

There must be an investigation into the need for additional spaces in the Park and Ride lot at El Camino Real and 101 as it is at capacity. CO

The traffic impacts must evaluate problems at the grade crossings as a result of increased traffic on all grade crossings in Santa Margarita. CP

There is no discussion of the effects increased traffic will have on the ability of the Fire Department to respond to emergencies in the area. CQ

The DEIR should reference the appropriate language in the EIR prepared for the Salinas Area Plan. It states in Section 5:

> It is anticipated that the development of the Santa Margarita Ranch would further degrade future levels of service on U.S Highway 101 and S.R. 58, and could potentially generate significant adverse traffic conditions on the local street system serving the Santa Margarita and Garden Farms communities. Local roadways that would primarily be affected by the development of the Santa Margarita Ranch are El Camino Real and Estrada Avenue. Traffic impacts will be analyzed in greater detail in the EIR that will be prepared for the proposed Santa Margarita Specific Plan. CR
>
> Page 5.2-10 The data displayed in Table 5.2-6 indicate that the study area roadway segments would continue to operate at acceptable levels of service with build out volumes, with the exception of the two segments of U.S. Highway 101 located north and south of State Route 58, which are projected to operate in the LOS D and LOS E ranges, respectively.

4.12-1 Under the section, Agricultural Residential Cluster Subdivision. There is no discussion or analysis done on the traffic impacts associated with activities done on the remainder parcel or the parcels under ACEs. These impacts must be included in a traffic analysis. Since the uses allowed in the remainder parcel and the land under ACEs is not delineated, any studies of this project are incomplete. The uses of the remainder parcel and land under the ACEs must be described and impacts must be evaluated. **CS**

Page 4.12-9
"The SR 58 corridor, between US 101 and post mile 6.20 (east of the town of Santa Margarita), has a collision rate nearly double the statewide average for equivalent roadway facilities...El Camino/Estrada 3 times higher accident rate...the southbound and northbound on-ramp junctions having a rate three times higher than the statewide average. There should be a discussion as to how the proposed project will mitigate these problem areas. It is understood that the developer will not be required to mitigate an existing problem but given that these areas are already a concern what assurances are there that this project will not contribute to the accident rates in this area. **CT**

4.12-10
There needs to be a better understanding of the existing impacts of ECR and Estrada during peak flow hours with a train moving through town. Impacts of the proposed project cannot degrade this existing problem and appropriate mitigations must be considered based upon the traffic/ railroad interaction. **CU**

4.12-26
T-1 (d)
The community is currently in the process to establish a railroad quiet zone through Santa Margarita. Frank Honeycutt of the County Public Works has done a preliminary study of the improvements needed to implement grade crossing improvements to qualify for a Quiet Zone. Any plans or specifications should contemplate the road way design to accommodate Quiet Zone requirements.

This effort would reduce the noise from trains going through town in the evening. Part of this plan would be to create traffic improvements at all grade crossings in town. This project should pay their fair share of the cost associated with this project. The impacts of 1100 new vehicle trips on this project must be considered as this increase in traffic may make the proposed Quiet Zone impossible to implement. **CV**

4.1.2-27
T-1(e)
Plan Requirements and Timing. The vertical curve should be removed to eliminate the sight distance issue for north bound traffic on Estrada. The applicant should pay their fair share for this improvement. **CW**

4.12-29
Impact T-3

"It should be noted that the provision of adequate off-site parking at commercial business within the community of Santa Margarita is the responsibility of individual property owners." This is flawed logic as the DEIR suggests that there will be 1,154 new trips generated by this development. Many of these trips will be through the downtown areas with a number of stops in the downtown core. The DEIR discusses the high number of pedestrians crossing mid street in this area and discusses the questionable u turns made to access services. Since there is no mail delivery in Santa Margarita every resident in town must go to the post office to get their mail. The additional traffic on El Camino Real and the additional stress put on existing parking will create a Class 1 impact- significant impact that cannot be mitigated. CX

There is insufficient evidence in the record to label Impact T-3 as a Class III impact.

4.14 Water and Wastewater

General Comments –
Water use should be based on a worst case scenario so that water problems will not exist in drought years. The EIR should plan for water use during drought years and plan for drainage issues using wet year calculations. This will provide for the best case scenario for evaluating impacts of the proposed project on the community of Santa Margarita. CY

There should be a chart showing the correlation between weather conditions, and static well levels with an analysis of aquifer recharge based upon well logs. CZ

There is anecdotal information that Trout Creek water levels have dropped since the Ranch started irrigating their vineyards. This issue should be investigated in the DEIR. DA
Contact info for the person doing the study
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Wildlife, Fish, & Conservation Biology Department
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The Santa Margarita Constraints Analysis state: DB

> Page 2-44
> Yerba Buena Creek
> The impact of future Ranch development on existing flood problems is the primary constraint within the Yerba Buena Creek watershed. This constraint is considered to be severe.
>
> The Yerba Buena Creek watershed is considered to be the most constraining to future development of the Ranch ...

For the last three years Santa Margarita has had greater than average rainfall. This year the Santa Margarita area has only received 30% of its average rainfall. Since there has been very little rain this year most vineyards practice what is called "deficit irrigation" during the growing season. Some vineyards are dry farmed, although very few are truly non-irrigated.

In order for this practice to work, the grapes must receive the needed for water for them to survive, bloom, produce carbohydrates, etc. So this water is typically provided after harvest and prior to berry set, therefore, during the winter and early spring. If there is not adequate rain, this water must be provided. Water is added to the vineyards through the drip irrigation system, through solid set sprinklers placed in the vineyard, or through the frost protection sprinkler system (for folks who have this system). The practice of DC

watering during the winter/early spring is called "pre-watering". The water is added to the soil column, so that it will be available as the grapes need it, without affecting the grape quality. In a year with heavy rains, this may not be necessary. DC

Even though the property owner may argue that they have not irrigated their vineyards in the past I believe water will be used for irrigation this year. If that is true then the amount of water used for irrigation must be calculated into the water balance.

Another factor that must be calculated in the water balance is the amount of water that will be used for frost protection of the vineyards. DD

The DEIR does not provide a complete picture of the water needs for the vineyards or for the wine processing facilities. DE

There have been some studies done on water utilization for wineries as a result of the Heart Hill project. Those studies should be considered when establishing a water balance for the ranch.

Page 4.14-3
Table 4.14-1
This table is incomplete because it does not include the water uses of the area around the Assistencia. Information should be included for the water used on the arena as water is used for dust control, horses and spectators. DF

All calculations of water use are incorrect because there was no consideration of water uses by the proposed 2 wineries, ancillary uses and uses on the open space parcel. DG

In section 2 The DEIR states that, "Vesting Tract 2586 includes two wineries, two ranch / farm headquarters one primary residence, and several farm support buildings within the Agricultural Conservation Easements.... One winery would be located on a five acre site at the Margarita Vineyard site and in the northern portion of Lot 86... A second winery would be located near the center of Lot 42 and include a 20,000 to 40,000 square foot agricultural processing facility with on – site tasting, gift shops and bed and breakfast." The impacts caused by this portion of the project are not discussed in the water balance calculations as well as other areas studied in the DEIR. The impacts of these uses must be understood and analyzed as part of this DEIR. If the application is asking for these uses the impacts must be understood and mitigations must be developed. DH

There is also no discussion of the water uses on the open space parcel. Depending on the ACEs for this parcel different water demands will be needed. The requirements of the ACEs must be understood to adequately address the water demands for uses on this parcel. Under current zoning there are a broad range of uses allowed on this open space parcel. Those uses should be limited and investigated. Without knowing what uses are proposed it is impossible to determine the impacts associated with them. DI

The DEIR states that there will be several farm support buildings within the area covered by the ACEs. Several is a term that lacks the level of specificity needed to adequately address the impacts associated with this use. DJ

Evidence in the Santa Margarita Constraints Analysis indicates there are problems with the basin which were not considered in the DEIR. From the Constraints Analysis:

Chapter 2.5 Water Availability

Page 2-94
Unlike many other areas within this region, thick alluvial deposits are lacking in the Santa Margarita area. Rather, the alluvium typically forms a relatively thin veneer over the bedrock with somewhat greater thicknesses under and near major drainages such as the Salinas River, Trout Creek, and Yerba Buena Creek.

Beyond the floodplains, the alluvium usually has a thin saturated thickness and well yields are much lower.

Page 2-102
The more recent data indicates that significant lowering of the water table has occurred since that time in the Garden Farms area. Between 1985 and October 1999, static water levels at the three district wells declined from 8 to 34 feet even though pumping rates had been significantly reduced (from 420 to 250 gallons per minute.)

DK

Page 2-106
Of particular note, with respect to the community of Santa Margarita is the historic response of the district's wells to water withdrawals on the Santa Margarita Ranch. Murray et al. (1984) evaluated the groundwater potential of the Santa Margarita Ranch. This evaluation noted that wells that historically served the community of Santa Margarita were drilled in the shallow alluvium and did not provide adequate well yields during a drought period between 1959 and 1961, inclusive. Shallow wells on the Santa Margarita Ranch were used for irrigating up to 200 acres until 1960. Production records for these wells are not available but, Murray et al attributed the decline in the community water well pumping rates to the operation of the agricultural wells.

Page 2-108
Based upon information provide by the ranch, water use is limited presently to only about 4 acre-feet per year, about 3 acre feet per year for two residences, and less than ½ acre foot for livestock watering.

Page 2-121
Thus any wells completed in the alluvial aquifer within five miles up gradient of either the Garden Farms or Santa Margarita areas along either Trout, Santa Margarita, or Yerba Buena creeks would have the potential of impacting this available municipal water supplies. The potential for such impacts would be especially high during conditions of drought.

4.14-2
The decision and Board of Supervisors item should be included as an appendix to this document. For clarity this section should be revised as there are letters of intent but no final agreement between CSA 23 and the owners of the ranch concerning the cost sharing of the SWP turn out. The content of the cooperative agreement should also be an appendix. DL

Page 4.14-6
Plan Requirements and Timing. The CSA 23 should be included in any evaluation of this mitigation. DM

Page 4.14-7
W-1(c)
If State Water is utilized the growth inducing impacts must be investigated. DN

4.14.8 – 4.14-9
W-2(a) Septic Maintenance Plan and Monitoring.
Having a homeowners' association be responsible for the implementation of this plan does not guarantee its implementation. If this is mitigation for an impact, it must be fully funded now and in the future. An assessment district is a better option. Homeowners' associations and CC&Rs are not permanent and can lack enforcement. DO

General
The growth inducing impacts of this project were not fully explored. This project could precipitate the need for a community sewer. If a sewer is considered there will be significant impacts on the community that must be explored. A potential sewer would be a significant impact and the growth inducing impacts must be analyzed. DP

5.0 Growth Inducing Impacts

Page 5-1
Section 5.1.1 The DEIR states "The proposed Agricultural Residential Cluster Subdivision involves private residential development and does not include any commercial or industrial development." This is inconsistent with the language in Section 2 of the DEIR. As is stated in Section 2 there are some known and many unknown potential commercial and industrial developments which may occur with this proposal. DQ

In section 2 The DEIR states that, "Vesting Tract 2586 includes two wineries, two ranch / farm headquarters one primary residence, and several farm support buildings within the Agricultural Conservation Easements.... One winery would be located on a five acre site at the Margarita Vineyard site and in the northern portion of Lot 86... A second winery would be located near the center of Lot 42 and include a 20,000 to 40,000 square foot agricultural processing facility with on – site tasting, gift shops and bed and breakfast."

There is also no discussion of economic activity on the open space parcel. Depending on the ACEs for this parcel different economic activities may take place. Under current zoning there are a broad range of uses allowed on this open space parcel. Those uses should be limited and investigated. Without knowing what uses is proposed it is impossible to determine the impacts associated with them. DR

Further down in this section the DEIR states, "Such impacts would be addressed on a case-by case basis as individual development projects are proposed." This is segmentation under CEQA and is problematic.

CEQA Argument against Segmenting a Project:
The State CEQA Guidelines define a "project" as "the whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. The term "project" is to be given a broad interpretation in order to maximize protection of the environment. The lead agency should fully analyze each "project in a single environmental document. This approach ensures "that environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have [environmental] consequences." DS

It is evident that strategies for avoiding segmenting need to draw on considerations and concepts developed for addressing cumulative impacts. *"The requirement for cumulative impact analysis must be interpreted so as to afford the fullest possible protection of the environment within the reasonable scope of the statutory and regulatory language."* Similarly, the requirement to avoid segmenting must be applied to afford the same level of protection to the environment. Failure of the County to fully analyze the potential impacts of the whole project at this point in time by allowing the first phase of the project to be

segmented from future phases would be inconsistent with CEQA policies and case law dealing with segmenting and cumulative effects. DS

The need for cumulative impact analysis, either through a cumulative analysis in an EIR or through an EIR that considers the "whole project" reflects the fact that, although a project may cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the increment may be "cumulatively considerable", and therefore significant, when viewed against the backdrop of past, present, and probable future projects. DT

There are no impacts and therefore no mitigations associated with statements made in this section. It seems appropriate to identify those issues that would present issues to Growth Inducing Impacts and provide appropriate mitigations for them. DU

6.0 Alternatives

For the future development scenario, an Alternative that proposes a Specific Plan should be discussed. A Specific Plan is an option that could allow all of the options discussed under the Future Development Scenario. The pros and cons of such an option should be investigated. DV

An option which allows for the proposed ag cluster and permanent conservation of the rest of the ranch should be investigated. This would be Alternative Current Cluster Proposal with conservation easements on the remainder of the parcel. While this alternative would not reduce the impacts from the current Ag Cluster proposal it would mitigate any impacts under the future development scenario. DW

Page 6-3 Alternative 1
It should be stated that this alternative is only possible with a General Plan amendment to modify the planning area standards for the existing allowable uses on the property. DX

Page 6-4 Alternative 2
This alternative should describe subsequent Agricultural Clusters throughout the ranch. If this project is approved more ag clusters could be proposed and it would be beneficial to understand the potential issues associated with this scenario. While the DEIR states that this could happen under this alternative the level of potential implementation of multiple AG Clusters is not adequately discussed. Such issues as: DY

1. How many ag clusters would be possible under current land use patterns?
2. How many ag clusters would be possible if there was further intensification of ag uses?

Table 2-2 in Chapter 22.06.030 should be included in this document as reference to potential uses within the existing AG zoning. DZ

Appendix H – Drainage and Wastewater Analysis

Drainage is an issue of high importance to the community of Santa Margarita. The EIR must fully analyze the issues surrounding flooding as they may be influenced by the proposed cluster project and the future project. It is understood that the cluster project or the future project is not required to fix an existing problem but the community must be assured that any future project does not make the situation worse. EA

This study must describe and quantify the potential extra water from this project which will end up in Yerba Buena Creek as a result of the development.

Page 1
Soils: "According to the Preliminary Soils Investigation for Tract 2586(Buena Geotechnical Services, October 23, 2003)..." The Buena study was done under the direction of the property owner and the information in it should be confirmed by the investigation used in the DEIR. There is no evidence that the results of the Buena study were evaluated by objective work done by Boyle.

This paragraph goes on to state, "Groundwater was not detected to a depth of 15 feet below existing grade." Boyle should perform a separate review to ensure the accuracy of the Buena study. It would also be useful to know what the rain pattern was for the year in which the study was made as there can be significant differences in the level of the ground water dependent on rainfall for the year the study was made. Without the climatic information the information is not as useful in understanding the groundwater level in the project vicinity. EB

"A total of 26 borings were performed around the property..." The locations of those borings should be shown on a map to ensure that they are in locations that will give an accurate picture of the actual groundwater level and percolation.

Page 2
"100 year flood zones have been identified by FEMA..." The FEMA flood maps do not accurately reflect the areas of the community of Santa Margarita that are subject to flooding. The EIR should identify those areas and provide mitigations to ensure that the proposed project will not make the flooding worse. EC

Page 3
Table 1
One of the benefits of the EIR process is its objectivity and trust in the facts used to make recommendations. There have been a number of studies done looking at the drainage issues in the community of Santa Margarita and on the Santa Margarita Ranch. Some of those studies have been done by the owners of the Santa Margarita Ranch and some have been done under the watchful eye of the county staff. It is difficult to not question the data provided at the behest of the property owner. I have no reason to believe that the property owner would bias the data but the veil of objectivity can be an issue. Therefore ED

it is important to indicate on Table 1 which studies were done by a public agency and which were done at the behest of the property owners. ED

Though the Buena report is referenced on page one it is not listed in Table 1. If it will be referenced in the study it should be listed in Table 1 and it should be identified as a report done by the property owner. The EDA report reference on Page 5 is also not included. EE

If the purpose of this table is to only list the studies done by public agencies then it should be so labeled. If the purpose of this table is to list all available studies then others should be included and described. EF

Page 4
Barry Towle indicates that in the community of Santa Margarita groundwater has been encountered within 5 feet. This information should be included on page 1 along with the discussion on groundwater level. While it may be true that the community of Santa Margarita may have a shallow ground water it would be important to know if the proposed project may have an impact on that existing problem and if it does then it must be mitigated. The question, How will development in the proposed project affect the groundwater level in the community of Santa Margarita? must be answered. EG

Issues like septic tank discharge and its effects on the groundwaters of Santa Margarita must be analyzed. EH

Page 5
B. Impact Analysis
An increase in impervious.....The report by EDA proposes a detention structure... The EDA study was done under the direction of the property owner. To increase objectivity and public confidence in the EIR an objective analysis must be done and independent solutions must be suggested. EI

2 year, 50 year or 100 year storm events. There should be a discussion about what these terms describe: There is a perception that the community of Santa Margarita has a 100 year storm event about every 5 years. A table indicating historical information showing the amount and duration of rainfall in the Santa Margarita area with a cross reference to the type of annual event it is would provide important information for determining if the proposed retention basin will actually protect the community from increased flooding from this project. As stated in the report, it is not only the annual rainfall but the severity of individual storms coupled with soil saturation which causes the problems in the community. There must be an analysis done on those issues to understand the potential impacts the proposed development may have on the community. EJ

It is stated, "Runoff to Yerba Buena Creek may overflow the proposed detention structure...." More information is needed to understand how the overflow may impact the community. EK

Page 6

"This analysis was performed to provide a relative comparison of peak flows under existing and post development conditions at the following location:" There should be a study done at the point in Trout Creek where it is closest to the community of Garden Farms. Activity on the proposed project site will also impact Garden Farms and other downstream communities. **EL**

Page 6
Table 3
The logic and findings outlined in this table appear to be incorrect. It does not seem possible that there would be no post development impacts to Yerba Buena Creek. There is no evidence of the methodology used for making this determination. If there is no additional flow to Yerba Buena Creek post development then why is it proposed to create a detention facility on that watershed? There must be demonstrated analysis on the increase of surface water flows based upon the impacts associated with the proposed development. (Building pads, roads, etc.) **EM**

Page 7
....flooding along Trout Creek at the southern limits of the existing Santa Margarita Community during a 100 year storm event... This information must be presented on a map. **EN**

Page 8
Once again the author of this study is relying on a study done under the direction of the owners of the Ranch. The Cleath study should be referenced but the actual data should be acquired via objective third party consultants. **EO**

Page 10
Mitigation Measure ARCS2
There is no explanation as to why the drainage system shall be designed ....(for a) reduction of the 50-year post development flow to 2 year predevelopment conditions yet the ...Detention facilities within the unnamed tributary to Trout Creek.....reduce the 14 hour 100 year post development runoff to 100 year pre development conditions. **EP**

There was no analysis done of impacts that might be associated with an increase in Farm Support units or an intensification of Ag uses on the property. Sedimentation from intensified Ag uses will most likely occur. **EQ**

There is no condition to require or bond for maintenance of the detention facilities. Making the detention facilities is the first step to solving the problem but those facilities must be maintained to continue to mitigate flooding in Santa Margarita. There is a bond requested for the Septic Tank monitoring program but not for the drainage facilities. **ER**

The consultant should have contacted down gradient communities to address any concerns they might have. This was done in the Hopkins study on hydrogeology. **ES**

This report must contain maps that delineate the exact lines of the watershed to determine what portion of the proposed development or a modified project may affect each watershed. This information would be critical in understanding the impacts future development would have on each watershed. There is a map in the Hopkins report but its level of granularity relative to building sites in the proposed project is lacking. ET

Page 14
Attachments:
References
Soil Loss Calculations
These two attachments are not included in the DEIR. They should be. EU

Appendix K-Hydrogeological Study – Hopkins

It is not only important to study the environmental impacts on the water supply as they impact the proposed development but the manner in which this project will impact water utilization for the community of Santa Margarita must also be studied. EV

There is inadequate information about the agreement between the owners of the ranch and the CSA 23 over the issue of State Water. This information and details should be included in the report or as an appendix. EW

Page 2
Paragraph- Our review..... This study appears to rely heavily on a summary report done by Rich Hoffman and Associates which was done under the direction of the ranch developer's planning consultant. To maintain the objectivity of the EIR this information should be reviewed and verified as it is stated, "...largely forms the basis from which the impacts of historical use can be reviewed..." EX

Table 1
Existing Uses does not attribute water to equestrian center. People and animals need water and the arena must be watered down to control dust. A factor should be applied to this use. EY

No wine production facilities are listed and no water factor is assigned to them.

No future Ag uses are estimated.

In determining consumptive use- Some water is returned to the ground but some of that will be in the shallow aquifer and run off into streams or springs not recharging the aquifer. EZ

Table 2
This information has no facts to support it. The geology of the area should be investigated to determine permeably of surface and potential percolation into aquifer. Water that does make it through upper layers may hit an impermeable layer and daylight in springs or in creeks and not recharge the basin. FA

Page 9 Rainfall Data
Worst case scenario for drought and flooding. Mitigations should be designed for worst case. FB

Appendix D for stream flow

Average year is not average. Water usage should be based on driest year. Draining issues should be calculated on wettest years. FC

Page 14
Which wells are pumping from the Paso Robles Formation? Santa Margarita Formation? Which formation underlies the project area? FD

It is stated that the Salinas River Water is not recharging ground water basins and it is also stated that the Paso Robles Formation underlies the project area and the Paso Robles Formation is recharged via the Salinas River. This appears to be a paradox. FE

Page 16 Table 5 indicates that the permeability of ranch soils do not help in collecting water. Water flows out on the surface... More flooding less retention of ground water. This factor was not properly considered in the consumptive use calculations. FF

Page 18... the high school well. It is not a high school or it is high because it is high elevation? FG

Page 19 Information provided by Ranch from 2000 to 2006. Was the information from a hydrologist? Were they able to pick and choose the data they provided? Did data come from all wells or only a select few? The objectivity of this data is questionable. FH

Page 20
Because of lack of pertinent data....
Why did the study not get that data? This data is needed to make informed decision.
**lack of groundwater data in dry years FI

Page 22- Discusses the stabilization of wells

"Because ranch data collection was inconsistent...?" Why... What kind of check was done on the data they presented? FJ

Page 24 During this time the basin water levels have declined.
No data for response in dry years- This should be modeled. FK

Page 25 Two studies talk about shortage issues. FL

Page 29 has a good synopsis of why there are problems with data. FM

Letter 37

COMMENTOR: David Blakely, Private Citizen

DATE: April 6, 2007

RESPONSE:

Response 37A

Refer to Master Responses 3a and 3b.

Response 37B

The commentor provides a verbatim excerpt from the San Luis Obispo County Land Use Ordinance (LUO) Section 22.104.040 (Salinas River Rural Area Standards) to challenge the EIR's reference to this section on page 1-1 of the Draft EIR. The EIR states that this section "requires that a Specific Plan be prepared for the Santa Margarita Ranch area before any application is approved for a subdivision other than a Cluster development." The commentor argues that including the exact language is important because the current proposal does not "reconfigure and/or relocate existing parcels," as is stated in the excerpt.

The purpose of the discussion on page 1-1 is to describe the approvals necessary for Future Development Program land uses. For this purpose, the EIR's summary of LUO Section 22.104.040 is accurate. Section 1.0, *Introduction*, is not intended to analyze consistency with the LUO. Refer to Appendix C, *Policy Consistency,* for this discussion.

Refer also to Response 14B. An ultimate determination of consistency with the Salinas River Area Plan will be made by the County Board of Supervisors in their review of the project.

Response 37C

The commentor requests analysis of potential future uses on the Agricultural Residential Cluster Subdivision remainder parcel. Refer to Response 36M. The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. In addition, the Final EIR evaluated conceptual future development on the remainder parcel. Any future development on the remainder parcel would require future environmental review, including preparation of additional EIRs and associated public review as necessary.

The commentor additionally states that it is unclear if the remainder parcel is the same as the proposed Agriculture Conservation Easements (ACEs). Refer to Figure 2-5 (Proposed Agricultural Residential Cluster Subdivision Development Plan [Detail]). As shown therein, the remainder parcel is located north of the Cluster development, while ACEs are located within the Cluster development. The remainder parcel is not part of an ACE.

The commentor also notes that several maps in the Draft EIR show a vineyard in the remainder parcel, and argues that because the remainder parcel has no status, no winery should be shown

on it. The conceptual vineyard on the remainder parcel is part of the Future Development Program and is therefore shown on Future Development Program maps.

Response 37D

The commentor claims that any mitigation measures that rely on Covenants, Conditions and Restrictions (CC&Rs) are "weak at best." Refer to Response 36E.

Response 37E

The commentor argues that the terms of the ACE's must be delineated and the uses allowed must be analyzed as impacts associated with the Agricultural Residential Cluster Subdivision. Refer to Response 36K. The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Any future development in the areas proposed for Agriculture Conservation Easement would require future environmental review, including preparation of additional EIRs and associated public review as necessary. A reasonable worst-case concept for future development on the property, including development within the ACE's, is evaluated in detail in the EIR Future Development Program analysis.

Response 37F

The commentor states that the proposal includes two wineries and ancillary uses within the ACEs and argues that the EIR must analyze impacts associated with these facilities. Refer to Master Response 3a. The two wineries and ancillary facilities to which the commentor refers are part of the Future Development Program, not the Agricultural Residential Cluster Subdivision, and are therefore not a part of the current proposal. The Final EIR evaluates impacts associated with these facilities within the Future Development Program analysis.

Response 37G

Refer to Master Response 3a. The Future Development Program analysis is required because of a settlement agreement, and also presents a reasonable worst-case cumulative development scenario within the parameters of the Salinas River Area Plan.

Alternative 2 (No Project/Existing Zoning) assumes that the Ranch property is developed in accordance with the existing zoning and General Plan designations for the site. Although the analysis of Alternative 2 focuses on a buildout of 56 residential units, it is disclosed in the third paragraph under Section 6.2.1 that "this alternative would not preclude future proposed development under the County's agricultural cluster subdivision ordinance (Chapter 22.22.152)." The size and location of potential future clusters cannot be determined without speculation and excessive forecasting and were therefore not specifically assessed in the alternatives analysis.

Response 37H

Refer to Responses 14L and 37F. The proposed Agricultural Residential Cluster Subdivision does not include a winery. Conceptual winery impacts were evaluated as part of the Future Development Program analysis.

Response 37I

Table 2-3 in Section 2.0, *Project Description,* has been revised to include drainage facilities. Refer to this section in the Final EIR.

The commentor additionally argues that Table 2-3 should list all allowable uses on Parcel 42 (Ranch Headquarters Parcel) and the remainder parcel. Refer to Response 36M. The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Any future development on Parcel 42 or the remainder parcel would require future environmental review, including preparation of additional EIRs and associated public review as necessary. Such future development is not reasonably foreseeable at this time, and would therefore be considered speculative.

Response 37J

The commentor notes that some of the proposed residential parcels appear to be located within the 500 foot agricultural buffer. Several parcels are in fact located within 500 feet of existing agriculture. However, as noted under Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources*, the San Luis Obispo County Agricultural Commissioners' Office has determined based on a lot-specific review of site conditions relative to adjacent existing and potential agricultural uses, the locations of proposed residential parcels are considered compatible with the adjacent agricultural production areas, and additional buffer distances are not required with the exception of Lots 1, 39, 40, 99 and 100.

Response 37K

Refer to Response 14L and Master Response 3c.

Response 37L

A specific fee payment is not proposed as part of the Agricultural Residential Cluster Subdivision. However, as described in Section 4.11, *Recreation*, the applicant is required to pay in-lieu public parks fees to offset recreation impacts associated with the Agricultural Residential Cluster Subdivision. Payment of in-lieu park fees would result in funding equivalent to the provision of public parks in accordance with State Quimby Act standards and as required by the County. Following implementation of these project features and payment of Quimby Act park fees, the Agricultural Residential Cluster Subdivision would result in a less than significant impact.

Response 37M

Refer to Response 37G.

Response 37N

Refer to Responses 14L, 37F and 37K. The proposed Agricultural Residential Cluster Subdivision does not include a winery. The wineries the commentor is referring to have been

analyzed as part of the Future Development Program, and have therefore been analyzed under the cumulative condition.

Refer also to Master Response 3b. A reasonable worst-case concept for future development on the property, including development within the ACE's, is evaluated in detail in the EIR Future Development Program analysis.

Response 37O

Refer to Master Responses 3a and 3b.

Response 37P

Refer to Master Response 3c.

Response 37Q

Refer to Master Response 3c. Refer also to Master Response 3b.

Response 37R

The commentor provides a list of land uses which he claims the property owners plan to develop on the Ranch. The only development proposed or planned at this time is the Agricultural Residential Cluster Subdivision. A reasonable worst-case concept for future development on the property is evaluated in detail in the EIR Future Development Program analysis. Any future development on the property would nevertheless require future environmental review, including preparation of additional EIRs and associated public review as necessary. Refer also to Master Response 3a.

Response 37S

The EIR Future Development Program analysis presents a reasonable worst-case cumulative development scenario within the parameters of the Salinas River Area Plan.

Response 37T

The commentor recommends the preparation of a Specific Plan and subsequent EIR for the Santa Margarita Ranch. The scope of the EIR included a Future Development Program analysis that presents a reasonable worst-case cumulative development scenario within the parameters of the Salinas River Area Plan.

Response 37U

The commentor correctly notes that CEQA requires an analysis of all reasonably foreseeable indirect or direct physical changes in the environment resulting from a project. Refer to Response 37T.

Response 37V

Refer to Response 37T.

Response 37W

The commentor argues that impacts to non-prime soils should also be considered significant. Refer to Section 4.1.2(a), *Methodology and Significance Thresholds,* in Section 4.1, *Agricultural Resources.* As noted therein, the conversion of prime agricultural land to non-agricultural use or impairment of the productivity of prime agricultural land is a significant unavoidable impact. As noted in Section 4.1.2(a) (Methodology and Significance Thresholds) of the Final EIR, prime soils are defined as those with a Land Capability Class of 1 or 2, a California Revised Storie Index of Grade One (Excellent), or an NRCS farmland classification of "prime farmland if irrigated." It should be noted, however, that permanently compromising the sustainability of a 676.7-acre grazing unit is considered a Class I, *significant and unavoidable,* impact.

Response 37X

The air quality analysis follows the guidance and methodologies recommended in the APCD's *CEQA Air Quality Handbook* (April, 2003). The URBEMIS 2007 version 9.2 for Windows computer modeling program, which was developed by the California Air Resources Board, was utilized in estimating composite mobile emission factors for the Agricultural Residential Cluster Subdivision and is based on the number and length of vehicle trips to and from the proposed development.

Refer also to Responses 13A through 13R, and Master Response 7.

Response 37Y

The San Luis Obispo County Air Pollution Control District (APCD) recommended methodology for evaluating larger development "programs," which consist of a series of actions over a long period of time for which no development application has been filed, involves analyzing the consistency of the program with the APCD's Clean Air Plan (CAP) rather than quantifying emissions. As described in Section 4.1, *Air Quality,* the Future Development Program would result in Class I, *significant and unavoidable,* impacts related to CAP inconsistency.

The statement regarding Future Development Program mobile and stationary source emissions has been removed from page 4.2-1 of the Final EIR, as this statement was erroneous. Refer to the impact summaries on the first page of Section 4.2, *Air Quality.*

Response 37Z

The commentor argues that the Draft EIR air quality analysis should be expanded to include the Clean Air Plan (CAP), County General Plan, Vision 2025, the 2005 Performance Indicators Report, and the Awanhee Principles. The analysis is based on adopted APCD methodologies and County thresholds of significance and therefore includes an analysis of CAP consistency (refer to Section 4.1, *Air Quality)* and General Plan consistency (refer to Section 5.0, *Policy Consistency).*

Response 37AA

The commentor recommends the evaluation and quantification of greenhouse gas emissions. Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR.

Response 37AB

Refer to Responses 37Y and 37Z.

Response 37AC

The commentor argues that the alternatives analysis does not disclose the direct and indirect air quality benefits of Alternatives 1 (No Project/No Development) and 2 (No Project/Existing Zoning). Refer to the first paragraph in Section 6.1.2 (Impact Analysis). As noted therein, "since no new residents would be added to the area [under Alternative 1], impacts based on a per capita generation would not occur. These issues include air quality…" Similarly, as noted under *Air Quality* in Section 6.2.2 (Impact Analysis), "air quality impacts would be reduced under the No Project/Existing Zoning Alternative [Alternative 2] when compared to the proposed Agricultural Residential Cluster Subdivision and Future Development Program."

The alternatives analysis evaluates impacts of a particular alternative in comparison to the proposed project. Therefore, the discussion focuses on "reduced" impacts rather than "benefits." It should also be noted that even if impacts of an alternative were compared directly to the baseline condition, neither Alternative 1 nor Alternative 2 would result in air quality "benefits." Rather, Alternative 1 would maintain the current condition and Alternative 2 would result in some level of air quality deterioration.

Response 37AD

Refer to Responses 37Y and 37Z.

Response 37AE

The commentor's opinion that that this project should be denied based on air quality impacts alone is noted.

Response 37AF

Section 4.2.1 (Setting) in Section 4.2, *Air Quality,* of the Draft EIR included a discussion of federal and state ambient air quality standards. Table 4.2-1 listed these standards, which were current at the time the Draft EIR was circulated (January 2007). However, the state standard for Nitrogen Dioxide (NO_2) was revised on February 22, 2007, approximately six weeks after the Draft EIR was circulated. Table 4.2-1 has been revised in the Final EIR to reflect the most up-to-date ambient air quality standards. Refer to Section 4.2.1(a) (Air Pollution Regulation) of the Final EIR.

Response 37AG

The last sentence of the first paragraph in Section 4.2.1(b) (Current Ambient Air Quality) has been revised to clarify that CO monitoring ended in June 2004. Refer to this discussion in Section 4.2, *Air Quality,* of the Final EIR.

Response 37AH

The last sentence under Section 4.4.1(c) (Regional History) has been revised in accordance with the commentor's recommendation. Refer to this discussion in Section 4.4, *Cultural Resources,* of the Final EIR.

Response 37AI

The commentor's concurrence with the Class I impact conclusion for Impact CR-1 is noted.

Response 37AJ

Refer to the discussion under Agricultural Residential Cluster Subdivision Impact D-2. As noted therein, although the Agricultural Residential Cluster Subdivision proposes a detention structure for the portion of the site draining to Yerba Buena Creek, runoff may overflow the proposed detention structure during a 100-year storm event. Potential inundation can be mitigated by the use of detention basins with adequate capacity to reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, resulting in less than significant impacts.

Response 37AK

Refer to Response 37AJ.

Response 37AL

The commentor argues that long term maintenance and operation of the drainage basins should be conducted by someone other than an entity comprised of homeowners. Refer to Response 36E.

Response 37AM

The commentor suggests that all studies and reports prepared for this project be circulated to the CSA 23 Advisory Board for consideration. Refer to Response 8H. The County of San Luis Obispo Public Works Department retains the discretion to forward plans for review by CSA 23.

Response 37AN

The commentor notes that the Draft EIR did not consider the sedimentation data contained in the Santa Margarita Ranch Environmental Constraints Analysis (ECA). Although a Draft ECA was prepared in March 1994, this document was never certified and is therefore not considered an adopted public document. Therefore, inclusion of this unofficial data in the EIR would not

be appropriate. Refer to Section 4.5, *Drainage, Erosion and Sedimentation,* in the Final EIR for a discussion of erosion impacts associated with both the Agricultural Residential Cluster Subdivision and the Future Development Program.

Response 37AO

The commentor argues that there is not enough evidence in the Draft EIR to support a finding of Class II, *significant but mitigable,* impacts related to drainage, erosion and sedimentation from the Future Development Program. Refer to Master Response 3. Refer also to Section 4.5.2(c) (Future Development Program Impacts and Mitigation Measures) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR. This section includes data and analysis to support the findings for three Class II, *significant but mitigable,* impacts.

Response 37AP

The commentor argues that it is incorrect to assume Class II, *significant but mitigable,* impacts related to flood hazards because Future Development Program land use locations have not been identified.

Because no active application currently exists for the Future Development Program, the assessment of drainage, erosion, and sedimentation impacts is based on a reasonable worst case scenario with regard to the location of future land uses within anticipated development areas. The discussion under Future Development Program Impact D-3 analyzes and mitigates a reasonable worst case scenario which assumes that future development could be placed in flood hazard areas. However, identified mitigation measures would reduce this impact to a less than significant level, which supports the finding of a Class II, *significant but mitigable,* impact. Refer also to Master Response 3a.

Response 37AQ

Refer to Response 37AK and Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System).

Response 37AR

Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) have been revised to require detention facilities to be located within Agricultural Conservation Easements, in areas free of oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils. Refer to Section 4.5.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.

Response 37AS

Refer to Master Responses 3a and 3b.

Response 37AT

Refer to Response 2A.

Response 37AU

The commentor recommends that a community-wide drainage basin be required. State CEQA Guidelines Section 15126.4 (a)(4)(B) states that a "mitigation measure must be 'roughly proportional' to the impacts of the project." The Agricultural Residential Cluster Subdivision is responsible for mitigating the Agricultural Residential Cluster Subdivision's project-level and cumulative contributions to drainage and flooding problems in the community of Santa Margarita, as identified in the DEIR. A community drainage basin is envisioned as part of the Future Development Program.

Response 37AV

Refer to Response 16J.

Response 37AW

Refer to Responses 37D, 37AL, and 36E.

Response 37AX

Refer to Response 37AK and Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System).

Response 37AY

The Agricultural Residential Cluster Subdivision would increase flooding in the community of Santa Margarita during a 100 year storm event *unless* detention storage is provided in the Trout Creek tributary.

Response 37AZ

Refer to Figure 4.5-1 (Flood Hazard Areas). Mitigation measures identified under Agricultural Residential Cluster Subdivision Impact D-2 would ensure less than significant impacts related to peak storm water discharges and volumes of runoff.

Response 37BA

Refer to Response 37AM.

Response 37BB

Refer to Response 36E.

Response 37BC

Refer to Response 36AC. Compliance with the National Pollutant Discharge Elimination System (NPDES) program and compliance with county grading and storm water ordinances would ensure less than significant drainage impacts prior to Agricultural Residential Cluster Subdivision operation.

Response 37BD

The commentor questions the effectiveness of monitoring and enforcement mechanisms for Agricultural Residential Cluster Subdivision measure D-2(c) (LID-Integrated Management Practices). As noted in the Plan Requirements and Timing section of the measure, the Public Works Department will be required to review plans showing LID design technologies, as well as inspect prior to occupancy clearance to ensure compliance with approved plans. Public Works' inspection would ensure proper installation.

Refer also to Response 36E. As noted therein, monitoring and enforcement mitigation measures throughout the EIR are the responsibility of the County, who will be required to review and monitor compliance with the CC&Rs. All CC&Rs noted in the EIR would become conditions of project approval.

Response 37BE

Refer to Response 36AD.

Response 37BF

Refer to Response 37AM.

Response 37BG

Refer to Response 37AP. The discussion under Future Development Program Impact D-2 analyzes and mitigates a reasonable worst case scenario which supports the finding of a Class II, *significant but mitigable,* impact. Refer also to Master Response 3a.

Response 37BH

Refer to Response 37AP and Master Response 3a.

Response 37BI

Refer to Response 37AN.

Response 37BJ

The commentor disagrees with the finding that Future Development Program Impact LU-2 would be Class III, *less than significant*, because "there will be significant and unavoidable and unmitigable impacts associated with this project." It is true that both the Agricultural

Residential Cluster Subdivision and Future Development Program will result in several Class I, *significant and unavoidable,* impacts. However, the impact in question has to do with land use impacts resulting from the Future Development Program. Refer to the discussion under Future Development Program Impact LU-2 for evidence to support the Class III finding.

Refer to Sections 4.1, *Agricultural Resources*, 4.2, *Air Quality*, 4.3, *Biological Resources*, 4.4, *Cultural Resources*, 4.8, *Noise*, 4.12, *Transportation and Circulation*, 4.13, *Visual Resources,* and 4.14, *Water and Wastewater*, for a discussion of Class I, *significant and unavoidable,* impacts from the Agricultural Residential Cluster Subdivision and Future Development Program. Refer also to Section 7.0, *Significant Irreversible Changes.*

Response 37BK

The commentor recommends that the EIR analyze impacts associated with traffic shortcutting down I Street. Refer to Response 20A and the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

Response 37BL

The information regarding current air strip operations was provided by Ranch owners. The information is the best available data regarding air strip operations.

Response 37BM

The commentor's statement regarding the discussion of thresholds in Section 4.8.2(b) (Methodology and Significance Thresholds) is noted.

Response 37BN

The commentor requests that the applicant hire a third party environmental monitor to monitor and enforce all construction-related mitigation measures. Although such a monitoring protocol could be required by the County, the mitigation monitoring required as described in the Final EIR would provide sufficient enforcement of identified mitigation measures.

Response 37BO

As described in Agricultural Residential Cluster Subdivision measure N-1(a) (Construction Hours), "violations may result in suspension of permits."

Response 37BP

The commentor requests that the Final EIR address noise associated with future agricultural uses "in the proposed cluster development." No agricultural uses are proposed as part of the Agricultural Residential Cluster Subdivision. No further response is feasible.

Response 37BQ

Refer to Response 37BL. The air strip is private and is used only by the Ranch owners. It is not expected that Agricultural Residential Cluster Subdivision development would cause an increase in its use.

Response 37BR

The commentor claims that Future Development Program Impact N-7 (noise from special events) should be Class I, *significant and unavoidable*, because events held on the Ranch currently can be heard from the community of Santa Margarita.

Refer to the discussion under Future Development Program Impact N-7 in Section 4.8.2(d) (Future Development Program Impacts and Mitigation Measures). The evidence described therein supports a finding of Class III, *less than significant*.

Response 37BS

Refer to Response 37BR and Master Response 3.

Response 37BT

Refer to Response 37BQ.

Response 37BU

The commentor argues that a previous pipeline replacement project that took place in the northern portion of the Ranch should be discussed in the Draft EIR. Refer to Master Responses 1 and 2.

Response 37BV

The commentor expresses a concern with regard to Valley Fever occurrences in the County. Refer to Section 4.9.1(h) (Valley Fever), Agricultural Residential Cluster Subdivision Impact S-6, and Future Development Program Impact S-7 in Section 4.9, *Public Safety,* of the Final EIR.

Response 37BW

The commentor recommends consultation with railroad track owners in the community of Santa Margarita. Refer to Letter 5 (Kevin Boles, Environmental Specialist, California Public Utilities Commission, Rail Crossings Engineering Section, Consumer Protection and Safety Division) and Responses 5A through 5F.

Response 37BX

The commentor requests that a list of mitigation measures be included as part of the mitigation for Agricultural Residential Cluster Subdivision Impact PS-1. As noted in the impact statement in question, this impact is Class III, *less than significant.* In accordance with State CEQA

Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be significant. Additional Sheriff's Department public safety requirements could nevertheless be added as conditions of approval, at the County's discretion.

Response 37BY

Refer to Agricultural Residential Cluster Subdivision measure PS-3(a) (Fire Station), which requires the applicant to provide for the construction of a new CDF/San Luis Obispo County Fire Station to be located near the Agricultural Residential Cluster Subdivision site either through the dedication of land or through the payment of in lieu fees. The provision of a new fire station would facilitate the ability of a Santa Margarita Fire Department to provide first-response to the site.

Response 37BZ

Refer to Response 37BY.

Response 37CA

Refer to Response 37BY.

Response 37CB

Refer to Response 37BY.

Response 37CC

Refer to Response 37BY.

Response 37CD

The commentor argues that mitigation measures for Agricultural Residential Cluster Subdivision Impact PS-3 do not adequately reduce impacts, primarily because the dedication of land for a new fire station (as required by Agricultural Residential Cluster Subdivision measure PS-3[a]) does not provide mitigation until the station is constructed.

Refer to Agricultural Residential Cluster Subdivision measures PS-3(b) (On-Site Fire Protection), PS-3(c) (Fire/Vegetation Management Plan), and PS-3(d) (Structural Safeguards). Despite the long response times, these measures would result in adequate fire safety after project construction but before fire station construction.

Response 37CE

The commentor argues that fire safety plans for the Agricultural Residential Cluster Subdivision should be reviewed by the Santa Margarita Volunteer Fire Department. The CDF/San Luis Obispo County Fire Department retains the discretion to forward plans for review by the Santa Margarita Volunteer Fire Department.

Response 37CF

The commentor argues that the impacts of a new fire station should be considered. Refer to the *Residual Impact* discussion under Agricultural Residential Cluster Subdivision Impact PS-3. As noted therein, since the location of the fire station has not been determined, impacts associated with implementation of the fire station would be too speculative to evaluate at this time. Environmental impacts associated with construction of a future fire station would be evaluated in a separate environmental document prepared pursuant to the California Environmental Quality Act (CEQA). Such impacts would vary depending on the location, size, and features of the facility ultimately constructed. Since these factors are not known at this time, evaluation of impacts associated with construction of such a facility would be speculative.

Response 37CG

Refer to Responses 37CD and 37CF.

Response 37CH

An analysis of library impacts has been added to the Final EIR. Refer to Section 4.10.5 (Libraries) in Section 4.10, *Public Services and Utilities*. As noted therein, the Santa Margarita Library would require an additional 239 square feet of space to serve the Agricultural Residential Cluster Subdivision-generated population. According to the San Luis Obispo County Public Facilities and Financing Plan for Unincorporated Area Facilities (Revised June 24, 2006), the cost of providing additional library facilities necessary to maintain established standards is currently $172 per resident. As a condition of project approval, the applicant will be required to pay this fee at the time each building permit is issued. Because this fee is an existing requirement, impacts would be Class III, *less than significant.*

Response 37CI

Refer to the discussions under each Future Development Program impact in Section 4.10, *Public Services and Utilities*, for evidence to support each impact's findings. Refer also to Master Response 3b.

Response 37CJ

Refer to Response 37L.

Response 37CK

Future Development Program Impact R-2 considers consistency with the County Trails Plan, noting that the Future Development Program trail would connect the community of Santa Margarita to East Cuesta Ridge Trail, and implement a portion of Juan Bautista de Anza Trail, in accordance with the County Trails Plan. In addition, Future Development Program measure R-2(a) (Juan Bautista de Anza Historic Trail Connection) requires the applicant for a future Specific Plan on the Ranch to dedicate right-of-way for the County's implementation of the Juan Bautista de Anza Historic Trail.

In addition, Agricultural Residential Cluster Subdivision consistency with the County Trails Plan and the Parks and Recreation Master Plan is assessed in Appendix C, *Policy Consistency.* The Parks and Recreation Element of the San Luis Obispo County General Plan was adopted after completion of the Draft EIR.

Refer also to Response 6K.

Response 37CL

The commentor argues that the payment of in-lieu fees would not mitigate impacts to the community of Santa Margarita if these fees are used elsewhere in the County.

As noted in Section 4.11.2(a) (Methodology and Significance Thresholds) impacts are significant if a development project causes the County to contain less than three acres of neighborhood and community parkland per 1,000 residents. The payment of County Park Impact Fees would result in funding equivalent to the provision of public parks in accordance with this standard. Therefore, based on State Quimby Act and San Luis Obispo County standards, County Park Impact Fees are adequate to ensure less than significant impacts from the Agricultural Residential Cluster Subdivision.

Response 37CM

Refer to Response 14L. As noted therein, the referenced discussion Section 2.4.2 (Future Development Program Component) was intended to portray which Future Development Program land uses would be located on the Agricultural Residential Cluster Subdivision site (Vesting Tract 2586). This is evident in the location of this discussion in Section 2.4.2 (Future Development Program Component) of the Project Description.

To clarify the discussion, Section 2.4.2 (Future Development Program Component) has been revised. Refer to Section 2.0, *Project Description,* of the Final EIR.

Refer also to Response 37F. These two wineries are part of the Future Development Program, not the Agricultural Residential Cluster Subdivision. The Final EIR evaluates traffic impacts associated with these facilities within the Future Development Program analysis.

The traffic section considers special events at the wineries. Refer to the *Residual Impacts* under Agricultural Residential Cluster Subdivision Impact T-2 in Section 4.12, *Transportation and Circulation.*

Response 37CN

The commentor recommends that the EIR analyze impacts associated with traffic shortcutting down I Street. Refer to the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

Refer also to Master Response 5.

Response 37CO

The commentor recommends that the EIR consider impacts to the park and ride lot on SR 58 near US 101.

Refer to Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58). As noted therein, the park-and-ride lot must be redesigned to accommodate improvements to the US 101 northbound off-ramp to SR 58 and the applicant must include designs for the revised park and ride and frontage road access in the permit with Caltrans.

Refer also to Master Response 5.

Response 37CP

Impacts from project-generated traffic on rail crossings are addressed in Agricultural Residential Cluster Subdivision Impact T-1 and Future Development Program Impact T-1. Refer specifically to Agricultural Residential Cluster Subdivision measure T-1(d) (El Camino Real/Estrada Avenue Redesign) and Future Development Program T-1(d) (El Camino Real/Estrada Avenue Signalization) in the Final EIR.

Response 37CQ

Refer to Section 4.10, *Public Services and Utilities,* for a discussion of impacts related to fire services. Refer also to Master Response 5.

Response 37CR

Refer to Master Response 9.

Response 37CS

Refer to Responses 36K and 36M. The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Any future development on the Agricultural Residential Cluster Subdivision site would require future environmental review, including preparation of additional EIRs and associated public review as necessary.

Response 37CT

Refer to Agricultural Residential Cluster Subdivision measures T-1(a) (SR 58 South of J Street (), T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58), T-1(c) (U.S. 101 Southbound Off-Ramp to SR 58), T-1(d) (El Camino Real/Estrada Avenue Redesign) and T-1(e) (Estrada Avenue/H Street Warning Beacon).

Response 37CU

Refer to Letter 5 (Kevin Boles, Environmental Specialist, California Public Utilities Commission, Rail Crossings Engineering Section, Consumer Protection and Safety Division) and Responses

5A through 5F. Impacts from project-generated traffic on rail crossings are addressed in Agricultural Residential Cluster Subdivision Impact T-1 and Future Development Program Impact T-1. Refer specifically to Agricultural Residential Cluster Subdivision measure T-1(d) (El Camino Real/Estrada Avenue Redesign) and Future Development Program T-1(d) (El Camino Real/Estrada Avenue Signalization) in the Final EIR.

Response 37CV

Refer to Response 34D and Master Response 2.

Response 37CW

Refer to Response 24D.

Response 37CX

Refer to Response 36AV.

Response 37CY

The commentor argues that water use impacts should be analyzed based on drought year calculations and drainage impacts should be analyzed based on wet year calculations. As noted in Section 4.14, *Water and Wastewater,* of the Final EIR, the analysis of water use impacts is based on a hydrogeological study/water resources analysis prepared by Hopkins Groundwater Consultants and the analysis of drainage impacts is based on a drainage and wastewater study prepared by Boyle Engineering Corporation. The Hopkins study included a review of historical reports that have evaluated water resources in the vicinity of the Ranch and analysis of available data. The report considers both wet and dry year conditions (refer to Appendix K in the Final EIR). The Boyle study analyzed 2-, 10-, 25-, 50-, and 100-year storm events (refer to Appendix H in the Final EIR).

Response 37CZ

Refer to Master Responses 7. The comprehensive water supply evaluation provided in Section 4.14, *Water and Wastewater,* and Appendix K, *Hydrogeological Study,* adequately characterize impacts and mitigation measures for the Agricultural Residential Cluster Subdivision and Future Development Program.

Response 37DA

The commentor states that Trout Creek water levels have dropped since the Ranch started irrigating vineyards. Refer to Response 23A. As noted therein, this observation is noted and will be forwarded to the appropriate decision-makers for review and consideration. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Response 37DB

Refer to Response 37AN. Impacts and mitigation measures related to the Yerba Buena Creek Watershed are provided in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 37DC

The commentor provides a description of vineyard irrigation practices and states that he believes water will be used for irrigation this year. The comment is noted. Refer to Section 4.14, *Water and Wastewater,* of the Final EIR for a detailed discussion of water supply impacts.

Response 37DD

The commentor argues that the water balance calculation should include water used for frost protection. Vineyard water estimates are based on historical data from similar facilities and therefore include such operational water uses.

Response 37DE

The comment states that the opinion that existing studies on vineyard/winery utilization for another project should be considered in the DEIR analysis.

Refer to Table 4.14-1 in Section 4.14, *Water and Wastewater,* in the Final EIR, which has been revised to include planned orchards and vineyards throughout the Ranch property.

The actual water consumption associated with these uses is anticipated to be relatively small, and of a magnitude that will not change the overall impact related to the Future Development Program. The water demand estimate for this type of uses was not available in the County provided water demand information.

Response 37DF

Refer to Response 37DE.

Response 37DG

Please refer to the responses to comments 37F, 37DE and 37DF.

The two wineries and ancillary facilities to which the commentor refers are part of the Future Development Program, not the Agricultural Residential Cluster Subdivision, and are therefore not a part of the current proposal. The Final EIR evaluates impacts associated with these facilities within the Future Development Program analysis.

Response 37DH

Refer to Responses 14L and 37F.

Response 37DI

Refer to Response 37E and Master Responses 2 and 3b.

Response 37DJ

Refer to Response 37DH and Master Response 3b. For the purposes of water demand evaluation, farm support buildings can be considered single-family residences.

Response 37DK

Refer to Response 37AN. As noted therein, the Draft ECA was never certified and is therefore not considered an adopted public document. Inclusion of this unofficial data in the EIR would therefore not be appropriate. The technical analysis prepared for the EIR considered the hydrogeological characteristics of the groundwater basin underlying the subject property.

Response 37DL

As noted in Response 8B, the last paragraph under Section 4.14.1(a) (Water Supply and Current Demand) has been revised to include the commentor-recommended change. Refer to Section 4.14, *Water and Wastewater,* of the Final EIR.

The commentor requests that the Board of Supervisors decision referenced above should be included as an appendix to the EIR. The content of the agreement has not been included in the EIR as an appendix because it is already a document of public record.

Response 37DM

Refer to Response 8H.

Response 37DN

The commentor requests analysis of growth inducing impacts associated with importing water through the State and/or Nacimiento Water Project. Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. Refer also to the discussion under *Water Infrastructure* in Section 5.0, *Growth Inducing Impacts.*

Response 37DO

Refer to Response 36E.

Response 37DP

Refer to Responses 37DN and 16C.

Response 37DQ

Refer to Response 14L. The statement that the Agricultural Residential Cluster Subdivision does not include any commercial or industrial development is accurate.

Response 37DR

Refer to Response 37E and Master Responses 2 and 3b.

Response 37DS

Refer to Master Response 3c.

Response 37DT

Refer to Master Response 3c. Refer also to Master Responses 3a and 3b.

Response 37DU

Refer to Agricultural Residential Cluster Subdivision measure GI-1(a) (Infrastructure Capacity Limitations) in Section 5.3 (Removal of Obstacles to Growth) of the Final EIR, which is required for both the Agricultural Residential Cluster Subdivision and Future Development Program.

Response 37DV

Refer to Master Response 4. As described in Section 6.0, *Alternatives,* a Specific Plan alternative was considered but rejected. This alternative would assume that a Specific Plan is prepared for the proposed Agricultural Residential Cluster Subdivision. This alternative was rejected because although a Specific Plan would provide additional planning information for the property, it would not be expected to change or avoid the physical impacts of the proposed Agricultural Residential Cluster Subdivision. It should be noted that preparation of a Specific Plan is required prior to implementation of any future subdivisions on the property subsequent to the proposed Agricultural Residential Cluster Subdivision.

Response 37DW

Refer to Master Response 4.

Response 37DX

Consideration of Alternative 1 (No Project, No Development) is required by State CEQA Guidelines Section 15126.6(e). It assumes that the proposed Agricultural Residential Cluster Subdivision and Future Development Program are not constructed, and that no new development would occur on the Ranch property. A General Plan Amendment would not be required.

Response 37DY

Refer to Master Response 4.

Response 37DZ

Alternative 2 (No Project/Existing Zoning) assumes that the proposed Agricultural Residential Cluster Subdivision and conceptual Future Development Program are not constructed, and that the Ranch property would be developed in accordance with the existing zoning and General Plan designations for the site. This alternative includes the development of several allowable agricultural uses as a reasonable worst-case scenario.

Response 37EA

Refer to Section 4.5, *Drainage, Erosion and Sedimentation,* for analysis of drainage issues.

Response 37EB

Refer to Master Response 6. The Buena Geotechnical Study was peer reviewed by Boyle Engineering. The EIR drainage evaluations were sufficient to make determinations regarding the severity of project and program impacts. Refer also to Master Response 7.

Response 37EC

The referenced FEMA Flood Insurance Rate Maps (FIRMs) depict 100-year flood zones. The 100-year flood, or "base flood," refers to the flood resulting from a storm event that has a probability of occurring once every 100 years, or a one percent chance of occurring in any given year. Appendix G of the State CEQA Guidelines specifically recommends the use of Flood Insurance Rate Maps to make significance determinations.

Refer also to Response 2A.

Response 37ED

Refer also to Master Response 6.

Response 37EE

The commentor recommends that Table 1 in Appendix H to the Final EIR include two additional studies which are referenced in the appendix. The table in question summarizes drainage reports and drainage studies. The studies referenced by the commentor do not fit in this category.

Response 37EF

The table in question lists studies utilized in the analysis, and is not intended as a comprehensive list of all studies completed on the Ranch.

Response 37EG

Refer to Table 2 in Appendix H of the Final EIR. The source and associated information requested by the commentor is included therein.

Response 37EH

Refer to Agricultural Residential Cluster Subdivision Impacts W-2 and W-3 and Future Development Program Impacts W-2 and W-3 in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 37EI

Refer to Master Response 6.

Response 37EJ

The 100-year flood, or "base flood," refers to the flood resulting from a storm event that has a probability of occurring once every 100 years, or a one percent chance of occurring in any given year. Although a 100-year flood could occur more often than every 100 years, the statement that the community of Santa Margarita experiences a 100-year flood every 5 years is unsubstantiated.

Refer to Agricultural Residential Cluster Subdivision Impact D-2 in Section 4.5, *Drainage, Erosion and Sedimentation,* and Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) for a discussion of the adequacy of the proposed drainage basins.

Response 37EK

Refer to Agricultural Residential Cluster Subdivision Impact D-2 in Section 4.5, *Drainage, Erosion and Sedimentation,* and Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System).

Response 37EL

Refer to Agricultural Residential Cluster Subdivision measure D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR. As noted therein, the Agricultural Residential Cluster Subdivision is required to reduce 100-year post-project runoff conditions to pre-project conditions, which would address downstream impacts mentioned by the commentor.

Response 37EM

Refer to Agricultural Residential Cluster Subdivision Impact D-2 in Section 4.5, *Drainage, Erosion and Sedimentation,* and Agricultural Residential Cluster Subdivision measure D-2(a) (Yerba Buena Drainage System) for a discussion of flooding impacts related to Yerba Buena Creek. With implementation of required mitigation measures, including detention basin specifications, post development flood flows will be reduced to pre-development levels.

Response 37EN

Refer to Figure 4.5-1 (Flood Hazard Areas) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.

Response 37EO

Refer to Master Response 6.

Response 37EP

Refer to Section 4.5, *Drainage, Erosion and Sedimentation,* for a discussion of drainage and flooding impacts and mitigation measures which will be required.

Response 37EQ

Refer to Response 37E and Master Responses 2 and 3b.

Response 37ER

Refer to Response 37BN.

Response 37ES

Refer to Master Response 7 and Section 4.5, *Drainage, Erosion and Sedimentation.*

Response 37ET

The requested map is included in Appendix K of the DEIR.

Response 37EU

The commentor requests inclusion of the attachments referenced in Appendix H. These documents were included in and circulated with the Revised DEIR, and are also included in the Final EIR. Refer also to Response 9N.

Response 37EV

The comment is noted.

Response 37EW

Refer to Response 37DL.

Response 37EX

Refer to Master Response 6.

Response 37EY

Please refer to the responses to comments 37F, 37DD, 37DE and 37DF.

Response 37EZ

Septic leach fields, mound systems, or vertical shafts will be designed based on County standards and site specific soil types to handle the volume of water being discharged from the homes. Because the septic discharge is over a large area at a relatively low rate (note the density of housing per acre) the low permeability soils that are reportedly present are believed capable of percolating the volume of residential effluent. Should mounding systems be utilized for disposal and evapotranspiration of plants is the main mechanism of water removal from these systems, the offset/reduction in irrigation demand should compensate for the amount of water that does not percolate back to groundwater.

Response 37FA

The geology and soil characteristics of the area have been considered in the analysis, including that included in Table 2. Please also refer to the response to comment 37EZ.

Response 37FB

Refer to Response 37AP. The assessment of Future Development Program impacts is based on a reasonable worst case scenario. Refer also to Master Response 3a.

Response 37FC

Analyses were based on reasonable worst-case scenarios, such as 100-year flood events for drainage. Refer also to Response 37FB.

Response 37FD

Refer to Plates 4 and 5 in Appendix K (Hydrogeological Study) to the Final EIR, which show geologic formations and well locations on the Ranch, respectively.

The Agricultural Residential Cluster Subdivision site overlies the Paso Robles Basin.

Response 37FE

The commentor suggests that Appendix K paradoxically claims both that the Salinas River does not recharge groundwater basins and that the Paso Robles formation is recharged via the Salinas River. Appendix K does not claim that the Salinas River does not recharge groundwater. Rather, the appendix states that "groundwater *underflow* is not believed to occur between the Ranch property and the River" (page 15, emphasis added). Groundwater recharge is the inflow of water to a groundwater reservoir from the surface. Groundwater underflow refers to the downstream flow of water through the permeable deposits that underlie a stream.

Response 37FF

The commentor argues that permeability of ranch soils were not properly considered in the consumptive use calculations. Please refer to the response to comment 37EZ.

Response 37FG

The commentor questions why the 'high school' well is so named. The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is warranted.

Response 37FH

The analysis was based on existing data sources, critically evaluated by the independent hydrogeologist conducting the analysis in support of the DEIR. Refer also to Master Response 6.

Response 37FI

The lack of pertinent data is discussed throughout Appendix K and Section 4.14, *Water and Wastewater*. The Hopkins Study did not obtain the missing data because, as discussed in Section 4.14, *Water and Wastewater,* the groundwater levels in the aquifer system must be evaluated over at least one complete hydrologic cycle to establish a trend (generally several decades). Available groundwater level and production data have been collected intermittently and have not been collected over a complete hydrologic cycle. The Hopkins report could not feasibly collect data over several decades.

Response 37FJ

Refer to Response 37FI. Available groundwater level and production data have been collected intermittently and have not been collected over a complete hydrologic cycle. Refer also to Master Response 6.

Response 37FK

Refer to Master Response 7.

Response 37FL

The comment is noted.

Response 37FM

The comment is noted.

Letter 38

RECEIVED
APR 11 2007
S.L.O. CO. PLANNING DEPT

Holly Sletteland
4849 See Ranch Lane
Templeton, CA 93465
April 7, 2007

James Caruso
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

Subject: Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR

Dear Mr. Caruso,

I had hoped to find time to comment on additional sections of this proposal, but the DEIR has proven more formidable than I initially realized. I have many concerns about the proposed development and its impacts on agriculture, future growth, and the historical and rural character of our County, but unfortunately not enough time to put them all into words. Please accept the following limited comments regarding the Biological Resources of the Ranch. A

Section 4.3 Biological Resources, Impact B-1 indicates that no mitigation is required to address the loss of common habitat types, such as California annual grassland. However, the section goes on to note that the loss of this habitat would result in impacts to special-status wildlife species since a number of species, such as golden eagles, white tailed kites, Cooper's hawk, red legged frogs, and American badgers, are currently using this grassland for foraging, dispersal, and breeding. The section then references several measures (e.g. capture and relocation; avoidance) that will purportedly mitigate these impacts. I would have to disagree. The assumption is that one grassland is as good as another, but this is a gross over-simplification and ignores the many other factors that make this grassland particularly desirable to these species, such as soils, temperature, wind, species composition, absence of human activity and a host of other factors. Relocation can be extremely stressful for animals and some may not readily adapt to their new surroundings. Moreover, there is no getting around the fact that the development will remove these grasslands in perpetuity, thereby increasing competition for such resources overall. B

Section 4.3 Biological Resources, Impact B-3 correctly describes "the removal of an estimated 200 to 400 blue oak, coast live oak, and Valley oak trees" as a *Class I, significant and unavoidable impact.* According to CEQA, the only reason the public should tolerate such monumental destruction to the environment is if the benefits of the project justify such losses. I would challenge anyone other than the developers and future residents to come up with benefits that outweigh these enormous costs. Certainly, the project will provide more housing, but not the kind of affordable housing we need. And yes, it will provide a short term boost for the construction industry and associated businesses. Nonetheless, couldn't these very modest benefits be obtained at a far lower cost by building the project in less sensitive habitat closer to town? C

Beyond this, the section fails to note that the development is actually likely to impact *more* than the 200 to 400 trees estimated due to the fact that there appear to be inadequate water supplies. The water tables upon which these trees depend are going to be seriously depleted. Moreover, it will exacerbate the regeneration problem that is particularly worrisome in Valley Oaks, but noted in blue oaks as well, by forever removing suitable habitat for the growth of new trees. The introduction of nursery stock, even native plants, carries the risk of introducing new pathogens and pests, including Sudden Oak Death (SOD). D

The proposed mitigation plan for this tremendous loss is relatively standard, although the suggestion to try to transplant Heritage Oak trees that cannot be avoided was rather surprising. Transplanting trees of this size is *extremely* difficult and prone to failure. The tree may not die immediately, although most do, but its lifespan is likely to be significantly shorter than if it had been allowed to remain in place. Mitigation measures for planting new trees require a seven year monitoring period and an 80% survival rate, which is commendable, *if* it is actually enforced. I have seen far too many of such mitigation projects fail. All too often they look great on paper and assuage everyone's concerns at the time, only to be forgotten shortly afterwards and the promises left unfulfilled. Survival could be improved through the use of gopher baskets, invasive weed removal, shading young seedlings and requiring DriWater for the first couple of years, but my recommendation would be to leave the trees standing. E

Section 4.3, Impact B-7 Southern Steelhead (SS): The DEIR notes that "the on-site portion of Trout Creek has "***exceptional breeding and migratory habitat***" (emphasis added) and notes potential habitat degradation associated with the development that could further impact this already federally threatened species. I would argue that such risks are totally unacceptable. Taxpayers are already paying hundreds of thousands of dollars through government grants to restore marginal habitat for steelhead. Many of their historical breeding grounds and migration paths have been destroyed forever and can never be replaced. It is the height of arrogance to turn around and consider a project which jeopardizes one of the few remaining prime habitats for the species, when development can readily occur elsewhere and the risks avoided entirely. F

Section 4.3, Impact B-8, B-9 Red Legged Frog (RLF) & Other Wildlife Species: The DEIR is very thorough in its analysis of the short and long term impacts to the red legged frog. This cannot be said for the analysis of impacts to other species, including the aforementioned southern steelhead, where the emphasis is primarily upon construction impacts and soft-peddles the long term impacts of living in close proximity with people. The long term impacts noted for the red legged frog, apply to every other species of concern as well, in varying degrees: G

- Residential uses will very likely increase pollutant loads in streams, such as pesticides, fertilizer, detergents, sediment, septic tank contaminants, etc., degrading habitat for aquatic species and contaminating drinking water for others.
- Residential uses may increase human-tolerant predators (e.g. raccoons, skunks, crows, jays) that will prey on a variety of species, including steelhead fry, legless lizards, and fledglings of all kinds. These predators will also compete for available resources leading to potential scarcities.

- Domestic dogs and cats are likely to prey on a variety of vulnerable species in addition to RLF, as well as disrupt mating patterns and raid nests. They are also likely to degrade water quality by dislodging sediment crossing streams and depositing fecal material.
- Residential uses greatly increase the potential that non-native plant species will spread and displace habitat important not only to RLF, but to many other species as well. The loss of habitat from invasive species is the second leading cause of extinctions, and is implicated in the decline of 49% of threatened species.
- Many other types of species are likely to be killed by automobiles in addition to red legged frogs. Collisions with vehicles are a major cause in the decline of a number of species. A surprising number of drivers don't even *try* to avoid animals, but simply expect them to get out of the way – especially small animals like birds and squirrels. Wildlife injury and mortality resulting from increased high speed traffic heading to and from the development along West Pozo Road and Highway 58 (i.e. residents and their friends, family and workers) is likely to jump significantly. G
- Lights and noise from residential uses are also likely to impact far more species than the RLF, particularly animals which are naturally shy and/or nocturnal.
- The potential overdraft of water supplies by the development is also likely to adversely affect many wildlife species, especially during droughts. Water supplies are likely to become increasingly difficult to come by, resulting in increased stress, lower birthrates, and increased mortality.
- Another potential long term impact that I don't believe was mentioned, was animal displacement as a result of wildlife/human encounters. Mountain lions and bears are particularly vulnerable to being forcibly removed or killed after coming too close to project residents, but many other types of wildlife will suffer similar fates.
- Power lines serving the development pose a long term threat to birds, particularly raptors, unless these are all to be buried underground.
- Residential windows also pose a long term threat to birds, as it is well known that birds often collide with these surfaces.

All of these impacts, coupled with the noted permanent loss of foraging, breeding and dispersal habitat, are deemed to be *Class II, significant but mitigable impacts*. This finding is not supported by the facts, in my opinion. The proposed mitigations *may* reduce the impacts to some extent, but it will certainly not eliminate them. The mitigation measures rely heavily on surveys, avoidance and capture and relocation during construction. As noted previously, these methods are no substitute for leaving the habitat and its inhabitants alone by denying the project. Other mitigations such as educating construction workers and new residents *sound* all well and good, but I question their effectiveness. I have been trained by USFWS to identify red legged frogs, but I don't have a lot of confidence in my ability to do so on my own. It takes a fair amount of practice to be good at it. Similarly, I am all too familiar with the threats posed to wildlife by domestic animals, having handled cases as a volunteer for Pacific Wildlife Care and buried the dead presented to me by my own pets. Moreover, who will insure that new residents moving in and future maintenance workers will be educated not to plant vinca in the front yard or allow sediment to wash into the creek? A number of other impacts aren't even addressed with mitigation measures. All in all, the list of mitigations is short and anemic, while the list of impacts is long and quite daunting. H

I would like to conclude with one last observation. The debate over whether climate change is real or not seems to finally be giving way to quarrels over what the long term impacts will be and how to blunt the most severe effects. Although we can't predict with any certainty what the ultimate impact of climate change will be on our local flora and fauna, we *can* be certain that it will require adaptations by all species – a process which is likely to be exceedingly challenging and which will undoubtedly result in casualties. Since we cannot exert any control over climate change in the short term, it would seem that we should be exercising greater vigilance over the threats to our environment that we *can* control. We should simply no longer entertain proposals such as this which destroy critical habitat through sprawling developments, when such habitat is irreplaceable and critically threatened by forces beyond our control. We can no longer afford to ignore climate change when considering the long term impacts of development. We need to protect our biological resources whenever possible in order to give them a fighting chance in a very uncertain future.

Sincerely,

Holly Sletteland

Letter 38

COMMENTOR: Holly Sletteland, Private Citizen

DATE: April 7, 2007

RESPONSE:

Response 38A

Refer to Responses 38B through 38I below.

Response 38B

Agricultural Residential Cluster Subdivision Impact B-1 addresses common habitat types which are not considered sensitive or special status. Based on the thresholds listed in Section 4.3.2(a) (*Methodology and Significance Thresholds*), impacts are Class III, *less than significant.* Impacts to sensitive species listed by the commentor are addressed throughout Section 4.3, *Biological Resources.*

Response 38C

The commentor's opinions regarding the oak tree impacts identified in the DEIR are noted. Refer also to Master Response 1.

Response 38D

The commentor claims that the Draft EIR fails to consider impacts to oak trees resulting from a depletion of groundwater resources.

As discussed in Section 4.14, *Water and Wastewater*, water demand from the proposed Agricultural Residential Cluster Subdivision may contribute to overdraft of the aquifer system. Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) requires that the applicant acquire imported water supply to serve the Agricultural Residential Cluster Subdivision. Due to uncertainty regarding timing and availability of these sources, this impact is *significant and unavoidable*. Although this is a Class I impact, the applicant is required to obtain imported water prior to implementation of the Agricultural Residential Cluster Subdivision, and development could not occur without adequate water supply. As a result, water use to serve the proposed Agricultural Residential Cluster Subdivision would not impact on-site oak trees.

Response 38E

Refer to Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in Section 4.3, *Biological Resources,* of the Final EIR. These measures have been revised to streamline the mitigation process and require avoidance and protection to the maximum extent feasible. It should also be noted that transplanting is no longer required.

As noted in the Agricultural Residential Cluster Subdivision Impact B-3 impact statement in Section 4.3, *Biological Resources,* impacts on oak trees are Class I, *significant and unavoidable.* Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the State CEQA Guidelines.

The commentor's opinion regarding avoidance is noted.

Response 38F

The commentor's opinions regarding impacts to Steelhead are noted.

Response 38G

Refer to Agricultural Residential Cluster Subdivision Impacts B-6 and B-7 for a discussion of impacts specific to Vernal Pool Fairy Shrimp (VPFS) and South/Central California Coast Steelhead, respectively. These analyses include both short- and long-term impacts. It should also be noted that several measures included in Agricultural Residential Cluster Subdivision measure B-8(a) (California Red-Legged Frog Avoidance, Minimization, and Mitigation Measures) would have an overall benefit to aquatic species in the area, including VPFS and Steelhead.

Response 38H

The commentor argues that mitigation measures in Section 4.3, *Biological Resources*, will not reduce impacts because they do not require pure avoidance, rely on education of workers and residents who may not be easily educated, and do not provide long-term education for future maintenance workers and residents. Mitigation measures throughout Section 4.3 are adequate, as they follow agency and County standards. In addition, all impacts are based on thresholds, as outlined Section 4.3.2(a) (Methodology and Significance Thresholds) of the Final EIR.

Response 38I

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR.

The commentor's opposition to the project is noted.

Letter 39

James Caruso
San Luis Obispo County Department of Planning and Building

jcaruso@co.slo.ca.us

April 8th, 2007

Dear Mr. Caruso,

Before getting into any details about the Santa Margarita Ranch Draft EIR, let me make a few general observations. The document is, in many ways, a cut above many EIR's I have seen, and the appendices that supplement the main body add important information. The number and range of Class I impacts is of great concern, and it is hard to think of any appropriate overriding considerations that could offset such impacts as the destruction of cultural resources and the depletion of the water supply. But at least the DEIR confronts us with the existence of these Class I impacts, although it may underestimate them. A

Another general observation is that the size and complexity of the underlying project, uncertainties as to project description, and information still missing, all seem to call not for proceeding to a Final EIR, but for a revised draft. The owners of the Ranch have repeatedly publicly stated that they are submitting over 1000 pages of comments, that in their view, the project description is faulty, and that some of the required mitigations are unnecessary. We in the public have no way to evaluate the veracity of their claims versus the consultants' claims, and if the DEIR is directly followed by a FEIR, there will be no opportunity for the public to comment on any changes in project description or mitigations that may result from the response to the voluminous comments from the Ranch owners. This is only one of the compelling reasons why a revised draft is the prudent course; others will be brought forward in later paragraphs. B

A final general observation is that there is no assessment of, or evaluation of mitigations for, foreseeable impacts to the physical and community character of the existing town of Santa Margarita from the very different sort of surrounding development that threatens to overwhelm everything that makes the existing town unique. A few steps toward considering this issue are taken in the Cultural Landscape Report, but while fascinating, it is very weak on identifying, or proposing mitigations for, threats to the character of the existing town of Santa Margarita. The nomination of the Santa Margarita Ranch to the National Register of Historic Places as a Rural Historic District, while worthwhile in itself, does nothing to protect the town it surrounds, and it is unclear whether any comparable process that would include the town is feasible, nor what its effect would be on the heterogeneity of building ages and styles that is actually part of the community's charm. Of greatest importance is that the existing town, while historic, is a living community of exceptional social cohesion. C

The proposed cluster subdivision, wherever it is located, would add almost another 30% to the town's existing housing stock, while in combination with the future development scenario, development on the Ranch would significantly outnumber the existing houses in Santa Margarita. Most of the new homes are defined as 3500 square feet and two stories on one-acre parcels. People who could afford such huge homes (far out of scale with homes in the existing community) would change the community character by their very presence, and even more by their spending power, which would D

outweigh that of the local population even more than would their numbers. The tastes of the wealthy newcomers would be likely to significantly alter the business climate and type of business that would thrive in downtown Santa Margarita, and could lead to large increases of square footage needed for retail in the area. What is to guarantee architectural consistency of new retail with the old, or keep the current slow-paced downtown from becoming a congested generic anyplace? D

To get a hint of the changes that may lie in store for the community itself, we might consider the example of the small town of Temecula in Riverside County. Until the late 1960's, it was a quaint place about the size of Santa Margarita. The quaintness was not a product or a strategy, but simply the character of the community as it was. Then, the surrounding old land grant rancho began to be subdivided and developed, and Temecula became surrounded by "Rancho California," the planned community. Now, there are a few quaint old buildings for nostalgia's sake (a draw for tourists) amid the sprawl, but Temecula, as the self-contained, functioning community it once was, is no more. E

Adding to my concern about the overwhelming and destruction of the community's character is concern about the very homogeneity dictated by the description of cookie cutter 2 story 3500-square-foot houses on one-acre lots. F

Santa Margarita is very heterogeneous, which is one of its strengths as a community. The same block can contain big houses (although "big" in Santa Margarita is anything approaching 2000 square feet—nothing near 3500) and small ones (1000 square feet or less). The relatively well-to-do live side by side with those of humble circumstance. They participate in such expressions of neighborliness as community cleanups, community creek maintenance events, and the summertime "Margarita Monday" community picnics in the park. There are no "good" or "bad" neighborhoods. When everyone eats together in the park, nobody pays the least attention to who has come there from a larger house or a tiny house. Time and again, when a family of humble circumstances hits a bump in the road such as health expenses, the community bands together to hold fund raising dinners, auctions, and benefits for the neighbors in need. Santa Margarita is that kind of place. G

Introducing a majority population occupying expensive homes designed not for community but for private isolation would be a tremendous blow to the integrated feeling the community has achieved, and to add insult to injury, the plan for the Ranch is not to scatter affordable homes here and there among the homes of the more fortunate, in keeping with the character of the existing community, but to put all the poor people in one place—INDEED, IN ONE BUILDING! This would become the instant "bad neighborhood," and would be the only Ranch development accessing the town street system by an easy walk H

There is no way this sort of social stratification could be healthy for any community, much less one for which it is so remote from its existing character. Although it is not the responsibility of an EIR to make findings relative to the psychological well-being of a community, it is well known that psychological well-being (or its antithesis) is reflected in the physical environment, and these physical impacts need to be foreseen and mitigated, and more benign alternative projects proposed which would not cause them. Socially stratified places that have lost their sense of community cease to have the same cared-for look that healthy communities have, and neglect can even be enhanced by I

vandalism if some residents feel aggressively shut out compared to others. What is to keep downtown Santa Margarita from devolving to a shopping area for the well heeled, with one or two businesses barely hanging on to serve the less economically powerful? Would the residents of the existing community then feel the same sense of ownership and participation? I

This effect on the town would likely be magnified by the transition to tourist mecca promoted by the existence of a large hotel, 36 hotel golf course, nine large wineries, the historic Asistencia promoted as part of a visitor-serving headquarters area, etc. It is foreseeable that local entrepreneurs would soon arise to compete with the visitor-serving facilities on the Ranch itself. As soon as the first Sunset magazine article "discovers" the Santa Margarita area, the visitor rush will be on. I am not necessarily making a value judgement; we live in a county that depends on tourism and many local communities vie with each other to attract visitors, but increased visitation <u>will</u> have physical impacts on the character of the town visited, and the retail core of Santa Margarita, and even its residential neighborhoods, could be transformed as a result. How many bed and breakfasts would arise as the profile of the area was raised? Would homes occupied by settled resident renters be redirected into the "vacation rental" industry? The experience of Cambria and Cayucos with vacation rentals has been disconcerting. Homes occupied not by neighbors, but by a sequence of visitors with no stake in the neighborhood and often in a "letting down their hair" mode, with no onsite staff to monitor their behavior, can totally transform the character of a community. J

Because there has been nothing in the DEIR to grapple with any of these threats, we have another strong argument for moving on to a revised Draft rather than a Final, so that the public can comment on proposed alternatives that would ameliorate or avoid these pernicious effects, and on the effectiveness of any mitigations that might be proposed to compensate for the impacts on the existing community from the proposed project. K

Although it might be more convenient for me to move through the DEIR chapters in the sequence in which they appear, I am now going to jump to water issues, because a recent decision of the California Supreme Court so decisively strengthens the case for moving to a revised Draft rather than a Final. I am referring to *Vineyard Area Citizens for Responsible Growth vs City of Rancho Cordova.*

In this case, an EIR was found faulty due to the lack of specificity and analysis relative to sources of water for the covered development, including analysis of the impacts of any projects that might provide the water. The remedy was recirculation, and it was specified that the public needed the opportunity to comment on the information that had heretofore been missing before the document could move on to a valid final form. L

The proposed cluster subdivision is supposed to form a mutual water company, and although some possible impacts of this company further tapping the already stressed groundwater are discussed in the Hydrogeological Study, there is no discussion of the impacts of the mitigation called for in the main body of the EIR itself, where it says the development SHALL secure an imported water supply, presumed to be from either the Nacimiento Project or the Coastal Branch of the State Water Project.

The Nacimiento Project is not yet built, but it does have a completed EIR. (It is worthy of note that this project received a Revised Draft EIR before proceeding to a

Final; there is ample precedent for this prudent and legally safe course.) What is not known is the means by which Nacimiento Water would access the project itself. Since the pipeline would carry raw water, where and how would this water be treated for domestic use, and what would be the location and impacts of this treatment facility? Would this treatment plant be sized only for the cluster subdivision, or also for the future development scenario, or perhaps also shared with, and sized to serve, the existing community in addition? What would be the route of the lateral carrying the water to the new development, and how large a construction corridor would be needed to put it in place? What sort of maintenance would it require? If the lateral were to carry chlorinated water, how would leaks or spills into any blue line streams and wetlands be prevented?

The Coastal Branch of the State Water Project passes through the Santa Margarita Ranch and along the southern boundary of the town of Santa Margarita. Its reliability is increasingly called into question as state population and demand grows and the Sacramento-San Joaquin Delta from which the water is pumped becomes increasingly compromised by levee failures, fish mitigations, climate change, sea level rise, and other continuing or foreseeable (such as levee-destroying earthquakes) problems. (It is worthy of note that the Clifton Court Forebay, where Delta water is first pumped into the State Water Project, is below sea level! It is only the outward flow of fresh water and the integrity of Delta Levees that keep the system from carrying brackish or salty water!) It is only in unusually wet years that the State Water Project as a whole carries 100% of its subscribers' entitlements; when there is a shortfall, subscribers on the Coastal Branch are held to a proportionate share of that shortfall. (The Coastal Branch carries less than 3% of the Project total; thus the Central Coast exercises little political power in decisions made about the project as a whole. At present, even for that 3%, locals have little say in its operation; the Central Coast Water Authority which operates the Coastal Branch is a Joint Powers Authority made up of Santa Barbara County water purveyors, with no representation from San Luis Obispo County.) Some local subscribers pay extra for "drought buffers" or "reliability reserves," but these are of diminishing effectiveness the greater the shortfall; the doubling of entitlement in a year of 50% delivery may carry a subscriber through, but in a year of 20% delivery, the doubling of that 20% is much less useful in meeting continuing needs. L

If there is a prospect that State Water would be the supply for the proposed cluster subdivision, then it is the responsibility of a Revised Draft EIR to characterize the project that would actually deliver it to the subdivision (including turnout, lateral route, and construction and maintenance impacts and protection of aquatic habitat from chlorinated water spills as with the Nacimiento option), and also to explain how such a source would be sufficiently reliable to be a meaningful mitigation. Since it is a State project, the State context outlined above needs to be part of the analysis of the project's ability to deliver.

I know that other commentors are raising many other issues relative to water supply, and, as a member of the Water Resources Advisory Committee, I participated in that committee's vote to forward correspondence from some of our members. I share the concerns raised in those comments, and I don't feel it necessary to repeat those well-expressed concerns to assert that they are my concerns as well. In this way I economize on your time and the consultants' as well as mine, but I will be watching responses to all WRAC member comments with great interest. M

One further water related issue I wish to raise: in the tables quantifying the projected water demands of various components of the cluster subdivision and the future development scenario, the water use figures for wineries seem to take into account only the visitor serving uses, not the considerable amounts of water used in wine production itself. Given the impressive square footage planned for structures at each winery location, it is clear that these supermarket sized structures will be for actual production of the product and not just for visitors to stand in cavernous empty rooms tasting. Thus, we need to see realistic figures for the water use involved with wine production added to the existing figures. N

One of my major concerns relative to biological resources is the class 3 insignificant impact assumed for the taken-for-granted annual grassland habitat. Yes, most of the grasses are non-native, but deep-soiled grassland anchors the food chain for raptors and other predators; it is fertile soil where creatures can readily dig burrows that provide the most abundant prey. Why should a species be unworthy of mitigation if it is not threatened or endangered? Most species now in trouble were once abundant, and their decline happened a little at a time. O

I am also concerned that there is little cross-fertilization between the biological resources chapter and the chapter on water supply and the appendix with the Hydrogeological Study. What is the effect of groundwater depletion on streamflow as it affects steelhead? What is most important for the Pacific steelhead is not the average flow in any given year, but the frequency of those years in which migration from the sea, reproduction, and rearing are possible. The frequency must never stretch out past the lifespan of individual steelhead or the population is finished; conversely, the more frequent the years providing opportunities for successful reproduction and survival of young any individual steelhead has, the better the prospects for the continued viability of the population. The revised draft should be written to cross reference the applicable chapters, and to look at impacts from the standpoint of impact on this frequency. P

Discussion of impacts and mitigations relative to oaks should be informed by the recent Native Tree Inventory prepared for the City of Atascadero. Based on a study of the original Atascadero Colony, including unincorporated South Atascadero right up to the boundary of the Ranch, its findings can be roughly extrapolated into adjacent areas. While the current grazing operation itself is taking greater notice than before of strategies consistent with improvement of the dismal reproductive success of blue and valley oaks, any attempts to mitigate the impacts of development on these species need to truly take into account the recognition of how steeply uphill the challenge of mitigating any taking of this species is. It is also clear that young trees of these species need to be valued, and protected, at least as much as the big old ones; it is the decades and centuries they have yet to live that represent the greatest value for the future woodland. Q

Two other chapters that need more cross-fertilization are those on transportation and recreation. The proposed Ag Cluster is quite frankly a hostile environment for children too young to drive. (That is true of non-driving elders as well.) I suppose it is possible that most of the expensive homes will be occupied not by families but by retired people cashing in their equity from places with even more inflated housing cost bubbles than here, but if that is the case, what public interest overriding considerations could possibly justify the numerous Class I impacts of the project? And as the retirees age, how are they to get around once they become too old to drive? The proposed location of R

the cluster subdivision is well beyond the ¾ mile distance from a fixed public transit route where ADA service is provided by law. Who will provide mobility for marooned elders? R

Returning to the concerns for the young people, we need to be prepared for the prospect that families with children will in fact occupy many of these houses. The young people will be surrounded by enticing countryside, but considered trespassers if they seek to explore it, much less have such typical kid adventures as building forts or "clubhouses." (By the way, with the ranchland between the lots being occupied by cattle, and the homeowners responsible for keeping their children and dogs away from these cattle, what kind of fencing would they be required to build, and what would be the cumulative visual impact of all these fences?) The "cluster" would be a marooned residential neighborhood with no retail, educational, or entertainment services. Anything that could attract a kid (aside from possible friends elsewhere in the cluster) would be a considerable distance away, in town. The trail will help, but would be a time-consuming walk for most kids. In summer, there is little shade. And would it be public or private? If private, does this mean a kid with a friend in town could go to visit that friend, but not invite the friend for a return visit? See the concern about social stratification expressed above! S

It is in town that kids could find stores, cafes, and after school activities such as sports, performing arts, or homework assistance. It is only in town that kids could find places to informally "hang out" with other kids. The cluster itself will be made up of large, economically homogeneous houses, the intervening streets (which could be walked or bicycled on), and scenic countryside one must stay out of. There is no public space within the cluster except streets. There is no plan for public transit to the cluster, and school buses, even if they might serve this cluster, would only do so for normal school hours, not for after school activities. Many kids might use bicycles to get to town, but with increasing traffic (including, on the weekends, large contingents of winery visitors traveling to and from large events—often somewhat impaired after imbibing wine at said events!) on Highway 58, and the County having little or no control over improvements to a state highway, this may be a risky way to go. The isolation felt by the young people in the cluster might be somewhat mitigated by provision of a Class I bicycle trail on Ranch property (thus not hostage to the Caltrans/California Transportation Commission prioritization and approval process as would be the case on state highway property) from the cluster to town, but it would be better yet to think in terms of truly smart growth options where young people (and for that matter old people) could have full access to the whole community without cars. I might add that for those youth getting close to driving age, having young friends in the cluster who are new drivers could provide the most convenient way to get to town. Is that what parents would want? T

While we are looking at the chapter on Transportation and Circulation, I need to observe that the information on page 4.12.11 on the schedule of Regional Transit Route 9 is obsolete, and the current schedule should be consulted for the comparable section in the revised draft and the final EIR. I would also point out that the transit related mitigations on pages 4.21.47 and 4.12.48 are inadequate. Providing bus stops does not provide buses to stop there, and to "Coordinate with the San Luis Obispo Regional Transit Authority to adjust the bus schedules to meet increased demand" is not likely to carry any weight with the agency unless accompanied by operating funding to provide U V

the actual service the increased demand would warrant. Operating funding by its nature is a continuous stream, which is hard to exact from a one-time development approval. I would like to see options for doing so explored, however creative the thinking needed! V

The type of development described in the proposed cluster subdivision and the future development scenario is noteworthy for being the antithesis of the smart growth recently adopted by San Luis Obispo County, and for its dependence on the automobile. What overriding considerations could be made for a project with so many Class I impacts and that does so little to advance stated goals of the county? W

It is not possible to ask all the questions that need to be asked, and rather than seek to thoroughly exhaust all possibly relevant issues in this Draft EIR, it seems more prudent to end by repeating the call for a revised draft rather than a Final, so that a more coherent project description and more thorough study of impacts can provide a more sound basis for public review and comment before the document continues to its final stage. The revised draft should contain analysis of alternative projects that would be easily accessible to town by non-motorized travelers, and that would build on the heterogeneous nature of the existing community, rather than impose extremes of segregation by social class on a place where it is a foreign concept. Y

Thank you in advance for thorough responses to these comments and all the other comments you receive.

Sincerely,

Eric Greening
7365 Valle Ave.
Atascadero,
California,
93422

Letter 39

COMMENTOR: Eric Greening, Private Citizen

DATE: April 8, 2007

RESPONSE:

Response 39A

The comment is noted.

Response 39B

The Draft EIR was revised and recirculated from February 11, 2008 to March 26, 2008, as noted in Section 1.0 (Introduction) of this Response to Comments document.

Response 39C

Refer to Agricultural Residential Cluster Subdivision Impact VR-1 and Future Development Program Impact VR-1 for a discussion of impacts related to the alteration of aesthetic character. Physical impacts are addressed throughout the Final EIR. Refer also to Master Response 1. An evaluation of the alteration of community social character is beyond the scope of the EIR as it does not pertain to an adopted threshold of significance.

Response 39D

Refer to Master Responses 1 and 2.

Response 39E

Refer to Master Responses 1 and 2.

Response 39F

Refer to Master Response 1.

Response 39G

Refer to Master Response 1.

Response 39H

Refer to Master Response 1.

Response 39I

Refer to Master Response 1.

Response 39J

Refer to Master Responses 1 and 2.

Response 39K

Refer to Master Responses 1 and 2. The issues raised by the commentor are not environmental issues and are outside the scope of CEQA and the EIR. Although portions of the EIR were revised and recirculated (refer to Response 39B), including an analysis of several new alternatives to the Agricultural Residential Cluster Subdivision, recirculation is not required to address social or economic impacts. The commentor's concerns have been noted and will be forwarded to the appropriate decision-makers for review and consideration.

Response 39L

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. The revised discussion addresses these concerns.

Response 39M

Refer to Letter 8 and Responses 8A through 8AJ.

Response 39N

The commentor is concerned that information on water use for future wineries does not account for wine production activities, just visitor serving uses. Table 4.14-2 shows the projected water consumption associated with winery uses under the Future Development Scenario, which accounts for both visitor serving uses and wine production.

Response 39O

Refer to Response 38B. As noted therein, Agricultural Residential Cluster Subdivision Impact B-1 addresses common habitat types which are not considered sensitive or special status. Based on the thresholds listed in Section 4.3.2(a) (Methodology and Significance Thresholds), impacts are Class III, *less than significant.* Impacts to sensitive species are addressed throughout Section 4.3, *Biological Resources,* of the Final EIR.

Response 39P

Refer to the last paragraph under Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR. As noted therein, "the applicant is required to obtain imported water prior to implementation of the Agricultural Residential Cluster Subdivision, and development could not occur without adequate water supply. As a result, water use to serve the proposed Agricultural Residential Cluster Subdivision would not reduce stream flow or water supply available for riparian vegetation and Steelhead migration and breeding habitats."

Response 39Q

As noted by the commentor, the Native Tree Inventory prepared for the City of Atascadero (Native Tree and Biological GIS Mapping Inventory: Phases II & III, East-West Forestry Associates, Inc., January 16, 2007) extends only to the boundary of the Santa Margarita Ranch. Therefore, it is not applicable to the Agricultural Residential Cluster Subdivision or Future Development Program analyses. Impacts to oak trees are addressed in Section 4.3, *Biological Resources.*

Response 39R

Refer to Master Responses 1 and 2. Impacts related to transit services are discussed under Agricultural Residential Cluster Subdivision Impact T-4 and Future Development Program Impact T-4 in Section 4.12, *Transportation and Circulation*.

Response 39S

Refer to Master Responses 1 and 2. Impacts related to conflicts between proposed urban uses and existing and future agricultural uses are discussed under Agricultural Residential Cluster Subdivision Impact AG-2 and Future Development Program Impact AG-2 in Section 4.3, *Agricultural Resources*. Agricultural Residential Cluster Subdivision measure T-4(b) (Pedestrian Pathway) requires the pedestrian pathway between the Agricultural Residential Cluster Subdivision and the community of Santa Margarita to be made public.

Response 39T

Refer to Master Responses 1 and 2. Refer to Section 4.12, *Transportation and Circulation,* for a discussion of transit and circulation impacts.

Response 39U

The commentor notes that the schedule listed in the Draft EIR for Regional Transit Route 9 is out of date. The *RTA Route 9* discussion under Section 4.12.1(h) (Transit Services) has been revised accordingly in the Final EIR.

Response 39V

The comment is noted and will be forwarded to the appropriate decision-makers for review and consideration.

Response 39W

The commentor's opinions regarding the proposed Agricultural Residential Cluster Subdivision are noted.

Response 39X

Refer to Response 39B and Master Response 4.

Letter 40

RECEIVED
APR 11 2007
S.L.O. CO. PLANNING DEPT

Mark Tomes
P.O. Box 735
Santa Margarita, CA 93453
(805) 438-3640
tomes@charter.net

April 9, 2007

James Caruso
Department of Planning and Building
San Luis Obispo County
Government Center
San Luis Obispo, CA 93408

Dear Mr. Caruso,

This letter is to register my comments regarding the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Draft Environmental Impact Report (DEIR). I have some specific comments regarding the report, as well as some general comments on development in the county.

I have lived in the town of Santa Margarita for 14 years, served as Chair of the Santa Margarita Area Advisory Council, and served on the Ranch/Council mediated committee that developed the parameters for the Santa Margarita Ranch development that was included in the Salinas River Area section of the county General Plan.

I have also served as a trustee on the Atascadero Unified School District Board of Education, and I am currently Treasurer for both the Santa Margarita Community Forestry Project and the Friends of the Santa Margarita Library. **A**

In all of these varied roles, I have become quite familiar with the history of the ranch and its effects on the town of Santa Margarita.

To begin specific comments on the Draft Environmental Impact Report, let me say that this DEIR is riddled with inconsistencies and is incomplete. It should not be considered a precursor to a final EIR. Instead, a revised Draft EIR should be completed that corrects the errors in the report and addresses the areas that are omitted in this original draft report. **B**

The number of errors in the report at numerous and have been addressed by the ranch owners and community members alike, so I shall not repeat them here. **C**

However, two areas that need to be addressed in a future DEIR include light pollution (the increase in light in the night sky that is generated by the development, both residential and commercial/recreational) and the impact on the library system. **D**

The DEIR specifies 11 Class I (unmitigable) impacts. In my opinion, that makes the project, as it stands, null and void. The ranch owners are disputing the impacts, but even one impact that is unmitigable makes the project need revision so that the impact is mitigable. **E**

My recollection of the final mediated agreement between the ranch owners and the Santa Margarita Area Advisory Council was that the ranch owners agreed to submit a specific plan for **F**

development for the entire ranch, not just pieces of it (except for the lot behind Garden Farms that has already been developed). Submitting the plan for an Ag Cluster violates this agreement and hence, the plan should be revised to include the entire ranch. F

In fact, not including the impacts on the entire ranch is a serious flaw of this DEIR. G

Any development plan for the Santa Margarita Ranch should include the 10% of below market value homes, as required in the General Plan. If they don't, there is no guarantee that this important clause in the General Plan will get executed properly. H

Finally, I would like to comment on development in general. Every study that I have ever read has shown that development, and residential development in particular, does not "pay for itself," i.e., not enough development fees and taxes are generated to pay for the public services that are required for the development's residents after the project is finished. While there are temporarily jobs in the area, the development described in the report does not generate many long-term employment opportunities other than low-paying service industry jobs. The citizens and the county will be paying for the services needed to the residents and employees of the development long after the developers have made their millions of dollars in profit and left. I have no problem with making profit, but let's not kid ourselves into thinking that somehow this project, and others like it, are anything but a very short-term benefit to the county. The great majority of benefit goes to the developers/owners; very little is retained by the county. I

Santa Margarita is a town of diverse income levels, interests, and politics, and yet somehow, it works. People come together in times of need, such as the Highway 41 fire and the floods we have had over the past few years, but they also come together in times of fun, such as during the annual Days of the Dons festivities and the summer Margarita Monday potlucks at the county park. We are surrounded by the ranch in a rural environment, and most of us want to keep it that way. I see very little in the ranch owners' plan that would help keep Santa Margarita the quiet and rural place that it is. Particularly disturbing is the lack of planning for the entire ranch, as a whole. J

You have heard this before, and it still holds true: the developers bought a cattle ranch. That is all to which they are entitled. Anything else is a gift to the developers. All the millions of dollars the ranch owners could make from this project is a gift from the citizens of this county and the county government. Personally, I am not prepared to give this gift. I think the ranch owners should submit a plan that includes the entire ranch so that we can see the cumulative impacts on our great little community of Santa Margarita. K

Respectfully yours,

Mark Tomes

paper copy to follow
cc: SLO County Board of Supervisors

Letter 40

COMMENTOR: Mark Tomes, Private Citizen

DATE: April 9, 2007

RESPONSE:

Response 40A

The comment is noted.

Response 40B

The commentor recommends recirculation of the Draft EIR. Although the commentor does not identify specific errors or omissions in the Draft EIR that would warrant recirculation, portions of the Draft EIR were revised and recirculated from February 11, 2008 to March 26, 2008. The changes included therein have been incorporated into the Final EIR.

Response 40C

The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is feasible.

Response 40D

The commentor argues that light pollution and impacts on the library system need to be addressed in the recirculated Draft EIR. Refer to Section 4.13, *Visual Resources,* in the Final EIR for a discussion of light and glare impacts. Refer also to Response 30A and Section 4.10.5 (Libraries) in Section 4.10, *Public Services and Utilities,* of the Final EIR for a discussion of impacts to the Santa Margarita Library.

Response 40E

The commentor's opinions regarding the project are noted.

Response 40F

As noted in the last paragraph of Section 2.4.1(a) (Residential Cluster) of the Final EIR, the San Luis Obispo County Land Use Ordinance, Section 22.104.040 (Salinas River Rural Area Standards), requires that a Specific Plan be prepared for the Santa Margarita Ranch area before any application is approved for a subdivision *other than* a Cluster development. Since only an agricultural residential cluster subdivision is proposed at this time, a Specific Plan is not required.

Response 40G

Refer to Master Response 3a through 3c.

Response 40H

Refer to Master Response 3a. As noted therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch. However, the Future Development Program does include 50 affordable workforce units. This represents approximately 12% of the total residential units included in the Future Development Program.

Response 40I

Refer to Master Response 1.

Response 40J

Refer to Master Response 1. Refer also to Mater Response 3a.

Response 40K

Refer to Master Response 1 and Response 40F.

Letter 41

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

James Caruso , jcaruso@co.slo.ca.us
Planning Department, San Luis Obispo County, CA

Dear Mr. Caruso and County Supervisors,

As a resident of Santa Margarita, I have concerns about the proposed Agricultural Residential Cluster Subdivision on the Santa Margarita Ranch. The greatest concern is that the draft EIR does not include the entire development plan. The California Environmental Quality Act (CEQA) requires that an EIR give careful study to the whole project rather than looking at segmented development. Wording in the General Plan for the Santa Margarita Ranch should not be allowed to override a state law with the sound purpose of protecting the environment. **A**

This draft EIR appears to be a well-prepared and carefully studied document; however, the environmental impacts described in the current EIR are incomplete without assessing the entire planned development. The developers have not given enough specific information on the entire future development. They need to provide this in order that all the environmental impacts could be looked at thoroughly. Therefore this draft of the EIR should be returned to the drawing table for further study of the whole building project. **B**

The current draft EIR states that the adequacy of the water supply is questionable. Water is crucial to sustaining a community. There is a need for an in-depth look at the water supply, the frequency of droughts, and the compatibility with this planned growth. The ranch owners should be required to prove the adequacy of the water supply before they are allowed to go forward. **C**

The environmental impacts described in the current draft EIR that are considered to be Class 1 (unable to mitigate) are numerous. How many more Class 1 impacts will be found when the EIR is completed in the manner that it should be? These impacts, include traffic hazards, potential water insufficiencies, loss of prime soils for agriculture, light and noise pollution, air pollution due to increased auto emissions, loss of valuable and unique oak trees, etc. The final develop plan should have all such impacts eliminated. These losses are unacceptable to the communities of Santa Margarita, San Luis Obispo County, and greater California. The project developers should be required to modify their plan so as to protect all of our valuable natural resources for many generations to come. **D**

The Santa Margarita Ranch is of great importance because it contains unique and vanishing landscapes, ecosystems, cultural and historical preserves. In fact, the Ranch is the last of its kind with the real flavor of "Old California." It should be preserved. **E**

With a young child attending Santa Margarita Elementary School, I have great concern about the traffic flow on Hwy. 58. It is already dangerous. Further development will have great impact on the pedestrian crossing here and at other intersections. Pedestrian traffic on El Camino Real will be impacted even more. Anyone wishing to board the city bus will have considerable difficulty crossing El Camino Real at Encino. As we are waking up to the importance of global climate change, we need to proceed with planning and development that allows reductions in carbon dioxide emissions from motor vehicles. **F**

Thank you for your careful consideration of the draft EIR and its intention of protecting environmental, cultural and human resources in this important part of our state.

Sincerely,

Rita M. Conway, ND

Rita M. Conway, N.D.
22540 J St.
Santa Margarita, CA 93453

Letter 41

COMMENTOR: Rita M. Conway, Private Citizen

DATE: April 10, 2007

RESPONSE:

Response 41A

Refer to Master Response 3a. The Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review. The only development planned currently is the proposed Agricultural Residential Cluster Subdivision. Refer also to Master Response 3c. Because the EIR analyzes a conceptual future buildout of the Santa Margarita Ranch, it inherently avoids segmentation.

Response 41B

Refer to Response 41A. Refer also to Master Response 3b.

Response 41C

Refer to the analysis in Section 4.14, *Water and Wastewater,* for a detailed examination of project and program water supply impacts. As noted therein, Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) requires that the applicant acquire imported water supply to serve the Agricultural Residential Cluster Subdivision. Due to uncertainty regarding timing and availability of these sources, this impact is *significant and unavoidable*. Although this is a Class I impact, the applicant is required to obtain imported water prior to implementation of the Agricultural Residential Cluster Subdivision, and development could not occur without adequate water supply. Refer also to the *Residual Impact* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*.

Response 41D

The commentor's opinions regarding the project are noted.

Response 41E

The commentor's opinions regarding the project are noted. Refer to Section 4.4, *Cultural Resources,* for a discussion of project and program impacts on cultural resources.

Response 41F

Refer to the third to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses trip generation in the vicinity of Santa Margarita Elementary School and associated impacts in greater detail. Refer also to Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) and Master Responses 5.

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2*, Air Quality,* of the Final EIR for a discussion of impacts related to Global Climate Change.

Letter 42

RECEIVED
APR 13 2007
S.L.O. CO. PLANNING DEPT

10 April 2007

Mr. James Caruso
Department of Planning and Building
San Luis Obispo County
Government Center
San Luis Obispo, CA 93408

RE: Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program DEIR

Dear Mr. Caruso:

My firm, Davis-King & Associates (DKA), was asked to review and comment on the cultural resources portion of the draft environmental impact report (DEIR) for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program, near the town of Santa Margarita, in San Luis Obispo County, California. Overall, the cultural resources work conducted by Applied Earthworks, Inc. appears to meet the standards and guidelines of both the California Environmental Quality Act (CEQA) and the California Register of Historical Resources, and is above average in its consideration of cultural resources issues. The cultural landscape report, as an appendix to the DEIR, is particularly welcome and appropriate to such a large development. **A**

As explained in the DEIR, the proposed project would be in two components: an "Agricultural Residential Cluster Subdivision" and some future development with anticipated entitlements. The Santa Margarita Ranch property consists of approximately 14,000 acres. The subdivision would occur in 3778 acres of the property that includes a 2417 acre remainder lot, while future development would occurs in the balance of the acreage. It is unclear in the DEIR whether the proposed project meets land use designations and other aspects of both the San Luis Obispo County General Plan and the Salinas River Specific Plan, and whether lot line adjustments alone would create the proposed parcels. Changes to or modifications of either the specific or general plans would require consultation with Native American groups, as identified by the California native American Heritage Commission (NAHC). While your consultants have contacted Native Americans that may be on the NAHC list, consultation by the government under the conditions of Senate Bill 18 has not yet been met and would be necessary before public hearings. **B**

DKA's additional comments, limited to cultural (not paleontological) resources, are on the following topics: (1) Native American landscape and traditional properties; (2) professional qualifications; (3) nexus of impacts to mitigation measures and the adequacy of the latter; (4) oak mitigation. **C**

(1) The *Cultural Landscape Report for Santa Margarita Ranch, San Luis Obispo County, California* prepared by Beedle and Price included as an appendix to the DEIR, does an adequate job of outlining the values related to the historic use of the ranch. Native American traditional values are evoked in the discussion, but unfortunately are not clearly identified to the extent that impacts and mitigation measures can be evaluated. It appears that the proposed project and any future development together have the potential to affect historic properties that were not identified in the subject study. Such resources include the Village of the Womb, certain arboglyphs and other markings on trees, and places of sacred consideration as identified by local Native Americans. Without these data, the evaluation of impacts to cultural resources can be said to be incomplete. **D**

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(2) Construction monitoring, subject to a monitoring plan prepared by a professional archaeologist, would be conducted by an archaeologist and by a Native American monitor. The inclusion of this mitigation provision is appropriate. Perhaps it is understood by San Luis Obispo County, but the term "qualified archaeologists" does not appear to be defined. At a minimum, it should refer to San Luis Obispo County's "Partial List of Qualified Archaeological Consultants" or to consultants who meet or exceed the Secretary of the Interior's Professional Qualifications Standards for the appropriate discipline. **E**

(3) The DEIR consultants evaluated the Santa Margarita Ranch as a rural historic district eligible for the California Register of Historical Resources (CRHR) and note that the proposed Agricultural Residential Cluster Subdivision is located in one of the character-defining areas of the ranch. The residential residential cluster would substantially diminish the integrity of the design, setting, materials, feeling, and association of that district. It is noted that the subdivision would adversely impact traditional Native American values, but unfortunately, these values are neither defined nor identified in the document (see comment 1, above). Certainly Native American cultural values related to ceremonies, religion, and burials exceed those that might be of archaeological importance, yet nowhere in this document are the methods of extracting those values or the nature of those values identified. The impact to the historic district (including the native American values) are deemed to be Class I impacts (significant and unavoidable), an assessment with which I would concur for the historic district. It is also most likely for the Native American values, but too little data are provided to make that easement. Further, what does not appear to be addressed in the document are just what the overriding considerations might be that would allow the Board of Supervisors to accept 11 Class 1 impacts? **F** **G**

(4) Native people have identified the significance of certain oak trees and of the oak woodland on the property, yet the value of oak woodland does not seem to have been identified or included in this document. It may be that if the provisions of the Public Resource Code section 21083.4 are met, the mitigation measures for preservation of oak woodland may also mitigate the impact to the important trees that the native people have suggested. Again, how this will be addressed, and what the specific resources are has not been adequately reviewed nor presented in the DEIR. **H**

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

Sincerely,

Shelly Davis-King

Shelly Davis-King, M.A., R.P.A.

Letter 42

COMMENTOR: Shelly Davis-King, Davis-King & Associates

DATE: April 10, 2007

RESPONSE:

Response 42A

The commentor notes that the cultural analysis in the Draft EIR is adequate. Comment noted.

Response 42B

The commentor's description of the Agricultural Residential Cluster Subdivision and Future Development Program is noted. Refer to Appendix C (Policy Consistency) for a discussion of consistency with the San Luis Obispo County General Plan and Salinas River Area Plan.

The commentor's statements regarding Native American consultation pursuant to SB 18 are noted.

Response 42C

Refer to Responses 42D through 42H.

Response 42D

The commentor praises Appendix E to the Draft EIR (Cultural Landscape Report) but expresses concern that the appendix does not clearly identify the extent of impacts. Refer to Agricultural Residential Cluster Subdivision Impact CR-1 and Future Development Program CR-1 in Section 4.4, *Cultural Resources,* of the Final EIR for cultural resources impacts and mitigation.

Response 42E

Comment noted.

Response 42F

The commentor's summary of impacts related to the Santa Margarita Ranch Rural Historic District (SMRRHD) is noted. Refer to Response 42D. As noted therein, impacts related to traditional Native American values are divulged in Section 4.4, *Cultural Resources,* of the Final EIR and Appendix E (Cultural Landscape Report). Refer also to Response 18AV.

Response 42G

Refer to Response 18AV and 18LL. As noted therein, pictographs, shrines, and ethnographically identified sacred sites are not the only things held sacred by Native Americans. Cultural and natural features of the landscape, and their surrounding natural contexts, also are important in native ceremonial and spiritual life. Many native people view

the landscape and its component elements, both cultural and natural, as sacred elements of their cultural patrimony.

Refer also Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR.

Letter 43

Dana
<danaeagle@charter.net>
04/10/2007 08:59 AM

To jcaruso@co.slo.ca.us
cc
bcc
Subject Santa Margarita Ranch

Dear Mr. Caruso,

My name is Dana Eagle and I live next to the proposed area to be developed. Although I appose a large scale project development, I do not appose some development. I now look at a pristine and beautiful piece of California. Majestic! The proposed project concerns me for several reasons. Every year I watch the flood plane come alive with migratory birds and
animals. Having a large scale project on septic with this natural flood plane at the low point seems like trouble. Also, water is already an issue. To support several new homes is doable. To think of watering a golf course, additional vineyards, and the large scale of homes is crazy. Do we really need more, more, more. This is a large open area filled with wildlife. It's a working ranch with an incredible heritage. I see massive open areas of land closer to the freeway that lends itself to development. A natural flood plane and it's surrounding area is a bad choice. Lets preserve this beautiful wetland area for generations to come. A

Sincerely,
Dana Eagle

Letter 43

COMMENTOR: Dana Eagle, Private Citizen

DATE: April 10, 2007

RESPONSE:

Response 43A

The commentor's opposition to the Agricultural Residential Cluster Subdivision and Future Development Program is noted. Impacts to animal species and wetlands are addressed in Section 4.3, *Biological Resources,* of the Final EIR. Impacts related to septic systems and water supply are addressed in Section 4.14, *Water and Wastewater,* of the Final EIR.

Letter 44

SLO CNTY
PLANNING/BUILDING
DEPT
2007 APR 12 AM 10: 55

Via FAX to:
Mr. James Caruso
Department of Planning and Building
San Luis Obispo County
FAX: 781-5624
No. of Pages: 6

From: Susan A. Harvey
P.O. Box 240
Creston, CA 93432

April 10, 2007

Comments on the Santa Margarita Ranch Draft Environmental Impact Report

Transportation and Air Quality

According to the SME DEIR the Agricultural Residential Subdivision is expected to generate 1,154 average daily trips. The Future Development Program will add 8,137 daily weekday trips. **A**

SMR DEIR estimates of additional trips should be assessed for the amount of additional CO2 and green house gasses that will be generated. These additional trips are a significant increase in the current traffic in and around Santa Margarita and will impact the community character. This impact should be evaluated. **B**

Any deterioration of LOS at any of the intersections studied should include analysis of the generation of additional CO2 and Green house gases generated by increased congestion that the lower LOS will cause. **C**

Any deterioration of LOS will certainly lead to the use of alternate routes through the residential streets of Santa Margarita. The impacts and safety concerns caused by this changed traffic pattern must be evaluated. Santa Margarita has narrow streets, no sidewalks and unmarked intersections. Community character will be significantly impacted by such changes in traffic patterns through the town. We have observed school age children casually walking, playing and riding bikes on the streets of the town with little need for concerns of traffic. **D**

The greatest amount of automobile pollution is generated by trips of less than 5 miles. No services will be available at the rural setting of the proposed subdivision. No services will be within short walking distances. All necessities will generate short auto trips. This traffic pattern should be assessed for its impact on CO2 and green house gases. **E**

Access to the subdivision is restricted to one road, Highway 58. Emergency access will be restricted to using this road. The subdivision will be located in a potentially high fire danger area. Emergency evacuations will be restricted to and constrained by this limited access. Predicted long duration drought periods and declining rain fall necessitates careful attention to the dangers of suburban settlement in forest and grassland transition areas. Such settlement patterns will increase the potential for wildfires. **F**

It is unlikely that the state or county will have any significant funding to contribute to alleviating traffic problems or deficiencies in existing road designs. Even if the applicant is to contribute fair share fees for road improvement, the concept of fair share contributions for road improvements in the areas studied is misidentified since any additional development, beyond that identified in Future Development, will be unlikely to occur given the resource constraints. In other words, all further impacts will be generated by and the responsibility of the Ranch developers. G

The assessment of impacts to bicycle and pedestrian traffic do not adequately account for the necessity to provide a suitable bike and pedestrian pathway from the development into the town of Santa Margarita. Considering rapidly escalating fuel costs, it is unconscionable to design a subdivision without providing a safe bicycle and pedestrian pathway to the town services and public transportation. Whereas the DEIR makes the assumption that: "Subdivision development are unlikely to create high demand for pedestrian facilities to and from downtown because the site is located more than one mile away." this is a likely false premise given the rapidly changing world energy future. Additionally, there is a moral, sociological, and resource imperative to facilitate alternative choices for access to town. H

Air Quality

Under the heading **"Telecommuting"** the DEIR states: "All new homes shall be constructed with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home. This control measure seeks to reduce emissions by promoting telecommuting for any employee whose job can accommodate working from home."

Requiring these homes to be adequately wired to allow the potential for telecommuting and telelearning is no mitigation at all. This requirement is meaningless and wholly inadequate without the additional requirement that telephone delivery lines and telephone infrastructure capacity is available to deliver high speed internet access. This is seldom the case in rural areas and localized wireless systems often become oversubscribed, reducing high speed access. I

In addition to banning green waste backyard burning in the subdivision, agricultural burning of any kind on the Ranch should also be banned for the health and safety of the residential development and the county at large. J

Whereas construction activities are expected to generate short term class II impacts which can be mitigated, no mention has been made of the impacts of ongoing agricultural activities on the lands surrounding the Ag cluster. An in depth analysis of the PM10 matter that could be generated by the worst case scenario of agricultural activities should be performed. Additionally, if naturally occurring asbestos could become airborne during construction, an analysis of the potential for naturally occurring asbestos to become airborne during regular agricultural procedures must be evaluated. How much fugitive dust emission is likely to be generated by agricultural activities or the movement of Ag animals on a daily, seasonal or annual basis? K

How will BACT standards be monitored and enforced? How will idling of diesel engines for no more than 5 minutes be monitored? If these mitigations cannot be realistically monitored or enforced, they are not mitigations. L

Since the subdivision would exceed the CAP estimate of 16% rural growth by 6.8%, I request that the allowed cluster be downsized to conform to the CAP estimate. M

Because the subdivision is inconsistent with CAP criteria and impacts to Air Quality would be Significant and Unavoidable Class I, and based on California State Attorney General's opinion regarding the dangers of climate change in his comments on the Orange County Transportation Draft EIR, I request that no agricultural cluster subdivision be allowed at the proposed site. "The proposed Agricultural Residential Cluster Subdivision does not meet the intent of CAP Land Use Management Strategy L-1. The Agricultural Residential Cluster Subdivision would be developed at a relatively low density, and would be expected to substantially increase trip lengths and vehicle miles traveled in the vicinity (refer to *Vehicle Trip Rate of Increase and Miles Traveled* discussion above). In addition, the Agricultural Residential Cluster Subdivision would place suburban uses in a rural area; thereby converting open space and fragmenting agricultural land (refer to Section 4.1, *Agricultural Resources*). Additionally, the Agricultural Residential Cluster Subdivision would not be located near a commercial center, and would be unlikely to create demand for transit facilities due to the relatively low density of the proposed development (refer to Section 4.12, *Transportation and Circulation*). Therefore, the Agricultural Residential Cluster Subdivision is inconsistent with the CAP based on this CAP-consistency criterion." N

Additionally, "...because the rate of increase in vehicle trips and miles traveled associated with the Future Development Program may exceed population growth rates for the area, the Future Development Program would be inconsistent with the CAP, which would be a Class I, significant and unavoidable impact...."(4.2-22), we request that the Future Development Program not be allowed or approved. O

Water Resources

It is imperative that before any further development of the Santa Margarita Ranch, including approval of any development besides existing Ag uses, and especially residential development, that the water resources of the ranch be adjudicated and metered for allotting predetermined water quantities for each segment of proposed development, especially as consumptive use exceeds available water. P

I object to approving any development predicated on the availability of State or Nacimiento water. Consideration of Nacimiento water is premature. The actual costs of the Nacimiento pipeline water are yet to be determined since no actual bids have been received. The project could prove to be too expensive. Q

Benefit from proposed detention basins should be carefully analyzed before significant benefit is credited to water recharge by detention basins. R

According to P 2-98 of the Constraints Analysis (Feder 1981), the Santa Margarita Formation may have potential for ground water storage. "Recharge to this aquifer is derived from the infiltration of S

rainfall and surface water flows." Consideration of bedrock water supply would have to be thoroughly studied before it could be considered a viable source. Careful consideration of rainfall predictions and loss of surface water flows would have to be studied also. S

Wastewater

Septic tank maintenance and monitoring

In **G-5(a) Subdrains,** lots **17**, 24 through 26, 29, 30, 40, 58, 68, 72 through 84, 88, 91 through 97, and 101 through 115 were identified as likely to have high water permeability and water seepage into foundations. Is County Environmental Health prepared to institute, monitor and maintain a Septic Tank Maintenance plan for these lots in the subdivision; and also to monitor the three required groundwater monitoring wells? If not, it appears that the mitigations in W-2 are unenforceable and cannot be monitored and are therefore not mitigation. T

Requirement W-3 (a) prohibiting on site regenerating water softeners is unenforceable and cannot be monitored so is useless as mitigation and therefore not mitigation. W-3 (b) pollutant input minimization is similarly unenforceable and cannot be monitored and is not mitigation. (4.14-10) U

For these reasons I find that mitigations to reduce the impacts of wastewater degradation of ground water do not reduce the impacts to Class II significant but mitigatable. The mitigations described in the DEIR are unenforceable and cannot be monitored. **Wastewater discharge contamination of groundwater supplies is likely to be a Class I Impact – significant and unavoidable.** (4-14-8) V

Viability of waste water tanks and leach fields should be determined before each specific lot is created and approved in the subdivision. Certain development rights are conferred and associated with the creation of a subdivision and a legal lot. Viability of septic and leach field must be assessed before such rights are conferred, not at the time of application for a building permit. (4-14-9) W

We request that the impacts to air quality and greenhouse gases be assessed in regards to septage removal and transportation to Santa Maria. The air quality impacts should be considered in the true costs of septic systems versus an area-wide water treatment plant. The fallacy of proposing a future water treatment facility at future proposed build out is that the costs are then deferred by the current owner-developers and subsequently unfairly placed as a hidden cost on individual purchasers of the properties and county residents. We have local historic precedent in Los Osos illustrating the failure of a deferment policy. It seems clear from county experience that what may be designated as significant but avoidable impacts for a ten acre sewer treatment plant, may become very contentious and significant at completion of build out. The wastewater treatment plant should be included in the first phase of development. Individual development, the Ag cluster subdivision and Future Development Program land uses must not proceed in advance of implementation of the wastewater treatment facility. X

Geologic Stability

Erosive Soils: Lots 1, 9 through 17, 19 through 24, 26 through 28, 30 through 40, 46 and 47, 50 through 54, 64 through 71, 79, 87, 89 through 91, 94, 97 through 101, 104 through 106, 111, 112, and 115 are located on soils where "...Structures and facilities constructed on these soils, as well as occupants of the proposed structures, could be exposed to hazards related to erosion. Impacts Y

related to erosion would be potentially significant." As mitigation, **at the time of the sale of these lots**, the purchaser needs full disclosure and to be informed of the mitigations required in G-2 (a) (b). It is not suitable to be informing the purchaser of these lots of the mitigations at the time he applies for a building permit. Y

Settlement. "The San Luis Obispo County Safety Element states that seismic-related settlement may be a hazard for structures located on alluvium in low-lying areas. Younger alluvium occurs on low-lying areas near Yerba Buena, Santa Margarita and Trout Creeks. Lots located near these streams, including Lots 1, 21, 43, 44, 56 through 61, 63 through 66, 71 through 73, 81, 83, 87 and 88, may be subject to potential settlement hazards." As mitigation, **at the time of the sale of these lots**, the purchaser needs full disclosure and to be informed of the mitigations required in G-2 (a) (b). It is not suitable to be informing the purchaser of these lots of the mitigations at the time he applies for a building permit. Z

Residual Impacts "Proposed lots that may be located in moderate landslide hazard areas include: Lots 1, 5 through 19, 36 through 38, 40, 43 through 70, 74 through 78, and 87 (refer to Figure 4.6-5). These impacts would be potentially significant. Debris flows typically form in response to local intense rainfall in steep swale areas that are filled with saturated, fine-grained soils. Portions of the Agricultural Residential Cluster Subdivision site, because of relatively steep topography, have a moderate debris flow potential. These impacts would be potentially significant. Overall, impacts related to slope stability would be potentially significant." AA
The predicted trend in weather patterns is periods of extended droughts and more intense periods of flash flooding which could likely trigger landslide. Mitigation measures G-3 demand full disclosure to the purchasers of the lots **at the time of the sale of the lots** not when he is applying for a building permit.

Liquefaction Potential Proposed lots that may be located near these streams and therefore be subject to high liquefaction potential include: Lots 2 through 7, 19 through 21, 23 through 25, 35, 43, 44, 66, 71, 72 and 82 through 84. Full disclosure of mitigations G-4 should be made to the purchaser **at the time of the sale of the lots** not when he is applying for a building permit. AB

Development on Lots 17, 24 through 26, 29, 30, 40, 58, 68, 72 through 84, 88, 91 through 97, and 101 through 115 would be located on these permeable soils. Impacts related to groundwater percolation would be potentially significant. Full disclosure of mitigations G-5 should be made to the purchaser **at the time of the sale of the lots** not when he is applying for a building permit. AC

According to page P 2-24 of the Constraints Analysis for the Santa Margarita Ranch prepared in 1994 "At this level of study, only general areas can be outlined aside from previously mapped or suspected landslide areas. Also any bedrock areas with a greater than 25 percent slope, and alluvial areas with a greater than 10 percent slope are susceptible to instability from landslide, rock fall or debris flow during an earthquake." Perhaps consideration should be given to prohibiting grading on slopes of 25% or more rather than 30% or more. AD

Flooding Potential

According to the Constraints Analysis for the Ranch from 1994, P 2-45: "It should be noted that future development is not expected to expand the location of the 100-year floodplains as mapped on AE

Figure D-2. Instead, the primary concern related to future development would be the increase in frequency of local flooding.

Secondly, it should be also noted that the Ranch and communities of Santa Margarita and Garden Farms are located in the higher reaches of the areas tributary to the Salinas River. The river flows from this area to Monterey Bay and passes through several sizeable communities. There are documented flood problems along the river. While development of the Santa Margarita Ranch will not measurably impact the document flood problems of the Salinas, the cumulative impact of development within the Salinas River watershed will increase flood problems significantly." AE

It is unclear if analysis of any potential detention basins has addressed this cautionary issue.

Recirculation of the SMR DEIR

There is significant support for the need to recirculate an EIR or any portion of an EIR that is substantially changed or amended or significant new information becomes available. If the question of recirculation is unclear, I request that your decision give the benefit of doubt to the public and recirculate the SMR DEIR. CEQA Guidelines §15088.5 requires that an EIR which has been made available for public review, but not yet certified, be recirculated whenever significant new information has been added to the EIR. The entire document need not be circulated if revisions are limited to specific portions of the document. The recirculated portions or document must be sent to responsible and trustee agencies for consultation and fresh public notice must be given in the manner provided for a draft EIR.

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice for public review of the Draft EIR, but prior to certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement. AF

If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified (*CEQA Guidelines Section 15088.5 (c)*). Recirculation requires notice pursuant to *CEQA Guidelines Section 15087* and consultation pursuant to *CEQA Guidelines Section 15086.* A decision not to recirculate an EIR must be supported by substantial evidence in the administrative 2.3.11-2 record.

Once an EIR has been certified, then the procedures in *CEQA Guidelines Sections 15162, 15163* apply in determining whether a subsequent EIR, a supplement, or addendum to an EIR must be prepared. Circulation of subsequent or supplemental EIRs is not "recirculation."

Thank you for your consideration of my comments.

Susan A. Harvey

Letter 44

COMMENTOR: Susan A. Harvey, Private Citizen

DATE: April 10, 2007

RESPONSE:

Response 44A

The commentor's summary of Agricultural Residential Cluster Subdivision- and Future Development Program-generated average daily trips (ADT) is noted.

Response 44B

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR.

Response 44C

Refer to Response 44B.

Response 44D

Refer to Response 20A and the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real. Refer also to Master Response 7.

Impacts related to the alteration of aesthetic character are discussed in Agricultural Residential Cluster Subdivision Impact VR-1 and Future Development Program Impact VR-1 in Section 4.13, *Visual Resources*.

Response 44E

Refer to the discussion under Agricultural Residential Cluster Subdivision Impact AQ-4 (CAP Consistency). As noted therein, the Agricultural Residential Cluster Subdivision would be developed at a relatively low density and would not be located near a commercial center. It would therefore be expected to substantially increase trip lengths and vehicle miles traveled in the vicinity. Refer also to Response 44B.

Response 44F

Refer to Agricultural Residential Cluster Subdivision Impact PS-3 and Future Development Program Impact PS-3 in Section 4.10, *Public Services and Utilities,* for a discussion impacts related to emergency access and high fire hazards.

Response 44G

Refer to Master Response 3a. The current application is for the Agricultural Residential Cluster Subdivision only. The fair share fees applied to the applicant at this time only cover impacts associated with the Agricultural Residential Cluster Subdivision. If applications for future projects on the Ranch are submitted, future environmental review will be required. This could include the assignment of mitigation measures, as necessary, including fair share fees for roadway improvements.

Response 44H

Agricultural Residential Cluster Subdivision Impact T-4 and Future Development Program Impact T-4 in Section 4.12, *Transportation and Circulation,* discuss impacts related to bicycle and pedestrian facilities. Mitigation measures contained therein, including pedestrian safety measures, public trail dedication, bicycle facilities and pedestrian facilities, address concerns expressed by the commentor.

Response 44I

The telecommuting mitigation measure implements Transportation Control Measure (TCM) T-8 (Telecommuting, Teleconferencing, and Telelearning), as adopted by the San Luis Obispo County Air Pollution Control District (APCD). The APCD's 2001 Clean Air Plan (CAP) Appendix D (Transportation Control Measures) includes the following description of TCM T-8:

> "The objective of this measure is to reduce the number of trips and miles traveled by employees and students by promoting teleworking, teleconferencing and telelearning. These strategies can reduce the number of days per week that an employee, or student, must report to the worksite or school. Teleconferencing can reduce business travel both locally and out of town trips. Numerous recent studies show that teleworking is an effective trip reduction measure by eliminating some work trips without increases in non-work trips."

Response 44J

The commentor recommends banning all agricultural burning on the Ranch. Refer to Response 13J.

Response 44K

The commentor recommends that air quality impacts resulting from continued agricultural activity be assessed in the EIR. Refer to Master Response 2. The proposed Agricultural Residential Cluster Subdivision does not include a change in agricultural production compared to existing conditions and therefore would not directly or indirectly cause PM_{10} emissions associated with agriculture.

Refer also to Agricultural Residential Cluster Subdivision Impact AQ-2 and Future Development Program Impact AQ-3 for a discussion of construction-related air emissions, including naturally-occurring asbestos.

Response 44L

Refer to the "Monitoring" section of Agricultural Residential Cluster Subdivision measures AQ-2(a) (Construction Equipment Controls) in Section 4.1, *Agricultural Resources*, of the Final EIR

Response 44M

The commentor's recommendation that the Agricultural Residential Cluster Subdivision be reduced to conform to CAP growth rate estimates is noted.

Response 44N

The commentor's recommendation that no Agricultural Residential Cluster Subdivision be allowed on the Ranch property is noted.

Response 44O

The commentor recommends that the Future Development Program be denied. Refer to Master Response 3a. The Future Development Program is not currently being proposed.

Response 44P

The commentor requests that water resources on the Ranch be adjudicated and metered for allotting predetermined water quantities for each segment of development. The comment is noted and has been forwarded to the appropriate decision-makers for review and consideration. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, impacts related to water supply are Class I, *significant and unavoidable.*

Response 44Q

The commentor expresses opposition to approving any development predicated on the availability of imported water. As described in Section 4.14, *Water and Wastewater,* due to uncertainties regarding the availability of imported water, Agricultural Residential Cluster Subdivision and Future Development Program water supply impacts are identified as Class I, *Significant and Unavoidable.*

Response 44R

The Final EIR acknowledges that detention features would promote percolation and groundwater recharge. However, the Final EIR does not attribute "significant benefit" to water recharge by detention basins. Refer to Appendix K for detailed analysis of groundwater demand and groundwater recharge.

Response 44S

Refer to Response 37AN. Refer also to EIR Appendix K.

Response 44T

Agricultural Residential Cluster Subdivision measure G-5(a) (Subdrains) will be monitored by the Planning and Building Department. Septic tank maintenance and monitoring is required by the Planning and Public Works Departments as part of Agricultural Residential Cluster Subdivision measure W-2(a) (Septic Tank Maintenance Plan and Monitoring).

Response 44U

The commentor claims that Agricultural Residential Cluster Subdivision measures W-3(a) (Water Softeners) and W-3(b) (Pollutant Input Minimization) are unenforceable. Refer to Responses 8S and 8AD, respectively.

Response 44V

Refer to Response 44U.

Response 44W

Agricultural Residential Cluster Subdivision measure W-2(b) (Septic Tank and Leachfield Site Plans) requires the applicant to submit septic tank and leachfield site plans with the Development Permit Application. The commentor argues that these site plans should be determined prior to Agricultural Residential Cluster Subdivision approval. Because residence footprints and site plans are not currently proposed, site plans for septic tanks and leachfields cannot be determined accurately until Development Permits are received.

Response 44X

The commentor requests analysis of air quality and greenhouse gases in regards to septage removal and transport to Santa Maria. Refer to Section 4.2, *Air Quality,* for a discussion of air quality impacts from Agricultural Residential Cluster Subdivision-generated trips, including septage transport trips.

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for a discussion of climate change issues.

The commentor additionally recommends that a wastewater treatment plant be required for the Agricultural Residential Cluster Subdivision. Refer to Response 16C.

Response 44Y

The commentor recommends that Agricultural Residential Cluster Subdivision measures G-2(a) (Soils/Foundation Report) and G-2(b) (Grading and Erosion Control Plan) be required at the time of the sale of individual lots, rather than prior to issuance of a building permit.

An accurate soils/foundation study cannot be conducted without building plans. Similarly, an accurate grading and erosion control plan cannot be prepared or implemented prior to availability of building plans. In addition, soil and foundational issues can be mitigated through

properly designed and constructed foundations. In other words, a lot will not be determined to be undevelopable based on presence of high shrink-swell potential, high to very high erosion hazard or potential for settlement. Additionally, soils/foundation reports and grading and erosion control plans are traditionally required prior to issuance of a building and grading permits, respectively, in San Luis Obispo County. Therefore, the timing required by measures G-2(a) and G-2(b) is appropriate.

Response 44Z

Refer to Response 44Y.

Response 44AA

Refer to Response 44Y. The timing required by Agricultural Residential Cluster Subdivision measure G-3(a) (Agricultural Residential Cluster Subdivision Lot Geotechnical Investigations and Practices) is similarly appropriate.

Response 44AB

Refer to Response 44Y. The timing required by Agricultural Residential Cluster Subdivision measure G-4(a) (Reduction of Liquefaction Potential) is similarly appropriate.

Response 44AC

Refer to Response 44Y. The timing required by Agricultural Residential Cluster Subdivision measure G-5(a) (Subdrains) is similarly appropriate.

Response 44AD

The commentor recommends prohibiting grading on slopes of 25% or more rather than 30% or more. The commentor cites the Santa Margarita Ranch Environmental Constrains Analysis (ECA) as a source for the 25% requirement. As noted in Response 37AN, the ECA was never certified and is therefore not considered an adopted public document. In addition, prohibition of grading on slopes greater than 30% is an accepted standard in the County of San Luis Obispo. Because the commentor does not provide valid evidence for lowering slope prohibitions to 25%, no further response is feasible.

Response 44AE

Refer to Response 37AN. Refer to Agricultural Residential Cluster Subdivision Impact D-2 for a discussion of impacts related to increases in downstream flooding.

Response 44AF

The commentor recommends recirculation of the Draft EIR. Portions of the Draft EIR were revised and recirculated from February 11, 2008 to March 26, 2008. The changes included therein have been incorporated into the Final EIR.

Letter 45

ENVIRONMENT IN THE PUBLIC INTEREST

EPI-Center, 1013 Monterey Street, Suite 202 San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

San Luis Obispo COASTKEEPER®

SLO CNTY
PLANNING/BUILDING
DEPT
2007 APR 11 AM 8:48

County of San Luis Obispo
Attn: James Caruso
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

April 10, 2007

VIA FACSIMILE: 805-781-1242

Subject: Santa Margarita Ranch Draft Environmental Impact Report / Public Comment

Dear Mr. Caruso,

I am writing to urge Department Staff to recommend that additional analysis be ordered and the DEIR recirculated.

Environment in the Public Interest / San Luis Obispo Coastkeeper is organized for the purpose of ensuring that public officials charged with responsibilities for water quality, land use planning, and environmental protection comply fully with sound planning principles and with all environmental laws of the State. As such, SLO Coastkeeper and our 1200 Central Coast supporters are concerned that the DEIR is so fundamentally inadequate that a revision will not cure the deficiency. A

GENERAL CONCERN:

Our specific comments follow, however, the SLO Coastkeeper is greatly concerned that

1. The DEIR is not compliant with CEQA in that the document fails to evaluate water supply in light of significant recent court decisions filed in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (Filed 2/1/07). As a result, the DEIR does not include a proper analysis of short-term or long-term water supply for the project. B
2. The project appears to be impermissibly segmented to avoid clearly informing the public or County decision makers that the project likely fails to comply with Water Code sections 10910-10912 or Government Code 66473.7. C

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3. The DEIR fails to comply with CEQA by not fully discussing an apparent discrepancy in the consumptive use figures for the demand on the project site (1,059 afy – consultant's estimate; 285 afy – reported; 431 – DEIR estimate). D
4. The DEIR fails to comply with CEQA requirements regarding the discussion of Growth Inducing Impacts and Cumulative Impacts. E

SPECIFIC CONCERNS:

1. Imported Water Supply:

The proposed 14,000 acre project, with all of its components as considered in this DEIR is a massive development in relation to the existing community of Santa Margarita. Therefore the resent *Vineyard* case provides useful guidance relative to the information needed to fully inform the public and the County regarding the likely impacts of the project.

In *Vineyard*, the California Supreme Court stated,

> [T]he future water sources for a large land use project and the impacts of exploiting those sources are not the type of information that can be deferred for future analysis. An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and **must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project** (citing *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182). (emphasis added.) F
>
> ...[T]he future water supplies identified and analyzed must bear a likelihood of actually proving available."...**The EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability**. (citing *California Oak Foundation v. City of Santa Clarita* (2005)133 Cal.App.4th 1219). (emphasis added.)

The *Vineyard* court concluded that when such an analysis is completed in the EIR, if there is still some uncertainty regarding "actual availability of the anticipated future water sources, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and the environmental consequences of those contingencies."

In contrast, the DEIR acknowledges at page 7-3 that "due to uncertainty regarding timing and availability" of imported water supply to be derived from the State Water Project and/or the Naciemento Water Project, necessary water supply "cannot be assured at this time" for either the current project (Phase I) or the entire proposed Santa Margarita development. Therefore, the EIR concludes that the project will have a "significant and unavoidable impact" on water supply.

The proposed solution to this water shortage is to approve the development project for the 112

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residential lots proposed in phase I, and condition issuance of grading permits on the applicant providing proof of adequate water supply to serve the proposed first phase of the development (4.14-7.) However, this proposal regarding how shortages of imported water supply does not comply with CEQA. F

Consequently, an analysis of the likelihood of obtaining sufficient imported water supply for the entire development long-term and analysis of environmental impacts related to obtaining such water supplies is inadequate and precludes meaningful review and public comment.

2. Piecemealing to Avoid Water Law Requirements

Water Code §10910 – 10912 and Government Code §66473.7 insure that sufficient water supply for any development exceeding 500 residential units is identified prior to project approval. At the stage of subdivision map approval, there must be firm assurances as to the availability of project water supply for a 20 year period. Because this DEIR describes a "Program EIR" as well as a project EIR, at the very least, the EIR must comply with Water Code §10910(b). This section requires the public water system to provide a water supply assessment at the outset of the CEQA process showing, at a minimum the water system's plans for acquiring addition supplies, including cost and time estimates and regulatory approvals which will be needed. G

While the DEIR appears to attempt to circumvent these statutes by addressing the development in phases, the Santa Margarita Ranch project in totality envisions the construction of 550 single-family residential units as well as additional development components, it is likely that undisclosed and unanalyzed significant impacts remain.

3. Groundwater Demand

The Santa Margarita Ranch DEIR acknowledges that there is not enough groundwater to meet the demand and it will need to be supplemented. Consumptive use figures provided for the existing demand on the project site vary from 1,059 afy (consultant's estimate) to 285 afy (reported) to 431(EIR estimate.). While explanations are provided for the discrepancies, the record contains few facts to support this great discrepancy. H

However, due to the discrepancies in demand figures and unknown information regarding overdraft of the local aquifer, the EIR fails to adequately quantify how much additional water will be required from other sources and explain the likelihood of obtaining those quantities of water from additional sources. Therefore, as in *Vineyard*, there is "no plainly stated, coherent analysis of how the supply is to meet the demand." I

Furthermore, there is no analysis of the environmental impacts of curtailing the project in the event there is not enough water to proceed with all or portions of the development as envisioned in the EIR (4.14-6). This deficiency may reasonably create a substantial increase in the severity J

of impacts that would likely render the proposed mitigation measures ineffective.

4. Phase I Analysis Avoids Discussion of Growth Inducing and Cumulative Impacts

The current population of the unincorporated community of Santa Margarita is approximately 1200. The Santa Margarita Ranch project envisions development components that will more than double the existing population.

If the proposed development is allowed it will be dependent upon the water supply and the record does not inform the public or the County of the reasonably foreseeable cumulative impacts. In addition if overdraft occurs and there is not a viable back-up plan, there will likely be undisclosed and unanalyzed environmental impacts to the surrounding community as well. K

The purpose of CEQA is to analyze those potential impacts before the environmental damage occurs, not after the fact. Furthermore, because determination of overdraft could take "several decades" (4.14-5), the proposal that later phases of the development could be prohibited as a remediation measure (4.14-6) does not appear viable. The only other proposed remediation is to import additional water supply (4.14-6) with no explanation as to how this could be accomplished or discussion of likely growth inducing impacts would result from a ready supply of imported water.

For the above reasons, I respectfully urge that additional analysis be completed to produce a CEQA compliant document and recirculate the DEIR. L

Sincerely,

Gordon R. Hensley

Gordon R. Hensley,
San Luis Obispo Coastkeeper

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Letter 45

COMMENTOR: Gordon R. Hensley, San Luis Obispo Coastkeeper

DATE: April 10, 2007

RESPONSE:

Response 45A

The commentor recommends recirculation of the Draft EIR. Portions of the Draft EIR were revised and recirculated from February 11, 2008 to March 26, 2008. The changes included therein have been incorporated into the Final EIR.

Response 45B

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. The revised discussion addresses these concerns.

Response 45C

Refer to Master Response 3c. Because the Draft EIR analyzes a conceptual future buildout of the Santa Margarita Ranch, it inherently avoids segmentation. Refer also to Response 45A.

Response 45D

The commentor claims that the Draft EIR fails to comply with CEQA requirements by not fully discussing the discrepancy in the consumptive use figures. Refer to the *Consumptive Use* discussion in the last paragraph of Section 4.14.1(a) (Water Supply and Current Demand). As noted therein, "this discrepancy may be attributed to a number of factors, including the immaturity of vineyard plantings (as younger crops require less irrigation) and reported discharge meter inaccuracies." The EIR discloses the fact that there is a discrepancy and discusses explanations for the discrepancy. More detailed discussion is provided on pages 7 through 9 of Appendix K (Hydrogeological Study).

Response 45E

Refer to Response 45K.

Response 45F

Refer to Response 45B. The revised discussion referenced therein addresses these concerns.

Response 45G

Refer to Master Responses 3a and 3c. Because the Final EIR analyzes a conceptual future buildout of the Santa Margarita Ranch, it inherently avoids segmentation. In addition, the water supply analysis referenced by the commentor isn't required because less than 500 units are proposed.

Response 45H

Refer to Response 45D. The commentor concedes that explanations are provided for the discrepancies between consumptive use figures, but argues that the record contains few facts to support this discrepancy. Refer to Appendix K (Hydrogeological Study) and Master Response 6. The Hydrogeological Study utilized data provided by past groundwater studies, including one contracted by the applicant, but came to independent conclusions based on technical expertise.

Response 45I

Refer to Response 45B. The revised discussion referenced therein addresses these concerns.

Response 45J

The commentor claims that the prohibition of later phases of development until adequate water supply is demonstrated, as required by Agricultural Residential Cluster Subdivision measure W-1(a) (Groundwater and Surface Water Monitoring Programs), would increase the severity of impacts. The commentor argues that these impacts should be analyzed in the DEIR.

Prohibiting later phases of Agricultural Residential Cluster Subdivision development due to inadequate water supply would reduce impacts since less land would be developed. The commentor does not provide evidence or examples of environmental issues for which impacts would increase in such a scenario.

Response 45K

Refer to Master Responses 3a and 3c. The only development currently proposed is the Agricultural Residential Cluster Subdivision. Future projects in accordance with the Future Development Program will require additional environmental review, including an analysis of water supply, as necessary. In addition, because the EIR analyzes a conceptual future buildout of the Ranch, it inherently avoids segmentation.

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater,* for a discussion of how measure W-1(c) could be accomplished and a discussion of the impacts that may result.

Growth Inducing impacts of the Agricultural Residential Cluster Subdivision and Future Development Program are discussed in Section 5.0, *Growth Inducing Impacts*. Cumulative impacts are discussed at the end of each impact subsection in Section 4.0, *Environmental Impact Analysis*. Growth inducing impacts specifically associated with importing water through the State and/or Nacimiento Water Project are addressed under *Water Infrastructure* in Section 5.3.1 (Agricultural Residential Cluster Subdivision Removal of Obstacles to Growth) of the Final EIR. Refer also to

Agricultural Residential Cluster Subdivision measure GI-1(a) (Infrastructure Capacity Limitations), also in the above referenced Section.

Response 45L

The commentor recommends recirculation of the Draft EIR. Portions of the Draft EIR were revised and recirculated from February 11, 2008 to March 26, 2008. The changes included therein have been incorporated into the Final EIR.

Letter 46

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DEPT

2007 APR 11 PM 1:14

Daniel E. Krieger, Ph. D.
Krieger Consulting
662 Islay
San Luis Obispo,
California 93401
Voice: (805)543-9611
Fax: (805)543-7122
E-mail: dekrieger@kriegerconsulting.net

April 10, 2007

James Caruso
Department of Planning and Building
San Luis Obispo County
Government Center
San Luis Obispo, CA 93408

Dear Mr. Caruso,

I have carefully reviewed the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR Section 4.4 dealing with Cultural Resources.

I concur with the conclusion that the proposed cluster would seriously impact what has been identified as one of richest Hispano/Mexican/American period sites in California and indeed in the entire Southwestern United States. **A**

Further, there are great archaeological concerns over any development in the northeastern sector of the site where late-prehistoric larger village sites are located. **B**

There are substantial historical errors in the report. The time frame for when the *Assistència* was turned over to Mission San Miguel Arcangel is wrong. Fr. Maynard Geiger's mission study is a good source, but has some errors. For example, Fr. Luis Antonio Martinez was using the *Assistència* as his *bodega for* smuggled goods from 1798 to the time of his expulsion in 1830. Fr. Juan Cabot at San Miguel Arcangel may have shared in the granary's production, but in 1833, the pastor at Mission San Luis Obispo, Fr. Luis Gil y Toboada, dies while saying mass in the *Assistència.* The Santa Margarita Historical Society's website correctly links Mission San Luis Obispo to the *Assistència Santa Margarita de Cortona.* **C**

Despite this and other minor errors, the report's conclusion is appropriate. The proposed cluster will seriously impact an incredibly rich cultural resource. **D**

Very truly,

Daniel E. Krieger

Daniel E. Krieger, Ph.D.
Professor of History, Emeritus, CAL POLY, SLO
President, California Mission Studies Association

Letter 46

COMMENTOR: Daniel E. Krieger, Private Citizen

DATE: April 10, 2007

RESPONSE:

Response 46A

The commentor's concurrence with the findings of the DEIR is noted.

Response 46B

Refer to Section 4.4, *Cultural Resources,* of the Final EIR for a discussion of project and program impacts and mitigation measures related to cultural resources.

Response 46C

The commentor argues that there are historical errors in the DEIR and provides alternate information regarding time frames and historical details. The information provided by the commentor is noted. However, the historical discussion included in Section 4.4, *Cultural Resources,* is based on information provided by Applied Earthworks, and is based on historical expertise of San Luis Obispo County. In addition, these details do not alter the DEIR analysis or conclusions.

Response 46D

The commentor's statements regarding the conclusions made in the DEIR regarding cultural resources are noted.

Letter 47

Cheri L. & Malcolm K. Roe
PO Box 165 ~ Santa Margarita, CA 93453
Phone 805-438-4102 ~
email- cheriroe@charter.net

2007 APR 11 PM 1:03
SLO CNTY
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April 10, 2007

James Caruso
Department of Planning and Building
San Luis Obispo County Government Center
San Luis Obispo, CA 93408

RE: Santa Margarita Ranch DEIR

Dear Mr. Caruso,
As residents of Santa Margarita for the last 32 years, we must register our alarm for the latest proposal to develop another 3,778 acres of the historic Santa Margarita Ranch.

The incredible number of 11, Class I Impacts should be enough to keep this project from ever proceeding another inch forward. However, we have some personnel, specific concerns. **A**

- The town of Santa Margarita cannot handle an additional 1100 cars, daily through town. Santa Margarita is a walking-bicycling kind of town. We challenge anyone in the County Government to stand with us at the only crosswalk across El Camino with a kid on a bicycle or a dog on a leash or with a mom with a baby in a stroller and witness; no one even slows down, let alone stops for pedestrians in the crosswalk. Trucks and cars race through town now at impossible speeds. Right now, too many cars and trucks use 'I' Street as a shortcut to Hwy 58. More traffic on El Camino Real and 'I' Street will be deadly, as in people killed. The noise and air pollution from another 1100 trips past our homes will be intolerable. **B**
- Santa Margarita is an agricultural area. The developers knew this when they bought the Ranch. As they continue to put more houses on agricultural land, our area is losing its rural character. Anywhere can look like Daily City or Arroyo Grande but the hills of Santa Margarita are too special to destroy forever. The ACRS will create conflicts between the purposed urban uses and the existing and future agricultural uses. **C**
- Santa Margarita does not have the services to handle such an influx of people. 1. As past president of the Friends of the Santa Margarita Library, I know that **D**

our little 'twig' library is overworked and understaffed. It is open only 3 days a week for 18 hours total. Our library is in a recycled modular trailer that was old when we got it 10 years ago. The County has told us that no money is allocated for expansion and we have no physical space to expand into. 2. Our volunteer Fire Department is also overworked and understaffed. We depend on our firemen-neighbors to be the first responders for our fire and medical emergencies. If another 111 homes, down the road, are competing for the same services, Santa Margarita town's residents and homes will be in danger. 3. This development would exceed the population growth assumptions of 2001 Clean Air Plan. D E F

- It is unconscionable to remove 200-400 oak trees for any reason. To remove oaks and displace grasslands for houses in such a sensitive area should never be allowed in these enlightened times. G
- As a historian in Santa Margarita, we know that the historic significance of the Santa Margarita Ranch makes it eligible for the California Register of Historical Resources (CRHR), which we support. To develop in this area of the Santa Margarita Ranch would substantially diminish the historical integrity of this important character-defining area. The implementation of a residential subdivision would adversely impact traditional Native American values. Thirty-two prehistoric and historical archaeological sites and six isolates are located within or immediately adjacent to the proposed residential cluster subdivision site. Excavating this area is not a solution. Haven't we done enough to the Native American people? Leave this significant historical area alone. H
- Santa Margarita has serious water issues and this ARCS will worsen those problems. Use of water from the area's aquifers will endanger all CSA 23 water users. I

Santa Margarita town has been here since 1889. The town's needs must precede the need to build new houses on a sensitive, historic piece of land. Population growth must only be considered near existing services. Santa Margarita does not have the infrastructure in place to absorb 33% more homes and people. J

Sincerely,

Cheri Roe

Malcolm Roe

Letter 47

COMMENTOR: Cheri and Malcolm Roe, Private Citizens

DATE: April 10, 2007

RESPONSE:

Response 47A

The comment is noted.

Response 47B

Refer to Master Response 5. As noted therein, the Agricultural Residential Cluster Subdivision would not significantly increase congestion within the community based on levels of service (LOS) and applicable thresholds.

The commentor's concerns regarding safety for pedestrians crossing El Camino Real is noted and will be forwarded to the appropriate decision-makers for review and approval. Impacts related to pedestrian safety are addressed in Agricultural Residential Cluster Subdivision Impact T-4 and Future Development Program Impact T-4.

Refer to Response 20A and the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

Response 47C

Agricultural resource impacts are discussed in Section 4.1, *Agricultural Resources.* Impacts related to the rural aesthetic character of the Ranch are discussed in Section 4.13, *Visual Resources.*

Response 47D

Refer to Response 30A and Section 4.10.5 (Libraries) in Section 4.10, *Public Services and Utilities,* of the Final EIR for a discussion of impacts to the Santa Margarita Library.

Response 47E

Refer to Response 37BY.

Response 47F

Impacts related to Clean Air Plan (CAP) consistency are discussed in Section 4.2, *Air Quality.*

Response 47G

The commentor's opinions regarding the value of biological resources are noted.

Response 47H

The commentor's statements regarding cultural resources on the subject property are noted.

Response 47I

Impacts related to water supply are discussed in Section 4.14, *Water and Wastewater.*

Response 47J

The comment is noted.

Letter 48

<tinasalter41@sbcglobal.net>
04/10/2007 08:14 AM

To <jcaruso@co.slo.ca.us>
cc
bcc
Subject Santa Margarita Ranch

April 10, 2007

James Caruso
County Planning Department
San Luis Obispo County
San Luis Obispo CA 93422

Dear Mr. Caruso,
Please add my voice to the many others who have already sent thoughtful, reasoned comments on the problems with the draft EIR for the Santa Margarita Ranch. There are hundreds of reasons to go back to the drawing board regarding the ag cluster proposed for Pozo Road area--it boils down to a sprawl project that will generate many problems with no benefit--the agriculture that will be preserved is not nearly enough for the detriment to the environment that will be caused. Let's have the developers propose a project that will generate median priced housing, close in to the town of Santa Margarita and of benefit to that town and the surrounding area. **A**

Sincerely,

Bettina H. Salter (Tina)
14080 San Antonio Road
Atascadero CA 93422
805-466-0201

Letter 48

COMMENTOR: Cheri and Malcolm Roe, Private Citizens

DATE: April 10, 2007

RESPONSE:

Response 48A

The commentor's recommendation that the developers propose a project that will generate median priced housing near the community of Santa Margarita is noted. Agricultural resources impacts are described in Section 4.1, *Agricultural Resources.*

Letter 49

Mark Tomes
<tomes@charter.net>
04/10/2007 07:44 AM

To jcaruso@co.slo.ca.us
cc
bcc
Subject SM Ranch DEIR recirculation

Hi, Mr. Caruso. It has come to my attention that the Santa Margarita Ranch owners will be contesting most, if not all, of the information supporting the Class I impacts in the the Santa Margarita Ranch Agricultural Cluster Residential Subdivision Draft Environmental Impact Report. As you are aware, EQA Guidelines §15088.5 require that portions of an EIR be "recirculated" if significant new information is added to the EIR before it is certified. **A**

I would imagine that most of the information provided to the DEIR to contest the Class I impacts would have to be considered significant and, consequently, that those portions of the DEIR would be recirculated and the public comment period would be extended to allow the public to review and comment on this new information.

Thank you.

Mark Tomes
P.O. Box 735
22540 J St.
Santa Margarita, CA 93453
805.438.3640

Letter 49

COMMENTOR: Mark Tomes, Private Citizen

DATE: April 10, 2007

RESPONSE:

Response 49A

Portions of the Draft EIR were revised and recirculated from February 11, 2008 to March 26, 2008. The changes included therein have been incorporated into the Final EIR.

Letter 50

John Beccia
<upndair@netzero.net>
04/10/2007 11:35 PM

To James Caruso <jcaruso@co.slo.ca.us>
cc
bcc
Subject DEIR comments

April 10, 2007

To James Caruso,
SLO Planning Dept.

Thank you for the opportunity to address the DEIR for the Santa Margarita Ranch project.
The document is very well done but it finds 11 Class 1 impacts that cannot be mitigated. The Planning Dept. and the County Board of Supervisors must seriously consider alternatives to eliminate or drastically reduce these impacts to our health, safety and quality of life. I will comment on a few topics that I feel need more scrutiny in the final EIR. **A**

WATER - I am very concerned about water availability. The Ag Cluster proposal estimates water use that will contribute to overdraft of the aquifer system. Additional water sources will be necessary but are not guaranteed. The Future Development Scenario has no estimates of water use. It is impossible to determine if these projects will be able to supply the water needed. The EIR must address the cumulative impacts of both the current proposal and the Future Development Scenarios. This needs to be done before any project is approved. **B**

BIOLOGICAL IMPACTS - The loss of oak trees and grassland habitat must be avoided or drastically minimized in any project. The only acceptable alternatives are the ones that move the site out of the oak woodlands. In addition, the impacts described as Class II can only be deemed mitigable if they are known. Since the FDS is unknown, those cumulative impacts are very likely to be significant and unmitigable. The loss of threatened plant and animal species and habitat must be described before any proposal can be accepted. The EIR needs to decrease the size of the project, move the site to avoid the oaks, and spell out the cumulative effects of the FDS. **C**

TRAFFIC - The DEIR understates the traffic impacts to our community. Of major concern are:
*The school crossing at Estrada & 58 . Many students walk to school and home every day. The traffic at these times is a problem even before the proposed project. Adding 1.154 daily trips will increase the dangerous situation that exists now. The FDS numbers are unknown, but can only worsen the problem. **D**
*The diversion of traffic onto H and I Streets that will occur due to congestion at Estrada & 58 and Encina & 58 cannot be ignored. Santa Margarita is a walking community. At all hours of the day, residents, especially children, walk to the Post Office, the Library, the Park and the Mercantile. Traffic that spills onto H and I Streets will pose a hazard to walkers. **E**
* I live on Tassajara Creek Road and have to cross 101 to go to town, to work, and to drive my children to school and activities. In the 21 **F**

years I've lived here, the traffic on 101 has increased dramatically. At peak times, it is extremely difficult to cross the southbound traffic and to turn into the northbound lanes. The wait time can be over eight minutes and is worse in bad weather or during road work. This ia a situation that is shared by all my neighbors, and includes elderly and newly licensed teenagers. Before the County approves of a project that significantly increases the number of peak hour trips, this very dangerous situation must be mitigated. If this impact falls outside of the scope of the Ranch EIR, it is nevertheless a direct consequence of the project's significant impacts on the community and must be addressed. F

Thank you for your consideration of these issues.

Sheila Wynne

16560 Oracle Oak Way

Santa Margarita, CA

Letter 50

COMMENTOR: Sheila Wynne, Private Citizen

DATE: April 10, 2007

RESPONSE:

Response 50A

The commentor's statements that the Draft EIR identified 11 Class I, *significant and unavoidable,* impacts associated with the proposed Agricultural Residential Cluster Subdivision and recommends that the Planning Department and County Board of Supervisors consider alternatives to eliminate or reduce these impacts are noted.

Response 50B

The commentor requests that a cumulative water supply analysis be conducted before any project is approved. As noted in the last paragraph of Section 4.14, *Water and Wastewater*:

> "The evaluation of the Future Development Program, which includes the Agricultural Residential Cluster Subdivision, in this EIR accounts for all of the expected growth in the Santa Margarita area, as it represents buildout of the major landholding that surrounds the existing community, consistent with the Salinas River Area Plan. Therefore, cumulative water and wastewater impacts from buildout of the Agricultural Residential Cluster Subdivision in combination with buildout of the Future Development Program were addressed in the Future Development Program impact analysis."

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*.

Response 50C

Because no active application currently exists for the Future Development Program, the assessment of biological resources impacts is based on a reasonable worst case scenario with regard to the location of future land uses within anticipated development areas. Accordingly, the individual discussions under Future Development Program Impacts B-1 and B-3 through B-9 analyze and mitigate a reasonable worst case scenario. Refer also to Master Response 3a.

Refer to Section 6.0, *Alternatives,* of the Final EIR for a discussion of alternatives to the Agricultural Residential Cluster Subdivision, including four alternatives that provide alternate locations for the proposed Agricultural Residential Cluster Subdivision, a tighter cluster alternative, a revised version of the proposed Agricultural Residential Cluster Subdivision which relocates lots and includes building envelopes in part to avoid oak trees, and a reduced project (i.e., fewer number of units).

Response 50D

The commentor notes that the addition of Agricultural Residential Cluster Subdivision-generated traffic will add to the existing deficiency at Estrada Avenue and H Street (near Santa Margarita Elementary School). This impact is addressed in Agricultural Residential Cluster Subdivision Impact T-1 and mitigated, to the extent possible, by Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon). Refer also to Response 24D.

Future Development Program-generated traffic volumes are estimated and discussed in Section 4.12.2(f) (Cumulative Plus Agricultural Residential Cluster Subdivision Plus Future Development Program Traffic Volumes) of the Final EIR. Impacts resulting from Future Development Program-generated traffic are assessed in Future Development Program Impact T-1. Refer also to Master Response 3a.

Response 50E

The commentor recommends that the EIR analyze impacts associated with traffic shortcutting down I Street. Refer to Response 20A and the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real. Refer also to Master Response 7.

Impacts related to pedestrian safety are addressed in Agricultural Residential Cluster Subdivision Impact T-4 and Future Development Program Impact T-4.

Response 50F

Impacts from the Agricultural Residential Cluster Subdivision and Future Development Program on segments of U.S. 101, including U.S. 101 south of SR 58, were addressed in Agricultural Residential Cluster Subdivision Impact T-1 and Future Development Program Impact T-1, respectively.

Letter 51

Attached is information that may be useful in calculating the water balance for vineyards and wineries on the Santa Margarita Ranch.

A

RECEIVED
APR 11 2007
S.L.O. CO. PLANNING DEPT

HydroMetrics LLC

1611 Telegraph Avenue, Suite 404
Oakland, CA 94612

Mr. Carl Bowker
1205 Peachy Canyon Rd.
Paso Robles, CA 93446

March 30, 2007

Subject: Analysis of Heart Hill Winery water supply

Mr. Bowker:

HydroMetrics LLC has reviewed documents addressing water supply of the proposed Heart Hill Winery in support of a CEQA review. The documents reviewed are:

- County of San Luis Obispo Initial Study Summary – Environmental Checklist for Heart Hill Vineyards Conditional Use Permit (Initial Study);
- County of San Luis Obispo Staff Report for Heart Hill Vineyards Conditional Use Permit (Staff Report);
- Cleath and Associates, letter report to Richard Niner, Ground water impacts of proposed winery project for Heart Hill Vineyard and Winery, August 18, 2006 (Cleath report);
- Timothy S. Cleath, Cleath and Associates, letter to Tom Bower, Response to Comments regarding Ground Water Impacts of Proposed Niner Wine Estates Heart Hill Vineyards Winery Projects, December 8, 2006 (Cleath response);
- Video recording of County of San Luis Obispo Planning Commission Hearing, January 11, 2007 (Hearing).

Based on the Cleath report and Cleath response letter, the County concludes in its Initial Study and Staff Report that there is adequate water supply for the proposed project, and that the project would not significantly impact water usage on surrounding properties. We provided initial concerns about these conclusions in a letter dated March 2. We have reviewed the documents further

and undergone analysis of pumping test data for the Heart Hill wells which were not included in the documents. Based on this additional review and analysis we disagree with the County's conclusions that there is adequate water supply, and we disagree that this project will result in insignificant impacts on neighboring water users. There are three main reasons for our disagreement.

1. Water demand is underestimated and the supporting documents fail to show that there is adequate water supply to meet actual demand;
2. Pumping test data do not show that the Heart Hill wells have the capacity to meet project demands; and
3. The well interference analysis is insufficient because it does not address all of the potential well interference problems.

Each of these concerns is discussed in detail below.

1. WATER DEMAND IS UNDERESTIMATED

The water supply analysis in the Cleath report and cited in County documents is based on a calculation for total demand at the project property, including vineyard irrigation demand. Average daily vineyard irrigation demand during peak months of June through October is estimated at 25,000 gallons - out of the 31,300 gallon total daily demand. As stated in the Niner presentation at the Hearing, this demand is based on needing 70,000 gallons of water to irrigate one acre of grapes per year. This is equivalent to approximately 2.5 inches of irrigation per year. This is an extremely low amount, even though it is apparently based on the Niner Bootjack Ranch historical average.

Discussions with farmers in the area have determined that the minimum amount of water to grow vines in the west Paso Robles area is 0.85 gallons per day per vine with a more common amount being 1.7 gallons per day per vine. The 25,000 gallon estimated daily vineyard irrigation demand at Heart Hill translates to 0.55 gallons per day per vine for a 50 acre vineyard with 900 vines per acre (6 ft. by 8 ft. spacing). Using the more realistic water requirements suggested by other farmers, daily demand for the vineyard should be at least 38,500 gallons per day, and more likely 75,000 gallons per day. Adding these 75,000 gallons per day to the 6,300 gallon per day estimate for winery operations, the likely total demand is closer to 81,300 gallons per day. Analysis of water supply and water extraction impacts were not based on these more realistic estimates and therefore failed to adequately assess the impacts on water resources.

Although it is our understanding that agricultural irrigation may not be subject to CEQA review by the Planning Commission, irrigation demand is still relevant

for assessing the project's environmental impacts on water resources. We understand that agricultural use of the property is required for the project, and as a result realistic estimates of vineyard irrigation are required.

Even if the agricultural irrigation rate is not subject to CEQA review, impacts from the 6,300 gallons per day pumping rate assumed for the winery operations must be analyzed in context of cumulative impacts. Because the likely irrigation water demand is approximately 75,000 gallons per day, the cumulative impacts must address pumping rates of 81,300 gallons per day for supplying the project.

2. WELL CAPACITIES ARE NOT PROVEN BY THE PUMPING TEST DATA

The Impacts Section on page 26 of the Initial Study states "The water study report determined that the wells on the property have the capacity to meet the anticipated demands..." This mimics sentences in the Cleath report which states on page 7, "The wells on the Niner property have the tested capacity to meet the project demands..." The conclusion in the Cleath and Associates report is based on the 2002-3 pumping tests, not the 2006 well interference test that the Cleath report discusses in more detail. Complete data for the 2002-3 pumping tests are not included in the Cleath report provided to the public, and any report on the original pumping tests is not included in the County's file. Therefore, the County's conclusion that the wells have the capacity to meet the anticipated demands is undocumented.

Cleath and Associates subsequently provided us the original pumping test data. Data from these tests are difficult to analyze due to constantly changing pumping rates and sometimes limited data collection. However, visual evaluations of these pumping test data show that assertions of well capacities have been overstated, as discussed in more detail below. In the pumping tests, the wells cannot sustain the pump rates cited in the Cleath report without continuing to lower water levels.

NINER WEST WELL. The Cleath report states that the "West well is capable of pumping 187 gpm". This is the pump rate for the 4 hour interference test run in July 2006. The Cleath response states that in the August 2003 test, "the well was able to produce at rate of 150 gpm for the two day test." However, the August 2003 pumping test data (Figure 1) show that this rate is not sustainable. The pumping test data show that water levels continue to fall over 70 feet as pumping decreases from 190 gpm to 150 gpm. As pointed out on the annotations to Figure 1, water levels drop at an unsustainable rate at the pumping rate of 150 gpm so no sustainable pump rate is established.

The pumping test data also show that the well capacity decreases in dry years. The Cleath response asserts that "the 2003 pumping test demonstrates that the pumping characteristics of the West well should not change in a dry year." However, the pumping characteristics between 2003 and 2006 are different as water levels stabilize above the upper well screen in 2006 for a flow rate of 187 gpm and continue to fall below the upper well screen in 2003 at a lower flow rate.

NINER EAST WELL. The Cleath report states that the Niner East well can pump between 30-40 gpm. The pumping test data show these flow rates result in water levels dropping at unsustainable rates (Figure 2). The pumping test data show a water level drop of 50 feet in the final four hours of the test while flow rates drop from 35 gpm to 30 gpm. Such water level drops would not occur if the pumping rate of 30 gpm was sustainable. Extrapolation of this water level drop (Figure 2) shows that the well would be dewatered within one more day of pumping. No sustainable flow rate has been established for this well.

NINER ANDERSON ROAD WELL. The Cleath report states that the Anderson Road well can pump between 30-40 gpm. Data from the September 2002 Anderson Road well pumping test are too sparse for making this assertion (Figure 3). Furthermore, the data suggest that the four hour pumping test was too short to estimate a sustainable flow rate. Water levels on Figure 3 should approach a straight line that can be extrapolated to estimate the potential long-term pumping impacts. This extrapolation was how we demonstrated that both the Niner East and Niner West wells would dewater quickly. Drawdown data from The Anderson Road well has not approached a straight line. This suggests that a longer test is necessary

For all three of the proposed project wells, the 2002 and 2003 pumping tests have not clearly established any sustainable pump rates for the wells. To the contrary, the tests suggest that the proposed pumping rates are unsustainable. These wells have not shown the capacity to meet project demands.

The analyses and reviews presented above only address short-term pumping capacities. Our review demonstrates that the project proponent has not established adequate short-term capacities based on pumping tests lasting two days or less. Because the wells do not produce adequate water for short term pumping, they will definitely not supply adequate water over the entire irrigation season. Even with adequate well capacities, however, additional data are necessary to determine if there is sufficient long-term pumping capacity. Demonstrating water availability for an entire irrigation season requires a water budget analysis that shows adequate seasonal recharge to supply both the

proposed wells and all existing wells with sufficient groundwater. This water budget analysis has not been completed.

3. THE WELL INTERFERENCE ANALYSIS IS INCOMPLETE AND NOT REPRESENTATIVE OF ANTICIPATED IMPACTS.

The Cleath report documents a well interference test conducted at the Niner West well with pumping over a short duration of 4 hours at a rate of 187 gpm. This well interference analysis has 3 problems:

1. The well interference test does not reflect stresses that will be required to meet actual demands.

   The Cleath report points out that quantity pumped in the well interference test was 1.5 times the daily demand in the summer. However, as discussed above, demand appears to be underestimated. It is likely that demand will be 3 times the estimated amount. As a result, the quantity pumped is about 55% the likely actual demand. Therefore, the observed impacts are smaller than will occur when the vineyard is irrigated in the future. A pumping test with a more appropriate pump rate and duration is required to adequately evaluate interference.

2. The short term test does not provide insight to how the aquifer will behave in the long term

   The long-term behavior of the aquifer continues to be unknown. A short term test does not show impacts because there will be pumping on many consecutive days in the summer, not just one day. This may result in a long term lowering of water levels. For fracture flow, basin dewatering may be significant. An analysis of recharge and water balance and an analysis of past seasonal water level fluctuations should have been included.

3. The test results cannot be extrapolated to other wells planned for pumping.

   Even though pumping is planned at all three Niner wells, well interference was only tested by pumping the Niner West well. The Cleath response states that the West well's interference conditions are more significant than the other wells because it has the highest yield and is in the aquifer (fractures) with the highest permeability. However, the results from this one test cannot be extrapolated to pumping the East and Anderson Road wells. Groundwater flowing through fractures does not

necessarily respond to pumping from all wells equally. There may be fractures connecting the East and Anderson Road wells to other nearby wells that do not connect to the Niner West well. Pumping the Niner East and Anderson Road wells at smaller rates may have greater impacts on other wells due to the alignment and extent of fractures feeding those wells.

Based on the above reasons, we disagree with the conclusion there is adequate water supply for the proposed project and the project will not impact surrounding water users. We believe that analyses presented to date are insufficient. Additional studies such as well tests and water budgets may be necessary.

Sincerely,

Derrik Williams

Derrik Williams, P.G., C. Hg.

Cameron Tana

Cameron Tana, P.E.
HydroMetrics LLC

Figure 1. Niner West Well (August 2003 pump test)

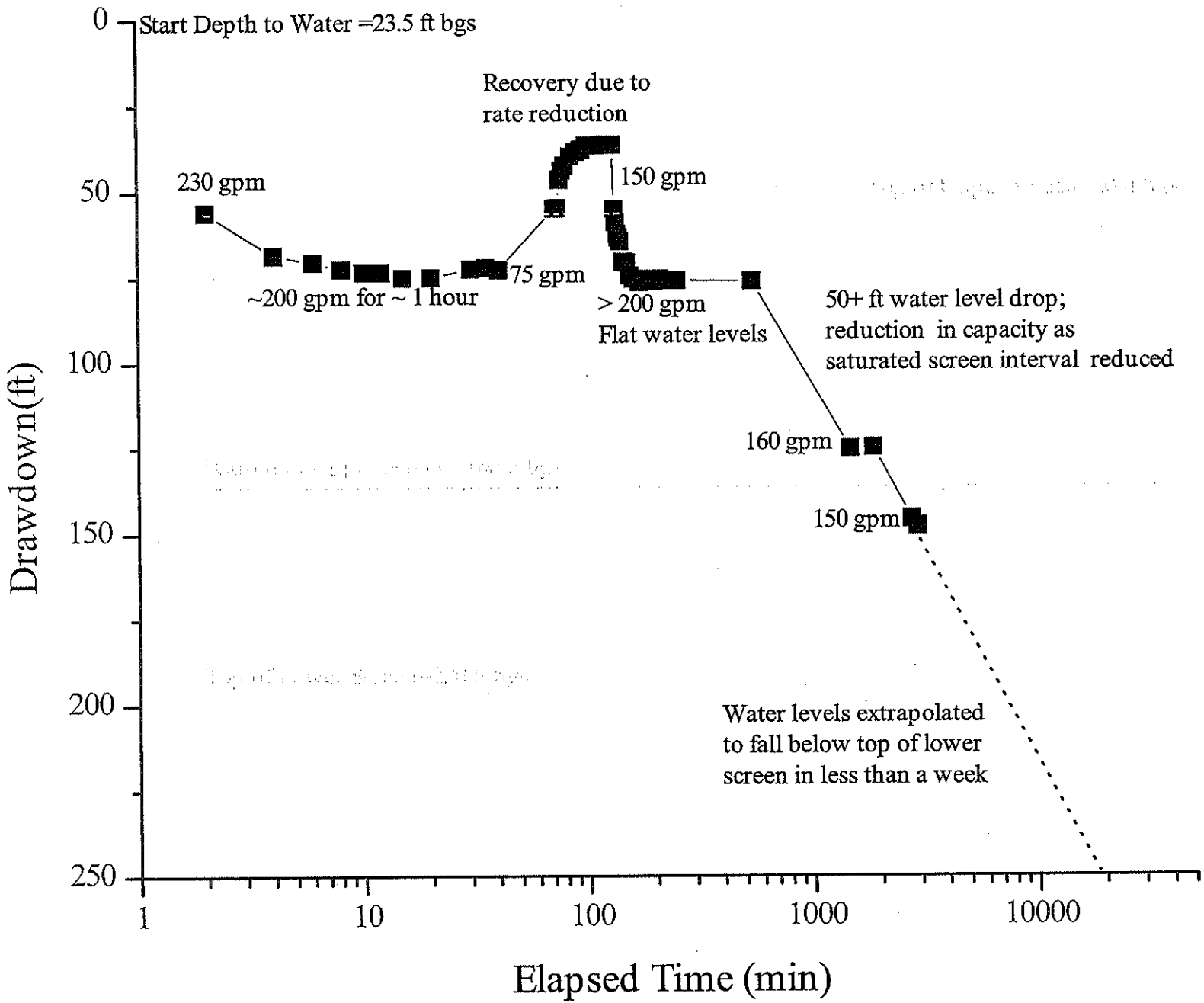


Figure 2. Niner East Well (August 2003 pump test)

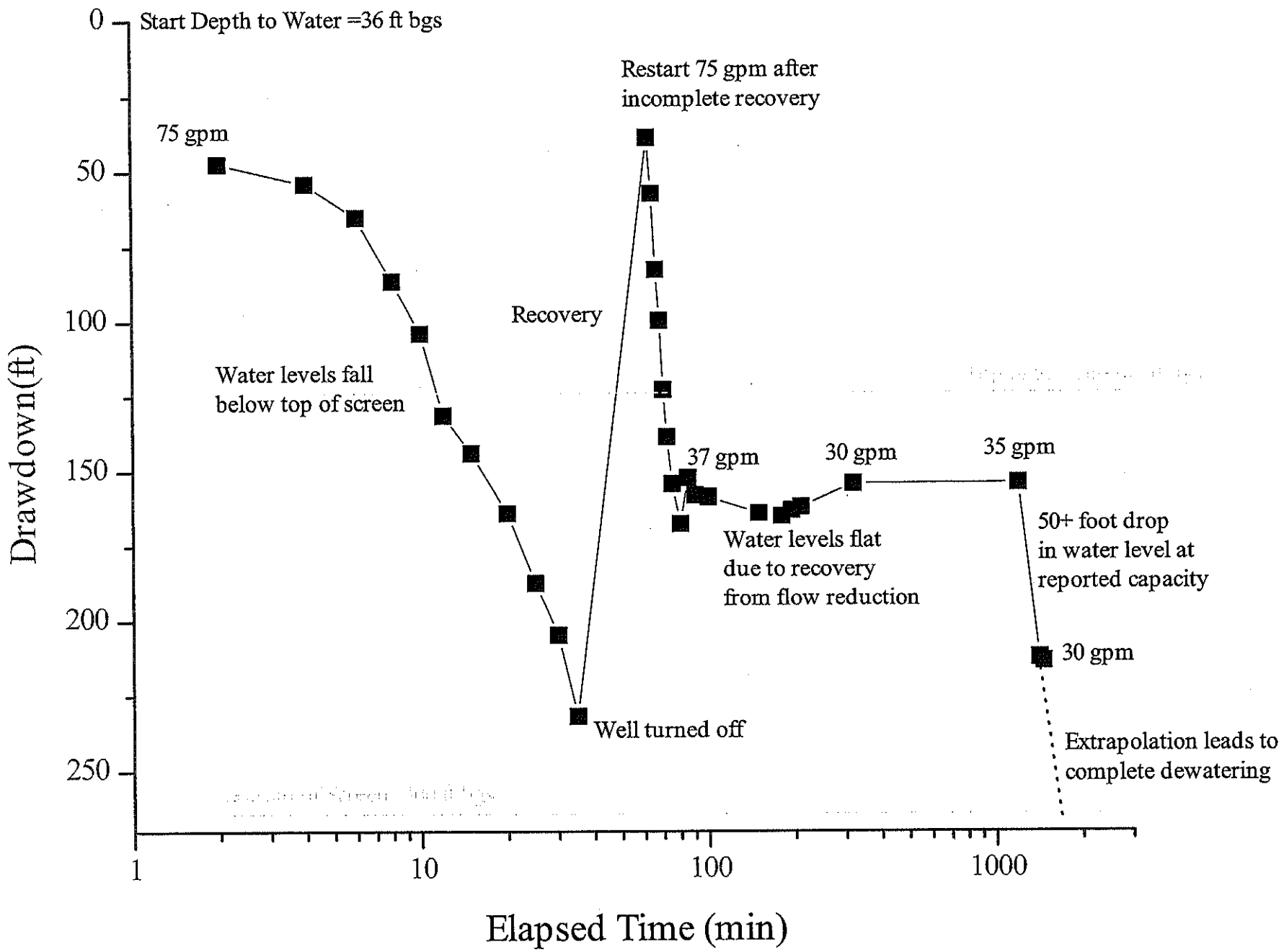
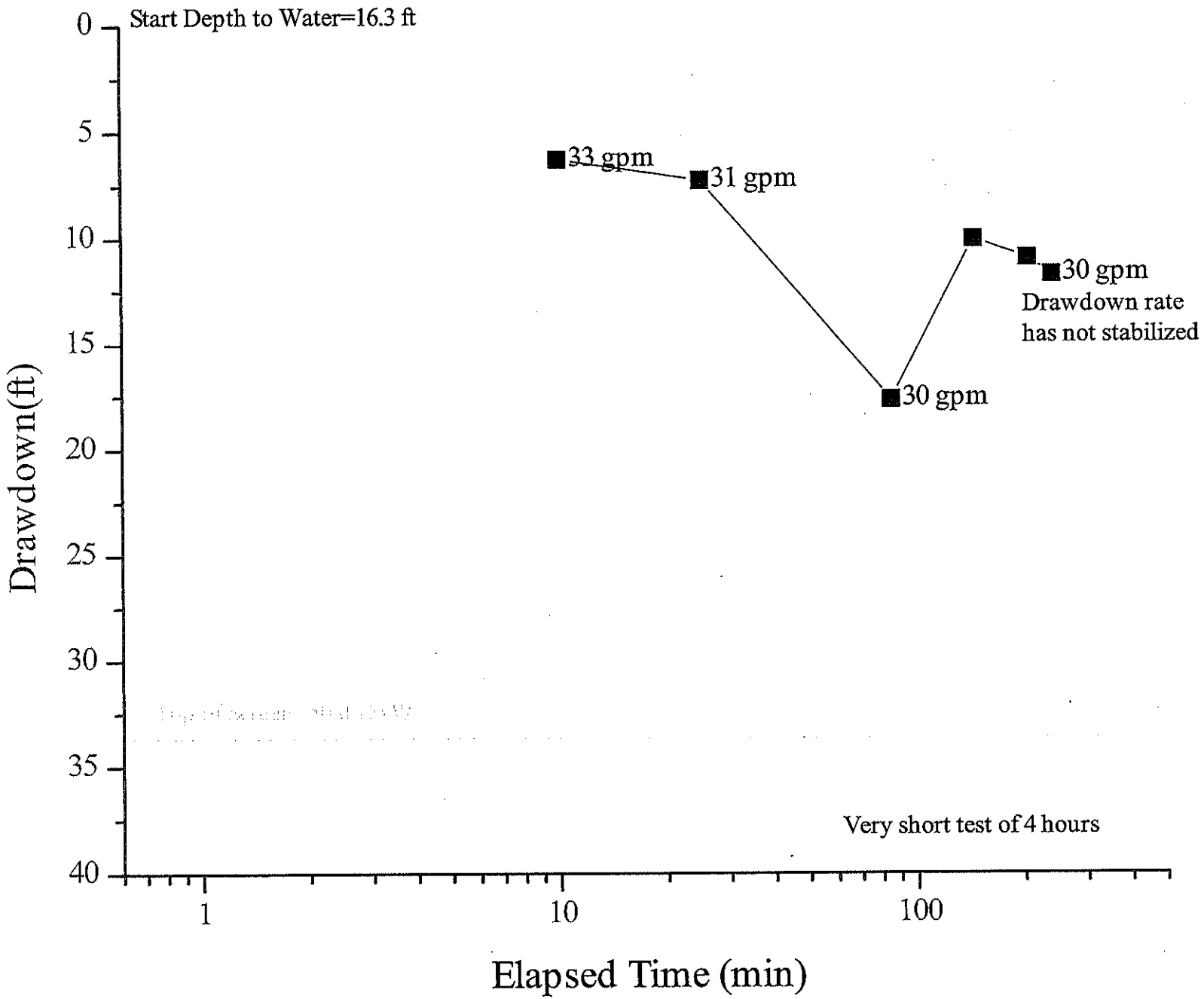


Figure 3. Niner Anderson Rd. Well (September 2002 pump test)



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J. WILLIAM YEATES

KEITH G. WAGNER
JASON R. FLANDERS

April 2, 2007

Karen Nall
Planning Commission Staff
San Luis Obispo
976 Osos Street
County Government Center, Room 200
San Luis Obispo, CA 93408-2040

Re: *Heart Hill Vineyards/Niner Wine Estates Conditional Use Permit* (Project No. DRC2004-00275)

Dear Ms. Nall:

Thank you for the opportunity to comment on the Mitigated Negative Declaration ("MND") for this proposed project on behalf of our client Carl Bowker, and neighborhood residents Eric Jensen, Bob Hartenberger, Scott Hawley, Joe Barton, Randy Phillips, Bill Latchford, and Bill Armstrong. These area residents are generally in favor of responsible growth and welcome new wineries to the area. However, the proposed Heart Hill project is out of proportion with the region, and appropriate consideration has not been given to the long term negative impacts this oversized facility will create.

A. AGRICULTURAL IMPACTS

i. PRIME AND PRODUCTIVE SOILS

The MND discusses project impacts to Class II soils, but the MND has failed to characterize the impacts to Class II as significant or insignificant. The County must make a finding that the project will not have a significant effect on the environment when adopting a mitigated negative declaration. The MND states:

> Prime Agricultural Land. Proposed structures would be located on Class II soils, which are considered prime or highly productive soils. Agriculture Element Policy 8 states that new facilities should be located off productive soils, if feasible. The applicant analyzed the onsite soil types and characteristics, specifically for vineyard production capability. Based on supplemental information submitted by the applicant, the proposed locations are preferable due to other site constraints (visual resources, geologic hazards, soil productivity for vineyards) and the applicant's objective to construct a Leadership in Energy and Environmental Design (LEED) Green Building (Niner Wine Estates, August 9, 2006). The County Agriculture Department reviewed the additional information

> submitted by the applicant, and determined that the locations of structures appear logical based on agricultural resources and site constraints (Lynda Auchinachie, August 31, 2006).[1]

Although the text of the MND gives policy-level justifications for locating the proposed project on Class II soils, the impact to Class II soils, "which are considered prime or highly productive soils," appears to be significant and unmitigated. However, the MND fails to specifically categorize whether such impacts are significant or insignificant. The MND cites to a letter from Lynda Auchinachie, August 31, 2006, stating why the building placement is "logical," but this letter never discusses the significance of the proposed project's impact on prime soils. If impacts to Class II soils are significant, is the MND claiming that this impact of this proposed project has been mitigated to a less-than-significant level? How? A "green" building does not reduce or avoid the impacts to Class II soils. If the impact is significant and unavoidable, the County must prepare an EIR.

ii. INCONSISTENCY WITH THE WILLIAMSON ACT

According to the California Department of Conservation, the proposed project is inconsistent with the parcel's Williamson Act contract.[2] The Department of Conservation directly addresses the County's analysis in the MND, and states that

> It does not appear that the lounge, kitchen facilities and related storage space are compatible uses on contracted land under §51238.1. The amount of office space and the amount of space for wine tasting may be excessive, especially considering two locations for each of these uses. The amount of landscaping may be excessive, though this has not been quantified in documents received by the Department. In addition, the special events may be incompatible in terms of the types of events, the number and, pursuant to §51220.5, the resulting population increase.
>
> According to definition in the Planning Commission staff report, special events include weddings, fundraisers and winemaker dinners open to the general public. Special events do not include industry-wide events, which are estimated to occur four weekends per year. The applicant is requesting to participate in the industry-wide events and hold the 30 events described above. Based on this description of special events, it does not appear that they have the requisite relationship to agricultural use and appear to be incompatible uses on contracted land. In addition, the number of events and the related population increase into the area should be evaluated as to its adverse impact on the subject and surrounding agricultural operations pursuant to §51220.5. Neither the MND nor the Planning Commission staff report appears to contain such an evaluation.

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[1] MND, p. 9.
[2] Letter from Dennis J. O'Bryant to Sue Luft, February 28, 2007 ("Exhibit 1").

> From the Department's perspective generally, processing, tasting and sales of processed wine would be considered compatible, depending on the specific circumstances, reasonably sized structures and the parcel involved. However, visitor service facilities, restaurants, event areas, extensive parking areas, large offices, large or frequent public gatherings and developed wetlands are examples of what would generally not be considered compatible uses.

The Department of Conservation has presented substantial evidence supporting a fair argument that the County has not mitigated the proposed project's significant impacts to agricultural resources. The Williamson Act states that the Act "is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land," including economic resources, food supply, aesthetics, and open space values.[3] The Act notes that these resources "are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area."[4] Thus, the proposed project's incompatibility with its Williamson Act contract shows that the project may have a significant environmental impact by converting prime agricultural resources to an oversized, non-agricultural facility, that attracts a large number of visitors. Moreover, the County's decision that these activities could be compatible with the Williamson Act sets a bad precedent that may allow for future expansions onto other lands under a Williamson Act contract. The proposed project will not only permanently remove valuable agricultural land from agricultural production, but, if successful, it will encourage the spread of similar uses in the County. These are significant environmental impacts that the MND has failed to mitigate.

In addition, the MND states that, due to the project's incompatibility with Williamson Act requirements, the proposed project will reduce the number of proposed parking spaces from 113 to 62. The MND then states that "[d]uring large events, overflow parking . . . would be located on crush pads, on-site agricultural roads, and vacant fields."[5] However, the MND has not mitigated the impact of inviting over a hundred cars onto the proposed project site. Instead, the proposed project seeks to accommodate the *exact same number* of cars, merely relocating them to unpaved parking areas. The large parking demand of the proposed project illustrates an impact the Williamson Act specifically seeks to avoid: an "increase . . . of the permanent or temporary human population of the agricultural area." By extending the property beyond its permitted agricultural uses, and attracting thousands of new visitors to the area, the proposed project will cause the loss of significant agricultural resources.

B. HYDROLOGY

The MND has failed to show that the proposed project will have a less-than-significant impact on groundwater. At the outset, the MND acknowledges that "the area has a problem with water availability,"[6] and that "[t]he wells on the Bowker property to the north and the Anderson Road well (on the project site) are likely connected; the wells on Sycamore Farms and Booker property

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[3] Government Code, § 51220, subd. (a)-(f).
[4] Government Code, § 51220.5.
[5] MND, p. 25.
[6] MND, p. 27.

(south of Highway 46) and the Highway 46 East and West wells (on the project site) are likely connected."[7] Given the existing problem with water supply in the area, and the connectivity among the wells on the proposed project site and the wells of neighboring landowners, the proposed project's substantial water demand of up to 31,300 gallons per day[8] may have a significant adverse impact on the existing water supply of neighboring landowners.

Our clients obtained expert review of the MND's water supply analysis, and found the MND has failed to adequately investigate and evaluate the proposed project's effect on the area's groundwater.[9] The MND fails to demonstrate that there is adequate water supply for the proposed project, and the proposed project may have a significant adverse impact on neighboring water users. The MND's analysis and the underlying Cleath and Assoc. report are deficient for several reasons. The MND fails to present a water balance to demonstrate the availability of water for the proposed project in addition to current users. The MND's background water study appears to over-estimate the area's groundwater recharge rate, while underestimating the proposed project's water demand. The MND's water study only tests well interference from one of the proposed project's well sites, but ignores whether withdraw from other wells, alone or in conjunction, could impact the wells of area landowners. Given the failure to adequately investigate the proposed project's effect on the declining groundwater resource, the MND leaves open a reasonable likelihood that the large increased water demands of the proposed project may significantly impact the available water supply for surrounding landowners.

The MND, and its water supply analysis, have also failed to take into account the likely large water demands of the landscaping required to mitigate aesthetic impacts. The landscaping required by the Visual Impact Assessment ("VIA") is extensive, and will likely demand a significant amount of water. The VIA states that "*[h]igh quantities* of generally *large-scale*, evergreen plant material *densely planted* around the perimeter *and* throughout the site would appear as a layered *wall* of vegetation."[10] Yet, the MND fails to discuss the water supply impacts that this large amount of landscaping will likely cause.[11]

With regard to water demand over the life of the proposed project, the MND should also evaluate whether and how water demands will increase as annual temperatures rise due to global climate change. Higher temperatures will increase evaporation during the watering process, and will cause plants to dry out faster, increasing irrigation demands. For example, the California Department of Water Resources cites a report stating that an increase in temperature of three degrees Celsius will require 5% more irrigation.[12] In turn, the United Nations Intergovernmental

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[7] MND, p. 27.
[8] MND, p. 28.
[9] The following water supply comments are based upon technical review of the MND and the Cleath and Assoc. background water study by Hydro Metrics, LLC, attached hereto as Exhibit 2, and fully incorporated into this comment.
[10] Supplemental Visual Impact Assessment, p. 4 (emphasis added).
[11] While the Cleath and Assoc. study does account for some landscaping irrigation demand, this estimate was made before the substantial amount of landscaping was required in the Visual Impact Assessment and the Supplemental Visual Impact Assessment.
[12] California Department of Water Resources, July 2006, "Progress on Incorporating Climate Change into Management of California's Water Resources, pp. 7-1 to 7-26 ("Exhibit 3"). This report includes detailed data and models that the MND should incorporate.

Panel on Climate Change shows that global climate change will cause temperatures to rise approximately three degrees Celsius over the next century.[13] Such an increase averages out to a temperature increase of .3 degrees Celsius per decade, also equating to a .5% increase in required irrigation per decade. At the proposed project's peak demand of 31,300 gallons of water per day, a .5% increase will require an additional 1565 gallons of water per day, within the next decade. The MND must take this impact into account for the life of the proposed project.

Finally, as discussed more fully below, the MND, and its underlying water study, rely on documents that were not made available for public review. Because these documents are not part of the County's administrative record, and were not made available for public review, the County may not rely on these documents when making its findings for the MND. The unavailability of these documents has substantially impeded public review of the MND's conclusions. These documents must be made available for public review and comment.

C. AESTHETIC IMPACTS

The MND has failed to mitigate the significant adverse aesthetic impacts of the proposed project. As stated in earlier comments, the proposed project is vastly out of scale with the surrounding community.[14] The size of the proposed project alone will distract from other views of the area.

The proposed mitigation measures merely add more clutter to an otherwise open space. The current view of the proposed project site offers a uniquely open space of golden rolling hill, sparsely accented with old and complex oak trees. In contrast, the proposed project will place a forest of evergreens, bushes, and berms that will appear as a clutter of artificial landscaping. The production facility and hospitality facilities will also remain visible from various perspectives. The proposed project will irreversibly eliminate the unique natural character of this open space, causing a significant adverse aesthetic impact.

D. INADEQUATE PROJECT DESCRIPTION

The MND fails to discuss and analyze the whole of the project. Under CEQA, a lead agency must consider "[a]ll phases of project planning, implementation, and operation."[15] The MND states that the proposed project will process grapes from Bootjack Ranch, which will expand to plant an additional 30 acres *to supply* the proposed project.[16] The applicant also plans to use Bootjack Ranch as a place to compost materials from the proposed project site. The use of these facilities and activities are intimately connected. Because the vineyard at Bootjack Ranch will be expanded to supply the Heart Hill Vineyard, these actions should be evaluated as part of the same project, and the MND should evaluate the environmental impacts of planting this additional vineyard.

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[13] Intergovernmental Panel on Climate Change, "Climate Change 2007: The Physical Science Basis," pp. 9-12, 21 ("Exhibit 4").
[14] See Comments of North County Watch, January 11, 2007, and comparisons of winery sizes in the area. These comments are fully incorporated herein ("Exhibit 5").
[15] CEQA Guidelines, § 15063, subd. (a)(1).
[16] MND, pp. 8-9.

E. THE PROPOSED PROJECT IS INCONSISTENT WITH THE CURRENT ZONING

The MND states that this use may be inconsistent with existing zoning,[17] and the applicant's modifications to the proposed project do not cure this inconsistency. The proposed project will thus require a zone change to conduct the proposed uses. The current agricultural zoning designation only allows for wineries and tasting rooms. However, the proposed project description shows that the project plans to extend uses far beyond the winery and tasting room:

> The approximately 11,120-square foot hospitality building will include an approximately 3,650 square foot tasting room, 1,070-square foot lounge, 1,110-square foot demonstration kitchen, 1,340 square foot kitchen, and 720 square feet of storage space on the ground floor. Approximately 1,480 square feet of administrative and office space would be located on the second floor mezzanine above the tasting room. Approximately 684-square feet of mechanical facilities for the kitchen and 1,140 square feet of storage space would be located above the kitchen and lower storage area.[18]

Only 3,650 square feet of the 11,120 square foot hospitality building is devoted to a tasting room. The overlying agricultural zoning designation does not list large kitchens and lounges as permitted uses. The ordinance code does show that *other* zoning designations specifically do permit such restaurants, visitor services, and administrative uses.[19] By excluding these uses under the agricultural designation, while including these uses under other designations, the ordinance code clearly shows restaurants and visitor service facilities were not intended to be permitted on agricultural parcels. Because the proposed project may not be permitted under the current zoning designation, the project must seek a zone change.

F. DOCUMENTS UNAVAILABLE FOR PUBLIC REVIEW

The County has failed to make available for public review, all of the documents referenced in the MND.[20] CEQA requires that the County's Notice of Intent to Adopt a Negative Declaration must include "[t]he address or addresses where copies of the proposed negative declaration or mitigated negative declaration . . . and *all* documents referenced in the proposed negative declaration or mitigated negative declaration are available for review."[21] On several occasions, interested members of the public have requested review of documents referenced in the MND, but have been denied

The lack of availability of these documents has impeded our review of the MND and its findings. The MND relies heavily upon the Cleath and Assoc. water study to find that the proposed project

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[17] MND, p. 9.
[18] MND, p. 2.
[19] See, e.g., San Luis Obispo Ordinance Code, § 22.06.030, table 2-2.
[20] See, letter from Jason Flanders to Karen Nall, Feb. 16, 2007 ("Exhibit 6"), and email from Karen Nall to Jason Flanders, March 27, 2007 ("Exhibit 7").
[21] CEQA Guidelines, § 15072, subd. (f)(4).

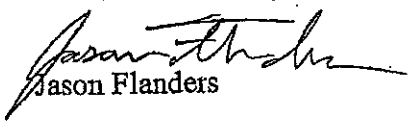
will not significantly interfere with water usage on surrounding properties.[22] In discussing this water study, the MND states that,

> The water study included geological field survey, assessment of test pits, review of water well logs from wells in the area, plotting water level fluctuations in wells, analyzing pumping test data, interviews with adjacent property owners, and completion of a well interference pumping test.[23]

Interested members of the public have requested review of these documents that are specifically referenced in the MND. The County has not made these documents available for public review. The County has replied that these documents are in the possession of Cleath and Assoc., who prepared the water study. In turn, Cleath and Assoc. has refused to make these documents available for review, citing, among other things, proprietary interest, and incredulously commenting that interested members of the public could undertake the data collection for themselves. A review of CEQA shows that no such exceptions exist for review of underlying documents.

The County may not approve the MND for the proposed project without first making all documents that the MND relied upon available for public review. By failing to make these underlying documents available for public review, the County has failed to satisfy one of CEQA's most fundamental purposes. As the Supreme Court has repeatedly stated, CEQA's procedures must be "scrupulously followed" so that "the public will know the *basis* on which its responsible officials either approve or reject environmentally significant action," and will be able to "respond accordingly to action with which it disagrees."[24] To understand the *basis* on which the County makes its decisions on this proposed project, all underlying documents must be made available for public review and comment.

Sincerely,



Jason Flanders

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[22] MND, p. 29.
[23] MND, p. 27.
[24] *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 392 (emphasis added).

STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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February 28, 2007

VIA FACSIMILE (805) 227-4501
Ms. Sue Luft, President
North County Watch
P.O. Box 455
Templeton, CA 93465

Subject: Hearn Hill Vineyard Winery (Niner Wine Estates) Conditional Use Permit Application Request for Comment, San Luis Obispo County

Dear Ms. Luft:

Thank you for your letter of February 13, 2007 and accompanying documents, requesting comment from the Department of Conservation (Department) regarding the subject use permit application. The letter requests comment on the involved project's effects on agriculture and Williamson Act contracted land, in particular Government Code §§51238.1, 51220.5 and 51250, having to do with compatibles uses, population increase and material breach of contract.

Enclosed with the letter are two letters from the San Luis Obispo County (County) Agriculture Department to County Planning (April 12 and August 31, 2006), an August 9, 2006 letter from Niner Wine Estates to the County Agriculture Department, a series of unidentified responses to questions regarding the project, an Initial Study/Mitigated Negative Declaration for the project, a November 22, 2006 letter from North County Watch to County Planning, a January 11, 2007 Planning Commission staff report and charts comparing the size of wineries in the area. In response to the February 13 North County Watch letter, Niner Wine Estates has submitted a February 23, 2007 letter to the Department.

Project Description:

The project is an application for a use permit to allow 91,521 square feet of winery production and hospitality facilities on two contracted parcels of 79 and 57 acres (040-111-028, 061-005). The project site is located on the northern side of Highway 46, approximately 1,700 feet southwest of Anderson Road, and on the southern side of Anderson Road approximately 1,300 feet northwest of Highway 46, one mile west of Templeton in San Luis Obispo County (County).

The facilities consist of:

1) 70,950-square-foot production winery, including 4,410 square feet of administrative offices,
2) 4,525-square foot white barrel chai facility (barrel storage),
3) 4,926 square-foot boutique winery,
4) 11,120-square foot hospitality building, including a 3,650 square-foot tasting room, a 1,070-square foot lounge, 1,110-square foot demonstration kitchen, 1,340-square foot kitchen and 720 square feet of storage space on the ground floor, with 1,480 square feet of tasting and administrative space, 684 square feet of mechanical facilities for the kitchen and 1,140 square feet of storage on the second floor.
5) Water treatment facilities,
6) Access roads, parking areas, extensive landscaping and related improvements.

In addition, the applicant proposes to conduct 30 annual events – two events with up to 500 guests, four events with up to 200 guests, six events with up to 100 guests and18 events with up to 75 guests. Amplified music will play from 10 am to 5 pm. Apparently, there is a discrepancy as to the events proposed. Contrary to the Initial Study Mitigated Negative Declaration (MND) and Planning Commission Staff Report, which describe the above 30 annual events, a February 23, 2007 letter from Niner Wine Estates states that 18 annual events with up to 300 guests are proposed.

The project will disturb 12.5 acres on portions of each of the two parcels, with 60 acres planned for vineyards. The proposed facility will process grapes from the project site and Bootjack Ranch, 260 contracted acres owned by the applicant and planted with 124 acres of vineyards. Plans include increasing vineyard acreage at each location. Surrounding land is in agriculture, including wineries, with parcels to the north, west and south under Williamson Act contracts.

Williamson Act Compatibility

The February 13 letter from North County Watch makes reference to a previous comment by the Department regarding Arciero Farms dated May 27, 2005, stating that the Department commented that the processing, tasting and special events uses were compatible because the land involved was insignificant relative to the total contracted acreage. However the Department can find no such comment in its May 27 letter and does not support such a conclusion regarding Arciero Farms or the subject project.

Regarding the subject project, the County Agriculture Department expressed concerns about locating facilities on productive soils, the scale of proposed development, adequate water resources, the boutique winery, amenities such as the proposed lounge, extensive office space, kitchen facilities, extensive landscape areas, maintenance structure and excessive parking and whether the project met requirements under §51250. Niner Wine Estates responded with explanation that appeared to satisfy

these concerns except as they related to the kitchen facilities, lounge, excessive parking and the amount of administrative space within the winery structure. The Agriculture Department recommended mitigation that would restrict permanent parking to that required by ordinance for the winery and tasting room and limit the processing and storage facilities to processing activities, including restriction from special event use.

The County Planning Department has determined in the MND that, based on implementation of these mitigation measures and the applicant's agreement to remove the maintenance building and owner's apartment from project plans, agricultural impacts would be less than significant. The Planning Department determined that the project could be found consistent with the Williamson Act based on the size of the hospitality facility in relation to the production facility and current and future vineyard acreage. In addition, hospitality elements could be considered incidental to the agricultural operation because they would focus on marketing and sale of the agricultural product.

The Department generally echoes the apparently unaddressed concerns of the County Agriculture Department. It does not appear that the lounge, kitchen facilities and related storage space are compatible uses on contracted land under §51238.1. The amount of office space and the amount of space for wine tasting may be excessive, especially considering two locations for each of these uses. The amount of landscaping may be excessive, though this has not been quantified in documents received by the Department. In addition, the special events may be incompatible in terms of the types of events, the number and, pursuant to §51220.5, the resulting population increase.

According to definition in the Planning Commission staff report, special events include weddings, fundraisers and winemaker dinners open to the general public. Special events do not include industry-wide events, which are estimated to occur four weekends per year. The applicant is requesting to participate in the industry-wide events and hold the 30 events described above. Based on this description of special events, it does not appear that they have the requisite relationship to agricultural use and appear to be incompatible uses on contracted land. In addition, the number of events and the related population increase into the area should be evaluated as to its adverse impact on the subject and surrounding agricultural operations pursuant to §51220.5. Neither the MND nor the Planning Commission staff report appears to contain such an evaluation.

From the Department's perspective generally, processing, tasting and sales of processed wine would be considered compatible, depending on the specific circumstances, reasonably sized structures and the parcel involved. However, visitor service facilities, restaurants, event areas, extensive parking areas, large offices, large or frequent public gatherings and developed wetlands are examples of what would generally not be considered compatible uses.

A compatible use must be required for or part of the agricultural use. While the Department would concur that vineyard production, wine processing and, generally,

wine tasting meet the test of this relationship, the aforementioned other elements of the subject proposal do not appear to meet this test. Section 51238.1 was added to help local jurisdictions determine whether specific uses are compatible. However, as stated in the Statutes of 1999, Chapter 1018 (SB 985), "The latitude provided by the Williamson Act to participating local governments is not, and has never been, so great as to make uses that are not inherently related to, or beneficial to, the agricultural or open-space character of contracted land permissible under the compatible use provisions of the Williamson Act."

Thank you for the opportunity to comment on the subject application. If you have any questions on our comments or need additional assistance, please contact Bob Blanford, Williamson Act Analyst, at (916) 327-2145.

Sincerely,

Dennis J. O'Bryant
Program Manager

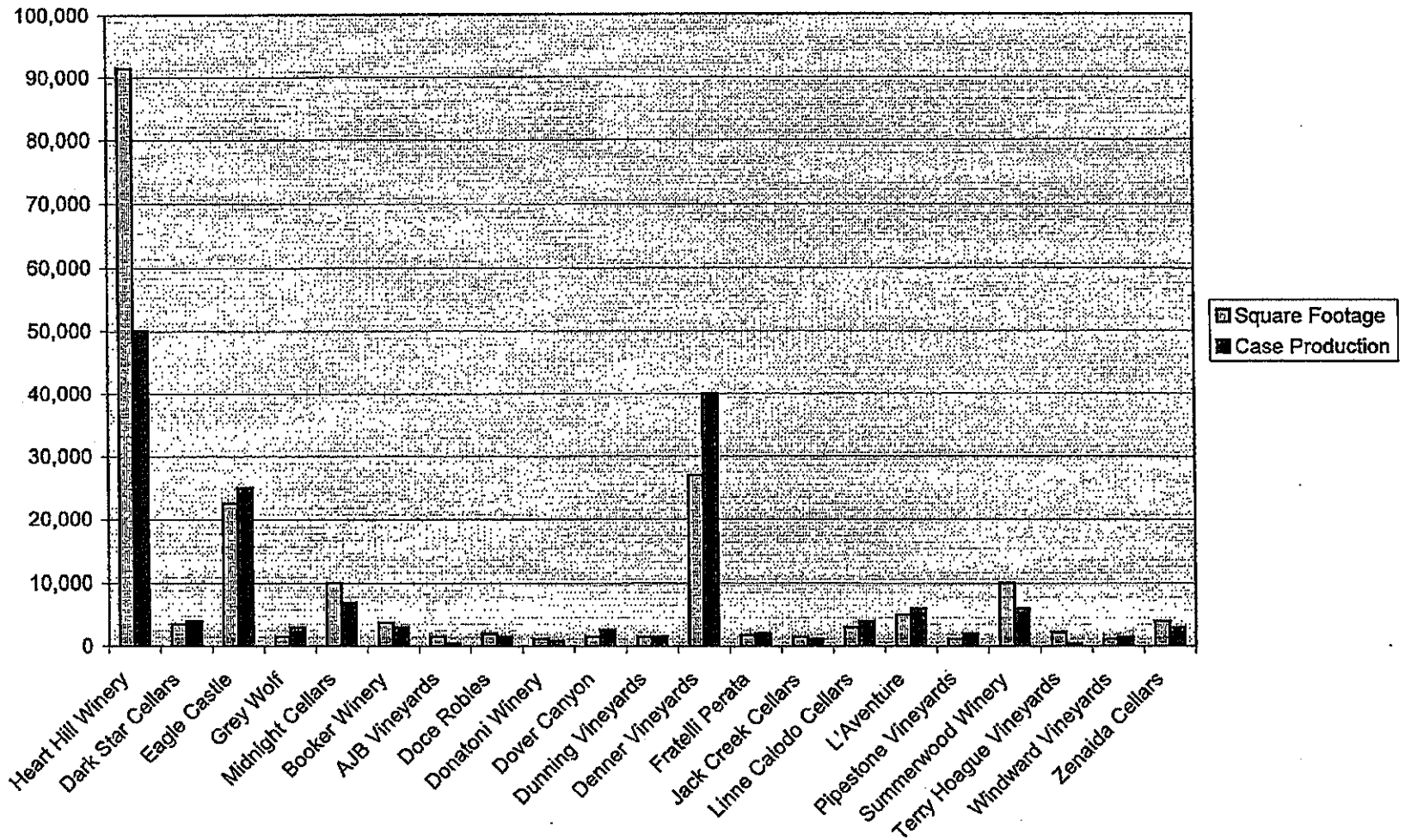
cc: Mr. Warren Hoag, Division Manager
San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

Ms. Lynda L. Auchinachie
San Luis Obispo County
Department of Agriculture
2156 Sierra Way, Suite A
San Luis Obispo, CA 93401-4556

Mr. Brian Storrs, President
Niner Wine Estates
1322 Morro Street
San Luis Obispo, CA 93401

Exhibit 3

Winery Size Comparison - Nearby Wineries



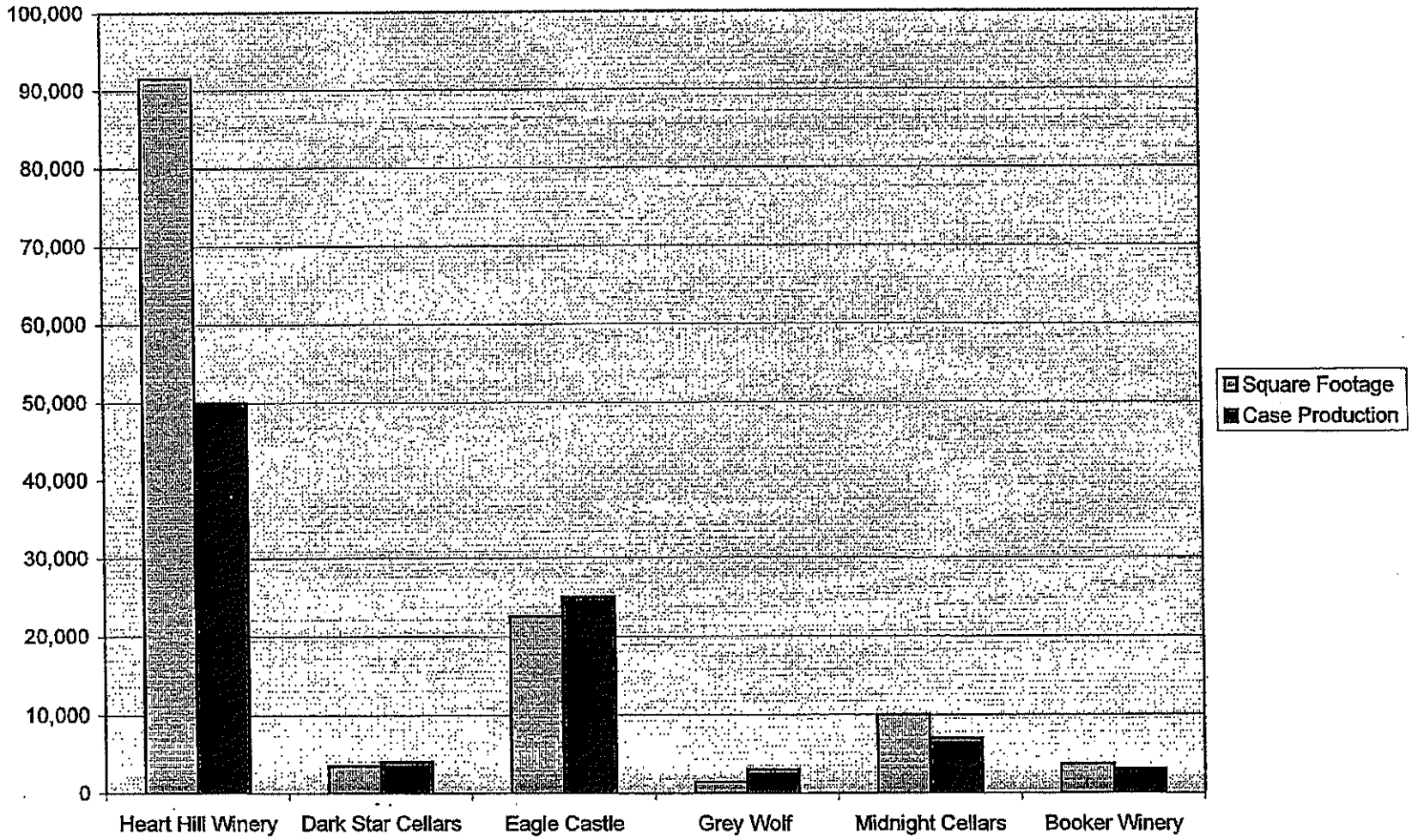
Size and Scope Comparison of Neighboring Wineries As Compared to Proposed Niner Wine Estates / Heart Hill Vineyard Winery Project

Winery	Square Footage Winery & Tasting Room*	Cases Production **
Niner Wine Estates / Heart Hill Winery	**91,521 sq. feet (Proposed)**	**50,000 (Proposed)**
Anderson Road Wineries:		
Dark Star Cellars	3,500 sq. feet	4,000
Eagle Castle	22,500 sq. feet	25,000 (from staff report)
Grey Wolf	1,500 sq. feet	3,000
Midnight Cellars	10,000 sq. feet	7,000
Booker Winery	3,700 sq. feet (new facility built in 2006)	3,000 (unconfirmed)
Neighboring Wineries:		
AJB Vineyards	1,500 sq. feet	490
Doce Robles	2,000 sq. feet	1,500
Donatoni Winery	1,200 sq. feet	800
Dover Canyon	2,000 sq. feet	2,500
Dunning Vineyards	1,500 sq. feet	1,500
Denner Vineyards	27,000 sq. feet	40,000
Fratelli Perata	1,800 sq. feet	2,000
Jack Creek Cellars	1,500 sq. feet	1,200
Linne Calodo Cellars	3,000 sq. feet	4,000 (unconfirmed)
L'Aventure	5,000 sq. feet	6,000
Pipestone Vineyards	1,200 sq. feet	2,000
Stacked Stone Cellars	1,200 sq. feet	(not listed)
Summerwood Winery	10,000 sq. feet	6,000
Terry Hoague Vineyards	2,200 sq. feet	450
Windward Vineyards	1,200 sq. feet	1,500
Zenaida Cellars	4,000 sq. feet	3,000

*In some cases size approximated or rounded up but is generally believed to be representative of actual winery and tasting room sizes.

**Case Production Information from Paso Robles Wine Country Alliance website, unless otherwise noted.

Winery Size Comparison - Anderson Road



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J. WILLIAM YEATES

KEITH G. WAGNER
JASON R. FLANDERS

February 16, 2007

Sent Via U.S. Mail

Karen Nall
County of San Luis Obispo, Planning Staff
Rm. 200, County Government Center
San Luis Obispo, CA 93408-2040

Re: Heart Hill Vineyards Conditional Use Permit DRC2004-00275, ED 05-400; Recirculation of Mitigated Negative Declaration, Public Review of Documents

Dear Ms. Nall:

I am writing to follow-up on our phone conversation of February 15, 2007. As you have indicated, the Mitigated Negative Declaration ("MND") for the Heart Hill Vineyards will be revised, and recirculated for public comments. We would appreciate receiving notice of the availability of the revised MND, including a copy of the MND, which can be sent to the address above, or sent electronically to jflanders@enviroqualitylaw.com.

Also, we discussed making several documents referenced in the MND available for public review at your offices. For your convenience, here is an excerpt from page 24 of the MND, which lists the documents we seek:

> The water study included geological field survey, assessment of test pits, review of water well logs from wells in the area, plotting water level fluctuations in wells, analyzing pumping test data, interviews with adjacent property owners, and completion of a well interference pumping test.

It is my understanding that you will obtain these documents from Cleath and Associates, and will notify us when they are available for public review at your office.

We greatly appreciate your assistance in this matter.

Sincerely,

Jason Flanders

Cc: Carl Bowker

Jason Flanders

From: knall@co.slo.ca.us
Sent: Tuesday, March 27, 2007 1:50 PM
To: Jason Flanders
Subject: RE: Hearth Hill Vineyards DRC2004-00275

Mr Flanders

I apologize for the delay. You have requested clarification of water information reference in the negative decalration. We have contacted Tim Cleath and he has stated that much of the information is fully covered in his report and what is not included is privileged information.

1. Geologic field survey- Field notes were used and these notes are proprietary. Geologic Hazard Report dated October 14, 2005 prepared by Earth Systems Pacific was also used. Please also refer to water study appendix.

2. Assessment of Test Pits - Please refer to Figure 1. Geologic attitudes symbolized as "T"'s with the number adjacent to it indicating the degree of dip of the rock beds at that location and a description of the geology from the test pits are in the text of the report. Some of the geologic attitudes may also be from Geologic Hazard Report dated October 14, 2005 prepared by Earth Systems Pacific.

3. Review of well logs in the area. This well information was given to Mr. Cleath from neighbors. Copies of these well logs could be obtained from the neighbors directly.

4. Plotting well fluctuations. Please refer to Figure 4. of the report.

5. Interviews with adjacent property owners. Field notes were used and these notes are proprietary.

6. Completion of well interference pump test. Please refer to Figures 4 and Figure 5.

I believe the only item you will need is a copy of the Geologic Hazard Report dated October 14, 2005 prepared by Earth Systems Pacific. Do you have a copy of this report? Please let me know and I can forward a copy to you.

Karen Nall
Senior Planner
(805) 781-5606

"Jason Flanders" <JFlanders@enviro qualitylaw.com>
03/05/2007 09:13 AM

To <knall@co.slo.ca.us>
cc
Subject RE: Hearth Hill Vineyards DRC2004-00275

Letter 51

COMMENTOR: Anonymous, Private Citizen

DATE: April 11, 2007

RESPONSE:

Response 51A

The commentor provides a copy of a report intended to shed light on the water demand analysis for the Santa Margarita Ranch project. That report, which addresses a project known as the Heart Hill Winery project, critiques a Mitigated Negative Declaration performed for that project, and concludes the MND underestimated water consumption associated with that project.

The Santa Margarita Ranch DEIR addresses a project that is fundamentally different in both scale and use than the Heart Hill Winery project, so the relevance of the report to the proposed project is tangential. In addition, the Santa Margarita Ranch DEIR concludes that impacts to water resources would be Class I, significant and unavoidable. This is consistent with the thrust of the critique of the Heart Hill Winery project, which suggested that water impacts were underestimated in the CEQA document for that project. Winery uses were considered in the analysis for the proposed project, and those uses, in combination with residential development and other land uses, result in significant unavoidable impacts to water resources, as appropriately identified in the document.

Letter 52

SIERRA CLUB
FOUNDED 1892

Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717
www.santalucia.sierraclub.org

via e-mail and fax

April 11, 2007

RECEIVED
APR 11 2007
Planning & Bldg

James Caruso
Department of Planning and Building
San Luis Obispo County
Government Center
San Luis Obispo, CA 93408

Comments of the Sierra Club on the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR

Dear Mr. Caruso,

On behalf of the 2,500 members of the Santa Lucia Chapter of the Sierra Club, we submit the following comments, drawn from and summarizing the paper "Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents," Comment Draft, March 5, 2007, Hendrix, Wilson, Brandman Associates:

On June 1, 2005, Governor Arnold Schwarzenegger issued Executive Order S-3-05, establishing greenhouse gas emission reduction targets as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels.

In 2006, the California State Legislature passed AB 32, requiring the development of regulations to address global climate change caused by CO2 and associated greenhouse gasses. Lead agencies are now being asked by the State Attorney General's Office to analyze the impacts of large development projects on global warming as part of the CEQA process. With the passage of AB32, the CEQA analysis of greenhouse gas emissions and global warming impacts of development projects cannot be termed overly speculative or beyond the scope of an EIR. A

Neither the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project nor the Future Development Program have been subjected to such analysis.

The Project and the Future Development Program will make an incremental contribution to global climate change, contributing to a cumulative impact. The following approach

2

should be used to assess the significance of the project's cumulative contribution to global climate change:

1) An inventory of greenhouse gas emissions generated by the Project and compared to the inventory for California and/or the County, when those inventories become available.

2) Assessment of the Project's compliance with the emission reduction strategies contained in the California Climate Action Team's (CCAT) Report to the Governor. This report proposes a path to achieve the Governor's greenhouse gas reduction targets. Projects can ensure compliance with strategies incorporating the following design features: vehicle trip reduction strategies; multi-modal transportation options; increasing energy efficiency beyond Title 24 requirements; increased recycling; and incorporating green building technology.

If a project complies with the State's strategies to reduce greenhouse gases to the levels proposed by the governor, the project would be deemed to have a less than significant cumulative impact to global climate change.

A

To effect an inventory and assessment of compliance, the EIR must assess the Project and the Future Development Program for their potential emissions of Carbon Dioxide, Methane, Nitrous Oxide, HFC-23, HFC-134a, HFC-152a, PFC: Tetrafluoromethane (CF4), PFC: Hexa-fluoroethane (C2F6) and Sulfur Hexafluoride (SF6).

CEQA encourages protection of all aspects of the environment. Since the passage of AB32, agencies that fail to address climate change impacts in the EIRs of proposed developments do so at their peril. The Center for Biological Diversity filed a CEQA challenge to the Black Bench Specific Plan project (*Center for Biological Diversity* vs. *City of Banning*) for failure to mitigate greenhouse gas emissions. The Natural Resources Defense Council filed a CEQA challenge to the development of land in the San Joaquin River delta (*Natural Resources Defense Council* vs. *Reclamation Board*) for failure of the EIR to analyze climate change impacts.

CEQA requires that Lead Agencies inform decision makers and the public about potential significant environmental effects of proposed projects, identify ways that environmental damage can be avoided or reduced, prevent significant, avoidable environmental damage through the use of feasible mitigation measures and/or project alternatives, and disclose to the public the reasons why the Lead Agency approved a project in the manner the agency chose if significant environmental effects are involved (CEQA Guidelines §15002). CEQA also requires Lead Agencies to evaluate potential environmental effects based to the fullest extent possible on scientific and factual data (CEQA Guidelines §15064b). In light of current scientific and factual data, the adoption of AB 32, and the requirements of CEQA, it is apparent that an analysis of incremental contribution to global warming impacts by the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program is needed in CEQA documents if they are to be legally defensible. That there are currently no published thresholds of

3

significance for measuring the impact of global climate change on or from a project does not relieve the lead agency of the requirement to establish a threshold.

The EIR should engage in quantitative analysis of cumulative impacts and ensure qualitative compliance with the emission reduction strategies in the California Climate Action Team's Report to the Governor, which is the path to the GHG reduction targets found in AB 32 and Executive Order S-3-05. Implementation of all appropriate actions listed in the emissions reduction strategies relevant to the Project would be necessary to achieve a less than significant impact to global climate change. A

We note *CEQA Guidelines §15088.5,* requiring that a lead agency recirculate an EIR when significant new information is added to the EIR after notice for public review of the Draft EIR, but prior to certification.

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

(1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

(2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

(3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or B

(4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The foregoing comments constitute significant information and potential mitigation not considered in the Draft EIR, requiring recirculation of the EIR. The lack of discussion of climate change impacts in the Draft EIR has deprived the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid the effect.

In the event that the project proponents, as promised, submit circa 1,000 pages of comments on the DEIR, especially new data arguing against any Class I impacts, this, too, will require recirculation of the EIR.

Thank you for your attention,

Andrew Christie
Chapter Director

Letter 52

COMMENTOR: Andrew Christie, Chapter Director, Sierra Club, Santa Lucia Chapter,

DATE: April 11, 2007

RESPONSE:

Response 52A

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for a discussion of climate change issues.

Response 52B

Portions of the Draft EIR were revised and recirculated from February 11, 2008 to March 26, 2008, including a new Global Climate Change (GCC) analysis (refer to Response 52A). This revised analysis has also been incorporated into the Final EIR.

Letter 53

RECEIVED
APR 11 2007
S.L.O. CO. PLANNING DEPT.

James Caruso
Planning Department
San Luis Obispo County

Mr. Caruso;

According to the current ag cluster plans, there will be an ag easement on the remainder space generated by the ag cluster. The plan currently calls for added vineyards between the ag cluster project and the town of Santa Margarita. Also according to the current plans there will be a winery situated in the remainder parcel between the proposed ag cluster project and the town of Santa Margarita, located directly adjacent to town. I am concerned that we do not yet know the extent of activities at this winery, the size of the buildings, and the associated impacts of those activities. **A**

The cumulative impact on the town's drinking water supply could be significant. Water use, discharge from leachfields, increased storm runoff, waste water from grape processing, herbicide/pesticide use; all have the potential to seriously affect the ground water supply, and those impacts have not yet been addressed. Cumulative effects on the town from this potential ag use must be factored in to the very likely future development of this parcel. **B**

Sincerely

Carol Eastman
P.O. Box 82
Santa Margarita.
CA. 93453

James Caruso
Planning Department
San Luis Obispo County

Mr. Caruso;

This current project encompasses a geographic area deemed important to the county trail network. A public trail connecting the town of Santa Margarita with the Los Padres Nat'l Forest has long been on the list of unmet recreation needs. Now is the time to require a public trail corridor through or circumventing this project. Public access to the Nat'l Forest in this area will be critical to establishing a county-wide network of passive-use hiking/biking/equestrian trails.

C

If not included in this project, the last remaining site connecting Santa Margarita with Los Padres will be where the developers have long said they want their private retreat/golf course/lodge. That site will likely be less suitable, or available, than the current site.

The developers have long stated trails will be built. This is the time and place. Please require dedication of a public trail easement connection to the National Forest as a condition of the ag cluster project approval.

Sincerely,

Carol Eastman
P.O. Box 82
Santa Margarita,
CA. 93453

James Caruso
Planning Department
San Luis Obispo County

Mr. Caruso;

The town of Santa Margarita has experienced several 100-year storms over the past decade. The town has flooded numerous times. The proposed ag cluster project has the potential to make that situation worse. The Draft Environmental Impact Report requires a retention basin large enough to handle a 100-year storm. I agree. The town of Santa Margarita cannot risk even minimal additional runoff. D

As storm runoff from this project will increase as soon as construction begins, please require this 100-year retention basin be built before *any* other construction begins.

Sincerely

Carol Eastman
P.O. Box 82
Santa Margarita,
CA. 93453

James Caruso
Planning Department
San Luis Obispo County

Mr. Caruso;

The new ag cluster project has the potential to significantly impact the water quality of current residents of Santa Margarita. Storm water runoff carrying residential pesticides and herbicides, plus groundwater-born residues from leachfields and water softener discharge, have the potential to enter the town's drinking supply. The Draft Environmental Impact Report has classified this as a Class Two (significant, but mitigable) Impact.

E

I am concerned that the currently proposed mitigation for these potential impacts relies upon a nebulous homeowners association set of rules. At best, such rules are difficult to enforce. Additionally, the ranch owners/developers have repeatedly said there will be no homeowners association. Therefore there will be no entity to establish or enforce these rules anyway. Please reclassify this as a Class One (significant, unmitigable) Impact.

Sincerely

Carol Eastman
P.O. Box 82
Santa Margarita,
CA. 93453

Letter 53

COMMENTOR: Carol Eastman, Private Citizen

DATE: April 11, 2007

RESPONSE:

Response 53A

Refer to Response 14L.

The two wineries referenced by the commentor, although located on the Agricultural Residential Cluster Subdivision site (Vesting Tract 2586), are part of the Future Development Program, not the Agricultural Residential Cluster Subdivision. The EIR evaluates impacts associated with these facilities within the Future Development Program analysis.

Response 53B

Refer to Response 53A. Impacts from the two referenced wineries are included in the Future Development Program analysis. Refer to Section 4.14.2(c) (Future Development Program impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater*. In addition, as noted in the last paragraph of Section 4.14, *Water and Wastewater*:

> "The evaluation of the Future Development Program, which includes the Agricultural Residential Cluster Subdivision, in this EIR accounts for all of the expected growth in the Santa Margarita area, as it represents buildout of the major landholding that surrounds the existing community, consistent with the Salinas River Area Plan. Therefore, cumulative water and wastewater impacts from buildout of the Agricultural Residential Cluster Subdivision in combination with buildout of the Future Development Program were addressed in the Future Development Program impact analysis."

Response 53C

Refer to Response 36AF. Refer also to Responses 11B and 11C.

Response 53D

The commentor expresses support for Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) but recommends they be installed prior to construction.

Refer to Responses 36AB.

Response 53E

The commentor recommends Agricultural Residential Cluster Subdivision Impact W-2 be reclassified as Class I, *significant and unavoidable,* because Agricultural Residential Cluster

Subdivision measures W-2(a) (Septic Tank Maintenance Plan and Monitoring) and W-2(b) (Septic Tank and Leachfield Site Plans) are unenforceable. Refer to Response 36E.

Letter 54

SLO CNTY
PLANNING/BUILDING
DEPT

2007 APR 12 AM 10: 55

April 11, 2007

PO Box 180
Templeton, Ca 93465

James Caruso, Project Manager
County Planning and Building
County Government Center
San Luis Obispo, CA 93408

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

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

Dear Mr. Caruso:

First I would like to make some general comments concerning the entire draft environmental report and then some comments about specific topics.

General Comments

A. Department of Conservation letter dated December 23, 2004.
This 14,000-acre property lies within an Agricultural Preserve, a prerequisite to entering into a Williamson Act contract. In a letter dated December 23, 2004, in Appendix A, the state Department of Conservation suggested the impact to agriculture within the Preserve and near the Preserve must be analyzed as part of an environmental report. I have been unable to find where this and other concerns raised by the Department of Conservation have been addressed. **A**

B. Ag Cluster Open Space Parcel.
The Agricultural Cluster Subdivision Ordinance says that as a condition of subdivision the open space parcel is to be under Williamson Act contract or a comparable contract. The terms and conditions of a future agricultural conservation easement on the agricultural open space parcel within the subdivision has not been addressed in this DEIR and should be. For a complete environmental report, a comparison between a Williamson Act contract and any other proposed contact is **B**

needed. That analysis should also contain the discussion of mitigation measures if additional conditions are being added. B

C. Ag Cluster Subdivision, Home Owners Association (HOA)
One of the mitigation measures to be considered in order to resolve agricultural and homeowner conflicts and problems is a Home Owners Association with each property owner having one vote. C

D. Remainder Parcel.
There are no proposed uses for the Remainder parcel. Therefore, this DEIR is incomplete. D

E. Housing.
Housing, one of the fifteen required CEQA topics, appears to be missing from this DEIR for both the Agricultural Residential Cluster Subdivision and the Future Development Program. E

In addition, I could find no mention of the June 2005 Board approved 'Guiding Principles of Smart Growth' that directs residential development to urban areas. How these principles and what mitigation measures are being recommended to offset the isolated and remote location of these projects has been not mentioned in this DEIR. F

F. Global Warming and Recognized Climatic Changes.
A greater significance must be placed on threatened and endanger species. Driving less and walking more must be emphasized in the review of projects in both the short-term and long-term category. A search should be conducted to find current scientific papers related to CEQA analysis and procedures that are applicable to this DEIR. G

G. Class I and Class II Impacts and so forth.
The unusual nature of this DEIR wherein a proposed project is analyzed and then a vague set of potential Future Development Program(s) on other parcels is analyzed leads to a great deal of confusion. For example, say a vaguely defined Future Development project has been given a Class II Significant But Mitigatable classification. Is it possible to change that classification to Class I Significant and Unavoidable when reviewing the detailed project? H

4.9 PUBLIC SAFETY

It is generally unusual for over a hundred families to traverse open cattle range when going to and from their urban sized parcels, as is proposed with this Agricultural Residential Cluster Subdivision. With the absence of adequate fencing there is an opportunity for many interactions and conflicts between people and agricultural operations. This is of particular concern where children are involved. It is highly unlikely that children will be or can be confined to their property boundaries any more than the rest of us. Visitors wanting to see people living within the cluster subdivision can not be effectively locked out, increasing the danger or harm to unsuspecting people or livestock. The safety of foot, bike and vehicular travel through open range cattle grazing should be reviewed in this DEIR. I

4.11 RECREATION

a) Setting

Table 4.11.1, Public Park & Recreational Facilities in the Community and Vicinity, should include the Los Padres National Forest, Santa Lucia District. **J**

Bike Routes should be updated to reflect the most current approved County Bikeway Plan. **K**

Trails inventory for the nearby National Forest appears to be incorrect. In addition there are 'offers to dedicate' easements for the Juan Bautista de Anza National Historic Trail, a trail head, and a connecting trail from the Anza Trail towards the National Forest. These future community recreation facilities are in the vicinity of the Garden Farms. **L**

b) Deed restrictions have not been discussed as mitigation in this DEIR, which raises a number of issues relating to residential recreational activities within and adjacent to commercial agricultural business. **M**

Rural residential properties in the proposed cluster subdivision (agriculture land use category),1-acre and 2.5-acre lots, automatically allow hobby farming and 4-H activities such as the keeping of livestock (horses, goats, pigs) and poultry. It is a common activity to ride horses in one's neighboring area. The compatibility of raising and keeping animals within and adjacent to commercial agricultural activities should be analyzed. **N**

Typically residents on single family-type parcels enjoy having pets such dogs and cats. A rural residential environment attracts homeowners who enjoy letting their pets run freely to exercise. The compatibility of pets, on and off-leash, within or adjacent to commercial agricultural activities needs to be reviewed. The scope of analysis should include whether these pets will be detrimental to an agricultural business by attracting predator wildlife. **O**

Observations concerning potential living conditions within the agricultural subdivision are noted in a report written to Kathy Longacre, County Trails Committee chairperson. (Attachment) **P**

c) Trespass onto Agricultural Operations
The proposed agricultural residential cluster subdivision is remotely situated from town. Some houses will be over two to three miles away. Consideration has not been given as to where children and teenagers will play. It is highly unlikely that children and teenagers, whether residents or visitors, can be confined. In the open space parcel underused roads and the vast outdoor setting is an attractive playground. The play is likely to include the building of tree houses and forts and hiking to the National Forest. Perhaps playing cowboy with grazing cattle. The conflict between 'kids being ordinary kids' and 'adults having everyday fun' within and adjacent to agricultural businesses must be analyzed. **Q**

d) Managed public trail system to National Forest
Pertaining to the Draft Santa Margarita Agricultural Residential Cluster Subdivision Project, Remainder Parcel, and Future Development Program, a letter from the National Forest, Santa Lucia Ranger District, dated December 16, 2004 (Appendix A, Notice of Preparation & Responses) was not adequately addressed in the DEIR.

This letter from Kathleen Phelps, paragraph three states, "Past experience with similar developments demonstrates that the residents will want to access the National Forest adjacent to their homes. We recommend a planned trail system to provide non-motorized access to the forest. We would like to work with the County and the Developer so that any trail system leading to the Forest will be both efficient and environmentally sound. Whenever non-motorized trail access is developed from the development to the National Forest should also be open to the general public. This will concentrate use on one managed trail system, and will ensure that no one group has exclusive access to the Forest." R

The proposed residential project, activities on the remainder parcel and other future proposed programs that include visitor serving recreational facilities such as lodges and dude ranches will bring many people onto the Santa Margarita Ranch. Therefore it is in the best interests of the Santa Margarita Ranch developers, the County and Forest Service to work together to provide a managed public trail system to the National Forest.

4.12 TRANSPORTATION AND CIRCULATION

These remarks are limited to non-motorized transportation

a) Setting

Figure 2.12-3 Existing Pedestrian, Bicycle, and Transit Facilities is out of date with the current County Bikeways Plan and must be replaced to show existing Route 58 facilities between El Camino and the junction of 58 and West Pozo Road. S

As I recall the town of Santa Margarita applied for Transportation Enhancement funds for a downtown beautification and traffic-calming project. The project may have been described to include a median strip with trees and shrubs with left turn pockets. If so, proposed mitigation measures should reflect the town's current preferences. T

I found no reference to safe routes for youth to school, school bus stops, Santa Margarita County Park, Santa Margarita Regional Park or the National Forest. Because no onsite recreational facilities are planned as part of the cluster subdivision there will be a demand to go elsewhere. Safe youth routes would eliminate or reduce school bussing and parental chauffeuring. Walking and biking is a healthy alternative. U

A greater level of consideration should be given to the importance of non-motorized transportation given the escalating costs of gasoline, carbon dioxide gas emissions, and the state of obesity in this county. Below is from a county document. V

County of San Luis Obispo • Public Health Department

February 9, 2006

2191 Johnson Avenue . P.O. Box 1489
San Luis Obispo, California 93406
805-781-5520 . FAX 805-781-1048
Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Administrator

V

Obesity Fact Sheet

Extent of the problem:
In SLO County, 55% of adults were overweight or obese (BMI > 25) in 2003; a similar rate as California.
In SLO County, 29.1% of 5th graders and 31.3% of 9th graders are at-risk of overweight or are overweight in 2004-05, slightly less than California: 5th graders, 33.6%, and 9th graders, 33.1%.

b) Recommendations for changes

Class 1 Impacts: Significant and Unavoidable

Agricultural Residential Cluster Subdivision, Page ES-28, Mitigation Measure
Change "Provide bike lanes on Estrada Avenue" to
"Upgrade bike facilities from Class III to Class II between El Camino and ARC driveways;
Provide parallel decomposed granite pedestrian paths"
The reason this revised mitigation measure is needed is because the population of Santa Margarita will increase by approximately 30%.

W

Future Development Program, Page ES-83, Mitigation Measure
The proposed facilities will increase the overnight population and significantly increase the daytime population of Santa Margarita. Alternate non-motorized transportation, pedestrian and bicycle facilities, has not been sufficiently addressed in this DEIR.

X

Class II Impacts: Significant But Mitigatable

Future Development Program, Page ES-141, Mitigation Measure
The proposed mitigation FDP-T-4(a), "bike lanes on El Camino" and FDP-T-4(b) "fair share of center median lane along El Camino" has little or no relationship with any proposed development.

In order to achieve the objective of mitigation, bicycle and pedestrian improvements should be required from the project's public access point to downtown Santa Margarita. The availability of non-motorized transportation

Y

facilities has the potential of reducing vehicle trips particularly those made by guests.

c) Agricultural Residential Cluster Subdivision Impact T-4, p. 4-12-29 & 30

"The proposed provision of a private pathway between the community of Santa Margarita and the Agricultural Residential Cluster Subdivision would accommodate a portion of the increased pedestrian demand. However, because the pedestrian trail would be gated and private, some pedestrians traveling between the subdivision and community would be diverted to West Pozo Road, which would be considered unsafe for pedestrian movement due to conflicts with vehicles. As a result, impacts to pedestrian facilities would be potentially significant." Z

The proposed private path should be a public path to accommodate pedestrian and bicyclist traffic. This proposed path should also be extended to provide public access to the National Forest. If necessary, the route of this path might cross other parcels within the scope of the DEIR, such as the remainder parcel, to reach the National Forest.

Thank you for taking my comments under consideration.

Very truly yours,

Dorothy Jennings

Dorothy Jennings

Attachment: Report dated June 12, 2005 from Dorothy (Dorothy Jennings, Parks and Recreation Commissioner) to Kathy (Kathy Longacre, County Trails Committee chairperson); Subject: June 9th Tour of Santa Margarita Ranch Agricultural Lands clustered project.

June 12, 2005 Attachment

Kathy,

Subject: June 9th Tour of Santa Margarita Ranch Agricultural Lands clustered project

Thank you so much for arranging a tour. It was an educational experience beyond my expectations. This is in response to your request for written comments from my perspective as a commissioner.

The area is beautiful and will attract those wishing to live in a rural setting. However, the proposed plan consisting of approximately 3800-acres of vineyards and grazing land is likely to be a very confining place to live. The hundred or so 1-acre home sites are located like holes in Swiss cheese within a privately owned and managed cattle-grazing operation on 2000-acres of 'open space rangeland.' **AA**

Homeowners must fence their property to keep cattle away. A HOA will manage the roads and community water system. Beyond the home sites and roads, the 300-400 residents will not be allowed to trespass on surrounding private rangeland. Children will be limited to their fenced yards. The proposed project offers no community play area, no social gathering place, and no pool. There are no community or public trails. The keeping of livestock (horses or chickens, etc.) will be prohibited. The residents have no non-motorized access to town or paths towards the National Forest for personal recreation. Sadly, this is a car-dependent development likely to generate 1000 trips per day. **AB**

When asked how the Ranch intended to prevent children from playing in the woods, we were told there would be CC&Rs. We were told that no children would be living here because these houses will cost too much. **AC**

Despite the beauty and rural charm of the existing ranch, the proposed plan in my opinion will be an inhospitable and isolated place for 300-400 residents to live. It need not be that way because the Ag cluster ordinance provides flexibility that could be applied to this project. This is an excerpt from the county ordinance:

Title 22.22.150 – Agricultural Lands Clustering

J. Agricultural land/open space preservation

4. Nonstructural uses allowed in defined open space areas.

...animal raising and keeping; specialized animal facilities;

...public outdoor recreation uses on non-prime lands; or other similar open space uses. **AD**

It is my hope that livability within this proposed project is improved. Residents could leave their car at home if there was a continuous path from the proposed project to the east end of town. That path could continue in the direction of the National Forest with connection to the National Forest completed at a future time. This route could also be the Santa Margarita to East Cuesta Ridge Trail described in the County Trails Plan. Another consideration might be a trail segment that would in time connect East Cuesta Ridge with Santa Margarita Lake. This project appears to be outside the Anza Trail corridor.

Dorothy

Letter 54

COMMENTOR: Dorothy Jennings, Private Citizen

DATE: April 11, 2007

RESPONSE:

Response 54A

Refer to Section 4.1, *Agricultural Resources,* of the Final EIR.

Response 54B

The commentor requests that the Final EIR address land uses that may be allowed in the proposed Agriculture Conservation Easements. Refer to Response 36K. The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Any future development in the areas proposed for Agriculture Conservation Easement would require future environmental review, including preparation of additional EIRs and associated public review as necessary.

Refer to the *Land Conservation Act* discussion in Section 4.1.1(b) (Santa Margarita Ranch Agricultural Resources) of the Final EIR for a discussion of Land Conservation Act (Williamson Act) contracts as compared to Agricultural Conservation Easements (ACE's).

Response 54C

The commentor suggests a new mitigation measure requiring creation of a Homeowners Association (HOA) and allowing each property own to have one vote. An HOA or similar entity is required as part of several mitigation measures throughout the EIR. The County will require the creation of this entity as a condition of project approval.

Response 54D

Refer to Response 36K. As noted therein, the EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Any future development on the remainder parcel would require future environmental review, including preparation of additional EIRs and associated public review as necessary.

Response 54E

Appendix G of the State CEQA Guidelines includes 16 checklist items recommended for use in conducting an Initial Study [refer to CEQA Guidelines Section 15063(f)]. Checklist Item XII is Population/Housing. In accordance with Appendix G, impacts related to population and housing would be significant if development would result in any of the following:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Growth inducement (a) is discussed in Section 5.0, *Growth Inducing Impacts.* Displacement (b and c) are addressed in Section 1.5, *Effects Found not to be Significant.*

Refer also to Appendix A (Notice of Preparation and Responses), which includes the Initial Study prepared for the project.

Response 54F

Smart Growth Principles adopted by the San Luis Obispo County Board of Supervisors are guiding principles. They are not policy. As a result, the proposed Agricultural Residential Cluster Subdivision's consistency with Smart Growth Principles is outside the scope of the EIR. However, several of the underlying principles of Smart Growth are indirectly addressed in Sections 4.12, *Transportation and Circulation*, 4.2, *Air Quality*, and 4.13, *Visual Resources*, of the Final EIR. In addition, Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) incorporates Smart Growth Principles. Refer to Section 6.0, *Alternatives,* of the Final EIR.

Response 54G

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for a discussion of climate change issues.

Response 54H

Refer to Master Response 3a. A less than significant impact for a Future Development Program conceptual land use in the EIR does not preclude a significant impact for a specific project in the future, since environmental conditions, regulations, and/or policy may change over time.

Response 54I

The issues mentioned by the commentor are addressed under Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources.*

Response 54J

The commentor argues that the Los Padres National Forest should be included on the list of available park and recreational facilities in the Santa Margarita vicinity (Table 4.11-1). Refer to Response 6C.

Response 54K

The commentor argues that bike routes should be updated to reflect the 2005 Bikeways Plan. Refer to Figure 4.12-3 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This figure

matches Appendix C of the 2005 Bikeways Plan. The discussion under *Bike Routes* in Section 4.11.1(a) (Existing Recreation Facilities) has been revised, however, to more clearly delineate the locations of bike routes. Refer to this discussion in Section 4.11, *Recreation,* of the Final EIR.

Response 54L

The commentor claims that the trails inventory for the national forest appears incorrect. The commentor does not provide revisions. The national forest did not call the list into question.

Response 54M

Impacts related to conflicts between proposed urban uses and existing and future agricultural uses are discussed under Agricultural Residential Cluster Subdivision Impact AG-2 and Future Development Program Impact AG-2 in Section 4.1, *Agricultural Resources*, of the Final EIR.

Response 54N

Refer to Master Response 2. Refer also to Response 54M.

Response 54O

Refer to Master Response 2. Refer also to Response 54M.

Response 54P

Refer to Response 54AA.

Response 54Q

Impacts related to conflicts between proposed urban uses and existing and future agricultural uses are discussed under Agricultural Residential Cluster Subdivision Impact AG-2 and Future Development Program Impact AG-2 in Section 4.1, *Agricultural Resources*. Refer also to Master Response 2.

Response 54R

The commentor claims that the DEIR did not adequately address the Notice of Preparation response letter from the Forest Service, dated December 16, 2004 (refer to Appendix A to the Final EIR). Refer to Letter 57 (Jeff Kuyper, Executive Director, Los Padres Forest Watch) and Response 57M. This letter was reviewed and considered during the preparation of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program Draft EIR.

The commentor additionally requests that the Santa Margarita Ranch developers, the County and Forest Service work together to provide a managed public trail system to the National Forest. Refer to Response 57L. No such trails are proposed at this time (refer to Master Response 3a).

Refer also to Future Development Program Impact R-2 in Section 4.11, *Recreation.*

Response 54S

Refer to Response 54K. Figure 4.12-3 reflects the 2005 Bikeways Plan.

Response 54T

A discussion of the Santa Margarita Design Plan is provided in Section 4.12, *Transportation and Circulation*. Refer to Agricultural Residential Cluster Subdivision measures T-1(e) (Estrada Avenue/H Street Warning Beacon) and T-4(a) (El Camino Real/Encina Avenue In-Pavement Flashing Lights), as well as Future Development Program measures T-1(f) (SR 58 Improvements Between Wilhelmina Avenue and Pinal Avenue), T-4(a) (Bicycle Facilities), and T-4(b) (Pedestrian Facilities). All of these measures reference the Santa Margarita Design Plan.

Response 54U

Refer to Agricultural Residential Cluster Subdivision Impact T-4 and Future Development Program Impact T-4 for a discussion of impacts related to pedestrian facilities. Refer also to Master Response 2.

Response 54V

Refer to Master Responses 1 and 2. Refer also to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for a discussion of climate change issues.

Response 54W

The commentor recommends revisions to Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon). This mitigation measure requires the installation of a pedestrian-activated warning beacon at the northbound approach to the intersection of Estrada Avenue and H Street. The measure additionally references several long-term improvements to this location, recommended by *Santa Margarita Design Plan*, as alternative mitigation measures for this intersection. The commentor recommends changes to one of the alternative long-term measures. Because this measure is from the *Santa Margarita Design Plan,* this revision would not be appropriate as it would result in inconsistencies with an existing plan. Refer to Section 4.12, *Transportation and Circulation,* of the Final for a full discussion of project impacts and mitigation measures.

Response 54X

The commentor claims that Agricultural Residential Cluster Subdivision measures T-1(a) (SR 58 South of J Street) and T-1(b) (U.S. 101 Northbound Off-Ramp to SR 58), which also apply to the Future Development Program, would increase both the overnight and daytime population of Santa Margarita. These measures require improvements to transportation facilities which experience existing deficiencies due to the addition of Agricultural Residential Cluster Subdivision and Future Development Program traffic. The improvements will improve access to the community. However, increases in population in the community would only occur as a result of land use changes and buildout of vacant and underutilized property. Refer to Section

4.12, *Transportation and Circulation,* for a full discussion of project impacts which necessitate these mitigation measures.

The commentor additionally requests a discussion of pedestrian and bicycle facilities. Refer to Agricultural Residential Cluster Subdivision Impact T-4 and Future Development Program Impact T-4 for a discussion of impacts related to pedestrian and bicycle facilities.

Response 54Y

The relationship between Future Development Program measures T-4(a) (El Camino Real/Encina Avenue In-Pavement Flashing Lights) and T-4(b) (Pedestrian Pathway) and the Future Development Program itself is described in Section 4.12, *Transportation and Circulation,* of the Final EIR. It should be noted that the referenced measures are required for the Future Development Program, which does not include any proposed development at this time (refer to Master Response 3a).

The commentor additionally recommends that bicycle and pedestrian improvements be required from the Agricultural Residential Cluster Subdivision's access point to downtown Santa Margarita. Refer to Responses 6L and 13E.

Response 54Z

Refer to Responses 6L and 13E.

Response 54AA

The commentor expresses concern regarding the development of more than 100 homes amongst thousands of acres of vineyards and grazing land. Impacts related to conflicts between residential and agricultural land uses are addressed in Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response 54AB

The commentor makes several assumptions regarding the Agricultural Residential Cluster Subdivision, including the assumption that homeowners will fence property to keep cattle away. Refer to Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR. As noted therein, the Agricultural Residential Cluster Subdivision would permanently compromise the sustainability of the 676.7-acre grazing unit. Refer also to Agricultural Residential Cluster Subdivision Impact AG-2 for a discussion of conflicts between residences and cattle.

The commentor additionally states that a homeowners association would manage Agricultural Residential Cluster Subdivision roads and water system. Refer to Section 2.0, *Project Description,* of the Final EIR. As noted therein, the applicant does not propose a homeowners association, since no areas would be under common ownership. In addition, the applicant proposes that the Santa Margarita Ranch Mutual Water Company own and maintain the proposed water tanks and water service infrastructure. Refer also to Agricultural Residential Cluster Subdivision

Impact W-1 in Section 4.14, *Water and Wastewater*. As noted therein, groundwater is not available for the proposed project.

Refer also to Section 4.11, *Recreation,* and 4.12, *Transportation and Circulation,* for a discussion of recreation demand and trip generation, respectively.

Response 54AC

Refer to Response 36E for a discussion of CC&Rs and Section 4.10.3 (Schools) in Section 4.10, *Public Services and Utilities,* for a discussion of student generation.

Response 54AD

The commentor's opinion regarding the inhospitable and isolated nature of the Agricultural Residential Cluster Subdivision is noted.

The commentor additionally provides an excerpt from the Agricultural Lands Clustering Ordinance (Section 22.22.150 of the Land Use Ordinance) and suggests that livability of the project be improved by providing a number of trails. As noted in Section 2.0, *Project Description,* a gated, private trail is proposed along West Pozo Road/Highway 58, between Estrada Avenue and the Agricultural Residential Cluster Subdivision access road. Refer also to Agricultural Residential Cluster Subdivision measure T-4(b) (Pedestrian Pathway) in Section 4.12, *Transportation and Circulation,* of the Final EIR, which requires this pathway to be open for public use.

Letter 55

"Michael Joseph"
<mjoseph11@hotmail.com>
04/12/2007 11:54 AM

To jcaruso@co.slo.ca.us
cc
bcc
Subject SMR Ag Cluster Boundaries

Mr James Caruso
Project Planner

April 11, 2007

San Luis Obispo, CA

Dear Mr Caruso:

I am writing with a comment on the proposed future developement plan for the Santa Margarita Ranch concerning the boundary lines within some of the project areas. I would like the opportunity as a property owner that shares a boundary with the project to do my own survey and verification of boundaries lines that devide my property with that of the proposd development. We would like this opportunity to survey before permits are granted, thereby making such boundary devisions which were surveyed by the owners, permenant. Our survey is already underway but as of yet do not have a completion date.
Thank you ,
Miranda Joseph

A

Get a FREE Web site, company branded e-mail and more from Microsoft Office Live! http://clk.atdmt.com/MRT/go/mcrssaub0050001411mrt/direct/01/

Letter 55

COMMENTOR: Miranda Joseph, Private Citizen

DATE: April 11, 2007

RESPONSE:

Response 55A

The commentor requests opportunity to conduct a property survey before permits are granted for the Future Development Program. The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No additional response is warranted. It should be noted that the Future Development Program is not currently proposed (refer to Master Response 3a).

Letter 56

SLO CNTY
PLANNING/BUILDING
DEPT

2007 APR 12 AM 10: 55

North County Watch

Looking Out Today for Tomorrow

Email to: James Caruso, County Planning (jcaruso@co.slo.ca.us)

From: Sue Luft, asluft@hughes.net
Voice and fax: 227-4501

April 11, 2007

James Caruso
Department of Planning and Building
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

Re: Santa Margarita Ranch DEIR

Mr. Caruso:

North County Watch recognizes that numerous experts and private citizens are providing comments regarding the DEIR for the Santa Margarita Ranch and expressing their serious concerns regarding the Agricultural Residential Cluster Subdivision Project and the Future Development Program. In light of these extensive, detailed comments on the project, North County Watch is submitting the following general comments.

Ag Cluster Subdivision

The term Agricultural Residential Cluster Subdivision is a misnomer. Agricultural and residential uses are not compatible uses. In this case, the ag cluster does not even cluster the homes. Ag cluster subdivisions still remain an experiment which may be destined to failure. An agricultural cluster creates neighborhoods of people ultimately not sympathetic to the many nuisances of real agriculture. Bringing residences into an agricultural setting introduces incompatible uses, which will ultimately make the agricultural uses of the property no longer viable. An alternative to the project should be considered which locates the homes closer to the existing town and reduces the environmental impacts. A B

Agricultural Conservation Easement

The agricultural conservation easement needs to be made available for review by the public, so that the project can be properly evaluated. Uses which will be allowed on the property in the future need to be reviewed as to their compatibility with the resources on the site. Impacts on resources by wineries, special events, rural camping, and other uses must be evaluated. These impacts may be significant. C

Each easement is unique. Whatever uses are retained by the owners make a huge difference in what will happen on the site. How can it be correct to exclude the easement itself from the process? Are we to just trust that it will be negotiated later by wise and careful people and that the public interest will be protected?

Without this key element, the impacts of the project have not been adequately considered. There has been a failure to inform the public of the terms of the easement for the "remainder parcel" or for the open space parcel in the Ag Cluster. The purpose of CEQA is to inform the public. A revised EIR should be prepared and recirculated. C

Water Usage

Significant and detailed comments have been submitted by members of the Water Resources Advisory Committee. We ask that these comments be carefully reviewed. D

Usage of water by wineries was significantly underestimated in the report. The water analysis only included the water used by visitors to the tasting rooms. It did not address the large amount of water used in processing the wine. The industry average for water use at wineries is 10 to 12 gallons per case of wine produced. E

Best Management Practices for wineries indicate that instead of the industry average of 10 to 12 gallons of water per case of wine, water usage can be limited to 3 to 5 gallons of water per case of wine. These lower limits should be mandated on the wineries, although the larger industry average values should be used in the analysis to ensure that adequate water is available. F

Water usage by the vineyards needs to include water used for frost protection, for pre-watering the soil during winter months with low rainfall, and for leaching salts. Estimates provided by the Ranch owners or other vintners are only estimates. The actual water usage will differ based on varietal, rootstock, vine spacing, trellising, tons of fruit produced per vine / per acre, winery requirements, vintner's growing practices, and annual rainfall. Since annual rainfall cannot be predicted accurately into the future (and is predicted to decrease due to climate change), water usage should not be underestimated. G

Accurate water meters need to be utilized during the current season to track actual water usage in the vineyards. Irrigation data for the 2007 year needs to be used in the water balance calculations, since this season is probably more representative of what future rainfall may be than were the last couple of years. H

Climate change may greatly affect future water availability, and cannot be ignored. A recent Los Angeles Times article (attached) discussed a recent article in the journal Science regarding the potential for permanent drought throughout the Southwest. According to Richard Seager, a climate modeler at Columbia University and the lead author of the study, "There are going to be some tough decisions on how to allocate water. Is it going to be the cities or is it going to be agriculture?" All water availability estimates must take into account the impact of climate change and the potential for permanent drought. I

In San Luis Obispo County, Ag Policy 11 states that water should be reserved for agriculture. How is this policy being complied with? J

The highest and best use of our water resource must be considered. Is the use of precious groundwater for expensive rural homes the best use of this water. If the water is used for residential purposes, would not a better use be for workforce housing? K

Data from the document, "Progress on Incorporating Climate Change into Management of California's Water Resources", a July 2006 Technical Memorandum Report by the California Department of Water Resources (http://baydeltaoffice.water.ca.gov/climatechange/DWRClimateChangeJuly06.pdf) needs to be utilized and incorporated into the analysis of water use and water availability. L

Until a reliable water balance study is performed on the basin from Margarita Farms upgradient, this project should be put on hold. The rights of the existing water users should not be adversely impacted by this development. Monitoring should not be considered a mitigation measure. Monitoring and analysis of the data must be performed before the project is approved. M

The implications of the recent California Supreme Court case, Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (attached) must be taken into account. A near and long-term water supply analysis must be performed for the Ag Cluster and for the Future Development Program. N

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

The Ranch owners' description of the basin as a "virgin aquifer" has no basis in fact. If water is removed from the aquifer, it has to be replenished by rainwater. Rainwater is the only source of water in this area. Any water that flows into basin after pumping is water which would have flowed somewhere else. There will be a net loss in water either way.

All landscaping must consist of drought-resistant plants. P

Wastewater

A significant portion of the water balance assumption presented is related to the recharge associated with wastewater disposal through septic tanks withing the proposed agricultural cluster subdivision. Although this recharge appears to be overestimated, the impact of wastewater on the groundwater quality must be evaluated. Q

Water softeners will increase the salt loading. Many chemicals, pharmaceuticals, hormones, etc. may not be degraded in septic systems. These impacts must be quantified and presented for review in the environmental document.

The sewage and chemical toilet waste generated during the special events needs to be estimated.

Winery sanitation practices add to the salt content of the discharge. Wineries should be required to utilize Best Management Practices, including the use of ozone for water treatment. These impacts must be quantified and presented for review in the environmental document. R

Air Quality Issues

The DEIR does not address the fact that SLO County is in the process of being declared nonattainment for the new California 0.007 ppm 8-hour ozone standard. This will be a much tougher standard to attain than the old 0.09 ppm 1-hour standard, and will call for currently unspecified, but much tighter and more onerous emission control measures that will go far beyond those currently in place in the APCD's Clean Air Plan. More extreme mitigation measures than those proposed in the DEIR are necessary. Control measures and mitigation fees similar to those in Indirect Source Review Rules which are in place in other jurisdictions should be considered. S

An analysis of health impacts due to particulate emissions from construction and agricultural emissions and travel on unpaved roads on residents, workers (including household and landscape workers), and visitors must be performed. A health risk assessment needs to consider emissions of crystalline silica, asbestos, and Valley fever spores. T

According to the SLO County Health Agency Public Health Bulletin for Winter 2007 (attached), coccidioidomycosis (Valley fever) cases have increased recently. Northern portions of the county have seen the bulk of the cases. Exposure to dust and soil increases the risk of infection by the fungus which causes Valley fever. An evaluation of the soils should be performed to determine whether Valley fever spores are present, and if so, appropriate control measures must be implemented. U

Winery fermentation is a source of ethanol, a photochemically reactive organic gas. The emissions of volatile organic compounds from the wineries associated with the Ag Cluster, in the remainder parcel, and in the Future Development Program have not been estimated. V

Since the subdivision would exceed the CAP estimate of 16% rural growth by 6.8%, the allowed cluster should at least be downsized to conform to the CAP estimate. W

The Ag Cluster and Future Development Program are inconsistent with the CAP, not "potentially" inconsistent. X

Because the subdivision is inconsistent with CAP criteria and impacts to air quality would be Class I significant and unavoidable, and based on California State Attorney General's opinion regarding the dangers of climate change in his comments on the Orange County Transportation Draft EIR (attached), we request that no agricultural cluster subdivision be allowed at the proposed site. Y

The determination in the DEIR that the Cluster Subdivision-related vehicle and stationary source emission impacts are Class I, significant and unavoidable, is a clear conclusion based on the information presented. It does not follow, though, that the larger Future Development Program-related vehicle and stationary source emissions are Class II, significant but mitigable, unless the Future Development Program is either disapproved or severely reduced in scope. Z

Cumulative air quality impacts, or those impacts caused by the contribution of the project together with existing and future air quality levels, would also be significant and unavoidable as stated in the DEIR. AA

The San Luis Obispo County General Plan includes Smart Growth Principles adopted by the Board of Supervisors in 2005 to implement that part of the County mission statement, "to enhance the economic, environmental and social quality of life in San Luis Obispo County." Five of the Principles have direct or indirect implications for air quality, and the proposed project conflicts with each of them. AB

Vision 2025 is our region's blueprint for a transportation system that enhances our quality of life and meets our mobility needs now and in the future. It was approved in April, 2005 by the San Luis Obispo County Council of Governments. The Ag Cluster and Future Development Program conflict with at least six of these essential goals. Development that is in conflict with these six goals would have a negative impact on the area's air quality. AC

A disturbing trend was identified in the SLOCOG 2005 Performance Indicators Report that showed the average vehicle occupancy in our area declining by 17% - meaning that more and more people are traveling alone in their vehicles, and vehicle miles traveled increasing by 24% - meaning we are driving further, including on our daily commutes. This disparity indicates the likelihood of ever-increasing tailpipe emissions, and more difficulty complying with state and national health-protective air quality standards. The proposed project, with its size and location will exacerbate this problem. AD

The Ahwahnee Principles for Resource-Efficient Communities were developed and adopted by the Local Government Commission in 1991. Of the twenty-three Principles nine relate directly or indirectly to air quality, the Santa Margarita Ranch Project is in conflict with all nine. AE

Passive solar design and use of solar (photovoltaic) power systems should be required on all homes. All homes should be equipped with outlets for electric vehicles. Domestic water well pumps, irrigation well pumps, and all forwarding pumps should be electrically driven. All building should be LEED certified at the highest level (platinum). Construction equipment should be solar-powered. AF

Since many of the traditional mitigation measures used in an urban environment do not work for the Ag Cluster, innovative mitigation measures must be incorporated or mitigation fees should be paid which are sufficient to offset all increased air pollutant emissions. The emissions could be offset by scrapping gross polluting vehicles, purchase of clean buses, etc. These offsets must be provided in the north county. AG

Oak Resources

What was the criteria for determining the number of oaks that would be removed? Were only oaks above a certain diameter counted? If so, what is the impact to oaks less than that size? Oaks, particularly blue oaks, can be quite old and still be very small. If the seedlings and saplings are impacted, the oak resource into the future is greatly impacted. AH

Besides the direct impact to specific trees, the impact on the water supplies will greatly affect the future of the oak resources. The water tables upon which these trees depend are going to be seriously depleted. AI

The requirements of SB 1334, Kuehl, Oak Woodlands Conservation need to be incorporated into the Ag Cluster project and the Future Development Program. Compliance with the requirements of this law should be outlined in the Final EIR. AJ

Climate Change and Greenhouse Gas Emissions

Greenhouse gas emissions were not addressed in the EIR. This is a serious flaw in the DEIR, which should result in revisions to the DEIR and recirculation. The need to address greenhouse gas emissions in an EIR was pointed out by the California Attorney General in the March 30, 2006 letter to the Orange County Transportation Authority (attached) and by the Center for Biological Diversity's challenge of the City of Banning's Black Bench Project (see attached).

Winery fermentation is a source of carbon dioxide emissions. Carbon dioxide is a greenhouse gas, which must be evaluated under CEQA. With the large number of wineries proposed, particularly in the Future Development Program, these emissions may be substantial. The emissions of carbon dioxide from the wineries associated with the Ag Cluster, in the remainder parcel, and in the Future Development Program have not been estimated, and need to be quantified.

The additional automobile trips must also be assessed for the amount of additional carbon dioxide and other greenhouse gases that will be generated. Any deterioration of LOS at any of the intersections studied should include analysis of the generation of additional carbon dioxide and greenhouse gases generated by increased congestion that the lower LOS will cause. AK

Greenhouse gas emissions must be quantified from all combustion sources, including onroad and offroad vehicles, natural gas and propane combustion, fireplaces and wood stoves, vegetation burning, maintenance and weed removal equipment, irrigation pump engines, domestic water well pump engines, tractors, and construction equipment.

Impact of climate change must also be taken into account with relation to fire response. Predicted long duration drought periods and declining rainfall will likely increase the potential for higher frequency, hotter wildfires. Access to the subdivision is restricted to one road, Highway 58. Emergency access will be restricted to using this road. The subdivision will be located in a potentially high fire danger area. Emergency evacuations will be restricted to and constrained by this limited access.

Greenhouse gas emissions are offset by carbon sequestration by trees and other plants. Native grasses have been shown to sequester large amounts of carbon. Rangelands and trees are huge carbon sinks, as demonstrated by research presented at the USDA Forest Service Southern Global Change Program (see attached papers). The loss of carbon sequestration by this project must be quantified in the EIR and mitigated.

Cumulative Impacts

The enormous amount of Class II impacts may be cumulatively significant. AL

Mitigation Measures and Mitigation Monitoring

Adequate, enforceable mitigation measures must be included. Mitigation monitoring must be paid for by the applicant and must be sufficient to ensure that the mitigation measures truly work into the future. Goals of the mitigation measures must be established and regular reporting is needed to ensure that these goals are met. AM

Recirculation of the EIR

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice for public review of the Draft EIR, but prior to certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.

"Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

(2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

(3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or

(4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. AN

In Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, the court also addressed the issue of recirculation under CEQA. (Pub. Res. Code, § 21092.1.) The Vineyard DEIR lacked any discussion of groundwater extraction on the Cosumnes River, located to the south. This generated comments from state agencies and local organizations. The FEIR, in responding to the comments, stated in its analysis that the project would have a less-than-significant impact on groundwater drawdown and the potential for dewatering effects on the Cosumnes. Despite this conclusion, the lead agency noted that there would be an exception, that during periods of very low flow, the depletions could impact timing and extent of dewatering, potentially impacting aquatic and riparian species and habitat. This was the very point being made by the commenting parties: that potential impacts could harm migrating salmon (noted by the court because of its "sensitivity and listed status") during key time periods and in critical (and expanding) runs of the river. This potential exception to the less-than-significant impact was in fact the evidence of an impact which warranted recirculation and opportunity for public comment.

Respectfully,

Sue Luft
President

78,000 afa (both drawn from the Water Forum Proposal, not from the FEIR), a significant gap remains. AO

The general answer given in the FEIR, and echoed by real parties and Rancho Cordova, is that the new surface water supplies are to be used conjunctively with groundwater supplies. But this explanation is vague and unquantified. By itself, reliance on "conjunctive use" is inadequate, for, as plaintiffs argue, "CEQA requires more than a reference to a water supply management practice as water supply analysis." How much groundwater, existing and new, will be used with how much new surface water? In what combinations will these sources be used during wet and dry years, respectively? No such description of planned future water use appears in the FEIR. As an amicus curiae observes: "The conjunctive use program . . . lacks quantification, with no analysis that would disclose whether the program will produce sufficient supplies and storage capacity to meet expected demands."

Instead of itself providing an analytically complete and coherent explanation, the FEIR notes that a full analysis of the planned conjunctive use program must await environmental review of the Water Agency's Zone 40 master plan update, which was pending at the time the FEIR was released. The Board's findings repeat this explanation. To the extent the FEIR attempted, in effect, to tier from a *future* environmental document, we reject its approach as legally improper under CEQA. If the environmental impact analysis the Water Agency expects to perform on its Zone 40 master plan update is important to understanding the long-term water supply for the Sunrise Douglas project, it should be performed in the Sunrise Douglas project FEIR even though that might result in subsequent duplication by the master plan update. If, as Rancho Cordova argues, such duplication would be an impractical waste of resources, the County could instead have deferred analysis and approval of the Sunrise Douglas project

until the master plan update analysis was complete, then tiered the project FEIR from the programmatic analysis it performed there. What the County could not do was avoid full discussion of the likely water sources for the Sunrise Douglas project by referring to a not yet complete comprehensive analysis in the Zone 40 master plan update. CEQA's informational purpose "is not satisfied by simply stating information will be provided in the future." (*Santa Clarita, supra*, 106 Cal.App.4th at p. 723.)

A reader of the FEIR, moreover, cannot readily derive the missing quantitative analysis of conjunctive use from the figures provided. The 10,000 afa in new groundwater to be drawn from the Well Field does not appear sufficient to bridge the dry-year gap between new surface water supplies and demand due to Zone 40 growth, which appears to be 42,000 afa at a minimum: 45,000 afa in planned dry-year surface water diversion rights versus 87,000 afa in demand (both figures per the Water Forum Proposal final EIR). In wet years even less groundwater would be available for extraction, as conjunctive use involves recharging the aquifer in wet years.

To be sure, the County's burden in preparing the FEIR for the Sunrise Douglas project was not necessarily to demonstrate with certainty that the County's total water supply in the year 2030 would be sufficient to meet its total demand, though some discussion of total supply and demand is necessary to evaluate "the long-term cumulative impact of development on water supply." (*Santa Clarita, supra*, 106 Cal.App.4th at p. 719; see also CEQA Guidelines, Cal. Code Regs., tit. 14, § 15130, subd. (b)(1)(B) [cumulative impact analysis may employ projections in general planning documents].) But CEQA did require that the FEIR show a *likelihood* water would be available, over the long term, for this

project.[11] Without an explanation that shows at least an approximate long-term sufficiency in total supply, the public and decision makers could have no confidence that the identified sources were actually likely to fully serve this extraordinarily large development project. An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an " 'environmental "alarm bell" ' " (*Laurel Heights I*, *supra*, 47 Cal.3d at p. 392) before the project has taken on overwhelming "bureaucratic and financial momentum" (*id.* at p. 395).

In this respect, the FEIR's discussions of near- and long-term water supplies differ significantly. As explained in part I.B. above, the FEIR included substantial evidence that competing users would not deprive the Sunrise Douglas project of most of its planned groundwater from the Well Field. But the FEIR contains *no* evidence, other than the gross demand figures (which are, as noted, inconsistent) regarding the uses that might be expected to compete with Sunrise Douglas for the planned new surface water over the next 20 or more years.

Real parties point to a discussion of conjunctive use in the Water Forum Proposal that refers to larger amounts of groundwater than will be drawn from the Well Field. But the origin and precise reference of these figures is not explained, nor is their connection to the demand figures made entirely plain.[12] More

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11 Other analytical paths are possible (see *ante*, at p. 21 and *post*, at pp. 39-40) but were not pursued in the FEIR.

12 The Water Forum Proposal discussion refers to use of 34,000 afa and 95,100 afa in groundwater in wet and dry years, respectively, as being used conjunctively with new surface water supplies to meet "a total 2030 demand of 117,600" afa for the "South County M & I users group." The exact relationship of this demand figure to those in the FEIR and elsewhere in the Water Forum

(footnote continued on next page)

important, neither these figures nor any reference to this analysis appears in the FEIR or even, so far as we are able to determine, in the Water Forum Proposal's final EIR. A reader of the FEIR could not reasonably be expected to ferret out an unreferenced discussion in the earlier Water Forum Proposal, interpret that discussion's unexplained figures without assistance, and spontaneously incorporate them into the FEIR's own discussion of total projected supply and demand. The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. "[I]nformation 'scattered here and there in EIR appendices' or a report 'buried in an appendix,' is not a substitute for 'a good faith reasoned analysis.' " (*California Oak*, *supra*, 133 Cal.App.4th at p. 1239, quoting *Santa Clarita*, *supra*, 106 Cal.App.4th at pp. 722-723.) To the extent the County, in certifying the FEIR as complete, relied on information not actually incorporated or described and referenced in the FEIR, it failed to proceed in the manner provided in CEQA.

We do not hold or suggest that the Sunrise Douglas FEIR needed to reproduce or repeat an environmental impact analysis for new surface water supplies already performed in connection with the Water Forum Proposal. As discussed in the statement of facts, the final EIR for the Water Forum Proposal did discuss the impacts of the planned additional diversions of American River water; indeed, a *summary* of these impacts and the proposed mitigation measures occupies 85 pages of that EIR. The contemplated diversions include additional water for the Water Agency to use in its Zone 40 area, which, as noted, includes

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(footnote continued from previous page)

Proposal (113,000 afa and 87,000 afa, respectively) is not clear, and the source of the proposal's groundwater supply figures is not identified.

Sunrise Douglas. To the extent the Community and Specific Plans call for that same surface water to be used by the Sunrise Douglas development, the FEIR could have properly tiered from or incorporated the earlier environmental analysis. CEQA does not require that the information on impacts of diversion laid out in the Water Forum Proposal's final EIR be repeated in environmental documents for every development that depends on that water. (See § 21068.5 [through tiering, applicable analysis information in an EIR for a policy or program may be incorporated by reference in later narrow or site-specific project EIR's].)[13]

The FEIR did not, however, make sufficiently clear its relationship with the Water Forum Proposal's environmental impact analysis. Although the FEIR's water supply discussion refers at several points to the Water Forum Proposal's final EIR, the FEIR does not state that it is tiered from or incorporates parts of the earlier document. In its background discussion, the FEIR lists the Water Forum Proposal's final EIR as one of the technical analyses upon which it is based but, again, does not expressly incorporate any part of that document by reference or state that it is formally tiered from the earlier environmental impact analysis. Because it does not expressly tier from or incorporate the earlier documents, a reader of the FEIR would not be alerted that in order to apprehend the intended

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13 At oral argument, plaintiffs' counsel asserted the Water Forum Proposal could not be relied upon because, inter alia, it was formulated before discovery of widespread groundwater contamination in the Zone 40 area. In using tiering, of course, an agency must consider "whether, in light of changing circumstances, the EIR prepared earlier in the process would still provide an adequate description of the broad effects considered at that stage." (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15152 [Discussion].) We do not attempt to resolve the factual question whether the Water Forum Proposal's conjunctive use assumptions need to be reevaluated in light of groundwater contamination discovered in the interim. That should be decided in the first instance by Rancho Cordova in proceedings on remand.

surface water supply for the Sunrise Douglas project, and particularly the impacts of exploiting that supply, he or she must separately read parts of those earlier documents. And the reader who did look to the earlier documents would do so without explicit reference in the FEIR to the particular portions incorporated. When an EIR uses tiering or incorporation, it must give the reader a better road map to the information it intends to convey. (See CEQA Guidelines, Cal. Code Regs., tit. 14, §§ 15150, subd. (c) [when an EIR incorporates an earlier environmental document by reference, "the incorporated part of the referenced document shall be briefly summarized where possible" and "[t]he relationship between the incorporated part of the referenced document and the EIR shall be described"], 15152, subd. (g) [when tiering is used, "[t]he later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR"].)

The audience to whom an EIR must communicate is not the reviewing court but the public and the government officials deciding on the project. That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR, for example, is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved. The question is therefore not whether the project's significant environmental effects *can* be clearly explained, but whether they *were*. The Sunrise Douglas FEIR fails that test.

Because the FEIR failed to explicitly incorporate the impacts and mitigation discussion in the Water Forum Proposal's final EIR, it lacks, contrary to CEQA's requirements, enforceable mitigation measures for the surface water diversions intended to serve the Sunrise Douglas project. "A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design." (§ 21081.6, subd. (b); see also CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(2).) The County could have complied with this command by incorporating the Water Forum Proposal final EIR's mitigation measures into the Community and Specific Plans. But absent such incorporation, the FEIR, and the County's findings based on it, are inadequate to support project approval under CEQA because they do not discuss the impacts of new surface water diversions, enforceable measures to mitigate those impacts, or the remaining unmitigated impacts. (See § 21081.)[14] In this respect, the County failed to proceed in the manner required by CEQA.

Real parties also assert that the FEIR's mitigation measure WS-1, which states that entitlements for development within the Sunrise Douglas project shall not be granted without firm proof of available water supplies, assures that water will be available for later phases of the project. As discussed earlier, however, an EIR may not substitute a provision precluding further development for identification and analysis of the project's intended and likely water sources. "While it might be argued that not building a portion of the project is the ultimate mitigation, it must be borne in mind that the EIR must address the project and assumes the project will be built." (*Stanislaus Natural Heritage*, *supra*, 48 Cal.App.4th at p. 206.) A provision like WS-1 could serve to *supplement* an EIR's

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14 To the extent mitigation of the impacts of new surface water diversions under the Water Forum Agreement is the responsibility of agencies other than the County, approval of the project would require the finding set out in section 21081, subdivision (a)(2).

discussion of the impacts of exploiting the intended water sources; in that case, however, the EIR, in order adequately to inform decision makers and the public, would then need to discuss the probability that the intended water sources for later phases of development will not eventuate, the environmental impacts of curtailing the project before completion, and mitigation measures planned to minimize any such significant impacts. The Sunrise Douglas FEIR did not attempt such an analysis. In this respect as well, the County erred procedurally.

In short, the FEIR's long-term water supply discussion suffers from both lack of substantial evidence to support its key factual conclusion and legally defective procedures. On the factual question of how future surface water supplies will serve this project as well as other projected demand in the area, the project FEIR presents a jumble of seemingly inconsistent figures for future total area demand and surface water supply, with no plainly stated, coherent analysis of how the supply is to meet the demand. The reader attempting to understand the County's plan for providing water to the entire Sunrise Douglas development is left to rely on inference and speculation. In this respect, the FEIR water supply discussion fails to disclose "the 'analytic route the . . . agency traveled from evidence to action' " and is thus not "sufficient to allow informed decision making." (*Laurel Heights I*, *supra*, 47 Cal.3d at p. 404.)

The concurring and dissenting opinion purports to find our holding—that the FEIR's long-term water supply discussion is legally insufficient, while the short-term discussion is adequate—"surprising" and the distinctions on which it rests "elusive." (Conc. & dis. opn. of Baxter, J., *post*, at pp. 2, 4.) For maximum clarity, we summarize the pertinent distinctions here.

(1) The time periods involved: According to the FEIR, the first phase of groundwater supply is to occur within about 18 months of project approval, with the second phase following as needed. In contrast, real parties suggest full build

out of the Community Plan may take 15 to 20 years. As the planning horizon is extended, one's confidence that large quantities of new surface water will be available, and not allocated to competing projects that may be developed in the future, necessarily decreases.

(2) Discussion of facilities and competing uses: As already discussed (see *ante*, at p. 25), the administrative record contains information on the potential competitors for Well Field water that, taken together with information on the planned development of the facilities for delivering the water to Sunrise Douglas, is sufficient to demonstrate a likelihood of its availability for Sunrise Douglas. In contrast, the record contains *no* information (beyond the County's general plan projections) on other planned long-term developments in Zone 40. Nor does the FEIR disclose any concrete plans for new surface water diversion, treatment and transmission facilities that would tend to tie the new water particularly to Sunrise Douglas. A reader of the FEIR is not informed what other Zone 40 development projects are in prospect over the long term, what their specific water needs will be, or when they will draw on available supplies.[15] In these circumstances, the FEIR could not demonstrate a likelihood of adequate long-term supply for Sunrise Douglas without showing that plans for the Zone 40 area call for at least a rough balance between water supply and demand, a showing the FEIR fails to make.

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15 The concurring and dissenting opinion's assertion that no other projects in Zone 40 have been "entitled, approved, or even proposed" (conc. & dis. opn. of Baxter, J., *post*, at p. 5) is thus without factual basis in the FEIR. In effect, the concurring and dissenting opinion simply *assumes* that Sunrise Douglas will be first in line for sufficient new surface water supplies when those supplies are developed, which could be 10, 15 or more years in the future. Such assumptions are no more reliable, and no more legally supportable, than the assumption that a water district would in the future, contrary to historical experience, receive 100 percent of its SWP allocation. (See *Santa Clarita*, *supra*, 106 Cal.App.4th at p. 722.)

(3) Analysis of impacts and mitigation measures: The FEIR analyzes the impacts of withdrawing groundwater from the Well Field to meet the project's water needs in the near term and proposes mitigation measures, which the County adopted in approving the project. As already discussed, however, the FEIR contains no discussion of the impacts of new surface water diversion or the measures needed to mitigate those impacts and does not adequately incorporate the impact and mitigation discussion contained in the Water Form Proposal's final EIR. (See *ante*, at pp. 34-36.) The FEIR neither states that it is tiered from that earlier EIR, nor expressly incorporates the pertinent discussion from it, nor guides the reader with a summary of the contents of the earlier discussion or a specific reference to the discussion's location within the earlier document, nor incorporates mitigation measures proposed in the earlier EIR into proposed measures the County could adopt as enforceable requirements for implementing the Community and Specific Plans.

The concurring and dissenting opinion also asserts that our decision here will hold Sunrise Douglas and other developments "hostage to a balancing of supply and demand for all conceivable development that is not prohibited by the County's general plan." (Conc. & dis. opn. of Baxter, J., *post*, at p. 5.) This claim misses the mark for two reasons, both of which we have already explained. First, CEQA does not necessarily require that an EIR show that total water supply and demand are or will be in balance in an area. The EIR may by other means demonstrate a reasonable likelihood that water will be available for the project from an identified source (see *ante*, at pp. 25-26 [near-term water supply discussion for this project]) and, even without a showing that water from the identified source is likely to be sufficient, an EIR may satisfy CEQA by fully

disclosing the uncertainty, the other possible outcomes, their impacts and appropriate mitigation measures. (See *ante*, at p. 21.)[16] Second, long-term local water planning is not a burden that must be taken up anew, for CEQA purposes, each time a development is proposed; rather, cities and counties may rely on existing urban water management plans, so long as the expected new demand of the development was included in the water management plan's future demand accounting. (See *ante*, at pp. 21-22; Wat. Code, § 10910, subd. (c)(2); Pub. Resources Code, § 21151.9.)

In summary, the FEIR's long-term water supply discussion suffers from both procedural and factual flaws. Procedurally, the FEIR improperly purports to tier from a *future* environmental document, the pending Zone 40 master plan analysis. The FEIR also fails to properly incorporate or tier from the impact and mitigation discussion of the Water Forum Proposal and hence to include in the present project enforceable mitigation measures for the large new surface water diversions proposed. Finally, it relies on a provision for curtailing later stages of development if water supplies do not materialize without disclosing, or proposing mitigation for, the environmental effects of such truncation. Factually, the FEIR's use of inconsistent supply and demand figures, and its failure to explain how those figures match up, results in a lack of substantial evidence that new surface water diversions are likely to supply the project's long-term needs. We think that with approval at stake of a development project ultimately expected to use more than

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16 As we do not hold that CEQA requires planning for a development project to necessarily establish a future area-wide balance between water supply and demand, the concurring and dissenting opinion's claim that our holding mandates what the Legislature deliberately omitted from Water Code section 10911 (see conc. & dis. opn. of Baxter, J., *post*, at pp. 6-7) is unfounded.

22,000 afa of water—almost 4 percent of the entire County's projected urban demand in the year 2030—CEQA entitles the decision makers and the public to a legally proper procedure and to a clearer, more coherent and consistent explanation of how, given the competing demands expected to arise for new water supplies, water is to be provided to the project.

II. Recirculation of the Draft EIR for Comment on the Cosumnes River Salmon Impacts

Section 21092.1 provides that when a lead agency adds "significant new information" to an EIR after completion of consultation with other agencies and the public (see §§ 21104, 21153) but before certifying the EIR, the lead agency must pursue an additional round of consultation. In *Laurel Heights II, supra*, 6 Cal.4th at page 1129, we held that new information is "significant," within the meaning of section 21092.1, only if as a result of the additional information "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a *substantial* adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." (Accord, CEQA Guidelines, Cal. Code Regs., tit. 14, § 15088.5, subd. (a).) Recirculation is not mandated under section 21092.1 when the new information merely clarifies or amplifies the previously circulated draft EIR, but is required when it reveals, for example, a new substantial impact or a substantially increased impact on the environment. (*Laurel Heights II*, at pp. 1129-1130.) We further held the lead agency's determination that a newly disclosed impact is not "significant" so as to warrant recirculation is reviewed only for support by substantial evidence. (*Id.* at p. 1135.)

In this case, the Draft EIR contained no discussion of the impact the planned groundwater extraction at the Well Field would have on water flows and habitats in the Cosumnes River. When several agencies and private organizations commenting on the Draft EIR raised concerns regarding such effects and the

resulting impacts on salmon migration, County staff responded in the FEIR that, due to restrictions on the amount of water to be pumped from the Well Field and the limited hydrological connections between the Cosumnes River and the aquifer from which water would be taken, the impact on Cosumnes River flows would be small and insignificant. The County adopted that conclusion in its findings approving the project.

Plaintiffs contend, and we agree, that the County's finding is not supported by substantial evidence because the FEIR discloses a potentially significant impact of reduced river flows on aquatic species, including migrating salmon.[17] While concluding the effect of further groundwater withdrawals was likely to be small and therefore generally insignificant, the FEIR authors included this proviso: "The potential exception could be during periods of very low flow. During such periods of low flow, these depletions could change the timing and areal extent of the dewatering of the stream invert, potentially impacting aquatic and riparian-dependent species and habitat."

Though phrased as a limited exception to the conclusion of insignificance, this reservation appears instead to identify a substantial, or at least potentially substantial, new impact. That is because "periods of very low flow" are precisely those in which, according to comments on the Draft EIR by the United States Fish and Wildlife Service and the Nature Conservancy, migratory fish, waiting in the fall for streamflows to rise to sufficient levels, are likely to be adversely affected

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17 Under section 21068, a significant environmental impact is defined as "a substantial, or *potentially substantial*, adverse change in the environment." (Italics added.) In *Laurel Heights II*, *supra*, 6 Cal.4th at page 1131, we explained that recirculation had been required in an earlier case because the draft EIR had not addressed a "*potentially substantial* adverse environmental effect." (Italics added.)

by further dewatering. The potential adverse change identified by the FEIR in "the timing and areal extent of the [Cosumnes's] dewatering" is impossible to distinguish from the barrier to migration caused, according to the Nature Conservancy's comment, when the Cosumnes River "ceases flowing earlier in the year, stays dry longer into the Fall, and dries over an increasingly long reach . . . ."

Moreover, the area of the Cosumnes River in which the FEIR projects potential loss of flow overlaps with the river's migratory reach. The Fish and Wildlife Service comment identifies the migratory reach as "from the tidal zone to LaTrobe Rd.," a reach that includes both of the areas identified by the FEIR as having a hydrological connection to the lower aquifer ("to the east of Dillard Road and to the west of Twin Cities Road").[18]

Thus, in response to comments raising the issue of an impact on salmon migration in the Cosumnes River, the FEIR states, in effect, that loss of flow to that river is likely to be small and therefore insignificant *except that* the river might remain drier longer in the year—including when the salmon would be migrating—and over a longer reach—including where the salmon would be migrating. We do not consider this response substantial evidence that the loss of stream flows would have no substantial effect on salmon migration. Especially given the sensitivity and listed status of the resident salmon species, the County's failure to address loss of Cosumnes River stream flows in the Draft EIR " 'deprived the public . . . of meaningful participation' " (*Laurel Heights II*, *supra*, 6 Cal.4th at p. 1131) in the CEQA discussion. (See CEQA Guidelines, Cal. Code

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18 As plaintiffs point out, LaTrobe Road crosses the Cosumnes River upstream (east) of the river's crossing with Dillard Road. We may take notice of this fact under Evidence Code sections 452 and 459. (See Thomas Guide to Sacramento County (2001) pp. 6-7.)

Regs., tit. 14, § 15065, subd. (a)(1) [potential substantial impact on endangered, rare or threatened species is per se significant].)

Real parties and Rancho Cordova point out that the FEIR "contemplated additional environmental review of the Cosumnes River issue in the then-pending" Zone 40 master plan EIR. But as we explained in part I above, analysis of the project's impacts could not be deferred in this manner. An EIR cannot be tiered from another EIR if the latter is not yet complete.

The burden of revising and recirculating the Draft EIR, we note, is limited by the narrowness of the issue on which we determine it is required. "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified." (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15088.5, subd. (c).)

CONCLUSION

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. (*Laurel Heights I*, *supra*, 47 Cal.3d at pp. 391-392.) For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. On the important issues of long-term water supply and impacts on migratory fish, the County's actions in the present case fell short of these standards.

DISPOSITION

The judgment of the Court of Appeal is reversed, and the matter is remanded to that court for further proceedings consistent with this opinion.

WERDEGAR, J.

WE CONCUR:

GEORGE, C. J.
KENNARD, J.
CHIN, J.
MORENO, J.
CORRIGAN, J.

CONCURRING AND DISSENTING OPINION BY BAXTER, J.

I concur in the majority's conclusion that the final environmental impact report (FEIR) for the Sunrise Douglas project adequately assessed the near-term environmental impacts of supplying water to the proposed development. This conclusion rests in large part on the majority's finding of a reasonable likelihood that groundwater from the North Vineyard Well Field (Well Field) would be available to supply the project's near-term needs. I agree in particular that substantial evidence supports the FEIR's reliance on the Well Field even though Well Field water had not been reserved " 'for any specific user' " and would be made available " 'on a "first-come, first served" basis' " (maj. opn., *ante*, at p. 24), even though existing demand and new demand in the region "might also be satisfied from the Well Field" (*ibid.*), even though serving that demand and the initial phase of the Sunrise Douglas project "would require much more water than . . . [the Well Field] can safely provide" (*ibid.*), and even though "much uncertainty remains" as to the Well Field's ability to supply water to the project in the near term (*id.* at p. 25). As the majority explains, nothing in the administrative record demonstrates "that these competing demands can be satisfied *only* from the Well Field or that they will all materialize in full in the near term and have priority over the Sunrise Douglas project." (*Id.* at p. 24.) Indeed, as the majority subsequently explains, there is more than enough water that can be drawn from the

Well Field to satisfy this project's near-term demand even after one subtracts the expected demand for "*already entitled* development." (*Id.* at p. 25, italics added.)

Like the majority, I further agree that the FEIR need not provide "firm assurances" of long-term water supplies at the early stages of the land use planning and approval process, inasmuch as the "ultimate question" under the California Environmental Quality Act (CEQA) "is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable *impacts* of supplying water to the project." (Maj. opn., *ante*, at p. 21.) The requisite level of specificity in identifying water supplies thus increases " 'at each step as land use planning and water supply planning move forward from general phases to more specific phases.' " (*Id.* at p. 20.) For example, because the SunRidge Specific Plan is further along the planning process than is the Sunrise Douglas Community Plan (*id.* at p. 26), CEQA imposes a greater level of specificity in identifying water supplies for the Specific Plan than it does for the Community Plan. What is sufficiently specific for the Specific Plan in the near term should therefore prove more than sufficient for the Community Plan in the long term, inasmuch as "CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects." (*Id.* at p. 19.)

The surprising thing, though, is that the majority has adopted precisely the *opposite* rule in analyzing the sufficiency of the FEIR for this project in the long term. The FEIR estimates the average water demand of the entire Sunrise Douglas Community Plan at full build out will be 22,103 acre-feet annually (afa). The sources identified in the record to meet this demand are more than ample: at least 5,500 afa from the Well Field, with a possibility of up to 10,000 afa; 15,000 afa of American River water under the Sacramento County Water Agency's existing contract with the federal Bureau of Reclamation (an allocation known as Fazio

water); 15,000 afa of American River water under the water agency's agreement in principle with the Sacramental Municipal Utility District (SMUD); an additional 15,000 afa as to which the water agency and SMUD are in negotiations; and 33,000 afa of intermittent water consisting of excess flows on the American and Sacramento Rivers for which the water agency is applying. In other words, the FEIR has identified sufficient water for this project *three or four times over.*

Why the majority nonetheless holds that the FEIR has insufficiently identified long-term water supplies for Sunrise Douglas—and, in doing so, reverses both the trial court and the Court of Appeal—is thus difficult to comprehend. There does not appear to be a problem with the likelihood that the identified water supplies will come to fruition. Although these supplies "are not *certain* to materialize," the majority correctly points out that "CEQA does not require this level of certainty at planning stages prior to approval of permits, subdivision maps or other development entitlements." (Maj. opn., *ante*, at p. 27.) There also does not appear to be a problem with the analysis of the reasonably foreseeable impacts of supplying water to the project in the long term, inasmuch as the FEIR for the Water Forum Proposal "extensively analyzed the environmental impacts of the participants' planned increases in surface water diversion"—indeed, a *summary* of these impacts and the proposed mitigation measures occupies 85 pages of that FEIR—and the FEIR for this project analyzed "[t]he impacts of groundwater withdrawals at the Well Field." (Maj. opn., *ante*, at p. 5.)

The majority's rejection of the Sunrise Douglas FEIR rests instead on the FEIR's failure to balance total long-term water supply and demand in the entirety of the Sacramento County Water Agency's Zone 40, an area comprising the southern and eastern regions of the county that is almost *ten times* as large as the Sunrise Douglas project. The majority simply asserts, without explanation, that while substantial evidence "support[s] the conclusion that *some part* of the

planned new surface water supplies will be developed and made available to the Water Agency for use in its Zone 40" (maj. opn., *ante*, at p. 28), there is "too great a degree of uncertainty regarding the long-term availability of water *for this project*." (*Ibid.*, italics added.) The distinction is an elusive one. The Fazio water for the long term, like the Well Field water in the short term, will be made available to users on a first-come, first-served basis, and, as with the Well Field water, there is no indication in the record that capacity for these long-term supplies has been " 'reserved . . . for any specific user,' " that these other "competing demands" can be satisfied *only* from the identified supplies, or that the potential demand from other sources will all "materialize in full" in the relevant period *and* "have priority over the Sunrise Douglas project." (*Id.* at p. 24.) The only significant distinction I can see is that, in contrast to its discussion of the Well Field water, the majority does not identify *any* portion of the project's long-term supplies that has been "already allocated to other entitled uses." (*Id.* at p. 26.) But that distinction, of course, would *favor* the FEIR's analysis of the project's long-term supplies. Thus, if the majority's analysis of the two situations had been consistent, the majority should have found substantial evidence that these long-term supplies will be available at least in substantial part to supply the Sunrise Douglas project. The majority finds otherwise only by *assuming* that other users will have priority on all of the identified supplies—or, to put it another way, by *speculating* that there is evidence outside the record that would rebut the Board's finding, sustained by both the trial court and the Court of Appeal below, that the supplies will be adequate. (See maj. opn., *ante*, at p. 38, fn. 15.)

The path the majority pursues to reverse the lower court judgments is a curious one. What dooms the FEIR here, according to the majority, is the potential for increased long-term demand from other, purely hypothetical projects that *could* be developed under the 1993 general plan for the Zone 40 area—even

if, so far as the record discloses, those projects have not yet been entitled, approved, or even proposed. In other words, Sunrise Douglas must be held hostage to a balancing of supply and demand for all conceivable development that is not prohibited by the County's general plan—even if no one has yet stepped forward to propose such development.

Until today, this was not the law in California.[1] The majority can find no support for its new rule in the statute for, as the majority concedes (maj. opn., *ante*, at p. 12), neither CEQA itself nor this court's decisions have ever before required a project EIR not only to demonstrate a reasonable likelihood that there is water for the project at issue but also that there is water for all hypothetical future projects nearby, including those no entity has yet planned to build. Thus, as the majority elsewhere observes, "[d]ecision makers must, under the law, be presented with sufficient facts to 'evaluate the pros and cons of supplying the amount of water that the [project] will need.' " (Maj. opn., *ante*, at p. 16, quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.) An EIR "must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project." (Maj. opn., *ante*, at p. 17.) An EIR, in particular, need not analyze a " 'worst case scenario' " and "need not identify and analyze all possible resources that might serve the Project should the anticipated resources fail to materialize." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373.) None of these cases

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1 It also, quite obviously, is not the test by which the majority has approved the adequacy of the FEIR's analysis of water supplies in the near term. The majority finds that analysis adequate, notwithstanding the fact that supplying existing and new demand in the area as well as a significant portion of the Sunrise Douglas project from the Well Field in the near term "would require much more water than the 10,000 afa that source can safely provide." (Maj. opn., *ante*, at p. 24.)

requires an EIR to identify a water supply sufficient to meet the demands of all development envisioned by the project, *together with all hypothetical future development that might look to the same supplies.*

The majority suggests that a balancing of total supply and demand in the Zone 40 region is required by the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) in order to evaluate the long-term cumulative impact of development on water supply. (Maj. opn., *ante*, at p. 31, citing CEQA Guidelines, Cal. Code Regs., tit. 14, § 15130, subd. (b)(1)(B).) But a "cumulative impact" consists of "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and *reasonably foreseeable probable future projects*" (CEQA Guidelines, tit. 14, § 15355, subd. (b), italics added), not (as the majority apparently assumes) all *possible* future projects. Under the majority's newly minted rule, *no* project could ever be approved in the Zone 40 area until the entire region's projected long-term water supply and demand are in balance.

This is essentially the rule that the Legislature considered—and *rejected*—in amending the Water Code in 1995. The initial versions of Senate Bill No. 901, which (among other things) added sections 10910-10915 to the Water Code, directed the lead agency for a project EIR to request a water supply and demand assessment from the appropriate public water system, and stated that the lead agency "shall consider a project to have a significant effect on the environment" if, based on that assessment, "water supplies are, or will be, insufficient to meet the reasonable needs of the proposed project in addition to existing and planned future uses." (Sen. Bill No. 901 (1995-1996 Reg. Sess.) § 2, as amended July 5, 1995, proposed Wat. Code, § 10915.) The bill as enacted, however, deleted the requirement that the lead agency make a finding of a significant environmental impact under such circumstances and directed the lead agency, if it determined

that water supplies will not be sufficient to meet existing and planned future uses, instead simply to "include that determination in its findings."[2] (Sen. Bill No. 901 (1995-1996 Reg. Sess.) § 4, as amended Sept. 7, 1995; Stats. 1995, ch. 881, § 4, p. 6705, in Wat. Code, § 10911.) This sequence of events makes me confident that the Legislature did not intend to require a project EIR to balance water supply with water demand not only for the project itself but also for the entire region. (Cf. *Hess v. Ford Motor Co.* (2002) 27 Cal.4th 516, 532 [" 'Generally the Legislature's rejection of a specific provision which appeared in the original version of an act supports the conclusion that the act should not be construed to include the omitted provision' "]; accord, *INS v. Cardoza-Fonseca* (1987) 480 U.S. 421, 442-443 [" 'Few principles of statutory construction are more compelling than the proposition that Congress does not intend *sub silentio* to enact statutory language that it has earlier discarded in favor of other language' "].) The majority offers no justification for effectively reinserting what the Legislature has rejected.

Indeed, the legislative history leading to the elimination of Senate Bill No. 901's stricter requirement explains why this court ought not itself resurrect it. One legislative analysis warned that the required finding of a significant environmental impact due to an imbalance between water supply and demand on a regional basis "could be a severe roadblock to housing development as it is the [Department of Housing and Community Development]'s experience that many areas of the State cannot demonstrate water supply availability for all potential development which <u>could</u> be permitted under their general plan land use designations within the next five years. Also, it would be infeasible for many cities or counties to demonstrate water supply availability for all potential development over the 10 to 20 year

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2 As the majority concedes, the County's compliance with these Water Code provisions is not at issue in this case. (Maj. opn., *ante*, at p. 20, fn. 8.)

timeframes of general plan updates." (Dept. of Housing and Community Development, analysis of Sen. Bill No. 901 (1995-1996 Reg. Sess.) Aug. 7, 1995, p. 5.) The Department of Housing and Community Development's analysis further warned that "[w]here there may be an adequate water supply for a housing project and the project may have no significant effect on the environment, but an inadequate water supply exists for long term future uses, mitigation measures in the form of fees are likely to be assessed to buy water or develop new supplies. These are likely to significantly increase costs for new housing development." (*Id.* at p. 6.) Moreover, "[u]sing the complex and bureaucratic CEQA process to assure local water planning is likely to result in significant administrative costs which will, in every likelihood, be charged to new development because there is no other pocket to pay." (*Id.* at p. 8.) Finally, such an approach would supply "new opportunities for court challenges of new housing and job-creating development. From the perspective of possible environmental litigation, the bill would create great uncertainty." (*Id.* at p. 7.)[3]

I also find it interesting that neither plaintiffs nor the Attorney General as amicus curiae, when offered the opportunity at oral argument to embrace the majority's new rule, chose to do so. Plaintiffs stated instead that "the EIR must address the water supply essential for the scope of the project that is approved," not for the entire general plan. The Attorney General similarly explained that the general rule under CEQA is that an agency must consider "all the significant

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3 The Governor's Office of Planning and Research also cautioned that an early version of the bill made no provision for measures that may act to reduce overall demand by requiring "new development to retrofit old, existing development in order to free sufficient 'wasted' water to serve the new project." (Governor's Off. of Planning and Research, analysis of Sen. Bill No. 901 (1995-1996 Reg. Sess.) Apr. 3, 1995, p. 6.)

environmental impacts for the project that it is approving," distinguishing the SunRidge Specific Plan and Sunrise Douglas Community Plan from the entire Zone 40 area, and that considering the entire general plan was thus "too far out from where this court needs to go."

By recognizing that CEQA does not require a project EIR to balance water supply and demand on a regional basis, I do not intend to diminish the significance of a finding in a project FEIR that projected supply will not be able to satisfy the entirety of projected demand contemplated by a general plan. Obviously, if new supplies are not found, then a decision to approve one project means that projects proposed later in time may be unable to identify adequate water supplies and therefore may not be built. If not all of the development contemplated by the general plan can be built, cities and counties must ensure that the projects that *are* approved are of the highest priority, in order to prevent the negative economic or social effects from haphazard development. However, one must also remember that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment" (CEQA Guidelines, tit. 14, § 15131, subd. (a)) and therefore are beyond the scope of CEQA. Under the majority's new rule, however, once a city or county approves a general plan, it could not approve a project in furtherance of that plan unless or until it had secured water sources for build out of the entire general plan. Nothing in CEQA requires such a result. (*Atherton v. Board of Supervisors* (1983) 146 Cal.App.3d 346, 351 ["where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences"].)

It is no answer to suggest, as the majority does, that the FEIR for the Sunrise Douglas Community Plan might have been adequate if it instead had disclosed "concrete plans for new surface water diversion, treatment and transmission facilities that would tend to tie the new water particularly to Sunrise

Douglas," akin to those included in the SunRidge Specific Plan's discussion of water from the Well Field. (Maj. opn., *ante*, p. 38.) The majority seems to forget that "[t]o interpret CEQA itself as requiring such firm assurances of future water supplies at relatively early stages of the land use planning and approval process would put CEQA in tension with . . . more specific water planning statutes." (Maj. opn., *ante*, at pp. 20-21.) Indeed, it is precisely *because* "full build out of the Community Plan may take 15 or 20 years" (*id.* at pp. 37-38) that the analysis of water supplies for the Community Plan did not need to be as detailed as the analysis for water supplies for the Specific Plan, which would begin to draw water "within about 18 months of project approval." (*Id.* at p. 37.) The majority's insistence that the analysis of Zone 40 water supplies in the long-term must be as concrete as that for the Well Field in the near-term completely inverts its earlier assertion that " 'water supplies must be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases.' " (*Id.* at p. 20.)

The reader might likewise be forgiven for looking with skepticism at the majority's assurance that "CEQA does not necessarily require that an EIR show that total water supply and demand are or will be in balance in an area," inasmuch as the majority elsewhere condemns *this* FEIR because it "could not demonstrate a likelihood of adequate long-term supply for Sunrise Douglas without showing that plans for the Zone 40 area call for at least a rough balance between water supply and demand, a showing the FEIR fails to make." (Compare maj. opn., *ante*, at p. 38 with *id.* at p. 39.) And if, as the majority belatedly states, it would be enough for the FEIR, as to future water supplies needed for the project, to "include only the public water system's plans for acquiring the additional supplies, including cost and time estimates and regulatory approvals the system anticipates needing" (maj. opn., *ante*, at p. 20; see *id.* at p. 40), one wonders why the majority goes on

at length to discuss far more burdensome requirements—and what authority it has to do so.

In sum, the majority's insistence that the FEIR should have identified sufficient water not merely for the project itself but also for all conceivable future development in the region suffers from a number of serious defects. It is not supported by any statute or guideline—or, indeed, by any party to this litigation. It is inconsistent with the legislative history of Water Code section 10911. It is inconsistent as well with the majority's own analysis of the environmental effects of drawing on this project's near-term water supplies. And, as the Legislature recognized in rejecting such an approach in 1995, it will discourage new housing development, increase its cost, create uncertainty, and trigger more litigation. For all these reasons, I respectfully dissent.

BAXTER, J.

See last page for addresses and telephone numbers for counsel who argued in Supreme Court.

Name of Opinion Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova

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Unpublished Opinion
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San Luis Obispo County Health Agency

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Entire Letter: AP

Gregory Thomas, M.D., M.P.H.

New HPV Vaccine Added to State's VFC Program

Human papillomavirus (HPV) vaccine is a cervical cancer prevention vaccine, licensed by the FDA in June 2006, for females 9 through 26 years of age.

The vaccine is made using a protein from the surface of the virus. It protects against four types of HPV: types 6, 11, 16 and 18. Types 16 and 18 are responsible for about 70 percent of cervical cancers. Types 6 and 11 are responsible for about 90 percent of cases of anal and genital warts.

HPV Disease

HPV causes many types of common warts. At least 70 HPV types have been associated with specific manifestations and more than 20 types of HPV can infect the genital tract. Most genital HPV infections are asymptomatic, subclinical, or unrecognized. CDC indicates, once infected it may take 2 to 3 months to develop symptoms, but can range from 1-20 months. An infected person can spread the virus at least as long as lesions are present. Most of the time, HPV goes away on its own and doesn't cause any health problems. However, sometimes HPV can linger and lead to cervical cancer, usually

continued on page 2 ☞☞☞

Increase in Reported Valley Fever Cases in County Since October

San Luis Obispo County has had an increase in reported coccidioidomycosis (Valley fever) cases over the past couple of months. Northern regions of the county have seen the bulk of cases.

"Cocci" is an infection caused by a fungus, *Coccidioides immitis*, which is endemic to San Luis Obispo County. Exposure to dust and soil increases the risk for infection.

The CDC defines a clinical case as an illness characterized by one or more of the following:

- Influenza-like signs and symptoms
- Pneumonia or other pulmonary lesion, diagnosed by chest radiograph
- Erythema nodosum or erythema multiforme rash
- Involvement of bones, joints, or skin by dissemination
- Meningitis
- Involvement of viscera and lymph nodes

Laboratory criteria for diagnosis includes:

- Cultural, histopathologic, or molecular evidence of presence of *C. immitis*, or
- Positive serologic test for coccidioidal antibodies in serum or cerebrospinal fluid by:
  1. Detection of coccidioidal IgM by immunodiffusion, EIA, latex agglutination, or tube precipitin.
  2. Detection of rising titer of coccidioidal IgG by immunodiffusion, EIA, or complement fixation.

The early manifestations of "cocci" are similar to those of other causes of community-acquired pneumonia (CAP). A study by Valdiva (2006) showed that in a "cocci" endemic region

continued on page 3 ☞☞☞

Highlights in this Issue:

Training Classes for Immunization Providers 2
Preteen Vaccine Week is January 21-27 2
Immunization Levels in Local Child Care Centers 2
Free Smoking Cessation Classes in January 3
Martha's Place Children's Assessment Center 3
Disaster Volunteer Registry for Health Professionals 4
County Implements Electronic Death Registry System 4
Beginnings - Coordinated Response to Perinatal Services 5

Public Health Department newsletters can also be accessed online at the Public Health Department Web site www.slopublichealth.org (click on *Public Health Bulletins* at the bottom of the home page).

HPV (cont.)

in their forties and fifties. Every year in the U.S., approximately 10,000 women develop cervical cancer and 4,000 die from the disease.

HPV is the most common sexually transmitted infection in the U.S. and around the world. More than half of sexually active people will be infected with HPV of some type in their lives. Twenty million Americans are currently infected with HPV and another 6 million become infected every year. Half of those newly infected with HPV are between 15 and 24 years of age.

Recommendations

The HPV vaccine is recommended for all girls between 11 and 12 years of age. Even if a teen has been diagnosed with an abnormal Pap Smear, the vaccine is still recommended up through age 26, in order to prevent infection from other strains. Several pediatricians have privately purchased the vaccine and are giving it in a three dose series: 0, 2 months and 6 months after the 1st. The state VFC program will be distributing the vaccine to all VFC providers in late December. The Public Health Department will be making appointments in January for girls and women ages 9 through 26. Parents must be present for consent if under 18. For women 19 – 26 years, the price is $150 for each dose and $25 for the office visit. There is no cost for the vaccine through the VFC program, but there is a $25 office visit fee, or Medi-Cal is accepted.

More information can be found at www.vaccineinformation.org/HPV/

Training Classes for Immunization Providers

The Public Health Department will host free satellite training for immunization providers in January and February. The four-part training is titled *Epidemiology and Prevention of Vaccine-Preventable Diseases* and is a comprehensive overview of the principles of vaccination, general recommendations, immunization strategies for providers, and specific information about vaccine-preventable diseases and the vaccines that prevent them. More information can be found at: www2a.cdc.gov/PHTN/calendar.asp

The sessions will be held from 9 a.m. to 1 p.m. on four consecutive Thursdays beginning January 25 at the Public Health Department conference room at 2191 Johnson Avenue in San Luis Obispo.

The training is recommended for immunization providers including physicians, nurses, nurse practitioners, pharmacists, physician's assistants, DoD paraprofessionals and medical students.

To reserve a seat, call Liz Sandoval at 781-2357. Registration for CEU credit will be available soon at www2a.cdc.gov/phtnonline/

Preteen Vaccine Week is January 21-27

This year, more than one million 11- and 12-year-olds in California make up the "preteen" population. Preteen Vaccine Week is a celebration of the preteen doctor visit as the first step in the right direction for a healthy start as an adolescent. Help us spread the word, and urge families of preteens to schedule their child's preteen doctor visit! Some materials are available for download at: www.getimmunizedca.org

Shots that are recommended for the 11- and 12-year-olds include:

- Tetanus booster (Tdap), which also protects against whooping cough.
- Human papillomavirus (HPV) can protect girls from cervical cancer.
- A second chickenpox (Varicella) vaccine if they have never had chickenpox or only received one dose previously.
- Meningococcal Conjugate Vaccine (MCV4).

Immunization Levels in Local Child Care Centers

This state-required assessment was completed in December 2006, with the following provisional results by center type:

	Total	Public	Private	Head Start
Number of facilities reporting	83	24	44	15
Total enrollment 2-4 years, 11 months	2,911	551	1,950	410
Follow-up needed	292	45	109	138
No follow-up needed	2,619	506	1,841	272
Percent fully immunized	91%	90%	95%	75%

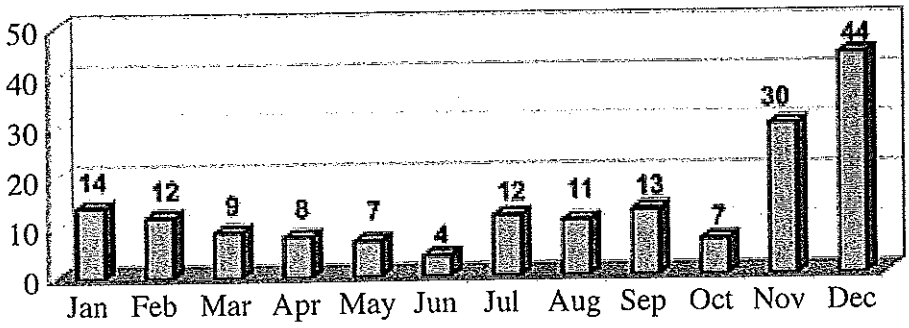
The percent fully immunized is affected by how many children have not received all their vaccines, or have not turned in their immunizations to the center, or due to medical or personal exemptions for the child. Last year, the county was at 88.87%, and state was 93.26%.

Valley Fever (cont.)

in Arizona, 29% of patients with recent onset of a lower respiratory tract syndrome were serologically confirmed for "cocci." It was also noted in the study that symptomatic differences in patients had insufficient predictive value to guide clinicians without specific laboratory tests. "Cocci" is a common cause of CAP after exposure in a disease-endemic region. When evaluating patients with community acquired pneumonias, please consider "cocci" as a differential diagnosis.

Valley Fever is at epidemic levels in San Luis Obispo, afflicting 51% more people in 2006 than in 2005. Over 40% of the 171 cases in 2006 were reported during November and December (see graph below). As of January 17, twenty-two cases have already been reported to the county and we expect to see more. Coccidioidomycosis is a reportable condition (California Code of Regulations, CCR 2500) and must be reported to the Public Health Department by faxing a Confidential Morbidity Report to 781-5543. If you have any further questions, please call the SLO County Public Health Department at 781-5500.

Number of Reported "Cocci" Cases by Month in San Luis Obispo County 2006



After 3 years of planning, San Luis Obispo County has opened a center dedicated to screening, assessment, referral and treatment for children prenatally exposed to alcohol, drugs and tobacco.

Called Martha's Place, the Children's Assessment Center will evaluate children who show a high risk for alcohol and drug-related neurological disorders. The center will initially work with children up to age 5 who are in foster care or adopted homes, because they are the most at-risk children

Martha's Place is a collaborative program of agencies and non-profit organizations and will fill a critical diagnostic and treatment gap for children with special needs in San Luis Obispo County. For more information on the services provided by Martha's Place, call Joseph Holifield, Ph.D., Clinical Director at 544-4355, ext. 284.

Free Smoking Cessation Classes in January

San Luis Obispo
Wednesday, January 3
Orientation #1
Wednesday, January 10
Orientation #2
Tuesday-Friday, January 16-19
Class
Wednesday, January 24
Follow-up Support
Wednesday, January 31
Orientation #1
All classes are 1 - 2:30 p.m.

Grover Beach
Tuesday, January 2
Support
Tuesday, January 9
Orientation #1
Tuesday, January 16
Orientation #2
Monday-Thursday, January 22-25
Class
Tuesday, January 30
Follow-up Support
All classes are 6 - 7:30 p.m.

Paso Robles/Atascadero
Thursday, January 4 and 11
Class
Tuesday-Friday, January 16-19
Class
Thursday, January 25
Follow-up Support
All classes are 6 - 7:30 p.m.

Please call 781-5564 to register for class in one of these cities.

Disaster Volunteer Registry for Health Professionals

The Emergency System for the Advance Registration of Volunteer Health Professionals, or ESAR-VHP, is a new tool available at the California Medical Volunteer's web site for California physicians, nurses, paramedics, pharmacists, and behavioral health professionals, enabling them to pre-register as a disaster volunteer.

To register, go to the web site https://medicalvolunteer.ca.gov. Once there, the registration process takes 10 to 15 minutes.

You will be asked for contact information, licensure information, specialty and subspecialty, health and vaccination status, and other various skills, including languages spoken. If you don't have all of your information with you when you first visit, you can still start the registration process, save the information under your account, and return later to finish the registration or update information.

Once you register, your license and credentials are checked against state and national databases to ensure you have a full and unrestricted license. When you register, you can designate whether you wish to be deployed to local, national or international events requiring volunteers.

The program offers limited liability coverage and workers compensation to volunteers while deployed to an event. In a disaster, emergency managers at EMSA will determine what level of volunteers are needed at the event, and search the database for registered volunteers who match the mission profile. Potential volunteers will be contacted and given a quick synopsis of the mission and instructed how to accept or decline the deployment.

If you accept, you will be sent further information – where and when to report for deployment, what to expect, etc. After completing your mission, your ESAR-VHP profile automatically updates to indicate your mission history and experience.

The program gives practitioners an opportunity to pre-register as a disaster medical volunteer, but still allows each person the flexibility to decide whether or not to accept any potential deployments. With this system in place, persons wishing to volunteer can have all of the logistical and security arrangements made for them, so that they can concentrate on what they do best – provide aid to persons in desperate need during a catastrophic event. The San Luis Obispo County Public Health Department urges you to consider registering, and contributing your expertise during a disaster.

County Implements Electronic Death Registry System

On November 1, 2006 San Luis Obispo County joined the ranks of 16 other California counties who have implemented the State's Electronic Death Registry System (EDRS). The web-based EDRS provides the ability for coroners, funeral directors, doctors and hospitals to submit requests for electronic death certificates 24 hours a day, making it more convenient for them and expediting the process of creating death certificates. This new system has many benefits including, but not limited to:

- electronic creation and faster registration of death certificates;
- quick determination of the status for a pending death certificate;
- ability for physicians to remotely attest medical information by either voice, signature or FAX, eliminating the need to track down medical certifiers for signatures;
- ability for local registrars to run a wide variety of reports, sorting data by age, name, cause of death, names without Social Security Numbers, adults without addresses, date of deaths, pending death certificate aging report, and more, along with data export capability.
- issuance of disposition permits in funeral homes.

For more information, please call Diedre Villarreal at 781-5514 or visit the California EDRS web site at www.edrs.us.

Beginnings - A Coordinated Response to Improve Perinatal Substance Abuse Services in San Luis Obispo County

Over the past two years, Beginnings has recognized that the collective expertise of its members is its primary asset. By coming together on an ongoing basis, the following goals and the activities have been identified:

1) Develop a sustained, clear message presented in a compelling fashion regarding the harm caused by the use of alcohol, drugs and tobacco, to women of child-bearing age and the men, family and friends who have an influence on these women
2) Screen and assess the women who are endangering their unborn child,
3) Provide access to treatment for these women.

With the support of First 5 San Luis Obispo County, Beginnings will continue to work together to develop the following activities to educate the public and our policy makers:

- Disseminate the film "How Much Is Too Much?" for use to health classes in middle, junior, and high schools as well as local colleges. The seven-minute film graphically displays the dangers of alcohol, drugs and tobacco use on the growing fetus was produced. It emphasizes that we do not know how much is too much to damage the growing child. Therefore, the best plan is not to take chances with the child's future by drinking, smoking or taking drugs while pregnant or nursing.
- Create a Cal Poly-Cuesta binge-drinking curriculum that targets each class by expanding our relationship with the Cal Poly Health Services and their Peer Health Education program to disseminate the message.
- Attend open houses and other school and community functions, to disseminate information and encourage young men and women to sign the NineZero pledge to remain alcohol and drug free during pregnancy and while nursing.
- Recognize September 9, 2007 as part of National Fetal Alcohol Spectrum Disorders Day, by showing the film " I Am Concerned," produced by the Children's Research Triangle in Chicago, at a major venue in San Luis Obispo County. The 27-minute film is a documentary on the effects of Fetal Alcohol Syndrome.
- Encourage the wine industry, an important economic force in this community, to become our partner. We will approach wineries in a non-judgmental manner and ask them to participate by providing women who are pregnant an alternative at their wine-tasting rooms, wine-maker dinners, and other public functions.
- Provide ongoing "I am concerned..." trainings to all medical staff (i.e., OB doctors, nurses and clerical staff) as well as hospital personnel who have contact with pregnant women. CEUs will be offered for this in-service training. These trainings will be held in convenient locations for medical personnel so they are able to attend (i.e., in each of the four hospitals throughout the county).
- Expand our relationship with school personnel, specifically middle school and junior high school nurses and counselors, to educate them in the "I Am Concerned..." approach and encourage them to bring the information to health classes.

The next Beginnings meeting is Monday, February 5 from 9 -11 a.m. at the Public Health Department, 2191 Johnson Avenue, Waiting Room. Participation from health providers, community groups, and parents is welcome. For more information, call Lisa Fraser of the San Luis Obispo County Child Abuse Prevention Council at 543-6216 or visit the web site at www.beginningsofslo.org

San Luis Obispo County Reported Cases of Selected Communicable Diseases - 2006

Disease	Jan. - Sept.	October	November	December	Total 2006	Total 2005
AIDS	1	0	0	0	1	14
Amebiasis	**0**	**1**	**0**	**0**	1	1
Brucellosis	0	0	0	0	0	3
Campylobacteriosis	**38**	**6**	**2**	**8**	**54**	**54**
Chlamydia	411	56	32	68	567	549
Coccidioidomycosis*	**84**	**5**	**27**	**31**	**147**	**115**
Cryptosporidiosis	15	3	0	5	23	6
E. Coli 0157:H7	**2**	**0**	**0**	**0**	**2**	**6**
Giardiasis	19	0	1	1	21	19
Gonorrhea	**34**	**4**	**2**	**2**	**42**	**49**
Hepatitis A	12	0	0	0	12	5
Hepatitis B	**61**	**5**	**0**	**3**	**69**	**94**
Hepatitis C Acute	6	0	0	0	6	1
Hepatitis C Chronic	**359**	**27**	**34**	**32**	**452**	**502**
Hepatitis, Unspecified	0	0	0	0	0	0
Listerosis	**2**	**0**	**0**	**0**	**2**	**2**
Measles (Rubeola)	0	0	0	0	0	0
Meningitis - Total	**20**	**2**	**2**	**4**	**28**	**34**
Meningitis - Viral	13	2	2	4	21	23
Meningitis, H-Flu	**0**	**0**	**0**	**0**	**0**	**0**
Meningococcal Disease	3	0	0	0	3	1
Pertussis	**68**	**0**	**2**	**5**	**75**	**110**
Rubella	0	0	0	0	0	0
Salmonellosis	**35**	**2**	**0**	**5**	**42**	**23**
Shigellosis	10	4	3	3	20	5
Syphilis - Total	**8**	**0**	**0**	**1**	**9**	**13**
Tuberculosis	1	0	1	0	2	7
West Nile Fever	**0**	**0**	**0**	**1**	**1**	**0**
W. Nile Virus Neuroinvasive	1	0	1	0	1	0

Some numbers may have changed since last bulletin. Data is provisional through 1/2/07. *Reported to the CA Dept. of Health Services.

San Luis Obispo County
Public Health Department
P.O. Box 1489
San Luis Obispo, CA 93406

BILL LOCKYER
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State of California
DEPARTMENT OF JUSTICE

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March 30, 2006

VIA OVERNIGHT MAIL AND U.S. MAIL

Entire Letter: AQ

Glenn Campbell, Principal Transportation Analyst
Orange County Transportation Authority
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584

RE: Orange County Transportation Authority 2006 Long-Range Transportation Plan Draft Program Environmental Impact Report

Dear Mr. Campbell:

The Attorney General of the State of California submits the following comments regarding the Orange County Transportation Authority ("OCTA") 2006 Long-Range Transportation Plan ("Plan") Draft Program Environmental Impact Report ("DPEIR"). The Attorney General provides these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (*See* Cal. Const., art. V, § 13; Cal. Gov. Code, §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 14-15 (1974).) These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office. While these comments focus on some of the primary issues raised by the Draft PEIR, they are not an exhaustive discussion of all issues.

I. Introduction

The Plan is described as being OCTA's "blueprint" for maintaining and improving Orange County's transportation network, including freeways, roadways and bus and rail systems through 2030. The Plan focuses much of its attention and planned spending on freeways and roadways, with a much smaller emphasis on public transit. Consequently, the Plan forecasts huge increases (approximately 45%) in vehicle miles traveled ("VMT") per day in the coming years. The environmental analysis in the DPEIR fails to adequately analyze air quality impacts and contains no analysis at all of the impact of the Plan on climate change, both in violation of the California Environmental Quality Act ("CEQA"), Pub. Resources Code §§ 21000, et seq. Orange County is one of the most populous counties in the State, in one of the worst air quality

regions in the country. The environmental and public health concerns raised by the projected increases in vehicular travel under the proposed plan deserve, and CEQA requires, serious and thorough environmental analysis.

II. The DPEIR Should Discuss The Plan's Impact On Climate Change.

Despite the Plan's heavy reliance on vehicular travel and improvements to freeways, roads and streets, and the acknowledged increase in vehicle travel that the Plan will encourage, the DPEIR never analyzes one of the most important environmental impacts of vehicle emissions--greenhouse gases and resulting climate change

Climate change results from the accumulation in the atmosphere of "greenhouse gases" produced by the burning of fossil fuels for energy. Because greenhouse gases (primarily, carbon dioxide("CO_2"), methane and nitrous oxide) persist and mix in the atmosphere, emissions anywhere in the world impact the climate everywhere. The impacts on climate change from greenhouse gas emissions have been extensively studied and documented. (*See* Oreskes, Naomi, *The Scientific Consensus on Climate Change*, 306 Science 1686 (Dec. 3, 2004) [review of 928 peer reviewed scientific papers concerning climate change published between 1993 and 2003, noting the scientific consensus on the reality of anthropogenic climate change]; J. Hansen, *et al.*, *Earth's Energy Imbalance: Confirmation and Implications,* Sciencexpress (April 28, 2004) (available at http://pubs.giss.nasa.gov/abstracts/2005/HansenNazarenkoR.html) [NASA and Department of Energy scientists state that emission of CO_2 and other heat-trapping gases have warmed the oceans and are leading to energy imbalance that is causing, and will continue to cause, significant warming, increasing the urgency of reducing CO_2 emissions].)

In California, the state government has acknowledged the true environmental impacts of greenhouse gas emissions on climate change. Governor Schwarzenegger, in his Executive Order S-3-05 issued on June 1, 2005, recognized the significance of the impacts of climate change on the State of California, noting that "California is particularly vulnerable to the impacts of climate change." The Order goes on to itemize a litany of the direct impacts that climate change and the increased temperatures resulting from the increased presence of greenhouse gases in the atmosphere, will have on the state:

- "[I]ncreased temperatures threaten to greatly reduce the Sierra snowpack, one of the State's primary sources of water;"
- "[I]ncreased temperatures also threaten to further exacerbate California's air quality problems and adversely impact human health by increasing heat stress and related deaths;"

- "[R]ising sea levels threaten California's 1,100 miles of valuable coastal real estate and natural habitats;" and

- "[T]he combined effects of an increase in temperatures and diminished water supply and quality threaten to alter micro-climates within the state, affect the abundance and distribution of pests and pathogens, and result in variations in crop quality and yield."
  Executive Order S-3-05, June 1, 2005.

The California legislature, also recognized all of these severe impacts resulting from climate change, as well as a "projected doubling of catastrophic wildfires due to faster and more intense burning associated with drying vegetation." (Stats. 2002, ch, 200, Section 1, subd. (c)(4), enacting Health & Saf. Code § 43018.5) In the particular realm of vehicular travel and emissions from cars and truck, the California legislature went on to recognize that "passenger vehicles and light-duty trucks are responsible for *40 percent of the total greenhouse gas pollution in the state.*" (*Ibid.*, subd. (e)(emphasis added).)

Despite the increasing attention that governments, climate scientists, environmentalists, and other members of the public are rightfully directing to the issue of climate change, OCTA does not even mention the issue in its long term transportation plan, which is meant to cover the next quarter century. The DPEIR never once mentions carbon dioxide, climate change or global warming, and mentions greenhouse gases only by passing reference, when discussing other emissions, without explaining either the importance, or the projected impacts, of greenhouse gases.

Under CEQA, an environmental impact report must identify and focus on the "significant environmental effects" of a proposed project. (Pub. Res. Code § 21100(b)(1); Cal. Code Regs., Title 14, §§ 15126(a), 15126.2(a), 15143.) "'Significant effect on the environment' means a substantial, or potentially substantial, adverse change in the environment." (Pub. Res. Code § 21068). CEQA also provides that the CEQA guidelines "shall" specify certain criteria that *require* a finding that a project may have a significant effect on the environment:

> "(1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
>
> (2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, "cumulatively considerable" means that

> the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
>
> (3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."
> (Pub. Res. Code § 21083(b).)

In other words, if these criteria are present with regard to a project's impacts on the environment, they must be considered in an EIR. The Plan under consideration in this DPEIR, with its projected 45% increase in vehicular miles traveled by the year 2030, when considered in light of the severe impacts cars and trucks have on the level of greenhouse gas emissions in this state, clearly "has the potential to degrade the environment." (*See ibid.*, subd. (b)(1).) Moreover, the cumulative effects of this project on greenhouse gas emissions, when taken in consideration with the impacts statewide of increased population and vehicular travel over the next quarter century, are undeniable. (*See ibid.*, subd. (b)(2).) When considering the impacts of climate change on California, it is impossible to ignore that the impacts of this project will have either direct or indirect effects on human beings. (*See ibid.*, subd. (b)(3).) Given the scope of the Plan (both in years, and geographically), the projected increase in vehicle travel it calls for, and the fact that it covers one of the most heavily populated regions in the State, there is no question that the impacts of this Plan on greenhouse gas emissions and climate change may, and likely will, have significant cumulative environmental impacts for California. These impacts should have been considered and analyzed in the DPEIR.

There *could* be such analysis in the DPEIR; the data is obtainable. Carbon dioxide emissions from cars can be quantified. The California Air Resources Board has information that could be applied to the projected increase in VMT. The impacts could be assessed as to their cumulative impact on climate change, assuming (as is highly probable in this Plan) that there would be a considerable impact from the increase in CO_2 resulting from the increased VMT. (*See* Cal. Code Regs., title 14, § 15130(a) ["an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable.] *See also* Cal. Code Regs., title 14, § 15065(a)(3) ["'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects."].)

Moreover, the Plan could include mitigation for these impacts. The Governor has recognized, "mitigation efforts will be necessary to reduce greenhouse gas emissions and adaptation efforts will be necessary to prepare Californians for the consequences of global warming." (Executive Order S-3-05, June 1, 2005.) Increased public transportation, increased

support of alternative fuels and technologies, the purchase of carbon offsets (or mitigation "credits"), installation of electric vehicle charging stations, and other affirmative steps to reduce the transportation impacts of CO_2 could be considered as potential mitigation projects. These are real, achievable and available mitigation measures that could be considered when OCTA recognizes its obligations to analyze greenhouse gas emissions and their impact on climate change as part of its long term transportation planning.

III. The DPEIR Does Not Adequately Discuss The Plan's Impact On Air Quality.

The DPEIR's discussion of air quality fails to address potentially serious impacts on Orange County and the South Coast air basin. In the DPEIR chapter on air quality the drafters concluded that there would be no significant unavoidable adverse long-term air quality impacts from the Plan (see DPEIR, 4.1-17 through 4.1-20), that the plan would have a neutral effect on air quality (see id.), and that the only potentially significant impacts relate solely to regional and local short term impacts from the construction of individual projects (e.g., construction of individual road widening, or lane building projects anticipated under the Plan). (*See id.* at 4.1-21 through 4.1-23)[1]. The DPEIR bases these optimistic conclusions on a comparison of the future, year 2030, emissions under the Plan to the emissions budgets of the federally mandated, local Air Quality Management Plan (AQMP), prepared by the South Coast Air Quality Management District (SCAQMD) and projected for 2030. The DPEIR finds that the Plan's emissions are within the projected emissions for the AQMP in 2030, and thus there are no significant impacts. The fundamental basis on which all of the DPEIR's assumptions rests, however, is that by the year 2030, "better fuels" and "improved emission controls" will result in overall emission reductions from vehicles. (See DPEIR at 4.1-18.) There are a number of things wrong with this analysis.

First, the comparison fails to analyze all phases of this 24-year project. The CEQA Guidelines require that an EIR consider "all phases of a project when evaluating its impact on the environment." (Cal. Code Regs., title 14, §15126.) The huge emission reductions anticipated in the Plan by the year 2030 as an anticipated result of "better fuels" and "improved emission controls" will surely take some time. The DPEIR must look at the all phases of the 24-year project time frame, not just 2030, to discern if the project will have significant impacts on health and air quality. The DPEIR contains no analysis of whether the impacts on air quality in the "in between" years, before all of the "better fuels" and "improved emission controls" have been implemented, will be significant; there is no way to discern, from the information available in the DPEIR what the emissions during those years will be.

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1. These impacts, according to the DPEIR, would be addressed through mitigation measures, but the mitigation measures include no monitoring requirements.

Second, there is no detailed comparison of the project with the emissions budgets of the AQMP. The DPEIR states that "[c]umulative impacts were assessed by comparing projected vehicle emissions in 2030 to the emission budgets established in the local AQMP." (DPEIR at 4.1-16.) Nowhere in the document, however, is a detailed comparison shown to the public, nor is there any indication of how the project emission budgets compare year by year with the AQMP emission budgets. This failing is linked to the failure to consider "all phases" of the project, but displays as well the fundamental lack of detailed information in this DPEIR. The conclusory statement that "the impacts were assessed," without any backup, is not sufficient disclosure for the public to make its own evaluation, and, in fact, this lack of information precludes the informed decision making and public participation required by CEQA. (*See* Pub. Res. Code § 21061; Cal Code Regs, title 14, § 15121(a) [an EIR is an informational document which will inform public agency decision-makers and the public generally].) The purpose of an EIR, inter alia, is to provide public agencies and the public in general with detailed information about the effect of the proposed project on the environment. (Pub. Resources Code § 21061; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 391.) An EIR should, when viewed as a whole, provide a reasonable, good faith analysis of known environmental impacts. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 749.)

Third, the air quality appendix does not contain any actual useful emissions data or modeling to allow the public to evaluate the accuracy or appropriateness of the model. Appendix B, Air Quality, contains only summary tables of the results of some computer modeling performed by OCTA for criteria pollutant emissions. The tables may represent various alternative scenarios (perhaps for the proposed Plan and for some plan alternatives; it is not clear), but there are no explanations of the assumptions and data (or "inputs") that went into the modeling program that produced these results. There is no explanation of what the various summaries (or "outputs") represent. Without an explanation of the data inputs for the modeling done to support the DPEIR, or an explanation of what the summaries show, it is impossible for the public or the public agency decision makers to make informed decisions. (*See* Pub. Res. Code § 21061.)

Fourth, the toxics analysis is inadequate. In its discussion of impacts on hydrology and water quality, the DPEIR acknowledges that there will be "new roadways in undeveloped areas" under the Plan. (DPEIR at 4.7-11.) In its discussion of toxic air contaminants, however, there is no discussion of the impacts of those "new roadways in undeveloped areas" which will expose new populations to both criteria and toxic pollutants. There should be a risk assessment in order to draw valid conclusions about public health, and such an assessment should be done for each phase of the project (just as with the overall air quality assessment). The DPEIR recognizes that diesel emissions are a known carcinogen, but limits its analysis of cancer risk from the project to

construction emissions and to the expected situation in 2030. The DPEIR does not consider the cancer risks resulting from the operation of current and new roadways, expanded freeways, etc. In Health & Safety Code Section 39606(b), the Legislature recognized the special susceptibility of children and infants to air pollution, and the DPEIR itself recognizes that there are particularly sensitive receptors (DPEIR at 4.1-16), yet the DPEIR makes no effort to evaluate the project's effects on them.[2]

Fifth, where the DPEIR does provide some mitigation for the few significant air quality impacts it does recognize (related to construction), the document makes no assignments, not even tentatively, of responsibility for enforcing them through mitigation monitoring. The DPEIR recognizes only two categories of potentially significant impacts on air quality: Short-term (construction) regional impacts (from a number of construction-related activities and materials) and short-term localized impacts (from construction vehicles which are sources of carcinogenic pollutants and diesel exhaust). (*See* DPEIR at 4.1-21 through 4.1-23.) With regard to the construction impacts, the DPEIR acknowledges that "a large number of the projects in the [Plan] would involve extensive construction or reconstruction" and that it is "very likely" that some of the projects would be under construction at the same time. (DPEIR at 4.1-21.) Notwithstanding the acknowledged significant air quality impacts the construction activities are expected to produce, there are no monitoring requirements for the list of mitigation measures that the DPEIR says "should be considered" when EIR's are prepared for the individual projects. Likewise, there are no monitoring requirements incorporated in the mitigation measures to address the emissions from construction equipment. Moreover, Chapter 7, Mitigation Monitoring and Reporting Program, does not indicate any monitoring actions, or responsible implementation agencies for the proposed mitigation measures. (DPEIR at 7-1 through 7-34.)

OCTA is required to "provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures." (Pub. Res. Code § 21081.6(b).) The DPEIR should disclose and discuss such mitigation monitoring measures, or at least make tentative assignments of responsibility for enforcing them, so that the public can take these proposed measures into account.[3]

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2. In addition to these failures to address toxic air contaminants, in the chapter on Hazardous Materials, the DPEIR does not examine the indirect effects of the 45 % increase in VMT, such as increased cancer risk from benzene and other petrochemical toxic emissions released from gas stations, increased refinery emission, and the like.

3. In addition, the Plan should contemplate, discuss and disclose whether funding for the mitigation measures it will require is or will be available.

Finally, given the inadequacies and lack of detail in the air quality impacts analysis it is not appropriate for all future projects contemplated under this Plan to be able to "tier" off of a document as deficient as this DPEIR.[4] The DPEIR states "[t]he lead agencies for individual projects may use this PEIR as the basis of their regional and cumulative analysis." (DPEIR at 2-13.) The deficient analysis of the air quality impacts would make any meaningful project-level analysis of regional and cumulative of air quality impacts for an individual project nearly impossible. For example, it is possible that a project-level EIR could be prepared next year for a project such as a lane-addition to a freeway. Based on "tiering" from this DPEIR, the planners of such a project would have only the conclusory statements regarding air quality impacts in the year 2030 from this DPEIR upon which to base cumulative and regional impacts analyses in their EIR, whereas the new hypothetical freeway lane might be operational in 2009. There would be no analysis of the cumulative and regional impacts of that project for years 2009 through 2029. While this example pertains only to the air quality analysis, the other failings of the DPEIR discussed below also contribute to the inappropriateness of allowing future project level EIR's to "tier" off of this deficient CEQA document.

IV. The DPEIR Contains Many Other Inadequacies.

In addition to the failure of the DPEIR to adequately address air quality, and to address greenhouse gas emissions impacts at all, the DPEIR is inadequate in a number of other areas.

A. The DPEIR Does Not Contain An Adequate Description of the Project

Chapter 2 of the DPEIR, is titled "Project Description" and it does contain a list of the projects that the Plan envisions. The description, however, is lacking. The list of projects contemplated under the plan includes one-line, bullet-point descriptions of various freeway and interchange improvements, lane additions and ramp construction projects that will make up the improvements to freeways under the Plan. (There are also one-line, bullet-point descriptions of the other planned projects.) Despite the fact that the primary focus of projects and spending under the Plan is on freeway construction projects, however, the Project Description does not contain any maps or visual drawings of the Plan's contemplated improvements. It is very difficult to ascertain what the impacts on the ground will be from the brief descriptions of the planned projects. Guidelines indicating areas of disturbance, or footprints, for planned projects

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4. "'Tiering' or 'tier' means the coverage of general matters and environmental effects in an [EIR] prepared for a policy, plan, program or ordinance followed by narrower or site-specific [EIRs] which incorporate by reference the discussion in any prior EIR . . ." (Pub. Res. Code §§ 21068.5.)

should be included. From the descriptions in the DPEIR, an understanding of the true impact of the Plan is not possible.

The public should be able to understand from the DPEIR what implementation of the Plan will mean to their communities and their surroundings in physical terms. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles*, (1977) 71 Cal.App.3d 185, 192-193.

B. The DPEIR Does Not Contain An Adequate Analysis of Alternatives.

The alternatives considered in the DPEIR consist entirely of plans that envision varying degrees of funding, as opposed to plans that envision alternative mixes of various transportation improvements or projects. The four alternatives to the Proposed Plan are:

(i) the No Project (Baseline) Alternative, which "includes projects and programs that have secured funding, have been assessed for their environmental impacts, and have been approved to be implemented" (a small sub-set of the projects in the Proposed Plan) (DPEIR at 5-4,);

(ii) the Constrained Alternative, which is "a set of projects and services that can be completed within the County's traditional revenue sources for transportation improvements" (a sub-set, larger than the No Project Alternative sub-set, of the same projects that are included in the Proposed Plan) (DPEIR at 5-11, 5-17);

(iii) the Balanced II Alternative, which "includes all of the projects from the Proposed Plan with the exception of the High Occupancy Toll (HOT) projects proposed along [SR 91, including the direct connectors between SR-241 and the SR-91 toll lanes" (DPEIR at 5-29); and

(iv) the "Unconstrained" Alternative, which "includes projects and services that could be implemented . . . if funding was not an issue." (DPEIR at 5-43.)

It is clear from the alternatives considered that the planners looked only at alternative levels of funding that would allow variable numbers of projects off a master-list of desired projects, and not at alternatives designed to provide alternative levels of environmental impact,

or a different master-list of projects. For example, nowhere does the DPEIR consider a potential alternative that changes the balance of spending to focus more on improvements to mass transit services rather than on improvements to freeways and roadways. The decision to focus so much attention on freeway upgrades was pre-determined by the planners' view that the only solution to increased congestion is to build more freeways. The planners exhibit this view when they explain that "the projections for 2030 indicate that vehicle miles will increase faster than population and employment, mostly due to longer trips or commutes. In short, freeway capacity must grow to meet future freeway travel demand." (DPEIR at 2-5) This conclusion ignores the obvious alternative viewpoint: some of the increased travel demand might be more properly diverted to mass transit solutions, as opposed to simply concluding that increased freeway capacity is the only solution. Based on a review of the Plan "objectives" to increase mobility, protect transportation resources and enhance the quality of life (see DPEIR at 2-3), other types of alternatives – alternatives that examine variable mixes of modes of transportation as opposed to just variable mixes of dollars – that still met the objectives of planners could have been considered.

Given that the impacts on the environment from the proposed Plan are projected to be significant, such alternatives should have been considered. One of the purposes of the discussion of alternatives in an EIR is to diminish or avoid adverse environmental effects. (*See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 403 [discussion of only three alternatives, where planners claimed they had already ruled out other alternatives as infeasible, was inadequate]; Pub. Res. Code § 21002 [EIR should consider alternatives which would substantially lessen the significant environmental effects].)

C. The DPEIR Does Not Contain Adequate Discussion of Biological Resource Impacts.

The DPEIR does not quantify the biological resource impacts that it recognizes will be more significant under the proposed Plan than under the No Project alternative. (See DPEIR at 5-6 through 5-7.) Additional detail on the magnitude of direct impacts of the project must be provided for the Proposed Project and all project alternatives. All of the proposed alternatives and the proposed Plan contain lists of the projects they include. The Program EIR should make an attempt to quantify the impacts. Instead, the DPEIR puts off the analysis of the biological resource impacts of all the projects until the EIR for the individual project is prepared. (*See* DPEIR at 4.2-22.) It is impossible to analyze the difference between alternatives on this subject, when the impacts have not been described.

D. The Plan And DPEIR Should Include Plans For Improving Air Quality And Reducing Greenhouse Gas Emissions In Its Discussion Of "Environmental Programs."

The only "environmental program" contemplated under the Plan is a program for augmenting urban runoff treatment and mitigation to create a "coordinated high-quality urban runoff program." (DPEIR at 2-11.) As discussed in detail above, the impacts of the Plan on greenhouse gas emissions and the cumulative impacts of those emissions on climate change, warrant close examination in this DPEIR. Likewise, a plan like this one which places so much of its emphasis for transportation planning and spending on automobile and truck travel versus mass transit will likely result in greater emissions of criteria pollutants and toxic air contaminants than would an alternative that focuses on improving mass transit and *reducing* vehicular miles traveled. Given these considerations, the state of air quality in the South Coast air basin and the severe impacts climate change can inflict on the citizens of Orange County, it would be a responsible and reasonable planning measure to include some "environmental program" aimed at reducing the air quality and climate impacts of the proposed Plan. As mentioned in above, there are some easily implemented steps that might be considered, such as the purchase of mitigation credits. There are also programs that might encourage greater use of alternative technologies and fuels (e.g., electric and hybrid vehicles) or that might add incentives for increased use of public transit (enhanced employer managed discount programs that reward use of transit when compared with parking costs) that could be explored. This long term plan is an opportunity for OCTA to take a truly "visionary" role in shaping the transportation *and* environmental landscape of Orange County for the next quarter century. We hope that the opportunity will not be missed.

V. Conclusion

If you or your staff have questions regarding these comments, please contact me at 213-897-0628.

Sincerely,

KATHRYN W. EGOLF
Deputy Attorney General

For BILL LOCKYER
Attorney General

bcc: Theodora Berger
Mary Hackenbracht
Ken Alex
Susan Durbin
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Center for Biological Diversity

BECAUSE LIFE IS GOOD

Protecting endangered species and wild places through science, policy, education, and environmental law.

Entire Letter: AR

For release after 2 p.m. Pacific Standard Time, Tuesday, Nov. 21, 2006

Contact:
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Conservation Group Challenges City of Banning's Approval of Black Bench Project For Failure to Mitigate Greenhouse Gas Emissions

RIVERSIDE, Calif. –The Center for Biological Diversity filed a groundbreaking lawsuit today in Riverside Superior Court to challenge the City of Banning's approval of the sprawling "Black Bench" development, charging that it will contribute to global warming, air pollution and other environmental harm. The proposed development would place more than 1,400 new houses on natural grasslands and chaparral at the base of the San Bernardino Mountains, remote from Banning's core.

Today's action claims that Banning failed to comply with the California Environmental Quality Act, (CEQA), one of California's bedrock environmental statutes. The Act requires careful examination and disclosure of all environmental impacts of proposed developments.

"The City violated CEQA because it failed to give necessary attention to the project's effects on wildlife, threatened habitat, air quality, and the extension of sprawl-inducing services to a rural area," said Center staff attorney John Buse. "And the City utterly ignored the project's greenhouse gas emissions."

Temperatures are rising as a result of emissions of greenhouse gases, primarily from the burning of fossil fuels for energy. Environmental scientists have indicated that California is particularly vulnerable to global warming. Many consequences are already being felt statewide and are expected to intensify in coming decades. Evidence of impacts includes a reduced snowpack and water availability, increasing frequency and intensity of droughts and heat waves, the decline and loss of species, and coastal inundation from rising sea levels.

Reducing greenhouse gas emissions now will prevent the worst consequences of future warming. The world's leading experts have also shown that reducing emissions to minimize impacts will be far cheaper than allowing emissions to continue and then attempting to adapt to the consequences. California is leading the nation in greenhouse gas reduction strategies, including new laws to limit greenhouse gas emissions from vehicles (AB 1493, Pavley, 2002) and the country's first mandatory cap on greenhouse gas emissions (AB 32, Nunez and Pavley, 2006).

Compliance with CEQA is a critical component of achieving the state's greenhouse gas reduction goals. Under CEQA, cities, counties and other agencies have a duty to disclose all of a project's significant environmental impacts, and then to avoid, reduce and mitigate those impacts to the maximum extent feasible.

"One of the most significant environmental impacts from these additional 1500 suburban sprawl-style houses is the increased greenhouse gas emissions," said Kassie Siegel, Director of the Center's Climate, Air and Energy Program. "Yet the City of Banning refused to even consider these emissions in the Environmental Impact Report. The City of Banning must be held accountable for compliance with its CEQA obligations."

A sharply divided Banning City Council approved the Black Bench project in October over the objections of the Center, local businesses and residents who also argued that the project's leapfrog development would lead to more intense development in the rural San Gorgonio pass area, destroy valuable wildlands and worsen the region's already poor air quality.

"It would be fundamentally unfair to allow a major new source of greenhouse gas emissions like the Black Bench project to escape review," said Siegel. "This may be the first case challenging a city's shirking of its obligation to disclose and mitigate a project's greenhouse gas emissions, but it won't be the last."

The Center for Biological Diversity is a non-profit conservation organization with over 25,000 members dedicated to the protection of imperiled species and their habitat. www.biologicaldiversity.org.

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Soil carbon dynamics and potential carbon sequestration by rangelands

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"Capsule": *Grazing lands are estimated to contain 10–30% of the world's soil organic carbon.*

Abstract

The USA has about 336 Mha of grazing lands of which rangelands account for 48%. Changes in rangeland soil C can occur in response to a wide range of management and environmental factors. Grazing, fire, and fertilization have been shown to affect soil C storage in rangelands, as has converting marginal croplands into grasslands. Carbon losses due to soil erosion can influence soil C storage on rangelands both by reducing soil productivity in source areas and potentially increasing it in depositional areas, and by redistributing the C to areas where soil organic matter mineralization rates are different. Proper grazing management has been estimated to increase soil C storage on US rangelands from 0.1 to 0.3 Mg C $ha^{-1}year^{-1}$ and new grasslands have been shown to store as much as 0.6 Mg C $ha^{-1}year^{-1}$. Grazing lands are estimated to contain 10–30% of the world's soil organic carbon. Given the size of the C pool in grazing lands we need to better understand the current and potential effects of management on soil C storage. Published by Elsevier Science Ltd.

Keywords: C sequestration; Rangelands; Grazing; Management; Organic carbon

1. Introduction

The terrestrial biosphere contains about 1500 Pg of C in the surface meter of soil (Eswaran et al., 1995; Batjes, 1996) and another 600 Pg of C in the vegetation (Houghton, 1995; Schimel, 1995) which, together, is three times the amount of C found in the atmosphere. Therefore, any change in C storage in plants or soils has significant implications for atmospheric carbon dioxide. Rangelands (including grasslands, shrublands, deserts and tundra) occupy about half of the world's land area, and contain more than a third of above- and below-ground C reserves (Allen-Diaz, 1996). The USA has about 336 Mha of grazing lands of which rangelands account for about 48%. Changes in rangeland soil C can occur in response to a wide range of management and environmental factors. Given the size of the C pool in US rangelands we need to better understand the current and potential effects of management practices on soil C storage. Follett et al. (2001) present a broad review of the potential of U.S. grazing lands to sequester C.

2. Management effects on soil C

Within the past 10–15 years, numerous research projects have assessed the role of grazing and other management practices such as fire and fertilizer N application on the soil C balance of various rangeland ecosystems.

2.1. Grazing

Schuman et al. (1999) showed that grazing a northern mixed-grass prairie for 12 years at a light stocking rate or heavy stocking rate increased the mass of soil C in the surface 30 cm of the soil profile compared to non-grazed exclosures. The heavy stocking rate, 59 steer-days ha^{-1}, resulted in $<50\%$ utilization of the annual production of this rangeland and was about 1/3 above the rate recommended by the Natural Resources

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Table 2
Estimated potential benefits to the mitigation of atmospheric CO_2 from the adoption of improved management of grasslands and potential avoided losses from grasslands in the USA (modified from Schuman et al., 2001)

Land use	Area (10^6 ha)	Rate[a] (Mg C ha^{-1} $year^{-1}$)	Rate[a] (MMg $year^{-1}$)
Potential mitigation gains			
Well managed grasslands[b]	57	0	0
Poorly managed grasslands[b]	113	0.1	11
CRP grasslands[c]	13	0.6	8
		Total gain	19
Potential avoided losses			
Well managed grasslands[b]	57	0.3	17
Poorly managed grasslands[b]	113	0.2	23
CRP grasslands[d]	13	0.3	4
		Total avoided loss	43

[a] Potential rates apply to possible changes in the period soon after a management change (or in the case of CRP lands, to current rates on 'existing' lands). Rates of accrual will diminish with time (perhaps after a few years or decades) as soil C approaches a new steady-state.

[b] According to USDA-NRCS (1998), 33% (54 Mha) of private US rangelands are reported to have no serious ecological or management problems, and 67% (109 Mha) would benefit from enhanced management or restoration. Of federally managed rangelands under the authority of the Bureau of Land Management, 37% (2 Mha) are in good to excellent condition and 63% (4 Mha) are in fair to poor condition (USDI-BLM, 1998). Eighty percent (0.8 Mha) of the National Grasslands in the Rocky Mountain Region managed by the USDA-FS meet plan objectives and 20% (0.2 Mha) are considered moving toward those objectives or not meeting nor moving toward plan objectives or undetermined (David Wheeler, Rocky Mountain Region, USDA-FS, Lakewood, CO, personal communication, 1999).

[c] CRP, Conservation Reserve Program, area and rate of potential C gain (from Bruce et al., 1999).

[d] Rate of avoided loss (0.3 MgC ha^{-1} $year^{-1}$) based on rate measured by Doran et al. (1998) at site converted from established CRP grassland to a no-till wheat-fallow system.

According to estimates by the USDA-NRCS (1998), USDI-BLM (1998), and the USDA-FS (David Wheeler, personal communication, 1999) about one-third of the US rangelands have no serious ecological or management problems; therefore, the soil C of these rangelands can be considered relatively stable, although fluctuations in species composition may lead to changes in C balance (Schuman et al., 1999). Two-thirds of the US rangelands are identified as having some constraints which limit productivity and hence, C storage. Potential soil C gains in these lands varies widely and any improvement will be slow and gradual. Therefore, we estimate these gradual gains at 0.1 MgC ha^{-1} $year^{-1}$ and 0.6 MgC ha^{-1} $year^{-1}$ for previously cultivated lands that have been reseeded to grass (Bruce et al., 1999). Bruce et al. (1999) estimate that lands under the CRP are gaining C at this higher rate, accounting for 8 MMgC $year^{-1}$. Therefore, the total potential gain in soil C from improved management of poorly managed rangelands (11 MMgC $year^{-1}$) and that derived from CRP grasslands (8 MMgC $year^{-1}$) could be as much as 19 MMg C $year^{-1}$.

As stated earlier, equally important as the gains in soil C storage are the avoided losses; therefore, preserving existing reserves is important. Recent studies (Manley et al., 1995; Schuman et al., 1999) have shown that properly grazed rangelands in Wyoming can gain soil C at a rate of 0.3 Mg C ha^{-1} $year^{-1}$ compared to ungrazed mixed-grass rangelands. Thus, maintenance of well-managed rangelands (rather than cessation of grazing as some advocate) would represent an additional 17 MMgC $year^{-1}$ that would not be lost. Similarly, soil C losses would not occur by maintaining current grazing strategies on 'poorly managed' rangelands and could account for an estimated 23 MMgC $year^{-1}$. Keeping all CRP lands in grass, rather than re-conversion to crop production, would also result in an avoided loss of 0.3 MgC ha^{-1} $year^{-1}$ (Doran et al., 1998) or about 4 MMgC $year^{-1}$. Thus, the total avoided losses from rangelands and CRP lands could account for about 43 MMgC $year^{-1}$.

These estimates are generally based on research done in the Great Plains and do not represent large areas of rangelands in the arctic, southwestern and eastern United States. Therefore, they should be viewed as an example of the magnitude of importance that rangelands could play in the mitigation of atmospheric CO_2, while increasing soil quality and soil productivity potential.

Recent soil C storage estimates published by the IPCC (Sampson and Scholes, 2000) related to land use, land-use change and forestry are broadly consistent with those used in developing estimates for US rangelands. The estimated rate of soil C gain to be achieved by management of grazing lands is 0.1 Mg C ha^{-1} $year^{-1}$ (0–0.3) for dry-temperate ecozones, and 1.0 Mg C ha^{-1} $year^{-1}$ (0.4–2.0) for wet-temperate ecozones. Their estimate of soil C gain from converting cropland to grasslands was 0.5 Mg C ha^{-1} $year^{-1}$ (0.3–0.8) for dry-temperate ecozones and 0.8 Mg C ha^{-1} $year^{-1}$

Conservation Service (NRCS) while the light stocking rate, 20 steer-days ha^{-1}, was about 35% below the NRCS recommended stocking rate. The increase in soil C storage averaged about 0.3 Mg $ha^{-1}year^{-1}$ in the surface 60 cm of the soil profile over the 12-year period.

Derner et al. (1997) also found increased soil C storage under grazed compared to ungrazed shortgrass steppe in northeastern Colorado. They found 1983 g m^{-2} in the grazed compared to 1321 g m^{-2} in the ungrazed treatments in the 0–15 cm soil depth and no differences in soil C in the 15–30 cm soil depth.

Povirk (1999) also showed a significant increase in soil C storage in an alpine meadow that had been grazed by sheep in the Medicine Bow National Forest in Wyoming. Soil organic C averaged 6.3% in the ungrazed treatment and 11% in the grazed treatment in the 0–7.5 cm soil surface. These mountain meadows are generally grazed for 1–3 months by sheep and/or cattle, and additional grazing by large wildlife herbivores such as elk, deer and moose.

Henderson (2000) measured soil organic C storage to a depth of 105 cm in grazed and ungrazed areas at nine native grassland sites on the southern Canadian prairies. In the surface soil layer (0–10 cm), organic C (excluding plant litter) tended to be higher in grazed than in ungrazed treatments, though the effect was significant at only two of the nine sites. In the entire soil profile, amount of C stored appeared to depend on moisture regime: at semi-arid sites (mean annual precipitation of 328–390 mm), soil C tended to be higher under grazing than in ungrazed exclosures; at subhumid sites (mean annual precipitation of 476 mm), the trend was reversed. The difference in total soil profile C between grazing treatments, however, were apparently not significant.

It is thought that well managed grazing stimulates growth of herbaceous species and improves nutrient cycling in grassland ecosystems. LeCain et al. (2000) reported increased early season (April–June) photosynthesis (as measured by chamber CO_2 exchange rates) on grazed northern mixed-grass prairie compared to ungrazed exclosures. Coupland and Van Dyne (1979) found that blue grama (*Bouteloua gracilis* (H.K.B.) Lag. Ex Steud.) dominated grasslands transfer more of the C to belowground plant parts. Frank et al. (1995) reported similar findings on a North Dakota northern mixed-grass ecosystem. Other researchers have found that grazing stimulates aboveground production (Mutz and Drawe, 1983; Dodd and Hopkins, 1985; Frank and McNaughton, 1993; McNaughton et al., 1996) and increases tillering and rhizome production (Floate, 1981; Schuman et al., 1990). Dyer and Bokhari (1976) also found that grazing may stimulate root respiration and root exudation rates. Livestock defecation and urination also significantly affect nutrient cycling and relocation in grazing systems. All of these factors may contribute to the observed increases in soil C storage. The grazing process also significantly impacts the rate of turnover/decomposition of the aboveground component of the plant community (litter, standing dead). Schuman et al. (1999) reported that under light and heavy grazing shoot turnover was 36 and 39% compared to 28% in ungrazed exclosures. They concluded that animal traffic may enhance the physical breakdown, soil incorporation and rate of decomposition of litter and standing dead plant material. Aboveground immobilization of C in standing dead plant materials in ungrazed rangelands may contribute to the lower soil C observed.

2.2. Fire

Rice (2000) reported that annual burning and grazing on the tallgrass prairie resulted in an increase in soil C storage of 2.2 Mg ha^{-1} after 10 year, which represents an increase of 0.22 Mg ha^{-1} $year^{-1}$. Burning of biomass can produce charcoal, a form of C very resistant to decomposition, which can account for a significant portion of the C stored in some grassland soils (Skjemstad et al., 1996). In some rangelands, fire management can influence the amount of C stored in biomass by altering the density or encroachment of woody species (Sampson and Scholes, 2000).

2.3. N fertilization

Many rangelands are N deficient and have been shown to exhibit increased production and increased water-use-efficiency in response to N additions. Fertilizer application can stimulate litter production, thereby enhancing soil C accumulation. For example, Rice (2000) reported that addition of N fertilizer increased plant production of the tallgrass prairie and resulted in an increase in soil C of 1.6 Mg ha^{-1}. Reeder et al. (1998) also showed increases in soil C in the surface 10 cm of a Phiferson sandy loam soil after 4 years as a result of annual applications of 34 kg N ha^{-1} on Conservation Reserve Lands seeded to a mixture of cool-season grasses. Application of other nutrients, where they are deficient, can also promote organic C storage (Nyborg et al., 1999; Conant et al., 2001). However, the benefits of increased soil C sequestration must be compared to the C costs of fertilizer production in order to determine the net effect on the atmosphere (Schlesinger, 1999).

3. Ecosystem variation and erosion effects

Any program to measure and manage for C sequestration on rangelands must deal with the incredible variability in soils and vegetation at multiple spatial scales ranging from the plant-interspace to the

landscape. It must also account for the redistribution of soil C by soil erosion at multiple time scales.

Many arid and semiarid rangelands are characterized by patchy vegetation patterns. In some areas, the patches are most apparent at the plant-interspace scale (Schlesinger et al., 1990), while in other areas groups of plants aggregate, forming relatively fertile islands or bands in which both water infiltration and C accumulation are enhanced (Tongway and Ludwig, 1990; Ludwig et al., 2000). In some cases, these patches are associated with large differences in soil C that need to be accounted for in sampling, while in others, the differences are inconsequential relative to landscape-level differences.

The two types of variability are clearly illustrated by the data in Table 1 from the Jornada Experimental Range in northern Chihuahuan Desert (mean annual precipitation = 247 mm). The data represent soil %C and %N of the top 10 cm and are based on five samples from each vegetation strata (interspace, grass, and shrub) randomly selected from within a 1-ha plot at each site. At the sandy basin site, the mesquite (*Prosopis glandulosa*) and black grama- (*Bouteloua eriopoda*) dominated vegetation had a large, significant, positive effect on both soil C and N. At the alluvial fan site, which was dominated by creosote bush (*Larrea tridentata*) and bush muhly (*Muhlenbergia porteri*), C levels were over five times as high, but there was no apparent effect of vegetation strata on C, and only minimal effect on N. At both sites, N was highest under shrubs, but C was significantly higher under vegetation only at the sandy basin site. The plant interspace differences are probably a result of both increased inputs under the plants and redistribution of plant litter and soil by wind and water (Coppinger et al., 1991; Schlesinger et al., 1996; Vasquez de Aldana et al., 1996).

Soil erosion and deposition can also play a significant role at larger spatial scales. Over long time periods, it is responsible for generating many of the landscape-level differences in C sequestration potential: depositional areas tend to have soils with finer textures which retain more moisture (increasing production), and have a greater potential to physically protect soil organic matter from subsequent oxidation. Over shorter time scales, redistribution of soil organic matter by erosion can confound attempts to monitor changes at the landscape scale using plot-based approaches. Much of the soil organic C in many rangeland ecosystems is concentrated near the soil surface (Weaver et al., 1935), where it is also more susceptible to loss or redistribution by wind and water. Unless sampling points are spatially distributed based on relative areas of both erosional and depositional surfaces, erroneous conclusion can easily be drawn.

Table 1
Gravimetric C and N content for the top 10 cm of soil at two sites in south-central New Mexico

Site	% Carbon (s.e.)	% Nitrogen (s.e.)	C/N ratio (s.e.)
Sandy Basin			
Interspace	0.029 (0.002)	0.195 (0.036)	6.5 (0.8)
Grass	0.035 (0.001)	0.257 (0.017)	7.3 (0.4)
Shrub	0.040 (0.003)	0.326 (0.032)	8.1 (0.2)
Probability	0.015	0.026	0.159
Alluvial Fan			
Interspace	2.06 (0.12)	0.103 (0.003)	20.0 (0.9)
Grass	2.10 (0.12)	0.114 (0.004)	18.5 (0.8)
Shrub	1.98 (0.18)	0.119 (0.007)	16.6 (1.0)
Probability	0.850	0.091	0.055

4. Potential C sequestration by rangelands

Estimating potential C sequestration is more difficult for rangelands than for cultivated croplands. Rangelands include a wide diversity in plant communities, soils and landscapes. Furthermore, ecosystem responses are complex, because management practices may induce shifts in plant communities that may, over time, exert secondary effects on C storage. To date, long-term C responses to management have not been studied as extensively in rangelands as in cultivated systems, and only a few management scenarios under selected conditions have been documented. Nevertheless, the contribution of rangelands to C sequestration merits attention, despite the uncertainties, because rangelands occupy about twice the area of croplands in the USA. Estimates should be considered qualitative, however, and used more to highlight the potential role rangelands can play in C sequestration than as definitive predictions.

We (Schuman et al., 2001) estimated the potential impact rangelands could have on C sequestration on private and publicly managed rangelands. In making that assessment we made three assumptions: (1) that soil C reserves in any ecosystem, under consistent management and environment, eventually approach a steady-state value, and beyond that, rates of change in soil C are negligible from the standpoint of atmospheric CO_2 pools (Odum, 1969; Johnson, 1995); (2) change in the current trend of net C exchange (increasing or decreasing) depends on a shift in management or environmental conditions; and (3) minimizing losses of soil C is just as important as gaining soil C (Izaurralde et al., 2000). Using these assumptions, some of the data cited in this paper and others, and estimates of rangeland condition and acreages from the Natural Resources Conservation Service (NRCS), Bureau of Land Management (BLM), and the Forest Service (FS) we estimate that potential mitigated gains could account for 19 MMgC year^{-1} and avoided losses in soil C could account to 43 MMgC year^{-1} (Table 2).

(0.5–1.0) for wet-temperate ecozones. Most US rangelands occur in dry-temperate ecozones.

5. Conclusions

Rangeland ecosystems are very complex, both in terms of vegetative community and soils, making it difficult to adequately characterize the soil C storage, and hence, short-term changes due to management or environmental changes. Soil erosion also can affect rangeland soil C distribution but generally does not result in soil C loss to the atmosphere. Erosion can cause changes in C storage if mineralization rates are different in source and depositional areas, or if reductions in plant productivity in source areas exceed gains in depositional areas.

Rangelands are a large repository of soil C because of their high C density and the vast land area they occupy. Throughout the world, improved rangeland management strategies and practices could greatly increase soil C sequestration, while greatly improving their production potential and other environmental benefits.

The estimates presented in this paper and those proposed by other scientists and world organizations are perhaps best viewed as illustrations of potential rather than quantitative values. However, these estimates do several things: (1) illustrate the significance of rangelands as a C sink, (2) demonstrate the potential increases in soil C storage that can be achieved with improved management and scientific understanding of soil C dynamics in rangelands, and (3) demonstrate the need for more research directed at understanding the mechanisms of management alternatives on C storage. As better research information becomes available, a more thorough and accurate estimation of C sequestration potential of rangelands can be achieved.

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Carbon storage and sequestration by urban trees in the USA

Entire Letter: AT

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"Capsule": *Urban trees currently store 700 million tons of carbon, with an annual sequestration rate of 22.8 million tons.*

Abstract

Based on field data from 10 USA cities and national urban tree cover data, it is estimated that urban trees in the coterminous USA currently store 700 million tonnes of carbon ($14,300 million value) with a gross carbon sequestration rate of 22.8 million tC/yr ($460 million/year). Carbon storage within cities ranges from 1.2 million tC in New York, NY, to 19,300 tC in Jersey City, NJ. Regions with the greatest proportion of urban land are the Northeast (8.5%) and the southeast (7.1%). Urban forests in the north central, northeast, south central and southeast regions of the USA store and sequester the most carbon, with average carbon storage per hectare greatest in southeast, north central, northeast and Pacific northwest regions, respectively. The national average urban forest carbon storage density is 25.1 tC/ha, compared with 53.5 tC/ha in forest stands. These data can be used to help assess the actual and potential role of urban forests in reducing atmospheric carbon dioxide, a dominant greenhouse gas. Published by Elsevier Science Ltd.

Keywords: Global climate change; Carbon dioxide; Urban forestry; Carbon storage; Carbon sequestration

1. Introduction

Increasing levels of atmospheric carbon dioxide (CO_2) and other "greenhouse" gases [i.e. methane (CH_4), chlorofluorocarbons, nitrous oxide (N_2O), and tropospheric ozone (O_3)] are thought by many to be contributing to an increase in atmospheric temperatures by the trapping of certain wavelengths of radiation in the atmosphere. Some chemicals though, may be reducing atmospheric temperatures (e.g. sulfur dioxide, particulate matter, stratospheric ozone; Graedel and Crutzen, 1989; Hamburg et al., 1997). Globally averaged air temperature at the Earth's surface has increased between 0.3 and 0.6 °C since the late 1800s. A current estimate of the expected rise in average surface air temperature globally is between 1 and 3.5 °C by the year 2100 (Hamburg et al., 1997). Global warming is implicated in the recent discovery that floating ice over the Arctic Ocean has thinned from an average thickness of 10 feet in 1950 to <6 feet in the late 1990s, and a large expanse of ice-free water that has opened up at the North Pole in 2000 (Appenzeller, 2000; BBC News, 2000). As urban areas already exhibit climatic differences compared with rural environments, due in part to multiple artificial surfaces and high levels of fossil fuel combustion, climate change impacts may be exacerbated in these areas (Nowak, 2000).

Carbon dioxide is a dominant greenhouse gas. Increased atmospheric CO_2 is attributable mostly to fossil fuel combustion (about 80–85%) and deforestation worldwide (Schneider, 1989; Hamburg et al., 1997). Atmospheric carbon is estimated to be increasing by approximately 2600 million metric tons annually (Sedjo, 1989).

Trees act as a sink for CO_2 by fixing carbon during photosynthesis and storing excess carbon as biomass. The net long-term CO_2 source/sink dynamics of forests change through time as trees grow, die, and decay. In addition, human influences on forests (e.g. management) can further affect CO_2 source/sink dynamics of forests through such factors as fossil fuel emissions and harvesting/utilization of biomass. However, increasing the number of trees might potentially slow the accumulation of atmospheric carbon (e.g. Moulton and Richards, 1990).

Urban areas in the lower 48 United States have doubled in area between 1969 and 1994, and currently occupy 3.5% of the land base with an average tree cover of 27.1% (Dwyer et al., 2000; Nowak et al., 2001b).

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Though urban areas continue to expand, and urban forests play a significant role in environmental quality and human health, relatively little is known about this resource. As urban forests both sequester CO_2, and affect the emission of CO_2 from urban areas, urban forests can play a critical role in helping combat increasing levels of atmospheric carbon dioxide.

The first estimate of national carbon storage by urban trees (between 350 and 750 million tonnes; Nowak, 1993a) was based on an extrapolation of carbon data from one city (Oakland, CA) and tree cover data from various USA cities (e.g. Nowak et al., 1996). A later assessment, which included data from a second city (Chicago, IL), estimated national carbon storage by urban trees at between 600 and 900 million tonnes (Nowak, 1994). The purpose of this paper is to update the national urban tree carbon storage estimate based on data from eight new cities and national urban tree cover data. This paper will also include estimates of carbon storage and sequestration by urban trees at the national, regional and state level. These data can be used to help assess the actual and potential role of urban forests in reducing atmospheric CO_2.

2. Methods

2.1. Field data

Field data were used to determine the entire urban forest structure (e.g. tree species composition and number of trees on all land uses) of 10 cities: Atlanta, GA; Baltimore, MD; Boston, MA; Chicago, IL (Nowak, 1994); Jersey City, NJ; New York, NY; Oakland, CA (Nowak, 1993a, 1993b); Philadelphia, PA; Sacramento, CA (McPherson, 1998a); and Syracuse, NY. These cities were sampled based on methods developed by the USDA Forest Service for various urban forest research projects (e.g. Nowak and Crane, 2000). These data comprise the entire set of comprehensive USA urban forest structure and carbon data available.

The unpublished city tree data (Atlanta, Baltimore, Boston, Jersey City, New York, Philadelphia, and Syracuse) were collected between 1996 and 1999 and analyzed using the Urban Forest Effects (UFORE) model based on a stratified random sample of approximately 200 0.04-ha plots per city (Nowak and Crane, 2000). Data collection included location, species, stem diameter at 1.37 m above the ground (dbh), tree and crown height, crown width, and canopy condition.

2.2. Biomass equations

Biomass for each measured tree was calculated using allometric equations from the literature (see Nowak, 1994; Nowak et al., 2001a). Equations that predict above-ground biomass were converted to whole tree biomass based on root-to-shoot ratio of 0.26 (Cairns et al., 1997).

Equations that compute fresh-weight biomass were multiplied by species- or genus-specific-conversion factors to yield dry-weight biomass. These conversion factors, derived from average moisture contents of species given in the literature, averaged 0.48 for conifers and 0.56 for hardwoods (see Nowak, 1994).

Open-grown, maintained trees tend to have less above-ground biomass than predicted by forest-derived biomass equations for trees of the same diameter at breast height (Nowak, 1994). To adjust for this difference, biomass results for urban trees were multiplied by a factor 0.8 (Nowak, 1994). No adjustment was made for trees found in more natural stand conditions (e.g. on vacant lands or in forest preserves). As deciduous trees drop their leaves annually, only carbon stored in wood biomass was calculated for these trees. Total tree dry-weight biomass was converted to total stored carbon by multiplying by 0.5.

The multiple equations used for individual species were combined together to produce one predictive equation for a wide range of diameters for individual species. The process of combining the individual formulas (with limited diameter ranges) into one, more general species formula, produced results that were typically within 2% of the original estimates for total carbon storage of the urban forest (i.e. the estimates using the multiple equations). Formulas were combined to prevent disjointed sequestration estimates that can occur when calculations switch between individual biomass equations.

If no allometric equation could be found for an individual species, the average results from equations of the same genus was used. If no genus equations were found, the average results from all broadleaf or conifer equations was used.

Standard errors are given for carbon report sampling error, rather than error of estimation. Estimation error is unknown and likely larger than the reported sampling error. Estimation error also includes the uncertainty of using biomass equations and conversion factors, which may be large, as well as measurement error, which is typically very small.

2.3. Urban tree growth and carbon sequestration

Average diameter growth from the appropriate land use and diameter class was added to the existing tree diameter (year x) to estimate tree diameter in year $x+1$. For trees in forest stands, average dbh growth was estimated as 0.38 cm/year (Smith and Shifley, 1984); for trees on land uses with a park-like structure (e.g. parks, cemeteries, golf courses), average dbh growth was 0.61 cm/year (deVries, 1987); for more open-grown trees, dbh class specific growth rates were used based on

Nowak (1994). Average height growth was calculated based on formulas from Fleming (1988) and the specific dbh growth factor used for the tree.

Growth rates were adjusted based on tree condition. For trees with fair to excellent condition, growth rates were multiplied by 1 (no adjustment); poor condition tree growth rates were multiplied by 0.76; critical trees by 0.42; dying trees by 0.15; and dead trees by 0. Adjustment factors were proportional to percent crown dieback (i.e. the greater the crown dieback, the slower the growth rate) and the assumption that less than 25% crown dieback had a limited effect on dbh growth rates. The difference in estimates of carbon storage between year x and year $x+1$ is the gross amount of carbon sequestered annually.

Tree death leads to the eventual release of stored carbon. To estimate the net amount of carbon sequestered by the urban trees, carbon emissions due to decomposition after tree death must be considered. To calculate the potential release of carbon due to tree death and decomposition, estimates of annual mortality rates by condition class were derived from a study of street-tree mortality (Nowak, 1986). Annual mortality was estimated as 1.92% for trees 0–3 inches in the good-excellent condition class; 1.46% for trees >3 inches in the good-excellent condition class; 3.32 % for trees in fair condition; poor condition = 8.86%; critical condition = 13.08%; dying = 50%; and dead = 100%.

Two types of decomposition rates were used: (1) rapid release for above-ground biomass of trees that are projected to be removed; and (2) delayed release for standing dead trees and tree roots of removed trees. Trees that are removed from urban areas are not normally developed into wood products for long-term carbon storage (i.e. removed trees are often burned or mulched), therefore they will most likely release their carbon relatively soon after removal.

If dead trees are not removed annually, they have an increased probability of being measured in the tree sample and decomposition rates must reflect this difference. All trees on vacant, transportation and agriculture land uses, and 50% of trees in parks, were assumed to be left standing (i.e. not removed) as these trees are likely within forest stands and/or away from intensively maintained sites. These trees were assumed to decompose over a period of 20 years.[1] Trees on all other land uses are assumed to be removed within 1 year of tree death. For removed trees, above-ground biomass was mulched with a decomposition rate of 3 years;[2] below-ground biomass was assumed to decompose in 20 years.

Estimates of carbon emissions due to decomposition were based on the probability of the tree dying within the next year and the probability of the tree being removed using the formula:

$$\text{Emission} = C \times M_c \times \sum p_i((D_{\text{remove}}) + (D_{\text{stand}}))$$
$$D_{\text{remove}} = (p_{\text{ab}}/y_i)(1/d_m) + ((1 - p_{\text{ab}})/y_i)(1/d_r)$$
$$D_{\text{stand}} = ((y_i - 1)/y_i)(1/d_r)$$

where Emission = individual tree contribution to carbon emissions; C = carbon storage in the next year; M_c = probability of mortality based on condition class; i = decomposition class (based on number of years left standing before removal); p_i = proportion of the land use tree population in decomposition class i; p_{ab} = proportion of tree biomass above ground; y_i = number of years left standing before removal ($y_i \to \infty$ for dead trees that will never be cut down (natural decomposition)); d_m = decomposition rates for mulched above-ground biomass (3 years); and d_r = decomposition rate for standing trees and tree roots (20 years).

Individual tree estimates of mortality probability and decomposition rates were aggregated upward to yield total estimates of decomposition for the tree population. The amount of carbon sequestered due to tree growth was reduced by the amount lost due to tree mortality to estimate the net carbon sequestration rate.

2.4. State and regional level estimates

Data for individual trees in each city were used to determine the total carbon storage and sequestration for the city. To estimate the carbon values of urban trees nationally, total carbon storage and sequestration value of each city was divided by total city tree cover (m^2) to determine average carbon density value per unit tree cover (kgC/m^2 cover). The median standardized carbon value (kgC/m^2 cover) was multiplied by total urban tree cover in the conterminous USA (Dwyer et al., 2000; Nowak et al., 2001) to estimate the national carbon totals for urban trees. Tree cover estimates were based on 1991 advanced very high resolution radiometer (AVHRR) data (Zhu, 1994).

State urban tree cover values were multiplied by the national median standardized carbon values to estimate the carbon totals for each state. State carbon totals were combined to reveal variation among eight regions of the country:

California: CA
Great Plains: KS, NE, ND, SD
North Central: IN, IL, IA, MN, MI, MO, OH, WI
Northeast: CN, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, WV

[1] Data on tree decomposition rates is limited. However, using decomposition rates from 10 to 50 years had little effect on overall net decomposition within a single year.

[2] Although no mulch decomposition studies could be found, studies on decomposition reveal that 37–56% of carbon in tree roots and 48–67% of carbon in twigs is released within the first 3 years (Scheu and Schauermann, 1994).

Table 1
Estimated carbon storage, gross and net annual sequestration, number of trees, and percent tree cover for ten U.S. cities

City	Storage (tC)		Annual sequestration				No. Trees ($\times 10^3$)	
			Gross (tC/yr)		Net (tC/yr)			
	Total	SE	Total	SE	Total	SE	Total	SE
New York, NY	1,225,200	150,500	38,400	4,300	20,800	4,500	5,212	719
Atlanta, GA	1,220,200	91,900	42,100	2,800	32,200	4,500	9,415	749
Sacramento, CA[a]	1,107,300	532,600	20,200	4,400	na	na	1,733	350
Chicago, IL[b]	854,800	129,100	40,100	4,900	na	na	4,128	634
Baltimore, MD	528,700	66,100	14,800	1,700	10,800	1,500	2,835	605
Philadelphia, PA	481,000	48,400	14,600	1,500	10,700	1,300	2,113	211
Boston, MA	289,800	36,700	9,500	900	6,900	900	1,183	109
Syracuse, NY	148,300	16,200	4,700	400	3,500	400	891	125
Oakland, CA[c]	145,800	4,900	na	na	na	na	1,588	51
Jersey City, NJ	19,300	2,600	800	90	600	100	136	22

SE = Standard error na = not analysed.
[a] McPherson (1998).
[b] Nowak (1994).
[c] Nowak (1993).

Pacific Northwest: OR, WA
Rocky Mountains: AZ, CO, ID, MT, NV, NM, UT, WY
South Central: AL, AR, KY, LA, MS, OK, TN, TX
Southeast: FL, GA, NC, SC, VA

To estimate monetary value associated with urban tree carbon storage and sequestration, carbon values were multiplied by \$20.3/tC based on the estimated marginal social costs of carbon dioxide emissions (Fankhauser, 1994).

3. Results and discussion

Carbon storage in individual cities varies between 1.2 million tonnes in New York to 19,300 t in Jersey City (Table 1). Gross sequestration rates ranged from 42,100 tC/year in Atlanta to 800 tC/year in Jersey City. Total carbon storage and sequestration within cities generally increases with increased urban tree cover (city area multiplied by percent of tree cover) and increased proportion of large and/or healthy trees in the population. Large healthy trees greater than 77 cm in diameter sequester approximately 90 times more carbon than small healthy trees less than 8 cm in diameter (Nowak, 1994). Large trees also store approximately 1000 times more carbon than small trees (Nowak, 1994). Moreover, large trees with relatively long life spans will generally have the greatest overall positive effect on carbon dioxide as fossil fuel carbon emissions resulting from tree planting and removal will happen less frequently.[3]

[3] Nowak, D.J., Stevens, J.C., Sisinni, S.M., and Luley, C.J. in review. Effects of urban tree management and species selection on atmospheric carbon dioxide. J. Arboric.

3.1. Factors affecting carbon storage and sequestration

Net sequestration rates were highest in Atlanta (32,200 tC/year) and lowest in Jersey City (600 tC/year; Table 1). Net sequestration rates were generally around 75% of the gross carbon sequestration rate. However, in New York City, net carbon sequestration was only 54% of the gross sequestration rate. This difference was due to the relative high proportion of dead trees and large diameter trees in New York's urban forest. Estimates of net sequestration are approximate based on tree conditions, sizes, and estimated mortality, but give a general indication of the state of net sequestration in a city. Net annual carbon sequestration in forests is positive for growing forests, but sequestration rates will diminish through time as the forest matures, and can become negative during periods of forest decline and/or loss when carbon emissions from dead trees (e.g. decomposition, fire) exceed carbon uptake by live trees.

Carbon storage per hectare ranged from 46,900 t/ha in Sacramento to 5000 t/ha in Jersey City (Table 2). Total carbon storage per hectare of tree cover was also highest in Sacramento (36.1 kgC/m^2 cover) and lowest in Jersey City (4.4 kgC/m^2 cover) with a median value of 9.25 kgC/m^2 cover. Two dominant factors that affect carbon storage density (tC/ha) are tree density (trees/ha) and diameter distribution. Carbon densities will tend to increase with tree density and/or increased proportion of large diameter trees. Sacramento's urban forest, which has only 13% tree cover and 73 trees/ha has a very high carbon density estimate (46.9 tC/ha; 36.1 kgC/m^2 cover) relative to other cities sampled and the average carbon density for trees in forest stands (53.5 tC/ha; 5.3 kgC/m^2 cover—conservative estimate assuming 100% tree canopy cover; Birdsey and Heath, 1995). One

Table 2
Estimated carbon storage per hectare, gross and net annual sequestration per hectare, tree density, and standardized carbon density per hectare of tree cover for ten U.S. cities

	Annual sequestration								Carbon density (C / m² cover)					
	Storage (kgC/ha)		Gross (kgC/ha/yr)		Net (kg/ha/yr)		Density (trees/ha)		Storage (kg)		Gross Seq. (kg/yr)		Net Seq. (kg/yr)	
City	Tot.	SE	Tot.	SE	Tot.	SE	Avg	SE	Tot.	SE	Tot.	SE	Tot.	SE
Sacramento, CA[a]	46,910	22,640	850	190	na	na	73	15	36.1	17.4	0.66	0.14	na	na
Atlanta, GA	35,740	2,690	1,230	80	940	130	276	22	9.7	0.7	0.34	0.02	0.26	0.04
Baltimore, MD	25,280	3,160	710	80	520	70	136	29	10.0	1.3	0.28	0.03	0.20	0.03
Syracuse, NY	22,820	2,490	730	60	540	70	137	19	9.4	1.0	0.30	0.03	0.22	0.03
Boston, MA	20,300	2,570	670	60	490	60	83	8	9.1	1.1	0.30	0.03	0.22	0.03
New York, NY	15,330	1,890	480	50	260	60	65	9	7.3	0.9	0.23	0.03	0.12	0.03
Chicago, IL[b]	14,190	2,140	670[c]	80	na	na	68	10	12.9	1.9	0.61[c]	0.07	na	na
Philadelphia, PA	14,090	1,420	430	40	310	40	62	6	9.0	0.9	0.27	0.03	0.20	0.02
Oakland, CA[d]	11,010	370	na	na	na	na	120	4	5.2	0.2	na	na	na	na
Jersey City, NJ	5,020	680	210	20	150	30	36	6	4.4	0.6	0.18	0.02	0.13	0.03

Tot. = total; SE = Standard error; Avg = average, na = not analyzed.
[a] McPherson (1998).
[b] Nowak (1994).
[c] Tree growth and sequestration are relatively high as growth rate in this estimate were not effected by tree condition (i.e., all trees accumulated carbon based on average healthy tree growth rates).

possible reason for the very high carbon density per unit of canopy cover in Sacramento's urban forest is an unusually large diameter structure with approximately 10% of its trees greater than 76 cm dbh (McPherson, 1998b). Other urban forest populations typically have around 2% of its tree population greater than 76.2 cm dbh. Oakland's urban forest, which has a relatively low carbon storage compared to cities with comparable tree densities, had approximately 0.8% of its tree population greater than 76.2 cm dbh (Nowak, 1993b).

Another possible reason for the very high estimates in Sacramento may be an artifact of the sample design or size, as standard errors for Sacramento are relatively high with a coefficient of variation of 48%. This relatively high standard error leads to less certainty of the carbon estimate for Sacramento.

3.2. Urban versus non-urban forests

Urban forests, due to their relatively low tree cover, typically store less carbon per hectare in trees (25.1 tC/ha) than forest stands (53.5 tC/ha). Estimated urban tree gross sequestration rates per hectare (0.8 tC/ha/year; 0.3 kgC/m^2 cover) are also typically less than within forest stands. The gross sequestration rates compare with 2.6 t/ha/year (0.26 kgC/m^2 cover assuming 100% tree canopy cover) for a 25-year old loblolly pine (*Pinus taeda* L.) plantation with genetically improved stock on a high yield site, and 1.0 t/ha/year (0.1 kgC/m^2 cover) for a 25-year old natural regeneration spruce-fir forest on an average site (Birdsey, 1996).

However, on a per unit tree cover basis, carbon storage by urban trees (9.25 kgC/m^2 cover) and gross sequestration (0.3 kgC/m^2 cover) may be greater than in forest stands due to a larger proportion of large trees in urban environments and relatively fast growth rates due to the more open urban forest structure (e.g. Nowak, 1994). Given that forest stands typically have about twice the tree density as urban areas, and about half the average carbon density per unit of tree cover (urban = 9.25 kgC/ha cover versus forest = 5.3 kgC/ha cover), individual urban trees, on average, contain approximately four times more carbon than individual trees in forest stands. This difference is largely due to differences in tree diameter distributions between urban and forest areas. As large trees can store 1000 times more carbon than small trees (Nowak, 1994), a fourfold difference in average individual tree carbon storage is not unreasonable given the more open structure of urban forests. Although forest carbon storage and sequestration rates per unit of tree canopy cover are not directly comparable with urban forests (as natural forests do not have 100% tree canopy cover), differences in stand structure between urban and natural forests will lead to differences in storage and sequestration rates.

3.3. State and regional carbon estimates

States with the highest estimated storage and sequestration rates are Georgia, Alabama, and Ohio (Table 3). States with the highest estimated carbon storage and sequestration densities (tC/ha) are Georgia, Montana, and New Hampshire. USA regions with the highest carbon storage and sequestration are the north central, northeast, south central and southeast (Table 4). Carbon storage and sequestration per hectare were highest

in the southeast, north central, northeast and Pacific northwest regions, respectively. Carbon storage and sequestration in a region is a function of the amount of urban land and percent tree cover (i.e. total amount of urban tree cover). The northeast region has the highest proportion of urban land (8.5%) and the south central region has the greatest total amount of urban land (65,930 km^2; Table 4). Forested regions of the country

Table 3
Estimated carbon storage and gross annual sequestration, including percent urban tree cover, amount of urban land, and proportion of state in urban land, by state (from Dwyer et al., 2000; Nowak et al., 2001)

State	Carbon storage		Gross sequestration		Urban tree cover	Urban area[a]	Portion of state
	t	t/ha	t/yr	t/ha/yr	%	Km^2	%
Georgia	42,651,000	51.2	1,383,000	1.7	55.3	8,338	5.4
Alabama	37,839,000	44.6	1,227,000	1.4	48.2	8,487	6.3
Ohio	35,155,000	35.4	1,140,000	1.1	38.3	9,923	8.5
Florida	31,329,000	17.0	1,016,000	0.6	18.4	18,407	10.8
Tennessee	29,976,000	40.6	972,000	1.3	43.9	7,382	6.8
Virginia	28,960,000	32.7	939,000	1.1	35.3	8,869	8.0
Illinois	28,570,000	31.2	927,000	1.0	33.7	9,165	6.1
California	27,574,000	10.1	894,000	0.3	10.9	27,348	6.4
Pennsylvania	26,611,000	31.8	863,000	1.0	34.4	8,363	7.0
New Jersey	26,485,000	38.3	859,000	1.2	41.4	6,916	30.6
Texas	25,809,000	9.7	837,000	0.3	10.5	26,573	3.8
North Carolina	25,472,000	39.7	826,000	1.3	42.9	6,419	4.6
New York	24,636,000	24.3	799,000	0.8	26.3	10,127	7.2
Minnesota	23,438,000	34.6	760,000	1.1	37.4	6,775	3.0
Michigan	20,588,000	27.5	668,000	0.9	29.7	7,494	3.0
Montana	19,946,000	45.7	647,000	1.5	49.4	4,365	1.1
Washington	17,650,000	31.1	572,000	1.0	33.6	5,679	3.1
Maryland	16,784,000	37.1	544,000	1.2	40.1	4,525	14.1
Massachusetts	16,131,000	23.4	523,000	0.8	25.3	6,893	25.2
South Carolina	16,125,000	36.8	523,000	1.2	39.8	4,380	5.3
Missouri	16,006,000	28.3	519,000	0.9	30.6	5,655	3.1
Indiana	14,430,000	28.9	468,000	0.9	31.2	5,000	5.3
Maine	12,738,000	44.1	413,000	1.4	47.7	2,887	3.1
Louisiana	12,577,000	23.4	408,000	0.8	25.3	5,374	4.0
Mississippi	12,015,000	35.7	390,000	1.2	38.6	3,365	2.7
Wisconsin	10,894,000	23.9	353,000	0.8	25.8	4,565	2.7
Oklahoma	10,650,000	13.4	345,000	0.4	14.5	7,940	4.4
Kentucky	10,424,000	30.9	338,000	1.0	33.4	3,374	3.2
Arizona	9,720,000	10.5	315,000	0.3	11.4	9,218	3.1
Iowa	9,638,000	30.6	313,000	1.0	33.1	3,148	2.2
Connecticut	8,237,000	20.2	267,000	0.7	21.8	4,085	28.5
Arkansas	7,943,000	23.1	258,000	0.8	25.0	3,435	2.5
New Hampshire	7,621,000	45.4	247,000	1.5	49.1	1,678	6.9
Oregon	6,411,000	28.1	208,000	0.9	30.4	2,280	0.9
Colorado	5,225,000	12.0	169,000	0.4	13.0	4,345	1.6
Kansas	4,883,000	19.0	158,000	0.6	20.5	2,575	1.2
West Virginia	4,239,000	39.0	137,000	1.3	42.2	1,086	1.7
Utah	3,337,000	13.0	108,000	0.4	14.0	2,577	1.2
Nevada	2,926,000	9.2	95,000	0.3	9.9	3,195	1.1
Delaware	2,424,000	42.8	79,000	1.4	46.3	566	8.8
Idaho	2,287,000	23.7	74,000	0.8	25.6	966	0.4
Nebraska	2,071,000	19.5	67,000	0.6	21.1	1,061	0.5
Vermont	1,385,000	33.3	45,000	1.1	36.0	416	1.7
South Dakota	1,096,000	17.8	36,000	0.6	19.2	617	0.3
New Mexico	1,028,000	4.4	33,000	0.1	4.8	2,316	0.7
Rhode Island	762,000	8.2	25,000	0.3	8.9	926	23.2
North Dakota	330,000	7.2	11,000	0.2	7.8	457	0.2
Wyoming	265,000	3.3	9,000	0.1	3.6	797	0.3
Total, U.S.[b]	704,397,000	25.1	22,845,000	0.8	27.1	281,000	3.5

[a] Includes land and water.
[b] U.S. total includes the District of Columbia and 492 square kilometers that crossed state borders and could not be assigned to an individual state, but does not include Alaska and Hawaii.

Table 4
Estimated carbon storage and gross annual sequestration, including percent urban tree cover, amount of urban land, and proportion of state in urban land, by region

Region	Carbon storage		Gross sequestration		Urban tree cover	Urban area[a]	Portion of region
	t	t/ha	t/yr	t/ha/yr	%	Km^2	Percent
North Central	158,720,000	30.7	5,148,000	1.0	33.2	51,725	3.9
Northeast	148,056,000	30.5	4,802,000	1.0	33.0	48,468	8.5
South Central	147,233,000	22.3	4,775,000	0.7	24.1	65,930	4.1
Southeast	144,536,000	31.1	4,688,000	1.0	33.7	46,413	7.1
Rocky Mountain	44,735,000	16.1	1,451,000	0.5	17.4	27,779	1.2
California	27,574,000	10.1	894,000	0.3	10.9	27,348	6.4
Pacific Northwest	24,062,000	30.2	780,000	1.0	32.7	7,959	1.8
Great Plains	8,379,000	17.8	272,000	0.6	19.2	4,710	0.5
Total, U.S.[b]	704,397,000	25.1	22,845,000	0.8	27.1	281,000	3.5

[a] Includes land and water.
[b] U.S. total includes the District of Columbia and 492 square kilometers that crossed state borders and could not be assigned to an individual state, but does not include Alaska and Hawaii.

generally have higher percent urban tree cover (34.4%), than grassland cities (17.8%) and desert cities (9.3%; Dwyer et al., 2000; Nowak et al., 2001). Thus, forested regions will typically have the greatest urban forest carbon densities.

Regional factors such as species composition, tree density, and growth and mortality rates could not be factored into these regional and state estimates due to limited data sets. More research is needed on local and regional variations in urban forest structure and functions to yield better national estimates of urban forest carbon storage and sequestration.

Total carbon storage by urban trees in the coterminous United States is estimated at 700 million tonnes (between 335 million tC and 980 million tC based on the range of city data excluding Sacramento[4]; Tables 3 and 4). These data correspond with previous analyses that estimated national carbon storage by urban trees as between 350 and 750 million tC (Nowak, 1993a) and between 600 and 900 million tC (Nowak, 1994). Carbon storage by urban trees nationally is only 4.4% of the estimated 15,900 million tC stored in trees in USA non-urban forest ecosystems (Birdsey and Heath, 1995). The estimated carbon storage by urban trees in USA is equivalent to the amount of carbon emitted from USA population in about 5.5 months based on average per capita emission rates (Energy Information Administration, 1997).

Annual gross carbon sequestration by USA urban trees is estimated at 22.8 million tC/year (Tables 3 and 4). National annual carbon sequestration by urban trees is equivalent to USA population emissions over a 5-day period. The total monetary value of carbon storage by USA urban trees is $14,300 million, with an annual sequestration value of $460 million.

3.4. Additional urban forest effects

In addition to direct carbon storage and sequestration, urban trees can also affect carbon emissions in urban areas. Planting trees in energy-conserving locations around buildings (e.g. Heisler, 1986) can reduce building energy use and consequently chemical emissions from power plants. In a simulation of planting 10 million trees annually in energy conserving locations over a 10-year period with 100% survival rates, carbon storage by these trees at year 50 was estimated to be 77 million tonnes of carbon, with carbon avoidance from power plants at 286 million tC (Nowak, 1993a). In this case, the potential carbon avoidance was four times greater than the direct carbon sequestration rate. The total carbon stored and avoided by the 100 million trees (363 million tC) is $<1\%$ of the estimated amount of carbon emitted in the USA over the same 50-year period. Increasing fuel efficiency of passenger automobiles by 0.5 km/l over 50 years would also produce the same carbon effects as the 100 million trees (Nowak, 1993a).

Urban tree management practices also need to be considered when estimating the net effects of urban trees on atmospheric carbon dioxide as various maintenance activities emit carbon back to the atmosphere via fossil-fuel combustion (e.g. from chain saws, trucks, chippers, etc.). If carbon (via fossil-fuel combustion) is used to maintain vegetation structure and health, urban forest ecosystems will eventually become net emitters of carbon unless secondary carbon reductions (e.g. energy conservation) or limiting of decomposition via long-term carbon storage (e.g. wood products, landfills) can be accomplished to offset the maintenance carbon emissions.[3]

[4] Sacramento data were excluded from the range estimate due to the relatively large standard error and unusually large proportion of the population greater than 76.2 cm dbh.

Another area of the urban forest carbon cycle that this paper does not analyze is urban soils. Sixty-one percent of the total carbon in non-urban forest ecosystems in the USA is stored in the soil environment (Birdsey and Heath, 1995). The amount of carbon from trees that is retained in urban soils, its residence time, and the amount of carbon currently stored in these soils remains to be investigated. It is likely, however, that urban soils contain less carbon per hectare than forest soils due to lower carbon inputs and increased soil decomposition rates due to warmer air and soil temperatures (e.g. Pouyat et al., 1997).

4. Conclusions

Urban forests can play a significant role in helping to reduce atmospheric carbon dioxide levels. Urban forests likely will have a greater impact per area of tree canopy cover than non-urban forests due to faster growth rates, increased proportions of large trees, and possible secondary effects of reduced building energy use and consequent carbon emissions from power plants. However, urban tree maintenance emissions can offset some of the carbon gains by urban forest systems.

The estimates given in this paper are based on limited field data and become more uncertain as they refine from national to regional and state estimates. More field measurements are needed in urban areas to help improve carbon accounting and other functions of urban forest ecosystems. In particular, more field data are needed to assess regional variation in forest structure; long-term permanent plot data are needed to assess urban forest growth, regeneration, and mortality; and improved satellite monitoring of urban cover types is needed to more accurately assess changes in urban forest cover. In addition, research needs to develop better urban tree biomass equations, improve estimates of tree decomposition and maintenance emissions, and investigate the effect of urban soils on carbon storage and flux in cities. A better understanding and accounting of urban ecosystems can be used to develop management plans and national policies that can significantly improve environmental quality and human health across the nation.

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Letter 56

COMMENTOR: Sue Luft, President, North County Watch

DATE: April 11, 2007

RESPONSE:

Response 56A

Impacts related to conflicts between proposed urban uses and existing and future agricultural uses are discussed under Agricultural Residential Cluster Subdivision Impact AG-2 and Future Development Program Impact AG-2 in Section 4.2, *Agricultural Resources*.

The commentor's opposition to agricultural cluster subdivisions, as allowed by Section 22.22.150 of the County LUO (Agricultural Cluster Ordinance), is noted.

Response 56B

The commentor expresses support for an alternative adjacent to the community of Santa Margarita. Section 6.0, *Alternatives,* considers several alternatives to the proposed Agricultural Residential Cluster Subdivision Project that would be located adjacent to the existing community. These alternatives include: Alternative 4 (Revised Cluster Location 1 – North of Community), Alternative 5 (Revised Cluster Location 2 – South of Community), Alternative 6 (Revised Cluster Location 3 – Southwest of Community) and Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing). Refer also to Master Response 4.

Response 56C

Refer to Response 36K. The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Any future development in the areas proposed for Agriculture Conservation Easement would require future environmental review, including preparation of additional EIRs and associated public review as necessary.

Although no development is currently proposed for the remainder parcel, a winery on the remainder parcel is included as part of the Future Development Program. Impacts associated with this potential future use were analyzed throughout the EIR.

Response 56D

Refer to Letter 8 and Responses 8A through 8AJ.

Response 56E

The commentor claims that winery water usage was underestimated in the Draft EIR.

Refer to Responses 14L, 37F and 37K. The proposed Agricultural Residential Cluster Subdivision does not include a winery. The wineries the commentor is referring to have been analyzed as part of the Future Development Program, and have therefore been analyzed under the cumulative condition.

Refer also to Master Response 3b. A reasonable worst-case concept for future development on the property, including development within the agricultural conservation easement areas, is evaluated in detail in the EIR Future Development Program analysis.

It is not known at this time the number of cases that may ultimately be produced as a result of future winery development, since this is part of a future development scenario, and not a currently proposed project. Applying the commentor's estimate of 5-10 gallons per case, the production of 200,000 to 400,000 cases per year would result in an annual water consumption of about 6 AF, or less than 10% of the total use estimated in the DEIR (68 AFY). Thus, the DEIR's water consumption estimate for winery use is reasonable. Water conservation measures are already required as a mitigation measure in the DEIR, and are applicable to all land uses within the proposed project and future development scenario, including wineries.

Response 56F

Please refer to the response to comment 56E.

Response 56G

The commentor recommends that winery water usage estimates include water used for frost protection, pre-watering and leaching salts. Vineyard water estimates are based on historical data from similar facilities and therefore include such operational water uses.

Response 56H

The commentor recommends that irrigation data for 2007 be used in the water balance calculations. The existing data used was sufficient to conclude that water resources are inadequate without importing water. It should also be noted that the Draft EIR was circulated on January 9, 2007.

Response 56I

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for a discussion of climate change issues. Refer also to Master Response 2. As noted therein, § 15145 of the State CEQA Guidelines prohibits the analysis of speculative impacts. Although air quality-related impacts can be assessed to some extent, the extent to which permanent drought can be analyzed is speculative and outside the scope of the EIR analysis.

Response 56J

An analysis of Agriculture Element Policy 11 (Agricultural Water Supplies) has been added to Appendix C (Policy Consistency). Refer to the beginning of Section 8.0 (Agriculture and Open Space Element) therein.

Response 56K

The commentor's opinions regarding prioritizing water supply for agricultural use and workforce housing are noted.

Response 56L

The necessity of utilizing the document referenced by the commentor is unsubstantiated. Refer to Master Response 1. Refer also to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for a discussion of impacts related to Global Climate Change.

Response 56M

The DEIR concluded that impacts to water supply are Class I, significant and unavoidable. The mitigation measures included in the document include water conservation, securing additional surface water supplies, and ongoing monitoring to ensure that existing water users are not adversely affected. Nevertheless, the DEIR acknowledges that even with these measures, a significant impact could occur.

Response 56N

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. The revised discussion addresses these concerns.

Response 56O

The commentor recommends that the County create a database of water use and waste disposal data for existing agricultural clusters in the County. Rather than rely on data from other agricultural residential cluster projects, with varying rainfall conditions, agricultural uses, and residential numbers and sizes, the EIR water balance analysis used historical data of groundwater supplies underlying the site and projections of water demand specific to the project and program.

Response 56P

Refer to Agricultural Residential Cluster Subdivision measures W-1(b) (Water Conservation Measures) and B-9(e) (Native Landscaping).

Response 56Q

Refer to Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 56R

Refer to Master Responses 3a and 2. Water and wastewater impacts associated with the nine wineries envisioned in the Future Development Program are analyzed at a program level of detail in Section 4.14.2(c).

Response 56S

Refer to Response 37AF. As noted therein, Table 4.2-1 was current at the time the Draft EIR was circulated (January 2007). However, this table has been revised in the Final EIR to reflect ambient air quality standards which have been revised since that time. Refer to Section 4.2.1(a) (Air Pollution Regulation) of the Final EIR.

Response 56T

Impacts associated with construction-related emissions, including PM_{10} and naturally occurring asbestos, are addressed in Agricultural Residential Cluster Subdivision Impact AQ-2 and mitigated through Agricultural Residential Cluster Subdivision measures AQ-2(a) through AQ-2(f). Impacts related to the potential presence of valley fever spores are discussed in Section 4.9.1(h) (Valley Fever), Agricultural Residential Cluster Subdivision Impact S-6, and Future Development Program Impact S-7 in Section 4.9, *Public Safety,* of the Final EIR. The potential for impacts from crystalline silica is addressed below.

Crystalline silica is essentially sand, a component of dust. Potential impacts that could by caused by fugitive dust have been addressed in Section 4.2, *Air Quality,* of the Final EIR. High occupational exposure to crystalline silica has been linked to respiratory problems and in some cases cancer. Crystalline silica related illnesses historically have been associated with industrial processes such as mining. Exposure may also occur as a result of cutting cement products such as roofing tiles.

Crystalline silica has not been identified as a toxic air contaminant under the California Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983). There are no similar Federal laws or regulations that list crystalline silica as a hazardous air pollutant or toxic air contaminant. Based on a proposed safe exposure level published by the California Office of Environmental Health Hazard Assessment, the Agricultural Residential Cluster Subdivision and/or Future Development Program would not cause a significant health risk from crystalline silica (http://www.oehha.ca.gov/). In addition, Agricultural Residential Cluster Subdivision measures AQ-2(a) through AQ-2(f) provide dust control measures that would limit exposure of PM_{10} and naturally occurring asbestos materials. Thus, the Final EIR need not evaluate the impact of crystalline silica emissions on the public because such impacts are not reasonably foreseeable.

Response 56U

Refer to Section 4.9.1(h) (Valley Fever), Agricultural Residential Cluster Subdivision Impact S-6, and Future Development Program Impact S-7 in Section 4.9, *Public Safety,* of the Final EIR.

Response 56V

Refer to Response 56R and Master Responses 3a and 3b. The Future Development Program is analyzed at a program level of detail. If applications for future wineries are submitted, future environmental review will be required, including preparation of additional EIRs and associated public review as necessary. It should also be noted that the Air Pollution Control District (APCD)

does not require quantified analysis of construction or operational air contaminant emissions impacts for program-level evaluations, such as for the Future Development Program.

Response 56W

The commentor's opinion that the Agricultural Residential Cluster Subdivision should be downsized to conform to CAP population projections is noted.

Response 56X

The San Luis Obispo County APCD will make the final, official determination regarding whether the Agricultural Residential Cluster Subdivision or Future Development Program are consistent with the Clean Air Plan (CAP). The drafters of the EIR use the term "potentially inconsistent" because although both the Agricultural Residential Cluster Subdivision and Future Development Program appear inconsistent with the CAP, the APCD must make this determination.

Response 56Y

The commentor's request that the project not be allowed at the site is noted.

Response 56Z

Refer to Response 37Y.

Response 56AA

The commentor's summary of the Draft EIR's findings related to cumulative air quality impacts is noted.

Response 56AB

Refer to Response 54F.

Response 56AC

Refer to Response 37Z.

Response 56AD

Refer to Response 37Z.

Response 56AE

Refer to Response 37Z.

Response 56AF

The commentor recommends the use of passive solar design and the use of solar power for residences, equipping residences with outlets for electric vehicles, the use of electrically-driven domestic water and irrigation well pumps, LEED certification, and the use of solar-powered construction equipment. Refer to Agricultural Residential Cluster Subdivision measures AQ-1(a) (Energy Efficiency) and AQ-1(b) (Shade Trees), which implement several of the commentor's recommendations. Refer also to Section 4.2.3 (Global Climate Change) and mitigation measures listed therein [AQ-GCC(a) (Construction Phase Mitigation to Reduce Fuel Usage and thus Greenhouse Gases), AQ-GCC(b) (Operational Phase Mitigation to Reduce Fuel usage and thus Greenhouse Gases), and AQ-GCC(c) (Alternative Transportation)], which also implement several of these recommendations. The additional measures suggested by the commentor would not be expected to substantially reduce the identified impact. Nevertheless, these measures could be considered as conditions of approval.

Response 56AG

Refer to the revised discussion under Agricultural Residential Cluster Subdivision Impact AQ-1 and to Agricultural Residential Cluster Subdivision measure AQ-1(f) (Off-Site Mitigation).

Response 56AH

An independent count was made of the number of oak trees that would be removed by the project using aerial photography supported by site visits conducted in October and November 2007 (as stated in the Revised Draft EIR). All trees were counted regardless of size.

Response 56AI

Refer to Response 38D.

Response 56AJ

The Kuehl Bill is discussed in the fourth full paragraph under Agricultural Residential Cluster Subdivision Impact B-3 in the Final EIR. In addition, mitigation measures related to oak tree removal have been revised to be consistent with the Kuehl Bill and San Luis Obispo County's current definitions for oak woodland impacts. Refer to this impact discussion and Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in the Final EIR.

Response 56AK

Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for a discussion of climate change issues. Refer also to Master Response 2. As noted therein, § 15145 of the State CEQA Guidelines prohibits the analysis of speculative impacts. Although air quality-related impacts can be assessed to some extent, the extent to which global climate change impacts fire response times, emergency access, and the loss of carbon sequestration is speculative and outside the scope of the EIR analysis.

Response 56AL

Cumulative impacts are discussed at the end of each impact section in the Final EIR.

Response 56AM

The commentor outlines the requirements for adequate mitigation measures. The comment does not directly identify any specific issues of concern with the Draft EIR analysis. No specific response is warranted.

Response 56AN

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. This revised discussion addresses the commentor's concerns, and was included in the Revised Draft EIR that was circulated from February 11, 2008 to March 26, 2008.

Response 56AO

The commentor provides excerpts from the *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova,* case. This case has been reviewed and considered in the context of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR. Revisions deemed necessary as a result of this review have been incorporated into the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Refer also to Response 56AN.

Response 56AP

The commentor provides the San Luis Obispo County Public Health Bulletin (Winter 2007), as referenced in Comment 54U. The Bulletin has been reviewed and considered in the context of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR. Revisions deemed necessary as a result of this review have been added to the Final EIR. Refer to Section 4.9.1(h) (Valley Fever), Agricultural Residential Cluster Subdivision Impact S-6, and Future Development Program Impact S-7 in Section 4.9, *Public Safety,* of the Final EIR.

Response 56AQ

The commentor provides a letter from Bill Lockyer, Attorney General, regarding the Orange County Transportation Authority 2006 Long-Range Transportation Plan Draft Program Environmental Impact Report, dated March 30, 2006. The letter has been reviewed and considered in the context of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR. Revisions deemed necessary as a result of this review have been added to the Final EIR. Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality*.

Response 56AR

The commentor provides an article from the Center for Biological Diversity titled "Conservation Group Challenges City of Banning's Approval of Black Bench Project for Failure to Mitigate Greenhouse Gas Emissions," dated November 21, 2006. The article has been reviewed and considered in the context of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR. Revisions deemed necessary as a result of this review have been added to the Final EIR. Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality*.

Response 56AS

The commentor provides a scientific article titled "Soil carbon dynamics and potential carbon sequestration by rangelands," dated July 21, 2001. The article has been reviewed and considered in the context of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR and no revisions to the analysis were determined necessary. Refer to Agricultural Residential Cluster Subdivision Impact AG-1. As noted therein, impacts related to the conversion of prime soils and grazing land is a Class I, *significant and unavoidable,* impact.

Response 56AT

The commentor provides a scientific article titled "Carbon storage and sequestration by urban trees in the USA," dated July 21, 2001. The article has been reviewed and considered in the context of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR. Revisions deemed necessary as a result of this review have been added to the Final EIR. Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality*.

Letter 57

April 11, 2007

James Caruso
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

VIA email to jcaruso@co.slo.ca.us

Re: Comments on Draft Environmental Impact Report, Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan

Dear Mr. Caruso:

Thank you for this opportunity to provide comments on the Draft Environmental Impact Report ("DEIR") for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan. As you know, this project would subdivide a 3,778 acre portion of the ranch into 112 residential lots, and also includes plans for an additional 402 residential units; golf course, club house and pro shop; guest ranch, lodge, and restaurant; 12-room bed and breakfast; cafe; amphitheater; crafts studios, galleries and shops; interpretive center and gift shops; seven wineries with tasting rooms and permitted special events; neighborhood park and swimming pool; three ranch/farm headquarters; one livestock sales yard and café; three places of worship; and a retreat center. A

Los Padres ForestWatch is concerned about the scope and magnitude of this development because portions of the project are located on private land within the administrative boundary of the Los Padres National Forest, adjacent to the Santa Lucia Wilderness Area. ForestWatch is a community-based nonprofit organization working to protect and restore the Los Padres National Forest. Our primary focus is to ensure that land use activities on or near the forest do not significantly impact forest resources such as wildlife, clean water, and wilderness. Our work is supported by more than 500 members, many of whom use the national forest adjacent to the project area for outdoor recreation, scientific study, and scenic enjoyment. B

We are writing to identify several potential impacts of this project on the Los Padres National Forest and the Santa Lucia Wilderness Area that were not analyzed in the DEIR. Specifically, a development of this massive scale will detract from the wilderness character of these lands by adding noise, air pollution, excessive visitation, and visual blight to the wilderness C

area. Second, the project includes groundwater extraction, which could affect water supplies upstream in the Los Padres National Forest. The DEIR fails to analyze impacts of the development on recovery efforts for the endangered California condor. The project area is in close proximity to the Hi Mountian Lookout, a focal point in the condor recovery effort, and land in and around the project are may eventually be used for feeding and roosting as the condor expands its range. Finally, both components of the project allow development immediately adjacent to the Santa Lucia Wilderness Area, which could result in cumulative impacts from fire suppression and pre-suppression activities required to create defensible space around structures. D E F

None of these issues are addressed in the DEIR, despite many of them being addressed in a letter from the U.S. Forest Service to the County in 2004. We urge the County to analyze these issues in the DEIR and propose strong and effective mitigation measures to reduce these significant impacts. Due to the significance of this new information, we believe that the California Environmental Quality Act will require recirculation of the DEIR before it is finalized so that the public will have an adequate time to comment on the new analysis and proposed mitigation measures. G

1. <u>The DEIR Fails to Adequately Analyze Impacts to the Wilderness Character of the Santa Lucia Wilderness Area</u>

Portions of the project area, including the cluster subdivision, are immediately adjacent to the Santa Lucia Wilderness. Congress established the Santa Lucia Wilderness Area in 1978 as part of the Endangered American Wilderness Act (Pub. Law 95-237, February 24, 1978). It contains approximately 20,000 acres of pristine lands along East Cuesta Ridge. Congress established this wilderness area, in part, to "guarantee the continued viability of the Santa Lucia watershed and to insure the continued health and safety of the communities serviced by such watershed." *Id.* at §2(c). H

The wilderness is accessible from Highway 101 via East Cuesta Ridge Road and the Upper Lopez trailhead; from Lopez Lake via the Little Falls trailhead; and from Pozo Road, just east of the project area, via the Rinconada trailhead. Development along these access routes, particularly at the scale and intensity of the proposed project, would result in significant impacts to scenic and recreational resources along these access corridors. These significant impacts must be analyzed and mitigated in the DEIR.

The wilderness area contains several hiking trails and primitive campsites, including the Upper Lopez camp, Sulphur Pot camp, the Upper Lopez trail, and the Big and Little Falls trail. Development adjacent to the wilderness boundary may be visible from these sites and could add noise and visual blight to the wilderness character, scenic qualities, and recreational experience in the wilderness. These impacts must be analyzed and mitigated in the DEIR. I

The Clean Air Act requires agencies to prevent the significant deterioration of air quality in wilderness areas. Development adjacent to the wilderness boundary, including pollutants generated from project construction and post-construction activities such as vehicle trips, have J

the potential to degrade the air quality in the Santa Lucia Wilderness. The DEIR must analyze and mitigate these impacts. J

Finally, large-scale development adjacent to wilderness areas inevitably results in increased visitation and recreational use of the wilderness area. Such increased visitation may exceed the capacity of existing recreational infrastructure (trails and camps) in the wilderness area, resulting in user conflicts and overcrowding and detracting from the wilderness character of the area. Increased visitation may also cause unintended impacts to forest resources, such as streams and other sensitive habitat areas. The DEIR must analyze and mitigate these impacts. K

We urge the County to work with the U.S. Forest Service to ensure that any new trails leading from the project area to the national forest are designed to be efficient and environmentally sound, and open to the public. In a letter to the County dated December 16, 2004, the Forest Service recommended "a planned trail system to provide non-motorized access to the Forest. We would like to work with the County and the Developer so that any trail system leading to the Forest will be both efficient and environmentally sound. Whatever non-motorized trail access is developed from the development to the National Forest should also be open to the general public. This will concentrate use on one managed trail system, and will ensure that no one group has exclusive access to the Forest." We agree. For reference, we've attached a copy of the Forest Service's letter to this letter. L

2. <u>The DEIR Fails to Analyze the Impacts of Groundwater Extraction on Upstream Water Supplies in the Los Padres National Forest</u>

The applicant proposes to use groundwater to provide water for domestic use. According to the DEIR, the proposed Subdivision would use about 96 acre-feet per year (afy) of water. The DEIR concludes that this demand "may contribute to overdraft of the aquifer system" and, citing an "uncertainty of additional water supply," would result in Class I "significant and unavoidable" impacts. DEIR at p.4.14-1. Moreover, the Future Development component would use nearly ten times this amount, 926 acre-feet per year. According to the DEIR, groundwater impacts under this component are "significant and unavoidable" as well.

The DEIR analyzes impacts of the project's groundwater extraction on other wells and water users in the area, but fails to analyze the impacts of aquifer drawdown on water resources in the Los Padres National Forest. Several streams on national forest land may dry out earlier, and begin flowing later, if additional groundwater is extracted, including several tributaries of Trout Creek, Burrito Creek, and Rinconada Creek. This could affect wildlife habitat, water quality and quantity, recreation, and wilderness character in these areas. M

The Forest Service addressed this issue in its letter responding to the Notice of Preparation. Specifically, the agency stated that "[g]roundwater use associated with the project area could lower the water table and thus affect the amount and levels of water on the National Forest, which is above the project area in the watershed. Extracting groundwater could negatively impact the water dependent vegetation and wildlife uphill from the project. The extent of this impact should be analyzed if ground water extraction is proposed."

The DEIR ignores this comment and does not address the effects of groundwater withdrawals on water supplies in the national forest. The DEIR must analyze these impacts and propose mitigation measures to mitigate any impacts found to be significant. M

The DEIR also fails to contain basic baseline data on the safe yield of the groundwater aquifer. Specifically, the DEIR states that "groundwater level and production data have been collected intermittently and have not been collected over a complete hydrologic cycle. Therefore, groundwater data from the Ranch are not sufficient to determine the long-term impacts of existing and proposed groundwater pumping." DEIR at p. 4.14-5. If the County does not know how much water exists in the affected basin, or what it's safe yield is, then the agency cannot possibly know what levels of additional withdrawals would involve significant impacts. As several courts have agreed, "An estimate of the volume of groundwater in the aquifer is critical to a well-informed determination of whether the risk...is worth taking." Cadiz Land Co. v. Rail Cycle, 83 Cal.App.4th 74 (4th Dist. 2000). Without this information, the decision makers and the public cannot understand how big an impact the project will create with respect to groundwater withdrawals. N

3. The DEIR Fails to Analyze the Impacts of the Development on Recovery Efforts for the Endangered California Condor

The endangered California condor uses the Cuesta Ridge as a primary flyway between condor populations on the Big Sur coast and populations to the south. So important is this area that the Hi Mountain Lookout, located just a few miles east of the project area, was recently refurbished and is now a fully functional component of the condor recovery program. The Hi Mountain lookout is located adjacent to designated critical habitat for the condor at Huff's Hole, and serves as a strategic location for condor radio telemetry.

According to a recent article (attached), plans are underway to create a central condor feeding location in the Santa Lucia Wilderness. Since the project is adjacent to the wilderness, the DEIR should include an analysis of whether increased human activity in this area will affect condor recovery efforts. Specifically, the DEIR should consider that the proposed development will increase visitation and use of the Los Padres National Forest and introduce more microtrash in areas frequented by condors. During the past several years, some condors have required extensive surgery to remove large amounts of trash that they ingested from other developed areas. The DEIR should also analyze the effects of the development on the habituation of condors to human presence, and whether the development would require the construction of powerlines in condor flight areas. The current DEIR makes no mention of the California condor. O

4. The DEIR Fails to Analyze the Impacts of Fire Suppression Activities on the Los Padres National Forest

Placing homes and other occupied structures in close proximity to the Santa Lucia Wilderness Area may require that fire protection measures occur on national forest and/or P

wilderness land. As development encroaches onto the national forest, there will likely be a perceived need to construct fuel breaks and clear vegetation to comply with state laws requiring minimum clearance around structures. Depending on how close these structures are to the wilderness area, this may require intensive vegetation clearing inside the national forest, and perhaps even inside the wilderness area.

P

Fuelbreaks are being maintained and constructed on the Los Padres National Forest with increasing frequency, with several ongoing or planned projects in Santa Barbara and Ventura counties. These fuelbreaks are typically located along ridgetops, and are planned to be between 100 and 2,000 feet wide. As part of the requirement under CEQA to analyze cumulative impacts, the DEIR must analyze the probable future need to construct a fuelbreak to protect the project area from wildfire.

The DEIR must also analyze and mitigate against the clearing of vegetation around homes, particularly if this clearing will occur on national forest or wilderness land. We note that the statute establishing the Santa Lucia Wilderness Area may allow the Forest Service to construct fuel breaks and clear vegetation using mechanical and/or hand treatments *inside* the wilderness area. Specifically, Pub. L. 95-237 authorizes the Forest Service to undertake activities inside the wilderness for "fire prevention and watershed protection including, but not limited to, acceptable fire presuppression and fire suppression measures and techniques."

Q

We agree with the Forest Service that "National Forest lands should not be considered available for manipulation in order to achieve protection goals for defensible space." The DEIR must analyze the need for fire protection measures on national forest land, must analyze the wildfire threats posed to the proposed residences due to their close proximity to the national forest, and must mitigate to reduce any significant impacts to national forest land and wilderness character.

R

Please notify us of any public notices, environmental documents, and hearings related to this project. Thank you for your consideration.

S

Sincerely,

Jeff Kuyper
Executive Director

California Condors back

Saturday, September 9th, 2006

T

Special to The SLO Telegram-Tribune
by Hi Mountain volunteer John FitzRandolph

For those keeping track of significant dates in California wildlife conservation history, mark April 19, 1987, in bright red ink.

On that day, the last free-flying Gymnogyps californianus — California Condor — was plucked from the wild and moved to a captive breeding program at the San Diego Zoo. Along with 26 other captured condors — all that remained from the estimated thousands who soared the western skies during the last Pleistocene epoch (ice age) 10,000 years ago — that last wild condor was knocking on extinction's door.

Still, while North America's largest birds, weighing up to 30 pounds with 91/2-foot wingspans, entered the boldest captive breeding program in U.S. history, high-visibility ornithologists, biologists and outdoor experts said it would never work.

Fortunately, those dissenters were wrong, and the condor has subsequently been resurrected, rolling away the stone of doubt for this and other endangered species.

Indeed, first-time visitors making the rocky 6-mile trek through the shallow Salinas River and up twisty Hi Mountain Road to the Hi Mountain Condor Lookout Project west of Pozo are discovering the California Condor Recovery Program is a sizzling success.

Let's be clear: the chances of seeing a condor circling the Hi Mountain lookout site are slim, albeit the colossal birds do fly near the lookout on their pilgrimages between Big Sur/Pinnacles in Monterey County and Sespe Wilderness/Bitter Creek in Ventura County.

A pivotal point of the recovery effort is to encourage the condors to travel and socialize with other condors.

Biologists and Cal Poly interns use telemetry technology to track the condors' movements, part of the Hi Mountain daily duties visitors can witness up close, as the birds fly, hang out and eat with other recently released condors.

Ultimately, the plan is for condors to cruise the state, find their own food, meet, mate, lay eggs, raise chicks and become prolific in the same way bald eagles re-emerged from near obscurity to their proud prolific population today. The Hi Mountain portion of that plan utilizes the combined resources of U.S. Forest Service, U.S. Fish and Wildlife and the Morro Coast Audubon Society.

Meanwhile, tentative plans are under way to create a central feeding location in the Santa Lucia Wilderness in San Luis Obispo County; condors from around the state would congregate and share nutritious meals of stillborn calves and fresh-thawed raw rats, mice and rabbits.

(Yes, that's what they are fed by field biologists in the four release areas.)

As for the current free- flying condors, 28 thrive in the Ventana Wilderness area, 13 call Pinnacles

National Monument home, 22 live in the Sespe Wilderness and Bitter Creek areas in Ventura County and around 60 are in the Grand Canyon area.

Visitors to the Hi Mountain Research & Interpretive Center — on the ground floor of the lookout — have access to an impressive collection of native animal specimens, a Condor egg, feathers and more.

And speaking of impressive, the vistas from 3,180-foot Hi Mountain Condor Lookout are certainly that. On a clear day, looking south, the eye takes in Lopez Lake, Pismo Beach, the Nipomo Dunes, Avila and more; looking west, Santa Margarita Lake is like a little pond in the distance; to the north, Black Mountain, the San Andres Fault (Temblor Range) and some days even the snow-capped High Sierra Mountains are visible.

For camping enthusiasts, the drive up Hi Mountain Road to the condor lookout leads to the U.S. Forest

Service Hi Mountain Campground; ten campsites offer fire rings and picnic tables; it's first-come, first served and about a mile and a half below the lookout. Other nearby hiking trails and an invitation to the public to attend the Hi Mountain Condor Lookout Open House on Oct. 14 is available online at www.condorlookout.org.

United States Department of Agriculture | Forest Service | Los Padres National Forest Santa Lucia Ranger District | 1616 North Carlotti Drive Santa Maria, CA 93454 (805) 925-9538 TDD: (805) 925-7388

File Code: 1560

Date: December 16, 2004

U

Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

ATTN: James Caruso, Project Manager

Dear James Caruso,

This letter is in response to your Notice Of Preparation of a Draft Environmental Impact Report for Santa Margarita Ranch Tentative Tract Map and Conditional Use Permit, Tract 2586.

The Los Padres National Forest, Santa Lucia Ranger District, is adjacent to this project. District employees are very interested in the future uses of this area. Although the Forest Service has no jurisdiction or permitting responsibilities for the project, the Forest will be affected by the future development. The following potential direct and indirect effects should be considered.

Mental impact rec

1) The project is adjacent to the Santa Lucia Wilderness. No motorized access in this area is allowed. Past experience with similar developments demonstrates that the residents will want to access the National Forest adjacent to their homes. ~~We recommend a planned trail system to provide non-motorized access to the Forest.~~ We would like to work with the County and the Developer so that any trail system leading to the Forest will be both efficient and environmentally sound. Whatever non-motorized trail access is developed from the development to the National Forest should also be open to the general public. This will concentrate use on one managed trail system, and will ensure that no one group has exclusive access to the Forest.

water table Bio

2) Ground water use associated with the project area could lower the water table and thus affect the amount and levels of water on the National Forest, which is above the project area in the watershed. Extracting ground water could negatively impact the water dependent vegetation and wildlife uphill from the project. The extent of this impact should be analyzed if ground water extraction is proposed.

Safety

3) Fire is a natural component of the ecosystem in this area. All planning should consider the space needed for creating fire safe zones on private land. National Forest lands should not be considered available for manipulation in order to achieve protection goals for defensible space.

If you want additional information on the adjacent Forest, the four Southern California Forests, including the Los Padres National Forest, are currently undergoing revision to the Land and Resource Management Plan. This document will be completed by October 1, 2005. Management of the land adjacent to the project will not change between the old and new Forest Plans, because it is wilderness. Information regarding this plan and any other questions can be

obtained by contacting the Santa Lucia Ranger District. Please contact myself or Michael Crain, Lands and Recreation Officer at 1616 N. Carlotti Drive, Santa Maria, CA 93454, 805-925-9538.

Thank you for the opportunity to comment on this project.

KATHLEEN PHELPS
District Ranger

Letter 57

COMMENTOR: Jeff Kuyper, Executive Director, Los Padres Forest Watch

DATE: April 11, 2007

RESPONSE:

Response 57A

The commentor's summary of the Agricultural Residential Cluster Subdivision and Future Development Program is noted.

Response 57B

The commentor expresses concern over the scope and magnitude of the Agricultural Residential Cluster Subdivision and Future Development Program because portions of the Ranch are located on private land within the administrative boundary of the Los Padres National Forest. The comment is noted. Refer to Master Response 1.

Response 57C

The commentor states that the Agricultural Residential Cluster Subdivision and Future Development Program will detract from the wilderness character of the area by adding noise, air pollution, excessive visitation, and visual blight. Refer to Sections 4.8, *Noise*, 4.2, *Air Quality*, and 4.13, *Visual Resources,* of the Final EIR. Neither the project nor program would result in significant noise, air quality, or visual impacts on Los Padres National Forest lands. Since Los Padres National Forest is public land, increased visitation could be considered a benefit of the project and program.

Response 57D

Groundwater impacts are addressed in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response 57E

The commentor notes that the Draft EIR does not analyze impacts of the development on recovery efforts for the California condor. The California Natural Diversity Database (CNDDB) does not include recorded occurrences of the California condor in the project vicinity. In addition, fragmentation of the Ranch due to existing vineyards is such that adequate habitat is not available on the property. Although the Hi Mountain Lookout is located in the vicinity of the proposed development, as noted by the commentor, the development will have no impact on the condor recovery efforts that occur there.

Response 57F

Cumulative impacts associated with fire protection are addressed in Section 4.10.2(b)(4) in Section 4.10, *Public Services and Utilities.* Defensible space around structures will not directly impact the Santa Lucia Wilderness Area since no development is proposed or envisioned in this area.

Response 57G

The commentor claims that the issues raised in comments 55C through F above were not addressed in the Draft EIR and warrant recirculation. Refer to Responses 57C through 57F.
It should also be noted that portions of the Draft EIR were in fact revised and recirculated from February 11, 2008 to March 26, 2008. The revised analyses therein have also been incorporated into the Final EIR.

Response 57H

The commentor notes that development along access routes to the Santa Lucia Wilderness Area would result in significant impacts to scenic and recreational resources along these access corridors. Impacts to scenic and recreational resources are addressed in Sections 4.13, *Visual Resources,* and 4.11, *Recreation,* respectively. Refer also to Master Response 2. As noted therein, impacts analyzed in the Draft EIR must be reasonably foreseeable, linked to a physical change, and must not be speculative. It should also be noted that development is not proposed immediately adjacent to the Santa Lucia Wilderness Area, as suggested by the commentor.

Response 57I

The commentor notes that the Agricultural Residential Cluster Subdivision and Future Development Program may be visible from hiking trails and campsites in the Santa Lucia Wilderness Area, thereby impacting the scenic qualities and recreational experience in the wilderness. Refer to Response 57H and Master Response 2. Impacts of the Agricultural Residential Cluster Subdivision and Future Development Program on the noise environment, visual character and recreation have been addressed in Sections 4.8, *Noise,* 4.13, *Visual Resources,* and 4.11, *Recreation,* respectively. The distant views of project and program uses would not significantly effect the scenic qualities of the wilderness area.

Response 57J

Refer to Section 4.2, *Air Quality.*

Response 57K

Refer to Master Response 2 and Section 4.11, *Recreation.*

Response 57L

The commentor requests that the County work with the U.S. Forest Service to ensure that any new trails leading from the project area to the national forest are designed to be efficient and environmentally sound, and open to the public. The comment is noted. However, no such trails

are proposed at this time (refer to Master Response 3a). Refer also to Future Development Program Impact R-2 in Section 4.11, *Recreation.*

Response 57M

Impacts related to groundwater withdrawals are addressed in Section 4.14, *Water and Wastewater.* As noted therein, water demand from the proposed Agricultural Residential Cluster Subdivision may contribute to overdraft of the aquifer system. Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) requires that the applicant acquire imported water supply to serve the Agricultural Residential Cluster Subdivision. Due to uncertainty regarding timing and availability of these sources, this impact is *significant and unavoidable*. Although this is a Class I impact, the applicant is required to obtain imported water prior to implementation of the Agricultural Residential Cluster Subdivision, and development could not occur without adequate water supply. As a result, water use to serve the proposed Agricultural Residential Cluster Subdivision would not reduce stream flow or water supply available to the national forest.

It should also be noted that development is not proposed immediately adjacent to the Santa Lucia Wilderness Area, as suggested by the commentor.

Refer also to the revised *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*.

Response 57N

Refer to Appendix K and Section 4.14, *Water and Wastewater*. The Draft EIR acknowledges that available groundwater data for the Ranch is not sufficient to determine long-term impacts, as noted by the commentor.

Refer also to the revised *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. The applicant is required to obtain imported water prior to implementation of the Agricultural Residential Cluster Subdivision, and development could not occur without adequate water supply.

Response 57O

Refer to Response 57E. As noted therein, there is no suitable habitat on the Ranch for the California condor. Adjacency to the Santa Lucia Wilderness does not warrant inclusion of a species not anticipated to occur on the property.

Response 57P

Refer to Response 57F. As noted therein, development will not encroach onto the national forest, as suggested by the commentor. As a result, defensible space around structures will not directly impact the Santa Lucia Wilderness Area. In addition, impacts related to fire suppression, including the "probable future need" for fuel breaks, would be speculative. Refer to Master Response 2.

Response 57Q

Refer to Responses 57F and 57P.

Response 57R

Impacts associated with fire protection and the placement of residences in a high fire hazard area are addressed in Section 4.10.2(b)(4) in Section 4.10, *Public Services and Utilities.*

It should also be noted that development is not proposed immediately adjacent to the Santa Lucia Wilderness Area, as suggested by the commentor.

Response 57S

The comment is noted.

Response 57T

The commentor provides an article from the San Luis Obispo Telegram-Tribune titled "California Condors back," dated September 9, 2006. The article is referenced in Comment 55O. Refer to Responses 57E and 57O.

Response 57U

The commentor provides the Notice of Preparation (NOP) response letter from the U.S. Forest Service, dated December 16, 2004. This letter is also located in Appendix A to the Draft EIR. Refer to Response 57M. The letter was reviewed and considered during the preparation of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program Draft EIR.

SLO CNTY
PLANNING/BUILDING
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11 April 2007

To:
County of San Luis Obispo
Department of Planning and Building
ATTENTION: James Caruso, Planning Division
County Government Center
San Luis Obispo, CA 93408-2040
jcaruso@co.slo.ca.us
(805) 781-5702 (James Caruso)

From:
Michael Sullivan
1127 Seaward Street, San Luis Obispo, CA 93405

Subject: Santa Margarita Ranch draft EIR - Comments of Michael Sullivan

Abbreviations
CEQA = California Environmental Quality Act
DEIR = The draft Environmental Impact Report (for Santa Margarita Ranch)
GP = General Plan (of the County of San Luis Obispo)
LUE = Land Use Element of General Plan (of County of San Luis Obispo)
LUO = Land Use Ordinance (Title 22 of County code)
SLO =San Luis Obispo
"project" or "the project" = Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan

A

DEIR MUST BE RE-ANALYZED AND RE-CIRCULATED

In order to comply with CEQA, the County must re-analyze and re-circulate the DEIR, allowing further review by the public and by responsible agencies, for various reasons, for example:

(A) The possibility exists that the project will connect to the Nacimiento and /or State Water Project. For example, DEIR at Table ES-1 shows that State Water could be used for the Agricultural Residential Cluster Tract 2586. DEIR at p. 4.14-2 states that Santa Margarita Ranch project may use State water if the local County Service Area 23 participates in State water acquisition. DEIR states, "Additional water may be available for the Agricultural Cluster Subdivision through the State Water Project and/or the Nacimiento Water Project, as outlined in Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) above." DEIR at p. 4-14-7. Impacts of such a scenario (imported water from State water system or Nacimiento reservoir) have not been adequately studied or mitigated, and for this reason (and others), a revised draft EIR is required to satisfy CEQA and CEQA Guidelines.

B

Such impacts (from the use of imported water) can include (but are not limited to) the following:
(1) extra demand on a limited water supply, causing shortages for local users (Santa Margarita area) and/or for users in other communities which would be dependent on State Water or Nacimiento reservoir water;
(2) growth inducing impacts in the Santa Margarita area because of availability of State water or Nacimiento water;
(3) impacts associated with the construction of water delivery systems from either the State or Nacimiento water sources.

The need for such a revised draft EIR is buttressed by the case, Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (Sunrise Douglas Property Owners Assn.) (2007) Feb. 1, 2007. No. S132972. (Calif. Supreme Court). The Court stated, B

"We conclude that while the EIR adequately informed decision makers and the public of the County's plan for near-term provision of water to the development, it failed to do so as to the long-term provision and hence failed to disclose the impacts of providing the necessary supplies in the long term. While the EIR identifies the intended water sources in general terms, it does not clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated."

Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (Sunrise Douglas Property Owners Assn.) (2007) Feb. 1, 2007. No. S132972. (Calif. Supreme Court) at p. 2.

The same situation exists for this draft EIR for Santa Margarita Ranch. The draft EIR fails to "clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated." Such information must be provided in a revised and re-circulated draft EIR.

(B) DEIR at p. ES-11 (top) notes that proposed agricultural conservation easements **(ACEs)** allow "the construction of new farm buildings, and can allow the construction of a home for family members or the subdivision of a lot for resale. In addition, ACEs often permit commercial development related to the farm operation. The flexibility of these and other restrictions vary with the characteristics of the agricultural land and the conservation objectives of the easement." (DEIR at p. ES-11) The DEIR at p. ES-11 (bottom) states that Table ES-2 reveals "worst-case buildout characteristics" of the project. However, this claim is false, because the analysis in Table ES-2 and in the rest of the DEIR does not include all the extra development made possible by the extra residences, commercial development, and further land subdivisions which would be allowed by the ACEs. This must be factored into the overall analysis to give a true idea of the "worst case buildout characteristics" of the project in regard to cumulative and growth-inducing impacts for all impact categories (e.g. agricultural, air quality, circulation, etc.). Such analysis must be presented in a revised and re-circulated draft EIR. C

(C) The possibility exists that as a result of the project and other growth in the vicinity of Santa Margarita, a new sewage treatment plant would need to be built. The project plan allows for dedication of 10 acres of land at an undetermined location for such a use. (See DEIR at Table ES-1). There should be an analysis and discussion of the future sewage treatment needs of the Santa Margarita community and the potential impacts on sewage treatment facilities caused in part by the proposed Santa Margarita Ranch project. At a minimum, the DEIR should require analysis of D

wastewater / sewage treatment capacity needs for the Santa Margarita community at project buildout, and the percentage share of the Santa Margarita Ranch project's wastewater / sewage impacts in comparison to the total capacity needs of a future general Santa Margarita community wastewater / sewage system. The County should request comment from the Regional Water Quality Control Board in a revised and re-circulated draft EIR. D

ENVIRONMENTAL REVIEW IS DEFECTIVE IN VARIOUS WAYS
Some examples:

DEIR at p. 4.1-15 (top), states: "Mitigation measures: No feasible measures are available that would mitigate impacts to the grazing and prime soils located on the Agricultural Residential Cluster Subdivision site without substantial redesign of the proposed Agricultural Residential Cluster Subdivision."

This is false. Minor re-design could eliminate some of the lots near sensitive prime soil areas. The basic concept of an ag cluster subdivision can still be implemented by use of some of the Alternatives given in the EIR, e.g. Alternative 7. Stronger conditions for ag conservation easement areas could eliminate conflicts with agricultural uses which are certain to arise given the current proposals for flexible private easements rather than Williamson Act contracts. As mentioned elsewhere, this is also inconsistent with the General Plan. E

DEIR at p. 4.2-7 claims that measures recommended by APCD (such as bikeways and pedestrian paths from ag cluster subdivision to town) would do nothing to alleviate air pollution. This is false. Such measures should be implemented. F

DEIR at p. 4.2-22 concludes that cumulative impacts on air pollution are unavoidable. This is false. Cumulative impacts could be readily lessened by decreasing the amount of development in the ag cluster subdivision phase and in the future development phase of this project. G

DEIR at Figure 4.3-1 (Habitat map) shows that near the south edge of the Town of Santa Margarita, the habitat is annual grassland and some areas of emergent wetland. Much of the proposed area for ag cluster residential subdivision contains various sensitive habitats such as oak woodlands, chamise chaparral, etc. Given these constraints, it appears that Alternative 5 or Alternative 7 (especially the latter) offer greatly superior locations in terms of avoidance of biological impacts (as long as "emergent wetland" areas can be avoided.) According to Figure 4.3-3 (Biological constraints), it can also be deduced that the proposed area for ag cluster residential has several habitats of sensitive special status species (animals and plants), such as red legged frog, Michael's Rein Orchid, San Luis Obispo Mariposa Lily, etc., while the annual grassland areas adjacent to the south edge of Santa Margarita do not contain such constraints. Therefore, biological impacts can be significantly lessened or avoided by choice of Alternative 5 or, preferably, Alternative 7, for example, compared with the current proposed location for ag cluster residential development. H

Similarly, the Class 1 biological impacts associated with future development (DEIR at p. 4.3-71, impact B-2) could be greatly lessened and/or avoided by selection of a project alternative which avoids development in these sensitive areas. The one alternative which best achieves this goal is Alternative 10, which is preferable to the currently proposed future development scenario. I

DEIR at p. ES-69 (ARCS Impact B-1) claims that loss of habitat from the area of proposed ag cluster residential development is Class 3 (non-significant) impact. This is false. It is also claimed that "no special status plant species were observed within these habitats." The latter claim is inconsistent with map 4.3-2 which shows the presence of several special status species in this area (e.g. red legged frog, white tailed kite, southwestern pond turtle) as well as various kinds of oak woodland. Thus, there is potential for significant, inadequately mitigated biological impacts to special status species within the proposed ag cluster residential subdivision area, contrary to the claim in the DEIR. J

STATEMENT OF OVERRIDING CONSIDERATIONS (UNDER CEQA) IS NOT JUSTIFIED

Given the severity and number of Class 1 impacts which have not been adequately mitigated, and given the various ways that the Santa Margarita Ranch project would exacerbate several problems of the local community (p. 4-26, Salinas River Area Plan (2003), a Statement of Overriding Considerations is not justified. K

OVERALL LAND USE PLAN FOR THE PROJECT IS INCONSISTENT WITH RURAL AND AGRICULTURAL CHARACTER OF SANTA MARGARITA COMMUNITY

The Salinas River Area Plan of 2003 (part of the General Plan) recognizes these major issues for Santa Margarita area:

(1) Developments on the Santa Margarita Ranch will have impacts on the quality of life within the community.

(2) Santa Margarita has problems maintaining its rural character and a neat appearance. New development within Santa Margarita could be incompatible with the character of the area.

(3) Water supply and quality are limited and subject to decline.

(Salinas River Area Plan (2003), p. 4-26). L

The Santa Margarita Ranch project described in the draft EIR exacerbates all of the problems listed above, and therefore is inconsistent with the Salinas River Area Plan.

(1) Quality of life will decline, because of severe impacts such as traffic, noise, air pollution, overdrafts of aquifers, and loss of agricultural land to development. The cost of housing will appreciate markedly in the existing housing stock, making the area less affordable. Public facilities (schools, water districts, etc.) will have trouble keeping up with new demands from the influx of new residents. M

(2) Rural character will disappear once the Santa Margarita Ranch project begins constructing various new projects such as

- gated housing enclaves for the wealthy
- nine wineries
- various visitor-use facilities such as guest ranch, golf course, restaurants, etc. N

(3) It remains uncertain how the water supply proposed for Santa Margarita ag cluster development, or for additional development beyond that, will impact the local water supply. As mentioned elsewhere herein, the potential impacts from use of State water system and/or Nacimiento reservoir have not been adequately addressed in this draft EIR. O

"PROJECT" ALTERNATIVE CREATES EXCESSIVE ENVIRONMENTAL IMPACTS; OTHER ALTERNATIVES OFFER BETTER BENEFITS TO THE SANTA MARGARITA COMMUNITY.
- Ag cluster development impacts can be significantly reduced by redesign and denser clustering. One alternative is project Alternative 3 (Revised cluster design) although even this design should be improved to avoid agricultural and open space impacts. Alternative 5 (Revised cluster location south of community) has the advantage that it keeps new residential development closer in to the existing community of Santa Margarita, thus avoiding sprawl; appropriate buffer space might be required between the town of Santa Margarita and this area. Alternative 7 (Tighter cluster) combines two main advantages: Keeping the new development closer to town, and keeping the development more compact. P
- For future development, Alternative 10 is listed as the least environmentally damaging, and has a reduced overall "footprint" of development upon the Santa Margarita area. Among the given alternatives, Alternative 10 is the one that best fits the General Plan and the goals of the community.

CERTAIN ASPECTS OF THE PROJECT ARE INCONSISTENT WITH THE AGRICULTURAL AND OPEN SPACE ELEMENT OF THE GENERAL PLAN in various ways, for example:

(1) The project will cause an overdraft of aquifers (a Class I impact) (See DEIR p 4.14-11, bottom through 4-14-14). This conflicts with Agricultural Policy 11 (AGP11) of Agriculture and Open Space Element of General Plan:

AGP11: Agricultural Water Supplies: Q

a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the .loss of agriculture due to competition for water with urban and suburban development.

b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.

c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management system in the Land Use Element.

General Plan, Agriculture and Open Space Element (Dec 1998),

(2) So called "agricultural conservation easements" are not compatible with the continuation of agricultural uses.

AGP22: Major Agricultural Cluster Projects (not available in coastal Zone)

f. Consistent with the provisions of the existing agricultural cluster ordinance in the LUO (Land Use Ordinance), areas of the site intended for agricultural production must be permanently protected by a recorded open space easement and be placed in a Land Conservation Act (Williamson Act) contract. R

General Plan, Agriculture and Open Space Element (Dec 1998)

The proposed Agricultural Conservation Easement scheme proposed in the project is clearly inconsistent with the General Plan requirement for protected lands to be in Williamson Act contracts as specified in AGP 22. Instead of Williamson Act contracts, the developers propose that the County should allow private Agricultural Conservation Easements (ACEs), as described in DEIR at p. 2-23. S

Agricultural Conservation Easements (ACEs) are mentioned in DEIR at p. ES-11, 2-23, 2-29, Table 2-4, etc. The DEIR states, "An ACE is a deed restriction landowners voluntarily place on their property to protect resources such as productive agricultural land, ground and surface water, wildlife habitat, historic sites or scenic views." DEIR at p. 2-23. "The developer proposes an ACE rather

than a Williamson Act contract, which preserves agriculture and open space over a rolling 10 year contract. Williamson Act parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value." DEIR at p. ES-11. Some of the allowed uses proposed for ACEs include "a home for family members, or the subdivision of a lot for resale. In addition, ACEs often permit commercial development related to the farm operation." DEIR at p. ES-11. See also DEIR at p. 2-23. In the cluster residential areas, ACEs could even be used for septic system purposes. (See DEIR at p. 2-29, para. c., Utilities.) ACEs would also allow construction of five ranch/farm "headquarters" buildings (5,000 sq. ft. residences on 2.5 acre lots). See DEIR Table 2-4 at p. 2-36.

It hardly seems logical that agriculture can be protected through allowed uses that would be allowed by proposed ACEs: For example:

- Agricultural protection is not compatible with uses such as such as a home for family members (in ag cluster developments, homes are supposed to be on individual residential lost in clusters, not on easement-protected agriculture lands). S
- Agriculture easements that allow huge 5,000 estate-sized "headquarters" residences hardly seem compatible with production agriculture.
- Agriculture easements are certainly not protective of agriculture if the easement allows further subdivision.
- Agriculture easements are not protective of ground and surface water if they allow installation of septic systems in the easement area.

Furthermore, the allowance of additional residences in the ACEs is directly contrary to the General Plan at AGP 22 para. d., which states, "All residential parcels are entitled to one dwelling per parcel." The residential "parcel" is not within the ag conservation easement. The intent here is to keep residential uses within the designated residential parcels, while the ag conservation easement areas are dedicated to agricultural, non-residential uses. However, within the ag conservation easement scheme proposed in the DEIR, one could construct extra residences for "family members," or "headquarters residences," or septic systems within the ag conservation easement areas. These provisions frustrate and interfere with the intent of AGP 22 (Major Agricultural Cluster Projects). The intent of AGP 22 is to protect as much agricultural use as possible in Williamson Act contracts and keep non-agricultural (i.e., residential) uses minimized by clustering such uses in small areas separate from the ag conservation easement area.

(3) Smaller, denser residential clusters could alleviate the negative agricultural impacts, but have not been used in this project.

County Land Use Ordinance (Title 22, County code), 22.22.040(A)(1)(b) (Agricultural land divisions) states, "b. Where a division of agricultural lands is proposed, a cluster division where homes are clustered in a compact manner which reduces the agricultural / residential interface, is an alternative to a conventional "lot split" land division."

The proposed residential cluster does not reduce the agricultural / residential interface, and thus is inconsistent with the LUO 22.22.040(A)(1)(b) (Agricultural land division). For example, proposed residential lots in the northwest part of the development are directly adjacent to "Botella sandy loam" which is prime agricultural soil if irrigated, and a proposed winery located adjacent to the urbanized village of Santa Margarita covers part of that same prime soil type. (DEIR at Figure 4.1-2). Figure 4.1-2 also shows that in the cluster development, a roadway and housing lots would intrude into Cropley clay 2-9 (prime ag soil if irrigated) and Elder loam 2-9 (prime ag soil regardless of irrigation). Figure 4.1-2 also shows a winery and ranch headquarters along Pozo Road just southeast of the ag cluster development; at this site, additional prime ag soils are covered over with T

development by the winery and ranch headquarters. These unnecessary intrusions onto areas of prime agricultural soils defeat the goals of the Agriculture and Open Space Element of the General Plan, i.e.
Goal AG1 - Support County Agricultural Production
Goal AG 2 - Conserve Agricultural Resources
Goal AG 3 - Protect Agricultural Lands
These unnecessary intrusions of development into areas of prime ag soils are also inconsistent with County Land Use Ordinance, sec. 22.104.020 (Areawide standards for Salinas River planning area): T

"Prime agricultural areas - Prime soils retention. New development on land that is classified by the Soil Conservation Service as prime, Class I or II soil if irrigated, shall be designed to minimize the loss of prime agricultural soils for potential agricultural use by selective placement of buildings and new parcels." Land Use Ordinance 22.104.020 (E)

The development can and should be re-designed to offer better separation of residential lots (and wineries) from areas of prime agricultural soils. A re-designed, smaller, denser residential cluster plan would allow better mitigation of agricultural impacts.

CONCLUSION

The above comments are only a fraction of the information I had hoped to provide. The County must require the revision and recirculation of the draft EIR, as explained above, to be in compliance with CEQA and other laws. U

Michael Sullivan

Michael Sullivan

Letter 58

COMMENTOR: Michael Sullivan, Private Citizen

DATE: April 11, 2007

RESPONSE:

Response 58A

The commentor's list of abbreviations is noted.

Response 58B

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*. This revised discussion was included in the Revised Draft EIR that was circulated from February 11, 2008 to March 26, 2008.

It should also be noted that, although the commentor expresses concern regarding the project placing extra demand on a limited (imported) water supply, this would not cause shortages to local users. Santa Margarita Ranch, LLC already has an entitlement to Nacimiento Water and would have to obtain for State Water if this source is used. An allocation cannot be made if water is not available, and an allocation to Santa Margarita Ranch, LLC would not remove an allocation to the community of Santa Margarita.

Response 58C

Refer to Response 37E and Master Response 3b. Because the terms of the Santa Margarita Ranch ACEs have not yet been determined, providing a specific list of land uses that may be allowed in these areas and analyzing their potential water use would be speculative. Nevertheless, in the Future Development Program, the EIR provides a reasonable worst-case evaluation of potential land uses, including wineries and ranch headquarters units, that could be developed within the ACEs.

Response 58D

Refer to Response 16C and Master Responses 3a and 3b. The 10-acre dedication for a future sewage treatment plant is part of the Future Development Program and is therefore not proposed at this time. An analysis of future sewage treatment needs of the community of Santa Margarita is outside the scope of this EIR. According to RWQCB standards, Agricultural Residential Cluster Subdivision lot sizes meet the minimum requirements for septic systems. Although the County could consider requiring a wastewater treatment plant as a condition of approval, it would not be appropriate to require such a facility as mitigation for the Agricultural Residential Cluster Subdivision because a corresponding impact is not triggered pursuant to CEQA thresholds. Refer also to Master Response 2.

Response 58E

The commentor claims that minor redesign could eliminate lots near sensitive prime soil areas and stronger conditions for ACE areas could eliminate conflicts with agricultural uses. The EIR impact analysis is intended to evaluate the project as proposed, and not to design a project. Accordingly, redesign or elimination of lots is not a viable mitigation measure, as mitigation measures are intended to mitigate the project as proposed. However, Alternative 12 (Amended Project) is a revised version of the proposed Agricultural Residential Cluster Subdivision project which relocates lots to avoid prime soils, among other resources. Refer to Section 6.0, *Alternatives,* of the Final EIR for a discussion of this and other alternatives which reduce or eliminate impacts to prime soils.

The commentor does not provide example conditions which could allegedly eliminate conflicts between proposed urban uses and existing and future agricultural uses. Elimination of such fundamental conflicts is not feasible with minor redesign.

Response 58F

The commentor claims that APCD standard site-design measures would be effective for the Agricultural Residential Cluster Subdivision and should therefore be implemented. The commentor provides no evidence to support this assertion. As noted under *Mitigation Measures* in Agricultural Residential Cluster Subdivision Impact AQ-1, the measures in question apply primarily to urban residential development and would not feasibly reduce impacts associated with the Agricultural Residential Cluster Subdivision. Alternate mitigation measures are required which would reduce impacts to the extent feasible.

Refer also to Letter 13 and Responses 13A through 13R. The San Luis Obispo Air Pollution Control District (APCD) did not request inclusion of these measures. Refer particularly to Response 13E. As noted therein, the discussion in question (*Mitigation Measures*) has been revised. Refer to Section 4.2, *Air Quality,* of the Final EIR.

Response 58G

The commentor disagrees that cumulative air quality impacts are unavoidable because cumulative impacts could be lessened by decreasing the amount of development.

As noted in Response 58E, the EIR impact analysis is intended to evaluate the project as proposed, and not to design a project. Accordingly, elimination of development is not a viable mitigation measure, as mitigation measures are intended to mitigate the project as proposed. Refer to Section 6.0, *Alternatives,* for a discussion of alternatives which reduce or eliminate land uses.

Response 58H

The commentor expresses support for Alternatives 5 and 7. Comment is noted.

Response 58I

The commentor expresses support for Alternative 10. Comment is noted.

Response 58J

The commentor's claim that Agricultural Residential Cluster Subdivision Impact B-1 should not be Class III, *less than significant,* is unsubstantiated. Refer to Section 4.3, *Biological Resources,* for a discussion of thresholds of significance and a complete discussion of the impact in question.

Figure 4.3-2 shows habitats and special-status species that may occur in the Agricultural Residential Cluster Subdivision area. The special-status species listed on the figure were not directly observed by Rincon Consultants biologists. Agricultural Residential Cluster Subdivision Impact B-1 addresses impacts to common habitat types. Impacts to special-status plants and animal species are addressed in Agricultural Residential Cluster Subdivision Impacts B-2 through B-9.

Response 58K

The commentor's opinion that a Statement of Overriding Considerations is not justified given the severity and number of Class I impacts is noted.

Response 58L

The commentor's opinion that the Agricultural Residential Cluster Subdivision is inconsistent with the Salinas River Area Plan is noted. Refer to Section 12.0 (Salinas River Area Plan) in Appendix C (Policy Consistency).

Response 58M

The commentor's opinion that the project would result in a decline in quality of life is noted.

Response 58N

The commentor's opinion that the project would adversely affect rural character is noted.

Response 58O

Impacts related to water supply are addressed in Agricultural Residential Cluster Subdivision Impact W-1. Refer also to the revised *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*.

Response 58P

The commentor's support for Alternatives 3, 5, 7 and 10 is noted.

Response 58Q

The commentor's opinion that the Agricultural Residential Cluster Subdivision is inconsistent with Agriculture Policy 11 is noted. Refer to Response 56J.

Response 58R

The commentor's opinion that the Agricultural Residential Cluster Subdivision is inconsistent with Agriculture Policy 22 is noted. Refer to Section 8.0 (Agriculture and Open Space Element) in Appendix C (Policy Consistency).

Response 58S

The commentor summarizes the uses allowed in Agriculture Conservation Easements (ACE's) and states the opinion that agriculture cannot be protected through ACE's. The comment is noted. Refer to Response 58C.

Response 58T

The commentor's support for a smaller and denser residential cluster is noted. The agricultural resources impacts of the project and program are described in detail in Section 4.1, *Agricultural Resources*.

Response 58U

The commentor recommends recirculation of the Draft EIR. Portions of the Draft EIR were revised and recirculated from February 11, 2008 to March 26, 2008. The changes included therein have been incorporated into the Final EIR. Refer to Responses 58B, 58C and 58D.

Letter 59

Playano Salinan Heritage Services

Consulting, Monitoring and Field Work

Patti Dunton, Cultural Resource Specialist

Phone and Fax 805-461-5912, Email panndunton@aol.com

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April 12,2007

Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408
Attn: James Caruso, Project Manager

Response to Santa Margarita Draft Environmental Impact Report 2007.

Dear Mr. Caruso,

I was present at the Town Hall meeting that was held on January 11, 2007 at the. Santa Margarita Community Center. Besides reviewing the DEIR for the proposed project I was also able to listen to other concerns that were brought up at the public meeting. A

In all my years consulting and monitoring on and Projects that impact Cultural Resources this is the first project where mitigation measures would not bring the level of impact to below significant as required by CEQA. For this reason I could not back or support this project as it is presently proposed. Besides my concern about the proposed project area there is also concerns about damage to cultural resources by indirect impacts during the proposed reconstruction of the Highway 101 interchange, which may have not been looked at. B

Besides the above concerns I would also like to know how the concerns of the Salinan People will be addressed? What kind of representation by the Salinan Tribe will there be during testing and execution for the proposed project? The above document speaks of a Native American Monitor to be on site during all testing and excavation during the project. Who will choose who these Native Americans will be? C

We understand that there is an MOA between the SLO County Chumash Council and the Santa Margarita Ranch, LLC. How will this MOA interfere with Salinan representation (monitoring) if the project is approved. If it will interfere with our input and representation than the Salinan Tribe would also request an MOA with the Santa Margarita Ranch LLC, to ensure Salinan representation on site. **D**

We would also like to be included in any discoveries pertaining to paleontology. The Salinan people are culturally connected to this area both prehistorically and Historically. The Ranch is the ancient Salinan Village site of "Tro-lo-le'tram", 1880 H. H. Henshaw. Migiueleno Salinan was spoken south past Arroyo Grande, 1912 JP Herrington. The Salinans have documentation which places Salinan Villages as far south as the Guadalupe Area. **E**

We would also like to remind you that if any zoning changes are required for the project to move forward that SB18 becomes in effect. **F**

I look forward to your response,

Patti Dunton

Patti Dunton, Cultural Resource Specialist
For the Salinan Tribe of SLO and Monterey Counties

Letter 59

COMMENTOR: Patti Dunton, Cultural Resource Specialist, Playano Salinan Heritage Services

DATE: April 12, 2007

RESPONSE:

Response 59A

The commentor's opposition to the project is noted.

Response 59B

The commentor expresses concern over impacts to cultural resources that may result during reconstruction of the U.S. 101 interchange. It should first be noted that this redesign is not proposed, as suggested by the commentor. Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation.* As noted therein, since the precise location of the U.S. 101 Southbound Off-Ramp to SR 58 and U.S. 101 Northbound Off-Ramp to SR 58 roadway improvements has not been determined, precise environmental impacts associated with such improvements would be too speculative to address at this time. Environmental impacts associated with implementation of required transportation improvements would be evaluated during the preparation of a Permit Engineering Evaluation Report (PEER), if one is determined necessary during the encroachment permit process and/or separate environmental documentation prepared pursuant to the California Environmental Quality Act (CEQA).

Response 59C

The commentor questions how the concerns of the Salinan People will be addressed, and what kind of representation the Salinan Tribe will have during testing and execution of the proposed Agricultural Residential Cluster Subdivision.

Appendix F (Native American Contacts) to the Final EIR provides detailed documentation of consultation with Chumash and Salinan people as the basis for statements regarding impacts on traditional Native American values. Both Salinan and Chumash representatives would be afforded the opportunity to conduct cultural resources monitoring during initial ground disturbance on the site.

Response 59D

The commentor questions whether the Memorandum of Agreement (MOA) between the San Luis Obispo County Chumash Council and the Santa Margarita Ranch, LLC will interfere with Salinan representation (monitoring), if the project is approved. As noted in Response 18CR, the Chumash Council is one of several Chumash and Salinan groups with a traditional cultural interest in the Ranch property. The MOA was developed pursuant to a settlement agreement in a civil litigation between Santa Margarita Ranch, LLC and the Council, and constitutes a private and confidential

agreement between those parties. It does not have the force of law or regulation and cannot substitute for a standard CEQA analysis, nor can its provisions, no matter how well intentioned, substitute for necessary and appropriate mitigation measures pursuant to the requirements of CEQA and the professional standards and practices employed in CEQA compliance. Therefore, in accordance with CEQA, the MOA will not interfere with Salinan representation.

Response 59E

The commentor requests that the Salinan people be included in any discoveries pertaining to paleontology. As noted in Response 59C, both Salinan and Chumash representatives will be afforded the opportunity to conduct cultural resources monitoring during initial ground disturbance on the site. The Salinan tribe will similarly be included in any discoveries on the site related to archaeological and Native American concerns.

Response 59F

The commentor's statement that if any zoning changes are required for the Agricultural Residential Cluster Subdivision, SB18 goes into effect is noted. No zone change or other General Plan amendment is required for the Agricultural Residential Cluster Subdivision. Refer also to Master Response 3a.

Letter 60

SLO CNTY
PLANNING/BUILDING
DEPT

2007 APR 12 AM 10: 55

North County Watch

Looking Out Today For Tomorrow

From: Sue Luft, asluft@hughes.net
Voice and fax: 227-4501

Email to: James Caruso, County Planning (jcaruso@co.slo.ca.us)

April 12, 2007

James Caruso
Department of Planning and Building
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

Re: Santa Margarita Ranch DEIR

Mr. Caruso:

North County Watch is providing these additional comments.

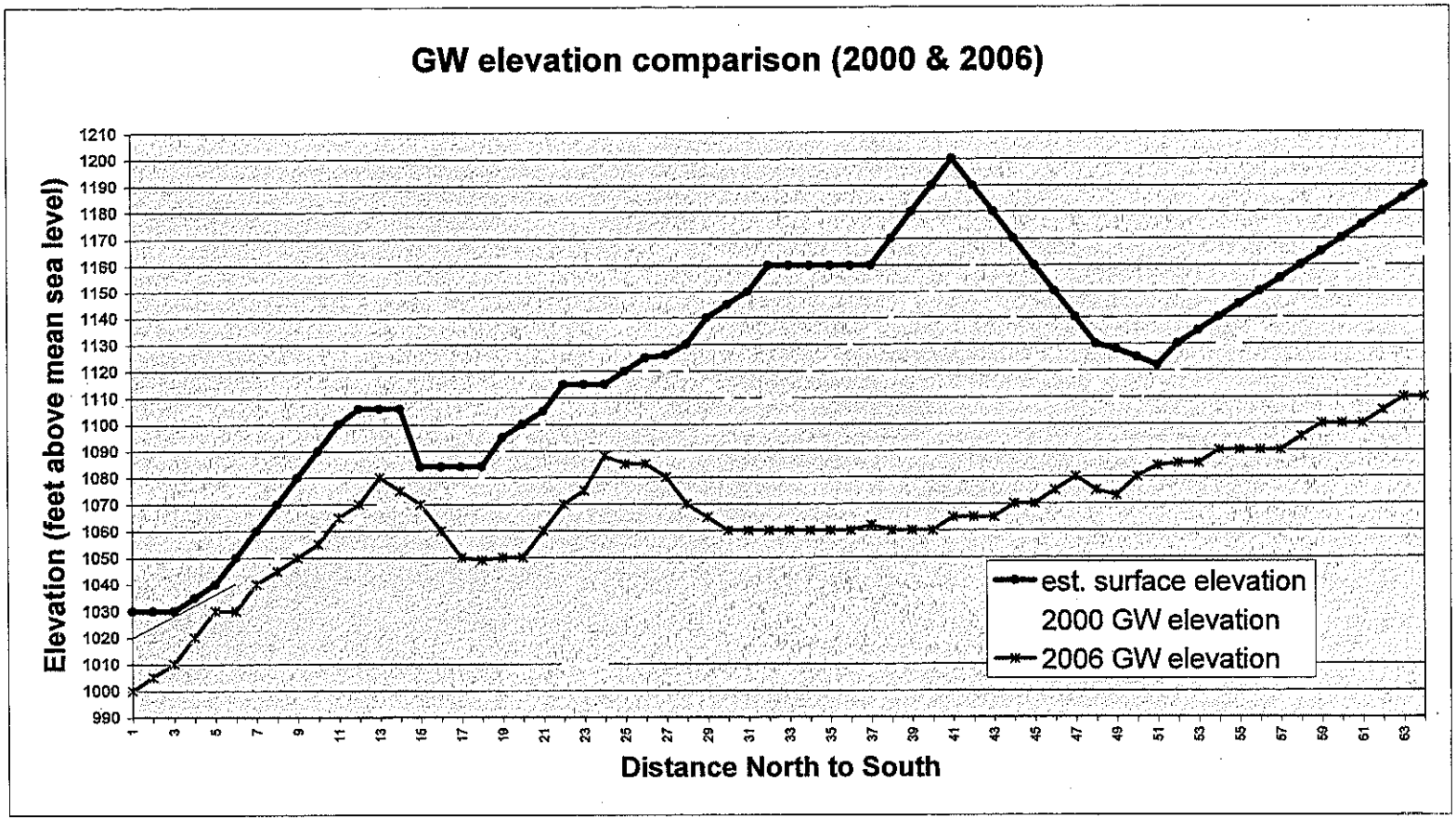
We prepared the attached chart that compares water levels based upon the two plates from the water report that show estimated groundwater levels on the ranch in 2000 and 2006. We drew a cross-section that essentially parallel Pozo Road starting near Santa Margarita all the way to the south end of the ranch. Included in the data points are the actual groundwater levels from the series of wells that were closest to the cross-section. We did not also add the data points based upon well drawdown and recovery tests on the various wells, but it appears that it would show a number of these wells with a depleted aquifer storage after the short (1000 minute) tests. **A**

All water to serve the residents must be supplemental water and not come from the area's aquifer since there is no evidence that there is adequate additional water in the aquifer to support this level of development and to continue agricultural production on the ranch. **B**

Due to its design, the proposed residential cluster consumes the entire grazing unit in which it is located. It no longer will function as a grazing unit to have a cattle herd moving among the residences and thus no longer functions as agricultural land. In fact, it is absurd to think of cattle roaming between expensive homes, with the residents having no access to the open space surrounding them. Since the project converts this entire area, it should be considered the residential development area and not part of the 95% protected for permanent agricultural production. A much larger portion of the ranch needs to be protected to allow this level of conversion of ag land to residential purposes. **C**

Respectfully,

Sue Luft
President


GW elevation comparison (2000 & 2006)
Elevation (feet above mean sea level)
1210
1200
1190
1180
1170
1160
1150
1140
1130
1120
1110
1100
1090
1080
1070
1060
1050
1040
1030
1020
1010
1000
990
1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 31 33 35 37 39 41 43 45 47 49 51 53 55 57 59 61 63
Distance North to South
est. surface elevation
2000 GW elevation
2006 GW elevation

D

Letter 60

COMMENTOR: Sue Luft, President North County Watch

DATE: April 12, 2007

RESPONSE:

Response 60A

The commentor provides a chart that compares groundwater levels on the Santa Margarita Ranch in 2000 and 2006. The data used to prepare the chart was taken from Appendix K (Hydrogeological Study). The chart does not provide new information, nor does it directly identify any specific issues of concern with the Draft EIR analysis.

Response 60B

The commentor notes that water to serve the Agricultural Residential Cluster Subdivision must be supplemental and not come from the areas aquifer. This is required by Agricultural Residential Cluster Subdivision mitigation measure W-1(c) (Imported Water Supply). Refer also to the revised *Residual Impact* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Final EIR Section 4.14, *Water and Wastewater*.

Response 60C

The commentor notes that the Agricultural Residential Cluster Subdivision will impact the entire grazing unit on which it is located. Refer to Agricultural Residential Cluster Subdivision Impact AG-1, which addresses this impact.

The commentor additionally claims that because the project converts the entire grazing unit, a much larger portion of the Ranch would need to be protected. The commentor is referring to the lot size and open space requirements of a major agricultural cluster, as outlined in Section 22.22.152(D) of the Land Use Ordinance, which states that the area of the site required for open space preservation shall be at least 95% of the gross site area. Potential inconsistencies with the applicable Land Use Ordinance requirements related to the percentage of open space will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

Response 60D

Refer to Response 60A.

Letter 61

RECEIVED
APR 13 2007
S.L.O. CO. PLANNING DEPT.

Irv McMillan
P.O. Box 435
Shandon CA 93461

April 12, 2007

Mr. James Caruso
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo CA 93408

Re: Comments on the Agricultural Resource section of the Draft EIR for the Santa Margarita Ranch.

Dear James Caruso:

For more than two centuries the Santa Margarita Rancho has been a source for agricultural knowledge and innovation, and a stabilizing force protecting the County's agricultural industry. Since its inception as one of the original Mexican Rancho's this large land holding has always had prestige in the agricultural community. Although the ownership changed from time to time, the integrity of the ranch was always maintained. The history of this ranch as a corner stone for the agricultural community and as a steward of the agricultural and natural resources is how that integrity was built. Any loss of those resources or the conversion of any part of the ranch to non-agricultural uses will destroy its integrity. It is critical that the EIR fully analyses the impact which dismembering this ranch will have on the agricultural resources of this region. **A**

As a fourth generation farmer in San Luis Obispo County I recognize the value of having a piece of land that is large enough to be economically viable. In the history of our family farm and many other farms whose properties were too small to be self sufficient, our sustainability was dependent on the cooperation of neighbors sharing their labor, equipment and knowledge. Although it is necessary for the entire community to participate, the most important neighbor was usually the largest land holders. They have the resources to maintain the community's integrity. **B**

This resilience and stability of the large holdings, is to a large degree, attributed to the diversity that comes with large acreage. The different soils, variety in vegetation, different microclimates, and different habitats found on large ranches like the Santa Margarita Ranch exemplifies diversity. These diverse characteristics insure against total failure on years when environmental conditions are the most adverse.

Converting any part of this ranch to nonagricultural uses will have a profound negative impact on the future of this agricultural region of California. I agree with the DEIR's conclusion identifying eleven Class 1 impacts resulting from this proposal. However, for this DEIR to be complete, it needs to analyze the growth inducing, and conversion **C**

inducing impacts this proposed project will have on other Ag lands, focusing on the cumulative effect of one or more existing ranches of equal or greater acreage repeating such a project. C

The importance of large ranches, like the Santa Margarita Ranch, to the agricultural viability of the region can not be over estimated. An incomplete list of local large ranches that have been significant to my own ranching legacy and should be part of this DEIR analyses include: Avenales Ranch, Peck Ranch, Hearst Cholame Rancho, Hearst San Simeon Ranch. These are comparable ranches and the cumulative impacts, if any one or more of them were to follow this precedent setting proposal, must be analyzed in this DEIR. D

Thanks for considering my heart felt concern on this landmark proposal.

Sincerely,

Irv McMillan

Letter 61

COMMENTOR: Irv McMillan, Private Citizen

DATE: April 12, 2007

RESPONSE:

Response 61A

Impacts to agricultural resources are addressed in Section 4.1, *Agricultural Resources.* Impacts to cultural resources are evaluated in Section 4.4, *Cultural Resources*.

Response 61B

Refer to Master Response 1.

Response 61C

Growth inducing impacts are addressed in Section 5.0, *Growth Inducing Impacts.* Impacts to agricultural resources are addressed in Section 4.1, *Agricultural Resources.* Refer also to Master Response 1.

Response 61D

Refer to Master Responses 1 and 2. The potential precedent-setting potential of the project and program relative to other large ranches in the area would be speculative and outside the scope of the EIR analysis.

Letter 62

1204 Nipomo Street
San Luis Obispo, CA 93401
Phone: (805) 544-1777
Fax: (805) 544-1871
www.ecoslo.org

EcoSlo

ENVIRONMENTAL CENTER OF SAN LUIS OBISPO COUNTY

Protecting and preserving the Central Coast since 1971

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Cal Wilvert

April 12, 2007

SLO County Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

RE: Santa Margarita Ranch Agricultural Subdivision and Future Development Plan DEIR

Dear Mr. Caruso,

Thank you for the opportunity to review and comment on this Draft Environmental Impact Report (DEIR) for the Santa Margarita Ranch Agricultural Subdivision and Future Development Plan. These comments are submitted on behalf of our Board of Trustees and our hundreds of members throughout San Luis Obispo County.

An EIR is designed to be an informational document for decision makers. The decision makers for this project should have the environmental analysis of a small lot subdivision located adjacent to town as an alternative to consider in order to arrive at a reasoned decision on this proposed project. The DEIR fails to analyze this alternative that would meet the project objectives and at the same time be consistent with existing County land use policy and Smart Growth principles. **A**

In June 2005, the San Luis Obispo County Board of Supervisors adopted Smart Growth principles and directed staff to include them in the land use element of the general plan. The principles of Smart Growth, as developed by the State of Maryland, are to "guide governance that respects and coordinates economics, the environment and social equity to create sustainable growth." According to the SLO County Department of Planning and Building "Smart Growth Criteria For Development Projects", Smart Growth projects will be within an urban reserve line or village reserve line served by community water and sewer, provide attractive and safe pedestrian and bicycle connections within the development and **B**

connections to adjacent facilities, and protect, preserve or restore important natural features of the site. B

The California Environmental Quality Act (CEQA) requires that the "rule of reason" be applied to the consideration of the range of alternatives for a proposed project. The rule of reason says that the EIR must set forth those alternatives that are necessary to allow for a reasoned choice, that avoid or substantially lessen any significant impacts of the project, and that attain most of the objectives of the project. The range of reasonable alternatives should be selected in a way that encourages both meaningful public participation and informed decision making. We believe that the inclusion of the alternative of a small lot subdivision with a wastewater treatment plant adjacent to the community of Santa Margarita is necessary to provide decision makers with the information essential to make a reasoned choice. C

A small lot subdivision located adjacent to the urban reserve line would be consistent with the principles of Smart Growth and still meet the objectives of the project which include the desire to construct 112 residences, establish long-term viability of current and future agricultural operations, and locate the project close to town amenities. A small lot subdivision would require the construction of a wastewater treatment plant that would serve the existing community in addition to the new subdivision. This alternative would reduce impacts on agriculture, reduce water impacts, provide general plan consistency, minimize traffic impacts, lessen impacts to cultural and biological resources, and provide the community benefit of a wastewater treatment plant. D

Respectfully Submitted,

Morgan Rafferty

Morgan Rafferty
Executive Director

Letter 62

COMMENTOR: Morgan Rafferty, Executive Director, Environmental Center of San Luis Obispo County (EcoSlo)

DATE: April 12, 2007

RESPONSE:

Response 62A

Refer to Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) in Section 6.0, *Alternatives,* of the Final EIR.

Response 62B

The commentor's summary of Smart Growth Principles is noted. Refer also to Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) in Section 6.0, *Alternatives,* of the Final EIR.

Response 62C

Refer to Master Response 4.

Response 62D

Refer to Response 62A.

Letter 63

"Neil Kelley"
<neil.kelleyca@gmail.com>
04/14/2007 03:50 PM

To jcaruso@co.slo.ca.us
cc
bcc
Subject Comment to Santa Margarita Ranch draft EIR

Mr. Caruso:

The following e-mail outlines my impressions of the draft EIR for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program with specific regard for the geological and paleontological constraints and impacts. I understand that the comment period is officially closed, nevertheless I send this note to fulfill a personal commitment. As a native of the region, and a geologist it is hoped that my perspective will be considered in spite of the delay.

My overall goal is to underscore the significance of geologic stability issues discussed in section 4.6 of the draft EIR. As shown clearly in Figure 4.6-3, a large portion of the project area is affected by moderate to high potential for erosion, including areas of proposed residential development. Likewise, expansive soils are found across much of the project area. While I cannot comment directly on methods or feasibility of mitigation, the importance of these issues, especially with respect to residential development, must not be overlooked.

Perhaps most significant is the presence of two major, and poorly understood faults within and directly adjacent to the project area. Recent seismic activity in the region, which resulted in loss of life and property, demands that the seismic hazards posed to this project be seriously considered. In addition to the unknown but potentially major dangers posed by the Rinconada and Nacimiento Faults, activity on the nearby San Andreas can be virtually guaranteed. In addition to ground-shaking potential across the entire site, issues of liquefaction, slope-stability and ridge-top spreading affect portions of the site including proposed residential areas (Figures 4.6-5 and 4.6-6). **A**

Appendix G notes the high potential for significant vertebrate and invertebrate fossil resources within the project area, based on locality information from museum collections (UCMP and LACM). I have personally observed abundant invertebrate fossils within both the Santa Margarita and Monterey Formations in road cuts within and adjacent to the project location. Although invertebrate fossils are generally more abundant than vertebrate fossils, any fossil has the potential of being scientifically significant. Likewise, the presence of abundant shallow marine invertebrate fossils virtually guarantees the presence of significant vertebrate fossils. As noted, other sedimentary units are also likely to contain significant fossil resources, and the presence of extraordinarily significant vertebrate fossil remains from the Franciscan Formation cannot be ruled out. Appropriate oversight is essential to ensure that the scientific value of known and unknown fossil resources is not compromised. **B**

Finally, I wish to note a number of impacts and obstacles noted elsewhere in the report. Ground water, ecological and archaeological resources are all likely to be affected by this project and **C**

pose serious considerations. The unique character of Santa Margarita will be irreversibly impacted by a project of this magnitude. It is my opinion that this draft EIR should provide cause for serious reconsideration of the nature and scale of this project for the developers. C

Sincerely,
Neil Kelley

Letter 63

COMMENTOR: Neil Kelley, Private Citizen

DATE: April 14, 2007

RESPONSE:

Response 63A

The commentor expresses concern over geologic hazards present in the Agricultural Residential Cluster Subdivision area. These issues have been addressed in Section 4.6, *Geologic Stability.*

Response 63B

Refer to Section 4.4, *Cultural Resources.*

Response 63C

The commentor expresses concern over impacts to groundwater, ecological and archaeological resources. Refer to Sections 4.14, *Water and Wastewater,* 4.3, *Biological Resources,* and 4.4, *Cultural Resources,* respectively. The commentor additionally notes that the unique character of Santa Margarita will be irreversibly impacted by a project of this magnitude. Refer to Master Response 1.

Refer also to Section 6.0, *Alternatives,* for a discussion of alternatives to the Agricultural Residential Cluster Subdivision and Future Development Program.

4.0 WRITTEN COMMENTS and RESPONSES on the REVISED DRAFT EIR

Each written comment regarding the Revised Draft EIR that the County of San Luis Obispo received is included in this section (refer to Table CR-4). Written comments regarding the Draft EIR are included in Section 3.0 (refer to Table CR-3). The comment letters included herein have been numbered sequentially starting with "R-" and each issue within a comment letter, if more than one, has a letter assigned to it. Each comment letter is reproduced in its entirety with the issues of concern lettered in the right margin. References to the responses to comments identify first the letter number, and second, the lettered comment (R-6B, for example, would reference the second issue of concern within the sixth sequential comment letter on the Revised Draft EIR).

Table CR-4. Commentors on the Revised Draft EIR

Commentors on the Draft EIR			
Letter	**Commentor**	**Agency**	**Date**
Federal, State, and Local Public Agencies			
R-1	Terry Roberts, Director	State of California, Governor's Office of Planning and Research, State Clearinghouse	March 27, 2008
R-2	Katy Sanchez, Program Analyst	Native American Heritage Commission	February 25 2008
R-3	David M. Samson, Chief	State Water Project Operations Support Office, California Department of Water Resources	March 4, 2008
R-4	Michael Winn, Chairman	San Luis Obispo County Water Resources Advisory Committee (WRAC)	March 5, 2008
R-5	Alan L. Volbrecht, Chairman	Community Service Area No. 23 (CSA 23) Advisory Committee	March 7, 2008
R-6	Chuck Pritchard, President	Upper Salinas-Las Tablas Resource Conservation District	March 11, 2008
R-7	Jeanette Di Leo, Parks Planner	County of San Luis Obispo, Department of General Services	March 18, 2008
R-8	Glenn Marshall, Development Services	San Luis Obispo County Department of Public Works	March 20, 2008
R-9	Lynda L. Auchinachie, Agriculture Department	County of San Luis Obispo, Department of Agriculture/Weights and Measures	March 27, 2008
R-10	Dick Butler, Santa Rosa Area Office Supervisor	U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service, Southwest Region, Santa Rosa Area Office	March 27, 2008
R-11	Courtney Howard, Water Resources Engineer	San Luis Obispo County Public Works Department	March 28, 2008
R-12	W.E. Loudermilk, Regional Manager	California Department of Fish and Game, Central Region	March 28, 2008
R-13	Andy Mutziger, Air Quality Specialist	County of San Luis Obispo Air Pollution Control District	March 28, 2008
R-14	David M. Pereksta, Assistant Field Supervisor	U.S. Department of the Interior, Fish and Wildlife Service, Ventura Fish and Wildlife Office	April 2, 2008

Table CR-4. Commentors on the Revised Draft EIR

Commentors on the Draft EIR			
Letter	**Commentor**	**Agency**	**Date**
Local Interest Groups, Companies and Private Citizens			
R-15	Santa Margarita Ranch, LLC	Project Applicants	March 28, 2008
R-16	George D. Havale	Private Citizen	January 30, 2008
R-17	Miranda Joseph	Private Citizen	February 10, 2008
R-18	Morgan Rafferty, Executive Director	Environmental Center of San Luis Obispo County (EcoSlo)	February 14, 2008
R-19	Janet S. Cobb, President	California Oaks Foundation	February 21, 2008
R-20	Michael Joseph	Private Citizen	February 24, 2008
R-21	Mike and Marshawn Porter	Private Citizens	February 29, 2008
R-22	Landon Young	Private Citizen	March 4, 2008
R-23	Miranda Joseph	Private Citizen	March 8, 2008
R-24	Ms. O'Brien Young	Private Citizen	March 8, 2008
R-25	Wes Burk, Chairman	Santa Margarita Area Advisory Council	March 13, 2008
R-26	Jim Aaron	Private Citizen	March 19, 2008
R-27	Geri Mazer, Secretary	Atascadero Horsemen's Club	March 19, 2008
R-28	David Chipping, Conservation Chair	California Native Plant Society	March 21, 2008
R-29	Andrew Christie, Chapter Director	Sierra Club, Santa Lucia Chapter	March 25, 2008
R-30	Eric Greening	Private Citizen	March 25, 2008
R-31	Susan A. Harvey	North County Watch	March 26, 2008
R-32	David Blakely	Private Citizen	March 27, 2008
R-33	Lisen Bonnier	Private Citizen	March 27, 2008
R-34	Kathy Longacre	Private Citizen	March 27, 2008
R-35	Morgan Rafferty, Executive Director	Environmental Center of San Luis Obispo County (EcoSlo)	March 27, 2008
R-36	SMART Board of Directors	Santa Margarita Area Residents Together (SMART)	March 27, 2008
R-37	Shane Hayward	Private Citizen	March 28, 2008
R-38	Kathe Hustace	Private Citizen	March 28, 2008
R-39	Dorothy Jennings	Private Citizen	March 28, 2008
R-40	Otto E.R. Schmidt	Private Citizen	March 28, 2008
R-41	Michael C. Sullivan	Private Citizen	March 28, 2008

Letter R-1

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

March 27, 2008

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

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

Dear Martha Miller:

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

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

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

A

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

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

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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

Document Details Report
State Clearinghouse Data Base

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

Type RIR Revised Environmental Impact Rep

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

Lead Agency Contact

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

A

Project Location

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

Proximity to:

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

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

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

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

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

April 1, 2008

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

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

Dear Martha Miller:

The enclosed comment (s) on your Revised Environmental Impact Rep was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 26, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

B

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2004111112) when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

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

Letter R-1

COMMENTOR: Terry Roberts, Director, California State Clearinghouse

DATE: March 27, 2008

RESPONSE:

Response R-1A

The commentor's statements that he has distributed the Revised Draft EIR to selected state agencies for review and acknowledges that the County has complied with the State Clearinghouse review requirements for draft environmental documents are noted.

Response R-1B

The commentor states that he has included comment letters received by the State Clearinghouse after the end of the review period. These letters were previously received by the County of San Luis Obispo and are responded to individually (see Letters 2, 3, and 11).

Letter R-2

Arnold Schwarzenegger, *Governor*

STATE OF CALIFORNIA

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

February 25, 2008

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

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

Dear Ms. Miller:

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

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

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst

CC: State Clearinghouse

Native American Contacts
San Luis Obispo County
February 25, 2008

Puilulaw Khus
2001 San Bernardo Creek Chumash
Morro Bay , CA 93442

Xolon Salinan Tribe
Donna Haro
110 Jefferson Street Salinan
Bay Point , CA 94565
(925) 709-6714
(925) 458-0341 FAX

B

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

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
Bonnie Pierce
PO Box 6202 Salinan
Los Osos , CA 93412

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
John W. Burch
14650 Morro Road Salinan
Atascadero , CA 93422
805 235-2730 Cell
805 461-5192 Fax

Salinan Nation Cultural Preservation Association
Doug Alger, Cultural Resources Coordinator
PO Box 56 Salinan
Lockwood , CA 93932
fabbq2000@earthlink.net
(831) 262-9829 - cell
(831) 385-3450

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
Shirley Macagni, Cultural Resources Representative
1550 Guadalupe Road Salinan
Nipomo , CA 93444
805 343-1015
805 343-2726-Fax

Salinan Nation Cultural Preservation Association
Robert Duckworth, Environmental Coordinator
Drawer 2447 Salinan
Greenfield , CA 93927
dirobduck@thegrid.net
(831) 385-1882
(831) 674-5019

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004111112 Santa Margarita Ranch Ag cluster Subdivision; San Luis Obispo County.

Native American Contacts
San Luis Obispo County
February 25, 2008

Salinan Nation Cultural Preservation Association
Jose Freeman, President
15200 County Road, 96B — Salinan
Woodland , CA 95695
osefree@ccio1.com
(530) 662-5316

Salinan-Chumash Nation
Xielolixii
3901 Q Street, Suite 31B — Salinan Chumash
Bakersfield , CA 93301
xielolixii@yahoo.com
661-864-1295
408-966-8807 - cell

B

Mona Olivas Tucker
660 Camino Del Rey — Chumash
Arroyo Grande , CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell

Northern Chumash Tribal Council
Fred Collins, Spokesperson
1177 Marsh Street, Suite 110 — Chumash
San Luis Obispo , CA 93401
(805) 801-0347 (Cell)

Matthew Darian Goldman
660 Camino Del Rey — Chumash
Arroyo Grande , CA 93420
(805) 550-0461 Home

Salinan Nation Cultural Preservation Association
Gregg Castro, Administrator
5225 Roeder Road — Salinan
San Jose , CA 95111
glcastro@pacbell.net
(408) 864-4115

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004111112 Santa Margarita Ranch Ag cluster Subdivision; San Luis Obispo County.

Letter R-2

COMMENTOR: Katy Sanchez, Program Analyst, Native American Heritage Commission

DATE: February 25, 2008

RESPONSE:

Response R-2A

The commentor outlines the Native American Heritage Commission's (NAHC) recommendations for the assessment of historical and archaeological resource in an EIR. Section 4.4.2 (Existing Cultural Resources) in Section 4.4, *Cultural Resources,* of the Final EIR outlines research and analysis conducted by Applied EarthWorks, Inc. (Æ). This includes the recommendations provided by the commentor.

The comment does not directly identify any specific issues of concern with the Revised Draft EIR analysis. No additional response is required.

Response R-2B

The commentor provides a Native American Contacts Lists. The comment is noted.

Letter R-3

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

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

MAR 0 4 2008

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

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

Dear Ms. Miller:

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

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

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

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

RECEIVED
MAR - 7 2008
SLO CO PLAN & BLDG DEPT

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

D

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

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

Sincerely,

David M. Samson

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

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

Letter R-3

COMMENTOR: David M. Samson, Chief, State Water Project Operations Support Office, Department of Water Resources

DATE: March 4, 2008

RESPONSE:

Response R-3A

The commentor's summary of the Agricultural Residential Cluster Subdivision is noted.

Response R-3B

The commentor notes that the Agricultural Residential Cluster Subdivision site encompasses a segment of the Department of Water Resources Coastal Aqueduct Pipeline right of way. Comment noted.

Response R-3C

The commentor notes that development in the Coastal Aqueduct Pipeline right of way would require an encroachment permit and provides contact information to obtain an application for said permit. Comment noted.

Response R-3D

The commentor requests that the Department of Water Resources be included in future correspondence related to the Agricultural Residential Cluster Subdivision. Comment noted.

Letter R-4

Water Resources Advisory Committee

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

Room 207, County Government Center
San Luis Obispo CA 93401

PH (805) 781-1016
FAX (805) 788-2182

Members
Steve Sinton *District 1*
Bill Garfinkel *District 2*
Marilee Hyman *District 3*
Michael Winn *District 4*
Dan O'Grady *District 5*
Chuck Fellows *Arroyo Grande*
George Luna *Atascadero*
Chuck Ashton *Grover Beach*
Betty Winholtz *Morro Bay*
Douglas Monn *Paso Robles*
Kris Vardas *Pismo Beach*
Christine Mulholland *San Luis Obispo*
Ken Weathers *Atascadero MWC*
Henric Szopinski *Golden State Water Co.*
Bryan Bode *Cambria CSD*
John D'Ornellas *Heritage Ranch CSD*
John Schempf *Los Osos CSD*
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Patrick O'Reilly *Oceano CSD*
Bill VanOrden *Templeton CSD*
Linda Chipping *Coastal RCD*
Tom Mora *Upper Salinas RCD*
Chris Long *Camp San Luis Obispo*
Joy Fitzhugh *County Farm Bureau*
Edralin Maduli *Cuesta College*
John Kellerman *CA Men's Colony*
Sue Luft *Environmental-at-Large*
Eric Greening *Environmental-at-Large*
Ray Allen *Agriculture-at-Large*

March 5, 2008

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

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

Dear Ms. Miller,

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

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

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

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

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

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

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

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

Respectfully,

Michael Winn

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

Cc: County Supervisors, w/attachments

Attachment: Comments on RDEIR from WRAC ad hoc Subcommittee

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

March 5, 2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter R-4

COMMENTOR: Michael Winn, Chairman, San Luis Obispo County Water Resources Advisory Committee

DATE: March 5, 2008

RESPONSE:

Response R-4A

The commentor notes that the Water Resources Advisory Committee (WRAC) formed an ad hoc subcommittee to review and comment on the Revised Draft EIR, and voted at a March 5, 2008 meeting to submit comments. Refer to Responses R-4B through R-4AA for responses to these comments.

Response R-4B

The commentor expresses WRAC's concerns over impacts to water resources and claims that the Revised Draft EIR is deficient in analyzing such impacts. Refer also to responses R-4C through R-4AA.

Response R-4C

Refer to the first page of Section 1.0, *Introduction,* in the Revised Draft EIR. As noted therein, the Revised Draft EIR "does not directly respond to…comments [on the Draft EIR]. Comprehensive, direct responses to comments on the Draft EIR, and additional revisions and clarifications, will be provided in a forthcoming Final EIR that includes responses to all comments received during the public review periods for both the Draft EIR and this Revised Draft EIR."

Refer to Letter 8 and Responses 8A through 8AJ in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to WRAC's April 4, 2007 comment letter.

Response R-4D

The commentor states the opinion that a Resource Capacity Study for the Santa Margarita area should be analyzed in the Final EIR. The Resource Capacity Study being prepared for the Santa Margarita area will use existing studies and data related to water resources in the area – the same studies and data used in preparation of Appendix K (Hydrological Study) by Hopkins Groundwater Consultants, Inc., which was used as the basis for the analysis in Section 4.14, *Water and Wastewater.* The Resource Capacity Study is not expected to generate new data and would not, therefore, alter the analysis or conclusions of the Final EIR. In addition, the Resource Capacity Study has not yet been completed and cannot feasibly be included in the Final EIR.

Response R-4E

Comment noted.

Response R-4F

Refer to Response R-4C. Responses to comments on the Draft EIR need not be recirculated in a Revised Draft EIR, in accordance with § 15088.5 of the State CEQA Guidelines. Refer also to § 15132 of the State CEQA Guidelines (Contents of Final Environmental Impact Report).

Response R-4G

Refer to Response R-4D.

Response R-4H

The existing water demands were adequately described in the EIR, based on available data, including measured historic use. It is recognized that additional data that is not currently available could be helpful in refining this baseline, but what is presented is adequate for drawing the conclusions in the EIR. The EIR concludes that a significant unavoidable (Class I) impact to water resources would occur.

Also refer to Master Responses 7. The comprehensive water supply evaluation provided in Section 4.14, *Water and Wastewater,* and Appendix K, *Hydrogeological Study,* adequately characterize impacts and mitigation measures for the Agricultural Residential Cluster Subdivision and Future Development Program.

Response R-4I

The "planned orchards and vineyards" referenced by the commentor are not part of the Future Development Program. They are currently planned for by the Ranch owners, and are therefore considered in the baseline analysis. Table 4.14-1 (Existing Ranch Water Demands) portrays existing Ranch water demands. The table should not, therefore, include Agricultural Residential Cluster Subdivision or Future Development Program water usage, as suggested by the commentor.

The 2,000 acres referenced on page 2-110 of the Revised Draft EIR is the total planned vineyard acreage on the Ranch (i.e., 1,026.1 acres above the existing 973.9 acres, for a total of 2,000 acres). The section referenced by the commentor has been revised for clarity as follows:

> Updated Analysis. Current plans for vineyard expansion include approximately 2,000 acres of vineyards throughout the Ranch ~~in addition to the 973.9 acres currently planted~~ **for an additional 1,026.1 acres above existing plantings, and approximately 500 acres of orchards throughout the Ranch**. The Water Demand and Consumptive Use discussions in Section 4.14.1(a) (Water Supply and Current Demand) have therefore been revised as follows…

Refer also to Response 8C in Section 3.0 (Written Comments and Responses on the Draft EIR).

Response R-4J

Refer to Response 14L in Section 3.0 (Written Comments and Responses on the Draft EIR). As noted therein, the statement in Section 2.0 of the Draft EIR referenced by the commentor was intended to portray which Future Development Program land uses would conceptually be located on the Agricultural Residential Cluster Subdivision site (Vesting Tract 2586). However, these uses are not included as part of the Agricultural Residential Cluster Subdivision Project. To clarify the discussion, Section 2.4.2 (Future Development Program Component) has been revised. Refer to Section 2.0, *Project Description,* of the Final EIR.

Response R-4K

The commentor recommends that the Revised Draft EIR include an analysis of an alternative involving 402 residential lots, as allowed under the Salinas River Area Plan. Refer to Master Response 4. It is not clear if the commentor intends this development scenario as an alternative to the project or program. However, the 402 residences allowable under the Salinas River Area Plan are included in the Future Development Program, as well as the alternatives to the Future Development Program (refer to Section 6.0, *Alternatives,* of the Final EIR).

Response R-4L

The three alternatives analyzed in the Revised Draft EIR are presented in the same format and assessed in the same level of detail as the alternatives included in the Draft EIR. These alternatives have been incorporated into Section 6.0, *Alternatives,* of the Final EIR.

The commentor does not provide evidence to support the claim that the alternatives analysis is "not developed in sufficient detail" to "make a reasonable comparison with other alternatives." As a result, no further response is feasible.

Refer also to Master Response 4.

Response R-4M

The commentor's opinion that imported water should not be used for irrigation is noted. It should also be noted, however, that the discussion referenced by the commentor presents two approaches for the delivery of Nacimiento water, one of which is using untreated Nacimiento water for agriculture (refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR). The second option includes delivery of untreated Nacimiento water to the Ranch for on-site treatment and Agricultural Residential Cluster Subdivision supply.

It should further be noted that State Water Project (SWP) water is treated and that potential connections to the SWP are assessed separately from potential connections to the Nacimiento Water Project (NWP).

Response R-4N

The Revised Draft EIR identifies Agricultural Residential Cluster Subdivision water supply impacts Class I, *significant and unavoidable,* because the feasibility of Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water) is uncertain (refer to the first paragraph under *Residual Impacts*). It should also be noted that Agricultural Residential Cluster Subdivision measure W-1(a) (Groundwater and Surface Water Monitoring Programs) requires the development of remedial action in addition to monitoring. Monitoring is therefore not required "by itself," as suggested by the commentor.

Response R-4O

The second to last sentence of the first paragraph of the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 states that "Santa Margarita Ranch, LLC does have an allocation for the Nacimiento Water Project (NWP), which has not yet been constructed." Refer to Response R-8M. As noted therein, this statement has been revised to clarify that the Santa Margarita Ranch Mutual Water Company (SMRMWC) is identified as an eligible agency for the Nacimiento Water Project, and that a Water Delivery Entitlement Contract (WDEC) would need to be executed by the SMRMWC to receive an allocation. Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR.

It should also be noted that Agricultural Residential Cluster Subdivision Impact W-1 remains Class I, *significant and unavoidable,* due to uncertainties regarding timing and availability of imported water sources.

Response R-4P

The commentor claims that the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 lacks necessary detail to determine the environmental impacts associated with connecting to the State or Nacimiento Water Projects. Refer to Master Response 2. As noted therein, State CEQA Guidelines limit the amount of forecasting to that which could be reasonably expected and prohibits the analysis of speculative impacts [CEQA Guidelines §§ 15144 and 15145, respectively]. Because the connection option and location of pipelines cannot yet be known, determining precise impacts would be speculative. In addition, as noted in the discussion for each alternate connection, environmental impacts would be evaluated in a separate environmental documentation prepared pursuant to the California Environmental Quality Act (CEQA).

The commentor additionally questions the validity of incorporation by reference. Refer to CEQA Guidelines § 15150 (Incorporation by Reference).

Growth inducing impacts associated with the Agricultural Residential Cluster Subdivision are addressed in Section 5.0, *Growth Inducing Impacts,* of the Final EIR.

Response R-4Q

As a result, the 8-foot wide trench would be a construction excavation. Disturbance would be limited to existing right-of-ways, as noted in the discussion referenced by the commentor.

Response R-4R

The "Ranch owners" are the project applicants (Santa Margarita Ranch, LLC). The Ranch owners also own on-site vineyards. As a result, the "Ranch owners" and "vineyard owners" are the same people. Agricultural Residential Cluster Subdivision homeowners would not be considered "Ranch owners" and would not be responsible for connection to the SWP or NWP.

Refer also to Response R-25H. As noted therein, the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR has been revised to clarify that the Santa Margarita Ranch Mutual Water Company (SMRMWC) would be responsible for construction, operation, and maintenance of any service connection to the State or Nacimiento Water Projects. SMRMWC is proposed by the Ranch owners as part of the Agricultural Residential Cluster Subdivision.

Response R-4S

The potential feasibility of importing water is acknowledged in the first paragraph under *Residual Impacts* below Agricultural Residential Cluster Subdivision Impact W-1. The uncertain feasibility is the reasoning behind the Class I, *significant and unavoidable,* determination.

It is true that existing development in the vicinity of Santa Margarita relies on a water supply that has historically been impacted by drought conditions. However, the water balance study provided for the EIR is reliable based on available data and clearly identifies the potential impacts of the proposed project.

The information used in the study is adequate to draw the conclusions included in the EIR. The EIR concludes that there may be Class I impacts, in spite of the proposed mitigation measures, which require monitoring, water conservation, and imported water supply. This conclusion is based in part on some of the uncertainties alluded to in the comment. It should be noted that the water supply impact analysis was prepared by a professional hydrogeologist, using the data available, augmented by new analysis as appropriate. The conclusion of the EIR is appropriate, and notes correctly that a potentially unavoidable impact to water supply may occur.

Refer also to Response R-4D for a discussion of the need to include a future Resource Capacity Study in the analysis.

Response R-4T

Impacts related to Global Climate Change are addressed in Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR. As noted in Section 4.2.3(a), an analysis of Global Climate Change is required as a result of Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. It is not specifically required by CEQA.

Response R-4U

The commentor notes that Table 4.14-1 (Existing Ranch Water Demands) in Section 4.14, *Water and Wastewater,* does not include the community of Santa Margarita. As shown on Figure 2-2 in Section 2.0, *Project Description,* of the Final EIR, the Ranch property surrounds the community (the Future Development Program boundary follows the Ranch property boundary). Existing water demand for the community is reflected in the historical water levels in groundwater basins that underlie both the community and Ranch property.

Impacts to groundwater, which includes impacts to water users in the surrounding area, are discussed in Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Impacts of both the project and program are classified as Class I, *significant and unavoidable.*

Response R-4V

Refer to Response 8D in Section 3.0 (Written Comments and Responses on the Draft EIR) of this Comments and Responses document. As noted therein, septic leach fields, mound systems, or vertical shafts will be designed based on County standards and site specific soil types to handle the volume of water being discharged from the homes. Because the septic discharge is over a large area at a relatively low rate (note the density of housing per acre) the low permeability soils that are reportedly present are believed capable of percolating the volume of residential effluent. Should mounding systems be utilized for disposal and evapotranspiration of plants is the main mechanism of water removal from these systems, the offset/reduction in irrigation demand should compensate for the amount of water that does not percolate back to groundwater.

Response R-4W

The Revised Draft EIR excludes analysis related to steelhead but includes steelhead mitigation measures because only the steelhead mitigation was substantially revised, thus warranting recirculation (refer to Section 1.0, *Introduction,* of the Revised Draft EIR for additional explanation of recirculation requirements). Steelhead impacts are discussed in detail in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR. Setting (baseline) information is also discussed in Section 4.3, *Biological Resources*. It should be noted that an EIR cannot assign mitigation related to existing conditions that are not related to project impacts.

As noted under Agricultural Residential Cluster Subdivision Impact W-1, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. However, because the feasibility of acquiring imported water is uncertain, impacts are identified as Class I, *significant and unavoidable*.

Response R-4X

The Revised Draft EIR excludes mitigation measures related to seasonal pools because these measures were not substantially revised (refer to Section 1.0, *Introduction,* of the Revised Draft EIR for additional explanation of recirculation requirements). Refer to Section 4.3, *Biological Resources,* of the Final EIR for a complete analysis of seasonal pools, including mitigation.

Response R-4Y

As noted under Agricultural Residential Cluster Subdivision Impact W-1, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. Refer to Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of impacts to oak trees.

Response R-4Z

The commentor requests that all correspondence and documentation involving Santa Margarita Ranch water be made available. The EIR water supply impact assessment was based on a substantial volume of data, much of which was provided by the applicants. The project file for the Agricultural Residential Cluster Subdivision Project and Future Development Program, which includes this data, is available for review at the San Luis Obispo Department of Planning and Building.

Response R-4AA

Refer to Responses R-4B through R-4Z.

Letter R-5

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

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

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

Dear Ms. Miller,

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

Review committee concerns and comments are as follows;

2.4 Drainage, Erosion and Sedimentation

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

2.8 Water and Wastewater

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

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

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

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

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

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

Respectfully submitted,

Alan L. Volbrecht, Chairman CSA 23

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

Letter R-5

COMMENTOR: Alan L. Volbrecht, Chairman, Community Service Area No. 23 (CSA 23) Advisory Committee

DATE: None Given

RESPONSE:

Response R-5A

The commentor's statement that the CSA 23 Advisory Committee reviewed Sections 2.4 (Drainage, Erosion and Sedimentation) and 2.8 (Water and Wastewater) of the Revised Draft EIR is noted.

Response R-5B

The commentor notes that funding provisions and a responsible party should be identified for the operation and maintenance of the detention structure required by Agricultural Residential Cluster Subdivision measure D-2(a) (Yerba Buena Drainage System). These provisions are outlined in the *Plan Requirements and Timing* and *Monitoring* discussion therein, which was not included in the Revised Draft EIR because it was not substantially revised since circulation of the Draft EIR. Refer to the full mitigation measure in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.

Response R-5C

The commentor notes that CSA 23 does not interpret Policy 11 of the County's Agriculture and Open Space Element (AGP11, Agricultural Water Supplies) to preclude using imported water for agricultural purposes. The comment is noted.

Response R-5D

The commentor does not agree that an eight foot wide trench would be required for installing pipelines. The width of the trench is considered a reasonable worst-case estimate for disturbance.

Response R-5E

The hydrogeologic report for the DEIR reports groundwater recharge based on existing data, and accepted professional methodologies. It is recognized that in times of less than average rainfall, groundwater recharge is likely to be less, and in heavy rainfall years, the recharge is likely to be greater.

Response R-5F

Refer to Response 14L in Section 3.0 (Written Comments and Responses on the Draft EIR). As noted therein, the statement in Section 2.0 of the Draft EIR referenced by the commentor was

intended to portray which Future Development Program land uses would conceptually be located on the Agricultural Residential Cluster Subdivision site (Vesting Tract 2586). However, these uses are not included as part of the Agricultural Residential Cluster Subdivision Project. To clarify the discussion, Section 2.4.2 (Future Development Program Component) has been revised. Refer to Section 2.0, *Project Description,* of the Final EIR.

Response R-5G

The commentor claims that Table 4.14-1 (Existing Ranch Water Demands) in Section 4.14, *Water and Wastewater,* should not include Margarita Farms but should include the community of Santa Margarita. As shown on Figure 2-2 in Section 2.0, *Project Description,* of the Final EIR, the Ranch property includes Margarita Farms but surrounds the community of Santa Margarita (the Future Development Program boundary follows the Ranch property boundary). Existing water demand for the community is reflected in the historical water levels in groundwater basins that underlie both the community and Ranch property.

Response R-5H

The commentor's statement that their comments were approved at the CSA 23 March 7, 2008 meeting is noted.

Letter R-6

RCD
Conserving Resources
Providing Service Since 1951

Upper Salinas-Las Tablas Resource Conservation District

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

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

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

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

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

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

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

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

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

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

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

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

Chuck Pritchard

Chuck Pritchard, Board President

K

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

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

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

If deep percolation reaches the accessable groundwater, recharge = 376.01

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

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

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

K

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

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

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

If deep percolation reaches the accessable groundwater, recharge = 139.57

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

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

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

K

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

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

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

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

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

L

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

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

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

Individual Lot Demand.

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

Current Status of the Groundwater Basin and Performance Existing Demands

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

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

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

Conclusions

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

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

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

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

L

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

Letter R-6

COMMENTOR: Chuck Pritchard, President, Upper Salinas-Las Tablas Resource Conservation District

DATE: March 11, 2008

RESPONSE:

Response R-6A

The commentor expresses concern that their previous comments on the Draft EIR were not responded to. As noted on the first page of Section 1.0, *Introduction,* of the Revised Draft EIR, the Revised Draft EIR is intended to address several issues that arose since the Draft EIR was prepared, and does not directly respond to comments on the Draft EIR. It is stated therein that "comprehensive, direct responses to comments on the Draft EIR, and additional revisions and clarifications, will be provided in a forthcoming Final EIR that includes responses to all comments received during the public review periods for both the Draft EIR and this Revised Draft EIR."

Refer to Responses R-6K through R-6L below.

Response R-6B

Refer to Section 4.14, *Water and Wastewater,* of the Final EIR. Refer also to Response R-6A.

Response R-6C

The commentor notes that they have reviewed agricultural water demand projections presented in the Revised DEIR. Comment noted. Refer to Response R-6D.

Response R-6D

The commentor's summary of crop irrigation demand calculations is noted. It should also be noted, however, that the Agricultural Residential Cluster Subdivision does not include any wineries. Refer to Master Response 3a.

Response R-6E

The comment states the opinion that the EIR water analysis underestimates the full project's agricultural irrigation demand, and provides supporting information. It should be noted that both the DEIR and the RDEIR concluded that impacts to water resources are Class I, significant and unavoidable. Thus the perspective of the commentor may be considered by decision makers as they deliberate potential project approval, but it will not change the conclusions or mitigation measures included in the document.

Response R-6F

The comment provides a perspective on the nature of irrigation efficiency, and the methodology used to help determine water availability, but does not directly comment on any of the analysis, conclusions or mitigation measures included in the RDEIR. Please refer to Response to Comment R-6E.

Response R-6G

The comment provides further discussion of the groundwater recharge issue. Please refer to Response to Comment R-6E.

Response R-6H

The comment provides further discussion of the irrigation, and the nature of agricultural water use. Please refer to Response to Comment R-6E.

Response R-6I

The comment provides further discussion of the irrigation, and the nature of agricultural water use. Please refer to Response to Comment R-6E.

Response R-6J

The commentor states that a Resource Capacity Study for the Santa Margarita area should be analyzed in the Final EIR. The Resource Capacity Study being prepared for the Santa Margarita area will use existing studies and data related to water resources in the area – the same studies and data used in preparation of Appendix K (Hydrological Study) by Hopkins Groundwater Consultants, Inc., which was used as the basis for the analysis in Section 4.14, *Water and Wastewater.* The Resource Capacity Study is not expected to generate new data and would not, therefore, alter the analysis or conclusions of the Final EIR. In addition, the Resource Capacity Study has not yet been completed and cannot feasibly be included in the Final EIR.

Response R-6K

The commentor provides tabular data to support the narrative discussed in the previous comments. Please refer to the response to Comment R-6E.

Response R-6L

The comment provides a critique of the water budget calculations presented in the DEIR. The comment is also concerned about the effectiveness of the mitigation measures presented.

See the responses to comments 8D, 8E, 8I, and 8N in Section 3.0 of this document.

In addition, the Santa Margarita community lays within the valley floor adjacent the streams where the water table is relative to stream elevations, and the water table is relatively shallow. Existing leach field construction and operation will not be affected by the proposed project.

It is true that existing development in the vicinity of Santa Margarita relies on a water supply that has historically been impacted by drought conditions. However, the water balance study provided for the EIR is reliable based on available data and clearly identifies the potential impacts of the proposed project.

The information used in the study is adequate to draw the conclusions included in the EIR. The EIR concludes that there may be Class I impacts, in spite of the proposed mitigation measures, which require monitoring, water conservation, and imported water supply. This conclusion is based in part on some of the uncertainties alluded to in the comment. It should be noted that the water supply impact analysis was prepared by a professional hydrogeologist, using the data available, augmented by new analysis as appropriate. The conclusion of the EIR is appropriate, and notes correctly that a potentially unavoidable impact to water supply may occur.

Letter R-7

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

March 18, 2008

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

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

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

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

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

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

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

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

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

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

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

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

Jeanette Di Leo

JEANETTE DI LEO,
Parks Planner

Letter R-7

COMMENTOR: Jeanette Di Leo, Parks Planner, County of San Luis Obispo Department of General Services

DATE: March 18, 2008

RESPONSE:

Response R-7A

The commentor's summary of the Draft and Revised Draft EIR is noted.

Response R-7B

The commentor notes that it is their understanding that the February 2008 Draft EIR (Revised Draft EIR) includes an alternative location for 111 cluster home sites. As noted in the first paragraph of Section 1.0, *Introduction*, of the Revised Draft EIR, that document is a revision to the Draft EIR prepared for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision and Future Development Program. The Revised Draft EIR does not analyze a different proposal, but rather revises portions of the original Draft EIR prepared for the project and program. The Revised Draft EIR analyzes three new alternatives to the Agricultural Residential Cluster Subdivision.

Response R-7C

The commentor's summary of the Future Development Program is noted.

Response R-7D

The commentor recommends that, if the alternative cluster location is pursued, the applicant provide a detached trail corridor connecting the community of Santa Margarita to the Juan Bautista and East Cuesta Ridge trails. The provision of such trail connections could be considered should an alternative cluster southwest of the existing community move forward.

It should be noted, however, that Future Development Program Impact R-2 in Section 4.11, *Recreation,* of the Final EIR considers consistency with the County Trails Plan, noting that the Future Development Program trail would connect the community of Santa Margarita to East Cuesta Ridge Trail, and implement a portion of Juan Bautista de Anza Trail, in accordance with the County Trails Plan. In addition, Future Development Program measure R-2(a) (Juan Bautista de Anza Historic Trail Connection) requires the applicant for a future Specific Plan on the Ranch to dedicate right-of-way for the County's implementation of the Juan Bautista de Anza Historic Trail.

Response R-7E

The commentor recommends that a Specific Plan be prepared prior to implementation of any Future Development Program land uses. As noted in the last paragraph of Section 2.4.1(a) (Residential Cluster) of the Final EIR, the San Luis Obispo County Land Use Ordinance, Section

22.104.040 (Salinas River Rural Area Standards), requires that a Specific Plan be prepared for the Santa Margarita Ranch area before any application is approved for a subdivision other than a Cluster development. It is therefore possible that development may occur prior to preparation of a Specific Plan.

Refer also to Master Response 3a. As noted therein, no application has been filed for the Future Development Program and future environmental review will be required if applications for future projects are submitted.

Refer also to Response 6J. As noted therein, Future Development Program measure R-1(a) (Community Park Implementation Timing) in Section 4.11, *Recreation,* of the Final EIR has been revised in accordance with recommendations made by this commentor during review of the Draft EIR. These recommendations relate to timing of the park and swimming pool.

Letter R-8

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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

MEMORANDUM

Date: March 20, 2008

TO: Martha Miller, EIR Manager

FROM: Glenn Marshall, Development Services

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

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

2.4: Drainage, Erosion and Sedimentation:

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

2.7: Traffic and Circulation:

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

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

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

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

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

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

2.8: Water and Wastewater:

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

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

Glenn D. Marshall, PE
Development Services Engineer

NWP NACIMIENTO WATER PROJECT
San Luis Obispo County Flood Control & Water Conservation District

San Luis Obispo County FC&WCD
John R. Hollenbeck, P.E.
Nacimiento Project Manager

Commissioners
Harry Ovitt, SLO County FC&WCD
Frank Mecham, City of Paso Robles
David Brooks, Templeton CSD
Grigger Jones, Atascadero MWC
Dave Romero, City of San Luis Obispo

MEMORANDUM

March 25, 2008
NWP File No. D.4

TO: Glenn Marshall, P.E.
Development Services Division Manager, Public Works Dept.

FROM: John R. Hollenbeck, P.E.
Nacimiento Project Manager JRH

SUBJECT: **Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project Revised Draft Environmental Impact Report**

I have reviewed the Revised Draft Environmental Impact Report (Revised DEIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program (Ranch Project) in the interest of the Nacimiento Water Project (NWP). The NWP conveys raw water from Lake Nacimiento to the City of San Luis Obispo, and the pipeline passes through the Community of Santa Margarita. Ranch ownership participated in the planning phases of the NWP. L

The following review comments are offered for consideration.

1. Page 2-112, under Residual Impacts. The statement "Santa Margarita Ranch, LLC does have an allocation for the Nacimiento Water Project (NWP), which has not yet been constructed" incorrectly identifies two items. First, the Santa Margarita Ranch, LLC, does not have any allocation or entitlement from the Nacimiento Water Project. In order to have such rights, the Water Delivery Entitlement Contract (WDEC) would need to be executed. Second, the Santa Margarita Ranch, LLC could not execute the WDEC because they are not eligible; however, the Santa Margarita Ranch Mutual Water Company (SMRMWC) is the eligible agency that can execute a WDEC. The SMRMWC is listed within the Project's Final Environmental Impact Report (Final EIR). M

2. Page 2-113, top of the page. The NWP's Final EIR was amended in June 2007, and that amendment was further revised and adopted by the District's Board on February 5, 2008. N

The NWP's Final EIR, certified by the District's Board on January 6, 2004, identified up to 200 acre-feet per year of imported NWP water to support some residential and recreation facilities, as well as expanded vineyard planting[1]. The Ranch Project has a unique ability to utilize imported raw water in different ways:

- Raw water can be treated by the Ranch Project and potable water delivered to the new residences.
- Raw water can be used to irrigate the vineyards and the vineyards' groundwater irrigation pumps can be shut off and greatly reduce the pumping of groundwater. This form of surface water irrigation is often termed "in-lieu groundwater recharge" because water is used to irrigate in-lieu of the groundwater. The un-used groundwater can then be used to support the residential and recreation development.
- Raw imported water can be spread over groundwater recharge ponds to percolate into the groundwater basin to recharge the groundwater supply.

N

Since the Ranch Project was part of the NWP EIR, they are eligible to enter into a contract with the District for a supply of water. Hydraulically, the pipeline currently has unused reserve volume to be delivered to the Ranch Project, should they desire a supply from the NWP. I do not foresee any problems with supplying water from the NWP to the Ranch Project.

O

The Revised DEIR identifies three connection alternatives to the NWP pipeline. I judge any of the three described alternatives to be acceptable and consistent with the infrastructure currently being constructed for the NWP.

P

[1] "Nacimiento Water Project, Environmental Impact Report, Final," SCH#2001061022, December 2003, p. 2-5.

Letter R-8

COMMENTOR: Glenn Marshall, Development Services, San Luis Obispo County Department of Public Works

DATE: March 20, 2008

RESPONSE:

Response R-8A

The commentor's statement that the comment letter represents consolidated comments from several divisions of Public Works is noted.

Response R-8B

Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) have been revised to clarify that drainage systems must be designed to comply with County criteria (reduction of the 50 year, 10 hour post-development peak flow to 2 year, 10 hour pre-development conditions), as well as reduce the 100-year 10-hour post-development runoff to 100 year 10 hour predevelopment conditions in the case of Trout Creek. Refer to Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR for these revised measures.

The commentor's observation that the difference between pre- and post-development 100 year runoff will be small is noted.

Response R-8C

Refer to Response R-8B and revised Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.

Response R-8D

Refer to Response R-8B and revised Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.

Response R-8E

The commentor notes that several traffic-related mitigation measures fail to require preparation of a Permit Engineering Evaluation Report (PEER) as a function of the EIR process, as previously recommended by Public Works, and instead simply state that a Caltrans encroachment permit would be required for improvements within their jurisdiction [refer to Letter 17 and Responses 17A through 17AG in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for the Public Works Draft EIR comment letter and associated responses].

The need to prepare a PEER is determined by Caltrans during the encroachment permit process. Specifically, upon receipt of a permit application, the Caltrans' District Permit Engineer determines if the project would require a PEER and designates a responsible Caltrans unit (i.e. Design, Traffic Operations, etc.) for PEER preparation. Because it is not certain that preparation of a PEER would be required, it would be premature to require a PEER prior to certification of the EIR. In addition, because a PEER is a Caltrans document, the preparation and approval of a PEER is outside the jurisdiction of the County. It should be noted that the EIR analyzes the impacts of potential future roadway improvements generally, without entering the realm of speculation (refer to Master Response 2).

Response R-8F

The commentor notes that they previously recommended that Agricultural Residential Cluster Subdivision measure T-2(a) (West Driveway Relocation) evaluate the precise location in relation to the cemetery entrance. Refer to Response 17T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, analysis of the driveway relocation in the context of this channelization would be speculative because no cemetery expansion is currently planned and left turn channelization would therefore not be required in the foreseeable future.

Response R-8G

Refer to Response 17W in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As clarified for the commentor therein, Future Development Program Impact T-1 is identified Class I, *significant and unavoidable*, because, should the construction and occupation of any Future Development Program land use occurs prior to completion of identified mitigation, existing deficiencies and associated impacts would remain. Although mitigation measures would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, it cannot be assured that all improvements would be constructed prior to occupation of the first Future Development Program land use.

Refer also to Response R-8E for a discussion of the PEER process. This process would not eliminate the Class I impact because it would not eliminate the uncertainties expressed above.

The commentor additionally notes that their previous recommendations for financing of Future Development Program improvements have been addressed. Comment noted. Refer to Comment and Response 17AB in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-8H

Refer to Response 17AD in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, Future Development Program measure T-2(a) (Site-Specific Access Analysis) requires a detailed analysis of access points to Future Development Program land uses, including consideration of site access as referenced by the commentor. Any hazards associated with access in this area would be identified during this process.

Response R-8I

Refer to Response 17AE in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-8J

Refer to Response 17AF in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, Future Development Program measures T-4(a) (Bicycle Facilities), T-4(b) (Pedestrian Facilities) and T-4(c) (Transit Facilities) in Section 4.12, *Transportation and Circulation,* of the Final EIR have all been revised to eliminate the payment of fair share fees and define funding requirements, in accordance with the commentor's previous recommendations.

Response R-8K

Refer to Response 17C in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As described therein, preparation of a Wastewater Master Plan would not be appropriate mitigation measure for the Agricultural Residential Cluster Subdivision.

Response R-8L

The commentor's summary of the Nacimiento Water Project is noted.

Response R-8M

The second to last sentence of the first paragraph of the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 states that "Santa Margarita Ranch, LLC does have an allocation for the Nacimiento Water Project (NWP), which has not yet been constructed." The commentor clarifies that Santa Margarita Ranch, LLC does not actually have an allocation or entitlement for the Nacimiento Water Project (NWP). Rather, in order to have such rights, a Water Delivery Entitlement Contract (WDEC) would need to be executed. In addition, the Santa Margarita Ranch, LLC is not specifically cited as an eligible agency for Nacimiento water. Rather, the Santa Margarita Ranch Mutual Water Company (SMRMWC) is the eligible agency that can execute a WDEC. The referenced statement has therefore been revised to clarify these distinctions. Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR.

It should also be noted that Agricultural Residential Cluster Subdivision Impact W-1 remains Class I, *significant and unavoidable,* due to uncertainties regarding timing and availability of imported water sources.

Response R-8N

Refer to Response 17H in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document and the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater*, of the Final EIR.

Response R-8O

Refer to Response 17I in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the first paragraph of the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR acknowledges that the Santa Margarita Ranch Mutual Water Company (SMRMWC), which is proposed by Santa Margarita Ranch, LLC as part of the Agricultural Residential Cluster Subdivision, is an eligible agency for the Nacimiento Water Project (NWP).

Response R-8P

The commentor notes that any of the alternatives for Nacimiento Water Project (NWP) connection identified in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR would be acceptable and consistent with the infrastructure currently being constructed for the NWP. Comment noted.

Letter R-9

COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISIONER/SEALER FAX (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: **March 27, 2008**

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

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

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

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

Agricultural Resources

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

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

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

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

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

Water and Wastewater

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

Alternatives

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

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

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

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

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

If you have questions, please call 781-5914.

Letter R-9

COMMENTOR: Lynda L. Auchinachie, County of San Luis Obispo, Department of Agriculture/Weights and Measures

DATE: March 27, 2008

RESPONSE:

Response R-9A

The commentor's explanation of the methodology of the comment letter is noted.

Response R-9B

The commentor's statement that revisions to Section 4.1, *Agricultural Resources,* of the Final EIR, as presented in the Revised Draft EIR, provide a better basis for the impact analysis is noted.

Response R-9C

The commentor agrees that the Agricultural Residential Cluster Subdivision would permanently compromise the sustainability of a 676.7-acre grazing unit, and describes ways in which human interaction with cattle can result in conflicts for both cattle and humans. Comment noted. Refer also to Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response R-9D

The commentor further describes incompatibilities between humans and grazing activities, and concludes that it is not reasonable to believe that grazing could continue to occur in the Agricultural Residential Cluster Subdivision area due to safety and liability issues. Comment noted. Refer also to Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response R-9E

The commentor notes that the Agricultural Residential Cluster Subdivision would preclude other agricultural activities in the project area. Comment noted. Refer also to Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response R-9F

The commentor notes that the Revised Draft EIR accurately states that groundwater should be maintained for agricultural production. Comment noted.

Response R-9G

The commentor recommends that alternatives be evaluated based on a comparison to conversion of all prime soils within the 676.7 acre grazing unit that would be indirectly converted by Agricultural Residential Cluster Subdivision, rather than the 21.2 acres that would be directly converted by lots and roadways (refer to the discussion under Agricultural Residential Cluster Subdivision Impact AG-1). Approximately 116.8 acres of prime soils are located within the 676.7 acre grazing unit.

The following table compares prime soils within the grazing unit to prime soils within each of the project alternatives, in accordance with the commentor's recommendation.

Alternative	Prime Soils (Acres)
Agricultural Residential Cluster Subdivision	116.8
Alternative 1 No Project/No Development	0
Alternative 2 No Project/Existing Zoning	0
Alternative 3 Revised Cluster Design	72.0
Alternative 4 Revised Cluster Location 1	95.3
Alternative 5 Revised Cluster Location 2	131.8
Alternative 6 Revised Cluster Location 3	26.9
Alternative 7 Tighter Cluster Alternative	11.6
Alternative 12 Amended Project	116.8
Alternative 13 Santa Margarita Town Expansion	24.4
Alternative 14 Reduced Project	57.9

Response R-9H

Refer to Response R-9G above. Based on the commentor's recommended comparison method for prime soils, Alternative 12 (Amended Project) would impact the same amount of prime soils as the Agricultural Residential Cluster Subdivision because they would be located on the same 676.7-acre grazing unit.

Response R-9I

Refer to Response R-9G above.

Response R-9J

The commentor recommends that all trails meet policies and criteria outlined in the Parks and Recreation Element. Refer to Future Development Program measure R-2(a) (Trail Connections) in Section 4.11, *Recreation,* of the Final EIR.

Response R-9K

The commentor recommends a combination of Alternatives 7 and 14 and suggests that this would be environmentally superior to the proposed Agricultural Residential Cluster Subdivision. Comment noted. Refer to Section 6.0, *Alternatives,* of the Final EIR.

Letter R-10

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

March 27, 2008

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

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

Dear Ms. Miller:

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

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

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

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

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

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

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

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

Sincerely,

Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

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

Letter R-10

COMMENTOR: Dick Butler, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service, Southwest Region, Santa Rosa Area Office

DATE: March 27, 2008

RESPONSE:

Response R-10A

The commentor's summary of the location of the Agricultural Residential Cluster Subdivision. Comment is noted.

Response R-10B

The commentor notes that their primary concern is impacts related to steelhead and their designated critical habitats. These impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-10C

The commentor claims that the Revised Draft EIR does not adequately address impacts to steelhead because it does not provide current water demands on the property. Refer to Section 4.14.1(a) (Water Supply and Current Demand) and Table 4.14-1 (Existing Ranch Water Demands) in Section 4.14, *Water and Wastewater,* of the Final EIR. Refer also to Response R-10B.

Response R-10D

The commentor summarizes findings made in Appendix H (Drainage and Wastewater Analysis). This appendix was not included in the Revised Draft EIR, as no substantial revisions were made to the analysis warranting recirculation. CEQA Guidelines do not require that a lead agency respond to comments made during the recirculation comment period which pertain to those sections of a Draft EIR which were not recirculated. Comments made on the Draft EIR during initial circulation are addressed in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The water supply assessment included in the EIR was based on the best data readily available at the time of preparation.

Response R-10E

As noted under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. Therefore, groundwater impacts from the Agricultural Residential Cluster Subdivision would not affect stream levels.

Steelhead impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program B-7 in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-10F

Refer to Responses R-10D and R-10E.

The commentor additionally claims that more information is needed regarding the feasibility of importing water. As noted under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* the reasoning behind the Class I impact determination is that importing water may not be feasible. However, development could not occur without importing water in accordance with Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water).

Response R-10G

Refer to Response R-4I. As noted therein, the 2,000 acres referenced on page 2-110 of the Revised Draft EIR is the total planned vineyard acreage on the Ranch (i.e., 1,026.1 acres above the existing 973.9 acres, for a total of 2,000 acres). The commentor-referenced section has been revised for clarity:

> Updated Analysis. Current plans for vineyard expansion include approximately 2,000 acres of vineyards throughout the Ranch ~~in addition to the 973.9 acres currently planted~~ **for an additional 1,026.1 acres above existing plantings, and approximately 500 acres of orchards throughout the Ranch**. The Water Demand and Consumptive Use discussions in Section 4.14.1(a) (Water Supply and Current Demand) have therefore been revised as follows…

Response R-10H

Refer to Response R-10D and Section 4.3, *Biological Resources,* of the Final EIR.

Response R-10I

The commentor recommends that the stream crossings over Tostada Creek be designed in accordance with NMFS (2001) guidelines. This recommendation has been incorporated into Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] in the Final EIR.

The commentor expresses concern that the proposed road alignment along Tostada Creek would impact the riparian corridor and water quality of the stream. Agricultural Residential Cluster Subdivision measure B-7(a) in Section 4.3, *Biological Resources,* of the Final EIR has been revised to include a 100-foot permanent setback from Tostada Creek.

Response R-10J

Refer to Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised to provide additional detail

regarding setbacks to Trout and Tostada Creeks. Planning and Building will be responsible for monitoring and enforcement.

Response R-10K

Refer to Response R-4D for a discussion of the Water Resources Advisory Committee (WRAC) recommendation that a Resource Capacity Study be analyzed in the Final EIR.

Letter R-11

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

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

Hi Martha,

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

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

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

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

Letter R-11

COMMENTOR: Courtney Howard, Water Resources Engineer, San Luis Obispo County Public Works Department

DATE: March 28, 2008

RESPONSE:

Response R-11A

Funding for mitigation measure implementation is generally the responsibility of the applicant. Because the commentor does not cite specific mitigation measures for which she is concerned, no further response is feasible.

Response R-11B

It is assumed that by "alternatives" the commentor is referring to options for imported water connections discussed under *Residual Impacts* in Agricultural Residential Cluster Subdivision Impact W-1, rather than alternatives to the Agricultural Residential Cluster Subdivision addressed in Section 6.0, *Alternatives.* As noted in Response R-4P, the connection option and location of pipelines, including precise pipeline sizes, is not yet known. The EIR evaluates a reasonable worst case scenario with regard to potential impacts. Specific environmental impacts associated with implementation of any connection alternative would be evaluated in a separate environmental documentation prepared pursuant to the California Environmental Quality Act (CEQA).

Response R-11C

Comment noted.

State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005

Letter R-12

March 28, 2008

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

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

Dear Ms. Miller

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AL

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

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

AM

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

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

AN

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

The proposed Amended Project, like the originally proposed Project, does not appear to be clustered "to the maximum extent feasible", as required by the Agricultural Lands Clustering ordinances. In addition, it does not appear that their location would "not interfere with agricultural production" of the 676.6-acre grazing area as required by the ordinances; and the DEIR concluded that the ARCS would permanently compromise the sustainability of the 676.6-acre grazing unit. As such, we conclude the footprint of the proposed ARCS is 676 6 acres, not the 163.1 acres as represented in the DEIR and presumably in the RDEIR for the Amended Project. This greatly exceeds the 5 percent of the land base which is allowable under the Major Agricultural Cluster ordinance, and, in fact, represents about 5 percent of the total area of the entire undeveloped portion of the Santa Margarita Ranch. **AO**

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

for

W. E. Loudermilk
Regional Manager

cc: See Page Fifteen

cc: United States Fish
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Letter R-12

COMMENTOR: W.E. Loudermilk, Regional Manager, California Department of Fish and Game, Central Region

DATE: March 28, 2008

RESPONSE:

Response R-12A

The commentor's summary of the Agricultural Residential Cluster Subdivision is noted. Refer to Master Responses 3a through 3c for clarification regarding the Future Development Program.

Response R-12B

The commentor's summary of their comment letter is noted.

Response R-12C

Refer to Master Response 3b.

Response R-12D

The commentor states that oak woodland impacts should be assessed for the four types of oak woodlands. This is provided in Table 4.3-5 (Impacts to Habitat Types Resulting from Development of the Proposed Agricultural Residential Cluster Subdivision) as well as Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR. The commentor briefly notes that two of the oak woodland types are special status associations. The *Valley Oak Woodland* discussions in Section 4.3.1(b) (Habitat Types) and Agricultural Residential Cluster Subdivision Impact B-3 have been revised to clarify this distinction. However, there is not a second oak woodland type on the site with a special status association. Refer also to Response R-12AD below.

The commentor additionally claims that the EIR fails to analyze past projects and wildlife corridor impacts. However, the setting (baseline) described in Section 4.3.1 (Setting) of the Final EIR inherently includes past projects in the project vicinity (refer also to Response R-12AW below). Wildlife corridor impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-9. Refer specifically to the discussion under *Impacts to Wildlife Movement* therein.

The commentor notes that new alternatives in the Revised Draft EIR are compared to the Agricultural Residential Cluster Subdivision rather than the baseline. Refer to Response R-12AK below.

The commentor claims that the Revised Draft EIR does not provide a sufficient level of technical detail to meet CEQA requirements. The commentor does not provide evidence to support this claim. Refer to Responses R-12E through R-12AY for responses to specific comments. It should also be noted that the commentor references CEQA Guidelines Section 15147, which states that

"information contained in an EIR shall include summarized technical data…placement of highly technical and specialized analysis and data in the body of an EIR should be avoided." Refer also to Master Response 3a. The Future Development Program is not proposed, as suggested by the commentor. Refer also to Master Response 4.

Response R-12E

Refer to Master Responses 3a through 3c for clarification regarding the Future Development Program.

Response R-12F

Refer to Master Responses 3a through 3c for clarification regarding the Future Development Program.

Response R-12G

Responses to comments received on the Draft EIR are located in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Refer also to Response R-36D. As noted therein, the Revised Draft EIR revises portions of the Draft EIR, but does not constitute a separate EIR, as suggested by the commentor. This document, which includes all Draft EIR Sections with corrections and additions from the Revised Draft EIR incorporated, as well as responses to all comments received during both circulation periods, constitutes the (one and only) Final EIR for the Agricultural Residential Cluster Subdivision and Future Development Program.

Response R-12H

The commentor notes that the Department of Fish and Game (DFG) is a Trustee Agency with a responsibility to comment under CEQA. Comment noted.

Response R-12I

The commentor notes that the Department of Fish and Game (DFG) is a Responsible Agency when a subsequent permit or other type of discretionary approval from the Department is required. Comment noted.

Response R-12J

Refer to Agricultural Residential Cluster Subdivision measure B-4(a) (Wetland and Riparian Protection) in Section 4.3, *Biological Resources,* of the Final EIR. As noted therein, a Streambed Alteration Agreement from the CDFG would be required if impacts to wetland and riparian habitat are not fully avoided, pursuant to Section 1600 et seq. of the California Fish and Game Code and as suggested by the commentor.

The commentor suggests that further biological studies may reveal that an Incidental Take Permit is required. However, only one species discussed in the EIR is state-listed threatened or endangered (Bald eagle, *Haliaeetus leucocphalus,* Federally Threatened and State Endangered,

Fully Protected) and this species is not expected to occur on the property and would not, therefore, be impacted by the Agricultural Residential Cluster Subdivision. As a result, no Incidental Take permits from the CDFG are expected to be required (refer to Table 4.3-4 Section 4.3, *Biological Resources,* of the Final EIR).

The commentor's statements related to the CEQA process are noted. As a point of clarification, the County of San Luis Obispo is the lead agency, not the City.

Response R-12K

The commentor's summary of the Incidental Take Permit process is noted. Refer also to Response R-12J.

Response R-12L

The commentor's discussion of CESA compliance versus CEQA compliance is noted. Refer also to Section 4.3.1(f) (Regulatory Setting) 4.3, *Biological Resources,* of the Final EIR.

Response R-12M

The commentor's summary of "take" authority is noted. However, because the commentor does not directly identify issues of concern with the EIR analysis, no specific response is feasible.

Response R-12N

The commentor claims that the Revised Draft EIR does not provide a sufficient level of technical detail for the Future Development Program or project alternatives. Refer to Section 1.1 (Purpose and Legal Authority) in Section 1.0, *Introduction,* of the Final EIR. As noted therein, the Agricultural Residential Cluster Subdivision is analyzed at a project level while the Future Development Program is analyzed as a program level, and the EIR is therefore a hybrid Project/Program EIR. As noted in Master Response 3a, additional environmental review will be required for future projects on the Ranch property.

Refer also to Master Responses 3a and 3b. The EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program. In addition, because only generalized Future Development Program land use locations are available at this time, and no site plans or other project-level details have been provided by the applicant, greater technical detail in this area would necessarily require speculation, which is specifically prohibited by CEQA (refer to Master Response 2).

Refer also to CEQA Guidelines § 15126.6 (d). In accordance with this Section, an alternatives analysis need not be as detailed or exhaustive as the analysis of the proposed project, but rather "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." Surveys need not be completed prior to comparing alternatives. Refer also to Master Response 7.

It should also be noted that new alternatives included in the Revised Draft EIR and incorporated into the Final EIR are analyzed at the same level of detail as those alternatives previously addressed in the Draft EIR. Refer to Section 6.0, *Alternatives,* of the Final EIR for a complete discussion of project alternatives.

Refer also to Master Response 6. Previous rare plan surveys were adequately reviewed and evaluated prior to incorporation into the EIR.

Response R-12O

The commentor questions why project redesign to avoid rare plants was not suggested as mitigation. The EIR analyzes and mitigates the Agricultural Residential Cluster Subdivision as proposed. Alternatives to the proposed project which are intended to avoid or reduce impacts, including those to rare plants, are discussed in Section 6.0, *Alternatives,* of the Final EIR.

The commentor additionally expresses concern related to the effectiveness of relocating plants as mitigation. Agricultural Residential Cluster Subdivision measure B-5(b) (San Luis Obispo Mariposa Lily and San Luis Obispo County Morning Glory Mitigation and Monitoring Plan) in Section 4.3, *Biological Resources,* of the Final EIR has been revised to emphasize collection of seed and bulbs, instead of relocating plants.

New populations would be established in areas identified by the mitigation and monitoring plan required by Agricultural Residential Cluster Subdivision measure B-5(b) (San Luis Obispo Mariposa Lily and San Luis Obispo County Morning Glory Mitigation and Monitoring Plan).

Response R-12P

The commentor notes that establishing new populations of Caper-fruited tropidocarpum (*Tropidocarpum capparideum*) may not be feasible. This species does not occur within any of the Agricultural Residential Cluster Subdivision impact areas and mitigation for this species is not required.

Refer also to Agricultural Residential Cluster Subdivision measures B-5(a) (Follow-up Special-status Plant Surveys) and B-5(b) (San Luis Obispo Mariposa Lily and San Luis Obispo County Morning Glory Mitigation and Monitoring Plan) in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-12Q

Agricultural Residential Cluster Subdivision Impact B-6 and Future Development Program Impact B-6 have been revised in the Final EIR to reiterate and clarify that past vernal pool fairy shrimp surveys were inconclusive. Refer to Agricultural Residential Cluster Subdivision measure B-6(a) (VPFS Presence/Absence Determination) and Future Development Program B-6(a) (VPFS Presence/Absence Determination), which require that the surveys be completed.

Response R-12R

Whenever additional surveys are required as mitigation in Section 4.3, *Biological Resources,* of the Final EIR, measures are included which would be required as action items and performance standards to reduce impacts below threshold levels should those surveys determine presence of special-status resources.

It should also be noted that, in accordance with State CEQA Guidelines, an alternatives analysis need not be as detailed or exhaustive as the analysis of the proposed project, but rather "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project" [CEQA Guidelines § 15126.6(d)]. Surveys need not be completed prior to comparing alternatives. Refer also to Master Response 7.

It should also be noted that new alternatives included in the Revised Draft EIR and incorporated into the Final EIR are analyzed at the same level of detail as those alternatives previously addressed in the Draft EIR. Refer to Section 6.0, *Alternatives,* of the Final EIR for a complete discussion of project alternatives.

Response R-12S

The commentor does not provide evidence to support the claim that the EIR contains insufficient information. No further response is feasible.

Refer also to Master Response 3b for clarification regarding the Future Development Program analysis and to Response R-12R above for clarification regarding the scope of an alternatives analysis.

It should also be noted that the commentor references CEQA Guidelines Section 15147, which states that "information contained in an EIR shall include summarized technical data…placement of highly technical and specialized analysis and data in the body of an EIR should be avoided."

Response R-12T

Table 4.3-4 (Special Status Wildlife Species Potentially Occurring on the Project Site) in Section 4.3, *Biological Resources,* of the Final EIR has been revised to clarify that California tiger salamander is not expected on-site because of limited distribution, as opposed to survey completeness.

Response R-12U

In accordance with the commentor's suggestions, Agricultural Residential Cluster Subdivision measure B-2(a) (Native Perennial Grassland Restoration Plan) has been revised to include native forbs and the goal of restoring the habitat, rather than focusing on a few grass species.

Native Perennial Grassland restoration is required at a 2:1 ratio. There is no basis to the commentor's claim that the loss of this habitat is not mitigable. The EIR requires that

monitoring efforts and subsequent replanting ensure that the community is successfully established in restoration areas.

Response R-12V

Refer to Table 4.3-1 (Biological Survey Types Performed for the Santa Margarita Ranch) in Section 4.3, *Biological Resources,* of the Final EIR. As noted therein, wetland delineations were performed by J. Isaacs, G. Liu, R. Lodge, R. Rossi, J. Olberding, L. Althouse, C. England, D. Martel and a wetland delineation review was conducted by K. Merk and J. Davis. Refer to Master Response 6. As noted therein, applicant-contracted technical studies, including wetland delineations, were thoroughly scrutinized prior to inclusion in the EIR analysis.

Refer also to the *Native Perennial Grassland* discussion in Section 4.3.1(b) (Habitat Types) of the Final EIR. As noted therein, areas with stands of deergrass are common on the Agricultural Residential Subdivision site along intermittent drainages and the margins of wetlands.

Response R-12W

Refer to Agricultural Residential Cluster Subdivision Impact B-4 in Section 4.3, *Biological Resources,* of the Final EIR. As noted in the first sentence of the impact discussion, several wetland areas adjacent to residential lots and roads would be indirectly impacted by the proposed development. Some roadway segments are adjacent to wetlands. Table 4.3-5 (Impacts to Habitat Types Resulting from Development of the Proposed Agricultural Residential Cluster Subdivision) depicts direct acreage impacts, and therefore correctly lists emergent wetland habitat as containing 0.0 acres of impact.

Refer also to Agricultural Residential Cluster Subdivision measure B-4(a) (Wetland and Riparian Protection), which requires setbacks from wetland habitat and erosion control measures to limit indirect impacts, among other measures.

Response R-12X

Refer to Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of impacts to steelhead.

As noted under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. As a result, project groundwater use would not directly impact steelhead.

Response R-12Y

Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] has been revised to specify measures required to allow Road crossings of Trout and Tostada Creeks and to require

coordination with the NOAA National Marine Fisheries Service, as suggested by the commentor. Refer to this measure in Section 4.3, *Biological Resources,* of the Final EIR.

The commentor requests that Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] be implemented prior to certification of the EIR. However, mitigation cannot be required prior to approval of the project for which the mitigation measure is necessitated (since without a project there would be no impact) and a project cannot be approved prior to completion of the CEQA process.

Refer also to Response R-12O. As noted therein, the EIR analyzes and mitigates the Agricultural Residential Cluster Subdivision as proposed, and cannot require redesign as mitigation. Alternatives to the proposed project which are intended to avoid or reduce impacts are discussed in Section 6.0, *Alternatives,* of the Final EIR.

Response R-12Z

Agricultural Residential Cluster Subdivision measures B-7(a) (South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan) and B-8(a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures) have been revised to require a 200 foot buffer from Tostada Creek, in accordance with the commentor's recommendation.

Response R-12AA

Refer to Response R-12O. As noted therein, the EIR analyzes and mitigates the Agricultural Residential Cluster Subdivision as proposed. Alternatives to the proposed project which are intended to avoid or reduce impacts are discussed in Section 6.0, *Alternatives,* of the Final EIR.

Refer also to Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised to specify mitigation for road crossings of Trout and Tostada Creeks.

Response R-12AB

The commentor's summary of the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR is noted.

Response R-12AC

Refer to Section 4.14.1(a) (Water Supply and Current Demand).

It should also be noted that the applicant would not be allowed to convert groundwater to residential use. Refer to Agricultural Residential Cluster Subdivision measure W-1(a) in Section 4.14, *Water and Wastewater,* of the Final EIR and the commentor's summary in Comment R-12AB above.

Response R-12AD

The *Valley Oak Woodland* discussions in Section 4.3.1(b) (Habitat Types) and Agricultural Residential Cluster Subdivision Impact B-3 have been revised to clarify that valley oak woodland is listed as a Sensitive Natural Community by the CDFG. However, mixed oak woodland is not a California special concern plant community, as claimed by the commentor, nor is the valley oak a California Species of Special Concern. Revisions to these applicable discussions are not necessary.

Refer also to Response R-12D.

Response R-12AE

Refer to Response R-12O. As noted therein, the EIR analyzes and mitigates the Agricultural Residential Cluster Subdivision as proposed. Alternatives to the proposed project which are intended to avoid or reduce impacts are discussed in Section 6.0, *Alternatives,* of the Final EIR.

Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in Section 4.3, *Biological Resources,* of the Final EIR has been revised to require that the restored area be at a minimum equal in size to the area of oak woodlands lost or disturbed, as suggested by the commentor.

Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) are consistent with Kuehl Bill requirements. Refer to Agricultural Residential Cluster Subdivision Impact B-3 of the Final EIR for a discussion of the Kuehl Bill.

Response R-12AF

The commentor's discussion of the Kuehl Bill (codified in PRC § 21083.4) is noted. The analysis and mitigation of oak woodland impacts in accordance with the Kuehl Bill, as adopted, was included in the Revised Draft EIR and has been incorporated into the Final EIR. Refer to Agricultural Residential Cluster Subdivision Impact B-3 and subsequent mitigation measures in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-12AG

Refer to Table 4.3-2 (Agricultural Residential Cluster Subdivision Site Habitat Summary) and Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR. Refer also to Master Response 7.

Refer also to Response R-12AD. As noted therein, only one type of oak woodland on the Agricultural Residential Cluster Subdivision site is special status.

Response R-12AH

The commentor requests that erosion control and landscaping allow only natural fiber and biodegradable materials to be used. Agricultural Residential Cluster Subdivision measures D-

2(c) (LID-Integrated Management Practices) and D-4(a) (Pollutant Removal Techniques) in Section 4.5, *Drainage, Erosion and Sedimentation,* and measure VR-1(b) (Architectural and Landscape Guidelines) in Section 4.13, *Visual Resources,* of the Final EIR have been revised to specify this requirement. Refer to these revised measures in their respective sections of the Final EIR.

Response R-12AI

The commentor notes that the Agricultural Residential Cluster Subdivision and many of the alternatives have missed opportunities to avoid impacts through project design. Comment noted. The commentor does not provide suggestions for project redesign. As a result, no further response is possible.

The commentor additionally suggests that a column be added to Table 4.3-5 (Impacts to Habitat Types Resulting from Development of the Proposed Agricultural Residential Cluster Subdivision) to display the percent of the Agricultural Residential Cluster Subdivision footprint which is within each habitat type. A column has been added showing the acreage of each habitat type as a percentage of the total site. Refer to Table 4.3-5 in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-12AJ

Refer to Master Response 4. The commentor does not specify locations that would be suitable, nor does the commentor explain why reducing lot sizes to ½ acre would reduce impacts to a greater extent than reducing the buildout of the project (Alternative 14).

It should also be noted that the Agricultural Residential Cluster Subdivision does not propose specific building envelopes.

Response R-12AK

The commentor claims that CEQA requires project alternatives to be analyzed against the CEQA baseline (i.e. existing conditions), citing CEQA Guidelines § 15125 to support this claim. Section 15125 of the State CEQA Guidelines outlines requirements for the description of the environmental setting (baseline) and requires that "the description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." This Section does not, as claimed by the commentor, require alternatives to be compared to this description.

The commentor is referenced instead to CEQA Guidelines § 15126.6(d) (Evaluation of Alternatives), which states that an EIR "shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." This meaningful comparison is achieved, in practice, by comparing each alternative to the proposed project.

It should also be clarified that the alternatives in the Revised Draft EIR used the Agricultural Residential Cluster Subdivision as the point of comparison, not alternatives in the original Draft EIR. All alternatives are analyzed in Section 6.0, *Alternatives,* of the Final EIR.

Response R-12AL

As outlined in CEQA Guidelines § 15093 (Statement of Overriding Considerations), if the lead agency approves a project with significant and unavoidable impacts it is required to provide, in writing, the specific reasons to support its action. This statement of overriding considerations must be supported by substantial evidence in the record.

In accordance with CEQA requirements, a statement of overriding considerations would only be required if the Agricultural Residential Cluster Subdivision is approved, and is not, therefore, to be included in the EIR process. Nonetheless, the commentor's concern has been forwarded to the appropriate decision-makers for review and consideration.

Refer also to Master Response 4 and Responses R-12AI and R-12AJ. Because the commentor does not specify locations for lots or other redesign methods that would eliminate biological impacts, specific response is not feasible.

Response R-12AM

The commentor requests inclusion of the math behind the number of allowable units for the project. Refer to Figure 2-4 (Proposed Agricultural Residential Cluster Subdivision Density Calculations) in Section 2.0, *Project Description,* of the Final EIR. As shown in the legend, the number of allowable units is determined based on 973.9 acres of planted vineyards and 2,615 acres of grazing/open space. The base units allowable for a standard subdivision would be 112 based on a 20 acre minimum parcel size for vineyards and a 320 acre minimum parcel size for grazing/open space, with two units allowable per parcel.

The "extra lots" referred to by the commentor in Figure 2-3 (Proposed Agricultural Residential Cluster Subdivision Development Plan) are Agriculture Conservation Easements (ACE) and would not include residential lots with the exception of one ranch headquarters unit. Only 112 units are proposed, in accordance with the above calculation.

Response R-12AN

The Future Development Program does not include residences on the Agricultural Residential Cluster Subdivision site. Refer to Figure 2-9 in Section 2.0, *Project Description,* of the Final EIR for Future Development Program land use locations.

The Agricultural Residential Cluster Subdivision consists of 111 clustered parcels, five open space parcels (one including the 112th dwelling unit), and one remainder parcel, for a total of 117 parcels. The cluster subdivision ordinance limits the number of residential parcels and residential units, not the number of open space parcels.

Response R-12AO

The commentor's observations about Alternative 12 (Amended Project) are noted. Potential inconsistencies with the applicable Land Use Ordinance requirements related to the percentage of open space will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project. Environmental impacts are addressed in the EIR.

Response R-12AP

Refer to Section 2.4.1(b) (Agricultural Conservation Easements) in Section 2.0, *Project Description,* of the Final EIR for a description of the proposed Agricultural Conservation Easements, including funding mechanisms.

Response R-12AQ

The commentor expresses the opinion that the Agricultural Residential Cluster Subdivision does not meet all the requirements of the Agricultural Lands Clustering Ordinance. Comment noted. Refer to Response R-12AO and Appendix C (Policy Consistency) to the Final EIR.

Response R-12AR

Refer to Master Responses 3a through 3c.

Response R-12AS

Refer to Master Responses 3a through 3c.

Response R-12AT

Refer to Master Response 3b.

Response R-12AU

Refer to Master Response 3b.

It should also be clarified that the conclusion referenced by the commentor is made in relation to pipelines that would connect the Agricultural Residential Cluster Subdivision project with infrastructure already analyzed in previous environmental documents (i.e. pipelines and other infrastructure that has not previously been analyzed in the documents incorporated by reference). Refer also to CEQA Guidelines § 15150 (Incorporation by Reference).

Response R-12AV

The commentor's suggestions are noted. Refer also to Master Response 3a.

Response R-12AW

The environmental setting (baseline) described in Section 4.3.1 (Setting) of the Final EIR inherently includes past projects in the project vicinity. In addition, the Agricultural Residential Cluster Subdivision is the only current project in the Ranch vicinity. All foreseeable future projects in the area are included in the Future Development Program. As noted in Section 4.3.2(d) (Cumulative Impacts), the evaluation of the Future Development Program, which includes the Agricultural Residential Cluster Subdivision, in this EIR accounts for all of the expected growth in the Santa Margarita area, as it represents buildout of the major landholding

that surrounds the existing community, consistent with the Salinas River Area Plan. Therefore, cumulative biological resources impacts from buildout of the Agricultural Residential Cluster Subdivision in combination with buildout of the Future Development Program were addressed in the Future Development Program impact analysis in Section 4.3.2(c) (Future Development Program Impacts and Mitigation Measures) of the Final EIR.

Response R-12AX

Refer to Response R-12AX. Cumulative impacts related to wildlife movement corridors are addressed generally in Future Development Program Impact B-9 in Section 4.3, *Biological Resources,* of the Final EIR. Impacts related to the movement of individual species are also addressed in impact discussions for those species.

Response R-12AY

The commentor summarizes their comments made throughout the letter. Refer to Responses R-12A through R-12AX.

Letter R-13

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

March 28, 2008

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

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

Dear Ms. Miller,

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

GENERAL COMMENTS

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

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

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

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

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SPECFIC COMMENTS

Prohibition of Secondary Dwellings

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

Transportation and Circulation

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

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

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

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

Backyard Burning

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

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

Prohibition of Residential Backyard Burning and Limitation of Agricultural Burning

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

Prohibit residential green waste burning for the Agricultural Cluster Development.

Agricultural Burning

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

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

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

Limitation of Agricultural Burning

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

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

Global Climate Change

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

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

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

M

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

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

N

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

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

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

O

The following are APCD's comments for Alterative 13

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

P

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

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

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

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

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

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

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

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

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

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

Sincerely,

Andy Mutziger
Air Quality Specialist

AAG/AJM/sll

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Letter R-13

COMMENTOR: Andy Mutziger, Air Quality Specialist, County of San Luis Obispo Air Pollution Control District

DATE: March 28, 2008

RESPONSE:

Response R-13A

The commentor's summary of the proposed Agricultural Residential Cluster Subdivision and the contents of the Revised Draft EIR are noted. As a point of clarification, the Future Development Program is not "proposed." Refer to Master Response 3a.

Response R-13B

Comment noted.

Response R-13C

The commentor notes that the Air Pollution Control District (APCD) does not support the proposed Agricultural Residential Cluster Subdivision or any of the alternatives based on inconsistencies with Smart Growth Principles, the lack of affordable housing, and inconsistencies with the Clean Air Plan (CAP). Comment noted.

Response R-13D

Comment noted.

Response R-13E

The commentor recommends that Agricultural Residential Cluster Subdivision residents be prohibited from constructing secondary dwellings. Secondary dwelling units would not be allowed on the Agricultural Residential Cluster Subdivision site in accordance with San Luis Obispo County Land Use Ordinance (LUO) Section 22.22.150.

Response R-13F

The commentor claims that transportation and circulation mitigation measures for the Agricultural Residential Cluster Subdivision are not adequate to address the 40% increase in daily traffic volumes. Refer to Master Response 5. Refer to Responses R-13G through R-13FI for responses to the commentor's specific recommendations.

Response R-13G

The commentor recommends that Agricultural Residential Cluster Subdivision measure T-1(a) (SR 58 South of J Street) in Section 4.12, *Transportation and Circulation,* be revised to increase the

width of shoulders and bike lanes currently required by the measure. However, there is no nexus to require the applicant to widen bike lanes as requested by the commentor. Refer also to Response 13F in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-13H

The commentor recommends that Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) in Section 4.12, *Transportation and Circulation,* be revised to require both the warning beacon and elimination of the crest. However, there is no nexus to require the applicant to provide both of these improvements as suggested by the commentor, as either would effectively mitigate the impact.

Response R-13I

The commentor recommends that a mitigation measure be added to provide controls of "cut-through" traffic on I Street. The commentor does not specify the types of controls.

There is no nexus to require the applicant to provide controls on I Street, as cut-through impacts were determined not to be significant (refer to the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR). Impacts related to the safety of children in the vicinity of Santa Margarita Elementary School are addressed in Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) in Section 4.12, *Transportation and Circulation,* of the Final EIR.

Response R-13J

The commentor claims that the Revised Draft EIR only partially addressed the APCD's previous recommendation that backyard burning restrictions be called out as a separate mitigation measure. Refer to Response 13J in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein and acknowledged by the commentor, residential backyard burning is already prohibited by measure AQ-1(e) (Residential Wood Combustion). The prohibitive statement in the APCD-recommended measure is the same as that in measure AQ-1(e).

Response R-13K

The commentor again recommends the addition of a new mitigation measure to prohibit agricultural burning. Refer to Response 13J in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the EIR cannot prohibit agricultural burning on off-site agricultural properties.

Refer to the last paragraph under Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR, which discloses agricultural burning as a land use compatibility conflict. As noted therein, potential land use conflicts are a Class I, *significant and unavoidable,* impact.

Response R-13L

The third paragraph under *Summary of Draft EIR Analysis* in the *Global Climate Change* discussion in Section 2.2 (Air Quality) of the Revised Draft EIR has been revised as follows:

> It should be noted that the analysis below ~~discusses GCC qualitatively, and does not attempt to speculatively quantify GHG emissions from the Agricultural Residential Cluster Subdivision or Future Development Program~~ **quantifies GHG emissions from the Agricultural Residential Cluster Subdivision**. ~~Nor does~~ **However,** the analysis **does not** attempt to speculatively establish a threshold for determining impact significance. Rather, the analysis discusses the potential ways in which the Agricultural Residential Cluster Subdivision and Future Development Program would contribute to the generation of GHG emissions and identifies methods of reducing GHG emissions.

The commentor additionally suggests that the discussion in Section 4.2.3(d) (Methodology and Significant Thresholds) in Section 4.2, *Air Quality,* of the Final EIR be revised to remove the statement that "determining the CEQA significance of the impact of the Agricultural Residential Cluster Subdivision and Future Development Program at a project- or program-level is speculative." However, because there are no thresholds against which to measure the level of significance, determining significance would in fact be speculative.

Response R-13M

The commentor-recommended language would defer mitigation, which is specifically prohibited by CEQA [§ 15126.4(a)(1)(B)]. Because the commentor does not specify what types of measures may be included, no further response is feasible.

Response R-13N

The commentor disagrees with the last three sentences under the *Air Quality* discussion of Alternative 7 (Tighter Cluster Alternative) in Section 6.7.2 of the Final EIR. The purpose of the discussion is to compare the alternative to the project, not to determine CAP consistency outright. The analysis does not claim that Alternative 7 would be consistent with the Clean Air Plan (CAP); just that it would slightly improve consistency when compared to the Agricultural Residential Cluster Subdivision. A sentence has been added to the discussion to clarify this distinction. Refer to Section 6.7.2 in Section 6.0, A*lternatives,* of the Final EIR.

Response R-13O

Refer to Response R-13C.

Response R-13P

Alternative 13 has been renamed "Santa Margarita Town Expansion" in accordance with the commentor's recommendation. Refer to Section 6.0, *Alternatives,* of the Final EIR.

Response R-13Q

Conflicts related to agricultural burning are disclosed in Section 4.1, *Agricultural Resources,* of the Final EIR. Therefore, the commentor-recommended revision has been added to the *Agricultural Resources* discussion of Alternative 13, rather than Public Services. Refer to the second paragraph of the *Agricultural Resources* discussion in Section 6.13.2 in Section 6.0, *Alternatives,* of the Final EIR.

Response R-13R

Comment noted.

Response R-13S

The commentor notes that although the APCD does not support the Agricultural Residential Cluster Subdivision or any of the alternatives, their preferred alternative would be Alternative 13 with modifications, including a mix of housing types and reduced number of units. Comment noted.

Response R-13T

The commentor notes that significant impacts from the Future Development Program are avoidable with a no development option. Refer to Alternative 1 (No Project/No Development) and Alternative 2 (No Project/Existing Zoning) in Section 6.0, *Alternatives,* of the Final EIR. The commentor's support for no development is noted.

Response R-13U

The commentor notes that the APCD does not support the Future Development Program and will not support a Specific Plan on the Santa Margarita Ranch based on inconsistencies with Smart Growth Principles, the lack of affordable housing, and inconsistencies with the Clean Air Plan (CAP). Comment noted.

It should also be clarified that the Future Development Program is not proposed. Refer to Master Response 3a.

Letter R-14

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
2008-B-0203

April 2, 2008

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

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

Dear Ms. Miller:

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

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

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

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

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

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

Agricultural Residential Cluster Subdivision

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

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

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

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

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

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

Future Development Program

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

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

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

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

California Tiger Salamanders

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

Migratory Birds

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

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

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

Sincerely,

David M. Pereksta
Assistant Field Supervisor

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

Letter R-14

COMMENTOR: David M. Pereksta, Assistant Field Supervisor, U.S. Department of the Interior, Fish and Wildlife Service, Ventura Fish and Wildlife Office

DATE: April 2, 2008

RESPONSE:

Response R-14A

The commentor's understanding that the Revised Draft EIR only addresses changes to the Draft EIR is accurate. However, the Draft EIR was dated January 9, 2007, not March 13, 2007, as suggested by the commentor.

Response R-14B

The commentor's summary of U.S. Fish and Wildlife Service (USFWS) responsibilities related to administering the Endangered Species Act of 1973 is noted.

Response R-14C

The commentor's summary of their comments is noted. Refer to Responses R-14D through R-14P below for responses to specific issues of concern.

Refer to Letter 15 and Responses 15A through 15R in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for the USFWS Draft EIR comment letter and associated responses.

Response R-14D

The commentor's summary of the Agricultural Residential Cluster Subdivision and Future Development Program is noted.

Response R-14E

The commentor's summary of land uses surrounding the Santa Margarita Ranch is noted.

Response R-14F

The commentor's summary of the Agricultural Residential Cluster Subdivision is noted.

Response R-14G

Refer to Agricultural Residential Cluster Subdivision Impacts B-6 and B-8 in Section 4.3, *Biological Resources,* of the Final EIR for analysis of impacts to vernal pool fairy shrimp and California red-legged frog, respectively. Impacts to vernal pool habitat and other species are

addressed in Agricultural Residential Cluster Subdivision Impact B-4 and B-9 in Section 4.3, *Biological Resources*, respectively.

Response R-14H

The commentor does not provide evidence to support the claim that Agricultural Residential Cluster Subdivision mitigation measures are general and do not address project-specific impacts. Refer to Section 4.3.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) in Section 4.3, *Biological Resources,* of the Final EIR for an analysis of project-specific impacts and associated mitigation.

Sections 4.3.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) and 4.3.2(b) (Future Development Program Impacts and Mitigation Measures) in Section 4.3, *Biological Resources,* of the Final EIR, have been revised to clarify that take would not be authorized for any federally listed species.

Refer to Agricultural Residential Cluster Subdivision Impact B-4 and measure B-4(a) (Wetland and Riparian Protection) in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of the federal nexus for the U.S. Army Corps of Engineers and potential consultation with NOAA Fisheries.

Agricultural Residential Cluster Subdivision measure B-8(a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures) has been revised to require USFWS authorization for California red-legged frog relocations.

Agricultural Residential Cluster Subdivision measures B-8(a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures) and B-6(b) (Mitigation for VPFS) have been revised to require a 200-foot setback from California red-legged frog habitat and 300-foot setback for vernal pool fairy shrimp habitat, respectively, in accordance with the commentor's concerns related to indirect effects of pesticides, runoff, and changes to hydrology.

Impacts to non-native species are addressed in Agricultural Residential Cluster Subdivision Impact B-9.

Response R-14I

Refer to Letter 15 (Jacob M. Martin, U.S. Fish and Wildlife Service, April 12, 2007) and Responses 15E through 15J in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-14J

The commentor notes that Agricultural Residential Cluster Subdivision impacts could be reduced through project redesign. Although the commentor states that components of the Agricultural Residential Cluster Subdivision could be sited to avoid resources and that stream crossings could be designed to permit wildlife movement, the commentor does not provide specific redesign recommendations. The EIR evaluates the Agricultural Residential Cluster Subdivision project as proposed and programmatically evaluates the Future Development

Program as envisioned. Refer also to Section 6.0, *Alternatives,* of the Final EIR for alternatives to the Agricultural Residential Cluster Subdivision.

Response R-14K

The commentor's summary of the Future Development Program is noted.

Response R-14L

Refer to Master Responses 3a and 3b. Refer also to Response R-14H.

Response R-14M

Refer to Future Development Program measure B-6(a) (VPFS Presence/Absence Determination) in Section 4.3, *Biological Resources,* of the Final EIR, which has been revised to require complete protocol surveys, in accordance with the commentor's recommendation.

Refer also to Master Response 3a. As noted therein, no application has been filed for the Future Development Program. If applications for future projects are submitted, future environmental review will be required.

Response R-14N

Refer to Responses R-14f through R-14J. Refer also to Master Response 3a.

Response R-14O

California tiger salamander (CTS) is not known to occur in this region and is therefore not expected to occur on-site [refer to Table 4.3-4 (Special Status Wildlife Species Potentially Occurring on the Project Site)]. As a result, no protocol surveys for CTS have been conducted.

Response R-14P

Refer to Agricultural Residential Cluster Subdivision Impact B-9 and Future Development Program Impact B-9 in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of impacts to migratory birds protected under the Migratory Bird Treaty Act.

Letter R-15

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March 28, 2008

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Martha Miller
County of San Luis Obispo
Department of Planning and Building
976 Osos St, Room 300
San Luis Obispo, CA 93408

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

Dear Ms Miller:

This office submits the following comments on the Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program in behalf of the Applicant, Santa Margarita, LLC.

A

The Applicant is concurrently submitting the following comments from various qualified experts:

1. Kirk Consulting;
2. RRM Design Group;
3. Althouse and Meade, Inc;
4. Associated Transportation Engineers;
5. Luhdorff & Scalmanini Consulting Engineers;
6. Dr. Thomas J. Rice.

With the inclusion of these materials and the Applicant's previous comments, we feel that the RDEIR can be certified as consistent with the requirements of CEQA. While the County consultant prepared sections continue to overstate potential impacts, the entire document with comments qualifies those conclusions, and provides a clear basis upon which to approve the project.

B

There are a number of additional legal issues which merit comment at this time regarding the proposed reduced density alternative and the legal feasible various conditions addressed in the Ranch's consultant comments. The comments can be restored during the public hearing process, and should not justify any further delays. C

A. Reduced Housing Density Is Strictly Controlled By CEQA

The RDEIR for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program includes a new alternative recommending a reduction of housing density.

D

This alternative is not legally feasible and is not supported by the requisite substantial evidence to support required findings for density reduction. Local agencies may not deny or reduce the density of a housing project that is consistent with applicable general plan, zoning, and development policies in effect when the application is determined to be complete unless the agency makes written findings showing that the project would have a specific adverse impact on the public health or safety without its disapproval or a reduction in density.

Govt. Code §65589.5(j)(2), provides:

> j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

> (1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
>
> (2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

D

For projects that include a housing development, the responsible lead agency may not reduce the number of housing units as a mitigation measure if it determines that another feasible specific mitigation measure is available that will provide a comparable level of mitigation and that will not reduce units.

In this case, there is no substantial evidence to support the required findings for housing density reduction, and that alternative is legally and economically infeasible.

B. All Proposed Project Mitigations Must Be Economically and Legally Feasible, and Constitutional

E

Particularly with regard to proposed traffic mitigations, and other mitigations identified by the Ranch's consultants, such mitigations must be economically and legally feasible, and be consistent with well established constitutional nexus principles. Under 14 Cal. Cod Regs. §15131(c), agencies must consider economic and social factors, particularly housing needs, along with environmental, legal, and technological factors, in determining whether mitigation measures and project alternatives are infeasible. See 14 Cal Code Regs §15091, 15364.

If the information is not included in the EIR, it must be set forth elsewhere in the administrative record before being imposed as a project condition. 14 Cal. Code Regs. §15131(c). See *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 CA3d 1167, 243 CR 339. If economic information on the feasibility of an alternative is contained in an EIR, it should be substantial economic evidence sufficient to support a determination that a particular alternative is not economically feasible. *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 133 CR2d 718. F

Like any government exaction or condition of approval, a mitigation measure cannot violate state or federal constitutional standards. This limitation is explicitly stated in the Guidelines.

14 Cal. Code Regs. §15041(a) provides:

> A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard*, (1994) 512 U.S. 374, *Ehrlich v. City of Culver City*, (1996) 12 Cal. 4th 854.). G

14 Cal. Code Regs. §15126.4(a)(4) provides:

> Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
>
> (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

> (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

G

These principles have been explained in detail in *Practice under the California Quality Act*, CEB (2006) 634, 853, 723, 1034: As developed by the California courts and the United States Supreme Court, the primary limit on agency authority is the requirement that a "reasonable relationship" or "nexus" exist between the project's impacts and an exaction, fee, or condition imposed by the agency. *Dolan v. City of Tigard* (1994) 512 US 374, 129 L Ed 2d 304, 114 S Ct 2309; *Nollan v. California Coastal Comm'n* (1987) 483 US 825, 97 L Ed 2d 677, 107 S Ct 3141.

In *Nollan*, the court held that it is an unconstitutional taking of property for a government entity to require dedication of an easement as a condition of granting a development permit unless a substantial relationship exists between the impact of the proposed construction and the permit condition. The court held that the required public easement along the beach was not substantially related to the burden created by rebuilding a residence, because the project would not interfere with public use of the beach. See also *Surfside Colony, Ltd. v. California Coastal Comm'n* (1991) 226 CA3d 1260, 277 CR 371(study showing generally that seawalls cause erosion was insufficient to justify dedication of public easement along beach required for seawall project because study acknowledged that results vary locally and no showing was made of potential erosion damage from this seawall); *Rohn v. City of Visalia* (1989) 214 CA3d 1463, 263 CR 319 (condition of site plan approval and building permit requiring that portion of property be dedicated to city for street widening project was invalid under substantial relationship test because project would not increase traffic).

A related but distinct principle is the legal requirement that the extent of a development exaction must bear a reasonable relationship to the burden created by the development. See *Nollan v. California Coastal Comm'n* (1987) 483 US 825, 835 n4, 97 L Ed 2d 677, 688 n4, 107 S Ct 3141.

In *Dolan v. City of Tigard, supra,* the U.S. Supreme Court adopted a "rough proportionality" standard for the relationship between a project's impacts and a dedication requirement imposed by the approving agency. Based on an individualized determination relating to the project, the agency must demonstrate that both the nature and extent of the required dedication are related to the impact of the proposed project.

The California Supreme Court has held that the *Nollan/Dolan* test applies to fee exactions as well as to dedications. *Ehrlich v. Cit of Culver City* (1996) 12 C4th 854, 50 CR2d 242. The court held that a recreational impact fee for destruction of a tennis club met the *Nollan* "nexus" test, but remanded for the trial court to determine whether the fee met the D*olan* "rough proportionality" test. *Commercial Builders v. City of Sacramento* (9th Cir 1991) 941 F2d 872 (fee for low-income housing, imposed on nonresidential development, was reasonably related to need for low-income housing for future employees of project). *San Remo Hotel v. City a& County of San Francisco* (2002) 27 C4th 643, 117 CR2d 269 (city's assessment of "generally applicable" housing replacement fee not subject to *Nollan/Dollan/Ehrlich*). See generally Zischke & Spaulding, *Development Fees and Environmental Mitigation in California After* Ehrlich v. City of Culver City, 14 Cal Real Prop J 4, p 1 (Fall 1996). G

During the public hearing process on the project approvals, only mitigation measures which are economically and legally feasible, as well as consistent with these familiar constitutional principles, may be imposed as conditions of the project.

C. Timing of RDEIR for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program Hearings On California

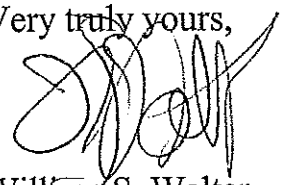
It should also be recalled that the environmental review for this project has been one of the longest and most costly in County history. The project application was submitted to the County on October 5, 2003, and was accepted as complete on June 7, 2004. CEQA imposes a one year time limit within which to complete the EIR process. Pub. Res. Code §§21100.2, 2115.5; 14 Cal. Code Regs. §15108. The Draft EIR was released on January 9, 2007, was subject to thorough public review and comment. Even though there is no requirement for it, the Ranch H

agreed to a recirculation of the document including copies. Further delays are inconsistent with fulfilling the County's obligations under CEQA in a timely manner. It should be recalled that the failure to comply with CEQA time limits is a basis for violation of federally protected civil rights under 42 USC Section 1983; *Sunset Drive Corp. v. City of Redlands* (1999) 73 Cal. App. 4th 215,

H

It is the Applicant's understanding that the following dates have been reserved and will be complied with for public hearings on the DREIR and project approvals before the Planning Commission on July 10, 2008, and July 24, 2008; and before the Board of Supervisors on October 21, 2008 and if needed another dated in November, 2008. It is imperative that this schedule be adhered to.

Very truly yours,



William S. Walter
Attorney for Santa Margarita Ranch, LLC

cc: Santa Margarita Ranch, LLC
San Luis Obispo County Board of Supervisors
Ellen Carroll

Kirk Consulting

March 28, 2008

Martha Miller
Senior Planner
San Luis Obispo County
Planning and Building Department
County Government Center
San Luis Obispo, Ca. 93408

RE: Tract 2586 and Future Projects
Comments on Revised Draft Environmental Impact Report (RDEIR)

Dear Ms. Miller;

Included in this letter is the applicant team's response to the RDEIR for Vesting Tentative Tract Map (VTTM) 2586 and the Future Development Plan for Santa Margarita Ranch prepared by Rincon Consultants, Inc. (Rincon). In general, we were disappointed to find that Rincon did not incorporate many of the comments that we included in our original Draft Environmental Impact Report (DEIR) response in April 2007. However, we were pleased to see that the Mitigated Project Alternative that was prepared by the applicant team in direct response to the impacts discussed in the DEIR ranked second only to the Reduced Project Alternative in the Alternatives Analysis. I

Included below in a combination of bullet and narrative fashion are our comments to the RDEIR. We have also included technical reviews of the individual resources sections and those are attached to our comment letter and should be addressed by Rincon in the Response to Comments to be prepared and included in the Final Environmental Impact Report (FEIR). J

Section 1.1 Introduction:

Page 1-3- Under Environmental Evaluation of New Alternatives (Section 3.0) after Alternative 14: Reduced Project. Insert the following:

Alternative 12 was submitted by the applicants and designed to address many of the impacts discussed in the original DEIR. The applicant felt that a Mitigated Project Alternative (Alternative 12) was necessary to provide a more environmentally and visually appropriate plan. Alternative 12 meets the basic objectives of the project and K

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avoids and/or lessens the significant impacts of the project. The primary purpose of the Alternative 12 was to locate lots out of views from public roadways and residences, and away from sensitive habitats, resources, and slopes. The overall goal of Alternative 12 was to address the impacts identified in the DEIR and reduce impacts to below the level of being significant, adverse and unavoidable. K

Section 2.1 Ag Resources Section:

A detailed review of the Agricultural Resources Section has been provided by Dr. Thomas J. Rice. Below are some additional comments regarding the 'new' definition of prime soils, the actual amount of rangeland and prime farmland converted by the project, and the animal unit ratio used in the analysis. L

Updated Analysis:

The RDEIR has added the federal definition of prime farmland into the analysis for the project. This is a definition that has not been used previously to evaluate similar projects and is not consistent with the definition of Prime Soils in the Ag and Open Space Element. M

Impact Analysis:

See comments from Dr. Thomas J. Rice regarding soil classifications and technical errors in the Agricultural Resources section. N

The RDEIR inaccurately assumes each lot will be entirely converted to residential uses. Based on the information provided in our response to comments in April 2007 building envelopes on the lots will be approximately ½ acre in size. There are 13 lots that are located on Prime Farmland. Based on a maximum of ½ acre building envelopes the maximum area of Prime Farmland that would be converted to residential uses would be +/- 6.5 acres, not 21.2 acres as stated in the RDEIR. The impacts to Prime Farmland are therefore overstated. O

The FEIR should remove the use of the California Revised Storie Index as an indicator of Prime Soils and the impact section updated accordingly. As noted in the technical review by Dr. Thomas J. Rice "neither the Storie index rating nor the CA Revised Storie Index has been used in USDA-NRCS soil survey reports in California for over ten years". P

Pages 2-13 Thresholds of Significance:

The author does not identify a threshold in which the conversion of prime soil or prime farmland becomes "significant". Q

Nothing in the question on Page 2-13 "Convert Prime Farmland, Unique Farmland.....to non-agricultural use", requires the conclusion that any conversion of R

prime farmland constitutes a significant effect. Nothing in the language of the question suggests that the loss of any acreage must be treated as significant. R

- An acreage significance threshold needs to be provided in the document S
- The analysis should include a distinction between conversion of farmland that is irrigated and farmland that has not been irrigated. It should use the corresponding LCC depending on irrigated or non-irrigated history. T
- The analysis should distinguish between the conversion of areas that are already converted by existing roads, and/or is fragmented by existing roads and natural features such as creeks, drainages, and oak trees and the conversion of prime lands that are farmable units. U

Conversion of Rangeland:

Page 2-13-2-14: The RDEIR states that the project will directly convert approximately 163 acres from existing grazing uses to residential uses. The RDEIR should specify the source of this number. 163 acres of grazing land will not be converted to residential uses, only the area devoted to home sites will be converted from grazing to residential uses. Based on building envelope concepts shown in the Design Guidelines, the building envelopes included in the applicant team's April 2007 response, and the use of the existing roads, this is a much smaller number than that included in the RDEIR. V

The RDEIR makes an assumption that in addition to the 163.7 acres converted for residential purposes, an additional 513 acres (the areas between and around the lots) will not be suitable for grazing. There is no evidence in the analysis to support this assumption. There are several examples in the County which supports the success of grazing adjacent to residential lots. The intermingling of lots within the larger grazing field will not change the suitability of the area to be grazed nor will it change the properties of the soils. There is no evidence in the record to support the claim that the area between the lots will not be suitable for grazing. The +/- 600 acres will continue to meet the DOC definition for Grazing Land (G) because all but +/- 100 acres (building envelopes and new roads) will continue to contain existing vegetation suited to the grazing of livestock. W

Animal Density is Over-Stated:

Animal density units of 1 animal unit per 8 acres are again used in the impact analysis in the RDEIR, this time based upon the general descriptions for rangeland productivity contained in the USDA soil survey descriptions of the soils types located within the ag cluster area. The analysis is not based upon the site specific information submitted by the applicant as part of the response to the original DEIR. The information submitted in response to the original inaccurate assumptions contained in the DEIR estimated that the "Remeck Field" could support 1animal unit per 14 acres. The actual animal X

unit count provided by the Ranch manager for the "Remeck Field", based upon historic and current agricultural operations, is 19 acres per animal unit. Based on these site specific aspects and the project's design, the residential project will result in the loss of less than 100 acres of grazing land, which will result in a maximum carry capacity reduction of 5 animal units. This is not a significant impact as it affects only a 0.5% change in capacity of the entire Ranch's "700 pair". X

Excerpt from Response Submitted April 13, 2007:

Based on site specific information provided by Orin Sage, (Registered by the California Board of Forestry as Certified Rangeland Manager #64; and by the American Registry of Certified Professionals in Agronomy, Crops, and Soils as Soil Erosion and Sedimentation Control Specialist #692) in an Agricultural Management and Enhancement Plan prepared for SMR in May 2001(submitted by Applicant in 2003), the number of acres required to support an animal unit in this area of the Ranch (historically known as the Remeck Field) is 14 acres. This is almost twice the acreage of the number used by the DEIR author. Based on actual cow counts provided by Aaron Lazanoff, SMR Ranch Manager, there are currently 35 animal units per year in this portion of the cluster field area, this equates to 19 acres per animal unit on a rotational grazing scenario. The DEIR needs to be revised to include accurate animal units and affected acreage. Y

Policy Consistency Page 2-14:

The RDEIR uses the incorrect Land Use Ordinance (LUO) section reference. This project was vested under the LUO that was in place at the time of acceptance which was June 7, 2004. The proper LUO Section reference is 22.22.150.K.1. This section and the applicable section in the current LUO specifically state that the open space PARCEL minimum areas are to be 95%. The total acreage of the open space PARCELS for VTTM 2586 total 96%. The added language in the RDEIR inaccurately states that the "open space area of an agricultural residential cluster subdivision be at least 95% of the gross site area". This sentence should be reworded to state that the following "open space parcels of an agricultural residential cluster subdivision are required to be at least 95% of the site". Z

There is no basis in the project description or the LUO for the statement that the project "would convert approximately 17.9% of the gross site area, placing only 82.1% of the site in open space." The open space parcels, which will be encumbered by an open space agreement, cover 96% of the project site.

1. **Lot size and open area requirements.** The minimum size of clustered residential building sites created as separate parcels in compliance with this Section, and the area of the site required for open space preservation shall be as follows:

Area of Buildable Lots (1)		Open Space Parcel Minimum Area (3)
Minimum (2)	Maximum (4)	
10,000 Sq. Ft.	2.5 Acres	95%

Z

The LUO section states nothing about 'conversion'; in fact, there is not a requirement that the entire open space parcel(s) remain in agriculture. While it is (and has always been our intent) to continue to rotationally graze this portion of the ranch, it could also be considered passive private open space and oak tree habitat areas. These uses are non-structural uses that are allowed in the open space parcel(s).

4. **Nonstructural uses allowed in defined open space areas.** The following nonstructural uses may be allowed in the open space areas: crop production and grazing; animal raising and keeping; specialized animal facilities; nursery specialties (nonstructural); range land or wildlife preserves; water storage or recharge; leachfield or spray disposal area; scenic area protection or buffers from hazardous areas; public outdoor recreation uses on non-prime lands; or other similar open space uses.

Furthermore, as mentioned above there are several examples in the County which supports the success of grazing adjacent to residential lots. Some examples include, the Varian Ranch Ag Cluster, the Edna Ag Cluster, and the Talley Farms Ag Cluster. The current interface between residential uses along the border of the Town of Santa Margarita/Garden Farms and the adjacent grazing lands of the Ranch are indicative of the ability for the two uses to co-exist without 'significant' compatibility impacts. Furthermore, each potential buyer will be educated about the on-site agricultural operations and upon purchase of a lot, each owner will be given an agricultural awareness seminar to outline the responsibilities and expectations of living in an agricultural cluster subdivision. Lastly, as indicated in our April 2007 DEIR response the County's Right to Farm provisions will be included in the project C.C.&R.'s. AA

Additional mitigation measures to reduce potential compatibility impacts between the residents and grazing activities were included in the applicant teams April 2007 response to the DEIR. AB

AG-1 on Page 2-13 should be update to reflect accurate numbers and should be written as follows: AC

The proposed Agricultural Residential Cluster Subdivision would permanently convert less than 100 acres of grazing land and 6.5 acres of prime farmland to non-agricultural uses. Impacts related to agricultural conversion would be Class II, *significant but mitigable.* **AC**

Appropriate mitigation measures were included in our April 2007 response to the DEIR. **AD**

Page 2-15: Existing and Potential Future Irrigated Agricultural:
It is unclear why the future irrigated agriculture (vineyards and orchards) information is being treated as 'new information'. The information was submitted in February 2006 with further clarification in May 2006. The exhibit and the acreage numbers were intended to identify approximate areas that may be suitable for irrigated agriculture. **AE**

The RDEIR identifies two lots that are within 500 feet of the future potential planted area. The boundary lines on the exhibit were not intended to be precise survey locations and could be adjusted if needed to ensure proper buffer setbacks. **AF**

In the case of lots 39 and 40, although they do not meet a straight 500 foot ag buffer, their locations have similar siting characteristics of other lots in which the 500 foot buffer was determined by the Agriculture Commissioner to be unnecessary. VTTM 2586 was never intended to have a definitive buffer. In the review of the application and lot locations, the buffer has always been determined and assessed on a lot by lot basis. Lots 39 and 40 have sufficient distance, topographical, and vegetation relief from the potential vineyard areas. **AG**

- The landform and vegetation between these two lots are significant and very similar to lots previously approved by the Agricultural Commissioner
  - The closest corner of the building envelope for Lot 39 is located 317 feet from the potential vineyards, and has approximately 30' elevation difference and a dense vegetation buffer of that varies between approximately 130' to 170'
  - The closest corner of the building envelope for Lot 40 is located 311 feet from the potential vineyards, and has approximately 20' elevation difference and a dense vegetation buffer of that varies between approximately 125' to 175'
    - One example of a lot previously approved by the Agricultural Commissioner is Lot 79 which has the closest corner of the building envelope located 318 feet from the existing vineyards, and has approximately 10' elevation difference and a vegetation buffer of approximately 130'

The FEIR should therefore not include the recommendation on Page 2-15 that Lots 39 and 40 be relocated. AG

Section 2.2 Air Quality:

Page 2-21 The Urbemis Model Calculations:

The Urbemis model calculations were updated to use an overall average trip length of 13 miles dues to remoteness of the site. Typically there are three trip lengths that are used in the Urbemis model calculations: "Home Base to Work", "Home Base to Shopping", and "Home Base to Other" trip lengths. These trip lengths are typically different numbers.

Per telephone conversation with Andy Mutziger of the Air Pollution Control District (APCD), APCD suggested that the Urbemis model calculations for the project be revised to increase the trip length due to the "remoteness of the site". The site is not remote and is located directly adjacent to a Village Reserve Area (Santa Margarita) that is equipped with basic services (i.e. gas, limited groceries, dining, mail, mechanic, nursery products, etc) and associated job opportunities. The revised average trip number suggested by APCD and used in the Urbemis model is too high based on the distance of the site to Santa Margarita, and the major job centers in the county (Atascadero / San Luis Obispo). There is no supporting documentation of why 13 miles was chosen besides the statement that it is used due to the 'remote nature of the ARC'. The job centers and the shopping opportunities are located well under the 13 miles assumed in the RDEIR. Furthermore, as described above, many basic services can be provided in the town of Santa Margarita which is less than 2 miles to the site and as stated on Page 2-38 of the RDEIR the project site is located approximately 8 road miles to Atascadero and appropriately 10 road miles to San Luis Obispo which is well under the 13 miles used in the calculations. AH

The Urbemis model calculations should reflect inputs that are more in line with project sites proximity to Santa Margarita, San Luis Obispo, and Atascadero. Lastly, the analysis should anticipate that vacant and underutilized lots in Santa Margarita will be developed with other commercial service and retail uses, thereby increasing the level and types of services provided within 2 miles of the project site.

2-25 Off-Site AQ Mitigation AQ-1(f):

This mitigation measure should be **removed** because as discussed above the trip lengths have been over-estimated. AI

If the trip lengths are to remain as provided in the RDEIR, the mitigation should be timed to have the mitigation triggered by the actual Tier 2 exceedance. The analysis should include a definitive milestone (i.e. number of residences) in which the Tier 2 Threshold is exceeded. The statement "This amount shall then be extrapolated over AJ

the life of the project to determine total off-site mitigation" shall be removed and a specific time frame provided. There is no definition for "life of the project".

The grading permit trigger is premature because the impact has not occurred. The impact analysis should include a statement that describes at what point the Tier 2 is exceeded. The mitigation measure trigger should then be revised to reflect the appropriate timing of the measure. **AJ**

Page 2-40: AQ-GCC(c):
This mitigation measure should be **removed** as there is no nexus between the Alternative Transportation Mitigation Measures and project impacts. The impact section on Page 2-38 specifically states that the subdivision will be unlikely to create a demand for transit facilities due to the low density of the development. The project as stated in the RDEIR is consistent with many of the Climate Action Team strategies and AQ-GCC(a) and AQ-GCC(b) will sufficiently mitigate the impacts related to GCC outlined in subsection "f." on Page 2-38. **AK**

Section 2.3 Biological Resources

A detailed review of the Biological Resources Section has been provided by LynneDee Althouse and Dan Meade. Below are some additional comments regarding oak tree impacts and creek setbacks. **AL**

Oak Tree Impacts:
The RDIER ignores the comments that were submitted in the applicant's team response to the DEIR in April 2007. Those comments should be addressed in the FEIR. The statement in Impact B-3 at the end of the sentence should be removed as the applicant team documented their strategy and commitment to protect trees in the design of the project as well as during construction and in the future. **AM**

Excerpt from the applicant team comments to the DEIR April 2007:

Furthermore, our application stated trees would be retained to the extent possible and impacts would be minimized. This was not carried through in the project description of the DEIR. The discrepancy above needs to be corrected including taking into account the Tract 2586 "Design Standards". **AN**

On Page 2-61 the author assumes that the individual lots will contain suburban uses such as livestock or pets throughout the entire boundaries of the lots since they will be privately owned. Comments submitted by the applicant team in April 2007 included a statement that domestic pets will be required to be contained within the building **AO**

envelopes. Because of the size of the building envelopes, private livestock will not be allowed on the individual lots. AO

On Page 2-62, the RDEIR states that an unknown number of trees will be impacted within the lots due to ".....decreased reproduction due to browsing by livestock....". It is unclear if this statement is meant for livestock on private lots or the cattle grazing on the agricultural parcel(s). As stated above, the individual lots will not have livestock and the grazing practices implemented by the Ranch management have demonstrated strong oak tree regeneration rates through out the ranch. Oak tree regeneration is easily visible in various locations through out the ranch property. AP

On Page 2-63 the RDEIR provides additional information regarding the mitigation requirements outlined in the Kuehl Bill. The FEIR should be updated to include the Kuehl Bill definitions of oak woodland and the Kuehl Bill definition of oak woodland conversion. AQ

The discussion on 2-63 states that the County of San Luis Obispo currently defines oak woodlands as those areas with greater than 10% canopy cover by native oak trees and impact to oak woodlands as the removal of 10% of the canopy cover or ten oak trees. On Page 2-61, the RDEIR states that the County is currently *drafting* definitions for oak woodlands as well as thresholds for determining impact levels in accordance with the Keuhl Bill. The County does not have any *adopted* definitions for oak woodlands or thresholds for oak woodland impacts as it relates to the Kuehl Bill therefore the RDEIR should rely on the definitions provided in the Kuehl Bill. Based on the Kuehl Bill definition of oak woodland conversion being 30% of the woodland, the project would not result in oak woodland conversion defined as by the Kuehl Bill therefore the Kuehl Bill mitigation would not apply. AR

Mitigation Measure B-3(b)3 on Page 2-72 should be removed and references to the Kuehl Bill should be removed from Impact Statement B-3. AS

The FEIR should include the County adopted definition of an oak tree Impact, which is grading within the dripline of the tree. The mitigation measures should be updated accordingly to reflect the County definition below:

> An impacted tree is when any construction disturbance or any substantial change in seasonal soil moisture may occur **within the dripline** (canopy) of the tree. A partial list of impacting activities within the dripline include: compaction from vehicles, grubbing that disrupts or exposes surface roots, trenching, grading, establishment of non-native landscaping under canopy, substantial trimming of canopy will be needed, or leach lines that are within or adjacent to tree canopy. If disturbance exceeds 50% of the canopy, the replacement ratio shall be increased as if the tree were to be removed. AT

On Page 2-67 B-3(a)1.a. should be revised to required that the inventory include all trees more than 5 inches in diameter, consistent with Page 2-61. AU

Establishment of Creek Setbacks:
Page 2-74 B-7(a) & Page 2-80 B-8(a)

As stated in the review from Althouse and Meade, "Tostada Creek is an ephemeral drainage with shallow seasonal pools...". The mitigation measure should be revised as provided to apply a 50 foot setback to Tostada Creek. The restrictions for all setbacks shall be revised to allow improvements to the existing ranch roads within the creek setback area. AV

Section 2.4 Drainage, Erosion and Sedimentation: AW

The mitigation triggers for D-2(a) and D-2(b) on Page 2-82 should be revised to be required at time of subdivision improvement plan application

Section 2.5 Public Safety: AX

No Comments

Section 2.6 Public Services: AY

No Comments

Section 2.7 Traffic:

A detailed analysis of the technical aspects of the Transportation and Circulation Section has been performed by Scott A. Schell, AICP with Associate Transportation Engineers (ATE). As stated in the review by ATE the RDEIR introduces new and un-adopted significance thresholds and inappropriately requires the project to bear the complete burden of many existing deficiencies in the state road system. These deficiencies have already been characterized as area-wide problems and should be addressed through the adoption of an area-wide traffic impact fee, not project specific mitigation measures. AZ

Below are some additional comments regarding Mitigation Timings and Triggers: BA

T-1(d)4: A Future Development Program Mitigation is included in the ARCS section. This should be relocated to the FDP section.

FDP Mitigation Triggers: BB

The FDP traffic analysis consolidates all traffic trips generated by each FDP component into a lump sum number for FDP traffic trips. This analysis would be appropriate IF all FDP components required the preparation of a Specific Plan, however many of the uses are allowed under the current zoning and would not trigger a Specific Plan. BB

The current wording for the FDP mitigation triggers would require that all traffic mitigation measures be required to be completed prior to occupancy of ANY of the uses outlined in the FDP. The Mitigation Measures for the FDP should apply to uses that would be a component of a Specific Plan. Therefore, the traffic mitigation requirement should be revised to be required **at the time of issuance of construction permits for individual Specific Plan components.** Furthermore, as stated in the review by ATE, projects should be required only to contribute their proportional fair share to fund the required improvements. BC

2.8 Water and Wastewater:

A detailed review of the Water Section has been provided by Luhdorff and Scalmanini. Below are some additional comments regarding the policy issues brought up in the Water Impacts Section as well as the introduction of the "Future Irrigated Agriculture" information as "new" information. BD

It is unclear why the original DEIR did not include the information regarding the potential irrigated acreage numbers supplied to Rincon in May 2006. BE

The RDEIR continues to use overestimated water figures for the residential water use as well as the existing and future irrigated agricultural uses (see Luhdorff and Scalmanini Report). As included in our response to comments in April 2007 the total water use for residential lots should be .90 AFY per lot and water use per acre of vineyards on an annual basis is .67 AFY with annual water use at 525 acre feet. The RDEIR states that the planned vineyards would use 1,641.76 AFY. This number should be reduced to 549 AFY based on the water demand of vineyards on the Ranch established in the Luhdorff and Scalmanini report submitted as part of the April 2007 comments on the DEIR. Lastly, based on the identification of building envelopes in the applicant's team April 2007 response to the DEIR, the water use factors could be further reduced as the usable area of the lots are +/- ½ acre. BF

Policy Consistency - Page 2-116:
Ag and Open Space Policy:
The RDEIR includes an evaluation of the potential use of Nacimiento / State Water and the infrastrucutre required for connection to the system(s). In the evaluation of the potential use of imported, the RDEIR author noted that the use of imported water "could result in policy inconsistencies. For example, in the County's Agricultural and BG

Open Space Element (AGP11, Agricultural Water Supplies) states that groundwater should be maintained for agricultural use."

Excerpt from AGP 11

AGP11: Agricultural Water Supplies.

a. **Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.** BG

b. **Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.**

c. **Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.**

AGP 11 supports the potential use of imported water because it encourages the County to maintain water resources for production agriculture to prevent the loss of agriculture due to competition for water with urban and suburban development. The use of imported water to supplement the existing on-site water source is consistent with this policy for the following reasons:

- Importing water for the residential uses will off-set the use of the groundwater for the project.
- The use of imported water guarantees that the residential water use will not compete with agricultural for the water because the water required for the residential component is being brought in from an off-site source.
- The use of off-site water results in a net gain of water on the site thereby maintaining the existing water supply for production agriculture.

This project is not a GPA or rezoning therefore and is not moving water from areas of overdraft to other areas therefore subsections b & c do not apply.

The FEIR should include the full text of AGP 11. BH

Policy Consistency - Page 2-116: Framework for Planning:
The RDEIR concludes that importing water and the potential construction of a treatment facility outside of an URL may be potentially inconsistent with a policy contained in the County's Framework for Planning. BI

2. Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low-intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities.

The RDEIR makes the incorrect assertion that Framework for Planning prohibits the use of community water systems outside of URL and VRL's. The Ag Cluster provisions (and regular cluster provisions) allow the use of community water systems to serve agricultural and residential cluster projects. It is not unusual for community water systems for these projects to require water filtrations systems. Under one scenario, imported Nacimiento water would be treated as needed and delivered to the lots through a community water system. Under a second scenario the imported water would be used for irrigation to off-set the use of the ground water and the groundwater then delivered through a community water system. If State Water were to be used, it would be connected directly into the community water system. The use of a community water system is consistent with every other cluster project that is served by a community water system. The only difference in this instance is the source of the water and/or the groundwater off-set. All cluster developments and some conventional subdivisions in the rural area require the construction of, and service from, a community water system. Examples of cluster projects that have been approved using community water systems include the Edna Ag Cluster, the Varian Ranch Ag Cluster, and the Huerhuero Ag Cluster. **BI**

The use of a community water system for a cluster project does not diminish the goal contained in Framework for maintaining "a distinction between urban and rural development outside of urban and village reserve lines by providing for rural uses outside of the urban and village areas....." The RDEIR interprets the objective of this goals is to restrict community water systems from being provided outside urban and village reserve areas. When you read the Framework for Planning section on appropriate levels of services, the exact wording stated that the LOS outlined in Table H are <u>generally</u> the level of services appropriate for certain densities. As mentioned above, specific provisions in the Land Use Ordinance have been provided allowing the use of Community Water Systems in Residential and Agricultural Cluster Subdivisions outside of the URL and VRL's. This allowance is intended to implement other Framework and Ag and Open Space preservation objectives. The large open space parcels and land preservation(s) associated with cluster divisions could not occur without the use of community water systems. The RDEIR does not acknowledge that the proposed ag conservation easements totaling 3,621 acres will continue to be used for agricultural which implements the Framework for Planning goal of maintaining a distinction between the urban and rural development. **BJ**

Instead of acknowledging the fact that the project site is located adjacent to the Santa Margarita VRL and that the parcels of South Atascadero (which are outside of a URL **BK**

or VRL) are served by a community water system, the RDEIR author makes leap of judgment that the use of imported water and the possible construction of a water filtration system outside of an URL is inconsistent with the Framework policy. The basis for this determination is because "the proposed Agricultural Residential Cluster Subdivision site is located approximately 5 miles from the City of Atascadero's Urban Reserve Line". The author should provide additional support for the statement and should identify the projects location as being adjacent to the VRL of Santa Margarita. **BK**

Lastly, as stated above Framework for Planning specifies levels of services that are generally appropriate depending on certain densities. The Subdivision Design Standards contained in Title 22 of the Land Use Ordinance Cluster and Ag Cluster provisions are the implementing documents that specify appropriate level of services for cluster subdivisions and those provisions specifically allow the use of community water. **BL**

Section 3.0 Analysis of New Alternatives:

A detailed comparison between the applicant team's Mitigated Project Alternative (RDEIR Alternative 12) and the RDEIR's Environmentally Superior Alternative (Alternative 14) has been provided by RRM Design Group. The detailed comparison of the applicant teams mitigated project alternative 12 and the 114 provided by RRM Design Group should be included in the FEIR. The analysis indicated that Alternative 12 is in fact the Environmentally Superior Alternative therefore; the FEIR should identify Alternative 12 as the Environmentally Superior Alternative. **BM**

We would like to thank you for the opportunity to comment on the RDEIR and look forward to reviewing the FEIR in May.

Regards,

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Enclosures:

1) Review of the Agricultural Resources Section of the Revised Draft "Environmental Impact Report for Santa Margarita Agricultural Cluster Subdivision Project and Future Development Program". By Dr. Thomas J. Rice, Ph.D., C.P.S.S. dated March 7, 2008.

2) Letter from Althouse and Meade regarding their review of the Biological Resources Section of the RDEIR dated March 27, 2008.

3) eda Response to Updated Analysis prepared by Jeff Wagner dated March 7, 2008.

4) Letter from Associated Transportation Engineers regarding their review of the Transportation / Circulation Section of the RDEIR dated March 27, 2008.

5) Letter from Luhdorff and Scalmanini, Consulting Engineers regarding their review of the Water and Wastewater Section of the DEIR dated March 27, 2006

6) Environmentally Superior Alternative Comparison of RDEIR Alternative No. 14 vs. Alternative No. 12 prepared by RRM Design Group

BN

Review of the Agricultural Resources Section of the Revised Draft "Environmental Impact Report for Santa Margarita Agricultural Cluster Subdivision Project and Future Development Program". By Dr. Thomas J. Rice, Ph.D., C.P.S.S. dated March 7, 2008

BO

Review of the Agricultural Resources section of the Revised Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program"

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Table of Contents

Page

Introduction 3

Methodology and Literature Resources 3

Findings and Discussion 5

Bibliography 16

Appendix A: USDA-NRCS "Prime Farmland Criteria" and "Guide for Placing Soils into Capability Classes" 17

Prime Farmland Criteria 18

Guide for Placing Soils into Capability Classes 20

Appendix B: Prime (Agricultural) Soils listed on the State of California, Department of Conservation, Important Farmlands Maps within the Soil Survey of San Luis Obispo County, Paso Robles Area (Lindsey, 1983) 22

BO

March 7, 2008

Review of the Agricultural Resources section of the Revised Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program," Case number VTTM 2586; dated February 7, 2008. BO

Introduction

The primary purpose of this report is to review the Agricultural Resources section of the Revised Draft "Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" (Revised DEIR) (Rincon Consultants, Inc., 2008). BP

Methodology and Literature Resources

A site visit was made to the Santa Margarita Ranch (Ranch) location of the proposed agricultural cluster subdivision on Friday, March 9, 2007. The primary purpose was to examine the soils and land located along a ranch access road, which bisects the proposed agricultural cluster subdivision. BQ

Particular attention was given to two (2) soil map units, which are located within and adjacent to the proposed agricultural cluster subdivision. These two soil map units are as follows: Soil Map Unit 133: Cropley clay, 2 to 9 percent slopes; and Soil Map Unit 139: Elder loam, 2 to 9 percent slopes. BR

The most recent U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) soil survey report (Lindsay, 1983) was examined and compared with the soils information reported in the Revised DEIR. Also, the latest soils information and maps for the Santa Margarita Ranch are available online via the USDA-NRCS Web Soil Survey, version 2.0 (USDA-NRCS, 2008). BS

Several USDA definitions of prime farmland and prime agricultural soils were examined. The USDA general definition of prime farmland soils is "Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and BT

oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding" (USDA, 2005). **BT**

In order to assess whether these Santa Margarita Ranch soils meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), the NRCS definition of prime farmland was examined. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth. **BU**

In addition, the Ranch's chemical and physical soil properties reported in the soil survey report (Lindsey, 1983) were used to classify each soil into a Land Capability Class (LCC) using the most recent "Guide for placing soils in capability classes in California," which is attached to this report (Soil Survey Staff, California, 2006; see Appendix A). Soils that classify as LCC I and II are usually defined as prime agricultural soils. **BV**

Findings and Discussion

A. Definitions of prime farmland soils

1. Prime Farmland

Santa Margarita Ranch's soils, which meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), are designated as "prime soils" on the maps produced by the State of California, Department of Conservation. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth. Lists of these soil map units, organized by counties within California, are reported on the internet (see Appendix B). **BW**

2. Land Capability Classification (LCC)

A sentence in the DEIR states "By USDA definition, Capability Class I and Class II soils qualify as prime soils, depending on irrigation" (DEIR, page 4.1-9). In contrast, the USDA soil survey report states that "Class I soils have few limitations that restrict their use. Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices" (Lindsey, 1983; page 75). Further, the USDA soil survey report states that "Capability classes and subclasses show, in a general way, the suitability of soils for most kinds of field crops." (Lindsey, 1983; page 74). **BX**

3. Storie Index Rating (SIR)

The USDA soil survey report states "Soils of grade 1 (i.e., Storie index rating of 80 to 100) are excellent or well suited to general intensive agriculture" (Lindsey, 1983; page 76). Further, the **BY**

USDA soil survey report states that "This (Storie) index expresses numerically the relative degree of suitability of a soil for general intensive agriculture as it exists at the time of evaluation." (Lindsey, 1983; page 76). The soils survey report additionally states "Other factors, such as availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area are not considered. Therefore, in itself, the index should not be considered as a direct index of land value." (Lindsey, 1983; page 76). **BY**

The following conclusions can be reached from these USDA-NRCS publications and information gathered from USDA-NRCS soil scientists. **BZ**

1.) Neither the Storie index rating nor the "CA Revised Storie Index" are good determining classifications in the assignment of prime farmland classification for soils since they do not consider the "availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area." As such, neither the Storie index rating nor the "CA Revised Storie Index" has been used in USDA-NRCS soil survey reports in California for over ten years (pers. comm., Susan B. Southard, USDA-NRCS soil scientist; March 28, 2007 and Ken Oster, NRCS soil scientist; March 3, 2008). **CA**

2.) The "prime agricultural soils" designation for soils should be confined to those soil phases that classify as Capability Class I (1) or II (2) (see Appendix A). **CB**

3.) The "prime farmland" designation for each soil should be assigned to those soil map phases that meet the ten (10) criteria used to classify "prime soils" and which are shown on the important farmland maps produced by the State of California, Department of Conservation and are listed as prime farmland (see Appendices A and B). **CC**

4.) No soil phases within the entire Santa Margarita Ranch should be classified as "prime soils," "prime agricultural soils," or "prime farmland" unless they are irrigated or have "a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years." (see Appendix A). **CD**

B. Significant comments and questions regarding the Revised DEIR

1. In the introductory paragraphs to Section 2.0, Updated Environmental Analysis of the Revised DEIR, the authors state, "this section does not directly respond to comments received during the public review of the Draft EIR." My question is: Where are the responses to the specific comments received during the public review of the Draft EIR? **CE**

2. In Section 2.1, on page 2-1, under the "Updated Analysis" section, in (c), (1): the word "...service..." should be capitalized to read "...Service..." **CF**

3. In Section 2.1, on page 2-2: the paragraph states "...the NRCS Soil Survey for the Santa Margarita Ranch area..." This statement implies that the USDA-NRCS had prepared a unique soil survey report for the Santa Margarita Ranch. In fact, the soils within the Santa Margarita Ranch were mapped as part of a larger USDA soil survey report entitled "Soil Survey for San Luis Obispo County: Paso Robles Area" (Lindsey, 1983). The statement should be re-written to read "...the NRCS Soil Survey for San Luis Obispo County: Paso Robles Area (Lindsey, 1983), which includes the soils within the Santa Margarita Ranch..." **CG**

4. I recommend that Table 4.1-1 (pages 2-3 through 2-6 of the Revised DEIR) be re-written and re-formatted as follows:
   a.) Assign a "Prime" soil classification to only those soil map units, which are listed as "prime farmland" on the State of California, Department of Conservation, Important Farmlands maps and to those soil map units, which classify as Land Capability Class (LCC) 1, irrigated, or Class 2, irrigated. Soils classified according to the "CA Revised Storie Index" as Grade One should NOT be considered "Prime Soils," unless they also classify as LCC 1 or 2 and are listed as prime soils on the State of California, Department of Conservation, Important Farmlands maps. See Appendix B to examine a list of these soil map units listed as "prime soils" in this USDA soil survey report (Lindsey, 1983). **CH**
   b.) Reorganize and rewrite Table 4.1-1 to be organized as follows (see the following three pages of this report). **CI**

(REVISED) Table 4.1-1: Santa Margarita Ranch Soil Map Units and Agricultural Classifications

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Prime Soil if Irrigated
101	Arbuckle fine sandy loam, 2 – 9% slopes	3	4	Prime	Yes
102	Arbuckle-Positas complex, 9 – 15% slopes	4	4	Not Prime	No
103	Arbuckle-Positas complex, 15 – 30% slopes	6	6	Not Prime	No
104	Arbuckle-Positas complex, 30 – 50% slopes	6	6	Not Prime	No
106	Arbuckle-San Ysidro complex, 2 – 9% slopes	3	4	Farmland of Statewide Importance	No
108	Arnold-San Andreas complex, 30 – 75% slopes	7	7	Not Prime	No
109	Ayar and Diablo soils, 9 – 15% slopes	3	4	Not Prime	No
110	Ayar and Diablo soils, 15 – 30% slopes	4	4	Not Prime	No
114	Balcom-Nacimiento association, moderately steep	4	4	Not Prime	No
116	Botella sandy loam, 2 – 9% slopes	2	4	Prime	Yes
126	Cieneba coarse sandy loam, 30 – 75% slopes	7	7	Not Prime	No
127	Cieneba-Andregg complex, 30 – 75% slopes	7	7	Not Prime	No
129	Clear Lake clay	3	4	Not Prime	No
130	Clear Lake clay, drained	2	4	Prime	Yes
133	Cropley clay, 2 – 9% slopes	2	4	Prime	Yes
134	Dibble clay loam, 9 – 15% slopes	3	4	Not Prime	No
138	Elder loam, 0 – 2% slopes	1	4	Prime	Yes
139	Elder loam, 2 – 9% slopes	2	4	Prime	Yes
140	Elder loam, flooded, 0 – 5% slopes	2	4	Prime, if drained	Yes
143	Gaviota-San Andreas association, very steep	7	7	Not Prime	No
144	Gazos shaly clay loam, 9 – 30% slopes	4	4	Not Prime	No
145	Gazos shaly clay loam, 30 – 50% slopes	6	6	Not Prime	No

CI

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Irrigated Prime Soil?
147	Hanford and Greenfield soils, 0 – 2% slopes	1	4	Prime	Yes
148	Hanford and Greenfield soils, 2 – 9% slopes	2	4	Farmland of Statewide Importance	Yes
149	Hanford and Greenfield gravelly sandy loams, 0 – 2% slopes	2	4	Prime	Yes
150	Hanford and Greenfield gravelly sandy loams, 2 – 9% slopes	2	4	Prime	Yes
152	Linne-Calodo complex, 9 – 30% slopes	4	4	Not Prime	No
153	Linne-Calodo complex, 30 – 50% slopes	NA	NA	Not Prime	No
162	Lompico-McMullin complex, 50 – 75% slopes	7	7	Not Prime	No
166	Metz loamy sand, 0 – 5% slopes	3	4	Farmland of Statewide Importance	No
167	Metz-Tujunga complex, occasionally flooded, 0 –5% slopes	3	4	Not Prime	No
169	Millsholm-Dibble clay loams, 15 – 30% slopes	NA	NA	Not Prime	No
170	Millsholm-Dibble clay loams, 30 – 50% slopes	6	7	Not Prime	No
177	Nacimiento-Ayar complex, 9 – 30% slopes	4	4	Not Prime	No
179	Nacimiento-Los Osos complex, 9 – 30% slopes	4	4	Not Prime	No
182	Oceano loamy sand, 2 – 9% slopes	3	6	Prime	Yes
183	Pico fine sandy loam, 0 – 2% slopes	1	4	Prime	Yes
185	Pits	8	8	Not Prime	No
188	Rincon clay loam, 2 – 9% slopes	2	4	Prime	Yes
190	Rock outcrop-Gaviota complex, 30 – 75% slopes	8	8	Not Prime	No
191	Ryer clay loam, 2 – 9% slopes	2	4	Prime	Yes

CI

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Irrigated Prime Soil?
192	San Andreas sandy loam, 15 – 30% slopes	4	4	Not Prime	No
193	San Andreas-Arujo complex, 9 – 15% slopes	3	4	Farmland of Statewide Importance	No
198	Santa Lucia-Lopez complex, 15 – 50% slopes	6	6	Not Prime	No
199	Santa Lucia-Gazos complex, 50 – 75% slopes	7	7	Not Prime	No
202	Shimmon loam, 30 – 50% slopes	6	6	Not Prime	No
203	Shimmon-Dibble association, steep	6	6	Not Prime	No
204	Shimmon-Dibble association, very steep	7	7	Not Prime	No
207	Still gravelly loam, 0 – 2% slopes	2	4	Prime	Yes
208	Still clay loam, 0 – 2% slopes	1	4	Prime	Yes
209	Still clay loam, 2 – 9% slopes	2	4	Prime	Yes
210	Vista coarse sandy loam, 9 – 15% slopes	4	4	Not Prime	No
211	Vista-Cieneba coarse sandy loams, 15 – 30% slopes	4	6	Not Prime	No
212	Xerofluvents-Riverwash association	6	8	Not Prime	No

*NA = NOT APPLICABLE.

CI

D. Comments and Recommendations regarding the DEIR authors' statements in Section 2.1

1.) In the text following Table 4.1-1 on page 2-6, the authors state "Of these soils, 13 are considered prime regardless of irrigation (i.e. have a California Revised Storie Index of Grade One), while 20 (total) are considered prime if irrigated." There are no prime soils in the area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils. Therefore, the statement should be re-written to read, "Of these soils, 18 are considered to be prime agricultural soils, if irrigated. **CJ**

2.) The map legends shown on Figure 4.1-1 and Figure 4.1-2 should be revised as follows.

a.) The heading "PRIME AGRICULTURAL SOILS REGARDLESS OF IRRIGATION:" should be deleted on both Figures 4.1-1 and 4.1-2. No soil map units in this soil survey area should be considered as "prime agricultural soils" unless they are irrigated. **CK**

b.) On both Figures 4.1-1 and 4.1-2, the only legend heading should read, "PRIME AGRICULTURAL SOILS IF IRRIGATED." That way, the basis for the "prime agricultural soil classification" of each soil map unit is clearly stated.

c.) On Figure 4.1-1, the Soil Map Unit 102, "Arbuckle-Positas complex, 9 – 15% slopes" should be deleted from the list of "PRIME AGRICULTURAL SOILS…" Also, the soil map in Figure 4.1-1 should be revised to delete the color that represents all the soil delineations of Soil Map Unit 102 found within the Ranch boundaries.

d.) On Figure 4.1-2, the Soil Map Unit 102, "Arbuckle-Positas complex, 9 – 15% slopes" and the Soil Map Unit 106, "Arbuckle-San Ysidro complex, 2 – 9% slopes" should be deleted from the list of "PRIME AGRICULTURAL SOILS…" Also, the soil map in Figure 4.1-2 should be revised to delete the colors that represent all the soil delineations of Soil Map Units 102 and 106 found within the Ranch boundaries. **CL**

3.) The legend for Figure 4.1-1 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED:

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
148: HANFORD AND GREENFIELD SOILS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
150: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 2 – 9% SLOPES
182: OCEANO LOAMY SAND, 2 – 9% SLOPES
191: RYER CLAY LOAM, 2 – 9% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

CM

4.) The legend for Figure 4.1-2 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED:

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
138: ELDER LOAM, 0 – 2% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
140: ELDER LOAM, FLOODED, 0 – 2% SLOPES
147: HANFORD AND GREENFIELD SOILS, 0 – 2% SLOPES
148: HANFORD AND GREENFIELD SOILS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
150: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 2 – 9% SLOPES
183: PICO FINE SANDY LOAM, 0 – 2% SLOPES
188: RINCON CLAY LOAM, 2 – 9% SLOPES
182: OCEANO LOAMY SAND, 2 – 9% SLOPES
191: RYER CLAY LOAM, 2 – 9% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

CN

5.) In the text on page 2-13 of the Revised DEIR, the phrase "...a California Revised Storie Index of Grade One (Excellent),..." should be deleted. There are no prime soils in this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3,

CO

2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils. **CO**

6.) All of the prime farmland acreage numbers for the Ranch should be re-calculated, omitting the acreages for Soil Map Units 102 and 106, which are found within the Ranch boundaries. **CP**

7.) In the text on page 2-14 of the Revised DEIR, the phrase "...a California Revised Storie Index of Grade One (Excellent),..." should be deleted. There are no prime soils in this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils. **CQ**

8.) In the text on page 2-14 of the Revised DEIR, the sentence "Of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, eight are considered prime regardless of irrigation (i.e. have a California Revised Storie Index of Grade One), while 14 (total) are considered prime if irrigated." should be deleted. This sentence should be re-written to read "Of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, 13 are considered prime if irrigated." **CR**

9.) In the text on page 2-14 of the Revised DEIR, the second last paragraph should be deleted and re-written using the correct listing of prime agricultural soils and their appropriate re-calculated acreages. **CS**

10.) In the text on page 2-17, second paragraph of the Revised DEIR, this paragraph should be re-written using the corrected and appropriate re-calculated acreages for the prime soils in the "total" Ranch and on the "Agricultural Residential Cluster Subdivision site." **CT**

E. Comments and Recommendations regarding the DEIR authors' statements in Section 2.9

CU

1.) In the text on page 1-120, second paragraph, of the Revised DEIR, the reported acreage figures for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

F. Comments and Recommendations regarding the DEIR authors' statements in Section 3.1

CV

1.) In the text on page 3-2, first paragraph, of Section 3.1.2 of the Revised DEIR, the reported acreage figure of 21.2 acres for "prime agricultural soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

CW

2.) In the text on page 3-2, second paragraph, of Section 3.1.2 of the Revised DEIR, the reported acreage figures for "prime agricultural soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

G. Comments and Recommendations regarding the DEIR authors' statements in Section 3.2

CX

1.) In the text on page 3-21, first paragraph, of Section 3.2.2 of the Revised DEIR, the reported acreage figures of "24.4 acres" and "21.2 acres" for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

CY

2.) In Figure 3-6 of the Revised DEIR, the heading "Prime Agricultural Soils Regardless of Irrigation," should be deleted. The only heading should be "Prime Agricultural Soils If Irrigated." There are no prime soils within this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008).

H. Comments and Recommendations regarding the DEIR authors' statements in Section 3.3

CZ

1.) In Figure 3-7 of the Revised DEIR, the heading "Prime Agricultural Soils Regardless of Irrigation," should be deleted. The only heading should be "Prime Agricultural Soils If

Irrigated." There are no prime soils within this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008). CZ

2.) In the text on page 3-33, first paragraph, of Section 3.2.3 of the Revised DEIR, the reported acreage figures of "24.2 acres" and "12.5 acres" for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1. DA

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DB

Appendix A

USDA-NRCS "Prime Farmlands Criteria"

and

"Guide for Placing Soils into Capability Classes"

DC

Prime Farmland

The following definition for Prime Farmland was developed by the USDA-NRCS as part of their nationwide Land Inventory and Monitoring (LIM) system (Internet source: http://www.consrv.ca.gov/DLRP/fmmp/overview/prime_farmland_fmmp.htm).

Prime Farmland is land, which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Prime Farmland must meet all the following criteria:

DC

1. Water holding capacity and supply

   The soils have xeric, ustic, or aridic (torric) moisture regimes in which the available water capacity is at least 4.0 inches (10 cm) per 40 to 60 inches (1.02 to 1.52 meters) of soil, and a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years; and

2. Soil temperature regime

   The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50.8 cm), have a mean annual temperature higher than 32°F (0°C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47°F (8°C); in soils that have no O horizon, the mean summer temperature is higher than 59°F (15°C); and

3. Acid-alkali balance

   The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1.02 meters); and

4. Water table depth

   The soils have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and

Prime Farmland (page 2)

5. Soil sodium content

The soils can be managed so that, in all horizons within a depth of 40 inches (1.02 meters), during part of each year the conductivity of the saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage is less than 15; and

6. Flooding

Flooding of the soil (uncontrolled runoff from natural precipitation) during the growing season occurs infrequently, taking place less often than once every two years; and

DC

7. Soil erodibility

The product of K (erodibility factor) multiplied by the percent of slope is less than 2.0; and

8. Soil permeability

The soils have a permeability rate of at least 0.06 inch (0.15 cm) per hour in the upper 20 inches (50.8 cm) and the mean annual soil temperature at a depth of 20 inches (50.8 cm) is less than 59° F (15° C); the permeability rate is not a limiting factor if the mean annual soil temperature is 59° F (15° C) or higher; and

9. Rock fragment content

Less than 10 percent of the upper 6 inches (15.24 cm) in these soils consists of rock fragments coarser than 3 inches (7.62 cm); and

10. Rooting depth

The soils have a minimum rooting depth of 40 inches (1.02 meters).

Guide for Placing Soils in Capability Classes in California (Current as of Oct. 30, 2006)

Capa-biltiy Class	Effective Soil depth (inches)1/	Climate Thornthwaite 1948 indices (inches) Irr. ETp 32F	Dry 4ETa	Surface Layer Texture Irrigated	Dryland	Permea-bility 2/	Drainage Class 3/	Available Water Capacity 4/	Slope A 5/	B 6/ 7/	Erosion Hazard	Flooding Hazard	Salinity ECx1U @ 25o C 8/	Alkali ESP 8/	Toxic Sub-stances9/	Frost Free Season
1	≥ 40	≥ 20	≥ 20	Sandy Loam thru Clay Loam	Sandy Loam thru Clay Loam	Mod. Rapid thru Mod. Slow	Well or Mod. Well >60"	≥ 7.5 inch av. AWC ≥ 0.13 In/In.	<2%	<2%	None or slight	None or rare	<4 mmhos (none)	None	None	≥ 140 Days
2	≥ 40	≥ 14	≥ 16	Loamy Sand thru Clay may be Gravelly	Sandy Loams thru Clay (may be Gravelly)	Rapid thru Slow	Somewhat Poorly thru Somewhat Excessively >36"	≥ 5.0 inch av. AWC ≥ 0.08 In/In.	<5%	<8%	None thru Mod.	None thru Occas.	<8 mmhos	< 25	None or Slight	≥ 100 Days
3	≥ 20	≥ 10	≥ 12	Any, may be Gravelly or Cobbly	Sandy Loam thru Clay (may be Gravelly or Cobbly)	Rapid thru Very Slow	Poorly thru Excessively > 20"	≥ 3.5 inch av. AWC ≥ 0.06 In/In.	<8%	<15%	None thru High	None thru Occas.	<16 mmhos	< 50	None thru Mod.	≥ 80 Days
4	≥ 10	≥ 6	≥ 8	Any, may be Very Gravelly, Very Cobbly or Stony 10/	Loamy Sand thru Clay, Very Gravelly Very Cobbly or Stony 10/	Any	Poorly thru Excessively > 20"	≥ 2.5 inch av. AWC ≥ 0.04 In/In.	<15%	<25%	Any	None thru Frequent 11/	<16 mmhos	< 50	None thru Mod.	≥ 50 Days
5	≥ 20	≥ 6	≥ 8	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any	Any	≥3.0 inch av. AWC	<2%	<2%	None or Slight	Any	<8 mmhos	< 25	None or Slight	Any
6 12/	≥ 10	≥ 4	≥ 6	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any, may be Extremely Gravelly, Ext. Cobbly or Very Stony	Any	Any	≥ 2.0 inch av. AWC	<25%	<50%	Any	Any	Dry Land <16 mmhos Irr. Any	Dry Land <25 Irr. <50	Dry Land Slight Irr. Slight thru Moderate	Any
713/	Any		≥ 2	Any	Any	Any	Any	≥ 1.0 inch av. AWC	<50%	<75%	Any	Any	Any	Any	Any	Any
814/	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any

Thomas J. Rice, Ph.D., C.P.S.S.
Certified Professional Soil Scientist No. 1932

DC

1/ Clay pans with permeabilities less than 0.06 in/hr., will be treated as limiting the effective depth.

2/ Permeability of the least permeable subsurface horizon.

3/ Depth to water table during growing season.

4/ Available moisture between field capacity and wilting point.

5/ Use erosion hazard to help determine upper slope percent.

6/ In existing mapping units 9% and 30% can be substituted for 8% and 25%.

7/ Column A is used for soils w/ K factors of 0.37 or greater and soils subject to rill and gully erosion, such as soils formed from granitic parent material or w/ claypans. Other soils are in grp B.

8/ For salts and alkali to be a major limitation, there should be other soil limitations, such as slow permeabilities or high water tables.

9/ Such as boron and magnesium that leach with difficulty.

10/ Coarse fragments interfere with tillage, but do not prevent cropping.

11/ Frequent flooding that does not prevent normal cropping.

12/ Range & wdlnd. mechanical practices can be applied to class 6 land.

13/ Range & wdlnd. mechanical practices are impractical on class 7 land.

14/ Class 8 lands have limitations that preclude their use for commercial plant production and restrict their use to recreation, water supply or esthetic purposes.

Appendix B

DD

Prime (Agricultural) Soils listed on the State of California, Department of Conservation Important Farmlands Maps within the Soil Survey of San Luis Obispo County, Paso Robles Area (Lindsey, 1983).

Excerpted and modified from Internet Source:
http://www.consrv.ca.gov/DLRP/fmmp/mccu/prime_soils.htm (DOC, 2007).

California Department of Conservation

FARMLAND MAPPING AND MONITORING PROGRAM

SOIL CANDIDATE LISTING

for

PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE

SAN LUIS OBISPO COUNTY

DD

Soil Survey of San Luis Obispo County, California, Paso Robles Area, May 1983

(8/25/95, updated 1/19/06)

Beginning in 2002, SSURGO digital soil information has been incorporated into the San Luis Obispo County Important Farmland Map. Prior versions of the map have not been modified.

The SSURGO data San Luis Obispo County, Paso Robles Area (published 10/17/2005).

For more information on the NRCS SSURGO data, please see:
http://www.ftw.nrcs.usda.gov/ssur_data.html

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
DAVIS, CALIFORNIA 95616

THESE SOIL MAP UNITS MEET THE CRITERIA FOR PRIME FARMLAND AS OUTLINED IN THE U.S. DEPARTMENT OF AGRICULTURE'S LAND INVENTORY AND MONITORING (LIM) PROJECT FOR THE SAN LUIS OBISPO COUNTY, PASO ROBLES AREA SOIL SURVEY.

SAN LUIS OBISPO COUNTY, PASO ROBLES AREA

Symbol Name **(Those in bold print are located in the Santa Margarita Ranch)**

100 Arbuckle fine sandy loam, 0 to 2 percent slopes

101 Arbuckle fine sandy loam, 2 to 9 percent slopes

116 Botella sandy loam, 2 to 9 percent slopes

Symbol Name

130 Clear Lake clay, drained

132 Cropley clay, 0 to 2 percent slopes

133 Cropley clay, 2 to 9 percent slopes

138 Elder loam, 0 to 2 percent slopes

139 Elder loam, 2 to 9 percent slopes

140* Elder loam, 0 to 5 percent slopes, flooded

147 Hanford and Greenfield soils, 0 to 2 percent slopes

149 Hanford and Greenfield gravelly sandy loams, 0 to 2 percent slopes

150 Hanford and Greenfield gravelly sandy loams, 2 to 9 percent slopes

157 Lockwood shaly loam, 0 to 2 percent slopes

173 Mocho clay loam, 0 to 2 percent slopes

174 Mocho clay loam, 2 to 9 percent slopes

182 Oceano loamy sand, 2 to 9 percent slopes

183 Pico fine sandy loam, 0 to 2 percent slopes

184 Pico fine sandy loam, 2 to 9 percent slopes

187 Rincon clay loam, 0 to 2 percent slopes

188 Rincon clay loam, 2 to 9 percent slopes

191 Ryer clay loam, 2 to 9 percent slopes

194 San Emigdio fine sandy loam, 0 to 2 percent slopes

195 San Emigdio fine sandy loam, 2 to 9 percent slopes

205 Sorrento clay loam, 0 to 2 percent slopes

206 Sorrento clay loam, 2 to 9 percent slopes

DD

DD

Symbol Name

207 Still gravelly loam, 0 to 2 percent slopes

208 Still clay loam, 0 to 2 percent slopes

209 Still clay loam, 2 to 9 percent slopes

* Prime farmland if drained

RLW Revised 12/15/80

NOTE: According to this California DOC list, there are seventeen (17) soil map units within the Santa Margarita Ranch listed as prime farmland.

Letter from Althouse and Meade regarding their review of the Biological Resources Section of the RDEIR dated March 27, 2008

DE

ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES
1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 467-1041 • Fax (805) 467-1021

Lynne Dee Althouse, M.S.
(805) 459-1660 (cell)
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Daniel E. Meade, Ph.D.
(805) 705-2479 (cell)
dan@althouseandmeade.com

March 27, 2008
File #208.18

DE

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

Re: Santa Margarita Ranch Revised Draft EIR Biological Resources Section
Response to Project Evaluation, Tract 2586

Dear Ms. Miller:

DF

We examined the Santa Margarita Ranch Revised Draft EIR (RDEIR) biological resources section. The RDEIR was intended to address issues raised since the Draft EIR (DEIR) was prepared last year. We provided comments on the DEIR in our letter of April 11, 2007 to the County, and are concerned that several issues we raised were not addressed.

DG

We commented on the section regarding impacts to an area of the property described as "valley needlegrass grassland" in the DEIR. The RDEIR has dropped this label, and now describes a different habitat in the proposed project area of "native perennial grassland" that contains valley needlegrass grassland. A problem we pointed out in the DEIR was that no evidence was presented to demonstrate that "valley needlegrass grassland" was present. We presented data that needlegrass was not dominant. Needlegrass density was less than five percent cover in 66 one-meter plots sampled across an area designated by the DEIR as "valley needlegrass grassland". The RDEIR still provides no evidence, and makes further claims regarding the presence and distribution of "rare" native perennial grassland. First, there is no rare community type listed as "native perennial grassland" in the California Natural Diversity Data Base (CNDDB), or in the California Native Plant Society Manual of California Vegetation, or in the California Wildlife Habitats Relationships (CWHR) system, or in the CDFG Natural Communities List. The type of grassland found on the Santa Margarita Ranch proposed Agricultural Cluster Subdivision is not rare, but consists of perennial and annual plant species common in San Luis Obispo County.

DH

The RDEIR errs in stating that, "Valley Needlegrass Grassland ... is a CDFG plant community of Special Concern." The March 1, 2008, California Natural Diversity Data Base has no federal, state, or CDFG listing status for this community type. Further, CDFG does not designate any plant community as a community of special concern. The "Special Concern" designation is applied only to animals. The correct designation of valley needlegrass grassland is a "sensitive natural community."

DI

Second, even if native perennial grassland is considered rare, the designation of the grassland in the project area is questionable due to the RDEIR's misidentification of a plant species said to be one of three dominant perennial grasses in the habitat. The RDEIR lists *Danthonia californica* as one of three dominant grasses in the native perennial grassland habitat type, however, during our surveys of the Agricultural Residential Cluster Subdivision site, *Danthonia californica* was not observed in areas previously identified as Valley Needlegrass Grassland. *Danthonia californica*

occurs in a limited distribution on the western portion of the Santa Margarita Ranch where soils have a higher proportion of clay, not on the site designated for the Ag Cluster. Apparently, the RDEIR misidentified this species, and then used it as a key member of the habitat it designates as rare. This calls into question the designation of native perennial grassland. DI

We also commented on the designation of impacts to oak woodland in the DEIR. In our analysis of the site and proposed building envelopes we estimated that approximately sixty trees could be removed, and perhaps as few as thirty. The oak woodland on the Agricultural Cluster Subdivision parcels contains approximately 6,000 trees. Removal would be approximately 1% of the oak woodland canopy, far below the 30% removal of canopy required before the project is considered a "conversion" of oak woodland under the Kuehl bill. Even if 400 trees were removed, as suggested possible by the RDEIR, the percent removal of canopy would be approximately 6.7%. The RDEIR incorrectly applies the Kuehl bill standard in this case, claiming that conversion of oak woodland would occur, when the Kuehl bill standard clearly is not met. A threshold of impacts regarding the Kuehl bill was discussed in our previous comments on the DEIR. DJ

The revised descriptions of oak woodland in the RDEIR incorrectly remove other tree species components of the woodlands. The RDEIR offers the redundant and contradictory statement, "Blue oak woodland on-site is dominated by blue oaks" which is added to, "and can be found in open (savanna like) to dense monoculture stands." This begs the question, if it is "savanna like", what portion is savanna and not woodland? The same statement regarding "savanna like" habitat is applied to the RDEIR description of valley oak woodland. Also, naturally occurring vegetation types are usually not referred to as "monoculture" or any "culture" type. Monoculture applies to an agricultural land use where one species is farmed with the goal of allowing no other species to grow. Oak woodlands, even when dominated by oak trees, can have dozens of other plant species present. DK

The RDEIR has chosen to increase setbacks from Tostada Creek to 100 feet as part of mitigation for potential impacts to steelhead and California red-legged frog habitat. We agree with this setback recommendation for lower Tostada Creek (within 0.4 miles from the confluence with Trout Creek). Typically, the California Department of Fish and Game recommends 100-foot setbacks from perennial drainages and 50-foot setbacks from ephemeral drainages. Tostada Creek is an ephemeral drainage with shallow seasonal pools. A fifty foot vegetated buffer, combined with normal protective measures such as construction erosion control, and roads graded to produce sheet flow to the buffer, would provide very good protection for upper Tostada Creek. Steelhead or California red-legged frog habitat does not occur in Tostada Creek except near the confluence with Trout Creek. DL

It is our opinion that the RDEIR has not adequately answered the concerns we expressed in our April 2007 comments with respect to analysis of grassland and oak tree impacts, and has increased stream setback distance on upper Tostada Creek without good reason. DM

Sincerely,

LynneDee Althouse

Daniel E. Meade, Ph.D.

eda Response to Updated Analysis prepared by Jeff Wagner
dated March 7, 2008

DN

design professionals
eda
civil engineers ◆ land surveyors ◆ land planners

March 7, 2008

Ms. Jamie Kirk
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

RE: Santa Margarita EIR - Responses to Updated Environmental Analysis
[eda Job No. 2.5856.100]

DN

Dear Jamie,

Our responses to Boyle's two drainage comments are attached. Please call if you have any questions or additional comments.

eda - design professionals

Jeff Wagner, RCE 26431

eda – *design professionals*
1998 Santa Barbara Street, San Luis Obispo, CA 93401
805-549-8658 fax 805-549-8704
www.edainc.com

eda RESPONSES TO UPDATED ANALYSIS

March 7, 2008

Section 2.4, Measure D-2(a). Yerba Buena Drainage System.
The proposed detention structure for the portion of the Agricultural Residential Cluster Subdivision site draining to Yerba Buena creek shall have capacity to reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, at a minimum. A Drainage Study shall be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities. The study shall also address flow routing and relative times of concentration in the watershed at the detention facility compared with the existing channel. ***The detention facility shall be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.***

DO

Response to Measure D-2(a). Prior to approval of subdivision improvement plans, the proposed detention structure will be redesigned to comply with the Measure D-2(a) requirement. It will be analyzed as prescribed, with considerations for flow routing and times of concentration. A Drainage Study will be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities and to evaluate whether the required detention would provide a beneficial downstream result as compared to current County detention standards. The analysis will also consider how the application of Low Impact Development (LID) principles in the final design would provide opportunities for localized runoff reductions and opportunities for decentralized detention at individual lots or at other selected locations.

Section 2.4, Measure D-2(b). Trout Creek Drainage System.
Prior to approval of a Land Use Permit, the applicant shall design a detention structure for the site that drains to the unnamed tributary to Trout Creek. A Drainage Study shall be prepared to identify detention volumes and release rates for the required facilities. The study should also address flow routing an relative times of concentration in the watershed at the detention facility compared with existing channels. This system shall have the capacity to reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, at a minimum. ***The detention facility shall be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.***

DP

Response to Measure D-2(b). Prior to approval of subdivision improvement plans, a detention structure will be designed as prescribed to comply with the Measure D-2(b) requirement. It will be analyzed as prescribed, with considerations for flow routing and times of concentration. A Drainage Study will be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities and to evaluate whether the additional detention would, provide a beneficial downstream result as compared to current County detention standards. The analysis will also consider how the application of Low Impact Development (LID) principles in the final design would provide opportunities for localized runoff reductions and opportunities for decentralized detention at individual lots or at other selected locations.

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Letter from Associated Transportation Engineers regarding their review of the Transportation / Circulation Section of the RDEIR dated March 27, 2008.

DQ

ASSOCIATED TRANSPORTATION ENGINEERS
100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Richard L. Pool, P.E.
Scott A. Schell, AICP

March 27, 2008 0405801.L04

Jamie Kirk
Kirk Consulting
9720 Atascadero Road
Atascadero, CA 93422

DQ

REVIEW OF TRANSPORTATION/CIRCULATION SECTION OF THE REVISED DRAFT EIR FOR THE SANTA MARGARITA RANCH AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION PROJECT AND FUTURE DEVELOPMENT PROGRAM

According to the introductory text, the Revised Draft Environmental Impact Report (RDEIR) was prepared to address issues that arose since the time that the Draft Environmental Impact Report (DEIR) was prepared for the project. The introduction to the RDEIR also states that comprehensive, direct responses to comments on the DEIR and additional revisions and clarifications will be provided in a forthcoming Final EIR that includes response to all comments received during the public review periods for both the DEIR and RDEIR. DR

ATE reviewed the Transportation/Circulation section of the DEIR prepared for the Santa Margarita Ranch Project and submitted comments in our letter of April 11, 2007 (copy attached). Since the RDEIR does not directly address many of those previous comments, it is assumed that those not addressed will require a response in the Final EIR. DS

ASSESSMENT OF SANTA MARGARITA RANCH RDEIR

The introduction to the Transportation/Circulation section of the RDEIR states, "This section updates Agricultural Residential Cluster Subdivision Impact T-1 and Future Development Program T-1 to clarify significance thresholds, clarify traffic and circulation mitigations required for the proposed Agricultural Residential Cluster Subdivision, revise the cumulative impacts analysis to compare project and program impacts to baseline cumulative conditions rather than existing conditions, and update traffic conditions on U.S. Highway 101." DT

Our comments on the salient issues/impacts are detailed below. Prior to the detailed comments, it is important to reiterate a general comment that we made on our review of the DEIR. That is, the level of detail included in the traffic study is well beyond that prepared for other Program EIRs. The level of detail has resulted in the identification of impacts and mitigations that are over and above the normal level required for developments in the County by past practice and standards, such as identification of State Highway facilities that were designed and built many years ago that do not meet current standards. The DEIR and RDEIR concludes that the addition of any traffic to these State Highways with older design features is a significant impact that must be mitigated prior to occupancy of the project. It is also important to restate that it is our opinion that many of the identified impacts are presented without adequate analyses and/or application of adopted thresholds. DT

COMMENTS ON RDEIR SECTION 2.7 TRANSPORTATION/CIRCULATION

Threshold Revision

Page 2-90 - Caltrans Threshold. The RDEIR "clarifies" Caltrans significance thresholds as follows: "For Caltrans' facilities (intersections, roadway segments, freeway segments, and freeway ramps junctions), a degradation in the level of service from an acceptable level (LOS C/D threshold or better) to an unacceptable level (LOS D, E, or F) is a significant impact. For Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact." DU

The RDEIR does not provide a source of the Caltrans thresholds. Caltrans has published "*Caltrans Guide for the Preparation of Traffic Impact Studies*" (December 2002), which provides general parameters for conducting a traffic study. The guide does not contain any thresholds. Thus, **Caltrans does not have any adopted thresholds.** Furthermore, the Caltrans guide states, "For Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact."

For the Santa Margarita Ranch RDEIR, it appears that the threshold is also broadly applied to locations where the transportation facility is not constructed to today's standards, to locations where there may be limited sight distances, to locations where there is some bicycle or pedestrian activity, to locations where there may be an accident history, etc. DV

Building just one of the proposed residential units (or one residential or commercial unit by any land owner in the community or neighboring rural areas) would constitute a significant impact based on this "threshold" since the traffic from one house would use a facility that is not up to today's standards or where there may be limited sight distances, or where there is some bicycle or pedestrian activity, or where there is an accident history, etc.

The Caltrans traffic study guide also states that the traffic impact study provide a nexus between a project and the traffic impacts to State facilities and provide a rough proportionality between the mitigation measure and the traffic impact. The revisions to the mitigation measures in the RDEIR make the Agricultural Residential Cluster Subdivision responsible for fully funding and implementing the mitigation measures where development of the Agricultural Residential Cluster Subdivision would contribute traffic to existing deficiencies. **The project should not be solely responsible for correcting all of the existing deficiencies identified in the community of Santa Margarita, but should be responsible for its share** (based on the Caltrans recommended procedure or some other equitable share calculation). DW

Agricultural Residential Cluster Subdivision Impacts and Mitigations

Page 2-90 - Impact T-1. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts related to operational deficiencies at the SR 58 transition into a 90-degree curve south of J Street under forecasted Existing + Agricultural Residential Cluster Subdivision traffic volumes:

> "As shown in Tables 4.12-10(a) through 4.12-10(c), all roadway segments are projected to operate at acceptable LOS with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems on SR 58 near J Street. As discussed in Section 4.12.1(e), SR 58 transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (mph) warning sign, no additional warning signs or physical barriers are in place. As indicated in the Existing Conditions section, a total of six (6)collisions were reported over a three-year period. These collisions include the following types and number of incidents: head-on collision (2), side-swipe collision (2), broad-side collision (1), and hitting a fixed object (1). As shown on Figure 4.12-6, the addition of traffic by the Agricultural Residential Cluster Subdivision is projected to significantly increase the daily volumes (43 percent) on SR 58, east of the 90-degree curve, from 3,000 to 4,130 vehicles. Therefore, impacts are potentially significant and mitigation is required."

DX

This impact is not based on any adopted criteria nor is it based on an engineering analyses of the geometry of the roadway and the cause of accidents. The potentially significant finding is based on existing conditions, "except for a 15 mph warning sign, no additional warning signs or physical barriers are in place;" and "a total of six collisions were reported over a three-year period." The DEIR traffic study includes a summary of the accident rates for the 36-month period between August 2002 through July 2005. The summary compares the actual rate of accidents to the statewide average for similar facilities. The accident summary is then used as a basis for assessing potential impacts. The analysis assumes that any location with an accident rate that is higher than the statewide average would be significantly impacted by the addition of traffic generated by the project.

This approach is misleading since the accident summary does not include the detailed analysis necessary to determine if the actual rate of accidents is significant (a statistical analyses) and it does not analyze the project's traffic additions from a scientific standpoint. Often times the actual rate of accidents is higher than the statewide average due to the low volume of vehicles using the facility. A statistical analysis can determine if the number of accidents is statistically significant. In addition, the accident records should be analyzed to determine the cause of the accidents and whether or not there is a correctable problem, and to determine if the addition of traffic from a project would constitute a significant impact. DY

It is recommended that the accident analysis be updated using current accident data and that the significance of the number of accidents based on traffic volumes using statistical tools. The analysis should also determine if there is an accident pattern that can be corrected. A set of criteria for determining the significance of the project's traffic additions to the locations studied should also be provided. Given the threshold applied, building just one of the proposed residential units (or one residential unit or commercial unit by any land owner in the community or neighboring rural areas) would constitute a significant impact to this existing deficiency (or perceived deficiency).

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised to clarify impacts at the intersection of Estrada Avenue/H Street due to traffic generated by weekday Santa Margarita Elementary school operations:

> "As indicated on Figure 4.12-4, approximately 10 percent of traffic generated from the residential development would have local destinations within Santa Margarita. Of these trips, a small percentage was assigned to travel to the elementary school. Even if 100 trips (50 inbound & 50 outbound) from the Agricultural Residential Cluster Subdivision were assigned to the school during the AM peak-hour, the level of service rating would not degrade to an unacceptable level. The mitigation measure at the Estrada Street/H Street intersection is not anticipated to change since the mitigation measure [ARCS Measure T-1(e)] addresses existing roadway design deficiencies (limited sight distance at the intersection). The school traffic that is associated with dismissal of classes occurs in the early afternoon before the evening commute period (4:00 to 6:00 PM)." DZ

The impact clearly states that the level of service rating for the Estrada Street/H Street intersection would *not* degrade to an unacceptable level. The impact is based on limited sight distance. According to the text on Page 2-92, "Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit ..."

It is unclear if vehicle speed surveys were taken or if the analysis is based on cursory field review. The actual speed of vehicles is key to the sight distance analysis. DZ

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts related to "cut-through" on I Street to avoid congestion on El Camino Real:

> "The forecast traffic volumes at the intersection of El Camino Real/Wilhelmina Avenue will capture traffic that uses I Street as a shortcut to bypass El Camino Real. The existing El Camino Real/Wilhelmina Avenue intersection volumes do not suggest that a substantial amount of traffic uses I Street as a shortcut. Fewer than 60 vehicles, in each direction, currently turn to/from Wilhelmina Avenue to El Camino Real during each peak hour. Therefore, even with additional congestion on El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision, "cut-through" traffic on I Street would not result in unacceptable levels of service at I Street intersections." EA

The roadway and intersection analysis found that El Camino Real and the intersections along its reach would operate at LOS C or better, indicating that congestion would not occur. Thus it is incorrect to state, "... **additional congestion on El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision...**"

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts on freeway ramp operations under forecasted Existing+ Agricultural Residential Cluster Subdivision traffic volumes:

> "As shown in Table 4.12-11, the merge and diverge ramp operations at the U.S. 101/SR 58 interchange are projected to operate at acceptable levels of service with the addition of Agricultural Residential Cluster Subdivision traffic to existing roadway volumes, with the exception of the northbound off-ramp, which is projected to continue to operate below the Caltrans LOS D standard. The Agricultural Residential Cluster Subdivision development will increase the existing AM and PM peak-hour volumes on the US 101 northbound off-ramp by 15 percent." EB

The "ramp junction" analyses illustrate traffic operations for the merge and diverge areas **on the U.S. Highway 101 mainline** at the merge and diverge areas, **not at the "ramp junction".** For example, the northbound SR 58 ramp analysis illustrates the affect of confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp in the vicinity of the off-ramp **on the mainline.** Thus, the impact identified (and mitigation) are not applicable to the junction of the off-ramp and SR 58 adjacent to the park and ride lot.

In addition, ATE has never seen operational analyses of freeway ramps included in traffic studies prepared for development projects proposed in the County. The County does not have any adopted criteria or thresholds for assessing freeway ramp facilities. Instead, the RDEIR relies on the new unadopted Caltrans threshold, "...for Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact." ATE has also never seen this Caltrans impact threshold (1 trip constitutes an impact). If this threshold were applied consistently within the County, no development could occur anywhere near a Caltrans facility that does not meet today's standards without the determination of a significant impact that would either need to be mitigated by improvements implemented by the project or the adoption of overriding considerations by the County for the Class I impact. Furthermore, several discretionary projects that generate more than 1 trip have been approved in the Santa Margarita area and have not been conditioned with the mitigations prescribed in the DEIR or the RDEIR. **EC**

Page 2-92. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts on Estrada Avenue/H Street intersection operations under forecasted Existing + Agricultural Residential Cluster Subdivision traffic volumes:

> "The intersection of Estrada Avenue and H Street experiences limited sight distance due to an existing crest on Estrada Avenue, in the vicinity of Santa Margarita Elementary School. Northbound vehicles travel over the crest and immediately arrive at H Street. Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit and may not have sufficient time and pavement to come to a complete stop if pedestrians are crossing Estrada Avenue at H Street to travel to Santa Margarita Elementary School or to Santa Margarita Park. The Flashing Beacon at School Crossings warrant (Section 4K.103 from MUTCD 2003 CA Supplement) is satisfied under Project Conditions. The vehicular volume exceeds 140 vehicles and the school age pedestrians exceed 40 pedestrians for each of 2 hours and the critical approach speed exceeds 35 mph with no other controlled crossing nearby. The majority of Agricultural Residential Cluster Subdivision project traffic will travel through this intersection, thus increasing the number of drivers experiencing the existing sight distance deficiency." **ED**

It is unclear if vehicle speed surveys were taken or if the analysis is based on cursory field review. The actual speed of vehicles is key to the sight distance analysis.

Page 2-92. The RDEIR states, "Draft EIR mitigation for Impact T-1 (post-project traffic operational deficiencies) focused on payment of fair share fees to offset Agricultural Residential Cluster Subdivision impacts. The Draft EIR concluded that such impacts would remain Class I, significant and unavoidable, for several reasons, one of which was the uncertainty in the timing of resulting physical transportation improvements." **EE**

As stated in the RDEIR but not in the DEIR, "County Public Works staff determined that fair share fees collected to offset Agricultural Residential Cluster Subdivision traffic impacts may not be adequate to implement identified transportation improvements that would reduce the impact to a less than significant level." EE

Based on this change, the revisions to the mitigation measures in the RDEIR make the Agricultural Residential Cluster Subdivision responsible for fully funding and implementing the mitigation measures. However, **development of the Agricultural Residential Cluster Subdivision would contribute traffic to existing deficiencies in the transportation system. The project should not be solely responsible for correcting existing deficiencies.** Instead, the project should be responsible for offsetting its impact to those facilities.

The following text presents the RDEIR mitigations for the Agricultural Residential Cluster Subdivision. ATE comments follow each of the mitigations.

Page 2-92, Mitigation T-1(a) - SR 58 South of J Street. This mitigation measure requires:

1. Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access) to provide four foot shoulders and/or bike lanes in accordance with County standards. EF

2. Install radar feedback signs and advisory speeds on each approach to the 90-degree curve on SR 58 near J Street.

The impact to the 90-degree curve on SR 58 near J Street was considered significant based on old accident data/no statistical analyses. Further, the mitigation is required to be implemented solely by the project even though the curve in the road is an existing deficiency (or perceived deficiency). Should the accident analysis find that the number of accidents is significant and that there is a correctable problem, the project should be required to contribute to the improvements needed to rectify and existing deficiency (not fix the existing deficiency).

Page 2-93, Mitigation T-1(b) - U.S. 101 Northbound Off-Ramp to SR 58. This mitigation measure requires the applicant to lengthen the deceleration length from 140 feet to 250 feet from the U.S. 101 mainline to the northbound off-ramp, reconstruct the area where the northbound U.S. 101 off-ramp merges with eastbound SR 58 to provide 400 feet of merging distance to meet Caltrans' current design standards, and design the revised park and ride and frontage road access. EG

This mitigation is based on the new Caltrans impact threshold introduced in the RDEIR (addition of any traffic to facilities that do not meet today's standards is considered a significant impact). In addition, the impact to the merge area was not identified in the analysis. The "ramp junction" analyses that the impact is based on illustrates traffic operations for the diverge area on the U.S. Highway 101 mainline and is therefore not applicable to the junction of the off-ramp and SR 58 adjacent to the park and ride lot.

Finally, the mitigation is required to be implemented solely by the project even though there is an existing deficiency (or perceived deficiency). The project should be required to contribute to the improvements needed to rectify the existing deficiency. EH

Page 2-94, Mitigation T-1(c) - U.S. 101 Southbound Off-Ramp to SR 58. This mitigation measure requires the applicant to extend the deceleration length from 250 to 550 feet for the southbound off-ramp to provide acceptable freeway ramp diverge operations. EI

This mitigation is based on the new Caltrans impact threshold introduced in the RDEIR (addition of any traffic to facilities that do not meet today's standards is considered a significant impact). The mitigation is required to be implemented solely by the project even though there is an existing deficiency. The project should be required to contribute to the improvements needed to rectify the existing deficiency.

Page 2-95, Mitigation T-1(d) - El Camino Real/Estrada Avenue Redesign. This mitigation measure requires the applicant to:

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

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

3. Reduce the superelevation of the El Camino Real curve at Estrada Avenue. EJ

4. Prior to implementation of Future Development Program measure T-1(d), traffic signal installation and rail pre-emption, advance limit lines for northbound Estrada traffic shall be provided immediately south of the rail tracks, and a Manual on Uniform Traffic Control Devices (2003 Edition) R8-10 sign which states "Stop Here When Flashing" shall be provided to minimize the potential for vehicles to stop directly on the railroad tracks.

This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. The impact clearly states that the level of service rating for the Estrada Street/H Street intersection would *not* degrade to an unacceptable level. The impact is based on limited sight distance. According to the text on 2-92, "Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit ..."

Finally, the mitigation should not be the sole responsibility of the project since the sight distance is an existing deficiency (or may not be deficient, depending upon forthcoming engineering analysis). At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Page 2-96, Mitigation T-1(e) - Estrada Avenue/H Street Warning Beacon. This mitigation measure requires the applicant to install a pedestrian-activated advanced warning beacon on the northbound approach to the intersection of Estrada Avenue and H Street, before the crest on Estrada Avenue, to warn drivers of the presence of pedestrians crossing at the intersection.

EK

The impact clearly states that the level of service rating would *not* degrade to an unacceptable level. The impact is based on limited sight distance (or perceived since an engineering analysis is not provided). Thus, the mitigation may not be required. Finally, if the mitigation is required, the mitigation should not be the sole responsibility of the project since the sight distance is an existing deficiency (or may not be deficient, depending upon forthcoming engineering analysis). At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Page 2-97, Residual Impacts. This section states, Although proposed mitigation would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, and uncertainty regarding right-of-way acquisition, it cannot be assured that all improvements would be feasibly constructed prior to occupation of the proposed residences. As a result, impacts would remain significant and unavoidable."

EL

This statement underscores the inherent flaw in the overall methodology used to evaluate traffic impacts in the document. The RDEIR first determines that any traffic added to the State Highway facilities in the community of Santa Margarita is a significant impact because these facilities were not originally constructed to today's standards. The RDEIR then requires that the proposed development **fund and implement all of the improvements required to upgrade the State Highways prior to the issuance of occupancy clearances for any housing unit.** The document then makes the finding that because of uncertainties regarding Caltrans approval of the improvements and the potential costs of right-of-way, the improvements required may not be able to be constructed. If this is the case, then the project could never be occupied given the language of the mitigation measures.

Page 2-97, Mitigation T-4(a) - El Camino Real/Encina Avenue In-Pavement Flashing Lights. This mitigation measure was revised to requires the applicant to fully fund and install in-pavement flashing light on El Camino Real at the Encina Avenue intersection to warn drivers of the presence of pedestrian crossing the intersection.

EM

This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. The County does not have an adopted threshold for assessing potential impacts to pedestrian facilities. Finally, the mitigation should not be the sole responsibility of the project since the current crossing is being considered deficient. At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Cumulative Impacts and Mitigations

Page 2-98, Updated Analysis. The RDEIR states, "The Draft EIR inadvertently compared the Cumulative + Future Development Program scenario to Existing conditions, rather than Cumulative No Project conditions. Although the outcome of the analysis would not change based on a comparison to Cumulative No Project conditions, the corrected analysis is presented herein. In addition, the Draft EIR listed average daily traffic (ADT) volumes for U.S. 101 which were lower than Caltrans data for 2005. Although the incorrect volumes were not used in any of the operational analyses, the volumes are also corrected herein." EN

Since the corrections made in the RDEIR did not change the impacts, ATE has no additional substantial comments on the cumulative impact analyses. Comments on the cumulative impact that ATE raised in our reviewed of the DEIR are the same (see April 11, 2007 letter submitted by ATE).

It is noted that there appears to be several errors in the cumulative impact tables. For example, Table 4.12-14(c) shows LOS E for the northbound segment of U.S. 101 south of SR 58 under Cumulative No Project conditions and LOS D for Cumulative + Agricultural Residential Cluster Subdivision conditions - indicating that operations improve with the additional traffic generated by the Agricultural Residential Cluster Subdivision traffic in the cumulative scenario. It is recommended that the results displayed in the impact tables be checked for errors. EO

Page 2-105, Mitigation Measures. The RDEIR states, "The Mitigation Measures discussion under Future Development Program Impact T-1 has not changed. However, new mitigation measures T-1(a), T-1(b), and T-1(c) have been added..."

Future Development Program T-1(a) SR 58 South of J Street requires realignment of SR 58 along a tangent south of J Street to mitigate the Future Development Program's impacts to the two 90-degree curves on SR 58 near J Street.

Future Development Program T-1(b) U.S. 101 Southbound Off-Ramp to SR 58 requires redesign of the southbound off-ramp to accommodate a larger loop radius and higher design speed to meet current Caltrans design standards. EP

Future Development Program T-1(c) U.S. 101 Southbound On-Ramp from SR 58 requires redesign of the U.S. 101 southbound on-ramp to accommodate an acceleration lane for westbound SR 58 traffic.

The Plan Requirements and Timing for the mitigations state that the improvements are required prior to occupancy clearance for the first Future Development Program component on the Ranch property. The text goes on to state that the Specific Plan shall establish a finance district to construct and implement the alternate improvements if a Specific Plan is require, or that the applicant fund the improvements and create an area wide traffic model and associated reimbursement agreement if a Specific Plan is not required.

Several area-wide improvement plans and companion traffic mitigation fee programs exist in the County (Templeton, Nipomo, etc.). Area-wide improvement plans and traffic mitigation fees programs should be developed by the jurisdiction (the County in this case) rather that private entities. EQ

This concludes our reviewed the Transportation/Circulation section of the Santa Margarita Ranch RDEIR.

Associated Transportation Engineers

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attachment

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April 11, 2007

0405801.L02

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REVIEW OF TRANSPORTATION AND CIRCULATION SECTION OF THE SANTA MARGARITA RANCH TRACT 2586 AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION PROJECT AND FUTURE DEVELOPMENT PROGRAM DEIR

Associated Transportation Engineers (ATE) has reviewed the Transportation and Circulation section of the Draft Environmental Impact Report (DEIR) that has been prepared for the Santa Margarita Ranch Project. The Transportation and Circulation section includes analyses of two scenarios: 1) the proposed Agricultural Residential Cluster Subdivision (Vested Tentative Tract 2586) and, 2) the Future Development Scenario. ATE also reviewed the Salinas River Area Plan, focusing of the Transportation and Circulation section prepared for the Santa Margarita Ranch area.

PROJECT DESCRIPTION

The proposed projects consists of two components: 1) a Vested Tentative Map Tract 2586 agricultural cluster subdivision for development of 112 single family homes, and 2) a Future Development Scenario.

The Future Development Scenario was required to be studied in the EIR by a Settlement Agreement. Santa Margarita Ranch totals approximately 14,000 acres, 9,600 of which are within the boundaries of the historic Rancho Santa Margarita. A settlement agreement between the community group Santa Margarita Area Residents Together (SMART), the County, and the applicant requiring that the applicant submit a Future Development Scenario for the areas within the original Rancho boundary at the time of any specific entitlement request. The settlement agreement required the preparation of a Program EIR to evaluate the environmental

effects of the likely buildout of the Ranch pursuant to CEQA. Any future required CEQA documents would be tiered from the Program EIR at this time further entitlements are requested for projects listed within the Future Development Scenario.

The Santa Margarita Ranch DEIR assumes that the Future Development Scenario consists of 514 residences (including the proposed Tract 2586 Agricultural Residential Cluster Subdivision), and the following uses: a private golf course, clubhouse and pro shop; 150 to 250 unit guest ranch, lodge, and restaurant; 12-room bed and breakfast; cafe; amphitheater; craft studios, galleries and shops; interpretive center and gift shops; nine (9) wineries with tasting rooms and permitted special events; neighborhood parking and swimming facility; five (5) new ranch/farm headquarters; one livestock sales yard and cafe; three places of worship; and a retreat center.

ASSESSMENT OF SALINAS RIVER AREA PLAN EIR

The environmental analyses for the Salinas River Area Plan was prepared in a report dated June 1993 and the EIR was certified January 2, 1996. As stated on Page 3-24 in the EIR, "As of this writing, an Environmental Constraints Analysis (ECA) is under preparation for Santa Margarita Ranch. Once completed, it is expected that a Specific Plan and subsequent EIR will be prepared on the anticipated development of the Ranch. Both the ECA and subsequent EIR will be providing a much greater level of environmental analysis on potential impacts. The Salinas River Area Plan Program EIR will evaluate the Santa Margarita Ranch development on a general and conceptual level."

Table 5.2-3A on Page 5.2-6 of the Salinas River Area Plan EIR shows that the land uses analyzed in that document are nearly identical to those that are included in the Santa Margarita Ranch Project DEIR. The Salinas River Area Plan EIR shows 500 dwelling units, 27- to 36-hole golf course, 150-unit guest ranch with lodge and restaurant, 12-room bed and breakfast, cafe, amphitheater, craft studios/galleries/shops, interpretive center/gift shop, 200-400-seat horse arena with boarding facilities/track/stables, winery with wine tasting, and neighborhood parkland.

The trip generation estimate shown in the Salinas River Area Plan EIR for the Santa Margarita Ranch was 8,120 Average Daily Trips (ADT), which is about the same as the 8,138 ADT estimate shown on Page 4.12-32 of the Santa Margarita Ranch Project DEIR. The traffic analyses for the Santa Margarita Ranch contained in the Salinas River Area Plan EIR (Page 5.2-7) found that,

> "It is anticipated that the development of the Santa Margarita Ranch would further degrade future levels of service on U.S. Highway 101 and S.R. 58, and could potentially generate significant adverse traffic conditions on the local street system serving the Santa Margarita and Garden Farms communities. Local roadways that would primarily be affected by the development of the Santa Margarita Ranch are El Camino Real and Estrada Avenue. Traffic impacts will be analyzed in greater detail in the EIR that will be prepared for the proposed Santa Margarita Specific Plan."

ASSESSMENT OF SANTA MARGARITA RANCH DEIR

Our comments on the salient issues/impacts are detailed in our review of the traffic analyses below. As a general comment, it is our opinion that the level of detail included in the traffic study is well beyond that prepared for other Program EIRs. This level of detail has resulted in the identification of impacts and the inclusion of mitigations that are over and above the normal level required for developments in the County by past practice and standards.

It is also important to understand at the outset of our review that many of the identified impacts are presented without proper analyses or application of significance thresholds. For instance, the Field Observations and Existing Operational Issues include numerous statements regarding existing conditions that are not supported by proper analyses of data and facts. Potential impacts are then assessed assuming that the issues raised in the Field Observations and Existing Operational Issues are factual, resulting in the determination of significant impacts generated by the project. Instead, the Field Observations and Existing Operational Issues are just observations, and include anecdotal citations from crossing guards and County staff. They may be important considerations but must be defined and quantified by data and analysis.

Comments on Section 4.12 Transportation and Circulation

Section 4.12.1.b. Two-Lane Highways . The DEIR text states that four of the study-area roadway segments were evaluated using the two-lane highway analysis methodology descried in Chapter 20 of the 2000 Highway Capacity Manual (2000 HCM). The traffic study applies "percent time following" as the performance measure for these local roads. Since the four roadways are local roads that serve as access for adjacent lands or for local trips within the immediate area, the analyses should be completed using the methods applied to the other local roadways included in the traffic study.

Section 4.12.1.b. Freeway Segments. The DEIR analysis includes LOS analyses for the U.S. Highway 101 mainline as well as for the ramp junctions at the U.S. Highway 101/SR 58 interchange. The ramp junction analyses illustrative traffic operations for the merge and diverge areas of the U.S. Highway 101 ramps at the interchange (e.g. the northbound SR 58 ramp analysis illustrates the affect of confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp in the vicinity of the off-ramp. ATE has never seen ramp junction operational analyses included in a traffic study prepared for a development project proposed in San Luis Obispo County. The County does not have any adopted criteria or thresholds for assessing freeway ramp facilities. Instead, it is typical to analyzing traffic operations at the intersection of the off-ramp (or on-ramp) and the local street.

The ADT volumes for U.S. Highway 101 that are shown on Figure 4.12-1 appear low. The volumes shown are 19,750 to 22,060 ADT, while Caltrans 2005 data show volumes in the 41,000 to 43,000 ADT range. It is noted that the incorrect volumes are not used in any of the operational analyses. Peak hour volumes are used instead and they appear to be representative of actual conditions.

Section 4.12.1.e. Collision Rates The DEIR traffic study includes a summary of the accident rates for the 36-month period between August 2002 through July 2005. The summary compares the actual rate of accidents to the statewide average for similar facilities. The accident summary is then used as a basis for assessing potential impacts. The analysis assumes that any location with an accident rate that is higher than the statewide average would be significantly impacted by the addition of traffic generated by the project. This approach is misleading since the accident summary does not include the detailed analysis necessary to determine if the actual rate of accidents is significant (a statistical analyses) and it does not analyze the project's traffic additional from a scientific standpoint.

Often times the actual rate of accidents is higher than the statewide average due to the low volume of vehicles using the facility. A statistical analysis can determine if the number of accidents is statistically significant. In addition, the accident records should be analyzed to determine the cause of the accidents and whether or not there is a correctable problem, and to determine if the addition of traffic from a project would constitute a significant impact.

The traffic analysis identifies impacts as potentially significant and mitigations are required where the project adds traffic to locations where the August 2002 through July 2005 accident rates are higher than statewide averages. It is recommended that the accident analysis be updated using current accident data. The analysis should determine the significance of the number of accidents based on traffic volumes using statistical tools and the accident data should be analyzed to determine if there is a accident pattern that can be corrected. A set of criteria for determining the significance of the project's traffic additions to the locations studied should also be provided in the EIR. The way that it is written, building one house that adds one trip to any of the locations studied would constitute a significant impact.

Section 4.12.1.f. Field Observations and Existing Operational Issues This section discusses several "operational issues" based on field observations. The operational issues outlined in this section are then carried forward into the impact analysis as if the observed "operational issues" are in fact deficiencies. This approach results in several impacts/mitigations that may not be substantiated by data, facts, and analyses. Instead, some of the "operational issues" are based on anecdotal statements. One example, there is a discussion of Estrada Avenue south of J Street that states that, "Estrada Avenue transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (MPH) warning sign, no additional warnings signs or physical barriers are in place. Vehicles have to slow considerably to navigate through this curve." The impact analysis identifies the addition of Tract 2586 Agricultural Residential Cluster Subdivision traffic as potentially significant and mitigations are required based on the observed "operational issues." This approach to assessing impacts if faulty since impacts need to be substantiated by data, facts, and analyses.

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds The thresholds used for the traffic analysis include the Environmental Checklist Form of the State's CEQA Guidelines (Appendix G). The checklist is simply a list of potential impacts that public agencies should be mindful of when reviewing projects. They are in fact guidelines and provide little guidance in judging whether the potential impact might be environmentally

significant. How does one determine the significance of an impact using the criteria stated in the first bullet of the checklist, "causes an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., results in a substantial increase in either the number of vehicles trips, the volume to capacity ratio on roads, or congestion at intersections)." What is the definition of substantial increase? How is congestion at intersections determined?

Relying on the checklist results in environmental review that is confusing and inefficient. Most agencies develop well defined criteria for assessing potential impacts. In this case, the County of San Luis Obispo has adopted defined criteria for assessing potential impacts to County roadways and intersections (as outlined on Page 4.12-15 of the DEIR). The Environmental Checklist Form of the State's CEQA Guidelines should be removed from the EIR to eliminate confusion when identifying the significance of project impacts.

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds. Bicycle and Pedestrian Impacts. The source of this threshold should be stated. The County of San Luis Obispo does not have an adopted threshold for assessing potential impacts to bicycle and pedestrian facilities.

Section 4.12.2.a. Impact Analysis Methodology and Significance Thresholds. Transit Impacts. The source of this threshold should be stated. The County of San Luis Obispo does not have an adopted threshold for assessing potential impacts to transit facilities.

Section 4.12.2.b. Agricultural Residential Cluster Subdivision-Generated Traffic Volumes. The trip generation estimates are based on equation rates from the ITE manual rather than the average rates. The choice of selecting the equation rates instead of the average rates is not stated. Average rates are typically used for subdivision of the size proposed. Using the average rates results in an estimate of 1072 ADT, 84 A.M. peak hour trips, and 113 P.M. peak hour trips, slightly less than used in the DEIR.

The trip distribution pattern used in the DEIR was "estimated based on the existing travel patterns in the area and the relative locations of employment centers and other attractions such as schools, parks, and retail areas." This pattern is significantly different that the pattern developed for the traffic study prepared by ATE, [1] which is shown below in Table A. In general, the DEIR traffic study assigns more traffic to/from U.S. Highway 101 to the south (48%) and less traffic to the local Santa Margarita area. The existing traffic volumes at the U.S. Highway 101/SR 58 interchange show that the 48% assignment to/from U.S. Highway 101 to the south may be too high.

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1 Draft Traffic and Circulation Study for the Santa Margarita Ranch Project, Associated Transportation Engineer, August 2004.

Table A
Project Trip Distribution Percentages

Origin/Destination	Direction	Distribution %	
		ATE	DEIR
U.S. 101	South	35%	48%
U.S. 101	North	15%	15%
El Camino Real	North	30%	25%
Local - Santa Margarita	-	15%	10%
SR 58	Northeast	3%	1%
Pozo Road	South	2%	1%
Total			100%

Section 4.12.2.c. Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures.

Existing + Agricultural Residential Cluster Subdivision Roadway Operations. The roadway operational analysis found that all of the study-area roadway segments would operate at LOS C or better, which meets the County level of service standard. Nevertheless, the text at the top of Page 4.12-22 identifies an impact to SR 58.

> "As shown in Tables 4.12-10(a) through 4.12-10(c), all roadway segments are projected to operate at acceptable LOS with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems on SR 58 near J Street. As discussed in Section 4.12.1(e), SR 58 transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (mph) warning sign, no additional warning signs or physical barriers are in place. As indicated in the Existing Conditions section, a total of six (6) collisions were reported over a three-year period. These collisions include the following types and number of incidents: head-one collision (2), side-swipe collision (2), broad-side collision (1), and hitting a fixed object (1). Therefore, impacts are potentially significant and mitigation is required."

This impact is not based on any adopted criteria nor is it based on sound engineering analyses of the geometry of the roadway and the cause of accidents. The source of the impact threshold needs to be clearly identified. ATE does not know of any San Luis Obispo County thresholds that have been adopted for use in this case. In addition, as discussed above, a detailed analysis of the accident history is needed to determine if the number of accidents is significant, whether or not the geometry of the roadway is the cause of the accidents, and whether the addition of project traffic would exceed an adopted threshold of significance.

Existing + Agricultural Residential Cluster Subdivision Freeway Ramp Operations . This analysis indicates that the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems at the U.S. 101 southbound off-ramp to SR 58 based on the existing configuration. The impact is defined with the following statement:

> "The existing design does not meet Caltrans standards and the addition of Agricultural Residential Cluster Subdivision traffic will exacerbate the existing operational problems."

This impact is not based on any adopted criteria nor is it based on engineering analyses of the geometry of the ramp. Even though the County does not have any adopted criteria or thresholds for assessing freeway ramp facilities, the analysis found that the southbound off-ramp would operate at LOS B-C during the peak hour periods with the addition of project traffic. The definition of this impact appears arbitrary. The DEIR analysis seems to indicate that the addition of traffic to any facility that in not build to today's design standards constitutes a significant impact.

Existing + Agricultural Residential Cluster Subdivision Intersection Operations. The intersection operational analysis found that all of the study-area intersections would operate at LOS C or better, which meets the County level of service standard. Nevertheless, the text beginning at the bottom of Page 4.12-23 identifies several impacts to the area intersections based on unsupported analyses. Impacts are identified at the El Camino Real/Estrada Avenue intersection due to the presence of a crest vertical curve in combination with accident data; and at the Estrada Avenue/H Street intersection due to sight distance and crest on Estrada in the vicinity of Santa Margarita Elementary School. These impacts are not based on any adopted criteria nor are they based on engineering analyses. Instead, they are based on cursory information (field review of existing conditions).

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(a). This measure includes the widening of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision site access) to provide shoulders and/or bike lanes in accordance with County standards. However, the impact analysis did not identify an impact to this segment that requires the roadway widening.

This measure also requires the realignment of SR 58 along a tangent south of J Street to the Agricultural Residential Cluster Subdivision development to make the SR 58/J Street intersection into more of a "typical intersection layout." However, the impact analysis did not identify an impact based on adopted thresholds that triggers the need for this mitigation.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(b). This measure requires improvements to the U.S. 101 northbound off-ramp to SR 58 to provide 400 feet of merging distance for the transition between the two facilities. The project's impact to this merge area is not analyzed in the DEIR. Instead, the ramp analysis is for the confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp. That analysis shows LOS D for Existing conditions and LOS D for

Existing + Project conditions. The LOS D operations is the affect of diverging vehicles from northbound U.S. Highway 101 onto the off-ramp to SR 58. There is no analysis provided for the confluence area of the northbound U.S. Highway 101 off-ramp flow and the eastbound SR 58 flow adjacent to the park-and-ride facility.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(c). This measure requires improvements to the U.S. 101 southbound off-ramp to SR 58 to lengthen the ramps to meet the current Caltrans standard. There are no adopted thresholds to assess the project's impact to this ramp nor is there an impact analysis showing the affect of project traffic for this area of the ramp system. Moreover, there are many transportation facilities located within the County that were constructed years ago that do not meet current standards. Assuming a significant impact for developments that add traffic to such facilities would result in no development in the County without bringing the facilities up to today's standards.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(d). This measure requires improvements to the El Camino Real/Estrada Avenue intersection prior to occupancy clearance. This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds.

Mitigation Measures, Agricultural Residential Cluster Subdivision T-1(e). This measure requires pedestrian activated warning beacons be installed at Estrada Avenue/H Street prior to occupancy clearance. This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds.

Agricultural Residential Cluster Subdivision Impact T-2 . A potential significant impact is identified for the location of the west driveway that would serve the Agricultural Residential Cluster Subdivision based on Caltrans criteria for stopping sight distances. However, the analysis is based on estimated speeds, "According to County of San Luis Obispo Department of Public Works staff, vehicles travel at speeds at or over 55 mph along this corridor. The stopping sight distance for a 60-mph road is 590 feet." The analyses of sight distances at the project driveways should be based on speeds measured in the field adjacent to the proposed driveway. Applicable sight distance criteria should be applied rather than estimates.

Agricultural Residential Cluster Subdivision Impact T-4. A potential significant impact is identified for conflicts with pedestrians and bicyclists. The pedestrian impact discussion contained in the DEIR states:

> "Limited pedestrian sidewalks and crosswalks are provided in downtown Santa Margarita and there is currently no pedestrian facilities between the proposed development and downtown. Typical activities within the Agricultural Residential Cluster Subdivision development are unlikely to create high demand for pedestrian facilities to and from downtown because the site is located more than one mile away. However, traffic generated by the Agricultural Residential Cluster Subdivision will add traffic to the El Camino Real/Encina Avenue intersection. According to San Luis Obispo County Public Works Department, Caltrans District 5 Traffic Safety staff have

> completed a warrant study which shows the El Camino Real/Encina Avenue intersection meeting warrant for pedestrian flashing warning lights (the volume warrant is not met). According to Caltrans District 5 staff, the proposed Agricultural Residential Cluster Subdivision would likely trigger the volume warrant being satisfied."

The mitigation requires in-pavement flashing light be installed at the intersection based on unsupported analysis. The DEIR texts states that the volume warrant is not met but "according to Caltrans District 5 staff, the proposed Agricultural Residential Cluster Subdivision would likely trigger the volume warrant being satisfied." This impact and associated mitigation is not supported by numerical analysis or adopted methods and standards for assessing impacts generated by the project.

Similarly, the pedestrian impact discussion contain in the DEIR states,

> "The proposed provision of a private pathway between the community of Santa Margarita and the Agricultural Residential Cluster Subdivision would accommodate a portion of the increased pedestrian demand. However, because the pedestrian trail would be gated and private, some pedestrians traveling between the subdivision and community would be diverted to West Poza Road, which would be considered unsafe for pedestrian movement due to the conflicts with vehicles. As a result, impacts related to pedestrian facilities would be potentially significant."

The mitigation requires the gate to the proposed pedestrian pathway between the subdivision and community be removed and the pathway dedicated as a public trail. Again, this impact and mitigation are not supported by numerical analysis or adopted methods and standards for assessing impacts.

The analysis present for the bicycle impact states,

> "Several bicycle facilities exist in the vicinity of the Agricultural Residential Cluster Subdivision site. However, bike lanes are not provided on SR 58 adjacent to the site. Bicyclist are forced to use the narrow shoulders or to ride in the travel lanes. The traffic added by the Agricultural Residential Cluster Subdivision will increase potential automobile-bicycle conflicts on SR 58 between downtown Santa Margarita and the Agricultural Residential Cluster Subdivision driveways due to the narrow roadway width on West Poza Road (SR 58). Mitigation is required to ensure less than significant impacts."

The mitigation measure states,

> "Implementation of Agricultural Residential Cluster Subdivision Mitigation Measure T-1(a), which requires widening of West Pozo Road (SR 58) along the Agricultural Residential Cluster Subdivision site's frontage to accommodate County-planned Class II bicycle lanes or shoulders, would reduce potential automobile-bicycle conflict impacts to a less than significant level."

It is common to require frontage improvements for development projects. In this case, that would include widening West Pozo Road (SR 58) along the Agricultural Residential Cluster Subdivision site's frontage to County standards. However, Agricultural Residential Cluster Subdivision Mitigation Measure T-1(a) calls for widening both sides of SR 58 from El Camino Real to the Agricultural Residential Cluster Subdivision site access to provide shoulders and/or bike lanes. Mitigation Measure T-1(a) also call for realigning SR 58 along a tangent south of J Street to the Agricultural Residential Cluster Subdivision site to make the SR 58/J Street intersection into a "more typical intersection layout." There DEIR provides no impact analysis that would require the project to widen both sides of SR 58 from El Camino Real to the Agricultural Residential Cluster Subdivision site access (beyond the site's frontage) nor does it provide analysis that shows the need to realign the roadway to make the SR 58/J Street intersection into a "more typical intersection layout."

Section 4.12.2.e. Future Development Program Impacts and Mitigation Measures. Cumulative traffic volumes were forecasted assuming pending projects that would affect the study area as well as 20 years of growth assuming a 1.4% per annum growth rate. This cumulative basis is well beyond what is typically used for CEQA analyses. Applying the 1.4% per annum growth rate for 20 years increases the traffic volumes on the local Santa Margarita street network by about 30%. It is unclear where the future developments would occur within Santa Margarita that would result in this level of traffic increase. Other traffic studies prepared for development projects assume occupancy of approved and pending projects within the area of influence.

The distribution pattern used for the Future Development Program show traffic heavily weighted to/from U.S. Highway 101 (75% of all trips are assigned to the freeway and thus the U.S. Highway 101/SR 58 interchange). The existing traffic pattern in the Santa Margarita area show that more than 25% of the community's trips are local within town (and thus less than 75% use the freeway).

In addition, the Future Development Program includes homes, a guest ranch, golf course, cafe, restaurant, bed and breakfast, craft studios, galleries, shops, wineries, churches, etc. Many of these land uses will compliment each other. The trip generation analysis does not include a mixed-use factor to account for the interaction of the proposed land uses (e.g. people staying at the guest ranch will play golf, shop, and visit wineries). Assigning 75% of the future traffic external to the Santa Margarita area to/from U.S. Highway 101 is not reasonable or substantiated by the analyses in the EIR.

The forecast for U.S. Highway 101 that are shown on Figure 4.12-9 are lower than existing conditions. The volumes shown are in the 28,000 to 33,000 range, while Caltrans 2005 data show current volumes in the 41,000 to 43,000 ADT range. Again, it is noted that the incorrect volumes are not used in any of the operational analyses (peak hour volumes are used).

Cumulative + Future Development Program Roadway Operations. The roadway operational analysis compares the Cumulative + Future Development Program levels of service to Existing levels of service. Cumulative + Future Development Program levels of service should be compared to Cumulative (baseline) conditions in order to assess the impacts of the Future Development Program.

Cumulative + Future Development Program Intersection Operations. Similar to the roadway analysis, the intersection analysis compares the Cumulative + Future Development Program levels of service to Existing levels of service. Cumulative + Future Development Program levels of service should be compared to Cumulative (baseline) conditions in order to assess the impacts of the Future Development Program.

The mitigations identified for the Cumulative + Future Development Program impacts correctly assign a contribution of fair share fees for the Future Development Program. In other words, the Future Development Program would pay a fair share towards the improvements that have been identified to accommodate Cumulative + Future Development Program traffic. However, Future Development Program T-1(d) requires that the Future Development Program develop an area-wide fee program, including detailed plans for the improvements that have been identified to accommodate Cumulative + Future Development Program traffic.

An area-wide fee program should instead be developed by the County as the responsible agency. Similar fee programs have been developed by the County for other areas (e.g. Nipomo area, Templeton area, etc.). It is noted that the Cumulative baseline traffic increases are significant (however, no operational analysis is provided for the Cumulative baseline scenario). For reference, El Camino Real currently carries 5,490 ADT east of Wilhelmina Avenue. The Cumulative growth is projected to increase volumes to 7,250 ADT, an increase of 1,760 ADT. The Tract 2586 Agricultural Residential Cluster Subdivision component is forecast to add 728 ADT to the segment and the remaining project development would add 3,838 ADT to the roadway. This begs the question, why is the Santa Margarita Ranch development being required to develop an area-wide fee program?

The "Plan Requirements and Timing" statements are unclear as to whether or not detailed design plans are required for the mitigations. For instance, Future Development Program Mitigation T-1(b) identifies the need for a traffic signal at the El Camino Real/Wilhelmina Avenue intersection. The associated Plan Requirements and Timing states that "detailed site plans displaying proposed traffic signal shall be included in the Specific Plan (or within individual plans, as applicable) for review by Caltrans and the County of San Luis Obispo prior to approval."

Does this mean that the signal should be designed prior to approval of the Agricultural Residential Cluster Subdivision component of the project? Furthermore, the Monitoring statement says, "Prior to issuance of occupancy permits, Caltrans and County Public Works shall verify implementation of approved plans." This statement implies that the traffic signal should be designed and install prior to occupancy of the Tract 2586 Agricultural Residential Cluster Subdivision component of the project. Or, it could be interpreted to mean that the traffic signal be designed and installed prior to occupancy of one of the other components of the Future Development Program. In any event, the traffic signal may not be warranted at the time that one of the project components is construction and ready for occupancy, since the need for the traffic signal was determine assuming a 1.4% per annum growth rate for 20 years + pending projects + the Agricultural Residential Cluster Subdivision component of the project + the remaining components of the Santa Margarita Ranch project.

It is recommended that the DEIR be revised to indicate that the project pay a fair share of the future improvements needed to accommodate the Cumulative + Project traffic. The improvements should be identified through a fee program developed by the County. An area-wide fee program developed similarly to others in the County, would include cost estimates for all of the future infrastructures projects and assign costs based on traffic generation of the cumulative developments (including developments within the Santa Margarita Ranch).

Future Development Program Impact T-2. This impact and the associated mitigation is not substantiated by any analysis. Instead, the Site Access analysis states:

> "Because no active application currently existing for the Future Development Program subsequent to the Agricultural Residential Cluster Subdivision, the assessment of site access is based on a reasonable worst case scenario with regard to the location of future access points. It is assumed that the livestock sale yard and Oakenshaw Retreat Center would connect to SR 58 via the frontage road along U.S. 101...As a result, sight distances cannot be analyzed for this component of the project. However, potential hazards may be associated with assumed access points. For example, the livestock sales yard and Oakenshaw Retreat Center are presumed to connect to SR 58 via the frontage road, which would create unsafe turning movements on SR 58 to access the frontage road...."

All of this text is highly speculative and seems to be written to set up the mitigation measures. The Future Development Programs Mitigation Measure T-2(a) states that a detailed analysis of access points to Future Development Program land uses and possible impacts to area intersections shall be conducted as part of the Specific Plan. The statement goes on to require that the site specific access analysis consider requiring that access to the livestock sales yard and Oakenshaw Retreat Center be provided via a new roadway connection to SR 58 rather than the frontage road. The mitigation also states that the site specific access analysis consider requiring additional access for the residential and commercial areas located south and east of Santa Margarita to minimize intrusion into the existing residential neighborhoods via new roadways extending east to SR 58.

This concludes our reviewed the Transportation and Circulation section of the Santa Margarita Ranch DEIR.

Associated Transportation Engineers

By: Scott A. Schell, AICP
Principal Planner

SAS/DLD

END ER

Letter from Luhdorff and Scalmanini, Consulting Engineers regarding their review of the Water and Wastewater Section of the DEIR dated March 27, 2008

ES

LUHDORFF & SCALMANINI
CONSULTING ENGINEERS

GROUND-WATER RESOURCES
HYDROLOGY • DEVELOPMENT • MANAGEMENT

March 27, 2008
File No. 07-1-019

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

ES

SUBJECT: COMMENTS ON THE REVISED DRAFT EIR FOR THE SANTA MARGARITA RANCH AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION

Dear Ms. Miller:

ET

At the request of Santa Margarita Ranch, Luhdorff and Scalmanini, Consulting Engineers (LSCE) have reviewed the Revised Draft Environmental Impact Report (Revised DEIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Program prepared by Rincon Consultants, Inc. (Rincon). This letter includes comments on Section 2.8 (Water and Wastewater) of the Revised DEIR.

EU

While the formatting is not exactly clear, it appears that the Revised DEIR simply perpetuates all the material related to water in the original DEIR, adds estimates for planned additional vineyards and planned orchards, and reaches the same conclusions as in the original DEIR. The majority of the "revisions" in the Revised DEIR then appear to fall into two categories: brief summaries of environmental documents previously incorporated by reference, and discussions of potential impacts associated with the physical installation, operation and maintenance of a number of potential connections to an imported water supply. Overall, other than the addition of estimated water demands for the additional vineyards and orchard, there is no revised analysis of the availability of water supplies to meet existing, planned, and proposed (project) water requirements.

EV

As a global comment, it is noteworthy that none of our detailed comments on the original DEIR were addressed in the Revised DEIR. Our most significant comment on both documents is that the agricultural water demands are grossly overestimated. Although the acreage of vineyards in San Luis Obispo County is rapidly increasing and irrigation data are readily available, the EIR preparers made no effort to estimate water demands based on actual cultural practices and data. The outdated literature value of 1.6 acre-feet/acre/year (af/ac/yr) proposed by Hopkins Groundwater Consultants (Hopkins, 2006) and used by Rincon for both existing and new vineyards is about three times the actual demand for mature vineyards in the

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Santa Margarita area. In the case of the original DEIR, this led to the unsupportable conclusion that the yield of the groundwater basin, which in turn was conflictingly and speculatively reported, was insufficient to support the demands of the proposed Project in addition to other existing demands. EV

Summary of Previous Comments on Original DEIR

Our comments on the original DEIR (see letter dated April 11, 2007) focused on water demand estimates, historical pumping, groundwater levels and overdraft, basin yield estimates, predicted impacts, and proposed mitigation. Those comments can be summarized as follows:

- Residential and agricultural water demand estimates made by Hopkins and used in the DEIR are too high. The estimated water use factor for proposed residential clustered lots on the Ranch (1.44 acre-feet [af]/lot) is high for the Project, where lots will be smaller (average of 1.1 acres) than existing residential lots and water conservation measures will be incorporated into the design. The Cleath (2004) estimate of 0.9 af/lot based on the Garden Farms community was considered to be a more accurate value. EW
- Hopkins' estimate of the demand for irrigation of the existing vineyard on the Ranch (1,558 af/year [afy]) is approximately three times the actual irrigation demand during normal years based on Ranch irrigation and pumpage data (525 afy).
- One reason for the high estimated demand is that the net vineyard acreage (the area that is actually planted to grapes) is only about 80 percent of the gross acreage or 782 acres according to detailed Ranch records. This represents 80 percent of the gross acreage (974 acres) that was used for Hopkins' calculations. The difference (88 acres) includes roads and other infrastructure as well as unplanted areas between the vine rows and the surrounding fences to allow access by farm machinery.
- Hopkins's estimate of vineyard irrigation demands (1.6 af/ac/yr) is far higher than the water use for modern vineyards irrigated with drip. The estimated water demand for vineyards at the Ranch is 0.67 af/acre, including water used for frost control. Hopkins attempted to justify its high water demand estimate by claiming that mature crops require more water, due in part to greater leaf area and crop canopy. This is completely counter to modern vineyard cultural practices, which fundamentally focus on controlled plant growth and grape production. Those cultural practices are, in turn, complemented by the use of vine root stocks that develop deep root structures and thus can reduce the applied water requirement by accessing deeper soil moisture when mature. In fact, applied water is purposely constrained at certain points in the annual growth cycle, first to limit the length (and thus the leaf area) of canes, and later to force the development of the wine grapes.
- The DEIR speculatively concludes that the net consumptive use of the proposed project "**may** contribute to overdraft of the aquifer system" and that "the groundwater resources beneath the Santa Margarita Ranch **may** not be sufficient to support the existing land uses and the proposed Agricultural Residential Cluster Subdivision project and/or the Future Development Program" (emphases added). These

conclusions are particularly questionable in light of Hopkins' findings that "available data do not directly indicate that the aquifer system beneath the Ranch is in overdraft". After reviewing the groundwater level data, it is evident that cones of depression surrounding the Ranch's wells are relatively localized and overdraft is not occurring anywhere in the Santa Margarita area.

- The overall combination of the DEIR and Hopkins' study include further speculative conclusions regarding groundwater basin yield. Despite the lack of any quantitative analysis, the Hopkins' study concludes that "the average annual yield of the groundwater basin beneath the ranch **may** ultimately prove to be in the range of between 400 and 600 afy (emphasis added). It is fundamentally impossible to understand how a "hydrogeological study" can estimate current water demands to be slightly more than 1,600 afy (for a number of years), to also report that groundwater basin yield "may ultimately prove to be" less than that demand by at least 1,000 afy, and to then find that available data do not indicate the aquifer system to be in overdraft. EW
- The perennial yield of the aquifers underlying the Ranch was estimated to be at least 1,300 afy by Mann (1987) based on actual data, including hydrogeologic studies, test borings, and test pumping; Mann reported that estimate of yield to be conservative. This yield is considerably more than the estimated current and projected future demand, with the proposed Project, shown on **Table 1-4**. Based on this and the other analyses discussed in our April 11, 2007 comment letter, there are sufficient groundwater resources to supply current demands and those of the proposed Project.
- The DEIR concluded that the impacts of the proposed Project may be significant and unavoidable (Class I). This conclusion was reached despite the fact that neither the DEIR nor the Hopkins' report contain any analysis which suggests that significance as defined in DEIR Section 4.14.2 would be experienced, i.e. that "the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses…". The declaration of a Class I impact greatly overstates the probable impact of the Project on groundwater resources.
- Some of the proposed mitigation measures appeared to be excessive and unnecessary because there is sufficient groundwater to supply the Project. Our primary comment was that requiring that an imported water supply be provided for the Project was unnecessary given the small magnitude of realistically estimated impacts.

Additional Comments on Revised DEIR

The Water and Wastewater section in the Revised DEIR is brief because changes from the original DEIR are relatively minor. The most notable change is that the projected water demands for the Ranch increased by 2,642 af due to the addition of 1,026 acres of planned vineyards and 500 acres of planned orchards. As was the case for the original DEIR, water demand estimates for agricultural use are greatly overestimated in the Revised DEIR. EX

Agricultural Water Demand – Our previous comments on agricultural water demand also apply to the Revised DEIR. To estimate the water demand for existing vineyards, the water use factor should be multiplied by the net vineyard acreage (782 acres) instead of the gross acreage (974 acres). Further, the Hopkins' water use factor for vineyards (1.6 af/ac or 1,558 af total, as shown in Table 4.14-1) is more than double what is actually used at the Ranch. Interestingly, the Revised DEIR notes that this "does not account for the immaturity of on-site vineyards", implying that water demand could be even higher. EY

As stated in our comments on the original DEIR, the entire derivation of water requirements is counter to modern vineyard cultural practices, which focus on limiting cane growth and optimizing grape production. Those cultural practices are complemented by the use of vine root stocks that develop deep root structures and thus can reduce the applied water requirement by accessing deeper soil moisture when mature. There is no basis for the Hopkins' rationale (or that in the Revised DEIR) that mature vineyards require more applied water. In fact, more water is applied during the first two years when the grape roots are shallow, and mature plants require less water partly because of their deep roots according to the Ranch's Vineyard Consultant (Neil Roberts, 2007, personal communication). EZ

A more realistic estimate of the average applied water demand for vineyards at the Ranch is 0.67 af/ac as indicated in our previous comment letter. That estimate was based partially on a combination of actual irrigation data for the Ranch vineyards and pumpage data for the Ranch wells. All available evidence supports a much lower water use factor for vineyards than the 1.6 af/ac used by both Hopkins and Rincon. As shown on **Table 1**, the estimated water demand for existing Ranch vineyards is 525 af. FA

The Revised DEIR includes additional water demand for 1,026 acres of planned vineyards and 500 acres planned orchards. As was the case for the 974 acres of existing vineyards, these are gross acreages and should be reduced by approximately 20 percent to account for unplanted areas including roads and other infrastructure. Thus, the net acreage would be about 820 acres of new vineyards and 400 ac of new orchards. Since the new vineyards would be managed similarly to the existing vineyards, the water use factor would be similar (about 0.67 af/ac/yr on average). As shown in **Table 1** (attached), the water demand for the new vineyard would be about 549 afy, which is about one-third of the 1,642 afy estimated by Rincon (see Table 4.14-1 of the Revised DEIR). FB

Note that **Table 1** uses the same water demand for planned orchards suggested by Rincon (2.0 af/ac). The Ranch owners have indicated that areas designated for orchards would most likely be planted to olives, and we have found no published information about the water demand for olives in San Luis Obispo County. The total water demand for the planned orchards is reduced to 800 afy on **Table 1** based on approximately 400 acres that would actually be planted to trees. FC

Residential Water Demand – Our previous comments on residential water demand for the Project also apply to the Revised DEIR. The Cleath (2004) estimate of 0.9 af/lot (based on actual data from the Garden Farms community) is considered to be a more accurate value than the Hopkins' estimate of 1.44 af/lot, which was based on a reference table. As shown in **Table 1**, this change reduces the water demand of the Project from 161 afy to 101 afy. FD

Total Water Demand – A more realistic estimate of total future water demand for the Ranch, including the Project, is about 2,000 afy, as shown in **Table 1**. This is notably less than half of the overstated Hopkins/Rincon estimate of 4,424 afy. The "revised" DEIR should rely on more realistic estimate of water demands, and assess them in the context of actual groundwater conditions, all as described in our comment letter on the original DEIR, to reach defensible conclusions about the adequacy of existing water supplies. Instead, the "revised" DEIR continues the previously unsupported conclusions about inadequate groundwater supplies and then exhaustively discusses details about construction, operation, and maintenance of connections to alternative imported water supplies. FE

We appreciate the opportunity to provide comments on the Revised DEIR, and hope that our comments will be helpful in improving the evaluation of hydrologic impacts for the final EIR. If we can provide further detail or respond to questions about any of the above, we would be pleased to do so.

Sincerely,

LUHDORFF AND SCALMANINI
CONSULTING ENGINEERS

Joseph C. Scalmanini
Senior Principal

Glenn Browning
Senior Hydrologist

Attachments

Table 1
Santa Margarita Ranch Water Demands

Element	Size (acres)	Hopkins/Rincon Estimate		LSCE Estimate		Notes
		Water Use Factor (af)	Water Demand (afy)	Water Use Factor (af)	Water Demand (afy)	
Existing Water Uses						
37 Residential Lots	4.9 avg. (180.6 total)	1.44/lot	53	1.44/lot	53	(1)
Vineyard	974 (gross); 782 (net)	1.6 af/ac/yr	1,558	0.67 af/ac/yr	525	(2)
Other Uses			10		3	(3)
	Existing Water Demand		1,621		581	
New Agricultural Water Uses						
Vineyard	1,026 (gross); 820 (net)	1.6 af/ac/yr	1,642	0.67 af/ac/yr	549	(2)
Orchard	500 (gross); 400 (net)	2.0 af/ac/yr	1,000	2.0 af/ac/yr	800	
	New Ag Water Demand		2,642		1,349	
Agricultural Residential Cluster (Project)						
112 Residential Lots	1.1 avg, (127.5 total)	1.44/lot	161	0.9/lot	101	(4)
	Project Water Demand		161		101	
	Total Water Demand		4,424		2,032	
Future Development Program (Program)						
360 Lots (Village Format)	0.11 avg. (40 total)	1.44/lot	518	0.4/lot	144	(5)
42 Residential Lots	~1.0 avg.	1.44/lot	60	0.9/lot	38	
Other Uses			726		726	
	Program Water Demand		1,305		908	
	Total Water Demand		5,729		2,939	

1. All lots have private wells and are not included in Ranch pumpage (only 9 homes are currently occuppied). Hopkins assumed 37 lots total.
2. Revised estimate based on 2003 water demands shown on Table 1-2. Future water use for vineyard irrigation based on the water use for 2003 (0.55 af/ac), which was increased to 0.67 af/ac to match estimated the pumpage.
3. Revised estimate based on 3 residences and a well for misc. uses at the Ranch headquarters.
4. Revised water use factor (0.9 af/lot) based on Cleath (2004).
5. 360 of the Program lots would be laid out in a village format (40 ac total, including a town square). Water use factor based on 2003 Water System Master Plan for CSA 23.

FE

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FF

Environmentally Superior Alternative Comparison of
RDEIR Alternative No. 14 vs. Alternative No. 12
Prepared by RRM Design Group

FG

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Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
Santa Margarita Ranch
Agricultural Residential Cluster Subdivision VTTM 2586
March 27, 2008

FG

INTRODUCTION

Table 3-1 on page 3-38 of the RDEIR compares the proposed Agricultural Residential Cluster Subdivision to the alternatives, but does not contrast the alternatives to each other. According to the RDEIR, page 3-39, Alternative 14 is the environmentally superior alternative, followed by Alternative 12, and then 7, 3, and 13 (listing in order of superiority was confirmed with Rincon Consultants, Inc). Contrasting the alternatives to each other provides a much clearer understanding of environmental superiority. FH

Alternative 12 is consistent with applicant's original submittal addressed in the DEIR, and has the same number of clustered residential lots (111) and agricultural conservation easement lots (4). Alternative 14 has only 39 residential lots, and 1 agricultural conservation easement lot. We feel that this substantial difference in project size is not fair, and does not abide by CEQA's definition of an equal alternative. FI

Alternative 14 is also not consistent with the County's Agricultural Cluster Ordinance in Title 22 that had language in the Land Use Ordinance (LUO) which was in effect at the time the application was vested by Vesting Tentative Subdivision Map (VTTM) 2586. The LUO language in effect at the time of vesting did not contain language describing the potential reduction down to 26% of the maximum allowable density. FJ

The applicant prepared Alternative 12 while maintaining consistency with the overall area and number of home sites contained in VTTM #2586. The applicant refined the proposed project to more thoroughly protect and respond to the sensitive resources of the project site. Alternative 12 refined the project road to more closely follow existing agricultural roads, reduce impacts on wetlands, lessen impacts to agricultural lands, and decrease the number of oak trees to be removed or impacted due to road construction. Alternative 12 relocated lots to locations that are substantially less visible from public roads. Other lots were adjusted from their original locations and building envelopes were developed to avoid or lessen the impacts to archaeological, biological, or agricultural resources. The applicant found the information contained in the DEIR very helpful when considering potential refinements to the project that significantly lessened Alternative 12's impact on many natural and cultural resources. FK

Alternative 14 appears to have condensed Phase One of Alternative 12 into a tighter cluster, and seems to rely upon the roadway alignment from the original VTTM submittal. Although Alternative 14 dramatically reduces the overall project footprint area and number of residential units, the impacts to sensitive resources remain significant. Alternative 14's dramatic reduction in the total number of home sites (35% reduction) does not result in a correspondingly dramatic decrease of impacts to the sensitive resources on Santa Margarita Ranch. FL

Refer to the "Mitigated Project Alternative Description" in DEIR comments for detailed changes made by Alternative 12 to the Agricultural Residential Cluster Subdivision ("Summary of Mitigated Proposed Project Alternative") and for a comprehensive comparison of Alternatives 12 and 7 ("Mitigated Project Alternative vs. DEIR Alternative No. 7"). **FM**

RDEIR Over- Statement about Alternative 12:
Text on page 3-1 claims that there are 112 dwelling units; however, are only 111 clustered lots proposed. There is 1 additional dwelling unit proposed on Lot 40 which is an open space lot. This number is consistent with applicant's original submittal addressed in the DEIR. Text should be revised to read 111 clustered dwelling units throughout the description of the project. **FN**

RDEIR Over- Statement about Alternative 14:
Text on page 3-29 claims that there are 40 lots in Alternative 14. It is assumed that only 39 of these lots are dwelling units, and 1 is an open space lot. Text should be revised to read 39 dwelling units throughout the description of Alternative 14. **FO**

Alternative 12 vs. Alternative 14

Alternative 12 reduces potential impacts in several areas as compared to the Alternative 14 including cultural resources, drainage, and visual resources. There is one area where the two alternatives appear similar - Land Use Consistency. Because of the dramatic reduction in number of residential home sites, several areas of potential impacts are reduced by Alternative 14 - Air Quality, Geologic Stability, Noise, Public Safety, Public Services, Recreation, Transportation and Circulation, and Water and Wastewater. **FP**

Although Alternative 14 dramatically reduces the number of home sites, some of the impacts are in fact greater than Alternative 12. Also, because the impacts are all concentrated in one area of the site they are considered more damaging to sensitive resources than Alternative 12.

Alternative 14 did not provide building envelopes, and standard County setbacks of 25' in the front and 30' from the sides and rear of the lots were used for building envelopes in order to compare the alternatives. The following table summarizes the potential impacts from Alternatives 12 and 14. **FQ**

Santa Margarita Ranch - Alternative Comparison

Percentage of Impacts for Alternative 12 as compared to Alternative 14

	ALT 12 (111 Lots)	ALT 14 (39 Lots)	% Impact Alt 12 vs Alt 14
Agricultural Resources (Acres)			
Grazing Areas	43.6	24.2	Alt 12 has 80.2% more impacts than Alt 14
Total Impacts for Grazing	**43.6**	**24.2**	**Alt 12 has 80.2% more impacts than Alt 14**
Agricultural Resources (# of Bldg Env)			
Prime Soils 1 & 2	0	0	Alt 12 has 100.0% equal impacts than Alt 14
Prime Soils 3 & 4	16	11	Alt 12 has 31.3% more impacts than Alt 14
Total Impacts for Prime Soils	**16**	**11**	**Alt 12 has 31.3% more impacts than Alt 14**
Biological Resources (Acres)			
Habitat Areas - Blue Oak	9.6	7.8	Alt 12 has 18.8% more impacts than Alt 14
Habitat Areas - Coast Live Oak	1.3	0	Alt 12 has 100.0% more impacts than Alt 14
Habitat Areas - Valley Oak	0.1	0	Alt 12 has 100.0% more impacts than Alt 14
Habitat Areas - Mixed Oak	10.4	9.2	Alt 12 has 11.5% more impacts than Alt 14
Total Impacts for Habitat Areas	**21.4**	**17**	**Alt 12 has 20.6% more impacts than Alt 14**
Biological Resources (Number of Impacts)			
Number of Lots Impacting Wetlands	0	1	Alt 12 has 100.0% less impacts than Alt 14
Number of Roads Impacting Wetlands	0	1	Alt 12 has 100.0% less impacts than Alt 14
Total Impacts for Wetlands	**0**	**2**	**Alt 12 has 200.0% less impacts than Alt 14**
Cultural Resources (Number of Impacts)			
Bldg Envelopes with Cultural Impacts	2	10	Alt 12 has 80.0% less impacts than Alt 14
Lots/ Driveways with Cultural Impacts	6	3	Alt 12 has 50.0% more impacts than Alt 14
Subtotal Impacts for Lots, Drwys & Env	**8**	**13**	**Alt 12 has 38.5% less impacts than Alt 14**
Roads with Cultural Impacts	6	2	Alt 12 has 66.7% more impacts than Alt 14
Total Impacts for Cultural Sites	**14**	**15**	**Alt 12 has 6.7% less impacts than Alt 14**
Visual Resources (Number of Lots)			
Number of Lots Visible & Dominant	0	10	Alt 12 has 100.0% less impacts than Alt 14
Number of Lots Visible & Not Dominant	8	0	Alt 12 has 100.0% more impacts than Alt 14
Total Visual Impacts	**8**	**10**	**Alt 12 has 20.0% less impacts than Alt 14**

FR

Agricultural Resources

Grazing areas affected by Alternative 14 are less than Alternative 12; however, this is based on dramatically fewer home sites. Alternative 14 has only 39 home sites (35% of Alternative 12), but has only 19.4 less acres of cattle grazing impacts than Alternative 12. **FS**

The RDEIR claims that the tight cluster layout in Alternative 14 will reduce impacts to grazing unit fragmentation, but this option compacts grazing in two areas of Alternative 14, whereas in Alternative 12 corridors have been provided between the lots to allow for unrestricted movement of cattle. Alternative 14 creates less space between home sites for grazing. The tight clustering and road crossings of Alternative 14 will significantly reduce cattle grazing in these areas. Alternative 14 basically removes the entire 53 acre cluster area from active cattle grazing, whereas Alternative 12 allows cattle to continue to graze throughout the cluster area. **FT**

Cattle grazing is an integral part of the Ranch Fire Management Plan and home sites have been carefully located in Alternative 12 to allow for active grazing between lots. It is beneficial to have space between the lots for grazing to occur to as it reduces fire hazard significantly. In Alternative 12, cattle grazing is proposed to continue throughout the cluster, and be excluded only from building envelopes (as described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2,4 and 5). Refer to the response letter prepared by Kirk Consulting, Section 2.1 Ag Resources Section for additional information about conversion of rangeland. **FU**

Agricultural Conservation Easements enhance, maintain and preserve the long-term agricultural use of the agricultural land on Santa Margarita Ranch. The amount of Agricultural Conservation Easements for the project will be reduced by approximately 2,821 acres with Alternative 14. This is a significant impact to the agricultural resources, and Alternative 12 is a much more superior option for the viability of long-term agricultural protection for the Ranch. The Agricultural Conservation Easements for Alternative 12 total approximately 3,621 acres of the 3,778 acres in Tract 2586 (96% of the project area) and is a much better alternative to assure the preservation of long-term agricultural on the Ranch. **FV**

Class 1 and 2 prime soils affected by building envelopes in Alternative 14 are similar to Alternative 12, with both options avoiding these soils. Both of the alternatives have project roadways located on the alignments of existing agricultural roads which are located on Class 1 and 2 soils. Alternative 14 affects Class 3 soils listed as prime by only five fewer building envelopes than Alternative 12. Alternative 14 was developed with knowledge of this soil being potentially prime, but it was not included in the DEIR when Alternative 12 was developed. (Refer to "Review of the Agricultural Resources Section of the Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" prepared by Thomas Rice on March 7, 2008 for additional soil information). **FW**

Regardless as to whether the Class 3 and 4 soils are considered prime or not, a comparison was made on both alternatives to see which has a more significant impact on the soil types shown as prime in the RDEIR. The RDEIR states that the entire home site area (entire lot) should be used to determine the amount of land converted to non-agricultural uses. This analysis uses the entire home site area (not merely the building envelope) area over laid on top of the soil type boundaries map. Using this approach, the home sites for Alternative 14 impact 2.51 acres less than Alternative 12. **FX**

However, the home sites in Alternative 12 will be fenced at the building envelope delineation, and cattle grazing will continue outside of this area (as described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2, 4 and 5). Using this calculation approach, the home sites for Alternative 14 impact 0.16 acres more than the building envelope areas of Alternative 12. Based on the fact that Alternative 12 meets the objectives of the applicant and converts a smaller amount of prime soils by the building envelopes, Alternative 12 is an environmentally superior option. **FY**

The following table summarizes the differences between the prime soil impacts made by the two alternatives. (As mentioned above, Alternative 14 did not provide building envelopes, and standard County setbacks were used for building envelopes in order to compare the alternatives) **FZ**

Santa Margarita Ranch - Soils Conversion

Alternative 12 vs Alternative 14

	ALT 12 (Lots on Soils) Acres	ALT 12 (Envelopes on Soils) Acres	ALT 14 (Lots on Soils) Acres	ALT 14 (Envelopes on Soils) Acres
Soil Type				
139 (Class 1 if Irrigated)	0.02	0	0	0
133 (Class 2 if Irrigated)	0.34	0	0	0
Total Impacts for Prime Soils (Class 1 & 2)	**0.36**	**0**	**0**	**0**
182 (Class 3 if Irrigated)	14.4	4.75	12.26	4.91
102 (Class 4 if Irrigated)	0.16	0	0.15	0
Total Impacts for Prime Soils (Class 3 & 4)	**14.56**	**4.75**	**12.41**	**4.91**

RDEIR Over- Statement on Alternative 12 Prime Soils:
Text on RDEIR page 3-2 states that Alternative 12 would convert 19.96 acres of prime agricultural soils. The soils referred to are primarily soil type 182 (Class 3 soil, if irrigated), and a small amount of soil types 102 (Class 4 soil, if irrigated), 133 (Class 2 soil, if irrigated, and 139 (Class 1 soil, if irrigated). The RDEIR states that the entire area within the lot lines would be converted to non-agricultural uses; however, it appears that this number includes portions of the lot area that are outside the soil type boundaries in question. If only the lot area that overlay the soil types are calculated, only 14.92 acres are impacted. **GA**

Also, as noted above Alternative 12 the home sites will be fenced at the building envelope and cattle grazing continue on the home site area outside of this envelope. Therefore the actual area being converted to residential use is actually only 4.75 acres. Text in the RDEIR should read 14.92 acres, and note the building envelope size of impacts. **GB**

Alternative 12 converting 0.36 acres of Class 1 or 2 soils, and 14.56 acres of Class 3 or 4 soils using the lot line methodology is not a significant impact to agricultural resources on 3,778 acres. In our opinion Agricultural Resources for Alternative 12 should be Class II, significant but mitigable. **GC**

RDEIR Over- Statement on Alternative 12 Agricultural Buffers:

Text on RDEIR page 3-7 states that Lot 100 is closer to active agricultural uses than the original Tract 2586 submittal. However; although the lot line is closer, the building envelope is actually in the same location as in Tract 2586. The location for Lot 100 in the Tract 2586 submittal was previously approved by the Agricultural Commissioner. The proposed building envelope for Lot 100 in Alternative 12 was created by using these approved lot lines, and then setting back based on County standards (25' in the front, and 30' from the sides and rear). **GD**

Text on RDEIR page 3-7 states that in the original Tract 2586 submittal Lot 99 was located further away from agricultural operations and thereby resulted in fewer compatibility impacts, but does not state that the impacts should be removed. The Alternative 12 building envelope for Lot 99 was relocated approximately 200' from the previous DEIR submittal. Lot 99 in Alternative 12 is located approximately 610' from the existing vineyard, and is not within the 500' vineyard buffer. Lots 99 and 100 should be removed from this section of text in the RDEIR. **GE**

Text on RDEIR page 3-7 states that proposed Lots 2B, 39, and 40 require relocation due to insufficient buffering from surrounding agricultural uses. Lot 40 has not changed from the original Tract 2586 DEIR submittal, and is separated from the potential vineyards by landform and vegetation (refer to the response letter prepared by Kirk Consulting, Section 2.1 Ag Resources Section for discussion about Lots 39 and 40). Although the lot lines for Lot 39 were revised in Alternative 12, the proposed building envelope is actually in the same location on the north-west side based upon using the County standard setbacks and prior lot lines, and it is only approximately 25' closer on the north-east side than the original Tract 2585 submittal. **GF**

The building envelope for Lot 2B is located approximately the same distance from the potential vineyards as Lots 39 and 40, and is topographically similar. The closest corner of the building envelope for Lot 2B is located 220' from the potential vineyards, and has approximately 20' elevation difference and a dense vegetation buffer of that varies between approximately 110' to 120'. This setback from agricultural uses is similar to others previously approved by the Agricultural Commissioner, and the boundary of the proposed vineyard can be adjusted if necessary to reach a reasonable setback. Text in the RDEIR should remove the reference to relocation of Lots 2B, 39 and 40, and instead state that these lots could require adjustment. **GG**

RDEIR Over- Statement on Alternative 14 Agricultural Buffers:

Text on RDEIR page 3-33 states that lots on the west and southwest areas of Alternative 14 would have increased distance from the vineyards over alternative 12; however, Lots 20 and 23 of Alternative 14 are located closer to the vineyards than lots in Alternative 12. The closest corner of the building envelope for Lot 20 is approximately 147' away from the proposed vineyard, and has approximately 10' elevation difference and a vegetation buffer of that varies between approximately 25' to 75'. Lot 23 is 210' away from the proposed vineyard, and has approximately 15' elevation difference and a vegetation buffer of that varies between approximately 33' to 35'. **GH**

The RDEIR claims that conflicts between residential and vineyard uses would be proportionally reduced with Alternative 14. The Tract 2586 original submittal had potential conflicts with Lots 1, 99 and 100. In Alternative 12, Lots 1 and 99 have been relocated and the building envelope for Lot 100 is in the same location that was previously approved by the Agricultural Commissioner. Alternative 12 has new potential impacts with on Lots 2B, 39 and 40 and a potential area of future vineyard that for unknown reasons was not included in the DEIR. Lots 2B, 39 and 40 are all located farther away from the potential vineyard, at an equal or higher elevation and with a substantially larger vegetative buffer, than Alternative 14's Lots 20 and 23. The conflicts for Alternative 14 will not be reduced, but will actually be similar or greater than Alternative 12. **GI**

RDEIR Over- Statement on Alternative 14 Cattle Grazing:
Text on RDEIR page 3-33 claims that because of the lesser population, conflicts between residential and grazing uses will be reduced with Alternative 14. However, Alternative 14 creates less space between the lots for grazing and thus promotes a greater chance of nuisances by the cattle. Alternative 14 provides only a few large openings for cattle to roam, and they are located at significant road crossings which create a physical barrier to cattle and a danger to vehicles. Alternative 12 allows the cattle to graze freely with ample space between lots to reduce the chance of conflicts from grazing, and does not funnel the cattle to roadways. The conflicts for Alternative 14 will not be reduced, and will actually be greater than Alternative 12. **GJ**

Biological Resources

Alternative 14 has fewer impacts to biological resources than Alternative 12; however, this is based on the reduced size of the development. Alternative 14 has only 39 lots (35% of Alternative 12), but has only 4.4 acres fewer potential impacts to the oak tree habitat areas. (Refer to the "Alternative Comparison" table on page 3 of this report for detailed information) **GK**

It is an overstatement that in Alternative 12 large percentages of oak woodlands are impacted simply because home sites are located in the woodland areas. This statement appears to be made with little regard for precise locations of trees which was a determining factor in the design on Alternative 12. In the RDEIR, some of the areas depicted as oak woodlands contain sparse numbers of oak trees. In many of these areas the building envelopes of Alternative 12 could be built upon without affecting a single tree. However in the RDEIR the entire building envelope which is contained in the oak woodland is counted as a potential impact due to "fragmentation". For example, using the RDEIR methodology a building envelope located in the oak woodland that may only impact 2 oak trees out of 30 oaks in a 1/2 acre area, is instead equated to impacting 1/2 acre of oaks rather than merely 2 trees. **GL**

There are several lots in Alternative 14 that are located in areas that contain extensive tree canopy. This would make implementing building envelopes of a ½ acres size very difficult without significant impacts. In contrast to this, Alternative 12 has carefully sited each building envelope in relation to the existing trees in order to avoid impacts to the oak trees. We suspect that if the standard of counting actual impacts to existing individual trees were looked at more closely, there would most likely be greater impacts created by Alternative 14. **GM**

To base the impacts on area of potential fragmentation rather than impacts to individual trees is imprecise, and significantly overstates the potential impacts. Regardless we have used this methodology provided by the RDEIR to compare the Oak Woodland Habitat impacts, and they are remarkable similar given the dramatic reduction in number of home sites in Alternative 14. GN

- Blue Oak Woodland habitat areas affected by Alternative 14 are only 1.8 less acres than in Alternative 12

- Mixed Oak Woodland habitat areas affected in Alternative 14 are only 1.2 less acres than Alternative 12
- Alternative 14 does not have home sites proposed in the Coast Live Oak and Valley Oak Woodlands, and is therefore has no impacts to these habitat areas. However, only 1.3 acres of Coast Live Oak Woodland and 0.1 acre of Valley Oak Woodland are potentially impacted by Alternative 12. GO

Santa Margarita Ranch - Oak Woodland Habitat
Alternative 12 vs Alternative 14

	ALT 12 (Approx. Impact) Acres	ALT 14 (Approx. Impact) Acres	OVERALL ACREAGE (For the Site)	ALT 12 (% of Overall Impact)	ALT 14 (% of Overall Impact)
Biological Resources					
Blue Oak Woodland	9.6	7.8	890	1.1%	0.9%
Coast Live Oak Woodland	1.3	0	104.3	1.2%	0.0%
Valley Oak Woodland	0.1	0	215.7	0.05%	0.0%
Mixed Oak Woodland	10.4	9.2	190.4	5.5%	4.8%
Potential Impacts to Oak Woodlands	**21.4**	**17.0**	**1400.4**	**1.5%**	**1.2%**

Tract 2586 is 3,778 acres in size, and has approximately 1,400 acres of Oak Woodlands. As shown on the "Oak Woodland Habitat" table above, the overall percentage of potential impacts to the Oak Woodlands created by both alternatives is quite small, and the potential impacts by Alternative 12 are remarkably similar given the reduced project size in Alternative 14. (Overall acreage is based on the RDEIR information provided on page 2-42) Refer to the response letter by Althouse and Meade, Inc for additional discussion on oak woodland impacts. GP

- The overall percentage of potential impacts to the Blue Oak Woodland habitat areas in Alternative 14 is only 0.2% less than Alternative 12

- The overall percentage of potential impacts to the Mixed Oak Woodland habitat in Alternative 14 is only 0.7% less than Alternative 12

Santa Margarita Ranch - Oak Woodland Habitat Impacts by Phasing
Alternative 12 vs Alternative 14

	ALT 12 PHASE 1 (Approx. Impact) Acres	ALT 12 PHASE 2 (Approx. Impact) Acres	ALT 12 PHASE 3 (Approx. Impact) Acres	ALT 12 TOTAL (Approx. Impact) Acres	ALT 14 PHASE 1 (Approx. Impact) Acres
Biological Resources					
Blue Oak Woodland	4.5	3.7	1.4	9.6	7.8
Coast Live Oak Woodland	0	1.3	0	1.3	0
Valley Oak Woodland	0	0	0.1	0.1	0
Mixed Oak Woodland	5.3	2.5	2.6	10.4	9.2
Potential Impacts to Oak Woodlands	**9.8**	**7.5**	**4.1**	**21.4**	**17**

GQ

The fact that the potential impacts to the Oak Woodlands are in three phases in Alternative 12, and the impacts are scattered throughout Tract 2586 within these phases, significantly reduces the overall affect of the impacts. The impacts in Alternative 12 will allow for a staggered period of regeneration to the oak woodlands, and allow time for early mitigation measures to begin establishment before subsequent impacts occur.

- In Alternative 12, the Blue Oak Woodland habitat areas are scattered throughout three very different areas of in the Agricultural Cluster, and they occur in three separate phases. The impacts to Oak Woodlands in Alternative 14 occur in only one area of the Ranch, and they are assumed to occur in only one phase of development

- In Alternative 12, the potential impacts to the Mixed Oak Woodlands are scattered throughout three very different areas of the Agricultural Cluster, and they occur in three separate phases. The impacts to Oak Woodlands in Alternative 14 occur in only one area of the Ranch, and are assumed to occur in only one phase of development

GR

RDEIR Over- Statement on Alternative 12 Plant Community Impacts:
Text on RDEIR page 3-11 claims that impacts to natural plant communities in Alternative 12 would be similar to the original Tract 2586 DEIR submittal. The applicant spent considerable time and effort developing the data and working in the field on site plan refinements in order to reduce impacts to many plant communities on the site. Building envelopes were field verified on site and adjusted specifically to avoid impacts on oak trees. The RDEIR should remove the text "and impacts to natural plant communities", and the text should read "Therefore the overall amount of site disturbance would be similar to the proposed Agricultural Residential Cluster Subdivision."

GS

RDEIR Over- Statement on Alternative 12 Oak Woodland Impacts:

Text on RDEIR page 3-11 claims that an estimated 142 oak trees would be removed in a portion of Alternative 12, but does not indicate where this is located. Based on site verification of oak tree and building envelope locations and detailed grading plans, this number is much higher than would actually be removed for the entire 111 home site Ag Cluster project. Based upon the applicants detailed field analysis, the text should be revised to indicate that Alternative 12 would result in the removal of less than 100 oak trees. This number has been increased from the DEIR response in order to include a large contingency that accounts for additional trees that may need to be removed based on unforeseen site specific construction issues. **GT** **GU**

Text on RDEIR page 3-11 states that Alternative 12 would result in more oak trees removed in the northern portion of the site (area of Lots 1 to 39) than the original Tract 2586 Agricultural Residential Cluster Subdivision. The building envelopes in this area have been carefully field sited and verified to avoid oak tree impacts in Alternative 12, and would result in far fewer impacts. This sentence should be removed from the text if the RDEIR consultant cannot demonstrate the accuracy of the statement. **GV**

Text on RDEIR page 3-11 claims that impacts to oak trees outside of the Alternative 12 building envelope are expected. The RDEIR consultant provides no basis for this assumption. In contrast the applicant has provided field verified data and design work specifically targeting reduction of impacts to Oak trees. In addition the applicant has provided design guidelines for Alternative 12 with the specific intent that they do not intend for impacts to Oak trees outside of building envelops to occur. These guidelines are described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2, 4, 5 and 6. **GW**

Text on RDEIR page 3-11 states that Alternative 12 would result in the removal or impact of 250 to 350 oak trees. "Removal" of oak trees is significantly different from "impacted". Combining these two very different affects considerably overstates the potential impacts of the project. As stated above, the text should be revised to say that Alternative 12 would remove less than 100 oak trees throughout the entire Tract 2586, and this number includes a large contingency based on unforeseen construction issues. **GX**

Text on RDEIR page 3-11 states that Alternative 12 would have a "long time period" for replacement trees to possess equivalent habitat values. The RDIER states on page 2-62 that the establishment periods would be shorter in riparian floodplains that lack agricultural uses. There are ample areas within the Ag Cluster project boundary that meet this requirement and could accommodate tree restoration program(s). The impacts will be dispersed geographically and occur in three phases. This will allow time for early mitigation measures to begin establishment growth before subsequent impacts occur. Although the impacts to the oak woodlands may be significant, they are mitigable. **GY**

RDEIR Over- Statement on Alternative 12 Drainage Impacts:

Text on RDEIR page 3-12 states that Road A transverses a drainage for approximately 300' near Lot 39. Alternative 12 realigned Road A in this area to avoid an emergent wetland (W2-13A), where the residential cluster subdivision crossed into it. There is potential for indirect impacts into this wetland (as the RDEIR states), but the direct impacts are avoided. **GZ**

Text on RDEIR page 3-12 claims that Alternative 12's Road D alignment near Lot 71 crosses Tostada Creek, but it is unclear of location they are referring to. This needs clarification. **HA**

Text on RDEIR page 3-12 states that Alternative 12's Road D alignment east of Lot 90B creates an additional crossing, but it does not appear to cross any drainages that are not currently being crossed by the existing agricultural roads. This needs clarification. **HB**

Text on RDEIR page 3-12 states Alternative 12's Road D alignment by Seasonal Pond 2 would have greater impacts to the southwestern pond turtle. Road D has been relocated in this area in Alternative 12 to reduce disturbance to the oak woodlands. Many more trees would be removed and or impacted using the road alignment in the original Tract 2586 DEIR submittal. The applicant determined through field review that this was the best alignment for reducing the road construction impacts. Although impacts to the southwestern pond turtle may be increased, impacts to the oak woodlands are significantly decreased. We feel that with mitigation and monitoring, the impacts to the southwestern pond turtle can be reduced. **HC**

RDEIR Over- Statement on Alternative 14 Oak Woodland Impacts:
Text on RDEIR page 3-34 indicates that Alternative 14 would reduce site disturbance because it has 72 fewer residential units. However, the intensity of impacts to approximately 17.0 acres of oak woodlands in one area of the ranch is a greater site disturbance than the 21.4 acres of Alternative 12 which is spread throughout a larger project. Also, the time necessary to possess equivalent habitat values will be significantly greater in Alternative 14 because the impacts occur in only one phase, and replacement trees will be planted at one time. **HD**

Alternative 14 did not allow for a water tank and accompanying access road and because of the necessity to place the water tank at a high elevation, it would require a greater impact to the Mixed Oak Woodlands than is indicated in the RDEIR. **HE**

Cultural Resources

Alternative 14 has five more cultural sites impacted by lots, driveways and building envelopes than Alternative 12. Although Alternative 12 has more lots potentially impacting cultural resources than Alternative 14, there are significantly less building envelopes impacts. Alternative 12 worked closely with an archeologist in the field to avoid and protect the sensitive cultural sites on the Ranch. Lot and building envelope placement was developed to ensure that cultural sites will be protected to the greatest extent practicable.

- Alternative 14 has ten building envelopes overlaid onto identified archaeological sites (three of these are isolates). Alternative 12 has two building envelopes overlaid onto identified archaeological sites (both of these are isolates). **HF**

- Alternative 14 has three roads overlaid onto identified archaeological sites (two of these are existing agricultural roads that have already impacted the sites), and Alternative 12 has six roads overlaid onto identified archaeological sites (three of these are existing agricultural roads that have already impacted the sites).

Alternative 14 has only 1 more lot than Phase One of Alternative 12, and this phase contains the majority of archeological sites. Approximately the same amount of residents will be located in the area of these cultural sites, and therefore the same potential for relic collecting/ vandalism occurs in this area for both alternatives. **HG**

RDEIR Over- Statement on Alternative 12 Cultural Impacts:

Text on RDEIR page 3-13 claims that precise boundaries of the cultural resource sites are unknown, and that they are based on surface visibility. This statement and related text should occur in all alternatives, and not just in Alternative 12. Alternative 12 has avoided cultural significant areas as much as possible, and should subsurface testing discover additional areas they will also be avoided and protected to the extent practicable. **HH**

Text on RDEIR page 3-13 states that because the same number of units would be constructed in Alternative 12, the amount of site disturbance would be similar to the original Tract 2586 submittal of the Agricultural Residential Cluster Subdivision. This is not an accurate statement because Alternative 12 significantly reduced impacts to cultural sites and thus improved protection for these resources. Text should be revised to say that Alternative 12 significantly reduced potential site disturbance to cultural sites. **HI**

Text on RDEIR page 3-13 goes on to say that because there is the same number of residents in Alternative 12 as with the original tract 2586 submittal, the likelihood for relic collecting or vandalism on archeological and historical sites would be similar to the original Agricultural Residential Cluster Subdivision. Alternative 12 has avoided cultural significant areas as much as possible, and the possibility of relic collecting or vandalism has significantly reduced in the Alternative 12 because the cultural sites are no longer located on the building envelopes. Text should be revised to say that Alternative 12 significantly decreased the likelihood for relic collecting and/or vandalism to cultural sites. **HJ**

Text on RDEIR page 3-14 states that because the home sites in Alternative 12 would still be located in areas containing known archeological resources, and impacts would remain Class 1, significant and unavoidable. Alternative 12 has relocated lots and building envelopes to avoid culturally significant areas where possible, and only has two building envelopes overlaid onto identified archaeological sites (both of these are isolates). This determination seems inconsistent with other residential subdivisions in the vicinity that have not been given a Class I rating for similar impacts. Impacts to cultural sites have been drastically reduced with Alternative 12, and text in the RDEIR should combine the following paragraph that describes the reduced impacts, and state that the cultural impacts are Class II, significant but mitigable. **HK**

RDEIR Over- Statement on Alternative 14 Cultural Impacts:

Text on RDEIR page 3-34 claims that because the development in Alternative 14 does not occur south of Phase One of Alternative 12, impacts related to damage or destruction of important associations of these sites and disruption of their setting and feeling would be reduced compared to the original VTTM 2586 Agricultural Residential Cluster Subdivision. The RDIER also claims that site disturbance and impacts to disturbing unidentified buried deposits, and the potential for relic collecting/ vandalism would be reduced with Alternative 14. However, Alternative 14 has only 1 less lot than Phase One of the original VTTM 2586, and is located in the area that contains the majority of archeological sites. Approximately the same amount of residents will be situated in the area of the cultural sites and therefore the same potential impacts as the original VTTM 2586. Text should read that the indirect impacts from Alternative 14 will be similar to the Agricultural Residential Cluster Subdivision. **HL**

Text on RDEIR page 3-34 states that overall Alternative 14 will result in reduced impacts when compared to the original VTTM 2586 Agricultural Residential Cluster Subdivision, but the Agricultural Residential Cluster Subdivision had only eight lots located on archeological sites. Alternative 14 has thirteen lots overlaid onto identified archaeological sites. Text should be revised to say that Alternative 14 would result in increased impacts to cultural resources than the Agricultural Residential Cluster Subdivision. **HM**

Drainage, Erosion and Sedimentation

The concentration of disturbance from development as shown in Alternative 14 will lead to more paved surfaces in a smaller concentrated area. The more concentrated development will not allow for as much percolation and retention of storm water run-off as Alternative 12. The less dense plan of Alternative 12 allows for a very low intensity of paved surfaces and greater opportunity for storm water run-off to be filtered and retained prior to entering any wetlands or drainage courses. Alternative 12 is located on a larger development footprint leading to less concentrated flows that allow better natural absorption and fewer impacts. **HN**

Alternative 14 has one lot and one project road that require the impacts to wetland areas. Alternative 12 does not have any lots impacting wetlands. Lot 32 of Alternative 14 contains a wetland and the building envelope that would be located within the 50' buffer, and Alternative 12 has maintained a 50' buffer for all building envelopes. Road A alignment in Alternative 12 avoids an emergent wetland (W2-13A), where Alternative 14 crosses into it. Road C in Alternative 14 also crosses a drainage that would be avoided in Alternative 12. Drainage impacts from Alternative 14 will be greater than the impacts of Alternative 12. **HO**

Public Services

RDEIR Over- Statement on Alternative 12 Roadway Impacts:

Text on RDEIR page 3-19 states that Alternative 12 would not meet the Uniform Fire Code with 18' wide roads. Project engineers met with Chief Swan and Clint Bullard from Cal Fire, and it our understanding that they agreed to a roadway of 18' paved with 2' shoulders because it is consistent with CDF standards as of the vesting date of the Tentative Tract Map. This text should be removed from the RDEIR, or revised to read that Alternative 12 should result in similar impacts as compared to the Agricultural Residential Cluster Subdivision. **HP**

Visual Resources

Alternative 12 is far more sensitive to the visual resources of the property, to the off-site and on-site views. Alternative 12 has carefully located lots out of public view and evokes a rural setting and atmosphere for the Ranch. Alternative 14 would substantially change the rural character of the site, and be visually dominant from Highway 58 and Pozo Road. Alternative 12 carefully selected building envelopes which have the least amount of visual impact and preserved the rural character of the site and rural living experience; however, Alternative 14 has little regard for these standards. **HQ**

Alternative 14 seems to use the basic design from Phase One of Alternative 12, but clusters the lots closer together with little apparent regard for constraints of the site and locates lots in areas identified by the DEIR as being visible. Alternative 14 will have a substantial adverse effect on a scenic vista, substantially damage scenic resources, and substantially degrade the existing visual character and quality of the site and its surroundings. It will create a new source of substantial light or glare which would adversely affect day or nighttime views in the vicinity. **HR**

Alternative 12 has eight lots that will have potentially visible homes out of 111 total home sites, and they will all be only partially visible for fleeting moments from public roads and they all include trees and hillsides as a backdrop. Alternative 12 has four lots potentially visible from State Route 58, and four more potentially visible from West Pozo Road. None of these lots will be visible at the same time due to the rolling terrain on State Route 58 and existing trees in Tract 2586. **HS**

Based on DEIR evaluation and site observation, Alternative 14 appears to have approximately 10 homes clearly visible and dominant from the public roads. It appears that these homes will be visible from State Route 58 and West Pozo Road and that most will be visible at the same time. Eight homes in Alternative 12 that are visible only for fleeting glimpses through the trees in the distance are far less intrusive than the obvious tract of homes shown in Alternative 14. **HT**

There are two areas of Road C in Alternative 14 that will be potentially visible and dominant based on DEIR evaluation and site observation. This road alignment also requires additional paving and grading than Road C shown in Alternative 12, thus creating a larger impact. Alternative 12 has relocated Road C to eliminate visibility from State Route 58 and West Pozo Road. **HU**

Road A in Alternative 14 does not exit the project by the cemetery as suggested in DEIR, Section 4.12, measure T-2(a) West Driveway Relocation. Alternative 12 make this change and reduces impacts related to stopping site distances as compared to Alternative 14. **HV**

CONCLUSION

Alternative 12 is a superior alternative because it avoids and protects sensitive areas, and allows the applicant to create the envisioned feel and atmosphere for the Ranch. The lots, building envelopes, roadways and driveways have been carefully located in Alternative 12 to avoid sensitive areas, allow for active grazing, and reduce visual obstructions. HW

Alternative 14 places lots in areas that are not appropriate for development in an effort to have lots condensed into a smaller area. The dramatic reduction in the number of homes sites in Alternative 14 when compared with Alternative 12 does not yield a commensurate dramatic reduction of impacts. In fact in many of the impact analysis Alternative 14 creates more significant impacts to the site's sensitive resources. HX

Alternative 12 reduces potential impacts in several areas as compared to the Alternative 14 including cultural resources, drainage, and visual resources. Alternative 12 has been carefully designed in the field with accurate field data and attention to detail in order to reduce impacts. It improves the way the project responds to the site, and preserves the important resources of the Ranch. HY

Alternative 12 is a refinement of the original Tract 2586 DEIR project application, and it is more consistent with the spirit and intent of the Agricultural Cluster Ordinance in effect at the time the project was vested. Alternative 12 is the environmentally superior alternative for Santa Margarita Ranch. HZ IA

Letter R-15

COMMENTOR: Santa Margarita Ranch, LLC, Project Applicants

DATE: March 28, 2008

RESPONSE:

Response R-15A

The commentor notes that the law offices of William S. Walter submits the following comments on the Revised Draft EIR on behalf of the applicant, Santa Margarita Ranch, LLC., and notes that the applicant concurrently submits comments from several qualified experts. Comment noted.

Response R-15B

The commentor claims that, with the inclusion of material cited in Comment R-15A and the applicant's previous comments, the Revised Draft EIR can be certified as consistent with the requirements of CEQA. Comment noted. Refer to Letter 18 and Responses 18A through 18VL in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for the applicant's Draft EIR comment letter and associated responses.

The commentor additionally claims that the Revised Draft EIR overstates potentially significant environmental impacts. Each impact which is allegedly overstated is addressed in impact-specific comments throughout the Santa Margarita Ranch, LLC Revised Draft EIR comment letter.

Response R-15C

The commentor notes that there are legal issues which merit comment at this time. Comment noted. Refer to Responses R-15D through R-15H.

Response R-15D

The commentor claims that Alternative 14 (Reduced Project) is not legally feasible and is not supported by the requisite substantial evidence to support required findings for density reduction. The commentor claims this is because the density of a project may not be reduced when a project is consistent with applicable general plan, zoning, and development policies in effect at the time of application unless the project is found to have a specific adverse impact on public health and safety. In this discussion, the commentor implies that the proposed Agricultural Residential Cluster Subdivision is appropriately consistent and would not result in public health or safety impacts, thereby making Alternative 14 inappropriate. However, as noted in Appendix C (Policy Consistency) to the Final EIR, the proposed project is potentially inconsistent with several policies in the Salinas River Area Plan, as well as with the Agriculture land use designation of the San Luis Obispo County General Plan, Agriculture Element Policy 22 (Major Agricultural Cluster Projects), and the County's Agricultural Cluster Ordinance (Section 22.22.150 of the County LUO). A reduction in the number of housing units is not recommended as mitigation, as suggested by the

commentor. Rather, one alternative (Alternative 14) calls for a reduced density when compared to the Agricultural Residential Cluster Subdivision.

The commentor does not provide evidence support the claim that Alternative 14 would be economically infeasible.

In addition, as noted in Section 4.12, *Transportation and Circulation,* of the Final EIR, the Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable,* traffic impacts. These significant and unavoidable impacts relate directly to the addition of traffic to locations with existing hazards and deficiencies, including the SR 58 90-degree curve, US 101/SR 58 interchange, and limited sight distance along Estrada Avenue.

Response R-15E

The commentor notes that mitigation measures are required to be economically and legally feasible, as well as constitutional. Feasible mitigation measures are included throughout the EIR.

Response R-15F

The commentor notes that, if economic information on the feasibility of an alternative is contained in an EIR, it should be substantial economic evidence to support a determination that a particular alternative is not economically feasible. Section 6.0, *Alternatives,* of the Final EIR compares the environmental effects of various alternatives, and does not evaluate the economic feasibility of the alternatives.

Response R-15G

The commentor summarizes legal requirements of mitigation measures and notes that only mitigation measures which are economically and legally feasible may be imposed as conditions of a project. The comment does not directly identify any specific issues of concern with the Revised Draft EIR analysis. No specific response is warranted.

Response R-15H

The commentor summarizes the environmental review history of the proposed Agricultural Residential Cluster Subdivision and requests adherence to the applicants' proposed schedule for completing the CEQA process. Time on the hearing bodies' agenda has been reserved. It should be noted, however, that the public hearing process is in no way a commitment to action, and there is no certainty that a decision will be made on these dates.

Response R-15I

Refer to Letter 18 and Responses 18A through 18VL in Section 3.0 (Written Comments and Responses on the Draft EIR) for the commentor's Draft EIR comment letter and associated responses. Refer also to Section 1.0, *Introduction,* of the Revised Draft EIR. As noted therein, the Revised Draft EIR "does not directly respond to…comments [on the Draft EIR]. Comprehensive, direct responses to comments on the Draft EIR, and additional revisions and clarifications, will be provided in a forthcoming Final EIR that includes responses to all

comments received during the public review periods for both the Draft EIR and this Revised Draft EIR."

Response R-15J

The commentor summarizes the format of their comments on the Revised Draft EIR. Comment noted.

Response R-15K

The commentor requests inclusion of a paragraph describing why the applicant submitted Alternative 12 (Amended Project). Many of the points made by the commentor are discussed in Section 6.12.1 (Description) of Alternative 12 in Section 6.0, *Alternatives,* of the Final EIR.

Response R-15L

The commentor cites a technical study prepared by Dr. Thomas J. Rice which has been contracted to review the Revised Draft EIR agricultural analysis. Refer to Responses R-15BO through R-15DD for responses to this study.

Response R-15M

The commentor notes that the federal definition of prime farmland has not previously been used to evaluate projects and claims that this definition is inconsistent with the definition of Prime Soils in the Agriculture and Open Space Element. Refer to the *Updated Analysis* discussion under Section 2.1 (Agricultural Resources) in the Revised Draft EIR. As noted therein, the federal definition of prime farmland is provided by the Natural Resource Conservation Service (NRCS). Although this is a federal definition, the NRCS is an accepted source of soils data in San Luis Obispo County for land use planning. This is specifically stated in San Luis Obispo County's Agriculture and Open Space Element, Appendix C (Agricultural Mapping Criteria).

Refer also to Letter R-9 (Lynda L. Auchinachie, County of San Luis Obispo, Department of Agriculture/Weights and Measures) and Responses R-9A through R-9K. As described therein, the San Luis Obispo County Agricultural Commissioner is satisfied with the revised agricultural analysis, including the expanded definition of Prime soils.

Response R-15N

The commentor references the comments prepared by Dr. Thomas J. Rice. Refer to Response R-15L and Responses R-15BO through R-15DD.

Response R-15O

Refer to Response 18V in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The Agricultural Residential Cluster Subdivision does not include building envelopes, as claimed by the commentor. Nevertheless, as a reasonable worst-case scenario,

prime farmland areas unlikely to be farmed due to the overall conversion of the site to suburban use are considered impacted.

Response R-15P

The commentor claims that the California Revised Storie Index should not be used in the EIR because it has not been used for over ten years. Refer to Response 18DT Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, Government Code § 51201 states that "'Prime agricultural land" means *any* of the following: (1) All land that qualifies for rating as Class I or II in the Natural Resource Conservation Service land capability classifications; (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating…(emphasis added)." State law therefore requires that Storie Index be used to determine prime soils.

Response R-15Q

Refer to Section 4.1.2(a) (Methodology and Significance Thresholds) in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response R-15R

Refer to Section 4.1.2(a) (Methodology and Significance Thresholds) in Section 4.1, *Agricultural Resources,* of the Final EIR. Refer particularly to the third bullet: "Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use." Refer also to Letter R-9 (Lynda L. Auchinachie, County of San Luis Obispo, Department of Agriculture/Weights and Measures) and Responses R-9A through R-9K.

Response R-15S

Refer to Section 4.1.2(a) (Methodology and Significance Thresholds) in Section 4.1, *Agricultural Resources,* of the Final EIR. The threshold of "Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use" does not include a numerical standard.

Response R-15T

The commentor requests that the analysis include a distinction between irrigated and non-irrigated farmland. Refer to the second and third paragraphs under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR, where this distinction is made. Refer also to Figures 4.1-1 and 4.1-2, which separate irrigated and non-irrigated prime soils in the legend.

Response R-15U

The commentor requests that the analysis of agricultural lands conversion distinguish between areas that are "already converted" by creeks and oak trees and areas that are "farmable." Such as distinction would not alter the conclusions made in the analysis.

Response R-15V

Refer to Response 18S in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the commentor-referenced acreage is based on the project description, which was reviewed by the applicant team in February 2006. As noted in the third paragraph in Section 2.0, *Project Description*, of the Final EIR, the proposed agricultural cluster development area totals 163.1 acres. Refer to Table 2-3 for a breakdown of this acreage.

The commentor additionally claims that building envelopes shown in the Draft Vineyard Estate Design Guidelines (Draft Guidelines) would reduce the amount of acreage directly converted to non-agricultural use. Refer to Response 18U in Section 3.0 (Written Comments and Responses on the Draft EIR). As noted therein, the Draft Guidelines are not part of the Agricultural Residential Cluster Subdivision because they are guidelines, not requirements, and were not proposed as part of the project (refer to Master Response 8). Refer also to Response 18V in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

The commentor similarly claims that building envelopes included in the applicant team's Draft EIR comment letter would reduce the amount of converted acreage. While building envelopes may result in a reduction in the amount of direct disturbance, the overall conversion of the site to suburban use would still potentially impact all prime farmlands on the site. Also, it should be noted that building envelopes are included in Alternative 12 (Amended Project), but are not proposed as part of the Agricultural Residential Cluster Subdivision.

Response R-15W

Refer to Response 18T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15X

Refer to Response 18W in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. Based on the rangeland productivity of soil types within the Agricultural Residential Cluster Subdivision area [NRCS, Soil Conservation Service (SCS), *Soil Survey of San Luis Obispo County, California, Paso Robles Area*, May 1983], the analysis of grazing unit impacts in the Final EIR is accurate.

It should also be noted that the commentor does not provide a threshold for their claim that impacts would not be significant. Refer to the analysis under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response R-15Y

Refer to Response 18W in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15Z

The discussion in question has been removed from the Final EIR. Potential inconsistencies with the applicable ordinance will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

Response R-15AA

The commentor claims that there are several examples in the County which support the success of grazing adjacent to residential lots. Refer to Response 18T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

The provision of educational materials about the on-site agricultural operations upon the purchase of a lot, or provision of an agricultural awareness seminar to outline the responsibilities and expectations of living in an agricultural cluster subdivision would not adequately mitigate agricultural compatibility impacts fundamentally related to the proximity of urban and agricultural uses.

Response R-15AB

Refer to Response 18Z in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15AC

Refer to Response R-15W above and Response 18T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. Refer also to Response 18Y in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15AD

Refer to Response 18Z in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15AE

Refer to Response 18K in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15AF

The commentor notes that boundary lines of future planned vineyards could be adjusted if needed to ensure property buffer setbacks. Comment noted.

Response R-15AG

The commentor claims that proposed Lots 39 and 40 are located a sufficient distance from potential vineyard areas based on topographical and vegetative buffers. The commentor claims

that the distance of these lots to future vineyards is similar to other lots whose buffers have been approved by the Agricultural Commissioner. However, the Agricultural Commissioner recommended the 500 foot buffer for these lots during preparation of the Revised Draft EIR.

Refer also to Letter R-9 (Lynda L. Auchinachie, County of San Luis Obispo, Department of Agriculture/Weights and Measures) and Responses R-9A through R-9K.

Response R-15AH

The commentor disagrees with the revised URBEMIS 2007 calculations, which were updated in the Revised Draft EIR to use an overall trip length of 13 miles. As noted by the commentor, this revised trip length was recommended by the San Luis Obispo APCD during their review of the Draft EIR [refer to Response 13D in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document]. It should also be noted that the APCD reiterated that the 13 mile trip distance is appropriate in an email to the County on April 23, 2008.

The commentor additionally argues that the Agricultural Residential Cluster Subdivision is not remote to job centers and that the community of Santa Margarita is equipped with basic services and associated job opportunities. While the nearby commercial district provides some services, it is reasonable to expect that a majority of vehicle trips to and from the project will be related to destinations in larger, more established job centers and commercial service areas. Refer to Agricultural Residential Cluster Subdivision Impact AQ-4 in Section 4.2, *Air Quality,* of the Final EIR. As noted therein, the Agricultural Residential Cluster Subdivision would substantially increase trip lengths and vehicle miles traveled in the vicinity.

Response R-15AI

Refer to Response R-15AH above.

Response R-15AJ

The commentor suggests that Agricultural Residential Cluster Subdivision measure AQ-1(f) (Off-Site Mitigation) be triggered by actual Tier 2 exceedance. The Tier 2 threshold would be exceeded when the 35th Agricultural Residential Cluster Subdivision residence is constructed.

Appropriate operational phase, off-site mitigation for a project is determined from the emissions associated with the project buildout that are in excess of the APCD threshold, extrapolated over the project lifetime. For residential projects, the project lifetime is 30 years. Because the Agricultural Residential Cluster Subdivision includes 112 homes (i.e., more than 35 homes), the mitigation measure is appropriate. In addition, according to the APCD, it is appropriate to initiate off-site mitigation prior to construction because there is often a delay to mitigation implementation. The goal is to implement mitigation that realizes real-time impact offsets for the project.

If the size of the project changes, the applicants may have impacts reevaluated to determine if there is a threshold exceedance and appropriate mitigation can be refined.

Response R-15AK

The commentor-referenced mitigation measure is not triggered by Agricultural Residential Cluster Subdivision demand for transit services, but by the Agricultural Residential Cluster Subdivision's contribution to greenhouse gas emissions (GHGs). The measure [AQ-GCC(c) (Alternative Transportation)] requires the provision of transit shelters and funding for real-time smart signage at existing bus stops in the community of Santa Margarita. The intent is to expand the interest and use of transit, thus reducing vehicle trips, fossil fuel consumption, and related GHG impacts. This nexus is stated directly in the impact and mitigation measure in question.

Response R-15AL

The commentor cites a technical study prepared by Althouse and Meade, Inc., which has been contracted to review the Revised Draft EIR biological analysis. Refer to Responses R-DE through R-15DM for responses to this study.

Response R-15AM

The commentor claims that the Revised Draft EIR ignored their previous comments related to oak tree impacts. Refer to the first page of Section 1.0, *Introduction,* in the Revised Draft EIR. As noted therein, the Revised Draft EIR "does not directly respond to…comments [on the Draft EIR]. Comprehensive, direct responses to comments on the Draft EIR, and additional revisions and clarifications, will be provided in a forthcoming Final EIR that includes responses to all comments received during the public review periods for both the Draft EIR and this Revised Draft EIR." Refer to Letter 18 and Responses 18GY through 18KX in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to Attachment C to the applicants' Draft EIR comment package ("Santa Margarita Ranch Draft EIR Biological Resources Section Response to Project Evaluation," Althouse and Meade, April 11, 2007).

The commentor additionally argues that "the statement in Impact B-3 at the end of the sentence" should be removed. The commentor is presumably referring to the statement that "impacts to oak trees and oak woodlands are Class I, *significant and unavoidable*." The commentor claims this statement should be removed because the applicant team documented their "strategy and commitment to protect trees in the design and construction of the project.' Refer to Response 18AR in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15AN

Refer to Master Response 8. As noted therein, the Draft Vineyard Estates Design Guidelines (Draft Guidelines) were not included in the Project Description and therefore not analyzed as part of the Agricultural Residential Cluster Subdivision because they hold no weight with regard to implementation or monitoring. They are guidelines, not requirements. The Draft Guidelines do not contain requirements for implementation, nor do they provide a mechanism for monitoring. As a result, these guidelines cannot be assumed to limit tree removal.

Response R-15AO

A requirement that domestic pets will be required to be contained within building envelopes would not effectively mitigate the identified impact because of the unlikelihood of implementation and enforcement of such a measure.

Response R-15AP

Refer to Response R-15AO above. As noted therein, the Agricultural Residential Cluster Subdivision does not include building envelopes. Refer also to the first paragraph under Agricultural Residential Cluster Subdivision Impact B-3 for the complete discussion related to secondary oak tree impacts.

Response R-15AQ

The commentor recommends that the Final EIR be revised to include Kuehl Bill definitions of oak woodland and oak woodland conversion. The Kuehl Bill (SB 1334) was adopted in October 2004 and became effective on January 1, 2005. Previous (non-adopted) versions of the Kuehl Bill included definitions of oak woodland and oak woodland conversion. However, the Kuehl Bill (as codified in PRC § 21083.4) defines "oak" but not "oak woodland" or "impacts to oak woodland." Rather, the responsibility of determining a significant effect to oak woodlands is placed on the county with jurisdiction over a project. The full text of the Kuehl Bill, as adopted, can be viewed at http://www.leginfo.ca.gov/calaw.html.

Response R-15AR

Refer to Response R-15AQ. As noted therein, the adopted version of the Kuehl Bill does not include definitions of oak woodland or oak woodland impacts. The Final EIR therefore relies on the most up-to-date and accurate definitions available in the County of San Luis Obispo.

Response R-15AS

Refer to Responses R-15AQ and R-15AR above.

Response R-15AT

The commentor provides the County's definition for an oak tree impact and argues that Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) should be revised to reflect this definition. The commentor-provided definition relates to oak trees. Although the mitigation measures in question require inventory and replacement of individual trees, the impact relates to impacts to oak woodland, as required by the Kuehl Bill (refer to Responses R-15AQ and R-15AR above). Refer also to the discussion under Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-15AU

Agricultural Residential Cluster Subdivision measure B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) requires inventory of all trees at least 5 inches in diameter at breast height within 50 feet of all proposed Agriculture Residential Cluster Subdivision impact areas. The size is consistent with the commentor-referenced statement in the Revised Draft EIR. The commentor-perceived inconsistency may result from the requirement that all trees this size within 50 feet of impact areas be inventoried. Refer to Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in Section 4.3, *Biological Resources,* of the Final EIR. This measure requires replacement of inventoried trees which have been removed or impacted, in accordance with the commentor-referenced statement in the Revised Draft EIR. The applicant is not required to replace all inventoried trees; only those trees which are removed or impacted.

Response R-15AV

Agricultural Residential Cluster Subdivision measure B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] requires a 200 foot (previously 100 foot) permanent buffer from the top of bank of Trout and Tostada Creeks and 50 foot buffer or minimum setback from ephemeral drainages that are tributaries to Trout Creek. The commentor cites the Althouse and Meade letter included as Enclosure 2 (refer to Responses R-DE through R-15DM) and argues that Tostada Creek is an ephemeral drainage and therefore would require a 50 foot buffer, rather than a 100 foot buffer. Tostada Creek is not an ephemeral creek; water was present in October 2007 in the middle portion of the creek, and this observation was made during an exceptionally dry year prior to the onset of seasonal rains. A 200 foot permanent buffer is required for the California red-legged frog, which is known to occur in Tostada Creek, as detailed below. A 200 foot buffer is required to reduce indirect impacts to potential steelhead habitat, such as from pesticides, herbicides, surface water runoff, changes in hydrology, and disturbance to riparian vegetation. Refer to Response R-15DL below, which responds to the Althouse and Mead comment referenced by the commentor. As noted therein, the biological consultant hired by the applicants agrees with an increased setback for lower Tostada Creek.

Refer also to Response R-12Z. As noted therein, Agricultural Residential Cluster Subdivision measures B-7(a) (South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan) and B-8(a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures) were revised to require a 200 foot buffer in accordance with a recommendation of the California Department of Fish and Game (CDFG).

Response R-15AW

The commentor argues that Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR should be required at the time of subdivision improvement plan application. Currently they are required to be designed prior to approval of a Land Use Permit and installed prior to occupancy clearance. The Public Works Department has reviewed these timing requirements and suggested that subdivision drainage improvements be designed, approved, and constructed as part of the tract improvement plans,

as suggested by the commentor. In addition, according to Public Works, all drainage facilities shall be completed and accepted by the County prior to map recordation, or if bonded then prior to issuance of building permits. These measures have been revised to reflect Pubic Works direction, consistent with the commentor's recommendation. Refer to Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.

Response R-15AX

The commentor notes that the applicant team has no comments on Section 2.5 (Public Safety) of the Revised Draft EIR. Comment noted.

Response R-15AY

The commentor notes that the applicant team has no comments on Section 2.6 (Public Services) of the Revised Draft EIR. Comment noted.

Response R-15AZ

The commentor cites a technical study prepared by Associated Transportation Engineers (ATE) which has been contracted to review the Revised Draft EIR traffic analysis. Refer to R-15DO through R-15DP for responses to this study.

The commentor additionally claims that the Revised Draft EIR introduces new and un-adopted significance thresholds and inappropriately requires the project to bear the complete burden of many existing deficiencies in the state road systems. Refer to Response 18BF in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the identification of impacts is based upon the fourth CEQA Guidelines Appendix G checklist item regarding substantially increasing hazards, where project traffic is added to a location that will exacerbate existing operational problems [refer to Section 4.12.2(a) of the Final EIR]. The applicant is required to mitigate the incremental impact of the project related to deficiencies because, should the construction and occupation of residences occurs prior to completion of these improvements, the project would expose new and existing travelers to deficiencies and associated impacts (refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR).

Response R-15BA

Future Development Program mitigation is not included in Agricultural Residential Cluster Subdivision measure T-1(d) (El Camino Real/Estrada Avenue Redesign), as claimed by the commentor. Rather, the measure requires that: "Prior to implementation of Future Development Program measure T-1(d), traffic signal installation and rail pre-emption, advance limit lines for northbound Estrada traffic shall be provided immediately south of the rail tracks, and a Manual on Uniform Traffic Control Devices (2003 Edition) R8-10 sign which states 'Stop Here When Flashing' shall be provided to minimize the potential for vehicles to stop directly on the railroad tracks." In accordance with this measure, the Agricultural Residential Cluster Subdivision applicant is required to install advance limit lines and a sign. Although the Future Development Program is mentioned, it is in reference to the timing of the required Agricultural Residential Cluster Subdivision improvement.

Response R-15BB

The commentor notes that some Future Development Program land uses would be allowed prior to preparation of a Specific Plan. This distinction is noted throughout Section 4.12.2(g) (Cumulative Impacts and Mitigation Measures) in Section 4.12, *Transportation and Circulation,* of the Final EIR. Refer specifically to the *Plan Requirements and Timing* sections of Future Development Program measures T-1(a) through T-1(g), which outline timing requirements if a Specific Plan is required as well as timing requirements is no Specific Plan is required for the first Future Development Program component.

The applicant claims that consolidating all Future Development Program-generated vehicle trips in the analysis would be appropriate only if a Specific Plan would be required for all Future Development Program components. Refer also to Master Responses 3a and 3b.

Response R-15BC

The commentor argues that Future Development Program mitigation should only be required for Future Development Program components that require a Specific Plan. However, as previously noted by the commentor (refer to Response R-15BB above), several Future Development Program land uses could be constructed prior to the preparation of a Specific Plan. As noted in the *Residual Impacts* discussion under Future Development Program Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR, should the construction and occupation of any conceptual future land use occur prior to completion of required improvements, existing deficiencies and associated impacts would remain. In other words, construction and occupation of one or more conceptual land uses, including those that would not require a Specific Plan, would trigger the impact.

Refer also to Response 18SR in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15BD

The commentor cites a technical study prepared by Luhdorff and Scalmanini which has been contracted to review the Revised Draft EIR water analysis. Refer to Responses R-15DR through R-15ER for responses to this study.

Response R-15BE

Refer to Response R-15AE.

Response R-15BF

The comment summarizes previously sated concerns related to water resource issues with respect to the DEIR, which also apply to the RDEIR. Please refer to the responses to comments 18UO through 18UX in Section 3.0 of this document.

Response R-15BG

The commentor disagrees with the statement in the Revised Draft EIR that the use of imported water could result in policy inconsistencies, particularly AGP 11 from the County's Agriculture and Open Space Element. This statement has been incorporated into the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Refer specifically to the discussion of potential Nacimiento Water Project (NWP) connections.

The commentor provides the full text of AGP 11 (Agricultural Water Supplies) and argues that the policy supports the potential use of imported water. The commentor's policy analysis is noted. An ultimate determination of consistency will be made by the County Board of Supervisors in their review of the project.

Response R-15BH

The commentor recommends that the Final EIR include the full text of AGP 11 from the County General Plan. The full text is reprinted below. However, inclusion in Section 4.14, *Water and Wastewater,* of the Final EIR is not required. Refer to Master Response 7.

AGP 11: Agricultural Water Supplies.

a. Maintain water resources for production of agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.
b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.
c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.

Refer also to Response R-15BG above.

Response R-15BI

The commentor cites the San Luis Obispo County Framework for Planning and argues that community water systems are allowed outside of the urban and village reserve areas. An ultimate determination of consistency will be made by the County Board of Supervisors in their review of the project.

Refer also to Response 18T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for a discussion of the inappropriateness of comparing the proposed Agricultural Residential Cluster Subdivision to previous agricultural cluster projects in the County.

Response R-15BJ

Refer to Responses R-15BG and R-15BI above.

Response R-15BK

Refer to Response R-15BI.

Response R-15BL

The comment does not directly identify specific issues of concern with the Revised Draft EIR analysis. No further response is feasible.

Response R-15BM

The commentor cites an analysis prepared by RRM Design Group comparing Alternative 12 (Amended Project) and Alternative 14 (Reduced Project). The commentor requests that Alternative 12 be identified as the environmentally superior alternative. Refer to Responses R-15FH through R-15IA.

Response R-15BN

The commentor lists the enclosures included with the applicant team comment letter. Comment noted.

Response R-15BO

Enclosure 1 to the applicants' Revised Draft EIR comment letter consists of "Review of the Agricultural Resources section of the Revised Draft 'Environmental Impact Report for Santa Margarita Agricultural Cluster Subdivision Project and Future Development Program'" prepared by Thomas J. Rice for Kirk Consulting and Santa Margarita Ranch, LLC on March 7, 2008. Enclosure 1 additionally includes two appendices.

Refer to Responses R-15BP through R-15DD for responses to Enclosure 1. Refer also to Responses R-15L through R-15AG.

Response R-15BP

The commentor notes that the purpose of Enclosure 1 (refer to Response R-15BO above) is to review the agricultural resources section of the Revised Draft EIR. Comment noted.

Response R-15BQ

The commentor notes that they conducted a site visit of the Agricultural Residential Cluster Subdivision site on March 9, 2007 with the purpose of examining soils. Comment noted.

Response R-15BR

The commentor notes that particular attention was paid to two soil map units: Cropley clay (2 – 9% slopes) and Elder loam (2 – 9% slopes). Comment noted. Refer to Response 18DO and 18DP in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document, respectively.

Response R-15BS

The commentor summarizes the methodology used to assess the soil map units referenced in Response R-15BR. The comment does not directly identify any specific issues of concern with the EIR analysis. No specific response is warranted.

Response R-15BT

The commentor provides the U.S. Department of Agriculture (USDA) definition of prime farmland soils. Comment noted.

Response R-15BU

The commentor summarizes the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) definition of prime farmland. Comment noted.

Response R-15BV

The commentor notes that chemical and physical soil properties were used to classify each soil into a Land Capability Class (LCC). Comment noted. It should also be noted that the Final EIR utilizes LCC classifications as provided by the NRCS Web Soil Survey [refer to the *Updated Analysis* discussion in Section 2.1 (Agricultural Resources) of the Revised Draft EIR].

Response R-15BW

Refer to Response 18DU in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15BX

Refer to Response 18DR in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

It should also be noted that the commentor specifically references the Draft EIR. Refer to Response R-10D.

Response R-15BY

Refer to Response 18DT in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

It should also be noted that the analysis of agricultural impacts in the Final EIR considers Land Capability Class and NRCS farmland classifications in addition to the California Revised Storie Index. Refer to Section 4.1.1(c) (Santa Margarita Ranch Soil Characteristics) in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response R-15BZ

Refer to Responses R-15CA through R-15CD below.

Response R-15CA

Refer to Response 18DT in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CB

Refer to Response 18DT in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CC

Refer to Response 18DU in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CD

Refer to Response 18DV in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CE

Refer to Letter 18 and Responses and Responses 18A through 18VL in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for the applicant's Draft EIR comment letter and associated responses. Refer to Responses 18DL through 18FU for responses to this commentor's review of the agricultural resources section of Draft EIR.

Response R-15CF

The commentor-referenced discussion in the Revised Draft EIR has been revised as follows:

> (c) "Prime agricultural land" means any of the following:
> (1) All land that qualifies for rating as Class I or Class II in the Natural Resource Conservation ~~s~~**S**ervice land use capability classification…

It should be noted that this minor typographical error has no bearing on the analysis or conclusions made in the Revised Draft EIR.

Response R-15CG

The first sentence in the fourth full paragraph under the *Updated Analysis* discussion in Section 2.1 (Agricultural Resources) of the Revised Draft EIR has been revised as follows:

> Additionally, the NRCS Soil Survey for the ~~Santa Margarita Ranch~~ **Paso Robles** area**, which includes the Santa Margarita Ranch,** was updated on January 4, 2007 (the Draft EIR was circulated in December 2006).

It should be noted that the above statement is included in the background discussion of the Revised Draft EIR and has not, therefore, been incorporated into the Final EIR. Refer to the citation under Table 4.1-1 (Santa Margarita Ranch Soil Map Units and Agricultural Classifications) in Section 4.1, *Agricultural Resources,* which correctly references the Paso Robles area soil survey.

Response R-15CH

Refer to Response 18DV in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CI

Refer to Response 18DW in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CJ

The commentor argues that no soils should be considered prime unless they are irrigated and that the Storie Index rating should not be used to classify prime soils. Refer to Responses 18DT and 18DV in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CK

Refer to Response 18EA in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CL

The commentor argues that Soil Map Unit 102 (Arbuckle-Positas complex, 9 – 15% slopes) should be deleted from the list of prime agricultural soils on Figures 4.1-1 and 4.1-2 (located in Section 4.1, *Agricultural Resources,* of the Final EIR). Refer to Table 4.1-1 (Santa Margarita Ranch Soil Map Units and Agricultural Classifications) in Section 4.1, *Agricultural Resources,* of the Final EIR. As shown therein, Soil Map Unit 102 (Arbuckle-Positas complex, 9 – 15% slopes) has a California Revised Storie Index of Grade One (Excellent). In accordance with the definition of prime soils used in the Final EIR, this map unit is prime.

Refer also to Response R-15CJ above.

Response R-15CM

The commentor requests that the legend of Figure 4.1-1 be reformatted in accordance with their previous comments. Refer to Response R-15CK and R-15CJ above.

Response R-15CN

The commentor requests that the legend of Figure 4.1-2 be reformatted in accordance with their previous comments. Refer to Response R-15CK and R-15CJ above.

Response R-15CO

Refer to Response R-15CJ.

Response R-15CP

Refer to Response R-15CL above regarding Soil Map Unit 102 and Responses 18DT and 18DV in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Refer also to Table 4.1-1 (Santa Margarita Ranch Soil Map Units and Agricultural Classifications) in Section 4.1, *Agricultural Resources,* of the Final EIR. As shown therein, Soil Map Unit 106 (Arbuckle-San Ysidro complex, 2 – 9% slopes) has a California Revised Storie Index of Grade One (Excellent). In accordance with the definition of prime soils used in the Final EIR, this map unit is prime.

Response R-15CQ

Refer to Response R-15CJ.

Response R-15CR

Refer to Response R-15CJ.

Response R-15CS

Refer to Response R-15CP.

Response R-15CT

Refer to Response R-15CP.

Response R-15CU

Refer to Responses R-15CP and R-15CM.

Response R-15CV

Refer to Responses R-15CP and R-15CM.

Response R-15CW

Refer to Responses R-15CP and R-15CM.

Response R-15CX

Refer to Responses R-15CP and R-15CM.

Response R-15CY

Refer to Responses 18DT and 18DV in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15CZ

Refer to Responses 18DT and 18DV in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15DA

Refer to Responses R-15CP and R-15CM.

Response R-15DB

The commentor provides a bibliography. Comment noted.

Response R-15DC

Refer also to Response 18ES in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15DD

Refer to Section 4.1, *Agricultural Resources,* of the Final EIR for a discussion of prime soils impacts.

Response R-15DE

Enclosure 2 to the applicants' Revised Draft EIR comment letter consists of "Santa Margarita Ranch Revised Draft EIR Biological Resources Section Response to Project Evaluation, Tract 2586" prepared by Althouse and Meade, Inc. for Kirk Consulting and Santa Margarita Ranch, LLC on March 27, 2008.

Refer to Responses R-15DF through R-15DM for responses to Enclosure 2. Refer also to Responses R-15AL through R-15AV.

Response R-15DF

The commentor references their previous comment letter dated April 11, 2008 which addressed the biological resources section of the Draft EIR. Refer to Letter 18 and Responses 18GY through 18KX in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to this letter, which was included as Appendix C to the applicants' Draft EIR comment package.

Response R-15DG

Refer to Letter 18 and Responses 18GZ through 18KX in Section 3.0 (Written Comments and Responses to the Draft EIR) of this document for responses to the Althouse and Mead, Inc. Draft EIR comment letter.

The commentor's statements regarding thresholds for defining valley needlegrass grassland are incorrect. Dave Hacker from the California Department of Fish and Game (personal communication, April 25, 2008) confirmed that purple needlegrass need only be an important component of a grassland in order to be classified as valley needlegrass grassland, a California Plant Community of Special Concern. The measurements made by the commentor on needlegrass percent cover in their sample plots are further inaccurate because percent cover of needlegrass is expected to change annually.

The commentor incorrectly states that the type of grassland found on the site is represented by species that are common throughout the County. Native perennial grassland is a locally rare biological resource, and as such, it is protected under CEQA.

Response R-15DH

Agricultural Residential Cluster Subdivision Impact B-2 has been revised to clarify that valley needlegrass grassland is a sensitive natural community. Refer to Section 4.3.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR for these revisions.

Response R-15DI

The inclusion of California oatgrass (*Danthonia californica*) on the list of on-site native grasses was based upon the Althouse and Meade (2005) report, which did not provide locations of plant occurrences. As noted under Agricultural Residential Cluster Subdivision Impact B-2, California oatgrass is a component of native grassland based upon the information in the Althouse and Meade report, and not due to misidentification in the field during the designation of native perennial grasslands, as suggested by the commentor.

Response R-15DJ

Refer to Responses 18AR and 18AS in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The commentor incorrectly states that Kuehl Bill thresholds would not be met based upon their estimate of the percent of canopy cover that would be removed. As noted in Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR, the proposed Agricultural Residential Cluster Subdivision would result in the removal of and/or impacts to an estimated 200 to 400 blue oak, coast live oak, and valley oak trees as well as the conversion of 60.1 acres of native oak woodland habitat. The actual amount of oak canopy that would be removed by the project exceeds 10%, which is the threshold for oak woodlands designated by the County. Refer to Agricultural Residential Cluster Subdivision Impact B-3 in the Final EIR.

Refer also to Response R-15AQ for clarification regarding Kuehl Bill definitions and requirements.

Response R-15DK

The commentor claims that the oak woodland habitat types are poorly described and that other oak woodland component species are not described. Refer to the *Oak Woodlands* discussion in Section 4.3.1(b) (Setting) in Section 4.3, *Biological Resources,* of the Final EIR. Representative understory species and co-dominates are listed throughout this section. Minor changes to wording have been made in accordance with the commentor's suggestions.

Response R-15DL

The commentor notes that they agree with the 100 foot setbacks from lower Tostada Creek as required by Agricultural Residential Cluster Subdivision measures B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] and B-8(a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures) in Section 4.3, *Biological Resources,* of the Revised EIR. However, the commentor argues that this setback should not be required for upper Tostada Creek.

Tostada Creek is known to be occupied by California red-legged frogs, and suitable habitat for this species extends through the middle portions of the stream (upstream to the vicinity of Lot 43). The California Department of Fish and Game has specified a 200 foot buffer for Tostada Creek to protect riparian and upland habitat, as well as water quality and hydrology. The requirement of a 200 foot buffer has been added to Agricultural Residential Cluster Subdivision measures B-7(a) [South/Central California Coast Steelhead (Steelhead) Mitigation, Minimization and Protection Plan] and B-8(a) (California Red-legged Frog Avoidance, Minimization, and Mitigation Measures) in Section 4.3, *Biological Resources,* of the Final EIR.

Refer also to Response R-15AV.

Response R-15DM

Refer to Letter 18 and Responses 18GY through 18KX in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. Refer also to Response R-15DL above.

Response R-15DN

Enclosure 3 to the applicants' Revised Draft EIR comment letter consists of "Responses to Updated Analysis" prepared by EDA Design Professionals for Kirk Consulting and Santa Margarita Ranch, LLC on March 7, 2008. The EDA letter addresses Section 2.4 (Drainage, Erosion and Sedimentation) of the Revised Draft EIR. Revisions included in this section have been incorporated into Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR.
Refer to Responses R-15DO through R-15DP for responses to Enclosure 3. Refer also to Response R-15AW.

Response R-15DO

The commentor provides the full text of Agricultural Residential Cluster Subdivision measure D-2(a) (Yerba Buena Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR, placing emphasis on the requirement that the detention facility be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils. The commentor then describes how this detention structure will be redesigned to comply with this measure. The comment is noted.

Response R-15DP

The commentor provides the full text of Agricultural Residential Cluster Subdivision measure D-2(b) (Trout Creek Drainage System) in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR, placing emphasis on the requirement that the detention facility be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils. The commentor then describes how this detention structure will be redesigned to comply with this measure. The comment is noted.

Response R-15DQ

Enclosure 4 to the applicants' Revised Draft EIR comment letter consists of "Review of Transportation and Circulation Section of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program" prepared by Associated Transportation Engineers for Kirk Consulting and Santa Margarita Ranch, LLC on March 27, 2008.

Refer to Responses 18DR through 18ER for responses to Enclosure 4. Refer also to Response R-15AZ through R-15BC.

Response R-15DR

The commentor summarizes the introductory text of the Revised Draft EIR related to the location of responses to comments on the Draft EIR. Comment noted.

Response R-15DS

Refer to Letter 18 and Responses 18RL through 18ST in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to ATE's comments on the Draft EIR, which were includes as Attachment K to the applicants' Draft EIR comment package.

Response R-15DT

Refer to Response 18RO in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15DU

The commentor notes that Caltrans does not have significance thresholds. The *Updated Analysis* discussion under *Thresholds and Mitigation* in Section 2.7 (Transportation/Circulation) of the Revised Draft EIR has been revised as follows:

> Updated Analysis. The transportation and circulation analysis was revised to clarify Caltrans ~~significance thresholds~~ **standards** as follows:

The above section is included in the background discussion of the Revised Draft EIR and has not, therefore, been incorporated into the Final EIR.

Response R-15DV

Refer to Response 18BF in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the identification of impacts is based upon the fourth CEQA Guidelines Appendix G checklist item regarding substantially increasing hazards, where project traffic is added to a location that will exacerbate existing operational problems [refer to Section 4.12.2(a) of the Final EIR]. The addition of traffic to a substandard roadway section could result in a potentially significant impact. The existing operational problems were identified by a field review and a comparison of the existing design to current Caltrans design standards. As noted in the discussion under Agricultural Residential Cluster Subdivision Impact T-1, the addition of traffic by the Agricultural Residential Cluster Subdivision is projected to significantly increase the daily volumes on SR 58 by 43 percent compared to existing conditions, and would increase the existing AM and PM peak-hour volumes on the US 101 northbound off-ramp by 15 percent. This is a substantial addition of traffic to areas with existing deficiencies.

In addition, the CEQA checklist is provided in Section 4.12.2(a) (Methodology and Significance Thresholds) as a guide to the reader as to the scope of potential transportation/circulation impacts to be reviewed by an agency. As noted in the discussion that follows, impact threshold are specifically defined for each jurisdiction for the checklist item regarding increases in traffic loads.

Response R-15DW

The commentor argues that the applicant should not be solely responsible for correcting existing deficiencies, but should be responsible for their share.

As noted in the discussion under Agricultural Residential Cluster Subdivision Impact T-1, the addition of traffic by the Agricultural Residential Cluster Subdivision is projected to significantly increase the daily volumes on SR 58 by 43 percent compared to existing conditions, and would increase the existing AM and PM peak-hour volumes on the US 101 northbound off-ramp by 15 percent. This is a substantial addition of traffic to areas with existing deficiencies.

Refer also to Letter 17 (Richard Marshall, Development Services Engineer, San Luis Obispo County Public Works) in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. Refer particularly to Comments 17E, 17K and 17L and their associated responses. As noted

therein, the County of San Luis Obispo Public Works Department recommended elimination of "fair share" fees.

Response R-15DX

Refer to Responses 18RZ and 18RS in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15DY

Refer to Responses 18RZ and 18RS in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15DZ

The identification of impacts is based upon the fourth CEQA Guidelines Appendix G checklist item regarding substantially increasing hazards, where project traffic is added to a location that will exacerbate existing operational problems. The addition of traffic to a substandard roadway section could result in a potentially significant impact. The existing operational problems were identified by a field review and a comparison of the existing design to current Caltrans design standards.

Refer to Response 18SH in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15EA

The commentor claims that it is inaccurate to state that additional congestion would be added to El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision because the roadway would operate at LOS C or better. However, as noted in the first paragraph below Table 4.12-10(c) in Section 4.12, *Transportation and Circulation,* of the Final EIR, the addition of traffic by the Agricultural Residential Cluster Subdivision is projected to increase the daily volumes on this roadway by approximately 43 percent. Therefore, although levels of service would not degrade below applicable standards, it can still be considered accurate to refer to a 43 percent increase in traffic as "additional congestion."

Response R-15EB

The commentor claims that the ramp junction analysis in the Revised Draft EIR illustrates operations on the U.S. 101 mainline segments, not the ramp junctions. The ramp junction analysis refers to the location of the mainline where traffic merges from the on-ramp or exits onto the off-ramp. When the Agricultural Residential Cluster Subdivision measure T-1(b) (U.S. 101 Southbound Off-Ramp to SR 58) indicates that the deceleration length for the U.S. 101 off-ramp to SR 58 needs to be lengthened to 250 feet, this means that increased storage on the U.S. 101 mainline needs to be provided.

Agricultural Residential Cluster Subdivision measure T-1(b) additionally requires the provision of additional merge area at the park and ride facility where the northbound off-ramp merges

with the eastbound traffic from the southbound off-ramp. This mitigation is not based upon the ramp junction LOS results. Rather, the mitigation measure was recommended after reviewing Caltrans design standards and performing field observations.

Refer also to Response 18RQ in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15EC

Refer to Response 18RQ in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15ED

Refer to Response 18SH in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The commentor-referenced analysis is based on estimated vehicle speeds provided by San Luis Obispo County Public Works staff.

Response R-15EE

Refer to Response R-15DW above.

Response R-15EF

Refer to Responses R-15DV and R-15DW above.

Response R-15EG

Refer to Response 18BF in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the identification of impacts is based upon the fourth CEQA Guidelines Appendix G checklist item regarding substantially increasing hazards, where project traffic is added to a location that will exacerbate existing operational problems [refer to Section 4.12.2(a) of the Final EIR]. The addition of traffic to a substandard roadway section could result in a potentially significant impact.

The commentor referenced mitigation measure is not new to the Revised Draft EIR, nor is the associated mitigation measure. The impact and mitigation in question are not based on a new Caltrans standard.

Refer also to Response R-15EB.

Response R-15EH

Refer to Response R-15DW.

Response R-15EI

Refer to Responses R-15EG and R-15EH above.

Response R-15EJ

Refer to Responses R-15DV and R-15DW above.

Response R-15EK

Refer to Responses R-15DV and R-15DW above. Refer also to Response 18SH in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15EL

Refer to Responses R-15DT through R-15EK above.

Response R-15EM

Refer to Responses R-15DV and R-15DW above.

Response R-15EN

The commentor notes that they have no comments on the revised cumulative analysis related to traffic, and references their Draft EIR comment letter. Refer to Letter 18 and Responses 18RL through 18ST in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to ATE's comments on the Draft EIR, which were included as Attachment K to the applicants' Draft EIR comment package.

Response R-15EO

The commentor recommends that Table 4.12-14(c) (Cumulative U.S. 101 Mainline Levels of Service) be checked for errors based on the reduced level of service (LOS) listed for several segments under Cumulative + Agricultural Residential Cluster Subdivision conditions. The "LOS" column under "Cumulative + Agricultural Residential Cluster Subdivision" contained three typos indicating a reduced LOS under these conditions. The density listed is accurate, however, and shows that Cumulative + Agricultural Residential Cluster Subdivision conditions are indeed inferior to than Cumulative conditions.

The typographical errors in the LOS column have been revised. Refer to Table 4.12-14(c) in Section 4.12, *Transportation and Circulation,* of the Final EIR.

Response R-15EP

The commentor summarizes Future Development Program measures T-1(a) (SR 58 South of J Street), T-1(b) (U.S. 101 Southbound Off-Ramp to SR 58), and T-1(c) (U.S. 101 Southbound On-Ramp from SR 58) in the Revised Draft EIR. These measures have been incorporated into Section 4.12, *Transportation and Circulation,* of the Final EIR. Comment noted.

Response R-15EQ

The commentor's opinion that traffic fee programs should be developed by the County is noted.

Response R-15ER

The commentor provides their Draft EIR comment letter, which was included as Attachment K to the applicants' Draft EIR comment package. Refer to Letter 18 and Responses 18RL through 18ST in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to this letter.

Response R-15ES

Enclosure 5 to the applicants' Revised Draft EIR comment letter consists of "Comments on the Revised Draft EIR for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision" prepared by Luhdorff & Scalmanini Consulting Engineers (LSCE) for Kirk Consulting and Santa Margarita Ranch, LLC on March 27, 2008.

Refer to Responses R-15ET through R-15FF for responses to Enclosure 5. Refer also to Response R-15BD through R-15BL.

Response R-15ET

The commentor notes that Luhdorff and Scalmanini, Consulting Engineers (LSCE) reviewed the Revised Draft EIR at the request of Santa Margarita Ranch, LLC. Comment noted.

Response R-15EU

The commentor notes that Section 2.8 (Water and Wastewater) of the Revised Draft EIR reaches the same conclusions as Section 4.14, *Water and Wastewater,* of the Draft EIR. Comment noted. Refer also to the *Updated Analysis* discussion in Section 2.8 of the Revised Draft EIR and Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-15EV

Refer to the first page of Section 1.0, *Introduction,* in the Revised Draft EIR. As noted therein, the Revised Draft EIR "does not directly respond to…comments [on the Draft EIR]. Comprehensive, direct responses to comments on the Draft EIR, and additional revisions and clarifications, will be provided in a forthcoming Final EIR that includes responses to all comments received during the public review periods for both the Draft EIR and this Revised Draft EIR."

Refer to Letter 18 and Responses 18UO through 18UX in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to this commentor's Draft EIR comment letter, which was included as Attachment M to the applicants' Draft EIR comment package. Refer specifically to the response to comment R-6E, which addresses the commentor's claims related to overestimated impacts.

Response R-15EW

The commentor summarizes their comments on the Draft EIR. Refer to Letter 18 and Responses 18UO through 18UX in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to the commentor's Draft EIR comment letter, which was included as Attachment M to the applicants' Draft EIR comment package.

Response R-15EX

The planned orchards and vineyards referenced are currently planned for by the Ranch owners, and are therefore considered in the baseline (setting) analysis. Table 4.14-1 (Existing Ranch Water Demands) portrays existing Ranch water demands.

The commentor additionally claims that water demand estimates for these planned agricultural uses are overestimated. Also refer to Responses R-6E and R-4I.

Response R-15EY

The comment states the opinion that the agricultural water demand used in the EIR analysis appears to be high. The comment provides an argument as to why water demand may be less, and this information may be considered by decision makers for the project. However, the water factors used are consistent with those reported by the California Department of Water Resources, and represent a reasonable worst scenario. The EIR also acknowledges that water conservation measures and practices could reduce water demand to some extent.

Response R-15EZ

Please refer to Response R-15EY.

Response R-15FA

Please refer to Response R-15EY.

Response R-15FB

Refer to Response R-15EX.

Response R-15FC

Refer to Response R-15EX.

The commentor additionally claims that the approximately 500 acres of planned orchards would most likely be planted in olives. As indicated in Table 4.14-1 in Section 4.14, *Water and Wastewater,* of the Final EIR, a reasonable worst case scenario approach was used to determine water use from planned orchards.

Response R-15FD

The comment states the opinion that the residential water demand used in the analysis appears to be high. The EIR analysis explained the rationale for the difference in the projected water demand as compared to that reported in the Cleath report, and the difference is reasonable based on professional judgment and experience, as well as the likely nature of the proposed project. Differences among experts are anticipated under CEQA, and do not make such a document inadequate.

Response R-15FE

Refer to Table 1-1 in Appendix A to the LSCE Draft EIR comment letter (Attachment M to the applicants' Draft EIR comment package) and Responses 18UO through 18UX in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15FF

The commentor provides a bibliography. The comment is noted.

Response R-15FG

Enclosure 6 to the applicants' Revised Draft EIR comment letter consists of "Environmentally Superior Alternative Comparison, RDEIR Alternative No. 14 vs. Alternative No. 12, Santa Margarita Ranch Agricultural Residential Cluster Subdivision VTTM 2586" prepared by RRM Design Group for Kirk Consulting and Santa Margarita Ranch, LLC on March 27, 2008.

Refer to Response R-15FH through R-15IA for responses to Enclosure 6. Refer also to Response R-15BM.

Response R-15FH

The commentor recommends a comparison of alternatives to each other, rather than to the Agricultural Residential Cluster Subdivision. However, State CEQA Guidelines §§ 15126.6(a) and (d) require that an EIR describe a range of reasonable alternatives "to the proposed project" and "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison". Table 3-1 (New Alternatives Impact Comparison) in the Revised Draft EIR [Table 6-7 (Agricultural Residential Cluster Subdivision Alternative Impact Comparison) in the Final EIR] fulfills this requirement.

Refer also to Response R-12AK.

Response R-15FI

The commentor claims that Alternative 12 (Amended Project) is consistent with the original project submittal analyzed in the Draft EIR. As described in Section 6.0, *Alternatives,* of the Final EIR, although this alternative would have essentially the same development characteristics as the

proposed project (112 dwelling units), it would relocate 23 lots, adjusts the boundaries of 65 lots, eliminate four roadways, shorten one roadway, realign several roadways, and incorporate ½ acre building envelopes. The commentor is correct in that both the Agricultural Residential Cluster Subdivision and Amended Project Alternative contain the same number of lots.

The commentor additionally claims that it is not fair to compare this alternative to an alternative with only 39 residential lots (Alternative 14). Alternative 14 was included in the Revised Draft EIR and incorporated into the Final EIR in response to environmental constraints identified in the Draft EIR as well as to substantial public comments received on the original Draft EIR. In addition, as noted in Appendix C (Policy Consistency) to the Final EIR, the proposed project is potentially inconsistent with several policies in the Salinas River Area Plan, as well as with the Agriculture land use designation of the San Luis Obispo County General Plan, Agriculture Element Policy 22 (Major Agricultural Cluster Projects), and the County's Agricultural Cluster Ordinance (Section 22.22.150 of the County LUO). A reduction in the number of housing units is not recommended as mitigation, but rather as an alternative which reduces density when compared to the Agricultural Residential Cluster Subdivision.

Response R-15FJ

The commentor notes that Alternative 14 (Reduced Project) may be inconsistent with the Land Use Ordinance (LUO) in place at the time of application for the Agricultural Residential Cluster Subdivision because it reduces the project to 26% of the maximum allowable density. An ultimate determination of consistency with the applicable LUO would be made by the County Board of Supervisors upon their review of the project.

Response R-15FK

The commentor describes Alternative 12. Comment noted. Refer to Section 6.12 (Alternative 12: Amended Project) in Section 6.0, *Alternatives,* of the Final EIR for description and analysis of this alternative.

Response R-15FL

The commentor describes Alternative 14 and claims that impacts from this alternative would remain significant. Refer to Section 6.14 (Alternative 14: Reduced Project) in Section 6.0, *Alternatives,* of the Final EIR for description and analysis of this alternative.

Refer also to Response R-15FH.

Response R-15FM

Refer to Response 18P in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15FN

The commentor claims that the analysis of Alternative 12 incorrectly refers to the alternative as including 112 units. Although the commentor is correct that 111 of the units would be clustered and one would be on an open space lot, it is not incorrect to state that there would be 112 "units."

It should also be noted that similar language was used to analyze the Agricultural Residential Cluster Subdivision throughout the EIR.

Response R-15FO

The commentor correctly assumes that one of the 40 lots included in Alternative 14 is an open space lot. Refer to the first paragraph under Section 6.14.1 (Description) and the analysis under Section 6.14.2 (Impact Analysis) in Section 6.0, *Alternatives,* of the Final EIR, which has been revised to clarify this distinction. Refer also to Figure 6-16 (Alternative 14: Reduced Project), which depicts 39 residential lots.

Response R-15FP

The commentor provides a comparative summary of Alternatives 12 (Amended Project) and 14 (Reduced Project). It should be noted that impacts resulting from Alternative 14 would be of a considerably lower magnitude than those identified for Alternative 12 due to the comparative reduction in disturbance area, number of units, and location of lots associated with Alternative 14. The commentor's statement that Alternative 12 would result in more damage to sensitive resources because they are concentrated in one area is not supported by fact. Both Alternative 12 and Alternative 14 have roughly the same number of units and same amount of disturbance north of the main site access road. However, Alternative 14 eliminates all disturbance south of the main site access road.

Refer also to Response R-15FH.

Response R-15FQ

The commentor notes that Alternative 14 does not include building envelopes. Comment noted. It should also be noted that the proposed Agricultural Residential Cluster Subdivision does not include building envelopes [refer to Response 18V in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document]. As with the proposed Agricultural Residential Cluster Subdivision, disturbance on individual lots for Alternative 14 are assumed to occur on approximately ½ acre of the 1 acre lots.

Refer to Response R-15FR below for response to the commentor-referenced table.

Response R-15FR

The commentor provides a table comparing Alternatives 12 (Amended Project) and 14 (Reduced Project). As noted in Response R-15FH above, State CEQA Guidelines §§ 15126.6(a) and (d) require that an EIR describe a range of reasonable alternatives "to the proposed project" and "include sufficient information about each alternative to allow meaningful evaluation, analysis, and

comparison *with the proposed project.* A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison" (emphasis added). The existing alternatives analysis in the Final EIR fulfills this requirement.

Refer to Responses R-15FS through R-15HV below for responses to the commentor's analysis supporting this table.

Response R-15FS

The commentor notes that Alternative 14 (Reduced Project) would affect less grazing area than Alternative 12 (Amended Project) and notes that this is based on fewer home sites. Comment noted. This information is disclosed in the *Agricultural Resources* discussions in Sections 6.14.2 and 6.12.2, respectively. However, it should be noted that the difference in the magnitude of impact on grazing lands between the two alternatives is greater than acknowledged by the commentor, because Alternative 14 would avoid impacts on all grazing lands south of the main access road, which far exceed 43.6 acres of land.

Response R-15FT

The Alternative 14 (Reduced Project) analysis does not incorrectly presume that cattle will graze between Alternative 14 lots, as suggested by the commentor. Rather, the reduced impact to grazing unit fragmentation is based on the fact that the vast majority of the site (i.e. Phase Two and Phase Three areas of the proposed Agricultural Residential Cluster Subdivision) would not contain residences and would therefore remain open for cattle grazing.

The commentor claims that Alternative 12 (Amended Project) would allow cattle to continue to graze throughout the cluster area. Refer to Response 18T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for an explanation of the incompatibilities between cattle and residential uses and additional detail regarding the grazing impact associated with the proposed Agricultural Residential Cluster Subdivision. As noted in Section 6.12.2 of the Final EIR, the Amended Project Alternative would be located in the same general area as the proposed Agricultural Residential Cluster Subdivision and would consist of approximately the same acreage of overall disturbance. As a result, fragmentation of agricultural areas/grazing lands would be similar to the proposed Agricultural Residential Cluster Subdivision.

The commentor's claim that Alternative 14 (Reduced Project) would remove 53 acres of cattle grazing while Alternative 12 (Amended Project) would allow cattle to graze unimpeded throughout the entire project area is unsubstantiated. Alternative 12 would remove 676.7 acres of cattle grazing, similar to the proposed Agricultural Residential Cluster Subdivision.

Response R-15FU

Refer to Responses R-15S and R-15FT above. The commentor's claims relating to cattle grazing between Alternative 12 lots is unsubstantiated.

The commentor additionally references the Kirk Consulting response letter to the Revised Draft EIR. Refer to Responses R-15L through R-15AG above for responses to agricultural issues raised in this letter.

Response R-15FV

The commentor notes that Alternative 12 (Amended Project) would have 3,621 acres in Agricultural Conservation Easements while Alternative 14 (Reduced Project) would have only 2,821 acres of Agricultural Conservation Easements. Comment noted.

It should also be noted, however, that Alternative 12 (Amended Project) would have greater overall impacts to prime soils and grazing activities than Alternative 14 (Reduced Project), as discussed in Sections 6.12.2 and 6.14.2 of the Final EIR, respectively, and Response R-15FT above. The fact that Alternative 12 would have a larger conservation easement does not negate these impacts, nor does it render Alternative 12 environmentally superior to Alternative 14 with respect to agricultural resources.

Response R-15FW

The commentor summarizes the design of Alternatives 12 (Amended Project) and 14 (Reduced Project) with respect to avoidance of prime soils, and notes that Alternative 14 was designed with the knowledge of the revised prime soils definition included in the Revised Draft EIR (refer to Section 2.1, *Agricultural Resources,* of the Revised Draft EIR). The comment is noted.

Response R-15FX

As noted in Sections 6.12.2 of the Final EIR, Alternative 12 would directly convert 19.96 acres of prime soils. In contrast, Alternative 14 would directly convert 12.5 acres of prime soils, as discussed in Section 6.14.2 of the Final EIR. Accordingly, Alternative 14 would convert 7.1 fewer acres of prime soils.

Refer also to Response R-9G. In accordance with the methodology recommended by the San Luis Obispo County Agricultural Commissioner's Office, Alternative 12 (Amended Project) would convert 116.8 acres of prime soils, while Alternative 14 (Reduced Project) would convert 57.9 acres of prime soils. This is an approximately 50% reduction.

Response R-15FY

The commentor claims that building envelopes would reduce prime soils conversion associated with Alternative 12 (Amended Project). As noted in Section 6.12.2 of the Final EIR, parcelization would fragment potential agricultural use on each Alternative 12 lot despite ½ acre building envelopes, thereby precluding major farming on each lot as a whole. As a reasonable worst case scenario, the alternatives analysis presumes that all prime soils that occur within Amended Project Alternative lot lines could be converted to non-agricultural use.

It should also be noted that the commentor relies on the notion that cattle grazing will continue unimpeded between Alternative 12 lots and that design guidelines would further limit impacts. Refer to Response R-15FT and Master Response 8, respectively.

Response R-15FZ

Refer to Responses R-15FW through R-15FY above.

Response R-15GA

The commentor questions the methodology used for determining the acreage of prime soil conversion for Alternative 12 (Amended Project), claiming that it appears excess acreage was included in the 19.96 acre figure. To calculate this figure, prime agricultural soils were extracted from a California soils map and added to the Geographic Information System (GIS). Alternative 12 boundary designations were then added to the GIS data in order to act as a "clipping" layer for the prime soils data. A GIS clip works much the same way as a cookie cutter does. If any part of the Prime soil layer fell within a boundary of an Alternative 12 designation, only this portion of the Soil data persisted in the output dataset. An acreage calculation was then performed on these individual components and summarized as the final acreage computation.

The commentor does not divulge the methodology behind their calculation. As a result, no specific response to that portion of the comment is feasible.

Response R-15GB

Refer to Response R-15FT above and Response 18T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The commentor's suggested revision is based on inaccurate assumptions that cattle grazing would be unimpeded by development of Alternative 12. Refer also to Response R-15GA above.

Response R-15GC

Refer to Responses R-15FW through R-15GB above.

Response R-15GD

The Agricultural Residential Cluster Subdivision does not include specified building envelopes. The referenced EIR statement notes that the lot is closer to active agricultural areas, not that the building envelope is closer. The commentor acknowledges that the lot line is indeed closer. Refer to Response 18V in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15GE

Refer to Response 18V in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The proposed Agricultural Residential Cluster Subdivision does not include specified building envelopes.

Refer also to Response R-15GD above.

Response R-15GF

Refer to Agricultural Residential Cluster Subdivision impact AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR. As shown in bold therein, Lots 39 and 40 were added to the list of lots

requiring additional buffer distances based on planned future vineyards in the vicinity of these lots. The alternatives analysis is consistent with these revisions.

The commentor references specific comments in the Kirk Consulting response letter to the Revised Draft EIR. Refer to Response R-15AG.

The proposed Agricultural Residential Cluster Subdivision does not include specified building envelopes [refer to Response 18V in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document].

Response R-15GG

The commentor claims that the building envelope for Lot 2B in Alternative 12 is located at a similar distance to potential vineyards as Lots 39 and 40. The commentor claims that the distance of these lots to future vineyards is similar to other lots whose buffers have been approved by the Agricultural Commissioner. However, the Agricultural Commissioner recommended the 500 foot buffer for these lots during preparation of the Revised Draft EIR.

Response R-15GH

The statement referenced by the commentor is intended as a generalized impact comparison. As noted in the EIR analysis, overall distance to vineyard operations would be increased.

Response R-15GI

Refer to Response 18V in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

The commentor briefly mentions that future vineyards were excluded from the Draft EIR for 'unknown reasons.' Refer to Response R-15FC. The referenced map showing planned vineyards and orchards was excluded from the EIR because the applicant team indicated to County staff that the map was conceptual and not intended to be included in the EIR analysis.

Refer to Response R-15GG. As noted therein, the Agricultural Commissioner recommended buffer distances for Lots 39, 40 and 2B during preparation of the Revised Draft EIR.

Refer also to Response R-15GH above.

Response R-15GJ

Refer to Response R-15FT.

Response R-15GK

The commentor notes that Alternative 14 (Reduced Project) would have fewer impacts to biological resources than Alternative 12 (Amended Project) and notes that this is based on fewer home sites. Comment noted. This information is disclosed in the *Biological Resources* discussions in Sections 6.14.2 and 6.12.2, respectively. The commentor's methodology for determining the extent of the

difference in reduced oak woodland impacts between Alternatives 12 and 14 is not presented, but it appears that the commentor underestimates the extent to which Alternative 14 would reduce such impacts by applying building envelopes and therefore ½ acre of disturbance per lot for Alternative 12, but not applying building envelopes to Alternative 14, which is assumed to fully impact the entire 1 acre of each lot.

Response R-15GL

Refer to the third, fourth and fifth paragraphs under the *Biological Resources* discussion in Section 6.12.2 of the Final EIR. Although Alternative 12 (Amended Project) would reduce oak tree impacts compared to the Agricultural Residential Cluster Subdivision, it would still remove a significant number of oak trees. The commentor's claims that Alternative 12 building envelopes were carefully sited to avoid oak trees may not take into account that building envelopes need to feasibly accommodate anticipated development. Building envelopes which bend around trees in awkward geometries are not considered realistic for the purposes of presenting a reasonable worst-case evaluation of oak impacts. Further, oak woodland impacts are not associated simply with the number of trees removed (refer to Response R-15GN below).

Response R-15GM

The commentor's observations are noted. However, the claim that Alternative 14 would result in more oak tree removal than Alternative 12 is unsubstantiated. Refer to the *Biological Resources* discussions in Sections 6.14.2 and 6.12.2 of the Final EIR.

Response R-15GN

The commentor suggests that oak tree impacts should only consider impacts to individual trees. Analyzing impacts to individual trees only would be inadequate, as the removal of an oak tree would have repercussions for the larger habitat of which the oak tree is a part. Habitat impacts must be addressed, in accordance with Appendix G of the State CEQA Guidelines [refer to Section 4.3.2(a) (Methodology and Significance Thresholds) of the Final EIR]. In addition, as noted in Response R-15AT, analysis of impacts to oak woodlands is required by the Kuehl Bill. Refer to Responses R-15AQ and R-15AR for additional discussion of the Kuehl Bill.

Response R-15GO

The commentor provides a comparison of oak woodland impacts from Alternative 12 (Amended Project) and Alternative 14 (Reduced Project). Refer to Response R-15GK.

Refer to the *Biological Resources* discussions in Sections 6.14.2 and 6.12.2 of the Final EIR for a discussion of oak woodland impacts from Alternatives 14 and 12, respectively.

Response R-15GP

Refer to Response R-15GO. The commentor references Table 4.3-2 (Agricultural Residential Cluster Subdivision Site Habitat Summary Table) in Section 4.3, *Biological Resources,* of the Final EIR as the source for overall acreage numbers. However, this reference does not explain how the commentor defined "impact" or how they derived their impact calculations.

Refer also to Enclosure 2 to the applicants' Revised Draft EIR comment letter ("Santa Margarita Ranch Revised Draft EIR Biological Resources Section Response to Project Evaluation, Tract 2586" prepared by Althouse and Meade, Inc. for Kirk Consulting and Santa Margarita Ranch, LLC on March 27, 2008) and associated Responses R-15DF through R-15DM.

Response R-15GQ

The commentor provides a comparison of oak woodland impacts from Alternative 12 (Amended Project) phases and Alternative 14 (Reduced Project). Refer to Response R-15GK.

Response R-15GR

The commentor claims that phases in Alternative 12 would reduce impacts to oak woodlands. The phasing of the alternative would not reduce long-term impacts to oak trees or oak woodland, as the same overall magnitude of disturbance would result regardless of phasing.

Response R-15GS

The applicants' efforts are noted. However, the commentor does not provide additional evidence to support the recommendation to revise conclusions regarding Alternative 12 impacts on natural plant communities. Based on updated field review of the site, Alternative 12 would result in similar impacts to natural communities when compared to the proposed project.

Response R-15GT

The commentor claims that the alternatives analysis fails to indicate the location of trees that would be removed as a result of Alternative 12 (Amended Project). The commentor-referenced "142 trees" refers to the trees on lots and roadways that differ from the Agricultural Residential Cluster Subdivision. This distinction is noted in the fourth paragraph under *Biological Resources* in Section 6.12.2 of the Final EIR. The areas which differ between the alternative and the project are shown in Figure 6-10 in Section 6.0, *Alternatives,* of the Final EIR. However, as noted in the fifth paragraph under *Biological Resources* in Section 6.12.2, Alternative 12 is estimated to remove or impact a total of 250 to 350 oak trees throughout the site.

The commentor suggests that the text be revised to state that 100 trees could be removed, but does not provide evidence or analysis to support this recommendation. The number is unsubstantiated whereas the analysis in Section 6.0, *Alternatives,* of the Final EIR is based on a reasonable worst case methodology using aerial photography and topographical mapping.

Response R-15GU

Refer to Response 18AR in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-15GV

Refer to the first two sentences of the third paragraph under *Biological Resources* in Section 6.12.2 of the Final EIR. As noted therein, to assess oak tree impacts, ½-acre building envelopes were placed to avoid oak trees and topographical constraints where feasible while still accommodating anticipated development. Their placement was therefore based on a reasonable worst case methodology using aerial photography and topographical mapping. The commentor's claims that Alternative 12 building envelopes were carefully sited to avoid oak trees may not take into account that building envelopes need to feasibly accommodate anticipated development. Building envelopes which bend around trees in awkward geometries are not considered realistic for the purposes of presenting a reasonable worst-case evaluation of oak impacts.

Response R-15GW

Refer to the second sentence in the fifth paragraph under *Biological Resources* in Section 6.12.2 of the Final EIR. As noted therein, impacts to oak trees within the portions of the lots outside of the building envelopes are expected due to grading or compaction within the root zone; limbing or thinning per CalFire (CDF) requirements; changes to water regime due to landscape irrigation, leach fields, or creation of impervious surfaces; decreased reproduction due to browsing by livestock, mowing, and other ground disturbance; and other types of residential activities that would affect the soil fungi with which oak trees are associated.

Refer also to Master Response 8. As noted therein, the Draft Vineyard Estates Design Guidelines are not part of the Agricultural Residential Cluster Subdivision because they are guidelines, not requirements, and were not proposed as part of the project. The Design Guidelines are similarly not part of Alternative 12.

Response R-15GX

The commentor's observation that "removed" and "impacted" are different is noted.

Refer to Response R-15GU.

Response R-15GY

Refer to Response R-15GR. As noted therein, Alternative 12 does not include established phases, nor would phasing reduce impacts to oak trees.

The commentor's statements regarding the availability of restoration sites are noted.

Response R-15GZ

Refer to the eighth paragraph under *Biological Resources* in Section 6.12.2 of the Final EIR. The commentor's summary of this paragraph is noted.

Response R-15HA

The commentor requests clarification regarding the location of Road D's crossing of Tostada Creek. It should be noted that Alternative 12 (Amended Project) does not currently have road names (refer to Figure 6-10 in Section 6.0, *Alternatives,* in the Final EIR). However, it is assumed the commentor is referring to the road which extends south from the main project entrance road in a large southerly loop, as this is "Road D" in the Agricultural Residential Cluster Subdivision (refer to Figure 2-5 in Section 2.-0, *Project Description,* of the Final EIR.

The Alternative 12 roadway crosses Tostada Creek west of Lot 81. This roadway is shown in red on Figures 6-10 through 6-14 in Section 6.0, *Alternatives*. Tostada Creek runs along the primary entrance road before curving south (refer to Figure 4.3-2 in Section 4.3, *Biological Resources,* of the Final EIR). The crossing can be seen on Figure 6-12, west of Lot 81.

The text in the *Biological Resources* discussion in Section 6.12.2 of the Final EIR has been revised to note that this crossing is in the vicinity of Lot 81, not Lot 71B, as this is slightly more accurate given the lot configurations.

Response R-15HB

Refer to Response R-15HA for clarification regarding "Road D."

Refer to Lot 90B in Figure 6-12 (Alternative 12: Amended Project Biological Impact Map) in Section 6.0, *Alternatives,* of the Final EIR. This lot is located in the southeastern portion of Alternative 12. The Alternative 12 road to the east of this lot (shown in red) crosses a blue line drainage. Note there is a southwestern pond turtle symbol that may block clear view of this crossing.

Response R-15HC

Comment noted.

Response R-15HD

Refer to Responses R-15GK and R-15GQ.

Response R-15HE

Refer to the second to last sentence in the second paragraph of Section 6.14.1 (Description [of Alternative 14]) in the Final EIR, which has been added to clarify that water tanks would remain as proposed. Any impacts associated with the water tanks would be similar to the Agricultural Residential Cluster Subdivision. Refer also to the third paragraph under *Public Safety* in Section 6.14.2.

Response R-15HF

It is not clear where the commentor derived the specific number of sites impacted by Alternatives 12 or 14, as these are not divulged in Section 6.0, *Alternatives,* of the Final EIR. In addition, as discussed in Section 4.4, *Cultural Resources,* of the Final EIR, surface visibility on the Agricultural

Residential Cluster Subdivision site is poor, archaeological site boundaries are ill-defined, and prior studies have demonstrated the high potential for buried sites. Therefore, the precise number of sites impacted by any alternative cannot be conclusively determined, as attempted by the commentor.

Response R-15HG

The same number of residents would not reside in Alternative 14, as suggested by the commentor, because this alternative includes 65% fewer residences than the Agricultural Residential Cluster Subdivision or Alternative 12. As noted in Section 6.14.2 of the Final EIR, because this alternative would generate fewer new residents, there would be less likelihood for relic collecting and/or vandalism that could potentially impact archaeological and historical sites.

Response R-15HH

The statement referenced by the commentor regarding precise boundaries of archaeological resources would not alter the analyses of any of the alternatives. This nuance is discussed in Section 4.4, *Cultural Resources,* of the Final EIR.

Response R-15HI

The referenced statement in the Revised Draft EIR relates to overall site disturbance, not disturbance of archaeological sites. Similar language is used throughout Section 6.0, *Alternatives.* It should also be noted that Section 6.12.2 states that, overall, Alternative 12 would result in reduced impacts to identified cultural resources.

Response R-15HJ

Relic collecting is not limited to activities within building envelopes. Refer to Agricultural Residential Cluster Subdivision Impact CR-5 Section 4.4, *Cultural Resources,* of the Final EIR.

Response R-15HK

The applicants' efforts in designing Alternative 12 are noted. Refer to Master Response 10 Response 18T in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for a discussion of the merits of comparing the Agricultural Residential Cluster Subdivision analysis to past agricultural cluster projects in the County. Refer also to Response R-15HF.

Response R-15HL

Refer to Response R-15HG.

Response R-15HM

Refer to the *Cultural Resources* discussion in Section 6.12.2 of the Final EIR and Responses R-15HF through R-15HL above.

Response R-15HN

Comment noted. Overall paved surfaces would be reduced under Alternative 14, as recognized by the commentor. The commentor's claim regarding the difference in densities between Alternative 12 and 14 is misleading. In actuality, these two alternatives have very similar densities in the area of disturbance north of the main site access road, while Alternative 14 eliminates all disturbances south of the main site access road.

Response R-15HO

Comment noted. Lot 22 would need to be removed from Alternative 14 to eliminate impacts to emergent wetlands.

Refer to Response R-15HN regarding drainage impacts.

Response R-15HP

The commentor claims that the California Department of Forestry and Fire Protection (CalFire or CDF) is satisfied with Alternative 12 (Amended Project) roadway widths. Comment noted.

The commentor referenced meeting cannot be independently verified and the agreement expressed therein cannot be included in the Final EIR as this would be speculative. However, as disclosed in the *Public Services* discussion in Section 6.12.2 of the Final EIR, CalFire has the authority to reduce roadway widths in certain situations, and could potentially reduce widths to 18 feet in this instance.

Response R-15HQ

Comment noted.

Response R-15HR

Refer to the *Visual Resources* discussion in Section 6.12.2 of the Final EIR. Refer also to Master Response 4. As noted therein, proposed alternatives are intended to avoid or substantially lessen one or more of the significant effects of the project, in accordance with State CEQA Guidelines § 15126.6(c). Alternative 14 is not intended, and is not expected, to reduce all significant impacts associated with the proposed Agricultural Residential Cluster Subdivision.

Response R-15HS

The commentor's opinions regarding visual impacts of Alternative 12 are noted.

Response R-15HT

The commentor's opinions regarding visual impacts of Alternative 14 are noted. However, there is no credible evidence to suggest that views from public roadways of homes and roadways associated with Alternative 14 would be "clearly visible and dominant", while views of homes and roadways associated with Alternative 12, and located in generally the same area as those in

Alternative 14, would not, especially considering that Alternative 12 would result in additional disturbance and homes on other portions of the site that would be visible from public viewpoints.

Response R-15HU

Refer to Response R-15HT.

Response R-15HV

Refer to the first sentence of the second paragraph in Section 6.14.1 (Description [of Alternative 14]) of the Final EIR. As noted therein, access to Alternative 14 (Reduced Project) would be provided via one existing driveway and one new driveway from West Pozo Road, as proposed under the Agricultural Residential Cluster Subdivision. Refer also to the last sentence under *Transportation and Circulation* in Section 6.14.2 of the Final EIR. As acknowledged therein, impacts from Alternative 14 related to access would be similar to the Agricultural Residential Cluster Subdivision because access points would be the same.

Refer also to the second paragraph under *Transportation and Circulation* in Section 6.12.2 of the Final EIR. As noted therein, Agricultural Residential Cluster Subdivision measure T-2(a) (West Driveway Relocation) requires that the proposed west driveway be relocated at least 590 feet east of its currently proposed location. Alternative 12 (Amended Project) would relocate the west driveway approximately 480 feet east. Although this would partially reduce impacts related to stopping site distance, it would not fully implement measure T-2(a). Impacts would remain Class II, *significant but mitigable*.

Response R-15HW

The commentor claims that Alternative 12 should in fact be the environmentally superior alternative because it has been carefully designed and "allows the applicant to create the envisioned feel and atmosphere for the Ranch." Refer to Table 6-7 (Agricultural Residential Cluster Subdivision Alternative Impact Comparison) and the discussion under Section 6.15.1 (Environmentally Superior Alternative to the Agricultural Residential Cluster Subdivision) of the Final EIR. Determination of the environmentally superior alternative is based on a comparison of each alternative to the Agricultural Residential Cluster Subdivision for each issue area, noting if impacts would be reduced, increased, or remain the same. Based on this evaluation, Alternative 14 is environmentally superior to Alternative 12. However, both are superior to the proposed Agricultural Residential Cluster Subdivision.

Refer also to Responses R-15FH through R-15HV above.

Response R-15HX

The commentor claims that Alternative 14 places lots in areas that are not appropriate for development. It should be noted that Alternative 14 would only slightly reorganize the currently proposed Agricultural Residential Cluster Subdivision Phase One configuration (refer to Section 6.14.1 of the Final EIR) and is substantially similar to those advanced by the commentor in Alternative 12.

Refer to Responses R-15FH through R-15HV above for responses to the commentor's claims regarding impacts from Alternative 14. Refer also to the objective analysis of Alternative 14 impacts in Section 6.14.2 of the Final EIR.

Response R-15HY

Refer to Response R-15HW above. Alternative 14 would reduce most impacts when compared to the Agricultural Residential Cluster Subdivision.

Response R-15HZ

Comment noted.

Response R-15IA

The commentor's claim that Alternative 12 is the environmentally superior alternative is inaccurate, and is not supported by the EIR analysis or the commentor's own table comparing impacts (refer to comment R-15FR). Refer to Table 6-7 (Agricultural Residential Cluster Subdivision Alternative Impact Comparison) and the discussion under Section 6.15.1 (Environmentally Superior Alternative to the Agricultural Residential Cluster Subdivision) of the Final EIR as well as Responses R-15FH through R-15HZ.

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S.L.O. CO. PLANNING DEPT

Letter R-16

01/30/2007

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

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

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

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

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

Sincerely,

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

Letter R-16

COMMENTOR: George D. Havale, Private Citizen

DATE: January 30, 2008

RESPONSE:

Response R-16A

The commentor requests that the EIR address potential impacts resulting from alternate traffic routes through the community of Santa Margarita, particularly along I Street. Refer to the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

It should be noted that this revision was included in the Revised Draft EIR.

Letter R-17

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

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

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

Miranda

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

Letter R-17

COMMENTOR: Miranda Joseph, Private Citizen

DATE: February 10, 2008

RESPONSE:

Response R-17A

The comment is not directed toward the Agricultural Residential Cluster Subdivision or Future Development Program analysis. No response is required.

Letter R-18

"Morgan Rafferty"
<morgan@ecoslo.org>

02/14/2008 02:50 PM

Please respond to
<morgan@ecoslo.org>

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

Hi Martha,

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

Thank you,

Morgan

Morgan Rafferty
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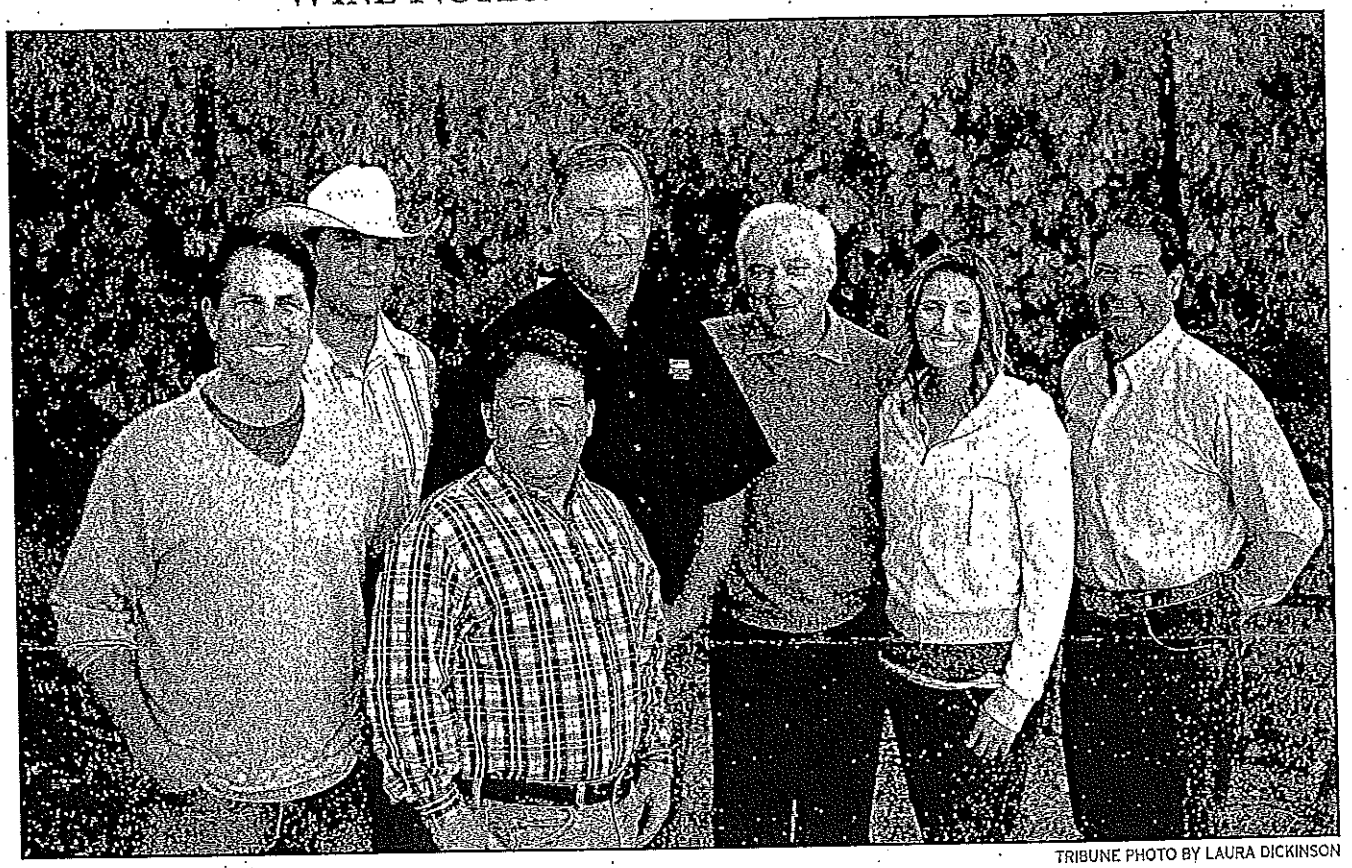
C



TRIBUNE PHOTO BY LAURA DICKINSON

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

Three families, one dream

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

ANCIENT PEAKS WINERY

Owners: Doug Filipponi, Karl Wittstrom, Rob Rossi

Winemaker: Mike Sinor

Cases produced: 5,500 in 2006

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

Online: www.ancientpeaks.com

BY JANIS SWITZER
Special to The Tribune

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

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

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

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

Partners in wine

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

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

See ANCIENT PEAKS, B7

Three families, one wine

Take a new peek at Ancient Peaks

BY KATHY MARCKS HARDESTY

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

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

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

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

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

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

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

Kathy's Pick

Tangent 2006 Eccelstone SLO County

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter R-18

COMMENTOR: Morgan Rafferty, Executive Director, Environmental Center of San Luis Obispo (EcoSlo)

DATE: February 14, 2008

RESPONSE:

Response R-18A

The commentor notes that the Agricultural Residential Cluster Subdivision may violate LUO Section 22.22.152(D) by conserving only 82.1% of the site area, as discussed in the last paragraph under Agricultural Residential Cluster Subdivision Impact AG-1 in Section 2.1 (Agricultural Resources) the Revised Draft EIR. The commentor's opinion that the applicant should submit a revised project that meets the 95% conservation requirement is noted.

It should also be noted, however, that the referenced discussion has been removed from the Final EIR (refer to Response R-15Z). Potential inconsistencies with the applicable ordinance will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

Response R-18B

The commentor notes discrepancies in the number of acres planted in vineyards on the Ranch, referencing two articles published in the *Tribune* and the *New Times*. The Final EIR notes that the Margarita Vineyard contains approximately 974 acres of plantings, while the referenced articles state that the Margarita Vineyard contains 866 acres of plantings.

The acreage sited in the EIR is based on an independent area calculation of the four vineyard area(s), and includes planted vineyards and support roads. The resulting acreage was used to calculate density, as agreed upon by the applicant and the County. The acreage cited in the *Tribune* and the *New Times* likely includes planted vineyards only. The source of the data cannot be verified, however, and will therefore not be included in the Final EIR.

Response R-18C

Refer to Response R-18B.

Response R-18D

Refer to Response R-18B.

Oaks California Oak Foundation

Our mission is to protect and perpetuate native oak woodlands

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February 21, 2008

Letter R-19

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

Re: Santa Margarita Ranch RDEIR

Dear Ms. Miller:

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

A

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

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

Earth Share of California
Federated ReLEAF

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

Cumulative Impacts

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

Air Quality

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

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

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

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

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

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

Summary

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

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

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

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

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

Sincerely,

Janet S. Cobb, President
California Oak Foundation

attachment

Forest Protocol Key Terms

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

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

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

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

California Oak Foundation

Attachment

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

Placer County Guidelines for Evaluating Development Impacts on Oak Woodlands

By Richard Harris, *IHRMP Natural Resources Specialist*

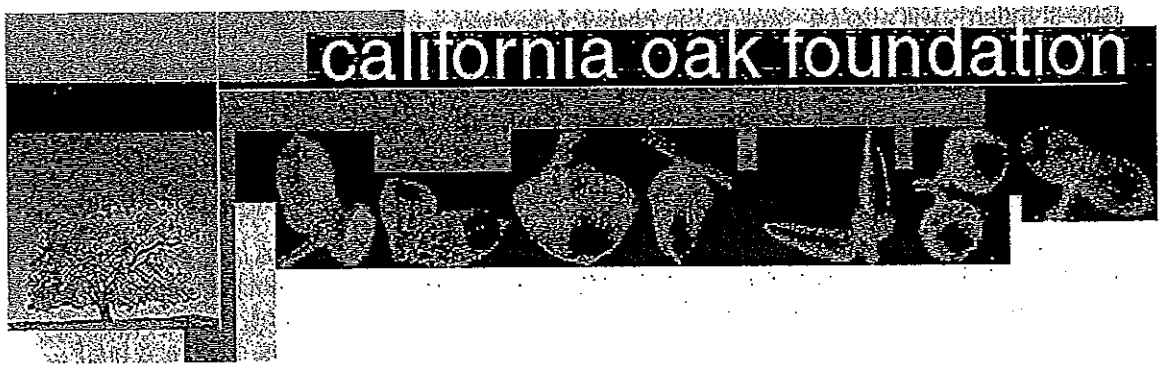
Placer County is the fastest growing county in California's Hardwood Rangelands, with over 47,000 homes (35% of county housing stock) constructed over the past 12 years. The passage of Senate Bill 1334, prompted county planning staff to re-evaluate their procedures for CEQA analysis of development projects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

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

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

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

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



February 2008

California Oak Report

OAKS & CLIMATE CHANGE EXPLAINED

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

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

California Climate Action Registry

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

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

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

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

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

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

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

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

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

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

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

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

Example: Reforestation Baseline
Landowner Bob in Alameda County wants to undertake a reforestation project on 300 acres of his land in 2008 so he can register and bank any carbon gains with the Registry. The area was formerly oak woodlands but it was cleared in 1980 by a previous owner to be a vineyard, though the vineyard ultimately failed. With the exception of a few remaining vines, the project area is mainly grassland with no tree cover. To characterize his baseline, Bob needs to provide supporting information to demonstrate that the project area has been out of forest cover for at least 10 years and that the area once had a minimum of 10% tree canopy cover. Bob could demonstrate all of these circumstances with county and state land use records or other historical data for the area. Finally, through a legal search Bob would demonstrate that no laws or regulations require him to reforest the project area. With this supporting information, Bob would be able to characterize his baseline as one that would have no active management over time, leaving the project area to remain in its present state with grass cover, a few vines and no forest cover. Bob's CO_2 credits would derive from the restocking of this land with oaks.

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

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

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

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Letter R-19

COMMENTOR: Janet S. Cobb, President, California Oaks Foundation

DATE: February 21, 2008

RESPONSE:

Response R-19A

The commentor claims that the conservation easements required by Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) do not constitute valid oak woodlands habitat mitigation per Public Resources Code § 21083.4(b). PRC § 21083.4(b) requires that a County apply "one or more" mitigation alternatives to mitigate a significant effect to oak woodlands, including "Conserve oak woodlands, through the use of conservation easements." Agricultural Residential Cluster Subdivision measure B-3(b) requires 50% of all those trees identified under measure B-3(a)(oak tree inventory, avoidance and protection plan) as being removed or impacted to be replaced per County and Kuehl Bill standards.

Response R-19B

The commentor claims that the Revised Draft EIR fails to quantify the extent and severity of cumulative oak impacts. The commentor specifically requests analysis of past, present and probable future projects, and lists land uses included in the Future Development Program as examples for probable future projects.

Past projects are inherently included in the existing (baseline) conditions, to which the impacts of the Agricultural Residential Cluster Subdivision are compared. Current project(s) include the Agricultural Residential Cluster Subdivision, for which oak tree impacts are analyzed in Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources*.

As noted in Section 4.3.2(d) (Cumulative Impacts) of the Final EIR, the evaluation of the Future Development Program, which includes the Agricultural Residential Cluster Subdivision, accounts for all of the expected growth in the Santa Margarita area, as it represents buildout of the major landholding that surrounds the existing community, consistent with the Salinas River Area Plan. Therefore, cumulative biological resources impacts from buildout of the Agricultural Residential Cluster Subdivision in combination with buildout of the Future Development Program are addressed in the Future Development Program impact analysis. Oak tree impacts from the Future Development Program are analyzed in Future Development Program Impact B-2.

Cumulative air quality impacts are discussed in Section 4.2, *Air Quality.*

Response R-19C

The commentor's claim that the referenced statement in the Revised Draft EIR is "contrary to fact and law" is unsubstantiated. The San Luis Obispo Air Pollution Control District (APCD)

has not identified significance thresholds for greenhouse gases, as indicated in the referenced discussion. The California Forest Protocols referenced by the commentor are not thresholds established by the APCD or the County of San Luis Obispo.

Although oak tree removal may in fact result in reduced photosynthesis, the quantification of this loss would be speculative. In addition, Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in the Final EIR requires that 50% of the oak trees removed or impacted be replaced at a 4:1 and 2:1 ratio, respectively, in accordance with Kuehl Bill and County standards. Replacement at this ratio would eventually increase photosynthesis on the Ranch.

Wildlife habitat impacts are discussed in Section 4.3, *Biological Resources,* of the Final EIR and carbon emissions impacts are discussed in Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR. Refer to these respective sections for mitigation measures as well.

Response R-19D

As noted in Response R-19C, the California Forest Protocols referenced by the commentor are not thresholds established by the APCD or the County of San Luis Obispo. Although oak tree removal may in fact result in reduced photosynthesis, the quantification of this loss would be speculative. In addition, Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in the Final EIR requires that 50% of the oak trees removed or impacted be replaced at a 4:1 and 2:1 ratio, respectively, in accordance with Kuehl Bill and County standards. Replacement at this ratio would eventually increase photosynthesis on the Ranch. Refer also to Master Responses 2 and 7.

Carbon emissions impacts are discussed in Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR. Conversion of oak woodland is discussed in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-19E

The commentor's opinion that climate change is a potential environmental impact that must be addressed in CEQA reviews is noted. Refer to Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR for such an analysis.

Response R-19F

The Agricultural Residential Cluster Subdivision does not include a refinery or a smoke stack of any kind. The referenced settlement does not directly relate to the EIR analysis. Refer also to Response R-19D. Attempting to quantify greenhouse gas emissions from the removal of oak trees would be speculative. Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR addresses greenhouse gas-related impacts from the Agricultural Residential Cluster Subdivision and Future Development Program.

Response R-19G

Refer to Section 4.2.3(c) (Regulatory Setting) for a discussion of Governor Schwarzenegger and AB 32. The Governor's purchase of forest carbon credits is irrelevant to the EIR analysis. Refer to Master Response 1.

Response R-19H

Refer to Responses R-19A through R-19G.

Response R-19I

The commentor notes that Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) does not mitigate impacts from the Future Development Program. The commentor is correct. This mitigation measure is intended for the Agricultural Residential Cluster Subdivision, as evident in the fact that it is located in Section 4.3.2(b) (Agricultural Residential Cluster Subdivision Impacts and Mitigation Measures) of the Final EIR. Impacts associated with the Future Development Program and associated mitigation is included in Section 4.3.2(c) (Future Development Program Impacts and Mitigation Measures).

The commentor additionally suggests alternate off-site mitigation, which would require preservation of 60 contiguous acres of oak woodland elsewhere in San Luis Obispo County. The commentor does not suggest a location for this easement. In addition, it is the opinion of the County that on-site mitigation would be more beneficial. The commentor does not explain why an off-site easement should replace an on-site easement.

Response R-19J

CEQA requirements have in fact been met. The commentor's opinion that the project should be denied is noted.

Response R-19K

The commentor provides a list of key terms. Comment noted.

Response R-19L

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

In contrast to Placer County, San Luis Obispo County has not yet adopted guidelines for evaluating impacts to oak woodland. However, Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR incorporates the County's current working definitions and thresholds. The Agricultural Residential Cluster Subdivision is not located in Placer County. As a result, the article does not directly relate to San Luis Obispo County or the Agricultural Residential Cluster Subdivision. No further response is feasible.

Response R-19M

The comment does not directly identify specific issues of concern with the Revised DEIR analysis. No further response is feasible.

Response R-19N

The commentor describes a carbon dioxide credit market and recommends that conservation easements involving 100 or more oak woodland acres consider joining this Registry. The commentor has previously requested that 60 acres be conserved as mitigation for the Agricultural Residential Cluster Subdivision. This recommendation would therefore not apply to the Agricultural Residential Cluster Subdivision.

Refer also to Response R-19G. The Governor's purchase of forest carbon credits is irrelevant to the EIR analysis.

Response R-19O

The commentor explains two types of forestry projects, including conservation and reforestation, and provides examples of each. The commentor does not suggest that either approach be used to mitigate the Agricultural Residential Cluster Subdivision, nor does the commentor explain how they relate to the Santa Margarita Ranch. No further response is feasible.

Response R-19P

The comment does not directly identify specific issues of concern with the Revised DEIR analysis. No further response is feasible.

Letter R-20

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

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

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

Santa Margarita Ranch development and overdraft projections on Upper Salinas need further investigation B
and analysis for baseline dryseson safe yield

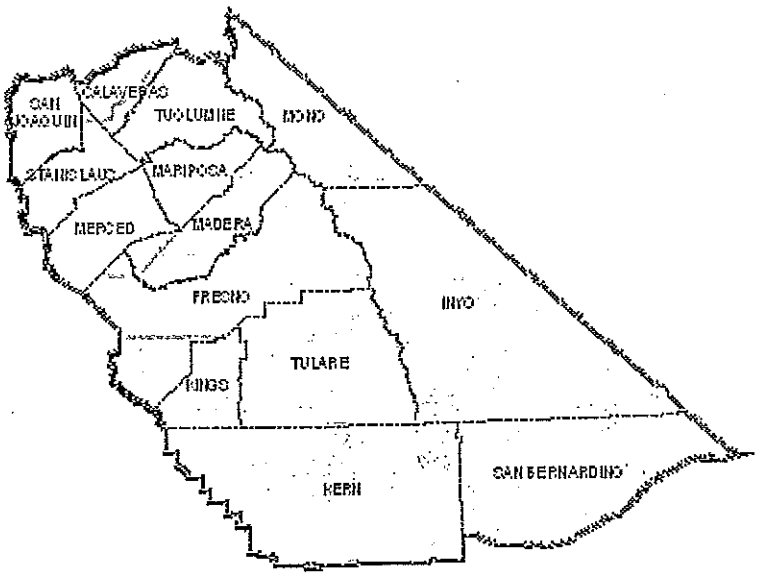
Enforcement Districts

Northern : : North Coast : : Central : : Southern

Central District Office

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

Central District Boundaries



NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Letter R-20

COMMENTOR: Michael Joseph, Private Citizen

DATE: February 24, 2008

RESPONSE:

Response R-20A

The commentor claims that maps in the Draft EIR refer to grapes as being dry farmed. Figure 2-7 in Section 2.0, *Project Description,* which depicts agricultural uses on the Santa Margarita Ranch, does not make this claim. It is unclear what other figure in the EIR would make such a reference. No further comment is feasible.

Impacts related to water use are addressed in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-20B

The commentor claims that the Agricultural Residential Cluster Subdivision and overdraft projections on the Upper Salinas River need further investigation. The commentor does not explain why additional investigation is needed. Refer to the analysis under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, the Agricultural Residential Cluster Subdivision would contribute to overdraft conditions. This is a Class I, *significant and unavoidable,* impact.

Letter R-21

RECEIVED
MAR 13 2008
SLO CO PLAN & BLDG DEPT

February 29, 2008

Martha Miller
Project Manager, Santa Margarita Ranch Project
County Building Department
976 Osos St. Rm 300
SLO, Ca 93408-2040

Ms. Miller,

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

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

In addition to diverting traffic from Estrada Ave. an additional entrance would allow fire/police access to the development in the event that Estrada Ave./Hwy 58 was blocked. During the warm months Pozo Saloon often has concerts that attract hundreds of cars. There have been times when I have been unable to leave my drive way for long periods of E

time due to the number of cars coming from an event. Also, it is not uncommon for the train to stop on the track at this end of town, blocking any movement of traffic. You add in an additional 1100 vehicles during peak hours and this could create a real problem. The morning train comes through town between 7:00-7:30 am, a peak time for people leaving to go to work. You add an accident, which the 90 degree curve on HWY 58 is known for, and there could be a deadly situation. E

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

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

Mike & Marshawn Porter

Mike and Marshawn Porter

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

February 29, 2008

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

Supervisor Patterson,

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

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H

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

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

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Mike & Marshawn Porter

Mike and Marshawn Porter

Porter
PO Box 422
Santa Margarita 93453

SANTA BARBARA
CA 931
12 MAR 2008 PM 1 T

"LET US DARE TO READ,
THINK, SPEAK AND WRITE"
John Adams,
powered by Microsoft

41USA

James Patterson
County Supervisor
Room D-430, County Govt. Center
San Luis Obispo, Ca
92453

93401/9999

Letter R-21

COMMENTOR: Mike and Marshawn Porter, Private Citizens

DATE: February 29, 2008

RESPONSE:

Response R-21A

The commentor expresses concern over the increased level of traffic that would occur as a result of the Agricultural Residential Cluster Subdivision. Refer to Master Response 5.

Response R-21B

The commentor recommends an alternate entrance to the Agricultural Residential Cluster Subdivision west of the community of Santa Margarita. Refer to Master Response 5 and Response 19C. Agricultural Residential Cluster Subdivision traffic would not significantly increase congestion within the community of Santa Margarita. As a result, access to the Agricultural Residential Cluster Subdivision via bypass of the community is not warranted. In addition, an entrance west of the community would not be optimal because an access road in this area would require additional paving and disturbance due to its longer distance, and would likely result in impacts related to farmland conversion and conflicts, biological resources (particularly blue oak woodlands, California annual grassland and emergent wetlands), cultural resources and public safety (rail crossing hazards). Such an access could potentially be provided as part of the Future Development Program.

Safety-related traffic impacts, including impacts to school crossings, are addressed in Section 4.12, *Transportation and Circulation.*

Response R-21C

Refer to Response 24D.

Response R-21D

Refer to Response R-21B. Access to the Agricultural Residential Cluster Subdivision via bypass of the community is not warranted and could increase hazards associated with rail crossing.

Response R-21E

Refer to Response 24E.

Response R-21F

Refer to Response 24F.

Response R-21G

The commentor's concerns are noted and will be forwarded to the appropriate decision-makers for review.

Response R-21H

The commentor forwarded their Revised Draft EIR comment letter to Supervisor Patterson. All Supervisors have received a copy of this letter. Refer to Responses R-21A through R-21G.

Letter R-22

RECEIVED
MAR 11 2008
SLO CO PLAN & BLDG DEPT

March 4, 2008

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

Dear Ms. Miller:

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

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

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

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

Sincerely,

Landon Young

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

Letter R-22

COMMENTOR: Landon Young, Private Citizen

DATE: March 4, 2008

RESPONSE:

Response R-22A

Refer to Master Response 1.

Response R-22B

The overdraft condition of groundwater on the Ranch is acknowledged in Section 4.14, *Water and Wastewater,* of the Final EIR. The commentor's observations regarding Trout Creek and the well on their property are noted and will be forwarded to the appropriate decision-makers for review and consideration. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Response R-22C

Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-22D

The commentor's opinion that the project should be denied is noted. Refer to Section 4.0, *Environmental Impact Analysis,* of the Final EIR, for a discussion of environmental impacts associated with the Agricultural Residential Cluster Subdivision and Future Development Program.

March 8, 2008

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

Dear Ms Miller,
Please see my comments below on the RDEIR for the Santa Margarita Ranch proposal.

2.8 Water and Wastewater

The EIR for the SMR proposed agricultural cluster subdivision project and the future development scenario cites mitigations for the significant and unavoidable impacts created by these proposals on the water table and the streams in the Upper Salinas watershed...CEQA policy requires that each public agency adopt objectives, criteria and specific procedures to administer these mitigation responsibilities successfully **BEFORE** a project is approved. (CEQA guidelines section 21082) **A**

These mitigations must successfully address siltation in the creeks and overdraft of the watershed and streams that run through the project boundaries. Impacts caused by over pumping of ground water, the apparent pumping of the underflow of Trout Creek, depletion of stream flows, grading, polluted runoff associated with septic tanks, construction and residential living, all must be resolved. Successful mitigations measures or compensation for these class 1 impacts including the over drafting of the Upper Salinas Watershed must be enacted or the project must be moved to another location outside of this environmentally sensitive area where it will not permanently degrade the environment or deplete the watershed. **B**

Additional impacts on the water table were brought forth in the revised draft by the addition of a previously un evaluated crop proposal that consists of ripping, planting and irrigating another 2000 acres of lands for vineyards. See the "Moore Ridge Vineyard proposal" and other proposed vineyards on the project map. There are currently approximately 950 acres being irrigated on the ranch. Just the additional vineyard and crop proposals will more than **double** current water use. Add the additional water demands of 112 large **C**

residences with landscaping and a winery, tasting room and event center, and this proposal will clearly devastate the Upper Salinas watershed. The project maps define the vineyards as "dry farmed" yet they are irrigated nearly every summer and were irrigated year round in 2007 due to drought. This pattern is likely to continue as California experiences hotter and dryer conditions associated with climate changes. C

Mitigation for such significant impacts must by definition, minimize, avoid, rectify, reduce, eliminate or compensate for these losses and offer the public something of equal benefit in return. The Impacts created by this project and by the future proposals are simply not possible or feasible to mitigate successfully and make the project unacceptable as presented. There are no benefits to the general public that can compensate for depletion of the Upper Salinas Watershed and for the further diminishment and polluting of the ground water due to 111 individual septic tanks on the hills above the flood plain directly adjacent to one of our community wells. There are already unacceptable levels of dangerous waste in the ground water in Santa Margarita. **To allow additional septic pollution and herbicide run-off from a residential development and a new vineyard DIRECTLY above and around the flood plain next to our town well is not only poor planning, but simply put, a ridiculously irresponsible proposal.** D

The public and the environment must rely on the county to protect the health of our watersheds, our streams and our drinking supply. Approving this project does none of those things. Mitigation is mere lip service and has failed in the past on the ranch beginning in 1999 when the vineyards were added and citations from several agencies demanded that the owners monitor stream flows and limit dry season pumping to protect these flows and threatened steelhead. **NONE** of these "mitigation" measures were ever implemented or enforced by DFG or other agencies. In fact the Warden in charge at that time of Steam bed Alteration permitting was Warden Glenn Sparks who must have been aware of non compliance issues regarding the Trout Creek well and reservoir. Mr. Sparks is now an employee of the Santa Margarita ranch which exemplifies the failure of agencies to carryout proposed mitigations. CEQA states that this situation of failed mitigation is all too common and is **unacceptable**. The mitigations proposed for watershed protection **must not be allowed to get lip service again on the Santa Margarita ranch. There must be specific enforceable plans in place BEFORE permits are granted.** E

Inadequacies with the water mitigation proposals in the DEIR are: F

1. Water conservation: This may slightly reduce the overall use, but **IS NOT** a mitigation.

2. Stream flow monitoring: This is **NOT** mitigation as it merely identifies the problem after the damage to the environment has already been allowed. This can be avoided by restricting water use and protecting the resource beforehand. (See photo of failed monitoring and abandoned flow meter device in Trout Creek just above Trout Creek well # 19, pump station and holding reservoir.) G

These "mitigations" do not minimize, avoid, rectify, reduce, eliminate or compensate for the devastation of complete ecosystems and endangered species that are dependent upon a healthy watershed. H

*CEQA does not have authority to insure a successful monitoring program, and this "mitigation" has clearly failed in the past on the ranch. Agencies have failed to enforce the water diversion and endangered species mitigations ordered in 1999 and 2000 and the stream flow monitoring and zero dry season pumping mitigation requirements on the ranch are still being ignored. There was ground water being pumped year round during last year's drought. I

The failure to address the current and future impacts of the Trout Creek well # 19 which hit water at over 1500 gpm at 8-10 feet must be acknowledged. According to C.D.F.G., CA. State Water Resources Control Board, National Marine Fisheries, U.S Fish and Wild life Service, National Oceanic and Atmospheric Association and local hydro geologist Tim Cleath, this well on the banks of Trout Creek, is likely connected to the underflow of the streambed and can visibly deplete stream flows. **Shouldn't these citations and impacts to the stream flows and water table in the Upper Salinas be addressed, monitored and mitigated first BEFORE more water extraction and additional impacts are allowed?** J

These impacts on the water table and ranch area streams from the vineyard have NEVER been assessed, nor were any of the enforcement, monitoring or mitigation requirements implemented. Without protection, surface flows K

on the Ranch and the federally listed Southern Steelhead are doomed. The stream flows and dependent species are already being threatened by just current water. To date there has been ZERO analysis in relation to current impacts of existing water use on stream flow. Some examples of this are: K

1. There are no water meters or monitoring agencies verifying current water use. L

2. There is no long term or short term objective data showing the actual accurate amount of acreage under irrigation, the actual number of irrigated vines or any basic record of information on how frequently the vineyards are irrigated or with how much water. M

3. **There is no dry season baseline data from which to assess current and future impacts, and ranch wells have not been analyzed or measured during dry season for their true safe yield capacities.** N

4.There are several new wells that have been added since the hydrology analysis was completed, and these well's impacts are not figured in to the total water budget. O

In order to properly evaluate the impacts of the vineyards on the ranch, there must be more detailed study completed **BEFORE** allowing the irreversible impacts of overdraft to occur. P

Some of the problems associated with the proposed mitigations on water use in the DEIR are: Q

*Mitigation would be based on a future program of uncertain activities or success .

*Mitigation is not successful once it becomes apparent that it is not working and thus is too late. R

* There is no way to effectively enforce any of the proposed mitigations for the long term, as individual home owners will install appliances and landscaping of their choice once the County signs off. S

The public is not obligated to accept permanent degradation of the Upper T

Salinas Watershed as there are no adequate mitigations or compensations for this loss. Therefore, before permits are granted for any additional water use on the ranch, consultants and agencies must be required to demand more detailed information of the existing water distribution system on the ranch to account for the inadequacies in current data. More information is needed, specifically a map with detailed drawings showing the location of all new and existing wells, all routing of piping, all pipe sizes, all connections to wells and pumps, all pump sizes and pumping capacities including rated gallons per minute, and head and horsepower. The map should show all the new wells and pumping systems that have been recently added on the ranch, along with complete well records, dry season well depths, drought time pumping capabilities and recharge rates. T

The consultants and hydrologists should be granted access to the pumping apparatus currently being used on the ranch to accurately analyze the existing water system which utilizes both propane and electricity to pump ground water, making it difficult to measure or monitor water use through electrical records or propane consumption. U

The applicant's reported use of 285 afy confirms the need for more thorough and objective analysis. "Ranch technicians" do not report the leaky irrigation that is often found in the vineyard while the irrigation system is pumping and wasting thousands of gallons of water un measured or monitored. V

As a keen observer and land owner with a deeded easement through the ranch to access my property on upper Trout Creek, I have 39 years of observing first hand the stream flows and the effects of drought on the ranch streams. In the last 7 or 8 years, I have witnessed significant decreases in stream flow since the ranch began pumping large amounts of water for irrigation beginning in 2000. There are over 30 additional "Ag" wells that have been added since that time, many of which are in the exact location of the proposed development corridor where there is no agriculture. W

Santa Margarita is subject to extreme fluctuations in rainfall and in ground water storage due to the shallow alluvial aquifers in the area. The water table is affected by extreme seasonal fluctuations of twenty feet or more and is highly dependent on rainfall to recharge and maintain healthy stream flows. X

Even with just the current agricultural demand on the watershed, there is serious concern among local residents and enforcement agencies that irrigation is already threatening critical habitat of the endangered southern steelhead who require healthy stream flows to survive. Furthermore, the Ranch is **NOT** "pumping from deep bed rock wells out of the Rinconada watershed" as they claim in their series of denials answering the water diversion complaint issued by the Ca State Water Resources Control Board in 1999. Rather most of their wells are in the shallow alluvial and water yields fluctuate drastically along with seasonal rainfall. Y

The county should prohibit any additional ground water pumping until a resource capacity study and baseline water data study are completed on The Upper Salinas Watershed. In conclusion, the proposed project cannot be sufficiently mitigated and it is: Z

AA

1. Against Ag policy 11 in San Luis Obispo's Ag and open space element (AG11, agricultural water supplies) that clearly states that groundwater should be used and maintained for agricultural purposes.

2. Against County Framework for inland planning to offset or swap the surplus ground water that would be allowed for agricultural uses with the supplemental water from the Nacimiento pipeline that is allocated only for urban uses. AB

3. The project is outside of the urban reserve line creating further inconsistencies with policy that restricts urban water services from being provided outside of the urban reserve line. AC

The DEIR points out (pp 7-18) that the allowance of Nacimiento water for an agricultural cluster could bring the growth inducing impacts to a Class 1 (significant and unavoidable) impact, as proposals allowing water to be brought into areas not previously served greatly increase the potential for urbanized development in rural agricultural areas. This may also encourage more attempts to change the legal designation of water use in the county, as evidenced by the applicants who are now investing and speculating on a plan to manipulate current land use ordinances in order to AD

force this development through, even though it clearly does not comply with the County Framework for Inland Planning or Ag Policy 11 (AG11) Offsetting or tweaking designated water use policy for residential and agricultural development is a developer driven scheme that will run rampant in San Luis Obispo County once you open that door. AD

The applicants are pushing two options for additional water, neither of which comply with the county's Ag and open space policy 11, which states that ground water is to be maintained for agricultural uses and if any surplus exists, then it may be used for residential purposes. Similarly, water brought from outside of the urban reserve line is not allowed for residential uses. If this change in policy is allowed now, for this project, it is clear that proposals outlined in the future development program will be imminent, rather than "something that may never happen" as described by owner-developer Doug Filliponi in a Feb. 21st San Luis Obispo Tribune article. The future impacts are an unknown thus how can the public coherently comment on something that is proposed, but "may or may not" happen? This is piece-mealing the projects impacts and prevents us from making accurate assessments of the overall long term impacts created by the proposed and future development proposals. This is a violation of CEQA. AE

Archeological Impacts:

The RDEIR does not address additional archeological impacts that will be created by the recently added areas planned for new vineyards and project alternatives. For example, the proposed Moore Ridge Vineyard would rip the remainder of the old historic Ranch Road that has been in use since 1860 and is clearly marked as an archeological sensitive area that was designated and recorded in 1942, I believe by the county of SLO. AF

The county and CEQA requires mitigation plans to be in place **BEFORE** permits are granted and these sensitive archeological areas are destroyed. There must be buffers and set backs of 60 feet or more when an isolate or special archeological designation area is proposed for construction or ripping for agriculture. There would be no way to have a set back from the old historic road which is slated for ripping for new vineyard. There are several other identified archeological safe zones directly in the proposed project alternative areas. There must be archeological surveying done AG

before the ripping of a new vineyard or development occurs on top of an archeological site. There is no adequate mitigation for this kind of destruction.

AG

Sincerely,

Miranda Joseph 1038
Santa Margarita , CA 93453

March 8, 2008
Martha Miller, Project Manager
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

2-74 Revised Steelhead impacts and mitigation

Dear Ms. Miller,
The steelhead management program to be authored by NOAA & FESA will design required protection measures to mitigate impacts and preserve critical habitat including setbacks, buffer zones, pollution and drainage control, along with other mitigation measures identified in the Draft EIR. But there is a far more important and effective mitigation not identified in the DEIR or in agencies' future protection plans for threatened and endangered Steelhead and their federally protected critical habitat: **This is the need to prevent over drafting the water table in the Upper Salinas by restricting ground water pumping so that streams can maintain healthy surface flows year round, not just at flood stage.** AH

1) The current and future proposed projects and vineyards create a Class 1 impact on the watershed by depletion of the ground water basin. AI

2) The resulting depletion of surface stream flow through overdraft will also create a Class 1 impact on the Steelhead. The connection is inextricable: NO FLOW = NO FISH! AJ

Overdraft is predicted by the DEIR from the Ranch's proposed additional uses of ground water. Even now with current levels of ground water pumping, there are already visible signs of negative impacts on surface flows of Trout Creek and neighboring tributaries that flow in and around the proposed development site. These streams were depleted to subsurface levels during last year's drought, apparently as a result of the year-round ground water pumping for vineyards that occurred simultaneously with the drought. Trout Creek has NEVER gone completely sub surface in the 39 years I have observed summer flows, even during previous droughts. AK

U.C. Davis anadromous fish biologist Lisa Thompson conducted a study on steelhead in the tributaries of the upper Salinas in 2006. She and watershed expert Royce Larson used ribbons to mark pools and count fish AL

populations on our property a mile upstream of the Trout Creek well and pumping station. Last year in June these same pools where healthy steelhead were counted the previous year in August, ran bone dry. The vineyard required year round irrigation last year due to lack of rainfall and it is clear that this pattern is likely to continue. The wholesale pumping of the underflow of Trout Creek should be decreased to protect steelhead habitat **NOT** increased for proposed residential development. The Trout Creek well pumps 1000's of gallons of under ground stream water to a massive concrete holding reservoir a few hundred yards away. This pattern cannot continue without permanent, irreversible damage to critical steelhead habitat. Several sea- run Steelhead over 22 inches were spotted this year by experts in the field in Trout Creek; Similarly, Lisa Thompson verified the presence of at least one sea- run Steelhead over 21 inches in Upper Trout Creek in her study of August 2006. **Considering the precarious water flows in all the area streams, the impact on Southern Central Steelhead from just the first phase of the project's proposal is by no stretch of the imagination a Class 11 impact but rather has a "significant and unavoidable" (Class 1) impact.** The federally listed Steelhead, whose survival depends directly upon healthy stream flows can no longer return to their spawning grounds and can not exist even seasonally in a watershed with streams that are depleted and running subsurface every summer and fall.

AL

According to the Water Resources Advisory Committee, there is already a cone of depression forming along Pozo Road caused by over pumping ground water, signaling trouble and providing evidence that there is a need for immediate restriction on ANY increased water use until a resource capacity study can be completed and baseline dry season information can be obtained. With increasingly dryer winters and hotter summers, it is clear that our streams need protection **NOW** before they are impacted any further. Increased water use for agricultural and/or residential development on the Santa Margarita Ranch must be denied until a thorough and objective resource capacity study and dry season safe yield budget for the water table is completed over a complete hydrological cycle in the Upper Salinas Watershed and on the Ranch.

AM

With development reaching further and further into rural and wild lands, these fish are losing their battle for survival all over California. The state is spending large amounts of money to restore its damaged and depleted waterways which threaten the future survival of Steelhead. Extinction is not acceptable. We have a responsibility to save an existing habitat before we are in a situation of having to apply for state funds to restore the Upper Salinas Watershed. Prevention benefits everyone, except the few who stand to make the most money. AN

It is contrary to common sense to assert at this point, that without further dry season baseline information on the effect of stream flows from current water demands, that the Upper Salinas Watershed could support the demands of an additional 2,000 acres of irrigated crops, with a massive residential neighborhood, wineries and event center. The damage will be irreparable given the countless sensitive areas within the project boundaries containing endangered species and archeological significance. There is no mitigation for permanent destruction of critical habitat. AO

CEQA will not allow a project to be permitted unless there is sufficient water for **ALL** potential demands, present and future, **at the time of the project proposal and before permits are granted.** The CA Supreme Court acknowledged that the burden of identifying likely water sources for a project varies with the stage of the project approval. "The need to know where the water is coming from will be more precise at the building permit phase than at the conceptual plan phase." The high court emphasized that **"the ultimate question under CEQA is not whether an EIR establishes the likely source of water, but whether the EIR has examined the reasonable foreseeable impacts of supplying water to the project."** As emphasized by the high court, CEQA is concerned about a proposed project's effect on THE EXISTING PHYSICAL ENVIRONMENT. "For example, does supplying the water to a proposed project dry up an existing free flowing stream or exacerbate a potentially over drafted groundwater supply?" (CEQA guideline for Ca.) The answer is yes, yes, and yes again. According to several regulating agencies (NOAA, NMFS, DFG and the Ca State Water Resources Control Board) the impacts of just current water usage on the water table and stream flows may already be significantly impacting threatened species. AP

The rampant exploitation of California's dwindling open space, natural resources, and wildlife habitat must be curtailed. The county has regulations and clear policies governing land use and requiring Smart Growth principals clearly stating that new growth must be in existing urban areas and that there must be adequate resources to support that growth. This project goes against all common sense and against most of these existing Ag and open space policy's that should not be manipulated by a small group of special interest developers who stand to benefit at the expense of the environment and people who live here. AQ

Sincerely:

Miranda Joseph
Po Box 1038
Santa Margarita, CA 93453

Ms Martha Miller
Lead Planner
San Luis Obispo Dept
of Planning and Building.

Comments on the Luhdorff Scalmanini water availability/use rebuttal to the EIR'S study by HOPKINS, paid for by Santa Margarita Ranch for proposed development project. Spring/Summer 2007

Dear Ms Miller:

I am a private land owner with property located at the headwaters of Trout Creek and bordering Santa Margarita Ranch on one side, and the Los Padres National Forest and Water Canyon on the other. My family has owned the property since 1969, and we have spent nearly forty years enjoying the abundant clear-water streams which run through our valley and the amazing diversity of wildlife which frequent those streams. We are not scientists or hydrologists, but we have for four decades been keen observers of the area - and the changes that have occurred over time. What we have observed in recent days has been alarming! AR

True to its name, Trout Creek historically has supported a population of Steelhead Trout that has thrived in these streams until very recently. We had a five-year drought in the late 1980s when Trout Creek showed a reduction in surface flow on a quarter-mile portion of the creek down stream from us. That was the driest we had seen the creek in 20 years. AS

These drought and recovery cycles are normal and the creek retreats every summer. However, since the establishment of vineyards - and the associated pumping for irrigation - at Santa Margarita Ranch, everything has changed. And the situation this year has gotten dramatically worse .I have seen federally protected steelhead trout caught and dying in tiny pools of water in areas where the stream usually flows cold and fast year round. AT

Not even in the five year drought of the late 1980s did I see such complete devastation of the surface flow of Trout, Rinconada and Yerba Buena Creeks. There are pools in Trout Creek where UC Davis biologists Lisa Thompson and Royce Larson marked with study ribbons and counted healthy fish populations and measured water temperatures and flow levels last year. Right now, at the end of July, just one year after their study, many of the pools used to collect data are bone dry. Trout creek is retreating underground now a full mile higher up than where it did even in the five year drought, and we are only in July! AT

The irrigation system for the vineyards at the Ranch include a maze of wells throughout the ranch, and visible surface water flow has gotten lower and lower each year since the vineyards were planted. For the last four years, we have observed moss in most of the low lying areas of Trout Creek, and what appears to be high levels of mercury which is naturally occurring, but harmless when water flow is higher and temperatures colder. In39 years, I cannot recall ever seeing this mossy condition that now exists in Trout Creek and other neighboring creeks. AU

Luhdorff and Scalmanini, consultants hired by the Ranch's owners/developers, authored a 15-page hydrology analysis rebutting the findings in the Draft EIR for the proposed residential ag "cluster" subdivision. They have attempted to dispute the gloomy groundwater projections in the Hopkins hydrology study. AV

Interestingly, Luhdorff and Scalmanini were also hired by developers Redwood Equities, Van Logan, Quaker Hill and Brookline Homes, along with the City of Rohnert Park, to argue against existing data and an EIR that projected overdraft and insufficient water for their proposed development in Rohnert Park, California. In that case, the existing data showed that the aquifer was already in overdraft, but this was argued and the facts were manipulated by Scalmanini's report. A vast cone of depression AW

has been created in Rohnert Park and the aquifer that lies beneath the city is in serious overdraft and is negatively affecting well levels in unincorporated areas surrounding the city. AW

John King, a Penngrove rancher was the first local citizen to raise a ruckus about his declining well levels in 1999. By 2000 his and other neighboring farmers wells were running dry and they banded together and successfully sued Rohnert Park. The Luhdorff/ Scalmanini report findings are "tremendously favorable to the developers who paid for it and the object of the draft WSA is to reinvent groundwater history in order to support new development", says sixth-generation Penngrove hydrologist and scientist for Livermore Laboratories, Steve Carle. AX

Suspiciously, a region long thought to be in overdraft was transformed by Rohnert Park and the Luhdorff/Scalmanini draft WSA into an area where, as Carle put it, "water was gushing out of the aquifer." Scalmanini was hired by the Rohnert Park developers to argue the data and findings in that EIR just as they are now doing for the owners of the Santa Margarita Ranch. It raises some serious questions about the Luhdorff and Scalmanini report, which should be carefully scrutinized. AY

For example, on page 9 of their report, the firm argues that "a combination of observed conditions and the reported results of a perennial yield analysis undermines any conclusion that the water yield is limited to what may prove to be in the range of 400-600 afy," and calls Hopkins's bleak projections "speculative and unsubstantiated." Yet the Scalmanini report relies its own "observed conditions," and data collected from "ranch technicians," who no one could seriously expect to be completely objective. From my perspective as someone who has been watching these streams for almost 40 years, the "observed conditions" are that creek levels have gotten visibly lower and lower each of the last several years since the irrigation AZ

for vineyards began. One can only assume that that pumping has resulted in an overuse of water from the various aquifers underlying the Ranch. AZ

One of my primary wells ran dry on July 14th. That has never happened in the 39 years we have owned the property. There is nothing speculative or unsubstantiated about it! Furthermore, Scalmanini argues that water use in the EIR is overstated because mature grapes like the ones on the ranch now, require far less water than immature or newly planted vines. Yet, as of August 10th, 2007 I counted hundreds, perhaps into the 1000's of brand new vine starts which were being planted all over the vineyard to replace dead or unproductive "mature vines." Again, Scalmanini's argument about water use is being underestimated as this replacement of "mature vines" with brand new starts will require AT LEAST what Hopkins estimated, if not more. BA BB

The results of Scalmanini's overly ambitious water projections were relied on in Rohnert Park and that city is now on the verge of a water war. Do we want to see the same thing happen here? It does not take a scientist to see what is so obvious: too much water is already being used on the ranch, and Trout Creek and neighboring streams cannot survive an increased demand of water for the proposed residential subdivision, wineries, sprawling golf resort, and other uses. It is critical that good data be collected during times of drought, such as we are now experiencing. The use of statistical manipulation to find a "mean annual precipitation" that supports the claim that groundwater recharge occurred during a cycle of "average precipitation" when it most likely occurred because of an above average year, is intentionally misleading. In actuality they paired a flood year with drought years to create the illusion that rainfall was not above average and that re-charge was occurring with only average rainfall. This manipulation of data results in findings that are misleading, at best. BC

Even in the wettest years, such as 2005, when we BD

measured above average rainfall of 35 inches, by the end of summer, Trout Creek could not maintain the surface flows we have observed in most years prior to the siphoning of water for the vineyard. This is evidenced by moss and mineral build up and the surface flow going COMPLETELY UNDERGROUND like it is did beginning in June, 2007. BD

This disastrous situation happened after only ONE year of drought. Furthermore the SMR has plans to add Additional vineyards that are not even figured into their current water budget which again was orchestrated using data collected BY the developer with the help of Luhdorff and Scalmanini. BE

PRIOR to the vineyard irrigation, even in a five-year drought, the streams had healthy re-charge. Contrary to Scalmanini's claim on page 8 that "the ranch would not be expected to impact other users" the water levels will - and already have - had major impacts on other users. BF

At least, I consider my well running dry in early summer after only one year of drought a major impact! And I consider federally listed steelhead trout whose streams are being completely depleted, to be other users. Not to mention Red Legged frogs and some 32 other threatened or endangered plants and animals that depend on this year round flow. BG

Scalmanini's claim that there is adequate ground water for a massive housing project, golf courses, event centers, bed and breakfasts, dude ranch and guest lodge and 9 wineries with public tasting rooms is laughable! It doesn't take an expensive study to see that the streams cannot even re-charge in a one year drought now, even with just the current vineyard use. The Scalmanini claim that the Hopkins hydrology study was of "speculative nature" is ironic, considering the lack of any concrete or objective data that can justify their own conclusions! BH

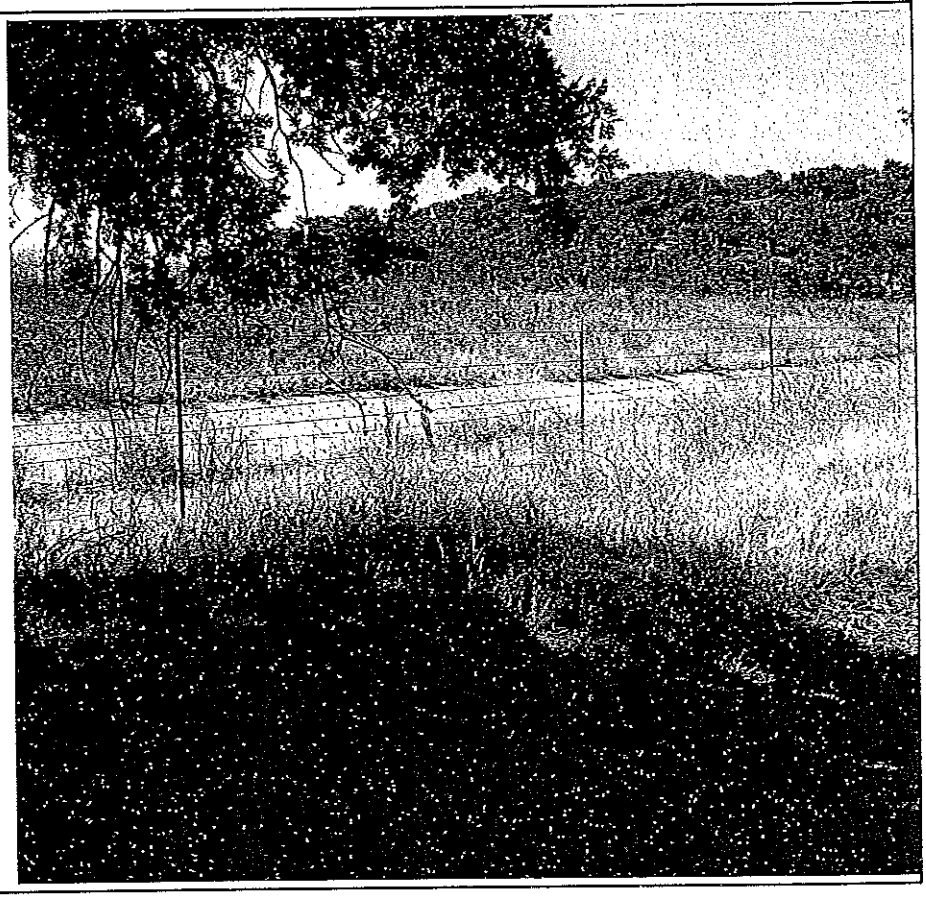
A complete hydrological study is needed to assess whether this fragile watershed has enough water to sustain the continued operation of the BI

vineyards, let alone the addition of 111 Mcmansions with landscaping and 2000 more acres of vineyard. That more than triples the current irrigation demands and the vineyards **ARE NOT** dry farmed as the project maps declare. The creeks are already in crisis. BI

The data that was collected to support Scalmanini's claims was intermittent and much of it was collected before the effects of long-term pumping could be accurately measured. Perhaps we should look carefully at what happened in Rohnert Park based on Scalmanini's technical advise. The first signs that there was a problem there were wells running dry. This is happening here now, even before any development has occurred. BJ

California is facing an uncertain future with hotter summers and dryer winters. This urban sprawl out into range land will compound the State's water crisis and the create a big pay off now for the developers. Once the water runs dry, County will have to change policy to allow urban water to supply the ag cluster once since once its built, you can't deny people water. By law an Ag cluster must have sufficient excess ground water to support the housing indefinitely. This is clearly NOT THE CASE and more dry season baseline study is needed to support "the proven resources" claim we keep hearing about over and over again. BK

Miranda Joseph 459 6549
PO Box 1038
Santa Margarita, CA
93453

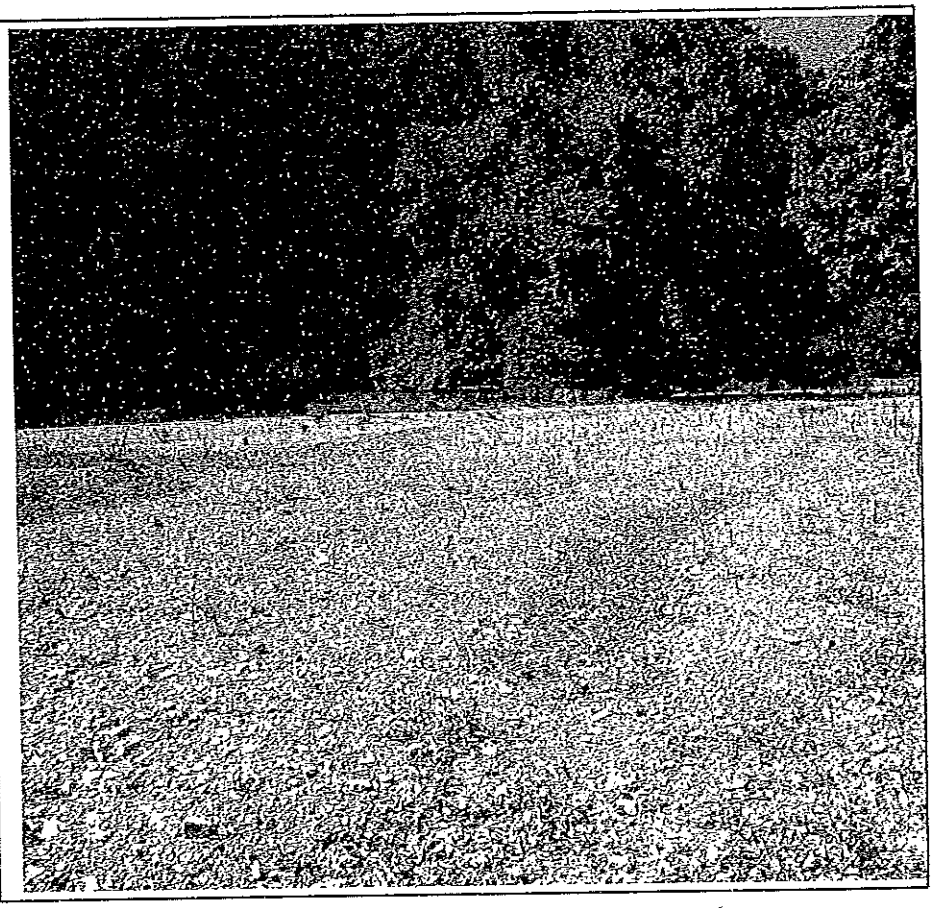
	Pictures of Trout Creek - Miranda Joseph
This is a picture of the cement bottom holding reservoir next to Trout Creek and Trout Creek Well #19 and extensive pump station. Reservoir holds water that appears to have been pumped from the underflow of Trout Creek.	

BL

Quarter mile upstream of Trout Creek Well and pump station. June 2007.

This usually runs through the summer not showing signs of drying up until early fall.

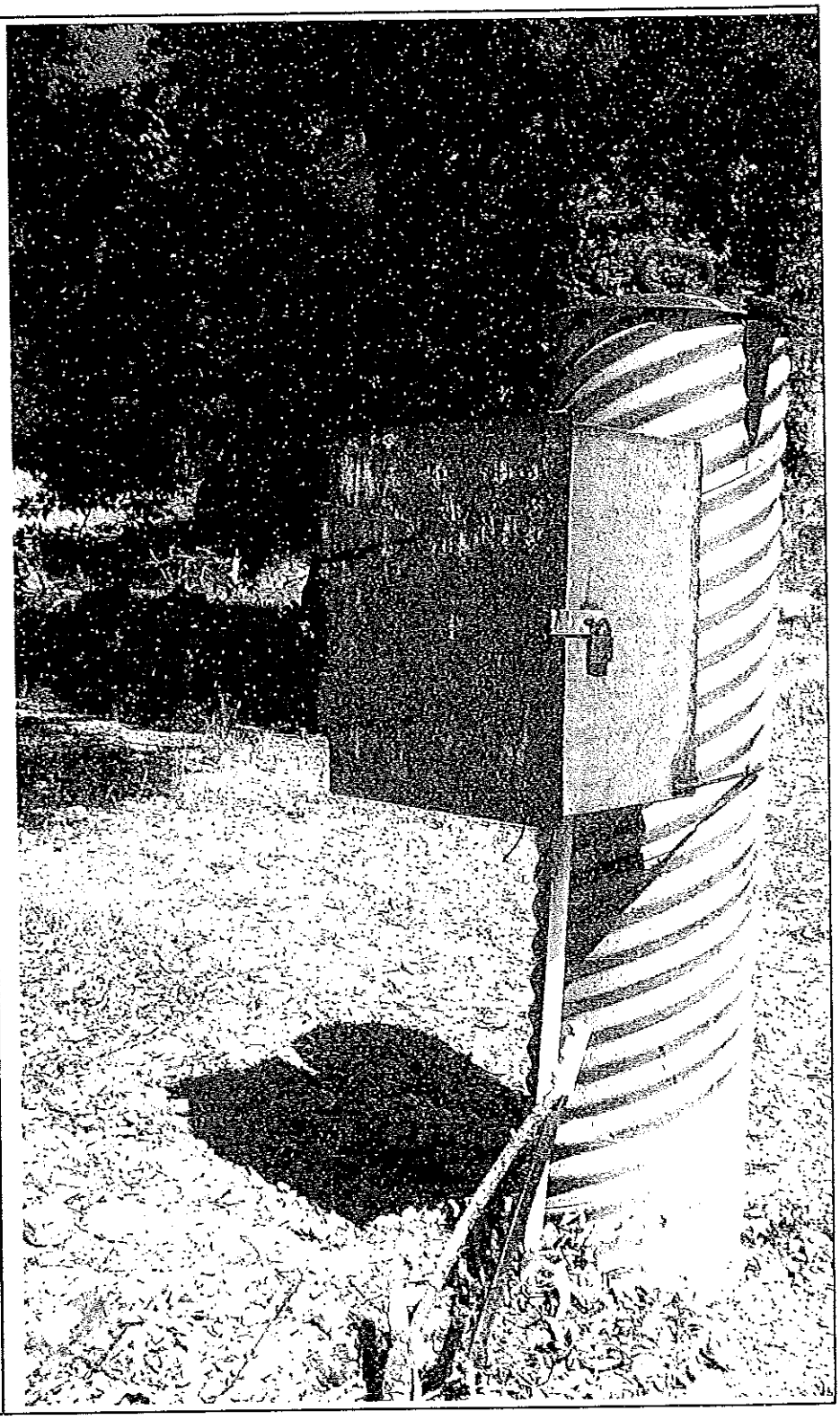
I believe it is dry at this time because of extensive pumping of Trout Creek well.



BL

Flow meter installed to mitigate 1999 - 2000 citations for impacts of stream flow diversion. Required for reservoir construction to assess flow levels and impacts. This has been long abandoned.

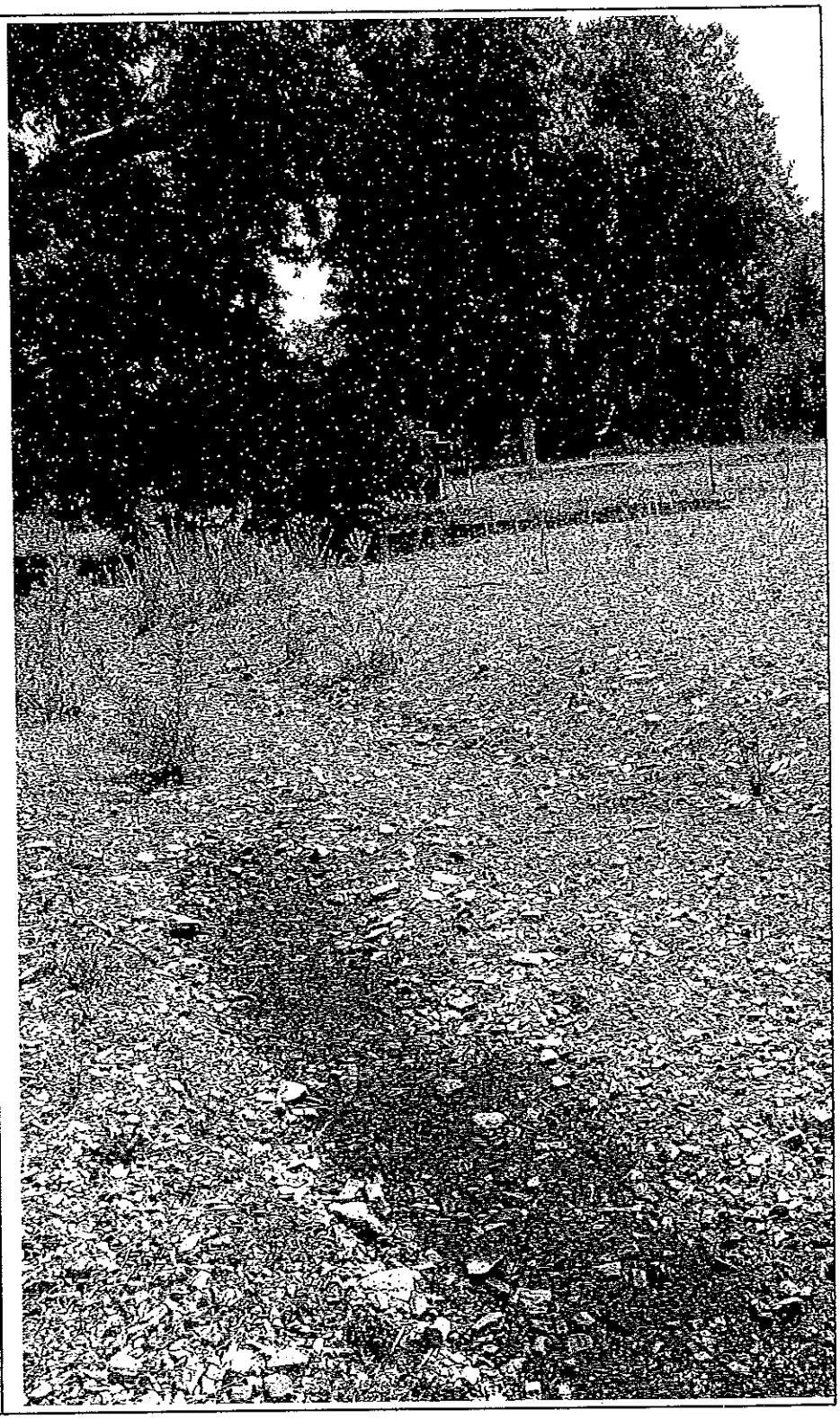
This is an example of the failure of mitigations imposed in the past.



BL

Trout Creek with flow meter in the back ground. Picture taken in early June 2007.

The ranch pumped year round due to record low rain fall this year. This pumping during drought times causes the creek to dry up.



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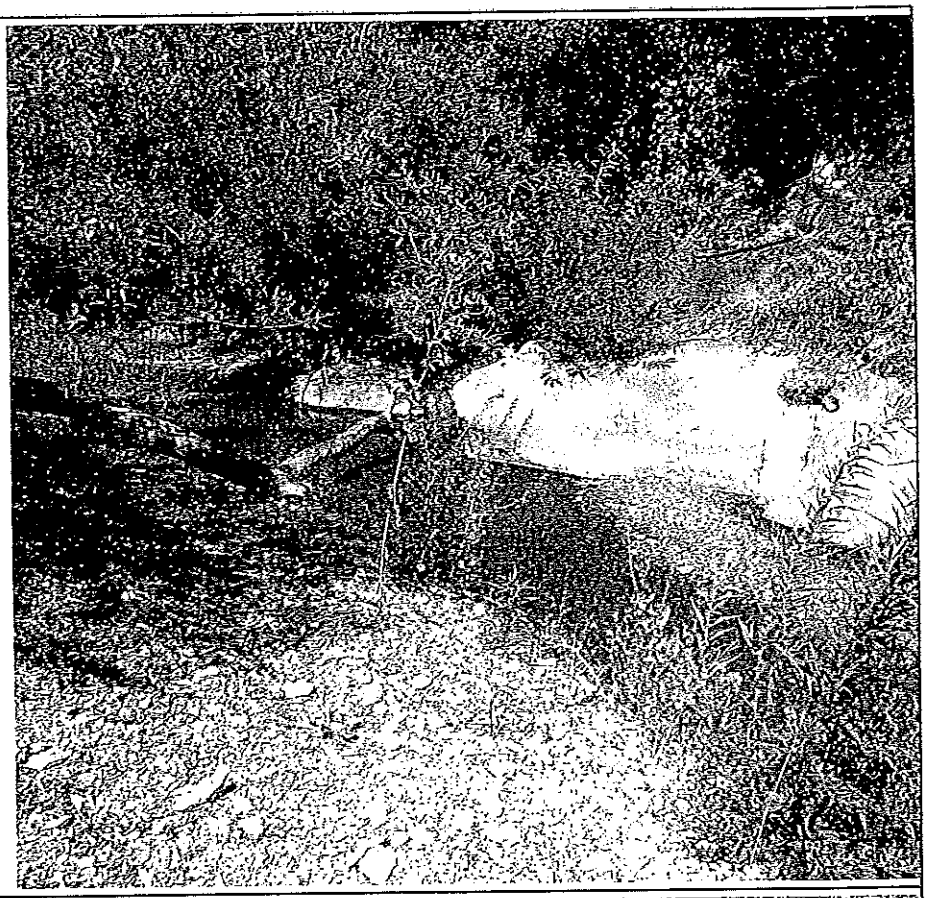
Trout Creek crossing in the upper reaches approx ¼ mile upstream from the meter. The stream goes sub surface 100 yards below this point at the meter.
It again goes subsurface just 50 yards up stream from this picture for another mile.
NEVER has the stream run dry above this point at ANY season since 1968.
Note slow, brown ,mossy water-indication of unhealthy flow level.

BL

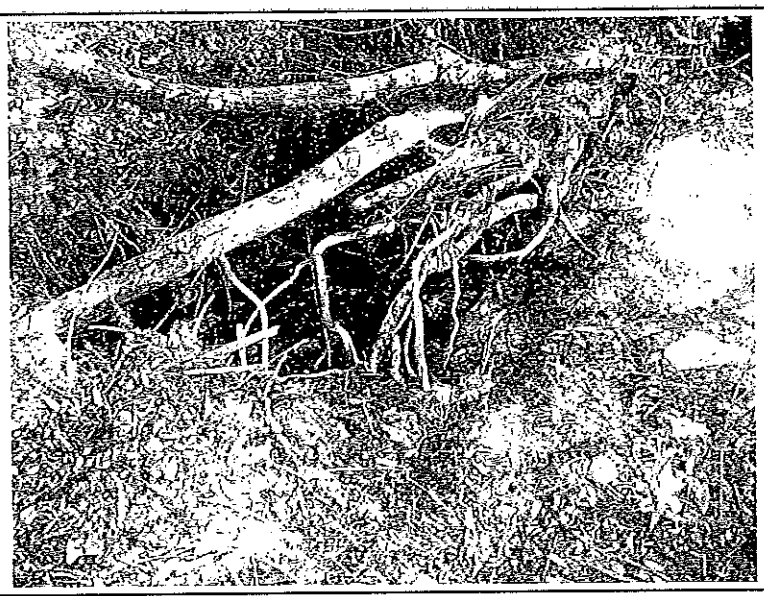
Trout Creek - Note water line stain on rocks indicating normal flow levels approximately 18 inches above current creek level.

After major rainfall in February 2008 a 23 to 24 inch sea run steelhead was spotted at this location.



One mile upstream of the previous picture at "Rocky Crossing" at the base of Water Canyon. This pool was marked by the UC Cooperative Extension and U.C. Davis anadromous fish researcher, Lisa Thompson, to count healthy steelhead populations in August 2006. In June 2007 this section is bone dry. This is the first time in the last 39 years of my observation that this section of creek has ever been dry. The Name Water Canyon has always indicated year round water.

BL

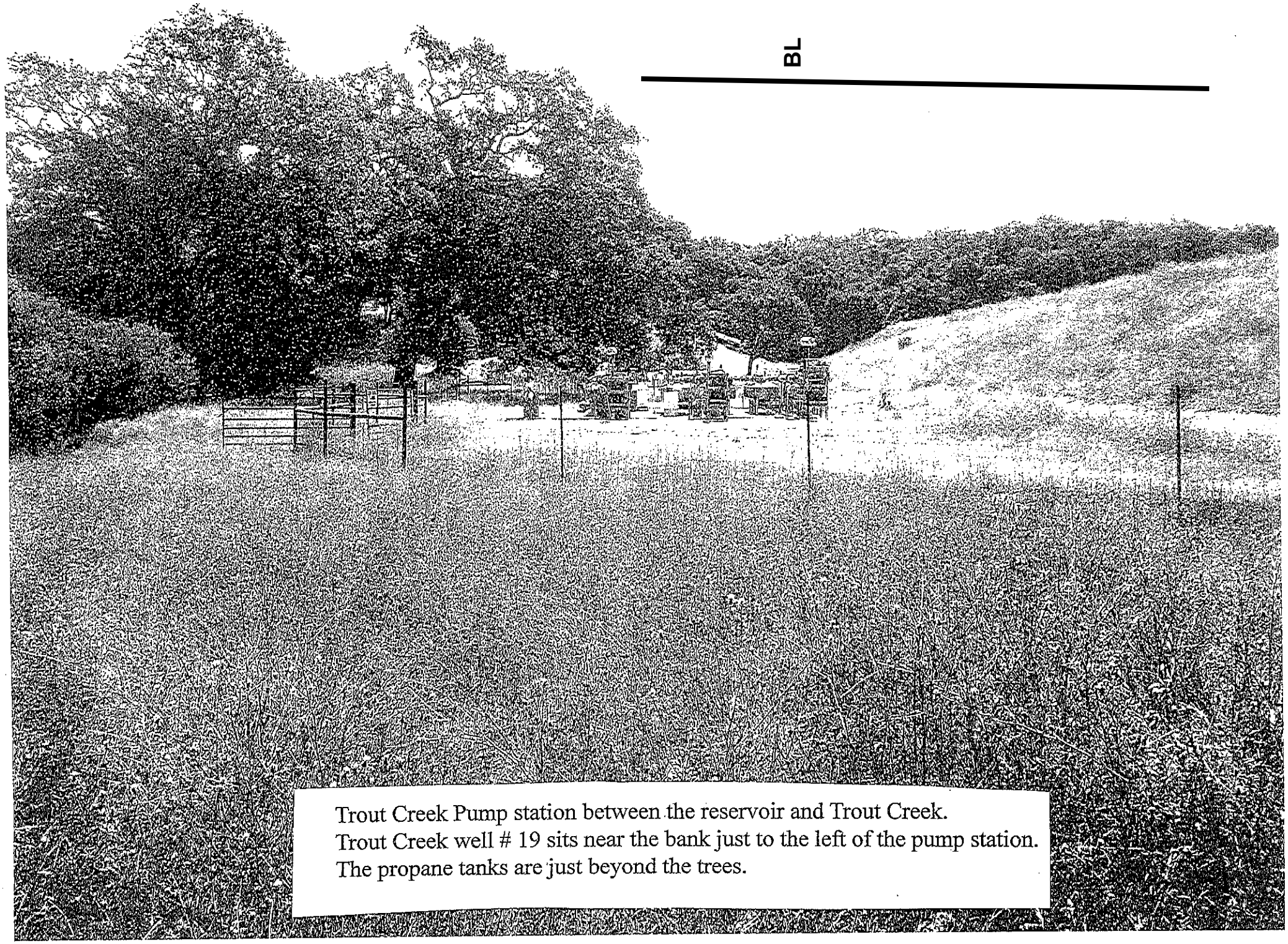
Steelhead caught in former study pool from Thompson study of August 2006 This is now dry as a result of sub surface pumping of Trout Creek. There is NO flow here, just a few fish holding on under the roots.	
Water Canyon Upper Trout Creek study area. Results of pumping of underflow of Trout Creek for vineyard operations and to fill concrete lined reservoir. Picture taken June 2007. Until massive pumping of subsurface flow of Trout Creek this creek portion of the creek has provided a healthy habitat for steelhead year round.	

BL

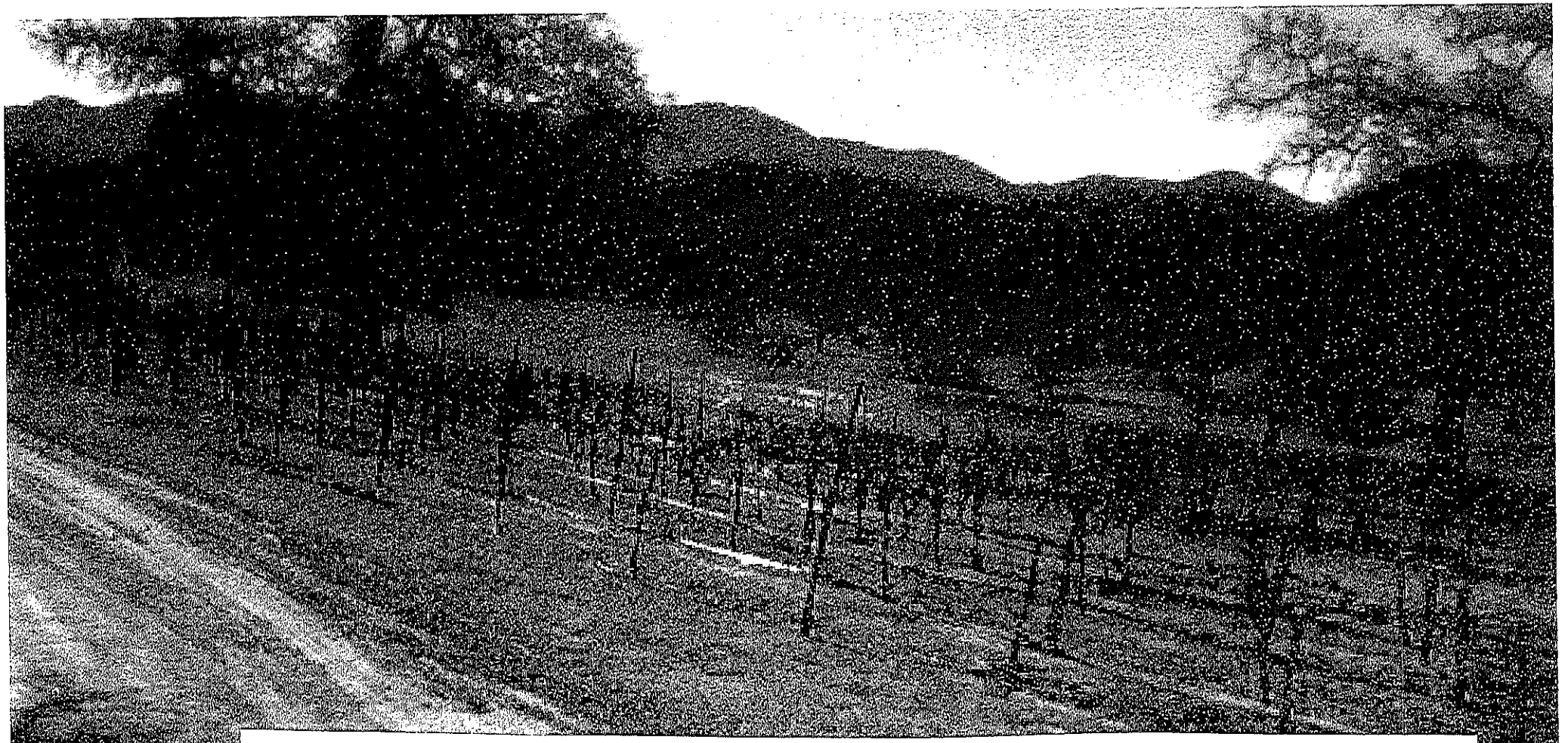
Upper Trout Creek study area. Results of pumping of underflow of Trout Creek for vineyard operations and to fill concrete lined reservoir.

Picture taken June 2007

BL



Trout Creek Pump station between the reservoir and Trout Creek.
Trout Creek well # 19 sits near the bank just to the left of the pump station.
The propane tanks are just beyond the trees.



Irrigation in late March, Spring 2007. It was hot and dry last Spring and this was not for frost protection. Irrigation continued until the first rains in the fall. By June, Trout Creek was completely subsurface on our property. (See Photos) We have never scene this happen during any drought previous, going back to 1968. Now with the addition of the Trout Creek well and pump station and some thirty or more wells that have been added, the irrigation has already created a class 1 impact and IS "affecting other users"

Note: Pools of water are forming and running off due to leaky irrigation and broken connections that can found all over the vineyards.

BL

BL

Irrigation in late March, Spring 2007. It was hot and dry last Spring and this was not for frost protection. Irrigation continued until the first rains in the fall. By June, Trout Creek was completely subsurface on our property. (See Photos) We have never scene this happen during any drought previous, going back to 1968. Now with the addition of the Trout Creek well and pump station and some thirty or more wells that have been added, the irrigation has already created a class 1 impact and IS "affecting other users"

Letter R-23

COMMENTOR: Miranda Joseph, Private Citizen

DATE: March 8, 2008

RESPONSE:

Response R-23A

The commentor states that public agencies must adopt objectives, criteria, and procedures for administering mitigation measures before a project is approved, citing CEQA Guidelines § 21082. However, there is no § 21082 in the CEQA Guidelines [CEQA Guidelines include §§ 15000 through 15387 of the California Code of Regulations (Title 14)]. It is therefore assumed that the commentor is referring to California Public Resources Code (PRC) § 21082, which states that: "All public agencies shall adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to this division…Such objectives, criteria, and procedures shall be adopted by each public agency *no later than 60 days after the Secretary of the Resources Agency has adopted guidelines* pursuant to Section 21083" (emphasis added). The referenced PRC Section does not require that these agencies adopt procedures prior to project approval, as suggested by the commentor.

Response R-23B

Refer to Sections 4.3, *Biological Resources,* and 4.14, *Water and Wastewater,* of the Final EIR. Mitigation measures included therein will become requirements of the project, should the project be approved.

Response R-23C

The commentor notes that additional planned vineyards and orchards (as discussed in the Revised Draft EIR and Final EIR), would further impact groundwater on the Ranch. The comment is noted. However, these planned vineyards are not part of the Agricultural Residential Cluster Subdivision or Future Development Program. The projected demand from these vineyards are considered in the baseline water demands for the Ranch (refer to Table 4.14-1 in the Final EIR).

It should also be noted that the current proposal includes the Agricultural Residential Cluster Subdivision only, and does not include wineries, tasting rooms, or event centers, as suggested by the commentor.

Response R-23D

Refer to Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water) and the *Residual Impacts* discussion that follows. The applicant would be required to obtain imported water for the Agricultural Residential Cluster Subdivision, should it be approved. As a result,

the Agricultural Residential Cluster Subdivision would not deplete groundwater as it would not be allowed to use it.

Refer to Agricultural Residential Cluster Subdivision Impacts W-2 and W-3 in Section 4.14, *Water and Wastewater,* of the Final EIR for a discussion of impacts related to septic system design and the effect of wastewater discharge systems on groundwater quality, respectively. Refer to Future Development Program Impact W-5 for a discussion of impacts related to winery wastewater and groundwater contamination.

Response R-23E

The commentor's support of project denial is noted. In addition, mitigation measures included in the Final EIR contain timing and monitoring requirements and are designed to be fully enforceable by the County of San Luis Obispo. The commentor does not list specific mitigation measures which simply provide "lip service" and therefore no additional response is feasible. Refer also to Responses R-23F and R-23G.

Response R-23F

The commentor claims that water conservation is not mitigation. CEQA Guidelines § 15370 defines "mitigation" and specifically states that mitigation includes "minimizing impacts by limiting the degree or magnitude of the action and its implementation." Conserving water would limit the amount (magnitude) of groundwater used (action). It is therefore, by definition, mitigation.

Refer also to Response R-23F.

Response R-23G

The commentor claims that stream flow monitoring is not mitigation, and suggests restricting water use to protect the resource before hand. Refer to Response R-23F. As noted therein, the commentor claimed that water conservation, or restricting water use, is not mitigation either.

The mitigation measure that includes stream flow monitoring [Agricultural Residential Cluster Subdivision measure W-1(a) in Section 4.14, *Water and Wastewater*] also requires that remedial action be developed based on the monitoring data. The remedial actions, which may include water rationing and/or the importation of additional water supply, could not be determined without data provided by stream flow monitoring. The remedial actions constitute mitigation as defined in CEQA Guidelines § 15370.

Refer also to Response 8O. As noted therein, the intent of the mitigation measure is to monitor groundwater impacts associated with the Agricultural Residential Cluster Subdivision. Monitoring groundwater prior to construction and occupancy would not serve this purpose.

Response R-23H

Refer to Responses R-23F and R-23G. Both mitigation measures are in fact mitigation.

Response R-23I

Refer to Responses R-23G and R-23E. Agricultural Residential Cluster Subdivision measure W-1(a), which includes stream flow monitoring, also requires that remedial actions be developed based on monitoring data. Past mitigation on the Ranch has no bearing on the enforceability of measures included in the Final EIR. Refer also to Response 8O.

Response R-23J

Refer to Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR for a discussion of impacts from the Agricultural Residential Cluster Subdivision on groundwater. Refer to Agricultural Residential Cluster Subdivision measures W-1(a) through W-1(c) which mitigate this impact. As noted therein, impacts are Class I, *significant and unavoidable.*

Response R-23K

Refer to Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR for a discussion of impacts from the Agricultural Residential Cluster Subdivision on groundwater. Refer to Agricultural Residential Cluster Subdivision measures W-1(a) through W-1(c) which mitigate this impact. As noted therein, impacts are Class I, *significant and unavoidable.*

Refer also to Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of impacts to South/Central California Coast Steelhead.

Response R-23L

The commentor notes that there are no water meters or monitoring agencies verifying current water use on the Ranch. The comment is noted.

It should also be noted that Table 4.14-1 (Existing Ranch Water Demands) in Section 4.14, *Water and Wastewater,* includes a footnote which states that water demand from on-site vineyards is based on a factor of 1.6 afy per acre, while planned orchards are based on a factor of 2.0 afy per acre as a reasonable worst case scenario. The EIR does not claim that water use factors are based on water meters or monitoring agencies. However, such monitoring would be required as part of Agricultural Residential Cluster Subdivision measure W-1(a) (Groundwater and Surface Water Monitoring Programs).

Response R-23M

Refer to Response R-23L. Irrigated vineyard acreage and associated water use is show in Table 4.14-1 in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-23N

The commentor states the opinion that an alternate methodology based on dry season data is needed to assess potential baseline use and impacts. However, no data is supplied with which to conduct such an analysis. The DEIR and RDEIR analysis is based on the most recent information available, and independently assessed by a qualified hydrogeologist. The conclusions of the DEIR are based on accepted professional methodologies, and the mitigation measures are appropriate as written.

Response R-23O

The commentor claims that there are several new wells that have been added since the hydrology analysis was completed. This claim is false. No new wells have been drilled on the Ranch since preparation of the Hopkins hydrological study.

Response R-23P

Refer to Appendix K and Section 4.14, *Water and Wastewater,* of the Final EIR. Impacts of the Agricultural Residential Cluster Subdivision, which is the only project currently proposed, as well as impacts of the Future Development Program, have been adequately addressed and impacts have been characterized as Class I, *significant and unavoidable.* Water demands of existing and planned vineyards on the Ranch are considered in the baseline conditions. The impacts of baseline (existing) conditions are outside the scope of CEQA analysis.

Response R-23Q

Mitigation for the Future Development Program is based on the Future Development Program, while mitigation for the Agricultural Residential Cluster Subdivision is based only on impacts associated with the Agricultural Residential Cluster Subdivision. Refer also to Master Response 3.

Response R-23R

The commentor's statement is true.

It should also be noted that mitigation measures in the Final EIR have not yet been implemented because they are only required if the Agricultural Residential Cluster Subdivision is approved. The commentor's implication that mitigation measures outlined in the Final EIR will be unsuccessful because they will be "too late" is therefore unsubstantiated.

Response R-23S

The commentor claims that none of the mitigation measures in the EIR can be enforced because homeowners will install appliances and landscaping of their choice after project construction. The commentor does not cite specific examples. However, only a small portion of required mitigation measures relate to appliances and landscaping, or homeowner restrictions in general. These measures will be included in the Covenants, Conditions and Restrictions (CC&Rs) and monitored by a Homeowners Association (or similar entity) with oversight by County Planning

and Building. Homeowners will be required to comply with applicable mitigation measures for the life of the project.

Response R-23T

Refer to Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, additional imported water supply would be required for the proposed project. However, due to uncertainty regarding timing and availability of additional sources, this water supply cannot be assured at this time and impacts would remain significant and unavoidable. Because the Agricultural Residential Cluster Subdivision would not be allowed to use groundwater, information related to additional wells would be moot.

Impacts related to receipt of imported water supply, including pipelines, pumps and water tanks, are discussed under *Residual Impacts* below Agricultural Residential Cluster Subdivision Impact W-1 in the Final EIR.

Response R-23U

Refer to Master Response 7. As noted therein, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. The analysis suggested by the commentor would not change the severity of Agricultural Residential Cluster Subdivision Impact W-1.

Response R-23V

Refer to Response R-23U and Master Response 6. "Ranch technicians" were not used as a source of data for the EIR.

Refer also to Table 4.14-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As shown therein, Ranch water use is estimated at 1,558.24 (for Margarita Vineyards only); not 285 afy.

Response R-23W

The commentor notes that the water running in Trout Creek has dropped substantially in the last 7 to 8 years. This observation is noted and will be forwarded to the appropriate decision-makers for review and consideration. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Refer also to Response 23A.

Response R-23X

Comment noted.

Response R-23Y

The location of existing wells on the Ranch is discussed in Section 4.14.1(a) (Water Supply and Current Demand). Existing Ranch Water Demand is estimated in Table 4.14-1 (Existing Ranch Water Demands).

Response R-23Z

Refer to Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) in Section 4.14, *Water and Wastewater,* of the Final EIR. Additional groundwater pumping for the Agricultural Residential Cluster Subdivision is in fact prohibited by this mitigation measure. A Resource Capacity Study and Baseline Water Data Study are therefore not required based on the commentor's suggested criteria. Refer also to Response R-4D.

Response R-23AA

Refer to Appendix C (Policy Consistency) to the Final EIR (in Section 8.0, *Agriculture and Open Space Element*). The policy referenced by the commentor is analyzed therein, and the Agricultural Residential Cluster Subdivision is determined to be potentially inconsistent with this policy.

Response R-23AB

The commentor notes that the Agricultural Residential Cluster Subdivision would be inconsistent with County requirements that Nacimiento water only be used for urban uses. This potential inconsistency is noted and will be forwarded to the appropriate decision makers for review and consideration.

Response R-23AC

Refer to Response R-23AB.

Response R-23AD

The commentor references Section 7.0, *Significant Irreversible Changes,* of the Draft EIR and discusses potential impacts of the Agricultural Residential Cluster Subdivision on water-related growth inducement. The comment is noted. However, Section 7.0 was not recirculated as part of the Revised Draft EIR. CEQA Guidelines do not require that a lead agency respond to comments made during the recirculation comment period which pertain to those sections of a Draft EIR which were not recirculated. Specifically, CEQA Guidelines § 15088.5(f)(2) state that:

> "When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers

limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR."

Comments made on the Draft EIR during initial circulation are addressed in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The request that reviewers of the Revised DEIR limit the scope of their comments to revised portions of the EIR is located in Section 1.2 (Legal Authority and Public Review) of the Revised DEIR. Comments made on the Revised DEIR during this recirculation period are addressed in Section 3.0 (Written Comments and Responses on the Revised Draft EIR) of this document.

Response R-23AE

It should be clarified that the applicant has proposed the use of groundwater. However, the analysis in Section 4.14, *Water and Wastewater,* of the EIR concluded that impacts related to groundwater use would be Class I, *significant and unavoidable,* and imported water is required as mitigation. The two options mentioned by the commentor are analyzed as *Residual Impacts* to this mitigation measure, but are not being "pushed" by the applicant.

The commentor's statements regarding potential inconsistencies with County policy are noted. Refer to Responses R-23AA through R-23AC.

Refer also to Master Responses 3a and 3c. As described therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review. In addition, because the EIR analyzes the Future Development Program in conjunction with the Agricultural Residential Cluster Subdivision, it evaluates the full magnitude of cumulative impacts associated with development of the property and therefore avoids piece-mealing.

Response R-23AF

The Revised DEIR does not revise Section 4.3, *Cultural Resources,* of the Draft EIR because no new information was obtained since circulation of the Draft EIR that would necessitate substantive revisions to the analysis contained therein. Cultural resource-related impacts from the three new alternatives are addressed in Section 3.0, *Analysis of New Alternatives,* of the Revised DEIR. These analyses have been incorporated into Section 6.0, *Alternatives,* of the Final EIR.

Response R-23AG

Refer to Section 4.4, *Cultural Resources,* of the Final EIR and the mitigation measures contained therein. Refer also to Master Response 3a. As noted therein, the only application which has been filed is for the Agricultural Residential Cluster Subdivision, which does not include any vineyards. Cultural resource impacts related to Future Development Program wineries are assessed in Section 4.4.5(b) (Future Development Program Impacts and Mitigation Measures) of the Final EIR.

Response R-23AH

As discussed in Section 4.14, *Water and Wastewater*, water demand from the proposed Agricultural Residential Cluster Subdivision may contribute to overdraft of the aquifer system.

Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) requires that the applicant acquire imported water supply to serve the Agricultural Residential Cluster Subdivision. Due to uncertainty regarding timing and availability of these sources, this impact is *significant and unavoidable*. Although this is a Class I impact, the applicant is required to obtain imported water prior to implementation of the Agricultural Residential Cluster Subdivision, and development could not occur without adequate water supply.

Response R-23AI

The commentor summarizes impacts of the Agricultural Residential Cluster Subdivision and Future Development Program on groundwater. Comment noted.

Response R-23AJ

The commentor argues that a Class I impact related to groundwater should result in a Class I impact to steelhead. As noted under Agricultural Residential Cluster Subdivision Impact W-1, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. Steelhead impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program B-7 in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-23AK

Refer to Response 23A.

Response R-23AL

The commentor cites a study conducted by a UC Davis biologist to demonstrate that Trout Creek is being impacted by current groundwater pumping on the Ranch. This observation is noted and will be forwarded to the appropriate decision makers for review.

The commentor claims that groundwater pumping should be decreased to protect steelhead habitat. In accordance with CEQA, the EIR analyzes impacts associated with the Agricultural Residential Cluster Subdivision and Future Development Program. The EIR cannot analyze impacts of current conditions, nor can it prescribe mitigation for actions in progress. The contribution of the Agricultural Residential Cluster Subdivision and Future Development Program to an existing overdraft condition is discussed in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, impacts are Class I, *significant and unavoidable,* and imported water is required as mitigation.

The commentor additionally implies that Class I groundwater impacts should result in a Class I impact to steelhead. Refer to Response R-23AJ.

Response R-23AM

The commentor claims that a cone of depression is forming along Pozo Road caused by over pumping of groundwater. Appendix K (Hydrological Study) and the analysis in Section 4.14,

Water and Wastewater, of the Final EIR acknowledge a declining trend in water supply and require imported water as mitigation for the Agricultural Residential Cluster Subdivision [Agricultural Residential Cluster Subdivision measure W-1(c)]. This existence of a cone of depression, as claimed by the commentor, would not alter the analysis or conclusions made in the Final EIR.

Refer to Response R-23Z. Additional groundwater pumping for the Agricultural Residential Cluster Subdivision is prohibited by Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply). A Resource Capacity Study and Baseline Water Data Study are therefore not required based on the commentor's suggested criteria. Refer also to Response R-4D.

The commentor's support for project denial is noted.

Response R-23AN

The comments regarding the survival of Steelhead in California are noted. Refer to Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of project impacts to Steelhead.

Response R-23AO

Refer to Response R-23AH and Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Refer also to Master Response 3a. Several of the land uses listed by the commentor are not currently proposed.

Impacts to endangered species and archaeological resources are discussed in Sections 4.3, *Biological Resources,* and 4.4, *Cultural Resources,* of the Final EIR, respectively.

Response R-23AP

The commentor notes that water supply must be secured prior to project approval. Refer to Agricultural Residential Cluster Subdivision Impact W-1 and the associated *Residual Impacts* discussion in Section 4.14, *Water and Wastewater,* in the Final EIR.

Response R-23AQ

Impacts to open space are discussed in Sections 4.1, *Agricultural Resources,* and 4.13, *Visual Resources,* of the Final EIR. Impacts to natural resources and wildlife habitat are discussed in Section 4.3, *Biological Resources,* of the Final EIR. Refer to Appendix C (Policy Consistency) for a discussion of the Agricultural Residential Cluster Subdivision's consistency with County policies, including the County General Plan Agriculture and Open Space Element. Refer also to Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) in Section 6.0, *Alternatives,* of the Final EIR, which analyzes an alternative to the Agricultural Residential Cluster Subdivision that incorporates Smart Growth Principles.

Response R-23AR

The commentor's description of her property is noted.

Response R-23AS

The commentor's observations of Trout Creek in the 1980s are noted.

Response R-23AT

The commentor notes that the water running in Trout, Rinconada, and Yerba Buena Creeks has dropped since vineyards were planted on the Ranch, and notes that the past year has been even dryer. This observation is noted and will be forwarded to the appropriate decision-makers for review and consideration. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Refer also to Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of project impacts to Steelhead.

Response R-23AU

The commentor notes that the water running in Trout Creek has dropped since vineyards were planted on the Ranch. Refer to Response R-23AT. The commentor additionally notes that she has observed moss and high levels of mercury in Trout Creek over the last four years. This observation is noted and will be forwarded to the appropriate decision-makers for review and consideration.

Response R-23AV

The commentor references a hydrology study by Luhdorff & Scalmanini Consulting Engineers (LSCE) which was prepared to rebut the findings of the Draft EIR. This study is included as Attachment M to the applicants' comment package on the Draft EIR (included herein as Draft EIR Letter 18), and was prepared for Kirk Consulting and Santa Margarita Ranch, LLC on April 11, 2007. Because this study was contracted by the applicants to refute the findings of the Draft EIR and was not included in the Revised Draft EIR, comments specific to this study will not warrant a response. However, the commentor is urged to review Responses 18UO through 18UX in Section 3.0 (Written Comments and Responses on the Draft EIR) of this Comments and Responses document, which respond directly to the LSCE study.

Response R-23AW

The commentor notes that Luhdorff & Scalmanini Consulting Engineers (LSCE) was hired by a group developers and the City of Rohnert Park to argue against existing data and an EIR which projected overdraft, similar to the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR. The commentor additionally

implies that the findings of LSCE were in error, citing a 'vast cone of depression' which has since formed in that area.

The commentor's observations are noted. Refer to Response R-23AV.

Response R-23AX

The commentor's observations are noted. Refer to Response R-23AV.

Response R-23AY

The commentor questions the validity of the LSCE hydrological study. Refer to Response R-23AV.

Response R-23AZ

The commentor questions the validity of the LSCE hydrological study. Refer to Response R-23AV.

Response R-23BA

The commentor notes that one of her primary wells ran dry on July 14, 2008, and notes that this has not happened in the 39 years she has owned her property. This observation is noted and will be forwarded to the appropriate decision-makers for review and consideration. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Response R-23BB

The commentor questions the validity of the LSCE hydrological study, and notes that new vineyards are being planted, giving fault to the LSCE argument that mature vines on the Ranch use less water than calculated in the Draft EIR. Refer to Response R-23AV.

Response R-23BC

The commentor questions the validity of the LSCE hydrological study and argues that the study is "intentionally misleading." Refer to Response R-23AV.

Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Response R-23BD

The commentor notes that the water running in Trout Creek has dropped and cites observed moss and high levels of mercury in Trout Creek over the last four years. Refer to Responses R-23AT and R-23AU.

Response R-23BE

Refer to Table 4.14-1 (Existing Ranch Water Demands) in Section 4.14, *Water and Wastewater,* of the Final EIR, which includes planned (future) vineyards in the baseline water use calculation.

Response R-23BF

Based on the commentor's observations of wells on her property and water levels in Trout Creek, the commentor questions LSCE's claim that proposed development would not impact other water users, since, in the commentor's view, it already has. The comment is noted and will be forwarded to the appropriate decision makers for review and approval. Refer also to Response R-23AV.

Response R-23BG

Refer to Response R-23BF.

The commentor additionally claims that special-status animal species should be considered "other users" when it comes to analysis of groundwater impacts. Refer to Section 4.3, *Biological Resources,* of the Final EIR for a discussion of impacts to special-status species.

Response R-23BH

The commentor questions the validity of the LSCE hydrological study. Refer to Response R-23AV.

Response R-23BI

Refer to Appendix K (Hydrological Study) and Section 4.14, *Water and Wastewater,* of the Final EIR for an analysis of groundwater impacts of the Agricultural Residential Cluster Subdivision and Future Development Program.

Existing and planned vineyards are included in the baseline (existing) water demands for the Ranch (refer to Table 4.14-1 in the Final EIR). Refer also to Response R-23C.

Response R-23BJ

The commentor questions the validity of the LSCE hydrological study. Refer to Response R-23AV.

Response R-23BK

Refer to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Refer also to Response R-23AV.

Response R-23BL

The commentor provides a series of pictures of Trout Creek, associated pump stations, and vineyards being irrigated. These images appear to support the commentor's previous assertions. However, they do not directly identify issues of concern with the Revised DEIR analysis. Refer to Responses R-23A through R-23BK for responses to specific issues raised by the commentor.

Letter R-24

March 8, 2008

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

Dear Ms. Miller,

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

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

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

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

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

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

Sincerely, O'Brien Young

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

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Letter R-24

COMMENTOR: Ms. O'Brien Young, Private Citizen

DATE: March 8, 2008

RESPONSE:

Response R-24A

The commentor does not specify what errors, omissions, and inconsistencies occur in the Revised DEIR that apparently make it difficult for a member of the public to comment. No further response is possible.

Response R-24B

The commentor expresses concurrence with the comments made by the Water Resources Advisory Commission on the Revised DEIR. Refer to Letter R-4 and Responses R-4A through R-4AA.

Response R-24C

Refer to Master Response 3a. As noted therein, no application has been filed for the Future Development Program and future environmental review will be required if applications for future projects are submitted. Refer also to Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, groundwater impacts from the project and program are Class I, *significant and unavoidable.*

Response R-24D

Refer to Master Response 1.

Response R-24E

Because the commentor does not specify which laws must be enforced, no specific response is feasible. The Final EIR complies with California Environmental Quality Act (CEQA) requirements.

Letter R-25

Thursday, March 13, 2008

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

Dear Mrs. Miller

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

Sincerely

Wes Burk
Chairman
Santa Margarita Area Advisory Council

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

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

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

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

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

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

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

Letter R-25

COMMENTOR: Wes Burk, Chairman, Santa Margarita Area Advisory Council

DATE: March 13, 2008

RESPONSE:

Response R-25A

The commentor notes that the Santa Margarita Area Advisory Council has formally approved the attached comments on the Revised DEIR. Comment noted. Refer to Responses R-25B through R-25H.

Response R-25B

The commentor's agreement with a statement in the Revised DEIR is noted.

Response R-25C

The commentor states that the discussion of traffic volumes on I Street in the Revised DEIR "may or may not" be true, but does not offer evidence in support of one conclusion or the other. The commentor additionally suggests that mitigation be required, and that residents on I Street provide input for determining that mitigation. As noted in the excerpt provided by the commentor, Agricultural Residential Cluster Subdivision traffic on I Street would not result in unacceptable levels of service. Mitigation is therefore not required.

Response R-25D

The commentor's agreement with a statement in the Revised DEIR is noted.

Response R-25E

The commentor claims that a statement in the Revised DEIR needs "significant supporting documentation" from Caltrans. The referenced mitigation measure requires coordination with Caltrans, including preparation of required documentation.

Response R-25F

Groundwater impacts from the Agricultural Residential Cluster Subdivision are addressed in Section 4.14, *Water and Wastewater* (refer to Agricultural Residential Cluster Subdivision Impact W-1) of the Final EIR. As discussed therein, additional imported water supply would be required for the proposed project. However, due to uncertainty regarding timing and availability of additional sources, this water supply cannot be assured at this time and impacts would remain significant and unavoidable.

Response R-25G

The table referenced by the commentor depicts existing Ranch water demands, and includes existing vineyards. There are no existing bed & breakfasts on the Ranch. Special events that currently occur on the property are inherent in the water demand calculations for existing land uses where those events are held.

Response R-25H

The *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR has been revised to clarify that the Santa Margarita Ranch Mutual Water Company (SMRMWC) would be responsible for construction, operation, and maintenance of any service connection to the State or Nacimiento Water Projects. It should be noted that SMRMWC is proposed by the Ranch owners as part of the Agricultural Residential Cluster Subdivision.

Refer also to Response R-8M.

Letter R-26

Jim aaron
<borntoplay43@hotmail.com>

03/19/2008 11:15 AM

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

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

Sincerely

Jim Aaron

Letter R-26

COMMENTOR: Jim Aaron, Private Citizen

DATE: March 19, 2008

RESPONSE:

Response R-26A

The commentor recommends provision of access for hiking and biking to East Cuesta Ridge. Although such a trail corridor would not be required to mitigate an environmental impact pursuant to CEQA, it could potentially be required by the County as a condition of approval. The request has been noted and will be forwarded to the appropriate decision-makers for review.

Letter R-27

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

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

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

Letter R-27

COMMENTOR: Geri Mazer, Secretary, Atascadero Horsemen's Club

DATE: March 19, 2008

RESPONSE:

Response R-27A

The commentor recommends provision of a trail connection from the Santa Margarita Ranch to the National Forest. Although such a trail corridor would not be required to mitigate an environmental impact pursuant to CEQA, it could potentially be required by the County as a condition of approval. The request has been noted and will be forwarded to the appropriate decision-makers for review.

Letter R-28

California Native Plant Society

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

Friday, March 21, 2008

RE: Santa Margarita Ranch DEIR- Tract 2586

Dear Ms. Miller:

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

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

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

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

Oaks and Oak Mitigation.

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

Mitigation of oak losses.

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

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

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

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

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

Mitigation of other biological assets.

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

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

Water Issues.

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

This concludes the comments of CNPS.

Sincerely

David H. Chipping
Conservation Chair CNPS-SLO
1530 Bayview Heights Drive
Los Osos, CA 93402

Letter R-28

COMMENTOR: David Chipping, Conservation Chair, California Native Plant Society

DATE: March 21, 2008

RESPONSE:

Response R-28A

Refer to Master Responses 3a and 3b. As described therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review.

Response R-28B

As noted in Section 1.0, *Introduction,* of the Revised Draft EIR, the Revised Draft EIR is limited to revisions and amendments to certain sections of the Draft EIR which were substantially revised since its preparation. A full analysis of biological impacts was therefore not included therein. Refer to Section 4.3, *Biological Resources,* of the Final EIR for the complete analysis.

Response R-28C

Refer to Section 4.3.2(c) (Future Development Program Impacts and Mitigation Measures) in Section 4.3, *Biological Resources,* for evaluation of "outside-the-cluster-assets." Refer also to Master Response 3. As described therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review.

Response R-28D

The commentor claims that the Revised Draft EIR and Draft EIR fail to discuss development in the 2,417 acre remainder parcel. Refer to Response 36K in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The impacts associated with implementation of conceptual land uses as part of the Future Development Program, including development on the remainder parcel, are evaluated throughout the EIR. Any future development on the remainder parcel would require future environmental review, including preparation of additional EIRs and associated public review as necessary. Such future development is not reasonably foreseeable at this time, and would therefore be considered speculative.

Response R-28E

The commentor references Revised Draft EIR Table 4. There is no table by this number in the Revised Draft EIR. It is presumed that the commentor is referring to Table 4.3-2 (Agricultural Residential Cluster Subdivision Site Habitat Summary Table), which has been revised and incorporated into Section 4.3, *Biological Resources,* of the Final EIR. In this table, blue oak woodland was revised to 890.0 acres, not 80 acres as suggested by the commentor. This error explains the perceived loss of over 800 acres described by the commentor.

As noted in the *Updated Analysis* discussion in Section 2.3 (Biological Resources) of the Revised Draft EIR, habitat type classifications were updated and mapped boundaries of the habitat types were revised following site visits in October 2007.

Response R-28F

As noted by the commentor, Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) requires replacement plantings at a density of four per 2,000 square feet. It should be noted, however, that this density is an average, rather than an overall maximum as claimed by the commentor.

The commentor claims that this measure fails to identify locations for replacement plantings. Although the measure does not identify preferred locations on a map, it does provide the following guidelines: "Replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied." The precise locations will be determined by a County approved arborist during preparation of the oak tree replacement plan.

It should also be noted that Agricultural Residential Cluster Subdivision measure B-3(b) requires that, in accordance with Kuehl Bill standards, only 50% of the trees removed or impacted may be replaced at a 4:1 or 2:1 ratio, respectively. In addition, as described above, replacement plantings may not occur in one contiguous area but scattered throughout the property, as determined by a County approved arborist.

Response R-28G

As Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) is mitigation for the Agricultural Residential Cluster Subdivision project, replacement plantings should occur within the project boundary. Impacts from the Future Development Program and associated mitigation measures are addressed in Section 4.3.2(c) (Future Development Program Impacts and Mitigation Measures) of the Final EIR. This analysis was not included in the Revised Draft EIR because any revisions therein did not warrant recirculation (refer to Section 1.0, *Introduction,* of the Revised Draft EIR).

Response R-28H

Future Development Program wineries are addressed in the Future Development Program analysis and planned vineyards not a part of the Future Development Program are considered in the baseline discussion of the Final EIR. As noted in Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation), precise locations of replacement plantings will be determined by a County approved arborist during preparation of the oak tree replacement plan. Refer also to the conservation easement requirement therein.

Response R-28I

The table referenced by the commentor is intended as a summary of the alternatives analysis. Refer to the discussion under *Biological Resources* in Section 6.7 (Alternative 7: Tighter Cluster Alternative) in Section 6.0, *Alternatives,* of the Final EIR for a discussion of specific biological impacts of this alternative in comparison to the Agricultural Residential Cluster Subdivision.

It should also be noted that the Agricultural Residential Cluster Subdivision would have Class II, *significant but mitigable,* impacts on the San Luis Obispo Mariposa Lily (refer to Section 4.3, *Biological Resources,* of the Final EIR). Because the referenced alternative would have a smaller footprint than the Agricultural Residential Cluster Subdivision and thus reduce impacts to biological resources, it does not logically follow that the alternative would result in greater (i.e., unmitigable) impacts than the proposed project.

Response R-28J

The commentor concerns are noted. However, as noted in Agricultural Residential Cluster Subdivision measure B-3(b) (Oak Tree Replacement, Monitoring, and Conservation), precise locations of replacement plantings will be determined by a County approved arborist during preparation of the oak tree replacement plan. Impacts of the Agricultural Residential Cluster Subdivision and Future Development Program on native grasslands are addressed in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-28K

The commentor expresses agreement with the Revised Draft EIR comment letter submitted by the San Luis Obispo County Water Resources Advisory Committee (WRAC). Refer to Letter R-4 (Michael Winn, Chairman, San Luis Obispo County WRAC) and Responses R-4A through R-4AA.

The commentor additionally requests that the EIR address impacts of a reduced groundwater table on trees and riparian habitat. As noted under Agricultural Residential Cluster Subdivision Impact W-1, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project (the same measure is required for the Future Development Program). Therefore, groundwater impacts from the project and program would not affect oak trees or riparian habitat.

Letter R-29

SANTA LUCIA CHAPTER
P.O. Box 15755 • San Luis Obispo, California 93406
Phone: (805) 543-8717 • Fax: (805) 543-8727
http://www.sierraclub.org/chapters/santalucia

SIERRA CLUB
FOUNDED 1892

March 25, 2008

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

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

Dear Ms. Miller,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Environmentally Superior Alternative

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

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

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

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

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

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

L

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

Sincerely,

Andrew Christie
Chapter Director

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

Letter R-29

COMMENTOR: Andrew Christie, Chapter Director, Sierra Club, Santa Lucia Chapter

DATE: March 25, 2008

RESPONSE:

Response R-29A

Comment noted.

Response R-29B

As noted in Section 4.2.3(d) (Methodology and Significance Thresholds) of the Final EIR, no air district in California, including the San Luis Obispo Air Pollution Control District (APCD), has identified a significance threshold for GHG emissions or a methodology for analyzing air quality impacts related to GHGs. In addition, GCC models are not sensitive enough to be able to predict the effect of individual projects on global temperatures and the resultant effect on climate, nor are they sophisticated enough to consider every possible GCC-related emissions associated with a project. Because the commentor does not provide a methodology to do so, no further response is feasible.

Refer also to Master Response 2. As noted therein, impacts analyzed in an EIR must be reasonably foreseeable and must not be speculative.

Response R-29C

The commentor cites an excerpt from the Revised Draft EIR related to the Climate Action Team, which has been incorporated into Section 4.2, *Air Quality,* of the Final EIR. As noted therein, the Climate Action Team's strategies for reducing greenhouse gas (GHG) emissions were used to determine impacts of the Agricultural Residential Cluster Subdivision and Future Development Program. The commentor notes that the California Climate Action Registry specifically cites the conversion of oak woodlands as a carbon emission.

The Climate Action Registry cited by the commentor is a private non-profit organization which serves as a voluntary greenhouse gas (GHG) registry to protect and promote early actions to reduce GHG emissions by organizations. The Climate Action Team cited in the Revised Draft EIR and Final EIR was established by Governor Schwarzenegger under an Executive Order and is led by the Secretary of the California EPA. The Climate Action Team is charged with implementing global climate change reduction programs and reporting on the progress made toward meeting the statewide greenhouse gas targets established by the Executive Order S-3-05.

Refer also to Responses R-19C and R-19D. Although oak tree removal may in fact decrease carbon sequestration in the short term before replacement trees are established, the quantification of this loss would be speculative (refer to Master Response 2).

Response R-29D

Refer to Responses R-19C and R-19D. Although oak tree removal may in fact decrease carbon sequestration in the short term before replacement trees are established, the quantification of this loss would be speculative. Refer also to Master Response 2.

Response R-29E

The additional vineyards and orchards referenced by the commentor are not proposed as part of the Agricultural Residential Cluster Subdivision, nor are they included in the Future Development Program. They are planned by the Ranch owners separate from the proposed project and are considered in the baseline analysis for water demand purposes. It should also be clarified that 2,000 acres of vineyards would be the total vineyards on the Ranch (i.e., 1,026.1 acres above the existing 973.9 acres, for a total of 2,000 acres; refer to Response R-4I).

Refer also to Master Response 2. Quantifying the impacts of nitrogen fertilizer and pesticide use from potential future vineyards on Global Climate Change would be speculative.

Response R-29F

Refer to Response R-29B and Master Response 2. No air district in California, including the San Luis Obispo Air Pollution Control District (APCD), has identified a significance threshold for GHG emissions or a methodology for analyzing air quality impacts related to GHGs. In addition, impacts analyzed in an EIR must be reasonably foreseeable and must not be speculative. Attempting to quantify impacts of soil disturbance associated with the Agricultural Residential Cluster Subdivision on Global Climate Change would be speculative.

Short-term construction-related emissions, including those associated with grading, are addressed in Agricultural Residential Cluster Subdivision Impact AQ-2 and Future Development Program Impact AQ-3 in Section 4.2, *Air Quality,* of the Final EIR.

Response R-29G

The commentor incorrectly assumes that the Future Development Program is not analyzed in Section 4.2.3 (Global Climate Change) of the Final EIR based on a statement that CO_2 emissions estimates for the Future Development Program are not quantified (in accordance with APCD standards for program-level analyses). However, as with the remainder of the EIR, the Future Development Program is analyzed at a program-level of detail throughout Section 4.2.3 (Global Climate Change). Refer specifically to the *Future Development Program* discussion below Table 4.2-7 and the second sentence thereafter which states that the "Agricultural Residential Cluster Subdivision and Future Development Program would result in an incremental contribution to cumulative quantities of GCC." All mitigation measures outlined in Section 4.2.3 apply to both the project and program.

Response R-29H

The commentor requests that the Global Climate Change analysis in the Final EIR include a discussion of the Agricultural Residential Cluster Subdivision's consistency with County Smart

Growth Principles. Smart Growth Principles adopted by the San Luis Obispo County Board of Supervisors are guiding principles rather than policy. As a result, the proposed Agricultural Residential Cluster Subdivision's (or Future Development Program's) consistency with Smart Growth Principles is outside the scope of the EIR. However, several of the underlying principles of Smart Growth are indirectly addressed in Sections 4.12, *Transportation and Circulation*, 4.2, *Air Quality*, and 4.13, *Visual Resources*, of the Final EIR. In addition, Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) incorporates Smart Growth Principles. Refer to Section 6.0, *Alternatives,* of the Final EIR.

Response R-29I

The commentor requests inclusion of a map showing current ownership of the Ranch. This map would have no bearing on the analysis or conclusions of the Final EIR and therefore need not be included. Refer also to Master Response 7.

Response R-29J

Refer to Master Response 4.

Response R-29K

Refer to Responses R-29B through R-29H.

Response R-29L

The commentor summarizes CEQA requirements for recirculation and claims that their comments constitute significant information not considered in the EIR thus far, thereby necessitating a second round of recirculation. Refer to Responses R-29B through R-29K above, which do not warrant revisions to the EIR or recirculation.

Refer also to Section 1.0, *Introduction*, of the Revised Draft EIR for a discussion of recirculation requirements.

Letter R-30

elquadrillo
<elquadrillo@charter.net>
03/25/2008 10:05 PM

To mlmiller@co.slo.ca.us, elquadrillo <elquadrillo@charter.net>
cc
bcc
Subject Comments on Santa Margarita Ranch RDEIR

March 25th, 2008

Dear Ms. Miller,

Thank you for the opportunity to comment (again) on an EIR on the Santa Margarita Ranch Proposed Agricultural Cluster. While written by myself as an individual, these present comments have been endorsed by the Board of the SLO Coast Alliance, a coalition of 46 local environmental organizations. **A**

Having requested in my comments on the original DEIR that we not proceed to a Final until missing information was supplied in a revised draft, I am grateful that the decision of the Planning staff was indeed to prepare a Revised Draft; however, I am disappointed that many of the unanswered questions remain unanswered, and I still do not believe that we can proceed to a Final EIR on the basis of what is before us, but that we still need another Revised Draft. When basic information about baseline conditions and the project description is still missing, it is not appropriate to proceed to a Final EIR because that denies the public the opportunity to comment on, and perhaps correct, this basic information. **B**

The original DEIR had its strong points, and I did appreciate its forthrightness in pointing out the plethora of Class I impacts. Its considerable deficiencies were most evident in the Water section. Thus, it is a disappointment that most of these deficiencies were not remedied in the RDEIR. I participated in the creation of, and do endorse, the comments you are receiving on the RDEIR from the Water Resources Advisory Committee; I believe they make a strong case for another RDEIR even if they do not come to such a conclusion. For example, the Resource Capacity Study referenced in paragraph 2 of the WRAC letter should, in my opinion, be completed in time to form a basis for a revised draft, not simply have its findings included in the Final. **C**

The WRAC comments will not be repeated in this letter (except to build on points therein), but the relative paucity of water-related comments in this letter is not to be read as lack of recognition of the fundamental importance of the water issues. **D**

I also continue to stand by the comments I made in the original DEIR; we are assured that those comments, as well as these, will be addressed in the FEIR, but to the extent that the questions raised about the original DEIR have not been addressed, it is my hope that the issues raised therein will be addressed in a second RDEIR before an FEIR is produced. **E**

Let us now move through the chapters.

A significant change relative to Agricultural Resources in the Revised Draft is the addition of 513 acres to the area being taken out of agricultural production, based on recognition of the incompatibility between grazing and the scattered homes in the non-clustered "cluster." The original plan had been to have cattle wandering between the **F**

residential lots. Yet, this change leaves the document with internal inconsistencies. In the chapter on Biological Resources, on page 2-51, new language reads: "Additional impacts include typical residential activities, rural residential uses such as livestock grazing, creation of horse paddocks or other fenced areas for pets," etc. Mitigations for impacts to Native Perennial Grassland include: "...grassland management strategies such as seasonal mowing or grazing..." (p. 2-59, echoed on p. 2-60). Thus it is not clear whether grazing among the homes would be eliminated, used only as part of a restoration plan and for fire protection, or would be expected only as a "rural residential" use on the residential parcels themselves, but not in the intervening open space where such a use would be "incompatible." After all, there is language on p. 2-15 that reads: "Since the proposed development would remove existing grazing uses from the site..." Please clarify these inconsistencies! Also, please explain how the increasingly serious Class I impacts on agricultural production square with the project objectives in the original DEIR, which claim to be based on preservation of agricultural values. Indeed, with agricultural production withdrawn from such a large area, I question the compliance of this project with the requirements of our County's Agricultural Cluster Ordinance. F G

Moving to the section on Air Quality, on p. 2-22, it states: "not all discretionary site-design measures would be feasible due to the rural location of the Agricultural Residential Cluster Subdivision, including providing transit turnouts and pedestrian signalization and signage." In fact, there is nothing physically infeasible about providing such amenities--indeed, p. 2-40 calls for providing pullouts on Highway 58 to allow the Santa Margarita Lake Shuttle to serve residents of the Cluster. What is infeasible is for everyday public transit to meet a reasonable farebox recovery ratio when attempting to serve such sprawling leapfrog developments. It is also apparently the opinion of the consultants that potential pedestrians will find it infeasible to use their feet as a significant circulation tool. Is this what is meant here? H

On p. 2-23, one mitigation calls for native shade trees to be planted to shade the southern exposure of on-site homes and structures. Most architects working with passive solar design would prefer to shade western exposures from summer afternoon sun; unshaded southern exposures are an important source of winter sunlight, while southern eaves can be extended enough to keep more vertical summer noonday sunlight from entering structures. I

The new list of off-site air quality mitigations beginning on p. 2-25 is welcome, although it is not clear how project-specific mitigations would be chosen or implemented. I note that all but three are related to capital projects rather than ongoing operations. I raised this issue in comments on transportation mitigations for the original DEIR, recognizing that project approval, occurring at a point in time, is more conducive to requirements for one-time fixes than to ongoing efforts to mitigate ongoing impacts. I do note the presence of three operational mitigations on p. 2-26: "Funding expansion of transit services," "Subsidizing vanpool programs," and "subsidizing alternative transportation incentive programs." How would such ongoing efforts be supported (as indeed they should be) from one-time fee collections? J

The section on dust control beginning on p. 2-26 should cross-reference the section on Valley Fever in the Public Safety section, since the mitigations in the Air Quality section are what the Public Safety section leans on to contain this serious menace to public K

health, whose incidence is rising in our area. K

The section on Global Climate Change starting on p.2-33 is welcome; this huge issue needs strong efforts at PREVENTION, not just adaptation. Indeed, the sort of auto-dependent, sprawling development represented by this project is a huge contributor to the problem whose dire effects include, as listed on p. 2-35: "Diminishing Sierra snowpack by 70% to 90%, threatening the state's water supply," "Increasing temperatures from 8 to 10.4 degrees Fahrenheit," and "Rising sea level (from 4 to 33 inches)..." L

These impacts of sprawl and auto use are not only heinous in and of themselves, but they are likely to make many of the proposed project mitigations infeasible or ineffective. Here, I would refer to the WRAC letter on the RDEIR. Paragraph 13 questions the feasibility of imported water. I agree with these concerns, but believe they are understated in the WRAC letter. The impacts on p. 2-35 place the feasibility of depending on the Coastal Branch of the State Water Project in total disrepute. If the Sierra snowpack diminishes to a shadow of its former self while rising sea levels push brackish or salt water deeper and deeper into the Delta that feeds the State Water Project (The SWP intake at Clifton Court Forebay is actually below sea level, and only pumps fresh water because of the outward pressure of streamflow from the Sierra!), the State Water Project would not be a mitigation but a pipe dream. M

Meanwhile, the forecast of temperature increases of 8 to 10.4 Fahrenheit call into question everything in the chapter on Biological Resources; such a huge change in temperatures, leading to summers like those in the lower elevations of the Mohave Desert, would undoubtedly lead to dieback of the species adapted to the historic climate of the area, and type conversion to who knows what. N

Given that these changes would also destroy the economy of California as we know it, it is hard to imagine who could afford to live in the homes planned for the Agricultural Cluster. Nonetheless, implementation of this project would lead, as stated on p. 2-36, to the emission of 15,219 pounds of carbon dioxide per day during the construction phase, and 17,645.93 pounds per day during the operational phase, however long the homes are lived in. Thank you for quantifying this impact. What possible overriding considerations could make up for such huge impacts? O

To comply with the California Climate Action Team Strategies (p. 2-37), a list of proposed mitigations is listed, but it is not clear if they would be, or even COULD be, implemented. Consider the first: it dictates what sorts of vehicles could be purchased by residents of the Cluster. Who would be watching? What sort of internal or external spying and enforcement mechanism would be created? Would homeowners' guests driving non-compliant vehicles be harassed? Would residents with existing non-compliant vehicles be forced to replace them, and how quickly? Would anyone buy into a development where Big Brother was so obviously watching? P

On p. 2-38, it is freely admitted that this project would increase jobs-housing imbalance and increase vehicle trips and travel distances. Q

On p. 2-40, one welcome mitigation is to provide transit shelters for the three unsheltered stops in Santa Margarita. This implies that the southbound stop at Encina is sheltered; the "shelter," while rustic R

and decorative, provides no practical shelter from sun or rain. There are actually four unsheltered stops in Santa Margarita. Unlike the SLO City system, the RTA system does not have the infrastructure on the buses to activate "real-time smart signage." R

Moving on the Biological Resources, I again reference the concern with the effect of climate change on the health of the ecosystem, and with the contribution of this project to the dire possibility of ecosystem collapse. S

Referencing pp 2-49 and 2-50, how much of the "seasonal pool" habitat in the project area would be classed as vernal pool habitat? T

The chart on p. 2-51 makes clear that the project would have a hugely disproportionate impact on one of the most sensitive habitat types: Native Perennial Grassland. It is admitted that this is a rare plant community--indeed, it is stated that it includes Valley Needlegrass Grassland, a California Department of Fish and Game Plant Community of Special Concern. Yet, although the percentage of all habitat types in the area impacted by the project is given as 3%, the percentage of Native Perennial Grassland impacted by this project is given as 43%! Why is the development to all appearances selectively targeting one of the most sensitive habitats in the entire area? U

On p. 2-63, it is good that the document now recognizes the long time period between destruction of present mature oaks and the maturity of any replacement plantings that start as acorns or seedlings, making the mitigation useless to present-day wildlife. It is unclear how this realization will affect project design or mitigation. It is also stated that an unknown number of trees would be impacted, and possibly killed, by grading, construction, limbing, compaction, road mitigations, leach fields, landscape irrigation, etc. How would the Kuehl Bill requirements be applied to such an unknown? V

On p. 2-74, I share the WRAC concern that there is no notice taken of impacts of groundwater pumping on streamflow relative to Pacific Steelhead, on whom both volume and temperature of their waters can have huge impacts. W

The absence of any chapter on Cultural Resources is noteworthy. I know extensive comments were received on that subject. The public could benefit from the opportunity to comment on corrected information or better defined impacts. Why is this opportunity being forfeited? X

Relative to Public Services, the proposed library mitigations would only cover capital costs. How would the increased staff and energy costs of the larger space be paid for? Y

Under Transportation, my original issues with the DEIR remain unaddressed. In addition, a new mitigation called for in the RDEIR raises questions. There is reference to an extended deceleration lane for the southbound offramp from Highway 101 to Highway 58. On p. 2-94, the extension is to 550 feet; on p 2-106, it is given as to 650 feet. Which is correct, and in either case, what are the impacts of construction and operation thereof on Santa Margarita Creek? Z

On Page 3-29, the "Smart Growth/Affordable Housing" alternative project is described as receiving sewer service through connection to existing sewer lines to a new Wastewater Treatment Plant. Where in the community of Santa Margarita can any "existing sewer lines" be found, AA

and where would the new Wastewater Treatment Plant be built? Wat are ITS impacts? AA

Again, I refer you to the WRAC comments on the RDEIR, and believe that those comments, and some of the unresolved issues discussed in this present letter, make the case that a further RDEIR must be prepared and commented on before this EIR is ready to proceed to the Final Stage. AB

The proposed project embodies the exact opposite of the smart growth principles adopted by our County Board of Supervisors, and deserves the closest scrutiny, or better yet, very significant modification, before being fit for informed discussion, much less approval. AC

Again, thank you for the opportunity to comment.

Sincerely, Eric Greening

Letter R-30

COMMENTOR: Eric Greening, Private Citizen

DATE: March 25, 2008

RESPONSE:

Response R-30A

The commentor notes that their comments have been endorsed by the Board of the San Luis Obispo Coast Alliance. Comment noted.

Response R-30B

The commentor expresses appreciation that a Revised Draft EIR was prepared and circulated, but feels that "unanswered questions remain unanswered." As noted in Section 1.0, *Introduction,* of the Revised Draft EIR, that document "does not directly respond to…comments [on the Draft EIR]. Comprehensive, direct responses to comments on the Draft EIR, and additional revisions and clarifications, will be provided in a forthcoming Final EIR that includes responses to all comments received during the public review periods for both the Draft EIR and this Revised Draft EIR." This Comments and Responses report, along with the Draft EIR and Revised Draft EIR, collectively comprise the Final EIR for the project. Refer to Letter 39 and Responses 39A through 39X in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to this commentor's Draft EIR comment letter. Refer to Section 2.0 in its entirety for responses to all other comments received on the Draft EIR.

The commentor additionally claims that baseline conditions and project description information is missing from the EIR. The commentor does not specify what type of information is missing. Refer to the setting discussions in Sections 4.1 through 4.14 of the Final EIR for a discussion of baseline information relevant to each issue area. Refer to Section 2.0, *Project Description,* of the Final EIR for project description information.

Response R-30C

The commentor notes that he agrees with comments made on the Revised Draft EIR by the Water Resources Advisory Committee (WRAC) and argues that a Resource Capacity Study should be completed and included in the baseline for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR. Refer to Letter R-4 (Michael Winn, Chairman, San Luis Obispo County WRAC) and Response R-4D. The Resource Capacity Study being prepared for the Santa Margarita area will use existing studies and data related to water resources in the area – the same studies and data used in preparation of Appendix K (Hydrological Study) by Hopkins Groundwater Consultants, Inc. which was used as the basis for the analysis in Section 4.14, *Water and Wastewater.* The Resource Capacity Study will not generate new data and would not, therefore, alter the analysis or conclusions of the Final EIR.

Refer also to Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-30D

Comment noted.

Response R-30E

Refer to Letter 39 and Responses 39A through 39X in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for responses to this commentor's Draft EIR comment letter. Any issues raised therein that were not addressed in the Revised Draft EIR do not warrant inclusion in a second Revised Draft EIR.

Response R-30F

The commentor incorrectly notes that a significant change occurred between the Draft EIR and the Revised Draft EIR related to the acreage of impacted grazing land. The commentor claims that the Revised Draft EIR adds 513 acres to the area being removed from agricultural production, based on the incompatibility between grazing and residential uses. In fact, this acreage was included in the Draft EIR and has not changed as a result of the Revised Draft EIR. Refer to Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR. ~~Stricken~~ and **bold** text identifies revisions made to the Draft EIR version of this impact discussion. As shown therein, the 676.7-acre grazing unit (which includes 163 acres of direct conversion to residential uses and 513 acres between and around lots) was acknowledged in both the Draft EIR and Revised Draft EIR as impacted by the Agricultural Residential Cluster Subdivision. Refer also to Agricultural Residential Cluster Subdivision Impact AG-2 for a discussion of incompatibilities between agricultural and residential uses.

Based on the above misunderstanding, the commentor believes that the applicant no longer proposes to have cattle "wandering between the residential lots." However, the applicant does intend for cattle to graze between lots, but the EIR determined that the entire site unit would not be suitable for grazing after development of proposed residential lots because of inherent incompatibilities between residential uses and cattle grazing. As noted in Section 4.1, *Agricultural Resources,* of the Final EIR, this is a Class I, *significant and unavoidable,* impact.

Refer also to Agricultural Residential Cluster Subdivision measure B-2(a) (Native Perennial Grassland Restoration Plan; previously Valley Needlegrass Grassland Restoration Plan) in Section 4.3, *Biological Resources,* of the Final EIR. Grazing has been removed from the measure as a grassland management strategy.

Response R-30G

Agricultural resource impacts have not increased in severity from the Draft EIR to the Final EIR (refer to Response R-30F). In addition, potential incompatibilities between the Agricultural Residential Cluster Subdivision and the County's Agricultural Cluster Ordinance are addressed in Appendix C (Policy Consistency) to the Final EIR.

Response R-30H

The commentor argues that discretionary site design measures required by the San Luis Obispo Air Pollution Control District (APCD) would not be physically infeasible. The infeasibility cited in the EIR relates to the ineffectiveness of installing urban improvements in a rural area. Although it would be physically feasible to install transit turnouts and pedestrian signalization within the Agricultural Residential Cluster Subdivision, doing so would not serve the intent of the APCD in assigning such measures. The rural nature of the site and the distance to services renders walking an impractical "significant circulation tool."

Response R-30I

Comment noted.

Response R-30J

The mitigation measure referenced by the commentor [Agricultural Residential Cluster Subdivision measure AQ-1(f) (Off-Site Mitigation) in Section 4.2, *Air Quality,* of the final EIR] does not involve a one-time fee, as suggested by the commentor. Rather, it requires the applicant to coordinate with the Air Pollution Control District (APCD) to implement off-site emissions reduction measures prior to issuance of grading permits. The APCD will ensure that any ongoing efforts are supported in the long-term, as applicable.

Response R-30K

The commentor-recommended cross reference has been added to the end of the Agricultural Residential Cluster Subdivision Impact AQ-2 and Future Development Program Impact AQ-3 discussions. Refer to Section 4.2, *Air Quality,* of the Final EIR.

Response R-30L

The commentor's statements related to the importance of Global Climate Change are noted.

Response R-30M

The commentor references a comment made by the Water Resources Advisory Committee (WRAC) (refer to Response R-4S) and lists circumstances under which State Water Project (SWP) water may not be available or of sufficient quality if a connection to the SWP is ascertained. These comments are noted. As stated in the *Residual Impact* discussion under Agricultural Residential Cluster Subdivision Impact W-1, due to uncertainties related to the timing and availability of imported water sources (including the SWP), water demand impacts remain Class I, *significant and unavoidable*.

Response R-30N

The temperature increases cited by the commentor are speculative. Refer to Master Response 2.

Impacts related to Global Climate Change are addressed in Section 4.2.3 (Global Climate Change) in Section 4.2, *Air Quality,* of the Final EIR.

Response R-30O

Refer to Response R-30N. It should also be noted that economic impacts are outside the scope of CEQA (refer to CEQA Guidelines § 15131).

The commentor additionally questions what kind of overriding consideration could be made for Global Climate Change (GCC) impacts discussed in Section 4.2, *Air Quality,* of the Final EIR. As outlined in CEQA Guidelines § 15093 (Statement of Overriding Considerations), if the lead agency approves a project with significant and unavoidable impacts it is required to provide, in writing, the specific reasons to support its action. This statement of overriding considerations must be supported by substantial evidence in the record.

In accordance with CEQA requirements, a statement of overriding considerations would only be required if the Agricultural Residential Cluster Subdivision is approved, and is not, therefore, to be included in the EIR. Nonetheless, the commentor's question has been forwarded to the appropriate decision-makers for review and consideration.

Response R-30P

The Climate Action Team strategies referenced by the commentor are used as a baseline against which to measure the Agricultural Residential Cluster Subdivision and Future Development Program to determine if the contribution of the project and/or program to cumulative GHG emissions is considerable. The list of "mitigations" referenced by the commentor is actually a table which compares the Agricultural Residential Cluster Subdivision and Future Development Program to these strategies (Table 4.2-7 in Section 4.2, *Air Quality,* of the Final EIR). Mitigation measures related to Global Climate Change are listed in Section 4.2.3(f) (Mitigation Measures) of the Final EIR [AQ-GCC(a) through AQ-GCC(c)].

In referencing the above-mentioned table, the commentor claims that the EIR dictates what sorts of vehicles could be purchased by Agricultural Residential Cluster Subdivision residents. Rather, the EIR notes that the Agricultural Residential Cluster Subdivision and Future Development Program would be consistent with Vehicle Climate Change Standards to the extent that any vehicles purchased by residents starting with the 2009 model year would comply with said standards (refer to the first column in Table 4.2-7). This is not because residents will be required to purchase certain vehicles, but because all new vehicles will be required to comply with these standards beginning in 2009. Should Agricultural Residential Cluster Subdivision residents purchase a model 2009 vehicle or newer, they would inherently be in compliance.

Response R-30Q

Comment noted.

Response R-30R

The commentor complains that the southbound stop at Encina Avenue in the community of Santa Margarita has a very poorly constructed shelter. Comment noted.

The commentor additionally notes that the RTA bus system does not have the infrastructure for real-time smart signage. As noted in mitigation measure AQ-GCC(c) (Alternative Transportation), provision of the funding needed to provide this infrastructure is required as mitigation.

Response R-30S

The commentor's concerns are noted. Refer also to Master Response 2. Ecosystem collapse as a result of Global Climate Change cannot be assumed in the EIR analysis, as this would be speculative.

Response R-30T

The commentor questions how much of the seasonal pool habitat in the Agricultural Residential Cluster Subdivision area could be classed as vernal pool habitat. None of the seasonal pools were considered vernal pools because the Ranch is not part of the region mapped as having vernal pools in the vernal pool recovery plan.

Refer also to the *Seasonal Pools* discussion in Section 4.3.1(b) (Habitat Types) in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-30U

The commentor expresses concern that the Agricultural Residential Cluster Subdivision appears to have been sited to disproportionately impact Native Perennial Grassland habitat. The commentor's concern is noted. Impacts to Native Perennial Grassland are analyzed in Agricultural Residential Cluster Subdivision Impact B-2.

Response R-30V

The commentor-referenced discussion provides additional detail related to re-establishment rates, which was acknowledged in the Draft EIR (refer to the second paragraph under *Residual Impacts* under Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.13, *Biological Resources,* of the Final EIR. Non-strikethrough and non-bold text has been unaltered from the Draft EIR).

Refer to Agricultural Residential Cluster Subdivision measures B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) and B-3(b) (Oak Tree Replacement, Monitoring, and Conservation) in the Final EIR for revised oak tree-related mitigation. As noted in these measures, a comprehensive oak tree inventory will identify the precise number of oaks that will be removed and/or impacted. Kuehl Bill requirements will be applied based on this inventory.

Response R-30W

The commentor expresses concurrence with the Water Resources Advisory Committee (WRAC) letter. Refer to Letter R-4 and Responses R-4A through R-4AA.

As noted under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. Therefore, groundwater impacts from the Agricultural Residential Cluster Subdivision would not affect stream levels.

Steelhead impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program B-7 in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-30X

Refer to Section 1.0, *Introduction,* of the Revised Draft EIR. As noted therein, the Revised Draft EIR is limited to revisions and amendments to certain sections of the Draft EIR. Because the cultural resources section was not substantially revised, it did not warrant recirculation.

Refer to Section 4.4, *Cultural Resources,* of the Final EIR.

Responses to all comments received on the Draft EIR, including those pertaining to cultural resources, are located in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-30Y

The library fee is considered adequate for all costs associated with the Santa Margarita Library.

It should also be clarified that this fee is not mitigation, as suggested by the commentor, but a condition of project approval. Library impacts are Class III, *less than significant,* and therefore do not warrant mitigation.

Response R-30Z

Refer to Letter 39 and Responses 39A through 39X in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for the commentor's Draft EIR comment letter and associated responses.

The commentor additionally points out that Agricultural Residential Cluster Subdivision measure T-1(c) (U.S. 101 Southbound Off-Ramp to SR 58) requires the project applicant to extend the deceleration length from 250 to 550 feet for the southbound off-ramp, while Future Development Program measure T-1(b) (U.S. 101 Southbound Off-Ramp to SR 58) requires future applicants to extend the same ramp to 650 feet. The Future Development Program mitigation measure has been revised to clarify that the ramp should only be extended from 550 feet to 650 feet, so as to not necessitate demolition of the extension required by the Agricultural

Residential Cluster Subdivision mitigation measure. Refer to Section 4.12, *Transportation and Circulation,* of the Final EIR.

Residual impacts associated with these mitigation measures, including impacts to biological resources, are addressed in the respective *Residual Impacts* discussions in Section 4.12, *Transportation and Circulation,* of the Final EIR.

Response R-30AA

No sewer lines are currently located in the community of Santa Margarita. The statement has been revised to accurately state "new sewer lines" in the Final EIR. Refer to the second paragraph under *Water and Wastewater* in Section 6.13.2 (Impact Analysis) in Section 6.0, *Alternatives,* of the Final EIR.

It should also be noted that Alternative 13 has been renamed the "Santa Margarita Town Expansion" Alternative in the Final EIR.

In addition, as noted in Section 6.13.1 (Description), the exact capacity, features and location of the new treatment plant would be determined in consultation with the County and Regional Water Quality Control Board.

Response R-30AB

Refer to Letter R-4 and Responses R-4A through R-4AA for responses to WRAC comments on the Revised Draft EIR.

The commentor claims that the WRAC comments and their own comments warrant a second round of recirculation. As evident in Responses R-4A through R-4AA and Responses R-30A through R-30AA above, said comments do not warrant substantial revisions to the EIR and therefore do not warrant recirculation.

Refer also to Section 1.0, *Introduction*, of the Revised Draft EIR for a discussion of recirculation requirements.

Response R-30AC

Comment noted.

Smart Growth Principles adopted by the San Luis Obispo County Board of Supervisors are guiding principles rather than policy. As a result, the proposed Agricultural Residential Cluster Subdivision's (or Future Development Program's) consistency with Smart Growth Principles is outside the scope of the EIR. However, several of the underlying principles of Smart Growth are indirectly addressed in Sections 4.12, *Transportation and Circulation*, 4.2, *Air Quality*, and 4.13, *Visual Resources*, of the Final EIR. In addition, Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) incorporates Smart Growth Principles. Refer to Section 6.0, *Alternatives,* of the Final EIR.

North County Watch

Protecting Our Heritage for Tomorrow

Email and Fax to:
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March 26, 2008

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

Subject: Santa Margarita Ranch Re-circulated DEIR

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

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

A

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

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

Air Quality

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

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

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

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

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

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

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

E

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

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

Green House Gases

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

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

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

Transportation and Circulation

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

SR 58 South of J Street,

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

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

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

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

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

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

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

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

I

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

Water and Wastewater

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

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

J

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

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

Regarding SWP and NWP the DEIR states:

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

K

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

Alternatives

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

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

L

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

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

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

M

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

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

M

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

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

N

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

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

O

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

P

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

Q

Thank You,

Susan A. Harvey

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

Letter R-31

COMMENTOR: Susan A. Harvey, North County Watch

DATE: March 26, 2008

RESPONSE:

Response R-31A

The commentor's summary of agricultural resource impacts and support for the No Project/Existing Zoning Alternative (Alternative 2) are noted.

Response R-31B

The commentor provides an excerpt from Agricultural Residential Cluster Subdivision Impact AG-2 and notes that agricultural activities near the Agricultural Residential Cluster Subdivision could pose health and air quality risks. Comment noted.

Response R-31C

The commentor claims that impacts from agricultural burning have not been addressed. Refer to Response R-31B. Health risks associated with agricultural operations are disclosed in Agricultural Residential Cluster Subdivision Impact AG-2, which was excerpted by the commentor (refer to Section 4.1, *Agricultural Resources,* of the Final EIR).

Refer also to Agricultural Residential Cluster Subdivision measure AQ-1(e) (Residential Wood Combustion) in Section 4.2, *Air Quality,* of the Final EIR, which prohibits backyard green waste burning due to nuisance and negative health effects.

Response R-31D

All project roadways and driveways would be paved. Runoff associated with this paving is addressed in Agricultural Residential Cluster Subdivision Impact D-2 in Section 4.5, *Drainage, Erosion, and Sedimentation,* of the Final EIR.

Refer to Agricultural Residential Cluster Subdivision Impact AQ-2 in Section 4.2, *Air Quality,* for a discussion of construction-related PM_{10} impacts.

Response R-31E

The commentor references Agricultural Residential Cluster Subdivision measure AQ-2(e) (Active Grading Areas) in Section 4.2, *Air Quality.* This measure relates to construction conditions, when driveway areas may not be paved. During the life of the project, driveways would be paved, and PM_{10} impacts would be negligible.

Response R-31F

Comment noted.

Response R-31G

The commentor notes that greenhouse gases (GHGs) could be reduced by limiting the total square footage of each new residence to 2,500 square feet. The commentor's suggestion is noted and will be forwarded to the appropriate decision makers for review and consideration. However, as a significant GHG impact in exceedance of a CEQA threshold has not been identified, there is no nexus to require this limitation as mitigation. Refer to CEQA Guidelines §§ 15126.4(a)(4)(A) and (B).

Response R-31H

Refer to Responses R-19C and R-19D. Although oak tree and other habitat removal may in fact decrease carbon sequestration in the short term before establishment of replacement trees, the quantification of this loss would be speculative (refer to Master Response 2).

Response R-31I

The commentor lists improvements required as mitigation in Section 4.12, *Transportation and Circulation,* of the Final EIR. Impacts associated with installation of these improvements are addressed in the *Residual Impacts* discussions under Agricultural Residential Cluster Subdivision Impacts T-1 and T-4.

Response R-31J

Impacts associated with connection to the State or Nacimiento Water Projects is adequately addressed in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. As noted therein, determination of precise environmental impacts associated with pipeline connection would be speculative because precise locations of pipelines are unknown at this time. Speculation is specifically prohibited by CEQA Guidelines § 15145.

The commentor-referenced discussion does not defer analysis. Rather, it identifies potential impacts to the extent feasible without entering the realm of speculation.

It should also be noted that water-related impacts are classified as Class I, *significant and unavoidable.*

Response R-31K

Refer to Response R-10D.

Refer also to Section 5.0, *Growth Inducing Impacts,* of the Final EIR for a discussion of potential growth inducing impacts associated with the extension of water lines. As used therein, the terms "overbuilt" and "excess" mean anything beyond that required for the Agricultural

Residential Cluster Subdivision. The Revised Draft EIR does not define these terms because this section of the EIR was not recirculated as part of the Revised Draft EIR.

Response R-31L

In accordance with CEQA Guidelines, an alternatives analysis need not be as detailed or exhaustive as the analysis of the proposed project, but rather "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project" [CEQA Guidelines § 15126.6(d)]. The commentor does not provide evidence to support a claim that the EIR alternatives analysis fails to provide sufficient information.

It should also be noted that new alternatives included in the Revised Draft EIR and incorporated into the Final EIR are analyzed at the same level of detail as those alternatives previously addressed in the Draft EIR. Refer to Section 6.0, *Alternatives,* of the Final EIR for a complete discussion of project alternatives.

Response R-31M

Refer to Section 6.13.2 (Impact Analysis) in Section 6.0, *Alternatives,* of the Final EIR.

Refer also to Response R-31L.

Response R-31N

Refer to Response R-31J. Speculation is specifically prohibited by CEQA Guidelines § 15145, which similarly applies to alternatives analysis.

Response R-31O

Refer to Response R-31L. As required by CEQA, the purpose of an alternatives analysis is to provide meaningful comparison to the proposed project, rather than to analyze each alternative as exhaustively as the project. Identification of whether an alternative is "better" or "worse" than the proposed project is an effective way to provide this comparison.

Response R-31P

Refer to the second paragraph under Section 6.14.1 (Description) in Section 6.0, *Alternatives,* of the Final EIR. Water service to the Reduced Project Alternative has been revised to be consistent with other alternatives. The *Water and Wastewater* discussion in Section 6.14.2 (Impact Analysis) has also been revised.

The commentor's statements related to consistency with County policy are noted.

Response R-31Q

Refer to Master Response 3a.

Letter R-32

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March 27, 2008

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

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

Dear Ms. Miller,

Thank you for the opportunity to comment on the RDEIR -The Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program

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

Outstanding Issues with the DEIR.

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

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

The correct language from this document states:

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

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

2. *Specific Plan Requirement. A specific plan is required to be prepared for the entire Santa Margarita Ranch as shown in Figure 7-24, to be in accordance with California Government Code Section 65450 for review and approval before an application is approved for any subdivision of land other than the agricultural cluster division that is allowed by Standard No. 1 above. This restriction shall not apply to lot line adjustments.*

B

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

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

C

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

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

D

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

E

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

F

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

G

The DEIR states on page 2-33 that,

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

Page 2-34

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

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

Section 2.1 Agricultural Resources

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

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

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

Section 2.3 Biological Resources (page 2-41)

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

Page 2-74 Updated Steelhead Mitigation

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

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

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

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

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

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

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

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

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

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

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

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

Section 2.4 Drainage, Erosion and Sedimentation

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

Section 2.5 Public Safety

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

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

Page 2-84

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

Section 2.7 Transportation/Circulation Page 2-90

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

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

Section 2.8 Water and Wastewater Page 2-110

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

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

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

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

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

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

Page 2-111 "...Margarita Farms is the only non – agricultural development on the Ranch property that draws from the same aquifer units as the proposed Agricultural Residential Cluster Subdivision and Future Development Program." If this is true then there must be additional study to understand the potential impacts on the water quantity for the community of Santa Margarita which is drawing from this same aquifer. **AJ**

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

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

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

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

The Final EIR on the Nacimiento Water Project states,

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

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

General Comments on the EIR

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

> *Subdivision Requirement. All new land divisions that are proposed prior to approval of the specific plan required by Standard No. 2 shall cluster the allowed residential density of the Santa*

Margarita Ranch property ownership shown in Figure 7-24 in accordance with agricultural lands clustering standards of Land Use Ordinance Chapter 22.04.

Tract 2586 is being created out of three parcels

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

AP

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

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

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

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

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

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

AQ

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

> "Per my phone message, I am sending written concerns regarding smr proposal to subdivide the exiting 5,461 acre parcel into four ag parcels and one remainder parcel (please note-there is a fifth proposed ag parcel that is an existing parcel.). (Does APN 070-094-003 have parcels that I am unaware of?)
>
> The proposed subdivision raises significant policy issues and would result in significant environmental impacts to agricultural resources, especially precedent-setting impacts.

AR

The primary policy issue and resulting agricultural resource impact is created by allowing a double subdivision to occur:

- First, by clustering the allowable parcels into a residential cluster, and
- Second, creating additional parcels by subdividing the remaining agricultural land

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

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

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

Sincerely,

David Blakely

Santa Margarita Fire Department

Post Office Box 67 Santa Margarita, California 93453 805-438-3185

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S.L.O. CO. PLANNING DEPT.

October 9, 2007

Paul Hood, Executive Officer
SLO LAFCO
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401

Dear Mr. Hood,

The Santa Margarita Fire Protection District Board of Directors would like to address concerns about the proposed cluster project on the Santa Margarita Ranch. After receiving comments from the public, and discussing these issues with officers of the Santa Margarita Fire Dept., we have serious questions about how the development will affect our district.

AT

Our concerns stem from the fact that we are a small town with an all-volunteer fire department, which has done a wonderful job serving the needs of our town for many years. This new, and potentially quite large, development directly abuts our Fire Protection District. Although the Environmental Impact Report states that San Luis Obispo County Fire Department/CalFire will be the first responding agency, our district has an automatic aid agreement with County Fire. Due to our proximity, we would, in many cases be the first responder. In any event, at least one of our fire apparatus and crew would remain committed to all incidents that we respond to, until released by the Incident Commander.

Although the development proposal states that land be given to SLOCFD/Calfire for the building of a fire station, it gives no timeline, or funding for this station. Unless these are mitigated, our department faces increased responsibility with no recompense.

AU

According to the California Fire Hazard Severity Zone map, the development is in a High Fire Severity Zone, with a Very High hazard zone adjacent to it. This would further drain our resources and dramatically increase our needs for urban/wildfire boundary defense.

AV

We ask that LAFCO conduct a Sphere of Influence Study of the Santa Margarita Fire Protection District as soon as possible to help us address the question of development and protection needs for our community. AW

Sincerely,

Beth Gorrill	Suzan Brandt	Joel Switzer
Board President	Board Member, secretary	Board Member

CC: James Patterson, San Luis Obispo County Supervisor, District 5
James Caruso, San Luis Obispo County Planning Department, Resource Manager

Letter R-32

COMMENTOR: David Blakely, Private Citizen

DATE: March 27, 2008

RESPONSE:

Response R-32A

The commentor claims that the Revised Draft EIR does not address weaknesses in the Draft EIR and that outstanding issues remain. Refer to Responses R-32B through R-32AW for responses to specific comments related to this claim.

Response R-32B

The commentor claims that the Draft EIR and Revised Draft EIR failed to address consistency with the Salinas River Area Plan, and provides verbatim language from the Plan. Refer to Response 37B in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Refer also to Appendix C (Policy Consistency) for a discussion of Agricultural Residential Cluster Subdivision consistency with the Salinas River Area Plan and other County policies.

Response R-32C

Refer to Response 37F in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Refer also to Master Response 3c. Because the EIR analyzes a conceptual future buildout of the Santa Margarita Ranch, it inherently avoids piecemealing.

Response R-32D

Refer to Appendix C (Policy Consistency) and Section 4.13, *Visual Resources,* of the Final EIR.

Response R-32E

Refer to Responses 14L and 37F in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The proposed Agricultural Residential Cluster Subdivision does not include a winery. Conceptual winery impacts were evaluated as part of the Future Development Program analysis.

It should also be noted that CEQA Guidelines do not require a lead agency to respond to comments made during the recirculation comment period which pertain to those sections of a Draft EIR which were not recirculated (refer to Response R-23AD). Comments made on the Draft EIR during initial circulation are addressed in Section 3.0 (Written Comments and

Responses on the Draft EIR) of this document. This commentor's Draft EIR comment letter is addressed in Responses 37A through 37FM therein.

Response R-32F

The commentor argues that allowable uses on Parcel 42 (Ranch Headquarters Parcel) should be delineated. Refer to Response 36M in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Any future development on Parcel 42 or the remainder parcel would require future environmental review, including preparation of additional EIRs and associated public review as necessary.

Response R-32G

Refer to Response R-23AD.

Refer also to Response 37K in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document, which addresses this comment as previously raised by the commentor.

Response R-32H

Comment noted. Refer to the discussion under *Updated Analysis* in Section 2.1 (Agricultural Resources) of the Revised Draft EIR for an explanation of the commentor-referenced change.

Response R-32I

Refer to Response R-32H.

Response R-32J

The commentor's summary is noted.

Response R-32K

Comment noted.

Response R-32L

The commentor does not raise any issues of concern with the Revised Draft EIR analysis. Nevertheless, the comment has been forwarded to decision-makers for review.

Response R-32M

An EIR cannot assess impacts from existing operations that occur independently of the project, nor assign mitigation related to such existing conditions.

Response R-32N

Refer to Section 4.14, *Water and Wastewater,* of the Final EIR for a discussion of groundwater impacts from the Future Development Program. As noted therein, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision and Future Development Program, which would assure that groundwater resources are not depleted as a result of the project or program.

Steelhead impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program B-7 in Section 4.3, *Biological Resources,* of the Final EIR.

Refer also to Response R-32M.

Response R-32O

The commentor suggests that a recent study of Steelhead on the Ranch should be included in the Final EIR. The commentor does not provide a reference for this study. Inclusion is therefore infeasible.

Response R-32P

Mitigation can only be required of an approved project. The referenced measure therefore cannot be implemented prior to application processing, as suggested by the commentor.

Response R-32Q

Refer to Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water).

Response R-32R

Refer to Response R-32P. Refer also to the analysis under Agricultural Residential Cluster Subdivision Impact B-7 in Section 4.3, *Biological Resources,* of the Final EIR for evidence to support the Class II determination.

Response R-32S

The commentor does not raise any issues of concern with the Revised Draft EIR analysis. Nevertheless, the comment has been forwarded to decision-makers for review.

Response R-32T

Refer to Response R-32M.

Response R-32U

Refer to Response R-32N.

Response R-32V

Agricultural Residential Cluster Subdivision measure B-8(a) (California Red-Legged Frog Avoidance, Minimization, and Mitigation Measures) based on the commentor's preceding Revised Draft EIR page reference does not simply require a plan. This measure includes avoidance practices, minimization measures, establishment of permanent buffers, compensatory habitat replacement, and other methods to reduce impacts.

Response R-32W

The commentor-referenced sightings of condors are noted. Refer to Response 67E in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the California Natural Diversity Database (CNDDB) does not include recorded occurrences of the California condor in the project vicinity. In addition, fragmentation of the Ranch due to existing vineyards is such that adequate habitat is not currently available on the property.

Response R-32X

The commentor references Agricultural Residential Cluster Subdivision measures D-2(a) (Yerba Buena Drainage System) and D-2(b) (Trout Creek Drainage System) as included in the Revised Draft EIR, and questions how the required detention basins will be maintained. As noted below these mitigation measures in the Revised Draft EIR, the *Plan Requirements and Timing* and *Monitoring* portions of these mitigation measures were not changed and were therefore excluded from the Revised Draft EIR. Refer to these measures in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR for explanation of maintenance requirements.

Response R-32Y

The letter from the Santa Margarita Volunteer Fire Department referenced by the commentor was sent to the Executive Officer of the San Luis Obispo Land Agency Formation Commission (LAFCO) on October 9, 2007. It was not submitted as a comment letter on the Draft EIR. This letter has been included as an attachment to this commentor's letter. Refer to Responses 32AT through 32AW for responses to the Fire Department letter.

Refer also to Responses 37BY through 37CC in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-32Z

Refer to Response 37CD in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-32AA

The commentor-referenced statement [first sentence of Section 4.9.1(i)] was included in the Revised Draft EIR to provide context for the location of the new valley fever discussion [Section 4.9.1(h)]. As noted below this discussion, the remainder of Section 4.9.1 had not changed and was therefore excluded from the Revised Draft EIR. Refer to Section 4.9.1(i) and Table 4.9-1

(EDR Listing Summary of Sites in the Vicinity of the Santa Margarita Ranch) in Section 4.9, *Public Safety,* of the Final EIR for complete text.

Response R-32AB

The commentor recommends that the EIR analyze impacts associated with traffic shortcutting down I Street. Refer to the second to last paragraph under Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. This new paragraph discusses impacts that may result from using I Street as a shortcut to bypass El Camino Real.

A new traffic study assessing only impacts to I Street is not necessary.

Response R-32AC

The commentor claims that the analysis referred to in Response R-32AB is inadequate, and claims that traffic impacts on I Street could be significant. Refer to Master Response 5 and Agricultural Residential Cluster Subdivision Impact T-1 in Section 4.12, *Transportation and Circulation,* of the Final EIR. Agricultural Residential Cluster Subdivision traffic would not significantly increase congestion within the community of Santa Margarita. Because levels of service (LOS) on El Camino Real would not degrade below established thresholds, it logically follows that "cut-through" traffic on I Street would similarly fail to result in unacceptable LOS at I Street intersections.

Response R-32AD

As noted in Response R-4I, the 2,000 acres of vineyards referred to by the commentor is the total planned vineyard acreage on the Ranch (i.e., 1,026.1 acres above the existing 973.9 acres, for a total of 2,000 acres). This total acreage is currently planned for by the Ranch owners, and is therefore considered in the baseline analysis [refer to Table 4.14-1 (Existing Ranch Water Demands) in Section 4.14, *Water and Wastewater,* of the Final EIR]. Impacts of water use for 1,026.1 additional acres are therefore inherent in the analysis.

It should also be noted that an EIR cannot assess impacts from existing operations that would occur independently of the project, nor assign mitigation related to such existing conditions.

Response R-32AE

The analysis does not assume indefinite replenishing of groundwater, which is evident in the Class I, *significant and unavoidable,* impact determination. Refer to Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* in the Final EIR.

Response R-32AF

The commentor summarizes the Class I, *significant and unavoidable,* groundwater impact. This comment is noted.

The commentor additionally claims that "there are also many impacts that will require so much to mitigate they can not reasonably be done and those impacts should also be Class I." The

commentor does not specify which impacts should be Class I or why. Specific response is therefore infeasible.

Response R-32AG

The commentor claims that it is not clear why imported water has become the water source for the Agricultural Residential Cluster Subdivision. Refer to Agricultural Residential Cluster Subdivision Impact W-1 and measure W-1(c) (Imported Water) in Section 4.14, *Water and Wastewater.* Imported water is required as mitigation due to the impacts that would result if groundwater was used, as is proposed.

Potential inconsistencies with County policy are disclosed in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 (refer specifically to the second paragraph under *NWP Connection via Encina Avenue* therein). The commentor's concern related to this potential inconsistency setting a precedent is noted and will be forwarded to the appropriate decision makers for review and consideration.

Response R-32AH

Refer to Response R-4T. The commentor-referenced discussion relates to existing water demand and is located in the setting portion of Section 4.14, *Water and Wastewater*.

It should also be noted that assuming a change in rainfall as a result of Global Climate Change would be speculative and outside the scope of CEQA analysis.

Response R-32AI

The "planned orchards and vineyards" referenced by the commentor are not part of the Future Development Program. They are currently planned for by the Ranch owners, and are therefore considered in the baseline analysis. Table 4.14-1 (Existing Ranch Water Demands) portrays existing Ranch water demands. Water use from Future Development Program wineries and other uses are analyzed in Section 4.14.2(c) (Future Development Program Impacts and Mitigation Measures) in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-32AJ

Refer to Response R-4U. Impacts to groundwater, which includes impacts to water users in the surrounding area, are discussed in Agricultural Residential Cluster Subdivision Impact W-1 and Future Development Program Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Impacts of both the project and program are classified as Class I, *significant and unavoidable.*

Response R-32AK

Consumptive water use rates used in the EIR are based on a Preliminary Hydrological Study prepared by Hopkins Groundwater Consultants, Inc. in June 2006. This study was included in the Draft EIR as Appendix K and is similarly included in the Final EIR. The commentor's statements related to clay soils and slow percolation are not substantiated by this study. Regardless, the amount of groundwater recharge would be reflected in the evaluated well data

that exhibited a declining trend, which led to the finding of potentially significant water supply impacts.

Response R-32AL

Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. It is therein acknowledged that importing water for the Agricultural Residential Cluster Subdivision may be inconsistent with County policy, subject to interpretation by the Board of Supervisors. It should also be noted that, based on uncertainties regarding timing and availability of imported water, water supply impacts remain Class I, *significant and unavoidable.*

Cumulative impacts related to water use are addressed in Section 4.14.2(d) (Cumulative Impacts). Growth inducing impacts associated with importing water are addressed in Section 5.0, *Growth Inducing Impacts,* of the Final EIR.

Response R-32AM

Refer to Response R-25H.

Response R-32AN

Refer to Response R-32AG.

Response R-32AO

The commentor-referenced EIR is incorporated by reference into the Final EIR analysis. Refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision ImpactW-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Refer also to CEQA Guidelines § 15150 (Incorporation by Reference).

Growth inducing impacts associated with importing water area addressed in Section 5.0,*Growth Inducing Impacts,* of the Final EIR.

Response R-32AP

Refer to Response R-32B and Response 37B in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. Refer also to Appendix C (Policy Consistency) for a discussion of Agricultural Residential Cluster Subdivision consistency with the Salinas River Area Plan and other County policies.

The commentor's summary of the number of parcels being created is accurate. The commentor's assertion that the open space and remainder parcels consist of an "additional subdivision" is noted and will be forwarded to the appropriate decision makers for review and consideration. It should also be noted that the cluster subdivision ordinance limits the number of residential parcels and residential units, not the number of open space parcels.

Response R-32AQ

Refer to Response R-32AP above. As noted in the previous comment, the Agricultural Residential Cluster Subdivision consists of 111 clustered parcels, five open space parcels (one including the 112th dwelling unit), and one remainder parcel, for a total of 117 parcels.

Response R-32AR

Refer to Responses R-32AP and R-32AQ above. Refer also to Agricultural Residential Cluster Subdivision Impact AG-1 in Section 4.1, *Agricultural Resources,* of the Final EIR and Letter R-9 (Lynda L. Auchinachie, Agriculture Department).

Response R-32AS

The commentor requests that the Agricultural Residential Cluster Subdivision's consistency with County Smart Growth Principles be analyzed in the Final EIR. Smart Growth Principles adopted by the San Luis Obispo County Board of Supervisors are guiding principles rather than policy. As a result, the proposed Agricultural Residential Cluster Subdivision's (or Future Development Program's) consistency with Smart Growth Principles is outside the scope of the EIR. However, several of the underlying principles of Smart Growth are indirectly addressed in Sections 4.12, *Transportation and Circulation*, 4.2, *Air Quality*, and 4.13, *Visual Resources*, of the Final EIR. In addition, Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) incorporates Smart Growth Principles. Refer to Section 6.0, *Alternatives,* of the Final EIR.

Response R-32AT

The commentor (Santa Margarita Volunteer Fire Department) expresses concern that the Agricultural Residential Cluster Subdivision and Future Development Program would burden the all-volunteer department, as they have an automatic aid agreement with County Fire. Impacts to fire response services are addressed in Section 4.10.2 (Fire Protection) in Section 4.10, *Public Services and Utilities,* of the Final EIR. This discussion acknowledges that the Santa Margarita Volunteer Fire Department would provide mutual aid to the Ranch property from the station located at 22375 G Street, near the center of the community of Santa Margarita.

Response R-32AU

Refer to Agricultural Residential Cluster Subdivision measure PS-3(a) (Fire Station) in Section 4.10, *Public Services and Utilities,* of the Final EIR. The commentor's concerns related to the timing of fire station construction are noted.

It should also be noted that this measure includes the payment of in lieu fees to fund the construction of the fire station. This measure is also required for the Future Development Program.

Response R-32AV

Refer to Section 4.10.2 (Fire Protection) in Section 4.10, *Public Services and Utilities,* of the Final EIR for a discussion of fire hazard severity on the Santa Margarita Ranch. The commentor's concerns related to increasing the needs for urban/wildfire boundary defense are noted.

Response R-32AW

The commentor requests that LAFCO conduct a Sphere of Influence Study of the Santa Margarita Fire Protection District. The comment is noted. Because this letter was addressed to SLO LAFCO, this request has already been received by the commission.

Letter R-33

"Lisen Bonnier"
<lisen@tcsn.net>
03/27/2008 10:20 AM

To <mlmiller@co.slo.ca.us>
cc
bcc
Subject SM Ranch RDEIR

March 27, 2008

Martha Miller, Project Manager
County Planning & Building Dept.
976 Osos St. Rm. 300
San Luis Obispo, CA 93401-2040

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

Subject: RDEIR Santa Margarita Ranch (Tract 2586)

General Comments:

- Require all lots to about. The 5% development area of total acreage, should be defined with one single line. (not with a line around each house separately). **A**
- Clear bufferzoones between residential living and agricultural activities **B**
- The 100 % density bonus needs to be re considered. This is based on the assumption that ALL lots would build 2 homes. That is an unrealistic growth speculation. Average growth for secondary housing in SLO county is less then 15%. The 100% bonus density is **very** destructive to agriculture, the resource we are trying to protect. **C**
- Section 2.1 update of definition of prime soils per AG. Commissioner's office (current NRCS Maps)is important in analyzing impacts to agricultural operations on ranchlands. **D**

Alternative 13: Smart Growth/Affordable Housing Alternative- **preferred alterative**

- More compact therefore less impact to agriculture
- Less overall fragmentation of wild habitat, blue oak woodland and CA Annual grassland
- Smart Growth principles allow for preservation of more rural land and agricultural resources-convert less open space to subdivision
- On-site waste water treatment plant could protect groundwater from improper septic disposal contamination.
- Connection to Nacimiento Water Project (though inconsistent with County Framework of Planning) could protect overdraft on existing water supplies with such a large population addition
- Transportation access to alternative commute is more realistic.

If Alternative 13 can not be achieved, than Alternative 14 is the only RIGHT choice **E**

Alternative 14: Reduced Project

- This proposed alternative would reduce the impact on Agricultural Prime soils by almost half. We are loosing prime soil at an alarming rate. Therefore it is crucial that ANY prime Ag land would be excluded from development.
- would reduce impacts related to grazing unit fragmentation. It is unrealistic to assume that grazing would be tolerated between housing lots on the original Agricultural Cluster Sub-division. This has been tried before, without success. No form of Agriculture should be expected inside, or around, the housing development with out clear buffer zones.
- Reduced conflicts between residential and vineyard uses with the smaller project footprint
- increased protection of valley oak woodlands a positive impact of the smaller development
- with the smaller development footprint the area would retain more of the rural character of the site and reduce the visual impacts.

F

Thank you for taking my comments,

Lisen Bonnier
6015 Los Osos Valley Road
San Luis Obispo, CA 93405
lisen@tcsn.net

Letter R-33

COMMENTOR: Lisen Bonnier, Private Citizen

DATE: March 27, 2008

RESPONSE:

Response R-33A

The above-referenced discussion has been removed from the Final EIR (refer to Response R-15Z). Potential inconsistencies with the applicable ordinance will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

Response R-33B

Buffers between agriculture and residential uses are discussed in Agricultural Residential Cluster Subdivision Impact AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR.

Response R-33C

The EIR analyzes the Agricultural Residential Cluster Subdivision as proposed. Refer to Section 4.1, *Agricultural Resources,* of the Final EIR for a discussion of impacts to agricultural resources.

Response R-33D

Comment noted.

Response R-33E

The commentor summarizes perceived benefits of Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing). This summary is noted.

The commentor's support for this alternative and secondarily for Alternative 14 (Reduced Project) is noted.

Response R-33F

The commentor summarizes perceived benefits of Alternative 14 (Reduced Project). The summary is noted. Refer also to Response R-33E.

Letter R-34

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

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

Date: 3/27/08

To: Martha Miller, Project Manager- SLO County Planning
mlmiller@co.slo.ca.us

RE: Comments on Santa Margarita Ranch RDEIR
sent by email on 3/27/08

Comments:

I am glad to see that the Revised Draft EIR includes both a Smart Growth/Affordable Housing option and a Reduced Project, both which are superior to the originally proposed Agricultural Sub Division. **A**

Alternative 13:Smart Growth/Affordable Housing is preferred because it:

- includes the much desired and needed affordable housing element, with 20% of the proposed development set aside as affordable housing is very positive.
- inclusion of both a 5 acre park and the trail connection from the community of Santa Margarita to the Los Padres National Forest is VERY positive for creating a more livable community by meeting recreational needs and off-setting the impact of development of this size
- has the addition of a wastewater treatment plant that would protect the existing groundwater from septic tank toxic seepage
- because of its closer proximity to existing housing in Santa Margarita- it should include more walkable/alternative transportation improvements to Wilhelmina Avenue- such as a Class 1 bike path would help encourage non-motorized transportation for local trips

This alternative does not mention if the homes would be allowed to keep livestock. If it did allow for some livestock, it would further blend into existing neighborhood uses. **B**

Alternative 14: Reduced Project

This alternative is much preferred to the original proposed 111 lot Agricultural Sub Division but it still lacks some of the essential positive elements of Alternative 13.

- Add 20% affordable housing to this alternative
- Keep the 5 acre park and recreational trail connection to the Los Padres National Forest
- add a non-motorized pathway from development to the town of Santa Margarita
- Allow for livestock keeping on some of the lots
- build a waste water treatment plant instead of using individual septic tank to protect groundwater

C

After reviewing the RDEIR there could be a potenial "best" alternative that could be called Alternative 15: Smart Growth/Affordable Housing combined with a Reduced Project. A smaller project at the Alternative 13 site would promote slower more sustainable growth, allowing the community of Santa Margarita to grow and expand over time and adjust to the increase in population and its impacts. **D**

Thank you for your consideration of my comments.

Kathy Longacre
6445 Corral de Piedra
San Luis Obispo, CA 93401

kll50@sbcglobal.net

Letter R-34

COMMENTOR: Kathy Longacre, Private Citizen

DATE: March 27, 2008

RESPONSE:

Response R-34A

Comment noted. It should also be noted that the Smart Growth/Affordable Housing Alternative (Alternative 13) has been renamed "Santa Margarita Town Expansion."

Response R-34B

The commentor summarizes perceived benefits of Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing). This summary is noted.

Keeping of livestock at Alternative 13 residences would be in accordance with the San Luis Obispo County Zoning Ordnance.

Response R-34C

The commentor summarizes elements of Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) which she feels should be included in Alternative 14 (Reduced Project). Refer to Master Response 4.

Response R-34D

The commentor recommends a combination Alternatives 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) and 14 (Reduced Project). This recommendation is noted and will be forwarded to the appropriate decision makers for review and consideration.

Letter R-35

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EcoSlo

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OF SAN LUIS OBISPO COUNTY

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Bob Lavelle

March 27, 2008

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

VIA Email

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

Dear Ms. Miller,

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

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

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

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

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

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

Respectfully submitted,

Morgan Rafferty
Executive Director

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

All G

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

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

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

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

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

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

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

(1) Generally Applicable Measures

Energy Efficiency[1]

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

Renewable Energy

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

Water Conservation and Efficiency[12]

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

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

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

Solid Waste Measures

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

Land Use Measures

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

Transportation and Motor Vehicles

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

stations).

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

Carbon Offsets

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

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

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

(2) General Plan Measures[25]

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

Conservation Element[26]

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

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

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

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

Land Use Element[48]

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

Circulation Element[51]

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

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

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

Housing Element[59]

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

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

Open Space Element[62]

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

Safety Element[63]

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

Energy Element

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

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

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

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

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

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

(3) Resources About Global Warming and Local Action

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Endnotes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50. For a list and maps related to urban growth boundaries in California, see Urban Growth Boundaries and Urban Line Limits, Association of Bay Area Governments (2006) at http://www.abag.ca.gov/jointpolicy/Urban%20Growth%20Boundaries%20and%20Urban%20Limit%20Lines.pdf.

51. The Circulation Element works with the Land Use element and identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities.

52. See Orange County Transportation Authority, Signal Synchronization at http://www.octa.net/signals.aspx. Measures such as signal synchronization that improve traffic flow must be paired with other measures that encourage public transit, bicycling and walking so that improved flow does not merely encourage additional use of private vehicles.

53. San Francisco's "Transit First" Policy is listed in its Climate Action Plan, available at http://www.sfenvironment.org/downloads/library/climateactionplan.pdf. The City's policy gives priority to public transit investments and provides public transit street capacity and discourages increases in automobile traffic. This policy has resulted in increased transit service to meet the needs generated by new development.

54. The City of La Mesa has a Sidewalk Master Plan and an associated map that the City uses to prioritize funding. As the City states, "The most important concept for sidewalks is connectivity. For people to want to use a sidewalk, it must conveniently connect them to their intended destination." See http://www.ci.la-mesa.ca.us/index.asp?NID=699.

55. San Francisco assesses a Downtown Transportation Impact Fee on new office construction and commercial office space renovation within a designated district. The fee is discussed in the City's Climate Action plan, available at http://www.sfenvironment.org/downloads/library/climateactionplan.pdf.

56. For example, Seattle, Washington maintains a public transportation "ride free" zone in its downtown from 6:00 a.m. to 7:00 p.m. daily. See http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare.

57. See, *e.g.*, Reforming Parking Policies to Support Smart Growth, Metropolitan Transportation Commission (June 2007) at http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox-Handbook.pdf; see also the City of Ventura's Downtown Parking and Mobility Plan, available at http://www.cityofventura.net/depts/comm_dev/resources/mobility_parking_plan.pdf, and its Downtown Parking Management Program, available at http://www.cityofventura.net/depts/comm_dev/downtownplan/chapters/5_programs_implementation.pdf.

58. See Safe Routes to School Toolkit, National Highway Traffic Safety Administration (2002) at www.nhtsa.dot.gov/people/injury/pedbimot/bike/Safe-Routes-2002; see also www.saferoutestoschools.org (Marin County).

59. The Housing Element assesses current and projected housing needs. In addition, it sets policies for providing adequate housing and includes action programs for that purpose.

60. The U.S. Conference of Mayors cites Sacramento's Transit Village Redevelopment as a model of transit-oriented development. More information about this project is available at http://www.cityofsacramento.org/planning/projects/65th-street-village/. The Metropolitan Transportation Commission (MTC) has developed policies and funding programs to foster transit-oriented development. More information is available at MTC's website: http://www.mtc.ca.gov/planning/smart_growth/#tod. The California Department of Transportation maintains a searchable database of 21 transit-oriented developments at http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp.

61. The City of Berkeley has endorsed the strategy of reducing developer fees or granting property tax credits for mixed-use developments in its Resource Conservation and Global Warming Abatement Plan. City of Berkeley's Resource Conservation and Global Warming Abatement Plan p. 25 at http://www.baaqmd.gov/pln/GlobalWarming/BerkeleyClimateActionPlan.pdf.

62. The Open Space Element details plans and measures for preserving open space for natural resources, the managed production of resources, outdoor recreation, public health and safety, and the identification of agricultural land. As discussed previously in these Endnotes, there may be substantial overlap in the measures appropriate for the Conservation and Open Space Elements.

63. The Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

Letter R-35

COMMENTOR: Morgan Rafferty, Executive Director, Environmental Center of San Luis Obispo County (EcoSlo)

DATE: March 27, 2008

RESPONSE:

Response R-35A

The commentor notes that their comments are submitted on behalf of the EcoSlo Board of Trustees and hundreds of members throughout San Luis Obispo County. The commentor additionally notes that the Revised Draft EIR adds detail to the significance of the environmental impacts of the Agricultural Residential Cluster Subdivision. Comment noted.

Response R-35B

The commentor expresses support for Alternatives 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) and 14 (Reduced Project) and notes that both of these alternatives would be consistent with LUO Section 22.22.152(D). Comment noted.

The commentor additionally summarizes Agricultural Residential Cluster Subdivision Impact AG-1, including impacts to the 676.7 acre grazing unit and potential inconsistency with LUO Section 22.22.152(D). This summary is noted.

Potential inconsistencies with the applicable ordinance will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project. Refer to Response R-15Z.

Response R-35C

The referenced discussion has been removed from the Final EIR (refer to Response R-15Z). Potential inconsistencies with the applicable ordinance will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

Response R-35D

The commentor notes that other agricultural cluster projects in the County have been designed to be consistent with LUO Section 22.22.152(D) while the Santa Margarita Ranch Agricultural Residential Cluster Subdivision has not. Comment noted. Refer also to Response R-15Z.

Response R-35E

Imported water from State Water and/or Nacimiento Water Projects is required as mitigation because of the potential impacts associated with the project's proposed use of groundwater [refer to Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water) in Section 4.14, *Water and Wastewater,* of the Final EIR]. The use of Nacimiento water is therefore

not "proposed," as suggested by the commentor; use of groundwater is proposed, while imported water is required as mitigation.

The commentor additionally suggests that Nacimiento water would be used for agricultural purposes. However, as noted in Response R-4M, two approaches for the delivery of Nacimiento water are presented, one of which is using untreated Nacimiento water for agriculture (refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR). The second option includes delivery of untreated Nacimiento water to the Ranch for on-site treatment and Agricultural Residential Cluster Subdivision supply. Potential policy inconsistencies associated with either option are noted in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1.

Response R-35F

Greenhouse gas (GHG) impacts and associated mitigation measures are discussed in Section 4.2.3 (Global Climate Change) of the Final EIR. There is no legal nexus against which to require the commentor-referenced mitigation measures, as no GHG impact has been identified in exceedance of a CEQA threshold. However, the intent of many of the Attorney General's proposed measures are met in mitigation measures AQ-GCC(a) (Construction Phase Mitigation to Reduce Fuel Usage and thus Greenhouse Gases), AQ-GCC(b) (Operational Phase Mitigation to Reduce Fuel Usage and thus Greenhouse Gases) and AQ-GCC(c) (Alternative Transportation).

Response R-35G

Refer to Response R-35F.

Letter R-36

Santa Margarita Area Residents Together

PO Box 50
Santa Margarita, CA 93453

Comments:
Revised Draft Environmental Impact Report
March 27, 2008

We appreciate the opportunity to participate in the public comment process on the Revised Draft Environmental Report (RDEIR) for the proposed Agricultural Cluster Subdivision (ACS) and the Future Development Program scenarios (FDP) as published by Rincon and Associates. Below are our comments.

INTRODUCTION

The RDEIR is a study in dichotomy. The land area in which both the ACS and FDP projects are proposed is burdened with much extensive bio-diversity and situational uniqueness. It is shown by the RDEIR that there is no one area that is suitable for the extensive scope of either the ACS or the magnitude of FDP proposals. As an example, the location in which the applicant has proposed the ACS produces untenable traffic impacts to a road infrastructure already hampered by problems with road alignment, sight-distance issues, and locations of school, railroad tracks, hills, and arterials. Other locations studied could reduce these traffic impacts, but in doing so they introduce other equally untenable impacts. Locations north of Santa Margarita increase impacts to prime agricultural soils. Locations west of Santa Margarita increase impacts to emerging wetlands. It is our assessment that the both the ACS and the FDP provide excessive impacts to the environment and the community of Santa Margarita but provide little or no benefits to either. A

The proposed ACS does not meet criteria set by the County of San Luis Obispo Agricultural Subdivision ordinance that requires a 95% to 5% ratio of open space to development. The RDEIR states the ACS provides only a 82.1% to 17.9% ratio. This project must be reconfigured to conform to the appropriate ratio to go forward as an ACS. If the developers choose to subdivide a larger percentage than 5%, it would be more appropriate for them to apply for a subdivision rather than the ACS. B

It is the opinion of the Board of Directors of SMART that the concept of Agricultural Subdivisions carries with it the endemic problem of sprawl. Development should not occur as isolated pockets of exclusive bedroom communities. We believe this concern is officially shared by the County. We point it out here for emphasis. C

The publication of two separate Environmental Impact Reports under one cover presents it's own set of irreconcilable dilemmas. CEQA law requires full study of cumulative impacts, yet the vague nature of the FDP portion of the RDEIR does not allow adequate study of these cumulative impacts. CEQA law has a name for the process proposed by the developers: Piecemealing. County land-use ordinances and standard practices offer a solution to this problem and it also has a name: Specific Plan. We believe the current path of phased proposals violates County Statutes and State Law and as a result the current RDEIR deviates from legal requirements. D

Though we disagree with these precepts of the FDP, SMART recognizes it is incumbent upon us to participate in the RDEIR comment process. Our participation in no way is to be considered an endorsement of this portion of the EIR process. We agree with the consultants' assessment of the serious class of impacts associated with this project. E

AGRICULTURAL RESOURCES

Our original comments are still relevant with the following changes as a result of the RDEIR. We still support the DEIR's conclusions concerning the Class I impacts that are significant and unmitigable. F

We now propose eliminating lots 17, 19, 20, 24, 25,26, 29, 30, 40, 66, 71, 72,73, 80, 81, 82, 83, and 84, to avoid the loss of, or to avoid the direct negative impact on, existing prime soils and potential prime soils, and to provide adequate buffers to this resource. G

We continue to propose the elimination of any uses in the FDP that encroach on prime soils. (eg; The historical area, the proposed wineries, various ranch headquarters, etc.)

As stated in the RDEIR, the proposed ag cluster violates the County Ag Lands Clustering Ordinance by placing only 82.1% of the site in open space and converting 17.9%, instead of the required of the required 5% footprint for development with 95% set aside for open space. **This in itself should be adequate grounds for rejecting this proposed project.** H

We once again stand by our original comments that the DEIR must evaluate the worst-case scenario with regards to potential significant impacts. Because of this, all FDP impacts have the potential of being class 1 and must be addressed accordingly. **Reducing and restricting what is allowed in the FDP, and eliminating uses, is the only way to avoid or to lessen these impacts. Elimination of future development potential could and should be used as mitigation for impacts if any ag cluster proposal goes forward.** I

AIR QUALITY

The RDEIR does not adequately address GCC and GHG impacts due to the FDP. As stated above, the worst-case scenario must be considered for all FDP impacts, and cumulative impacts (ACS plus FDP) must be addressed and mitigated, if possible. **SMART cannot stress enough that this is the reason the courts included analysis of the FDP in this DEIR – to analyze, as best as possible, the cumulative effects of this project (the ACS) and future build-out (the FDP).** J

BIOLOGICAL RESOURCES

While we support the new requirement of an Oak tree Inventory, Avoidance and Protection Plan as outlined beginning on page 2-67 and ending on page 2-73, we still feel the best mitigation is to eliminate the impacts. Therefore our original comments are still pertinent with the following revisions to the elimination of lots. K

We continue to propose the elimination of lots according to listing on page 2-63 of the Revised DEIR. (Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 30, 31, 32,

33, 34, 35, 36, 37, 38, 39, 40, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 87, 89, 91, 93, 97, 98, 112, 113, & 115 to avoid impacts and losses to the oak woodland. K

Additionally, the RDEIR suggests that an Oak Tree Inventory be prepared prior to issuance of a grading plan. We submit that this inventory should be part of a DEIR. In order for the impacts to Oak Tree habitat to be analyzed, a census of oak trees needs to be performed as part of the EIR process. It would be impossible for impacts to be analyzed without knowledge of the actual number and species of oak trees in a given area. The methodology of aerial surveys is inadequate. There instead should be a drawing for each proposed lot indicating the location, species, and drip line of each oak tree within the proposed lot. L

Members of the SMART Board of directors were able to personally survey some of the proposed building sites. We noted that blue stakes representing potential building sites were located in some cases where the canopies for adjacent trees were almost touching. This would indicate that building would not be possible outside the drip line, as required. M

The language in the RDEIR that suggests, "development within proposed lots shall avoid the removal of oak trees to the maximum extent possible" is inadequate. SMART rejects the concept that "building envelopes" can be established to eliminate impacts to oak trees that would be outside the envelope. There is no process in place that would prevent future homeowners from building barns, garages, horse arenas and driveways outside the building envelopes. We submit that any oak tree within a parcel is vulnerable to future impacts and must be mitigated. N

STEELHEAD

Updated Steelhead Mitigation (pg 2-74) and **Updated California Red-legged Frog Mitigation** (pg 2-77) accurately discuss potential 'take' associated with grading disturbances. Neither section looks at 'take' associated with depleted water resources through current ag uses. While this RDEIR is not tasked with evaluating the impact of current ag uses on the property, these ag uses have in fact affected SS and CRLF habitat, and that impact has to be addressed in light of potential impacts from the ACS and the FDP. O

TRAFFIC

SMART agrees with the language in the RDEIR that states, "the Agricultural Residential Cluster Subdivision will add traffic to locations with existing hazards and operational problems, including the SR 58 90-degree curve, US 101/SR 58 interchange, and limited sight distance along Estrada Avenue." P

SMART disagrees with the language, "Implementation of proposed mitigation measures would improve hazards and deficiencies". We disagree because many of the mitigations proposed are not feasible or practicable. Leveling of the hill in Estrada Avenue east of H St. is one prime example. Q

On page 2-91, the RDEIR states, in regards to traffic impacts during school hours, that levels of service at specific intersections will not degrade to unacceptable levels. On the same page the RDEIR states, in regards to "cut through" traffic, that cut-through traffic R

will not result in unacceptable levels of service. Residents of the area are not concerned with 'levels of service' . Residents are concerned about existing conditions that are now real hazards to public safety, problems that will be greatly exacerbated with increased traffic. The RDEIR does not address these safety issues and the very specific conditions that cause these hazards. R

One paragraph in the RDEIR (pg.2-97) sums up our position that proposed mitigations to traffic impacts may never be implemented:

"Residual Impacts.
If the construction and occupation of residences occurs prior to completion of the above improvements, existing deficiencies and associated impacts would remain. Although proposed mitigation would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, and uncertainty regarding right-of-way acquisition, ***it cannot be assured that all improvements would be feasibly constructed prior to occupation of the proposed residences. As a result, impacts would remain significant and unavoidable.*** S

The improvements referenced are mitigations for impacts from the ACS project. Occupancy permits are conditional upon completion of those improvements, as mitigation for increased traffic congestion. SMART concurs with the statement above that there is no guarantee the required mitigations may ever be implemented, therefore logic dictates there are no mitigations possible for the specified impacts, and they are Class I impacts. T

WATER

Table 4.14-1 (pg 2-111) notes the current vineyards' "actual consumptive demand is estimated at approximately 400 afy." An authoritative, independent source must be cited for this information. If it is developer-generated data, it is biased and cannot be used. There is ample evidence to suggest the current ag operations are using more water than is reported. Members of the SMART Board of Directors have had opportunities to tour the Santa Margarita Ranch since the DEIR comment period. We have observed that an extensive water delivery system has been installed on the ranch in the vicinity of the proposed development. We also understand there is anecdotal evidence that increased water pumping by the ranch has caused harm and degradation to riparian habitat. U

There is not adequate information on the actual pumping of groundwater on the Santa Margarita Ranch. Pumping amounts are likely significant in relation to available water table capacities. **Once again, an independent monitoring program must be in place before any analysis of current use patterns can be used to establish future impacts.** V

(pg 2-112) Residual Impacts. The RDEIR clearly states external water sources (SWP or NWP) are uncertain and unreliable. This ACS project must address water needs **before** any permits are granted. Reliance upon potential, questionable future water supplies is not sufficient to condition any project. W

The RDEIR goes on to address the many impact issues associated with external water sources, but none of these can be of relevance unless the current ACS project is shelved till one or more external water sources becomes available. X

Most importantly, the RDEIR does not address cumulative impacts of water demand with the addition of the FDP, as required. The FDP includes significant development that is potentially water intensive, including wineries and wine-grape processing stations. These FDP proposed uses are significant and their water demand must be included in analysis. Y

ALTERNATIVES

We agree with the conclusion on page 3-41, that the Reduced Project Alternative (#14) is environmentally superior to all the others (with the exception of the No project alternative in the original DEIR). All of the other alternatives have trade-offs with regards to certain impacts being reduced while others are increased. Therefore, if any type of Ag Cluster is allowed to go forward it should be done so with a greatly reduced number of dwellings. Z

SUMMARY

In conclusion, it is SMART's position that although the DEIR and the RDEIR has done a commendable job of pointing out Significant Class I and Class II impacts, the vague conceptual nature of the Future Development Program makes it impossible to accurately assess far-reaching cumulative impacts of this project at build-out. AA

We suggest that if any ag cluster proposal is allowed to go forward, an **elimination of various parts of the future development program** seriously be considered as part of the mitigation. The Santa Margarita Community does not want or need the amount of development presently proposed. If a project is to happen, let it be done so the historic and environmental significance of the ranch is retained. AB

End of DEIR Comments

for: John Becker

SMART BOARD OF DIRECTORS

Letter R-36

COMMENTOR: SMART Board of Directors, Santa Margarita Area Residents Together (SMART)

DATE: March 28, 2008

RESPONSE:

Response R-36A

The commentor discusses sensitive resources in the Santa Margarita Ranch vicinity and notes that the Agricultural Residential Cluster Subdivision and Future Development Program would result in impacts to the environment and community but would provide little or no benefits. The comment is noted. Refer to Section 4.0, *Environmental Impact Analysis*, of the Final EIR for a discussion of impacts to the environment and community.

Response R-36B

The commentor notes that the Agricultural Residential Cluster Subdivision may violate LUO Section 22.22.152(D) by conserving only 82.1% of the site area, as discussed in the last paragraph under Agricultural Residential Cluster Subdivision Impact AG-1 in 2.1 (Agricultural Resources) of the Revised Draft EIR. The commentor's opinion that the applicant should submit a revised project that meets the 95% conservation requirement is noted.

It should also be noted, however, that the above-referenced discussion has been removed from the Final EIR (refer to Response R-15Z). Potential inconsistencies with the applicable ordinance will be addressed in the Staff Report for the Agricultural Residential Cluster Subdivision project.

Response R-36C

The commentor's opinion regarding agricultural subdivisions is noted.

Response R-36D

It should be clarified that the EIR is a combination Project and Program EIR, but is not two separate EIRs (refer to Section 2.0, *Project Description,* of the Final EIR). Similarly, the Revised Draft EIR revises portions of the Draft EIR, but does not constitute a separate EIR (refer to Section 1.0, *Introduction,* of the Revised Draft EIR).

Refer also to Master Response 3c. Because the EIR analyzes a conceptual future buildout of the Santa Margarita Ranch, it inherently avoids piecemealing. In addition, as noted in Master Response 3a, no application has been filed for the Future Development Program and future environmental review will be required for future projects.

Response R-36E

The commentor claims that SMART is obligated to respond to the Revised Draft EIR and notes that their comments do not endorse "this portion of the EIR process." Comment noted. Refer also to Letter 36 and Responses 36A through 36BE in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for the commentor's Draft EIR comment letter and associated responses.

Response R-36F

The commentor notes that their previous comments related to agricultural resources are still relevant. Refer to Responses 36G through 36M in Section 3.0 (Written Comments and Responses on the Draft EIR).

The commentor's support of the conclusion of Class I impacts related to agricultural conversion and agriculture-urban conflicts is also noted.

Response R-36G

The commentor recommends elimination of several Agricultural Residential Cluster Subdivision lots and any Future Development Program land uses to reduce impacts to prime soils. Refer to Response 36H in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. Refer also to Section 6.0, *Alternatives,* of the Final EIR and Master Response 4.

Response R-36H

The commentor's preference for project denial based on potential inconsistencies with LUO Section 22.22.152(D) is noted. Refer also to Response R-15Z.

Response R-36I

Refer to Master Response 3b. The EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the Future Development Program, as the commentor suggests. Refer also to Response 36J in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

It should also be noted that no application has been filed for the Future Development Program and future environmental review will be required for future projects (refer to Master Response 3a).

Response R-36J

The commentor claims that the Revised Draft EIR does not adequately address impacts of the Future Development Program on Global Climate Change (GCC) because a worst-case needs to be used. Refer to Response R-36I.

Response R-36K

Refer to Response 36O in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-36L

The commentor suggests that the oak tree inventory required by Agricultural Residential Cluster Subdivision measure B-3(a) (Oak Tree Inventory, Avoidance, and Protection Plan) be completed as part of the EIR process, rather than as mitigation. This inventory is not feasible until the precise locations of structures, utilities, driveways, septic tanks, leach fields, grading, retaining walls, outbuildings, and impervious surfaces are known. Because building envelopes have not been identified and structures have not been designed, preparation of this inventory would not be feasible.

Response R-36M

Comment noted. Refer to Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR. As noted therein, impacts related to oak tree removal would be Class I, *significant and unavoidable.*

Response R-36N

As noted in Agricultural Residential Cluster Subdivision Impact B-3 in Section 4.3, *Biological Resources,* of the Final EIR, impacts related to oak tree removal would be Class I, *significant and unavoidable*. Refer also to Response 36O in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document.

Response R-36O

An EIR cannot assess impacts from existing operations, nor assign mitigation related to existing conditions that occur independently of the project. This distinction is alluded to by the commentor. In addition, as noted under Agricultural Residential Cluster Subdivision Impact W-1, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. Steelhead impacts are addressed in Agricultural Residential Cluster Subdivision Impact B-7 and Future Development Program B-7 in Section 4.3, *Biological Resources,* of the Final EIR.

Response R-36P

The commentor's agreement with the referenced statement in the Revised Draft EIR is noted.

Response R-36Q

The commentor disagrees with a statement in Revised Draft EIR Section 2.7 (Transportation/Circulation) that "implementation of proposed mitigation measures would

improve hazards and deficiencies." The commentor argues that many traffic-related measures would be infeasible or impractical.

It should be noted that the sentence following the referenced statement reads: "However, due to uncertainty regarding Caltrans approval of facilities within State jurisdiction and uncertainty regarding the timing of required improvements, Class I, *significant and unavoidable*, impacts would result."

Response R-36R

The commentor notes that, in reference to traffic impacts during school hours and from short-cutting down I Street, the community of Santa Margarita is concerned with safety rather than levels of service (LOS). The comment is noted. Refer to Master Response 5.

Response R-36S

Refer to Response R-36Q.

Response R-36T

The commentor's agreement with the Class I, *significant and unavoidable,* determination for traffic-related impacts is noted.

Response R-36U

Refer to Master Response 6.

The commentor's statements regarding existing Ranch water use are noted.

Response R-36V

The commentor claims that there is not adequate information on groundwater pumping of on the Ranch. The EIR water supply evaluation analyzed the ability of the underlying aquifers to adequately serve existing demand in combination with demand generated by the Agricultural Residential Cluster Subdivision Project and Future Development Program, based on a review of available, existing groundwater data.

The commentor additionally argues that the groundwater monitoring program required by Agricultural Residential Cluster Subdivision measure W-1(a) should be established prior to project approval, rather than prior to occupancy clearance. As noted in Response 8O in Section 3.0 (Written Comments and Responses on the Draft EIR), the intent of the mitigation measure is to monitor groundwater impacts associated with the Agricultural Residential Cluster Subdivision. The EIR cannot require mitigation for a project which has not been approved.

Response R-36W

The Agricultural Residential Cluster Subdivision could not be constructed without proof of adequate water supply, as required by Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water) in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-36X

Refer to Response R-36W and Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR, which remains Class I, *significant and unavoidable,* due to uncertainties regarding timing and availability of imported water sources.

Response R-36Y

As noted in Section 1.0, *Introduction,* of the Revised Draft EIR, the Revised Draft EIR is limited to revisions and amendments to certain sections of the Draft EIR which were substantially revised since its preparation. Refer to Section 4.14.2(c) (Future Development Program Impacts and Mitigation Measures) and (d) (Cumulative Impacts) in Section 4.14, *Water and Wastewater,* of the Final EIR for a discussion of cumulative water demand impacts.

Response R-36Z

The commentor's preference for Alternative 14 (Reduced Project) is noted.

Response R-36AA

Refer to Master Response 3a. As described therein, the Future Development Program does not represent a development plan for allowable future uses on the Santa Margarita Ranch, nor does it preclude future environmental review.

Response R-36AB

The commentor's preference for elimination of Future Development Program uses is noted. Refer also to Master Response 3a.

Letter R-37

Shane Hayward
<shanehayward1@mac.com>
03/28/2008 05:14 PM

To mimiller@co.slo.ca.us
cc
bcc
Subject EIR Input Attn: Martha Mill, EIR Manager

Comments on the Revised Draft of the EIR, Santa Margarita Ranch Subdivision/ Future Development

From; Shane Hayward
W. Pozo Road, Santa Margarita Ca. 93453
805-550-5343

There are 2 California Condors that are frequenting the S.M. Ranch. I have observed them on a regular basis (once a week at times) on both sides of Pozo Road between Trout/Water Canyon and the Salinas, slightly east of 58 adjoining the Ranch. I have witnessed them feeding on carrion. **A**

There are 3 new pairs of eagles (some, the offspring of the 4 pair on the Salinas River adjoining the ranch.) They are nesting in the foothill range along the north side of Pozo Road between Highway 58 and Las Pilitas Road. They are using the Ranch, as well as the new proposed subdivision area for their hunting grounds, as are the Condors. **B**

I have observed over 200 hummingbirds, 6 or 7 species, within a half hour. This is as important as the Ramsey Hummingbird Nature Conservancy located in Southern Arizona, near Bisby. **C**

There are now more mountain lions, bear and bobcats than in the last 30 years on the ranch. The ranch is an important corridor between the Los Padres National Forest and the Salinas River as well as hunting grounds/creeks for these magnificent creatures. There has been little confrontation between man and animal as there are so few people on the ranch.
I recently observed my first badger sighting on the ranch. **D**

Respectfully Submitted,
Shane Hayward

Letter R-37

COMMENTOR: Shane Hayward, Private Citizen

DATE: March 28, 2008

RESPONSE:

Response R-37A

The commentor's observations of the California condor in the vicinity of the Ranch are noted. Refer to Response 67E in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. As noted therein, the California Natural Diversity Database (CNDDB) does not include officially recorded occurrences of the California condor in the project vicinity. In addition, fragmentation of the Ranch due to existing vineyards is such that adequate habitat is not available on the property. Although condors may be seen in the area, the development is not anticipated to impact the species.

Response R-37B

The commentor's observations of eagles are noted. Refer to the *Special-Status Wildlife* discussion under Section 4.3.1(e) (Special-Status Species) in Section 4.3, *Biological Resources,* of the Final EIR for a discussion of the likelihood of the golden eagle and bald eagle to occur on the property. As noted therein, the golden eagle was observed foraging over grasslands and open woodland throughout the Agricultural Residential Cluster Subdivision site, while the bald eagle has the potential to nest on-site but is not expected to forage on-site. Impacts to these species are addressed in Agricultural Residential Cluster Subdivision Impact B-9 and mitigated in Agricultural Residential Cluster Subdivision measure B-9(c) (Pre-construction Bird Survey).

Response R-37C

The commentor's observations of hummingbirds are noted. Anna's hummingbird (*Calypte anna)* and Allen's hummingbird (*Selasphorus sasin)* are noted in Section 4.3, *Biological Resources,* of the Final EIR to occur in oak woodlands. Impacts to these species are discussed in Agricultural Residential Cluster Subdivision Impact B-9 and mitigated in Agricultural Residential Cluster Subdivision measure B-9(c) (Pre-construction Bird Survey).

Response R-37D

The commentor's observations are noted. Refer to Section 4.3, *Biological Resources,* of the Final EIR.

Letter R-38

Martha Miller, EIR Manager
County Planning and Building
County Government Center
San Luis Obispo, CA 93408

Sent via E-Mail mlmiller@co.slo.ca.us

Subject: Draft Environmental Impact Report (DEIR) for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Program (State Clearing House No. 2004111112)(Case number VVTM 2586)
Revised Draft EIR dated February 7, 2008

Dear Ms. Miller:
Comments on the Revised Draft EIR (RDEIR).

1. A major concern I have heard voiced about the project is that the idea of (1) acre parcels with "open space" around them is not viable. Cattle cannot graze with a population that will be generating as many as 300 trips per day down private roads. The first BMW or Mercedes that hits a mother cow or a calf will effectively shut down the grazing operation and create a liability problem for the Home Owners Association and the holders of the Ag trust land. **A**
2. Ag cluster aggregates in this county have historically been created with 2.5 to 20 acre parcels, not scattered like confetti, but contiguously placed in lines or other manageable configurations. Practically the current configuration CANNOT work with an Ag operation. As the owners have so ably vowed in their arguments against creating a trail corridor to allow public access to East Cuesta and the National Forest, they are running a cow operation, and "it is not compatible with the public accessing the area". **B**
3. The circulation problem has not been adequately mitigated. Alternative access via roads and trails should be created into the village of Santa Margarita. Highway 58 is a dangerous and deadly road; witness the three young men who were killed just this year between where the project would access the Highway and the town. **C**
4. The proposed affordable housing would greatly impact the entire Village of Santa Margarita, basically doubling the size of the community. In the area south of K Street, in particular, the water table is often no more than 6 inches below the surface. In 1996, I did damage assessments for the Red Cross and FEMA in this area. Lack of adequate drainage and a high water table led to extensive flooding and non-operative septic systems. These conditions would have to be rectified before such a community should be built. **D**
5. While doubling the population of the Village, the plan provides little mitigation for public recreation or access to passive recreation – trails into the National Forest. A trail along the railroad tracks has been suggested. If the rail line was not a very active north/south route for freight trains and AMTRAC, such a proposal would be reasonable. However, given the heavy use of the route, such a trail would not be recreational, but dangerous and frightening, particularly to equestrians and families with small children. Families and affordable housing are synonymous. The local park would be extremely impacted by the additional families and the county would not receive enough benefits financially to be able to afford to mitigate the impact to their facilities. **E**

Respectfully submitted.
Kathe Hustace
Broker Associate – 31 years in local real estate
President, North County Trails Association –
Amigos de Anza

Letter R-38

COMMENTOR: Kathey Hustace, Private Citizen

DATE: March 28, 2008

RESPONSE:

Response R-38A

Refer to Agricultural Residential Cluster Subdivision Impacts AG-1 and AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR for a discussion of impacts to the 676.7 acre grazing unit and conflicts between agriculture and residential uses, respectively.

Response R-38B

Refer to Agricultural Residential Cluster Subdivision Impacts AG-1 and AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR for a discussion of impacts to the 676.7 acre grazing unit and conflicts between agriculture and residential uses, respectively.

Response R-38C

Refer to Section 4.12, *Transportation and Circulation,* of the Final EIR for a discussion of impacts related to access and transportation-related safety.

Response R-38D

The proposed Agricultural Residential Cluster Subdivision does not include affordable housing. However, Alternative 13 (Santa Margarita Town Expansion; previously Smart Growth/Affordable Housing) includes 22 lots of affordable housing. Refer to Section 6.0, *Alternatives,* of the Final EIR.

Drainage- and flooding-related impacts are discussed in Section 4.5, *Drainage, Erosion and Sedimentation,* of the Final EIR. Impacts associated with proposed septic systems are discussed in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-38E

Impacts related to recreation, including trails, are addressed in Section 4.11, *Recreation,* of the Final EIR.

March 28, 2008

PO Box 180
Templeton, Ca 93465

Martha Miller, EIR Manager
County Planning and Building
County Government Center
San Luis Obispo, CA 93408

Sent via E-Mail mlmiller@co.slo.ca.us

Subject: Draft Environmental Impact Report (DEIR) for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Program (State Clearing House No. 2004111112)(Case number VVTM 2586) Revised Draft EIR dated February 7, 2008

Dear Ms. Miller:

These are comments on the Revised Draft EIR (RDEIR). This letter hereby incorporates all comments transmitted to you in my letter dated April 11, 2007 that was submitted on the DEIR because those comments pertain as well to the Revised DEIR. **A**

General Comments

1. Global Warming.
   The Revised Draft EIR does not address Global Warming in the entirety of its scope. That is because the RDEIR does not evaluate or propose means to contribute to stop making things worse. The Global Warming Solutions Act of 2006 (AB32) would accurately be classified as "not known" at the time the Salinas River Plan was last updated and when the Ag Cluster ordinance was last updated. AB32 requires a "roll back" to earlier air quality standards to be accomplished at a future time. It is only common sense that each and every project should contribute in a positive way to stop making things worse. **B**

2. Agricultural Residential Cluster Ordinance and other applicable ordinances.
   It is unclear because the Revised DEIR fails to state whether the proposed project or any of the proposed alternate projects conform to the Ag Residential Cluster Ordinance currently in place. 22.01.050 Applicability of Land Use Ordinance states that current rules apply regardless of when an application is filed or accepted. **C**

3. Alternate Project – Outside the Ranch Boundaries.
   According to the Planning Department, there are approximately 12,000 vacant residential lots in the unincorporated area of the county. Therefore, these lots are a viable project alternative. These existing vacant lots should be taken under consideration as an alternative to creating an Agricultural Residential Cluster subdivision or a Smart Growth subdivision outside the community boundaries. **D**

6.0 Alternatives
No alternative sites located off the Santa Margarita Ranch property are evaluated because the Ranch property can accommodate a range of alternative project sites due to its size.

Comments on the Project Objectives and Future Plan in bold face.

Project Objectives
The applicant's overall project objective is to construct a residential development that includes up to 112 units in a rural setting. The applicant's objectives for the project include the following:

• *Firmly establish continued long-term viability of existing vineyards, cattle grazing activities, and future crop development through creative planning and utilization of the County Agricultural Cluster Ordinance;* **[There is no evidence that this project meets the objective of the ordinance or that the ordinance meets its objectives.]**

• *Protect the existing vineyards and agricultural lands for the long term by placing them in ACEs and/or Williamson Act Conservation Contract(s);* **[Owner can place these lands under a conservation contract or conservation easement at any time without initiating this project.]** *and*

• *Create an economically feasible and successful residential cluster project through a three (3) phased development with incremental conservation easement dedications.* **[Pertaining to this project, the impact to agricultural viability and operations has not been evaluated. The conflict between Ag and residential use has not been evaluated.]**
The applicant also intends the project to be located close to existing town amenities, thereby allowing easy access to goods and services. **[The majority of goods and services are located in Atascadero or San Luis Obispo, not in Santa Margarita.]**
Another primary objective is to preserve open space and agricultural resources to the extent possible. **[Unsubstantiated claim.]**

The objectives of the Future Development Program include the following:

• *Plan for land uses that will enhance the County and community of Santa Margarita by accommodating the needs of the community,* **[No evidence has been provided.]**
expanding the tax base, **[Unsubstantiated claim. Plus taxes are collected in a countywide account.]** *and providing jobs* **[Unsubstantiated claim.]**
and housing **[There are 12,000 vacant residential lots in the county.]**;

• *Plan for a mix of uses that will relate to each other, to adjacent land uses, and to the rural and semi-rural context of the property;* **[Insufficient information has been provided to support this claim.]**

• *Plan for workforce housing toward achieving the County's fair share housing* requirements; **[Overall plan does not include non-farm related housing.]** *and*

• *Plan for recreational amenities of benefit to both the community* **[Inadequate proposal.]** *and the region.* **[The proposed amenities are tourist oriented rather than for residents in the region.]**

E

Specific Comments – Alternate 12, 13 and 14

4. Managed public trail system to National Forest
   As with the proposed and alternate projects presented in the DEIR, the additional alternatives have not addressed the concerns raised in a letter dated December 16, 2004 from the National Forest, Santa Lucia Ranger District (Appendix A, Notice of Preparation & Responses).
   This letter from Kathleen Phelps, paragraph three states, "Past experience with similar developments demonstrates that the residents will want to access the National Forest adjacent to their homes. We recommend a planned trail system to provide non-motorized access to the forest. We would like to work with the County and the Developer so that any trail system leading to the Forest will be both efficient and environmentally sound. Whenever non-motorized trail access is developed from the development to the National Forest should also be open to the general public. This will concentrate use on one managed trail system, and will ensure that no one group has exclusive access to the Forest." F

5. Parks and Recreation Element (PRE)
   Recreational amenities for the project residents and community are lacking. They do not meet the expectations of Ag Residential Cluster Ordinance that provides an array of options nor recognize the trail policies and proposed projects in the PRE. G
   a) Parks
      The proposed project objective does not include any recreational amenities for the residents living in 112 houses in the Ag Residential Cluster development, which are thirteen-project alternatives except the one called a Smart Growth alternative. This seems shortsighted inasmuch as the remote population will be between 220 to 400 persons and the closest park is several miles away. The 1983 National Recreation and Park Standards for Parks is 1-3 acres of neighborhood parkland within ¼ to ½ mile per 1,000 residents. See PRE. The County goal is 3-acres per thousand residents. H
   b) Recreational trails – Table 9(b) Proposed
      Santa Margarita to East Cuesta Ridge Trail and Juan Bautista de Anza National Historic Trail. Currently there are offers of dedication for several segments of the Anza Trail in the Santa Margarita area. The longer segment is in Garden Farms in an area locally known as 'tract 1'; the other is in town on the northwest side of El Camino. I
      Parks and Recreation Element Trail Policies states the highest priority trail projects include:
      - Connect urban communities (Santa Margarita/clustered subdivision) or provide access to recreation areas (National Forest/Santa Margarita Park).
      - Will be popular due to their length or location. Public access to East Cuesta Ridge is highly desirable. The recreational route of the Anza Trail, 1200 miles, extends from Arizona to San Francisco.
      - Offer alternative transportation (such as to and from town).

Thank you for the opportunity to comment.

Very truly yours,
Dorothy Jennings

Letter R-39

COMMENTOR: Dorothy Jennings, Private Citizen

DATE: March 28, 2008

RESPONSE:

Response R-39A

Refer to Letter 54 and Responses 54A through 54AD for this commentor's Draft EIR comment letter and associated responses.

Response R-39B

Refer to mitigation measures AQ-GCC(a) (Construction Phase Mitigation to Reduce Fuel Usage and thus Greenhouse Gases), AQ-GCC(b) (Operational Phase Mitigation to Reduce Fuel Usage and thus Greenhouse Gases) and AQ-GCC(c) (Alternative Transportation), as outlined in Section 4.2.3(f) (Mitigation Measures) of the Final EIR. These measures were included in the Revised Draft EIR.

Refer also to Section 4.2.3(c) (Regulatory Setting) in Section 4.1, *Air Quality,* of the Final EIR for a discussion of AB 32 requirements.

Response R-39C

As noted in Section 1.0, *Introduction,* of the Revised Draft EIR, the Revised Draft EIR is limited to revisions and amendments to certain sections of the Draft EIR which were substantially revised since its preparation. Refer to Appendix C (Policy Consistency) to the Final EIR for a discussion of Agricultural Residential Cluster Subdivision consistency with County policies.

Response R-39D

Refer to Master Response 4.

Response R-39E

Refer to Response R-10D. The commentor's opinions regarding the project objectives and merits of the project are noted. Refer to Agricultural Residential Cluster Subdivision Impacts AG-1 and AG-2 in Section 4.1, *Agricultural Resources,* of the Final EIR for a discussion of agricultural resources impacts.

Response R-39F

The commentor claims that the Notice of Preparation response letter from the Forest Service, dated December 16, 2004 (refer to Appendix A to the Final EIR) has not been addressed. Refer to Letter 57 in Section 3.0 (Written Comments and Responses on the Draft EIR) and Response 57M. This letter was reviewed and considered during the preparation of the Santa Margarita

Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program Draft EIR. Refer also to Response 64R in Section 2.0.

Response R-39G

Refer to Section 4.11, *Recreation,* of the Final EIR. Refer also to Response R-39E.

Response R-39H

Refer to Section 4.11, *Recreation,* of the Final EIR. Refer also to Response R-39E.

Response R-39I

The commentor does not specifically identify issues of concern with the Revised Draft EIR analysis. Refer to Future Development Program measure R-2(a) (Juan Bautista de Anza Historic Trail Connection) in Section 4.11, *Recreation,* of the Final EIR.

Letter R-40

SLO CNTY
PLANNING/BUILDING
DEPT
2000 MAR 28 PM 3:53

COMMENTS TO REVISED DRAFT E.I.R./SANTA MARGARITA RANCH

A

TO STILL BE CONSIDERING SUCH AN OVERTLY, INVASIVE ILL-CONCEIVED PROJECT WITH ELEVEN (11) CLASS 1 IMPACTS, "SIGNIFICANT, UNMITIGABLE & UNAVOIDABLE," SEEMS LUDICROUS IF IT WASN'T SO TRAGIC.

B

PUTTING THE LIVES OF SANTA MARGARITA SCHOOL CHILDREN IN JEOPARDY IS NOT AN OPTION. TO TRY TO MITIGATE THIS DISASTROUS DILEMA WITH FLASHING BEACONS & RADAR FEEDBACK SIGNS IS NOT ACCEPTABLE. THE PRECARIOUS EXPOSURE OF YOUNG CHILDREN & PEDESTRIANS CAUGHT IN THE CONFLUENCE OF THE PROPOSED, OVERWHELMING INCREASE OF VEHICULAR TRAFFIC WITH LIMITED SIGHT DISTANCE COMING FROM THE SOUTHERN ESTRADA AVE CREST TO THE RXR CROSSING TO THE INTERSECTION OF EL CAMINO REAL CANNOT BE MITIGATED WITH THEIR LIVES.

C

THE NEW, PROPOSED NORTHERN INGRESS/EGRESS (ONE OF THE PRIMARY INTERSECTIONS) FROM THE AG CLUSTER PROJECT IS TO BE LOCATED OVER THE CREST OF A HILL ON W. POZO RD (WITH EXTREME, & AGAIN, DRASTICALLY DEFICIENT & LIMITED SIGHT DISTANCE) & CEMETERY CURVE. ONE COULDN'T PICK A MORE DANGEROUS LOCATION TO INGRESS/EGRESS THE DEVELOPMENT — BETWEEN A 'BLIND' HILL & 'DEADMAN'S' CURVE.

THE OVERDRAFTING OF THE 'VIRGIN' AQUIFER IS ALSO AN UNMITIGABLE IMPACT EVEN WITH CONTINUOUS MONITORING & TESTING. THE EFFECTS TO THE RIPARIAN HABITATS, CREEKS, SPRINGS & ENDANGERED SPECIES WILL BE CATASTROPHIC. TO SUPPLEMENT THIS BY INJECTING OR RECHARGING WITH WORSE WATER (CONTAMINATED NACIMIENTO / STATE WATER PROJECTS) COULD DEGRADE THE SURFACE WATER, GROUNDWATER, 'VIRGIN' AQUIFER &/OR SAID RIPARIAN HABITATS & SOILS & HAVE A DETRIMENTAL EFFECT TO THE GREATER NUMBER OF PEOPLE – THE PEOPLE OF SANTA MARGARITA & SAN LUIS OBISPO COUNTY.

D

E

F

THANK YOU,

OTTO E.R. SCHMIDT

28 MAR '08

Letter R-40

COMMENTOR: Otto E.R. Schmidt, Private Citizen

DATE: March 28, 2008

RESPONSE:

Response R-40A

Comment noted.

Response R-40B

The commentor expresses concern that Agricultural Residential Cluster Subdivision measure T-1(e) (Estrada Avenue/H Street Warning Beacon) is inadequate to address impacts related to the limited sight distance at the intersection of Estrada Avenue and H Street, in the vicinity of Santa Margarita Elementary School.

It is noted under Agricultural Residential Cluster Subdivision Impact T-1 that vehicles are currently exceeding the 30 mph speed limit and may not have sufficient time and pavement to come to a complete stop if pedestrians are crossing Estrada Avenue at H Street to travel to Santa Margarita Elementary School or to Santa Margarita Park. Flashing Beacon at School Crossings warrant [Section 4K.103 from Manual on Uniform Traffic Control Devices (MUTCD) 2003 CA Supplement] is therefore satisfied under Project Conditions. Based on the MUTCD and Caltrans standards, measure T-1(e) would reduce impacts to the extent possible, and would improve safety conditions compared to existing conditions, even with the addition of project traffic.

Nevertheless, the commentor's concern regarding safety of Santa Margarita school children is noted and will be forwarded to the appropriate decision-makers for review and consideration.

Refer also to Master Response 5.

Response R-40C

Refer to Agricultural Residential Cluster Subdivision Impact T-2 in Section 4.12, *Transportation and Circulation,* of the Final EIR for a discussion of impacts related to access to the Agricultural Residential Cluster Subdivision. Impacts related to specific facilities with existing hazards are addressed in Agricultural Residential Cluster Subdivision Impact T-1.

Response R-40D

Refer to Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR.

Response R-40E

As noted under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR, imported water supply would be required to offset projected demand from the proposed Agricultural Residential Cluster Subdivision, which would assure that groundwater resources are not depleted as a result of the project. Therefore, groundwater impacts from the Agricultural Residential Cluster Subdivision would not affect riparian habitat, creek levels, springs or related species. Refer to Section 4.3, *Biological Resources,* of the Final EIR for a discussion of direct impacts to biological resources from the Agricultural Residential Cluster Subdivision.

Response R-40F

The commentor suggests that recharging groundwater with Nacimiento or State water would be detrimental. It should be clarified that use of imported water to recharge groundwater is not proposed, nor is it considered an option in the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR. Rather, as noted in Response R-4M, two approaches for the delivery of Nacimiento water are presented, one of which is using untreated Nacimiento water for agriculture (refer to the *Residual Impacts* discussion under Agricultural Residential Cluster Subdivision Impact W-1 in Section 4.14, *Water and Wastewater,* of the Final EIR). The second option includes delivery of untreated Nacimiento water to the Ranch for on-site treatment and Agricultural Residential Cluster Subdivision supply.

28 March 2008

To:
County of San Luis Obispo
Department of Planning and Building
ATTENTION: Martha Miller, Planning Division
County Government Center
San Luis Obispo, CA 93408-2040
(805) 781-4576 (Martha Miller, Planner)
mmiller@co.slo.ca.us

From:
Michael Sullivan
1127 Seaward Street, San Luis Obispo, CA 93405
(805) 545-9614
mcsgday@yahoo.com

Subject: Santa Margarita Ranch draft EIR (as revised 07 Feb 2008) - Comments of Michael Sullivan

Abbreviations
CEQA = California Environmental Quality Act
DEIR = The draft Environmental Impact Report (for Santa Margarita Ranch)
GP = General Plan (of the County of San Luis Obispo)
LUE = Land Use Element of General Plan (of County of San Luis Obispo)
LUO = Land Use Ordinance (Title 22 of County code)
SLO =San Luis Obispo
"project" or "the project" = Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan A

1. Please include my original comments from 11 April 2007. A copy of those comments is included along with these comments. B

2. Comments on alternatives.

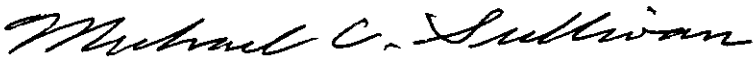
The selection of a reasonable alternative is extremely important in a project of this scope, which has many "Class I" negative environmental impacts. Alternative 14, the reduced project alternative, is superior to the proposed Agricultural Residential Cluster Subdivision in 12 out of 14 evaluation categories, and is superior overall in comparison to all other alternatives except Alternative 1 (no project / no development) or Alternative 2 (no project / existing zoning). Thus, among these alternatives, Alternative 14 is the only one which can offer significant advantages for reduction in the number and intensity of significant environmental impacts. C

The DEIR (Feb 2008) at p. 3-37 states that Future Development Program alternatives 8 through 11 have not been modified. This means that the range of alternatives for the Future Development Program is insufficient to provide meaningful methods for reducing future development impacts. D

The final EIR must address this deficiency by providing Future Development alternatives which better reduce the overall negative environmental consequences. D

3. Comments on General Plan inconsistencies.

Please see my comments of 11 April 2007. It appears that even in a reconfigured project (including Alternative 14), this massive project leads to inconsistencies with the General Plan as I had indicated in my comments of 11 April 2007. E



Michael C. Sullivan
1127 Seaward Street
San Luis Obispo, CA 93405
(805) 545-9614
mcsgday@yahoo.com

11 April 2007

To:
County of San Luis Obispo
Department of Planning and Building
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County Government Center
San Luis Obispo, CA 93408-2040
jcaruso@co.slo.ca.us
(805) 781-5702 (James Caruso)

All remaining pages (7): F

From:
Michael Sullivan
1127 Seaward Street, San Luis Obispo, CA 93405

Subject: Santa Margarita Ranch draft EIR - Comments of Michael Sullivan

Abbreviations
CEQA = California Environmental Quality Act
DEIR = The draft Environmental Impact Report (for Santa Margarita Ranch)
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"project" or "the project" = Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Plan

DEIR MUST BE RE-ANALYZED AND RE-CIRCULATED

In order to comply with CEQA, the County must re-analyze and re-circulate the DEIR, allowing further review by the public and by responsible agencies, for various reasons, for example:

(A) The possibility exists that the project will connect to the Nacimiento and /or State Water Project. For example, DEIR at Table ES-1 shows that State Water could be used for the Agricultural Residential Cluster Tract 2586. DEIR at p. 4.14-2 states that Santa Margarita Ranch project may use State water if the local County Service Area 23 participates in State water acquisition. DEIR states, "Additional water may be available for the Agricultural Cluster Subdivision through the State Water Project and/or the Nacimiento Water Project, as outlined in Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) above." DEIR at p. 4-14-7. Impacts of such a scenario (imported water from State water system or Nacimiento reservoir) have not been adequately studied or mitigated, and for this reason (and others), a revised draft EIR is required to satisfy CEQA and CEQA Guidelines.

Such impacts (from the use of imported water) can include (but are not limited to) the following:
(1) extra demand on a limited water supply, causing shortages for local users (Santa Margarita area) and/or for users in other communities which would be dependent on State Water or Nacimiento reservoir water;
(2) growth inducing impacts in the Santa Margarita area because of availability of State water or Nacimiento water;
(3) impacts associated with the construction of water delivery systems from either the State or Nacimiento water sources.

The need for such a revised draft EIR is buttressed by the case, Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (Sunrise Douglas Property Owners Assn.) (2007) Feb. 1, 2007. No. S132972. (Calif. Supreme Court). The Court stated,

"We conclude that while the EIR adequately informed decision makers and the public of the County's plan for near-term provision of water to the development, it failed to do so as to the long-term provision and hence failed to disclose the impacts of providing the necessary supplies in the long term. While the EIR identifies the intended water sources in general terms, it does not clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated."

Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (Sunrise Douglas Property Owners Assn.) (2007) Feb. 1, 2007. No. S132972. (Calif. Supreme Court) at p. 2.

The same situation exists for this draft EIR for Santa Margarita Ranch. The draft EIR fails to "clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated." Such information must be provided in a revised and re-circulated draft EIR.

(B) DEIR at p. ES-11 (top) notes that proposed agricultural conservation easements **(ACEs)** allow "the construction of new farm buildings, and can allow the construction of a home for family members or the subdivision of a lot for resale. In addition, ACEs often permit commercial development related to the farm operation. The flexibility of these and other restrictions vary with the characteristics of the agricultural land and the conservation objectives of the easement." (DEIR at p. ES-11) The DEIR at p. ES-11 (bottom) states that Table ES-2 reveals "worst-case buildout characteristics" of the project. However, this claim is false, because the analysis in Table ES-2 and in the rest of the DEIR does not include all the extra development made possible by the extra residences, commercial development, and further land subdivisions which would be allowed by the ACEs. This must be factored into the overall analysis to give a true idea of the "worst case buildout characteristics" of the project in regard to cumulative and growth-inducing impacts for all impact categories (e.g. agricultural, air quality, circulation, etc.). Such analysis must be presented in a revised and re-circulated draft EIR.

(C) The possibility exists that as a result of the project and other growth in the vicinity of Santa Margarita, a new sewage treatment plant would need to be built. The project plan allows for dedication of 10 acres of land at an undetermined location for such a use. (See DEIR at Table ES-1). There should be an analysis and discussion of the future sewage treatment needs of the Santa Margarita community and the potential impacts on sewage treatment facilities caused in part by the proposed Santa Margarita Ranch project. At a minimum, the DEIR should require analysis of

wastewater / sewage treatment capacity needs for the Santa Margarita community at project buildout, and the percentage share of the Santa Margarita Ranch project's wastewater / sewage impacts in comparison to the total capacity needs of a future general Santa Margarita community wastewater / sewage system. The County should request comment from the Regional Water Quality Control Board in a revised and re-circulated draft EIR.

ENVIRONMENTAL REVIEW IS DEFECTIVE IN VARIOUS WAYS
Some examples:

DEIR at p. 4.1-15 (top), states: "Mitigation measures: No feasible measures are available that would mitigate impacts to the grazing and prime soils located on the Agricultural Residential Cluster Subdivision site without substantial redesign of the proposed Agricultural Residential Cluster Subdivision."

This is false. Minor re-design could eliminate some of the lots near sensitive prime soil areas. The basic concept of an ag cluster subdivision can still be implemented by use of some of the Alternatives given in the EIR, e.g. Alternative 7. Stronger conditions for ag conservation easement areas could eliminate conflicts with agricultural uses which are certain to arise given the current proposals for flexible private easements rather than Williamson Act contracts. As mentioned elsewhere, this is also inconsistent with the General Plan.

DEIR at p. 4.2-7 claims that measures recommended by APCD (such as bikeways and pedestrian paths from ag cluster subdivision to town) would do nothing to alleviate air pollution. This is false. Such measures should be implemented.

DEIR at p. 4.2-22 concludes that cumulative impacts on air pollution are unavoidable. This is false. Cumulative impacts could be readily lessened by decreasing the amount of development in the ag cluster subdivision phase and in the future development phase of this project.

DEIR at Figure 4.3-1 (Habitat map) shows that near the south edge of the Town of Santa Margarita, the habitat is annual grassland and some areas of emergent wetland. Much of the proposed area for ag cluster residential subdivision contains various sensitive habitats such as oak woodlands, chamise chaparral, etc. Given these constraints, it appears that Alternative 5 or Alternative 7 (especially the latter) offer greatly superior locations in terms of avoidance of biological impacts (as long as "emergent wetland" areas can be avoided.) According to Figure 4.3-3 (Biological constraints), it can also be deduced that the proposed area for ag cluster residential has several habitats of sensitive special status species (animals and plants), such as red legged frog, Michael's Rein Orchid, San Luis Obispo Mariposa Lily, etc., while the annual grassland areas adjacent to the south edge of Santa Margarita do not contain such constraints. Therefore, biological impacts can be significantly lessened or avoided by choice of Alternative 5 or, preferably, Alternative 7, for example, compared with the current proposed location for ag cluster residential development.

Similarly, the Class 1 biological impacts associated with future development (DEIR at p. 4.3-71, impact B-2) could be greatly lessened and/or avoided by selection of a project alternative which avoids development in these sensitive areas. The one alternative which best achieves this goal is Alternative 10, which is preferable to the currently proposed future development scenario.

DEIR at p. ES-69 (ARCS Impact B-1) claims that loss of habitat from the area of proposed ag cluster residential development is Class 3 (non-significant) impact. This is false. It is also claimed that "no special status plant species were observed within these habitats." The latter claim is inconsistent with map 4.3-2 which shows the presence of several special status species in this area (e.g. red legged frog, white tailed kite, southwestern pond turtle) as well as various kinds of oak woodland. Thus, there is potential for significant, inadequately mitigated biological impacts to special status species within the proposed ag cluster residential subdivision area, contrary to the claim in the DEIR.

STATEMENT OF OVERRIDING CONSIDERATIONS (UNDER CEQA) IS NOT JUSTIFIED

Given the severity and number of Class 1 impacts which have not been adequately mitigated, and given the various ways that the Santa Margarita Ranch project would exacerbate several problems of the local community (p. 4-26, Salinas River Area Plan (2003), a Statement of Overriding Considerations is not justified.

OVERALL LAND USE PLAN FOR THE PROJECT IS INCONSISTENT WITH RURAL AND AGRICULTURAL CHARACTER OF SANTA MARGARITA COMMUNITY

The Salinas River Area Plan of 2003 (part of the General Plan) recognizes these major issues for Santa Margarita area:

(1) Developments on the Santa Margarita Ranch will have impacts on the quality of life within the community.

(2) Santa Margarita has problems maintaining its rural character and a neat appearance. New development within Santa Margarita could be incompatible with the character of the area.

(3) Water supply and quality are limited and subject to decline.

(Salinas River Area Plan (2003), p. 4-26).

The Santa Margarita Ranch project described in the draft EIR exacerbates all of the problems listed above, and therefore is inconsistent with the Salinas River Area Plan.

(1) Quality of life will decline, because of severe impacts such as traffic, noise, air pollution, overdrafts of aquifers, and loss of agricultural land to development. The cost of housing will appreciate markedly in the existing housing stock, making the area less affordable. Public facilities (schools, water districts, etc.) will have trouble keeping up with new demands from the influx of new residents.

(2) Rural character will disappear once the Santa Margarita Ranch project begins constructing various new projects such as

- gated housing enclaves for the wealthy
- nine wineries
- various visitor-use facilities such as guest ranch, golf course, restaurants, etc.

(3) It remains uncertain how the water supply proposed for Santa Margarita ag cluster development, or for additional development beyond that, will impact the local water supply. As mentioned elsewhere herein, the potential impacts from use of State water system and/or Nacimiento reservoir have not been adequately addressed in this draft EIR.

"PROJECT" ALTERNATIVE CREATES EXCESSIVE ENVIRONMENTAL IMPACTS; OTHER ALTERNATIVES OFFER BETTER BENEFITS TO THE SANTA MARGARITA COMMUNITY.
- Ag cluster development impacts can be significantly reduced by redesign and denser clustering. One alternative is project Alternative 3 (Revised cluster design) although even this design should be improved to avoid agricultural and open space impacts. Alternative 5 (Revised cluster location south of community) has the advantage that it keeps new residential development closer in to the existing community of Santa Margarita, thus avoiding sprawl; appropriate buffer space might be required between the town of Santa Margarita and this area. Alternative 7 (Tighter cluster) combines two main advantages: Keeping the new development closer to town, and keeping the development more compact.
- For future development, Alternative 10 is listed as the least environmentally damaging, and has a reduced overall "footprint" of development upon the Santa Margarita area. Among the given alternatives, Alternative 10 is the one that best fits the General Plan and the goals of the community.

CERTAIN ASPECTS OF THE PROJECT ARE INCONSISTENT WITH THE AGRICULTURAL AND OPEN SPACE ELEMENT OF THE GENERAL PLAN in various ways, for example:

(1) The project will cause an overdraft of aquifers (a Class I impact) (See DEIR p 4.14-11, bottom through 4-14-14). This conflicts with Agricultural Policy 11 (AGP11) of Agriculture and Open Space Element of General Plan:

AGP11: Agricultural Water Supplies:

a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the .loss of agriculture due to competition for water with urban and suburban development.

b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.

c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management system in the Land Use Element.

General Plan, Agriculture and Open Space Element (Dec 1998),

(2) So called "agricultural conservation easements" are not compatible with the continuation of agricultural uses.

AGP22: Major Agricultural Cluster Projects (not available in coastal Zone)

f. Consistent with the provisions of the existing agricultural cluster ordinance in the LUO (Land Use Ordinance), areas of the site intended for agricultural production must be permanently protected by a recorded open space easement and be placed in a Land Conservation Act (Williamson Act) contract.

General Plan, Agriculture and Open Space Element (Dec 1998)

The proposed Agricultural Conservation Easement scheme proposed in the project is clearly inconsistent with the General Plan requirement for protected lands to be in Williamson Act contracts as specified in AGP 22. Instead of Williamson Act contracts, the developers propose that the County should allow private Agricultural Conservation Easements (ACEs), as described in DEIR at p. 2-23.

Agricultural Conservation Easements (ACEs) are mentioned in DEIR at p. ES-11, 2-23, 2-29, Table 2-4, etc. The DEIR states, "An ACE is a deed restriction landowners voluntarily place on their property to protect resources such as productive agricultural land, ground and surface water, wildlife habitat, historic sites or scenic views." DEIR at p. 2-23. "The developer proposes an ACE rather

than a Williamson Act contract, which preserves agriculture and open space over a rolling 10 year contract. Williamson Act parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value." DEIR at p. ES-11. Some of the allowed uses proposed for ACEs include "a home for family members, or the subdivision of a lot for resale. In addition, ACEs often permit commercial development related to the farm operation." DEIR at p. ES-11. See also DEIR at p. 2-23. In the cluster residential areas, ACEs could even be used for septic system purposes. (See DEIR at p. 2-29, para. c., Utilities.) ACEs would also allow construction of five ranch/farm "headquarters" buildings (5,000 sq. ft. residences on 2.5 acre lots). See DEIR Table 2-4 at p. 2-36.

It hardly seems logical that agriculture can be protected through allowed uses that would be allowed by proposed ACEs: For example:

- Agricultural protection is not compatible with uses such as such as a home for family members (in ag cluster developments, homes are supposed to be on individual residential lost in clusters, not on easement-protected agriculture lands).
- Agriculture easements that allow huge 5,000 estate-sized "headquarters" residences hardly seem compatible with production agriculture.
- Agriculture easements are certainly not protective of agriculture if the easement allows further subdivision.
- Agriculture easements are not protective of ground and surface water if they allow installation of septic systems in the easement area.

Furthermore, the allowance of additional residences in the ACEs is directly contrary to the General Plan at AGP 22 para. d., which states, "All residential parcels are entitled to one dwelling per parcel." The residential "parcel" is not within the ag conservation easement. The intent here is to keep residential uses within the designated residential parcels, while the ag conservation easement areas are dedicated to agricultural, non-residential uses. However, within the ag conservation easement scheme proposed in the DEIR, one could construct extra residences for "family members," or "headquarters residences," or septic systems within the ag conservation easement areas. These provisions frustrate and interfere with the intent of AGP 22 (Major Agricultural Cluster Projects). The intent of AGP 22 is to protect as much agricultural use as possible in Williamson Act contracts and keep non-agricultural (i.e., residential) uses minimized by clustering such uses in small areas separate from the ag conservation easement area.

(3) Smaller, denser residential clusters could alleviate the negative agricultural impacts, but have not been used in this project.

County Land Use Ordinance (Title 22, County code), 22.22.040(A)(1)(b) (Agricultural land divisions) states, "b. Where a division of agricultural lands is proposed, a cluster division where homes are clustered in a compact manner which reduces the agricultural / residential interface, is an alternative to a conventional "lot split" land division."

The proposed residential cluster does not reduce the agricultural / residential interface, and thus is inconsistent with the LUO 22.22.040(A)(1)(b) (Agricultural land division). For example, proposed residential lots in the northwest part of the development are directly adjacent to "Botella sandy loam" which is prime agricultural soil if irrigated, and a proposed winery located adjacent to the urbanized village of Santa Margarita covers part of that same prime soil type. (DEIR at Figure 4.1-2). Figure 4.1-2 also shows that in the cluster development, a roadway and housing lots would intrude into Cropley clay 2-9 (prime ag soil if irrigated) and Elder loam 2-9 (prime ag soil regardless of irrigation). Figure 4.1-2 also shows a winery and ranch headquarters along Pozo Road just southeast of the ag cluster development; at this site, additional prime ag soils are covered over with

development by the winery and ranch headquarters. These unnecessary intrusions onto areas of prime agricultural soils defeat the goals of the Agriculture and Open Space Element of the General Plan, i.e.
Goal AG1 - Support County Agricultural Production
Goal AG 2 - Conserve Agricultural Resources
Goal AG 3 - Protect Agricultural Lands
These unnecessary intrusions of development into areas of prime ag soils are also inconsistent with County Land Use Ordinance, sec. 22.104.020 (Areawide standards for Salinas River planning area):

"Prime agricultural areas - Prime soils retention. New development on land that is classified by the Soil Conservation Service as prime, Class I or II soil if irrigated, shall be designed to minimize the loss of prime agricultural soils for potential agricultural use by selective placement of buildings and new parcels." Land Use Ordinance 22.104.020 (E)

The development can and should be re-designed to offer better separation of residential lots (and wineries) from areas of prime agricultural soils. A re-designed, smaller, denser residential cluster plan would allow better mitigation of agricultural impacts.

CONCLUSION

The above comments are only a fraction of the information I had hoped to provide. The County must require the revision and recirculation of the draft EIR, as explained above, to be in compliance with CEQA and other laws.

Michael Sullivan

Michael Sullivan

Letter R-41

COMMENTOR: Michael C. Sullivan, Private Citizen

DATE: March 28, 2008

RESPONSE:

Response R-41A

The commentor's list of abbreviations is noted.

Response R-41B

Refer to Letter 58 and Responses 58A through 58U in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for this commentor's Draft EIR comment letter and associated responses.

Response R-41C

The commentor's summary of the environmentally superior alternative discussion in the Revised Draft EIR is noted. Refer to Section 6.15 (Environmentally Superior Alternative) in Section 6.0, *Alternatives,* of the Final EIR.

Response R-41D

Refer to Section 6.0, *Alternatives,* of the Final EIR and Master Response 4. The commentor does not provide evidence to support the claim that Future Development Program alternatives are inadequate.

Refer also to Master Response 3a.

Response R-41E

Refer to Letter 58 and Responses 58A through 58U in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document for this commentor's Draft EIR comment letter and associated responses.

Response R-41F

The commentor provides their Draft EIR comment letter, dated April 11, 2007, as an attachment. This letter is included as Letter 58 in Section 3.0 (Written Comments and Responses on the Draft EIR) of this document. Refer to Responses 58A through 58U therein for direct response to this letter.