

Kirk Consulting

March 28, 2008

Martha Miller
Senior Planner
San Luis Obispo County
Planning and Building Department
County Government Center
San Luis Obispo, Ca. 93408

RE: Tract 2586 and Future Projects
Comments on Revised Draft Environmental Impact Report (RDEIR)

Dear Ms. Miller;

Included in this letter is the applicant team's response to the RDEIR for Vesting Tentative Tract Map (VTTM) 2586 and the Future Development Plan for Santa Margarita Ranch prepared by Rincon Consultants, Inc. (Rincon). In general, we were disappointed to find that Rincon did not incorporate many of the comments that we included in our original Draft Environmental Impact Report (DEIR) response in April 2007. However, we were pleased to see that the Mitigated Project Alternative that was prepared by the applicant team in direct response to the impacts discussed in the DEIR ranked second only to the Reduced Project Alternative in the Alternatives Analysis.

Included below in a combination of bullet and narrative fashion are our comments to the RDEIR. We have also included technical reviews of the individual resources sections and those are attached to our comment letter and should be addressed by Rincon in the Response to Comments to be prepared and included in the Final Environmental Impact Report (FEIR).

Section 1.1 Introduction:

Page 1-3- Under Environmental Evaluation of New Alternatives (Section 3.0) after Alternative 14: Reduced Project. Insert the following:

Alternative 12 was submitted by the applicants and designed to address many of the impacts discussed in the original DEIR. The applicant felt that a Mitigated Project Alternative (Alternative 12) was necessary to provide a more environmentally and visually appropriate plan. Alternative 12 meets the basic objectives of the project and

avoids and/or lessens the significant impacts of the project. The primary purpose of the Alternative 12 was to locate lots out of views from public roadways and residences, and away from sensitive habitats, resources, and slopes. The overall goal of Alternative 12 was to address the impacts identified in the DEIR and reduce impacts to below the level of being significant, adverse and unavoidable.

Section 2.1 Ag Resources Section:

A detailed review of the Agricultural Resources Section has been provided by Dr. Thomas J. Rice. Below are some additional comments regarding the 'new' definition of prime soils, the actual amount of rangeland and prime farmland converted by the project, and the animal unit ratio used in the analysis.

Updated Analysis:

The RDEIR has added the federal definition of prime farmland into the analysis for the project. This is a definition that has not been used previously to evaluate similar projects and is not consistent with the definition of Prime Soils in the Ag and Open Space Element.

Impact Analysis:

See comments from Dr. Thomas J. Rice regarding soil classifications and technical errors in the Agricultural Resources section.

The RDEIR inaccurately assumes each lot will be entirely converted to residential uses. Based on the information provided in our response to comments in April 2007 building envelopes on the lots will be approximately ½ acre in size. There are 13 lots that are located on Prime Farmland. Based on a maximum of ½ acre building envelopes the maximum area of Prime Farmland that would be converted to residential uses would be +/- 6.5 acres, not 21.2 acres as stated in the RDEIR. The impacts to Prime Farmland are therefore overstated.

The FEIR should remove the use of the California Revised Storie Index as an indicator of Prime Soils and the impact section updated accordingly. As noted in the technical review by Dr. Thomas J. Rice "neither the Storie index rating nor the CA Revised Storie Index has been used in USDA-NRCS soil survey reports in California for over ten years".

Pages 2-13 Thresholds of Significance:

The author does not identify a threshold in which the conversion of prime soil or prime farmland becomes "significant".

Nothing in the question on Page 2-13 "Convert Prime Farmland, Unique Farmland.....to non-agricultural use", requires the conclusion that any conversion of

prime farmland constitutes a significant effect. Nothing in the language of the question suggests that the loss of **any** acreage must be treated as significant.

- An acreage significance threshold needs to be provided in the document
- The analysis should include a distinction between conversion of farmland that is irrigated and farmland that has not been irrigated. It should use the corresponding LCC depending on irrigated or non-irrigated history.
- The analysis should distinguish between the conversion of areas that are already converted by existing roads, and/or is fragmented by existing roads and natural features such as creeks, drainages, and oak trees and the conversion of prime lands that are farmable units.

Conversion of Rangeland:

Page 2-13-2-14: The RDEIR states that the project will directly convert approximately 163 acres from existing grazing uses to residential uses. The RDEIR should specify the source of this number. 163 acres of grazing land will not be converted to residential uses, only the area devoted to home sites will be converted from grazing to residential uses. Based on building envelope concepts shown in the Design Guidelines, the building envelopes included in the applicant team's April 2007 response, and the use of the existing roads, this is a much smaller number than that included in the RDEIR.

The RDEIR makes an assumption that in addition to the 163.7 acres converted for residential purposes, an additional 513 acres (the areas between and around the lots) will not be suitable for grazing. There is no evidence in the analysis to support this assumption. There are several examples in the County which supports the success of grazing adjacent to residential lots. The intermingling of lots within the larger grazing field will not change the suitability of the area to be grazed nor will it change the properties of the soils. There is no evidence in the record to support the claim that the area between the lots will not be suitable for grazing. The +/- 600 acres will continue to meet the DOC definition for Grazing Land (G) because all but +/- 100 acres (building envelopes and new roads) will continue to contain existing vegetation suited to the grazing of livestock.

Animal Density is Over-Stated:

Animal density units of 1 animal unit per 8 acres are again used in the impact analysis in the RDEIR, this time based upon the general descriptions for rangeland productivity contained in the USDA soil survey descriptions of the soils types located within the ag cluster area. The analysis is not based upon the site specific information submitted by the applicant as part of the response to the original DEIR. The information submitted in response to the original inaccurate assumptions contained in the DEIR estimated that the "Remeck Field" could support 1 animal unit per 14 acres. The actual animal

unit count provided by the Ranch manager for the "Remeck Field", based upon historic and current agricultural operations, is 19 acres per animal unit. Based on these site specific aspects and the project's design, the residential project will result in the loss of less than 100 acres of grazing land, which will result in a maximum carry capacity reduction of 5 animal units. This is **not** a significant impact as it affects only a 0.5% change in capacity of the entire Ranch's "700 pair".

Excerpt from Response Submitted April 13, 2007:

Based on site specific information provided by Orin Sage, (Registered by the California Board of Forestry as Certified Rangeland Manager #64; and by the American Registry of Certified Professionals in Agronomy, Crops, and Soils as Soil Erosion and Sedimentation Control Specialist #692) in an Agricultural Management and Enhancement Plan prepared for SMR in May 2001 (submitted by Applicant in 2003), the number of acres required to support an animal unit in this area of the Ranch (historically known as the Remeck Field) is 14 acres. This is almost twice the acreage of the number used by the DEIR author. Based on actual cow counts provided by Aaron Lazanoff, SMR Ranch Manager, there are currently 35 animal units per year in this portion of the cluster field area, this equates to 19 acres per animal unit on a rotational grazing scenario. The DEIR needs to be revised to include accurate animal units and affected acreage.

Policy Consistency Page 2-14:

The RDEIR uses the incorrect Land Use Ordinance (LUO) section reference. This project was vested under the LUO that was in place at the time of acceptance which was June 7, 2004. The proper LUO Section reference is 22.22.150.K.1. This section and the applicable section in the current LUO specifically state that the open space PARCEL minimum areas are to be 95%. The total acreage of the open space PARCELS for VTTM 2586 total 96%. The added language in the RDEIR inaccurately states that the "open space area of an agricultural residential cluster subdivision be at least 95% of the gross site area". This sentence should be reworded to state that the following "open space parcels of an agricultural residential cluster subdivision are required to be at least 95% of the site".

There is no basis in the project description or the LUO for the statement that the project "would convert approximately 17.9% of the gross site area, placing only 82.1% of the site in open space." The open space parcels, which will be encumbered by an open space agreement, cover 96% of the project site.

1. **Lot size and open area requirements.** The minimum size of clustered residential building sites created as separate parcels in compliance with this Section, and the area of the site required for open space preservation shall be as follows:

Area of Buildable Lots (1)		Open Space Parcel Minimum Area (3)
Minimum (2)	Maximum (4)	
10,000 Sq. Ft.	2.5 Acres	95%

The LUC section states nothing about 'conversion'; in fact, there is not a requirement that the entire open space parcel(s) remain in agriculture. While it is (and has always been our intent) to continue to rotationally graze this portion of the ranch, it could also be considered passive private open space and oak tree habitat areas. These uses are non-structural uses that are allowed in the open space parcel(s).

4. **Nonstructural uses allowed in defined open space areas.** The following nonstructural uses may be allowed in the open space areas: crop production and grazing; animal raising and keeping; specialized animal facilities; nursery specialties (nonstructural); range land or wildlife preserves; water storage or recharge; leachfield or spray disposal area; scenic area protection or buffers from hazardous areas; public outdoor recreation uses on non-prime lands; or other similar open space uses.

Furthermore, as mentioned above there are several examples in the County which supports the success of grazing adjacent to residential lots. Some examples include, the Varian Ranch Ag Cluster, the Edna Ag Cluster, and the Talley Farms Ag Cluster. The current interface between residential uses along the border of the Town of Santa Margarita/Garden Farms and the adjacent grazing lands of the Ranch are indicative of the ability for the two uses to co-exist without 'significant' compatibility impacts. Furthermore, each potential buyer will be educated about the on-site agricultural operations and upon purchase of a lot, each owner will be given an agricultural awareness seminar to outline the responsibilities and expectations of living in an agricultural cluster subdivision. Lastly, as indicated in our April 2007 DEIR response the County's Right to Farm provisions will be included in the project C.C.&R.'s.

Additional mitigation measures to reduce potential compatibility impacts between the residents and grazing activities were included in the applicant teams April 2007 response to the DEIR.

AG-1 on Page 2-13 should be update to reflect accurate numbers and should be written as follows:

The proposed Agricultural Residential Cluster Subdivision would permanently convert less than 100 acres of grazing land and 6.5 acres of prime farmland to non-agricultural uses. Impacts related to agricultural conversion would be Class II, *significant but mitigable*.

Appropriate mitigation measures were included in our April 2007 response to the DEIR.

Page 2-15: Existing and Potential Future Irrigated Agricultural:

It is unclear why the future irrigated agriculture (vineyards and orchards) information is being treated as 'new information'. The information was submitted in February 2006 with further clarification in May 2006. The exhibit and the acreage numbers were intended to identify approximate areas that may be suitable for irrigated agriculture.

The RDEIR identifies two lots that are within 500 feet of the future potential planted area. The boundary lines on the exhibit were not intended to be precise survey locations and could be adjusted if needed to ensure proper buffer setbacks.

In the case of lots 39 and 40, although they do not meet a straight 500 foot ag buffer, their locations have similar siting characteristics of other lots in which the 500 foot buffer was determined by the Agriculture Commissioner to be unnecessary. VTTM 2586 was never intended to have a definitive buffer. In the review of the application and lot locations, the buffer has always been determined and assessed on a lot by lot basis. Lots 39 and 40 have sufficient distance, topographical, and vegetation relief from the potential vineyard areas.

- The landform and vegetation between these two lots are significant and very similar to lots previously approved by the Agricultural Commissioner
 - The closest corner of the building envelope for Lot 39 is located 317 feet from the potential vineyards, and has approximately 30' elevation difference and a dense vegetation buffer of that varies between approximately 130' to 170'
 - The closest corner of the building envelope for Lot 40 is located 311 feet from the potential vineyards, and has approximately 20' elevation difference and a dense vegetation buffer of that varies between approximately 125' to 175'
 - One example of a lot previously approved by the Agricultural Commissioner is Lot 79 which has the closest corner of the building envelope located 318 feet from the existing vineyards, and has approximately 10' elevation difference and a vegetation buffer of approximately 130'

The FEIR should therefore not include the recommendation on Page 2-15 that Lots 39 and 40 be relocated.

Section 2.2 Air Quality:

Page 2-21 The Urbemis Model Calculations:

The Urbemis model calculations were updated to use an overall average trip length of 13 miles due to remoteness of the site. Typically there are three trip lengths that are used in the Urbemis model calculations: "Home Base to Work", "Home Base to Shopping", and "Home Base to Other" trip lengths. These trip lengths are typically different numbers.

Per telephone conversation with Andy Mutziger of the Air Pollution Control District (APCD), APCD suggested that the Urbemis model calculations for the project be revised to increase the trip length due to the "remoteness of the site". The site is not remote and is located directly adjacent to a Village Reserve Area (Santa Margarita) that is equipped with basic services (i.e. gas, limited groceries, dining, mail, mechanic, nursery products, etc) and associated job opportunities. The revised average trip number suggested by APCD and used in the Urbemis model is too high based on the distance of the site to Santa Margarita, and the major job centers in the county (Atascadero / San Luis Obispo). There is no supporting documentation of why 13 miles was chosen besides the statement that it is used due to the 'remote nature of the ARC'. The job centers and the shopping opportunities are located well under the 13 miles assumed in the RDEIR. Furthermore, as described above, many basic services can be provided in the town of Santa Margarita which is less than 2 miles to the site and as stated on Page 2-38 of the RDEIR the project site is located approximately 8 road miles to Atascadero and appropriately 10 road miles to San Luis Obispo which is well under the 13 miles used in the calculations.

The Urbemis model calculations should reflect inputs that are more in line with project sites proximity to Santa Margarita, San Luis Obispo, and Atascadero. Lastly, the analysis should anticipate that vacant and underutilized lots in Santa Margarita will be developed with other commercial service and retail uses, thereby increasing the level and types of services provided within 2 miles of the project site.

2-25 Off-Site AQ Mitigation AQ-1 (f):

This mitigation measure should be **removed** because as discussed above the trip lengths have been over-estimated.

If the trip lengths are to remain as provided in the RDEIR, the mitigation should be timed to have the mitigation triggered by the actual Tier 2 exceedance. The analysis should include a definitive milestone (i.e. number of residences) in which the Tier 2 Threshold is exceeded. The statement "This amount shall then be extrapolated over

the life of the project to determine total off-site mitigation” shall be removed and a specific time frame provided. There is no definition for “life of the project”.

The grading permit trigger is premature because the impact has not occurred. The impact analysis should include a statement that describes at what point the Tier 2 is exceeded. The mitigation measure trigger should then be revised to reflect the appropriate timing of the measure.

Page 2-40: AQ-GCC(c):

This mitigation measure should be **removed** as there is no nexus between the Alternative Transportation Mitigation Measures and project impacts. The impact section on Page 2-38 specifically states that the subdivision will be unlikely to create a demand for transit facilities due to the low density of the development. The project as stated in the RDEIR is consistent with many of the Climate Action Team strategies and AQ-GCC(a) and AQ-GCC(b) will sufficiently mitigate the impacts related to GCC outlined in subsection “f.” on Page 2-38.

Section 2.3 Biological Resources

A detailed review of the Biological Resources Section has been provided by LynneDee Althouse and Dan Meade. Below are some additional comments regarding oak tree impacts and creek setbacks.

Oak Tree Impacts:

The RDIER ignores the comments that were submitted in the applicant’s team response to the DEIR in April 2007. Those comments should be addressed in the FEIR. The statement in Impact B-3 at the end of the sentence should be removed as the applicant team documented their strategy and commitment to protect trees in the design of the project as well as during construction and in the future.

Excerpt from the applicant team comments to the DEIR April 2007:

Furthermore, our application stated trees would be retained to the extent possible and impacts would be minimized. This was not carried through in the project description of the DEIR. The discrepancy above needs to be corrected including taking into account the Tract 2586 “Design Standards”.

On Page 2-61 the author assumes that the individual lots will contain suburban uses such as livestock or pets throughout the entire boundaries of the lots since they will be privately owned. Comments submitted by the applicant team in April 2007 included a statement that domestic pets will be required to be contained within the building

envelopes. Because of the size of the building envelopes, private livestock will not be allowed on the individual lots.

On Page 2-62, the RDEIR states that an unknown number of trees will be impacted within the lots due to “.....decreased reproduction due to browsing by livestock....”. It is unclear if this statement is meant for livestock on private lots or the cattle grazing on the agricultural parcel(s). As stated above, the individual lots will not have livestock and the grazing practices implemented by the Ranch management have demonstrated strong oak tree regeneration rates through out the ranch. Oak tree regeneration is easily visible in various locations through out the ranch property.

On Page 2-63 the RDEIR provides additional information regarding the mitigation requirements outlined in the Kuehl Bill. The FEIR should be updated to include the Kuehl Bill definitions of oak woodland and the Kuehl Bill definition of oak woodland conversion.

The discussion on 2-63 states that the County of San Luis Obispo currently defines oak woodlands as those areas with greater than 10% canopy cover by native oak trees and impact to oak woodlands as the removal of 10% of the canopy cover or ten oak trees. On Page 2-61, the RDEIR states that the County is currently *drafting* definitions for oak woodlands as well as thresholds for determining impact levels in accordance with the Kuehl Bill. The County does not have any *adopted* definitions for oak woodlands or thresholds for oak woodland impacts as it relates to the Kuehl Bill therefore the RDEIR should rely on the definitions provided in the Kuehl Bill. Based on the Kuehl Bill definition of oak woodland conversion being 30% of the woodland, the project would not result in oak woodland conversion defined as by the Kuehl Bill therefore the Kuehl Bill mitigation would not apply.

Mitigation Measure B-3(b)3 on Page 2-72 should be removed and references to the Kuehl Bill should be removed from Impact Statement B-3.

The FEIR should include the County adopted definition of an oak tree Impact, which is grading within the dripline of the tree. The mitigation measures should be updated accordingly to reflect the County definition below:

An impacted tree is when any construction disturbance or any substantial change in seasonal soil moisture may occur **within the dripline** (canopy) of the tree. A partial list of impacting activities within the dripline include: compaction from vehicles, grubbing that disrupts or exposes surface roots, trenching, grading, establishment of non-native landscaping under canopy, substantial trimming of canopy will be needed, or leach lines that are within or adjacent to tree canopy. If disturbance exceeds 50% of the canopy, the replacement ratio shall be increased as if the tree were to be removed.

On Page 2-67 B-3(a)1.a. should be revised to required that the inventory include all trees more than 5 inches in diameter, consistent with Page 2-61.

Establishment of Creek Setbacks:

Page 2-74 B-7(a) & Page 2-80 B-8(a)

As stated in the review from Althouse and Meade, "Tostada Creek is an ephemeral drainage with shallow seasonal pools...". The mitigation measure should be revised as provided to apply a 50 foot setback to Tostada Creek. The restrictions for all setbacks shall be revised to allow improvements to the existing ranch roads within the creek setback area.

Section 2.4 Drainage, Erosion and Sedimentation:

The mitigation triggers for D-2(a) and D-2(b) on Page 2-82 should be revised to be required at time of subdivision improvement plan application

Section 2.5 Public Safety:

No Comments

Section 2.6 Public Services:

No Comments

Section 2.7 Traffic:

A detailed analysis of the technical aspects of the Transportation and Circulation Section has been performed by Scott A. Schell, AICP with Associate Transportation Engineers (ATE). As stated in the review by ATE the RDEIR introduces new and un-adopted significance thresholds and inappropriately requires the project to bear the complete burden of many existing deficiencies in the state road system. These deficiencies have already been characterized as area-wide problems and should be addressed through the adoption of an area-wide traffic impact fee, not project specific mitigation measures.

Below are some additional comments regarding Mitigation Timings and Triggers:

T-1(d)4: A Future Development Program Mitigation is included in the ARCS section. This should be relocated to the FDP section.

FDP Mitigation Triggers:

The FDP traffic analysis consolidates all traffic trips generated by each FDP component into a lump sum number for FDP traffic trips. This analysis would be appropriate IF all FDP components required the preparation of a Specific Plan, however many of the uses are allowed under the current zoning and would not trigger a Specific Plan.

The current wording for the FDP mitigation triggers would require that all traffic mitigation measures be required to be completed prior to occupancy of ANY of the uses outlined in the FDP. The Mitigation Measures for the FDP should apply to uses that would be a component of a Specific Plan. Therefore, the traffic mitigation requirement should be revised to be required **at the time of issuance of construction permits for individual Specific Plan components**. Furthermore, as stated in the review by ATE, projects should be required only to contribute their proportional fair share to fund the required improvements.

2.8 Water and Wastewater:

A detailed review of the Water Section has been provided by Luhdorff and Scalmanini. Below are some additional comments regarding the policy issues brought up in the Water Impacts Section as well as the introduction of the "Future Irrigated Agriculture" information as "new" information.

It is unclear why the original DEIR did not include the information regarding the potential irrigated acreage numbers supplied to Rincon in May 2006.

The RDEIR continues to use overestimated water figures for the residential water use as well as the existing and future irrigated agricultural uses (see Luhdorff and Scalmanini Report). As included in our response to comments in April 2007 the total water use for residential lots should be .90 AFY per lot and water use per acre of vineyards on an annual basis is .67 AFY with annual water use at 525 acre feet. The RDEIR states that the planned vineyards would use 1,641.76 AFY. This number should be reduced to 549 AFY based on the water demand of vineyards on the Ranch established in the Luhdorff and Scalmanini report submitted as part of the April 2007 comments on the DEIR. Lastly, based on the identification of building envelopes in the applicant's team April 2007 response to the DEIR, the water use factors could be further reduced as the usable area of the lots are +/- 1/2 acre.

Policy Consistency - Page 2-116:

Ag and Open Space Policy:

The RDEIR includes an evaluation of the potential use of Nacimiento / State Water and the infrastructure required for connection to the system(s). In the evaluation of the potential use of imported, the RDEIR author noted that the use of imported water "could result in policy inconsistencies. For example, in the County's Agricultural and

Open Space Element (AGP11, Agricultural Water Supplies) states that groundwater should be maintained for agricultural use.”

Excerpt from AGP 11

AGP11: Agricultural Water Supplies.

- a. **Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.**
- b. **Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.**
- c. **Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.**

AGP 11 supports the potential use of imported water because it encourages the County to maintain water resources for production agriculture to prevent the loss of agriculture due to competition for water with urban and suburban development. The use of imported water to supplement the existing on-site water source is consistent with this policy for the following reasons:

- Importing water for the residential uses will off-set the use of the groundwater for the project.
- The use of imported water guarantees that the residential water use will not compete with agricultural for the water because the water required for the residential component is being brought in from an off-site source.
- The use of off-site water results in a net gain of water on the site thereby maintaining the existing water supply for production agriculture.

This project is not a GPA or rezoning therefore and is not moving water from areas of overdraft to other areas therefore subsections b & c do not apply.

The FEIR should include the full text of AGP 11.

Policy Consistency - Page 2-116: Framework for Planning:

The RDEIR concludes that importing water and the potential construction of a treatment facility outside of an URL may be potentially inconsistent with a policy contained in the County’s Framework for Planning.

2. Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low-intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities.

The RDEIR makes the incorrect assertion that Framework for Planning prohibits the use of community water systems outside of URL and VRL's. The Ag Cluster provisions (and regular cluster provisions) allow the use of community water systems to serve agricultural and residential cluster projects. It is not unusual for community water systems for these projects to require water filtrations systems. Under one scenario, imported Nacimiento water would be treated as needed and delivered to the lots through a community water system. Under a second scenario the imported water would be used for irrigation to off-set the use of the ground water and the groundwater then delivered through a community water system. If State Water were to be used, it would be connected directly into the community water system. The use of a community water system is consistent with every other cluster project that is served by a community water system. The only difference in this instance is the source of the water and/or the groundwater off-set. All cluster developments and some conventional subdivisions in the rural area require the construction of, and service from, a community water system. Examples of cluster projects that have been approved using community water systems include the Edna Ag Cluster, the Varian Ranch Ag Cluster, and the Huerhuero Ag Cluster.

The use of a community water system for a cluster project does not diminish the goal contained in Framework for maintaining "a distinction between urban and rural development outside of urban and village reserve lines by providing for rural uses outside of the urban and village areas....." The RDEIR interprets the objective of this goals is to restrict community water systems from being provided outside urban and village reserve areas. When you read the Framework for Planning section on appropriate levels of services, the exact wording stated that the LOS outlined in Table H are generally the level of services appropriate for certain densities. As mentioned above, specific provisions in the Land Use Ordinance have been provided allowing the use of Community Water Systems in Residential and Agricultural Cluster Subdivisions outside of the URL and VRL's. This allowance is intended to implement other Framework and Ag and Open Space preservation objectives. The large open space parcels and land preservation(s) associated with cluster divisions could not occur without the use of community water systems. The RDEIR does not acknowledge that the proposed ag conservation easements totaling 3,621 acres will continue to be used for agricultural which implements the Framework for Planning goal of maintaining a distinction between the urban and rural development.

Instead of acknowledging the fact that the project site is located adjacent to the Santa Margarita VRL and that the parcels of South Atascadero (which are outside of a URL

or VRL) are served by a community water system, the RDEIR author makes leap of judgment that the use of imported water and the possible construction of a water filtration system outside of an URL is inconsistent with the Framework policy. The basis for this determination is because "the proposed Agricultural Residential Cluster Subdivision site is located approximately 5 miles from the City of Atascadero's Urban Reserve Line". The author should provide additional support for the statement and should identify the projects location as being adjacent to the VRL of Santa Margarita.

Lastly, as stated above Framework for Planning specifies levels of services that are generally appropriate depending on certain densities. The Subdivision Design Standards contained in Title 22 of the Land Use Ordinance Cluster and Ag Cluster provisions are the implementing documents that specify appropriate level of services for cluster subdivisions and those provisions specifically allow the use of community water.

Section 3.0 Analysis of New Alternatives:

A detailed comparison between the applicant team's Mitigated Project Alternative (RDEIR Alternative 12) and the RDEIR's Environmentally Superior Alternative (Alternative 14) has been provided by RRM Design Group. The detailed comparison of the applicant teams mitigated project alternative 12 and the 114 provided by RRM Design Group should be included in the FEIR. The analysis indicated that Alternative 12 is in fact the Environmentally Superior Alternative therefore; the FEIR should identify Alternative 12 as the Environmentally Superior Alternative.

We would like to thank you for the opportunity to comment on the RDEIR and look forward to reviewing the FEIR in May.

Regards,



Jamie Kirk
Kirk Consulting

cc:

Applicant Team: Doug Filippini, Karl Wittstrom, Rob Rossi, Steve Rossi, Victor Montgomery, Jeff Ferber, Debbie Jewell, William Walters

Enclosures:

- 1) Review of the Agricultural Resources Section of the Revised Draft "Environmental Impact Report for Santa Margarita Agricultural Cluster Subdivision Project and Future Development Program". By Dr. Thomas J. Rice, Ph.D., C.P.S.S. dated March 7, 2008.
- 2) Letter from Althouse and Meade regarding their review of the Biological Resources Section of the RDEIR dated March 27, 2008.
- 3) eda Response to Updated Analysis prepared by Jeff Wagner dated March 7, 2008.
- 4) Letter from Associated Transportation Engineers regarding their review of the Transportation / Circulation Section of the RDEIR dated March 27, 2008.
- 5) Letter from Luhdorff and Scalmanini, Consulting Engineers regarding their review of the Water and Wastewater Section of the DEIR dated March 27, 2006
- 6) Environmentally Superior Alternative Comparison of RDEIR Alternative No. 14 vs. Alternative No. 12 prepared by RRM Design Group

Review of the Agricultural Resources Section of the Revised Draft
"Environmental Impact Report for Santa Margarita Agricultural Cluster
Subdivision Project and Future Development Program". By Dr. Thomas J.
Rice, Ph.D., C.P.S.S. dated March 7, 2008

Review of the Agricultural Resources section of the
Revised Draft “Environmental Impact Report for Santa
Margarita Ranch Agricultural Cluster Subdivision Project
and Future Development Program”

Prepared by

Thomas J. Rice, Ph.D., C.P.S.S.
Certified Professional Soil Scientist No. 1932
915 Turtle Creek Drive
Paso Robles, CA 93446-3663
(805) 237-2233

For

Kirk Consulting
9720 Atascadero Avenue
Atascadero, CA 93422
Office: 805-461-5765
Fax: 805-462-9466

and

Santa Margarita Ranch, LLC
5875 Stockdale Road
Paso Robles, CA 93446

March 7, 2008

Table of Contents

	<u>Page</u>
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

March 7, 2008

Review of the Agricultural Resources section of the Revised Draft “Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program,” Case number VTTM 2586; dated February 7, 2008.

Introduction

The primary purpose of this report is to review the Agricultural Resources section of the Revised Draft “Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program” (Revised DEIR) (Rincon Consultants, Inc., 2008).

Methodology and Literature Resources

A site visit was made to the Santa Margarita Ranch (Ranch) location of the proposed agricultural cluster subdivision on Friday, March 9, 2007. The primary purpose was to examine the soils and land located along a ranch access road, which bisects the proposed agricultural cluster subdivision.

Particular attention was given to two (2) soil map units, which are located within and adjacent to the proposed agricultural cluster subdivision. These two soil map units are as follows: Soil Map Unit 133: Cropley clay, 2 to 9 percent slopes; and Soil Map Unit 139: Elder loam, 2 to 9 percent slopes.

The most recent U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) soil survey report (Lindsay, 1983) was examined and compared with the soils information reported in the Revised DEIR. Also, the latest soils information and maps for the Santa Margarita Ranch are available online via the USDA-NRCS Web Soil Survey, version 2.0 (USDA-NRCS, 2008).

Several USDA definitions of prime farmland and prime agricultural soils were examined. The USDA general definition of prime farmland soils is “Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and

oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding” (USDA, 2005).

In order to assess whether these Santa Margarita Ranch soils meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), the NRCS definition of prime farmland was examined. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth.

In addition, the Ranch’s chemical and physical soil properties reported in the soil survey report (Lindsey, 1983) were used to classify each soil into a Land Capability Class (LCC) using the most recent “Guide for placing soils in capability classes in California,” which is attached to this report (Soil Survey Staff, California, 2006; see Appendix A). Soils that classify as LCC I and II are usually defined as prime agricultural soils.

Findings and Discussion

A. Definitions of prime farmland soils

1. Prime Farmland

Santa Margarita Ranch's soils, which meet the requirements of prime farmland as defined by the USDA-Natural Resources Conservation Service (NRCS), are designated as "prime soils" on the maps produced by the State of California, Department of Conservation. The NRCS has ten (10) characteristics, which are used as criteria to determine prime farmland (see Appendix A). Soils must meet the minimum standards for the following criteria in order to be considered prime farmland: water holding capacity and supply, soil temperature regime, acid-alkali balance, water table depth, soil sodium content, flooding, soil erodibility, soil permeability, rock fragment content and rooting depth. Lists of these soil map units, organized by counties within California, are reported on the internet (see Appendix B).

2. Land Capability Classification (LCC)

A sentence in the

DEIR states "By USDA definition, Capability Class I and Class II soils qualify as prime soils, depending on irrigation" (DEIR, page 4.1-9). In contrast, the USDA soil survey report states that "Class I soils have few limitations that restrict their use. Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices" (Lindsey, 1983; page 75). Further, the USDA soil survey report states that "Capability classes and subclasses show, in a general way, the suitability of soils for most kinds of field crops." (Lindsey, 1983; page 74).

3. Storie Index Rating (SIR)

The USDA soil survey report states "Soils of grade 1 (i.e., Storie index rating of 80 to 100) are excellent or well suited to general intensive agriculture" (Lindsey, 1983; page 76). Further, the

USDA soil survey report states that “This (Storie) index expresses numerically the relative degree of suitability of a soil for general intensive agriculture as it exists at the time of evaluation.” (Lindsey, 1983; page 76). The soils survey report additionally states “Other factors, such as availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area are not considered. Therefore, in itself, the index should not be considered as a direct index of land value.” (Lindsey, 1983; page 76).

The following conclusions can be reached from these USDA-NRCS publications and information gathered from USDA-NRCS soil scientists.

- 1.) Neither the Storie index rating nor the “CA Revised Storie Index” are good determining classifications in the assignment of prime farmland classification for soils since they do not consider the “availability of water for irrigation, climate, and distance from markets that might determine the desirability of growing certain crops in a given area.” As such, neither the Storie index rating nor the “CA Revised Storie Index” has been used in USDA-NRCS soil survey reports in California for over ten years (pers. comm., Susan B. Southard, USDA-NRCS soil scientist; March 28, 2007 and Ken Oster, NRCS soil scientist; March 3, 2008).
- 2.) The “prime agricultural soils” designation for soils should be confined to those soil phases that classify as Capability Class I (1) or II (2) (see Appendix A).
- 3.) The “prime farmland” designation for each soil should be assigned to those soil map phases that meet the ten (10) criteria used to classify “prime soils” and which are shown on the important farmland maps produced by the State of California, Department of Conservation and are listed as prime farmland (see Appendices A and B).
- 4.) No soil phases within the entire Santa Margarita Ranch should be classified as “prime soils,” “prime agricultural soils,” or “prime farmland” unless they are irrigated or have “a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years.” (see Appendix A).

B. Significant comments and questions regarding the Revised DEIR

1. In the introductory paragraphs to Section 2.0, Updated Environmental Analysis of the Revised DEIR, the authors state, “this section does not directly respond to comments received during the public review of the Draft EIR.” My question is: Where are the responses to the specific comments received during the public review of the Draft EIR?
2. In Section 2.1, on page 2-1, under the “Updated Analysis” section, in (c), (1): the word “...service...” should be capitalized to read “...Service...”
3. In Section 2.1, on page 2-2: the paragraph states “...the NRCS Soil Survey for the Santa Margarita Ranch area...” This statement implies that the USDA-NRCS had prepared a unique soil survey report for the Santa Margarita Ranch. In fact, the soils within the Santa Margarita Ranch were mapped as part of a larger USDA soil survey report entitled “Soil Survey for San Luis Obispo County: Paso Robles Area” (Lindsey, 1983). The statement should be re-written to read “...the NRCS Soil Survey for San Luis Obispo County: Paso Robles Area (Lindsey, 1983), which includes the soils within the Santa Margarita Ranch...”
4. I recommend that Table 4.1-1 (pages 2-3 through 2-6 of the Revised DEIR) be re-written and re-formatted as follows:
 - a.) Assign a “Prime” soil classification to only those soil map units, which are listed as “prime farmland” on the State of California, Department of Conservation, Important Farmlands maps and to those soil map units, which classify as Land Capability Class (LCC) 1, irrigated, or Class 2, irrigated. Soils classified according to the “CA Revised Storie Index” as Grade One should NOT be considered “Prime Soils,” unless they also classify as LCC 1 or 2 and are listed as prime soils on the State of California, Department of Conservation, Important Farmlands maps. See Appendix B to examine a list of these soil map units listed as “prime soils” in this USDA soil survey report (Lindsey, 1983).
 - b.) Reorganize and rewrite Table 4.1-1 to be organized as follows (see the following three pages of this report).

(REVISED) Table 4.1-1: Santa Margarita Ranch Soil Map Units and Agricultural Classifications

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Prime Soil if Irrigated
101	Arbuckle fine sandy loam, 2 – 9% slopes	3	4	Prime	Yes
102	Arbuckle-Positas complex, 9 – 15% slopes	4	4	Not Prime	No
103	Arbuckle-Positas complex, 15 – 30% slopes	6	6	Not Prime	No
104	Arbuckle-Positas complex, 30 – 50% slopes	6	6	Not Prime	No
106	Arbuckle-San Ysidro complex, 2 – 9% slopes	3	4	Farmland of Statewide Importance	No
108	Arnold-San Andreas complex, 30 – 75% slopes	7	7	Not Prime	No
109	Ayar and Diablo soils, 9 – 15% slopes	3	4	Not Prime	No
110	Ayar and Diablo soils, 15 – 30% slopes	4	4	Not Prime	No
114	Balcom-Nacimiento association, moderately steep	4	4	Not Prime	No
116	Botella sandy loam, 2 – 9% slopes	2	4	Prime	Yes
126	Cieneba coarse sandy loam, 30 – 75% slopes	7	7	Not Prime	No
127	Cieneba-Andregg complex, 30 – 75% slopes	7	7	Not Prime	No
129	Clear Lake clay	3	4	Not Prime	No
130	Clear Lake clay, drained	2	4	Prime	Yes
133	Cropley clay, 2 – 9% slopes	2	4	Prime	Yes
134	Dibble clay loam, 9 – 15% slopes	3	4	Not Prime	No
138	Elder loam, 0 – 2% slopes	1	4	Prime	Yes
139	Elder loam, 2 – 9% slopes	2	4	Prime	Yes
140	Elder loam, flooded, 0 – 5% slopes	2	4	Prime, if drained	Yes
143	Gaviota-San Andreas association, very steep	7	7	Not Prime	No
144	Gazos shaly clay loam, 9 – 30% slopes	4	4	Not Prime	No
145	Gazos shaly clay loam, 30 – 50% slopes	6	6	Not Prime	No

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Irrigated Prime Soil
147	Hanford and Greenfield soils, 0 – 2% slopes	1	4	Prime	Yes
148	Hanford and Greenfield soils, 2 – 9% slopes	2	4	Farmland of Statewide Importance	Yes
149	Hanford and Greenfield gravelly sandy loams, 0 – 2% slopes	2	4	Prime	Yes
150	Hanford and Greenfield gravelly sandy loams, 2 – 9% slopes	2	4	Prime	Yes
152	Linne-Calodo complex, 9 – 30% slopes	4	4	Not Prime	No
153	Linne-Calodo complex, 30 – 50% slopes	NA	NA	Not Prime	No
162	Lompico-McMullin complex, 50 – 75% slopes	7	7	Not Prime	No
166	Metz loamy sand, 0 – 5% slopes	3	4	Farmland of Statewide Importance	No
167	Metz-Tujunganga complex, occasionally flooded, 0 – 5% slopes	3	4	Not Prime	No
169	Millsholm-Dibble clay loams, 15 – 30% slopes	NA	NA	Not Prime	No
170	Millsholm-Dibble clay loams, 30 – 50% slopes	6	7	Not Prime	No
177	Nacimiento-Ayar complex, 9 – 30% slopes	4	4	Not Prime	No
179	Nacimiento-Los Osos complex, 9 – 30% slopes	4	4	Not Prime	No
182	Oceano loamy sand, 2 – 9% slopes	3	6	Prime	Yes
183	Pico fine sandy loam, 0 – 2% slopes	1	4	Prime	Yes
185	Pits	8	8	Not Prime	No
188	Rincon clay loam, 2 – 9% slopes	2	4	Prime	Yes
190	Rock outcrop-Gaviota complex, 30 – 75% slopes	8	8	Not Prime	No
191	Ryer clay loam, 2 – 9% slopes	2	4	Prime	Yes

USDA map unit symbol	Soil map unit name	Capability Class (Irrigated)	Capability Class (Non-Irrigated)	NRCS Prime Farmland Classification	Irrigated Prime Soil?
192	San Andreas sandy loam, 15 – 30% slopes	4	4	Not Prime	No
193	San Andreas-Arujo complex, 9 – 15% slopes	3	4	Farmland of Statewide Importance	No
198	Santa Lucia-Lopez complex, 15 – 50% slopes	6	6	Not Prime	No
199	Santa Lucia-Gazos complex, 50 – 75% slopes	7	7	Not Prime	No
202	Shimmon loam, 30 – 50% slopes	6	6	Not Prime	No
203	Shimmon-Dibble association, steep	6	6	Not Prime	No
204	Shimmon-Dibble association, very steep	7	7	Not Prime	No
207	Still gravelly loam, 0 – 2% slopes	2	4	Prime	Yes
208	Still clay loam, 0 – 2% slopes	1	4	Prime	Yes
209	Still clay loam, 2 – 9% slopes	2	4	Prime	Yes
210	Vista coarse sandy loam, 9 – 15% slopes	4	4	Not Prime	No
211	Vista-Cieneba coarse sandy loams, 15 – 30% slopes	4	6	Not Prime	No
212	Xerofluvents-Riverwash association	6	8	Not Prime	No

*NA = NOT APPLICABLE.

D. Comments and Recommendations regarding the DEIR authors' statements in Section 2.1

- 1.) In the text following Table 4.1-1 on page 2-6, the authors state “Of these soils, 13 are considered prime regardless of irrigation (i.e. have a California Revised Storie Index of Grade One), while 20 (total) are considered prime if irrigated.” There are no prime soils in the area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils. Therefore, the statement should be re-written to read, “Of these soils, 18 are considered to be prime agricultural soils, if irrigated.

- 2.) The map legends shown on Figure 4.1-1 and Figure 4.1-2 should be revised as follows.
 - a.) The heading “PRIME AGRICULTURAL SOILS REGARDLESS OF IRRIGATION:” should be deleted on both Figures 4.1-1 and 4.1-2. No soil map units in this soil survey area should be considered as “prime agricultural soils” unless they are irrigated.
 - b.) On both Figures 4.1-1 and 4.1-2, the only legend heading should read, “PRIME AGRICULTURAL SOILS IF IRRIGATED.” That way, the basis for the “prime agricultural soil classification” of each soil map unit is clearly stated.
 - c.) On Figure 4.1-1, the Soil Map Unit 102, “Arbuckle-Positas complex, 9 – 15% slopes” should be deleted from the list of “PRIME AGRICULTURAL SOILS...” Also, the soil map in Figure 4.1-1 should be revised to delete the color that represents all the soil delineations of Soil Map Unit 102 found within the Ranch boundaries.
 - d.) On Figure 4.1-2, the Soil Map Unit 102, “Arbuckle-Positas complex, 9 – 15% slopes” and the Soil Map Unit 106, “Arbuckle-San Ysidro complex, 2 – 9% slopes” should be deleted from the list of “PRIME AGRICULTURAL SOILS...” Also, the soil map in Figure 4.1-2 should be revised to delete the colors that represent all the soil delineations of Soil Map Units 102 and 106 found within the Ranch boundaries.

3.) The legend for Figure 4.1-1 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED:

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
148: HANFORD AND GREENFIELD SOILS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
150: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 2 – 9% SLOPES
182: OCEANO LOAMY SAND, 2 – 9% SLOPES
191: RYER CLAY LOAM, 2 – 9% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

4.) The legend for Figure 4.1-2 should be re-written and re-formatted as follows.

PRIME AGRICULTURAL SOILS IF IRRIGATED:

101: ARBUCKLE FINE SANDY LOAM, 2 – 9% SLOPES
116: BOTELLA SANDY LOAM, 2 – 9% SLOPES
130: CLEAR LAKE CLAY, DRAINED
133: CROPLEY CLAY, 2 – 9% SLOPES
138: ELDER LOAM, 0 – 2% SLOPES
139: ELDER LOAM, 2 – 9% SLOPES
140: ELDER LOAM, FLOODED, 0 – 2% SLOPES
147: HANFORD AND GREENFIELD SOILS, 0 – 2% SLOPES
148: HANFORD AND GREENFIELD SOILS, 2 – 9% SLOPES
149: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 0 – 2% SLOPES
150: HANFORD AND GREENFIELD GRAVELLY SANDY LOAMS, 2 – 9% SLOPES
183: PICO FINE SANDY LOAM, 0 – 2% SLOPES
188: RINCON CLAY LOAM, 2 – 9% SLOPES
182: OCEANO LOAMY SAND, 2 – 9% SLOPES
191: RYER CLAY LOAM, 2 – 9% SLOPES
207: STILL GRAVELLY LOAM, 0 – 2% SLOPES
208: STILL CLAY LOAM, 0 – 2% SLOPES
209: STILL CLAY LOAM, 2 – 9% SLOPES

5.) In the text on page 2-13 of the Revised DEIR, the phrase “...a California Revised Storie Index of Grade One (Excellent),...” should be deleted. There are no prime soils in this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3,

- 2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils.
- 6.) All of the prime farmland acreage numbers for the Ranch should be re-calculated, omitting the acreages for Soil Map Units 102 and 106, which are found within the Ranch boundaries.
- 7.) In the text on page 2-14 of the Revised DEIR, the phrase "...a California Revised Storie Index of Grade One (Excellent),..." should be deleted. There are no prime soils in this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008). The California Revised Storie Index is no longer reported in modern USDA-NRCS soil survey reports and should NOT be used in this Revised DEIR to classify prime agricultural soils.
- 8.) In the text on page 2-14 of the Revised DEIR, the sentence "Of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, eight are considered prime regardless of irrigation (i.e. have a California Revised Storie Index of Grade One), while 14 (total) are considered prime if irrigated." should be deleted. This sentence should be re-written to read "Of the 32 soil map units that are found on the Agricultural Residential Cluster Subdivision site, 13 are considered prime if irrigated."
- 9.) In the text on page 2-14 of the Revised DEIR, the second last paragraph should be deleted and re-written using the correct listing of prime agricultural soils and their appropriate re-calculated acreages.
- 10.) In the text on page 2-17, second paragraph of the Revised DEIR, this paragraph should be re-written using the corrected and appropriate re-calculated acreages for the prime soils in the "total" Ranch and on the "Agricultural Residential Cluster Subdivision site."

E. Comments and Recommendations regarding the DEIR authors' statements in Section 2.9

- 1.) In the text on page 1-120, second paragraph, of the Revised DEIR, the reported acreage figures for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

F. Comments and Recommendations regarding the DEIR authors' statements in Section 3.1

- 1.) In the text on page 3-2, first paragraph, of Section 3.1.2 of the Revised DEIR, the reported acreage figure of 21.2 acres for "prime agricultural soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.
- 2.) In the text on page 3-2, second paragraph, of Section 3.1.2 of the Revised DEIR, the reported acreage figures for "prime agricultural soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

G. Comments and Recommendations regarding the DEIR authors' statements in Section 3.2

- 1.) In the text on page 3-21, first paragraph, of Section 3.2.2 of the Revised DEIR, the reported acreage figures of "24.4 acres" and "21.2 acres" for "prime soils" should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.
- 2.) In Figure 3-6 of the Revised DEIR, the heading "Prime Agricultural Soils Regardless of Irrigation," should be deleted. The only heading should be "Prime Agricultural Soils If Irrigated." There are no prime soils within this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008).

H. Comments and Recommendations regarding the DEIR authors' statements in Section 3.3

- 1.) In Figure 3-7 of the Revised DEIR, the heading "Prime Agricultural Soils Regardless of Irrigation," should be deleted. The only heading should be "Prime Agricultural Soils If

Irrigated.” There are no prime soils within this Ranch area, unless they are irrigated (pers. comm., Ken Oster, USDA-NRCS soil scientist, March 3, 2008).

- 2.) In the text on page 3-33, first paragraph, of Section 3.2.3 of the Revised DEIR, the reported acreage figures of “24.2 acres” and “12.5 acres” for “prime soils” should be recalculated to reflect the actual acreages of the prime soils listed in Figure 4.1-1.

Bibliography

- Lindsey, W.C. 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. USDA Soil Conservation Service in cooperation with Univ. Calif. Ag. Expt. Station. U.S. Govt. Print. Office, Washington, D.C.
- Rincon Consultants, Inc. 2008. Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program. State Clearinghouse No. 2004111112. Prepared for County of San Luis Obispo, Department of Planning and Building. Case number VTTM 2586.
- Soil Survey Division Staff. 1993. Soil Survey Manual. USDA Handbook No. 18. U.S. Govt. Print. Office, Washington, D.C.
- Soil Survey Division Staff. 2006. Keys to Soil Taxonomy, 10th ed. SMSS Technical Monograph no. 20. U.S. Govt. Print. Office, Washington, D.C.
- Soil Survey Staff, California. 2006. Guide for placing soils in capability classes in California. [Online] Available:
<http://www.ca.nrcs.usda.gov/intranet/techres/mlra02/guides/interp/landcapabel.html/>
Verified March 2, 2008.
- State of California, Department of Conservation (DOC), Division of Land Resource Protection. 2007. Farmland Mapping and Monitoring Program. [Online] Available:
<http://www.conservation.ca.gov/DLRP/fmmp/>. Verified March 2, 2008.
- State of California. 2007. Government Code Section 51200 - 51207. [Online] Available:
<http://leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=51001-52000&file=51200-51207/>. Verified March 19, 2007.
- U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS). 2008. Web Soil Survey, version 2.0. [Online] Available: <http://websoilsurvey.nrcs.usda.gov/app/>
Verified March 2, 2008.
- U.S. Department of Agriculture, Natural Resources Conservation Service (USDA). 2005. National Soil Survey Handbook, title 430-VI. Part 622. [Online] Available:
<http://soils.usda.gov/technical/handbook/>. Verified March 2, 2008.

Appendix A

USDA-NRCS “Prime Farmlands Criteria”

and

“Guide for Placing Soils into Capability Classes”

Prime Farmland

The following definition for Prime Farmland was developed by the USDA-NRCS as part of their nationwide Land Inventory and Monitoring (LIM) system (Internet source: http://www.consrv.ca.gov/DLRP/fmmp/overview/prime_farmland_fmmp.htm).

Prime Farmland is land, which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Prime Farmland must meet all the following criteria:

1. Water holding capacity and supply

The soils have xeric, ustic, or aridic (torric) moisture regimes in which the available water capacity is at least 4.0 inches (10 cm) per 40 to 60 inches (1.02 to 1.52 meters) of soil, and a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years; and

2. Soil temperature regime

The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50.8 cm), have a mean annual temperature higher than 32° F (0° C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47° F (8° C); in soils that have no O horizon, the mean summer temperature is higher than 59° F (15° C); and

3. Acid-alkali balance

The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1.02 meters); and

4. Water table depth

The soils have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and

Prime Farmland (page 2)

5. Soil sodium content

The soils can be managed so that, in all horizons within a depth of 40 inches (1.02 meters), during part of each year the conductivity of the saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage is less than 15; and

6. Flooding

Flooding of the soil (uncontrolled runoff from natural precipitation) during the growing season occurs infrequently, taking place less often than once every two years; and

7. Soil erodibility

The product of K (erodibility factor) multiplied by the percent of slope is less than 2.0; and

8. Soil permeability

The soils have a permeability rate of at least 0.06 inch (0.15 cm) per hour in the upper 20 inches (50.8 cm) and the mean annual soil temperature at a depth of 20 inches (50.8 cm) is less than 59° F (15° C); the permeability rate is not a limiting factor if the mean annual soil temperature is 59° F (15° C) or higher; and

9. Rock fragment content

Less than 10 percent of the upper 6 inches (15.24 cm) in these soils consists of rock fragments coarser than 3 inches (7.62 cm); and

10. Rooting depth

The soils have a minimum rooting depth of 40 inches (1.02 meters).

Guide for Placing Soils in Capability Classes in California (Current as of Oct. 30, 2006)

Capa- bility Class	Effective Soil depth (inches) 1/	Climate Thornthwaite 1948 indices (inches) Irr. Dry ETp 32F 4ETa	Surface Layer Texture		Permea- bility 2/	Drainage Class 3/	Available Water Capacity 4/	Slope A 5/ 6/ 7/	Erosion Hazard	Flooding Hazard	Salinity ECx1U @ 25o C 8/	Alkali ESP 8/	Toxic Sub- stances 9/	Frost Free Seasons
1	≥ 40	≥ 20	≥ 20	≥ 20	Mod. Rapid thru Mod. Slow	Well or Mod. Well >60"	≥ 7.5 inch av. AWC ≥ 0.13 In/In.	<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	Rapid thru Slow	Somewhat Poorly thru Somewhat Excessively >36"	≥ 5.0 inch av. AWC ≥ 0.08 In/In.	<5%	None thru Mod.	None thru Occas.	<8 mmhos	< 25	None or Slight	≥ 100 Days
3	≥ 20	≥ 10	≥ 12	Any, may be Gravelly or Cobble	Rapid thru Slow	Poorly thru Excessively > 20"	≥ 3.5 inch av. AWC ≥ 0.06 In/In.	<8%	None thru High	None thru Occas.	<16 mmhos	< 50	None thru Mod.	≥ 80 Days
4	≥ 10	≥ 6	≥ 8	Any, may be Very Gravelly, Very Cobble or Stony 10/	Any	Poorly thru Excessively > 20"	≥ 2.5 inch av. AWC ≥ 0.04 In/In.	<15%	Any	None thru Frequent 11/	<16 mmhos	< 50	None thru Mod.	≥ 50 Days
5	≥ 20	≥ 6	≥ 8	Any, may be Extremely Gravelly, Ext. Cobble or Very Stony	Any	Any	≥ 3.0 inch av. AWC	<2%	None or Slight	Any	<8 mmhos	< 25	None or Slight	Any
6 12/	≥ 10	≥ 4	≥ 6	Any, may be Extremely Gravelly, Ext. Cobble or Very Stony	Any	Any	≥ 2.0 inch av. AWC	<25%	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%	Any	Any	Any	Any	Any	Any
8 14/	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any	Any

- 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 & wind. mechanical practices can be applied to class 6 land.
- 13/** Range & wind. mechanical practices are impractical on class 7 land.
- 14/** Class 8 lands have limitations that preclude their use for commercial plant production and restrict their use to recreation, water supply or esthetic purposes.

Appendix B

Prime (Agricultural) Soils listed on the State of California, Department of Conservation Important Farmlands Maps within the Soil Survey of San Luis Obispo County, Paso Robles Area (Lindsey, 1983).

Excerpted and modified from Internet Source:
http://www.consrv.ca.gov/DLRP/fmmp/mccu/prime_soils.htm (DOC, 2007).

California Department of Conservation

FARMLAND MAPPING AND MONITORING PROGRAM

SOIL CANDIDATE LISTING

for

PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE

SAN LUIS OBISPO COUNTY

Soil Survey of San Luis Obispo County, California, Paso Robles Area, May 1983

(8/25/95, updated 1/19/06)

Beginning in 2002, SSURGO digital soil information has been incorporated into the San Luis Obispo County Important Farmland Map. Prior versions of the map have not been modified.

The SSURGO data San Luis Obispo County, Paso Robles Area (published 10/17/2005).

For more information on the NRCS SSURGO data, please see:
http://www.ftw.nrcs.usda.gov/ssur_data.html

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
DAVIS, CALIFORNIA 95616

THESE SOIL MAP UNITS MEET THE CRITERIA FOR PRIME FARMLAND AS OUTLINED IN THE U.S. DEPARTMENT OF AGRICULTURE'S LAND INVENTORY AND MONITORING (LIM) PROJECT FOR THE SAN LUIS OBISPO COUNTY, PASO ROBLES AREA SOIL SURVEY.

SAN LUIS OBISPO COUNTY, PASO ROBLES AREA

Symbol Name (Those in bold print are located in the Santa Margarita Ranch)

100 Arbuckle fine sandy loam, 0 to 2 percent slopes

101 Arbuckle fine sandy loam, 2 to 9 percent slopes

116 Botella sandy loam, 2 to 9 percent slopes

Symbol Name

130 Clear Lake clay, drained

132 Cropley clay, 0 to 2 percent slopes

133 Cropley clay, 2 to 9 percent slopes

138 Elder loam, 0 to 2 percent slopes

139 Elder loam, 2 to 9 percent slopes

140* Elder loam, 0 to 5 percent slopes, flooded

147 Hanford and Greenfield soils, 0 to 2 percent slopes

149 Hanford and Greenfield gravelly sandy loams, 0 to 2 percent slopes

150 Hanford and Greenfield gravelly sandy loams, 2 to 9 percent slopes

157 Lockwood shaly loam, 0 to 2 percent slopes

173 Mocho clay loam, 0 to 2 percent slopes

174 Mocho clay loam, 2 to 9 percent slopes

182 Oceano loamy sand, 2 to 9 percent slopes

183 Pico fine sandy loam, 0 to 2 percent slopes

184 Pico fine sandy loam, 2 to 9 percent slopes

187 Rincon clay loam, 0 to 2 percent slopes

188 Rincon clay loam, 2 to 9 percent slopes

191 Ryer clay loam, 2 to 9 percent slopes

194 San Emigdio fine sandy loam, 0 to 2 percent slopes

195 San Emigdio fine sandy loam, 2 to 9 percent slopes

205 Sorrento clay loam, 0 to 2 percent slopes

206 Sorrento clay loam, 2 to 9 percent slopes

Symbol Name

207 Still gravelly loam, 0 to 2 percent slopes

208 Still clay loam, 0 to 2 percent slopes

209 Still clay loam, 2 to 9 percent slopes

* Prime farmland if drained

RLW Revised 12/15/80

NOTE: According to this California DOC list, there are seventeen (17) soil map units within the Santa Margarita Ranch listed as prime farmland.

Letter from Althouse and Meade regarding their review of the Biological Resources Section of the RDEIR dated March 27, 2008

ALTHOUSE AND MEADE, INC.

BIOLOGICAL AND ENVIRONMENTAL SERVICES

1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 467-1041 • Fax (805) 467-1021

March 27, 2008
File #208.18

Lynne Dee Althouse, M.S.
(805) 459-1660 (cell)
lynnedee@althouseandmeade.com

Daniel E. Meade, Ph.D.
(805) 705-2479 (cell)
dan@althouseandmeade.com

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

Re: Santa Margarita Ranch Revised Draft EIR Biological Resources Section
Response to Project Evaluation, Tract 2586

Dear Ms. Miller:

We examined the Santa Margarita Ranch Revised Draft EIR (RDEIR) biological resources section. The RDEIR was intended to address issues raised since the Draft EIR (DEIR) was prepared last year. We provided comments on the DEIR in our letter of April 11, 2007 to the County, and are concerned that several issues we raised were not addressed.

We commented on the section regarding impacts to an area of the property described as “valley needlegrass grassland” in the DEIR. The RDEIR has dropped this label, and now describes a different habitat in the proposed project area of “native perennial grassland” that contains valley needlegrass grassland. A problem we pointed out in the DEIR was that no evidence was presented to demonstrate that “valley needlegrass grassland” was present. We presented data that needlegrass was not dominant. Needlegrass density was less than five percent cover in 66 one-meter plots sampled across an area designated by the DEIR as “valley needlegrass grassland”. The RDEIR still provides no evidence, and makes further claims regarding the presence and distribution of “rare” native perennial grassland. First, there is no rare community type listed as “native perennial grassland” in the California Natural Diversity Data Base (CNDDB), or in the California Native Plant Society Manual of California Vegetation, or in the California Wildlife Habitats Relationships (CWHR) system, or in the CDFG Natural Communities List. The type of grassland found on the Santa Margarita Ranch proposed Agricultural Cluster Subdivision is not rare, but consists of perennial and annual plant species common in San Luis Obispo County.

The RDEIR errs in stating that, “Valley Needlegrass Grassland ... is a CDFG plant community of Special Concern.” The March 1, 2008, California Natural Diversity Data Base has no federal, state, or CDFG listing status for this community type. Further, CDFG does not designate any plant community as a community of special concern. The “Special Concern” designation is applied only to animals. The correct designation of valley needlegrass grassland is a “sensitive natural community.”

Second, even if native perennial grassland is considered rare, the designation of the grassland in the project area is questionable due to the RDEIR’s misidentification of a plant species said to be one of three dominant perennial grasses in the habitat. The RDEIR lists *Danthonia californica* as one of three dominant grasses in the native perennial grassland habitat type, however, during our surveys of the Agricultural Residential Cluster Subdivision site, *Danthonia californica* was not observed in areas previously identified as Valley Needlegrass Grassland. *Danthonia 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.

We also commented on the designation of impacts to oak woodland in the DEIR. In our analysis of the site and proposed building envelopes we estimated that approximately sixty trees could be removed, and perhaps as few as thirty. The oak woodland on the Agricultural Cluster Subdivision parcels contains approximately 6,000 trees. Removal would be approximately 1% of the oak woodland canopy, far below the 30% removal of canopy required before the project is considered a “conversion” of oak woodland under the Kuehl bill. Even if 400 trees were removed, as suggested possible by the RDEIR, the percent removal of canopy would be approximately 6.7%. The RDEIR incorrectly applies the Kuehl bill standard in this case, claiming that conversion of oak woodland would occur, when the Kuehl bill standard clearly is not met. A threshold of impacts regarding the Kuehl bill was discussed in our previous comments on the DEIR.

The revised descriptions of oak woodland in the RDEIR incorrectly remove other tree species components of the woodlands. The RDEIR offers the redundant and contradictory statement, “Blue oak woodland on-site is dominated by blue oaks” which is added to, “and can be found in open (savanna like) to dense monoculture stands.” This begs the question, if it is “savanna like”, what portion is savanna and not woodland? The same statement regarding “savanna like” habitat is applied to the RDEIR description of valley oak woodland. Also, naturally occurring vegetation types are usually not referred to as “monoculture” or any “culture” type. Monoculture applies to an agricultural land use where one species is farmed with the goal of allowing no other species to grow. Oak woodlands, even when dominated by oak trees, can have dozens of other plant species present.

The RDEIR has chosen to increase setbacks from Tostada Creek to 100 feet as part of mitigation for potential impacts to steelhead and California red-legged frog habitat. We agree with this setback recommendation for lower Tostada Creek (within 0.4 miles from the confluence with Trout Creek). Typically, the California Department of Fish and Game recommends 100-foot setbacks from perennial drainages and 50-foot setbacks from ephemeral drainages. Tostada Creek is an ephemeral drainage with shallow seasonal pools. A fifty foot vegetated buffer, combined with normal protective measures such as construction erosion control, and roads graded to produce sheet flow to the buffer, would provide very good protection for upper Tostada Creek. Steelhead or California red-legged frog habitat does not occur in Tostada Creek except near the confluence with Trout Creek.

It is our opinion that the RDEIR has not adequately answered the concerns we expressed in our April 2007 comments with respect to analysis of grassland and oak tree impacts, and has increased stream setback distance on upper Tostada Creek without good reason.

Sincerely,

LynneDee Althouse

Daniel E. Meade, Ph.D.

eda Response to Updated Analysis prepared by Jeff Wagner
dated March 7, 2008

March 7, 2008

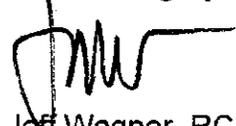
Ms. Jamie Kirk
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

RE: Santa Margarita EIR - Responses to Updated Environmental Analysis
[eda Job No. 2.5856.100]

Dear Jamie,

Our responses to Boyle's two drainage comments are attached. Please call if you have any questions or additional comments.

eda - design professionals



Jeff Wagner, RCE 26431

eda RESPONSES TO UPDATED ANALYSIS

March 7, 2008

Section 2.4, Measure D-2(a). Yerba Buena Drainage System.

*The proposed detention structure for the portion of the Agricultural Residential Cluster Subdivision site draining to Yerba Buena creek shall have capacity to reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, at a minimum. A Drainage Study shall be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities. The study shall also address flow routing and relative times of concentration in the watershed at the detention facility compared with the existing channel. **The detention facility shall be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.***

Response to Measure D-2(a). Prior to approval of subdivision improvement plans, the proposed detention structure will be redesigned to comply with the Measure D-2(a) requirement. It will be analyzed as prescribed, with considerations for flow routing and times of concentration. A Drainage Study will be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities and to evaluate whether the required detention would provide a beneficial downstream result as compared to current County detention standards. The analysis will also consider how the application of Low Impact Development (LID) principles in the final design would provide opportunities for localized runoff reductions and opportunities for decentralized detention at individual lots or at other selected locations.

Section 2.4, Measure D-2(b). Trout Creek Drainage System.

*Prior to approval of a Land Use Permit, the applicant shall design a detention structure for the site that drains to the unnamed tributary to Trout Creek. A Drainage Study shall be prepared to identify detention volumes and release rates for the required facilities. The study should also address flow routing and relative times of concentration in the watershed at the detention facility compared with existing channels. This system shall have the capacity to reduce the 24-hour 100-year post-development runoff to 100-year pre-development conditions, at a minimum. **The detention facility shall be located within an Agricultural Conservation Easement, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.***

Response to Measure D-2(b). Prior to approval of subdivision improvement plans, a detention structure will be designed as prescribed to comply with the Measure D-2(b) requirement. It will be analyzed as prescribed, with considerations for flow routing and times of concentration. A Drainage Study will be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities and to evaluate whether the additional detention would provide a beneficial downstream result as compared to current County detention standards. The analysis will also consider how the application of Low Impact Development (LID) principles in the final design would provide opportunities for localized runoff reductions and opportunities for decentralized detention at individual lots or at other selected locations.

**Letter from Associated Transportation Engineers regarding their review of
the Transportation / Circulation Section of the RDEIR
dated March 27, 2008.**



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Richard L. Pool, P.E.
Scott A. Schell, AICP

March 27, 2008

0405801.L04

Jamie Kirk
Kirk Consulting
9720 Atascadero Road
Atascadero, CA 93422

***REVIEW OF TRANSPORTATION/CIRCULATION SECTION OF THE
REVISED DRAFT EIR FOR THE SANTA MARGARITA RANCH AGRICULTURAL
RESIDENTIAL CLUSTER SUBDIVISION PROJECT AND FUTURE DEVELOPMENT PROGRAM***

According to the introductory text, the Revised Draft Environmental Impact Report (RDEIR) was prepared to address issues that arose since the time that the Draft Environmental Impact Report (DEIR) was prepared for the project. The introduction to the RDEIR also states that comprehensive, direct responses to comments on the DEIR and additional revisions and clarifications will be provided in a forthcoming Final EIR that includes response to all comments received during the public review periods for both the DEIR and RDEIR.

ATE reviewed the Transportation/Circulation section of the DEIR prepared for the Santa Margarita Ranch Project and submitted comments in our letter of April 11, 2007 (copy attached). Since the RDEIR does not directly address many of those previous comments, it is assumed that those not addressed will require a response in the Final EIR.

ASSESSMENT OF SANTA MARGARITA RANCH RDEIR

The introduction to the Transportation/Circulation section of the RDEIR states, "This section updates Agricultural Residential Cluster Subdivision Impact T-1 and Future Development Program T-1 to clarify significance thresholds, clarify traffic and circulation mitigations required for the proposed Agricultural Residential Cluster Subdivision, revise the cumulative impacts analysis to compare project and program impacts to baseline cumulative conditions rather than existing conditions, and update traffic conditions on U.S. Highway 101."

Our comments on the salient issues/impacts are detailed below. Prior to the detailed comments, it is important to reiterate a general comment that we made on our review of the DEIR. That is, the level of detail included in the traffic study is well beyond that prepared for other Program EIRs. The level of detail has resulted in the identification of impacts and mitigations that are over and above the normal level required for developments in the County by past practice and standards, such as identification of State Highway facilities that were designed and built many years ago that do not meet current standards. The DEIR and RDEIR concludes that the addition of any traffic to these State Highways with older design features is a significant impact that must be mitigated prior to occupancy of the project. It is also important to restate that it is our opinion that many of the identified impacts are presented without adequate analyses and/or application of adopted thresholds.

COMMENTS ON RDEIR SECTION 2.7 TRANSPORTATION/CIRCULATION

Threshold Revision

Page 2-90 - Caltrans Threshold. The RDEIR "clarifies" Caltrans significance thresholds as follows: "For Caltrans' facilities (intersections, roadway segments, freeway segments, and freeway ramps junctions), a degradation in the level of service from an acceptable level (LOS C/D threshold or better) to an unacceptable level (LOS D, E, or F) is a significant impact. For Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact."

The RDEIR does not provide a source of the Caltrans thresholds. Caltrans has published "*Caltrans Guide for the Preparation of Traffic Impact Studies*" (December 2002), which provides general parameters for conducting a traffic study. The guide does not contain any thresholds. Thus, **Caltrans does not have any adopted thresholds.** Furthermore, the Caltrans guide states, "For Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact."

For the Santa Margarita Ranch RDEIR, it appears that the threshold is also broadly applied to locations where the transportation facility is not constructed to today's standards, to locations where there may be limited sight distances, to locations where there is some bicycle or pedestrian activity, to locations where there may be an accident history, etc.

Building just one of the proposed residential units (or one residential or commercial unit by any land owner in the community or neighboring rural areas) would constitute a significant impact based on this "threshold" since the traffic from one house would use a facility that is not up to today's standards or where there may be limited sight distances, or where there is some bicycle or pedestrian activity, or where there is an accident history, etc.

The Caltrans traffic study guide also states that the traffic impact study provide a nexus between a project and the traffic impacts to State facilities and provide a rough proportionality between the mitigation measure and the traffic impact. The revisions to the mitigation measures in the RDEIR make the Agricultural Residential Cluster Subdivision responsible for fully funding and implementing the mitigation measures where development of the Agricultural Residential Cluster Subdivision would contribute traffic to existing deficiencies. **The project should not be solely responsible for correcting all of the existing deficiencies identified in the community of Santa Margarita, but should be responsible for its share** (based on the Caltrans recommended procedure or some other equitable share calculation).

Agricultural Residential Cluster Subdivision Impacts and Mitigations

Page 2-90 - Impact T-1. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts related to operational deficiencies at the SR 58 transition into a 90-degree curve south of J Street under forecasted Existing + Agricultural Residential Cluster Subdivision traffic volumes:

"As shown in Tables 4.12-10(a) through 4.12-10(c), all roadway segments are projected to operate at acceptable LOS with the addition of traffic generated by the Agricultural Residential Cluster Subdivision. However, the addition of Agricultural Residential Cluster Subdivision traffic will contribute to existing operational problems on SR 58 near J Street. As discussed in Section 4.12.1(e), SR 58 transitions into a 90-degree curve south of J Street. Except for a 15 mile per hour (mph) warning sign, no additional warning signs or physical barriers are in place. As indicated in the Existing Conditions section, a total of six (6) collisions were reported over a three-year period. These collisions include the following types and number of incidents: head-on collision (2), side-swipe collision (2), broad-side collision (1), and hitting a fixed object (1). As shown on Figure 4.12-6, the addition of traffic by the Agricultural Residential Cluster Subdivision is projected to significantly increase the daily volumes (43 percent) on SR 58, east of the 90-degree curve, from 3,000 to 4,130 vehicles. Therefore, impacts are potentially significant and mitigation is required."

This impact is not based on any adopted criteria nor is it based on an engineering analyses of the geometry of the roadway and the cause of accidents. The potentially significant finding is based on existing conditions, "except for a 15 mph warning sign, no additional warning signs or physical barriers are in place;" and "a total of six collisions were reported over a three-year period." The DEIR traffic study includes a summary of the accident rates for the 36-month period between August 2002 through July 2005. The summary compares the actual rate of accidents to the statewide average for similar facilities. The accident summary is then used as a basis for assessing potential impacts. The analysis assumes that any location with an accident rate that is higher than the statewide average would be significantly impacted by the addition of traffic generated by the project.

This approach is misleading since the accident summary does not include the detailed analysis necessary to determine if the actual rate of accidents is significant (a statistical analyses) and it does not analyze the project's traffic additions from a scientific standpoint. Often times the actual rate of accidents is higher than the statewide average due to the low volume of vehicles using the facility. A statistical analysis can determine if the number of accidents is statistically significant. In addition, the accident records should be analyzed to determine the cause of the accidents and whether or not there is a correctable problem, and to determine if the addition of traffic from a project would constitute a significant impact.

It is recommended that the accident analysis be updated using current accident data and that the significance of the number of accidents based on traffic volumes using statistical tools. The analysis should also determine if there is an accident pattern that can be corrected. A set of criteria for determining the significance of the project's traffic additions to the locations studied should also be provided. Given the threshold applied, building just one of the proposed residential units (or one residential unit or commercial unit by any land owner in the community or neighboring rural areas) would constitute a significant impact to this existing deficiency (or perceived deficiency).

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised to clarify impacts at the intersection of Estrada Avenue/H Street due to traffic generated by weekday Santa Margarita Elementary school operations:

"As indicated on Figure 4.12-4, approximately 10 percent of traffic generated from the residential development would have local destinations within Santa Margarita. Of these trips, a small percentage was assigned to travel to the elementary school. Even if 100 trips (50 inbound & 50 outbound) from the Agricultural Residential Cluster Subdivision were assigned to the school during the AM peak-hour, the level of service rating would not degrade to an unacceptable level. The mitigation measure at the Estrada Street/H Street intersection is not anticipated to change since the mitigation measure [ARCS Measure T-1(e)] addresses existing roadway design deficiencies (limited sight distance at the intersection). The school traffic that is associated with dismissal of classes occurs in the early afternoon before the evening commute period (4:00 to 6:00 PM)."

The impact clearly states that the level of service rating for the Estrada Street/H Street intersection would *not* degrade to an unacceptable level. The impact is based on limited sight distance. According to the text on Page 2-92, "Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit ..."

It is unclear if vehicle speed surveys were taken or if the analysis is based on cursory field review. The actual speed of vehicles is key to the sight distance analysis.

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts related to "cut-through" on I Street to avoid congestion on El Camino Real:

"The forecast traffic volumes at the intersection of El Camino Real/Wilhelmina Avenue will capture traffic that uses I Street as a shortcut to bypass El Camino Real. The existing El Camino Real/Wilhelmina Avenue intersection volumes do not suggest that a substantial amount of traffic uses I Street as a shortcut. Fewer than 60 vehicles, in each direction, currently turn to/from Wilhelmina Avenue to El Camino Real during each peak hour. Therefore, even with additional congestion on El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision, "cut-through" traffic on I Street would not result in unacceptable levels of service at I Street intersections."

The roadway and intersection analysis found that El Camino Real and the intersections along its reach would operate at LOS C or better, indicating that congestion would not occur. Thus it is incorrect to state, "... **additional congestion on El Camino Real as a result of traffic generated by the Agricultural Residential Cluster Subdivision...**"

Page 2-91. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts on freeway ramp operations under forecasted Existing+ Agricultural Residential Cluster Subdivision traffic volumes:

"As shown in Table 4.12-11, the merge and diverge ramp operations at the U.S. 101/SR 58 interchange are projected to operate at acceptable levels of service with the addition of Agricultural Residential Cluster Subdivision traffic to existing roadway volumes, with the exception of the northbound off-ramp, which is projected to continue to operate below the Caltrans LOS D standard. The Agricultural Residential Cluster Subdivision development will increase the existing AM and PM peak-hour volumes on the US 101 northbound off-ramp by 15 percent."

The "ramp junction" analyses illustrate traffic operations for the merge and diverge areas **on the U.S. Highway 101 mainline** at the merge and diverge areas, **not at the "ramp junction"**. For example, the northbound SR 58 ramp analysis illustrates the affect of confluence of vehicles traveling northbound on the U.S. Highway 101 mainline and vehicles exiting onto the northbound off-ramp in the vicinity of the off-ramp **on the mainline**. Thus, the impact identified (and mitigation) are not applicable to the junction of the off-ramp and SR 58 adjacent to the park and ride lot.

In addition, ATE has never seen operational analyses of freeway ramps included in traffic studies prepared for development projects proposed in the County. The County does not have any adopted criteria or thresholds for assessing freeway ramp facilities. Instead, the RDEIR relies on the new unadopted Caltrans threshold, "...for Caltrans facilities already operating at unacceptable levels (LOS D, E, or F) without the project, the addition of any project traffic to that locations is a significant impact." ATE has also never seen this Caltrans impact threshold (1 trip constitutes an impact). If this threshold were applied consistently within the County, no development could occur anywhere near a Caltrans facility that does not meet today's standards without the determination of a significant impact that would either need to be mitigated by improvements implemented by the project or the adoption of overriding considerations by the County for the Class I impact. Furthermore, several discretionary projects that generate more than 1 trip have been approved in the Santa Margarita area and have not been conditioned with the mitigations prescribed in the DEIR or the RDEIR.

Page 2-92. The RDEIR states, "The Section 4.12.2(c) discussion of Agricultural Residential Cluster Subdivision Impact T-1 has been revised as follows to clarify impacts on Estrada Avenue/H Street intersection operations under forecasted Existing + Agricultural Residential Cluster Subdivision traffic volumes:

"The intersection of Estrada Avenue and H Street experiences limited sight distance due to an existing crest on Estrada Avenue, in the vicinity of Santa Margarita Elementary School. Northbound vehicles travel over the crest and immediately arrive at H Street. Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit and may not have sufficient time and pavement to come to a complete stop if pedestrians are crossing Estrada Avenue at H Street to travel to Santa Margarita Elementary School or to Santa Margarita Park. The Flashing Beacon at School Crossings warrant (Section 4K.103 from MUTCD 2003 CA Supplement) is satisfied under Project Conditions. The vehicular volume exceeds 140 vehicles and the school age pedestrians exceed 40 pedestrians for each of 2 hours and the critical approach speed exceeds 35 mph with no other controlled crossing nearby. The majority of Agricultural Residential Cluster Subdivision project traffic will travel through this intersection, thus increasing the number of drivers experiencing the existing sight distance deficiency."

It is unclear if vehicle speed surveys were taken or if the analysis is based on cursory field review. The actual speed of vehicles is key to the sight distance analysis.

Page 2-92. The RDEIR states, "Draft EIR mitigation for Impact T-1 (post-project traffic operational deficiencies) focused on payment of fair share fees to offset Agricultural Residential Cluster Subdivision impacts. The Draft EIR concluded that such impacts would remain Class I, significant and unavoidable, for several reasons, one of which was the uncertainty in the timing of resulting physical transportation improvements."

As stated in the RDEIR but not in the DEIR, "County Public Works staff determined that fair share fees collected to offset Agricultural Residential Cluster Subdivision traffic impacts may not be adequate to implement identified transportation improvements that would reduce the impact to a less than significant level."

Based on this change, the revisions to the mitigation measures in the RDEIR make the Agricultural Residential Cluster Subdivision responsible for fully funding and implementing the mitigation measures. However, **development of the Agricultural Residential Cluster Subdivision would contribute traffic to existing deficiencies in the transportation system. The project should not be solely responsible for correcting existing deficiencies.** Instead, the project should be responsible for offsetting its impact to those facilities.

The following text presents the RDEIR mitigations for the Agricultural Residential Cluster Subdivision. ATE comments follow each of the mitigations.

Page 2-92, Mitigation T-1(a) - SR 58 South of J Street. This mitigation measure requires:

1. Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access) to provide four foot shoulders and/or bike lanes in accordance with County standards.
2. Install radar feedback signs and advisory speeds on each approach to the 90-degree curve on SR 58 near J Street.

The impact to the 90-degree curve on SR 58 near J Street was considered significant based on old accident data/no statistical analyses. Further, the mitigation is required to be implemented solely by the project even though the curve in the road is an existing deficiency (or perceived deficiency). Should the accident analysis find that the number of accidents is significant and that there is a correctable problem, the project should be required to contribute to the improvements needed to rectify and existing deficiency (not fix the existing deficiency).

Page 2-93, Mitigation T-1(b) - U.S. 101 Northbound Off-Ramp to SR 58. This mitigation measure requires the applicant to lengthen the deceleration length from 140 feet to 250 feet from the U.S. 101 mainline to the northbound off-ramp, reconstruct the area where the northbound U.S. 101 off-ramp merges with eastbound SR 58 to provide 400 feet of merging distance to meet Caltrans' current design standards, and design the revised park and ride and frontage road access.

This mitigation is based on the new Caltrans impact threshold introduced in the RDEIR (addition of any traffic to facilities that do not meet today's standards is considered a significant impact). In addition, the impact to the merge area was not identified in the analysis. The "ramp junction" analyses that the impact is based on illustrates traffic operations for the diverge area on the U.S. Highway 101 mainline and is therefore not applicable to the junction of the off-ramp and SR 58 adjacent to the park and ride lot.

Finally, the mitigation is required to be implemented solely by the project even though there is an existing deficiency (or perceived deficiency). The project should be required to contribute to the improvements needed to rectify the existing deficiency.

Page 2-94, Mitigation T-1(c) - U.S. 101 Southbound Off-Ramp to SR 58. This mitigation measure requires the applicant to extend the deceleration length from 250 to 550 feet for the southbound off-ramp to provide acceptable freeway ramp diverge operations.

This mitigation is based on the new Caltrans impact threshold introduced in the RDEIR (addition of any traffic to facilities that do not meet today's standards is considered a significant impact). The mitigation is required to be implemented solely by the project even though there is an existing deficiency. The project should be required to contribute to the improvements needed to rectify the existing deficiency.

Page 2-95, Mitigation T-1(d) - El Camino Real/Estrada Avenue Redesign. This mitigation measure requires the applicant to:

1. Widen Estrada Avenue, between El Camino Real and the railroad tracks, to provide a dedicated northbound right-turn lane.
2. Widen El Camino Real to provide a separate left-turn lane for westbound El Camino Real traffic to turn onto southbound Estrada Avenue.
3. Reduce the superelevation of the El Camino Real curve at Estrada Avenue.
4. Prior to implementation of Future Development Program measure T-1(d), traffic signal installation and rail pre-emption, advance limit lines for northbound Estrada traffic shall be provided immediately south of the rail tracks, and a Manual on Uniform Traffic Control Devices (2003 Edition) R8-10 sign which states "Stop Here When Flashing" shall be provided to minimize the potential for vehicles to stop directly on the railroad tracks.

This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. The impact clearly states that the level of service rating for the Estrada Street/H Street intersection would *not* degrade to an unacceptable level. The impact is based on limited sight distance. According to the text on 2-92, "Field measurements indicate that the stopping sight distance for northbound Estrada Avenue vehicles is approximately 225 feet which corresponds to a design speed of 30 mph. Vehicles are currently exceeding the 30 mph speed limit ..."

Finally, the mitigation should not be the sole responsibility of the project since the sight distance is an existing deficiency (or may not be deficient, depending upon forthcoming engineering analysis). At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Page 2-96, Mitigation T-1(e) - Estrada Avenue/H Street Warning Beacon. This mitigation measure requires the applicant to install a pedestrian-activated advanced warning beacon on the northbound approach to the intersection of Estrada Avenue and H Street, before the crest on Estrada Avenue, to warn drivers of the presence of pedestrians crossing at the intersection.

The impact clearly states that the level of service rating would *not* degrade to an unacceptable level. The impact is based on limited sight distance (or perceived since an engineering analysis is not provided). Thus, the mitigation may not be required. Finally, if the mitigation is required, the mitigation should not be the sole responsibility of the project since the sight distance is an existing deficiency (or may not be deficient, depending upon forthcoming engineering analysis). At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Page 2-97, Residual Impacts. This section states, Although proposed mitigation would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, and uncertainty regarding right-of-way acquisition, it cannot be assured that all improvements would be feasibly constructed prior to occupation of the proposed residences. As a result, impacts would remain significant and unavoidable."

This statement underscores the inherent flaw in the overall methodology used to evaluate traffic impacts in the document. The RDEIR first determines that any traffic added to the State Highway facilities in the community of Santa Margarita is a significant impact because these facilities were not originally constructed to today's standards. The RDEIR then requires that the proposed development **fund and implement all of the improvements required to upgrade the State Highways prior to the issuance of occupancy clearances for any housing unit.** The document then makes the finding that because of uncertainties regarding Caltrans approval of the improvements and the potential costs of right-of-way, the improvements required may not be able to be constructed. If this is the case, then the project could never be occupied given the language of the mitigation measures.

Page 2-97, Mitigation T-4(a) - El Camino Real/Encina Avenue In-Pavement Flashing Lights. This mitigation measure was revised to requires the applicant to fully fund and install in-pavement flashing light on El Camino Real at the Encina Avenue intersection to warn drivers of the presence of pedestrian crossing the intersection.

This mitigation is not justified since the significance of project-added traffic is not analyzed and identified based on adopted thresholds. The County does not have an adopted threshold for assessing potential impacts to pedestrian facilities. Finally, the mitigation should not be the sole responsibility of the project since the current crossing is being considered deficient. At most, the project should be required to contribute to the improvements needed to rectify the existing deficiencies.

Cumulative Impacts and Mitigations

Page 2-98, Updated Analysis. The RDEIR states, "The Draft EIR inadvertently compared the Cumulative + Future Development Program scenario to Existing conditions, rather than Cumulative No Project conditions. Although the outcome of the analysis would not change based on a comparison to Cumulative No Project conditions, the corrected analysis is presented herein. In addition, the Draft EIR listed average daily traffic (ADT) volumes for U.S. 101 which were lower than Caltrans data for 2005. Although the incorrect volumes were not used in any of the operational analyses, the volumes are also corrected herein."

Since the corrections made in the RDEIR did not change the impacts, ATE has no additional substantial comments on the cumulative impact analyses. Comments on the cumulative impact that ATE raised in our reviewed of the DEIR are the same (see April 11, 2007 letter submitted by ATE).

It is noted that there appears to be several errors in the cumulative impact tables. For example, Table 4.12-14(c) shows LOS E for the northbound segment of U.S. 101 south of SR 58 under Cumulative No Project conditions and LOS D for Cumulative + Agricultural Residential Cluster Subdivision conditions - indicating that operations improve with the additional traffic generated by the Agricultural Residential Cluster Subdivision traffic in the cumulative scenario. It is recommended that the results displayed in the impact tables be checked for errors.

Page 2-105, Mitigation Measures. The RDEIR states, "The Mitigation Measures discussion under Future Development Program Impact T-1 has not changed. However, new mitigation measures T-1(a), T-1(b), and T-1(c) have been added..."

Future Development Program T-1(a) SR 58 South of J Street requires realignment of SR 58 along a tangent south of J Street to mitigate the Future Development Program's impacts to the two 90-degree curves on SR 58 near J Street.

Future Development Program T-1(b) U.S. 101 Southbound Off-Ramp to SR 58 requires redesign of the southbound off-ramp to accommodate a larger loop radius and higher design speed to meet current Caltrans design standards.

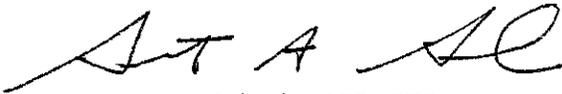
Future Development Program T-1(c) U.S. 101 Southbound On-Ramp from SR 58 requires redesign of the U.S. 101 southbound on-ramp to accommodate an acceleration lane for westbound SR 58 traffic.

The Plan Requirements and Timing for the mitigations state that the improvements are required prior to occupancy clearance for the first Future Development Program component on the Ranch property. The text goes on to state that the Specific Plan shall establish a finance district to construct and implement the alternate improvements if a Specific Plan is require, or that the applicant fund the improvements and create an area wide traffic model and associated reimbursement agreement if a Specific Plan is not required.

Several area-wide improvement plans and companion traffic mitigation fee programs exist in the County (Templeton, Nipomo, etc.). Area-wide improvement plans and traffic mitigation fees programs should be developed by the jurisdiction (the County in this case) rather than private entities.

This concludes our review of the Transportation/Circulation section of the Santa Margarita Ranch RDEIR.

Associated Transportation Engineers

A handwritten signature in black ink, appearing to read 'SAS', written over a horizontal line.

By: Scott A. Schell, AICP, PTP
Principal Planner

SAS/DLD

attachment



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

April 11, 2007

0405801.L02

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

***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 on the Transportation and Circulation section prepared for the Santa Margarita Ranch area.

PROJECT DESCRIPTION

The proposed projects consist 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 described 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 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 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 is 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 than 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.

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 installed 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 determined 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 infrastructure projects and assign costs based on traffic generation of the cumulative developments (including developments within the Santa Margarita Ranch).

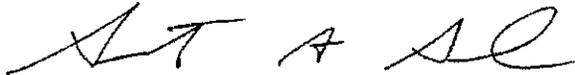
Future Development Program Impact T-2. This impact and the associated mitigation is not substantiated by any analysis. Instead, the Site Access analysis states:

"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

Handwritten signature of Scott A. Schell, consisting of stylized initials 'SAS' followed by a full name 'Schell'.

By: Scott A. Schell, AICP
Principal Planner

SAS/DLD

Letter from Lohdorff and Scalmanini, Consulting Engineers regarding their
review of the Water and Wastewater Section of the DEIR
dated March 27, 2008



March 27, 2008
File No. 07-1-019

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

SUBJECT: COMMENTS ON THE REVISED DRAFT EIR FOR THE SANTA MARGARITA RANCH AGRICULTURAL RESIDENTIAL CLUSTER SUBDIVISION

Dear Ms. Miller:

At the request of Santa Margarita Ranch, Luhdorff and Scalmanini, Consulting Engineers (LSCE) have reviewed the Revised Draft Environmental Impact Report (Revised DEIR) for the Santa Margarita Ranch Agricultural Cluster Subdivision and Future Development Program prepared by Rincon Consultants, Inc. (Rincon). This letter includes comments on Section 2.8 (Water and Wastewater) of the Revised DEIR.

While the formatting is not exactly clear, it appears that the Revised DEIR simply perpetuates all the material related to water in the original DEIR, adds estimates for planned additional vineyards and planned orchards, and reaches the same conclusions as in the original DEIR. The majority of the “revisions” in the Revised DEIR then appear to fall into two categories: brief summaries of environmental documents previously incorporated by reference, and discussions of potential impacts associated with the physical installation, operation and maintenance of a number of potential connections to an imported water supply. Overall, other than the addition of estimated water demands for the additional vineyards and orchard, there is no revised analysis of the availability of water supplies to meet existing, planned, and proposed (project) water requirements.

As a global comment, it is noteworthy that none of our detailed comments on the original DEIR were addressed in the Revised DEIR. Our most significant comment on both documents is that the agricultural water demands are grossly overestimated. Although the acreage of vineyards in San Luis Obispo County is rapidly increasing and irrigation data are readily available, the EIR preparers made no effort to estimate water demands based on actual cultural practices and data. The outdated literature value of 1.6 acre-feet/acre/year (af/ac/yr) proposed by Hopkins Groundwater Consultants (Hopkins, 2006) and used by Rincon for both existing and new vineyards is about three times the actual demand for mature vineyards in the

Santa Margarita area. In the case of the original DEIR, this led to the unsupportable conclusion that the yield of the groundwater basin, which in turn was conflictingly and speculatively reported, was insufficient to support the demands of the proposed Project in addition to other existing demands.

Summary of Previous Comments on Original DEIR

Our comments on the original DEIR (see letter dated April 11, 2007) focused on water demand estimates, historical pumping, groundwater levels and overdraft, basin yield estimates, predicted impacts, and proposed mitigation. Those comments can be summarized as follows:

- Residential and agricultural water demand estimates made by Hopkins and used in the DEIR are too high. The estimated water use factor for proposed residential clustered lots on the Ranch (1.44 acre-feet [af]/lot) is high for the Project, where lots will be smaller (average of 1.1 acres) than existing residential lots and water conservation measures will be incorporated into the design. The Cleath (2004) estimate of 0.9 af/lot based on the Garden Farms community was considered to be a more accurate value.
- Hopkins' estimate of the demand for irrigation of the existing vineyard on the Ranch (1,558 af/year [afy]) is approximately three times the actual irrigation demand during normal years based on Ranch irrigation and pumpage data (525 afy).
- One reason for the high estimated demand is that the net vineyard acreage (the area that is actually planted to grapes) is only about 80 percent of the gross acreage or 782 acres according to detailed Ranch records. This represents 80 percent of the gross acreage (974 acres) that was used for Hopkins' calculations. The difference (88 acres) includes roads and other infrastructure as well as unplanted areas between the vine rows and the surrounding fences to allow access by farm machinery.
- Hopkins's estimate of vineyard irrigation demands (1.6 af/ac/yr) is far higher than the water use for modern vineyards irrigated with drip. The estimated water demand for vineyards at the Ranch is 0.67 af/acre, including water used for frost control. Hopkins attempted to justify its high water demand estimate by claiming that mature crops require more water, due in part to greater leaf area and crop canopy. This is completely counter to modern vineyard cultural practices, which fundamentally focus on controlled plant growth and grape production. Those cultural practices are, in turn, complemented by the use of vine root stocks that develop deep root structures and thus can reduce the applied water requirement by accessing deeper soil moisture when mature. In fact, applied water is purposely constrained at certain points in the annual growth cycle, first to limit the length (and thus the leaf area) of canes, and later to force the development of the wine grapes.
- The DEIR speculatively concludes that the net consumptive use of the proposed project "**may** contribute to overdraft of the aquifer system" and that "the groundwater resources beneath the Santa Margarita Ranch **may** not be sufficient to support the existing land uses and the proposed Agricultural Residential Cluster Subdivision project and/or the Future Development Program" (emphases added). These

conclusions are particularly questionable in light of Hopkins' findings that "available data do not directly indicate that the aquifer system beneath the Ranch is in overdraft". After reviewing the groundwater level data, it is evident that cones of depression surrounding the Ranch's wells are relatively localized and overdraft is not occurring anywhere in the Santa Margarita area.

- The overall combination of the DEIR and Hopkins' study include further speculative conclusions regarding groundwater basin yield. Despite the lack of any quantitative analysis, the Hopkins' study concludes that "the average annual yield of the groundwater basin beneath the ranch **may** ultimately prove to be in the range of between 400 and 600 afy (emphasis added). It is fundamentally impossible to understand how a "hydrogeological study" can estimate current water demands to be slightly more than 1,600 afy (for a number of years), to also report that groundwater basin yield "may ultimately prove to be" less than that demand by at least 1,000 afy, and to then find that available data do not indicate the aquifer system to be in overdraft.
- The perennial yield of the aquifers underlying the Ranch was estimated to be at least 1,300 afy by Mann (1987) based on actual data, including hydrogeologic studies, test borings, and test pumping; Mann reported that estimate of yield to be conservative. This yield is considerably more than the estimated current and projected future demand, with the proposed Project, shown on **Table 1-4**. Based on this and the other analyses discussed in our April 11, 2007 comment letter, there are sufficient groundwater resources to supply current demands and those of the proposed Project.
- The DEIR concluded that the impacts of the proposed Project may be significant and unavoidable (Class I). This conclusion was reached despite the fact that neither the DEIR nor the Hopkins' report contain any analysis which suggests that significance as defined in DEIR Section 4.14.2 would be experienced, i.e. that "the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses...". The declaration of a Class I impact greatly overstates the probable impact of the Project on groundwater resources.
- Some of the proposed mitigation measures appeared to be excessive and unnecessary because there is sufficient groundwater to supply the Project. Our primary comment was that requiring that an imported water supply be provided for the Project was unnecessary given the small magnitude of realistically estimated impacts.

Additional Comments on Revised DEIR

The Water and Wastewater section in the Revised DEIR is brief because changes from the original DEIR are relatively minor. The most notable change is that the projected water demands for the Ranch increased by 2,642 af due to the addition of 1,026 acres of planned vineyards and 500 acres of planned orchards. As was the case for the original DEIR, water demand estimates for agricultural use are greatly overestimated in the Revised DEIR.

Agricultural Water Demand – Our previous comments on agricultural water demand also apply to the Revised DEIR. To estimate the water demand for existing vineyards, the water use factor should be multiplied by the net vineyard acreage (782 acres) instead of the gross acreage (974 acres). Further, the Hopkins’ water use factor for vineyards (1.6 af/ac or 1,558 af total, as shown in Table 4.14-1) is more than double what is actually used at the Ranch. Interestingly, the Revised DEIR notes that this “does not account for the immaturity of on-site vineyards”, implying that water demand could be even higher.

As stated in our comments on the original DEIR, the entire derivation of water requirements is counter to modern vineyard cultural practices, which focus on limiting cane growth and optimizing grape production. Those cultural practices are complemented by the use of vine root stocks that develop deep root structures and thus can reduce the applied water requirement by accessing deeper soil moisture when mature. There is no basis for the Hopkins’ rationale (or that in the Revised DEIR) that mature vineyards require more applied water. In fact, more water is applied during the first two years when the grape roots are shallow, and mature plants require less water partly because of their deep roots according to the Ranch’s Vineyard Consultant (Neil Roberts, 2007, personal communication).

A more realistic estimate of the average applied water demand for vineyards at the Ranch is 0.67 af/ac as indicated in our previous comment letter. That estimate was based partially on a combination of actual irrigation data for the Ranch vineyards and pumpage data for the Ranch wells. All available evidence supports a much lower water use factor for vineyards than the 1.6 af/ac used by both Hopkins and Rincon. As shown on **Table 1**, the estimated water demand for existing Ranch vineyards is 525 af.

The Revised DEIR includes additional water demand for 1,026 acres of planned vineyards and 500 acres planned orchards. As was the case for the 974 acres of existing vineyards, these are gross acreages and should be reduced by approximately 20 percent to account for unplanted areas including roads and other infrastructure. Thus, the net acreage would be about 820 acres of new vineyards and 400 ac of new orchards. Since the new vineyards would be managed similarly to the existing vineyards, the water use factor would be similar (about 0.67 af/ac/yr on average). As shown in **Table 1** (attached), the water demand for the new vineyard would be about 549 afy, which is about one-third of the 1,642 afy estimated by Rincon (see Table 4.14-1 of the Revised DEIR).

Note that **Table 1** uses the same water demand for planned orchards suggested by Rincon (2.0 af/ac). The Ranch owners have indicated that areas designated for orchards would most likely be planted to olives, and we have found no published information about the water demand for olives in San Luis Obispo County. The total water demand for the planned orchards is reduced to 800 afy on **Table 1** based on approximately 400 acres that would actually be planted to trees.

Residential Water Demand – Our previous comments on residential water demand for the Project also apply to the Revised DEIR. The Cleath (2004) estimate of 0.9 af/lot (based on actual data from the Garden Farms community) is considered to be a more accurate value than the Hopkins' estimate of 1.44 af/lot, which was based on a reference table. As shown in **Table 1**, this change reduces the water demand of the Project from 161 afy to 101 afy.

Total Water Demand – A more realistic estimate of total future water demand for the Ranch, including the Project, is about 2,000 afy, as shown in **Table 1**. This is notably less than half of the overstated Hopkins/Rincon estimate of 4,424 afy. The “revised” DEIR should rely on more realistic estimate of water demands, and assess them in the context of actual groundwater conditions, all as described in our comment letter on the original DEIR, to reach defensible conclusions about the adequacy of existing water supplies. Instead, the “revised” DEIR continues the previously unsupported conclusions about inadequate groundwater supplies and then exhaustively discusses details about construction, operation, and maintenance of connections to alternative imported water supplies.

We appreciate the opportunity to provide comments on the Revised DEIR, and hope that our comments will be helpful in improving the evaluation of hydrologic impacts for the final EIR. If we can provide further detail or respond to questions about any of the above, we would be pleased to do so.

Sincerely,

LUHDORFF AND SCALMANINI
CONSULTING ENGINEERS



Joseph C. Scalmanini
Senior Principal



Glenn Browning
Senior Hydrologist

Attachments

**Table 1
Santa Margarita Ranch Water Demands**

Element	Size (acres)	Hopkins/Rincon Estimate		LSCE Estimate		Notes
		Water Use Factor (af)	Water Demand (afy)	Water Use Factor (af)	Water Demand (afy)	
Existing Water Uses						
37 Residential Lots	4.9 avg. (180.6 total)	1.44/lot	53	1.44/lot	53	(1)
Vineyard	974 (gross); 782 (net)	1.6 af/ac/yr	1,558	0.67 af/ac/yr	525	(2)
Other Uses			10		3	(3)
	Existing Water Demand		1,621		581	
New Agricultural Water Uses						
Vineyard	1,026 (gross); 820 (net)	1.6 af/ac/yr	1,642	0.67 af/ac/yr	549	(2)
Orchard	500 (gross); 400 (net)	2.0 af/ac/yr	1,000	2.0 af/ac/yr	800	
	New Ag Water Demand		2,642		1,349	
Agricultural Residential Cluster (Project)						
112 Residential Lots	1.1 avg. (127.5 total)	1.44/lot	161	0.9/lot	101	(4)
	Project Water Demand		161		101	
	Total Water Demand		4,424		2,032	
Future Development Program (Program)						
360 Lots (Village Format)	0.11 avg. (40 total)	1.44/lot	518	0.4/lot	144	(5)
42 Residential Lots	~1.0 avg.	1.44/lot	60	0.9/lot	38	
Other Uses			726		726	
	Program Water Demand		1,305		908	
	Total Water Demand		5,729		2,939	

1. All lots have private wells and are not included in Ranch pumpage (only 9 homes are currently occupied). Hopkins assumed 37 lots total.
2. Revised estimate based on 2003 water demands shown on Table 1-2. Future water use for vineyard irrigation based on the water use for 2003 (0.55 af/ac), which was increased to 0.67 af/ac to match estimated the pumpage.
3. Revised estimate based on 3 residences and a well for misc. uses at the Ranch headquarters.
4. Revised water use factor (0.9 af/lot) based on Cleath (2004).
5. 360 of the Program lots would be laid out in a village format (40 ac total, including a town square). Water use factor based on 2003 Water System Master Plan for CSA 23.

References

- Cleath & Associates. 2004. *Ground Water Supply Impacts Study, Agricultural Cluster Development, Tentative Tract Map 2586 at Santa Margarita Ranch (Draft)*. San Luis Obispo, CA.
- Hopkins Groundwater Consultants. 2006. *Appendix K, Hydrogeological Study*. Ventura, CA.
- Luhdorff & Scalmanini, Consulting Engineers. 2007. *Comments on the Draft EIR for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision*. Woodland, CA.
- Mann, John F. Jr. 1987. *Ground Water Resources of the Santa Margarita Ranch, San Luis Obispo County, California*. La Habra, CA.
- Rincon Consultants, Inc. 2007. *Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program*. San Luis Obispo, CA.

**Environmentally Superior Alternative Comparison of
RDEIR Alternative No. 14 vs. Alternative No. 12
Prepared by RRM Design Group**

RRM Design Group
3765 S. Higuera St., Ste. 102
San Luis Obispo, CA 93401
P: (805) 543-1794
F: (805) 543-4609
www.rrmdesign.com

Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
Santa Margarita Ranch
Agricultural Residential Cluster Subdivision VTTM 2586
March 27, 2008

INTRODUCTION

Table 3-1 on page 3-38 of the RDEIR compares the proposed Agricultural Residential Cluster Subdivision to the alternatives, but does not contrast the alternatives to each other. According to the RDEIR, page 3-39, Alternative 14 is the environmentally superior alternative, followed by Alternative 12, and then 7, 3, and 13 (listing in order of superiority was confirmed with Rincon Consultants, Inc). Contrasting the alternatives to each other provides a much clearer understanding of environmental superiority.

Alternative 12 is consistent with applicant's original submittal addressed in the DEIR, and has the same number of clustered residential lots (111) and agricultural conservation easement lots (4). Alternative 14 has only 39 residential lots, and 1 agricultural conservation easement lot. We feel that this substantial difference in project size is not fair, and does not abide by CEQA's definition of an equal alternative.

Alternative 14 is also not consistent with the County's Agricultural Cluster Ordinance in Title 22 that had language in the Land Use Ordinance (LUO) which was in effect at the time the application was vested by Vesting Tentative Subdivision Map (VTTM) 2586. The LUO language in effect at the time of vesting did not contain language describing the potential reduction down to 26% of the maximum allowable density.

The applicant prepared Alternative 12 while maintaining consistency with the overall area and number of home sites contained in VTTM #2586. The applicant refined the proposed project to more thoroughly protect and respond to the sensitive resources of the project site. Alternative 12 refined the project road to more closely follow existing agricultural roads, reduce impacts on wetlands, lessen impacts to agricultural lands, and decrease the number of oak trees to be removed or impacted due to road construction. Alternative 12 relocated lots to locations that are substantially less visible from public roads. Other lots were adjusted from their original locations and building envelopes were developed to avoid or lessen the impacts to archaeological, biological, or agricultural resources. The applicant found the information contained in the DEIR very helpful when considering potential refinements to the project that significantly lessened Alternative 12's impact on many natural and cultural resources.

Alternative 14 appears to have condensed Phase One of Alternative 12 into a tighter cluster, and seems to rely upon the roadway alignment from the original VTTM submittal. Although Alternative 14 dramatically reduces the overall project footprint area and number of residential units, the impacts to sensitive resources remain significant. Alternative 14's dramatic reduction in the total number of home sites (35% reduction) does not result in a correspondingly dramatic decrease of impacts to the sensitive resources on Santa Margarita Ranch.

*Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 2*

Refer to the “Mitigated Project Alternative Description” in DEIR comments for detailed changes made by Alternative 12 to the Agricultural Residential Cluster Subdivision (“Summary of Mitigated Proposed Project Alternative”) and for a comprehensive comparison of Alternatives 12 and 7 (“Mitigated Project Alternative vs. DEIR Alternative No. 7”).

RDEIR Over- Statement about Alternative 12:

Text on page 3-1 claims that there are 112 dwelling units; however, are only 111 clustered lots proposed. There is 1 additional dwelling unit proposed on Lot 40 which is an open space lot. This number is consistent with applicant’s original submittal addressed in the DEIR. Text should be revised to read 111 clustered dwelling units throughout the description of the project.

RDEIR Over- Statement about Alternative 14:

Text on page 3-29 claims that there are 40 lots in Alternative 14. It is assumed that only 39 of these lots are dwelling units, and 1 is an open space lot. Text should be revised to read 39 dwelling units throughout the description of Alternative 14.

Alternative 12 vs. Alternative 14

Alternative 12 reduces potential impacts in several areas as compared to the Alternative 14 including cultural resources, drainage, and visual resources. There is one area where the two alternatives appear similar - Land Use Consistency. Because of the dramatic reduction in number of residential home sites, several areas of potential impacts are reduced by Alternative 14 - Air Quality, Geologic Stability, Noise, Public Safety, Public Services, Recreation, Transportation and Circulation, and Water and Wastewater.

Although Alternative 14 dramatically reduces the number of home sites, some of the impacts are in fact greater than Alternative 12. Also, because the impacts are all concentrated in one area of the site they are considered more damaging to sensitive resources than Alternative 12.

Alternative 14 did not provide building envelopes, and standard County setbacks of 25’ in the front and 30’ from the sides and rear of the lots were used for building envelopes in order to compare the alternatives. The following table summarizes the potential impacts from Alternatives 12 and 14.



Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 3

Santa Margarita Ranch - Alternative Comparison

Percentage of Impacts for Alternative 12 as compared to Alternative 14

	ALT 12 (111 Lots)	ALT 14 (99 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 20.8% 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, Drws & Env	8	13	Alt 12 has 38.5% less impacts than Alt 14
Roads with Cultural impacts	6	2	Alt 12 has 66.7% more impacts than Alt 14
Total Impacts for Cultural Sites	14	15	Alt 12 has 6.7% less impacts than Alt 14

Visual Resources (Number of Lots)			
Number of Lots Visible & Dominant	0	10	Alt 12 has 100.0% less impacts than Alt 14
Number of Lots Visible & Not Dominant	8	0	Alt 12 has 100.0% more impacts than Alt 14
Total Visual Impacts	8	10	Alt 12 has 20.0% less impacts than Alt 14

Agricultural Resources

Grazing areas affected by Alternative 14 are less than Alternative 12; however, this is based on dramatically fewer home sites. Alternative 14 has only 39 home sites (35% of Alternative 12), but has only 19.4 less acres of cattle grazing impacts than Alternative 12.

The RDEIR claims that the tight cluster layout in Alternative 14 will reduce impacts to grazing unit fragmentation, but this option compacts grazing in two areas of Alternative 14, whereas in Alternative 12 corridors have been provided between the lots to allow for unrestricted movement of cattle. Alternative 14 creates less space between home sites for grazing. The tight clustering and road crossings of Alternative 14 will significantly reduce cattle grazing in these areas. Alternative 14 basically removes the entire 53 acre cluster area from active cattle grazing, whereas Alternative 12 allows cattle to continue to graze throughout the cluster area.

Cattle grazing is an integral part of the Ranch Fire Management Plan and home sites have been carefully located in Alternative 12 to allow for active grazing between lots. It is beneficial to have space between the lots for grazing to occur to as it reduces fire hazard significantly. In Alternative 12, cattle grazing is proposed to continue throughout the cluster, and be excluded only from building envelopes (as described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2,4 and 5). Refer to the response letter prepared by Kirk Consulting, Section 2.1 Ag Resources Section for additional information about conversion of rangeland.

Agricultural Conservation Easements enhance, maintain and preserve the long-term agricultural use of the agricultural land on Santa Margarita Ranch. The amount of Agricultural Conservation Easements for the project will be reduced by approximately 2,821 acres with Alternative 14. This is a significant impact to the agricultural resources, and Alternative 12 is a much more superior option for the viability of long-term agricultural protection for the Ranch. The Agricultural Conservation Easements for Alternative 12 total approximately 3,621 acres of the 3,778 acres in Tract 2586 (96% of the project area) and is a much better alternative to assure the preservation of long-term agricultural on the Ranch.

Class 1 and 2 prime soils affected by building envelopes in Alternative 14 are similar to Alternative 12, with both options avoiding these soils. Both of the alternatives have project roadways located on the alignments of existing agricultural roads which are located on Class 1 and 2 soils. Alternative 14 affects Class 3 soils listed as prime by only five fewer building envelopes than Alternative 12. Alternative 14 was developed with knowledge of this soil being potentially prime, but it was not included in the DEIR when Alternative 12 was developed. (Refer to "Review of the Agricultural Resources Section of the Revised Draft Environmental Impact Report for Santa Margarita Ranch Agricultural Cluster Subdivision Project and Future Development Program" prepared by Thomas Rice on March 7, 2008 for additional soil information).

Regardless as to whether the Class 3 and 4 soils are considered prime or not, a comparison was made on both alternatives to see which has a more significant impact on the soil types shown as prime in the RDEIR. The RDEIR states that the entire home site area (entire lot) should be used to determine the amount of land converted to non-agricultural uses. This analysis uses the entire home site area (not merely the building envelope) area overlaid on top of the soil type boundaries map. Using this approach, the home sites for Alternative 14 impact 2.51 acres less than Alternative 12.

However, the home sites in Alternative 12 will be fenced at the building envelope delineation, and cattle grazing will continue outside of this area (as described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2, 4 and 5). Using this calculation approach, the home sites for Alternative 14 impact 0.16 acres more than the building envelope areas of Alternative 12. Based on the fact that Alternative 12 meets the objectives of the applicant and converts a smaller amount of prime soils by the building envelopes, Alternative 12 is an environmentally superior option.

The following table summarizes the differences between the prime soil impacts made by the two alternatives. (As mentioned above, Alternative 14 did not provide building envelopes, and standard County setbacks were used for building envelopes in order to compare the alternatives)

**Santa Margarita Ranch - Soils Conversion
 Alternative 12 vs Alternative 14**

	ALT 12 (Lots on Soils) Acres	ALT 12 (Envelopes on Soils) Acres	ALT 14 (Lots on Soils) Acres	ALT 14 (Envelopes on Soils) Acres
Soil Type				
139 (Class 1 if Irrigated)	0.02	0	0	0
133 (Class 2 if Irrigated)	0.34	0	0	0
Total Impacts for Prime Soils (Class 1 & 2)	0.36	0	0	0
182 (Class 3 if Irrigated)	14.4	4.75	12.26	4.91
102 (Class 4 if Irrigated)	0.16	0	0.15	0
Total Impacts for Prime Soils (Class 3 & 4)	14.56	4.75	12.41	4.91

RDEIR Over- Statement on Alternative 12 Prime Soils:

Text on RDEIR page 3-2 states that Alternative 12 would convert 19.96 acres of prime agricultural soils. The soils referred to are primarily soil type 182 (Class 3 soil, if irrigated), and a small amount of soil types 102 (Class 4 soil, if irrigated), 133 (Class 2 soil, if irrigated, and 139 (Class 1 soil, if irrigated). The RDEIR states that the entire area within the lot lines would be converted to non-agricultural uses; however, it appears that this number includes portions of the lot area that are outside the soil type boundaries in question. If only the lot area that overlay the soil types are calculated, only 14.92 acres are impacted.

Also, as noted above Alternative 12 the home sites will be fenced at the building envelope and cattle grazing continue on the home site area outside of this envelope. Therefore the actual area being converted to residential use is actually only 4.75 acres. Text in the RDEIR should read 14.92 acres, and note the building envelope size of impacts.

Alternative 12 converting 0.36 acres of Class 1 or 2 soils, and 14.56 acres of Class 3 or 4 soils using the lot line methodology is not a significant impact to agricultural resources on 3,778 acres. In our opinion Agricultural Resources for Alternative 12 should be Class II, significant but mitigable.

*Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 6*

RDEIR Over- Statement on Alternative 12 Agricultural Buffers:

Text on RDEIR page 3-7 states that Lot 100 is closer to active agricultural uses than the original Tract 2586 submittal. However; although the lot line is closer, the building envelope is actually in the same location as in Tract 2586. The location for Lot 100 in the Tract 2586 submittal was previously approved by the Agricultural Commissioner. The proposed building envelope for Lot 100 in Alternative 12 was created by using these approved lot lines, and then setting back based on County standards (25' in the front, and 30' from the sides and rear).

Text on RDEIR page 3-7 states that in the original Tract 2586 submittal Lot 99 was located further away from agricultural operations and thereby resulted in fewer compatibility impacts, but does not state that the impacts should be removed. The Alternative 12 building envelope for Lot 99 was relocated approximately 200' from the previous DEIR submittal. Lot 99 in Alternative 12 is located approximately 610' from the existing vineyard, and is not within the 500' vineyard buffer. Lots 99 and 100 should be removed from this section of text in the RDEIR.

Text on RDEIR page 3-7 states that proposed Lots 2B, 39, and 40 require relocation due to insufficient buffering from surrounding agricultural uses. Lot 40 has not changed from the original Tract 2586 DEIR submittal, and is separated from the potential vineyards by landform and vegetation (refer to the response letter prepared by Kirk Consulting, Section 2.1 Ag Resources Section for discussion about Lots 39 and 40). Although the lot lines for Lot 39 were revised in Alternative 12, the proposed building envelope is actually in the same location on the north-west side based upon using the County standard setbacks and prior lot lines, and it is only approximately 25' closer on the north-east side than the original Tract 2585 submittal.

The building envelope for Lot 2B is located approximately the same distance from the potential vineyards as Lots 39 and 40, and is topographically similar. The closest corner of the building envelope for Lot 2B is located 220' from the potential vineyards, and has approximately 20' elevation difference and a dense vegetation buffer of that varies between approximately 110' to 120'. This setback from agricultural uses is similar to others previously approved by the Agricultural Commissioner, and the boundary of the proposed vineyard can be adjusted if necessary to reach a reasonable setback. Text in the RDEIR should remove the reference to relocation of Lots 2B, 39 and 40, and instead state that these lots could require adjustment.

RDEIR Over- Statement on Alternative 14 Agricultural Buffers:

Text on RDEIR page 3-33 states that lots on the west and southwest areas of Alternative 14 would have increased distance from the vineyards over alternative 12; however, Lots 20 and 23 of Alternative 14 are located closer to the vineyards than lots in Alternative 12. The closest corner of the building envelope for Lot 20 is approximately 147' away from the proposed vineyard, and has approximately 10' elevation difference and a vegetation buffer of that varies between approximately 25' to 75'. Lot 23 is 210' away from the proposed vineyard, and has approximately 15' elevation difference and a vegetation buffer of that varies between approximately 33' to 35'.

The RDEIR claims that conflicts between residential and vineyard uses would be proportionally reduced with Alternative 14. The Tract 2586 original submittal had potential conflicts with Lots 1, 99 and 100. In Alternative 12, Lots 1 and 99 have been relocated and the building envelope for Lot 100 is in the same location that was previously approved by the Agricultural Commissioner. Alternative 12 has new potential impacts with on Lots 2B, 39 and 40 and a potential area of future vineyard that for unknown reasons was not included in the DEIR. Lots 2B, 39 and 40 are all located farther away from the potential vineyard, at an equal or higher elevation and with a substantially larger vegetative buffer, than Alternative 14's Lots 20 and 23. The conflicts for Alternative 14 will not be reduced, but will actually be similar or greater than Alternative 12.

RDEIR Over- Statement on Alternative 14 Cattle Grazing:

Text on RDEIR page 3-33 claims that because of the lesser population, conflicts between residential and grazing uses will be reduced with Alternative 14. However, Alternative 14 creates less space between the lots for grazing and thus promotes a greater chance of nuisances by the cattle. Alternative 14 provides only a few large openings for cattle to roam, and they are located at significant road crossings which create a physical barrier to cattle and a danger to vehicles. Alternative 12 allows the cattle to graze freely with ample space between lots to reduce the chance of conflicts from grazing, and does not funnel the cattle to roadways. The conflicts for Alternative 14 will not be reduced, and will actually be greater than Alternative 12.

Biological Resources

Alternative 14 has fewer impacts to biological resources than Alternative 12; however, this is based on the reduced size of the development. Alternative 14 has only 39 lots (35% of Alternative 12), but has only 4.4 acres fewer potential impacts to the oak tree habitat areas. (Refer to the "Alternative Comparison" table on page 3 of this report for detailed information)

It is an overstatement that in Alternative 12 large percentages of oak woodlands are impacted simply because home sites are located in the woodland areas. This statement appears to be made with little regard for precise locations of trees which was a determining factor in the design on Alternative 12. In the RDEIR, some of the areas depicted as oak woodlands contain sparse numbers of oak trees. In many of these areas the building envelopes of Alternative 12 could be built upon without affecting a single tree. However in the RDEIR the entire building envelope which is contained in the oak woodland is counted as a potential impact due to "fragmentation". For example, using the RDEIR methodology a building envelope located in the oak woodland that may only impact 2 oak trees out of 30 oaks in a 1/2 acre area, is instead equated to impacting 1/2 acre of oaks rather than merely 2 trees.

There are several lots in Alternative 14 that are located in areas that contain extensive tree canopy. This would make implementing building envelopes of a ½ acres size very difficult without significant impacts. In contrast to this, Alternative 12 has carefully sited each building envelope in relation to the existing trees in order to avoid impacts to the oak trees. We suspect that if the standard of counting actual impacts to existing individual trees were looked at more closely, there would most likely be greater impacts created by Alternative 14.

To base the impacts on area of potential fragmentation rather than impacts to individual trees is imprecise, and significantly overstates the potential impacts. Regardless we have used this methodology provided by the RDEIR to compare the Oak Woodland Habitat impacts, and they are remarkable similar given the dramatic reduction in number of home sites in Alternative 14.

- Blue Oak Woodland habitat areas affected by Alternative 14 are only 1.8 less acres than in Alternative 12
- Mixed Oak Woodland habitat areas affected in Alternative 14 are only 1.2 less acres than Alternative 12
- Alternative 14 does not have home sites proposed in the Coast Live Oak and Valley Oak Woodlands, and is therefore has no impacts to these habitat areas. However, only 1.3 acres of Coast Live Oak Woodland and 0.1 acre of Valley Oak Woodland are potentially impacted by Alternative 12.

**Santa Margarita Ranch - Oak Woodland Habitat
 Alternative 12 vs Alternative 14**

	ALT 12 (Approx. Impact) Acres	ALT 14 (Approx. Impact) Acres	OVERALL ACREAGE (For the Site)	ALT 12 (% of Overall Impact)	ALT 14 (% of Overall Impact)
Biological Resources					
Blue Oak Woodland	9.6	7.8	890	1.1%	0.9%
Coast Live Oak Woodland	1.3	0	104.3	1.2%	0.0%
Valley Oak Woodland	0.1	0	215.7	0.05%	0.0%
Mixed Oak Woodland	10.4	9.2	190.4	5.5%	4.8%
Potential Impacts to Oak Woodlands	21.4	17.0	1400.4	1.5%	1.2%

Tract 2586 is 3,778 acres in size, and has approximately 1,400 acres of Oak Woodlands. As shown on the "Oak Woodland Habitat" table above, the overall percentage of potential impacts to the Oak Woodlands created by both alternatives is quite small, and the potential impacts by Alternative 12 are remarkably similar given the reduced project size in Alternative 14. (Overall acreage is based on the RDEIR information provided on page 2-42) Refer to the response letter by Althouse and Meade, Inc for additional discussion on oak woodland impacts.

- The overall percentage of potential impacts to the Blue Oak Woodland habitat areas in Alternative 14 is only 0.2% less than Alternative 12
- The overall percentage of potential impacts to the Mixed Oak Woodland habitat in Alternative 14 is only 0.7% less than Alternative 12

**Santa Margarita Ranch - Oak Woodland Habitat Impacts by Phasing
 Alternative 12 vs Alternative 14**

	ALT 12 PHASE 1 (Approx. Impacts) Acres	ALT 12 PHASE 2 (Approx. Impacts) Acres	ALT 12 PHASE 3 (Approx. Impacts) Acres	ALT 12 TOTAL (Approx. Impacts) Acres	ALT 14 PHASE 1 (Approx. Impacts) Acres
Biological Resources					
Blue Oak Woodland	4.5	3.7	1.4	9.6	7.8
Coast Live Oak Woodland	0	1.3	0	1.3	0
Valley Oak Woodland	0	0	0.1	0.1	0
Mixed Oak Woodland	5.3	2.5	2.6	10.4	9.2
Potential Impacts to Oak Woodlands	9.8	7.5	4.1	21.4	17

The fact that the potential impacts to the Oak Woodlands are in three phases in Alternative 12, and the impacts are scattered throughout Tract 2586 within these phases, significantly reduces the overall affect of the impacts. The impacts in Alternative 12 will allow for a staggered period of regeneration to the oak woodlands, and allow time for early mitigation measures to begin establishment before subsequent impacts occur.

- In Alternative 12, the Blue Oak Woodland habitat areas are scattered throughout three very different areas of in the Agricultural Cluster, and they occur in three separate phases. The impacts to Oak Woodlands in Alternative 14 occur in only one area of the Ranch, and they are assumed to occur in only one phase of development
- In Alternative 12, the potential impacts to the Mixed Oak Woodlands are scattered throughout three very different areas of the Agricultural Cluster, and they occur in three separate phases. The impacts to Oak Woodlands in Alternative 14 occur in only one area of the Ranch, and are assumed to occur in only one phase of development

RDEIR Over- Statement on Alternative 12 Plant Community Impacts:

Text on RDEIR page 3-11 claims that impacts to natural plant communities in Alternative 12 would be similar to the original Tract 2586 DEIR submittal. The applicant spent considerable time and effort developing the data and working in the field on site plan refinements in order to reduce impacts to many plant communities on the site. Building envelopes were field verified on site and adjusted specifically to avoid impacts on oak trees. The RDEIR should remove the text “and impacts to natural plant communities”, and the text should read “Therefore the overall amount of site disturbance would be similar to the proposed Agricultural Residential Cluster Subdivision.”

*Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 10*

RDEIR Over- Statement on Alternative 12 Oak Woodland Impacts:

Text on RDEIR page 3-11 claims that an estimated 142 oak trees would be removed in a portion of Alternative 12, but does not indicate where this is located. Based on site verification of oak tree and building envelope locations and detailed grading plans, this number is much higher than would actually be removed for the entire 111 home site Ag Cluster project. Based upon the applicants detailed field analysis, the text should be revised to indicate that Alternative 12 would result in the removal of less than 100 oak trees. This number has been increased from the DEIR response in order to include a large contingency that accounts for additional trees that may need to be removed based on unforeseen site specific construction issues.

Text on RDEIR page 3-11 states that Alternative 12 would result in more oak trees removed in the northern portion of the site (area of Lots 1 to 39) than the original Tract 2586 Agricultural Residential Cluster Subdivision. The building envelopes in this area have been carefully field sited and verified to avoid oak tree impacts in Alternative 12, and would result in far fewer impacts. This sentence should be removed from the text if the RDEIR consultant cannot demonstrate the accuracy of the statement.

Text on RDEIR page 3-11 claims that impacts to oak trees outside of the Alternative 12 building envelope are expected. The RDEIR consultant provides no basis for this assumption. In contrast the applicant has provided field verified data and design work specifically targeting reduction of impacts to Oak trees. In addition the applicant has provided design guidelines for Alternative 12 with the specific intent that they do not intend for impacts to Oak trees outside of building envelopes to occur. These guidelines are described in the originally submitted Vineyard Estates VTTM 2586 Development Guidelines on pages 2, 4, 5 and 6.

Text on RDEIR page 3-11 states that Alternative 12 would result in the removal or impact of 250 to 350 oak trees. "Removal" of oak trees is significantly different from "impacted". Combining these two very different affects considerably overstates the potential impacts of the project. As stated above, the text should be revised to say that Alternative 12 would remove less than 100 oak trees throughout the entire Tract 2586, and this number includes a large contingency based on unforeseen construction issues.

Text on RDEIR page 3-11 states that Alternative 12 would have a "long time period" for replacement trees to possess equivalent habitat values. The RDEIR states on page 2-62 that the establishment periods would be shorter in riparian floodplains that lack agricultural uses. There are ample areas within the Ag Cluster project boundary that meet this requirement and could accommodate tree restoration program(s). The impacts will be dispersed geographically and occur in three phases. This will allow time for early mitigation measures to begin establishment growth before subsequent impacts occur. Although the impacts to the oak woodlands may be significant, they are mitigable.

RDEIR Over- Statement on Alternative 12 Drainage Impacts:

Text on RDEIR page 3-12 states that Road A transverses a drainage for approximately 300' near Lot 39. Alternative 12 realigned Road A in this area to avoid an emergent wetland (W2-13A), where the residential cluster subdivision crossed into it. There is potential for indirect impacts into this wetland (as the RDEIR states), but the direct impacts are avoided.

Text on RDEIR page 3-12 claims that Alternative 12's Road D alignment near Lot 71 crosses Tostada Creek, but it is unclear of location they are referring to. This needs clarification.

*Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 11*

Text on RDEIR page 3-12 states that Alternative 12's Road D alignment east of Lot 90B creates an additional crossing, but it does not appear to cross any drainages that are not currently being crossed by the existing agricultural roads. This needs clarification.

Text on RDEIR page 3-12 states Alternative 12's Road D alignment by Seasonal Pond 2 would have greater impacts to the southwestern pond turtle. Road D has been relocated in this area in Alternative 12 to reduce disturbance to the oak woodlands. Many more trees would be removed and or impacted using the road alignment in the original Tract 2586 DEIR submittal. The applicant determined through field review that this was the best alignment for reducing the road construction impacts. Although impacts to the southwestern pond turtle may be increased, impacts to the oak woodlands are significantly decreased. We feel that with mitigation and monitoring, the impacts to the southwestern pond turtle can be reduced.

RDEIR Over- Statement on Alternative 14 Oak Woodland Impacts:

Text on RDEIR page 3-34 indicates that Alternative 14 would reduce site disturbance because it has 72 fewer residential units. However, the intensity of impacts to approximately 17.0 acres of oak woodlands in one area of the ranch is a greater site disturbance than the 21.4 acres of Alternative 12 which is spread throughout a larger project. Also, the time necessary to possess equivalent habitat values will be significantly greater in Alternative 14 because the impacts occur in only one phase, and replacement trees will be planted at one time.

Alternative 14 did not allow for a water tank and accompanying access road and because of the necessity to place the water tank at a high elevation, it would require a greater impact to the Mixed Oak Woodlands than is indicated in the RDEIR.

Cultural Resources

Alternative 14 has five more cultural sites impacted by lots, driveways and building envelopes than Alternative 12. Although Alternative 12 has more lots potentially impacting cultural resources than Alternative 14, there are significantly less building envelopes impacts. Alternative 12 worked closely with an archeologist in the field to avoid and protect the sensitive cultural sites on the Ranch. Lot and building envelope placement was developed to ensure that cultural sites will be protected to the greatest extent practicable.

- Alternative 14 has ten building envelopes overlaid onto identified archaeological sites (three of these are isolates). Alternative 12 has two building envelopes overlaid onto identified archaeological sites (both of these are isolates).
- Alternative 14 has three roads overlaid onto identified archaeological sites (two of these are existing agricultural roads that have already impacted the sites), and Alternative 12 has six roads overlaid onto identified archaeological sites (three of these are existing agricultural roads that have already impacted the sites).

Alternative 14 has only 1 more lot than Phase One of Alternative 12, and this phase contains the majority of archeological sites. Approximately the same amount of residents will be located in the area of these cultural sites, and therefore the same potential for relic collecting/ vandalism occurs in this area for both alternatives.

*Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 12*

RDEIR Over- Statement on Alternative 12 Cultural Impacts:

Text on RDEIR page 3-13 claims that precise boundaries of the cultural resource sites are unknown, and that they are based on surface visibility. This statement and related text should occur in all alternatives, and not just in Alternative 12. Alternative 12 has avoided cultural significant areas as much as possible, and should subsurface testing discover additional areas they will also be avoided and protected to the extent practicable.

Text on RDEIR page 3-13 states that because the same number of units would be constructed in Alternative 12, the amount of site disturbance would be similar to the original Tract 2586 submittal of the Agricultural Residential Cluster Subdivision. This is not an accurate statement because Alternative 12 significantly reduced impacts to cultural sites and thus improved protection for these resources. Text should be revised to say that Alternative 12 significantly reduced potential site disturbance to cultural sites.

Text on RDEIR page 3-13 goes on to say that because there is the same number of residents in Alternative 12 as with the original tract 2586 submittal, the likelihood for relic collecting or vandalism on archeological and historical sites would be similar to the original Agricultural Residential Cluster Subdivision. Alternative 12 has avoided cultural significant areas as much as possible, and the possibility of relic collecting or vandalism has significantly reduced in the Alternative 12 because the cultural sites are no longer located on the building envelopes. Text should be revised to say that Alternative 12 significantly decreased the likelihood for relic collecting and/or vandalism to cultural sites.

Text on RDEIR page 3-14 states that because the home sites in Alternative 12 would still be located in areas containing known archeological resources, and impacts would remain Class 1, significant and unavoidable. Alternative 12 has relocated lots and building envelopes to avoid culturally significant areas where possible, and only has two building envelopes overlaid onto identified archaeological sites (both of these are isolates). This determination seems inconsistent with other residential subdivisions in the vicinity that have not been given a Class I rating for similar impacts. Impacts to cultural sites have been drastically reduced with Alternative 12, and text in the RDEIR should combine the following paragraph that describes the reduced impacts, and state that the cultural impacts are Class II, significant but mitigable.

RDEIR Over- Statement on Alternative 14 Cultural Impacts:

Text on RDEIR page 3-34 claims that because the development in Alternative 14 does not occur south of Phase One of Alternative 12, impacts related to damage or destruction of important associations of these sites and disruption of their setting and feeling would be reduced compared to the original VTTM 2586 Agricultural Residential Cluster Subdivision. The RDIER also claims that site disturbance and impacts to disturbing unidentified buried deposits, and the potential for relic collecting/ vandalism would be reduced with Alternative 14. However, Alternative 14 has only 1 less lot than Phase One of the original VTTM 2586, and is located in the area that contains the majority of archeological sites. Approximately the same amount of residents will be situated in the area of the cultural sites and therefore the same potential impacts as the original VTTM 2586. Text should read that the indirect impacts from Alternative 14 will be similar to the Agricultural Residential Cluster Subdivision.

*Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 13*

Text on RDEIR page 3-34 states that overall Alternative 14 will result in reduced impacts when compared to the original VTTM 2586 Agricultural Residential Cluster Subdivision, but the Agricultural Residential Cluster Subdivision had only eight lots located on archeological sites. Alternative 14 has thirteen lots overlaid onto identified archaeological sites. Text should be revised to say that Alternative 14 would result in increased impacts to cultural resources than the Agricultural Residential Cluster Subdivision.

Drainage, Erosion and Sedimentation

The concentration of disturbance from development as shown in Alternative 14 will lead to more paved surfaces in a smaller concentrated area. The more concentrated development will not allow for as much percolation and retention of storm water run-off as Alternative 12. The less dense plan of Alternative 12 allows for a very low intensity of paved surfaces and greater opportunity for storm water run-off to be filtered and retained prior to entering any wetlands or drainage courses. Alternative 12 is located on a larger development footprint leading to less concentrated flows that allow better natural absorption and fewer impacts.

Alternative 14 has one lot and one project road that require the impacts to wetland areas. Alternative 12 does not have any lots impacting wetlands. Lot 32 of Alternative 14 contains a wetland and the building envelope that would be located within the 50' buffer, and Alternative 12 has maintained a 50' buffer for all building envelopes. Road A alignment in Alternative 12 avoids an emergent wetland (W2-13A), where Alternative 14 crosses into it. Road C in Alternative 14 also crosses a drainage that would be avoided in Alternative 12. Drainage impacts from Alternative 14 will be greater than the impacts of Alternative 12.

Public Services

RDEIR Over- Statement on Alternative 12 Roadway Impacts:

Text on RDEIR page 3-19 states that Alternative 12 would not meet the Uniform Fire Code with 18' wide roads. Project engineers met with Chief Swan and Clint Bullard from Cal Fire, and it our understanding that they agreed to a roadway of 18' paved with 2' shoulders because it is consistent with CDF standards as of the vesting date of the Tentative Tract Map. This text should be removed from the RDEIR, or revised to read that Alternative 12 should result in similar impacts as compared to the Agricultural Residential Cluster Subdivision.

Visual Resources

Alternative 12 is far more sensitive to the visual resources of the property, to the off-site and on-site views. Alternative 12 has carefully located lots out of public view and evokes a rural setting and atmosphere for the Ranch. Alternative 14 would substantially change the rural character of the site, and be visually dominant from Highway 58 and Pozo Road. Alternative 12 carefully selected building envelopes which have the least amount of visual impact and preserved the rural character of the site and rural living experience; however, Alternative 14 has little regard for these standards.

Alternative 14 seems to use the basic design from Phase One of Alternative 12, but clusters the lots closer together with little apparent regard for constraints of the site and locates lots in areas identified by the DEIR as being visible. Alternative 14 will have a substantial adverse effect on a scenic vista, substantially damage scenic resources, and substantially degrade the existing visual character and quality of the site and its surroundings. It will create a new source of substantial light or glare which would adversely affect day or nighttime views in the vicinity.

Alternative 12 has eight lots that will have potentially visible homes out of 111 total home sites, and they will all be only partially visible for fleeting moments from public roads and they all include trees and hillsides as a backdrop. Alternative 12 has four lots potentially visible from State Route 58, and four more potentially visible from West Pozo Road. None of these lots will be visible at the same time due to the rolling terrain on State Route 58 and existing trees in Tract 2586.

Based on DEIR evaluation and site observation, Alternative 14 appears to have approximately 10 homes clearly visible and dominant from the public roads. It appears that these homes will be visible from State Route 58 and West Pozo Road and that most will be visible at the same time. Eight homes in Alternative 12 that are visible only for fleeting glimpses through the trees in the distance are far less intrusive than the obvious tract of homes shown in Alternative 14.

There are two areas of Road C in Alternative 14 that will be potentially visible and dominant based on DEIR evaluation and site observation. This road alignment also requires additional paving and grading than Road C shown in Alternative 12, thus creating a larger impact. Alternative 12 has relocated Road C to eliminate visibility from State Route 58 and West Pozo Road.

Road A in Alternative 14 does not exit the project by the cemetery as suggested in DEIR, Section 4.12, measure T-2(a) West Driveway Relocation. Alternative 12 make this change and reduces impacts related to stopping site distances as compared to Alternative 14.

*Environmentally Superior Alternative Comparison
RDEIR Alternative No. 14 vs. Alternative No. 12
March 27, 2008
Page 15*

CONCLUSION

Alternative 12 is a superior alternative because it avoids and protects sensitive areas, and allows the applicant to create the envisioned feel and atmosphere for the Ranch. The lots, building envelopes, roadways and driveways have been carefully located in Alternative 12 to avoid sensitive areas, allow for active grazing, and reduce visual obstructions.

Alternative 14 places lots in areas that are not appropriate for development in an effort to have lots condensed into a smaller area. The dramatic reduction in the number of homes sites in Alternative 14 when compared with Alternative 12 does not yield a commensurate dramatic reduction of impacts. In fact in many of the impact analysis Alternative 14 creates more significant impacts to the site's sensitive resources.

Alternative 12 reduces potential impacts in several areas as compared to the Alternative 14 including cultural resources, drainage, and visual resources. Alternative 12 has been carefully designed in the field with accurate field data and attention to detail in order to reduce impacts. It improves the way the project responds to the site, and preserves the important resources of the Ranch.

Alternative 12 is a refinement of the original Tract 2586 DEIR project application, and it is more consistent with the spirit and intent of the Agricultural Cluster Ordinance in effect at the time the project was vested. Alternative 12 is the environmentally superior alternative for Santa Margarita Ranch.