



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

December 2, 2008

Brian Pedrotti  
San Luis Obispo County Department of Planning and Building  
County Government Center Room 310  
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Laetitia Agricultural Cluster Subdivision  
Environmental Impact Report; SUB 2003-00001 (Tract 2606); SCH #2005041094

Dear Mr. Pedrotti,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 453 Laetitia Vineyard Drive in Arroyo Grande.

The proposed project would subdivide 21 parcels (1,910 acres) into 106 lots, including 102 residential lots and four open space lots. Approximately 113 acres of existing vineyard would be removed to accommodate proposed development and associated buffer zones. Approximately 140 acres of replacement vineyard would be replanted onsite. Development proposed within the open space lots includes a homeowner's association facility, recreation center, community center (ranch headquarters) and an equestrian facility. The proposed project would be developed in three phases. Additional components include the construction of a wastewater treatment plant, treated effluent storage ponds, effluent disposal/irrigation system, drilling of two new wells, construction of a water storage tank, and installation of private water service lines, entry gate and features, public utility extension, and landscaping. In addition to these three phases, the applicant proposed a 7.7 acre dude ranch (75 units) within one of the open space lots. The applicant is not currently requesting a permit to construct the dude ranch; however, the dude ranch is included in this environmental impact report as a future development proposal.

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

**General Comments**

This project will result in the conversion of agricultural land and an increase in vehicles miles traveled, both of which are inconsistent with the goals of the Clean Air Plan. Agricultural Residential Clusters (ARC) exacerbate the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. **The APCD does not support this project or this type of development.** This type of development is inconsistent with:

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

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- system backslide with vehicular travel times and vehicle miles traveled increasing while the average vehicle ridership is decreasing;
4. Goals in the County's General Plan's Framework for Planning and the Resource Management System such as ensuring that vacant and underutilized parcels within URL/VRLs are developed first and that a distinction between urban and rural areas is maintained; and
  5. The land use goal of development that provides jobs/housing balance as a means of providing sustainable, low impact growth.

#### Prohibition of Secondary Dwellings

The ARC subdivision's operational air quality impact analysis presented in the DEIR and Revised DEIR, identify what the impacts will be from the 102 single family residences. **Should the ARC subdivision move forward, to ensure that these documents accurately represent the operational impact of the 102 homes, the DEIR should include an additional mitigation measure that prohibits secondary dwellings. Furthermore, this will help to ensure that the mitigation from the proposed project is not undermined by impacts not accounted for within the DEIR (i.e., secondary homes and associated vehicle trips). This recommendation would also be necessary should a reduced unit alternative be selected.**

#### Incompatible uses

Another concern regarding this type of development is residential dwellings in close proximity to agricultural operations. Dust, odors, and particulate matter from agricultural burning can all present health concerns and issues for residents. While buffer zones have been proposed for this project, buffer zones often times fall short in providing adequate protection for the residences. Measures to address dust, odors and agricultural burning are proposed below.

#### Specific Comments

1. Page V-229 - It should be noted that District staff recommend that all air quality emission calculations be conducted with the most recent version of URBEMIS which is 2007 not URBEMIS 2002.
2. Page V-233 - Conoco Phillips is the current owner of the refinery on the Nipomo Mesa.
3. Page V-234 - The 2001 Clean Air Plan (CAP) for San Luis Obispo County only addresses ozone. Paragraph 3 on this page incorrectly states that it addresses both ozone and PM10.
4. Page V-238 - In addition to the list of special conditions which could result in a finding of significance, the following item should be added:
  - o If the project is sited in close proximity to a toxic air pollution source (ie. freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities) then a health risk assessment may be required.
5. Page V-242 - To assess the total impact from construction for the entire project, the grading for the dude ranch must be included in the calculations. **The applicant should make an estimate of the cut and fill volumes for that portion of the project as was done for the residential component. The construction calculations should be redone to include the dude ranch. The construction calculations should also include the drilling and construction of the new water wells.**
6. Page V-240- A finding for construction emissions can not be made until the dude ranch construction has been included in the calculations.

7. Page V-246 - AQ/mm-7 - The developmental burning restrictions will apply to any phase of construction. It is not clear what is meant by "construction of subdivision improvement plans". This should be changed to include: **any development addressed in the EIR will be subject to the development burning restrictions. It should be noted for this type of developmental burning will not be allowed.**

8. Page V-247 - AQ/mm-8 - This measure requires compliance with NESHAP requirement and states that "for any future propose development within the homeowner's association site". It is not clear what is being referred to as development within the homeowner's association site. This should be changed to include **any development addressed in the EIR will be subject to the NESHAP requirements.**

9. Page V-248 - AQ/mm-9 - District staff agrees with the requirement in AQ/mm-9 to prohibit residential green waste burning.

However, the potential for agricultural burning can also result in incompatibility with future homeowners. The applicant has provided agricultural buffering for the ARC subdivision, however, **since the agricultural operation is controlled by the applicant, the APCD strongly urges the following mitigation measure to address the agricultural burning incompatibility issue for the ARC subdivision. If agricultural burning is not limited in this manner, it is possible that it will result in nuisance complaints from agricultural burning that could require enforcement action.**

**Add Air Quality Mitigation Measure as follows:**

**Limitation of Agricultural Burning**

APCD's Rule 501 allows for agricultural burning of agricultural green waste with agricultural burn permits. However, agricultural burning around agricultural clustered developments can result in nuisance and negative health impacts to residents and is an example of the incompatibility of allowing clustered residential developments inside land that has intensive agricultural practices. **Implement the following mitigation measures to minimize these public nuisance and health impacts:**

Prohibit agricultural burning of materials from the agricultural land that is upwind of residential units. For downwind locations, prohibit agricultural burning within 1000' of residential units.

10. Page V-249 - **Operational Impacts - District staff have reviewed the emission analysis for the operational phase of the project. The estimated emissions presented in Table V.I.-6 appear to underestimate the emissions for the project for the following reasons:**

- a. It appears that the operational phase emissions were based on the traffic report and an estimated 1,234 daily trips. This number does not take into consideration the equestrian and other special events associated with the Dude Ranch, nor does it take into consideration hauling of the solid from the waste water treatment plant.
- b. Due to the remote location of this project the APCD recommends the trip distance default be 13 mile for all categories of trips. The full URBEMIS report was not included in Appendix E, so it is not possible to determine what distance was used for the modeling. However due to the remote location of this project all trip length should be set to 13 miles.
- c. For future reference the full URBEMIS report should also be included in EIR, not just the summary sheets.
- d. Greenhouse gases should be quantified as part of the operational phase air quality impacts.

**The operational phase emission should be recalculated to address the items listed above.**

The following statement is made in paragraph 4 on page V- 258 regarding GHGs "Due to the lack of significance thresholds and associated impact determinations, mitigation measures cannot be required for the proposed project". **APCD staff does not agree with this statement.** The following excerpts have been taken from the OPR Technical Advisory cited above.

- o "Senate Bill 97, enacted in 2007, amends the CEQA statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis."
- o "CEQA obligates public agencies to consider less environmentally-damaging alternatives and adopt feasible mitigation measures to reduce or avoid a project's significant impacts."
- o "Public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact."

**APCD recommends that the greenhouse gases from this project be quantified and the implementation of feasible mitigation measures that minimize project related GHG impacts for the residential, dude ranch and waste water treatment plant.**

The DEIR presents some potential mitigation measures for GHG on page V258. District staff recommends that the list of potential mitigation measures outlined in the California Air Pollution Control Officers Association's (CAPCOA) white paper entitled "CEQA and Climate Change," dated January 2008, be reviewed and additional measures be incorporated into the project.

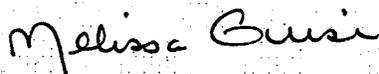
This document can be found at <http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf>

**15. Page VI-4 - On the list of Class I impact – APCD staff recommends adding the project will contribute to the cumulative impacts associated with an increase in greenhouse gases from the project.**

16. Page VI-5 – Regarding Project Alternatives – APCD staff would support the no project alternative. While some of the other alternatives evaluated would decrease the number of dwelling units the development will still contribute to urban sprawl and is inconsistent with the goal and objective of the Clean Air Plan.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-4667.

Sincerely,



Melissa Guise  
Air Quality Specialist

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