



Appendix C

Policy Consistency

POLICY CONSISTENCY

This section provides a preliminary analysis of Agricultural Residential Cluster Subdivision consistency with County plans and policies. A final determination of consistency with plans and policies will be made by County decision-makers.

An evaluation of Future Development Program consistency with relevant County plans and policies would be completed as part of the future required Specific Plan and on a project-by-project basis if applications for future projects on the Ranch property are submitted. For the Future Development Program, which is envisioned but has not been formally proposed, a range of potential future land uses and corresponding site locations have been identified. However, only generalized Future Development Program land use locations are available at this time, and no site plans or other project-level details have been provided by the applicant. As a result, the consistency of the Future Development Program with County plans and policies would be too speculative to precisely address at this time.

1.0 Site and Regional Setting

The 14,000-acre Santa Margarita Ranch property is located immediately east of U.S. Highway 101, surrounding the unincorporated community of Santa Margarita. The proposed Agricultural Residential Cluster Subdivision includes 3,778 acres near the middle of the Ranch, southeast of the community of Santa Margarita, while the Future Development Program occurs in various locations throughout the balance of the 14,000-acre property.

Santa Margarita Ranch lies at the intersection of three County planning areas (Figure 1). The southwestern corner and the southernmost portions of the Ranch, which include areas within the National Forest Boundary, are located within the Los Padres Planning Area. The southeastern corner of the Ranch is included in the Las Pilitas Planning Area. The remainder of the Ranch is included in the Salinas River Planning Area. Each of the area plans includes the Ranch property in the "Agriculture" land use category. The exception is the northwest corner of the Ranch, commonly referred to as Margarita Farms, which is included in the "Rural Lands" land use category by the Salinas River Area Plan.

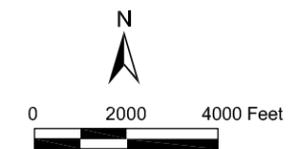
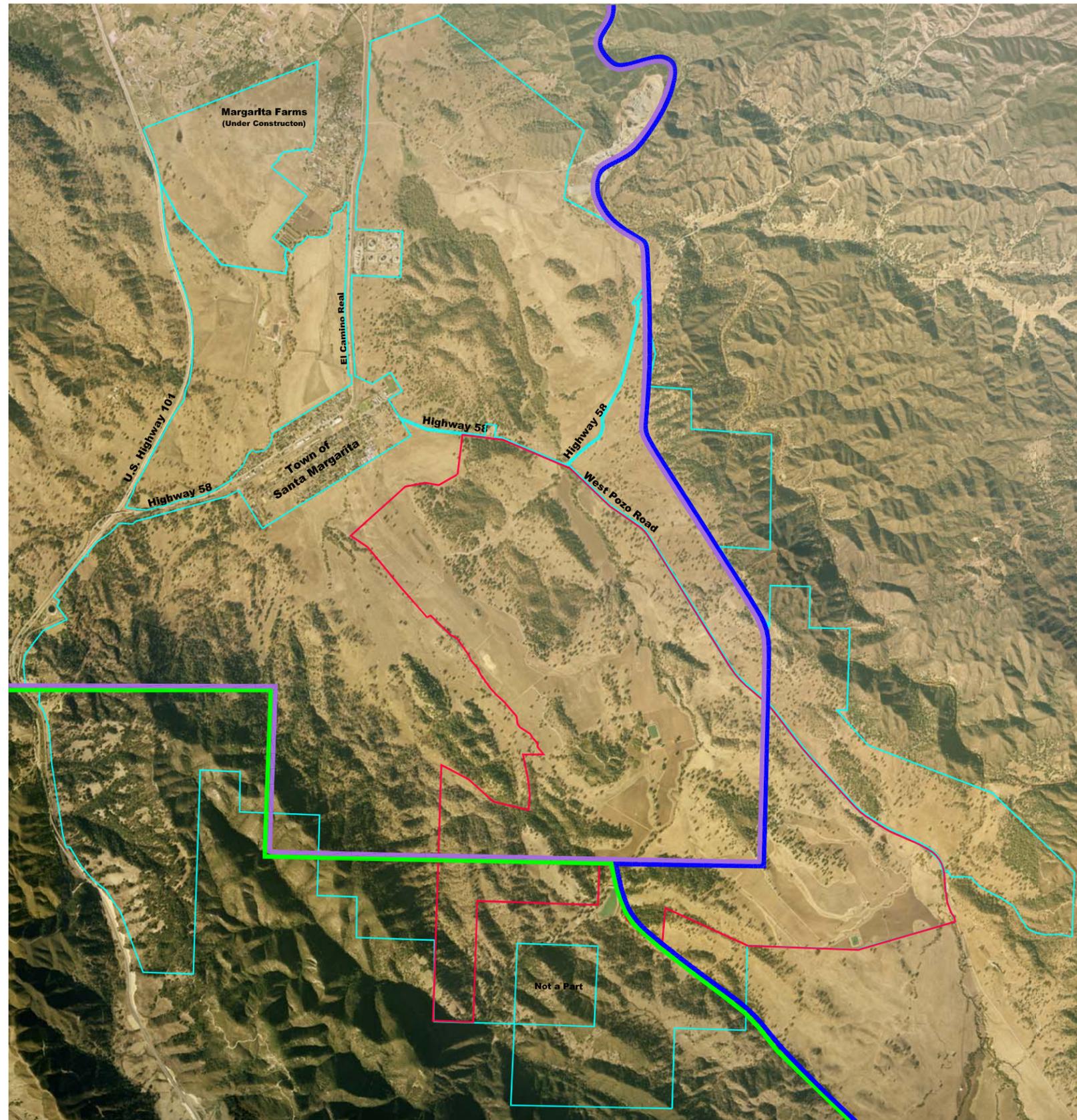
The entire 14,000-acre Santa Margarita Ranch property is bordered to the north by Agriculture, Rural Lands, Residential Suburban uses including those within the Garden Farms community, and Commercial Retail development. Agriculture, Rural Lands, scattered single-family residences, agricultural accessory structures, quarries, and portions of the Salinas River border the site to the east. To the south, Agriculture, Recreational, and Open Space uses exist, as well as trails and the Los Padres National Forest. To the north are Agricultural uses, Rural Lands and Residential Suburban uses. The proposed Agricultural Residential Cluster Subdivision area is located near the center of the Ranch, and is bordered by Pozo Road/Highway 58 to the north, Pozo Road to the east, and agricultural uses, vineyards and/or livestock grazing, and dry farming to the south and west.

While four combining designations overlay portions of the Santa Margarita Ranch [i.e., Flood Hazard (FH), Geologic Study Area (GSA), Historic Site (H), and Sensitive Resource Area (SRA)], none of these combining designations apply to the proposed Agricultural Residential Cluster Subdivision site.



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- TENTATIVE TRACT 2586 BOUNDARY
- RANCH PROPERTY BOUNDARY
- SALINAS RIVER AREA PLAN BOUNDARY
- LAS PILITAS AREA PLAN BOUNDARY
- LOS PADRES AREA PLAN BOUNDARY

Santa Margarita Ranch
Plan Area Boundaries

2.0 Existing Land Use Policy Framework

The following section examines existing policies from the documents listed below:

- County General Plan Land Use Element
- County General Plan Noise Element
- County General Plan Energy Element
- County General Plan Safety Element
- County General Plan Circulation Element
- County General Plan Agriculture and Open Space Element
- County Trails Plan
- County Parks and Recreation Master Plan
- Los Padres National Forest Land Management Plan, Part 3
- Salinas River Area Plan
- Las Pilitas Area Plan
- Los Padres Area Plan
- San Luis Obispo County Zoning Ordinance
- San Luis Obispo County Clean Air Plan

3.0 County General Plan Land Use Element

The County General Plan Land Use Element (LUE) has three major sections: Framework for Planning, the area plans and the official maps. Part I of the LUE, Framework for Planning, contains policies and procedures that apply to the unincorporated area outside the coastal zone, defining how the LUE is used together with the Land Use Ordinance and other adopted plans. *Framework for Planning* is only used in reviewing development and land division proposals as follows:

1. The descriptions of purpose and character for each land use category and the density and building intensity criteria are used to review proposed amendments to the LUE and to review individual development projects proposed in existing land use categories.
2. The parcel size ranges, density and building intensity criteria are used with Chapter 22.22 of the Land Use Ordinance (LUO) to establish parcel size standards and review proposed land divisions for general plan consistency.
3. The allowable use charts (Table O) and use definitions in Chapter 6 determine whether a land use is allowed in the land use category where a proposed site is located. Table O also determines whether the standards of Chapter 22.08 of the Land Use Ordinance apply in a particular land use category.

Framework for Planning also explains the criteria used in applying land use categories and combining designations to the land, and the operation of the Resource Management System. Combining designations are special map categories that identify areas of unique resources or potential hazards that necessitate more careful project review.

The Resource Management System (RMS) is designed to assist county decision-makers by anticipating increasing needs for resources created by growth. The RMS assesses capacities of



existing critical resources, and the timing for providing or upgrading resource delivery facilities. Such improvements are then accomplished by either the public or private sectors. The RMS is intended to support timely addition to a resource, or growth rate adjustment where a resource shortage would require longer to correct than remaining capacity allows.

Part II of the Land Use Element is comprised of 11 area plans that correspond to the planning areas located throughout the County. The area plans refine the general policies of the Framework for Planning into separate land use issues and policies for each community. The area plans also discuss local population growth and economic conditions, public services and circulation. The area plans describe where the land use categories are applied, and indicate policies and development criteria for each community in the form of programs and standards.

Land Use Designations

The Agricultural Residential Cluster Subdivision site is designated and zoned Agriculture (AG). County of San Luis Obispo General Plan policies and area-specific policies of the Salinas River Area Plan, the Las Pilitas Area Plan, and the Los Padres Area Plan guide development of the area. A more detailed description of the purpose and intent of the Agriculture (AG) designation is included below. The Agricultural Residential Cluster Subdivision's consistency with the Salinas River Area Plan, the Las Pilitas Area Plan, and the Los Padres Area Plan is discussed later in this section.

Agriculture (AG) Designation. As described in the County Framework for Planning (Inland), the purpose of the Agriculture land use designation is:

- a) To recognize and retain commercial agriculture as a desirable land use and as a major segment of the county's economic base.
- b) To designate areas where agriculture is the primary land use with all other uses being secondary, in direct support of agriculture.
- c) To designate areas where a combination of soil types, topography, water supply, existing parcel sizes and good management practices will result in the protection of agricultural land for agricultural uses, including the production of food and fiber.
- d) To designate areas where rural residential uses that are not related to agriculture would find agricultural activities a nuisance, or be incompatible.
- e) To protect the agricultural basis of the county economy and encourage the open space values of agriculture to continue agricultural uses, including the production of food and fiber.
- f) To recognize that agricultural activities on a small scale can supplement income from other sources, particularly where older subdivisions have resulted in parcels smaller than would currently qualify for new subdivisions within the parcel size range for the Agriculture category.
- g) Support conversion of agricultural lands to other uses only when such conversion would be appropriate or because the continuing agricultural productivity of a specific site is infeasible, considering the factors in purpose statement C, above.
- h) To give high priority to the protection of commercial prime and nonprime agricultural soils where the commercial viability, siting (whether inside or outside urban reserve lines), and natural resources allow for agricultural uses, including the production of food and fiber.



The agriculture designation is intended for areas that have existing or potential agricultural production capability. Agriculture has historically been and still is a widespread use of land within the Salinas River Planning Area, the Las Pilitas Planning Area, and the Los Padres Planning Area. Agriculture is the main land use south of the Atascadero urban area. Many of the large old ranchos and land grants are owned and operated by descendants of the original families living in the same ranch buildings. The large parcel sizes and ownership patterns, the large number of properties under agricultural preserve contracts, and the good soils and extensive grazing lands all reinforce the Plan Areas as agricultural areas.

The Agricultural Residential Cluster Subdivision proposes an agricultural cluster subdivision in accordance with the County zoning and General Plan land use designation of Agriculture. As discussed under Agriculture Element Policy 22 (Major Agricultural Cluster Projects) consistency analysis below, the Agricultural Residential Cluster Subdivision is potentially consistent with this policy. Since the Agricultural Residential Cluster Subdivision would result in Class I, significant and unavoidable, impacts related to agricultural conversion and land use compatibility, the Agricultural Residential Cluster Subdivision would be potentially inconsistent with the Agriculture land use designation of the San Luis Obispo County General Plan.

Countywide General Plan Goals

The San Luis Obispo County General Plan contains several countywide general goals that guide land use and circulation planning efforts in the inland area of the County. These goals are the “foundation goals” for all County area plans. The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable countywide general goals is described in the paragraphs below.

Environment Goal 1: Maintain and protect a living environment that is safe, healthful and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. During construction and following buildout, the Agricultural Residential Cluster Subdivision would use limited amounts of energy supplies that would be considered nonrenewable. These energy resource demands would be used for construction, heating and cooling of buildings, transportation to and from the site, heating and refrigeration for food preparation and water, as well as lighting and other associated energy needs. However, the Agricultural Residential Cluster Subdivision would not directly affect any fossil fuel sources. The Agricultural Residential Cluster Subdivision and related projects in the area would require the commitment or destruction of other nonrenewable and slowly renewable resources. These resources include, but are not limited to, lumber and other forest products; sand and gravel; asphalt; petrochemical construction materials; steel; copper; lead and other metals; and water. However, the Agricultural Residential Cluster Subdivision would be consistent with the existing General Plan designations for the area. Therefore, the use of nonrenewable resources associated with the proposed Agricultural Residential Cluster Subdivision has been anticipated in the General Plan and General Plan EIR.

Replenishable resources on the site include trees and other vegetation. As described in Agricultural Residential Cluster Subdivision Impact B-3, the proposed Agriculture Residential



Cluster Subdivision would result in the removal of an estimated 200 to 400 blue oak, coast live oak, and valley oak trees within the Blue Oak Woodland, Coast live Oak Woodland, Valley Oak Woodland, Valley Needlegrass Grassland, and California Annual Grassland habitats on the site.

In the short term, oak trees that are removed can be replaced, but the quality of their habitat values will not be the same until the new trees mature, the timeframe of which cannot be accurately determined. Thus, impacts to oak woodlands are Class I, *significant and unavoidable*. Implementation of Agricultural Residential Cluster Subdivision measures B-3(a), (Tree Identification), B-3(b) (Heritage Oak Tree Avoidance) and B-3(c) (Oak Tree Protection and Mitigation and Monitoring Plan) would reduce impacts to oak trees and oak woodland habitat to the extent feasible. However, in the short term, impacts to oak trees and oak woodland habitats cannot be mitigated, because of the length of time required for replacement trees to reach maturity and have a similar habitat values as those that are replaced. Impacts remain Class I, *significant and unavoidable*. Therefore, the Agricultural Residential Cluster Subdivision would be potentially inconsistent with this policy.

Environment Goal 2: Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The proposed Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to transportation and water services and infrastructure. Accordingly, the Agricultural Residential Cluster Subdivision would exceed the sustained availability of resources.

Air Quality Goal 3: Preserve and protect air quality of the County by seeking to attain and maintain state and federal ambient air quality standards.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent Since 1989, San Luis Obispo County had been designated as non-attainment with the state health based standard for ozone. However, ozone forming pollutants throughout San Luis Obispo County have been significantly reduced since that time. For the years 2002 through 2004, no violations of the State hourly ozone standard (0.09 ppm) were measured at any of the six community-based monitoring stations in San Luis Obispo County. Accordingly, the State Air Resources Board re-designated the County as attainment with the state health based ozone standard in January 2004 (<http://www.slocleanair.org/air/attainment.asp>; February 22, 2006). However, one violation of the State ozone standard was measured at the Atascadero Monitoring Station in 2005. San Luis Obispo County is in nonattainment for the State standards for PM₁₀.

The 2001 Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the San Luis Obispo Air Pollution Control District (SLOAPCD) to meet air quality requirements. The CAP is a comprehensive planning document designed to reduce emissions from industrial and commercial sources, as well as from motor vehicle use. A major requirement of the CAP is the implementation of transportation control measures (TCMs) and land use planning strategies designed to reduce motor vehicle trips and miles traveled. As described in the County's Resource Management System, the County will implement applicable transportation and land use planning strategies recommended in the CAP through incorporation of these strategies in the County General Plan, focusing on the land use and circulation elements for each of the County planning areas.



The Agricultural Residential Cluster Subdivision would partially implement TCM T-3 by including a trail between the Agricultural Residential Cluster Subdivision and the community of Santa Margarita [refer to Section 4.11 (*Recreation*)]. In addition, implementation of Agricultural Residential Cluster Subdivision measure AQ-4(a), which requires distribution of alternative transportation information, would reduce impacts related to CAP consistency and implementation of TCMs. However, no mitigation measures are feasible to sufficiently reduce vehicle miles traveled associated with the Agricultural Residential Cluster Subdivision due to the distance between the project site and City services. As described in Section 4.2 (*Air Quality*) of this EIR, the proposed Agricultural Residential Cluster Subdivision would result in *significant and unavoidable* impacts related to air quality.

Air Quality Goal 4: Determine and mitigate where feasible, the potential adverse air quality impacts of new development.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to CAP consistency (refer to Air Quality Goal 3 consistency analysis above).

Air Quality Goal 5: Minimize the generation of air pollutants from projected growth by implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle and minimize travel distance and trip generation.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. Refer to the Air Quality Goal 3 consistency analysis above. The proposed development of 112 residential units would generate approximately 1,150 vehicle trips per day. This increase in trips would represent a relatively large percentage of total trips on roadways in the vicinity. The Agricultural Residential Cluster Subdivision would not provide a land use that would be considered a destination for substantial vehicles. However, residential development outside of urban areas tends to generate more, and longer trips compared with similar development within urban areas. Therefore, the Agricultural Residential Cluster Subdivision would be expected to substantially increase trip lengths and vehicle miles traveled in the vicinity. The rate of increase in vehicle trips and miles traveled may exceed the rate of population growth for the same area.

Population Growth Goal 6: Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The proposed Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to transportation and water services and infrastructure. Accordingly, the Agricultural Residential Cluster Subdivision would exceed the planned capacities of resources and services.

Distribution of Land Uses Goal 8: Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately



agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. Much of the site would be maintained as common and public open space area (including irrigated croplands). However, the Agricultural Residential Cluster Subdivision would result in Class I, significant and unavoidable, impacts related to the conversion of existing grazing lands and prime soils areas, and agricultural land use incompatibilities.

Distribution of Land Uses Goal 10: Encourage the protection of agricultural land for the production of food, fiber and other agricultural commodities.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The proposed Agricultural Residential Cluster Subdivision would implement a clustered agricultural subdivision consistent with the site zoning and General Plan designation of Agriculture. However, the proposed Agricultural Residential Cluster Subdivision would permanently convert 5 acres containing prime soils to non-agricultural uses and would permanently compromise the sustainability of a 676.7-acre grazing unit. Therefore, impacts related to agricultural conversion would be Class I, *significant and unavoidable*. As a result, the proposed Agricultural Residential Cluster Subdivision is potentially inconsistent with Distribution of Land Uses Goal 10.

Phasing of Urban Development Goal 11: Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. Refer to the Population Growth Goal 6 consistency analysis above.

Public Services and Facilities Goal 15: Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The Agricultural Residential Cluster Subdivision includes transportation infrastructure, water service improvements, underground wire utilities, and on-site septic systems to serve proposed residences. In addition, future residents are required to pay applicable in-lieu fees for recreation, schools, and other public services. The EIR identifies significant and unavoidable impacts to water supply (refer to Section 4.14) and transportation (refer to Section 4.12) due to uncertainty regarding timing and availability of public infrastructure improvements, including imported water and Highway 101/SR 58 interchange improvements.

Public Services and Facilities Goal 16: Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Refer to the Population Growth Goal 6 and Public Services and Facilities Goal 15 consistency analyses above.



Public Services and Facilities Goal 17: Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Refer to the Population Growth Goal 6 and Public Services and Facilities Goal 15 consistency analyses above.

4.0 San Luis Obispo County Noise Element

The following policies from the County's Noise Element are considered to be applicable to future land uses on the Santa Margarita Ranch property. The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable policies is described in the paragraphs below.

Noise Element Policy 3.3.2. New development of noise-sensitive uses shall not be permitted in areas exposed to existing or projected future levels of noise from transportation noise sources which exceed 60 dB Ldn or CNEL (70 dB Ldn or CNEL) for outdoor sports and recreation) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to or below the levels specified for the given land use in Table 3-1 [of the County Noise Element].

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Noise levels shown in Table 4.8-7 in Section 4.8 (*Noise*) of this EIR indicate that proposed Agricultural Residential Cluster Subdivision lots located nearest area roadways would experience noise levels below the County threshold. Therefore, the Agricultural Residential Cluster Subdivision would not place sensitive receptors in areas exposed to nuisance noise levels.

Noise Element Policy 3.3.3. Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed the levels specified in Table 3-1 [of the County Noise Element] within the outdoor activity areas and interior spaces of existing noise sensitive land uses.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. Long-term traffic generated by the Agricultural Residential Cluster Subdivision would increase noise levels at existing receptors located adjacent to roadways in the Santa Margarita Ranch vicinity above County thresholds. Therefore, as discussed in Section 4.8 (*Noise*) of this EIR, Agricultural Residential Cluster Subdivision-generated traffic noise would be a significant and unavoidable impact.

Noise Element Policy 3.3.4. New development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed the noise level standards of Table 3-2 [of the County Noise Element] unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the levels specified in Table 3-2 [of the County Noise Element].

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Refer to the Noise Element Policy 3.3.2 consistency analyses above. No stationary noise sources that would exceed County thresholds are located in proximity to the proposed Agricultural Residential Cluster Subdivision lots.



Noise Element Policy 3.3.5. Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated as follows and shall be the responsibility of the developer of the stationary noise source:

- a. Noise from agricultural operations conducted in accordance with accepted standards and practices is not required to be mitigated.
- b. Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose an existing noise-sensitive land use to noise levels which exceed the standards in Table 3-2. When the affected noise-sensitive land use is Outdoor Sports and Recreation, the noise level standards in Table 3-2 shall be increased by 10 dB.
- c. Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose vacant land in the Agriculture, Rural Lands, Residential Rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Professional, and Commercial Retail land use categories to noise levels which exceed the standards in Table 3-2.

This policy may be waived when the Director of Planning and Building determines that such vacant land is not likely to be developed with a noise-sensitive land use.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Refer to the Noise Element Policy 3.3.2 consistency analyses above.

5.0 Energy Element

The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable County General Plan Energy Element policies is described in the paragraphs below.

Energy Element Policy 1. Encourage energy efficient land development by promoting compact, residential areas and commercial service cores and non-vehicular linkages between them. Concentrate new growth within existing communities, emphasizing services, so that individual communities become more complete, diverse, and balanced. Allow multi-family housing in and near downtowns, neighborhood commercial centers, and mixed use developments. Isolated and remote residential development projects shall be discouraged.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The proposed Agricultural Residential Cluster Subdivision would not be contiguous to existing development within the community of Santa Margarita. Since the proposed residential development would be located throughout a 676 acre area, the Agricultural Residential Cluster Subdivision would not be considered compact development.

Energy Element Policy 2. Encourage the concentration of new residential development in higher density residential areas located near major transportation corridors and transit routes. Public facilities, commercial areas, and schools should be grouped into pedestrian



and bicycle-accessible core areas that provide a focal point to the community and promote public transit.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The Agricultural Residential Cluster Subdivision would result in low density residential development that would not be concentrated contiguous to the community of Santa Margarita, and would not be located near major transit facilities.

6.0 Safety Element

The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable County General Plan Safety Element policies is described in the paragraphs below.

Safety Element Policy S-8. Flood Hazards. Strictly enforce flood hazard regulations both current and revised. FEMA regulations and other requirements for the placement of structures in flood plains shall be followed. Maintain standards for development in flood-prone and poorly drained areas.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. As discussed in Section 4.5 (*Drainage, Erosion and Sedimentation*) of this EIR, the eastern reaches of the Agricultural Residential Cluster Subdivision site, including the east driveway, would be located within the flood zone associated with Trout Creek, as designated by Federal Emergency Management Agency Flood Insurance Rate Maps (Community Panel number: 060304 revised 7/5/82). However, none of the proposed Agricultural Residential Cluster Subdivision lots are within the 100-year flood zone.

Safety Element Policy S-13. Pre-Fire Management. New development should be carefully located, with special attention given to fuel management in higher fire risk areas. Large, undeveloped areas should be preserved so they can be fuel-managed. New development in fire hazard areas should be configured to minimize the potential for added danger.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The Agricultural Residential Cluster Subdivision site is located in a high fire hazard severity zone. As discussed in Section 4.10 (*Public Services*) of this EIR, the applicant would be required to comply with the most recent Uniform Fire Code and implement County fire protection standards as a condition of project approval. In addition, implementation of Agricultural Residential Cluster Subdivision measures PS-3(b) (On-Site Fire Protection), PS-3(c) (Fire/Vegetation Management Plan), and PS-3(d) (Structural Safeguards) would ensure that new development would minimize the potential for added danger in a high fire hazard area. Nevertheless, the configuration of the proposed Agricultural Residential Cluster Subdivision is not configured to minimize fire hazards.

Safety Element Policy S-14. Facilities, Equipment and Personnel. Ensure that adequate facilities, equipment and personnel are available to meet the demands of fire fighting in San Luis Obispo County based on the level of service set forth in the fire agency's master plan.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. As discussed in Section 4.10 (*Public Services*) of this EIR, development of the Agricultural Residential Cluster Subdivision site with the proposed residential uses would incrementally increase demand for



fire protection and emergency response services beyond current conditions. In addition, the Agricultural Residential Cluster Subdivision would be located outside the acceptable response time radius of the nearest Fire station. However, implementation of Agricultural Residential Cluster Subdivision measure PS-3(a) (Santa Margarita Ranch Fire Station) would reduce impacts to equipment and personnel to a less than significant level.

Safety Element Policy S-18. Fault Rupture Hazards. Locate new development away from active and potentially active faults to reduce damage from fault rupture. Fault studies may need to include mapping and exploration beyond project limits to provide a relatively accurate assessment of a fault's activity. The County will enforce applicable regulations of the Alquist-Priolo Earthquake Fault Zoning Act pertaining to fault zones to avoid development on active faults.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The Rinconada Fault is located approximately 2,100 feet east of the proposed residential development, and the southern reaches of the Nacimiento Fault pass approximately 3,100 feet west of the nearest proposed home site [refer to Figure 4.6-4 in Section 4.6 (*Geologic Stability*)]. Both faults are considered active for the purposes of this analysis [refer to Section 4.6 (*Geologic Stability*)]. Although both of these faults are located near the Santa Margarita Ranch, surface rupture hazard on the Agricultural Residential Cluster Subdivision site (defined as the physical displacement of surface deposits in response to an earthquake's seismic waves) would be unlikely. It is estimated that the maximum surface displacement that may result from seismic activity on the Rinconada or Nacimiento Fault Zones would be 3 feet and 1 foot wide, respectively (San Luis Obispo County Seismic Safety Element, 1974). No development is proposed within this distance to the fault zones. Due to the proximity of these and other fault zones, the proposed Agricultural Residential Cluster Subdivision development could experience strong ground motion from future local and regional earthquake events. However, with implementation of Agricultural Residential Cluster Subdivision measure G-1(a) (*UBC Compliance*), impacts related to seismic groundshaking would be reduced to a less than significant level.

Safety Element Policy S-21. Slope Instability. The County acknowledges that areas of known landslide activity are generally not suitable for residential development. The County will avoid development in areas of known slope instability or high landslide risk when possible, and continue to encourage that developments on sloping ground use design and construction techniques appropriate for those areas.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The Agricultural Residential Cluster Subdivision area is hilly with the ridges trending north-south and reaching elevations of 1,276 feet with dissecting valleys draining out to Trout Creek at an elevation of about 1,020 feet. Steeper slopes are present near the center of the proposed Agricultural Residential Cluster Subdivision site. According to the San Luis Obispo County Safety Element, landslide risk ranges from low to high throughout the Agricultural Residential Cluster Subdivision area. The majority of the Agricultural Residential Cluster Subdivision site is located in a low landslide hazard area, although portions of the site are categorized with a high landslide potential due to the presence of unstable formations and relatively steep topography. However, with implementation of Agricultural Residential Cluster Subdivision measure G-3(a)



(Agricultural Residential Cluster Subdivision Lot Geotechnical Investigations and Practices), impacts related to slope instability would be reduced to a less than significant level.

7.0 Circulation Element

The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable County General Plan Circulation Element policies is described in the paragraphs below.

Circulation Element Goal 1: Provide for a land use pattern and rate of population growth that will not exceed the financial ability of the county and its residents to expand and maintain the circulation system.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Inconsistent.* The EIR identifies significant and unavoidable impacts to transportation (refer to Section 4.12) due to uncertainty regarding timing and availability of public infrastructure improvements, including Highway 101/SR 58 interchange improvements. Therefore, the proposed Agricultural Residential Cluster Subdivision may exceed the financial ability of the county and its residents to expand and maintain the circulation system.

Circulation Element Goal 2: Plan transportation system improvements to provide for, but not exceed, the capacities that are needed to serve the travel demand generated by the year 2010 population, consistent with the land use patterns allowed by the Land Use Element and the cities' general plans, so that growth is not facilitated or induced in inappropriate amounts or locations.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent.* As noted in Agricultural Residential Cluster Subdivision mitigation measure GI-1(a) in Section 5.0, *Growth-Inducing Impacts*, infrastructure and service capacity for the proposed Agricultural Residential Cluster Subdivision are required to be sized to meet only the demands of the Agricultural Residential Cluster Subdivision itself.

Circulation Element Goal 3: Integrate land use and transportation planning so that necessary transportation facilities and services can be provided to accommodate urban and rural development.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent.* Refer to the Circulation Element Goal 1 consistency analyses above.

Circulation Element Goal 9: Develop and enhance a system of scenic roads and highways through areas of scenic beauty without imposing undue restrictions on private property, or unnecessarily restricting the placement of agricultural support facilities in agricultural and rural areas.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent.* As discussed in Section 4.13 (*Visual Resources*) of the EIR, the Agricultural Residential Cluster Subdivision site would not be visible from any State-designated scenic highways or routes. However, the County General Plan identifies portions of Highway 58 and Pozo Road as potential scenic



roadways. The Agricultural Residential Cluster Subdivision site may be visible from both of these roadways due to its location on elevated terrain. Additionally, the site is visible from parts of the Santa Margarita community. However, it should be noted that the Agricultural Residential Cluster Subdivision proposes to cluster the residential units in a generally north-south orientation in the central portion of the site, which would reduce visual impacts from viewpoints east and west of the site. Mitigation included in Section 4.13 (*Aesthetics*) of this EIR would also reduce potential impacts. However, no mitigation is available to avoid changing the site from its rural condition to a more suburban condition. This is Class I, *significant and unavoidable*, impact to the aesthetic character of the area.

8.0 Agriculture and Open Space Element

The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable County General Plan Agriculture and Open Space Element policies is described in the paragraphs below.

Agriculture Element Policy 11: 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.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. As described in Agricultural Residential Cluster Subdivision Impact W-1, the Agricultural Residential Cluster Subdivision would increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 96 acre-feet per year (afy). This net consumptive use may contribute to overdraft of the aquifer system. Although Agricultural Residential Cluster Subdivision measure W-1(c) (Imported Water Supply) requires the Agricultural Residential Cluster Subdivision to import water through the State Water Project and/or the Nacimiento Water Project, due to uncertainty regarding timing and availability of these sources, additional water supply cannot be assured at this time. Impacts would therefore be Class I, *significant and unavoidable*. As a result, the proposed Agricultural Residential Cluster Subdivision is potentially inconsistent with Agriculture Element Policy 11.

Agriculture Element Policy 17: Agricultural Buffers.

- a) **Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Boards of Supervisors.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The County Department of Agriculture/Measurement Standards maintains recommended standards for



setbacks (buffers) and screening techniques between development and agricultural property. Buffers are used to address a range of compatibility issues that can either impact the agricultural operation (trespass, litter, vandalism, theft, and general liability issues) or adjacent residents (dust, day and night-time noise, odor, and heavy vehicle traffic). Legal pesticide use would continue to be allowed for vineyard operations, gopher or weed control on the project site. However, some legal pesticides are restricted if residences are in close proximity. Therefore, the development of residences in close proximity to agricultural operations can limit certain legal pesticide applications. The County of San Luis Obispo has developed agricultural buffer policies and procedures that recommend buffer distance ranges for intensive and non-intensive agricultural uses from proposed residential uses. These buffers are designed to reduce land use incompatibilities. Intensive uses include vineyards and non-intensive uses include rangeland/pasture uses outside of the residential portion of the Agricultural Residential Cluster Subdivision site. The County requires vineyard buffers of 500 feet and rangeland buffers are recommended of 50-100 feet from residential uses. Given the non-contiguous design of the proposed Agricultural Residential Cluster Subdivision, buffers would not effectively mitigate incompatibilities. Therefore, grazing activities on the existing 676.6-acre grazing unit could not practicably occur. In addition, although the location of proposed residential lots satisfies buffer distances recommended by the County Agricultural Commissioners Office, ongoing agricultural operations could result in nuisances experienced by future homeowners. These would be potentially significant land use compatibility impacts. Implementation of the San Luis Obispo County right to farm ordinance, the design buffers, and the proposed agricultural conservation easements would partially reduce land use compatibility impacts. However, given the non-contiguous design of proposed lots and the intensity of existing agricultural activities on the site (vineyards), impacts would be Class I, significant and unavoidable. As a result, the proposed Agricultural Residential Cluster Subdivision is potentially inconsistent with Agriculture Element Policy 17.

Agriculture Element Policy 18: Location of Improvements.

- a) **Locate new buildings, access roads, and structures so as to protect agricultural land.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The proposed Agricultural Residential Cluster Subdivision would permanently compromise the sustainability of a 676.7-acre grazing unit and would permanently convert 5 acres containing prime soils to non-agricultural uses and would permanently compromise the sustainability of a 676.7-acre grazing unit. Therefore, impacts related to agricultural conversion would be Class I, significant and unavoidable. As a result, the proposed Agricultural Residential Cluster Subdivision is potentially inconsistent with Agriculture Element Policy 18.

Agriculture Element Policy 22: Major Agricultural Cluster Projects.

- a) **Properties that are partly or entirely within five miles of the urban and village reserve lines designated in the LUO and that meet the minimum area criteria can apply for a major agricultural cluster.**
- b) **The maximum number of parcels allowed in a major agricultural cluster project shall be equivalent to the number of primary dwellings normally allowed on the parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria. (Major agricultural cluster projects may**



include reduction in the number of parcels down to 26% of the maximum potential allowance if proposed by the applicant in order to mitigate potential impacts of the project.)

- c) **All resulting agricultural parcels must meet the minimum parcel size criteria and must be covered by a permanent agricultural open space easement.**
- d) **All resulting residential parcels are entitled to one dwelling per parcel.**
- e) **Whether or not an EIR must be prepared will be determined by the CEQA "Initial Study."**
- f) **Consistent with the provisions of the existing agricultural cluster ordinance in the LUO, areas of the site intended for agricultural production must be permanently protected by a recorded open space easement and placed in a Land Conservation Act (Williamson Act) contract.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The ordinance states that a Major Agricultural Cluster project could result in a maximum parcel bonus of 100% over a conventional land division. Since the site could support up to 56 units (two units on each of the 28 site parcels) with a conventional land division, the 112 proposed Agricultural Residential Cluster Subdivision units would represent a 100% increase, consistent with this requirement. The proposed Agricultural Residential Cluster Subdivision also satisfies other applicable requirements of the ordinance, such as not locating residential clusters on Williamson Act lands, and preparation of a CEQA environmental review document (i.e., this EIR) to address environmental impacts.

However, the ordinance requires long-term preservation of agricultural resources, and design of a project to: avoid and buffer prime soils areas; avoid placement of roads and structures on any environmentally sensitive habitat areas; minimize impacts of non-agricultural structures and roads on public views; cluster proposed structures to the maximum extent feasible to maintain the rural character of the area; and minimize risks to life and property due to geologic, flood, and fire hazard and soil erosion. In addition, the ordinance requires the project to not result in agricultural land use compatibility conflicts and to provide adequate water and all necessary services to both the proposed residences and agricultural operations on the site and in the vicinity. The Agricultural Residential Cluster Subdivision would permanently convert 5 acres containing prime soils to non-agricultural uses and would permanently compromise the sustainability of a 676.7-acre grazing unit. Therefore, impacts related to agricultural conversion would be Class I, *significant and unavoidable*. The proposed Agricultural Residential Cluster Subdivision would also locate lots in environmentally sensitive oak woodland habitat areas, resulting in Class I, *significant and unavoidable*, impacts to habitat. In addition, the proposed Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to alteration of the scenic character of the site as viewed from public viewpoints. Additionally, the Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to the provision of adequate water supply for the residential uses in combination with ongoing agricultural uses. As a result, the proposed Agricultural Residential Cluster Subdivision is potentially inconsistent with Agriculture Element Policy 22.

Agriculture Element Policy 25: Unique or Sensitive Habitat

- a) **Encourage private landowners to protect and preserve unique or sensitive habitat.**



- b) For new development requiring a discretionary permit and for proposed land divisions, protect unique or sensitive habitat affected by the proposal through the following measures:
1. Site the proposed development so as to avoid significant impacts on the habitat or significant impacts on the agricultural operations. Provide for adjustments in project design where alternatives are infeasible, more environmentally damaging, or have a significant negative impact on agriculture.
 2. When significant impacts are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. As described in Agricultural Residential Cluster Subdivision Impact B-1, development of the Agricultural Residential Cluster Subdivision would result in the conversion of the common habitat types California Annual Grassland, Central (Lucian) Coastal Scrub, and Chamise Chaparral to residential uses and associated improvements. In addition, as described in Agricultural Residential Cluster Subdivision Impact B-2, construction of the proposed Agricultural Residential Cluster Subdivision would result in direct impacts to Valley Needlegrass Grassland, which are CDFG Plant Communities of Special Concern. Implementation of Agricultural Residential Cluster Subdivision measure B-2(a) (Valley Needlegrass Grassland Restoration Plan), would reduce Agricultural Residential Cluster Subdivision impacts to Valley Needlegrass Grassland. Additionally, as described in Agricultural Residential Cluster Subdivision Impact B-3, the proposed Agriculture Residential Cluster Subdivision would result in the removal of an estimated 200 to 400 blue oak, coast live oak, and valley oak trees within the Blue Oak Woodland, Coast live Oak Woodland, Valley Oak Woodland, Valley Needlegrass Grassland, and California Annual Grassland habitats on the site. In the short term, oak trees that are removed can be replaced, but the quality of their habitat values will not be the same until the new trees mature, the timeframe of which cannot be accurately determined. Thus, impacts to oak woodlands are Class I, *significant and unavoidable*. Implementation of Agricultural Residential Cluster Subdivision measures B-3(a), (Tree Identification), B-3(b) (Heritage Oak Tree Avoidance) and B-3(c) (Oak Tree Protection and Mitigation and Monitoring Plan) would reduce impacts to oak trees and oak woodland habitat to the extent feasible. However, in the short term, impacts to oak trees and oak woodland habitats cannot be mitigated, because of the length of time required for replacement trees to reach maturity and have a similar habitat values as those that are replaced.

Although impacts to common habitat types and CDFG Plant Communities of Special Concern would be either less than significant or less than significant after mitigation, Agricultural Residential Cluster Subdivision Impact B-3 (impacts to oak woodlands) would be class I, *significant and unavoidable*. Therefore, the Agricultural Residential Cluster Subdivision would be potentially inconsistent with this policy.

Agriculture Element Policy 26: Streams and Riparian Corridors. The following policies apply to watercourses shown by a solid or broken blue line (“blue line” streams) on the latest U.S. Geological Survey (USGS) quadrangle maps and their associated riparian vegetation.

- a) Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded. Provide information and



incentives to eliminate overgrazing in stream corridors. Encourage off-stream livestock watering sources.

- b) For new development requiring a discretionary permit and for land divisions, protect streams and riparian habitat affected by the proposal through the following measures:**
- 1. Consistent with the requirements of the Regional Water Quality Control Board's Basin Plan, establish a grading and building setback of 30 feet from the top of the stream bank. Locate buildings and structures outside the setback. Do not remove riparian vegetation within 30 feet of the top of the stream bank. Provide for adjustments when the applicant demonstrates that such setbacks would have a significant negative impact on the agricultural viability of the site, or where alternatives are infeasible or more environmentally damaging, and the adjustments are acceptable to the Regional Board.**
 - 2. Require appropriate erosion control measures during and following construction.**
 - 3. Consistent with state and federal requirements, allow stream alterations for water supply and flood control projects, road maintenance, maintenance of existing channels, or improvement of fish and wildlife habitat if there are no practical alternatives.**
 - 4. Consistent with state and federal requirements, assure that stream diversion structures protect habitats.**
 - 5. When significant impacts to stream or riparian resources are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. As described in Section 4.3 (*Biological Resources*) of this EIR, riparian habitat is located in the middle to northern portion of the Agriculture Residential Cluster Subdivision site associated with Trout Creek and Tostada Creek (i.e., the unnamed tributary to Trout Creek). As described in Agricultural Residential Cluster Subdivision Impact B-4, construction of the proposed Agricultural Residential Cluster Subdivision would impact wetland and waters of the U.S. regulated by the U.S. Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) and riparian areas regulated by the California Department of Fish and Game (CDFG). Implementation of Agricultural Residential Cluster Subdivision measure B-4(a) (Wetland and Riparian Protection), which includes setback requirements of at least 50 feet from the top of stream banks, erosion control, and other habitat protection measures, would reduce impacts to a less than significant level.

Agriculture Element Policy 29: Wildlife Corridors

- a) Encourage landowners to adopt range and farmland management practices that will not interfere with the migration of wildlife through their properties.**
- b) When evaluating development proposals that require discretionary permits, identify and protect on-site wildlife corridors as part of the CEQA process.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Under the proposed Agricultural Residential Cluster Subdivision, 3,633 acres would be permanently preserved in Agricultural Conservation Easements. Development of the Agricultural Residential Cluster Subdivision would reduce the populations and available habitat of twenty special-status plant and wildlife species and alter the existing wildlife corridors for wildlife movements through the site. As described in Agricultural Residential Cluster Subdivision



Impact B-9, the Agricultural Residential Cluster Subdivision would further reduce the migration corridor for special-status and common wildlife species, which would be a Class II, significant but mitigable, impact. Roads and residential clusters would fragment habitat patches thereby affecting wildlife movements. Barriers to movement are disproportionately greater for small-sized animals, but even large mammal movements are affected by these features. Most of the impact to larger animals results in re-adjustment of home ranges, breeding territories, and foraging habits in response to changes in prey movements. Studies of small mammal movements have shown that the presence of roadways would introduce a source of mortality not currently present on the site, i.e., wildlife-vehicle interactions. However, it should be noted that the design of the residential subdivision contains open spaces that would allow for continued wildlife movement through the site. Implementation of mitigation measures, including minimization of road widths, would reduce impacts to a less than significant level.

Agriculture Element Policy 32: Trail Access to Public Land

- a) **In accordance with the County Trails Plan, access trails shall not conflict with agriculture or environmentally sensitive resources.**
- b) **Provide sufficient policing and maintenance so that trails do not result in trespass or in damage to sensitive resources, crops, livestock, other personal property, or individuals.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The Agricultural Residential Cluster Subdivision includes a trail between the Agricultural Residential Cluster Subdivision west driveway and Estrada Avenue in the community of Santa Margarita. Although the trail would be located on land designated for Agriculture use, it would not pass adjacent to croplands or other environmental sensitive resources. In addition, the proximity of the trail to SR 58 would allow for sufficient policing and maintenance of the trail. Therefore, the Agricultural Residential Cluster Subdivision is potentially consistent with Agriculture Element Policy 32.

Agriculture Element Policy 33: Archaeological and Cultural Sites

- c) **When reviewing discretionary development, protect sensitive archaeological and cultural sites by avoiding disturbance where feasible.**
- d) **If sensitive sites cannot be avoided, mitigate the impact of development to the maximum extent feasible.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. As described in Section 4.4 (*Cultural Resources*), of this EIR, the Santa Margarita Ranch is a rural historic district eligible for the California Register of Historic Resources (CRHR). The proposed Agricultural Residential Cluster Subdivision is located in one of the character-defining areas of the ranch. Development of the proposed residential cluster in this area would substantially diminish the integrity of the design, setting, materials, feeling, and association of this important character-defining area. In addition, implementation of the Agricultural Residential Cluster Subdivision would adversely impact traditional Native American values. This is considered a Class I, significant and unavoidable, impact.



In addition, thirty-two prehistoric and historical archaeological sites and six isolates are located within or immediately adjacent to the Agricultural Residential Cluster Subdivision site. All of these resources contribute to the significance of the Santa Margarita Ranch Rural Historic District and are eligible for the California Register of Historic Resources (CRHR). Recovery of the important information in these sites through excavation would lessen the impacts. However, damage to or destruction of the important associations of these sites, and disruption of their setting and feeling, is a Class I, *significant and unavoidable* impact.

Due to the significant and unavoidable nature of the impacts to sensitive archaeological and cultural sites, the Agricultural Residential Cluster Subdivision is potentially inconsistent with Agriculture Element Policy 33.

Agriculture Element Policy 34: Historical Resources

- a) **When identified by landowners, protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan.**

Agricultural Residential Cluster Subdivision Analysis: *Potentially Inconsistent*. Refer to the Agriculture Element Policy 33 consistency analysis above.

Open Space Element Policy 10: Land Divisions and Development

- a) **Encourage the use of cluster land divisions and cluster development that will locate residential clusters on the least environmentally sensitive portions of the properties.**

Agricultural Residential Cluster Subdivision Analysis: *Potentially Inconsistent*. Refer to Environment Goal 1 consistency analysis above. Although eight of the nine identified biological impacts would be either less than significant or reduced to a less than significant level with mitigation, Agricultural Residential Cluster Subdivision Impact B-3 (impacts to oak woodlands) would be class I, *significant and unavoidable*. Therefore, the Agricultural Residential Cluster Subdivision would be potentially inconsistent with this policy.

Open Space Element Policy 15: Wildlife Corridors

- a) **Public and private development that requires a discretionary permit or proposes a land division shall avoid disturbance of identified key wildlife corridors unless there is no feasible alternative.**
- b) **Where feasible, and where a nexus exists with a proposed project, re-establish important wildlife corridors that may have been damaged or disrupted. Consider re-establishment of wildlife corridors and appropriate mitigation for environmental impacts elsewhere on a project site.**

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent*. Refer to the Agriculture Element Policy 29 consistency analyses above.



Open Space Element Policy 17: Development in Unique or Sensitive Habitat

- a) **On public lands; lands where there are consenting private land owners or land donor; or through the review of proposed land division or discretionary development, require new development and land divisions to protect unique or sensitive habitat through the following:**
 - 1. **Avoid significant impacts on habitat, providing for adjustments where alternatives are infeasible or more environmentally damaging.**
 - 2. **When significant impacts as identified through the CEQA process, the developer or public agency shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.**
 - 4. **Encourage the use of easements or dedications to protect habitat, especially where it is connected to other large areas of unique or sensitive habitat.**
 - 5. **As an alternative to on-site mitigation and habitat protection, consider participation in an established habitat banking or TDC program if the project meets the criteria of the program.**

Agricultural Residential Cluster Subdivision Analysis: *Potentially Inconsistent*. Refer to the Agriculture Element Policy 25 consistency analyses above.

Open Space Element Policy 18: Protection of Streams and Riparian Corridors

- a) **Protect stream and riparian corridors in their natural state on public lands, where there are consenting private land owners or land donors, through the review of proposed land division or discretionary development.**
- b) **Where appropriate, utilize stream and riparian corridors as part of a network of wildlife corridors.**

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent*. Refer to the Agriculture Element Policy 26 consistency analyses above.

Open Space Element Policy 19: Development within Stream Corridors

- a) **On public lands or through the review of proposed land divisions or discretionary development, require projects to protect stream and riparian corridors through the following measures:**
 - 1. **Establish a building setback of a minimum of 50 feet from the bank of the watercourse or outside the dripline of riparian vegetation, whichever distance is greater. Locate buildings and structures outside the setback. Provide for adjustments where alternatives are infeasible or more environmentally damaging, but the setback shall be no less than 30 feet consistent with the requirements of the Regional Water Quality Control Board's Basin Plan.**
 - 2. **Do not grade inside the established setback, unless the applicant provides justification that alternatives are infeasible or more environmentally damaging. When grading is permitted within the setback, require erosion control during construction and habitat restoration subsequent to grading.**
 - 3. **Limit the alteration of riparian vegetation.**



4. Allow stream alterations for water supply and flood control projects, road maintenance, maintenance of existing channels, improvement of fish and wildlife habitat, or no practical alternative is available.
5. Assure that stream diversion structures protect habitats.
6. When no practical alternative to a significant impact to stream or riparian resources exists, the developer or public agency shall implement a county-approved mitigation and monitoring plan that will lessen the impact. The plan shall be prepared and implemented by qualified professionals under funding by the applicant.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent*. Refer to the Agricultural Element Policy 26 consistency analyses above.

Open Space Element Policy 25: Development and Land Divisions within Scenic Corridors

- a) Proposed discretionary development and land divisions within scenic corridors shall address the protection of scenic vistas as follows:
 1. Balance the protection of the scenic resources with the protection of biological resources that may co-exist within the scenic corridor.
 2. Locate structures, roads, and grading on portions of a site that minimize visual impact. Locate structures below prominent ridgelines and hilltops so they are not silhouetted against the sky. Encourage architectural/structural solutions that achieve in the least obtrusive manner the property owner's desire to enjoy scenic views.
 3. Use natural landforms and vegetation to screen development. Where that cannot be done, it is preferred to screen development with native vegetation that is compatible with the scenic resource being protected and does not obstruct public vistas.
 4. Design structures with colors that are taken from the natural landscape.
 5. Minimize the visibility of utilities from public view corridors and place them underground where feasible.
 6. Minimize signs, especially freestanding signs, and locate them so they do not interfere with vistas from scenic corridors. Secure removal of non-conforming signs within scenic corridors as part of the review of discretionary development projects wherever feasible.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent*. Refer to the Circulation Element Goal 9 consistency analyses above.

Open Space Element Policy 27: Recreation Opportunities with Private Development

- a) Ensure that new development provides opportunities for recreation that are commensurate with the level and type of development. Ensure that the recreational uses are compatible with surrounding uses and with sensitive resources that might be present in or adjacent to the recreational use, as outlined in the San Luis Obispo County Trails Policy previously approved by the Board of Supervisors on September 6, 1990.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent*. The applicant is required to pay an in-lieu public open space fee. Payment of in-lieu park fees would result in



funding equivalent to the provision of public parks in accordance with State Quimby Act standards and as required by the County.

Open Space Element Policy 29: Trail Access to Public Lands

- a) **Trail access should not conflict with agriculture or environmentally sensitive resources.**
- b) **Provide sufficient policing and maintenance so that trails do not result in trespass or in damage to sensitive resources, crops, livestock, other personal property, or individuals.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Refer to the Agricultural Element Policy 32 consistency analyses above.

Open Space Element Policy 33: Protection of Archaeological and Cultural Sites

- a) **In consultation with Native Americans and archaeological and conservation organizations, identify significant archeological and cultural sites that should be acquired or otherwise protected.**
- b) **Protect archaeological and culturally-sensitive sites from the effect of discretionary development by avoiding disturbance where feasible.**
 - 1. **If sensitive sites cannot be avoided, mitigate the impact of development to the maximum extent feasible.**
 - 2. **Consult with Native Americans in the design of appropriate mitigations.**
 - 3. **As a last resort, the use of fill to cap sites or the recovery of resources may be permitted.**
- c) **Encourage acquisition by public agencies, historical, or conservation organizations of the most important archaeological and cultural sites from willing sellers.**
- d) **Protect sensitive sites from vandalism and unauthorized collection of artifacts by educating the public as well as land owners about the importance of such sites by admonishing or prosecuting violators, as described in chapter five of the LUO and CZLUO.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. Refer to the Agricultural Element Policy 33 consistency analyses above.

Open Space Element Policy 34: Historical Resources

- a) **Protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan.**

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. Refer to the Agricultural Element Policy 33 consistency analyses above.

9.0 County Trails Plan

The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable County Trails Plan policies is described in the paragraphs below.



County Trails Plan Policy A: To route public trails over public lands whenever possible, using the specific physical/operational criteria listed in Category II as a general means of prioritizing development. Where public lands are not available, or where significant environmental or economic impacts are identified, routing across private property may be considered in the following instances:

1. As funds are available, across those lands where a willing-seller has been identified; provided that sufficient funds are available for on-going maintenance and the assumption of liability responsibility and insurance for as long as the public trail shall exist.
2. As a condition of approval in conjunction with a significant development proposal or subdivision, excluding lands which remain in active agricultural production, provided it can be clearly shown that the easement dedication being sought is in balance with the level of development being proposed.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent.* The Agricultural Residential Cluster Subdivision includes a trail between the Agricultural Residential Cluster Subdivision west driveway and Estrada Avenue in the community of Santa Margarita. The proposed Agricultural Residential Cluster Subdivision trail is consistent with the County Trails Plan because it provides a trail for County residents.

County Trails Plan Policy B: To fully indemnify, protect and hold harmless (including all costs and attorney's fees) private property owners who dedicate or grant a public trails easement from, and against, those risks and damages which arise out of the usage of the trail easement by the public and which, in good conscience, should not be borne by the private property owner.

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent.* Refer to County Trails Plan Policy A consistency analysis above.

County Trails Plan Policy C: To assure that if, for any reason, the public trail easement is abandoned, or if the liability acceptance is discontinued, the trail easement shall revert to underlying property owner(s).

Agricultural Residential Cluster Subdivision Analysis: *Potentially Consistent.* Refer to County Trails Plan Policy A consistency analysis above.

10.0 County Parks and Recreation Master Plan

The consistency of the proposed Agricultural Residential Cluster Subdivision with the applicable County Parks and Recreation Master Plan goals and objectives is described in the paragraphs below.

County Parks and Recreation Master Plan Goal: To provide an adequate supply of local and regional parks to all San Luis Obispo County Residents.



Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Based on the County's standard factor of 2.7 persons per dwelling unit, the 112-unit Agricultural Residential Cluster Subdivision development would be expected to generate an additional 302 residents. Based on the County standard of 3 acres of parkland and open space per 1,000 residents, the project would generate a need for 0.9 acres of parkland.

The applicant is required to pay an in-lieu parks fee. Payment of in-lieu park fees would result in funding equivalent to the provision of public parks in accordance with State Quimby Act standards and as required by the County. Following payment of Quimby Act park fees, the Agricultural Residential Cluster Subdivision would result in a less than significant impact.

County Parks and Recreation Master Plan Objective 1: To provide an adequate supply and equitable geographic distribution of regional and local-serving parks based on the existing and projected distribution of the County's population.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Refer to County Parks and Recreation Master Plan Goal consistency analysis above.

County Parks and Recreation Master Plan Objective 2: To use the park and recreation and open space standards recommended by the National Recreation and Park Association (NRPA) as a goal for establishing the need for additional parklands and facilities.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. Refer to County Parks and Recreation Master Plan Goal consistency analysis above.

11.0 Los Padres National Forest Land Management Plan, Part 3

The Los Padres National Forest Land Management Plan contains no planning standards that apply to the proposed Agricultural Residential Cluster Subdivision.

12.0 Salinas River Area Plan

The Salinas River Planning Area is bordered by Los Padres National Forest to the north and east, Santa Barbara County to the south, and the range of hills (Newsom and Temattate Ridges) that separate Huasna Valley from Nipomo Valley on the west. The entire Agricultural Residential Cluster Subdivision area is located within the Salinas River Planning Area. In addition to the countywide goals, the Salinas River Area Plan includes several goals that would be applicable to the proposed Agricultural Residential Cluster Subdivision. The Agricultural Residential Cluster Subdivision's consistency with these goals is evaluated in the paragraphs below.

Salinas River Area Plan Goal 5: Encourage agriculture as an economic entity for its secondary benefit of maintenance of rural character.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The Agricultural Residential Cluster Subdivision includes 3,633 acres of permanent agricultural conservation easements (ACE's) applied to the areas designated within the proposed tract map. The ACE's provide for the protection of the existing and future on-site agricultural resources and operations, as well as ongoing recreation and natural resource protection activities. The



applicant proposes that the ACE's be included in the Santa Margarita Preserve, a non-profit conservation entity that, in combination with other non-profit agencies such as the California Rangeland Trust, will hold the ACE's and provide funding for operation and management oversight.

Salinas River Area Plan Goal 6: Encourage the retention of historical character and heritage.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. As described in Section 4.4 (*Cultural Resources*), of this EIR, the Santa Margarita Ranch is a rural historic district eligible for the California Register of Historic Resources (CRHR). The proposed Agricultural Residential Cluster Subdivision is located in one of the character-defining areas of the ranch. Development of the proposed residential cluster in this area would substantially diminish the integrity of the design, setting, materials, feeling, and association of this important character-defining area. In addition, implementation of the Agricultural Residential Cluster Subdivision would adversely impact traditional Native American values. This is considered a Class I, significant and unavoidable, impact. The Agricultural Residential Cluster Subdivision is therefore potentially inconsistent with Salinas River Area Plan Goal 6.

Salinas River Area Plan Goal 9: Provide for local circulation that supports transportation needs in the north county.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The EIR identifies significant and unavoidable impacts to transportation (refer to Section 4.12) due to uncertainty regarding timing and availability of public infrastructure improvements, including Highway 101/SR 58 interchange improvements. Although this is a Class I impact, the applicant is required to pay fair share fees to implement these improvements prior to implementation of the Agricultural Residential Cluster Subdivision, and development could not occur without adequate public facilities. In addition, the Agricultural Residential Cluster Subdivision would be consistent with the existing General Plan designation for the site. As a result, public facilities impacts associated with the proposed Agricultural Residential Cluster Subdivision have been anticipated in the General Plan and General Plan EIR. Therefore, the proposed Agricultural Residential Cluster Subdivision would help provide local circulation that supports transportation needs in the north county.

Salinas River Area Plan Goal 11: The amount and pace of growth should be moderated as needed to maintain a high quality environment by using the Resource Management System and a series of cooperative decisions among the county and the various cities.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The Agricultural Residential Cluster Subdivision area is designated as Agriculture in the County General Plan. With this land use designation, an agricultural cluster subdivision in the density proposed on the site would be allowable under County ordinance. The proposed level of development may also be considered consistent with the long-term growth projections inherent in the County's General Plan.

Salinas River Area Plan Goal 12: Preserve or minimize impacts to important native habitats, such as significant stands of oak woodlands, riparian vegetation and important wildlife corridors.



Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. As described in Agricultural Residential Cluster Subdivision Impact B-1, development of the Agricultural Residential Cluster Subdivision would result in the conversion of the common habitat types California Annual Grassland, Central (Lucian) Coastal Scrub, and Chamise Chaparral to residential uses and associated improvements, which would be considered a less than significant impact. In addition, as described in Agricultural Residential Cluster Subdivision Impact B-2, construction of the proposed Agricultural Residential Cluster Subdivision would result in direct impacts to Valley Needlegrass Grassland and Valley Oak Woodland, which are CDFG Plant Communities of Special Concern, which is a significant but mitigable impact. Additionally, as described in Agricultural Residential Cluster Subdivision Impact B-3, the proposed Agriculture Residential Cluster Subdivision would result in the removal of an estimated 200 to 400 blue oak, coast live oak, and valley oak trees within the Blue Oak Woodland, Coast live Oak Woodland, Valley Oak Woodland, Valley Needlegrass Grassland, and California Annual Grassland habitats on the site. In the short term, oak trees that are removed can be replaced, but the quality of their habitat values will not be the same until the new trees mature, the timeframe of which cannot be accurately determined. Thus, impacts to oak woodlands are Class I, *significant and unavoidable*. Implementation of Agricultural Residential Cluster Subdivision measures B-3(a), (Tree Identification), B-3(b) (Heritage Oak Tree Avoidance) and B-3(c) (Oak Tree Protection and Mitigation and Monitoring Plan) would reduce impacts to oak trees and oak woodland habitat to the extent feasible. However, in the short term, impacts to oak trees and oak woodland habitats cannot be mitigated, because of the length of time required for replacement trees to reach maturity and have a similar habitat values as those that are replaced.

Refer to the Agriculture Element Policy 29 consistency analysis above for a discussion of the Agricultural Residential Cluster Subdivision's significant but mitigable impacts on wildlife corridors.

Although impacts to common habitat types, CDFG Plant Communities of Special Concern, and wildlife corridors would be either less than significant or less than significant after mitigation, Agricultural Residential Cluster Subdivision Impact B-3 (impacts to oak woodlands) would be class I, *significant and unavoidable*. Therefore, the Agricultural Residential Cluster Subdivision would be potentially inconsistent with this policy.

In addition to Plan Area-wide goals, the Salinas River Area Plan identifies issues and opportunities for avoiding or solving problems through the use of the land use category maps, community programs and planning area standards in the Land Use Ordinance. The Agricultural Residential Cluster Subdivision's consistency with this vision is described in the paragraphs below.

Rural Area Land Use, Agriculture, Santa Margarita Ranch: The parcels in this ownership are not sized or designed in an optimal way to achieve the best agricultural use of the property. An agricultural cluster land division that would re-organize the parcels is preferred instead of a continuation of the current lot pattern and possible sale of individual parcels. An alternative is to prepare a specific plan to amend the Agriculture category for some increase in development capability. The purpose of a specific plan would be to provide an incentive to relocate the existing parcels to form more viable agricultural parcels.



Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. Refer to Agriculture Element Policy 22 consistency analysis. The Agricultural Residential Cluster Subdivision would be potentially inconsistent with the Salinas River Area Plan, Rural Area Land Use, Agriculture, Santa Margarita Ranch vision.

13.0 Las Pilitas Area Plan

The Las Pilitas Area Plan contains no planning standards that apply to the proposed Agricultural Residential Cluster Subdivision.

14.0 Los Padres Area Plan

The Las Padres Area Plan contains no planning standards that apply to the proposed Agricultural Residential Cluster Subdivision.

15.0 County Land Use Ordinance

The County Land Use Ordinance establishes development and performance standards for new or expanded development. The proposed Agricultural Residential Cluster Subdivision includes new development required to adhere to the standards within the Ordinance that pertain to new structures or uses. In addition, performance standards for grading, flooding, geologic hazards, archaeologically sensitive areas, energy and extractive resource areas, local coastal program areas, and Historic Sites are applicable.

Section 22.22.150 allows clustered residential development on large parcels while the agricultural uses are preserved and enhanced.

Agricultural Residential Cluster Subdivision Analysis: Potentially Inconsistent. The ordinance states that a Major Agricultural Cluster project could result in a maximum parcel bonus of 100% over a conventional land division. Since the site could support up to 56 units (two units on each of the 28 site parcels) with a conventional land division, the 112 proposed Agricultural Residential Cluster Subdivision units would represent a 100% increase, consistent with this requirement. The proposed Agricultural Residential Cluster Subdivision also satisfies other applicable requirements of the ordinance, such as not locating residential clusters on Williamson Act lands, and preparation of a CEQA environmental review document (i.e., this EIR) to address environmental impacts.

However, the ordinance requires long-term preservation of agricultural resources, and design of a project to: avoid and buffer prime soils areas; avoid placement of roads and structures on any environmentally sensitive habitat areas; minimize impacts of non-agricultural structures and roads on public views; cluster proposed structures to the maximum extent feasible to maintain the rural character of the area; and minimize risks to life and property due to geologic, flood, and fire hazard and soil erosion. In addition, the ordinance requires the project to not result in agricultural land use compatibility conflicts and to provide adequate water and all necessary services to both the proposed residences and agricultural operations on the site and in the vicinity. The Agricultural Residential Cluster Subdivision would permanently convert 5 acres containing prime soils to non-agricultural uses and would permanently compromise the sustainability of a 676.7-acre grazing unit. Therefore, impacts related to agricultural conversion



would be Class I, *significant and unavoidable*. The proposed Agricultural Residential Cluster Subdivision would also locate lots in environmentally sensitive oak woodland habitat areas, resulting in Class I, *significant and unavoidable*, impacts to habitat. In addition, the proposed Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to alteration of the scenic character of the site as viewed from public viewpoints. Additionally, the Agricultural Residential Cluster Subdivision would result in Class I, *significant and unavoidable*, impacts related to the provision of adequate water supply for the residential uses in combination with ongoing agricultural uses. As a result, the proposed Agricultural Residential Cluster Subdivision is potentially inconsistent with Section 22.22.150.

Sections 22.108.030 Combining designations describe standards that apply to property within the designated flood hazard, geologic study area, historic site, and sensitive resource areas.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The proposed Agricultural Residential Cluster Subdivision development area is not located within a combining designation area. Therefore, combining designation standards do not apply to the proposed Agricultural Residential Cluster Subdivision.

Sections 22.25.010 through 22.25.140 include standards for a grading plan, drainage plan, and erosion and sedimentation control plan required.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The Agricultural Residential Cluster Subdivision applicant would be required to prepare and receive approval of the proposed Agricultural Residential Cluster Subdivision's grading plan, drainage plan, and erosion and sedimentation control plan, which is consistent with the requirements described in standards of Sections 22.25.010 through 22.25.140.

Section 22.54.020 through 22.54.030 includes standards for adequate site access, driveway, curbs, gutters and sidewalks requirements for all projects that are subject to land use or construction permit approval.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. As discussed in Section 4.10 (*Public Services*) of this EIR, the Agricultural Residential Cluster Subdivision applicant would be required to comply with the most recent Uniform Fire Code and implement County fire protection standards as a condition of Agricultural Residential Cluster Subdivision approval. The design of the driveways, curbs, gutters and sidewalks would need to meet County standards which would ensure adequate access to the site. With the implementation of Agricultural Residential Cluster Subdivision mitigation measure T-2(a), which requires relocation of the west driveway to allow adequate stopping site distances, adequate access would be provided. This would be consistent with the requirements described in standards of Section 22.54.020 through 22.54.030.

Section 22.50.030 enables a fire protection agency that has jurisdiction over a proposed site to evaluate the adequacy of proposed fire protection measures.

Agricultural Residential Cluster Subdivision Analysis: Potentially Consistent. The proposed Agricultural Residential Cluster Subdivision will be reviewed by the San Luis Obispo County

