



NOTICE OF PREPARATION – DRAFT ENVIRONMENTAL IMPACT REPORT

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
Promoting the Wise Use of Land • Helping to Build Great Communities

DATE: February 15, 2011

TO: Interested Parties

FROM: Department of Planning and Building
976 Osos St., Rm 300
San Luis Obispo, CA 93408-2040

PROJECT TITLE: **Estrella River Vineyard Agricultural Cluster Subdivision**
Vesting Tentative Tract 2905
Conditional Use Permit SUB2006-00138
Environmental Determination ED10-109

PROJECT APPLICANT: **Estrella River Vineyard, LLC**
Agent: Jamie Kirk, Kirk Consulting

RESPONSES DUE BY: **March 17, 2011**

The County of San Luis Obispo will be the Lead Agency and will prepare an Environmental Impact Report for the above-referenced project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the Environmental Impact Report prepared by our agency when considering your permit or other approval for the project.

PLEASE provide us the following information at your earliest convenience, but not later than the 30-day comment period, which began with your agency's receipt of the Notice of Preparation (NOP).

1. NAME OF CONTACT PERSON. (Address, e-mail and telephone number)
2. PERMIT(S) or APPROVAL(S) AUTHORITY. Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. ENVIRONMENTAL INFORMATION. What environmental information must be addressed in the Environmental Impact Report to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. PERMIT STIPULATIONS/CONDITIONS. Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there others that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.
5. ALTERNATIVES. What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed above?

6. REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS. Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.
7. RELEVANT INFORMATION. Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the Environmental Impact Report. Reference to and/or inclusion of such documents in an electronic format would be appreciated.
8. FURTHER COMMENTS. Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

The project description, location, and the probable environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response to **Michael Conger** at the address shown above. As requested above, we will need the name for a contact person in your agency.

Signature _____
Project Manager
Telephone: (805) 781-5136

Reference: California Administrative Code, Title 14, Section 15082



Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
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Project Title & No. Estrella River Vineyard Cluster Subdivision Vesting Tentative Tract Map ED10-109 (SUB2006-00138 TR2905)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input checked="" type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by (Print)	Signature	Date
	Ellen Carroll, Environmental Coordinator	
Reviewed by (Print)	Signature (for)	Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Estrella River Vineyard, LLC for a Vesting Tentative Tract Map (Tract 2905) and a Conditional Use Permit to allow the subdivision of a 562-acre property (consisting of five legal parcels) into an agricultural cluster development composed of 18 residential cluster parcels and one agricultural parcel. The cluster parcels vary in size from one acre to 3.18 acres. The agricultural parcel is approximately 537 acres in size and would be preserved in perpetuity through an agricultural/open space easement, and will be placed under an agricultural preserve contact. A 2.5-acre development envelope for future agricultural processing uses and a 2.5-acre development envelope for a future ranch headquarters, which will include ranch support structures and farm support quarters, are proposed to be located on the agricultural parcel. The approximate area of disturbance for future residential development would be 24.92 acres; in addition, the area of disturbance to accommodate new internal access roads and other infrastructure is estimated to total approximately 2.89 acres. Total site disturbance for infrastructure improvements is approximately 13.3 acres. Upgrades to the roadways would require approximately 12,500 cubic yards of cut and 10,000 cubic yards of fill. Approximately 2,500 cubic yards of excess fill may be exported offsite. The total area of disturbance would be approximately 38 acres.

The project site is located on the south side of Estrella Road, approximately 1.2 miles east of Jardine Road. The site is immediately adjacent to the Jardine Tract and the Urban Reserve Line for the City of Paso Robles. The site is within the Agriculture land use category, and is within the El Pomar-Estrella planning area.

This project is a Vesting Tentative Tract Map and was accepted for processing on August 5, 2009. Pursuant to Section 66474.2(a) of the Subdivision Map Act (California Government Code), this project is being processed for compliance with those ordinances, policies, and standards in effect at that time. Ordinances, policies, and standards adopted since that time may only be applied if the County has initiated proceedings and published notices as required by Section 66474.2 (b) of the Subdivision Map Act.

Water and Wastewater. Water supply would be provided by on-site wells, and a new private water company would be formed to provide water service to the residential parcels. There are five wells onsite, including two active irrigation wells (Well #1 and #2), one inactive domestic well (Well #3), and two abandoned wells. An additional well is proposed within the southern portion of the property. Two 30-foot diameter, 70,000-gallon water storage tanks and a pump

house would be located immediately south of the proposed residential cluster. Two unlined reservoirs are located onsite (10.2 acres total). Each residential lot would be served by an individual septic system.

Water Conservation. The applicant proposes to include water conservation measures in the project description, including: limiting irrigated residential landscaping to 5,000 square feet and turf area to 500 square feet; reducing agricultural water use by implementing capital improvement projects specific to agricultural production; and/or funding or implementation of municipal and private water conservation projects within the City of Paso Robles. The applicant's intent of the off-site water conservation measures is to off-set the residential water demand of the project. The applicant's intent of the on-site water conservation measures is to reduce the amount of water that is currently being applied to the agricultural crops.

Roads and Access. Existing internal agricultural roads would be improved to serve the project, including a primary and secondary access road. Both roads would be improved to meet CAL FIRE all-weather standards. The primary access road would be improved with asphalt concrete paving, and the secondary access road would be improved with aggregate base (sections over 12 percent slope would be paved). The roads would be jointly used by the residential and agricultural uses. Off-site road improvements to Estrella Road would be required as a condition of the tract.

Drainage Infrastructure. There is one existing road culvert near an existing reservoir onsite; this culvert would be replaced with a new culvert. A large road culvert, box culvert, or bridge would be installed at the creek crossing south of the proposed residential cluster. New culverts would be constructed to manage a 100-year rainfall event.

The topography is generally level to gently sloping; areas adjacent to drainages and the Estrella River are moderately to steeply sloping. The project site supports 351 acres of agricultural production, including 229.2 acres of irrigated vineyards, 41.86 acres of irrigated blueberries, and seasonal planting of 80 acres of organic spinach. Existing development includes agricultural accessory structures and agriculture-related infrastructure, including roads, irrigation systems, electric utilities, and water tanks. The applicant proposes agricultural buffers on the residential parcels ranging from 200 to 250 linear feet.

Water Resources Policy Background Summary

The project site is located within the Paso Robles Groundwater Basin, which has been the subject of several studies including: *Final Report-Paso Robles Groundwater Basin Study* (Fugro West; August 2002); *Update for the Paso Robles Groundwater Basin* (Todd Engineers; December 2007); *Resource Capacity Study: Water Supply in the Paso Robles Groundwater Basin* (San Luis Obispo County; February 2008); and, *Evaluation of Paso Robles Groundwater Basin Pumping* (Todd Engineers; May 2009). The most recent resource capacity study (Fugro; 2010) suggests a potential for overdraft (i.e. reaching perennial yield) to occur in the aquifer within the next decade, and further studies are recommended. On February 1, 2011, the San Luis Obispo County Board of Supervisors certified a Level of Severity (LOS) III for the Paso Robles Groundwater Basin and directed staff to pursue the recommendations identified in the Resource Capacity Study. An LOS III is defined as occurring when:

Water demand equals the available resource; the amount of consumption has reached the dependable supply of the resource. A Level III may also exist if the time required to correct the problem is longer than the time available before the dependable supply is reached.

The applicant submitted materials in support of the project, including: *Water Adequacy Assessment (Cleath-Harris Geologists, Inc.; July 27, 2009)*, *Estrella River Vineyard Project: On-Site Water Conservation and Agricultural Resource Impacts (Strickland; November 10, 2009)*, *On-site Water Mitigation Proposal (Kirk Consulting; November 11, 2009)*, *Review of Proposed Estrella River Vineyard Agricultural Cluster (Luhdorff and Scalmanini Consulting Engineers; March 22, 2010)*, and *Water Supply and Mitigation Measures Proposed Estrella River Vineyard Agricultural Cluster (Luhdorff and Scalmanini Consulting Engineers; May 10, 2010)*. This documentation includes a description of applicant-provided on and off-site water conservation measures, which would be incorporated into the project, including: reduced agricultural water use; and municipal and private water conservation measures within the City of Paso Robles. The applicant had previously proposed direct connection to Nacimiento water as a means to offset project water use, but this is no longer part of the project.

Approval of an agricultural cluster requires the decision-making body to make a finding that:

The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity (Section 22.22.150B.5.d).

Upon review of the evidence and documentation in the record, staff was unable prepare a supportive argument for the agricultural cluster finding stated above. Therefore, the proposed project was presented to the Planning Commission on May 13, 2010 with a staff-recommendation for denial based on the following reasons:

1. Groundwater pumping in the Paso Robles Groundwater Basin is expected to exceed perennial yield in the near future, resulting in overdraft conditions. The long-term sustainability of water resources in the Paso Robles Groundwater Basin is uncertain at best.
2. The project site lies within an “area of concern” (referred to in the report as a “cone of depression”) which has seen a continuous decline in water levels over the last decade.
3. The project would result in a net increase in water usage.
4. Mitigation proposed to offset net water usage is infeasible.

Staff also recommended that the Commission may consider completion of an EIR, due the fair argument that the project would result in a potentially significant impact. The Planning Commission considered evidence in the record, staff’s recommendation, and the applicant’s testimony, and directed staff to prepare an EIR for the project.

ASSESSOR PARCEL NUMBER(S): 015-014-001 through 015-014-009

Latitude: 35° 40.842’N Longitude: 120° 35.020’W

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: El Pomar/Estrella, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Airport Review, Flood Hazard

EXISTING USES: Agricultural uses, accessory structures, vineyards, blueberries, spinach

TOPOGRAPHY: Gently sloping to moderately sloping

VEGETATION: Grasses , oak savannah

PARCEL SIZE: Five parcels totaling 562 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; crop production	<i>East:</i> Agriculture; crop production
<i>South:</i> Agriculture; crop production	<i>West:</i> Residential Suburban; single-family residence(s)

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1. AESTHETICS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located on the southern side of Estrella Road, east of the City of Paso Robles. The area is characterized by agricultural production crops and facilities, wineries and tasting rooms, and residential development. The topography of the area consists of gently to moderately sloping hills and valleys cut by creeks and drainages, including the Estrella River. Naturally-occurring vegetation includes grasses, forbs, oak woodland, and individual oak trees. Public roadways in the area include Highway 46, Jardine Road, and Estrella Road.

The project site consists of gently rolling topography divided by drainage swales. Unpaved agricultural roads provide access to agricultural crops, including vineyards, blueberries, and spinach. Agricultural structures are present onsite. The primary access road, extending from Estrella Road, is gated. Adjacent development includes the Jardine residential subdivision to the immediate west. The project site is not located within a combining designation overlay for protection of scenic resources (i.e., Sensitive Resource Area, Highway Corridor Design Standards).

The *San Luis Obispo County Design Guidelines* document consists of “design objectives, guidelines and examples that will help retain and enhance the unique character of the unincorporated communities and rural areas of San Luis Obispo County”. The following design objectives apply to the project site:

RU-1 New residential subdivisions should locate building envelopes where the visibility of new buildings from public roadways and adjoining properties will be minimized.

RU-2: Building form and roof design should further enhance the rural character of the area.

- a. Building styles. Building styles or forms that 1) appear to mimic the surrounding topography, or, 2) evoke the traditional farm or ranch house style are highly encouraged. Box-like or square buildings that have little relation to the surrounding topography or historic use of the area are discouraged.
- b. Roof design. Hip roofs and staggered or overlapping roofs are encouraged as a means to blend the building into the surrounding landscape.

RU-6: Water tanks should be located or painted to reduce their visibility.

RU-7: Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

Impact. The applicant proposes to subdivide the project site into 18 residential cluster parcels and one agricultural parcel. A building envelope is proposed on each residential parcel, and each lot would be individually sold and developed. Additional improvements include a primary and secondary access road, two 30-foot diameter water tanks and a pump station, a 2.5-acre site for a future agricultural processing use, and a 2.5-acre site for a future ranch headquarters. The area proposed for development is located approximately one mile north of Highway 46, and immediately east of the Jardine residential subdivision. Based on preliminary field review, the proposed development would not be visible from Highway 46 due to distance and intervening topography and development. Proposed development and infrastructure improvements would be visible from Estrella Road; however, intervening topography would likely dominate the viewshed and shield the residential development as seen from various locations along the roadway.

Based on the proposed location of the project, the residential development and associated improvements would likely be consistent with the adjacent development and character of the area. Long-term impacts may occur due to grading and site disturbance, structural silhouetting (as seen from public roads), and design features inconsistent with the overall agricultural character of the area.

Mitigation/Action Required. The EIR shall include an evaluation of potential impacts to visual resources. The analysis shall determine if public views (i.e., views from public roadways) of the project site would be significantly impacted by the proposed project, including the residential development, ranch headquarters, agriculture processing site, and related infrastructure. The analysis shall include the following:

1. Establish the existing visual character of the area, identify key viewing areas (KVAs) from public view corridors, provide photo-documentation, and explanation why proposed KVAs provide a reasonable representation of the aesthetic baseline.
2. **As an optional task** (to be authorized by the County), provide accurate and verifiable photo-simulations and an accompanying written analysis of impacts as they relate to relevant policies, standards, and thresholds of significance.
3. Identify feasible mitigation measures. In addition to consistency with the County Design Standards identified above, measures may include, but not be limited to: restoration of disturbed soils, site-specific design standards for structural development, landscaping, and lighting, and incorporation of these measures into tract Conditions, Covenants, and Restrictions (CC&Rs).

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Wine grapes, blueberries, organic spinach

State Classification: Prime Farmland (if irrigated); Farmland of Statewide Importance; not Prime Farmland

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Arbuckle fine sandy loam, (0 - 2% slope). This nearly level soil is considered well drained. The soil has slight erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class 4 without irrigation and Class 1 when irrigated.

Arbuckle-Positas complex, (9 - 15 % slope). This moderately sloping soil is considered well drained. The soil has slight to severe erodibility and moderate to high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class 4 without irrigation and Class 4 when irrigated.

Arbuckle-Positas complex, (30 - 50 % slope). This steeply to very steeply sloping soil is considered well drained. The soil has severe erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes and slow percolation. The soil is considered Class 7 without irrigation and Class 7 when irrigated.

Arbuckle-Positas complex, (50 - 75 % slope). This very steeply sloping soil is considered well drained. The soil has very severe erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes and slow percolation. The soil is considered Class 7 without irrigation and Class 7 when irrigated.

Arbuckle-San Ysidro complex, (2 - 9% slope). This gently sloping soil is considered well to moderately well drained. The soil has slight to moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class 4 without irrigation and Class 3 when irrigated.

Ayar and Diablo soils, (15 - 30 % slope). This moderately to steeply sloping soil is considered well drained. The soil has moderate to severe erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to

bedrock, and slow percolation. The soil is considered Class 4 without irrigation and Class 4 when irrigated.

Cropley clay, (2 - 9% slope). This gently sloping soil is considered moderately well drained. The soil has slight to moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class 4 without irrigation and Class 2 when irrigated.

Nacimiento-Los Osos complex, (9 - 30 % slope). This moderately to steeply sloping soil is considered well drained. The soil has moderate to severe erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class 4 without irrigation and Class 4 when irrigated.

San Ysidro loam, (0 - 2% slope). This nearly level soil is considered well drained. The soil has slight erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class 4 without irrigation and Class 3 when irrigated.

Still clay loam, (0 - 2% slope). This nearly level soil is considered well drained. The soil has slight erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class 4 without irrigation and Class 1 when irrigated.

The project site is located within the Agriculture land use category. The project site consists of five legal parcels totaling 562 acres. The project site supports 351 acres of agricultural production, including 229.2 planted acres of irrigated vineyards, 41.86 acres of irrigated blueberries, and seasonal planting of 80 acres of organic spinach. Existing development includes agricultural accessory structures and agriculture-related infrastructure, including roads, irrigation systems, electric utilities, and water tanks. The project site is not under a Williamson Act contract or within an agricultural preserve. Several properties to north and south are under agricultural preserves.

Impact. The applicant proposes an agricultural cluster including 18 clustered lots and one agricultural parcel. The residential density was determined based on the "land capability test" identified in LUO Section 22.22.040.C, which states that the minimum parcel size for new parcels shall be based on the Natural Resources Conservation Service (NRCS) classification. Pursuant to LUO Section 22.22.150, the agricultural parcels would be placed under agricultural preserves upon approval of the agricultural cluster. The residential lots and ranch support headquarters would be located within an area supporting grassland. Proposed agricultural buffers would range from 200 to 250 linear feet. The proposed 2.5-acre agriculture processing use would be located within an area currently supporting irrigated vineyards. Proposed primary and secondary access roads would traverse areas under agricultural production, including vineyards, spinach, and blueberries.

The applicant proposes to use onsite wells and establish a private water company to supply water for the proposed project. Upon initial review of the project, County staff requested technical documentation verifying adequate water supply to serve existing and future agricultural production and the proposed project. Technical reports submitted by the applicant in support of the project include: *Water Adequacy Assessment* (Cleath-Harris Geologists, Inc.; July 27, 2009); *Estrella River Vineyard Project: On-Site Water Conservation and Agricultural Resource Impacts* (Strickland; November 10, 2009); *On-site Water Mitigation Proposal* (Kirk Consulting; November 11, 2009); *Review of Proposed Estrella River Vineyard Agricultural Cluster* (Luhdorff and Scalmanini Consulting Engineers; March 22, 2010); and, *Water Supply and Mitigation Measures Proposed Estrella River Vineyard Agricultural Cluster* (Luhdorff and Scalmanini Consulting Engineers; May 10, 2010).

The Cleath-Harris report noted that the long-term existing demands of water uses in the Estrella area do not appear sustainable, and concluded that with implementation of appropriate water conservation measures, the project would have no increased adverse impact on the groundwater basin, compared

to the current condition. On-site mitigation measures proposed by the applicant include: implementation, verification, and monitoring of best management practices (BMPs) resulting in at least 0.23 acre-feet per acre (af/acre) of water conservation; placement of a deed restriction to encourage the highest and best use of the property for low water use permanent crops; and, capital improvements to irrigation systems and other agricultural practices (Kirk Consulting; November 11, 2009). The applicant has also proposed off-site measures, including provision of funds towards City of Paso Robles municipal and private user water conservation projects (Kirk Consulting; January 29, 2010).

Upon review of the project, technical reports, and mitigation proposed by the applicant, the County Agriculture Department (Michael Isensee; February 24, 2010 and September 3, 2010) identified several potentially significant issues, which are summarized below.

Farmland Conversion. While the project would protect the majority of the site, it would also lead to farmland conversion including the direct conversion of the area of the residential parcels, access road network to serve the residences, and proposed water tanks. The amount of conversion would equate to roughly 5 percent of the site area, which is allowable under ordinance and general plan policies relative to agricultural cluster subdivisions. The Department would consider this level of conversion to be potentially significant for non-agricultural development.

Water Resources. Implementation of the project would dedicate a portion of groundwater resources currently used for agricultural uses to residential development in a part of the Paso Robles Groundwater Basin where current extractions are potentially not sustainable. This increase in non-agricultural water use (approximately 30.6 acre-feet per year) is considered large since the existing physical conditions of the site do not include non-agricultural water use.

The Department supports and encourages voluntary agricultural water conservation. Measures proposed by the applicant, which limit agricultural water use as mitigation for the increase in non-agricultural water use are not supported because the County felt these measures would lack enforceability and are potentially in conflict with Agriculture Element Policy 11. The Department notes applicant-proposed BMPs would require the current and any future agricultural producer on the project site to implement and maintain practices to ensure that water use does not exceed a certain level, and would require the County to monitor and enforce conditions preventing the grower from exceeding a certain level of water consumption. Off-site mitigation will need to be enforceable with adequate implementation to enforce the ongoing resulting water conservation savings.

Policy and Ordinance Consistency. Since the project site is located in the Paso Robles Groundwater Basin and the Estrella Area of Concern, the project appears to be inconsistent with the following Conservation Element (1974) policies: Groundwater Management 4, Groundwater Management 5, and Groundwater Management 9. Additionally, there are potential conflicts with the recently adopted 2010 Conservation and Open Space Element (COSE) policies WR 1-13 and WR 1-14, although these policies will only apply to the project if the procedural requirements in Section 66474.2(b) of the California Government Code have been fulfilled. Locating a well to serve the residents on a parcel protected for permanent agricultural uses may run counter to 1974 Conservation Element Groundwater Management Policy 9 and 2010 COSE policy WR 1-7. In addition, the Department finds that the project may be inconsistent with County Agriculture Element Policy 11 (Agricultural Water Supplies), and the evidence in the record does not support mandatory findings for approval of an agriculture cluster subdivision pursuant to LUO Sections 22.22.150.B.5(a) and 22.22.150.B.5 (d).

Land Use Compatibility. Potential land use incompatibility issues may occur due to the generation of dust, noise, soil erosion and sedimentation, and road access conflicts.

Mitigation/Action Required. The EIR shall include a description of the existing setting and applicable agriculture policies and ordinances. Impacts to productive agricultural soils, existing and

future agricultural uses; incompatibility conflicts between agricultural and non-agricultural land uses; ordinance and policy consistency, and cumulative agriculture resource impacts shall be evaluated in the EIR. Consultation with the County Agriculture Department is required to assist in identifying and quantifying impacts from the proposed project and identifying feasible mitigation measures. The EIR analysis shall include the following:

1. Peer review of technical documentation provided by the applicant, and an assessment of potential on and off-site mitigation measures proposed by the applicant, including how measures would be monitored and enforced in the long-term, and quantification of water use upon implementation of conservation and mitigation measures (refer to Water section of this Initial Study).
2. Summary of historical agricultural production on the project site, including the date the existing crops were established and the amount of water needed currently to support the crops; determination of the estimated amount of water needed to sustain future crops; and, description of the current and proposed water supply system.
3. Quantification of temporary and permanent impacts to farmland from the project, including structural development, improvement and use of primary and secondary access roads, water supply and drainage infrastructure; and utility installation.
4. Identification of short and long-term, project specific and cumulative impacts to agricultural production, both on and off-site, as a result of proposed water use and applicant-proposed water conservation mitigation measures.
5. Identification of additional mitigation measures necessary to avoid or minimize identified significant impacts. Mitigation shall consider the following measures to minimize land use conflicts:
 - a. Agricultural noise and dust: Include methods such as additional insulation and mechanical ventilation in order to reduce interior noise or dust from adjoining agricultural operations.
 - b. Residential runoff: Maintain all residential runoff on the residential parcels to avoid erosion or sedimentation on adjoining farmland.
 - c. Roads: If any of the proposed access roads for the residences are to be unpaved, adequate measures to avoid any dust impacts to agricultural crops needs to be evaluated.
 - d. Road maintenance: Require all road maintenance of paved residential access roads, including any associated gates, drainage basins, culverts or other road-related improvements, to be the sole responsibility of the residential property owners.
 - e. Road runoff: Address road runoff in a manner that results in recharge and does not affect agricultural lands.
 - f. Trespass, vandalism and liability: Include fencing on all residential parcels that is of an adequate height and design to preclude the movement of people or pets onto adjoining farmland. Evaluate methods which would limit interface of property owners, guests, and delivery/service personnel from trespass on surrounding agricultural lands.

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the *2009 CEQA Air Quality Handbook* to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 38 acres, including residential lot grading and development, road and infrastructure improvements, and development of the ranch headquarters and agricultural processing use. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions.

The proposed project was referred to the County APCD for review. The APCD notes that construction and operation of the project would not result in air emissions exceeding thresholds requiring project-specific mitigation; however, the APCD noted that their agency is “very concerned with the cumulative effects resulting from the ongoing fracturing of agricultural land and increasing residential development in areas far removed from commercial services and employment centers”. This kind of remote development fosters continued dependency of the personal automobile and adds strain to limited infrastructure and natural resources and hampers efforts to reduce fossil fuel consumption and associated greenhouse gas emissions that are needed to attain the goals of AB 32 California’s Global Warming Solutions Act of 2006 (Melissa Guise, 2010). The APCD considers this type of project inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), because the CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture, and very low-density residential development (minimum 20-acre parcels). The APCD noted the following issues:

Naturally-Occurring Asbestos. According to the APCD, the project site is located in a candidate area for naturally occurring asbestos (NOA). The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact. Compliance with the California Air Resources Board (ARB) Air Toxics Control Measures (ATCM) for Construction, Grading Quarrying, and Surface Mining Operations would be

required.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Demolition Activities. Demolition activities can have potential adverse air quality impacts resulting from improper handling, demolition, and disposal of asbestos containing material (ACM). Demolition activities are required to be conducted in compliance with various regulations, including the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M asbestos NESHAP).

Fugitive Dust (PM₁₀). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and agricultural operations in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact. Standard dust control mitigations are recommended by the APCD.

Construction Permit Requirements. The use of portable equipment, 50 horsepower or greater, may require California statewide portable equipment registration or an APCD permit.

Operational Emissions. The presence of residences in close proximity to production agriculture can result in land use incompatibilities due to exposure to dust, pesticides, and particulate matter from agricultural burning. The APCD recommends establishment of buffer zones between agricultural and residential uses, and paving of access roads to reduce the potential for dust. In addition, APCD's Rule 501 allows agricultural burning under agricultural burn permits; however, such burning can result in a nuisance and negative health impacts to residents.

Greenhouse Gas Emissions. Based on APCD's calculations using URBEMIS 2007, operation of the proposed project would generate approximately 307 tons of carbon dioxide (CO₂) per year. While statewide thresholds have not been identified for greenhouse gas (GHG) emissions, the APCD recommends that mitigation be applied to reduce the project's contribution to greenhouse gas emissions.

Mitigation/Action Required. The proposed project will not result in project-specific significant air quality impacts, but would cumulatively contribute to the overall issue of non-attainment of statewide air quality standards. EIR shall include an assessment of air quality impacts, including a complete GHG analysis under a separate heading. The existing setting, including a brief summary of ambient air quality, prevalent winds in the area, and summary of applicable regulations, policies, and guidelines shall be included in the EIR. The EIR consultant shall identify potential short and long-term impacts based on thresholds identified in the APCD's *CEQA Handbook* (2009), consultation with the APCD, consistency with the *Clean Air Plan*, and current GHG guideline documents. The EIR shall identify feasible on and off-site (if applicable) mitigation measures addressing potential project specific and cumulative air quality impacts and GHG emissions.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Impact wetland or riparian habitat?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: primarily grassland with valley and blue oaks

Name and distance from blue line creek: Two ephemeral drainages onsite; Estrella River (north of Estrella Road)

Habitat(s): Agrestal, grassland, oak woodland, aquatic

A *Biological Report* (Althouse and Meade, Inc.; January 2007) and *Addendum* (Althouse and Meade; August 2008) were submitted by the applicant. As noted in the 2007 report, the 562-acre property was surveyed for biological resources in May, June, and July of 2006. Due to very dry seasonal conditions in 2006, additional floristic surveys were conducted in April and May of 2008. Approximately 200 acres of the property is developed for agricultural production, including two reservoirs and one shop. The remaining acreage supports grasslands, oak woodlands, and two ephemeral drainages. The data and results of the surveys are summarized below.

Special-status Plant Species. Based on the California Natural Diversity Database (CNDDDB), 35 special-status plant species are known to occur within five miles of the project site. Of these species, 11 have the potential to occur within the project parcel (refer to Table 1 below). No special-status plant species were observed during floristic surveys conducted in May, June, and July of 2006, or April and May of 2008.

Table 1: Special-status Plant Species

Common Name	Scientific Name	Status	Habitat Type / Flowering Period
Indian Valley spineflower	<i>Aristocapsa insignis</i>	CNPS 1B.2	Foothill woodland on sand or gravel substrates Blooms: April - July
Dwarf calycadenia	<i>Calycadenia villosa</i>	CNPS 1B.1	Dry, rocky hills, ridges in chaparral, woodland, meadows and seeps Blooms: May – October
Lemmon's jewelflower	<i>Caulanthus coulteri</i> var. <i>lemmonii</i>	CNPS 1B.2	Dry exposed slopes Blooms: March – May
Douglas' spineflower	<i>Chorizanthe douglasii</i>	CNPS 4	Foothill woodland, pine forest, chaparral, sandy or gravelly soils Blooms: April – July

Yellow-flowered eriastrum	<i>Eriastrum luteum</i>	CNPS 1B.2	Drying slopes Blooms: May – June
Salinas Valley goldfields	<i>Lasthenia leptalea</i>	CNPS 4	Open areas in woods, valley and foothill grassland Blooms: April
Shining navarretia	<i>Navarretia nigelliformis</i> ssp. <i>radians</i>	CNPS 1B.2	Vernal pools, clay depressions, annual grassland Blooms: May – July

Special-status Wildlife Species. Based on the CNDDDB and habitat conditions present on the project parcel, 14 special-status wildlife species have the potential for presence within the property (refer to Table 2 below). Of these species, western spadefoot toad and loggerhead shrike were observed onsite during biological surveys.

Table 2: Special-status Animal Species

Common Name	Scientific Name	Status	Habitat Type
California red-legged frog	<i>Rana aurora draytonii</i>	FT	Streams, creeks, ponds
western spadefoot toad	<i>Spea hammondi</i>	CSC	Grassland with seasonal pools
southwestern pond turtle	<i>Clemmys marmorata pallida</i>	CSC	Lakes, ponds, streams
coast horned lizard	<i>Phrynosoma coronatum frontale</i>	CSC	Dune scrub, alkali scrub, chaparral, grasslands
golden eagle	<i>Aquila chrysaetos</i>	CSC	Open or mountainous areas
burrowing owl	<i>Athene cunicularia</i>	CSC	Abandoned dens, grassland
white-tailed kite	<i>Elanus leucurus</i>	CSC	Nests in dense live oaks
horned lark	<i>Eremophila alpestris actia</i>	CSC	Grassland, oak savannah
loggerhead shrike	<i>Lanius ludovicianus</i>	CSC	Nests in shrubs and trees near open water
pallid bat	<i>Antrozous pallidus</i>	CSC	Oak woodland, undersides of bridges
American badger	<i>Taxidea taxus</i>	CSC	Open country
San Joaquin pocket mouse	<i>Perognathus inornatus inornatus</i>	CSC	Grassland, oak woodland
Salinas pocket mouse	<i>Perognathus inornatus psammophilus</i>	CSC	Grassland, oak woodland
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	FT, CT	Open grasslands, scrub

FT: Federally Threatened

CT: California (State) Threatened

CSC: California Species of Concern

Special-status Habitats. Vernal pools were not observed in the spring of 2006. The project site is located within the known habitat range for San Joaquin kit fox. The standard mitigation ratio for this area is 3:1.

Riparian and Wetland Habitat. Two ephemeral drainages are located on project site; the hydrology of the drainages is interrupted by on and off-site agricultural reservoirs. One drainage passes through the southwestern property corner. Vegetation includes mature oaks and some small shrubby willows. Wetland conditions were not observed. This drainage originates in vineyards south of the property, and flows approximately 2.8 miles northwest to the Estrella River. A fork in the main stem of the drainage originates at an unlined reservoir in the center of the property, and side channels to the main drainage stem do not support wetland or riparian vegetation. This reservoir was observed to be dry, with some wetland vegetation in the bottom.

The second drainage originates at the northern reservoir onsite, and flows approximately 0.2 mile from the reservoir, under Estrella Road (via culvert), and drains into the Estrella River. The bank of this drainage is nearly vertical and extends approximately ten feet from the flat sandy bottom. Riparian vegetation is limited to one cottonwood tree, and a few oak trees on the upper bank. A small amount of water supporting emergent wetland vegetation and an abundant population of breeding frogs and toads was observed in the bottom of the reservoir.

Oak Woodland. Oak woodland primarily consists of blue oak trees (*Quercus douglasii*), and some large valley oaks (*Quercus lobata*) present along ephemeral drainages. The applicant provided an inventory of oak trees within 50 feet of the proposed limits of disturbance (*Oak Tree Report*, Althouse and Meade; April 2008). The report documents 13 valley oaks and 90 blue oaks within the survey area (mature and living trees were counted). AB 1334 (Kuehl) presents certain requirements on mitigation for impact to oak woodlands.

Wildlife. Grassland, oak woodland, and ephemeral drainages provide quality habitat for wildlife. In the spring of 2006, nesting birds were observed in trees, shrubs, and grassland habitats on and near the property, including an active red-tailed hawk nest in a large oak tree in the southern portion of the property. The aquatic habitat and reservoirs onsite provide habitat for amphibians, waterfowl, and sandpipers.

Impact. Implementation of the project would include grading and construction activities, and installation of culverts at road crossings. Long-term use of the site would include use of groundwater, increased human presence, use of access roads, exterior and interior lighting, and on-going residential lot improvements. Potential significant impacts are summarized below.

Special-status Plant Species. Based on the results of the biological surveys, no special-status plant species were observed; therefore, no impacts would occur.

Special-status Wildlife Species. Oak woodland and grassland habitats could provide habitat for pallid bat, golden eagle, white-tailed kite, burrowing owl, horned lark, loggerhead shrike, American badger, and San Joaquin kit fox. The project site provides marginal habitat for San Joaquin pocket mouse and Salinas pocket mouse. Aquatic habitats, including onsite reservoirs, could provide suitable conditions for southwestern pond turtle, California red-legged frog, and western spadefoot toad. Development within and adjacent to these habitat types could result in adverse effects on special-status species. Based on review by the California Department of Fish and Game (CDFG) (October 1, 2009), additional clarification regarding spadefoot toad breeding locations was requested as part of environmental review.

Special-status Habitats. The project site is located within the known habitat range for San Joaquin kit fox. The standard mitigation ratio for this area is 3:1. Vernal pools were not observed by Althouse and Meade in the spring of 2006. Based on review by the CDFG (October 1, 2009), a vernal pool fairy shrimp habitat assessment was requested, which has not been addressed by the applicant, and is requested as part of the environmental analysis.

Riparian and Wetland Habitat. Two drainage crossings are proposed over the southern ephemeral drainage. Installation of culverts would result in the direct disturbance of drainages. Discharge of pollutants and sediment may occur during construction and operation of the project. Any modification or actions within reservoirs and drainages may affected special status species and their habitat.

Oak Woodland. No oak tree removal is proposed; however, individual oak trees would be impacted by grading, construction, and fuel management activities. Based on the *Oak Tree Report*, the critical root zones of 13 oak trees (in excellent to fair condition) would be impacted by grading and paving activities, including five valley oak trees and eight blue oak trees. The report does not quantify the number of trees, or acreage of oak woodland that may be affected by fuel modification activities required by Cal Fire (e.g., mowing of understory, trimming of lower limbs).

Wildlife. Development of the residential cluster would result in the loss of grassland habitat. Wildlife species, including nesting birds, which use this area for nesting and foraging, would be adversely affected by grading and construction activities, and long-term use of the site (e.g., noise, lighting, domestic pets).

Mitigation/Action Required. The EIR should focus on the biological reports submitted by the applicant. Mitigation proposed by the applicant’s biologist include specific measures for western spadefoot toad (Althouse and Meade; August 7, 2009) and oak trees (Althouse and Meade; April 2008). An oak tree mitigation area is identified near the front entrance gate, in the northern portion of the property. Peer review of biological reports, including mitigation proposed by the applicant’s biologist, shall be conducted to determine if the information in the reports is adequate for inclusion in the EIR. In addition to the peer review, the biological resource analysis shall include the following:

1. Consultation with the California Department of Fish and Game, U.S. Fish and Wildlife Service, California Native Plant Society, Audubon Society, and other conservation organizations as appropriate.
2. Conduct habitat assessment for vernal pool fairy shrimp.
3. Based on the results of the habitat assessment, and consultation with CDFG and USFWS, protocol surveys for vernal pool fairy shrimp may be required. The protocol surveys shall be conducted by an approved biologist with a current permit. Protocol surveys shall be included as an optional task, subject to authorization by the County.
4. Identification of short-term and long-term impacts on special-status plant and animal species, riparian and wetland habitats, grassland, oak woodland, breeding and nesting habitats, and individual oak trees including provisions of AB 1334, as a result of grading and construction, long-term use of the site, and implementation of required fuel management actions.
5. Identification of cumulative impacts on the area’s ecosystem, which could result from the project, including both on and off-site improvements.
6. Identification of feasible mitigation measures, which would avoid or minimize identified impacts to biological resources.
7. Additional biological resource surveys within the area potentially affected by off-site road improvements shall be identified as an optional task, to be authorized by the County.

5. CULTURAL RESOURCES -	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located in an area historically occupied by the Salinan. The property is located south of Estrella River. A records search was conducted in December 2006 by Thor Conway, which documented nine previous surveys (all negative) within the vicinity of the project site.

Impact.

Cultural Resources. No historic structures were noted onsite. A cultural resources surface survey was conducted for approximately 30 acres of the project site, including the residential area, access roads, and future well site (Thor Conway; December 18, 2006). The survey did not include the 2.5-acre ranch headquarters site or 2.5-acre future agriculture processing site. In addition, improvements to Estrella Road required by Public Works would result in additional disturbance not covered by the survey effort. While all available surveys have documented negative results, the proximity to the Estrella River presents a potential for resource discovery. Disturbance of significant cultural materials would result in a potentially significant impact.

Paleontological Resources. The potential for paleontological resources is currently unknown. The underlying geology is the Paso Robles Formation, which has the potential for paleontological discovery. Based on the area and potential depth of grading, project activities may encounter underlying fossils. Disturbance of significant resources would result in a potentially significant impact.

Mitigation/Action Required. The EIR shall include an updated records search and peer review of the 2006 surface survey report. An additional survey shall include five acres associated with the agriculture processing and ranch headquarters site, and shall also include the property frontage along Estrella Road (0.25 mile as measured from the driveway entrance towards Jardine Road). The EIR analysis shall include the following:

1. Incorporation of survey findings and recommendations into the EIR section, including potentially significant impacts and mitigation measures (if any).
2. Brief summary of the paleontological sensitivity of the project site, potential impacts based on sensitivity, and recommended mitigation measures (if any).
3. Include summary of potential paleontological sensitivity of project site, based on paleontological records search, underlying geology, area of ground disturbance, and depth of grading.
4. Additional cultural resource surveys within the area potentially affected by off-site road improvements shall be identified as an optional task, to be authorized by the County.

6. GEOLOGY AND SOILS -	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently rolling to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to moderate

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: Potentially

Shrink/Swell potential of soil: Moderate to high

Other notable geologic features? None

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Onsite ephemeral drainages; Estrella River Distance? North of Estrella Road

Soil drainage characteristics: Well drained to moderately drained

The northern portion of the project site is located within a Flood Hazard (FH) overlay, and is designated a FEMA Flood Hazard Zone A. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low to high

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 38 acres, including residential development, the ranch headquarters and agriculture processing facility, access roads, drainage management, water supply infrastructure, and related improvements. Additional disturbance would occur as a result of off-site road improvements. A geologic study has not been prepared for the project site.

No structures or major improvements are proposed within the FH overlay zone. Based on review by Public Works, the applicant would be required to submit drainage calculations as a condition of approval for the tract map (Glenn Marshall; August 25, 2010).

Mitigation/Conclusion. The EIR shall include analysis by a Registered Engineering Geologist or other appropriately qualified individual to consider the following when evaluating the project's potentially significant impacts to or from geologic resources or hazards.

1. Consultation with the County Public Works and Planning and Building Departments, reference to the LUO and General Plan, and available County GIS mapping.
2. Discussion and determination of potential geologic and drainage conditions and hazards, including but not limited to:
 - a. Underlying geologic formations
 - b. Faulting
 - c. Slope stability
 - d. Potential landslide hazards
 - e. Potential shrink-swell hazards
 - f. Flooding and drainage hazards
3. Summary of existing federal, state, and local regulations applicable to the project, which would mitigate potential geologic hazards.
4. Evaluation and discussion of the geologic features of the site and surrounding area that may have a significant adverse impact on the development of the project. The EIR shall include a map identifying potential conditions and hazards, with the proposed project as an overlay to show affected areas.

5. Evaluation and discussion of impact associated with grading and construction activities, or saturation of soil, including stability of roads, cut slopes, fill slopes, drainage structures, and other improvements.
6. Evaluation and discussion of potential drainage and flooding effects, which would either impact the project, or be affected by project construction and operation. The evaluation shall include an estimation of potential stormwater flow generated by the project, and resulting effects (i.e., erosion, sedimentation, flooding).
7. Identification and discussion of feasible mitigation measures beyond existing regulations, which could be included in the project to minimize potential impacts.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The primary existing use of the property is agriculture production, which may include the use of standard legal pesticides, chemicals, and fertilizers. The project is within a High Fire Hazard Severity Zone, and is located approximately 5-10 minutes from the nearest Cal Fire station. The project is within the Airport Review area for the Paso Robles Airport.

Impact. Construction and operation of the residential component of the project would not include the use or transport of hazardous materials. The adjacent existing and proposed uses, including agricultural production and processing, may include the legal application and use of standard pesticides, fertilizers, and other chemicals. The land underlying the proposed residential area is not currently under production; however, pesticide residue may be present in the soil. The impact of pesticide use on humans varies greatly based on the type of pesticide and the amount of exposure. Due to the close proximity of the residential sites to vineyards, human exposure to a variety of pesticides would be possible.

The project site is located within Safety Zone 6 (Outer Airport Influence Zone), as defined in the *Airport Land Use Plan for the Paso Robles Municipal Airport* (amended May 16, 2007). The proposed

project was considered by the San Luis Obispo County Airport Land Use Commission (ALUC) on July 15, 2009. County staff recommended a determination of consistency with the *Airport Land Use Plan* because the project would not increase the number of dwelling units in the area in comparison to what currently would be allowed. Recordation of an updated Avigation Easement would be required as part of the Tract Map process. The ALUC determined that the proposed project is consistent with the Airport Land Use Plan.

The project does not present a significant fire safety risk. Based on review by Cal Fire, the proposed access and circulation plan, water supply system, and building setbacks appear to comply with all relative standards (Clinton Bullard; February 18, 2009). Fuel modification and vegetation clearance would be required for driveways and access roads (ten feet) and structures (100 feet of defensible space including a 30-foot firebreak and 70-foot fuel reduction zone). The project is not expected to conflict with any regional evacuation plan.

Mitigation/Action Required. Based on review of the project by Cal Fire and the ALUC, fire and airport safety risk hazards are not expected to be significant. The EIR shall include a summary of these findings. Regarding hazardous materials, the EIR analysis shall include the following:

1. Consultation with the County Agriculture Department, County Environmental Health Department, and California Department of Toxic Substances Control.
2. Identification of standard, legal pesticide, fertilizer, and other chemical applications on and in the immediate vicinity of the project site (if information is available).
3. Evaluation and discussion of potential hazards, including potential risk of pesticide exposure due to soil disturbance and long-term occupation near agricultural areas.
4. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential impacts.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed residential area would be located approximately one mile north of Highway 46, which is the primary source of noise in the immediate area. The project site is located at the outer edge of the Airport Review area, and is over a mile east of the 55 dbh noise contour boundary for the airport runway. Other sources of noise in the area include agricultural equipment both on and off-site.

Impact. The proposed residences are considered a noise sensitive use. The development would be located an adequate distance from major noise sources in the area. Proposed agricultural buffers range from 200 to 250 feet; however, residents may be exposed to agricultural noise generated by equipment, vehicles, and operation of the future processing use. The environmental analysis shall identify the potential level of exposure, and present feasible mitigation measures, which may include

external and internal design standards to attenuate noise.

The proposed project would generate trips, which would contribute to transportation-related noise in the area. Based on the size of the development, it is unlikely that the increase in ambient noise would be detectable.

Mitigation/Action Required. The EIR shall include a noise assessment conducted by a qualified individual. The assessment shall include the following:

1. Conduct measurements to identify existing noise levels at appropriate locations on the project site, and provide a reasonable range of potential noise exposure due to agricultural activities and other identified noise sources.
2. Determine if noise levels would exceed thresholds identified in the County Noise Element.
3. If necessary, prepare a noise mitigation and monitoring plan. The plan shall be designed to minimize noise impacts to sensitive noise receptors (residential use), limit increases to less than significant levels, and not exceed local noise standards. Mitigation shall be applicable to the proposed project, and shall not include modification or restriction of existing or future agricultural activities.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Construction and operation of the project would require the use of energy, including fuels, oils, gas, and electricity. While project-specific impacts appear to be less than significant, the project would contribute to cumulative energy consumption.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource. Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a significant need for additional park or recreational resources, but it will contribute to the cumulative areawide demand for these resources. Based on consultation with the County Parks Division, no significant project-specific impacts were identified (Elizabeth Kavanaugh; September 8, 2010).

Mitigation/Action Required. Based on review of the project, the “Quimby” fee will adequately mitigate the project’s cumulative impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary. The EIR shall include a brief summary of potentially affected recreational resources, overall demand for facilities and opportunities, and ordinance standards for payment of in lieu fees.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing “Levels of Service” on public roadway(s)?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The county has established the acceptable Level of Service (LOS) on roads for this rural area as “C” or better. The project site is accessed from Estrella Road (two-lane collector), which is accessible from Jardine Road (local road) and Highway 46 (principal arterial). Between Highway 101 and Airport Road, Highway 46 is a four-lane, divided highway. Caltrans is currently implementing a major highway project, which would expand Highway 46 from a two-lane highway to a four-lane divided expressway from Airport Road to the Highway 46/41 interchange. The project site is not located within a County Road Fee Area.

The applicant originally submitted a *Traffic Impact Analysis* (ATE; April 8, 2008) for the proposed project. Based on review and comments from Public Works and Caltrans, and revisions to the originally submitted project, an updated report was submitted (*Final Traffic Impact Analysis*, ATE; May 29, 2009).

The Jardine Road / Highway 46 intersection is currently controlled by a stop sign at the Jardine Road approach to the highway. In response to Caltrans comments on the 2008 traffic report, the traffic study was amended to incorporate existing data obtained from the *Golden Hill Retail Center Final Transportation Impact Analysis* (Fehr and Peers; April 2007), and the subsequent analysis was adjusted accordingly. At this intersection, the southbound left turning movement operates at level of service (LOS) D during weekday a.m. peak hours and LOS F during weekday p.m. peak hours, including Friday peak hours. The southbound right turning movement operates at LOS E during Friday peak hours. All other movements operate at LOS C or better during peak hours, which Caltrans considers an acceptable level of service.

As discussed above, Caltrans is currently implementing road improvements along the Highway 46 corridor. In addition to road widening, improvements affecting the project area include left and right turn lanes, and acceleration lanes at the Highway 46/Jardine Road intersection. These improvements would improve deficient LOS for the following movements: weekday a.m. peak southbound left turn (improve from LOS D to LOS B); weekday p.m. peak southbound left turn (improve from LOS F to LOS C); Friday p.m. peak southbound left turn (improve from LOS F to LOS D); and, Friday p.m. peak southbound right turn (improve from LOS E to LOS C). Under cumulative development conditions, most turning movements at this intersection would operate at LOS F.

Impact. Based on the traffic study, the residential component of the project would generate 172 trips per day, including 14 a.m. and 18 p.m. peak hour trips. The traffic study determined that the project would not affect LOS; but would contribute to existing deficient conditions under both the existing and cumulative conditions, resulting in a potentially significant impact.

The proposed project and *Final Traffic Impact Analysis* were submitted to County Public Works and Caltrans for review. Caltrans concurred with the findings of this updated study. Based on review by

County Public Works, the *Final Traffic Impact Analysis* appears sufficient for use in the EIR analysis (Glenn Marshall; August 25, 2010). Standard, required, offsite road improvements would include improvements to 0.25 mile of Estrella Road frontage, as measured from the access driveway towards Jardine Road. Secondary impacts may adversely affect agricultural resources, air quality, biological resources, cultural resources, localized circulation, and water quality. Based on the potentially affected area, additional field surveys may be necessary.

As previously discussed under Section 7 (Hazards/Hazardous Materials), the project site is within the Airport Review Area. The ALUC reviewed the project, and found it consistent with the ALUP for the Paso Robles Airport. No significant air traffic impacts were identified.

Mitigation/Action Required. A qualified transportation engineer shall conduct a peer review of the traffic impact analysis reports submitted by the applicant. The EIR analysis shall include the following:

1. Consultation with the County Public Works Department, City of Paso Robles Public Works Department, and California Department of Transportation.
2. Evaluation and discussion of potential impacts under existing, existing plus project, cumulative, and cumulative plus project conditions.
3. Identification of potential secondary impacts resulting from road improvements, including but not limited to removal or impacts to oak trees and other habitat types, erosion and down-gradient sedimentation, water pollution, and effects to farmland.
4. Additional cultural and biological resource surveys within the area potentially affected by off-site road improvements shall be identified as an optional task, to be authorized by the County.
5. Identification of mitigation measures to address identified impacts, which may include limitation of occupancy until Caltrans has completed the Highway 46 road improvements, and payment of traffic fees to the City of Paso Robles.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County’s Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the “Water Quality Control Plan, Central Coast Basin” (Regional Water Quality Control Board [RWQCB] hereafter referred to as the “Basin Plan”), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems.

These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

Slow percolation, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch.

Shallow depth to bedrock, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface.

Steep slopes, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent.

Impact. The soil has been tested (Buena Geotechnical Services; December 22, 2006) for the following criteria: percolation rates. Rates ranged from 15 to 30 minutes per inch. Based on review by the County Environmental Health Division (Laurie Salo; February 2, 2007), there is adequate evidence showing that on-site systems can be designed to meet the CPC/Basin Plan. Prior to map recordation, additional testing will be required by the Environmental Health Division to verify acceptable conditions exist for on-site systems. Any proposed lot cannot be recorded until it has shown Basin Plan requirements can be met for that lot. Leach line locations will also be reviewed at

this time to verify adequate setbacks are provided from any existing or proposed wells (100 feet for individual wells, 200 feet for community wells).

Mitigation/Action Required. Based on available information, review by County Environmental Health Division, and compliance with existing codes and regulations pertaining to engineered systems, wastewater impacts are expected to be less than significant. The EIR analysis shall include a brief summary of existing conditions and available data, potential impacts, evaluation of consistency with the Central Coast Basin Plan, identification of existing regulations regarding wastewater treatment and disposal, and any additional mitigation measures.

14. WATER - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

WATER AVAILABILITY. The applicant proposes to use on-site wells as the project’s water source. The project site is located within the Paso Robles Groundwater Basin and Estrella Area of Concern, as identified in the County’s Resource Capacity Study (RCS). The Draft RCS was reviewed by the Planning Commission on September 23, 2010. Following a joint study session on November 9, 2010, the RCS will again be reviewed by the Planning Commission, and will be considered by the Board of Supervisors. RCS recommendations for public discussion and Board approval may include a prohibition on land divisions, restrictions on groundwater pumping based on use, and other measures. In addition to this recent study, the Paso Robles Groundwater Basin has been the subject of several studies including: *Final Report-Paso Robles Groundwater Basin Study* (Fugro West; August 2002); *Update for the Paso Robles Groundwater Basin* (Todd Engineers; December 2007); *Resource Capacity Study: Water Supply in the Paso Robles Groundwater Basin* (San Luis Obispo County; February 2008); and, *Evaluation of Paso Robles Groundwater Basin Pumping* (Todd Engineers; May 2009).

The County Public Works Department, County Agriculture Department, and City of Paso Robles reviewed the proposed project and identified significant concerns regarding available water supply. The evidence and documentation in the record suggests that there is insufficient water supply to support cumulative demand. At best, the long-term sustainability of the water supply is uncertain.

WATER QUALITY. The topography of the project site is generally gently to moderately sloping. Two ephemeral drainages traverse the project site, and flow into the Estrella River north of Estrella Road.

As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County LUO requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact.

WATER AVAILABILITY. Based on the estimate provided by the applicant, the proposed project water demand would include: 30.6 acre feet per year (afy) for residential use; 0.55 afy for ranch headquarters; and, 2.2 afy for a future agricultural processing use (assumed to be a winery facility).

The applicant submitted materials in support of the project, including: *Water Adequacy Assessment* (Cleath-Harris Geologists, Inc.; July 27, 2009), *Estrella River Vineyard Project: On-Site Water Conservation and Agricultural Resource Impacts* (Strickland; November 10, 2009), *On-site Water Mitigation Proposal* (Kirk Consulting; November 11, 2009), *Review of Proposed Estrella River Vineyard Agricultural Cluster* (Luhdorff and Scalmanini Consulting Engineers; March 22, 2010), and *Water Supply and Mitigation Measures Proposed Estrella River Vineyard Agricultural Cluster* (Luhdorff and Scalmanini Consulting Engineers; May 10, 2010). This documentation includes a description of applicant-provided on and off-site water conservation measures, which would be incorporated into the project, including reduced agricultural water use and municipal and private water conservation measures within the City of Paso Robles.

Upon review of the evidence and documentation in the record, staff identified the following key concerns:

- Groundwater pumping in the Paso Robles Groundwater Basin is expected to exceed perennial yield in the near future, resulting in overdraft conditions. The long-term sustainability of water resources in the Paso Robles Groundwater Basin is uncertain at best.
- The project site lies within the Estrella area of concern which has seen a continuous decline in water levels over the last decade.
- The project would result in a net increase in water usage.
- Mitigation proposed by the applicant to offset net water usage may be infeasible.

In addition, the proposed project appears inconsistent with General Plan policies in place to maintain water supplies for agricultural production and prevent loss of agricultural operations due to competition for water resources due to suburban residential development. As discussed in Section 3 (Agricultural Resources), approval of land divisions requires adoption of a finding that the proposed project will not adversely affect water supplies to be used for existing and/or expanded agricultural operations. Since this project is attempting to qualify for the number of parcels proposed based on soil capability and not existing agricultural operations, the existing water use and potential water use from expanded agricultural use needs to be reviewed in detail.

Forthcoming updates and decisions regarding the RCS document currently under review will need to be considered in the environmental analysis.

WATER QUALITY. As proposed, the project would result in the disturbance of approximately 38 acres, not including off-site road improvements. Short and long-term impacts to water quality may include pollution by sediment, fuels, oils, and contaminated stormwater runoff.

Mitigation/Action Required.

WATER AVAILABILITY. Due to potentially significant impacts on water resources, a comprehensive peer review of reports and materials submitted by the applicant and applicant-proposed water conservation measures shall be conducted by a Certified Hydrogeologist. The EIR analysis shall

include but not be limited to the following:

1. Consultation with the County Public Works Department and City of Paso Robles Public Works Department.
2. Review of the Resource Capacity Study, background reports and data, and all other available reports and data pertaining to the Paso Robles Groundwater Basin and Estrella Area of Concern.
3. Due to the amount of data available, at this time, additional well testing is not requested; however, additional fieldwork and modeling may be proposed as an optional task to be considered by the County.
4. Discuss current and future projections of water demand for the project based on the various uses making up the proposed project's water demands.
5. Discuss current and future projections of water demand for on-site agricultural use, including existing production and land capability (potential future agricultural production).
6. Evaluation and discussion of water availability, including:
 - a. Feasibility of individual wells and the proposed small water company to supply proposed water demand.
 - b. Sustained pumping capacity of proposed wells.
 - c. Investigation of drawdown or interference (if any) of other wells onsite.
7. Evaluation and discussion of the long-term capability and sustainability of the ground water basin to provide adequate quantities of water for existing uses, proposed uses, and potential expansion of agricultural production onsite.
8. Evaluation and discussion of potential impacts on neighboring wells as a result of onsite water requirements. The analysis shall consider the cumulative water availability impacts.
9. Identification of short and long-term impacts specific to water supply, including project-specific and cumulative effects. Determine if potentially-significant, unavoidable, project-specific and/or cumulative impacts would occur.
10. Assessment of applicant-proposed mitigation measures, including how measures would be monitored and enforced in the long-term, and quantification of water use upon implementation of conservation and mitigation measures.
11. Identification of other feasible measures to mitigate potentially significant impacts.

WATER QUALITY. Analysis of potential water quality impacts shall include the following:

1. Consultation with the Regional Water Quality Control Board, County Environmental Health Division, and County Public Works Department.
2. Review of existing information and data provided by the applicant, and other sources specific to the Paso Robles Groundwater Basin and Estrella Area of Concern.
3. Identification and discussion of potential water quality impact as a result of the following:
 - a. Surface water runoff
 - b. Overdrafting of the aquifer
 - c. Grading and construction activities.
4. Identification of on and off-site sources of surface water, and evaluation of potential impacts on surface water quality.
5. Identification and discussion of feasible mitigation measures including existing regulations and standards that would avoid or minimize potential impacts to water quality.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Be potentially inconsistent with any habitat or community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be potentially incompatible with surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, General Plan Elements). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project is not within or adjacent to a Habitat Conservation Plan area.

Residential development can be incompatible with agricultural operations. Issues related to air quality, noise, odors, shared road use, and pesticide/fertilizer use are created when residential uses are introduced in an area primarily devoted to agricultural production. Existing vineyards both on and off-site appear to have been historically compatible with adjacent residential development, and it is expected that with appropriate buffer zones the proposed residential use can be compatible; however, this issue shall be evaluated in the EIR.

The County LUO (and Agriculture Element Policy 22) provides for cluster subdivisions in the Agriculture land use category as a means to preserve agricultural operations while providing development to occur at the same density that could occur with a “traditional” land division. In order to support an agricultural cluster subdivision, findings are required determining that the project will preserve agricultural operations and that the project has been designed to minimize and avoid impacts to existing and future agriculture both on the site and adjoining properties through buffers, locating residential development away from agricultural operations, and providing adequate water supplies for existing and future agriculture as well as the proposed residential development. Based on current available information, County staff was unable to provide evidence in support of this finding specific to water availability. This should be further discussed and evaluated in the EIR.

In addition, the proposed project is potentially inconsistent with the County General Plan, including policies identified in the Agriculture Element and Conservation and Open Space Element (refer to Section 3, Agricultural Resources), and the policies identified in the Clean Air Plan.

Mitigation/Conclusion. The EIR shall include a discussion of measures needed in order to minimize the incompatibilities between the agricultural operations and proposed residential development. These measures need to be consistent with the policies of the Agriculture Element, Conservation and Open Space Element, and LUO.

16. MANDATORY FINDINGS OF SIGNIFICANCE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county’s environmental review process, please visit the County’s web site at “www.sloplanning.org” under “Environmental Information”, or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input checked="" type="checkbox"/>	County Airport Manager	In File**
<input checked="" type="checkbox"/>	Airport Land Use Commission	In File**
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	Meeting Notes in File
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	In File**
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>City of Paso Robles</u>	Attached
<input type="checkbox"/>	Other _____	Not Applicable

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|---|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application <u>County documents</u> <input checked="" type="checkbox"/> Airport Land Use Plans <input checked="" type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Coastal Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture & Open Space Element <input checked="" type="checkbox"/> Energy Element <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input checked="" type="checkbox"/> Parks & Recreation Element <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance <input checked="" type="checkbox"/> Real Property Division Ordinance <input checked="" type="checkbox"/> Trails Plan <input type="checkbox"/> Solid Waste Management Plan | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> El Pomar/Estrella Area Plan and Update EIR <input type="checkbox"/> Circulation Study <u>Other documents</u> <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Areas of Special Biological Importance Map <input checked="" type="checkbox"/> California Natural Species Diversity Database <input checked="" type="checkbox"/> Clean Air Plan <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other _____ |
|---|--|

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

- Althouse and Meade. January 2007. Biological Report for Estrella Vineyards Tract 2905.
- Althouse and Meade. April 2008. Oak Tree Report for Estrella River Vineyard Tract 2905.
- Althouse and Meade. August 2008. Addendum to the Biological Report for Estrella River Vineyards Tract 2905.
- Althouse and Meade. August 7, 2009. Estrella River Vineyards Tract 2905 Western Spadefoot Toad Mitigation.
- ATE. April 8, 2008. Traffic Impact Analysis for the Estrella River Vineyard Agricultural Cluster Subdivision (Tract 2905), County of San Luis Obispo.
- ATE. May 29, 2009. Final Traffic Impact Analysis for the Estrella River Vineyard Agricultural Cluster Subdivision (Tract 2905), County of San Luis Obispo.
- Central Coast Information Center. December 14, 2006.
- Cleath-Harris Geologists. July 27, 2009. Water Adequacy Assessment for the proposed Estrella River Vineyard Agricultural Cluster.
- Conway, Thor. December 18, 2006. An Archaeological Surface Survey at Resource Land Holdings Project, Estrella Road, San Luis Obispo County, California.
- Fugro West. August 2002. Final Report – Paso Robles Groundwater Basin Study.
- County of San Luis Obispo. February 2008. Resource Capacity Study: Water Supply in the Paso Robles Groundwater Basin.
- County of San Luis Obispo, Department of Planning and Building. Planning Commission Staff Report for the Estrella River Vineyard, LLC Tract 2905 SUB2006-00138. March 25, 2010.
- County of San Luis Obispo, Department of Planning and Building. Planning Commission Staff Report for the Estrella River Vineyard, LLC Tract 2905 SUB2006-00138. May 13, 2010.
- Kirk Consulting. November 11, 2009. Estrella River Vineyard On-site Water Mitigation Proposal.
- Kirk Consulting. January 29, 2010.
- Rice, Thomas J, et al. February 1, 2007. Soils Report for Estrella River Vineyard, LLC.
- Scalmanini, Joseph C. March 22, 2010. Review of Proposed Estrella River Vineyard Agricultural Cluster.
- Scalmanini, Joseph C. May 10, 2010. Water Supply and Mitigation Measures Proposed Estrella River Vineyard Agricultural Cluster.
- Strickland, C. Wesley. November 10, 2009. Estrella River Vineyard Project: On-site Water Conservation and Agricultural Resource Impacts.
- Todd Engineers. December 2007. Update for the Paso Robles Groundwater Basin.
- Todd Engineers. May 2009. Evaluation of Paso Robles Groundwater Basin Pumping.



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

MEMORANDUM

Date: August 25, 2010

To: Shawna Scott, Project Manager
SWCA Environmental Consultants
1422 Monterey Road, Suite C200
San Luis Obispo, CA 93401

Cc: Michael Conger, Current Planning

From: Glenn Marshall, Development Services Engineer

Subject: **Notice of Preparation – Estrella River Vineyard Agricultural Cluster Tentative Tract Map & Conditional Use Permit Tract 2905, [SUB2006-00138]**

Thank you for the opportunity to provide information on the Notice of Preparation of an Environmental Impact Report for the subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

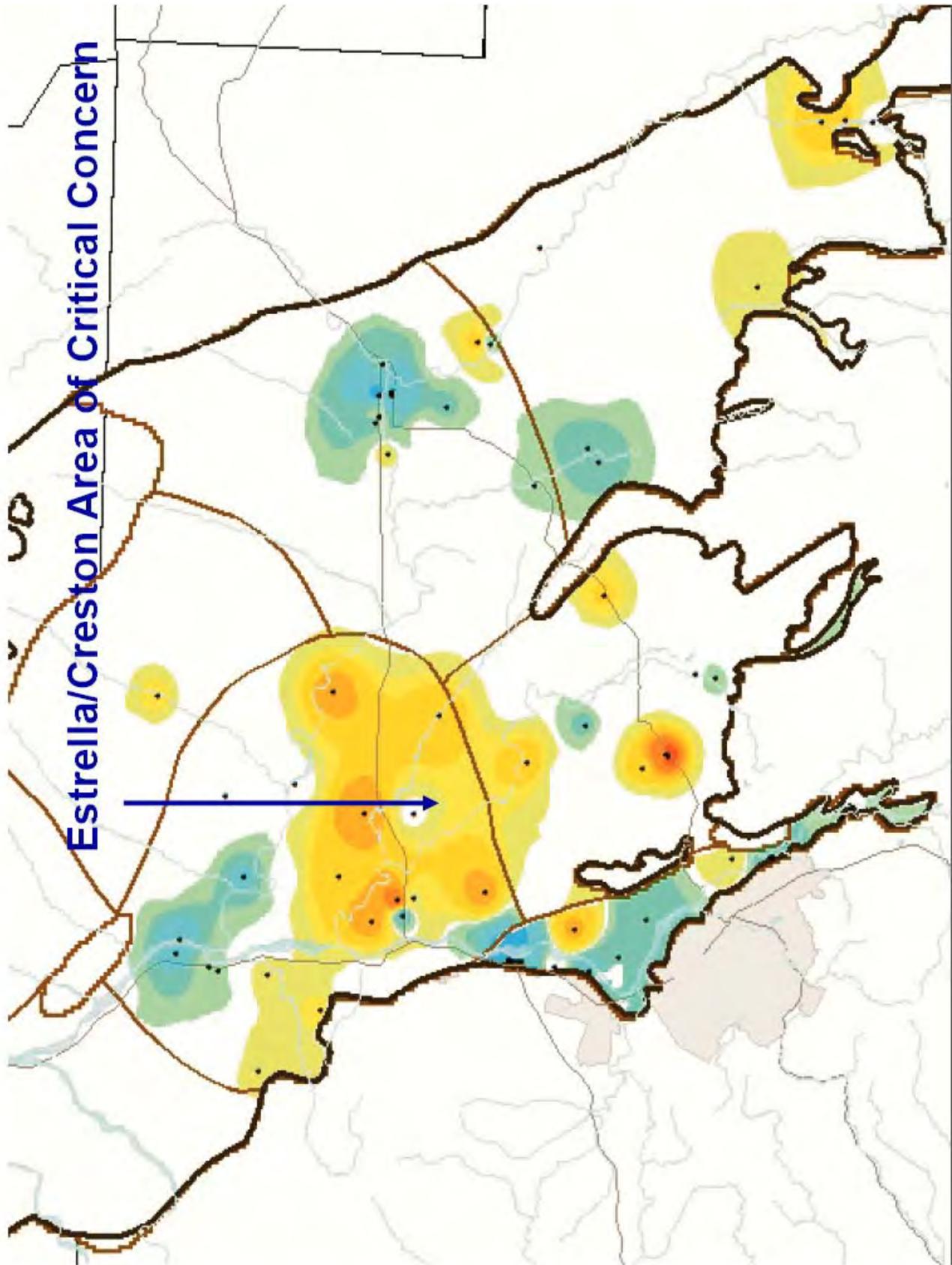
1. Contact person: Glenn Marshall, County Government Center Room 207, San Luis Obispo CA 93408. (805) 781-1596, gdmarsshall@co.slo.ca.us.
2. County Public Works is responsible for reviewing public improvements including streets and utilities, as well as drainage and flood hazard, under the provisions of the Real Property Division Ordinance and the Land Use Ordinance, and Encroachment within the public right-of-way under County Municipal Codes (Title 13) and the Streets and Highway Code.
3. For our use, the report must address project anticipated impacts to traffic and circulation, drainage and flood hazard, and potable water supply.
 - a. We have reviewed the traffic impacts addressed within the Final Traffic Impact Analysis prepared by ATE, dated May 29, 2009 and it appears sufficient for use in the report. Additional mitigations may include a limitation of occupancy until Caltrans has completed the SR 46 improvements and payment of road impact fees to the City of Paso Robles (the project is not within a county road impact fee area).
 - b. We will be interested in reviewing the DEIR for identified drainage and flood hazards impacts and recommended mitigations.
 - c. We will be interested in reviewing the DEIR for identified water supply impacts and recommended mitigations. The project is located within the Paso Robles Groundwater Basin area of concern (see attached) as identified in the County's Resource Capacity Study (RCS). The results and recommendations of the RCS are anticipated to be heard by the Planning Commission in September 2010, and by the Board of Supervisors November 2010. RCS recommendations for public discussion and Board approval may include a prohibition on land divisions.

4. A list of "Standard Conditions" is available from our office and available upon request. In February of 2010 Public Works provided Planning and Building comments and recommended conditions of approval for Tract 2905. A copy of that referral has been attached for your information. Also refer to 3a and 3c, above.
5. We do not have any alternative projects to suggest for evaluation.
6. Reasonably foreseeable projects, programs or plans in the area of this proposed development may include:
 - a. Ongoing and/or scheduled road and drainage maintenance operations within the county public right of way.
 - b. Caltrans improvements to State Route 46 East.
7. The following information may be relevant for consideration in the EIR:
 - a. Land Use Ordinance Title 22, specifically Chapter 22.36.110-Use of County Roads by Extraction Operations.
 - b. San Luis Obispo County Public Improvement Standards.
 - c. County Traffic Impact Study Policies (revised 3/26/07)
 - d. County of San Luis Obispo Pavement Report.
 - e. County of San Luis Obispo National Pollutant Discharge Elimination System Phase II, Stormwater Management Program (County Code Section 8.68)
 - f. County Code (Title 22) Sections 22.52-Grading & Drainage, and 22.14.060-Flood Hazard Area
 - g. Flood Insurance Rate Maps (FIRM), August 2008.
8. Public Works has no further comments on the Notice of Preparation.

Please provide us notification that the Draft EIR is available for review via the web and the related web address where the document may be viewed. If you have any questions or comments I can be contacted by phone at 805/781-1596, by email at (gdmarshall@co.slo.ca.us), or at the above address.

Attachments

V:_DEVSERV Referrals_Referral Responses\Land Divisions\Tract Maps\Tr 2905 SUB06-00138 Shandon\2010 Aug EIR-NOP\Tr 2905 NOP Response.doc



**PUBLIC WORKS COMMENTS AND
RECOMMENDED CONDITIONS OF APPROVAL FOR
Tract 2905 (SUB2006-00138), ESTRELLA RIVER VINEYARD, LLC.
19 Lot Ag Cluster Subdivision & APN: 015-014-001 through 009**

Public Works Comments:

1. The application was accepted for processing August 5, 2009.
2. The project is located within an Agricultural Zone and is a Cluster Subdivision. In accordance with Resolution 2008-0152 (supersedes Resolution 91-367) frontage improvements along Estrella Road are required. 18 residential lots are proposed. For Agriculture or Rural Lands Cluster subdivisions, Resolution 2008-0152 requires that ¼ mile of the frontage of Estrella Road be improved, centered on the entrance. However, because anticipates that most of the traffic generated by this project will be toward Paso Robles most of the widening should be toward Jardine Road. Recommended road improvements along Jardine Road may impact or require removal of existing trees. The Planner should address this issue in the environmental determination.
3. The project is proposing that the interior private access road easements be 30 feet in width. Title 21, Section 21.03.010 (d) (1) requires 40 feet of width for part-width roads and 50 feet for full-width (The 40 minimum is a reflection of the Streets and Highways Code minimum for public roads.) Section 21.03.010 (d) (7) requires that private easements may only serve a maximum of 5 parcels. Public Works recommends that pursuant to Section 21.03.020 design adjustment findings be made to address this per the Land Use Ordinance Section 22.22.150 B. 6. (1) which requires / allows the interior roads be privately owned and maintained.

Referral prepared by: Sam Taylor Jr. 788-2177
Referral date: February 25, 2010

Recommended Public Works Conditions of Approval

Access and Improvements:

Road and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:

- a. One quarter (1/4) mile of Estrella Road shall be widened to complete the project side of an A-1 section as follows:
 1. Approximately 700 feet fronting the property, from the intersection of the northerly property line and Estrella Road towards the southeast along Estrella Road (to approximately 400 feet southeast of Rio Robles Road), within a dedicated right-of-way of sufficient width to contain all elements of the roadway prism,
 2. The remainder of the one quarter (1/4) mile towards Jardine Road fronting off-site property within the existing right of way of Estrella Road.
- b. The private secondary access road shall be constructed to Cal Fire Standards within a private access easement of sufficient width to contain all elements of the roadway prism. Any dead end secondary access road shall terminate in a Cal Fire standard cul-de-sac or other Cal Fire approved terminus.
- c. Rio Robles Road and the road(s) giving primary access to Lots 1-18 on the Tentative Map constructed to an A-1c (250-400 Future ADT) section within a 30-foot private access easement.

Roads and/or streets to be maintained as follows:

- a. The following streets/roads: Estrella Road shall be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
- b. The following streets/roads: All on-site shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Public Works.

All intersections with Estrella Road be designed and constructed in accordance with the San Luis Obispo County Public Improvement Standards Chapter 3, Table 3-1, within necessary dedicated right-of-way.

A private easement shall be reserved on the map for access to 1-18.

All grading shall be done in accordance with Appendix Chapter 33 of the 1997 Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Any driveway approaches along Estrella Road shall be constructed in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

Improvement Plans:

Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:

- a. Street plan and profile.
- b. Drainage ditches, culverts, and other structures (if drainage calculations require).
- c. Water plan (County Environmental Health).
- d. Sewer plan (County Environmental Health).

- e. Grading and erosion control plan for subdivision related improvement locations.
- f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
- g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
- h. Trail plan, to be approved jointly with the Park Division.

The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

A final soils report by a Registered Civil Engineer shall be submitted for review prior to the final inspection of the improvements.

If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:

- a. Submit a copy of all such permits to the Department of Public Works OR
- b. Document that the regulatory agencies have determined that said permit is not required.

Drainage:

Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be retained / detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin/s is/are to be maintained in perpetuity.

Portions of the site are located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C0425F. Submit complete drainage calculations to the Department of Public Works for review and approval in accordance with County Code, Section 22.14.060.

If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns. All drainage basin areas shall be indicated as a building restriction.

The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 *et sec.*

Utilities:

All new electric, telephone and/or cable television lines shall be installed underground or overhead and service laterals stubbed to each lot.

Gas lines shall be installed and service laterals stubbed to each lot.

A 6-foot public utility easement on private property along Estrella Road, plus those additional easements as required by the utility company, shall be shown on the final Parcel or Tract Map.

Additional Map Sheet:

The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. If a fenced drainage basin is required, that the owner(s) of the individual lots are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
- b. If a drainage basin is required, that the owner(s) of the individual lots are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- c. All driveway approaches constructed on County roads shall require an encroachment permit.
- d. The limits of inundation from a 100 year storm over Lot 19 from Estrella River and its tributaries shall be shown on the additional map sheet and note the required building restriction on the sheet. All building permit submittals shall show compliance with County Code 22.14.060, Flood Hazard.
- e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- f. Notification to prospective buyers that all private access roads within the subdivision are to be privately maintained, indicating the proposed maintenance mechanism.
- g. The additional map sheet shall contain the final conditions of approval for the Conditional Use Permit as they are shown in the Notice of Final Action.

Covenants, Conditions and Restrictions:

The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

- a. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- b. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- c. Maintenance of all streets/roads within the subdivision in perpetuity.
- d. The limits of inundation from a 100 year storm over Lot 19 from Estrella River and its tributaries shall be shown on the additional map sheet and note the required building restriction in the CC&R's and note the required building restriction in the CC&R's.
- e. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous:

This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.



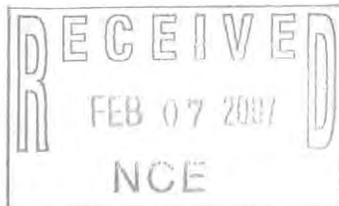
SAN LUIS OBISPO COUNTY HEALTH AGENCY

PUBLIC HEALTH DEPARTMENT Environmental Health Services Division

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
805-781-5544 • FAX 805-781-4211

February 2, 2007

Resource Landholdings
c/o North Coast Engineering, Inc.
725 Creston Road, Suite B
Paso Robles, CA 93446



Jeff Hamm
Health Agency Director
Gregory W. Thomas, M.D., M.P.H.
Health Officer/Public Health Administrator
Curtis A. Batson, R.E.H.S.
Director of Environmental Health

ATTN: KEN BROWN
RE: TENTATIVE TRACT MAP 2905 (ESTRELLA VINEYARDS)
A.P.N. 015-014-001 thru -009

Water Supply

This office is in receipt of onsite water well information for the aforementioned subdivision map. Said information is considered satisfactory **preliminary** evidence of a domestic water supply. The applicant is proposing to establish a new community water company therefore additional water well documentation will be required for **each** well prior to approving the map for recordation. Adequate documentation will include well completion report, well capacity (pump test) and water quality testing (not more than five years old) prior to final recordation.

The applicant will need to contact Brad Prior at 788-2049 to begin the process of setting up a public water supply. The construction, production, quality and infrastructure will need to be approved **prior** to this map recording.

Please, also provide a full size exhibit showing all existing facilities and site characterization. The location of the community well(s) shall be provided with a 200-foot setback to any source of contamination.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met. A septic system feasibility evaluation has been performed for the development. Be advised that soil testing will be required on each parcel, three percolation tests and one deep soil boring, in the most likely area of system installation, prior to map recordation.

TRACT 2905 is approved for Environmental Health subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section



September 3, 2010

Shawna Scott
SWCA Environmental Consultants
1422 Monterey St., Suite C 200
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Estrella River Vineyard SUB2006-00138 Tract 2905

Dear Ms. Scott,

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 on Estrella Road, approximately 1.2 miles east of Jardine Road in Paso Robles. The project, as proposed, includes a Vesting Tract Map (Tract 2905) and Conditional Use Permit to allow the subdivision of a 562-acre property (consisting of five legal parcels) into an agricultural cluster development composed of 18 residential cluster parcels and one agricultural parcel. The cluster parcels vary in size from one acre to 3.18 acres. The agricultural parcel is approximately 537 acres in size, would be preserved in perpetuity through an open space easement, and will be placed under an agricultural preserve contract. A 2.5 acre envelope for future agricultural processing use is also proposed to be located on the agricultural parcels. The area of disturbance to accommodate internal access roads and other infrastructure is estimated to cover approximately 13.3 acres. *The following are APCD comments that are pertinent to this project.*

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of agricultural land and increasing residential development in areas far removed from commercial services and employment centers. This kind of remote development fosters continued dependency of the personal automobile and adds strain to limited infrastructure and natural resources. In addition, it hampers efforts to reduce fossil fuel consumption and associated greenhouse gas emissions that are needed to attain the goals of AB 32, California's Global Warming Solutions Act of 2006.

The District recognizes the intent of the minor agricultural cluster land use ordinance; to provide an option for development while retaining and protection the majority of the property for agricultural purpose. However, District staff feels this type of development is precedence setting by allowing smaller lots in areas zoned agricultural. This type of development is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development (20 acre or larger parcel size). ***The APCD does not support this project or this type of development.***

Should this project continue to move forward against our recommendation, the following APCD comments will be appropriate.

3433 Roberto Court, San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slcleanair.org • www.slcleanair.org

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

The APCD staff considered the construction impacts of this development by (running the URBEMIS2007 computer model, a tool for estimating construction emissions related to the development of land uses) OR (comparing it against screening models within the APCD's Air Quality Handbook). This indicated that construction phase impacts will likely be less than the APCD's significance threshold values of 137 lbs of emissions per day and 2.5 tons of emissions per quarter. Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact the APCD Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are**

removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at 781-5912 for further information.

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed; and,
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE MITIGATION

Agricultural cluster development can result in incompatible uses. Residential homes in the midst of agricultural operation often times presents the residents with dust, pesticide and smoke related issues. The APCD understands how agricultural operations take precedent in Agricultural zoned lands, thus presenting incompatibilities with residential agricultural clusters. To avoid potential nuisance complaints and enforcement action, the APCD has a recommended, these potential nuisance be disclosed to potential buyers of the property and measures be implemented to reduce exposure to residences. The following measures should be included in the project:

- **Establish a buffer zone between agricultural activities and residences.**
- **All access roads should be paved to reduce the generation of dust.**
- 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. Therefore, **prohibit agricultural burning of materials from the agricultural land that is upwind of residential units; for downwind locations, prohibit agricultural burning within 1000 feet of residential units.**

The APCD staff considered the operational impact of this project by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts of the greenhouse gas known as carbon dioxide (CO₂) will be approximately **307 tons/year**. **While statewide/global thresholds have not yet been defined for GHG impacts, SLO County APCD recommends the implementation of feasible mitigation measures that minimize project related GHG impacts.**

Examples of potential measures for this development include:

- Developments within Urban Reserve Lines with walking or bicycling access to nearby commercial and transit services thus reducing automobile dependence;
- Include pedestrian amenities that provide improved connectivity to existing amenities;
- Securing shuttle services for the tasting room and special events;
- Improving the energy efficiency of the wine production equipment;
- Replacing support equipment and vehicles that have internal combustion engines with their electric equivalents;
- Green building techniques such as:
 - Building positioning and engineering that eliminate or minimize the development's active heating and cooling needs;
 - Implementing solar systems to reduce energy needs;
 - Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall, or floor insulation, installing high efficiency windows, using efficient interior lighting and energy star roofs and appliances, etc.)
 - Native shade tree planting along southern exposures of buildings to reduce summer cooling needs;
 - Planting of native, drought resistant landscaping;
 - Use of locally or nearby produced building materials;
 - Use of renewable or reclaimed building materials;

- Installing outdoor electrical outlets to encourage the use of electric appliances and tools; and
- Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing and tele-learning to occur simultaneously in at least three locations throughout the home.

Residential Wood Combustion

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact the APCD Enforcement Division at 781-5912.

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

MAG/arr

cc: Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

Attachments:

1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

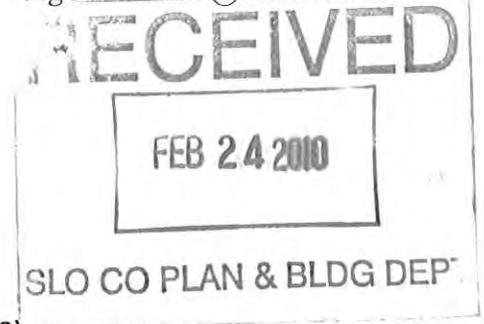


COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: February 24, 2010
TO: Michael Conger, Planning Department
FROM: Michael Isensee, Agriculture Department *mgd*
SUBJECT: Estrella Agricultural Cluster Subdivision
Tract 2905 & Conditional Use Permit, SUB2006-00138 (Ag# 1232)



Thank you for the opportunity to comment on the May 29, 2009 revision to the proposed Estrella River Associates LLC agricultural cluster subdivision proposal, a project which would create 18 clustered residential parcels and a single protected agricultural parcel within a 562 acre site. The Agriculture Department recognizes that the County's agricultural cluster provisions provide an alternative to traditional subdivision by maintaining the majority of a site for permanent agricultural production. The Department also recognizes that careful cluster design and analysis of potential impacts are necessary to avoid unintended impacts to the long-term agricultural capability of a site as well as to agricultural operations in the vicinity.

An extensive amount of time was spent in order to determine the appropriate residential density and design of a project that would comply with county standards. These issues were among those addressed prior to project acceptance. Approximately concurrent with project acceptance, the applicant submitted a Water Adequacy Assessment (Cleath-Harris Geologists, Inc., July 27, 2009). This assessment raised substantial concerns about the adequacy of groundwater supplies to support existing on-site and regional demands. The assessment concludes, in part, that "...this part of the basin has exceeded equilibrium" (page 2) and "[t]he existing demands of water users in the Estrella area do not appear sustainable under current basin conditions" (page 3). Based upon the information provided, the Department finds that the proposed project is inconsistent with County Agriculture Policy 11: *Agricultural Water Supplies*, which states, in part

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.

The Department also finds that the project does not meet the following required finding for an approvable agricultural cluster subdivision

The water resources...are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity (§22.22.150.B.5(d)).

Approval of the proposed project would result in dedicating a portion of groundwater resources currently utilized for agricultural uses to residential development in a part of the Paso groundwater basin where current extractions are not sustainable.

The applicant has proposed measures intended to address potential impacts to water resources that would result from the approval of the subdivision. Specifically, the applicant has recommended that a number of agricultural "best management practices" be developed for the project site and that implementation of these practices be incorporated as conditions of approval and deed restrictions on the project site. The result of such practices would be to require current and future agricultural producers reduce water use within both existing and future irrigated areas on the site in perpetuity. Within existing permanent crop areas, the grower would be required to decrease water consumption approximately 18% from the average water use between 2006 and 2008. As the proposed project density is premised upon 360 acres of irrigated lands, irrigation on those lands would not be allowed to exceed an average of 1.026 acre feet/acre/year. If additional lands were planted to irrigated crops on site, per acre water use would not be allowed to increase. The proposed measures would require the current and any future agricultural producer on the project site to implement and maintain practices to ensure that water use does not exceed a certain level, and would require the County to monitor and enforce conditions preventing the grower from exceeding a certain level of water consumption.

The Agriculture Department fully supports and encourages agricultural water conservation measures on a voluntary basis; it does not support linking such measures to the approval of subdivision and residential development on agricultural lands. Specifically, the Department finds that such measures would require the County to regulate farming practices and could preclude the level of flexibility the agricultural industry needs to operate in the face of changing market, regulatory, and environmental conditions. County-mandated water conservation measures could force growers on this site to reduce water consumption below levels necessary to sustain plant vigor or crop yields. These measures would preclude moving to a more water-intensive crop if market or environmental conditions require such a change. These measures would also place the County in the position of enforcing water restrictions on agriculture on the project site in perpetuity. It is unclear if or how enforcement would occur. Conditions which regulate agricultural water use would set a new precedent relative to the monitoring of agricultural practices by the County. For these reasons the project as proposed does not appear to fulfill the intent and another required finding for agricultural cluster projects:

The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding areas (§22.22.150.B.5(a)).

Therefore the Department recommends denial of the project.

These comments and recommendations are based on policies in the Agriculture and Open Space Element of the General Plan, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

For additional information, please contact me at 781-5753.



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

June 12, 2009

Michael T. Conger
Current Planning Division
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RE: SUB2006-000138, Tract 2905
Estrella River Vineyards, LLC

Dear Michael:

Thank you for the opportunity to comment on the application for Tract 2905 submitted by Estrella River Vineyards, LLC. The City is generally supportive of the agricultural cluster concept. This type of development is consistent with numerous policies of the City's General Plan including the Purple Belt program.

With regard to impacts on the City, Tract 2905 will generate traffic on the Highway 46E corridor and parallel routes developed by the City. In order to mitigate these impacts we recommend the following condition of approval:

- Traffic impact fees shall be imposed on the building permits in the amount of the fees in place, in the City, at the time the building permits are issued.

The City is also concerned with any impacts to the groundwater basin. An analysis of basin impacts should be prepared and offered to the City for comment.

Once this project is scheduled for hearing, please provide us notice of the hearing and a copy of your staff report. We do appreciate the opportunity to comment.

Sincerely,



John Falkenstien
City Engineer

cc: Ron Whisenand, Community Development Director
Susan DeCarli, City Planner
James App, City Manager



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
 Phone: 805.543.4244 • Fax: 805.543.4248
 www.cdfslo.org

Matt Jenkins, Fire Chief

February 18, 2009

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

Subject: Parcel Map Project #SUB2006-00138 - Tract 2905 (Estrella River Vineyards)

North County team members,

I have reviewed the referral information and tentative plans for the proposed residential/agricultural subdivision project located on Estrella Road east of Paso Robles, CA. This project is located approximately 5-10 minutes from the closest CAL FIRE/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions shall apply to this project:

Access Road

All existing and/or proposed access roads must be constructed to both San Luis Obispo County Department of Planning and Building and CAL FIRE/County Fire standards when the road(s) serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet

The Alternative Site Plan dated 2/5/09 provided by the applicant's agent, has been reviewed by CAL FIRE/San Luis Obispo County Fire Department. Upon initial review of the proposed access road and circulation system this department finds that the proposal meets all relative standards and does not present a concern for maximum dead-end road standards.

- The access road(s) must be a minimum of 24 feet in width and provide an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway(s)

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

Driveway standards required:

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.
- The driveway must be an all weather surface.
- If the driveway exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All access driveways must be able to support a 20 ton fire engine.
- Vertical clearance of 13'6" is required.

The "shared driveway" providing access to proposed parcels #8 and #9 will require a minimum all-weather driving surface of no less than 16-foot wide. All portions of this roadway exceeding a 12% grade shall be required to provide a non-skid paved surface.

Future development on these parcels will require proper signage at or near the starting point of the "shared driveway". This will be accomplished utilizing the normal building permit process.

Water Supply

The checked water supply is required:

This project will require a community water system which meets the minimum fire flow and fire hydrant spacing requirements of Appendix B & C as well as Table B105.1 and Table C105.1 of the California Fire Code (2007 Edition).

A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Building Set Back

All parcels over 1 acre in size requires a 30 foot set back.

Fuel Modification

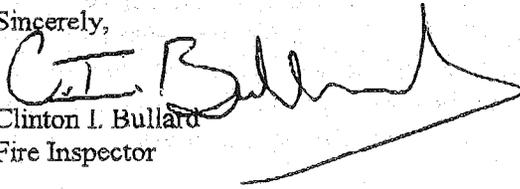
- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 feet firebreak. An additional 70 feet of fuel reduction is required. This will provide a total of 100 feet of defensible space. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

- The project application reviewed **does not** meet the above conditions. The applicant must modify the application plan and resubmit to CAL FIRE/San Luis Obispo County Fire for another review.
- The project application as prepared appears to meet the conditions above. Any changes to the project should be resubmitted for review. Additional conditions may be added to the project in the future.

Final Inspection

This project shall require a final inspection by CAL FIRE/San Luis Obispo County Fire Department to ensure conditions are met. When the conditions have been met contact fire prevention at 543-4244 ext. 2220 and ask for a final inspection.

Sincerely,


Clinton I. Bullard
Fire Inspector

cc: Kirk Consulting, Agent

SAN LUIS OBISPO COUNTY

COUNTY

ESTRELLA

ESTRELLA

Wellsona Road

Estrella Road

Tower Road

Airport Road

93446

PASO ROBLES

SITE

Jardine Road

Dry Creek Road

Golden Hill Road



46 East



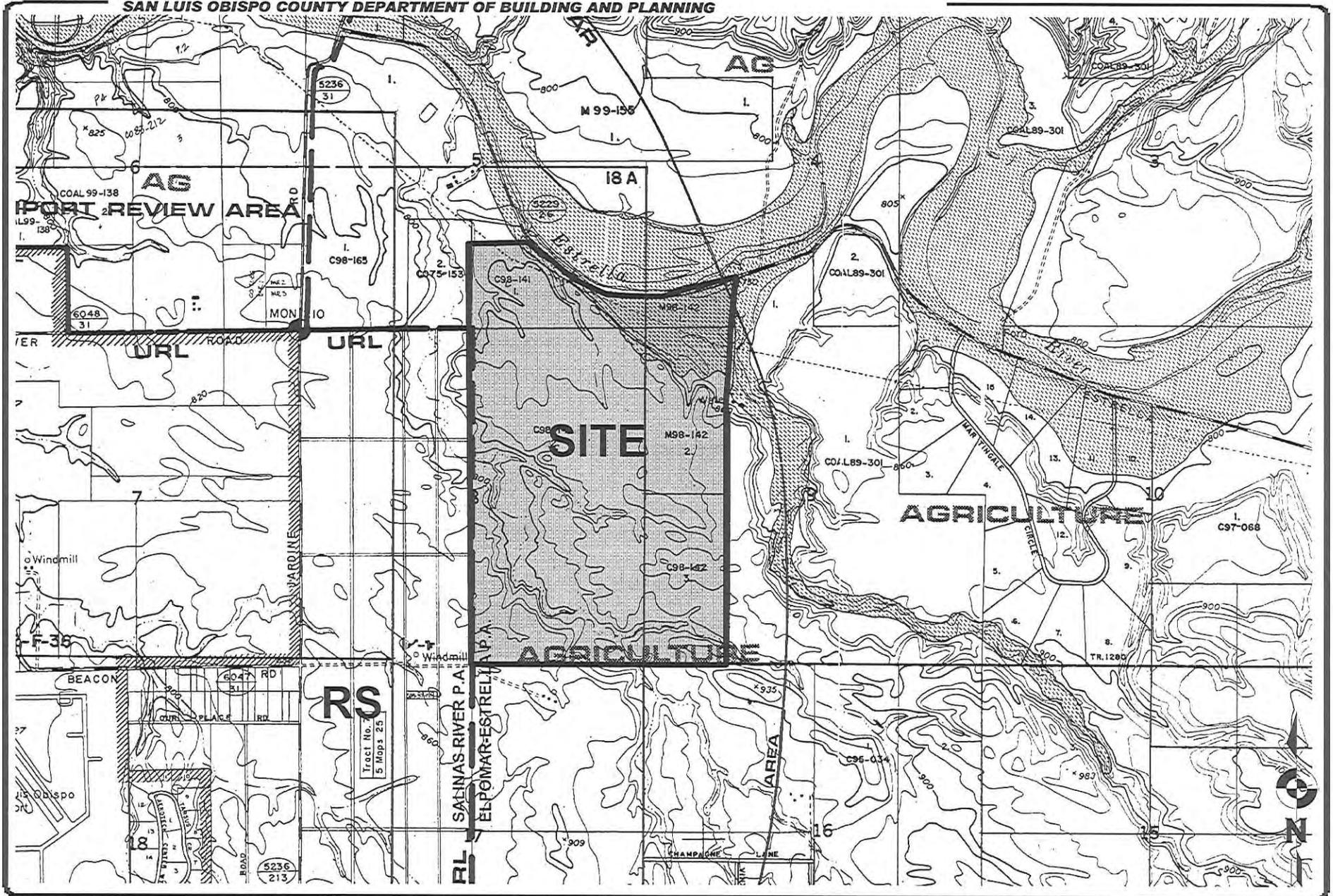
PROJECT

Tract 2905
Estrella River Vineyard, LLC – SUB2006-00138



EXHIBIT

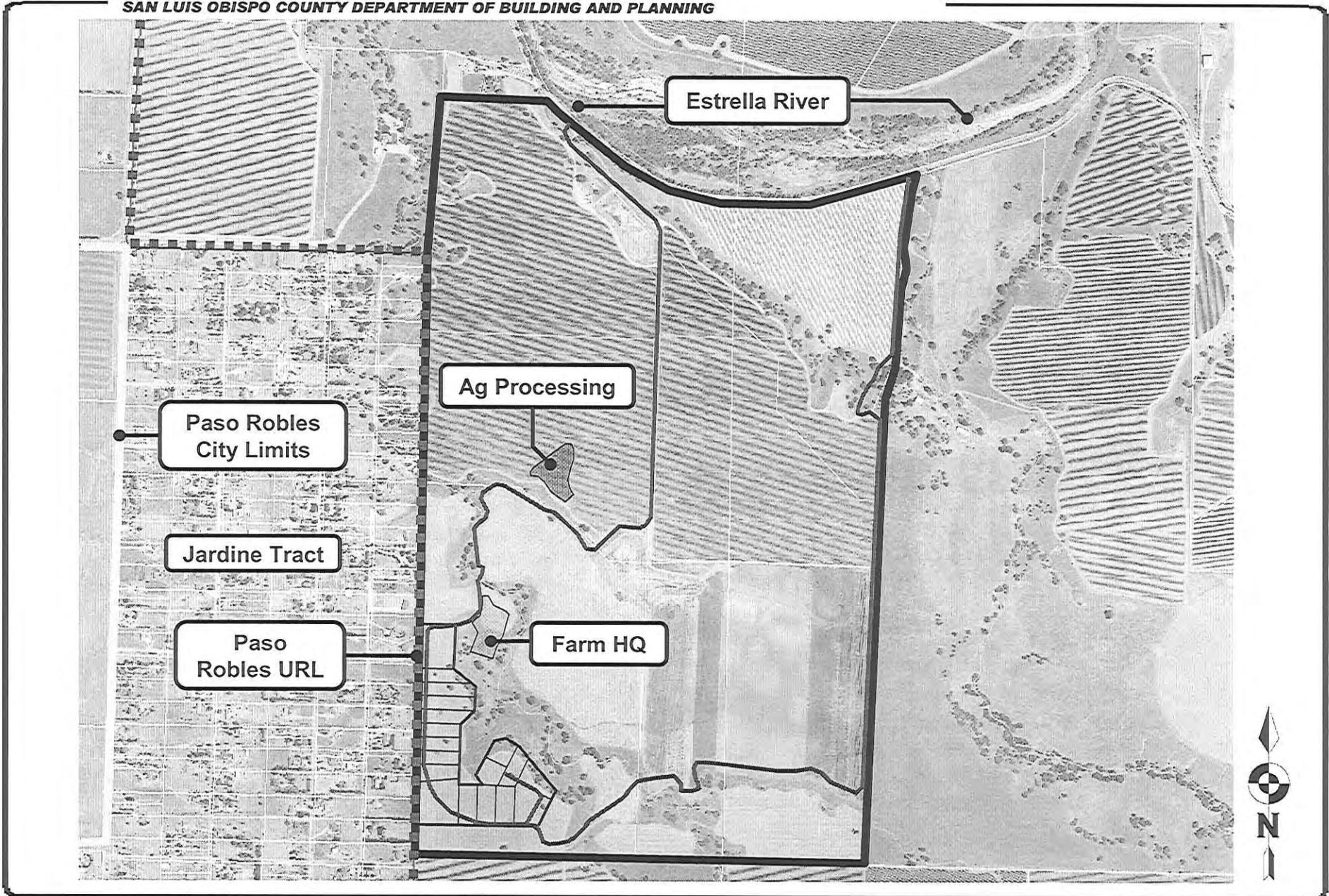
Vicinity Map



PROJECT
Tract 2905
Estrella River Vineyard, LLC – SUB2006-00138



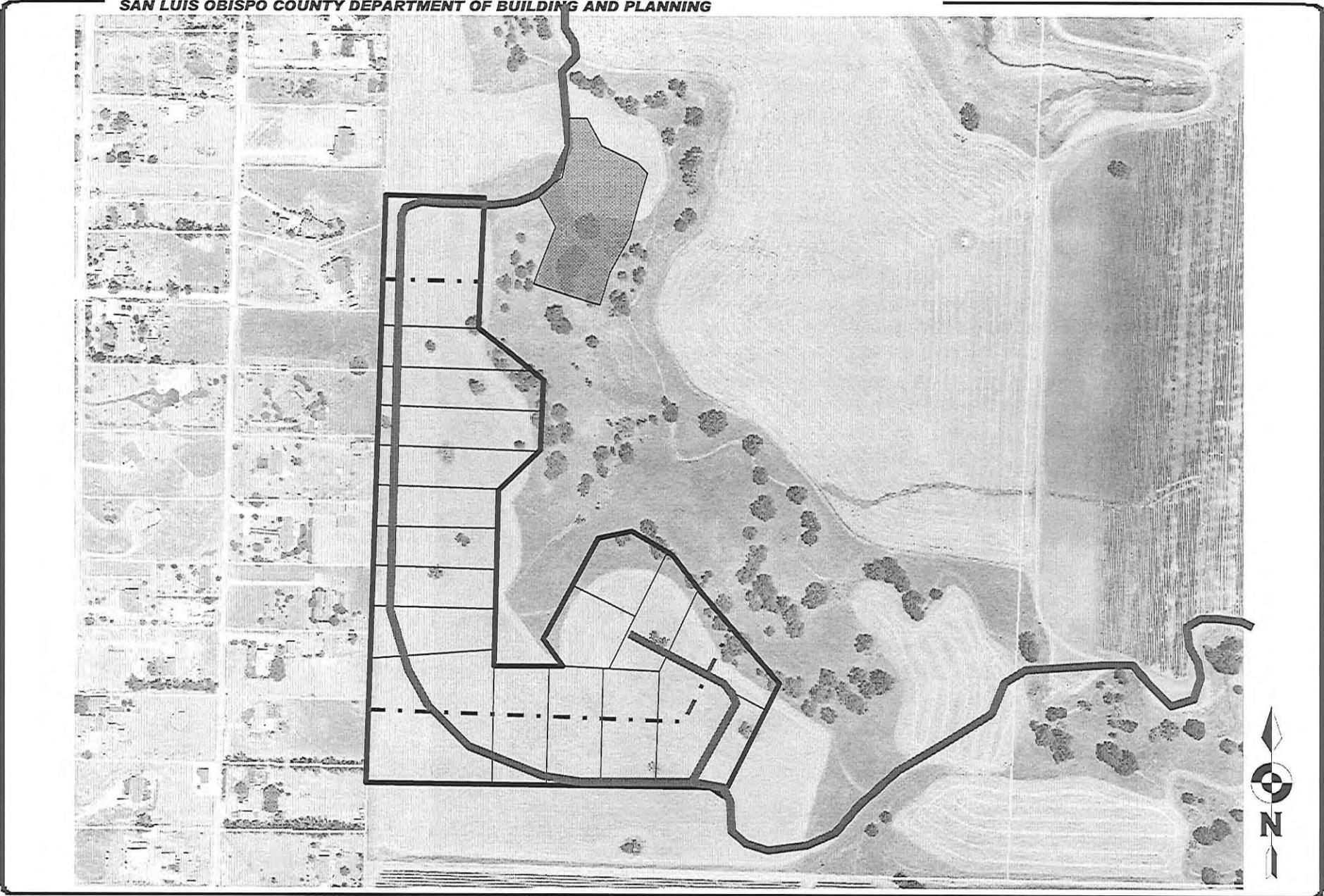
EXHIBIT
Land Use Category Map



PROJECT
Tract 2905
Estrella River Vineyard, LLC – SUB2006-00138



EXHIBIT
Aerial Image



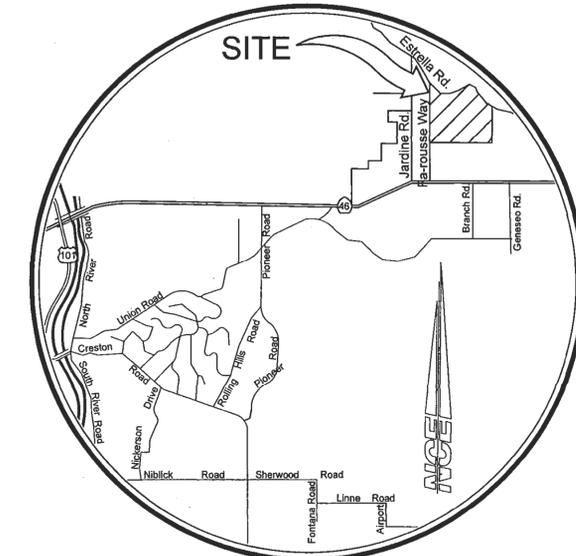
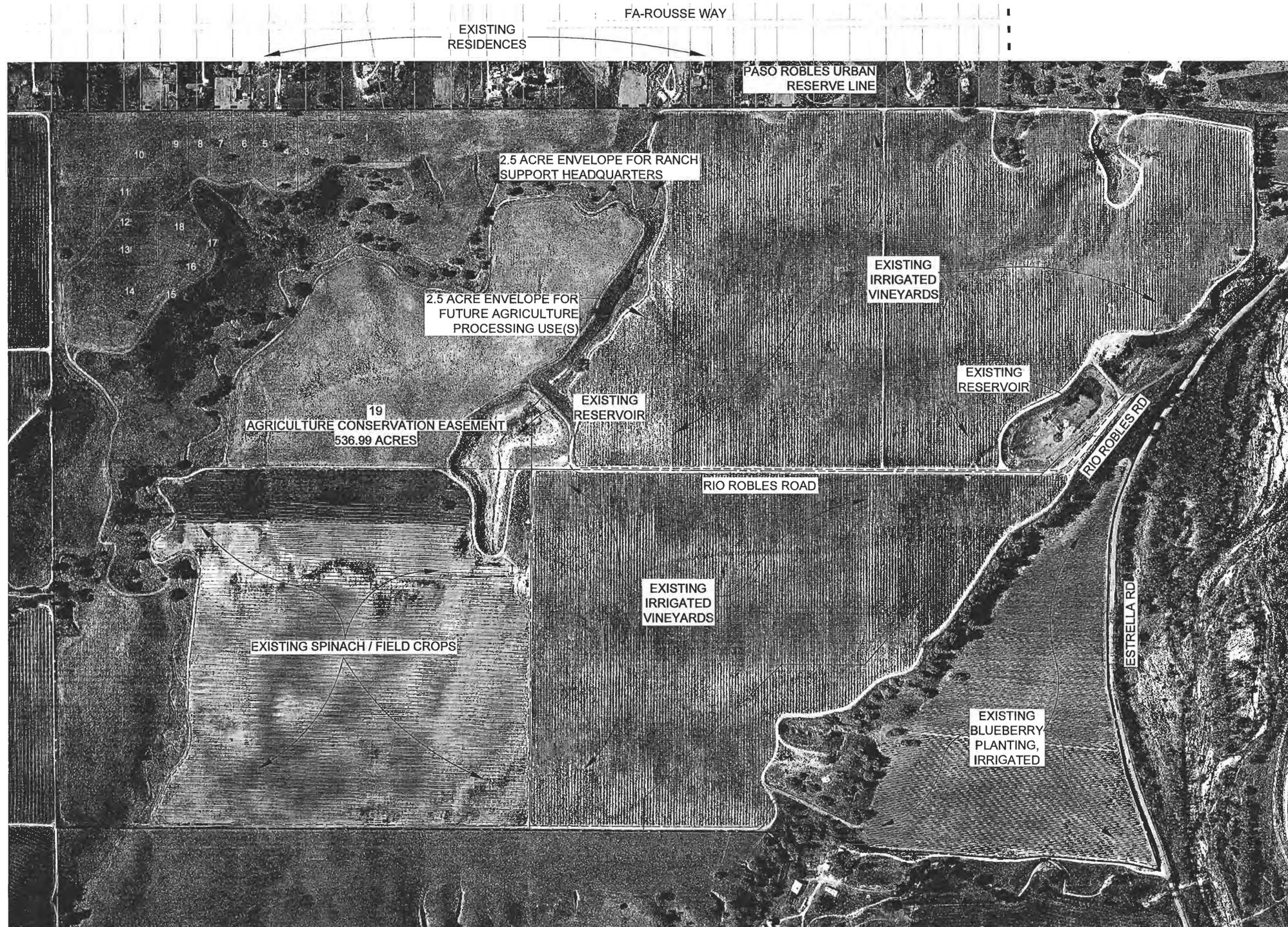
PROJECT

Tract 2905
Estrella River Vineyard, LLC – SUB2006-00138



EXHIBIT

Aerial Image



VICINITY MAP
NO SCALE

SITE STATISTICS - OVERVIEW

TOTAL GROSS AREA:	561.91 ACRES
TOTAL NET DEVELOPABLE AREA:	24.92 ACRES
RESIDENTIAL LOTS:	18
MIN. LOT SIZE:	1.0 ACRE
AVG. LOT SIZE:	1.38 ACRE
MAX. LOT SIZE:	3.18 ACRE
OPEN SPACE (LOT 19):	536.99 ACRES

RECORD OWNER/APPLICANT: ESTRELLA RIVER VINEYARD, LLC
523 SOUTH CASCADE AVE, SUITE E
COLORADO SPRINGS, CO 80903



ENGINEER: NORTH COAST ENGINEERING, INC.
725 CRESTON RD., STE. B
PASO ROBLES, CA 93446
GREG S. JAEGER
R.C.E. 58030
EXP. 6/30/10

A.P.N.: 015-014-001, 015-014-002, 015-014-003,
015-014-004, 015-014-005, 015-014-006,
015-014-007, 015-014-008, 015-014-009

EXISTING USE: VINEYARD/ORGANIC SPINACH/BLUEBERRIES
PROPOSED USE: VINEYARD/BLUEBERRIES/SINGLE FAMILY
HOMES IN AN AGRICULTURAL CLUSTER

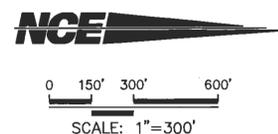
**ESTRELLA RIVER VINEYARD
SITE PLAN
TRACT 2905**

IN THE UNINCORPORATED TERRITORY OF THE
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4 AND 5 OF
PARCEL MAP COAL 98-0210, ACCORDING TO THE MAP
RECORDED APRIL 19, 2002 IN BOOK 56 OF PARCEL MAPS,
AT PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY



SHEET INDEX

1. SITE PLAN
2. VESTING TENTATIVE MAP - OVERALL BOUNDARY
3. VESTING TENTATIVE MAP - LOT DETAILS
4. PRELIMINARY GRADING AND DRAINAGE - OVERALL SITE
5. PRELIMINARY GRADING AND DRAINAGE - LOT DETAILS



LEGEND

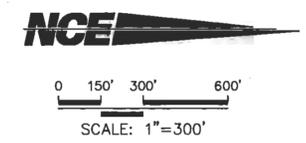
---	EXISTING BOUNDARY
---	PROPOSED PROPERTY LINE
---	EXISTING EASEMENT
---	PROPOSED EASEMENT
---	CENTERLINE
---	PROPOSED AGRICULTURAL BUFFER
---	PROPOSED BUILDING ENVELOPES

RESIDENTIAL CLUSTER STATISTICS

TOTAL SITE AREA:	561.91 AC
RESIDENTIAL LOT AREA:	24.92 AC
NEW RESIDENTIAL ROADS & WATER TANK:	2.89 AC
NET RESIDENTIAL DEVELOPMENT AREA:	27.81 AC
LUO ALLOWED DEVELOPMENT AREA, 5%:	28.10 AC
OPEN SPACE PARCEL:	536.99 AC
LUO OPEN SPACE REQUIREMENTS, 95%:	533.81 AC

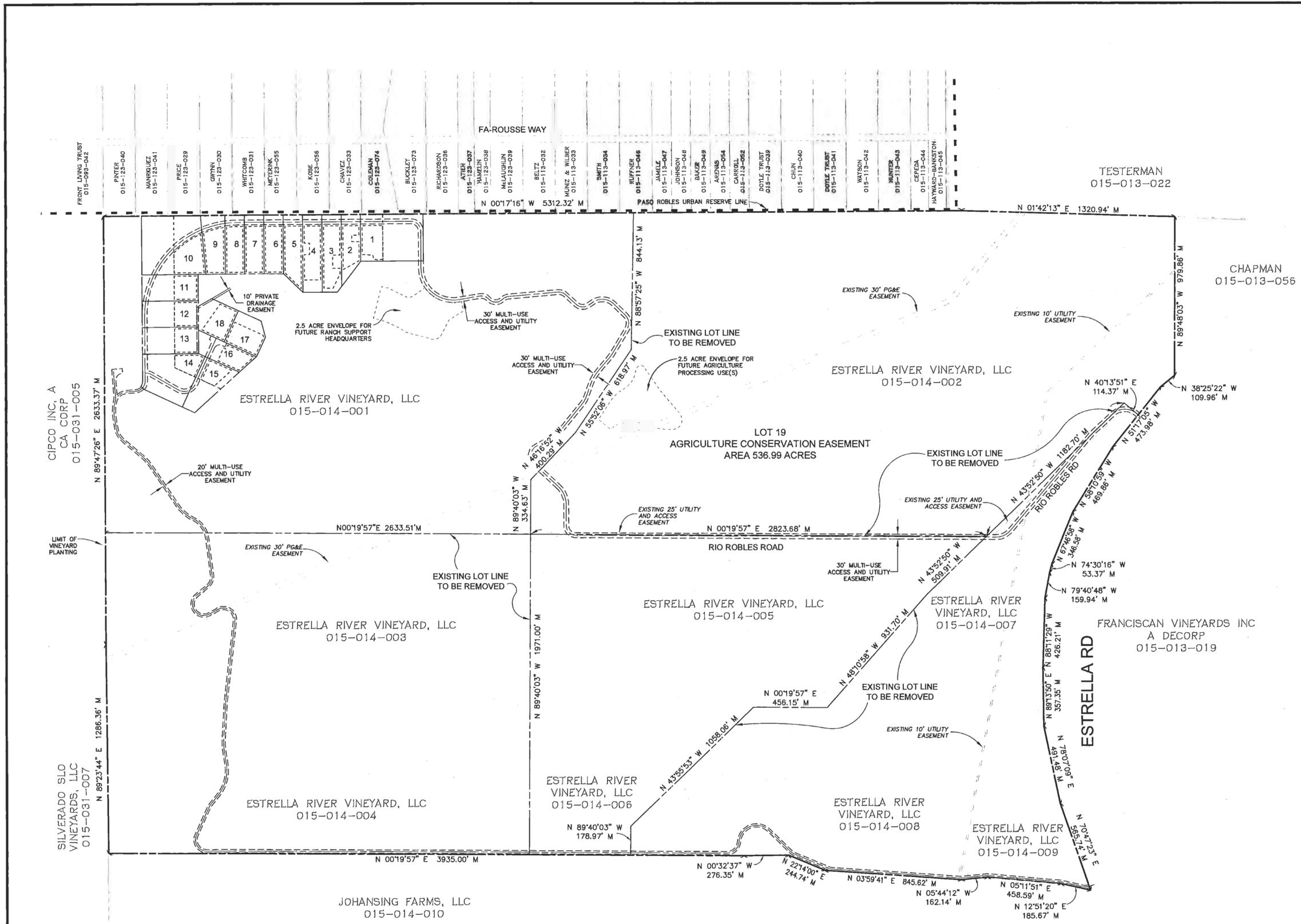
LOT AREAS

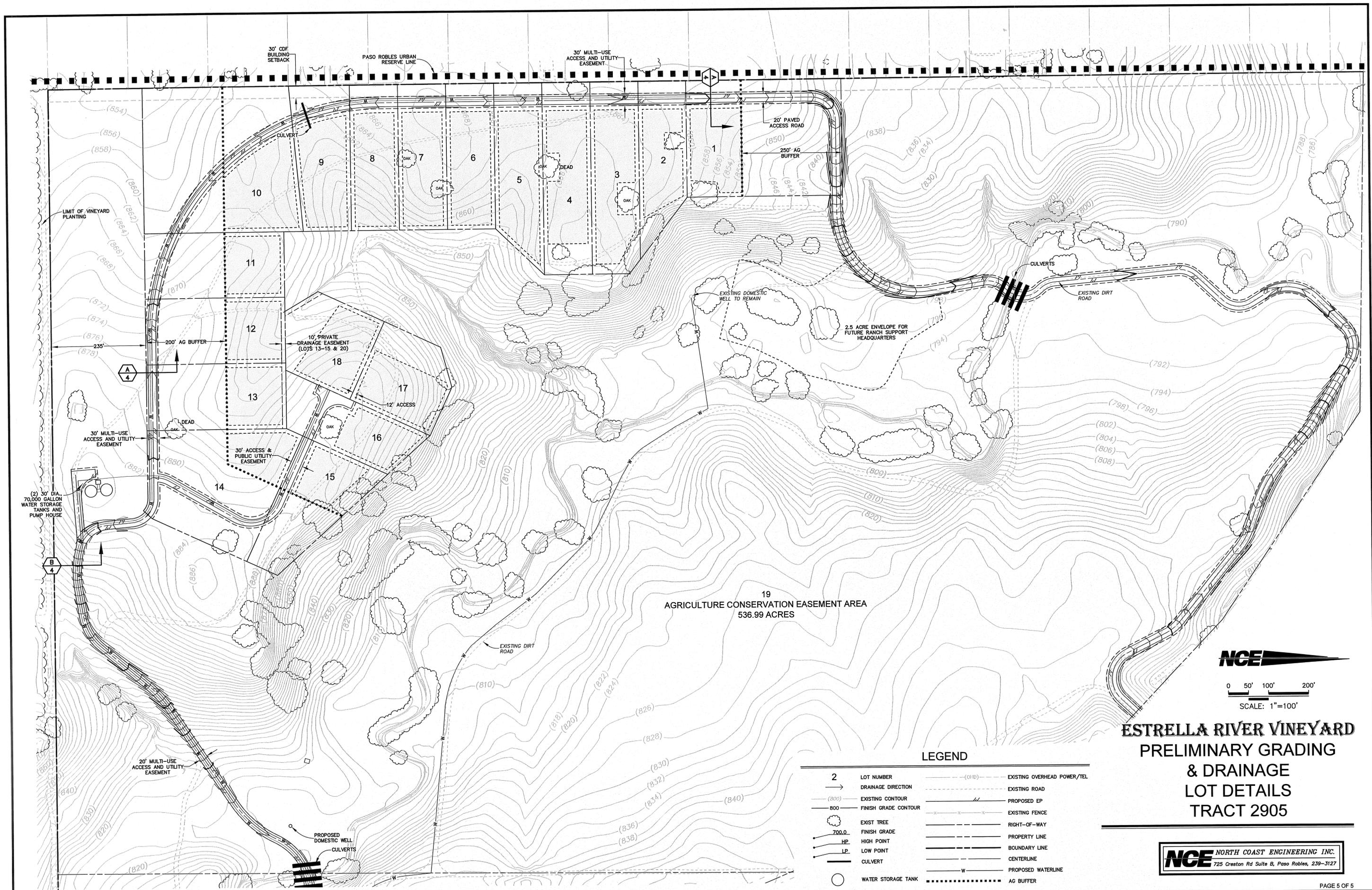
LOT #	GROSS (AC)	NET (AC)	BUILDING ENVELOPE (SF)
1	2.58	2.17	24818
2	1.00	0.92	22302
3	1.31	1.23	32931
4	1.32	1.24	30993
5	1.16	1.08	33700
6	1.00	0.92	28300
7	1.00	0.92	28300
8	1.00	0.92	28241
9	1.13	1.03	29652
10	3.18	2.89	33541
11	1.30	1.18	19784
12	1.30	0.95	19784
13	1.30	1.18	19784
14	2.09	1.16	16298
15	1.24	1.15	15165
16	1.01	0.89	18288
17	1.00	---	25259
18	1.00	---	24292
19	536.99	---	---



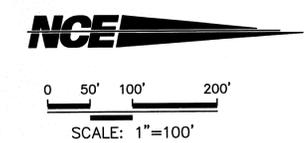
**ESTRELLA RIVER VINEYARD
VESTING TENTATIVE MAP
OVERALL BOUNDARY
TRACT 2905**

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4 AND 5 OF PARCEL MAP COAL 98-0210, ACCORDING TO THE MAP RECORDED APRIL 19, 2002 IN BOOK 56 OF PARCEL MAPS, AT PAGE 40 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY





19
AGRICULTURE CONSERVATION EASEMENT AREA
536.99 ACRES



**ESTRELLA RIVER VINEYARD
PRELIMINARY GRADING
& DRAINAGE
LOT DETAILS
TRACT 2905**

LEGEND

2	LOT NUMBER	(CHD)	EXISTING OVERHEAD POWER/TEL
→	DRAINAGE DIRECTION	---	EXISTING ROAD
—(800)—	EXISTING CONTOUR	—	PROPOSED EP
—800—	FINISH GRADE CONTOUR	—	EXISTING FENCE
○	EXIST TREE	—	RIGHT-OF-WAY
700.0	FINISH GRADE	—	PROPERTY LINE
HP	HIGH POINT	—	BOUNDARY LINE
LP	LOW POINT	—	CENTERLINE
—	CULVERT	—	PROPOSED WATERLINE
○	WATER STORAGE TANK	—	AG BUFFER

NCE NORTH COAST ENGINEERING INC.
725 Creston Rd Suite B, Paso Robles, 239-3127

R:\PROJ\05152\dwg\05152 Tent Map Rev02.dwg, GRADING-100, 5/26/2009 4:41:30 PM, by CLB