Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED13-227 **DATE:** 10/22/2015

PROJECT/ENTITLEMENT: Vanderheyden General Plan Amendment; LRP2010-00006

APPLICANT NAME: Paul Vanderheyden
ADDRESS: 1821 Tiburon Way, San Luis Obispo, CA, 93401
CONTACT PERSON: Rachel Kovesdi **Telephone:** (805)471-2948

PROPOSED USES/INTENT: Request by Paul Vanderheyden for a General Plan Amendment to the San Luis Obispo North Sub Area of the San Luis Obispo Area Plan of the Land Use Element to change the land use category on a 21.5 acre site from Agricultural to Residential Rural. The project is located approximately 500 feet east of the eastern terminus of Tiburon Way, on the east side of Orcutt Road, located on the eastern boundary of the City of San Luis Obispo, in the San Luis Obispo North Sub Area of the San Luis Obispo planning area.

LOCATION: County San Luis Obispo

LEAD AGENCY: **County of San Luis Obispo**
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

OTHER POTENTIAL PERMITTING AGENCIES:

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

	Megan Martin		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.2)Using Form

Project Title & No. Vanderheyden General Plan Amendment ED13-227 (LRP2010-00006)

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.

☐ Aesthetics	☒ Geology and Soils	☒ Recreation
☐ Agricultural Resources	☐ Hazards/Hazardous Materials	☒ Transportation/Circulation
☐ Air Quality	☐ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☐ Water /Hydrology
☐ Cultural Resources	☒ Public Services/Utilities	☒ 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.

Megan Martin — Megan Martin — 10/16/2015
Prepared by (Print) — Signature — Date

Steve McMasters — for Ellen Carroll, Environmental Coordinator — 10/16/15
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 County Planning Department 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 Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Paul Vanderheyden for a General Plan Amendment to the San Luis Obispo North Sub Area of the San Luis Obispo Area Plan of the Land Use Element to change the land use category on a 21.5 acre site from Agricultural to Residential Rural. The project is located approximately 500 feet east of the eastern terminus of Tiburon Way, on the east side of Orcutt Road, located on the eastern boundary of the City of San Luis Obispo, in the San Luis Obispo North Sub Area of the San Luis Obispo planning area.

BACKGROUND: The project site is Parcel A of Lot Line Adjustment COAL 00-0048 (originally part of Tract 681). The parcel is served by the Afuera de Chorro Mutual Water Company, which as a general rule for all served lots, restricts development and use of the property to two primary residences, two secondary residences, and prohibits agricultural use on the property.

The amendment request was originally submitted in January 2011 at a time when Planning staff was processing the Land Use and Circulation Element Update (LUCE), and was to be included in this process. Since the portion of the LUCE update dealing with substantive land use change had been delayed at that time, the applicant opted to pursue the amendment request independent of the LUCE.

The Board of Supervisors authorized the General Plan Amendment request on July 9, 2013 to: 1) amend the San Luis Obispo Area Plan by changing the land use category on an approximately 21.5 acre site from Agriculture to Residential Rural; and 2) change the Agriculture Element land use designation from Agriculture to Small Lot Rural for the purpose of subdivision of the property into two parcels.

PROPOSED FUTURE DEVELOPMENT: Following the land use change, the applicant intends to subdivide the property into two parcels. Currently, the 21.5 acre Agriculture site allows two primary residences and two guesthouses. If rezoned to Residential Rural, the San Luis Obispo Area Plan standards would limit minimum parcel size to 10 acres (Section 22.108.040(D)). Therefore, the proposed amendment would allow the owner to submit an application to subdivide the property into two parcels, which would allow one primary residence and one secondary residence on each parcel, yielding the comparable density as is currently allowed on the site. Future development would require the processing of a subdivision (parcel map), possibly use permits, and building permits. The subdivision, use permits, and some construction permits will be subject to CEQA, and will provide an opportunity to evaluate impact based on project specific details.

ASSESSOR PARCEL NUMBER(S): 076-531-009

Latitude: 35 degrees 15' 47" N Longitude: 120 degrees 37' 44" W **SUPERVISORIAL DISTRICT #** 3

B. EXISTING SETTING

PLANNING AREA: San Luis Obispo, San Luis Obispo

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Airport Review
Sensitive Resource Area

EXISTING USES: Single-family residence(s)

TOPOGRAPHY: Nearly level

VEGETATION: Urban-built up Grasses

PARCEL SIZE: 21.5 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Rural Lands; single-family residence(s)	*East:* Residential Suburban; single-family residence(s)
South: Agriculture; single-family residence(s)	*West:* Residential Suburban; single-family residence(s)

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a 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 *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☐	☒	☐
e) Impact unique geological or physical features?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project site is located adjacent to the southeastern city limits of San Luis Obispo within the City's greenbelt. It is located on Tiburon Way, a local road, east of Orcutt Road. The project site and surrounding parcels are part of Tract 681, a residential subdivision of parcels. Land Use Ordinance standards limit development on parcels within this subdivision to one primary dwelling, a guesthouse and residential accessory structures. No secondary dwellings are allowed.

The site is bordered by undeveloped Agriculture property to the north, Rural Lands to the east, Residential Rural with large lot homes to the southwest, and Residential Single Family development to the northwest. The site and existing residential development is located on a higher elevation than most of the homes in the southwestern tract, and future development may be visible from Orcutt Road to as far away south as Tank Farm Road (0.7 miles southeast.) Future development would not silhouette against any ridgelines as viewed from public roadways. A portion of the site is within and adjacent to "The Morros", considered a visually sensitive resource area. The site is also within a Highway Design Corridor combining designation.

San Luis Obispo Highway Corridor Area

Section 22.10.095(C) discusses the San Luis Obispo Highway Corridor design standards. The standards are intended to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage.

These standards are also intended to expedite the permit process through a ministerial Zoning Clearance for proposals meeting the specific design criteria, while also enabling alternative design solutions through a discretionary (Minor Use Permit or Conditional Use Permit) land use permit. Residential structures, residential accessory structures (including water tanks), residential access roads, specified agricultural accessory structures (including water tanks) and signs are governed by these standards. All other uses and structures are not subject to these standards, such as production agriculture, agricultural roads and nursery specialties.

Impact. The applicant is requesting the approval of a General Plan Amendment which would change

the land use designation from Agriculture to Residential Rural and allow the property to be divided into two equally sized lots. Future development potential or residential density will not increase as a result of the amendment and would be consistent with development in the immediate vicinity. Several parcels in the vicinity are designated Residential Rural and immediately adjoining Agriculture-designated lands are sized approximately 20 to 40 acres. The adjoining Rural Lands are 5 and 17 acres in size. Any future residential development would be consistent with existing development in the surrounding area to the west-southwest and subject to the standards outlined in Title 22 for San Luis Obispo Highway Corridor Area combining designation.

Mitigation/Conclusion. No measures above what is already required by ordinance is necessary, therefore, no significant visual impacts are expected to occur.

2. AGRICULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☐
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

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

Land Use Category: Agriculture

State Classification: Not prime farmland

Historic/Existing Commercial Crops: None

In Agricultural Preserve? Yes, Edna Valley

Under Williamson Act contract? No

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

Los Osos-Diablo complex (9 - 15% slope).

Los Osos. This moderately sloping loamy claypan soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: depth to bedrock, slow percolation. The soil is considered Class III without irrigation and Class III when irrigated.

Diablo. This moderately sloping loamy claypan soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class III

when irrigated.

Los Osos loam (30 - 50 % slope). This steeply sloping loamy claypan soil is considered not well drained. The soil has moderate erodibility and moderate 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 VI without irrigation and Class is not rated when irrigated.

Similar to other gently sloping properties in this area, the entire project site consist of Important Agricultural Soils as defined and mapped by the county's Conservation Element. Specifically, the soil found on the project site is Coastal soil unit 163, Los Osos Diablo complex, 9-15%, which is listed as one of the county's "Other" important soils and "Highly productive rangeland soils."

Agricultural Element Polices:

AGP11: Agricultural Water Supplies –This entire drainage area, which ultimately becomes Davenport Creek, is considered a limited water resource area but continues to include hundreds of acres of productive agricultural lands. To the degree continued upstream development decreases recharge throughout the basin, development has the potential to adversely impact downstream agricultural resources.

AGP17: Agricultural Buffers – Agricultural buffers are recommended for both existing and potential production agricultural uses when located near proposed non-agricultural uses. As stated previously, the surrounding parcels are of a size that would not support production agriculture. Therefore, buffers are not recommended.

AGP24: Conversion of Agricultural Lands – The goal of AGP24 is to protect agricultural resources and discourage the conversion of agricultural lands to non-agricultural uses. The policy specifically states to "Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines."

Impact. The proposal would result in the conversion of a 21.5-acre site consisting of capable soils to residential uses. On lands designated Agriculture within an area extending more than one (1) mile around the property, typical agricultural operations are limited to grazing due to the limited underlying water resources in this area. It is common for smaller parcels in areas with limited groundwater to be used solely for the production of livestock. Even so, as a smaller agricultural parcel (approximately 21.5 acres), any livestock use would essentially function as a hobby rather than a production of agricultural use. The use of parcels in this size would not be considered sustainable for agricultural production, but such parcels are frequently retained in the Agriculture land use category to limit development which could further reduce groundwater levels or lead to incompatibilities between agricultural and non-agricultural uses.

Changing the site from Agriculture to Residential Rural may conflict with the Agriculture Element Policies listed above, specifically AGP24. These goals promote the protection of agricultural land while identifying a need to maintain a distinction between urban and rural development. The proposed amendment may conflict with these goals in that it requests the conversion of agricultural land to a non-agricultural use; however, the agricultural potential of the site is limited by water availability, it is adjacent to typical agricultural operations that have been limited to grazing due to the underlying water resources in the area where the area currently used for grazing is already bordered by low-density residential development similar to what is being proposed. Lastly, the General Plan Amendment would not further constrain any existing agricultural uses.

The potential for offsite incompatibilities associated with the proposed project is not anticipated because of the limited agricultural potential of surrounding agricultural land. The amendment would allow for future land division with a 10 acre minimum parcel size. As stated above, the production of a small agricultural parcel is not considered sustainable.

The Agriculture Department reviewed the proposed project for consistency with the agricultural policies in the Agriculture Element and potential impacts to agricultural resources. The Agriculture

Department, in a letter dated May 31, 2011, is not opposed to the land use change.

Mitigation/Conclusion. The proposed project is consistent with existing development patterns and is not anticipated to conflict with surrounding existing agricultural uses. No mitigation measures are necessary.

3. AIR QUALITY *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☐	☒	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	☐	☐	☒	☐
GREENHOUSE GASES				
f) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*	☐	☐	☒	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
h) Other: _____	☐	☐	☐	☐

Setting. The Air Pollution Control District (APCD) has developed the 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).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impact. The General Plan Amendment will not result in the disturbance of soil or change in the physical environment. The project is not in close proximity to sensitive receptors that might otherwise result in nuisance complaints or subject to limited dust and/or emission control measures during construction.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the

project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

This project is a General Plan Amendment. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

The proposed project is within close proximity (0.28 miles to the North) to serpentine rock and/or soil formation, which has the potential to contain naturally occurring asbestos. At the time of application for building permits, the applicant will be required to submit a soils report that provides information related to naturally occurring asbestos.

Mitigation/Conclusion. The General Plan Amendment will not result in any potentially significant impacts to air quality; therefore, no mitigation measures are necessary.

4. BIOLOGICAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species* or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☐	☒	☐
c) Impact wetland or riparian habitat?	☐	☒	☐	☐
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

*** Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

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

On-site Vegetation: The site is dominated by ornamental landscaping associated with existing development and annual grassland. Two minor stream courses cross the subject site and support very limited scattered riparian vegetation.

Name and distance from blue line creek(s): Orcutt Creek approximately 0.60 miles to the West; Two unnamed creeks are within the boundaries of the proposed project.

Habitat(s): Potential Pismo clarkia habitat

Site's tree canopy coverage: Approximately <5%.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Vegetation

Chorro Creek bog thistle (Cirsium fontinale var. obispoense) FE, SE, List 1B, a San Luis Obispo County endemic, has been found about 0.34 miles to the Northeast. This species occurs primarily in association with serpentine seeps located in chaparral and cismontane woodland communities at elevations between 35 and 365 meters (115 to 1,200 feet). This fairly tall (to 6.5 feet) perennial herb blooms primarily from February to July. The CNPS considers this species as rare (List 1B, RED 3-2-3). It is listed as both state and federally endangered.

Dune larkspur (Delphinium parryi ssp. blochmaniae) List 1B has been found about 0.34 miles to the Northwest. This perennial herb is found within maritime chaparral and coastal dune habitats (Tibor 2001). The typical flowering period is April through May. The species grows from sea level to 200 meters (660 feet). The dune larkspur is a federal species of concern and the CNPS considers this plant to be rare, threatened, or endangered in California and elsewhere (List 1B, RED 3-2-3).

San Luis Obispo dudleya (Dudleya abramsii ssp. murina), List 1B has been found about 0.68 mile to the Northeast. This succulent shrub is generally found on serpentinite soils in chaparral and foothill woodland habitats between the 90 and 300-meter elevations (295 to 985 feet). It blooms from May to June. The CNPS considers this species to be rare (List 1B, RED 2-1-3).

San Luis Obispo sedge (Carex obispoensis) List 1B has been found about 0.87 mile to the Northeast. This perennial herb is generally found on serpentinite seeps in closed-cone coniferous forest, chaparral, coastal scrub, coastal prairie, and valley and foothill grassland areas between the 10 and 790-meter elevations (30 to 2,600 feet). The typical blooming period is April-June. San Luis Obispo sedge is considered rare by CNPS (List 1B, RED 2-2-3).

Wildlife

Atascadero june beetle *(Polyphylla nubile)* has been found about 0.73 miles to the Northwest.

Western or California mastiff bat (*Eumpos perotis californicus*) has been found about 0.73 mile to the Northwest. The bat is a California Species of Special Concern. Mastiff Bats occur from central California, southward to central Mexico. Mastiff Bats are resident at low elevations in the coastal basins of southern California. They appear to favor rugged, rocky areas where suitable crevices are available for day roosts. Characteristically, day roosts are located in large cracks in exfoliating slabs of granite or sandstone. The crevices must open downward, be at least 5 cm wide and 30 cm deep, and narrow to at least 2.5 cm at their upper end (Vaughan, 1959). The crevices typically open high on a cliff and are at least 2 m above the substrate (Krutzsch, 1955; Vaughan, 1959). Mastiff Bats have great difficulty taking flight, and must drop at least 2 to 3 m for launching. They also frequently roost in buildings, provided these have sheltering spaces with conditions similar to those described above.

Western yellow-billed cuckoo *(Coccyzus americanus occidentalis)* FC, SE has been found about 0.73 mile to the Northwest. Western yellow-billed cuckoo is a federal candidate for listing and considered endangered by the state. The species is a riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests are in willow riparian areas often mixed with cottonwoods, with an understory of blackberry, nettles, or wild grape. The western yellow-billed cuckoo is threatened by loss and degradation of its habitat due to land clearing, fire, flood control projects, surface water

diversions and groundwater pumping, and overgrazing by livestock. Such disturbances often foster the establishment of invasive non-native plants such as tamarisk and Arundo. The resulting fragmentation reduces the size and quality of habitat for the cuckoo, potentially leading to local extinctions. Migration routes can also be lost or fragmented, thus affecting the ability of the cuckoo to recolonize habitat areas. One study showed that cuckoos were excluded from suitable habitat when the riparian stand was less than seven acres in size.

Habitat

Pismo clarkia (Clarkia speciosa ssp. immaculate) FE, SR, List 1B potential habitat has been found within the project boundaries. This annual herb occurs on low, sandy hills (up to the 185 meter (600-foot) elevation) from Pismo to Edna Valley. Pismo clarkia populations are found in valley and foothill grasslands, and in the margins between chaparral and oak woodland communities near the coast. This species is listed as Federally endangered, State rare, and extremely rare by CNPS (List 1B, RED 3-3-3). The principal threat to the Pismo clarkia is habitat destruction and degradation due to development.

Conservation and Open Space Element (COSE) Policies:

BRP1.1: Protect Sensitive Biological Resources. Proposed development applications shall require environmental review to include consideration of cumulative impacts.

BR1.2: Limit Development Impacts. The intent of this policy is to regulate and minimize proposed development in areas that contain essential habitat for special-status species and their communities.

BR1.3: Environmental Review. This policy requires environmental review of development applications pursuant to CEQA and County procedures to assess the impacts of proposed development on the environment.

Impact. The General Plan Amendment involves a land use category change, but this action will not result in any physical change to the environment. The amendment would only allow the applicant to divide the property into two parcels for individual sale. Future allowed development (two primary residences and two secondary dwellings) allowed by the amendment is not more intense than existing allowed development on the site. Additionally, to be consistent with County procedures and the COSE policies, any future subdivision or proposed development on the property should require submittal of a Biological Report to address potential impacts to those species and habitats identified above.

Mitigation/Conclusion. No significant biological impacts are expected to occur as a result of the General Plan Amendment. At the time of application of a land division or development, a Biological report will be required to be submitted. The report would discuss impacts to those species and habitats discussed in the 'Settings' section above. A Biological report would be required as a Planning Area Standard in the San Luis Obispo sub-area standards of the San Luis Obispo Planning Area of the Land Use Ordinance.

5. CULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb archaeological resources?	☐	☐	☒	☐
b) Disturb historical resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐

5. CULTURAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Cause a substantial adverse change to a Tribal Cultural Resource?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area. The property consists of open fields with some parts of the property having previously developed areas with imported fill materials, driveways, homes and past grading. The nearest fresh water sources are small drainages that run through the northwestern corner and central portion of the project site. A Phase I Archaeological Survey was completed for the project site on April 25, 2000 by Thor Conway. No evidence of cultural materials was noted on the property.

The project is subject to Senate Bill 18 (SB18). SB18 requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. The intent is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places.

Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on a contact list maintained by the Native American Heritage Commission (NAHC)) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdication that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation unless a shorter timeframe has been agreed to by the tribe.

Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45 day comment period (Government Code §65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.

Impact. The archaeological surface survey made across the property did not reveal the presence of archaeological materials. Impacts to historical or paleontological resources are not expected.

In compliance with SB18, the project was referred to the Native American Heritage Commission (NAHC). The NAHC provided a contact list of appropriate California Native American tribes for the county to notice and seek consultation. Following notice to those tribes listed, there were no requests for consultation for the proposed project.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☒	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones?*	☐	☐	☒	☐
c) 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?	☐	☒	☐	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

* **Per Division of Mines and Geology Special Publication #42**

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Moderately sloping to steeply sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: High

Liquefaction Potential: Low

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Moderate to high

Other notable geologic features? None

The topography of the project is moderately to steeply sloping (5 to 20%). The project is not within a Geologic Study Area designation and the landslide risk is considered high.

Impact. The proposed General Plan Amendment would apply a Residential Rural land use category over the approximately 21.5 acre site with slopes ranging from 5 to 20%. A land use category change would not have a direct physical effect on the environment that would result in geology or soils impacts. The land use category change would allow for the division of the lot into two 10 acre parcels

for the purpose of sale or development. Development on the new parcel would result in some level of site disturbance and based on the risk of high landslides on the site, development would need to implement specific design measures to accommodate the high landslide risk.

Mitigation/Conclusion. No significant geologic impacts are anticipated to occur as a result of the General Plan Amendment; however, future development will need to consider the potential risk of landslides on the site. Future development will be required to reduce potential impacts by incorporating design measures (e.g. avoid construction on or adjacent to a potentially unstable slope,) to accommodate the high landslides and reduce geology and soils impacts to less than significant levels. No measures above what is already required by ordinance are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☐	☐	☒	☐
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) Be within a 'very high' fire hazard severity zone?	☐	☐	☒	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☐

Setting. The 21.5-acre project area is not located in an area of known hazardous material contamination. It is not within a 'high' or 'very high' severity risk area for fire. The project is within the Airport Review area. With regards to potential fire hazards, the project area is within the Moderate Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 0-5 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

Impact. The proposed General Plan Amendment would not have a direct physical effect on the environment that would result in new impacts related to hazards or hazardous materials.

The project site is within an Airport Review Area as defined in the adopted Airport Land Use Plan (ALUP). The ALUP limits residential density in this area to six dwelling units per acre, with a maximum building coverage of 20% of the gross land area. That would allow for a maximum density of up to 129 dwelling units on the 21.5-acre parcel, with building coverage of 4.31 acres. The change in land use designation of the 21.5-acres would allow for the property owner to split the lot into two equally sized parcels; however, the density of those lots are further limited by Title 22 where lots within the Residential Rural land use category may be approved with one primary and one secondary unit. This density requirement is more restrictive than the ALUP requirement.

The project does not propose the use of hazardous materials, nor the generation of hazardous wastes. The proposed project is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project does not present a significant fire safety risk. The project is not expected to conflict with any regional emergency response or evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐

8. NOISE

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

The project is within the Airport Review designation (Airport Review Area – SLO) and the area is subject to relatively low aircraft flyovers.

Impact. The proposed land use category change would not result in direct physical changes to the environment resulting in noise impacts. Future development of the site may introduce additional residential dwellings to the area which are identified in the San Luis Obispo County Regional ALUP as an extremely noise sensitive land use. The ALUP identifies the maximum allowable interior noise exposure from aviation related noise sources as 50dB. According to the ALUP, extremely noise sensitive uses are allowable outside of the 55dB contour. The project site is well outside of the 55dB contour.

The project is not expected to generate long-term loud noises, nor introduce sensitive noise receptors in a known noisy area.

Mitigation/Conclusion. There is no evidence that the land use category change or future development, such as a single family residence, would require measures above what will already be required by ordinance or building codes as needed. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐

9. POPULATION/HOUSING *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

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. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

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

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects), or housing impact fee (commercial projects). Prior to map recordation, the applicant will pay an affordable housing in-lieu fee consistent with the applicable fee ordinance. No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☐	☒
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: City of San Luis Obispo (Approximately 2.2 miles to the West)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 0-5 minutes

Location: Approximately 0.65 miles to the West

School District: San Luis Coastal Unified School District.

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section

Impact. The proposed General Plan Amendment would not substantially increase development potential in the project area compared to the existing land use category (agriculture) and therefore will not substantially increase demands on public services. However, future development of this site, along with others in the area, will have a cumulative effect on police/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. The proposed land use category change would not directly impact public services and utilities. Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase the use or demand for parks or other recreation opportunities?	☐	☒	☐	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other _____	☐	☐	☐	☐

Setting. The County's Parks and Recreation Element 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, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a project specific significant need for additional park, Natural Area, and/or recreational resources. The general plan designation change will allow a future subdivision of the project site. Subdivisions are subject to "Quimby" fees which are fees that provide for parks and recreation resource development.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary. Future subdivision of the site will be subject to Quimby Fees which constitute the project's "fair share" towards mitigating its cumulative demand for recreation resources.

12. TRANSPORTATION/CIRCULATION *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase vehicle trips to local or areawide circulation system?	☐	☒	☐	☐

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Reduce existing "Level of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	☐	☐	☒	☐
f) Conflict with an applicable congestion management program?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☐	☒
i) Other: _____	☐	☐	☐	☐

Setting. The County has established the acceptable Level of Service (LOS) on roads for this urban area as "D" or better. The existing road network in the area including the project's access streets (Orcutt Road and Tiburon Way) are operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Referrals were sent to County Public Works and the City of San Luis Obispo. The project is subject to the City of San Luis Obispo Orcutt Road Specific Plan and citywide traffic impact fees, which address cumulative impacts to City roads in the area which the property accesses. No significant project specific traffic-related concerns were identified.

Airport Review Combining Designation. The project is within the County's Airport Review combining designation (AR). The AR is used to recognize and minimize the potential conflict between new development around the San Luis Obispo County airport and the ability of aircraft to safely and efficiently maneuver to and from this airport. This includes additional standards relating to limiting structure/vegetation heights as well as avoiding airport operation conflicts (e.g., exterior lighting, radio/electronic interference, etc.). The Airport Land Use Plan (ALUP) provides guidance for and limitations to the type of development allowed within the AR designation. Per the ALUP, the proposed use is considered "compatible". The project was referred to the County Airport Manager, no comments were received. All projects within the AR designation are required to obtain an avigation easement to secure avigable airspace.

Impact. When future development is proposed, or when subdivided, the proposed project is

estimated to generate about 29 trips per day, based on the Institute of Traffic Engineer's manual of 9.57 trips/unit (3 potential additional homes). This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance and the San Luis Obispo Orcutt Road Specific Plan and citywide traffic fees are necessary.

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?	☐	☐	☐	☒
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☐	☒
c) Adversely affect community wastewater service provider?	☐	☐	☐	☒
d) Other: _____	☐	☐	☐	☐

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 percolation 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); and
- ✓ 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:

--***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.

--***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.

There is an existing septic system serving the existing single family residence on the site. There has been no documentation of maintenance or other problems with this system.

Impacts/Mitigation. Based on the following project conditions or design features, wastewater impacts are considered less than significant:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The soil's slope is less than 20%;
- ✓ Future leach lines can be located outside of the 100-year flood hazard area;
- ✓ There is adequate distance for any future proposed leach lines and existing or proposed wells;
- ✓ Leach lines can be located at least 100 feet from creeks and water bodies.

No significant impacts to wastewater are anticipated as a result of the General Plan Amendment. Based on the above discussion and information provided, for future subdivision and/or development, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER & HYDROLOGY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☐	☒	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☒	☐
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐
i) Adversely affect community water service provider?	☐	☐	☒	☐
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure,etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☐

Setting. Future development will be required to obtain its water needs from Afuera de Chorro Water Company, a community system. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level to moderately sloping The closest creek from the proposed development runs through the parcel boudnaries. As described in the NRCS Soil Survey, the soil surface is considered to have 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's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Creek Distance? Within project boundaries

Soil drainage characteristics: Not well drained to very poorly drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110 or CZLUO Sec. 23.05.042) 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, area 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: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) 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 – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

- ✓ Future development will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ If future development will be disturbing over an acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;

Water Quantity

Based on the project description for future development (single family residence and secondary dwelling), as calculated on the County's water usage worksheet, the project's future water usage is estimated as follows:

Indoor: 0.17 acre feet/year (AFY);

Outdoor: 0.51 AFY
Total Use: 0.83 AFY

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Afuera de Chorro Mutual Water Company provides water for domestic use to parcels in this area. As of December 18, 2009, Afuero de Chorro Mutual Water Company has made a tentative determination that adequate water is available to serve all of the currently allowed potential new dwelling units within its service area and that it will issue a new membership for the proposed amendment and future lot split for domestic water use.

Based on available water information, there are no known constraints to prevent the project from obtaining its water demands.

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.

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?	☐	☒	☐	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

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, Local Coastal Plan, etc.). 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 was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

The proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

1. Chapter 22.10 – General Property Development and Operating Standards
2. Chapter 22.14 – Combining Designation Standards
3. Chapter 22.16 – Landscaping Standards
4. Chapter 22.96 – San Luis Obispo Planning Area
   - Chapter 22.96.020 – Combining Designation Standards
   - Chapter 22.96.040 – San Luis Obispo Sub-Area Standards
   - Chapter 22.96.050 – Land Use Category Standards
   - Chapter 22.96.060 – San Luis Obispo Urban Area Standards

Airport Review Area

The project site is within the Airport Review Area combining designation. The designation is used to recognize area around airports where certain land uses and site development characteristics may conflict with aircraft maneuvers or with the safe and functional use of the airport. Development within areas covered by the designation is limited to those identified in the Airport Land Use Plan as "compatible" and "conditionally approvable." Approvable development must be in compliance with the height standards and avigation easement requirements of the Land Use Ordinance and Airport Land Use Plan. Future development will likely require review by the FAA.

Highway Corridor Design Area & Sensitive Resource Area

The Sensitive Resource Area combining designation is applied to areas of the county with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources.

The project site is located within The San Luis Obispo Highway Corridor and is subject to the provisions set forth in County Land Use Ordinance section 22.10.095. The highway corridor design area supplements the Sensitive Resource Area combining designation that is applied to the most critical scenic resources, the Morros. The Highway Corridor Design Standards are intended to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage.

The applicant is requesting the approval of a General Plan Amendment which would change the land use designation from Agriculture to Residential Rural. Future development potential or residential density will not increase as a result of the amendment. Several parcels in the vicinity are designated Residential Rural and immediately adjoining Agriculture designated lands are sized approximately 20 to 40 acres. The adjoining Rural Lands are 5 and 17 acres in size and developed with existing single family residences. Any future residential development on the project site would be consistent with existing development in the surrounding area to the west-southwest as well as subject to the provisions in 22.10.095. No significant visual impacts are expected to occur and will be evaluated at the time of application for building permits.

Agricultural Resources

The proposed project has the potential to be inconsistent with applicable County plans and policies established to preserve and protect agricultural resources. The Agriculture Element Rules of Procedure to Implement the California Land Act of 1965, Coastal and Inland Framework for Planning and various Area Plans are examples of County documents containing various policies intended to reduce the impacts to agricultural lands and uses. Potential impacts include but are not limited to discouraging conversion of agricultural lands, minimizing conflicts between agricultural and urban

uses, and the protection of prime agricultural soils.

The proposed amendment may conflict with these goals in that it requests the conversion of agricultural land to a non-agricultural use; however, the agricultural potential of the site is limited by water availability, it is adjacent to typical agricultural operations that have been limited to grazing due to the underlying water resources in the area, the area currently used for grazing is already bordered by low-density residential development, and the proposal would not further constrain the existing agricultural uses. The change in land use designation appears to be supportable in consideration of all the policies and the specifics of the site and location.

Mitigation/Conclusion. The proposed project includes a General Plan Amendment to change the land use category of the site from Agriculture to Residential Rural. The General Plan Amendment will not result in any land use inconsistencies; however, future residential development on the site will need to consider impacts to the San Luis Obispo Highway Corridor and adjacent sensitive resource area, the Morros. Development will be reviewed for consistency with LUO Section 22.10.095 specifically relating to whether the proposed development may be approved with a Zoning Clearance or whether a Minor Use Permit is required.

When Tract 681 was recorded in 1982, the site was within the City of San Luis Obispo Urban Reserve Line and was anticipated to be annexed into the City. The original map showed offers of dedication for proposed street alignments that would connect to existing City streets to the north of the subdivision. County policies were adopted specific to Tract 681 that limited any new parcel size to two acres and limited residential density to one primary residence and a guesthouse, with no secondary dwellings allowed. These County policies will only allow each parcel to be subdivided once and will limit the development potential as described above. These limits on future development will keep large areas of the subdivision in open space. No mitigation measures requiring open space easements are being recommended because the project is consistent with adopted County policies.

No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) ***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?***	☐	☐	☒	☐
b) ***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)***	☐	☒	☐	☐
c) ***Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***	☐	☐	☒	☐

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 Department has 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:

Contacted	Agency	Response
☐	County Public Works Department	**Not Applicable**
☐	County Environmental Health Division	**Not Applicable**
☒	County Agricultural Commissioner's Office	**Attached**
☒	County Airport Manager	**Attached**
☒	Airport Land Use Commission	**Attached**
☒	Air Pollution Control District	**Attached**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other City of San Luis Obispo	**Attached**
☒	Other Afuera de Chorro Mutual Water Company	**Attached**

*** "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.

☒ Project File for the Subject Application

County documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☐ Energy Wise Plan
- ☒ San Luis Obispo Area Plan and Update EIR
- ☐ Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☐ Circulation Study

Other documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Biological Resources

BR-1 At the time of application of any land division or development of the project site, the applicant shall assess the impact of the proposed land division or development on native species and habitat diversity, including special-status species (e.g. Pismo clarkia), sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors. A Biological Report will be required to be submitted for a subdivision and/or any development on the property to be reviewed and approved by the Planning Department. Recommendations outlined in the report shall be applied to the proposed project.

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR VANDERHEYDEN GENERAL PLAN AMENDMENT ED13-227 (LRP2010-00006)

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

Project Description: Request by Paul Vanderheyden for a General Plan Amendment to the San Luis Obispo North Sub Area of the San Luis Obispo Area Plan of the Land Use Element to change the land use category on a 21.5 acre site from Agricultural to Residential Rural. The project is located approximately 500 feet east of the eastern terminus of Tiburon Way, on the east side of Orcutt Road, located on the eastern boundary of the City of San Luis Obispo, in the San Luis Obispo North Sub Area of the San Luis Obispo planning area.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Biological Resources

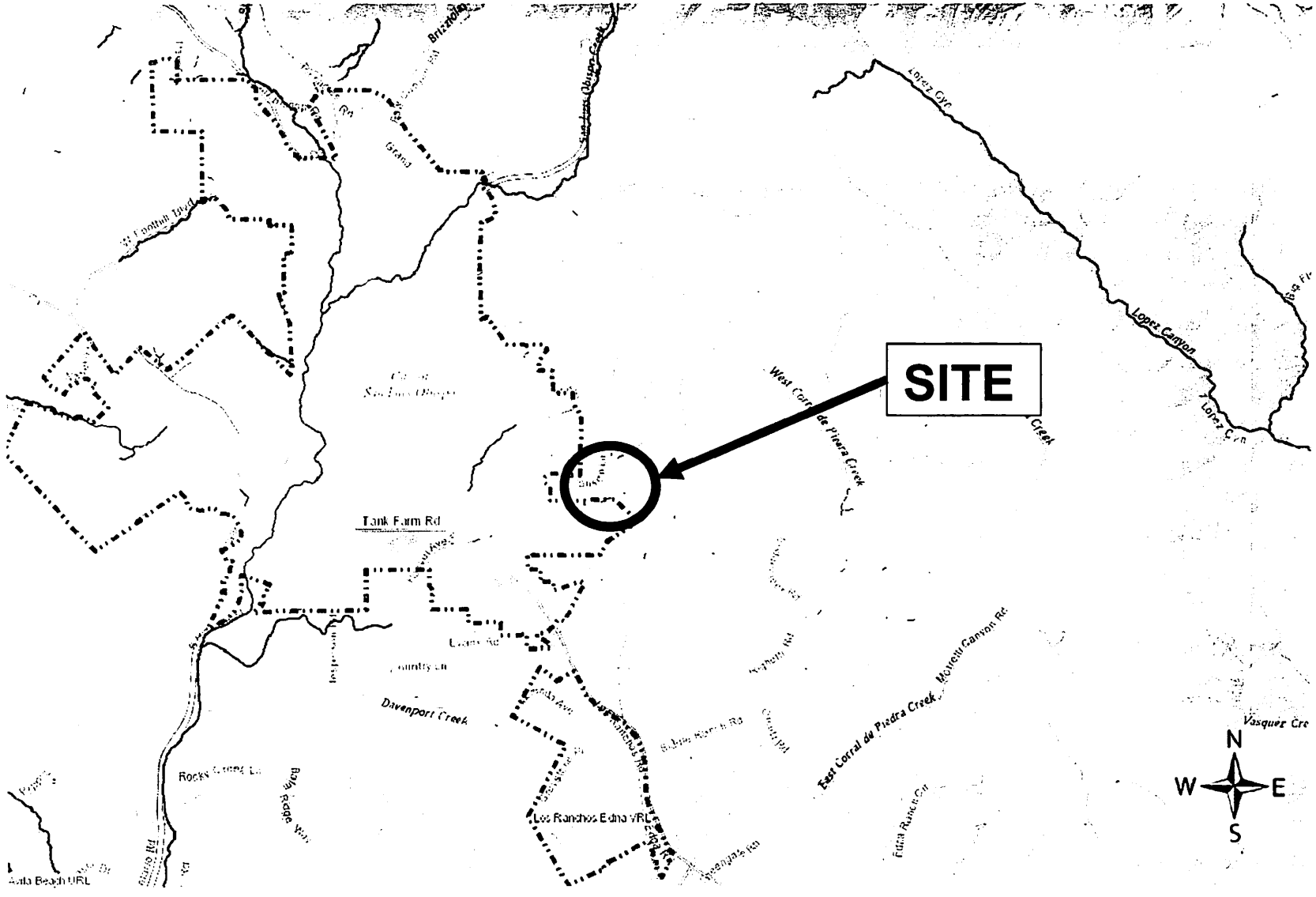
BR-1 At the time of application of any land division or development of the project site, the applicant shall assess the impact of the proposed land division or development on native species and habitat diversity, including special-status species (e.g. Pismo clarkia), sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors. A Biological Report will be required to be submitted for a subdivision and/or any development on the property to be reviewed and approved by the Planning Department. Recommendations outlined in the report shall be applied to the proposed project.

Monitoring: Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Paul Vande-heyden 10/15/15

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



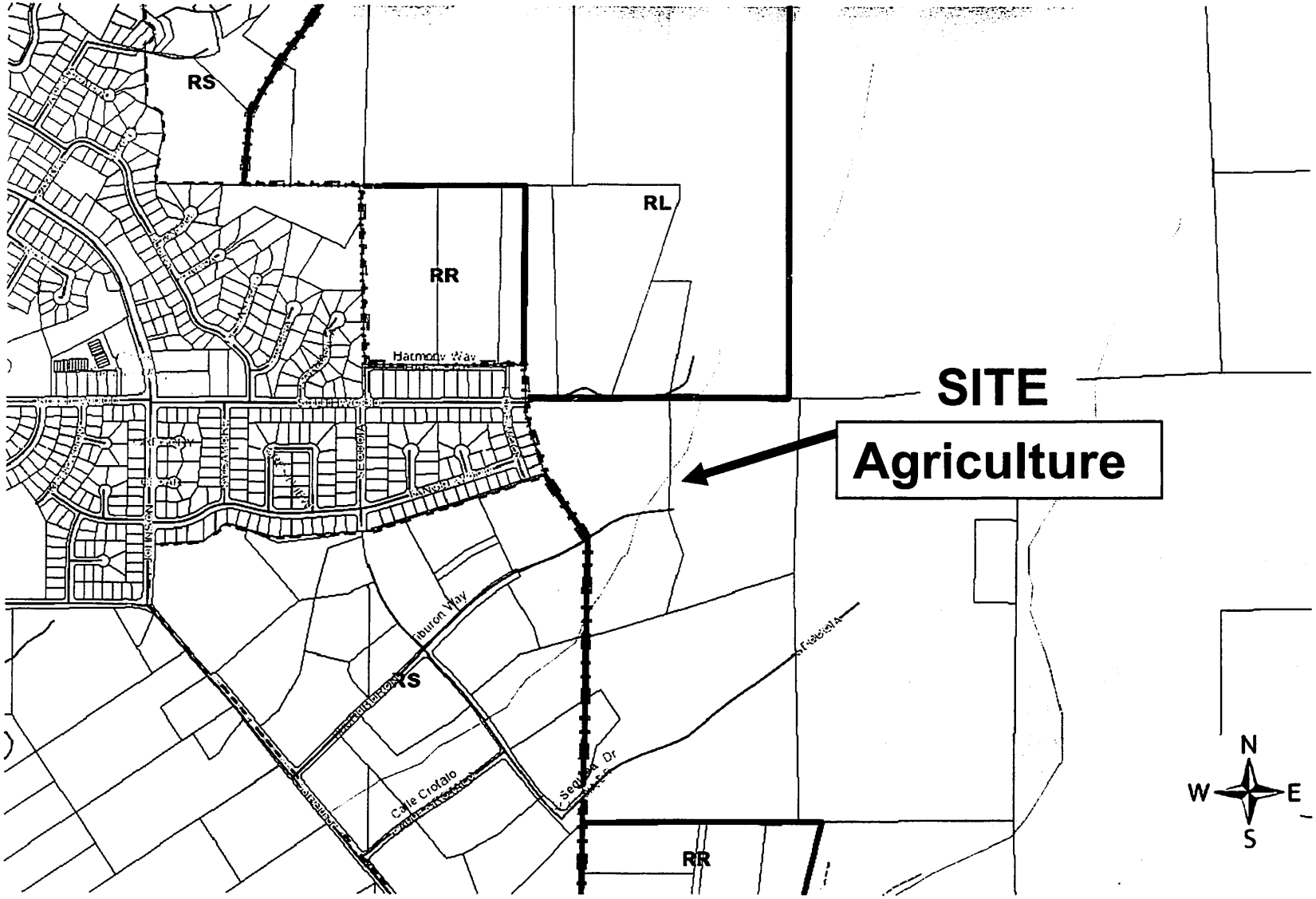
PROJECT

General Plan Amendment
Vanderheyden GPA 2010-00006

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

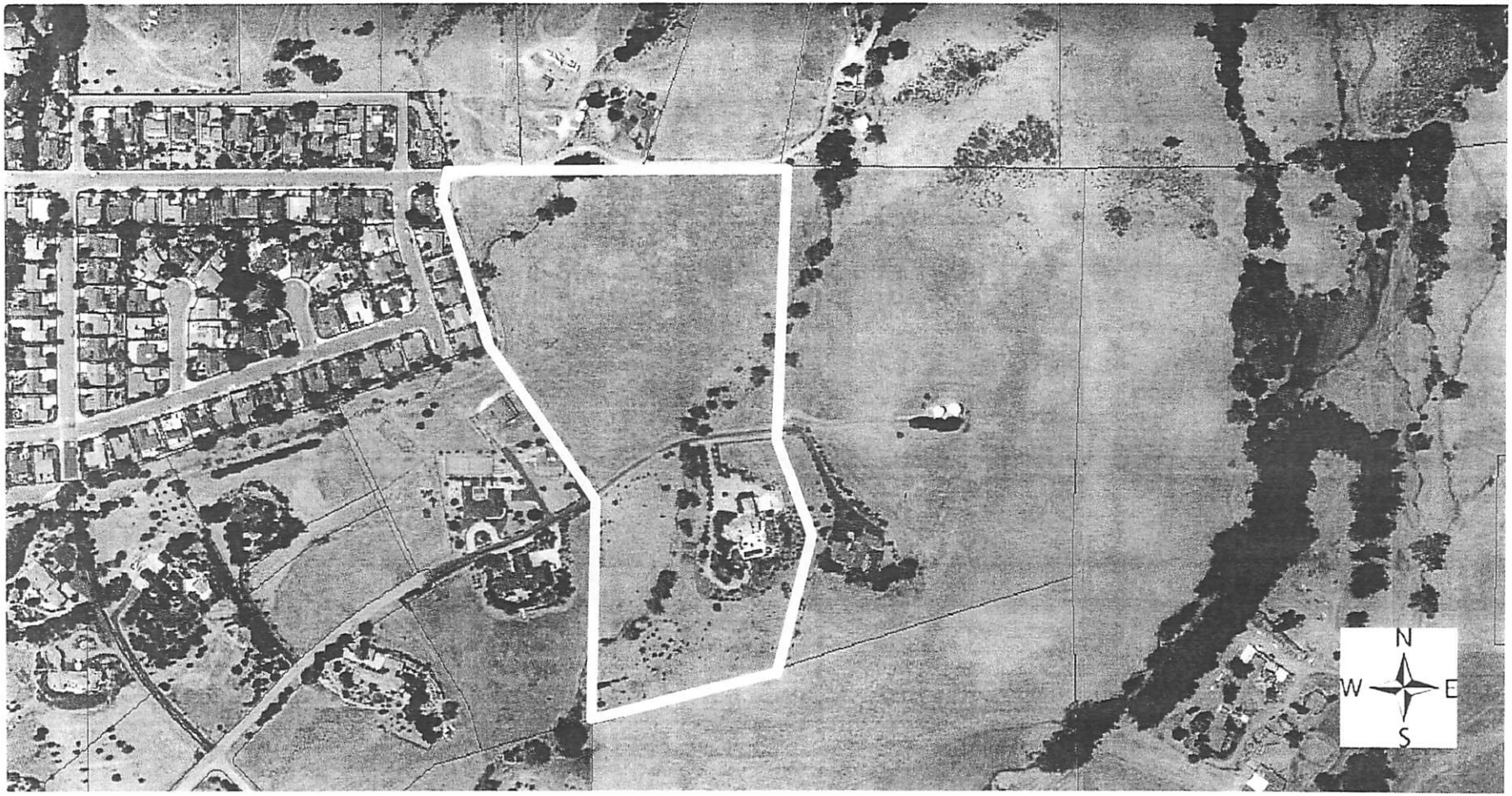
General Plan Amendment

Vanderheyden GPA 2010-00006

EXHIBIT

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

General Plan Amendment

Vanderheyden GPA 2010-00006

EXHIBIT

Aerial Photograph

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401 - 4556
MARTIN SETTEVENDEMIE (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX: (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: **May 31, 2011**

TO: **Brian Pedrotti, Planning Department**

FROM: **Mike Isensee, Agriculture Department**

SUBJECT: **Vanderheyden General Plan Amendment Authorization LRP2010-00006 (Ag Dept # 1567)**

Summary

Thank you for the opportunity to review and comment on the proposed General Plan Amendment. Based on existing information, the proposal is not opposed by the Agriculture Department. However, approval of the conversion of Agriculture-designated land should meet a series of findings outlined in the County Agriculture Element policy 24. Preliminary evaluation of the Vanderheyden General Plan Amendment raises questions regarding the feasibility of agricultural production on the project site, and also raises questions about whether the findings to convert the site to a Rural Residential designation is supportable based upon county policy.

The following report is in response to your request for comments on the proposed general plan amendment. The comments and recommendations in our report are based on county's relevant agricultural policies, current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture, and the requirements of the California Environmental Quality Act (CEQA).

If I can be of further assistance, please contact me at 781-5753.

Project Description

The applicant is requesting to change the land use designation on an approximately 22 acre property from Agriculture to Residential Rural. The project site is located along the southeast corner of the City of San Luis Obispo. The area consists of smaller parcels abutting the urban reserve line of the City. Adjoining City lands to the west-northwest are zoned Residential Single Family (R-1), while properties in the County's jurisdiction are designated Agriculture (AG) to the east and south, Rural Lands (RL) to the north, and Residential Suburban (RS) to the west-southwest. Several parcels in the vicinity are designated Residential Rural (RR). Immediately adjoining Agriculture designated lands are sized approximately 20 and 40 acres, while adjoining Rural Lands are 5 and 17 acres in size.

The applicant is requesting the approval of the general plan amendment which would designate the property Residential Rural (RR) and would allow the property to be divided into two sellable residential properties.

Agricultural Setting

On lands designated Agriculture within an area extending more than 1 mile around the property, typical agricultural operations are limited to grazing due to the limited underlying water resources in this area. It is common for smaller parcels in areas with limited groundwater to be used solely for the production of livestock. As a small agricultural parcel, any livestock use would essentially function as a hobby rather than a production agricultural use. The use of parcels in this size would not be considered sustainable for agricultural production, but such parcels are frequently retained in the Agriculture category to limit development which could further reduce groundwater levels or lead to incompatibilities between agricultural and non-agricultural uses.

Similar to other gently sloping properties in this area, the entire project site consists of Important Agricultural Soils as defined and mapped by the county's Conservation Element. Specifically, the soil found on the project site is Coastal soil unit 163, *Los Osos-Diablo complex*, 9-15% slopes, which is listed as one of the county's *Other* important soils and *Highly productive rangeland* soils. This soil has a good California Revised Storie Index Rating and is capability class 3 with or without irrigation, making it one of the least restricted non-irrigated soils in the county.

B. Evaluation of Policy Consistency and Potential Impacts

The Agriculture Department has reviewed the proposed project for consistency with the agricultural policies in the Agriculture Element and potential impacts to agricultural resources. Proposals that are not consistent with Agriculture Element policies or that may result in adverse impacts to agricultural resources are not supportable.

AGP11: Agricultural Water Supplies – While the property is encumbered with legal restrictions on the use of water, as a matter of policy the Department is primarily interested in how the use of limited water by non-agricultural users potentially impacts agricultural users with the watershed and/or groundwater basin. This entire drainage area, which ultimately becomes Davenport Creek, is considered a limited water resource area but continues to include hundreds of acres of productive agricultural lands. To the degree continued upstream development decreases recharge throughout the basin, development has the potential to adversely impact downstream agricultural resources.

AGP17: Agricultural Buffers – Agricultural buffers are recommended for both existing and potential production agricultural uses when located near proposed non-agricultural uses. As stated previously, the surrounding parcels are of a size that would not support production agriculture. Therefore, buffers are not recommended.

AGP24: Conversion of Agricultural Lands – The goal of AGP24 is to protect agricultural resources and discourage the conversion of agricultural lands to non-agricultural uses. The policy specifically states to "Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.

Several criteria have been developed to establish consistency with this goal as discussed below.

- *Do not expand existing urban...areas until such areas are largely built-out, or until such time as additional land is needed to accommodate necessary uses or services that cannot be accommodated within the existing urban...area.*
  Should the proposed residential designation be located within the city's urban area? Will the proposed conversion increase the pressure to convert adjacent agricultural land to a rural residential land use pattern or other nonagricultural uses?

- *The land does not meet the criteria for inclusion in the Agriculture land use category as agriculture production is not feasible due to some physical constraint (such as soil infertility, lack of water resource, disease), or surrounding incompatible land uses.*
  The proposal would result in the conversion of a 22-acre site consisting of capable soils restricted to residential uses. These soils can support a limited "hobby" livestock operation within the existing parcel size. Agricultural uses on small parcels have become an increasingly common occurrence and county policy (AGP4) supports agricultural uses on smaller agricultural parcels.

- *Conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture.*
  The potential for offsite incompatibilities associated with the proposal is not anticipated because of the limited agricultural potential of surrounding agricultural land. However, the proposal does raise the question of will this land use change set a precedent for further land use conversion from agriculture in the area that may have an adverse impact?

CITY OF SAN LUIS OBISPO

Community Development Department • 919 Palm Street, San Luis Obispo, CA 93401-3218

July 8, 2013

Brian Pedrotti, Planner III
County of San Luis Obispo
Planning and Building

RE: Vanderheyden GPA (LRP 2010-00006)
San Luis Obispo, CA

Brian Pedrotti:

The purpose of this letter is to provide comments on the County's consideration of the Vanderheyden GPA. Pursuant to section 4 of the Memorandum of Understanding, the City provides comments on GPA's referred to the City.

The purpose of this hearing is to determine if the County Board of Supervisors will authorize and initiate a General Plan Amendment from Agriculture to Rural Residential to allow a 2-lot subdivision on the Vanderheyden property just outside of the City's Urban Reserve Line. This property is located within the City's referral area and Greenbelt and is therefore subject to the MOU between the City and the County that was completed in October 2005 (Attachment 1).

While not yet formally referred to the City, the application falls under the provisions of the policies called out in the MOU which indicate that the City and County will work together to preserve the agricultural and open space resources by using the City's Greenbelt and Open Space policies in addition to the County's Agriculture and Open Space policies. Prior to determining whether to process the General Plan Amendment, the Board of Supervisors should carefully evaluate the following policies from the City's General Plan and those outlined in the County staff report which may encourage and lead to urban development in existing rural areas:

Policy 1.7.1, Open Space Protection: *"Within the City's planning area and outside the urban reserve line, undeveloped land should be kept open. Prime agricultural land, productive agricultural land, and potentially productive agricultural land should be protected for farming. Scenic lands, sensitive wildlife habitat, and undeveloped prime agricultural land should be permanently protected as open space."*

Policy 1.7.4, Parcel Sizes & Density: *"The city will encourage the county not to create new parcels within the greenbelt, with the exception of those permitted under the county's agriculture cluster incentive. Outside of cluster districts, allowed parcel sizes within the greenbelt should be no smaller, and the number of dwellings allowed on a parcel should be no more than as designated by the 1989 San Luis Obispo County Land Use Element"*

The City of San Luis Obispo is committed to include the disabled in all of its services, programs and activities.
Telecommunications Device for the Deaf (805) 781-7410.

Policy 1.9.1, Basis for Variation: *"In the greenbelt, the City will allow, and encourage the County to allow, smaller parcel sizes and more dwellings only when:*
1. All new dwellings will be clustered contiguously in accordance with Table 1;
2. The area outside the cluster is permanently protected as open space;
3. Agricultural easements are placed on prime agricultural lands outside the cluster.

If you have any questions about this letter or need additional information, please contact me via email at kmurry@slocity.org or by phone at (805) 781-7274.

Sincerely,

Kim Murry
Deputy Director
Community Development Department

CC: County Board of Supervisors
City Council

MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF SAN LUIS OBISPO AND
THE COUNTY OF SAN LUIS OBISPO
REGARDING THE CITY'S SPHERE OF INFLUENCE

This Agreement between the City of San Luis Obispo (hereafter "City") and the County San Luis Obispo County (hereafter "County") is entered into by the City on this 23rd day of August, 2005, and by the County on this 8th day of October, 2005.

WITNESSETH

WHEREAS, the Cortese/Knox/Hertzberg Act of 2000 ("the Act") requires the Local Agency Formation Commission (LAFCO) to update the Spheres of Influence for all applicable jurisdictions in the County every five years; and

WHEREAS, a Sphere of Influence is defined by California Government Code 56076 as a plan for the probable physical boundaries and service area of a local agency; and

WHEREAS, pursuant to Government Code 56425 the Sphere of Influence has been identified by the County of San Luis Obispo and the City of San Luis Obispo as shown in Exhibit A; and

WHEREAS, the Act further requires that a Municipal Service Review be completed prior to or, in conjunction with, the update of a Sphere of Influence in accordance with Section 56430 of the California Government Code as a means of identifying and evaluating public services provided by the City of San Luis Obispo and changes to the City's Sphere of Influence; and

WHEREAS, a Municipal Service Review as described above has been completed and shall be considered by LAFCO when establishing the City's Sphere of Influence; and

WHEREAS, the City and County have reached agreement regarding the boundaries (Exhibit A), development review standards and procedures (Exhibit B) of the Sphere of Influence to ensure the orderly and logical development of these areas; and

WHEREAS, the City's General Plan provides a clear policy base for growth and development in the Sphere of Influence areas and defines policies and programs that the City will implement to ensure the preservation of the agricultural land, open space and the rural character

of San Luis Obispo; and

WHEREAS, the County's General Plan goals in Framework for Planning and the San Luis Obispo Area Plan call for Community Separators to provide for a community's distinctive identity and preserve the rural character of the areas between and on the fringes of communities and cities; and

WHEREAS, the City and County intend to cooperate regarding growth and development on the urban fringe of the City and in the referral area shown in Exhibit C; and

WHEREAS, LAFCO is required by Government Code 56425 (b) to give great weight to this agreement in making the final determination regarding the City's Sphere of Influence.

NOW, THEREFORE, be it resolved that the parties agree as follows:

1. The Sphere of Influence boundary contained in Exhibit A provides for the orderly and logical growth for the City of San Luis Obispo and represents a potential 20-year growth boundary (2005-2025) based on available information.

2. The development standards and zoning requirements contained in Exhibit B provide a framework for completing updates to the General Plans of both the City and the County for the areas in the Sphere of Influence.

3. The development standards and zoning requirements contained in Exhibit B are intended to provide the City and the County with the basis for developing specific land use policies and standards for the areas in the City of San Luis Obispo Sphere of Influence and do not supersede or limit the planning or environmental review process of either jurisdiction.

4. The City's and County's General Plan policies including those found in Exhibits D and E shall be used to guide the logical and orderly development of the Sphere areas while preserving agricultural and open space lands.

Mayor, City of San Luis Obispo

APPROVED AS TO FORM AND LEGAL EFFECT:

City Attorney

Dated: AUG. 12, 2005

ATTEST:

City Clerk

Dated: Aug - 17 2005

Chairman, Board of Supervisors
County of San Luis Obispo

APPROVED AS TO FORM AND LEGAL EFFECT:

County Counsel

Dated: 10.06.05

ATTEST:

County Clerk

By: Deputy Clerk

Dated: 10/6/05

EXHIBIT A
SPHERE OF INFLUENCE BOUNDARY MAP

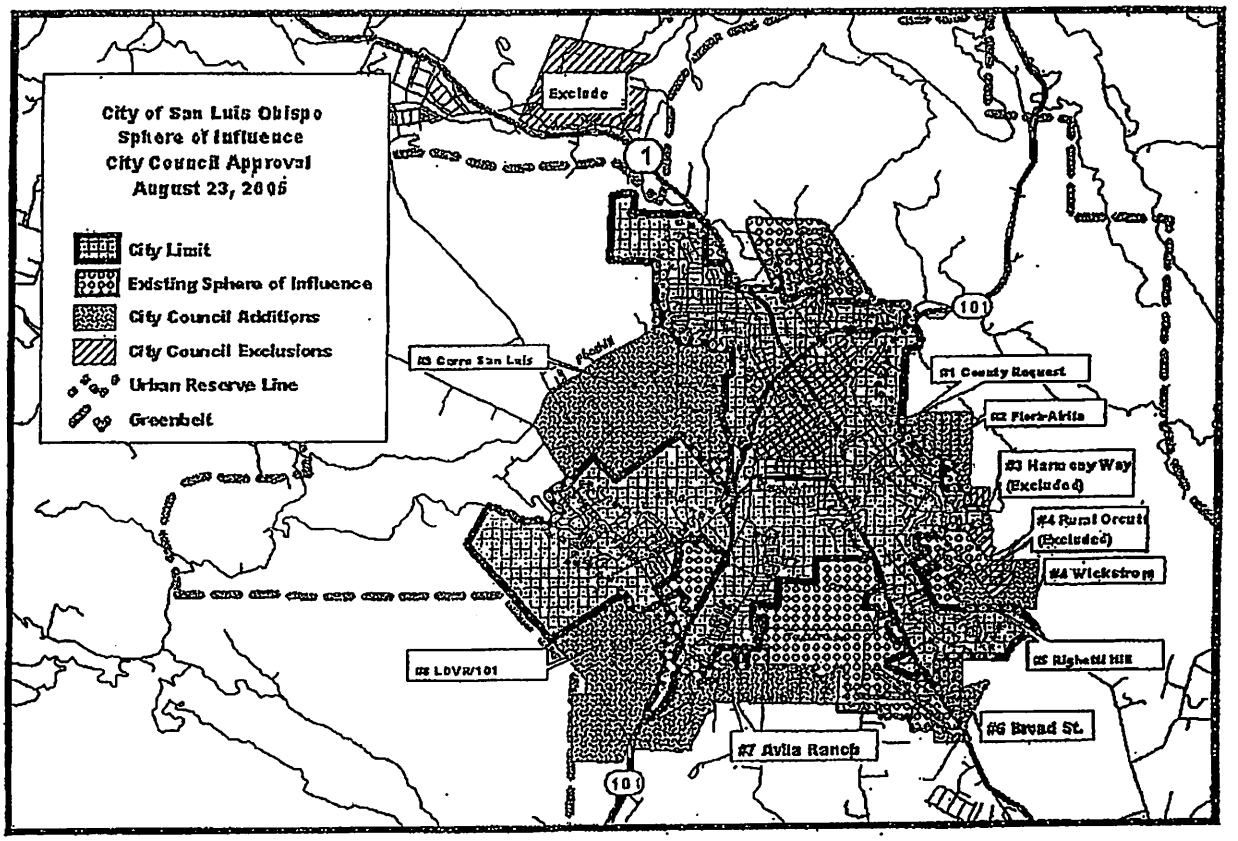


EXHIBIT B
DEVELOPMENT STANDARDS AND ZONING REQUIREMENTS

The following development standards and zoning requirements are agreed to and shall be used by the City of San Luis Obispo and the County of San Luis Obispo to develop specific land use policies and standards within the proposed Sphere of Influence as shown in Exhibit A and to update their General Plans.

1. **Intent.** It is the intent of the County and the City to work cooperatively towards the goal of developing the agreed upon Sphere of Influence (as shown in Exhibit A) in an orderly and logical manner consistent with the Cortese/Knox/Hertzberg Act, the City and County General Plans, the California Environmental Quality Act and any other applicable laws and regulations.

2. **Impact Mitigation.** In evaluating any development, the agency considering approval (City or County) should rely solely on its ability to provide the required services to that development. The City and the County shall not presume any services will be provided by the other agency without documenting that such services will be provided.

   Development/mitigation fees needed to offset the impacts from projects approved by either jurisdiction in the Referral Area (Exhibit C) shall be collected and distributed in a fair and equitable manner. These fees may be paid to the City and/or the County in proportion to the location and degree of project impacts; however the total fees paid shall not exceed the cost to mitigate the specific project impact. Mitigation to offset significant impacts to fire, law enforcement, emergency medical services, water and wastewater treatment services, roads and streets, other public services, and housing, shall be incorporated into the conditions of approval for projects on a case by case basis. Documentation shall be provided that identifies the project's fiscal, infrastructure, housing, and services impacts to both the City and the County and shall be considered as part of the development review process. The documentation shall be used to prepare conditions of approval and to allocate impact fees where allowable and as appropriate.

3. **Fire, Emergency Medical and Law Enforcement Services.** Costs associated with fire, emergency medical and law enforcement services shall be given special attention.

The County and City Planning Staff shall meet with the City's Police and Fire Chief and the County Sheriff and Fire Department Chief regarding development in the unincorporated areas that would impact the emergency response service levels. The purpose of this meeting is to identify and discuss fiscal impacts of development related to emergency services, service delivery impacts of development on the fringe, and appropriate mitigation measures.

4. **Interagency Cooperation.** The City and the County shall work cooperatively to plan for future land uses and public services and facilities to improve and maintain area circulation connections, and to preserve agricultural land and open space. The County and City will consider the creation and implementation of various assessment and financing mechanisms for the construction and maintenance of public improvements, such as roads, utilities, recreation and trail improvements, parks and open space, and similar improvements that could serve visitors and residents of the City and the County. Discretionary development projects and General Plan Amendments within each agency's jurisdiction shall be referred to the other for review and comment prior to action on a development proposal. The County shall seek the City's comments regarding these projects in the referral area map found in the County's San Luis Obispo Area Plan (Exhibit C). The City shall seek the County's comments regarding projects that affect the unincorporated area found in Exhibit C. When a discretionary project application is accepted for processing, it shall be referred to the following contact person(s) for early review and comment:

Division Manager, Long Range Planning
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Community Development Director
City of San Luis Obispo
Community Development Department
990 Palm Street
San Luis Obispo, CA 93401-3249

This provision shall not supersede other methods of commenting or providing feedback regarding a proposal or project.

5. **Sphere of Influence.** The County shall, to the extent legally possible, limit development within the City's Sphere of Influence (SOI) to those uses allowed by the County General Plan. The County shall give the great weight to the City's General Plan policies when reviewing development in the City's Sphere of Influence.

a. **City Review.** For projects submitted to the County for consideration, as part of

the pre-application meetings and as part of processing the application, the County shall request written documentation that indicates the City Council's position regarding annexation into the City. This documentation shall be provided by the City in a timely manner that does not delay the County's processing of the land use application. During this time, the County shall continue to process the land use application as required under the law.

b. **Development Review Coordination.** Projects proposed within the referral area shown in Exhibit C, and subject to an Initial Study under CEQA, shall cause the City and County representatives to request a meeting prior to completion of the Initial Study. The purpose would be to discuss the City's and County's General Plan policies with regard to the project and to identify any key issues that may need special attention during the CEQA process.

6. **Agriculture and Open Space.** The City and the County shall work together to preserve the agricultural and open space resources in the SOI area using the City's Greenbelt and Open Space policies and the County's Agriculture and Open Space Policies, including the transfer development credit program as appropriate. The criteria contained in the County's Agriculture and Open Space Element, particularly Agricultural Policies 17 and 24 (Exhibit D), and the pertinent policies in the City's General Plan shall be addressed in the preparation of any land use entitlements and Environmental Impact Reports.

7. **General Plan Amendment.** The City intends to complete environmental review, pre-zoning, pre-annexation, and any necessary pre-general plan amendment activities prior to or concurrent with an annexation proposal being processed by LAFCO. The County intends to complete any necessary amendments to its General Plan in the San Luis Obispo Area Plan to reflect the annexation of territory to the City of San Luis Obispo.

8. **Zoning Requirements/Specific Plan.** Prior to annexation, the City shall complete pre-zoning and environmental review consistent with its General Plan. CEQA review shall include analysis of issues, including but not limited to the following: a reliable and adequate water supply, sewer capacity, public services, cumulative traffic circulation, agricultural buffers, jobs-housing, use of transfer development credits, and affordable housing opportunities.

City of San Luis Obispo
Community Development Department • 919 Palm Street, San Luis Obispo, CA 93401-3218

August 16, 2013

Brian Pedrotti, Planner III
County of San Luis Obispo
Planning and Building

RE: Vanderheyden GPA (LRP 2010-00006)
San Luis Obispo, CA

Brian Pedrotti:

The purpose of this letter is to provide comments on the County's consideration of the Vanderheyden GPA in response to the project referral to the City. This property is located within the City's Greenbelt and is therefore subject to the MOU between the City and the County that was completed in October 2005 (Attachment 1). The MOU indicates that the City and County will work together to preserve the agricultural and open space resources by using the City's Greenbelt and Open Space policies in addition to the County's Agriculture and Open Space policies.

The project location is subject to the following City Land Use Element policies:

Policy 1.7.1, Open Space Protection: *"Within the City's planning area and outside the urban reserve line, undeveloped land should be kept open. Prime agricultural land, productive agricultural land, and potentially productive agricultural land should be protected for farming. Scenic lands, sensitive wildlife habitat, and undeveloped prime agricultural land should be permanently protected as open space."*

Policy 1.7.4, Parcel Sizes & Density: *"The city will encourage the county not to create new parcels within the greenbelt, with the exception of those permitted under the county's agriculture cluster incentive. Outside of cluster districts, allowed parcel sizes within the greenbelt should be no smaller, and the number of dwellings allowed on a parcel should be no more than as designated by the 1989 San Luis Obispo County Land Use Element"*

Policy 1.9.1, Basis for Variation: *"In the greenbelt, the City will allow, and encourage the County to allow, smaller parcel sizes and more dwellings only when:*
1. All new dwellings will be clustered contiguously in accordance with Table 1;
2. The area outside the cluster is permanently protected as open space;
3. Agricultural easements are placed on prime agricultural lands outside the cluster.

The following County COSE policies also apply to the property:

Policy OS 1.3 Supporting other agencies:
Encourage and support efforts by state and federal agencies, cities, special districts, and nonprofit and conservation organizations to protect lands containing open space resources.

Policy OS 1.8 Land Divisions and Development
Encourage the use of cluster land divisions and cluster development that will locate residential clusters on the least environmentally sensitive portions of properties.

Policy OS 4.6 Conversion to small-lot rural parcels
To maintain a well-defined urban boundary, avoid the creation or expansion of Small-Lot Rural designations (Residential Rural/Suburban LUE land use categories) in rural areas.

Policy OS 4.7 Cooperation with cities.
The County shall cooperate with cities that have established "greenbelt" or similar programs, such as the City of San Luis Obispo's greenbelt program and the City of Paso Robles' "purple belt" program

In summary, City staff finds that the proposed GPA and map is not consistent with the policies noted above and in accordance with the MOU, should not be supported as proposed.

If the Board of Supervisors determines that the proposed GPA is consistent with the policies noted above and supports the change to Residential Rural, please consider the following conditions when reviewing the subsequent request to subdivide this parcel:

1. The project will be subject to road impact fees for Orcutt Road. A calculation of these fees can be supplied from the City.
2. The subdivision should include identification of limited building envelopes. A site plan and tentative grading plan should be evaluated along with any proposed subdivision map.
3. A viewshed analysis should be required to evaluate potential viewshed impacts from public roads.
4. Open space easements should be secured to ensure that areas outside of building envelopes, including significant slopes, vegetation, or viewsheds are preserved.
5. Development potential should be limited to one dwelling per lot without the ability to construct secondary dwellings or guesthouses.

If you have any questions about this letter or need additional information, please contact me via email a pdunsmore@slocity.org or by phone at (805) 781-7522.

Sincerely,

Phil Dunsmore

Phil Dunsmore
Senior Planner
Community Development Department

Afuera de Chorro Water Company
1810 Tiburon Way
San Luis Obispo, CA 93401

December 18, 2009

1821 Tiburon Way
San Luis Obispo, CA 93401

Re: Letter of Intent to Provide Water Services
Assessor's Parcel Number: 076-531-009

Dear Applicant:

Afuera de Chorro Mutual Water Company (the "Company") provides water for domestic use to parcels within its service area. You have applied for water service for a new parcel to be created within the Company's service area. The Company is required to meet a number of requirements before it can issue new memberships. The Company Board of Directors is aware that a number of new parcels are in the process of being created and additional requests for lot splits may be submitted based on the new zoning applicable in the service area. The Board is committed to proceeding diligently and promptly to meet all the requirements to provide water service to the new parcels. No new parcels have been created in the service area for many years; thus bringing the Company into compliance the applicable requirements described as items 2 and 3 below will take time.

As of the date of this letter the Company has made a tentative determination that adequate water is available to serve all of the currently allowed potential new dwelling units within its service area. In addition, the Company has obtained a detailed report of the condition and capacity of the system from the Company engineer. The Company is in the process of addressing required storage needs as addressed in the engineer's report. The Company has submitted an application for a permit to the Department of Corporations and is currently preparing a response to the DOC's comments and request for additional information.

The Company is committed to providing water service to all new parcels within its service area that meet applicable requirements. Therefore, the Company shall issue a new membership to Owner, as that term is defined in the Second Amended and Restated Bylaws of the Company and provide water for domestic use to the parcel described above (the "Parcel") when each and every one of the following terms and conditions has been met:

(1) the Company has determined that its water supply is sufficient to serve the Parcel without detrimentally affecting its service to existing members;

(2) the Company has determined that its water system and related infrastructure has the capacity to serve the Parcel following the improvements deemed by the Company engineer to be necessary to extend service to the Parcel and the Company engineer has provided an estimated cost for providing those improvements, (the "System Extension Estimate");

(3) the Company has a current, effective permit to issue the membership to Owner from the California Department of Corporations;

(4) the Owner of the Parcel agrees to maintain the Parcel in compliance with the Amended and Restated Declaration of Restrictions affecting Tract 681, County of San Luis Obispo, State of California as restated and amended from time to time (the "Declaration");

(5) the Owner has paid the required connection fee to obtain service from the Company and all special and regular assessments; and

(6) the Owner, as that term is defined in the Second Amended and Restated Bylaws of the Company, has paid all costs of expanding and/or altering the water system as necessary to extend service to the Parcel as set forth in the System Extension Estimate provided by the Company engineer.

Please be advised that when the conditions are satisfied delivery of water to the Parcel will be pursuant to rights and obligations of all Company members set out in the provisions of the Company's rates schedules, rules, procedures, articles and bylaws, as amended or restated from time to time. Further, in no event shall this will-serve letter obligate the Company to deliver water to the Parcel where any circumstances outside the control of the Company render such delivery impossible, unlawful, unnecessary, or otherwise inappropriate.

Sincerely,

Mark Lindgren

President

DMS: 549732_1

Fw: LRP2010-00006 VANDERHEYDEN, South County E-Referral, (GPA/ SLO)

Craig Piper to: Brian Pedrotti 07/16/2013 02:32 PM
Cc: Richard Howell

From: Craig Piper/GenSrvcs/COSLO
To: Brian Pedrotti/Planning/COSLO@Wings
Cc: Richard Howell/GenSrvcs/COSLO@Wings

Hi Brian,

We don't much in the way of comments regarding the GPA. If this parcel doesn't already have an Avigation easement, since it's in the airport review area, it may require the establishment of an easement. Also, as you are aware, any future construction on the parcel(s) will likely require review by the FAA.

Thanks,

Craig Piper
Assistant General Manager
Airport Services
County of San Luis Obispo
805-781-4376
----- Forwarded by Craig Piper/GenSrvcs/COSLO on 07/16/2013 02:29 PM -----

From: Richard Howell/GenSrvcs/COSLO
To: Craig Piper/GenSrvcs/COSLO@Wings
Date: 07/16/2013 10:41 AM
Subject: Fw: LRP2010-00006 VANDERHEYDEN, South County E-Referral, (GPA/ SLO)

Please handle...thanks.

Richard

----- Forwarded by Richard Howell/GenSrvcs/COSLO on 07/16/2013 10:40 AM -----

From: Mail for PL_Referrals Group
To: Lynda Auchinachie/AgComm/COSLO@Wings, Mike Isensee/AgComm/COSLO@Wings, "Dunsmore, Phil" <pdunsmor@slocity.org>, Brian Pedrotti/Planning/COSLO@Wings, tjamison@co. slo.ca.us, Bill Robeson/Planning/COSLO@Wings, Carolyn Huber/GenSrvcs/COSLO@Wings, Janette Pell/GenSrvcs/COSLO@Wings, Richard Howell/GenSrvcs/COSLO@Wings
Cc: Brian Pedrotti/Planning/COSLO@Wings
Date: 07/16/2013 10:36 AM
Subject: LRP2010-00006 VANDERHEYDEN, South County E-Referral, (GPA/ SLO)
Sent by: Taryn Jamison

San Luis Obispo County
Planning and Building Department

LRP2010-00006 VANDERHEYDEN, South County E-Refe
SLO