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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: PLANNING COMMISSION

FROM: KAMI GRIFFIN, SUPERVISING PLANNER

VIA: WARREN HOAG, DIVISON MANAGER, CURRENT PLANNING

DATE: APRIL 28, 2005

SUBJECT: Proposed amendments to the San Luis Obispo County Land Use Ordinance - G020002L - South Atascadero Secondary Dwelling Amendment (Continued from November 16, 2004 and March 10, 2005)

RECOMMENDATION
That your Planning Commission **either**:

Direct staff to revise the Initial Study and return to your Commission with a recommendation to prepare an Environmental Impact Report.

OR

Recommend to the Board of Supervisors denial of the amendments as proposed in Exhibit G02002L:B.

DISCUSSION
On November 16, 2004, the Planning Commission considered the amendment to allow secondary dwellings in both the Almira Park and South Atascadero areas where they are currently prohibited and made the following series of motions:

MOTION 1: *A motion was made by Commissioner Roos and seconded by Commissioner Cooper with Commissioner Liberto-Blanck voting NO to separate the Almira Park area standards from the South Atascadero area standards.*

MOTION 2: *The San Luis Obispo County Planning Commission recommends to the Board of Supervisors of the County of San Luis Obispo, State of California, approval of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approval of Land Use Ordinance amendment G020002L (Almira Park ONLY) as shown in Exhibits G020002L:A (including*

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On motion of Commissioner Roos, seconded by Chairman Cooper, and on the following roll call vote, to wit: AYES: Commissioners Roos, Cooper, Nielsen, Chairman Mehlschau, NOES: Commissioner Liberto-Blanck

MOTION 3: *A motion was made by Commissioner Cooper, and seconded by Commissioner Roos and passing unanimously to continue the South Atascadero area standards as shown on Exhibit G020002L:B to their March 10, 2005 meeting.*

Discussion

The item was continued to today's meeting in order for staff to complete some additional research relative to projects within the City limits of Atascadero. The attached memo from John Nall, dated April 28, 2005 provides the information on these projects. Staff has concluded that the proposed amendments may result in significant impacts associated with traffic circulation and water availably. Based on this assessment, staff would recommend the preparation of an Environmental Impact Report (EIR).

If your Commission would like to pursue approval of the proposed amendments, staff would recommend that you direct staff to complete the revisions to the Initial Study and return with a request to prepare an EIR. However, an alternative would be to recommend to the Board of Supervisors denial of the proposed amendments. An action to deny does not need to be accompanied by a completed Environmental Determination.

Letters Received Regarding the Proposal

In addition, staff has received numerous letters regarding the proposal. A number of the letters raise concerns regarding the use of Transfer of Development Credits in the South Atascadero area to divide land that is otherwise not able to subdivided due to a planning area standard that sets a minimum parcel size of 2.5 acres. Due to these concerns, staff has amended the proposal and added an additional standard which would not allow the establishment of secondary dwellings where a site was approved as a Receiving Site under the county's TDC Program.

OTHER AGENCY INVOLVEMENT/IMPACT

As detailed in the attached report from your November 16, 2004 Planning Commission meeting.

FINANCIAL CONSIDERATIONS

The proposed ordinance amendments heard today are county initiated amendments. The costs of processing these amendments are included in the current county budget.

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ATTACHMENTS

November 16, 2004 Staff Report

Response to Request for Review of the Negative Declaration

Letters received before or at the Planning Commission meeting

Letters received since Planning Commission meeting

Revised South Atascadero Amendments

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: **PLANNING COMMISSION**

FROM: **JOHN NALL, PRINCIPAL ENVIRONMENTAL SPECIALIST**

DATE: **APRIL 28, 2005**

SUBJECT: **SOUTH ATASCADERO SECONDARY DWELLING ORDINANCE**

On November 16, 2004, your Commission considered a proposed Land Use Ordinance amendment that would allow the establishment of secondary dwellings in the South Atascadero area where secondary dwellings are currently not allowed. Upon consideration of the staff report and proposed negative declaration, staff's presentation and considerable public testimony, your Commission continued this item and directed staff to investigate several environmental issues associated with the proposed amendment. These issues included: the ability of Atascadero Mutual Water Company to serve secondary residences; cumulative traffic impacts; septic system capability; and aesthetics.

Background

Projects in the southern portion of the City of Atascadero are:

1. Dove Creek: 282 residences (141 townhomes, 96 courtyard homes, and 45 single family residences), 60,000 square feet commercial, and 37 acres of open space (MND adopted)
2. Woodridge Development: 273 residential units (MND adopted)
3. Secondary Dwelling Ordinance (CE was issued by City)

Water

The environmental determinations for the three projects listed above did not identify significant water impacts, and simply referenced Atascadero Mutual Water Company (AMWC) as a supplier. Mr. Ken Weathers with AMWC stated in a phone conversation on February 14, 2005, that all new residences within the unincorporated South Atascadero area would be required to connect to AMWC. Mr. Weathers further stated that AMWC is nearing capacity with existing wells, and they are in the process of applying for water from the Nacimiento Pipeline project. Issues with water include availability for new development, decreases in service to current connections, lack of existing infrastructure, and availability of water for fire suppression. AMWC is sending a copy of a water demand study, and Mr. Weahters is looking into mapping capabilities to

quantify existing service connections. AMWC has recommended holding off on issuing permits for secondary dwellings until the water source is secured, and their Master Plan is updated. Based on the above information from the AMWC, the proposed amendment may result in significant impacts associated with water availability.

Traffic

Based on the environmental determinations (MNDs) for the above listed projects, existing peak hour conditions at some of the affected intersections are deficient.

- Santa Barbara Road/El Camino Real is currently at LOS F.
- Implementation of the projects listed above would cause Santa Barbara Road/US 101 southbound to decrease to LOS F
- In the year 2025, not including the above listed projects, Santa Barbara Road/US 101 northbound interchange would decrease to LOS F, and Santa Barbara Road/San Antonio Road would decrease to LOS F
- In the year 2025, assuming implementation of the above listed projects, Santa Barbara Road/US 101 northbound and Santa Barbara Road/San Antonio Road would decrease to LOS F

The mitigation measures recommended in the MNDs for the projects listed above included installation of a traffic signal at Santa Barbara Road/El Camino Real, and payment of "fair share" fees to the City for future improvements to City roads and funds towards a Project Study Report (PSR) to assess improvements to the Santa Barbara Road/US 101 Interchange. Allowing secondary dwelling units in the South Atascadero area has the potentail to result in significant cumulative traffic impacts.

Wastewater

The soils of the South Atascadero area generally have slow percolation rates. Many of the existing septic systems in the area are "engineered" septic systems (as opposed to standard septic systems). Soil testing is required prior to the establishment of a new waste water disposal system associated with newly proposed secondary residences. If percolation rates are extremely slow, an engineered wastewater disposal system would be required. Based on the requirements of Title 19, it is staff's opinion that the proposed amendment will not result in significant adverse impacts associated with wastewater disposal.

Aesthetics

The Land Use Ordinance requires that secondary dwellings be limited to 1,200-square feet (maximum), and must be attached to the primary dwelling, or within 250 feet of the primary dwelling, and meet design criteria (County LUO Section 22.30.470). Based on existing ordinance requirements, the varied topography of the area, and the planning area standards that are proposed as part of the amendment, it is staff's opinion that

adverse visual impacts and significant change to the character of the area would not occur as a result of the proposed ordinance amendment.

Conclusion

It is staff conclusion that the proposed amendments may result in significant impacts associated with traffic circulation and water availability. Therefore, an environmental impact report should be prepared consistent with the requirements of the Califronia Environmental Quality Act (CEQA) and the CEQA Guidelines. Staff is in the process of revising the initial study.

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November 16, 2004 Staff Report

Promoting the wise use of land
Helping build great communities

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

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PLANNING COMMISSION

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
November 16, 2004	Kami Griffin (805)781-5193	County of San Luis Obispo	G020002L

SUBJECT
Request by County of San Luis Obispo to amend Section 22.30.470C, 22.104.040C and 22.104.040D of the Land Use Ordinance, Title 22 of the County Code, to allow for the establishment of secondary dwellings in the Almira Park area and the South Atascadero area where secondary dwellings are currently not allowed. The Almira Park area is located west of Highway 101, bounded by Kiler Canyon Road to the north and Vine Street to the east, immediately southwest of the City of Paso Robles. The South Atascadero area is bounded by Highway 101 to the west, Santa Barbara Road to the north, the Union Pacific Railroad to the east, and Santa Margarita Road to the south, immediately south of the City of Atascadero. The areas are in the Salinas River planning area.

RECOMMENDED ACTION
Recommend to the Board of Supervisors:
1. Adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Adoption of this Land Use Ordinance amendment as shown in the attached Exhibit G020002L: A based on the recommended findings contained in this report.

ENVIRONMENTAL DETERMINATION
The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Agriculture, Air Quality, Biological, Cultural, Noise, Population and Housing, Transportation/Circulation, and Water Resources and are included as proposed planning area standards.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Rural / Residential Suburban	Flood Hazard	Various	1, 5

PLANNING AREA STANDARDS:
Use limitations

EXISTING USES:
Residential

SURROUNDING LAND USE CATEGORIES AND USES:
Residential

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: Public Works, Environmental Health, Ag Commissioner, APCD, CDF, Atascadero Mutual Water Co, Cities of Atascadero and Paso Robles, Santa Margarita Advisory Council.

TOPOGRAPHY:	VEGETATION:
Mixed	Mixed

PROPOSED SERVICES:	AUTHORIZATION DATE:
Water supply: On-site well / Community Water Sewage Disposal: Individual on-site septic system Fire Protection: California Department of Forestry	N/A

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

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PROJECT HISTORY

Background
On July 9, 2002, the Board of Supervisors authorized the processing of amendments, initiated by the county, to the Land Use Ordinance to allow the establishment of secondary dwellings in two areas of the county where those dwellings are currently prohibited.

Since authorization of this application for processing, the state passed a law prohibiting local governments from requiring a land use permit for the establishment of secondary dwellings. The proposed standards will be implemented at the time of construction permits for the second residence on a site.

Proposed Area Plan Standards
In order to address potential impacts, there are a number of planning area standards proposed. These planning area standards deal with driveway consolidation, tree protection, visual issues, slope and grading, riparian protection, noise exposure, water conservation, circulation, air quality, agricultural soils, archeology and energy efficiency.

AUTHORITY

Land Use Ordinance Amendment
The Land Use Element sets forth the authority by which the Land Use Ordinance can be amended. The following factors shall be considered pursuant to the Land Use Element:

<u>Guidelines for Amendments to Land Use Ordinance</u>

The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goals of the Land Use Element that are stated in Chapter 1.

Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

1. All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:

    a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;

    b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings:

    c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.

2. Designs for proposed residential uses should include:

    a. Provisions for privacy and usable open space;

    b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.

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3. All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

The proposed amendment meets the guidelines as set forth in the Land Use Element for Land Use Ordinance amendments. The project will take full advantage and provide maximum consideration of the project site characteristics in that the dwellings are limited to areas of the site where grading, tree removal and visual impacts are minimized. In addition, secondary dwellings are consistent with the existing development in the area and the nature of the character of the area. The proposed planning area standards also provide for adequate circulation and access.

COMMUNITY ADVISORY GROUP COMMENTS: The project was referred to the Santa Margarita Advisory Council. The Council did not provide comments.

AGENCY REVIEW/MITIGATED NEGATIVE DECLARATION:

Air Pollution Control District
The application was referred to the Air Pollution Control District (APCD) for review. APCD indicated concern and recommended a number of mitigation measures that have been brought forward as planning area standards.

Atascadero Mutual Water Company
The application was referred to the Atascadero Mutual Water Company for review. The Mutual Water Company was concerned about service to the additional dwellings located in their service area (South Atascadero) and requested a number of conservation measures be placed on the new construction. These have been brought forward as planning area standards.

Paso Robles
The City of Paso Robles, in response to a referral, requested that the city's road fees be charged to help to off-set the additional traffic created by the additional dwellings located in the Almira Park area. This has been brought forward as a planning area standard.

The proposed Mitigated Negative Declaration discusses all referral responses and proposed planning area standards in more detail

ATTACHED PROPOSED ORDINANCE AMENDMENT
The attached Exhibit contains the language as proposed for amendment to the Land Use Ordinance. New language is shown highlighted and underlined and text to be deleted in shown by ~~strikeout~~.

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FINDINGS

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Agriculture, Air Quality, Biological, Cultural, Noise, Population and Housing, Transportation/Circulation, and Water Resources and are included as proposed planning area standards.

Amendments

B. The proposed amendments to the Land Use Ordinance to add "Secondary Dwellings" to the list of allowable uses in the South Atascadero and Almira Park areas is consistent with the Land Use Element and other adopted elements of the general plan because the use is allowable within the Residential Rural and Residential Suburban land use categories pursuant to Table 2-2 of the Land Use Ordinance, Title 22 of the County Code.

C. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because the change is consistent with the general goals of the Land Use Element.

D. The proposed amendment is consistent with the guidelines for amendments to land use categories and the guidelines for amendments to the Land Use Ordinance because the proposal will allow the development to be designed with maximum consideration of the characteristics of the project site and their surrounding, will respect and mitigate (or avoid) special site constraints, is compatible with present and potential adjacent land uses within the context of the area's rural character, and provides for privacy, usable open space and safe vehicular movement.

E. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area and by providing additional housing opportunities.

Staff Report Prepared by Kami Griffin and reviewed by Pat Beck

EXHIBIT G020002L 6-12

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, BY AMENDING SECTIONS 22.30.470C, 22.104.040C, 22.104.040D RELATING TO SECONDARY DWELLINGS IN THE ALMIRA PARK AREA AND SOUTH ATASCADERO AREA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.30.470C.1.a. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

~~a. Atascadero. The areas south of the Atascadero urban reserve line within the Residential Suburban land use category, as defined by the Land Use Element, Salinas River area plan, except for parcels with direct driveway access to El Camino Real.~~

SECTION 2: Section 22.104.040C.5. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

5. Almira Park area. Allowable land uses within the Almira Park area as shown in Figure 104-31 are limited to agricultural accessory structures; crop production and grazing; caretaker residences; animal keeping; home occupations; residential accessory uses; single-family dwelling; secondary dwellings; storage-accessory; temporary construction yards; and bed and breakfast inns.

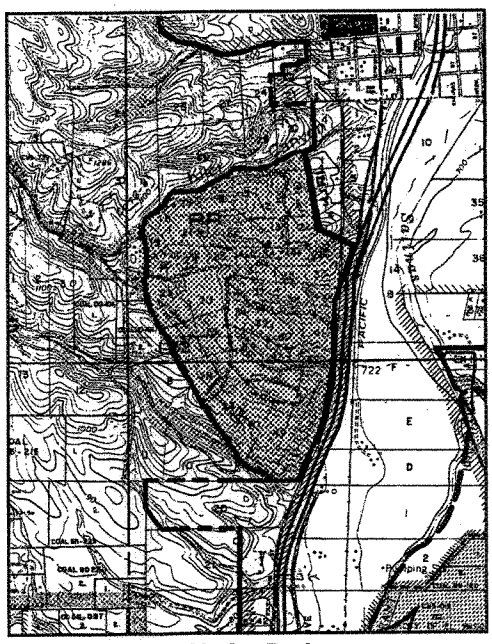

Figure 104-31 - Almira Park area

a. Design standards for secondary dwellings. Secondary dwellings proposed within the Almira Park area as shown in Figure 104-31 shall comply with the following design standards.

(1) Secondary dwellings shall be subject to all standards set forth in Section 22.30.470 in addition to the following standards, except where Subsection 22.30.470F.3 would allow the Review Authority to approve alternatives to Subsection 22.30.470C.2, no alternatives shall be allowed.

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(2) **Driveway consolidation.** The primary and secondary dwellings shall use combined driveways, where feasible, based upon terrain and safe sight distance.

(3) **Tree protection.** Avoid native vegetation removal. Where vegetation removal can not be avoided then removal shall be minimized. No removal of trees having a diameter of more than eight inches at four feet above grade shall occur.

(4) **Aesthetics.** All development shall visually blend with the existing topography, including minimization of grading and design of the secondary dwelling unit so that it does not silhouette against the sky. Development shall be sensitive to the character of the area and shall protect public viewsheds. Structures shall be located away from exposed ridges or hilltops to areas of minimum visibility. Existing vegetation, topographic features and landscaping shall be used to screen the visibility of development. Exterior colors be muted, earthtone shades, and shall not have a Munsell chroma or value greater than six. Building height shall not exceed 25 feet above average natural grade.

(5) **Slope.** No development, including new access roads and driveways, shall be permitted on slopes steeper than 15 percent. Alteration of land forms shall be minimized. Locate development to minimize grading for residences and access roads. An erosion control and drainage plan in compliance with Chapter 22.52, and landscaping plan, emphasizing vegetation to stabilize and screen all visible cut and fill slopes, shall be submitted at time of application for a construction or land use permit. Adequate erosion and sedimentation control measures shall be implemented during grading and construction.

(6) **Riparian protection.** The second dwelling on the site shall be set back a minimum of 30 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater.

(7) **Noise exposure.** A noise study shall be submitted at time of application for a construction permit for the second dwelling on the site if the site is located within 1,000 feet of Highway 101, unless an existing intervening landform is located between the residence and the highway.

(8) **Water conservation.** Water conservation measures shall be incorporated into the design and operation of the second dwelling on the site in accordance with Chapter 22.16 (Water efficient landscaping methods) and Chapter 19.20 (Water conservation provisions) of the County Code.

(9) **Road Fees.** Evidence shall be submitted at the time of application for a construction permit for the second dwelling on the site, that all applicable City of Paso Robles road fees have been paid to the City of Paso Robles.

(10) **Air Quality.** Evidence shall be submitted at the time of application for a construction permit for the second dwelling on the site, that appropriate fees have been paid to the Air Pollution Control District and that an agreement has been entered into between the applicant and the district that prohibits backyard burning.

(11) **Energy Efficiency.** Construction plans for the second dwelling on the site shall incorporate measures to increase the building energy efficiency rating by 10 percent above what is required by Title 24 requirements.

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SECTION 3: Adding section 22.104.040D.4. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, as follows:

4. **Atascadero.** Secondary dwellings proposed within the areas south of the Atascadero urban reserve line as shown in Figure 104-37 shall comply with the following design standards.

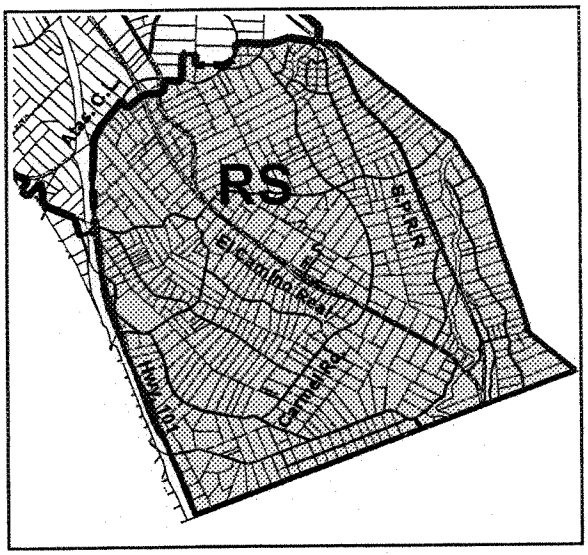

Figure 104-37 - South Atascadero area

a. Secondary dwellings shall be subject to all standards set forth in Section 22.30.470 in addition to the following standards, except where Subsection 22.30.470F.3 would allow the Review Authority to approve alternatives to Subsection 22.30.470C.2, no alternatives shall be allowed.

b. **Driveway consolidation.** The primary and secondary dwellings shall use combined driveways, where feasible, based upon terrain and safe sight distance.

c. **Tree protection.** Avoid native vegetation removal. Where vegetation removal can not be avoided then removal shall be minimized. No removal of trees having a diameter of more than eight inches at four feet above grade shall occur.

d. **Aesthetics.** All development shall visually blend with the existing topography, including minimization of grading and design of the secondary dwelling unit so that it does not silhouette against the sky. Development shall be sensitive to the character of the area and shall protect public viewsheds. Structures shall be located away from exposed ridges or hilltops to areas of minimum visibility. Existing vegetation, topographic features and landscaping shall be used to screen the visibility of development. Exterior colors be muted, earthtone shades, and shall not have a Munsell chroma or value greater than six. Building height shall not exceed 25 feet above average natural grade.

e. **Slope.** No development, including new access roads and driveways, shall be permitted on slopes steeper than 15 percent. Alteration of land forms shall be minimized. Locate development to minimize grading for residences and access roads. An erosion control and drainage plan in compliance with Chapter 22.52, and landscaping plan, emphasizing vegetation to stabilize and screen all visible cut and fill slopes, shall be submitted at time of application for a construction or land use permit. Adequate erosion and sedimentation control measures shall be implemented during grading and construction.

f. **Riparian protection.** The A second dwelling on the site shall be set back a minimum of 30 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater.

g. **Noise exposure.** A noise study shall be submitted at time of application for a construction permit for the second dwellings on the site that are located within 1,000 feet of Highway 101, unless an existing intervening landform is located between the residence and the highway.

h. **Water provision and conservation.** A will-serve letter from the Atascadero Mutual Water Company shall be submitted with the application for construction permit for the second dwelling on the site. In order to receive a will-serve letter, Atascadero Mutual Water Company may require that the primary or existing residence be retrofitted with water conserving measures. Water conservation measures shall be incorporated into the design and operation of the second dwelling on the site in accordance with Chapter 22.16 (Water efficient landscaping methods) and Chapter 19.20 (Water conservation provisions) of the County Code.

i. **Prime agricultural soils.** Secondary dwellings shall be sited to avoid soils designated as prime (Class I or II irrigated) agricultural soils.

j. **Archeology.** Evidence shall be provided at the time of application for construction permit for the second dwelling on the site that shows that any archeological resources located on the site will not be impacted by the proposed development. Such evidence shall be in the form of a Phase I archeology report.

k. **Air Quality.** Evidence shall be submitted at the time of application for a construction permit for the second dwelling on the site that appropriate fees have been paid to the Air Pollution Control District and that an agreement has been entered into between the applicant and the district that prohibits backyard burning.

l. **Energy Efficiency.** Construction plans for the second dwelling on the site shall incorporate measures to increase the building energy efficiency rating by 10 percent above what is required by Title 24 requirements.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

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SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20_____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20_____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

_____
Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

_____
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By:_____
Deputy County Counsel

Dated:_____

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (JN)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED04-147 **DATE: October 14, 2004**

PROJECT/ENTITLEMENT: County of San Luis Obispo Land Use Ordinance Amendment Title 22. (G020002L)

APPLICANT NAME: County of San Luis Obispo Department of Planning & Building
ADDRESS: County Government Center, San Luis Obispo, CA 93408
CONTACT PERSON: Same **Telephone:** (805) 781-5600

PROPOSED USES/INTENT: An amendment to the Land Use Ordinance, Title 22 of the County Code to modify Sections 22.30.470C.1.a, 22.104.040C.5. and add Section 22.104.040D.4, to allow secondary dwellings within Almira Park, south of the City of Paso Robles, and within an area south of the City of Atascadero. The amendments include specific planning area standards, in addition to the standards of Section 22.30.470 of the Land Use Ordinance, Title 22 of the County Code, that apply to the establishment of secondary dwellings in these areas including: requirements for driveway consolidation, vegetation and tree protection, aesthetic standards including the prohibition of silhouetting structures, slope limitations, riparian buffers, requirements for a noise study in certain areas, water conservation measures, and the payment of City road fees ED04-147 (G020002L)

LOCATION: Almira Park is an approximately 264-acre area located west of Highway 101, bounded by Kiler Canyon Road to the north and Vine Street to the east, immediately southwest of the City of Paso Robles. The South Atascadero area is; approximately 2224 acres in size and is bounded by Highway 101 to the west, Santa Barbara Road to the north, the Union Pacific Railroad to the east, and Santa Margarita Road to the south, immediately south of the City of Atascadero.

LEAD AGENCY: **County of San Luis Obispo Department of Planning & Building**
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

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 .....5 p.m. on October 28, 2004

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 were made a condition of the 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:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature	Project Manager Name	Date	Public Agency

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. County of San Luis Obispo Department of Planning and Building; Amendments to Title 22 -G020002L; ED 04-147

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
■ Cultural Resources	■ Public Services/Utilities	❑ Land Use

❑ Mandatory Findings of Significance

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 (EIR) 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.

MORRO GROUP, INC	Thomas Scott		10/5/04
Prepared by(Print)	Signature		Date
JOHN NALL	John Nall	Ellen Carroll, Environmental Coordinator	10/5/04
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, background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: An amendment to the Land Use Ordinance, Title 22 of the County Code to modify Sections 22.30.470C.1.a., 22.104.040C.5. and add Section 22.104.040D.4, to allow secondary dwellings within Almira Park, south of the City of Paso Robles, and within an area south of the City of Atascadero (refer to Figures 1 through 3). The amendments include specific planning area standards, in addition to, the standards of Section 22.30.470 of the Land Use Ordinance, Title 22 of the County Code, that apply to the establishment of secondary dwellings in these areas including: requirements for driveway consolidation, vegetation and tree protection, aesthetic standards including the prohibition of silhouetting structures, slope limitations, riparian buffers, requirement for a noise study in certain areas, water conservation measures, and the payment of City road fees. Almira Park is an approximately 264-acre area located west of Highway 101, bounded by Kiler Canyon Road to the north and Vine Street to the east, immediately southwest of the City of Paso Robles. The South Atascadero area is approximately 2224 acres in size, and is bounded by Highway 101 to the west, Santa Barbara Road to the north, the Union Pacific Railroad to the east, and Santa Margarita Road to the south, immediately south of the City of Atascadero.

ASSESSOR PARCEL NUMBER(S): Various SUPERVISORIAL DISTRICTS # 1, 5

B. EXISTING SETTING

PLANNING AREA:	Salinas River
LAND USE CATEGORY:	Residential Rural and Residential Suburban
COMBINING DESIGNATION(S):	Flood Hazard
EXISTING USES:	Single-family residences, secondary residences (adjacent to El Camino Real), livestock grazing, row crops, orchards
TOPOGRAPHY:	Nearly level to steeply sloping
VEGETATION:	Oak woodland, coastal scrub, chaparral, grasses, riparian
PARCEL SIZE:	264 acres; 2224 acres

SURROUNDING LAND USE CATEGORIES AND USES: 6-20

Almira Park

North: Residential Rural/ single-family residences; City of Paso Robles

South: Residential Rural/ single-family residences; livestock grazing

East: Office and Professional; Business Park (City of Paso Robles)/ Highway 101; commercial/industrial facilities; Salinas River

West: Residential Rural; Agriculture/ single-family residences; livestock grazing; orchards

South Atascadero

North: Mixed Use; Public Facilities; Suburban Estate; Single-family residential (City of Atascadero)/ single-family residences

South: Rural Lands/ single-family residences; livestock grazing

East: Rural Lands/ scattered single-family residences, mining operations, livestock grazing; Salinas River

West: Agriculture/ Highway 101; scattered single-family residences; livestock grazing

C. ENVIRONMENTAL ANALYSIS

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

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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.

Almira Park

The Almira Park area is located immediately southwest of the City of Paso Robles, immediately west of Highway 101 (refer to Figure 1). Almira Park is an approximately 264-acre area, roughly bounded by Kiler Canyon Road to the north, Vine Street to the east, and Cuerno Largo Way to the west and south. Almira Park currently consists of 48 parcels ranging in size from 1.44 to 11.52 acres. This area is characterized by gently to steeply sloping hillsides supporting oak woodland and coastal scrub, and a variety of land uses including single-family dwellings, livestock grazing, tilled row crops, and almond orchards.

Residential and agricultural development within Almira Park is currently visible from public roads including Highway 101, Kiler Canyon Road, and the southbound travel lane of Spring Street in the City of Paso Robles. An existing ridgeline steeply slopes up approximately 250 feet above Vine Street to Almira Heights. The ridgeline's location between Highway 101 and the Almira Park neighborhood provides a natural visual screen for existing development located on the western slope of the ridgeline. The dwellings located within Almira Heights near the top of the ridgeline, and dwellings on the northern and southern slopes are visible from the highway and Spring Street. Existing oak woodland and landscaping on developed lots provide partial screening of development. A majority of development located on the western slopes of the ridge is visible from Kiler Canyon Road.

The eastern portion of Almira Park is subject to Highway Corridor Design Standards pursuant to the *Salinas River Area Plan and Land Use Element* (January 2003). The purpose of these standards are to provide public views of scenic vistas and backdrops, significant stands of trees and wildflowers, and natural landmarks, historic buildings, and pastoral settings. The standards include measures prohibiting silhouetting, and establishing height limitations (25 feet), color limitations (natural, with a chroma and value less than 6 on the Munsell scale), slope limitations (less than 20 percent), and landscape screening requirements.

The ordinance includes the following planning area standards specific to aesthetics and design:

Driveway consolidation. The primary and secondary dwellings shall use combined driveways, where feasible, based upon terrain and safe sight distance.

Tree protection. Avoid native vegetation removal. Where vegetation removal can not be avoided then removal shall be minimized. No removal of trees having a diameter of more than eight inches at four feet above grade shall occur.

Aesthetics. All development shall visually blend with the existing topography, including minimization of grading and design of the secondary dwelling unit so that it does not silhouette against the sky. Development shall be sensitive to the character of the area and shall protect public viewsheds. Structures shall be located away from exposed ridges or hilltops to areas of minimum visibility. Existing vegetation, topographic features and landscaping shall be used to screen the visibility of development. Exterior colors be muted, earthtone shades, and shall not have a Munsell chroma or value greater than six. Building height shall not exceed 25 feet above average natural grade.

Slope. No development, including new access roads and driveways, shall be permitted on slopes steeper than 15 percent. Alteration of land forms shall be minimized. Locate development to minimize grading for residences and access roads. An erosion control and drainage plan in compliance with Chapter 22.52, and landscaping plan, emphasizing vegetation to stabilize and screen all visible cut and fill slopes, shall be submitted at time of application for a construction or land use permit. Adequate erosion and sedimentation control measures shall be implemented during grading and construction.

South Atascadero

The South Atascadero area is an approximately 2224-acre area located immediately south of the City of Atascadero, east of Highway 101 (refer to Figure 1). The area is bounded by Santa Barbara Road to the north, roughly the Salinas River and to the east, Highway 101 to the west, and roughly Santa Margarita Road and La Pradero Road to the south. The South Atascadero area currently consists of 697 parcels ranging is size from .05 to 29.40 acres. This area is characterized by gently sloping fields, and gently to steeply sloping hillsides, oak woodland, pine trees, coastal scrub, and a variety of land uses including single family dwellings, small fields of row crops, and livestock grazing.

Existing residential and agricultural development are currently visible from public roads including Highway 101 and El Camino Real. At most viewpoints along Highway 101, existing oak, pine, and other tree species located along the eastern highway right-of-way and landscaping on developed lots partially screen views of development. Existing development along El Camino Real is visible on adjacent lots, and on a hillside located between El Camino Real and the Union Pacific Railroad.

The northwest corner of the South Atascadero area is subject to Highway Corridor Design Standards pursuant to the *Salinas River Area Plan and Land Use Element* (January 2003) (refer to above discussion of standards).

The ordinance includes the following planning area standards specific to aesthetics and design:

Driveway consolidation. The primary and secondary dwellings shall use combined driveways, where feasible, based upon terrain and safe sight distance.

Tree protection. Avoid native vegetation removal. Where vegetation removal can not be avoided then removal shall be minimized. No removal of trees having a diameter of more than eight inches at four feet above grade shall occur.

Aesthetics. All development shall visually blend with the existing topography, including minimization of grading and design of the secondary dwelling unit so that it does not silhouette against the sky. Development shall be sensitive to the character of the area and shall protect public viewsheds. Structures shall be located away from exposed ridges or hilltops to areas of minimum visibility. Existing vegetation, topographic features and landscaping shall be used to screen the visibility of development. Exterior colors be muted, earthtone shades, and shall not have a Munsell chroma or value greater than six. Building height shall not exceed 25 feet above average natural grade.

Slope. No development, including new access roads and driveways, shall be permitted on slopes steeper than 15 percent. Alteration of land forms shall be minimized. Locate development to minimize grading for residences and access roads. An erosion control and drainage plan in compliance with Chapter 22.52, and landscaping plan, emphasizing vegetation to stabilize and screen all visible cut and fill slopes, shall be submitted at time of application for a construction or land use permit. Adequate erosion and sedimentation control measures shall be implemented during grading and construction.

Impact.

Almira Park

40 of the 48 lots are currently developed by single family dwellings. Implementation of the proposed ordinance amendment would potentially result in the addition of 40 secondary single family dwellings on existing lots within Almira Park. If the remaining undeveloped lots are developed with one single family dwelling and one secondary dwelling, a total of 96 dwellings would potentially be allowed within this area. Implementation of the ordinance would modify the existing visual character of the area by increasing the density of residences.

In addition to Highway Corridor Design Standards, secondary residences would be subject to the above standards. Based on implementation of existing and proposed standards, which prohibit silhouetting and vegetation removal, limit disturbance to slopes less than 15 percent to minimize cut and fill slopes, and require that the design of future secondary residences blend into the surrounding natural setting, implementation of the proposed ordinance amendment would not result in significant visual impacts within the Almira Park area.

South Atascadero

581 of the 697 lots are currently developed by single family residences, and 89 of the 697 lots are currently allowed secondary residences. Implementation of the proposed ordinance amendment would potentially result in the addition of 608 secondary residences on existing lots within the South Atascadero area. If the remaining undeveloped lots are developed with one single family residence and one secondary residence, a total of 1,394 residences would potentially be allowed within this area. Implementation of the ordinance would modify the existing visual character of the area by increasing the density of residences.

In addition to Highway Corridor Design Standards applicable to a portion of the area, secondary residences would be subject to the above standards. Based on implementation of existing and proposed standards, which prohibit silhouetting and vegetation removal, limit disturbance to slopes less than 15 percent to minimize cut and fill slopes, and require that the design of future secondary residences blend into the surrounding natural setting, implementation of the proposed ordinance amendment would not result in significant visual impacts within the South Atascadero area.

Mitigation/Conclusion. Based on the implementation of existing Highway Corridor Design Standards and proposed planning area standards, implementation of the proposed ordinance amendment would not result in significant visual impacts, and no additional mitigation (in the form of planning area standards) is necessary.

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2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Convert prime agricultural land to non-agricultural use?*	❑	❑	■	❑
b) *Impair agricultural use of other property or result in conversion to other uses?*	❑	❑	■	❑
c) *Conflict with existing zoning or Williamson Act program?*	❑	❑	■	❑
d) *Other* _____	❑	❑	❑	❑

Setting.

Almira Park

Almira Park is located within the Residential Rural land use category. Soil types mapped for the area by the Natural Resources Conservation Service (NRCS) include: Linne-Calado complex (Class IV irrigated/IV, VI, VIIe non-irrigated); Nacimiento-Los Osos complex (Class IV irrigated/IV non-irrigated); Lockwood shaly loam (Class II irrigated/IV non-irrigated); and, Nacimiento silty clay loam (Class VI non-irrigated). Approximately 1.66 acres of Lockwood shaly loam, a prime agricultural soil, is located within Almira Park. Existing agricultural land uses in the area include livestock grazing, tilled row crops, and orchards.

South Atascadero

The South Atascadero area is located within the Residential Suburban land use category. Soil types mapped for the area by the NRCS include: San Andreas-Arujo sandy loams (Class IIIe irrigated/IV non-irrigated); Linne-Calado complex (Class IVe irrigated/IVe, VIe non-irrigated); Concepcion sandy loam (Class IVe irrigated/IVe non-irrigated); Metz loamy sand (Class III irrigated/IV non-irrigated); Arbuckle-Positas complex (Class IIIe/IVe irrigated, IVe, VIIe non-irrigated); Ayar and Diablo soils (Class IIIe irrigated/IVe non-irrigated); Balcom-Nacimiento association (Class IVe irrigated/IVe non-irrigated); Nacimiento-Los Osos complex (Class IVe irrigated/IVe non-irrigated); and, Santa Lucia-Lopez complex (Class VIe non-irrigated). In addition to the above listed soil types, the following prime agricultural soils are located on the project site: Hanford and Greenfield fine sandy loam (Class IIe irrigated/IV non-irrigated); Elder loam (Class IIw irrigated/IVw non-irrigated); Arbuckle-San Ysidro complex (Class IIe irrigated/IVe non-irrigated); Botella sandy loam (Class IIe irrigated/IVe non-irrigated); Still clay loam (Class I, IIe irrigated/IVc, IVe non-irrigated); Still gravelly loam (Class IIs irrigated/IVs non-irrigated). Approximately 597.4 acres of the 2224-acre area consist of prime agricultural soils. Existing agricultural land uses in the area include livestock grazing and small patches of row crops.

The proposed ordinance amendment includes a planning area standard intended to protect prime agricultural soils within both Almira Park and the South Atascadero area by stating the following:

> *Prime agricultural soils. Secondary dwellings shall be sited to avoid soils designated as prime Class I or II irrigated) agricultural soils.*

Impact. According to the *County of San Luis Obispo Agriculture and Open Space Element*, both the Residential Rural and Residential Suburban land categorizations correspond with the Small-Lot Rural designation. This designation applies to residential, scattered agricultural specialty uses, part-time agricultural activities, and ranchettes. The *Element* states that the purpose of the Small-Lot Rural designation is to: "provide for low density residential development and limited non-residential uses that maintain the rural and open landscape in areas where agricultural uses are not sustainable or are clearly secondary uses."

The construction of secondary residences would not preclude existing or future agricultural uses within both Almira Park and the South Atascadero area. Implementation of the planning area standard above would ensure avoidance of all prime agricultural soils. Based on existing land uses, consistency with the *Agriculture and Open Space Element*, and implementation of the above planning area standard, impacts to agricultural resources would be insignificant.

Mitigation/Conclusion. Based on the implementation of proposed planning area standards, implementation of the proposed ordinance amendment would not result in significant impacts to agricultural resources, and no additional mitigation (in the form of planning area standards) is 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)	***Other*** _____	☐	☐	☐	☐

Setting. In 1989, the State Air Resources Board designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). In 2003, the State ARB determined that the county was in attainment for ozone.

Based on the latest air monitoring station information (per the County's RMS annual report, 2003), the trend in air quality in the general area is (improving/declining) where unacceptable PM10 levels were not exceeded at the Atascadero and Paso Robles monitoring stations in 2002, which is down from the previous year (2 exceedances at the Atascadero station and 2 exceedances at the Paso Robles monitoring station).

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

Impact. APCD reviewed the proposed ordinance amendment, and responded with a statement that implementation of the proposed ordinance would result in the generation of additional vehicle trips outside of identified urban areas, and is inconsistent with the adopted Clean Air Plan (CAP). The District does not support the development of secondary dwellings and increases in residential density outside of urban or village reserve lines. Based on APCD's review, the proposed ordinance amendments would

result in potentially significant cumulative impacts to air quality. 6-26

To mitigate for operational air quality emissions resulting from the proposed ordinance amendment, the APCD recommends several measures to reduce these impacts to a level of significance, including increasing building efficiency rating by 10 percent above what is required by Title 24 and banning backyard burning. These measures have been incorporated into proposed planning area standards for both Almira Park and the South Atascadero area:

> *Air Quality. Construction plans shall incorporate measures to increase the building energy efficiency rating by 10 percent above what is required by Title 24 requirements.*
>
> *Backyard Burning. Evidence shall be submitted at the time of application for a construction permit for the second dwelling that an agreement has been entered into between the applicant and the district that prohibits backyard burning.*

Implementation of these measures would reduce, but would not completely mitigate air quality impacts, such as the generation of NOx by additional traffic trips. Based on further analysis, the APCD determined that the NOx emission level that would be generated by additional traffic trips resulting from the proposed ordinance amendment to permit secondary dwellings would be 30.1 lbs/day, and 5.3 tons/year (Mutziger; September 4, 2004). Based on Table 2-1 (Thresholds of Significance for Operational Emissions Impacts) of the CEQA Air Quality Handbook, 30.1 lbs/day exceeds the APCD's threshold for significant air quality emissions (25 lbs/day). In addition, wood and vegetation burning generates particulate (PM10) pollution.

The APCD developed an Air Quality Mitigation Fee Program applicable to secondary dwellings in the Almira Park and South Atascadero area. The program would require a one-time application fee of $520.00 for each proposed secondary dwelling. The mitigation fees would be held in trust by the APCD, and applied to North County mitigation projects and programs including the following: 1) retrofit or repower on-road or off-road mobile source diesel engines with catalytic emission reduction devices; 2) retrofit or repower prime use stationary diesel engines with catalytic emission reduction devices; 3) implement incentive program to increase the ridership of North County van pools; and, 4) assist in the procurement of a new North County low-emission heavy-duty on-road vehicle(s) to replace older model(s) (e.g. school buses, trash trucks, etc.). The following planning area standard ensures the required contribution to this program:

> *Air Quality. Evidence shall be submitted at the time of application for a construction permit for a secondary dwelling that fees have been paid to the APCD under the Almira Park and South Atascadero Secondary Dwelling Mitigation Fee Program.*

Mitigation/Conclusion. Implementation of standard operational emissions air quality mitigation and contribution to the fee mitigation program would mitigate potential air quality impacts to less than significant.

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?	☐	☐	■	☐

6-27

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) *Impact wetland or riparian habitat?*	❑	❑	■	❑
d) *Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?*	❑	❑	■	❑
e) *Other* _____	❑	❑	❑	❑

Setting.

Almira Park

Special-status species. The CNDDB documented that no special status species occur on the subject property of Almira Park.

San Joaquin kit fox is a Federal Endangered, and State Threatened fox species. The boundary of this species habitat range is located east of Almira Park, on the east side of Highway 101 in immediate proximity of the Salinas River. The San Joaquin kit fox prefers arid grasslands, scrub lands, and foothills. The Almira Park area is dominated by dense oak woodland and agricultural development, and does not support preferable habitat for this species.

Native or Important Vegetation. Native vegetation types within Almira Park include oak woodland and coastal scrub/chaparral understory.

The proposed ordinance includes the following planning area standard:

> *Tree protection. Avoid native vegetation removal. Where vegetation removal can not be avoided then removal shall be minimized. No removal of trees having a diameter of more than eight inches at four feet above grade shall occur.*

Wetland or Riparian Habitat. Five unnamed seasonally-intermittent tributaries to the Salinas River traverse Almira Park.

The proposed ordinance includes the following planning area standard:

> *Riparian protection. A secondary dwelling shall be set back a minimum of 30 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater.*

South Atascadero

Special-status species. The CNDDB documented that no special status species occur on the subject property of South Atascadero.

California red-legged frog is a Federal Threatened and State Species of Concern typically found in aquatic and riparian areas within the range of the species. The Salinas River, Trout Creek, and associated tributaries within the South Atascadero area provide potential habitat for this species.

Native or Important Vegetation. Native vegetation types within the South Atascadero area include oak woodland and coastal scrub understory.

The proposed ordinance includes the following planning area standard:

Tree protection. Avoid native vegetation removal. Where vegetation removal can not be avoided then removal shall be minimized. No removal of trees having a diameter of more than eight inches at four feet above grade shall occur.

Wetland or Riparian Habitat. The Salinas River borders the area to the east, and Trout Creek is located in the eastern portion of the area. Eight un-named seasonally intermittent tributaries to the Salinas River and Trout Creek are located within the area's boundaries.

The proposed ordinance includes the following planning area standard:

Riparian protection. A secondary dwelling shall be set back a minimum of 30 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater.

Impact.

Almira Park

The proposed ordinance amendment includes planning area standards requiring the use of existing driveways, and incorporation of a 30-foot setback from all watercourses. Implementation of these planning area standards would avoid California red-legged frog species and their habitat, and no additional planning area standards are necessary.

Native or Important Vegetation. The proposed ordinance prohibits the removal of native vegetation and trees over 6 inches in diameter. The root zones of oak trees six inches in diameter and greater would potentially be impacted during grading and construction activities associated with the implementation of the proposed ordinance. In the instance impacts to oak trees occur, the applicant would be required to replace onsite each impacted oak tree at a 2:1 ratio pursuant to County policy to mitigate impacts to less than significant.

Wetland or Riparian Habitat. Based on implementation of the setback requirement stated in the proposed ordinance, no direct impacts to any watercourse would occur.

South Atascadero

Special-status species.

The proposed ordinance amendment includes planning area standards requiring the use of existing driveways, and incorporation of a 30-foot setback from all watercourses. Implementation of these planning area standards would avoid California red-legged frog species and their habitat, and no additional planning area standards are necessary.

Native or Important Vegetation. The proposed ordinance prohibits the removal of native vegetation and trees over 6 inches in diameter. The root zones of oak trees six inches in diameter and greater would potentially be impacted during grading and construction activities associated with the implementation of the proposed ordinance. In the instance impacts to oak trees occur, the applicant would be required to replace onsite each impacted oak tree at a 2:1 ratio pursuant to County policy to mitigate impacts to less than significant.

Wetland or Riparian Habitat. Based on implementation of the setback requirement stated in the proposed ordinance, no direct impacts to any watercourse would occur.

Mitigation/Conclusion. Implementation of the proposed ordinance, which includes planning area standards requiring the avoidance of watercourses, trees, and native vegetation, which will avoid or minimize impacts to biological resources. In addition, implementation of County environmental mitigation policy, including oak tree replacement ratios for impacted oak trees, would mitigate potential impacts to less than significant.

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5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Disturb pre-historic resources?*	❑	■	❑	❑
b) *Disturb historic resources?*	❑	■	❑	❑
c) *Disturb paleontological resources?*	❑	■	❑	❑
d) *Other* _____	❑	❑	❑	❑

Setting/Impact.

Almira Park

Almira Park is located within an area historically occupied by the Obispeño Chumash and Southern Salinian Native Americans. The project location is not within a mapped archaeologically sensitive area. The Countywide archeological map indicates one positive finding on the banks of the Salinas River, which is approximately 2,000 feet east of Almira Park, on the east side of Highway 101. No potentially historic structures are present within the area, and there are no known paleontological resources within or in the vicinity of the area. Based on the area's distance from the Salinas River, it is unlikely that significant cultural resources are present on-site. Impacts to historic or paleontological resources are not expected.

South Atascadero

The South Atascadero area is located within an area historically occupied by the Obispeño Chumash and Southern Salinian Native Americans. The project location is not within a mapped archaeologically sensitive area. The Countywide and Santa Margarita archeological maps indicate one positive finding on the banks of Santa Margarita Creek near Garden Farms, and several areas of positive findings are located within and in the vicinity of Santa Margarita. An additional positive finding is located approximately 0.5 mile to the north. Eleven negative survey findings are located within the South Atascadero area. No potentially historic structures are present within the area. Significant paleontological resources have been documented within Santa Margarita Ranch, located immediately to the south. Based on the presence of significant archaeological and paleontological resources documented in the vicinity, there is a potential for the discovery and disturbance of significant cultural resources during the construction of secondary residences.

It is not expected that paleontological resources would be unearthed due to relatively shallow cuts that will occur as a result of a planning area standard that will prohibit development on slopes steeper than 15 percent. In addition, disturbance will be minimized by driveway consolidation.

The proposed ordinance amendment includes the following planning area standards:

> *Archaeological Resources. Evidence shall be provided at the time of application for construction permit for the second dwelling on the site that shows that any archaeological resources located on the site will not be impacted by the proposed development. Such evidence shall be in the form of a Phase I archaeology report.*

Mitigation/Conclusion. Based on implementation of proposed planning area standards, potential impacts to cultural resources would not be significant.

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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 CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?***	❑	❑	■	❑
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)	***Change rates of soil absorption, or amount or direction of surface runoff?***	❑	❑	■	❑
e)	***Include structures located on expansive soils?***	❑	❑	■	❑
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?***	❑	❑	■	❑
h)	***Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?***	❑	❑	■	❑
i)	***Preclude the future extraction of valuable mineral resources?***	❑	❑	■	❑
j)	***Other*** _____	❑	❑	❑	❑

Setting.

Almira Park

Geology. The topography of the project site ranges from gently to steeply sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered moderate. The liquefaction potential during a ground-shaking event is considered moderate, and the shrink-swell potential is moderate. The San Marcos fault is a potentially active fault located in the immediate vicinity of Almira Park. The area is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. Five unnamed seasonally-intermittent tributaries to the Salinas River traverse Almira Park. The Salinas River is located approximately 800 feet to the east, on the east side of Highway 101. Almira Park is not located within a Flood Hazard designation. As described in the NRCS Soil Survey, the soils mapped for the site are not well to moderately drained. No specific measures above what will already be required by ordinance or code are considered necessary.

Sedimentation and Erosion. As described in the NRCS Soil Survey, the soil surface is considered

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moderately to highly erodible.

The proposed ordinance includes the following planning area standard:

> *Slope. No development, including new access roads and driveways, shall be permitted on slopes steeper than 15 percent. Alteration of land forms shall be minimized. Locate development to minimize grading for residences and access roads. An erosion control and drainage plan in compliance with Chapter 22.52, and landscaping plan, emphasizing vegetation to stabilize and screen all visible cut and fill slopes, shall be submitted at time of application for a construction or land use permit. Adequate erosion and sedimentation control measures shall be implemented during grading and construction.*

South Atascadero

Geology. The topography of the project site ranges from gently to steeply sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential ranges from low to high. The liquefaction potential during a ground-shaking event is considered low to high, and the shrink-swell potential ranges from low to high. The San Marcos fault is a potentially active fault located in the immediate vicinity. The area is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. The Salinas River and Santa Margarita Creek are located along the eastern boundary of the South Atascadero area, Trout Creek traverses through the eastern portion of the area, and eight unnamed seasonally intermittent tributaries to the Salinas River and Trout Creek are located within the boundaries of the area. Areas immediately adjacent to the Salinas River, Trout Creek, and Santa Margarita Creek are within the Flood Hazard designation. As described in the NRCS Soil Survey, the soils mapped for the site range from very poorly to well drained. No specific measures above what will already be required by ordinance or code are considered necessary.

Sedimentation and Erosion. As described in the NRCS Soil Survey, the soil surface ranges from low to moderately erodible.

The proposed ordinance includes the following planning area standard:

> *Slope. No development, including new access roads and driveways, shall be permitted on slopes steeper than 15 percent. Alteration of land forms shall be minimized. Locate development to minimize grading for residences and access roads. An erosion control and drainage plan in compliance with Chapter 22.52, and landscaping plan, emphasizing vegetation to stabilize and screen all visible cut and fill slopes, shall be submitted at time of application for a construction or land use permit. Adequate erosion and sedimentation control measures shall be implemented during grading and construction.*

Impact. Based on implementation of planning area standards prohibiting development on slopes exceeding fifteen percent, and the requirement of an erosion and sedimentation control plan, no significant geology or soils impacts would occur as a result of the proposed ordinance amendment.

Mitigation/Conclusion. Based on implementation of the proposed planning area standards associated with the ordinance amendment, and existing County Building Code, and the Uniform Building Code, no additional planning area standards are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	❑	❑	■	❑

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) *Interfere with an emergency response or evacuation plan?*	❑	❑	■	❑
c) *Expose people to safety risk associated with airport flight pattern?*	❑	❑	■	❑
d) *Increase fire hazard risk or expose people or structures to high fire hazard conditions?*	❑	❑	■	❑
e) *Create any other health hazard or potential hazard?*	❑	❑	■	❑
f) *Other* _____	❑	❑	❑	❑

Setting/Impact.

Almira Park

Almira Park is located within an area characterized by oak woodland, coastal scrub, chaparral, single-family residences, agricultural accessory structures, and agricultural uses. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area. The area is not located in an area of known hazardous material contamination and the ordinance amendment does not propose use of hazardous materials. The proposed project is within a moderate fire hazard severity area. No impacts as a result of hazards or hazardous materials are anticipated.

South Atascadero

The South Atascadero area is located within an area characterized by oak woodland, coastal scrub, chaparral, grassland, single-family residences, agricultural accessory structures, and agricultural uses. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area. The area is not located in an area of known hazardous material contamination and the ordinance amendment does not propose use of hazardous materials. The proposed project is within a moderate to high fire hazard severity area. No significant impacts as a result of hazards or hazardous materials are anticipated.

Mitigation/Conclusion. Pursuant to Section 22.50.030 of the County Land Use Ordinance, a fire safety plan would be required upon application for a secondary residence. The fire safety plan would be reviewed by the County Fire Department/California Department of Forestry, and may include access improvements, vegetation clearance (i.e., grasses and tree trimming), and design standards (i.e., interior sprinklers and fire resistant materials). No additional planning area standards are necessary.

8. NOISE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Expose people to noise levels which exceed the County Noise Element thresholds?*	❑	■	❑	❑
b) *Generate increases in the ambient noise levels for adjoining areas?*	❑	❑	■	❑

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8. NOISE - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) *Expose people to severe noise or vibration?*	❑	❑	■	❑
d) *Other* _____	❑	❑	❑	❑

Setting/Impact.

Almira Park

Noise Exposure. Almira Park is located immediately adjacent to Highway 101, which generates a significant amount of transportation-related noise in the area. The topography between the highway and Almira Park ranges from gently to steely sloping. According to the *County Noise Element,* the eastern perimeter of Almira Park within 1,000 feet of Highway 101 is located within the 60 to 65 Ldn noise level contour (County of San Luis Obispo; May 1992). According to the *Noise Element*, 60 to 70 Ldn exterior noise level exposure to residential land uses is "conditionally acceptable".

The proposed ordinance includes the following planning area standard:

> *Noise exposure. A noise study shall be submitted at time of application for a construction permit for proposed secondary dwellings located within 1,000 feet of Highway 101, unless an existing intervening landform is located between the residence and the highway.*

Noise Generation. Implementation of the proposed general plan amendment would potentially result in an additional 48 residences and approximately 461 additional traffic trips. Generation of these trips would contribute to the cumulative generation of transportation-related noise in the area. Based on the site's proximity to the City of Paso Robles and Highway 101, generation of these trips would not result in a significant level of transportation-related noise exceeding current noise levels.

South Atascadero

Noise Exposure. The South Atascadero area is located immediately adjacent to Highway 101, which generates a significant amount of transportation-related noise in the area. El Camino Real and the Southern Pacific Railroad (SPRR) traverse the eastern portion of the area. The topography between the highway and the area is generally gently sloping. The topography adjacent to El Camino Real and the SPRR ranges from gently to moderately sloping. El Camino Real is not identified in the *Noise Element* as a significant noise generator. According to the *County Noise Element,* the western perimeter of the area within 1,000 feet of Highway 101 is located within the 60 to 65 Ldn noise level contour (County of San Luis Obispo; May 1992). Areas within approximately 165 feet of the SPRR are within the 65 to 70 Ldn noise contour. According to the *Noise Element*, 60 to 70 Ldn exterior noise level exposure to residential land uses is "conditionally acceptable".

The proposed ordinance includes the following planning area standard:

> *Noise exposure. A noise study shall be submitted at time of application for a construction permit for proposed secondary dwellings located within 1,000 feet of Highway 101 and 200 feet of the Southern Pacific Railroad,, unless an existing intervening landform is located between the residence and the highway.*

Noise Generation. Implementation of the proposed general plan amendment would potentially result in an additional 608 residences and approximately 5,819 additional traffic trips. Generation of these trips would contribute to the cumulative generation of transportation-related noise in the area. Based on the site's proximity to the City of Atascadero, Highway 101, El Camino Real, and SPRR generation of these trips would not result in a significant level of transportation-related noise exceeding current noise levels.

Mitigation/Conclusion. Based on implementation of the proposed planning area standard requiring a noise study in areas exposed to transportation-related noise, no additional planning area standards 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 or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?*	❑	❑	■	❑
b) *Displace existing housing or people, requiring construction of replacement housing elsewhere?*	❑	❑	■	❑
c) *Create the need for substantial new housing in the area?*	❑	❑	■	❑
d) *Use substantial amount of fuel or energy?*	❑	❑	■	❑
e) *Other* _____	❑	❑	❑	❑

Setting/Impact. Implementation of the proposed ordinance amendment would potentially increase the number of future single-family residences within Almira Park from 48 to 96, and within the South Atascadero area from 786 to 1,394. The anticipated additional 48 and 608 residences is not anticipated to significantly induce growth, but would facilitate housing demand. Implementation of the proposed ordinance amendment would apply to areas currently developed by at least a primary single-family residence and would not require substantial additional infrastructure. The future development would not displace existing housing, use a substantial amount of fuel or energy to construct and maintain, or displace existing housing or people. The proposed ordinance would allow secondary residences to offset the housing shortage in San Luis Obispo county (per State Housing Mandate).

The proposed ordinance includes the following planning area standards applicable to both Almira Park and the South Atascadero area:

> *Driveway consolidation. The primary and secondary dwellings shall use combined driveways, where feasible, based upon terrain and safe sight distance.*

Mitigation/Conclusion. Based on the above discussion and implementation of proposed planning area standards, no significant population and housing impacts are expected to occur as a result of the proposed ordinance amendment.

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)?*	❑	■	❑	❑

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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
c) Schools?	❑	■	❑	❑
d) Roads?	❑	■	❑	❑
e) Solid Wastes?	❑	❑	■	❑
f) Other public facilities?	❑	❑	■	❑
g) Other _____	❑	❑	❑	❑

Setting.
Almira Park
Almira Park is served by the County Sheriff's Department and California Department of Forestry (CDF)/County Fire as the primary responders. The closest Sheriff sub-station is located in the community of Templeton, approximately four miles to the south. The closest CDF station is located in the City of Paso Robles, approximately 1.5 miles to the north. Almira Park is located within the Paso Robles Joint Unified School District.

South Atascadero
The South Atascadero area is served by the County Sheriff's Department and California Department of Forestry (CDF)/County Fire as the primary responders. The closest Sheriff sub-station is located in the community of Templeton, approximately eight miles to the north. The closest CDF station is located in the community of Santa Margarita, approximately two miles to the south. The area is located within the Atascadero Unified School District.

Impact. This ordinance amendment would result in the potential construction of an additional 48 residences within Almira Park and 608 residences within the South Atascadero area, which would have a cumulative effect on police and fire protection, and schools.

Mitigation/Conclusion. Public facility and school fee programs have been adopted to address this impact and would reduce the cumulative impact to a level of insignificance. No significant project-specific impacts to utilities or public services were identified.

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/Impact.
Almira Park
The *County Trails Plan* does not show a trail corridor proposed within the Almira Park area. There are

no recreational resources in the immediate vicinity. 6-36

South Atascadero
The County Trails Plan shows a proposal for a trail corridor along the Salinas River extending from the northern boundary of San Luis Obispo County south to Santa Margarita Lake. Implementation of the proposed ordinance amendment would not inhibit the future construction of a trail section.

Mitigation/Conclusion. The proposed ordinance is not proposed in a location that will affect any trail, park or other recreational resource, and would not create a significant need for additional park or recreational resources. No impacts to recreational resources would occur as a result of the proposed project, and no additional planning area standards are necessary.

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?	❑	❑	■	❑
b) Reduce existing "Levels 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) Result in inadequate parking capacity?	❑	❑	■	❑
f) Result in inadequate internal traffic circulation?	❑	❑	■	❑
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	❑	❑	■	❑
h) Result in a change in air traffic patterns that may result in substantial safety risks?	❑	❑	■	❑
i) Other _____	❑	❑	❑	❑

Setting.
Almira Park
Almira Park is currently accessed by Kiler Canyon Road and Vine Street. The internal circulation system includes Cuerno Largo Way, Almira Park Way, Encinal Street, El Corral Street, Ariba Road, Robles Street, Madrone Street, Monte Street, and Almira Heights. Kiler Canyon Road is a paved, two-lane road. The other roads are local, un-paved roads improved consisting of gravel or compacted soil. The road system within Almira Park consists of private (not County) roads. The *Salinas River Area Plan Circulation Element* and *Coutny Annual Resource Summary Report* (2002) do not recommend any improvements or level of severity designations for any of these roads.

The proposed ordinance amendment includes the following planning area standards:

Driveway consolidation. The primary and secondary dwellings shall use combined driveways,

where feasible, based upon terrain and safe sight distance. 6-37

Road Fees. Evidence shall be submitted at the time of application for a construction permit for a secondary dwelling, that all applicable City of Paso Robles road fees have been paid to the City of Paso Robles.

South Atascadero
The South Atascadero area is currently accessed by Salinas Road/Santa Barbara Road and El Camino Real. The internal circulation system includes Santa Margarita Road, La Pradero Road, Viejo Camino, El Camino Real, Alondra Road, Torreon Road, Los Palos Road, Carmel Road, Durango Road, Madrid Road, Santa Clara Road, San Antonio Road, Morningside Drive, Powerline Road, Pasadena Lane, Mesa Road, Random Oaks Lane, Norte Road, Aguacita Road, Sandoval Road, Asuncian Road, and Chispa Road. These roads range from paved, two-lane roads, to local gravel roads, compacted soil roads, and rough, unimproved roads. *Salinas River Area Plan Circulation Element* and *Coutny Annual Resource Summary Report* (2002) do not recommend any improvements or level of severity designations for any of these roads.

The proposed ordinance amendment includes the following planning area standard:

Driveway consolidation. The primary and secondary dwellings shall use combined driveways, where feasible, based upon terrain and safe sight distance.

Impact.
Almira Park
40 of the 48 lots are currently developed by single family residences, which generate approximately 383 trips per day (assuming 9.57 trips per residence). Assuming full build-out of the 48 lots with a total of 48 primary single-family residences, implementation of the proposed ordinance amendment would potentially result in the addition of 48 secondary residences, which would generate an additional 460 trips per day. This assumption is based on a worst-case scenario, and does not take into consideration specific site constraints proposed by the ordinance amendment including restrictions of development on slopes greater than 15 percent, prohibition of vegetation and tree removal, avoidance of prime agricultural soils, and avoidance of visible silhouetting. The proposed ordinance amendment was reviewed by the County Department of Public Works. The Department of Public Works reviewed the proposed project and determined that the additional traffic trips would not reduce level of service on affected roads (Goodwin; June 24, 2004).

The project site is located immediately adjacent to the City of Paso Robles, and it is reasonable to assume that residents would enter the City via City streets to utilize retail and commercial businesses. Impacts to City roads would not be significant based on the number of additional trips (approximately 460 per day), and the payment of road fees to the City would further reduce the effect of these trips on City roads.

South Atascadero
581 of the 697 lots are currently developed by single family residences, which generate approximately 5,560 trips per day. Assuming full build-out of the 697 lots with a total of 697 primary single-family residences, and 89 secondary residences adjacent to El Camino Real, total trip generation based on the current ordinance restrictions would be 7,522 trips per day. Implementation of the proposed ordinance amendment would potentially result in the addition of 608 secondary residences, which would generate an additional 5,819 trips per day, for a total of 13,341 daily trips. This assumption is based on a worst-case scenario, and does not take into consideration specific site constraints proposed by the ordinance amendment including restrictions of development on slopes greater than 15 percent, prohibition of vegetation and tree removal, avoidance of prime agricultural soils, and avoidance of visible silhouetting.

The proposed ordinance amendment was reviewed by the County Department of Public Works. The Department of Public Works reviewed the proposed project and determined that the additional traffic trips would not reduce level of service on affected roads (Goodwin; June 24, 2004).

Mitigation/Conclusion. No significant transportation or circulation impacts were identified, and no mitigation is necessary beyond what is required by the planning area standards incorporated in the proposed ordinance amendment.

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, daylighting)?*	☐	☐	■	☐
c) *Adversely affect community wastewater service provider?*	☐	☐	■	☐
d) *Other* _____	☐	☐	☐	☐

Setting/Impact.

Almira Park

The Almira Park area does not have a wastewater service provider. Each secondary residence permitted by the proposed residence would require a septic tank and leach field system. Based on the NRCS Soil Survey, the main limitations of the underlying soil for wastewater effluent include:

Shallow Depth to Bedrock. This characteristic indicates 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. Pursuant to Title 19 of the County Code (Buildings and Construction) and the Uniform Plumbing Code, a minimum distance of ten feet of separation is required, and would be verified by test borings to be approved by the County Building Department and County Environmental Health Department.

Steep Slopes. This characteristic indicates that portions of the soil unit may contain slopes steep enough to result in potential daylighting of wastewater effluent. The proposed ordinance amendment includes a planning area standard prohibiting all new development associated with secondary residences on slopes greater than fifteen percent; therefore, this characteristic does not apply to potentially affected areas.

Slow Percolation. This characteristic indicates that wastewater effluent may not effectively percolate through the soil. Title 19 of the County Code (Buildings and Construction) and the Uniform Plumbing Code require that a percolation rate ranging from zero to thirty minutes per inch is sufficient for a standard leach field system. An engineered system may be required if the percolation rate exceeds thirty minutes per inch. Percolation rates would be verified by percolation test reports, to be approved by the County Building Department and County Environmental Health Department.

South Atascadero

The South Atascadero area does not have a wastewater service provider. Each secondary residence permitted by the proposed residence would require a septic tank and leach field system. Based on the NRCS Soil Survey, the main limitations of the underlying soil for wastewater effluent include:

Shallow Depth to Bedrock. This characteristic indicates 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. Pursuant to Title 19 of the County Code (Buildings and Construction) and the Uniform Plumbing Code, a minimum distance of ten feet of separation is required, and would be verified by test borings to be approved by the County Building Department and County Environmental Health Department.

Steep Slopes. This characteristic indicates that portions of the soil unit may contain slopes steep enough to result in potential daylighting of wastewater effluent. The proposed ordinance amendment includes a planning area standard prohibiting all new development associated with secondary residences on slopes greater than fifteen percent; therefore, this characteristic does not apply to potentially affected areas.

Slow Percolation. This characteristic indicates that wastewater effluent may not effectively percolate through the soil. Title 19 of the County Code (Buildings and Construction) and the Uniform Plumbing Code require that a percolation rate ranging from zero to thirty minutes per inch is sufficient for a standard leach field system. An engineered system may be required if the percolation rate exceeds thirty minutes per inch. Percolation rates would be verified by percolation test reports, to be approved by the County Building Department and County Environmental Health Department.

Floods. This characteristic indicates that the area is subject to flooding, which may result in a discharge of effluent into flooded sources of surface water. Title 19 of the County Code (Building and Construction) prohibits installation of a sewage disposal system within an area subject to ten-year floods.

Mitigation/Conclusion. Based on County Code construction standards required by Title 19 (Building and Construction) and the Uniform Plumbing Code, no significant wastewater impacts would occur as a result of the proposed ordinance amendment, and no additional planning area standards are required.

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

Setting.

Almira Park

Surface Water. Five unnamed seasonally intermittent tributaries to the Salinas River traverse the Almira Park area. The proposed ordinance amendment includes a planning area standard requiring a minimum 30-foot buffer from all watercourses, and the implementation of an erosion and sedimentation control plan.

Water Supply. Existing development within Almira Park currently obtains water via individual wells within the Paso Robles Groundwater Basin. The *Annual Resource Summary Report* (2003) does not

recommend a level of severity of this basin, pending further study. 6-40

The proposed ordinance amendment includes the following planning area standard:

> *Water conservation. Water conservation measures shall be incorporated into the design and operation of secondary dwellings in accordance with Chapter 22.16 (Water efficient landscaping methods) and Chapter 19.20 (Water conservation provisions) of the County Code.*

South Atascadero
Surface Water. The Salinas River and Santa Margarita Creek are located along the eastern boundary of the area, and Trout Creek crosses through the eastern portion of the area. Eight unnamed, seasonally intermittent tributaries to the Salinas River and Trout Creek traverse the area. The proposed ordinance amendment includes a planning area standard requiring a minimum 30-foot buffer from all watercourses, and the implementation of an erosion and sedimentation control plan.

Water Supply. Existing development within the South Atascadero area is served by the Atascadero Mutual Water Company. The Atascadero Mutual Water Company provides service to the City of Atascadero and adjacent unincorporated areas. The Company has a maximum output at this time of 14.50 million gallons per day. The water supply is pumped from the underflow of the Salinas River and the Paso Robles Groundwater Basin.

The proposed ordinance amendment includes the following planning area standard:

> *Water conservation. Water conservation measures shall be incorporated into the design and operation of secondary dwellings in accordance with Chapter 22.16 (Water efficient landscaping methods) and Chapter 19.20 (Water conservation provisions) of the County Code.*

Impact.
Almira Park
Surface Water. Potentially significant impacts to water quality, including sediment discharge, would be avoided or minimized by implementation of the proposed planning area standard requiring the preparation and implementation of an erosion and sedimentation control plan.

Water Supply. Water usage at full build-out of 48 primary single family residences within Almira Park would likely be approximately 40.8 acre-feet per year:

48 residential lots (w/ primary (or 0.85 afy) X 48 lots = 40.8 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'" (Aug., 1989)

Implementation of the proposed ordinance amendments would potentially allow up to 48 secondary residences, which would require an additional 15.84 afy of water, for total annual estimated water usage of 56.64 afy:

48 residential lots (w/ primary & secondary (or 0.85 afy + 0.33 afy) X 48 lots = 56.64 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'" (Aug., 1989)

Based on the availability of water in the Paso Robles Groundwater Basin, and implementation of the proposed planning area standard requiring implementation of water conservation measures, impacts to water supply would be insignificant.

South Atascadero
Surface Water. Potentially significant impacts to water quality, including sediment discharge, would be avoided or minimized by implementation of the proposed planning area standard requiring the preparation and implementation of an erosion and sedimentation control plan.

Water Supply. Water usage at full build-out of 697 primary single family residences and 89 secondary residences within the South Atascadero area would likely be approximately 621.82 acre-feet per year:

608 residential lots (w/ primary (or 0.85 afy) X 608 lots = 516.8 afy
89 residential lots (w/ primary & secondary (or 0.85 afy + 0.33 afy) x 89 lots = 105.02

Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'" (Aug., 1989)

Implementation of the proposed ordinance amendments would potentially allow up to 608 secondary residences, which would require an additional 200.64 afy of water, for total annual estimated water usage of 822.46 afy:

697 residential lots (w/ primary & secondary (or 0.85 afy + 0.33 afy) X 697 lots = 822.46 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'" (Aug., 1989)

The Atascadero Mutual Water Company (AMWC) reviewed the proposed ordinance amendments, and determined that the addition of secondary dwellings has the potential to significantly increase the demand for water within the South Atascadero service area, which would potentially affect the AMWC's ability to provide adequate water service to current stakeholders (Neil; June 22, 2004). The AMWC recommended additional water conservation measures to minimize potentially significant impacts to water resources. These measures have been incorporated into the proposed ordinance amendment in the following planning area standard applicable to the South Atascadero area:

> Water provision and conservation. A will-serve letter from the Atascadero Mutual Water Company shall be submitted with the application for construction permit for the second dwelling on the site. In order to receive a will-serve letter, Atascadero Mutual Water Company may require that the primary or existing residence be retrofitted with water conserving measures. Water conservation measures shall be incorporated into the design and operation of the second dwelling on the site in accordance with Chapter 22.16 (Water efficient landscaping methods) and Chapter 19.20 (Water conservation provisions) of the County Code.

In addition to the above requirements, the applicant is required by Chapter 19 of the County Code to provide evidence of available potable water at the time of application of a construction permit, which would consist of a will-serve letter from AMWC. AMWC requires payment of a connection fee, and may require additional infrastructure improvements including, but not limited to, installation of a new meter and piping.

Mitigation/Conclusion. Based on implementation of requirements pursuant to Chapters 19 and 22 of the County Code and additional water conservation measures incorporated into the above planning area standard, impacts to water resources would be mitigated to less than significant.

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. The proposed project was reviewed for consistency with policy and regulatory

documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the Salinas River Area Plan). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

6-42

Surrounding land uses are as follows:

Almira Park
North: single-family residences; East: Highway 101, commercial/industrial facilities; South: single-family residences and livestock grazing; West: single-family residences, livestock grazing, and orchards. The proposed ordinance amendment is compatible with these surrounding land uses because secondary residential development is consistent with mixed residential and secondary agricultural uses.

South Atascadero
North: single-family residences; East: scattered single-family residences, mining operations, and livestock grazing; South: single-family residences and livestock grazing; West: Highway 101, scattered single-family residences, and livestock grazing. The proposed ordinance amendment is compatible with these surrounding land uses because secondary residential development is consistent with mixed residential and secondary agricultural uses.

Mitigation/Conclusion. No significant land use impacts would occur as a result of the proposed ordinance amendments.

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 project's, 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.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

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

6-43

Contacted	Agency	Response
X	County Public Works Department	**In File***
X	County Environmental Health Division	**Attached**
X	County Agricultural Commissioner's Office	**None**
___	County Airport Manager	**Not Applicable**
___	Airport Land Use Commission	**Not Applicable**
X	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 Game	**Not Applicable**
X	CA Department of Forestry	**None**
___	CA Department of Transportation	**Not Applicable**
X	Atascadero Mutual Water Company	**Attached**
X	City of Atascadero	**None**
X	City of Paso Robles	**None**
X	Santa Margarita Advisory Council	**None**

* *"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

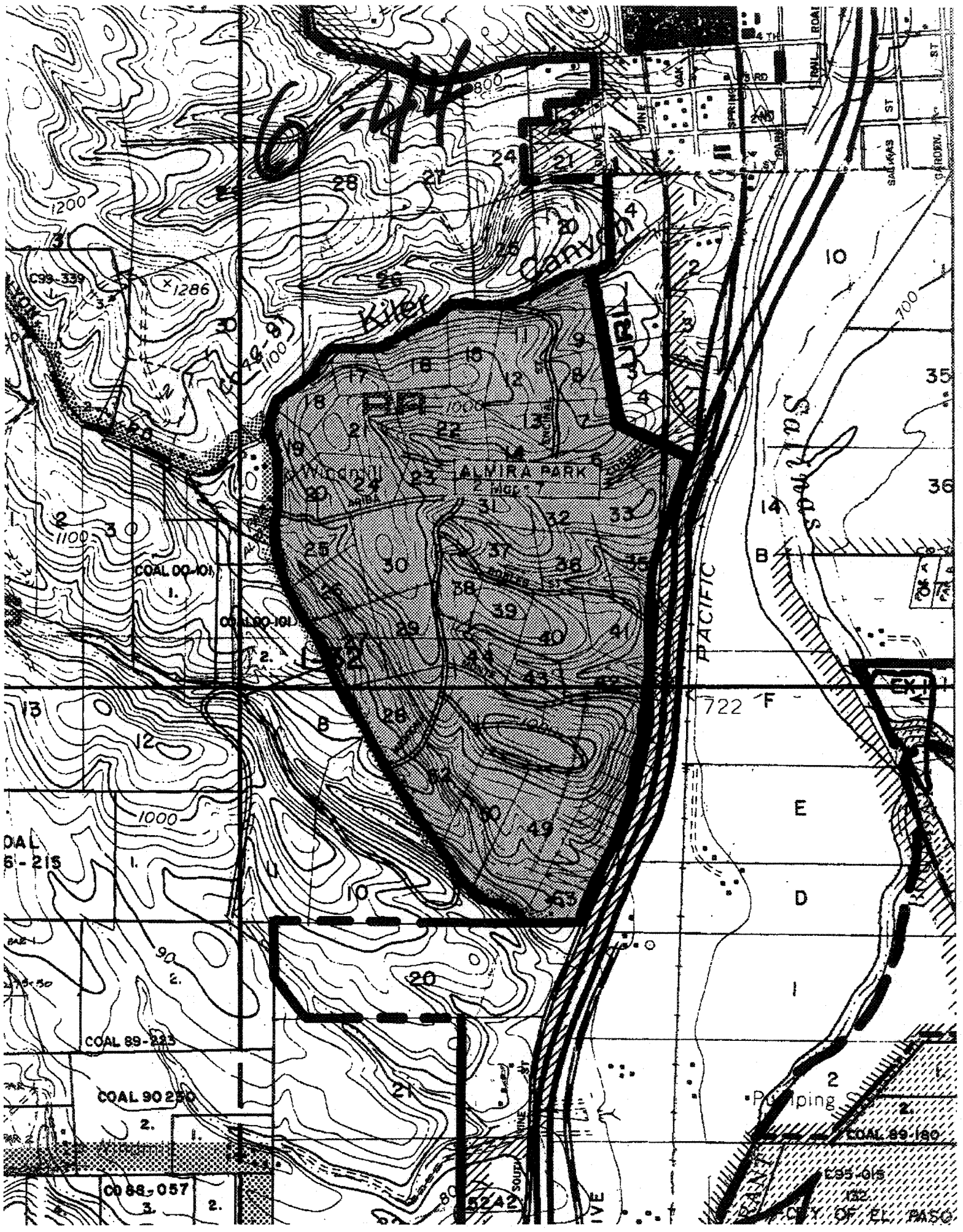
County documents

___ Airport Land Use Plans
✔ Annual Resource Summary Report
✔ Building and Construction Ordinance
___ Coastal Policies
✔ Framework for Planning (Coastal & Inland)
✔ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ✔ Agriculture & Open Space Element
  - ___ Energy Element
  - ___ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ✔ Housing Element
  - ✔ Noise Element
  - ✔ Parks & Recreation Element
  - ✔ Safety Element
✔ Land Use Ordinance
✔ Real Property Division Ordinance
✔ Trails Plan
___ Solid Waste Management Plan
✔ Salinas River Area Plan and Update EIR
___ _____ Circulation Study

Other documents

✔ Archaeological Resources Map
✔ Area of Critical Concerns Map
✔ Areas of Special Biological Importance Map
✔ California Natural Species Diversity Database
✔ Clean Air Plan
✔ Fire Hazard Severity Map
✔ Flood Hazard Maps
✔ Natural Resources Conservation Service Soil Survey for San Luis Obispo County
___ Regional Transportation Plan
✔ Uniform Fire Code
___ Water Quality Control Plan (Central Coast Basin - Region 3)
___ Other _____
___ Other _____

C:\Documents and Settings\John Nall\My Documents\10.04.04 Secondary Dwelling Ordinance Draft MND.wpd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Kiler Canyon
ALMIRA PARK
Wiggins
PACIFIC
Salinas
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COAL 89-223
COAL 90 250
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COAL 89-180
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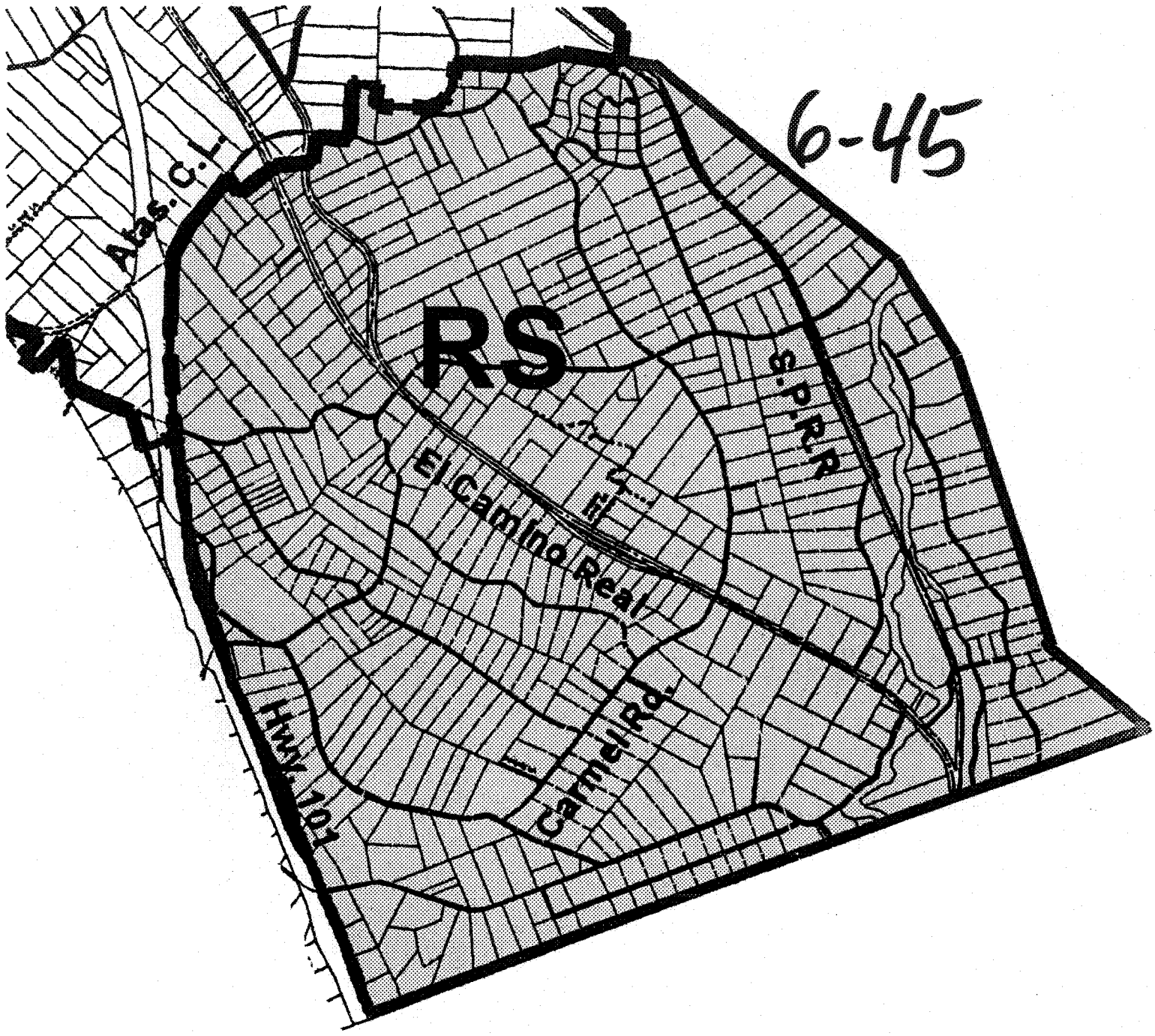
6-45
Atas. C.L.
RS
S.P.R.R
El Camino Real
Carmel Rd.
Hwy. 101

6-46

Response to Request for Review of the Negative Declaration

6-47

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: **PLANNING COMMISSION**

FROM : **JOHN NALL, PRINCIPAL ENVIRONMENTAL SPECIALIST**

DATE: **NOVEMBER 16, 2004**

SUBJECT: **RESPONSE TO REQUEST FOR REVIEW OF THE PROPOSED NEGATIVE DECLARATION PREPARED FOR SOUTH ATASCADERO/ALMIRA PARK LUO AMENDMENT**

The proposed amendment to the Land Use Ordinance would allow secondary dwellings within Almira Park, south of the City of Paso Robles, and within an area south of the City of Atascadero. The amendments include specific planning area standards that apply to the establishment of secondary dwellings in these areas.

A "Request For Review" (Appeal of the Negative Declaration) has been submitted by Ms. Della Barrett who lives in the South Atascadero area. A copy of her letter is attached. Ms. Barrett raises the following issues and each issue is followed by staff's response:

1. **Issue:** Visual Character

Potentially doubling the number of dwelling units will change the visual character of the area.

Response:

Potentially doubling the number of dwellings **will** modify the existing visual character of the area by increasing the density of residences. However, all new proposed secondary residences would be subject to the proposed planning area standards that are part of the proposed ordinance amendment. These planning area standards include consolidation of driveways to minimize site disturbance, protection of trees and native vegetation to avoid significant changes to the vegetative setting, aesthetic guidelines requiring design standards, prohibition of construction on slopes exceeding 15 percent and implementation of landscaping plans.

In addition, the Highway Corridor Design Standards adopted as part of the Salinas River Area Plan Update require all new residences proposed within that area to adhere

to specific guidelines, including prohibiting silhouetting, establishing height restrictions (25 feet), color limitations and landscape screening requirements.

Based on the above, it is staff's opinion that the impact of allowing secondary residences can be mitigated to a level of insignificance and the appellant has not provided evidence to support a finding of significant impact with regard to the visual character of either Almira Park or South Atascadero.

2. **Issue**: Outdoor Lighting

Potentially doubling the number of dwellings will affect us because many people who live here use security and/or decorative outdoor lighting that affects my ability to see the night sky.

Response:

All proposed exterior lighting would be subject to County Land Use Ordinance Section 22.10.060, which states the following:

A. Illumination Only. Outdoor lighting shall be used for the purpose of illumination only, and shall not be designed for or used as an advertising display, except as provided by Chapter 22.20 (Signs).

B. Light Directed onto Lot. Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.

C. Minimization of Light Intensity. No light or glare shall be transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets.

D. Light Sources to be Shielded.

1. Ground Illuminating Lights. Any light source used for ground area illumination except incandescent lamps of one hundred fifty watts or less and light produced directly by the combustion of natural gas or other fuels, shall be shielded from above in such a manner that the edge of the shield is level with or below the lowest edge of the light source. Where any light source intended for ground illumination is located at a height greater than eight feet, the required shielding shall extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within one thousand feet of the light fixture.

2. Elevated Feature Illumination. Where lights are used for the

purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source shall be shielded so as not to be directly visible from off-site.

E. Height of Light Fixtures. Free-standing outdoor lighting fixtures shall not exceed the height of the tallest building on the site.

F. Street Lighting. Street lighting shall be designed to minimize light pollution by preventing the light from going beyond the horizontal plane at which the fixture is directed. (Ord. 2892 § 1 (part), 2002)

Based on Land Use Ordinance requirements regarding outdoor lighting, it is staff's opinion that the impact of outdoor lighting associated with additional dwellings can be mitigated to a level of insignificance and the appellant has not provided evidence to support a finding of significant impact.

3. **Issue:** Air Quality

More homes, more automobile trips and more wood stoves would have potentially significant air quality impacts. Also, APCD does not support the development of secondary dwellings and increases in residential density outside of urban or village reserve lines.

Response:

The San Luis Obispo County Air Pollution Control District (APCD) does not support increasing density outside of existing urban and village reserve lines; however, based on consultation with APCD, implementation of standard air pollution mitigation measures to minimize ROG, NOx, CO, and PM_{10}, requiring increasing building efficiency rating by 10 percent above what is required by Title 24, banning backyard burning, and requiring payment to an air pollution mitigation fee program would mitigate air quality impacts to less than significant.

4. **Issue:** Wetland and Riparian Impacts

Besides the ones noted in the report (proposed Negative Declaration) the South Atascadero area contains many small seasonal ponds, creeks, springs and swales. Potentially doubling the number of homes with the site grading and drainage systems that would accompany development of secondary dwellings would have a potentially significant impact.

Response:

The proposed ordinance amendment includes a planning area standard stating the following: A secondary dwelling shall be set back a minimum of 30 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the

dripline of riparian vegetation, whichever distance is greater. The Land Use Ordinance defines a watercourse as: "the normal channel or limits of an intermittent or perennial stream, or other body of water, with a well-defined bed and banks". Wetland habitat within ponds, springs, and swales are subject to U.S. Army Corps of Engineers (ACOE) review, and any disturbance of wetland habitat would require a authorization from ACOE, in addition to mitigation.

5. **Issue:** Topographic Alteration, Drainage, Sedimentation and Erosion

The proposed amendment will result in soil erosion, topographic changes, loss of topsoil or unstable conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill. Also, see my comment for Biological Resources.

Response:

Implementation of the proposed ordinance would increase the amount of grading and site disturbance within Almira Park and the South Atascadero area. The proposed ordinance includes planning area standards to minimize site disturbance including consolidation of driveways, prohibition of development on slopes steeper than 15 percent, minimizing alteration of land form, and implementation of an erosion control and drainage plan in compliance with Chapter 22.52 of the County Land Use Ordinance. Implementation of these measures would mitigate this impact to less than significant.

6. **Issue:** Drainage

The proposed amendment would change the drainage patterns where substantial on or off site sedimentation/erosion or flooding would occur. Again, see my comment for Biological Resources.

Response:

Prior to approval of development, the applicant is required by Chapter 22.52 of the County Land Use Ordinance to submit a drainage plan. The drainage plan is required to show how storm water would be managed to avoid off-site flooding, erosion, and sedimentation. In addition, all uses proposed within a Flood Hazard designation would be subject to the regulations stated in Section 22.14.060 of the County Land Use Ordinance. These standards are also intended to minimize the effects of development on drainage ways and watercourses.

7. **Issue:** Noise

The presence of more homes near one's own will increase the ambient noise level: music, talking, working on cars, etc. will increase. Potentially doubling the number of homes in an area makes this a potentially significant impact.

6-51

Response:

All uses are subject to the County Noise Element, which establishes thresholds for both interior and exterior noise exposure. The increase in residential density may increase the ambient noise of the area, however, the increase is unlikely to exceed the allowable thresholds for noise exposure. Specific instances of noise levels exceeding allowable limits (i.e. loud music, use of loud equipment during nighttime hours, etc.) would constitute a nuisance, and the proper authorities should be contacted.

7. **Issue:** Growth Inducing

Clearly, the possible doubling of the number of housing units would have a potentially significant with regard to inducing substantial growth in an area either directly or indirectly.

Response:

Implementation of the ordinance has the potential to double the number of residences in the two areas. However, the "doubling" is allowing a secondary dwelling to be built in conjunction with an existing primary residence. The proposed ordinance amendment does not allow further subdivision of properties above what is currently allowed by ordinance. Therefore, in staff's opinion, the proposed ordinance will not result in substantial growth above and beyond what is allowed in other Residential Suburban land use categories of the county.

8. **Issue:** Traffic

Clearly, the potential doubling of the number of housing units would have a potentially significant impact with regard to the increase in vehicle trips on the local and area wide circulation systems. Driveway consolidation would not provide mitigation for this impact.

Response:

Based on consultation with the County Department of Public Works, the anticipated maximum additional traffic trips would not significantly reduce the level of service or significantly affect the local road system (Mike Goodwin; June 24, 2004).

9. **Issue:** Wastewater

The soil in my area has very poor percolation qualities for accomodating septic systems. I think the entire area is on septic systems and potentially doubling the number of septic ystems has to make the impact potentially significant.

Response:

Pursuant to Title 22 and Title 19 of the County Code, all applicants are required to show how domestic wastewater effluent would be managed prior to issuance of a construction permit. The applicant is required to submit evidence to the County Building Division and Department of Environmental Health including percolation reports, evidence of sufficient depth to bedrock, and slope information. If the soil characteristics are not favorable for a standard leach field, an engineered system would be required. Based on these required ordinance standards, this impact was determined to be less than significant.

10. **Issue:** Groundwater

Regarding groundwater, adding many more wells has to have a potentially significant impact. Your report is in error when it states that existing development in South Atascadero is served by the Atascadero Mutual Water Company. Also see my comments for wastewater. While I don't know how many homes in the area are served by the Water Company, I and my neighbors are on wells at our own homes. For that reason, the issue of increasing the number of homes and septic systems is very very potentially significant.

Response:

Approximately 1/3 of the residences in the South Atascadero area are served by private wells. The other 2/3 of the existing residences are served by the Atascadero Mutual Water Company. In order to develop a secondary residence, the proposed ordinance requires submittal of a will-serve letter from the Atascadero Mutual Water Company with the application for the construction permit for the second dwelling on the property. All new secondary residences would be required to hook up to the water system even if the property is currently served by a private well. John Neil with Atascadero Mutual Water Company stated in a telephone conversation with staff (11/8/04) that the water company has the capacity to serve the South Atascadero area if the proposed amendment is approved.

11. **Issue:** Land Use Plan

Your report did not address the minimum lot sizes allowed by zoning. It only described a range of parcel sizes. In my neighborhood, the minimum lot size is 2 ½ acres. Allowing everyone to add a second dwelling unit in effect cuts the minimum lot size in half. I would describe that as being "inconsistent" with the land use plan.

Response:

Section 23.30.470 of the County Land Use Ordinance lists requirements for all proposed secondary dwellings, including the following regulation regarding minimum lot size: A secondary dwelling may be allowed only on sites with the following minimum

areas: 1) Six thousand square feet for sites served by community water and sewer facilities; 2) One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance; or; 3) One acre (gross) where community water and on-site sewage disposal are proposed on an existing parcel, provided that all applicable provisions of Title 19 of this Code for septic system design and performance are satisfied. A secondary dwelling would not be allowed on parcels that do not meet minimum site area standards.

13. **Issue:** Mandatory Findings of Significance

With regard to impacts that are individually limited, but cummulatively considerable, your report indicates an insignificant impact. I absolutely disagree. Its impact just on its own is potentially significant. Added to Dove Creek, Woodridge, and many smaller developments nearby, and with the potential lot splits within South Atascadero as a result of the receipt of Transfer Development Credits, the area will be greatly impacted.

Response:

The following conclusions about a project trigger the requirement to make "mandatory findings of significance":

(a) The project has the potential to substantially 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 an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

(b) The project has the potential to achieve short-term goals to the disadvantage of long-term goals.

(c) The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, the effects of probable future projects.

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

When an initial study concludes that any of these impacts may occur, the lead agency must prepare an EIR, rather than a negative declaration. However, in staff's opinion,

the proposed amendments do not trigger any of the above tests and the appellant has not provided evidence to support a mandatory finding of significance.

6-55

San Luis Obispo County
Department of Planning and Building
Environmental Division

REQUEST FOR REVIEW OF A PROPOSED NEGATIVE DECLARATION

1. **PERSON FILING THE REQUEST:**

Name: Della Barrett

Address: 9519 Carmel Road
Atascadero, CA 93422

Phone #: 805 438 5751 (daytime)

2. **NAME OF PROJECT:**

Land Use Ordinance Amendment

3. **REASONS FOR REQUEST FOR REVIEW:**

A letter stating your reasons for filing a Request for Review of the proposed Negative Declaration must be attached. Issues must be related to the environmental effects of the project.

4. **FILE REVIEW**

The person(s) filing the request has reviewed the project files and environmental information and has met with Environmental Division staff to discuss the Request for Review:

✓ Yes (review) ✓ No (met with staff) However, I did speak by phone

5. **SIGNATURES**

I/we hereby request a review of the proposed Negative Declaration.

Signed: Della Barrett — Name — 10/27/04 — Date

Signed: _____ Name — _____ Date

Signed: _____ Name — _____ Date

6. **FEES**

Your Request for Review must be accompanied by the appropriate fee. This fee is currently $55. Please include a check, made out to "The County of San Luis Obispo" for this amount.

7. **WHERE TO SUBMIT THIS FORM**

Submit this completed form and your letter describing the reasons for the request for review to the Environmental Division of the Department of Planning and Building, County Government Center, San Luis Obispo, CA 93408 (805) 781-5600.

6-56

October 27, 2004

San Luis Obispo County Planning Department
County Government Center
San Luis Obispo, CA 93408

Re: Request for Review of Proposed Negative Declaration
Environmental Determination No. ED04-147
South Atascadero

To Whom It May Concern:

I've reviewed the 26 page Environmental Determination, and I feel several areas were inadequately addressed. I have a lot of things to say about what seems like a back-door method of changing the zoning of a large area. However, in this letter, I'll address only the issues raised in the Checklist. I'll take them in order:

1. Aesthetics:

C.) Change the visual character of an area. The impact should be marked "Potentially Significant". Potentially doubling the number of dwelling units in an area will definitely change the visual character.

D.) Create glare or night lighting which may affect surrounding areas. Again, the impact is "Potentially Significant." So many people who now live here use security and/or decorative outdoor lighting that it affects my own ability to see the night sky. Potentially doubling the number of dwelling units in an area will affect us.

3. Air Quality:

D.) Be inconsistent with the District's Clean Air Plan The impact of significantly more homes, more auto trips, more wood stoves would be "Potentially Significant". Your report noted that the APCD does not support the development of secondary dwellings and increases in residential density outside of urban or village reserve lines.

4. Biological Resources:

C.) Impact wetland or riparian habitat Besides the ones noted in your report, our area contains many small seasonal ponds, creeks, springs and swales. Potentially doubling the number of homes with the site grading and drainage systems that would accompany the building would have a Potentially Significant impact.

6. Geology and Soils:

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 See my comment for 4- Biological Resources

F.) Change the drainage patters where substantial on-or-off-site sedimentation/erosion or flooding may occur Again, see my #4 comment.

8. Noise:

A.) Generate increases in the ambient noise levels for adjoining areas. The presence of more homes near one's own defiantly increases the ambient noise level: music, talking, working on cars, etc will increase. Considering the possibility of doubling the number of homes in an area makes this a "Potentially Significant" impact.

9. Population/Housing

A.) Induce substantial growth in a area either directly or indirectly Clearly, the possible doubling of the number of housing units would have a "Potentially Significant" impact.

12. A.) Increase vehicle trips to local or area wide circulation system Clearly, the possible doubling of the number of housing units would have a "Potentially Significant". Driveway consolidation would have no mitigating impact.

13. Wastewater

A.) and B.) I didn't have time to research the standard for waste water discharge requirements for the Central Coast Basin Plan, but I know that the soil in my area has very poor percolation qualities for accommodating septic systems. I think the entire area is on septic systems, and potentially doubling the number of septic systems has to make the impact "Potentially Significant".

14. Water

C.) See my comments for Wastewater

D.) See my comments for Wastewater. Regarding ground water, adding many more wells has to have a "Potentially Significant" impact. Your report is in error when it states that existing development in South Atascadero is served by the Atascadero Mutual Water Company. While I don't know how many homes in the area are served by the Water Company, I and my neighbors are on wells at our own homes. For that reason, the issue of increasing the number of homes and septic systems is very very "Potentially Significant".

15. Land Use

A.) ..Be potentially inconsistent with land use policy/regulation… Your report did not address the minimum lot sizes allowed by zoning. It only described range of parcel

size. In my neighborhood, the minimum lot size is 2 ½ acres. Allowing everyone to add a second dwelling unit in effect cuts the minimum lot size in half. I would describe that as being "Inconsistent" with the Land Use Plan.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Have impacts that are individually limited, but cumulatively considerable Your report indicates an insignificant impact. I absolutely disagree. Its impact just on its own is Potentially Significant. Added to the Dove Creek, Woodridge, and many smaller developments nearby, and with the potential lot splits within South Atascadero as a result of the receipt of Transfer Development Credits, the area will be greatly impacted.

Based on the items I've listed, I request a review of the proposed Negative Declaration.

Respectfully,

Della Barrett

Della Barrett
9519 Carmel Road
Atascadero, CA 93422
805-461-1420

6-89

John Nall
Planning and Building Department
County Government Center
1050 Monterey Street
San Luis Obispo, CA 93408

RECEIVED
NOV 16 2004
S.L.O. CO PLANNING DEPT.

15 November, 2004

Dear Mr. Nall:

At the November meeting of the Santa Margarita Area Advisory Council (SMAAC) the following motion was made (Routh/Jamrog):

> SMAAC requests that the Board of Supervisors delay implementation of allowing secondary dwellings in South Atascadero until further study and public comment have been made.

A quorum was present and fifteen members voted in favor of the motion, four opposed and one abstained. Discussion centered on the belief that a substantial increase in density could potentially result if secondary dwellings were allowed, especially in conjunction with the Transfer of Development Credits (TDC) program. As several TDC applications have already been brought to the attention of SMAAC, the membership felt that additional review is necessary in order to address the concerns voiced by both the public and SMAAC.

Sincerely,

C. Z. Whitney

Chairman
Santa Margarita Advisory Council
P.O. Box 627
Santa Margarita, CA 93453
(805) 438-5509

cc: Board of Supervisors

: czw

John Nall 6-60

From: Mustang4della@aol.com
To: <BobRoos@aol.com>, SLO County PC Chair <broos@fix.net>
Cc: <mlorca@sbcglobal.net>, <ifsusan@tcsn.net>
Date: Monday, November 15, 2004 19:33
Subject: South Atascadero secondary dwelling proposal

Re: SLO Conty proposal to amend Land Use Ordinance to allow secondary dwellings in South Atascadero

Dear Mr. Roos,

Because I won't be able to take time from work to attend tomorrow's Hearing regarding secondary dwellings, I'm writing to you tonight. In addition, I'm writing an approximate three minute "speech" which John Nall has said he will read into the record on my behalf.

I want to make several points about the secondary dwellings proposal:

1. The timing: While the people who were "in the know" in County Planning have apparently known about the possibility for a year or two, the actual residents of South Atascadero did not hear about the proposal until Oct 15 or so. (By the way, the issue was apparently brought up to the Santa Margarita Area Advisory Council some months ago, but it happened at a time when there was no South Atascadero representative present, and the issue was not commented on by the Council at that time. At its November meeting, when there were two South Atascadero reps present, SMAAC passed a resolution requesting the Board of Supervisors to delay action on the proposal because of the short time span between the first public notice and it's consideration by the Board of Supervisors.

2. Wording in the Staff Report: On page 2, second paragraph, states "... the state passed a law prohibiting local governments from requiring a land use permit for the establishment of secondary dwellings..." To me, that implies that prohibiting secondary dwellings in against the law. However, when I spoke with Kami Griffen, she said that is not the case.

3. Mitigated Negative Declaration & Notice of Determination: I filed a Request for Review of the Proposed Negative Declaration. My Request lists several points on which I disagree with the Negative Declaration. My biggest disagreement is on Item 16 b)" ...have impacts that are individually limited, but cumulatively considerable?" It goes on to define "cumulatively considerable" as the incremental effects when viewed in connection with the effects of past, current, and possible future projects. On the north, South Atascadero will be affected by the 279 homes of Dove Creek and the 147 homes of Woodridge, as well as several smaller developments on Los Palos and other roads that area currently in the grading stage. In addition, South Atascadero is subject to being a receiver area for Transfer Development Credits which over-ride the area plan to permit lot subdivisions.

I'm asking two things of you:
1. Request a proper EIR that will take the impact of all of the pending development into consideration.
2. Delay consideration of the staff recommendation until that is done. Incidentally, if there is a lot of "political will" to approve Almira Park's secondary dwellings, I suggest that they be divided and treated as two separate proposals. That way, you could pass Almira Park and delay South Atascadero for further study.

Thank you for your consideration.

Respectfully,
Della Barrett
9519 Carmel Road
Atascadro, CA 93422
daytime phone 438-5751
e-mail: mustang4della@aol.com

JN - I just got today FYI KG 6-61

November 9, 2004

To: The San Luis Obispo County Department of Planning and Building for the meeting on November 16, 2004

To: San Luis Obispo County Board of Supervisors for the meeting on November 23, 2004

Comments on proposal to amend the land use ordinance to allow for the establishment of secondary dwellings, Environmental Determination ED4-147:

1.0 General Comments in Opposition to the Proposal:

1.1. The staff report will not be available until 10 days before the hearing date, Tuesday, November 16. This is not enough time for citizens to review the document and formulate responses. A minimum of 30 days should be allowed.

1.2 As usual, these hearings are being held on a day and at a time when citizens cannot attend without taking time off from work, which is not possible for many.

1.3 Those of us who live here need to know:
Who proposed this change?
Why was the change proposed?
Who benefits?

1.4 The County zoned this area single family residential. The County needs to keep its word to citizens who bought property here thinking that single family residential means single family residential.

1.5 If sweeping changes like this are approved zoning regulations and long range County plans are meaningless.

1.6 At this time over 700 new housing units have been approved or been proposed for south Atascadero. It makes no sense whatever to add potentially 600 secondary housing units before we see the problems (expected and unexpected) caused by the already in progress new housing units and solve those problems.

In the future, more than another 1400 residences would be possible in this area. This original number considers only current building sites, not the potential addition of residences if currently prohibited lot splits are allowed and secondary dwellings are allowed on the split lots. These additional properties will make the consequences of the proposed change even worse,

1.7 This proposal allows *de facto* lot splits. Even though the two resulting properties could not be sold separately, there would still be more dwellings per property. Prohibitions on lot splits were designed to prevent this,

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1.8 By their very definition, secondary dwellings are substandard compared to current dwellings.

1.9 Secondary dwellings will encourage a transient population. This will destabilize neighborhoods because the people living in these dwellings are less likely to have a stake in the community.

1.10 Saying that that the changes proposed will have "insignificant impact" doesn't make it so.

1.11 Saying that the consequences of these changes "can and will be mitigated" doesn't make it so. In fact, experience with high density housing in other areas of the County have shown that the problems caused are not solved.

2.0 Comments in the Mitigated Negative Declaration and Notice of Determination: Many of the statements in this document are just plain silly.

2.1 Aesthetics:

Insignificant impact?
By their very definition, secondary dwellings will be substandard for the area and are unlikely to be properly maintained.

Each neighbor to these new dwellings will lose privacy, especially since the secondary dwellings can be up to 25 feet high and will certainly overlook neighboring properties.

Many builders in the County have violated building codes designed to mitigate aesthetic degradation and nothing has been done about these violations. Plans may be submitted in accordance with the rules but the dwellings are not necessarily built to those specifications and nothing is done by the County. Once these dwellings are built complaints about them are too late. The County has proven that it is unable to rectify aesthetic problems once structures have been built. They should not be built in the first place.

2.2 Agricultural Resources:

The tension between agriculture and nearby homeowners will be exacerbated. If these dwellings are allowed the complaints about agricultural uses, such as horse keeping will go up. The building of secondary residences may not preclude agricultural uses at this time but times change could agriculture may be forced out.

2.3 Air Quality:

The Air Pollution Control District has said that this proposal is inconsistent with the Clean Air Plan and would have potentially significant cumulative impacts to air quality. If it were as easy as the declaration implies to mitigate air pollution, we

wouldn't have the air pollution levels in the County that we have now. Extra fees don't mean cleaner air.

Further, the document doesn't discuss the impact of additional fireplaces, a major cause of air pollution and respiratory problems.

2.8 Noise:

Saving only the sections on water availability and wastewater, this is one of the most ridiculous sections of the document in its offhand dismissal of problems. The report doesn't mention barking dogs, loud music, off-road vehicles in backyards and on roads, backyard shooting, boom cars including those of construction workers blasting radios over the sound of their equipment, garage bands practicing at full amplifier volume, car alarms, or loud parties. All of these are seemingly insoluble problems throughout the County and are a problem in our South Atascadero neighborhoods even now. If this audio trespass could be handled by governments, people would not have moved out of the City of SLO because of constant noise of loud music and partying. One ignorant or inconsiderate person can cause vast amounts of noise pollution with its resulting problems of stress, sleep loss, distraction, lost productivity, and general reduction in the quality of life. (This language is taken from the World Health Organization.) Too many people think that they have a right to make any amount of noise. Higher density housing means more noise. The County noise element is demonstratively inadequate. Law enforcement officers have better uses for their time than handling noise complaints, yet noise complaints are a major cause of neighborhood disputes and violence.

Calling or writing the County to complain is unpleasant and doesn't work. Turning in some individuals results in retaliation. When a resident of this area politely asked another to please handle a barking problem the reply from the dog's owner was "My dog doesn't bark and I will sue you for harassment."

2.9 Population/Housing:

You can't be serious!

How can the Planning Commission write that 1400+ houses will have insignificant impact without laughing? This proposal will significantly decrease the quality of life and property values for area residents and by creating a transient population. Saying that there us no significant impact and that mitigations will work doesn't make it so.

2.10 Public Services/Utilities:

a) Fire protection is inadequate now. Many of us pay a homeowner's insurance surcharge now because of this. More dwellings will require more fire service. More homes, especially secondary dwellings, will greatly increase the danger of fires starting and spreading. A larger number of motor vehicles will also increase fire danger.

b) Police protection is inadequate now. Law enforcement budgets have been cut back. There used to be routine patrols of the area by Sheriff's Deputies. Other agencies have had their budgets cut budgets cutback. The Sheriff's Office has inherited an increasing number of tasks such as responding to animal protection calls. Because of public health cutbacks there are increasing numbers of domestic disputes and drug use calls for peace officers to handle. The proposed fees do not now and will not make the situation better. If fees paid now were adequate for public services we wouldn't have a problem now.

Higher housing density causes a more than proportionate increase in crime.

c) Many of the roads in the area are still dirt or winding single lane roads. The proposed fees will not cover the cost of the improving and maintaining roadways.

e) Solid waste disposal sites are filling and people don't want new dumps in their backyards. Waste from 1400+ homes will greatly increase the amount of solid waste which needs disposal.

As disposal fees increase more trash will be left in unsightly piles along roadsides. These roadside trash dumps are also a fire hazard.

2.11 Recreation:

1400+ houses will require extra recreation facilities, especially since the secondary dwellings will take away open space on individual properties.

Children need after school supervision to keep them from looking for trouble to get into. After school supervision is lacking now.

Hiking, biking, and equestrian trails are lacking now and this proposal would only increase the need for them. Now people use roadways for these activities. With the increase in traffic as a result of the proposed secondary dwellings, using these roadways will become even more dangerous than it is now. The problem is not just the increasing number of cars but that many of these cars drive at unsafe speeds and there is no law enforcement presence to discourage this.

2.12 Transportation/Circulation:

In no way can the addition of 6000 trips a day not have a major impact on traffic circulation. The approach to Cuesta Grade is bumper to bumper at 7am now. Congestion has increased markedly in the City of Atascadero and more traffic lights are already projected at enormous cost. The number of traffic accidents with injuries and deaths will increase.

Overworked law enforcement personnel have not been able to deal with speeding in other parts of the County and will not be able to do so here.

Increased traffic will impact many of the other issues discussed in this response, as discussed in those sections.

2.13 Wastewater:

How can building 700 secondary dwellings not impact the area? The soil depth is shallow. This area is in a flood plain. Many of the septic tanks on 2.5 acre properties are inadequate in spite of having met percolation test minimum requirements.

The extra effluent will threaten wells.

We do not want a situation like in Los Osos where even though the septic tanks were put in according to County regulations an extraordinarily expensive sewer system became necessary.

We do not want a situation like in the Rolling Hills section of the County where people are running septic tank effluent onto neighboring properties.

Calling or writing the County to complain is unpleasant, and turning in some individuals results in retaliation. It is also not particularly effective given the overworked status of many County departments.

2.14 Water:

This is another area where this report is completely inadequate. We don't have enough water now. The central coast of California is an area that has inconsistent rainfall. Our current "drought" status is not in fact a drought but part of normal swings in annual rainfall.

The Atascadero Mutual Water Company has said that this proposed would affect its ability to provide water to the residents. Saying that conservation measures will make the lack of water in the area an insignificant problem doesn't make it so.

We don't want a situation such as has occurred elsewhere in the County where longtime landowners have been unable to build on their properties because they can't get water permits.

Mandatory conservation measures by any other name are still rationing. There are restrictions on water use now. Many communities on the central coast already have rationing. The only way to avoid water rationing is by not overbuilding, which we already have done. In this area too, the secondary dwellings will only make a bad problem worse.

Water is a very limited resource here. Conservation measures will not create water where there is none.

2.15 Mandatory Findings:

Contrary to the findings in Environmental Determination ED4-147:

a) This project will degrade the quality of the environment.

b) The impacts of this development will be "cumulatively considerable".

c) This project will have environmental effects which will cause substantial adverse effects on human beings, both directly and indirectly.

3.0 Summary

3.1 The proposal breaks the compact between the County and the people who bought property with the understanding that they were to be living in an area of single residential dwellings on lots of certain minimum sizes. We need truth in zoning.

3.2 The proposal fails to consider a number of environmental and human environmental factors.

3.3 The proposal states that mitigations which have failed elsewhere magically will work in our neighborhoods.

Linda Atwood, Ph.D.
9284 Santa Margarita Road
Atascadero, CA 93422

6-67

Letters received before or at the previous Planning Commission meeting

6·68

"jbermann@netzero.net" <jbermann

01/26/2005 07:20 PM

To: czbard@aol.com
cc: lfranklin@co.slo.ca.us
Subject: TDC & secondary dwellings in South Atascadero

Honorable Council & Commission Members:

I live in the South Atascadero area and am completely opposed to any change in the minimum lot size(2 1/2 acre), and secondary dwelling allowance. This area is a rural place with narrow roads and mostly septic systems. The roads are in poor condition in some areas and, because of budget limitations are not going to be brought up to "heavy traffic" standards. I don't care what the "great state planners" have in store for this area. Now, people walk on our rural roads with their children and animals in relative safety. More than 1/3 of our homes are on private wells. The ground water quality will suffer with increased home density and more septic systems. Increased nitrate levels will rival the problems now faced in Los Osos. The soil does not percolate well because of the high clay content. The present Atascadero Highlands project is frought with erosion problems because of the erodability of the soil... ;come look if you doubt that._ James Bermann, EdD.,461-5624

6-69

Lona Franklin
02/09/2005 11:54 AM

To: earthdesign@charter.net, gene@ecospray.ws, broos@fix.net, sarahcreston@earthlink.net, schristie@coastal.ca.gov
cc:
Subject: Concern about South Atascadero Land Use Changes

Dear Commissioners, Please see email below. Lona
----- Forwarded by Lona Franklin/Planning/COSLO on 02/09/2005 11:54 AM -----

TmCoughlin@aol.com
02/06/2005 04:37 PM

To: lfranklin@co.slo.ca.us
cc: TmCoughlin@aol.com
Subject: Concern about South Atascadero Land Use Changes

We am very concerned about proposed land use changes in South Atascadero. In particular lwe object to the use of Transfer of Development Credits (TDCs) to allow subdivision of land below the 2.5 acre minimum now required and I am concerned about the potential use of the change in secondary dwellings in South Atascadero (my concern is that beyond "granny houses" that this is a way to increase the overall population and thus decrease the rural character of the area).

Our family has lived in this area for over 20 years and we enjoy living a more rural lifestyle. We intended to retire in this area. We don't want to live in any more urban a setting than we now do. Additional homes will increase traffic, increase the potential pollution from more septic systems, increase the demand for water, increase the ambient light level, and probably lead to more crime in the area. We love our sparse population, small schools, rural innocence, and dark starry nights. Already people drive too fast on our narrow country roads, increased traffic will only make the dangers of traffic and fast drivers more prevalent. Although we do not have horses many of our neighbors do and increased traffic will lead to more accidents and make the roads less safe for animals and our school children.

Please take these concerns into account in your actions regarding land use in South Atascadero. Please copy this letter to the other board and planning commission members so that they know of our concerns. Thank you and you are welcome to call us for additional ideas and suggestions. Neither my wife nor I can attend the February 9 meeting at Santa Margarita School but we want to make sure that our voices are heard.

Tom and Fran Coughlin
9460 Carmel Road
Atascadero, CA 93422
805-461-3334

Tom Coughlin
Coughlin Associates
408-202-5098 (cell)
408-978-8184 (office/fax)

6-70

Lona Franklin
02/09/2005 11:53 AM

To: "Lisa Shepard" <shepard@thegrid.net>
cc: <czwbard@aol.com>, <lfranklin@co.slo.ca.us>
Subject: Re: Secondary dwellings in South Atascadero

I have forwarded your email to the Planning Commissioners and the planner. Lona Franklin, Secretary.
County Planning Commission
"Lisa Shepard" <shepard@thegrid.net>

"Lisa Shepard" <shepard@thegrid.net >
02/07/2005 12:29 PM

To: <czwbard@aol.com>, <lfranklin@co.slo.ca.us>
cc:
Subject: Secondary dwellings in South Atascadero

Dear Chairperson,

Please forward this to your entire committee:

An amendment to the zoning standard is being proposed to allow secondary dwellings in our neighborhood of South Atascadero (area between Hwy 101, Santa Barbara Road, the railroad and Santa Margarita Road. The Planning Department is trying to amend the ordinance that currently allows one dwelling per 2.5 acres in South Atascadero. I am against this attempt to change the zoning because the restriction to only allow one dwelling on this sized parcel is one of the prime reasons why we purchased in this area. This amendment will potentially double the density. The dense soils and seasonally high groundwater doesn't allow for appropriate percolation for increased septic systems. In addition, doubling the traffic for this area is not consistent with our roads, which we prefer to keep rural in nature.

The second issue is the TDC (transfer of development credit) and is also affecting South Atascadero. The county Building and Planning Department encourages Agricultural lands to "transfer" the ability to build a homesite on their agricultural land to a residential area. Preserve the agricultural activities for those that inherited or can afford large tracts of land can be a good thing. Yet, by doing this it will ultimately destroy the ability to have small scale agricultural activities that most families in this area enjoy and sought when purchasing their homes or property. What is happening is that property owners are taking a parcel that really could only qualify for one home and getting two and in some cases three home sites. This appears to be a stepping stone, along with the "cluster developments" approved for Halcon Road and Santa Barbara Road, just to the north of this area to trigger an overall zoning change to much smaller parcels. By allowing the smaller parcels now they are setting this up to claim that these small parcels are "consistent" with the area.

I am opposed to this change in zoning as well as the use of this area for TDC's and urge you to recommend that these proposed amendments be denied.

Thank you,

Lisa Shepard
14600 Sandoval Rd.
Atascadero, CA 93422

6-71

Lona Franklin
02/09/2005 11:51 AM

To: earthdesign@charter.net, gene@ecospray.ws, broos@fix.net, sarahcreston@earthlink.net, schristie@coastal.ca.gov
cc:
Subject: Secondary dwellings

Dear Commissioners, Please see the email below. Many thanks - Lona
----- Forwarded by Lona Franklin/Planning/COSLO on 02/09/2005 11:51 AM -----

"Sandy Buck-Moyer" <sbuckmoyer@king.pr ps.k12.ca.us>
02/08/2005 02:21 PM

To: <lfranklin@co.slo.ca.us>
cc:
Subject: Secondary dwellings

Dear Planning Commission:

I wish to express concerns about the proposed secondary residences in south Atascadero, where I live. We purchased our home in the early 80's and have watched both traffic and noise increase already. Recent large developments have caused serious erosion problems and practically ruined what we call "Grandpa's Lake". This proposal is a vaguely hidden plan to double our potential population in our neighborhood. We object! We purchased our home, as did our neighbors, with a quality of life that involves, raising both our children and our animals in safety and privacy. Please help us preserve this quality of life by objecting to both secondary dwellings and Transfer of Development credits. Thanks for your time.

Sandra and David Buck-Moyer
9547 Durango Rd.
461-9435

6-72

Lona Franklin
02/09/2005 01:38 PM

To: earthdesign@charter.net, gene@ecospray.ws, broos@fix.net, sarahcreston@earthlink.net, schristie@coastal.ca.gov
cc:
Subject: South Atascadero secondary dwellings

I have forwarded your email to the Planning Commissioners and the planner. Lona Franklin, Secretary. County Planning Commission.

----- Forwarded by Lona Franklin/Planning/COSLO on 02/09/2005 01:38 PM -----

kierna terrisse
<kierna@earthlink.net>
02/09/2005 01:36 PM

To: lfranklin@co.slo.ca.us
cc:
Subject: South Atascadero secondary dwellings

Hi my name is Kierna Terrisse.
I had wanted to be at tonight's meeting, but unfortunately my daughter has become ill and I will not be able to attend.

I am a land owner off of carmel road in South Atascadero, property that I have plan to build a home on come this May, 2005. I have grown up in this area over the past 25 years.

It has come to my attention that South Atascadero is one of the only portions of San Luis Obispo County that does not allow secondary dwellings.

I am a widowed mother of one, and I feel it should be my right have the ability to build a "granny unit" on my property for either my child care taker or my grandfather that is ailing.
I understand that there is some protest against approving this in South Atascadero due to the additional traffic, water and sewage considerations that secondary dwellings will add to South Atascadero.

I think if unfair, however, that all of the large development projects have been approved in the very same area (up to 1500 new homes within a small area off of Santa Barbara Road near El Camino) and that somehow then the very small portion of secondary dwellings would be insignificant in comparison to the ramifications of the already approved developments in this very same area.

I am against the transfer of development credits in this very same are from 2.5 acres that would be divided into 2 lots. These are the types of approvals that will effect the strain of traffic, water and sewage in Southern Atascadero.

I would like to voice this opinion via email, and hope that this will be read at the meeting this evening.

Thank You,
Kierna Terrisse
(805) 927-1628

6-73

Lona Franklin
02/09/2005 11:47 AM

To: earthdesign@charter.net, gene@ecospray.ws, broos@fix.net, sarahcreston@earthlink.net, schristie@coastal.ca.gov
cc:
Subject: Fwd: TDCs and Secondary Dwellings in South Atascadero

Dear Commissioners, please see the email below. Many thanks - Lona
----- Forwarded by Lona Franklin/Planning/COSLO on 02/09/2005 11:47 AM -----

kirk schulz
<k.schulz@charter.net
>
02/09/2005 10:55 AM

To: lfranklin@co.slo.ca.us
cc:
Subject: Fwd: TDCs and Secondary Dwellings in South Atascadero

Begin forwarded message:

> From: kirk schulz <k.schulz@charter.net>
> Date: Wed Feb 09, 2005 10:53:25 AM US/Pacific
> To: czwbard@aol, com
> Subject: TDCs and Secondary Dwellings in South Atascadero
>
> Our names are Chris and Kirk Schulz and we have lived in SLO County for
> 31 years, in south Atascadero for the last 27. We own 1.6 acres and
> when we moved to this area it was largely undeveloped. It is our
> opinion that TDC's and secondary dwellings are two separate issues and
> should not be lumped together.
>
> Let us begin with the issue of TDCs. The south Atascadero area is
> currently undergoing intense development that will add hundreds of new
> homes, increase traffic dramatically and fundamentally alter the rural
> ambiance that influenced our decision to locate here in the first
> place. Although we accept that growth is inevitable we do feel that to
> allow current parcels to be reduced in size to allow additional full
> scale homes is not acceptable. The concept of TDC's is a valid
> approach to protecting range/farm parcels but where and how these
> credits are used needs to be monitored very closely. The narrow,
> winding roads of south Atascadero cannot accommodate the additional
> traffic that would be generated by the higher density that would occur
> if 2 1/2 acre parcels are allowed to divided, creating twice as many
> homes. In addition, schools would be impacted, trees would be felled,
> erosion problems would be exasperated and view corridors would be
> impacted.
>
> The second issue is secondary dwellings. It is our opinion that
> secondary dwellings would have minimal impact as opposed to the
> transfer of TDCs to the south Atascadero area. To begin with very few
> people would, in fact, build these units due to cost, loss of privacy,
> access, lack of need, etc., etc. Those who choose to build would have
> the size of the unit restricted fairly dramatically (one bedroom,
> studio?) which would mitigate many of the issues listed above. On a
> personal level my wife and I would want the option of having such a
> unit in the event that either of our aging parents would need a place
> to live as they become more dependent on family for help in everyday
> living situations. We love where we live and do not want to relocate
> in order to provide living quarters for aging family members. To that
> end we built (with a permit) a shop/storage structure approx. 10 years
> ago with the plan to convert to a living unit when the need arose. We

6-74

> are aware that in most places in SLO county secondary dwellings are
> allowed, even in urban situations. It would seem arbitrary and unfair
> to not allow these type of units on parcels in excess of one acre.
>
>
> Thank you for your consideration in this matter,
>
> Kirk and Chris Schulz
> 12560 Madrid Rd.
> Atas., Ca. 93422
> 462-0143
>

6-75

Lona Franklin
02/14/2005 09:27 AM

To: earthdesign@charter.net, gene@ecospray.ws, broos@fix.net, sarahcreston@earthlink.net, schristie@coastal.ca.gov
cc: Kami Griffin/Planning/COSLO@Wings
Subject: South Atascadero - Secondary Dwellings & TDCs

Dear Commissioners, Please see email, below. Many thanks. Lona

----- Forwarded by Lona Franklin/Planning/COSLO on 02/14/2005 09:23 AM -----

"Terry Vahey" <tvahey@calpoly.edu>
02/10/2005 09:33 PM
Please respond to "Terry Vahey"

To: <lfranklin@co.slo.ca.us>
cc:
Subject: South Atascadero - Secondary Dwellings & TDCs

Please forward this email to the SLO County Planning Commission.

SLO County Planning Commission:

We live in South Atascadero.

We are very concerned about the proposals for allowing secondary dwellings in South Atascadero.

We purchased a home here in South Atascadero, on 2.5 acres because this was the type of neighborhood in which we wanted to reside. A rural neighborhood with large lots, large space between homes, and with low residence congestion. Allowing secondary dwellings would negatively change the character, safety and rural nature of our neighborhood. The traffic in our neighborhood would make walking unsafe on our narrow roads. We walk 5 days a week and are concerned about the increase in traffic due to more residents in the neighborhood. Vandalism would undoubtedly increase. We already have vandalism in our neighborhoods. Our animals have been shot by drive-by paintballs, our and our neighbors trash cans have been stolen, US mail has been stolen from our mailboxes, mailboxes in the neighborhood have been hit with drive-by bats, and recently a vehicle hit and ran after it drove right through our neighbor's fence. Increasing the local population would increase the vandalism and decrease the safety of our residents. In addition, the soil in our area holds water just below ground level...this is evident with every rain, every year, even during the drought. Adding more homes would certainly increase soil erosion and leave less room for water to run off causing potential for septic discharge into water wells. Our recommendation for people who want to live in this area on a smaller lot is that they move to surrounding neighborhoods where smaller lots have already been approved and the development or building process has already been started, such as Dove Creek, Atascadero Heights and the homes on Halcon road.

We are opposed to allowing secondary dwellings on lots smaller than 2.5 acres in our neighborhood. We would like to participate in this community process, and provide input as residents who will be negatively impacted if this proposal is passed. Can you send us the meeting schedule where these topics will be discussed and let us know how we can participate in the community process so that people know residents of this area do not want additional secondary dwellings here.

Thank you,

Terry

****

Terry and Sean Vahey
805/466-8257
tvahey@calpoly.edu

S L O PLANNING COMMISION

6-76

MY NAME IS L D McCASLIN AND I LIVE AT 14110 MORNINGSIDE RD.AND HAVE FOR TWENTY FIVE YEARS,IAM SEVENTY FIVE YEARS OLD AND FOR YOU TO VOTE YES ON SECONARY UNITS,MY HEALTH IS VERY BAD AND I NEED FAMILY NEAR,THANK YOU.

L D McCASLIN

RECEIVED

MAR 25 2005

SLO CO PLANNING & BLDG.

Mr. Leon D. McCaslin
14110 Morningside Rd.
Atascadero, CA 93422

Mar 8, 05

6-77

RECEIVED
MAR 11 2005
SLO PLANNING & BLDG

San Luis Obispo Co.
Planning & Building

Dear Sirs

I wish to state my support for an amendment to allow a a second unit of 1200 sq ft or less to be built on 2 1/2 acres in the Carmel Ranchos area.

We all realize the critical need for affordable housing. We are losing businesses because employers can not keep help due to the housing shortage. Young couples just getting started as well as older couples who need to be near their children would benefit from a second unit. This addresses the need for affordable housing with the least amount of impact.

6-78

on the enviroment. This will protect our ag land from further depletion at the same time curb urban sprawl.

Water, always an issue, has been addressed by the Atascadero Mutual Water Co. with their deep wells as well as supplemental lake water.

By building closer to shopping it will mean fewer miles driven less gas used and less smog.

I, for one as well as most home owners, have no intentions of building a second unite but I support my neighbor who may have a need and I will not feel the least bit crowded.

Therefore I urge the planning commision to recomend this needed change

Respectfully
Ernest Blankenship

B

Ernest Blankinship
14270 Morningside Rd
Atascadero, CA 93422-5906

Mar. 7, 2005

San Luis Obispo County Planning Department
County Government Center
San Luis Obispo, California. 93408

6-79

Re: ED04-147 (GO 200021) Hearing to consider a request by County of San Luis Obispo to amend Sec. 22.104.040 of the land use Ordinance, Title 22 of the Co. Code, to allow for the establishment of secondary dwellings in the South Atascadero area, immediately south of the City of Atascadero. The area is in the Salinas River Planning Area. Supervisorial Dist. Nos. 1 + 5.

To whom it may Concern:

Regarding request by County of San Luis Obispo to amend Sec. 22.30.470C, 22.104.040C and 22.104.040D of the land use Ordinance, Title 22 of the Co. Code, to allow for the establishment of secondary dwellings in South Atascadero area, where secondary dwellings are currently not allowed. Previously, the Almira Park area was split from the South Atascadero area by the Planning Commission, Nov. 16, 2004, and South Atascadero Area postponed until Mar 10, 2005

Property is zoned for 2½ acres minimum in South Atascadero. E.G. Lewis, in his wisdom, wanted elbow room for his citizens of Atascadero Colony when he set it up in 1913. That's what we wanted when we bought this property in 1967 and built our house in 1975.

This request for change is inconsistent with land use policy/regulation, and if allowed, could potentially double our area in South Atascadero, in

density and create rural sprawl. 6-80

Your report indicates an "insignificant impact" for "mandatory findings of significance". I believe the findings have impacts that are cumulatively considerable and should not have a negative declaration environmental determination.

We have terrain that is gently sloping to steeply sloping, with grasses; Oaks; riparian. There are springs on the hills, so soil is not well drained. We have had tractors buried many times as the soil is not well drained and the soil shrinks and swells. Just since all the rain we got in February 2005, there have been 3 cars mired down in the mud on property across the road from me on the corner of Santa Clara and Carmel Rds., and a large truck + trailer was mired along the edge of my property, just off Carmel Rd., at the corner.

The Code calls for 1 acre minimum requirement for septic tanks in this area because of soil, clay, it doesn't percolate well, topography + vegitation. Not all residents of this area are served by Atascadero Mutual Water Co. so ground water could be a consideration of those with wells.

One particularly wet winter, we couldn't get out of the area because Sandoval Rd., Carmel Rd. to the South Santa Clara Rd., and Grandpa's Lake on Los Palos Rd. were all flooded. Santa Clara Rd. had a large rock and mud slide on the hill by the gun club and Carmel Rd. to the North, is a dead end. It was supposed to be connected through a 2000 development of O'Reilly / Vaughn Survey, tract 2024 and an adjacent tract 2280 to Santa Barbara Rd., but I don't believe that has happened to date

Even if they get it connected, they still may have a problem with the lake that appears where Carmel Rd and Santa Barbara Roads meet, during wet winters.

Add past projects, tract 2280 and tract 2024 to current projects, Dove Creek, Woodridge and other smaller developments nearby, none of which have had environmental impact reports done, and by adding second dwellings and declaring South Atascadero a T.D.C. receiver site, increase the density of this area significantly.

I had lots of deer on my property until recently, with developing on tracts 2280 and 2024, Woodridge and others, they have disappeared. They used to have their babies in the draw on the side of my property. All the children liked to see the deer on my property when they go by. They knew the deer had a haven here. I have also noticed a reduction of other animals and birds due to development.

There would be a potentially significant impact from Population/housing, increased vehicle trips, waste water and the very potentially significant impact of all this on our neighbors who are not served by the Atascadero Mutual Water Co., but are on wells at their own homes.

Your report notes the APCD does not support the development of secondary dwellings and increases in residential density outside of urban or village reserve lines. Air quality will be inconsistent with the Districts clean air plan with this project. In order to mitigate the impact it will be necessary to add costs to construction costs, add a second dwelling mitigation fee program, etc. There goes affordable building for middle and low income families.

18-9

with the development of secondary dwellings, the aesthetics would be impacted significantly both during daylight hours and after dark. Noise will increase with the possible doubling of homes in our area and adjoining areas.

The cumulative impacts are considerable. I feel like we are on the receiving end of a "blitzkrig" and we need to ask for a full environmental impact report in light of our designation as a TDC receiver site.

6-82

Yours truly,
Dolores F. Simons

DOLORES F. SIMONS
9505 CARMEL RD.
ATASCADERO, CA. 93422
(805) 466-8327

Please Deliver to MR CHARLIE WHITLEY

6-83

Main Identity

From: "Brad Taunt" <Taunt@charter.net>
To: <czwbard@aol.com>; <1franklin@co.slo.ca.us>
Cc: "Davidson Films" <dfi@davidsonfilms.com>; "Brad Taunt" <taunt@charter.net>
Sent: Monday, March 07, 2005 9:12 PM
Subject: TDC's and Secondary Dwellings in So Atascadero

Dear Mr. ~~Wheeler~~ Whitley and Planning Commission Members,

My name is Brad Taunt and I am writing to express my opposition to the proposal of reducing lot sizes in South Atascadero from 2.5 acres to 1 parcels. Additionally, my family and I are very concerned about the proposal to add secondary dwellings to existing parcels beyond the current restrictions of 600 sq feet, with provisions of placement, and other requirements that exist today.

My wife Elaine, myself and two children built our home on a 2.5 acre site in 1998. We moved from the dense population of Santa Margarita specifically to have some space around us. We have invested significantly in our home and property. We do not wish to see the population in our neighborhood double. Today, there is a great deal of traffic on our street already. Plus, being in the County, drivers routinely speed in excess of the 55 mph speed limit. We do not wish to see further traffic and speeders endangering our children, ourselves, or our neighbors.

We value the quality of life that exists in South Atascadero, please don't destroy it.

Respectfully submitted for your consideration and the further consideration of all our your Board Members.

Sincerely,

Brad Taunt
14420 San Antonio Road
Atascadero, CA 93422
(805) 466-8525

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6-84

TDCs and Secondary Dwellings in South Atascadero

1. You can write and/or e-mail the Chairperson of each of those groups. Ask the Chair to give copies to each board member.

- Santa Margarita Area Advisor Council Chairperson: Charlie Whitley czwbard@aol.com
-
- Planning Commission Members: ask the Planning Commission Secretary to relay your e-mail: lfranklin@co.slo.ca.us Or you can write to them by US Mail:
  SLO County Planning Commission
  County Government Center
  San Luis Obispo, CA 93408

2. You can speak at hearings:

- The Santa Margarita Area Advisory Council will discuss Secondary Dwellings at their February 9th meeting. They will make a recommendation to the Planning Commission. @ Santa Marg. School 7pm
- The Planning Commission will discuss Secondary Dwellings at their March 10 meeting.

Some important points to make would be the negative impact on:

- Our traffic. Doubling or more than doubling the number of homes means at least doubling the traffic. A lot of people walk or ride along our narrow roads
- Neighborhood character. Most people bought their homes because it is an area with a 2 ½ acre minimum lot size. These proposals would change that.
- Septic discharge. Our soil has a very high clay content, which allows only slow percolation of septic discharge. It also holds "perched water", which holds water just below ground level. (That's the level where septic leach lines, with their nitrate and bacteria, are.) In wet years, that perched water can easily get into our seasonal ponds.
- More than 1/3 of the homes in our area are on private wells. For those homes, elevated nitrate levels pose serious risks.
- Our soil is highly erodable, as you can see wherever there is grading on hillsides. The utter failure of current "erosion protection" measures can be observed at the Atascadero Highlands project that's now under construction.

By the way, South Atascadero is officially defined as the area between Highway 101 on the west, Santa Barbara Road on the north, Union Pacific Railroad on the east, and Santa Margarita Road to the south.

If you have questions or want more information, please feel free to call Roy Aguirre at 461-1791 or Della Barrett at 461-1420.

Copies of the proposals are available.

OVER....

6-85

TDCs and Secondary Dwellings in South Atascadero

January, 2005

To South Atascadero Neighbors

In our South Atascadero neighborhood, the 2.5 acre minimum lot size and one-home-per-lot character is threatened with immediate permanent change. If that is what you want, then all you have to do is relax and let it happen. But if it's not what you want, read on.

There are two separate but overlapping threats: first, being a designated receiver site for Transfer of Development Credits (called "TDCs"), and second, a proposal to allow secondary dwellings on all parcels. The two together would more than double the number of houses allowed in South Atascadero. Every additional home increases traffic through our neighborhood, increases noise, increases the number of septic tanks discharging into our soil at best and our groundwater at worst, decreases the amount of water available, increases erosion, and changes the character of our neighborhood.

TDCs are a laudable but flawed SLO County program aimed at keeping Agricultural land open space by allowing the agricultural land owner to sell his right to subdivide his land to a different land owner within an "urban area's sphere of influence" who otherwise could not subdivide his parcel. ("Urban areas' spheres of influence" are the areas within a five mile radius around each town and village -- which pretty much means all the area within five miles of the 101.)

This allows the receiving land owner to override his area's existing plan standards for minimum parcel size. Keeping Ag land open space is laudable, but the flaws come with dividing the land in the receiving area that's generally many miles from the sending area. Originally, the receiver sites were intended to be within city limits, but the program has changed to designate receiving areas just outside city limits instead. Although South Atascadero is zoned for minimum 2 ½ acre lot sizes, by purchasing Transfer Development Credits, a land owner would be allowed to subdivide his/her land into one acre parcels.

Allowing Secondary Dwellings on every land parcel is proposed by SLO County as a way to allow an increase in the number of housing units.

SOUTH ATASCADERO IS SUBJECT TO BOTH TDCS AND SECONDARY DWELLINGS.

What we can do: If there are no objections, these proposals will be passed. If we object, we have a chance to prevent or alter them. When large numbers of people speak or write, politicians listen. These proposals are now at the Santa Margarita Area Advisory Council and Planning Commission stage. If they pass those two stages, they will go to the Board of Supervisors for approval.

OVER....

6-86

January 23, 2005

SLO County Planning Commission
County Government Center
San Luis Obispo,CA 93408

and

Charlie Whitley
Chairperson
Santa Margarita Area Advisory Council

Respected Members and Chairperson:

We are writing this letter to express our disapproval and concerns in regard to the matter of proposed secondary dwellings and utilization of Transfer Development Credits in the South Atascadero neighborhood.

My wife and I moved to this area from San Luis Obispo City for the semi-rural aspect of the neighborhood. It is with great dismay that we are hearing that the two items referred to above can, if passed, completely and regrettably alter South Atascadero in the worst way. It appears that our neighborhood will at least double in population, and possibly quadruple in the near future if you approve secondary dwellings and utilization of Transfer Development Credits here! Please consider the following and act to stop this destructive process:

- I touched upon the neighborhood character already, and 2 ½ acre size minimum lots help maintain a feel of semi-rural. There is so much open land throughout our county, why do we have to increase the density of an area such as ours instead of exploring other options? Can we just say no to sprawl?

- My wife and I ride bicycles and horses in our beautiful neighborhood. We enjoy the peaceful feeling and the minimal traffic. Yet increasing the density will obviously double or quadruple the traffic in our area and make it a real problem. The narrow roads will be sorely and unsafely taxed by the traffic.

- Have you given thought to the septic problem? Our area has a very high clay content allowing very slow percolation, as well as having perched water problems.

Sincerely,

Dave Podhorsky and Jil Whitcomb.
Residents of 9486 Carmel Road

(805) 461-9033

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Planning & Bldg

6-87

February 2, 2005

9240 Carmel Road
Atascadero, CA 93422

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FEB 7 2005
SLO CO PLANNING & BLDG.

San Luis Obispo Planning Commission
County Government Center
San Luis Obispo, CA 93408

Dear Commissioner,

I am writing in regards to concerns I have about two proposals that will affect South Atascadero. The first is the Transfer Development Credits which could allow subdivision of our 2 1/2 acre parcels and the other is the proposal to allow two dwellings on all parcels.

I moved here 14 1/2 years ago because I wanted to raise my children in a more rural setting. If one or both of these proposals are passed it will increase traffic which makes it more dangerous to walk or ride a bike on our streets that have no sidewalks. I also have concerns about septic discharge. Already in the last storm the smell of sewage was permeating the air.

Please take my comments into consideration.

Thank you.

Sincerely,

Nancy Cohn

Nancy Cohn

6-88

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1 6 2005
SLO CO PLANNING & BLDG.

February 4, 2005

To: The Santa Margarita Area Advisory Council for the meeting February 9, 2005
To: The San Luis Obispo County Department of Planning and Building for the meeting on March 10, 2005
To: San Luis Obispo County Board of Supervisors for the meeting on March 10, 2005

Comments against the proposal to amend the land use ordinance to allow for the establishment of secondary dwellings in South Atascadero.

Overview: The proposed changes will degrade the quality of family neighborhoods and the physical environment. The impacts of this development will be cumulatively considerable. The County should practice truth in zoning. None of us want higher taxes.

1. The County zoned this area single family residential. Citizens bought property here with that zoning. The County needs to keep its word to citizens. If sweeping changes like this are approved zoning regulations and long range County plans are meaningless.

2. At this time over 700 new housing units have been approved or been proposed for south Atascadero. It makes no sense whatever to add potentially 600 secondary housing units before we see the problems (expected and unexpected) caused by the already in progress new housing units and solve those problems.

3. By their very definition, secondary dwellings are substandard compared to current dwellings. They will encourage a transient population. This will destabilize family neighborhoods because the people living in these dwellings are less likely to have a commitment to the community.

4. The Mitigated Negative Declaration and Notice of Determination filed by the Planning Commission contains statements that are just plain wrong. The statements in the document which say that the consequences of the proposed changes "can and will be mitigated" doesn't make it so. In fact, experience with high density housing in other areas of the County have shown that problems caused by increasing the number of rental units in an area are not mitigated.

5. This proposal would result in:

   1. loss of privacy: Each neighbor to these new dwellings will lose privacy, especially since the secondary dwellings can be up to 25 feet high and will certainly overlook neighboring properties.

   2. substandard dwellings: Many builders in the County have violated building codes and nothing has been done about these violations. Plans may be submitted in accordance with the rules but the dwellings are not necessarily built to those specifications. Once these dwellings are built complaints about them are too late. The County has proven that it is unable to rectify problems once structures have been built. They should not be built in the first place.

3. loss of agricultural atmosphere: The tension between agriculture and nearby homeowners will be exacerbated. If these dwellings are allowed the complaints about agricultural uses, such as raising 4H animals and horse-keeping will go up. The building of secondary residences may not preclude agricultural uses at this time but times change could agriculture may be forced out.

4. air pollution: The Air Pollution Control District has said that this proposal is inconsistent with the Clean Air Plan and would have potentially significant cumulative impacts to air quality. If it were as easy as the declaration implies to mitigate air pollution, we wouldn't have the air pollution levels in the County that we have now. Extra fees don't mean cleaner air. Further, the document doesn't discuss the impact of additional fireplaces, a major cause of air pollution and respiratory problems.

5. more noise: Barking dogs, loud music, off-road vehicles in backyards and on roads, backyard shooting, boom cars including those of construction workers blasting radios over the sound of their equipment, garage bands practicing at full amplifier volume, car alarms, or loud parties are insoluble problems throughout the County and are a problem in our South Atascadero neighborhoods even now. As neighborhoods in other parts of the County have been converted from single family residential to rental units, people have had to move because of constant noise from loud music and partying. The County noise element is demonstratively inadequate. Law enforcement officers have better uses for their time than handling noise complaints, yet noise complaints are a major cause of neighborhood disputes and violence.

6. lessened availability of County services: Fire and police protection, family services and so on (which will be needed more in higher housing density, more transient populations) are inadequate now because of inadequate funding. If more growth means better services big cities would not be unlivable. Higher housing density, especially housing that encourages transient populations, causes more than a proportionate increase in crime.

7. more traffic: Many of the roads in the area are still dirt or winding single lane roads. The proposed fees will not cover the cost of the improving and maintaining roadways. The Planning Commission itself estimates that secondary dwellings will result in the addition of 6000 trips a day. Most of these will be on two-lane El Camino Real.

8. more trash: With more trash disposal fees increase. More trash will be left in unsightly piles along roadsides. These roadside trash dumps are also a fire hazard.

9. more dangerous environments , especially for children
fewer recreational resources, especially for children

Hiking, biking, and equestrian trails are lacking. Local roads are now used for these activities. With the increase in traffic as a result of the proposed secondary dwellings, using these roads will become more dangerous. The problem is not just the increasing number of cars but that many of these cars are driven at unsafe speeds and there is no law enforcement presence to discourage this.

10. more problems with waste-water: Building up to 600 secondary dwellings will have a negative impact on already existing septic systems. Our soil depth is shallow. This area is in a flood plain. Many of the septic tanks on 2.5 acre properties have failed in spite of having met percolation test requirements. The extra effluent will threaten wells. We do not want a situation like in Los Osos where even though the septic tanks were put in according to County regulations an extraordinarily expensive sewer system has become necessary. We do not want a situation like in the Rolling Hills area and other sections of the County where people are running septic tank effluent onto neighboring properties.

11. less water: The Atascadero Mutual Water Company has said that this proposed would affect its ability to provide water to the residents. We don't want a situation such as has occurred elsewhere in the County where longtime landowners have been unable to build on their properties because they can't get water permits. The only way to avoid water rationing is by not overbuilding, which we already have done. Secondary dwellings will only make a bad problem worse. Conservation measures will not create water where there is none.

12. higher taxes: The County can't pay for adequate services now. Higher density housing with more people and more transients will require more services. If new development paid for itself we wouldn't have the budget problems we have now. Current residents will in effect be subsidizing the secondary dwellings.

Summary: This project will degrade the quality of family neighborhoods and the physical environment. The impacts of this development will be cumulatively considerable. The County should practice truth in zoning. None of us want higher taxes.

Linda Atwood, Ph.D.
9284 Santa Margarita Road
Atascadero, CA 93422

6-91 11/16 - ITEM 6

November 9, 2004

To: The San Luis Obispo County Department of Planning and Building for the meeting on November 16, 2004

To: San Luis Obispo County Board of Supervisors for the meeting on November 23, 2004

Comments on proposal to amend the land use ordinance to allow for the establishment of secondary dwellings, Environmental Determination ED4-147:

1.0 General Comments in Opposition to the Proposal:

1.1. The staff report will not be available until 10 days before the hearing date, Tuesday, November 16. This is not enough time for citizens to review the document and formulate responses. A minimum of 30 days should be allowed.

1.2 As usual, these hearings are being held on a day and at a time when citizens cannot attend without taking time off from work, which is not possible for many.

1.3 Those of us who live here need to know:
Who proposed this change?
Why was the change proposed?
Who benefits?

1.4 The County zoned this area single family residential. The County needs to keep its word to citizens who bought property here thinking that single family residential means single family residential.

1.5 If sweeping changes like this are approved zoning regulations and long range County plans are meaningless.

1.6 At this time over 700 new housing units have been approved or been proposed for south Atascadero. It makes no sense whatever to add potentially 600 secondary housing units before we see the problems (expected and unexpected) caused by the already in progress new housing units and solve those problems.

In the future, more than another 1400 residences would be possible in this area. This original number considers only current building sites, not the potential addition of residences if currently prohibited lot splits are allowed and secondary dwellings are allowed on the split lots. These additional properties will make the consequences of the proposed change even worse,

1.7 This proposal allows *de facto* lot splits. Even though the two resulting properties could not be sold separately, there would still be more dwellings per property. Prohibitions on lot splits were designed to prevent this,

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NOV 1 0 2004

wouldn't have the air pollution levels in the County that we have now. Extra fees don't mean cleaner air.

Further, the document doesn't discuss the impact of additional fireplaces, a major cause of air pollution and respiratory problems.

2.8 Noise:

Saving only the sections on water availability and wastewater, this is one of the most ridiculous sections of the document in its offhand dismissal of problems. The report doesn't mention barking dogs, loud music, off-road vehicles in backyards and on roads, backyard shooting, boom cars including those of construction workers blasting radios over the sound of their equipment, garage bands practicing at full amplifier volume, car alarms, or loud parties. All of these are seemingly insoluble problems throughout the County and are a problem in our South Atascadero neighborhoods even now. If this audio trespass could be handled by governments, people would not have moved out of the City of SLO because of constant noise of loud music and partying. One ignorant or inconsiderate person can cause vast amounts of noise pollution with its resulting problems of stress, sleep loss, distraction, lost productivity, and general reduction in the quality of life. (This language is taken from the World Health Organization.) Too many people think that they have a right to make any amount of noise. Higher density housing means more noise. The County noise element is demonstratively inadequate. Law enforcement officers have better uses for their time than handling noise complaints, yet noise complaints are a major cause of neighborhood disputes and violence.

Calling or writing the County to complain is unpleasant and doesn't work. Turning in some individuals results in retaliation. When a resident of this area politely asked another to please handle a barking problem the reply from the dog's owner was "My dog doesn't bark and I will sue you for harassment."

2.9 Population/Housing:

You can't be serious!

How can the Planning Commission write that 1400+ houses will have insignificant impact without laughing? This proposal will significantly decrease the quality of life and property values for area residents and by creating a transient population. Saying that there us no significant impact and that mitigations will work doesn't make it so.

2.10 Public Services/Utilities:

a) Fire protection is inadequate now. Many of us pay a homeowner's insurance surcharge now because of this. More dwellings will require more fire service. More homes, especially secondary dwellings, will greatly increase the danger of fires starting and spreading. A larger number of motor vehicles will also increase fire danger.

Overworked law enforcement personnel have not been able to deal with speeding in other parts of the County and will not be able to do so here.

Increased traffic will impact many of the other issues discussed in this response, as discussed in those sections.

2.13 Wastewater:

How can building 700 secondary dwellings not impact the area? The soil depth is shallow. This area is in a flood plain. Many of the septic tanks on 2.5 acre properties are inadequate in spite of having met percolation test minimum requirements.

The extra effluent will threaten wells.

We do not want a situation like in Los Osos where even though the septic tanks were put in according to County regulations an extraordinarily expensive sewer system became necessary.

We do not want a situation like in the Rolling Hills section of the County where people are running septic tank effluent onto neighboring properties.

Calling or writing the County to complain is unpleasant, and turning in some individuals results in retaliation. It is also not particularly effective given the overworked status of many County departments.

2.14 Water:

This is another area where this report is completely inadequate. We don't have enough water now. The central coast of California is an area that has inconsistent rainfall. Our current "drought" status is not in fact a drought but part of normal swings in annual rainfall.

The Atascadero Mutual Water Company has said that this proposed would affect its ability to provide water to the residents. Saying that conservation measures will make the lack of water in the area an insignificant problem doesn't make it so.

We don't want a situation such as has occurred elsewhere in the County where longtime landowners have been unable to build on their properties because they can't get water permits.

Mandatory conservation measures by any other name are still rationing.
There are restrictions on water use now. Many communities on the central coast already have rationing. The only way to avoid water rationing is by not overbuilding, which we already have done. In this area too, the secondary dwellings will only make a bad problem worse.

Item #6; PC 11/16/04

6-94

URGENT- Please deliver to John Nall before 9Am 11/16.

Date: November 16, 2004

FAX to: John Nall
SLO Planning
781-1242

From: Della Barrett
Daytime Phone 438-5751

Re: Proposal to allow secondary dwellings on all lots in South Atascadro
Public Hearing November 16, 2004

Thanks for agreeing to read my comments to the Planning Commission, as I won't be able to attend the hearing and give my testimony in person. Please read the following:

First, since I won't be able to attend today's hearing, thank you for allowing John Nall to read my testimony.

I have several problems with the proposal before you, but I'll just highlight the two main ones:

The first is timing. While people in planning and politics have apparently known about the proposal for over a year, residents weren't notified until October 15. Today is November 16, and this proposal is scheduled to go before the Board of Supervisors November 23rd. That's 5 ½ weeks. Considering the possible physical impact and permanent change in the neighborhood, it's hard to understand why there is such a rush.

The second is the Mitigated Negative Declaration and Notice of Determination. I think my Request for Review of the Proposed Negative Declaration and my written comments about it are part of your packet. However, in this hearing I want to emphasize my strong disagreement with item 16 b) "Will the project have impacts that are individually limited, but cumulatively considerable ...when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects?"

Frankly, I was stunned to see the conclusion that "No significant land use impacts would occur as a result of the proposed ordinance amendments." Surely, the writers must not have been thinking of the 279 homes that will be part of Dove Creek or the 144 homes that will be part of Woodridge (both to the immediate north of South Atascadero), plus the Koval, Gearhart, Los Palos, and various other smaller developments that are currently under way within South Atascadero. In addition, South Atascadero is seen as a receiver site for Transfer Development Credits which allow overriding the land use plan to split existing lots into smaller lots. Holy Cow! And then all the existing lots plus all these new lots could each have a second dwelling? I don't see how allowing second dwellings

6-95

when viewed in connection with the other projects would have anything less than a "potentially significant impact."

I ask two things of you:

1. Order a real EIR that will consider all the factors together with the second dwellings.

2. Delay action on this proposal until that can be done.

Thank you.

Respectfully,

Della Barrett
South Atascadero resident

6-96

Letters received since the last Planning Commission meeting

6-97

See Dwellings in So Atas

RECEIVED
S.L.O. CO. PLANNING & BLDG.

Dear Sirs

I am writing in support of bringing Carmel Ranchos zoning in conformity with the rest of S.L.O. county for the following reasons.

1. This addresses the State mandate for growth in our area

2. Provides low cost housing without urban sprawl.

3. Protecting our Ag. Land from development.

4. Will not adversely impact our utilities since they are at the site.

5. No need for shallow wells of questionable quality as we are supplied with pure deep well water from Atascadero Mutual Water Company.

6-98

6. Will provide housing for young people just getting started as well as parents who need to be close by.

7. Growth will come and traffic will suffer less if people are not forced to live farther away from shopping.

For these reasons I urge the Board of Supervisors to vote in favor of allowing a second unit of 1,200 sq-ft. or less to be built on 2½ acres.

Respectfully

Vicki Davenport
14715 Powerline Rd.

6-99

Lona Franklin

04/12/2005 03:15 PM

To: earthdesign@charter.net, broos@fix.net, gene@ecospray.ws, sarahcreston@eaerthlink.net, schristie@coastal.ca.gov, joepenny@sbcglobal.net, Kami Griffin/Planning/COSLO@Wings, John Euphrat/Planning/COSLO@Wings, Karen Nall/Planning/COSLO@Wings, Kerry Brown/Planning/COSLO@Wings, Warren Hoag/Planning/COSLO@Wings
cc:
Subject: Fw: tdc's and Secondary dwellings in S. Atas.

Please see email, below. Lona
---- Forwarded by Lona Franklin/Planning/COSLO on 04/12/2005 03:15 PM ----

"Timothy" <thjcsaddleup@charter.net>

04/12/2005 02:45 PM

To: <lfranklin@co.slo.ca.us>
cc:
Subject: Fw: tdc's and Secondary dwellings in S. Atas.

----- Original Message -----
From: "Timothy" <thjcsaddleup@charter.net>
To: <lfranklin@co.slo.ca.us>
Sent: Tuesday, April 12, 2005 2:43 PM
Subject: tdc's and Secondary dwellings in S. Atas.

> Slo County Planning Commission
>
>
> Please allow this to serve as written notice of our objection to the use
> of TDC's in the South Atascadero area.
> Let the current zoning stand and remain intact.
> We do not want our land use plan overridden by the use of TDC's.
> We also strongly object to the proposal of allowing secondary dwellings.
> The intent of these dwellings if allowed should be for family members only
> and not used as rentals. All that I am aware of are in fact used as
> rentals and seriously affect the traffic and density in our area.
>
> Sincerely
>
> Janet Haley

6-100

Lona Franklin
03/23/2005 10:33 AM

To: Kami Griffin/Planning/COSLO@Wings
cc:
Subject: TDC's & Secondary Dwellings in South Atascadero

Another one. Lona
----- Forwarded by Lona Franklin/Planning/COSLO on 03/23/2005 10:32 AM -----

"Rhoda" <muzeart@calinet.com >
03/09/2005 03:30 PM

To: "Charlie Whitley" <czwbard@aol.com>
cc: "SLO Co Planning Commission" <lfranklin@co.slo.ca.us>
Subject: TDC's & Secondary Dwellings in South Atascadero

I have been a resident of SLO Co for twenty-seven years, and of So. Atascadero for seven years. I have watched the addition of traffic lights on El Camino Real, and have seen the city grow.
The So. Atascadero area needs to keep its zoning of 2 1/2 acres and one house per lot.

I strongly object to the changes on the horizon, namely the TDC's and Secondary Dwellings.
They would:
1) Increase traffic and soil the pleasant character of the area, where you can still walk and ride on country roads.
2) Increase noise. We love the sound of frogs and birds, rather than police sirens and honking horns.
3) Increase the number of septic tanks discharging waste into our soil and groundwater.
4) Decrease the amount of water available.
and
5) Increase erosion.
On March 10, I hope that clear heads will prevail over greedy pocketbooks, and that the "powers that be" will listen to the objections of the residents.
Thank you.
Sincerely,
Rhoda W. Johnsen
12740 El Camino Real

No virus found in this outgoing message.
Checked by AVG Anti-Virus.
Version: 7.0.308 / Virus Database: 266.7.0 - Release Date: 3/8/2005

6-101

Lona Franklin

04/13/2005 12:39 PM

To: earthdesign@charter.net, broos@fix.net, gene@ecospray.ws, sarahcreston@earthlink.net, schristie@coastal.ca.gov, joepenny@sbcglobal.net, Kami Griffin/Planning/COSLO@Wings, John Euphrat/Planning/COSLO@Wings, Karen Nall/Planning/COSLO@Wings, Kerry Brown/Planning/COSLO@Wings, Warren Hoag/Planning/COSLO@Wings, John Nall/Planning/COSLO@Wings
cc:
Subject: SECONDARY DWELLINGS PROPOSAL

Please see email, below. Lona
----- Forwarded by Lona Franklin/Planning/COSLO on 04/13/2005 12:37 PM -----

"Richard Block" <richblock@charter.net>

04/13/2005 10:40 AM

To: <lfranklin@co.slo.ca.us>
cc:
Subject: SECONDARY DWELLINGS PROPOSAL

PLEASE DISTRIBUTE TO ALL SLO COUNTY PLANNING COMMISSIONERS.

1. This proposal is a threat and is environmentally bad for the complete county.
   A. I received a water schedule from the water company telling me to water on odd days,that tells us something.
   B. My neighbor to the west of me just had to redo their septic system because of poor drainage, that tells us something.
   C. With the passing of Deer Creek 148 homes with in two to three miles of our area, that tells us something.
   J. The NATURAL GROWTH of this area has increased the congestion three to five times in four years, that tell us something.
   k. This area just isn't conducive to, at least doubling the population.

2. ALL THE PEOPLE I HAVE SPOKEN TO ARE VARY POSITIVELY AGAINST THIS " PROPOSAL "

3. PLEASE, PLEASE, DO NOT PASS THIS SECONDARY DWELLINGS PROPOSAL.

RICHARD E. BLOCK

----- Forwarded by Holly Frank/Planning/COSLO on 03/11/2005 03:33 PM -----

6102

"Kay Rinaldi"
<jkrinaldi@earthlink.net>

03/09/2005 01:51 PM
Please respond to
jkrinaldi

To: planning@co.slo.ca.us
cc: caispuro@co.slo.ca.us
Subject: County File G02002L

To the Planning Commission:

In reference to Item 2, Secondary Dwellings, County File No. G02002L, on the March 10, 2005 agenda:

We would like to have the 2-1/2 acre minimum, as per the General Plan,definitely maintained for the South Atascadero area under discussion. We feel any lesser land division is not in the best planning practices concerning increased density. The smaller divisions would adversely affect traffic, noise, air quality, impact on soil, with increased septic disposal, and would increase the impact on water usage.

There is no reason for less land division than 2-1/2 acres, other than greed. Greed should not figure into the General Plan and good planning practices.

John and Kay Rinaldi
14300 Morningside Drive
Atascadero, CA 93422
805.438.5896

Kay Rinaldi
jkrinaldi@earthlink.net
Why Wait? Move to EarthLink.

6-103

APRIL 11, 2005-ANOTHER VIEW POINT RE DEVELOPMENT ISSUES IN SOUTH ATASCADERO

Let me begin by stating that Iam not a developer, a realtor or a builder. I am a retired peace officer and I have lived in South Atascadero for nearly thirty years. My wife and I built our home, raised a family and have always felt blessed to be able to live in this beautiful area of the county. I am writing this letter in response to several pieces of literature that have been placed in our mailbox regarding growth, and potential growth, in the South Atascadero area.

To begin with I do not want the South Atascadero area to be one of the designated "Receiver Sites" for TDC's (Transfer of Development Credits) because this would allow parcels to be split into smaller building sites and then full scale houses would be built, with the resulting water use, traffic, etc., etc., which would surely accompany this type of development. Clearly the large residential developments that are going forward just north of Santa Barbara Road will have an impact on our area and to compound that would only add insult to injury.

This brings me to the issue of secondary dwellings, which I do support. I have attached a recent letter to the editor (Telegram Tribune) which, although specifically addressing the city of Morro Bay, does a nice job of concisely addressing relevant issues that are applicable to the South Atascadero area. Realistically very few people would choose to build a secondary dwelling but I for one would like to have that option should the need arise sometime in the future. As I previously stated, we have lived here for nearly thirty years and we plan to remain in our home until we are no longer able to take care of it. As we age our land will be more and more difficult to maintain and a secondary dwelling would allow us to have someone live there who could perform many of the chores that we do ourselves at this point. Both my wife and myself have aging parents and it would be very important to us to be able to have them live on our property if (when) they need assistance. Additionally, we may need supplemental income in the future and the ability to rent out a secondary dwelling could well be the difference between being able to stay in our home or needing to move elsewhere.

6-104

Just about everywhere in the county, including cities, secondary dwellings are allowed and a recent state law was enacted to encourage and expedite these units. Allowing secondary dwellings will have a negligible impact on traffic, water, schools, etc. because few would be built and the vast majority that are built would be occupied by one or two people-they would be too small for a family. There are so many infringements on our property rights as it is, lets not advocate that additional (unnecessary) restrictions be put in place.

Please let your thoughts be known on this very important issue by contacting the planning commission at: SLO County Planning Commission
County Government Center
San Luis Obispo, Ca. 93408

You can also e-mail the Planning Commission Secretary for distribution to the Commissioners: lfranklin@co.slo.ca.us

Thank You For Your Time and Attention,

Kirk and Christine Schulz
462-0143
k.schulz@charter.net

6-105

Revised South Atascadero Amendments

6-106

EXHIBIT G020002L:B

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, BY AMENDING SECTIONS 22.30.470C, 22.104.040D RELATING TO SECONDARY DWELLINGS IN THE SOUTH ATASCADERO AREA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.30.470C.1.a. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

~~a. Atascadero. The areas south of the Atascadero urban reserve line within the Residential Suburban land use category, as defined by the Land Use Element, Salinas River area plan, except for parcels with direct driveway access to El Camino Real.~~

SECTION 2: Adding section 22.104.040D.4. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, as follows:

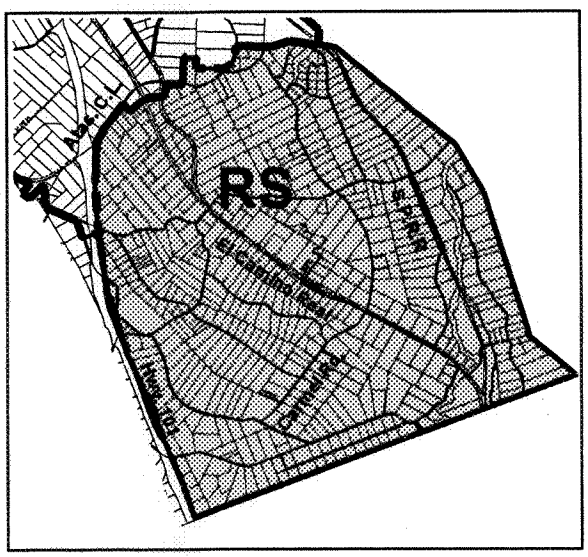

Figure 104-37 - South Atascadero area

4. **Atascadero.** Secondary dwellings proposed within the areas south of the Atascadero urban reserve line as shown in Figure 104-37 shall comply with the following design standards.

a. Secondary dwellings shall be subject to all standards set forth in Section 22.30.470 in addition to the following standards, except where Subsection 22.30.470F.3 would allow the Review Authority to approve alternatives to Subsection 22.30.470C.2, no alternatives shall be allowed.

b. **Driveway consolidation.** The primary and secondary dwellings shall use combined driveways, where feasible, based upon terrain and safe sight distance.

c. **Tree protection.** Avoid native vegetation removal. Where vegetation removal can not be avoided then removal shall be minimized. No removal of trees having a diameter of more than eight inches at four feet above grade shall occur.

d. **Aesthetics**. All development shall visually blend with the existing topography, including minimization of grading and design of the secondary dwelling unit so that it does not silhouette against the sky. Development shall be sensitive to the character of the area and shall protect public viewsheds. Structures shall be located away from exposed ridges or hilltops to areas of minimum visibility. Existing vegetation, topographic features and landscaping shall be used to screen the visibility of development. Exterior colors be muted, earthtone shades, and shall not have a Munsell chroma or value greater than six. Building height shall not exceed 25 feet above average natural grade.

e. **Slope**. No development, including new access roads and driveways, shall be permitted on slopes steeper than 15 percent. Alteration of land forms shall be minimized. Locate development to minimize grading for residences and access roads. An erosion control and drainage plan in compliance with Chapter 22.52, and landscaping plan, emphasizing vegetation to stabilize and screen all visible cut and fill slopes, shall be submitted at time of application for a construction or land use permit. Adequate erosion and sedimentation control measures shall be implemented during grading and construction.

f. **Riparian protection**. The A second dwelling on the site shall be set back a minimum of 30 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater.

g. **Noise exposure.** A noise study shall be submitted at time of application for a construction permit for the second dwellings on the site that are located within 1,000 feet of Highway 101, unless an existing intervening landform is located between the residence and the highway.

h. **Water provision and conservation.** A will-serve letter from the Atascadero Mutual Water Company shall be submitted with the application for construction permit for the second dwelling on the site. In order to receive a will-serve letter, Atascadero Mutual Water Company may require that the primary or existing residence be retrofitted with water conserving measures. Water conservation measures shall be incorporated into the design and operation of the second dwelling on the site in accordance with Chapter 22.16 (Water efficient landscaping methods) and Chapter 19.20 (Water conservation provisions) of the County Code.

i. **Prime agricultural soils.** Secondary dwellings shall be sited to avoid soils designated as prime (Class I or II irrigated) agricultural soils.

j. **Archeology.** Evidence shall be provided at the time of application for construction permit for the second dwelling on the site that shows that any archeological resources located on the site will not be impacted by the proposed development. Such evidence shall be in the form of a Phase I archeology report.

k. **Air Quality.** Evidence shall be submitted at the time of application for a construction permit for the second dwelling on the site that appropriate fees have been paid to the Air Pollution Control District and that an agreement has been entered into between the applicant and the district that prohibits backyard burning.

l. **Energy Efficiency.** Construction plans for the second dwelling on the site shall incorporate measures to increase the building energy efficiency rating by 10 percent above what is required by Title 24 requirements.

m. **TDC Receiving Site.** Where a site is an approved Transfer of Development Credit Receiving Site (tentative map has been approved), secondary dwellings on the resulting lots shall be prohibited.

SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20_____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20_____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

_____
Chairman of the Board of Supervisors,
County of San Luis Obispo,

6-109

State of California

ATTEST:

_____

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By:_____
Deputy County Counsel

Dated:_____