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

*Promoting the wise use of land*
*Helping build great communities*

## PLANNING COMMISSION

| MEETING DATE | CONTACT/PHONE | APPLICANT | FILE NO. |
|---|---|---|---|
| June 22, 2006 | Karen Nall, Senior Planner<br>(805) 781-5606 | County of San Luis Obispo | LRP2004-00017 |

SUBJECT

Request by the County of San Luis Obispo to amend Section 22.24.070, of the Land Use Ordinance, Title 22 of the County Code, the Transferable Development Credit (TDC) program. The current TDC ordinance provides seven different eligibility criteria for potential receiving sites. The proposed amendments will change the eligibility criteria for potential receiver sites, where the following areas would no longer be eligible as receiver sites: lands within the Agriculture land use category; and lands within five miles of a Village Reserve Line.

RECOMMENDED ACTION

1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve of Land Use Ordinance amendment LRP2004-00017 on the findings listed in Exhibit A

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 March 24, 2006 for this project.

| LAND USE CATEGORY | COMBINING DESIGNATION | ASSESSOR PARCEL NUMBER | SUPERVISOR DISTRICT(S) |
|---|---|---|---|
| All | Not Applicable | Not Applicable | 1,3,4 & 5 |

PLANNING AREA STANDARDS:
Not Applicable

EXISTING USES:
Not Applicable

SURROUNDING LAND USE CATEGORIES AND USES:
Not Applicable

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

| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Inland Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, County Assessor's Office, APCD | |
|---|---|
| TOPOGRAPHY: Not Applicable | VEGETATION: Not Applicable |
| PROPOSED SERVICES: Not Applicable | AUTHORIZED FOR PROCESSING DATE: November 22, 2006 |

**PROJECT BRIEF**
On November 22, 2005, the Board of Supervisors directed staff to prepare two amendments to Section 22.24.070, of the Land Use Ordinance, Title 22 of the County Code, the Transferable Development Credit (TDC) program. The current TDC ordinance provides seven different eligibility criteria for potential receiving sites. The proposed amendments will change the eligibility criteria for receiver sites by removing all lands within the Agriculture land use category and removing the 5 miles within the Village Reserve Line criteria.

**LEGISLATIVE HISTORY**
This ordinance amendment's purpose is to clarify and streamline the TDC program for the Inland areas of the County. It is supported by policies of the Land Use Element and the Agriculture and Open Space Element of the County of San Luis Obispo's General Plan.

**AUTHORITY**
**Land Use Ordinance Amendment**
The Land Use Element sets forth the authority by which the Ordinance can be amended. The following factors should be considered in making a decision.

*Guidelines for Amendments to Land Use Ordinance*
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.

## 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 March 24, 2006 for this project.

*Amendment*

B. The proposed amendments are consistent with the Land Use Element, Agriculture and Open Space Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element and with policies of the Agriculture and Open Space Element.

C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance because the modifications will allow future development to be designed with maximum consideration of the characteristics of project sites and their surrounding, to enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features, to respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings and to be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.

D. 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 retiring the development potential in areas that are environmentally sensitive, have agricultural capability or are within antiquated subdivisions.

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.

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

The proposed amendments are consistent with these guidelines.

**STAFF COMMENTS**
The attached exhibits show proposed deletions with strikeout and proposed additions with underlined text.

The following is a discussion of the proposed amendments.

Section 22.24.070 A2. - Delete all lands within the Agriculture land use category from the receiver site eligibility criteria. The current ordinance allows the use of TDC in the Agriculture lands use category, unless the site is under an agricultural preserve, to subdivide property which would not other wise qualify for subdivision. The proposed amendments would disallow all lands within the Agriculture land use category from being receiver sites.

On November 23, 2004, the Board of Supervisors authorized an amendment to the TDC program to develop additional criteria for proposed receiver sites in the Agriculture land use category. The Ag Commissioner's Office, Air Pollution Control District, Agricultural Liaison Board, Farm Bureau, Templeton Area Advisory Group, Santa Margarita Area Advisory Council, Creston Citizens For Ag Land Protection, Paso Watch and a number of private citizens provided letters and testimony at public hearings before the County Planning Commission and Board of Supervisors in support not changing the criteria but of removing agricultural lands from being receiver sites. At their November 22, 2005 meeting, the Board of Supervisors directed staff to prepare this amendment.

Section 22.24.070 A3. – Delete all lands within five miles of a Village Reserve Line from the receiver site criteria. The current criteria for TDC receiving sites allow land within 5 miles of any urban or village reserve line, except the California Valley Village, to be eligible as a receiving site. The proposed amendment would modify these criteria to delete the five miles within any village reserve line criteria. The proposed amendment would allow only land that is within an urban or village reserve line or land that is within five miles from an urban reserve line to be an eligible receiver site. This issue was also discussed at numerous public hearing before the Planning Commission and Board of Supervisors and is supported by Templeton Area Advisory Group, Santa Margarita Area Advisory Council, Creston Citizens For Ag Land Protection, Paso Watch and a number of private citizens. At their November 22, 2005 meeting, the Board of Supervisors directed staff to prepare this amendment.

Section 22.24.070 B2d. – Delete the reference to the Agriculture land use category.

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EXHIBIT LRP2004-00017:A

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
SECTION 22.24.70 RELATING TO THE TDC PROGRAM

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

SECTION 1. Section 22.24.070A of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

## 22.24.070 - Receiving Site Eligibility and Determination of Bonus Development.

The criteria of this section shall be used in determining if a property is eligible for receiving site status. If the property meets all the criteria used to determine receiving site status, the property would then be eligible to qualify for bonus density. Bonus density may be added to the base density as set forth in Section 22.24.070.B.

**A. Eligibility criteria.** The following criteria shall be used in the review of potential receiving sites. Credits are assigned only to individual legal lots. Land may be considered for designation as receiving sites only when **all** of the following describe the site that is requesting receiver status.

1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.

2. The site is not in the Agriculture land use category ~~within an Agricultural Preserve~~.

3. The site is within an urban or village reserve line or within 5 miles of an urban ~~or village~~ reserve line, except for the California Valley village reserve line.

4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.

5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.

6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the general plan.

7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21, 22 and 23 of the county code.

8. The site was not an approved sending site, and also has a valid conservation easement recorded against the sending site.

SECTION 2. Section 22.24.070B.2.d of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**d.** **Other sites.** Sites that meet the locational criteria listed in Subsections B.2.a, B.2.b, B.2.c, and the eligibility criteria of Section 22.24.070A, but which would not otherwise qualify for a division (the property size is already at or below the lowest minimum parcel size allowed by that land use category), may be granted a bonus of not more than one additional lot. The parcels after division shall not be less than the lowest minimum parcel size in the applicable land use category; except that 20 acre parcels in the ~~Agriculture or~~ Rural Lands land use category may request to be considered for division using this provision where surrounding parcels are generally less than 20 acres in size.

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.

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INTRODUCED on the _____ day of _____, 2006 and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, 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 (KN)

## MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

**ENVIRONMENTAL DETERMINATION NO. ED05-245** **DATE: March 24, 2006**

**PROJECT/ENTITLEMENT:** County of San Luis Obispo Land Use Ordinance Amendment LRP2004-00017

**APPLICANT NAME:** County of San Luis Obispo Planning and Building Department
**ADDRESS:** County Government Center, San Luis Obispo CA 93408
**CONTACT PERSON:** Karen Nall, Senior Planner **Telephone:** 805-781-5606

**PROPOSED USES/INTENT:** County of San Luis Obispo Land Use Ordinance Amendment. Request by the County of San Luis Obispo to amend Section 22.24.070 (Transferable Development Credit [TDC] program) of the County Land Use Ordinance (Title 22 of the County Code), to change the eligibility criteria for potential TDC receiving sites, where the following areas would no longer be eligible as receiver sites: lands within the Agriculture land use category; lands within five miles of a village reserve line. The proposed project applies to all lands within the unincorporated areas, and outside of the coastal zone, that fit either of the above two criteria. For further information, please contact Karen Nall at (805) 781-5606. ED05-245 (LRP2004-00017)

**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 April 7, 2006**

**20-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**
(ver 2.1)

**Project Title & No.** County General Plan Amendment - Title 22 of the San Luis Obispo County Code, The Land Use Ordinance Section 22.24.070 Relating to the Transferable Development Credit Program

ED05-245 LRP2004-00017

**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 |

**DETERMINATION:** (To be completed by the Lead Agency)

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

☒ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

| Karen B Nall | Karen B Nall | 3/13/06 |
|---|---|---|
| Prepared by (Print) | Signature | Date |

| Jeff Oliveira | | Ellen Carroll, Environmental Coordinator | 3/13/06 |
|---|---|---|---|
| Reviewed by (Print) | Signature | (for) | Date |

**Project Environmental Analysis**

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

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

## A. PROJECT

DESCRIPTION: Request by County of San Luis Obispo to amend Section 22.24.070, of the Land Use Ordinance, Title 22 of the County Code, the Transferable Development Credit (TDC) program. The current TDC ordinance provides seven different eligibility criteria for potential receiving sites. The proposed amendments will change the eligibility criteria for receiver sites by removing all lands within the Agriculture land use category and removing the 5 miles within the Village Reserve Line criteria.

Agriculture. The current ordinance allows the use of TDC in the Agriculture lands use category, unless the site is under an agricultural preserve, to subdivide property which would not other wise qualify for subdivision. The proposed amendments would disallow all lands within the Agriculture land use category from being receiver sites. The Ag Commissioner's Office, Air Pollution Control District, Agricultural Liaison Board, Farm Bureau, Templeton Area Advisory Group, Santa Margarita Area Advisory Council, Creston Citizens For Ag Land Protection, Paso Watch and a number of private citizens have provided letters and testimony at public hearings before the County Planning Commission and Board of Supervisors in support of this amendment to remove agricultural lands from being receiver sites. At their November 22, 2005 meeting, the Board of Supervisors directed staff to prepare this amendment.

Village Reserve Lines. The current criteria for TDC receiving sites allow land within 5 miles of any urban or village reserve line, except the California Valley Village, to be eligible as a receiving site. The proposed amendment would modify these criteria to delete the five miles within any village reserve line criteria. The proposed amendment would allow only land that is within an urban or village reserve line or land that is within five miles from an urban reserve line to be an eligible receiver site. This issue was also discussed at numerous public hearing before the Planning Commission and Board of Supervisors and is supported by Templeton Area Advisory Group, Santa Margarita Area Advisory Council, Creston Citizens For Ag Land Protection, Paso Watch and a number of private citizens. At their November 22, 2005 meeting, the Board of Supervisors directed staff to prepare this amendment.

ASSESSOR PARCEL NUMBER(S): All SUPERVISORIAL DISTRICT # All

## B. EXISTING SETTING

PLANNING AREA: Countywide , Inland only

LAND USE CATEGORY: All land use categories that allow residential development

COMBINING DESIGNATION(S): All

EXISTING USES: Varies

TOPOGRAPHY: Varies

VEGETATION: varies

PARCEL SIZE: varies

SURROUNDING LAND USE CATEGORIES AND USES:

| | |
|---|---|
| *North:* ; Varies | *East:* ; varies |
| *South:* ; Varies | *West:* ; Varies |

## C. ENVIRONMENTAL ANALYSIS

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

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

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

**Setting.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the originals goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

The aesthetic setting of properties that are eligible TDC receiving sites vary significantly throughout the county, some sites maybe in highly visible or scenic locations.

**Impact.** The proposed amendment would not increase the potential for aesthetic impacts. Due to the fact that the amendment is to remove the eligibility of some properties in rural scenic areas from using the TDC program, the potential for visually incompatible development in these areas would actually decrease as a result of the proposed amendments.

**Mitigation/Conclusion.** No adverse impact to aesthetic resources has been identified, and no mitigation measures are necessary.

| **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.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the originals goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

**Impact.** The current ordinance allows the use of TDC in the Agriculture lands use category to subdivide property which would not otherwise qualify for subdivision. The proposed amendments would disallow all lands within the Agriculture land use category from being receiver sites. This would reduce any impacts to agricultural resources associated with subdivisions, by reducing the potential for non-agricultural development within the Agriculture land use category, and by reducing the potential conflict between non-agricultural uses and agricultural uses within these areas. The Ag Commissioner's Office, Air Pollution Control District, Agricultural Liaison Board, Farm Bureau, Templeton Area Advisory Group, Santa Margarita Area Advisory Council, Creston Citizens For Ag Land Protection, Paso Watch and a number of private citizens have provided letters and testimony at public hearings before the County Planning Commission and Board of Supervisors in support of this amendment to remove agricultural lands from being receiver sites.

**Mitigation/Conclusion.** No mitigation measures are necessary.

| **3. AIR QUALITY** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|

| 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.** The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD). The Clean Air Plan includes land use management strategies to guide decision makers on land use approaches that result in improved air quality. Increasing development densities within urban areas is preferable over increasing densities in rural areas.

The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

**Impact.** The proposed amendments will help reduce air quality impacts through reducing the potential for agricultural land subdivisions and subdivisions of lands in outlying areas outside of the current Village Reserve lines. The amendments will be consistent with the policies of the Clean Air Plan which encourages development within urban areas and discourages development in rural areas.

**Mitigation/Conclusion.** No mitigation measures are necessary.

| 4. BIOLOGICAL RESOURCES - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| a) *Result in a loss of unique or special status species or their habitats?* | ☐ | ☐ | ☒ | ☐ |

| 4. BIOLOGICAL RESOURCES - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *b) Reduce the extent, diversity or quality of native or other important vegetation?* | ☐ | ☐ | ☒ | ☐ |
| *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.**

The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

A wide variety of habitats and biological resources are present within the generally rural areas affected by this amendment.

**Impact.** In general, the result of the amendments would be a reduction in the potential for agricultural and rural area subdivision resulting in decreased potential for habitat loss. No adverse impacts to biological resources have been identified.

**Mitigation/Conclusion.** No mitigation measures are necessary.

| 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.**

The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of

the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

Cultural resources are present throughout the agriculture and rural area affected by this amendment.

**Impact.** In general, the proposed amendments would result in a reduction of rural subdivisions and the impacts associated with those subdivisions. No adverse impacts to cultural resources have been identified.

**Mitigation/Conclusion.** No mitigation measures are necessary.

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

The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

A wide variety of soil types and geology are found in the agriculture and rural areas affected by these amendments.

**Impact.** In general, agriculture and rural subdivisions create larger parcels which have the potential for larger homes and generally require longer driveways and road for access. The result of the amendments would be a reduction in the potential for agricultural and rural area subdivision resulting in a reduction of grading and overall site disturbance. No adverse impacts to soils and geology have been identified.

**Mitigation/Conclusion.** No mitigation measures 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?*** | ☐ | ☐ | ☒ | ☐ |
| ***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.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

**Impact.** The proposed amendments would disallow all lands within the Agriculture land use category from being receiver sites and limit rural subdivisions. This would reduce any impacts from hazards or hazardous materials by reducing the potential for non-agricultural development within the Agriculture land use category and rural area where pesticide use is present. No adverse impacts from hazards or hazardous materials are identified.

**Mitigation/Conclusion.** No mitigation measures are necessary.

| **8. NOISE** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Expose people to noise levels that exceed the County Noise Element thresholds?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Generate increases in the ambient noise levels for adjoining areas?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Expose people to severe noise or vibration?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

**Impact.** The proposed amendments would disallow all lands within the Agriculture land use category from being receiver sites and limit rural subdivisions. This would reduce any impacts from noise associate with agricultural operations by reducing the potential for agricultural and rural subdivisions. No adverse impacts from noise are identified.

**Mitigation/Conclusion.** No mitigation measures are necessary.

| **9. POPULATION/HOUSING** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Induce substantial growth in an area either directly 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?*** | ☐ | ☐ | ☒ | ☐ |

| 9. POPULATION/HOUSING - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *c) Create the need for substantial new housing in the area?* | ☐ | ☐ | ☒ | ☐ |
| *d) Use substantial amount of fuel or energy?* | ☐ | ☐ | ☒ | ☐ |
| *e) Other: _____* | ☐ | ☐ | ☐ | ☐ |

**Setting.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

**Impact**. The proposed amendments will not result in a need for a significant amount of new housing, and will reduce the potential for agricultural land subdivisions and subdivisions of lands in outlying areas outside of the current Village Reserve lines. This may result in a slight reduction in potential residential homesites, but given the limited number of potential subdivisions under the current TDC program, the reduction would be negligible.

**Mitigation/Conclusion.** No mitigation measures are necessary.

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

**Setting.**

The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver

sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

The levels of public services available varies throughout the agriculture and rural areas affected by these amendments.

**Impact**. The amendments will help reduce impact to public services by reducing the potential for agricultural land subdivisions and subdivisions of lands in outlying areas outside of the current Village Reserve lines.

**Mitigation/Conclusion.** No mitigation measures are necessary.

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

**Setting.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

A wide variety of recreational resources are present throughout the agriculture and rural areas affected by these amendments.

**Impact**. The amendments will help reduce impacts to recreation services by reducing the potential for agricultural land subdivisions and subdivisions of lands in outlying areas and direct growth within the more urbanized areas where more recreation opportunities exist. No adverse impacts to recreation have been identified.

**Mitigation/Conclusion**. No mitigation measures 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)?*** | ☐ | ☐ | ☒ | ☐ |

| 12. TRANSPORTATION/ CIRCULATION - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| 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.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

The levels of transportation services available varies throughout the agriculture and rural areas affected by these amendments.

**Impact**. The proposed amendments will help reduce impact to transportation by reducing the potential for agricultural land subdivisions and subdivisions of lands in outlying areas outside of the current Village Reserve lines.

**Mitigation/Conclusion**. No mitigation measures are necessary.

| 13. WASTEWATER - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| a) *Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?* | ☐ | ☐ | ☒ | ☐ |

| 13. WASTEWATER - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?* | ☐ | ☐ | ☒ | ☐ |
| *c) Adversely affect community wastewater service provider?* | ☐ | ☐ | ☒ | ☐ |
| *d) Other: _____* | ☐ | ☐ | ☐ | ☐ |

**Setting.** The proposed ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

The areas affected by these amendments are served by individual septic systems.

**Impact**. The proposed amendments will reduce the potential for agricultural land subdivisions and subdivisions of lands in outlying areas outside of the current Village Reserve lines. The proposed amendments would not cause any increase in the impacts associated with wastewater.

**Mitigation/Conclusion**. No mitigation measures are necessary.

| 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.** The proposed ordinance amendments will make two modifications to the eligibility criteria for

TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

The areas affected by these amendments are served by individual wells.

**Impact.** The proposed amendments will reduce the potential for agricultural land subdivisions and subdivisions of lands in outlying areas outside of the current Village Reserve lines. The proposed amendments would not cause any increase in the impacts to water resources.

**Mitigation/Conclusion.** No mitigation measures are necessary.

| **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 ordinance amendments will make two modifications to the eligibility criteria for TDC receiving sites. One of the amendments will remove land within the Agriculture land use category from being used as TDC receiver sites. The other modification will delete the criteria, which allows receiver sites within 5 miles of a Village Reserve Line. The amendments will help meet the original goals of the TDC program through protection of existing agricultural lots and concentrating development in close proximity to urban areas.

The current ordinance allows the use of TDC's to subdivide property which would not otherwise qualify for subdivision. Any subdivision using TDC's has the potential to create smaller parcel sizes and higher densities than that of the surrounding parcels.

**Impact.** The amendments will eliminate the use of TDC in the agriculture land use category. This will

reduce any impacts to agricultural resources associated with subdivisions, by reducing the potential for non-agricultural development within the Agriculture land use category, and by reducing the potential conflict between non-agricultural uses and agricultural uses within these areas. The amendments will also reduce the potential for rural subdivision which will the reduce the potential to create smaller parcel that are incompatible with surrounding lots.

**Mitigation/Conclusion.** None required.

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

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental 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 ☒) and when a response was made, it is either attached or in the application file:

| Contacted | Agency | Response |
|---|---|---|
| ☒ | County Public Works Department | **Attached** |
| ☒ | County Environmental Health Division | **Attached** |
| ☒ | County Agricultural Commissioner's Office | **Attached** |
| ☐ | County Airport Manager | **Not Applicable** |
| ☐ | Airport Land Use Commission | **Not Applicable** |
| ☒ | 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** |
| ☒ | CA Department of Forestry | **None** |
| ☐ | CA Department of Transportation | **Not Applicable** |
| ☐ | Community Service District | **Not Applicable** |
| ☒ | Other County Parks, Assessors, CACs | **Attached** |
| ☒ | Other Ag Liaison, Paso Watch, CCALP | **Attached** |

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

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

☒ Project File for the Subject Application

County documents

- ☐ 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
- ☐ 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 SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other ____

4-75

AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

February 27, 2006

Karen Nall, Senior Planner
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: Amendment to the Land Use Ordinance Title 22,
Transfer Development Credit (TDC) Program

Dear Ms. Nall:

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed amendment to the Transfer Development Credit Program. We have the following comments regarding the proposed amendment.

**Specific Comments**

**Section 22.24.070 A. 2.** - District staff supports the proposal to change the eligibility criteria for Receiver Sites by excluding all lands within the Agricultural land use category. This is consistent with the APCD's ongoing recommendations to protect agricultural land and keep rural areas rural.

**Section 22.24.070 A. 3 -** District staff strongly supports the placement of receiving sites within the Urban Reserve Lines (URLs) and Village Reserve Lines (VRLs). We however, do not agree with the recommendation to allow Receiver Sites within five miles of an URL. While the amendment would not allow Receiver Sites within five miles of a VRL, which is a step in the right direction, the five mile limit around URLs will not prevent urban sprawl. As currently proposed very few areas in the county would not qualify as a Receiver Site. The proposed modifications to the TDC Program falls short of ensuring that development will take place where development should occur within the existing URL/VRLs. As currently proposed a five mile receiver site boundary around the URL would result in virtually the whole Highway 101 corridor from Nipomo to Paso Robles qualifying as a Receiver Site, thus promoting the continuation of sprawl development. **District staff recommends the Receiver Sites be within the URL or VRL.** This would go a long way to concentrate development in more populated areas where community services exist, while preserving adjacent rural areas. If the Board chooses for some reason to not support this recommendation, then the APCD suggests Receiver Sites be no further than one (1) mile from the URL.

Section 2 – For reason sited above APCD staff do not agree with the finding that "on the basis of the initial study and any comments received; there is no substantial evidence that the adoption of the ordinance will have a significant effect on the environments". APCD staff believes that continued development outside the URLs /VRLs will continue to result in urban sprawl which does impact air quality.

If you have any question regarding these comments, I can be reached at (805) 781-4667.

Sincerely,

Melissa Guise
Air Quality Specialist

MAG/sll

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info@slocleanair.org ❖ www.slocleanair.org

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4-26

SAN LUIS OBISPO COUNTY
# DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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

Fax (805) 781-1229 email address: pwd@co.slo.ca.us

February 22, 2006

**MEMORANDUM**

**TO:** Karen Nall, Senior Planner

**FROM:** Richard Marshall, Development Services Engineer RGM

**SUBJECT:** LRP 2004-00017, Amendments to the Transfer of Development Credits (TDC) Ordinance

Thank you for the opportunity to review and comment on the proposed ordinance amendment. As a member of the Subdivision Review Board, I am especially interested in these proposals, since many of the projects processed with TDC credits come before that body for approval.

There have been numerous concerns expressed regarding the current TDC program. The proposed ordinance amendment is a step in the right direction and should address some of these concerns. In terms of Public Works issues (infrastructure and public services), this proposal should represent an improvement and, therefore, I have no objection to it.

Please call me at 781-5280 if you have questions or need additional information.

File: Development Services – General

L:\DEVELOP\FEB06\knall.mmo.wpd.REM:CAH

4-27

SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA
DIRECTOR

RECEIVED
FEB - 7 2006
ENVIRONMENTAL HEALTH

**DATE:** February 6, 2006

**TO:** Env Health **FROM:** Karen Nall, Senior Planner

The attached application was recently authorized for processing. The Department of Planning and Building is currently preparing an initial study for this project. We would appreciate your review and comment on the proposed project and information. Unless we hear from you within 15 days, we will assume you have no comment.

**PROJECT INFORMATION**

File Number: LRP2004-00017 Applicant: County of San Luis Obispo

Request: Amendment to the Land Use Ordinance, Title 22, Transferable Development Credits (TDC) program. The proposed amendment will change the eligibility criteria for receiver sites by deleting all lands within the Agriculture land use category and removing the 5 mile within a Village Reserve Line criteria.

**COMMENTS**

Please respond to the following questions:

Do you have any comments/concerns regarding impacts as a result of this project? Are significant impacts likely as a result of the project? Can you recommend any mitigation measures?

**AGENCY RESPONSE**

This office is concerned that since the TDC receiver sites are not developing with services ie community water & community sewers area impacts can not be determined. Areas within 5 miles of the urban reserve line still may have impacts. Undersized parcels developing with on-site wastewater systems could have cumulative impacts.

Laurie A. Sale 781-5551 2-14-06

4-28

COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Measurement Standards**

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

**DATE:** **September 19, 2005**

**TO:** **John Euphrat, Division Manager**

**FROM:** **Bob Lilley, Agricultural Commissioner**

**SUBJECT:** **Transfer of Development Credits Program (TDC)**

The Agriculture Department supports the Planning Commission's recommendation to consider not allowing lands within the Agriculture land use category to be used as TDC receiver sites. As outlined in the attached May 27, 2004 letter, the use of agricultural lands as TDC receiver sites is problematic for agriculture.

Additionally, at the August 15, 2005 Agriculture Liaison Board meeting, there was a unanimous vote to recommend to the Board of Supervisors that there be a moratorium on agriculturally zoned land as receiver sites. They further recommended that the Planning and Agriculture Departments explore how general plan amendments (GPA) of agriculturally zoned land adjacent to the Urban Reserve Line could be used in conjunction with TDC credits rather then explore additional criteria to allow agriculturally zoned land to be receiver sites.

Thank you for the opportunity to comment. If you have questions, please call Lynda Auchinachie at 781-5914.