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July 17, 2012

Honorable James Patterson
Chairperson, Board of Supervisors
County of San Luis Obispo
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Subject: WRAC Report on Draft Agricultural Cluster Ordinance and Environmental Impact Report

Dear Chairperson Patterson:

The Agricultural Cluster Subdivision Program consists of revisions to the Land Use Ordinance (Title 22 of the County Code), Coastal Zone Land Use Ordinance (Title 23 of the County Code), and the Agriculture Element of the County General Plan. On June 6, 2012, the Water Resource Advisory Committee (WRAC) formed an ad hoc subcommittee whose purpose was to review and comment on the draft Agricultural Cluster Ordinance and Environmental Impact Report (EIR) as they relate to water resources. Attached are comments for the Planning and Building Department Staff to consider before the revisions are taken to the Planning Commission in August/September 2012.

Subcommittee members included Member Sue Luft (Environmental at-Large), Member Michael Winn (Nipomo CSD), Alternate Member Tim Walters (Development at-Large), Member Della Barrett (District 5), and Member Lowell Zelinski (Agriculture at-Large). Member Luft served as chair to the ad hoc subcommittee. The subcommittee met with County Planning and Building Department Staff on June 20, 2012, and subsequently developed a subcommittee report.

At a special meeting on July 9, 2012, the WRAC reviewed and approved the ad hoc subcommittee's report and voted (15-0-1) to submit the attached revised RMS language to you for further consideration.

Respectfully,

MICHAEL WINN
Chairperson, Water Resources Advisory Committee

cc: SLO County Board of Supervisors
 SLO County Planning Commission
 James Caruso, County Department of Planning and Building

Attachments: Review Agricultural Cluster Ordinance Revisions and EIR Report

Purpose of the Committee:

To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the SLO County Flood Control & Water Conservation District. To recommend to the Board specific water resource programs. To recommend methods of financing water resource programs.

Excerpts from WRAC Bylaws dated 3/2/2011

**WRAC Subcommittee to
Review Agricultural Cluster Ordinance Revisions and EIR
Report to the WRAC July 9, 2012**

In order to introduce the reader to this issue, the following information is provided from the SLO County Planning Department website.

The County of San Luis Obispo has existing ordinances and policies governing agricultural cluster land divisions. These ordinances and policies allow owners of eligible properties to apply for an agricultural cluster subdivision as an alternative to a conventional land division. The proposed ordinance and general plan changes will modify existing criteria and standards associated with agricultural cluster subdivisions in order to reduce environmental impacts and to protect lands for continued and enhanced agricultural production. These changes will also add a new section to the Coastal Zone Land Use Ordinance to allow agricultural cluster subdivisions in the Coastal Zone, where the program does not presently exist.

On June 6, 2012, the WRAC appointed a subcommittee to review and comment on the Agricultural Cluster Subdivisions Ordinance revisions and the Agricultural Cluster Subdivision Program EIR. The subcommittee consisted of Michael Winn, Della Barrett, Lowell Zelinski, Tim Walters, and Sue Luft – chair.

A subcommittee meeting was held on June 20, 2012, with Lowell Zelinski, Michael Winn and Sue Luft in attendance. Jay Johnson, Airlin Singewald, and James Caruso of SLO County Planning attended and provided guidance regarding the proposed ordinance revisions and the EIR. Tim Walters and Della Barrett submitted written comments, which were reviewed. A draft subcommittee report was prepared and circulated via email.

The subcommittee has a number of comments, as listed below. First, we have provided some clarifications for the reader.

- Water resources and the impacts on those resources were the focus of the subcommittee comments.
- A special Planning Commission meeting on August 30th has been tentatively scheduled to review the ag cluster ordinance and EIR.
- As required, the EIR looks at current “ground” and compares to future conditions that are established by the proposed ordinance (“plan”). CEQA does not allow using the current ordinance as a given.

- The ordinance that the subcommittee reviewed is the version which was analyzed in the EIR. However, the version of the ordinance that will be presented to the Planning Commission will probably incorporate the environmentally superior alternatives.
- The number of allowable parcels will now be based on historic use of the parcel instead of land capability.
- Using the five-mile radius criteria, the maximum build-out for agricultural cluster subdivision residences in the entire county would be 418 homes. Various alternatives would result in lower build-out numbers.
- Staff indicated that only 8% of the eligible parcels in the county have built a secondary home.

Comments on the draft ordinance follow:

- The subcommittee believes that the proposed ordinance is a step forward from the current ordinance and will be more protective of water resources.
- The subcommittee wants to re-iterate Ag Policy 11, which states that water resources should be maintained for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.
- It is essential that there are adequate water resources and the associated water supply system to serve the proposed development, including all residential uses, as well as the existing and potential agricultural operations on the project site and in the site vicinity.
- We recommend that the ordinance state that agricultural cluster subdivisions will not be allowed where the proposed project overlies a groundwater basin that has a Level of Severity (LOS) II or III certified by the Board of Supervisors, until a LOS I or better is reached.
- The hydrogeologic report demonstrating that there are adequate water resources is an important step. However, language should be added that water use calculations on which that report is based need to use actual historic data and, in the case of future uses, documented use factors for similar operations.
- We recommend that the highest level of agricultural preservation easement be established for the agricultural preservation area, in perpetuity. This is to guarantee that the defined agricultural preservation area not be developed into residential sites in the future.

Comments on the EIR follow:

- We recommend that Alternative 2(a) – agricultural cluster subdivisions may be allowable within two road miles of the identified URLs – be adopted.

- We recommend that Alternative 3 – reducing residential parcel size – not be considered further, since this alternative would reduce the reliability of water service. The subcommittee agrees that individual wells and septic systems are preferable to community water systems since agricultural cluster subdivision projects will involve a small number of homes (on the order of 10 to 12 in the future), which does not allow for adequate funding to support the infrastructure needed for community water and wastewater systems.