Appendix A:
Notice of Preparation and Responses
A.1 - Notice of Preparation
City of Atascadero

Notice of Preparation and Notice of Public Scoping Meeting
Eagle Ranch Specific Plan and Annexation

Date: Thursday, May 16, 2013

To: Public Agencies and Interested Parties

From: Warren Frace, Community Development Director, City of Atascadero
Callie Taylor, Senior Planner, City of Atascadero

Subject: Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting for the Eagle Ranch Specific Plan and Annexation

The City of Atascadero will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. The project description, location, and probable environmental effects of the Eagle Ranch Specific Plan are described in the attached materials.

The City of Atascadero is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the EIR, and the environmental issues and alternatives to be addressed in the EIR. Public agencies may need to use the EIR when considering permitting or other approvals that are germane to the agencies’ responsibilities in connection with the project.

Because of time limits mandated by state law, public agencies must submit any comments in response to this notice at the earliest possible date but not later than 30 days after receipt of this notice. The City also will accept comments from other interested parties regarding this notice during this time period. Accordingly, please provide your written response to the address shown below by 5 p.m., Friday, June 14, 2013. If you wish to be placed on the notification list for this project, or if you have any questions or need additional information, please contact the person below.

City of Atascadero
Community Development Department
6907 El Camino Real
Atascadero, CA 93422
Attn: Ms. Callie Taylor
Phone: (805) 470-3448
Fax: (805) 470-3449
Email: ctaylor@atascadero.org

Public Scoping Meeting

A public scoping meeting will be held at 6 p.m., Thursday, June 13, 2013 at the Atascadero City Council Chambers, 6907 El Camino Real, Atascadero, CA 93422. At this meeting, public agencies, organizations, and members of the public will be able to review the proposed project and provide comments on the scope of the environmental review process.
EAGLE RANCH SPECIFIC PLAN

1.1 - Project Location

The Specific Plan area is located in unincorporated San Luis Obispo County, adjacent to the southwestern Atascadero city limits (Exhibit 1). The Specific Plan area encompasses approximately 3,430 acres, generally bounded by the Los Padres National Forest (west), the Atascadero city limits (north), US 101 (east), and grazing land (south) (Exhibit 2). The project site is located on the Atascadero, California, United States Geological Survey 7.5-minute topographic quadrangle map, Township 29 South, Range 12 East, Sections 1, 2, and 3 (Latitude 35°26’00” North; Longitude 120°39’00” West).

1.2 - Existing Conditions

1.2.1 - Land Use

The Specific Plan area consists of rolling topography that has historically been used for grazing purposes. Within the Specific Plan area, elevations range from approximately 950 feet to 1,400 feet above mean sea level. Oak tree stands are present throughout the Specific Plan area.

A cluster of structures is located in the southern portion of the Specific Plan area. The structures include three single-family residences and several barns and outbuildings associated with grazing operations. Improvements such as corrals, stock ponds, and groundwater wells are also present.

Tributaries of three major drainages are located within the Specific Plan area and are summarized below.

- **Eagle Creek**: This waterway and its tributaries drain the southern portion of the Specific Plan area and exit the site near Los Osos Road.

- **Atascadero Creek**: This waterway and its tributaries drain the western and central portion of the Specific Plan and exit the site near the Atascadero Avenue/San Diego Road intersection.

- **Paloma Creek**: This waterway and its tributaries drain the eastern portion of the Specific Plan and exit the site near the US 101/Santa Barbara Road interchange.

Eagle Ranch was subdivided into 452 lots of record (Colony lots) as part of the establishment of the original Atascadero Colony in the 1910s. These lots have ownership shares in Atascadero Mutual Water Company and, thus, have the vested right to receive potable water.

1.2.2 - Land Use Designations

The San Luis Obispo County General Plan designates the Specific Plan area “Agriculture.” The San Luis Obispo County Zoning Ordinances zones the Specific Plan area “AG (Agriculture).”
The City of Atascadero General Plan designates the Specific Plan area as “Development Area 11,” and several policies contemplate annexation (Policies LOC 1.2.8, 1.2.9, 1.2.10, and 1.2.11). The Atascadero Sphere of Influence was adjusted to include the Specific Plan area in 2003.

1.3 - Project Description

1.3.1 - Development and Land Use Activities

The proposed project consists of the development of residential, resort, recreational, highway commercial, small retail, agricultural, and open space uses, as well as associated infrastructure, on the 3,430-acre project site. The project would be guided by a Specific Plan and the project site would be annexed into the City of Atascadero. Table 1 summarizes the project. Exhibit 3 depicts the conceptual site plan.

Table 1: Project Summary

<table>
<thead>
<tr>
<th>Component</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential (20,000 square feet – 43,560 square feet [1 acre])</td>
<td>72 lots</td>
</tr>
<tr>
<td>Single Family Residential (1 acre – 5 acres)</td>
<td>387 lots</td>
</tr>
<tr>
<td>Single Family Residential (5 acres or more)</td>
<td>35 lots</td>
</tr>
<tr>
<td>Single Family Residential – Second Units</td>
<td>The number of second units on the single-family residential lots (1 acre or greater) will be capped at 63; permits will be issued on a “first-come, first-serve” basis.</td>
</tr>
<tr>
<td>Multifamily Residential</td>
<td>93 dwelling units; to be located in Village Center and would consist of Multi-Family Housing (including Senior Housing, Affordable Housing, and Workforce Housing)</td>
</tr>
<tr>
<td>Resort Hotel</td>
<td>Approximately 42.4 acres; 100 rooms and associated amenities (restaurant, bar, pool, meeting facilities, equestrian center)</td>
</tr>
<tr>
<td>Village Center</td>
<td>Approximately 1.8 acres; 15,000 square feet retail, offices, postal facilities, meeting space, and second floor multi-family residential; intended to serve as public gather place</td>
</tr>
<tr>
<td>Highway Commercial</td>
<td>Approximately 15.2 acres; sit-down restaurant; 200-room hotel (2–3 stories); executive suites/cottages; meeting facilities, recreational facilities, events lawn</td>
</tr>
<tr>
<td>Public Park</td>
<td>Approximately 10.7 acres; includes small amphitheater</td>
</tr>
<tr>
<td>Equestrian Staging Area</td>
<td>Approximately 1.5 acres</td>
</tr>
<tr>
<td>Roads</td>
<td>Approximately 19.8 miles</td>
</tr>
<tr>
<td>Trails</td>
<td>Approximately 16.2 miles</td>
</tr>
<tr>
<td>Open Space</td>
<td>Approximately 2,585.1 acres; consisting of Agricultural Open Space, Private Open Space, Public Recreation Areas, Resort Open Space, and the Staging Area</td>
</tr>
</tbody>
</table>

1.3.2 - Circulation

Circulation Overview

Within the Specific Plan area, three roads would provide primary internal circulation. The “Main Loop Road” would connect the San Carlos, Atascadero Avenue (north), and Atascadero Avenue (south) access points. Two smaller roads would provide connections between the Main Loop Road and San Rafael Road (west) access point and the Main Loop Road and the resort hotel area. A network of local streets would branch off the primary internal circulation roads. Exhibit 4 depicts the circulation plan.

Primary Access

Primary vehicular access to the Specific Plan area would be taken at the following locations:

1. **Atascadero Avenue (South):** A new primary access road would connect to the south end of Atascadero Avenue. The access point would be located west of the Eagle Creek neighborhood, approximately 2,000 feet from the US 101/Santa Barbara Road interchange. This connection would provide access to the eastern portion of the Specific Plan area. This new intersection is anticipated to be signalized.

2. **Atascadero Avenue (North):** A new primary access road would connect to Atascadero Avenue at approximately 250 feet north of the existing Atascadero Avenue/San Diego Road/Ortega Road intersection. The development of this access road would result in the realignment of a portion of Atascadero Avenue to improve safety and modifications to the existing Atascadero Avenue/San Diego Road/Ortega Road intersection that are intended to direct outbound traffic towards the US 101/Santa Barbara Road interchange. This new intersection is anticipated to be controlled by a stop sign with raised crosswalk.

3. **San Carlos Road:** The existing ranch access road from San Carlos Road would be upgraded to provide primary access to the central portion of the Specific Plan area and Atascadero Road via the Main Loop Road. The connection would provide a through connection to State Route 41 via San Rafael Road.

Secondary Access

Secondary vehicular access to the Specific Plan area would be taken at the following locations:

4. **San Rafael Road (West):** A new secondary access road would extend south from the existing San Rafael Road (West) dead end and would provide access to the central portion of the Specific Plan area and Atascadero Avenue.

5. **San Diego Road (West):** A new secondary access road would extend from the existing San Diego Road (west) right-of-way and would provide access to the western portion of the Specific Plan area.

Emergency Access

All-weather surface Emergency Vehicle Access connections would be provided to the project site at the following locations:
6. **Ortega Road:** The existing dead end at Ortega Road would be extended through the existing road right-of-way to provide an Emergency Vehicle Access connection to the Specific Plan area. A paved road and a system of motorized gates would provide access for authorized vehicles. The connection would be accessible to bicycles and pedestrians.

7. **Atascadero Road (Santa Barbara Road):** A paved Emergency Vehicle Access connection would be provided near the existing Eagle Creek neighborhood in the approximate location of the existing gated ranch access road. The emergency access point at this location would be restricted by gates and would only be accessible to authorized vehicles. The connection would be accessible to bicycles and pedestrians.

**Shared Driveways**

In addition to vehicular access on the new roads and Specific Plan access points, there will be residential lots and shared drives that take access directly from existing City roads. These lots have frontage or shared driveways accessing directly onto Atascadero Avenue, San Rafael Road (West), and Los Osos Road. On Atascadero Avenue, two new shared driveways (cul-de-sacs) would provide access to approximately six lots each. These are located north of the Atascadero Avenue (north) intersection and at the existing Atascadero Avenue/San Rafael Road (east) intersection.

**1.3.3 - Utilities**

**Potable Water**

The proposed Specific Plan uses would be served with potable water provided by the Atascadero Mutual Water Company. As previously noted, the 452 lots that comprise the project site have the vested right to receive potable water from Atascadero Mutual Water Company. A Water Supply Assessment will be prepared for the project in accordance with state law.

**Wastewater**

The proposed single-family (20,000 square feet to 1 acre), multi-family, resort hotel, village center, and highway commercial uses would be served with sanitary sewer service provided by the City of Atascadero.

The large-lot single-family uses (1-acre or greater) may be served with onsite septic systems if soil conditions are suitable for such systems. If soil conditions are unsuitable, the residences would be required to be served with sewer service.

**Storm Drainage**

The proposed project would install storm drainage infrastructure (inlets, piping, swales, basins, etc.) that would collect and discharge runoff to the three major waterways and their tributaries (Eagle Creek, Atascadero Creek, and Paloma Creek). Recognizing that downstream waterways have existing deficiencies, the City of Atascadero will require that runoff generated by the proposed project would not increase the existing flood hazard to downstream properties during a 100-year storm event.
1.3.4 - Recreational Facilities and Open Space

The project would include a development of approximately 3.9 miles of Class I Multi-Use paved paths, approximately 9.6 miles of unpaved trails, and an approximately 2.7-mile National Forest Service Connector trail easement. The first two types of facilities would be provided near the developed uses within the Specific Plan area and are intended to connect to existing city streets and trails. The latter facility would be provided within the far western portion of the Specific Plan and would close a gap in the proposed regional trail network between the Los Padres National Forest and the Atascadero Land Preservation Society property near State Route 41.

Approximately 2,585.1 acres of the Specific Plan area (approximately 75 percent) would be dedicated for open space use. These areas would include Agricultural Open Space, where the existing Eagle Ranch grazing operations would continue to occur; Private Open Space, which are “no-build” areas within residential lots; the Public Park; Resort Open Space (including an open space area within the Resort Hotel area); and the Staging Area.

1.3.5 - Phasing

The Specific Plan is anticipated to be developed in approximately 10 general phases, summarized in Table 2. Generally, development is anticipated begin in areas closest to existing roadways (e.g., Atascadero Avenue) and then extend further into the ranch. Phases are not required to happen in any specific order, so long as necessary improvements are provided for construction of each phase.

Table 2: Preliminary Phasing Summary

<table>
<thead>
<tr>
<th>Phase</th>
<th>Location(s)</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>South of Atascadero Avenue/Santa Barbara Road; lots adjacent to San Rafael Road (east and west) and Los Osos Road</td>
<td>72 single-family residential lots; highway commercial uses; Atascadero Avenue (south) and San Rafael Road (east) access points; Staging Area</td>
</tr>
<tr>
<td>2</td>
<td>South of Ortega Road and west of Phase 1</td>
<td>109 single-family residential lots; 93 multi-family units; Village Center; public park</td>
</tr>
<tr>
<td>3</td>
<td>West of Phase 2</td>
<td>87 single-family residential lots</td>
</tr>
<tr>
<td>4</td>
<td>Area west of Atascadero Avenue/San Diego Avenue</td>
<td>43 single-family residential lots; Atascadero Avenue (north) access point</td>
</tr>
<tr>
<td>5</td>
<td>West of Phase 4</td>
<td>39 single-family residential lots; San Rafael Road (west) access point</td>
</tr>
<tr>
<td>6</td>
<td>South of San Carlos Road; west of Phase 5</td>
<td>35 single-family residential lots; San Carlos Road access point</td>
</tr>
<tr>
<td>7</td>
<td>West of Atascadero Avenue; north of Phase 4</td>
<td>16 single-family residential lots</td>
</tr>
<tr>
<td>8</td>
<td>South of San Diego Road (west); west of Phases 3 and 6</td>
<td>67 single-family residential lots; San Diego Road (west) access point</td>
</tr>
</tbody>
</table>
Table 2 (cont.): Preliminary Phasing Summary

<table>
<thead>
<tr>
<th>Phase</th>
<th>Location(s)</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>West of Phase 8</td>
<td>26 single-family residential lots</td>
</tr>
<tr>
<td>10</td>
<td>South of Phase 9</td>
<td>Resort hotel</td>
</tr>
</tbody>
</table>


1.4 - Required Approvals and Intended Uses

The proposed project requires the following discretionary approvals:

- General Plan Amendment
- Specific Plan Adoption
- Development Agreement
- Annexation
- Pre-Zoning
- Site Plan Review
- Urban-Reserve Line and Urban Service Line Adjustments
- Vesting Parcel Map(s)
- Phased Vesting Tentative/Final Map(s)
- Road Abandonment
- Park Reservation Abandonment
- Facility Funding District Formation
- Tree Removal Permits
- Conditional Use Permit(s)

The City of Atascadero has jurisdiction over all of the above-listed approvals. The San Luis Obispo County Local Agency Formation Commission also has jurisdiction over the annexation approval.

1.5 - Environmental Review

1.5.1 - Potential Environmental Effects

The EIR will evaluate whether the proposed projects may potentially result in one or more significant environmental effects. Construction activities (grading, tree removal, off-site improvements, stream, crossings, etc.) and operational activities (traffic, noise, air emissions, light and glare, etc.) will be evaluated in the relevant EIR sections listed below.

- Aesthetics, Light, and Glare
- Agriculture Resources
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Utility Systems
1.5.2 - Effects Found Not To Be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the project to result in significant impacts, the following issue will be addressed in the Effects Found Not To Be Significant section of the EIR.

Mineral Resources

The project site contains grazing land. The project site is not mapped as a “Mineral Resource Zone” by the State of California, the County of San Luis Obispo, or the City of Atascadero. Additionally, the project site has not historically supported mineral extraction operations. This precludes the possibility of the loss of mineral resources of statewide or local importance.

1.6 - Scoping Meeting

A public scoping meeting will be held at 6 p.m., Thursday, June 13, 2013, at the following location:

Atascadero City Council Chambers
6907 El Camino Real
Atascadero, CA 93422

At this meeting, agencies, organizations, and members of the public will be able to review the proposed project and provide comments on the scope of the environmental review process.
Exhibit 2
Local Vicinity Map
Aerial Base

Legend
Specific Plan Boundaries

Source: Google Earth Pro, 2011.
A.2 - Responses
I am writing today to share my comments and concerns about the Eagle Ranch Project.

1. Heavy Increase in Traffic - Both during construction and after completion.
   * In regards to the on and off ramps for HWY. 101.
   * On our narrow two lane neighborhood roads ie Atascadero Ave, San Diego, Santa Rosa, San Gabriel, Colorado and the other roads in the immediate area of the project.
   * Would it be possible to create an on and off ramp off of the property south of santa barbara road? Also paid by the project and not our tax dollars.

2. Fire Safety - both during construction and after.
   * Will there be more of a fire threat with more vehicles on our roads and more people in the wilderness areas?
   * Will there be a broadened fire evacuation plan prepared that would allow timely and safe evacuations if need be?
   * Will there be an additional fire station added to the project?

3. Light Pollution
   * One of the reasons we bought our home in this neighborhood (Colorado Road) is because there is very minimal light pollution and we frequently enjoy the night sky and meteor showers when they are here.

4. Noise Pollution - mainly thinking due to construction which from what I understand will go on for several years. The noise from the vehicles used in construction is a concern to me as we also bought our home here for the quiet neighborhood that it is.

5. Natural Habitat -
   * Wild Animal impact - how many will be displaced and will the construction and project drive more of them into our existing neighborhoods?
   * Watershed, runoff and flooding - there are many areas that flood in the projected area so what will be done to ensure that those flood prone areas are not inundated with more runoff and water?
   * Preservation of Oaks and our rural feel.

6. Possible downsize the project to minimize impact and still be able to turn profit for Smith family?

7. Is there a market for these homes?

I don't want a dime of my tax dollars going to pay for any part of this project as it is not one I have voted for, sounds unreasonable, but it's truly how I feel. I would rather the city put it's resources into continued focus on our downtown area and to stop spreading itself and resources out to other outlaying projects. Potential is the word that always comes up when I talk about our town to people from other areas. They see the potential but it's not there yet, and I feel the same way. We have too many empty business downtown that need a face lift and to be filled with a local business. As a young mother, I plan on raising my children here and I would like to be able to maintain the peaceful lifestyle that we have now. We moved into our neighborhood for these reasons; beautiful oaks, quite, light traffic, the property lots are big enough to feel like we have our own space, it feels rural but not too far from town, the nights sky, and our neighbors have been here for a long time...we especially loved that our neighborhood doesn't have a quick turnover in occupants. People seem to buy here and stay for a long time. We specifically looked for homes
that were away from apartments and condos because we didn't want to live in a neighborhood where our neighbors would be changing all the time as typically the homes are not as cared for, be they apartment rentals, condos or other. I appreciate you taking the time to read this and take it into consideration. Please treat this project as one that would be directly in your neighborhood, maybe it is. Think about the small children that ride bikes on these streets and play in the existing neighborhoods that will grow up here. Please help us to maintain our quality of living and preserve our wonderful community.

Thank you very much.

Jody Baker
Dear Sir,

The development of the Eagle Ranch sounds so interesting. My husband and I have one question that I believe needs addressing—that of police and fire protection. Won't you need these services rendered in a speedy and expeditious manner? Right now our police force and fire protection are struggling to keep up with our "strip city." Will they be building a new police station and fire station to handle this area? Then they be expecting the "Fast" Sheriff to respond? We are curious because of all the words and such as much "feel" to town, little idea about Emergency Reserve Time—ambulances and police?

We want to hear your plans.

Sincerely,

George & Mary Bentley
12346 El Camino Real
Atascadero, Calif. 93422
Ms Callie Taylor:

I am making an additional request that the following environmental concern be addressed in the environmental impact report of the Eagle Ranch Specific Plan and Annexation:

- Increased motor vehicle traffic at the highway US 101 Santa Rosa Road overpass.

This request is in addition to the previously sent. See Below.

Thank you.

Julie Clark

-----Original Message-----
From: Julie Clark [mailto:juliannahclark@gmail.com]
Sent: Thursday, June 13, 2013 6:57 PM
To: 'ctaylor@atascadero.org'
Subject: PLN 2008-1280 Notice of Preparation of EIR

Ms Callie Taylor:

I am requesting that the following environmental concerns be addressed in the environmental impact report of the Eagle Ranch Specific Plan and Annexation:

- Increased motor vehicle, bicycle and pedestrian trips on San Gabriel Road between San Rafael Road and Atascadero Avenue;

- Increased motor vehicle, bicycle and pedestrian trips to and from San Gabriel Road School and the impact on the Safe Routes to Schools program; and,

- Access to public transportation for the residence of the proposed project.

Thank you,

Julie Clark
8795 San Gabriel Road
Atascadero, CA  93422
City of Atascadero  
Community Development Department  
6907 El Camino Real  
Atascadero CA 93422  
Attn: Ms. Callie Taylor

Dear Callie

I live with my wife, Sherry at 84455 San Rafael. One of my concerns with the Eagle Ranch development is the increased traffic on our street. Currently, it is estimated that 50 cars a day travel in front of our house. It is estimated that will increase to 1500 cars a day when Eagle Ranch is fully developed. Our portion of San Rafael was paved as a favor by Alex Madona to the Sanfords. The new asphalt was laid over the existing dirt road. There was no road base preparations. This road will not survive the development let alone the construction traffic.

The intersection of San Rafael and San Carlos is a dangerous intersection due to the angle the two roads meet. Looking west when on San Carlos to see on-coming traffic from San Rafael is a difficult angle to turn your head.

The intersection of San Rafael and Los Osos is another dangerous intersection. Besides the speed that people drive, there is no clear indication on who has the right-of-way. I have seen several near misses.

The intersection of San Rafael and San Gabriel will not handle the traffic. It is impossible now to turn onto San Gabriel when school is starting or letting our at the end of the day. Will there be a right hand turn lane onto San Rafael from San Gabriel? Will there be a left hand turn lane from San Gabriel onto San Rafael?

There is excessive speed between San Carlos down to San Gabriel. What type of controls will be in place to limit and control this speed. People from the surrounding areas park at San Rafael and San Gabriel to “walk the loop”. This type of activity will become to dangerous with the increased traffic flow.

When turning left onto San Rafael from Chandler Lane, the visibility looking west is limited. The Roger’s who live across the street, back out onto San Rafael. The high rate of speed down San Rafael will make these areas another dangerous spot.

It would be best to direct all traffic toward the 101 freeway and limit high flow of traffic on streets that were not developed for this type of travel.

Thanks for your consideration.

[Signature]

Geoff Connan
June 9, 2013

City of Atascadero
Community Development Department
6907 El Camino Real
Atascadero CA 93422
Email: ctaylor@atascadero.org

Attn: Ms. Callie Taylor

Re: NOP June 13, 2013 EIR for the Eagle Ranch Proposed Development

Consideration: Fire Protection

Arson caused the 41 Fire August 15, 1994

Having witnessed the fire suddenly appear and rapidly rage across the property the roads and suggested escape routes through the proposed development are inadequate.

A fully equipped manned fire station should be included in the development.

Consideration: Roads

The primary ingress and egress, and escape route, for the proposed development is Atascadero Avenue. During a disaster Atascadero Avenue and connecting roads would result in a congested traffic snarl.

Thus far the city and developers appear to be concerned primarily with that portion of roadway that stretches from the Santa Barbara highway ramps along Atascadero Avenue to San Rafael Rd. Atascadero Avenue from Santa Barbara Rd. to Highway 41 will be impacted.

Consideration: Water

Atascadero General Plan’s policy 15.3

“Ensure that adequate service capacity and facilities exist prior to approving new development.”

The proposed development will cause a considerable drain on our water company’s ability to meet the needs of the entire community of shareholders serviced by The Atascadero Mutual Water Company. The shareholders have experienced water restrictions during drought years.

(It should be noted that the Atascadero Mutual Water Company’s services extend beyond the city boundaries of Atascadero and the proposed Eagle Ranch development. Further, the Lake Nacimiento Project is not a guarantee of sufficient water supplies during extended droughts.)
Consideration: Noise

Due to the air and wind currents from the west the sounds emitted from the proposed outdoor amphitheater will have an unpleasant effect on the surrounding neighborhoods.

Consideration: Neighborhood Compatibility

Atascadero General Plan’s policy 2.1

“Ensure that the new development is compatible with existing and surrounding neighborhoods.”

The proposal calling for hotels, apartment and condo complexes is inconsistent with the character of the existing rural/suburban neighborhood; and, is a violation of the general plan’s use of the property which does not anticipate nor endorse commercial development there.

Kathleen Daly

10650 Colorado Rd.
Atascadero, CA  93422
P. O. Box 255  
Atascadero, CA 93422  
June 11, 2013

City of Atascadero  
Community Development Department  
6907 El Camino Real  
Atascadero, CA 93422

To Whom It May Concern:

This letter is in regards to the Eagle Ranch EIR Transportation Survey. For the traffic survey to be valid and accurate, it is imperative that the traffic counts be done when Santa Rosa School and San Gabriel School are in session, especially during student drop-off and pick up times. The traffic on Atascadero Avenue, San Gabriel Road and Santa Rosa Road is significantly different during school vacations and weekends.

It was surprising to note the possibility of the closure of San Diego Road entrance to U.S. 101. When was the public informed of this during the community meetings?

At the community meetings, discussion was presented about two accesses to the ranch from Atascadero Avenue. Observing the current map, a cul-de-sac empties directly on to Atascadero Ave., making three access points.

Patti Davis
To: City of Atascadero  
Community Development Department  
6907 El Camino Real  
Atascadero CA 93422  
Attn: Ms. Callie Taylor  
Email: ctaylor@atascadero.org

From:  
Dennis and Sara Derickson  
8735 San Rafael Road  
Atascadero, CA, 93422

Re: Eagle Ranch EIR.

We would like to see the following items addressed on the Eagle Ranch EIR.

1. The section of San Rafael Road adjacent to 8735 San Rafael Road should be used for local traffic only. It should not be part of a shortcut between Highway 41 and Highway 101. Keep traffic density minimized such that the road only serves the local residences.
2. Zoning for Eagle Ranch should allow for domesticated animals just like my zoning at 8735 San Rafael Road and much of the city of Atascadero.
3. Please put a path way for pedestrians on the South Side of San Rafael Road near my house. There are many people who currently walk down our road and we need a place for these people to continue walking down our street.
4. Make sure that zoning density does not abruptly change. For instances, you cannot have smaller (sub 2.5 acre) lots adjacent to large lots (2.5 acres and greater).
5. Keep the speed of traffic on 8735 San Rafael Road to be reasonable. Take design measures beyond simple signage to assure that speeding is not possible on this road segment.
6. Plant new trees where possible.
7. Preserve our neighborhood rural and agricultural character as much as is possible.

Sincerely,

Dennis and Sara Derickson  
Daughters Dagmar, Sigrid and Gudrun Derickson  
8735 San Rafael Road  
Atascadero, CA 93422  
805-756-7584  
dericks@calpoly.edu
Ms. Taylor:

I hope I was sufficiently coherent last night, but in case I left things unsaid, I'd like to forward to you for inclusion some thoughts I put together in the middle of the night. I think they are reflective of my learning more about the process, including conversations I had with the likes of Russ Thompson, Vic Montgomery, John Daly, and others. Anyway, they had the benefit of time and thinking, as opposed to shooting from the hip orally in front of the public.

Dave Evers

On Fri, Jun 14, 2013 at 8:46 AM, Callie Taylor <ctaylor@atascadero.org> wrote:

David & Karen,

Thank you for the email regarding the Eagle Ranch EIR Notice of Preparation. Your comments will be given taken into consideration during the preparation of the Draft EIR.

Thank you,

Callie

Callie Taylor
Senior Planner | City of Atascadero
805.470.3448 | ctaylor@atascadero.org
We are one of the families living in the Eagle Creek Court cul de sac, which was referred to at the last city council meeting as "those Kelly Gearhart houses", by the RRM person presenting his case. This is typical of the attitude of the city, the developer, and the engineering firm toward our neighborhood, along with the failure of those people to inquire as to our feelings about this process. I know that we will be forced to live with the lights from the proposed hotel on the southern end of the property from our back patio, with no relief from the lights which are described as down-facing lights. That doesn't help when they are mounted on poles based higher than the elevation of our own property. That is a definite skyscape and lighting interference problem for us. We have major concerns regarding the ability of the hotel to create a business which would experience any greater fill percentage than the other hotels and motels in the city, most of which operate at very low fill rates. We see the Carlton in the middle of town going virtually empty, the Colony Best Western at the northern end fairly unused, then there is the new Marriott proposed for the Home Depot area which would not be a real draw either, and now this monstrosity at the far opposite end of that to lure people here for what purpose? All it would do is stretch the city even farther north to south, with nothing to gain from it. Could it be an undiscovered vacation mecca perhaps? Let alone the equestrian resort lodging in the middle of the development.

Next is the issue of traffic flowing down our arterial toward the Santa Barbara freeway ramps and to El Camino. The very idea that drivers exiting the residential portion of the development (a fair number of which would be likely to need to go north), most traffic would be routed south to the extent described by RRM where the increase in drives past our area would increase by many times the number now using this route. This increase factor is not being applied in any other area of the development, and we wonder why such an increase is allowed for our area. The noise impact, the traffic impact, the safety of people turning at our inroad, and the general lifestyle we enjoy now would be significantly affected, while saving the ambience and the viewscape of those properties in the more desirable areas near Ortega Road.

The main point we want to make is that we feel the city, the developer, and the engineering firm have given us precious little influence over how our lives will be impacted. We would prefer to have less traffic impact, less lower echelon construction near us(workforce, low income, senior, multi-family) and definitely no commercial-hotel construction which is so much an effort to increase tax base at the expense of 13 homes in our area. At one time, our area was considered to be a nice, clean, desirable area, even after the golf course was abandoned for some Ohio projects. What is proposed is something we feel is going to cause us to lose property value, lose the quality of life people in the San Diego/San Rafael Rd areas are fighting for and getting consideration for. Please, be fair! Give us equal time, equal voice, and equal opportunity to maintain most of what we bought over here for. I'm sure we would make the time to talk with you folks, if you would give us the same opportunity.
David and Karen Evers

150 Eagle Creek Ct

466-2175
Ms. Taylor:

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David and Karen Evers
150 Eagle Creek Ct
466-2175
EAGLE RANCH TALKING POINTS

The proposed hotel at the south end of the project will devastate the night sky for all nearby non-project residents. The light standards described in February’s meeting will be higher than the existing homes on Atascadero Rd and will also ruin what ambience we on Eagle Creek Court moved here for. The noise of traffic entering the southern end will also be a major change from what we now have, in addition to the highway 101 noise we deal with.

Traffic increasing from the current 350-400 trips per day to the approximately 7000 as previously mentioned at build-out is enormously larger an increase than any one area should encounter. While the Santa Rosa overcrossing is admittedly congested in the busy times of the day, that is nothing compared to what Santa Barbara Road will be experiencing. The final result of this will not be a reduction of traffic at Santa Rosa Road, but the creation of the same type of problem at Santa Barbara Road.

While water is to be supplied to the project from AMWC as agreed to years ago, the source of that water is the same source the rest of the city is supplied from, which is not being filled and will not likely support the needs of 494 home sites and commercial needs as well. We have had plenty of dry, water-rationing years in the 32 years I have lived here, indicating the over-extending of our ability to provide water for an additional 494 home sites and commercial needs.

The emergency roads as described don’t appear to be enough for the amount of equipment needed to fight fires such as the Highway 41 fire in 1994. That one fire ravaged the area now under consideration for building the home sites, plus more in the southerly direction from there including Eagle Creek area, Santa Margarita, and Cuesta Grade. There has been no discussion I’m aware of that deals with such a catastrophe and how it would be dealt with, let alone the need to evacuate residents from the project area in a short time frame, God forbid it should happen again.

Thank you,

Dave & Karen Evers

150 Eagle Creek Ct
<table>
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<tr>
<th>DATE</th>
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<tbody>
<tr>
<td>NAME</td>
<td>Robert and Wendy Fisher</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>8775 San Rafael Rd.</td>
</tr>
<tr>
<td>PHONE</td>
<td>8054667193</td>
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<tr>
<td>EMAIL</td>
<td><a href="mailto:rsfarch@yahoo.com">rsfarch@yahoo.com</a></td>
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<tr>
<td>COMMENTS</td>
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<td>We request that the following concerns are included in the EIR now being prepared:</td>
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<tr>
<td></td>
<td>1. Effect on the wildlife now inhabiting the ranch, for example the foxes, deer, bobcat, etc. (except for the pigs)</td>
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<td>2. The traffic studies must be performed when school is in session.</td>
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<td>3. Particular attention should be paid to the traffic and road design from San Carlos to San Rafael, to San Gabriel Roads, especially the intersection design at San Rafael and San Gabriel Roads. Road width on this route also is also a concern.</td>
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<td>4. Entire project needs to pay its own way with no added short or long term expense to the present population.</td>
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<td>5. Long term water requirements in regards to present and future AMWC capacity.</td>
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<td>6. Present and future sewage plant capacity and expansion projections for sewered portions of the project.</td>
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<td>7. Santa Rosa Rd. overpass over-capacity issues. How do they plan on keeping most or all of these additional trips off of this overpass.</td>
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<td>Thank you 1</td>
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The city will, in all probability, be rationing water this summer and, in reality, should be rationing it now given the lack of rain and depletion of the water table. The water level at Lake Nacimiento in May is 45% of capacity, Santa Margarita, reservoir is 55% of capacity, San Antonio, 39% of capacity. So the big question re the Eagle Ranch development is: "From where is the water coming for these proposed 500 homes?"

Robert Fuller
8715 Sierra Vista Rd
Atascadero
Eagle Ranch Issues for EIR  Karen Gordon 8100 San Rafael Road; PO Box 1078

#1 loss of existing rural lifestyle

#2 Traffic

I am a resident on San Rafael Road (west end) and live on land purchased by my family about 52 years ago when SRR was a narrow dirt rut which ended just east of our lots. Across the road was the By-Way Goat Ranch. It was out in the country. There was the magnificent dark night sky! I realize we won’t get that peace and openness back, but that is my reference to our neighborhood.

San Rafael Road (west) and Los Osos Rd. are a popular and much used area for walking solo or in groups or with children and/or dogs, biking, running, and horseback riding. The wildlife and wildflowers are important to many who live here. Birders come to Atascadero especially to the A. creek/ Hwy 41/ San Rafael Road area.

Local traffic is already an issue at times. It is unconscionable to dump the projected 1386 additional daily trips onto west SRR as per the Nov 2012 traffic study. The future traffic studies need to be done during school opening and release hours at a minimum. It is already almost impossible to get onto San Gabriel Road from west SRR during those times. Also, the cars essentially “park” in the roadway and on the “no stopping” zone shoulders near SG school at release times. No one, even a fire truck or an ambulance, can get through. In the AM’s the parents SPEED to and from the school. Savvy walkers avoid those times. The children can’t. The school was built expecting the majority of children would ride the bus to school. Some motorists will go to Old Morro Road East to by-pass San Gabriel and thus increase the Los Osos traffic on their way to Eagle Ranch homes.

Who bears the cost of the improvements needed along the length of west SRR to accommodate the extra 1386 trips each day?? Will there be a full length path (not sidewalk) along SRR west? What about the already collapsing culverts for the existing seasonal creeks? How do you minimize the impact of all the extra traffic. Especially, what traffic-calming measures will be implemented? How soon? We could use some NOW!
<table>
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<tr>
<th>DATE</th>
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<tbody>
<tr>
<td>NAME</td>
<td>Terry and Cynthia Granvold</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>8990 san diego rd.</td>
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<tr>
<td>PHONE</td>
<td>805-440 7312</td>
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<tr>
<td>EMAIL</td>
<td><a href="mailto:tgranvoldconst@sbcglobal.net">tgranvoldconst@sbcglobal.net</a></td>
</tr>
</tbody>
</table>
| COMMENTS   | To whom it may concern,  
We would like to make our concerns a matter of public record.  
The traffic, and road noise from the traffic.  
The impact on the water table.  
The sight and sounds of the new homes.  
The street lights.  
Fire danger.  
Homes being built on hill tops.  
With more people to the area comes more crime concerns.  
High speed on atascadero ave, it is already a problem.  
Will the off and on ramps on hwy 101 be able to handle all extra the traffic? Santa Barbara exit, Santa Rosa exit?  
Foot traffic, on paths that are going to be running across the front of our property, which will be a huge loss of privacy.  
The last plan we saw has a change to our driveway will that change our property value?, more property Taxes?  
How will the creek that runs across the bottom of our property be impacted?  
How will our home owners insurance be effected?  
We are not happy about being forced to go south only as we exit our property, can that be changed?  

Thank You, Terry, Cynthia Granvold

Flooding.
The following are additional comments that I desire to be considered regarding the Eagle Ranch EIR in addition to those discussed below. Since the City of Atascadero staff has recognized on the record for this project the existing hazard to public safety at the intersection of Atascadero Rd and San Diego Rd due to excessive traffic speeds and unsafe driving conditions, as part of the Phase 1 of this project the City should require mitigation of any additional traffic construction or otherwise than will be involved with Phase 1 of the project. A very effective and reasonable priced mitigation for Phase 1 should be the installation of 4 way stop signs at the intersection of Atascadero Rd and San Diego Rd and posting the 1000 ft south of this intersection as 35 mph both in the northerly and southerly direction. The stop signs then could be removed and replaced by the proposed installation of stop signs and a crosswalk at the northern access on Atascadero Rd during a later stage.

The following are my comments regarding the scope and content of the EIR, and the environmental issues and alternatives to be addressed in the Eagle Ranch EIR. These comments are a summary of all the previous comments that I have made regarding the proposed project and I refer you to my previous comments which are part of the public record regarding this project. My concerns regarding this project relate to public safety issues regarding the proposed street improvements being made in the vicinity of Atascadero Rd and San Diego Rd. At previous meetings regarding this subject I have raised these issues and if you look at the public record for this project you will notice the City staff agreed with my comments regarding excessive speeds on Atascadero Rd especially considering curves and vertical elevation differences that make it difficult for traffic on the road to see vehicles exiting driveways and for pedestrians crossing the road in this vicinity. In addition it should be noted that horses cross the road at this location. The proposed project is proposing to have stop signs and a crosswalk at the proposed northern entrance on Atascadero Rd which is a good start to addressing this problem. Since this issue is a public safety issue CEQA requires these issues to be adequately mitigated. In addition the Atascadero City code adopted the state Highway Design Manual traffic standard that requires consideration be given to curves and elevation differences when establishing traffic speed limits. This same state standard also requires that consideration be given to handicapped persons. My daughter is handicapped and the traffic speeds in the vicinity of this intersection adversely affects her ability to safely cross the street in the vicinity of Atascadero Rd and San Diego. The existing traffic speed limit signs on Atascadero Rd appear to allow traffic speeds up to 45 miles per hour (mph) going north. Immediately north of the entrance the traffic signs require 35 mph. Going south on Atascadero Rd from Santa Rosa the speed limit signs show a 35 mph limit. In addition to the project proposed mitigation of cross walks and stop signs at the northern entrance, the City should limit the speed to 35 mph in the 1000 ft south of the intersection of Atascadero Rd and San Diego Rd to adequately protect public safety and to mitigate these significant issues.

In summary in order for the City to conduct an adequate and complete review of the issues that I am raising, the City Council should be requesting an adequate complete thorough review of the applicable standards for traffic control that I am raising. The record of the City’s consideration of these issues should be transparent and made available to the public since these public safety issues
may ultimately be subject to an independent third party review that may subject the project to unnecessary delays.

Examples of the requirements applicable to this project in accordance with the Atascadero City Code such as the Highway Design Manual are as follows:

1. Section 402.2 undesirable geometric features, i.e., inadequate approach sight distance, grades, presence of curves and pedestrian crossing distances
2. Section 402.4 Consider All Users-bicycles and pedestrians should have their needs considered
3. DIB 82 for protection of handicapped people

In addition to the EIR providing a study of street carrying capacity I am requesting that a specific study be performed of applicable traffic standards applicable to this intersection and that a copy of the compliance study be provided for public review and comment.

Please provide a copy of these comments to your EIR traffic consultant and to Russ Thompson who are very familiar with my public safety concerns that require mitigation in accordance with CEQA and the Atascadero City Code. I will be unavailable unfortunately to attend the public meeting and make these comments in person due to a personal schedule conflict.
To: Callie Taylor, Senior Planner - City of Atascadero Community Development Department

From: Karen and Mike Harper, 9095 Santa Barbara Rd

Subject: Comments for Eagle Ranch Specific Plan and Annexation NOP

Please consider the following comments and observations when preparing the Environmental Impact Report. We have grouped the comments by EIR section.

Thank you for taking the time to review these comments!

**Aesthetics, Light and Glare**

1) Light pollution and glare from the highway commercial hotel will affect the existing residents in the following ways:

   a. The hotel will have lighting for the safety of its guests and to attract the attention of travelers on highway 101. The surrounding new 72 homes and the existing residents on both sides of 101 will be bathed with light. Ambient light from the highway commercial (restaurant, hotel, event lawn) will diminish the rural nature of the area and optimum night sky viewing conditions.

   b. The hotel is 2 – 3 stories so exterior hotel lighting and lights from the 200 rooms will spill out of the area well beyond the confines of surrounding hills.

   c. The hotel signage and advertisements directed to entice freeway traffic changes the neighborhood aesthetics to crass commercial.

   d. The hotel event lawn will likely hold events during the day and at night and especially on weekends when residents are home trying to enjoy their home and not party with the hotel guests. How many events will be held? Will there be restrictions on the size of the events? What type of events? Will they have entertainment (live bands, amplified music)? What noise restrictions will be enforced? How many cars will be driving Santa Barbara Road from and to the 101 off ramp to enter the South Atascadero Ave access point to get to these events?

2) Hotels have lots of lighting for the safety of their guests and even if the lights are pointed down it destroys the aesthetic value of the area.

3) Garbage from out of town guests visiting the hotel. Currently we have a garbage problem from people pulling off the freeway at the Santa Barbara exit and dumping their trash on the side of the road. In the last several years we have had people pull into our driveway to dump their dirty diapers, use our driveway as a toilet, dump their fast food trash bags, dump their prescription drug medications, cigarette butts, all forms of alcohol bottles and cans, all forms of plastic drink containers. I don’t see how the highway commercial center will do anything other than make this worse.

**Opinion:**

The current **aesthetic value** of where I live with the open view of the beautiful hillsides, trees, flora and fauna will be forever destroyed by the unprecedented massive development that will occur with
the Eagle Ranch project. Natural hillsides and valleys will be replaced with houses. Trees will be replaced with lawns driveways and garages. Beautiful rock outcropping and streams will be bulldozed into history. The building of hundreds of single family homes, multifamily residential units along with a resort hotel a village center and a “Highway Commercial’ enterprise will generate so much light and glare that there will be no more dark skies. Seeing any faint stars and other astronomical vistas will be destroyed. The garbage left blowing in the wind will fill the gutters and bushes adding to the urban transformation and urban ambience which is the antithesis of why we live here.

**Agriculture Resources**

1) That is easy. There will be 3430 acres less Agriculture resources available.

Opinion: As part of the agriculture nature of the current Eagle Ranch, I am used to hearing cattle feeding on the natural food supply provided within the ranch. The open nature of the ranch provides opportunity for other agricultural development. Paving over the natural grassland and aggressively destroying the natural environment will obviously eliminate any current and future agricultural use of the development consumed areas.

**Air Quality/Greenhouse Gas Emissions**

1) Adding hundreds of homes to an area which previous had none and each of them with multiple cars per household, fireplaces, outdoor fire pits, lawn mowers, weed whackers, blowers, and barbeques, Hundreds of cars traveling on the new 19.8 miles of roadway.

2) In addition to the residents the project will be attracting non-residents to reside in the hotel and resort. The hotel will be attempting to fill 200 rooms daily and the resort 100 rooms. Hotels and Resorts are open 365 days a year. A 200 room hotel for a year would be attempting to book 73000 rooms a year. If each room just had one car associated with it that would be 200 cars a day and 73000 a year and that doesn’t even count the employee vehicles.

3) During the construction phase of the project, estimated to be 10 or more years due to the phased approach, the area will be subjected to construction equipment including large delivery trucks, dump trucks to remove/add land fill materials, diesel trucks, chemicals used to transform the landscape and build the homes, bull dozing, paving of the 19.8 new miles of road are just ones that come to mind. How many trips back and forth into the project and through the neighborhood will these vehicles make. It is too massive to name all the impacts new construction has to an area.

**Biological Resources**

1) Displacement of the animals due to the elimination of their habitat. Atascadero Avenue between Ortega and Santa Barbara Road and between Ortega and San Gabriel Road is a frequent deer, wild boar, turkey, fox, and jack rabbit crossing. Those are just the ones we see when walking.

2) Will there be fencing to prevent large animals from crossing Atascadero Avenue to prevent accidents that will occur when you dramatically decrease the animal habitat and dramatically increase the amount of traffic on the roadway?

3) Golden Eagle displacement – Elimination of existing trees to make way for the development will have adverse effects on the golden eagle habitat. They return to their nests each year. We have a nest in a large oak tree in our back yard and they indeed return each year to nest.

Opinion:
We all know that destroying natural open space has obvious consequences besides making money for the owners, developers and planners. Let’s start with our animals living in the Eagle Ranch area which is part of the Los Padres National Forrest. The massive development of this wilderness will destroy the habitat and displace the likes of everything. Here is part of the list that I am sure you know: Eagles, King snake, Deer, Coyotes, Rabbits, Bobcats, Foxes, Pigs, Bears, Owls, Eagles, Fish, Frogs... this is just a few of the impacted animals. In addition we have old growth pine trees, chaparral. And the cleansing effects that the natural plants have on our air.

Cultural Resources

In addition to any lost Indian artifacts and ceremonial sites and burial grounds, our main concern is how our current local culture will be forever changed by this massive land grab and development effort. The increase of all pollution is a major cultural concern. Noise pollution, light pollution, noise from cars, loud music from neighbors, dogs barking, septic systems. The rural open space culture will be replaced with the urban wasteland culture.

Geology Soils and Seismicity

Massive earth moving and other transformations will open the door for soil erosion into the creeks, landslides, and other phenomena that can occur during storms and earthquakes. Stream blockages that can occur may cause flooding and with that septic system pollution and other environmental damage to the surrounding soils. Potential additional seismic sensitivity may be increased due to the financially motivated hill carving and unnatural displacement of existing earthen structures.

Hazards and Hazardous Materials

Where shall we begin? There will be thousands of gallons of leaking gasoline, diesel, and motor oil that will now be present in all the vehicles and machinery in this new urban embarrassment. There will be propane, natural gas, electricity, PCB in the electrical transformers on the power poles, household cleaners, garage degreasers, bleach, fire starters for barbeques. And of course any tank load of who knows what that a resident decides to park at home. This topic ties into the air quality and gas emissions problems. The increased traffic will make it more dangerous to walk on Atascadero road and any of the connecting roads.

Hydrology and water quality

1) Atascadero Mutual Water prices continue to escalate to discourage water usage and penalize existing residents who landscape their properties. Even if you don’t have a lawn, trees and vegetable gardens require water and because of the lack of rain supplemental watering is necessary.

2) What is the estimated water demand of the project? EG Lewis subdivided the area into residential lots and did not have a resort and hotel or any commercial areas. At the time EG Lewis based his city vision on financial gain and did not base it on proper planning but with this project we will be pursuing this “vision”.

3) Are there any restrictions within the project that prevents wells or will residents be able to dig wells to tap into the water supply?

4) The project aims to service the hundreds of new homes with septic tanks. Will the septic leach fields (if soil permits proper drainage) drain into the existing creeks and into the aquifer?

Opinion:

The alteration of the natural streams, soils, rocks, land will all affect the hydrology of the area. The
runoff and pollution will affect the water quality. All of these things are tied together with pollution, wildlife, hazardous waste, culture. The drainage and evaporation of water will be affected if we pave the area. The water runoff will increase without soils to absorb the water the velocity of the streams will increase with the additional runoff and therefore the erosion of the streambeds will increase which increases the silt buildup in the waterways causing dams to be formed and potential flooding risks to increase. Water will become polluted as it picks up all the cigarette butts and dirty diapers on its way to the Salinas River which will become more polluted. What a mess.

**Land Use**

The most efficient use of the Eagle Ranch is to allow it to remain a watershed and a natural habitat for the already stressed animals living in this section of the Los Padres National Forrest. Our local culture gains nothing from this cavalier destruction of one of the last beautiful areas in Atascadero.

**Noise**

1) With the enormous development effort proposed by the Eagle Creek project we anticipate an enormous increase of noise. There will be a tremendous increase in traffic noise for the hundreds if not thousands of additional cars stopping at the new stop signs accelerating, honking, loud stereos, bad mufflers. The already substandard road maintenance causes loud tire to road noise along with the impacts of the hundreds of potholes and loose gravel and rocks.

2) During the 10+ year construction phase of the project the neighborhood will be subjected to the noise associated with the construction equipment, truck travels, paving, building, noise from workers, and their equipment.

**Population and Housing**

1) Density of this project is overwhelming to the area. Dove Creek is building out to capacity and has saturated the area with homes. They are also building out the Los Lomas project. We don’t even have a need for the 72 homes let alone hundreds more in the subsequent phases.

2) The homes in our area are unique in character and style and are spaced apart to ensure privacy. This project is like Dove Creek and will provide the same cookie cutter home styling associated with a massive subdivision.

3) Putting commercial enterprises in a residential area disrupts the neighborhood and is inconsistent with the rural nature of Atascadero. Dove Creek also allotted for a commercial pad within the development and the residents spoke out against it and lucky for them it hasn’t been successfully developed after all these years.

4) Atascadero infrastructure and finances are already stretched supporting the current citizens.

5) A project this size is like adding another city to Atascadero. The size far outweighs the need. It will be embarrassing to put in a project of this scale and then not maintain it properly.

**Opinion:**

How much is enough? Too much water consumed, too much pollution created. Too many unsold houses ruining the national forest. Just because E.G. Lewis drew some diagrams 100 years ago dreaming of more houses does not mean that we are tied to this suicide pact. Let’s have some class and culture and let’s not continue down the jack in the box freeway junkyard trash blowing in the wind design ethics that have made other parts of this country so pedestrian and undistinguished.
Public Services and Recreation

1) The Eagle Ranch project starting at Phase 1, even before it is built out, will add miles to the police and fire service areas. How will the response times suffer for existing and new residents? Will the City be hiring more police and fire personnel to service the hotel and 72 homes for phase 1 and then more personnel when the rest of the project is built out?

2) Placing a hotel in the midst of a residential area is a magnet for increased crime. A hotel parking lot is a natural attraction for car break ins. The parking lot will have to be well lit to discourage criminal activity (see lighting and aesthetics’ impact comments). The project has no access to this commercial enterprise from the freeway so all traffic will need to pass through the residential areas of the current neighborhood and the new project neighborhood.

3) Fire and Police protection will be required for the hundreds of new homes and business planned with this unprecedented building project. Water supplies which are limited, we have received letters form the water company about all the supply problems, will be stressed. More power poles. Hundreds of new houses will require sewer service. The sewer will require treatment. The existing roads have no sidewalks. Atascadero Road has no sidewalk.

Transportation

1) Increase in traffic on “under-utilized” Atascadero Avenue. It is already tough to pull out onto Santa Barbara Road from homes between Santa Barbara Road overpass and La Paz due to the blind curve and the freeway speed driving. Phase 1 brings in 72 new homes and a 200 room hotel which will vastly increase the number of cars on that section of the road.

2) Our cat was run over and killed this week on Atascadero Avenue in front of OW and Nancy Smith’s house (6/10/13) on the “under-utilized” Atascadero Avenue.

3) For Phase 1 and the 72 new family homes, how will Atascadero Avenue and Santa Barbara Road be improved to provide a safe place for children to walk or ride bikes from their new homes? What if they have friends that live in Dove Creek how can they safely get from the project homes to Dove Creek? We already have children walking and on bicycles trying to ride on the embarrassing crumbled mess of a roadway that has no shoulder. Will children have to negotiate the existing roadway along with the freeway speed traffic? Will the paving improvements be a patchwork depending on whether it is City, County, Cal Trans or Project responsibility?

4) Negative impact to the Santa Barbara Road overpass due to the current plan of funneling all the traffic from the interior of the project toward the overpass. Santa Barbara Road overpass is already impacted with the staggered intersection of San Antonio Road, the blind corner of Santa Barbara Rd from the Dove Creek project, and 2 each on and off ramps to the freeway. Sending 100’s of more cars to that unimproved overpass will be dangerous. Cal Trans just finished building a pedestrian walkway to this dangerous intersection apparently trying to make it safer to cross.

5) Atascadero Avenue, Santa Barbara Road, San Diego Road are all rural roads at this time and not meant to be used to service another small city worth of traffic. Will the City and RRM design ensure the improvements will be sufficient to handle the capacity? Will the City have the staff and finances to maintain them into the future? Currently the City does not have the finances or staff to properly maintain the existing roads.
6) Construction traffic for the life of the project. The immediate concerns are for the first phase but residents have been reassured that because of all the phases it will take years for the project to complete. Does that mean we will be experiencing construction traffic for the next 15 to 20 years?

Utility Systems

1) What is the status of the Atascadero Sewage treatment plant? Will the EIR take into consideration that septic tanks may not be feasible for the project and they will need to provide city sewer services to the entire project? Is the Atascadero sewer plant able to handle the increase? Does the City have contingency funds to make future improvements or expand if needed?

2) Atascadero Mutual Water has increased our rates to discourage water usage. They assure us that there is plenty of water but just a couple of years ago we had watering restrictions. We have drought conditions each year and are paying for supplemental Nacimiento water. Is the new hotel by Home Depot, the build out of the other large subdivisions, Dove Creek, Los Lomas and the Eagle Ranch project considered serviceable? Eagle Ranch involves an annexation so it would not have been part of the general plan. Will the increased demand result in restrictions and price increases for all?

   a. From the April 2011 AMWC Water Watch newsletter: “AMWC has contracted for 2000 acre feet of water per year from the Nacimiento Water Project and has the ability to take this entire amount in the summer when the water is most needed. This is enough water to support the needs of existing residents and businesses, increase the reliability of our water supply to guard against future water shortages and ensure sufficient water to meet the community’s General Plan goals”.

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Hello,

I have reviewed the NOP for the Eagle Ranch project and wondered if at the meeting on Thursday June 13, 2013 will RRM design have better maps? The reason I ask is because in the Notice of Preparation (page 4) Circulation section it describes an Atascadero Avenue (South) new primary access road as 2000 feet from US 101/Santa Barbara Road interchange. It is not easy to determine where 2000 feet is in relation to our homes. Will they have more detailed diagrams of the circulation improvements/changes with property addresses so we can see exactly where they plan to place signal lights, new roads and pave or improve existing roads? Also, it isn’t clear as to what portions of the roadway will be the responsibility of the city and whether or not those sections will be improved as part of the project.

Thanks, Karen

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http://www.pctools.com
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Hello Karen,

The term lead agency is a term from the California Environmental Quality Act. The lead agency is the city or county that is ultimately responsible for issuing permits for construction. The City has contracted with Michael Brandman and Associates to prepare the EIR for the City. Michael Brandman and Associates have been hired due to their experience and objectivity in preparing EIRs around the State. CEQA is a “sunshine” law that is intended to give the public access and input into the decision making process on development projects. Consequently, the public will have access to the analysis of the project impacts and will have multiple opportunities to provide comments.

The event lawn is intended for special events like weddings. The lawn events will be part of the hotel operation and the impacts will be part of the hotel analysis. Restrictions on the frequency and intensity of lawn events could be added to the specific plan.

Your comments will be added to the Notice of Preparation process.

Thanks

Warren.

Warren Frace
Community Development Director | City of Atascadero
wfrace@atascadero.org

I will have our staff give you a more complete answer. It is my understanding that the City does not do EIR reports and it will be contracted out. There will be many public process meetings before the Eagle Ranch project is finished so there is ample time for community input. I will ask staff to make sure you are notified of public meetings as they are noticed. Thanks for being involved in this important decision for Atascadero and Eagle Ranch.

Hello,

I am reviewing the Notice of Preparation document for the Eagle Ranch Project and have a
question regarding the first sentence of the document. When it says that the City of
Atascadero will be the Lead Agency and will prepare the EIR report does that mean that it
will be done by City Staff or will it be contracted out by City Staff to an agency that
specializes in preparing EIR’s?

I am concerned as to the objectivity of the City in preparing an EIR for this project especially
when Phase I includes the building of the highway commercial which includes a 200 room
hotel with an events lawn. That will have an enormous impact on the current residential
nature of the area but because it provides transient occupancy tax income to the City it will
likely be deemed as having no impact.

By the way what is an events lawn and how many events will it have a year? Shouldn’t
details such as type of events and size be part of the project description (Section 1.3) in
order to do a proper evaluation of the impact?

Thank you,
Karen
DATE       June 13, 2013 - 3:25 pm

NAME       Steve and Nina Harrison

ADDRESS    8375 Los Osos Road

PHONE      440-9938

EMAIL       sjhassoc@aol.com

COMMENTS      My comments are concerning Eagle Ranch Project. We live in a nice home on the hilltop that overlooks the San Carlos/ San Rafael neighborhood and the beautiful grazing meadows of Eagle Ranch. Due to my health we have not been able to attend all the public meetings but have followed the progress and changes by checking your web site periodically. We are very pleased that the Owners and their development advisors agree with the City and the neighborhood that this area needs to retain its' rural nature. We live on one of the largest lots (7.2 acres) so we feel that each of the lots we will view from above should be no less than 2 acres and would really prefer the original platted lot sizes of minimum of 4 acres. We do believe that the Owners should be able to develop their land and we also believe that compromise is fair so we thank the City for helping to arrive at the current plan for this part of the Eagle Ranch Development. We also raise fine quarter horses and love the prospect that we would be able to take a leisure trail ride on the trails to be developed. We also agree that people who live in the homes ought to have the same rules as the other residents when it comes to having animals on their property. If there are special areas where animals are not conducive for some reason then the City should include that as an exception in its' regulations.

Thank You for this opportunity to state our opinions.
June 10, 2013

City of Atascadero
Community Development Department
6907 El Camino Real
Atascadero CA 93422
Attn: Ms. Callie Taylor


Ms. Callie Taylor;

Thank you for the opportunity to address our concerns to the EIR as described in the document we received from the Atascadero Community Development Department on May 16, 2013.

My wife and I, residents and owners of the property located at 8380 San Diego Road, have serious concerns regarding the proposed extension of the upper section of San Diego Road into the Eagle Ranch development project as described under the section 1.3.2 — Circulation, Secondary Access, 5. San Diego Road (West): of the above referenced document. We object to the proposed extension.

Contrary to previous reports that the proposed road location has been staked out within the legal right-of-way, the flagged marker stakes have been erroneously placed outside the legal road right-of-way to within 30’ to 50’ inside our property line. At the Special Joint Meeting of the Atascadero City Council and the Atascadero Planning Commission held February 26, 2013, in the Staff Report, San Diego Road Connection, we have noted several items that, we believe, are misleading or are erroneous:

1. ... “Abandonment of San Diego Road at the Ranch would create a permanent safety hazard for the existing San Dimas Road neighborhood.”...

The San Dimas neighborhoods connect downhill to Los Osos Road and Highway 41. How can abandoning a non-existing road create a permanent safety hazard? The residents of these neighborhoods used San Dimas Road as the emergency route to evacuate during the Highway 41 wildfire in 1994 and there weren’t any problems. Why would these residents consider a secondary emergency road going uphill into an area that is prone to major wildfires? If there is truly a concern for the safety of these neighborhoods, why wasn’t anything done immediately after the 41 fire to increase the safety then, for these residents. We bought our property and built our home in 1996 with the full approval of the Atascadero Planning Commission and the Atascadero Fire Department. We weren’t told of any need for a "emergency access" even though this was just two years after the fire. There were several other homes built within that period in this same area that were not given any warning of a need for a “secondary access”. This “mandatory project requirement” exists only because it is a means of acquiring a convenient access into the Ranch at no cost to the City.
2. ...“The proposed location of the San Diego Road emergency access connection has been staked with markers on site. The road connection is located within the existing Colony Road right-of-way for San Diego and can be viewed on site prior to the DRC meeting.” ...

The road connection is not located within the existing Colony Road right-of-way. It was staked between thirty and fifty feet inside our property line, outside of the existing right-of-way. Our property was surveyed and duly recorded in 1996 with the City and describes the correct right-of-way, which runs through the middle of our fenced property line. We would like to know where the numbers came from that were used in placing these stakes, which, coincidentally, were placed by employees of RRM Design, the Eagle Ranch developers. These surveyors were contracted by the Atascadero Planning Commission. Why weren’t independent surveyors hired by Atascadero? Also, since these stakes have been well placed within our property line, they cannot be seen visually unless the viewer comes into our property, which is gated. We have not had anyone from the City ask to come into our property, legally, to view the stake placement with the exception of Councilman Sturtevant. We have asked, on several occasions, to have members of the Planning Commission and City Council look at the site to accurately see the disastrous environmental and safety consequences that would occur if any road connection were to be made here, and as I noted, only one individual has cared to visit the site. Incidentally, the site markers that were visible on the Ranch site of the proposal no longer exist.

As we have stated for the past three years, any construction of a road extension along our property line and the right-of-way could cause serious environmental and property damage to our site as well as to the three residences located directly below us. Any road construction at this site will seriously lower property values due to the encroachment. Any construction or grading here would require major relocation and removal of tons of soil and boulders plus the destruction of dozens of mature native oaks.

The terrain at this location sits on a steep slope, is covered by huge boulders and dozens of mature oak trees. The proposed extension would cross a seasonal blue lined water source. The area is also indicated as a high hazard landslide area as indicated on the City of Atascadero Land Hazard Mitigation Plan.

The proposed San Diego Road extension has now been described as a secondary road extension, but apparently that means the road is still, basically, an emergency fire access connection that will require, according to Cal Fire codes, a 40 foot wide, paved roadway capable of supporting a 40,000 pound emergency vehicle. The entrance would be non-controlled and open to general use. This would place an increased amount of undesirable traffic unto our only route to and from the upper San Diego Road neighborhood, namely, San Dimas Road, a narrow, winding, and sloping road. In case of an emergency, such as a wild fire on the Ranch, this would place all the residents of San Diego Road, San Dimas Road and Tolos Road with a serious restricted access to safety. Allowing access to our neighborhoods via this “secondary access road” from the proposed Ranch development will compromise the privacy, safety, and peacefulness that the residents of these neighborhoods desired when they bought/built their homes in these areas. This proposed road extension appears to create an accessibility road of convenience for any future residents of the Ranch.

The proposed development, as seen on Site Plan, Item Number; A-5 dated 04/23/13, shows the proposed extension of San Diego Road as a route connecting to the Ranch Village Center and on to the access to Highway 101. This means that San Dimas Road and Los Osos Road will be endangered by excessive traffic to and from the Ranch for retail businesses, delivery vehicles, supply trucks, casual visitors, and those that want to travel this route that connects Highway 101 and Highway 41.

If the Eagle Ranch development proposal is accepted, there will be serious ongoing traffic issues with all kinds of construction vehicles using Los Osos, San Dimas and San Diego Roads for access into the Ranch for the next twenty years. This will create an intolerable situation for the residents of this area when trying
to access their own homes. This road of convenience for any future residents of the Ranch development should not be a trade-off for compromising the safety of the San Diego Road, Toloso Road and San Dimas neighborhoods, creating an environmental disaster, potentially putting three residences on San Dimas Road in danger from falling boulders and debris from any upslope construction and grading, and significantly lowering property values in our neighborhoods.

The Atascadero Fire Department spokesperson at the December 13, 2012 Informational Meeting was quoted as saying to us that “we wouldn’t be discussing constructing an emergency access road for the San Diego Road residents if the proposed Eagle Ranch development had not been brought before the Atascadero City Council”. If there was no concern for the upper San Diego Road residents prior to the Ranch application, why are we now told we have to have an emergency access road into an area that has the highest probability for a damaging wild fire? We, as residents of the upper San Diego Road neighborhood, prefer to travel down away from any Ranch wild fire by using San Dimas Road, hopefully not obstructed or blocked by non-neighborhood traffic.

This proposed extension of San Diego Road should be denied and the right-of-way abandoned, as was proposed by Eagle Ranch up until 2010.

There does not seem to be any concern for the neighborhoods that border the western boundary of Eagle Ranch. These neighborhoods are densely overgrown with trees and brush, maybe there should be some fire prevention measures taken or “mandated” to Eagle Ranch to reduce the wildfire dangers that exist in this location. Since the prevailing winds blow from west to east in the Atascadero area, any fire started at the western edge of the Ranch will significantly place all the residents bordering the eastern and northern Ranch property into grave danger, as happened during the Highway 41 fire of 1994.

We fail to see any discussion for any alternative sites suitable for additional road connections other than impacting existing Atascadero neighborhoods. Why hasn’t there been any serious dialogue for a roadway running through the main center of the Ranch property from east to west, connecting the 101 with the 41 instead of creating a connection by using San Rafael Road to Highway 41, San Dimas Road to Highway 41 and impacting those present residents?

There has not been any mention of the unfunded mandates regarding new roundabouts for access to Highway 101 from the Ranch entrance and the Ranch commercial center. These are serious financial concerns that Atascadero residents will have to face in the coming years. There has been a noticeable absence of any analyses as to the financial viability of the entire Eagle Ranch project.

Creating a new commercial center on the Ranch would seem to defeat that fact that downtown Atascadero businesses are hurting for a lack of sales traffic. Does the building of two hotels on the Ranch and a retail center create business for the downtown Atascadero businesses or more traffic for the Eagle Ranch commercial interests?

Thank you,

[Signature]

H.J. "Red" Heesch
June 13, 2013

Comments for Eagle Ranch Specific Plan and Annexation PLN 2008-1280

Please study the dangers to pedestrians and bicyclists from increased traffic on Atascadero Avenue due to Eagle Ranch development. What are the recommended mitigations? I am concerned about construction related cars, trucks and other vehicles especially in the section of Atascadero Avenue between San Diego and San Rafael Road.

Is there going to be a moratorium on well drilling on the ranch?

I request that the increased water usage from the Eagle Ranch development be studied for sustainability of our local water resources. What limitations will there be on water usage for home owners who have lawns, livestock, swimming pools, and vineyards?

Submitted by Nancy Hyman
10760 Colorado Road
Atascadero, CA. 93422
(805) 466-4753
nancyleehyman@aol.com
Good Evening,

Paul Hyman  
10760 Colorado Rd  
Atascadero, CA

I will be turning in additional written comments separately.

I want to focus attention on several items during public comments.

Unfortunately, walking on Atascadero Ave between San Diego Rd and San Rafael Rd this morning, I came across first responders vehicles attending to a single car accident. The property owner remarked to me that this is not an infrequent occurrence. If you increase the vehicle numbers on Atascadero Ave from the proposed development, there is an increased probability of accidents. It’s not my opinion, its math. The City should consider the safety issues already on this road, and if not, should at least weigh the City’s liability, if it knowingly puts people and their property at risk to injury and loss through its planning process.

I am also concerned that having attended many workshops by the City, Ranch Owners, and private citizens that the accumulated issues, concerns, questions, ideas, etc have been relegated to background information for the EIR and not considered specific questions to be addressed in the EIR. Multiple times at meetings, the City elected officials and their staff, Ranch Owners, and RRM development group have said, “Oh, that’s an important question, but we can’t answer that question, the EIR will address that item.” Now that we have an EIR, we are being told that unless through the 30 day scoping process an item is not re-introduced during the comment period, it may or may not be considered for study. You should not be able to have it both ways, defer to the EIR when it is convenient and then not include it in the EIR. So I ask that all public comments and input from the initial 2008 meeting though all subsequent meetings be included in the EIR for study and mitigation.

Next item is revenue. There is not enough County property tax revenue from the proposed development even if the City received all of the County property tax monies to make this project revenue neutral, per City ordinance. The hypothetical commercial sales and TOT tax will be put on a spread sheet to try and make up the difference. Try and find the sales tax for Dove Creek and West Front Avenue. Doesn’t exist because it never got built. Neither will the mythical hotel and resort. A communities facility District (CFD) will also be put in the revenue side of the ledger, but this will raise the home prices and is not a guaranteed revenue stream by any measure.

Last item is water. This is to complex to cover in a public comment. So I would say drive up to Naciemento Lake and check it out. That is the supposed solution to any additional demands on water. Adding approximately 650 dwelling units, hotel and resort, will be a hard sell to Atascadero citizens when we have a multiple year draught. Yes, that will happen. It’s not an “if”, it’s guaranteed. Nature doesn’t care about politics, business, engineering, or other human plans.
Scale the project down to the original 452 lots and keep this part of Atascadero as it was intended by the founder, EG Lewis, rural and country.

Thank you,
Paul Hyman

For new people, Sign My clipboard to get on my email list.
April 18, 2012

Pam Kressley  
11001 Atascadero Avenue  
Atascadero, Ca 93422

Dear Pam;

In September of 1993 I completed a study of the flood hazard to your property at 11001 Atascadero Avenue. Your residence lies adjacent to an unnamed tributary to the North Fork of Paloma Creek. I found your house to be relatively safe from the 100-year flood on the creek. However, at that time (almost 20 years ago) I cautioned you to be watchful of upstream development. The reason I expressed this concern is the culvert under Atascadero Avenue. Your residence is near a relative low point on the road. The culvert goes under the road at this same low point.

The concern is the culvert. If the culvert fails to carry all the water approaching from upstream then the water will overflow onto the road and toward your residence. In my opinion, the culvert probably does not meet current design standards with regard to capacity. Further, it is normal practice to provide a “safe overflow path” should the culvert fail. Unfortunately, I don’t see a safe overflow path and if water tops the culvert I believe there is a significant risk that your residence will be flooded. My opinion of the marginal (at best) capacity of the culvert is supported by your observations of water ponding nearly to the point of flooding Atascadero Road during heavy rains in recent years.

The development of Eagle Ranch will decrease the capacity of the watershed tributary to this culvert to absorb rainfall. This means that, if not properly mitigated, there will be an increase in the rate at which water reaches this culvert thereby increasing the risk of flooding to your residence.

Even if measures are installed that will mitigate the increased runoff rate, the volume of runoff reaching the culvert will be increased unless all the runoff from the development is stored in terminal basins.
The increase in volume means that more water will reach the culvert inlet – even if it comes at a slower rate. If the culvert becomes plugged – a very likely event for culverts draining hillside watersheds – there is a significant likelihood water will top the road and risk flooding your property.

In conclusion, it is my opinion significant development on the Eagle Creek Ranch could put your residence in significant jeopardy.

Sincerely,

Keith V. Crowe
June 13, 2013
Community Development Department
City of Atascadero
6907 El Camino Real
Atascadero CA 93422
Attn: Ms. Callie Taylor
Email: ctaylor@atascadero.org

Eagle Ranch Project Concerns

1. Roads
   1. The majority of the traffic will dump onto Santa Barbara Road/Atascadero Avenue, imposing a disproportionate traffic burden and noise level on this neighborhood. Atascadero is a minor (2-lane) arterial road.
   2. These 2 proposed main access points are only .6 of a mile apart. Ortega Rd, one of the few proposed fire accesses, is in between these two, within feet of the proposed Atascadero North entrance!
   3. Atascadero Avenue is a narrow, winding 2 lane road, which is already dangerous, with a history of deaths, and many accidents. The proposed straightening of the road would only encourage drivers to go even faster. There have been numerous accidents and fatalities on this section of road.
   4. Medians would make the road even more dangerous, and there is considerable concern about emergency vehicle access.
   5. There is the ever present danger of accidents due to deer and other wildlife, which, would again, be made worse by the proposal.
   6. Traffic is already a major concern, and access to schools is all but impossible. Many residents have multiple children, and make multiple trips per day per children to transport them to school, and other activities. Additional units at Dove Creek is also adding to the congestion.
   7. Traffic surveys need to be done when school is in session, to get a true picture of the severe traffic congestion. If it is done during the summer or school vacations it would not be a fair representation
   8. Concern about additional vehicles using Atascadero Avenue (via San Gabriel, etc.) as shortcut to 101 South to avoid the already impacted Santa Rosa Interchange.
Also concerned about the proposed “Shared Driveways,” from a safety standpoint.

9. Even though traffic from the new San Diego/Atascadero Avenue (north) entrance will theoretically be diverted towards the Santa Barbara offramp, there is nothing to stop the traffic from the Atascadero Avenue intersection (South – indicated to be signalized) from turning left towards the heavily impacted Santa Rosa Road.

2. This project will devalue the homes along Atascadero Avenue, due to increased traffic and loss of rural atmosphere. It could possibly make homes unsalable.

3. We do not want any street lights or other lighting, as this would ruin the rural atmosphere and be disruptive to the current residents. We are concerned about the viewscape/nightscape.

4. Flooding is a very serious problem.

1. The **100 year flood zone A** is within feet of the proposed San Diego Road entrance. In the “Notice of Preparation” under Storm Draining it states that the proposed project “will require that runoff generated by the proposed project would not increase the existing flood hazard to downstream properties during a 100-year storm event.” Flooding occurs annually, not just with a major event.

2. This flood zone runs across Atascadero Avenue, at 11000 & 11001 Atascadero Avenue. This area cannot be widened further due the culvert and terrain. It continues to flow under the 101, and empties into the Salinas River.

3. Per experts (see attached letter), any construction that occurs on the hillsides, threatens downstream properties.

4. In addition, the proposed removal of hillsides, trees, and lowering of Atascadero Avenue threaten existing properties located near and in the 100 year flood zone. The potential litigation for the City is a very real possibility.

5. According to the County, the tax agreement, signed by all 7 cities, is not likely to be changed. The County will not make exceptions to the agreement, therefore, the City is not likely to get 2/3 of the taxes. No financial information has been provided as to how much money is likely to come to the City from the project.

6. **Fire** is a real issue!

1. There has been no major fire in this area since 1994, at which time the area of the proposed project burned clear to Atascadero Avenue. At that time, access to escape routes was already a problem. Add the additional traffic escaping onto
the few proposed access points, and people could be unable to escape. Closing the San Diego Road on ramp would remove an existing escape route.

2. Additional homes and hotel rooms will increase response times for everyone, due to the physical size of the project, and dense vegetation. The project needs its own fire department paying its own way.

3. Of the few escape routes, 2 are .6 of a mile apart, and the 3rd is in between them. The project needs its own freeway access (on and off ramps and overhead bridge, in order for all residents to be safe.

4. The cost of a major fire could bankrupt the City.

7. Land fill – There was a county landfill located near San Diego/San Rafael Rd off of Atascadero Avenue. We do not see that that has been addressed anywhere in the past.

8. Scope of the project.
   1. This project is really its own city, with the number of residences, commercial “village,” post office, and substantial hotel.

9. The City is signing the agreement for the EIR, and is therefore responsible for the cost. Is this paid up front, and is the City protected from being responsible, if there is a problem? Are there, and will there be completion bonds required?
This proposal is inconsistent with THE GENERAL PLAN

Goal LOC 5. Preserve the contours of the hills.

5. Public and private development in close proximity to scenic and sensitive lands, including creek reservations, wooded areas, flood plains, prominent view sheds and historic sites shall be designed to minimize impacts.

7. The City shall carefully evaluate both public and private projects to require the preservation of trees, watersheds, natural slopes, and other natural features.

Goal LOC 8. Watershed areas of Atascadero shall be protected.

3. The waterways in the City shall be maintained in a natural state and concrete channelization creeks shall be prohibited.

4. The City shall strongly discourage underground piping, and unnecessary disturbance of creeks and streams, and encourage use of bridges and arched culverts. Any alterations required for public safety will be guided by this policy.

10. Land disturbance shall be minimized in proximity to watercourses including necessary flood protection measures ....

11. Areas subject to flooding, as identified through flood hazard overlay zoning and flood maps, shall be protected from unsound development...

Public Services Policies

The City provides a variety of services, including building inspection, storm drainage, flood control, fire protection, police parks, recreation services, sewage disposal, and street maintenance. Garbage collection and disposal is contracted with private firms. Most water in the City is supplied and distributed by the Atascadero Mutual Water Company which is a private company separate from the City. ...

The City does not expect to be able to provide the same levels of services to all properties, especially lower-density hillside areas. New development is required to pay its share of costs for services and mitigate the impacts on infrastructure, and growth should be directed to areas where services can be provided in a cost-effective manner.

2. Flooding and Dam Inundation

Flooding and its effects generally occur when heavy rainfall causes watercourses to overtop their banks. Winter storms bring large amounts of runoff to areas not accustomed to high flows, including areas damaged by fire. Runoff can carry debris and sediment that can clog drainage systems and block creek channels. Flooding may
also occur in low-lying areas with poor drainage, even during moderately sized storms. Flooding can harm structures, infrastructure and crops, and can create health hazards by rupturing sewer lines and damaging septic system.

Many factors contribute to the severity of floods, including fires in watershed areas, structures and fill in flood-prone areas, and increased runoff from impervious surfaces such as roadways and rooftops.

*The primary measure used to delineate areas subject to flooding is the "100-year flood."*

Goal SFN 2.

*Reduce damage to structures and danger to life caused by flooding and dam inundation*

Policy 2.1: Enforce federal regulations regarding placement of structures in floodplains, and maintain appropriate standards for development in flood-prone an poorly drained areas.

1. Require an engineered floodplain and hydrologic analysis to be prepared for new development project within or directly adjacent to know 100-year flood plains.

2. **Prohibit development within floodways and areas of high flood hazard potential to the extent practicable.**

4. **Prohibit development that will create new upstream or downstream flooding or drainage problems.**

Policy 2.2 Reduce flood damage in areas known to be prone to flooding.

3. Perform flood-related preventative maintenance and repair, and **ensure that all flood-related work in riparian areas minimizes impacts to biological resources.**

---

Nancy Apel
7015 San Diego Rd
Atascadero, CA 93422

Debra Cunningham
5030 Elmore Avenue Unit B
Atascadero, CA 93422

Pamela Kressley
1101 Atascadero Pk.
Atascadero, CA 93422
June 14, 2013

City of Atascadero
Community Development Department
Attn: Ms. Callie Taylor
6907 El Camino Real
Atascadero, CA 93422
ctaylor@atascadero.org

RE: Comments on Eagle Ranch Specific Plan and Annexation

Dear Ms. Taylor:

Thank you for this opportunity to provide comments on the Notice of Preparation for the Eagle Ranch Specific Plan and Annexation. The project consists of the development of 494 residential lots, a resort hotel, commercial center, open space, and associated infrastructure on the 3,430-acre project site. This project shares a boundary with the Los Padres National Forest.

Los Padres ForestWatch is a community-based nonprofit organization working to protect and restore the Los Padres National Forest from the impacts of encroaching urban development. Our primary focus is to ensure that land use activities on or near the forest do not significantly impact forest resources such as wildlife, clean water, and wilderness. Our work is supported by more than 500 members, many of whom use the national forest adjacent to the project area for outdoor recreation, scientific study, and scenic enjoyment.

Please evaluate the following issues pertaining to the adjacent Los Padres National Forest in the Draft Environmental Impact Report (“DEIR”) for this project:

**Scenic views and noise.** The DEIR should evaluate whether any component of the project is visible from roads and trails in the Los Padres National Forest. If the project will be visible from key viewsheds, then the DEIR should incorporate adequate measures to fully avoid and/or mitigate these impacts. Moreover, portions of the project adjacent to the Los Padres National Forest may be heard from key noise receptors in the forest. These impacts must be analyzed and mitigated in the DEIR.

**Forest recreation and trails.** Large-scale development adjacent to national forest lands inevitably results in increased visitation and recreational use of the national forest. Such increased visitation may exceed the capacity of existing recreational infrastructure (trails and camps), resulting in user conflicts and overcrowding and detracting from the natural character of the area. Increased visitation may also cause unintended impacts to forest resources, such
as streams and other sensitive habitat areas. The DEIR must analyze and mitigate these impacts.

The project includes a 2.7-mile trail that connects the project with the trail system in the Los Padres National Forest. The DEIR should disclose the proposed route of this trail and possible alternative alignments that might avoid any significant impacts to sensitive areas. The DEIR should also disclose the impacts of additional recreation pressure to the Los Padres National Forest, and should evaluate the capacity of nearby trails, campsites, and day use areas to facilitate the anticipated increased visitation resulting from the project. Moreover, the DEIR should discuss the likelihood of informal “use” trails created over time, and should propose measures such as signage, barriers, and patrols to control access and enforce local and Forest Service regulations. Any new trails constructed should undergo a site-specific environmental review, and should comply with Forest Service standards for trail siting, design, and maintenance. The DEIR should consider the placement of signage, gates, and/or barriers to prevent motorized access along the connector trail and into the national forest. The DEIR should consider establishing a fund to ensure that this connector trail and associated Forest Service trails are adequately maintained in perpetuity.

We urge the County to work with the U.S. Forest Service to ensure that any new trails leading from the project area to the national forest are designed to be efficient and environmentally sound, and open to the public.

**Groundwater extraction.** The DEIR should evaluate the water sources for this project, and whether that use might contribute to overdraft of the aquifer system. The DEIR should also analyze the impacts of aquifer drawdown on water resources in the adjacent Los Padres National Forest. Groundwater use associated with the project could lower the water table and thus affect the amount and levels of water in the national forest, which is above the project area in the watershed. Extracting groundwater could negatively impact the water-dependent vegetation and wildlife uphill from the project. The extent of this impact should be analyzed if ground water extraction is proposed. The DEIR should also contain basic baseline data on the safe yield of the groundwater aquifer.

**California condor.** The endangered California condor uses the Cuesta Ridge area as a primary flyway between condor populations along the Big Sur coast and populations to the south. The importance of this corridor cannot be understated – the Hi Mountain Lookout, located just a few miles east of the project area, was recently refurbished and is now a fully functional component of the condor recovery program. Moreover, plans are underway to create a central condor feeding location in the Santa Lucia Wilderness east of the project. The DEIR should include an analysis of whether increased human activity in this area will affect condor recovery efforts. Specifically, the DEIR should consider that the proposed development will increase visitation and use of the Los Padres National Forest and introduce more microtrash in areas frequented by condors. During the past several years, some condors have required extensive surgery to remove large amounts of trash that they ingested from other developed areas. The DEIR should also analyze the effects of the development on the habituation of condors to
human presence, and whether the development would require the construction of powerlines in condor flight areas.

**Rare plants and wildlife.** The DEIR should contain baseline data regarding plants and wildlife found in the area. Surveys should be conducted according to protocol approved by the U.S. Fish & Wildlife Service and/or the California Department of Fish and Wildlife, and plant surveys should be floristic in nature. The DEIR should evaluate specific impacts to all federally- and state-listed species, as well as those species classified as “sensitive” or “management indicator species” by the U.S. Forest Service, given the project’s proximity to national forest land. The DEIR should evaluate the project’s effects on habitat fragmentation. The DEIR should also evaluate impacts to migratory birds to ensure that any vegetation clearance associated with the project does not result in the unpermitted take of native bird nests or eggs.

**Fire suppression and defensible space.** Placing homes and other occupied structures in close proximity to the Los Padres National Forest may require fire protection measures on national forest land. As development encroaches onto the national forest, there will likely be a perceived need to construct fuel breaks and clear vegetation to comply with state laws requiring minimum clearance around structures. Depending on how close these structures are to the wilderness area, this may require intensive vegetation clearing inside the national forest.

The DEIR should evaluate the likelihood of future fuelbreak construction and maintenance on national forest lands adjacent to the project. As part of the requirement to analyze cumulative impacts, the DEIR must analyze the probable future need to construct fuelbreak(s) to protect the project area from wildfire. National Forest lands should not be considered available for vegetation clearance in order to achieve protection goals for defensible space.

The DEIR must also analyze and mitigate against the clearing of vegetation around homes, particularly if this clearing will occur on national forest land. The DEIR must analyze the need for fire protection measures on national forest land, must analyze the wildfire threats posed to the proposed residences due to their close proximity to the national forest, and must mitigate to reduce any significant impacts to national forest land and wilderness character.

The DEIR should disclose the amount of vegetation that will be cleared to create defensible space and/or fuelbreaks associated with the project. The DEIR should also evaluate other more effective means of protecting structures from wildfire, such as firesafe design techniques and materials, site locations, and ensuring that adequate resources are available for initial attack in the event a wildfire does occur in the area.

**Livestock grazing.** Grazing will continue to occur in areas set aside for open space in the project area. This grazing is occurring in conjunction with a federal grazing permit issued by the U.S. Forest Service. As part of the cumulative impacts analysis for this project, the DEIR should evaluate the impacts of any associated livestock grazing on federal land. The DEIR should also acknowledge that the Forest Service has not completed its evaluation of this federal grazing
allotment under the National Environmental Policy Act, and should evaluate ways to facilitate that NEPA analysis in conjunction with the U.S. Forest Service.

**Consistency with Forest Plan.** The DEIR should evaluate the project’s consistency with the Land Management Plan for the Los Padres National Forest.

We look forward to working with the County, the project applicant, and other interested parties as this project moves forward. Please continue to notify us of any public notices, environmental documents, and hearings related to this project. Thank you for your consideration of these comments.

Sincerely,

Jeff Kuyper  
Executive Director
City of Atascadero Council Members, Planning Commissioners, Design Review Committee, Eagle Ranch Developers, and Staff:

I have attached some pictures of the flooding that took place on my property at the corner of Colorado Road and San Diego Road on March 20, 2011. This was not a major rain event, and yet my home was surrounded by water that wasn't designed to drain on my property. Water crossed San Diego Rd. west of Colorado Rd. flooding my neighbor's pasture across the street. That water met culvert water running the opposite direction causing the water to cross Colorado Rd. at my driveway flooding my property. The water flowed down my side yard along San Diego Rd. to the back of my property where there was already flooding from other sources...It's complicated! Anyway, my property was flooded on three sides of my home. Fortunately, there's a dip in San Diego Rd. at the very back corner of my property, and the water spilled back over the road before the level was high enough to come into my house...And, that was not an isolated incidence...Flooding is a huge problem and concern!

So, I am extremely concerned about the Eagle Ranch development. I know a drainage infrastructure will be designed, but I fear that any minor miscalculation or design error could bring the floodwaters into my home...and not just during a 100-year storm event.

I also worry about any potential changes/upgrades on San Diego Rd. I believe that even the slightest change in elevation at the back corner of my property will prevent it from draining and flood my home.

In addition, I'm wondering how the drainage infrastructure will work. Even days/weeks after the rain has subsided the water continues to flow at the back of my property. There must be an aquifer here and the groundwater level is extremely high. Is any of that water coming from Eagle Ranch? If so, if the ground becomes saturated, how quickly will that groundwater flow into the shallow basin?...and could that contribute to more flooding? Or, what impact (if any) will the additional groundwater caused from the development (even with the drainage infrastructures) have on existing neighborhoods throughout the year? Could bogs develop in the low lying areas?

Hopefully, the current flooding situation will be addressed, as well as, potential impacts found through the EIR. And if you're interested, I have many more pictures and would be happy to meet with you to talk about the existing flooding problem.

I would also like to once again express my concern in regards to traffic on our quiet neighborhood streets. I am opposed to ruining the character of the existing neighborhoods by burdening them with all the traffic, noise, dangerous speeds, etc. that a huge development like Eagle Ranch will create. Please find a way to keep the Eagle Ranch traffic internal and off our existing neighborhood streets so we can continue to enjoy our peaceful homes and safe community.

Sincerely,
Twila Martin
To: Ms. Callie Taylor, City of Atascadero Community Development Department

From: Jack and Renee McCabe, 10700 Colorado Rd, Atascadero

Date: June 11, 2013

Re: Notice of Preparation for Eagle Ranch Development

Please accept this written input regarding preparation of an Environmental Impact Report for the proposal to annex and develop the Eagle Ranch property along the Southwest corner of the City of Atascadero. Unfortunately, we will not be able to attend the Community meeting scheduled for June 13, and so have attempted to write up our comments for your consideration and input.

As residents in this area, we are very concerned about this development. The concepts proposed to date by the applicant, including the most recent version, will result in many negative impacts on our neighborhood. If approved as proposed we believe the development will both negatively impact the quality of life and the property value for the people of Atascadero.

Specifically, we are concerned about the following:

• **Scale of project:** the proposed scale is way out of character with the original plan and vision for Atascadero and with the adjacent neighborhoods. We relocated our family and a regional headquarters of an international environmental consulting firm to the City of Atascadero because of its commitment to creating a community that balances rural values with a more urban core along El Camino Real. We would rather see the originally designed lots developed than to have the increased density, additional traffic, commercial uses, etc. as the applicant has proposed. How can a project be designed so that it reinforces existing land uses and promotes a stronger local economy and more vibrant community?

• **Public safety:** additional growth in the wildland urban interface will increase the exposure of the entire community to wild fire risk and will dilute our community’s ability to respond in the case of a fire storm. How can this project be built so it does not decrease public safety?

• **Impacts to adjacent neighborhood:** these include too much traffic, loss of night sky due to more lighting, 20 years of phased construction noise and traffic, negative effects to our view, and increased flooding. In the case of traffic, area intersections like the Santa Rosa corridor are already rated poorly. How can the project be designed so it does not further negatively impact the adjacent neighborhood?

• **Impacts to taxpayer and utility customer infrastructure:** we are concerned about the impacts to the water and sewer system, impacts to an already fragile school district, and that ultimately our rates and taxes will need to increase in order to meet the expanded needs this development would require. It is commonly accepted that residential development is a burden on local government fiscal interests. How can this project be designed so it does not negatively impact municipal services?

• **Impacts to Biological Resources:** the project as proposed will fracture significant amounts of oak woodland and grassland habitat. Additional wildlife(wild boars, deer, turkey, bob cats and
mountain lions) will be pushed into town due to loss of habitat with negative consequences. The proposal to increase the number of footprints and density of the project will destroy more of this habitat than the current lot design. How can the project be designed to minimize the impacts on the natural environment?

Vision for the Future

The development of the Eagle Ranch is a great opportunity. We believe that some development (in the range of 100-150 units, could be done at a scale that is win-win-win for the applicant, the City and the adjacent neighborhoods. This would include parcels similar in size to those on Ortega Rd for the area between East San Rafael and Ortega and San Diego Roads. We think a small residential street similar to Ortega Road could be designed as an extension for San Diego and San Rafael Roads with minimal impact to the surrounding neighborhood. Additional development at higher densities would be better suited for the Santa Barbara Road access, adjacent to the Eagle Creek development, but we believe a rural estate type development like Varian Ranch in Edna Valley would be a better contribution to our community.

The annexation and development of the Eagle Ranch represents a unique opportunity to create a direct connection between the City of Atascadero and the Los Padres National Forest. We strongly encourage the involvement by the Atascadero Land Preservation Society (ALPS), the San Luis Obispo Land Conservancy, the Nature Conservancy and any other group that can assist the City in purchasing the areas not suitable for development (particularly along the hillsides directly adjacent to the Los Padres National Forest) and create permanent public open spaces that can be used for recreation including hiking, horseback riding and mountain biking. The City of San Luis Obispo has created a model program for open space and land conservation and with this one development, Atascadero could create a large scale park to rival SLO and bring recreation oriented tourists from both within and outside the area to Atascadero.

In short, we support less units and more land preserved. There are ways the community can purchase the land if the Smith family will work with us. This would create a lasting legacy that would benefit the community for generations to follow.

Thank you for your consideration,

Jack and Renee McCabe
Dear Sirs/Madame,

I live at 9954 Old Morro Rd East, about 1/4 mile from where Los Osos Rd intersects Old Morro Rd E. I am really not concerned about traffic or the impact or construction, etc. What really concerns me is the lack of water to service this new community. Our water basin is already in overdraft. All current indications strongly suggest that the weather will get hotter and less rain will fall. Where will the water come from to supply what may end up being a new community of 2-3000 people with their attendant desires to water their lawns, do laundry, flush toilets, etc.? Without a guaranteed NEW water supply, the project, while in the short term may be ok, in the long term it will stress the water supply for all the cities along the Salinas River.

Thanks for listening

Michael Morin
9954 Old Morro Rd East
93422
805 234 3877
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I am using the free version of SPAMfighter.
SPAMfighter has removed 1589 of my spam emails to date.
Get the free SPAMfighter here: http://www.spamfighter.com/len

Do you have a slow PC? Try a Free scan
http://www.spamfighter.com/SLOW-PCfighter?cid=sigen
May 13, 2013

Ms. Callie Taylor:

As a home owner living on San Diego Road in Atascadero (8295) for over 14 years, I am extremely concerned about the City’s current plan to extend San Diego Road into the Eagle Ranch development.

I am told that the planned road extension is being proposed as an evacuation route in case an uphill wild fire threatens the neighborhood. While the City’s concern for our neighborhood’s safety is laudable, I seriously question whether the planned emergency access road into Eagle Ranch would provide the quickest and most direct route to safety for us. It seems that if safety is the paramount consideration, the best exit plan would be to extend the northwest end of San Diego Road a short way down the hill to Highway 41 – thus providing the most direct passage for neighborhood residents to the safety of a major highway.

I am also told that the City will require the Eagle Ranch developers to fund the proposed extension of San Diego Road. If this plan moves forward, the City might ultimately gain a free emergency access road but not the best emergency exit strategy for neighborhood residents. In case of a fire, residents would be required to drive into Eagle Ranch, a densely wooded area, which is itself prone to fire.

The third important concern with the proposed plan is that extending San Diego Road into Eagle Ranch as shown in the plans would devastate the property of my neighbors, “Red” and Karen Heesch. It is very important that City and AFD officials and planners visit the site and walk the property and see up close the destruction that would result if the road were to be built – not only to their privacy, but also to the surrounding area. What will be imminently clear is that the planned road will:

- Cause significant environmental damage;
- Encroach on my neighbor’s property lines;
- Will significantly reduce, or altogether destroy, the value of the site’s existing residence and land;
- In addition, the road extension might also bring unwanted traffic and/or trespassers to neighborhood areas.

I look forward to your considered response.

Mimi Naish
8295 San Diego Rd
Atascadero, CA 93422
I would like to share with you my past experiences with over crowding and noise. My wife and I moved to this area less than a year ago coming from Hawaii. That name “Hawaii” is no longer open spaces between neighbors, uncrowned open beaches both on the sand and in the water and roads to travel to and from freely.

I was born there and after 59 years of growth, the main island of Oahu is no longer what the name “Hawaii” would imply. Just watch Blue Hawaii and when the main actors are on Tantalus, in the background you can see most of Honolulu. Take a look now and it is over crowned with buildings and the people that come with the growth.

With Eagle Ranch’s plan to develop the land that they own, it is too large of a plan with too many new homes for the Atascadero community. With the size as planned, will come over crowded roads, less parking space in parking lots as there will be more cars using them, more people and the noise associated with them.

I would let Eagle Ranch build 100 estates with large lots and custom homes rather than 300 to 400 lots. The city could place water restrictions to limit the amount of lots until a permanent source of water to sustain this growth can be found or built. I do not want what happen to the water rates in Honolulu to happen here. The rates are so high that it is cheaper to throw away a paint brush rather than clean it up with water.

Back in Honolulu, I had to buy a case of ear plugs and started using them in 1995. Only living here in Atascadero was I able to sleep with out them. Noise from cars, trucks, buses, radios, T.V., dogs barking, people talking, parties, and so on.

I would hope that there would be covenants to limit noise from weed eaters, lawn mowers, loud TV, loud stereos, parties and so forth. It is very relaxing to hear the wind, bees and birds here.

If you do not plan to live in Atascadero then you can ignore the above and hope that we who live here can cope with crowding and noise.

Thanks

Vincent Pacific
8371 Los Osos Road
Atascadero CA 93422
June 13, 2013

Hello – I’m John Rinaldi, resident at 14300 Morningside Road for more than 30 years. Tel: 438-5896.

It’s a critical issue – and being intensely discussed throughout the world, nationally, statewide, and locally – it’s been on television, on “60 Minutes,” aired on Sunday evening, as being so critical, it’s more important than controversial oil.

The subject I’m talking about is water, and the shortage of it as we constantly remove it from the aquifers and do not replace it.

On June 6, 2013, Judge Charles S. Crandall ruled against the “Los Robles del Mars” project, saying: “A careful review ... establishes that periodic drought is now a reality in California, and the probability of drought must play an important factor when planning for further development on the Central Coast of California.” He continued, “During drought years, when runoff from the Sierra is diminished, when there (is) a shortage of water in state reservoirs, and when drought results in reduced groundwater pumping, Pismo Beach may very well not be able to meet the needs of its residents.”

Simply insert Atascadero residents into the ruling, with the huge demand for water the Eagle Ranch proposal will create.

Judge Crandall also said, “The fragility of the existing water supply on the California Central Coast is an enduring, knotty problem that has often bumped up against the engines of development and economic growth.”

In my more than 50 years of practice as an architect and planner, the one word that has always come up with many of my former corporate clients and lending institutions has been JUSTIFICATION and NEED for the proposed project.

In reviewing the outlines of the material handed out at the February 26, 2013 meeting and reviewing the Yellow Card Outline of Project Description, I don’t see how a Justification and Need can be supported.

We have a tremendous vacancy problem in commercial – there are good spaces and sites which can be utilized to infill existing sites:

Commercial

1. K-Mart site – vacant for years
2. DeCou Lumber – recently vacated
3. Balance of Wal-Mart site at Del Rio
4. Lots of vacant space in center at El Camino Real and Del Rio
5. Space and lots at new Jack in the Box
6. Balance of vacant property at Galaxy site
7. Multiple vacancies throughout our town
Conference Center

1. The Pavilion
2. Paso Robles Event Center “up the street”
3. Small events – our Community Center
4. Close-by Madonna Inn

Resort Hotel and Motels

1. Madonna Inn (Events)
2. Our white elephant and mostly vacant Carlton Hotel - with its ridiculous valet parking
3. Golden Tee Motel
4. Best Western
5. Motel 6
6. Holiday Inn Express, recently built

Housing

Being in-filled at the north end of El Camino Real and should continue to infill existing vacant, zoned with water, gas, electrical provided.

Parks

I believe we certainly have adequate park and rec facilities at

1. Atascadero Park, Zoo and Lake
2. South end rec and horse facilities at El Camino Real
3. Existing Community Center and ball fields
4. Possibly we could use a swimming pool center

So, in reviewing the Eagle Ranch Proposed Development, I firmly believe there is no justification for the proposed development and certainly no need to extend, disrupt, and consider extensive road, utility, traffic, heavy site grading, and damage to an existing, fragile site which is also, of course, an extreme fire zone.

Again, it’s necessary to put an emphasis on water usage, as evidenced by coming articles in The Trib, and as seen in an article in this morning’s paper by a Paso Robles resident concerned about how the huge appetite for water by the largely unregulated grape industry, is affecting local wells.

Also, I might add, the huge expansion into thousands of acres of grape irrigation has changed our climate, with the huge amount of moisture projected into our precious air.

To conclude – Atascadero, with its existing environment, is a great bedroom community, with existing facilities and services to serve our citizens and other businesses who want to join our city. Certainly, they are very welcome, although we need a professional group with experience with promotion to encourage that infill to happen.
Hi Callie:

I have written to you in the past but I wanted to re-emphasize two key points of concern that I feel need to be addressed in the EIR:

1) **Isolated portion of ranch fronting on Los Osos Road** - this is an existing 100 acre parcel proposed for subdivision of 5 to 6 lots. This parcel has a blue line stream running through it (Eagle Creek?) and contains winter ponds and a natural year-round spring. It has relatively steep terrain in places and has abundant oak forest cover. My concerns:

   a) conformity with the neighborhood in regard to frontage - there are two parcels fronting on the other side of Los Osos Road across from the Ranch parcel in question. The split into 5 or 6 parcels will result in narrow lots and numerous driveway entries (two of which appear to planned on a completely blind hair-pin curve).

   b) loss of important wildlife corridor and scenic amenity enjoyed by the community - the natural spring and winter pond attracts an array of wildlife---birds, turtles and numerous mammals; it would be a mistake to disturb this for a single family residence site; Los Osos Road is a popular walking street for the entire community; Lon Allen wrote about it in the paper. It would seem that high density development will not enhance this amenity, particularly if it effects the creek area

   c) loss of oak trees and percolation of soil---5 or 6 building lots going straight up a steep hill into pretty solid oak tree coverage does not seem to be good site design and soils are such that a larger area for leach field will be required (and kept away from the spring/creek watershed).

It is my belief that E.G. Lewis left this as a 100 acre parcel for a reason---I think it requires special attention in the EIR. My hoped for result would be no more than two larger parcels with open space easements to restrict development near the creek/pond/springs area. I know it would be an easy one for the Ranch, as it is on an existing road and I am sure they are counting on costs/requirements to be minimal--easy doesn't make it right or good planning.

2) **Traffic along San Rafael Road** - one of the main entrances to the Ranch will be along San Carlos Road which is off San Rafael Road; it is my understanding that San Rafael Road will be extended to connect with Atascadero Road. My concerns:

   a) obviously San Rafael Road will have an increase in traffic that will affect the entire neighborhood--the EIR should realistically evaluate the potential for non-Ranch or neighborhood residents using this roadway for a shortcut from U.S. Highway 101 to State Highway 41 and the residential areas north of Highway 41. San Gabriel Road already serves in this capacity to some degree (due to the traffic light on Highway 41) and I believe opening up another route will only re-enforce this tendency.

   b) a logical progression of the San Rafael extension concept is that it will end at the intersection with San Gabriel Road--this intersection is already difficult to get out of sometimes during school transition period--with an increase in traffic throughout the day, it will become a nightmare. It is too close to the light at San Gabriel/Highway 41 to put up a stop sign so what is the solution? The only one that I see is a traffic circle which will require taking much of the donkey pasture---the circle would have to extend into San Rafael Road. I would imagine that powers of eminent domain would be
required. This is a very real traffic concern that needs to be solved before development approvals are
granted. The EIR must address this traffic issue, which is of equal or greater concern than the
Atascadero Road corridor in my opinion.

c) a three way stop should be evaluated at the San Rafael Road/Los Osos Road intersection---
getting out of Los Osos Road onto San Rafael is likely to become a little treacherous---and then
coupled with gridlock at the San Gabriel/San Rafael intersection---a real deterioration of life for existing
residents if traffic is not addressed adequately.

Thank you for the opportunity to provide input,

Christopher Smith
8275 Los Osos Road
Atascadero, CA  93422
csmithmai@sbcglobal.net
Callie Taylor

Please include our previous communications (8 pages) dated April 8, 2013 addressed to the city council members individually and collectively and Tim Walters and received by you on 4/8/13 during our meeting at our home for consideration by the EIR review process.

One other issue there needs to be a method set up for the homeowner to be able to communicate to construction site supervisors in cases of emergency to be able to exit or enter their property or get emergency vehicles into IE AMBULANCE, FIRE, POLICE, ETC a phone number to call to a radio dispatch on site for such emergencies as could arise during construction without having to get some construction crew attention sitting on a bulldozer to respond to any unforeseen emergency.

When will the map that was redrawn that we were provided with be presented to others for review or debate by others neighbors and or city planners. We would be grateful to be kept informed of any of these meetings.

The other issue is this long process of development needs to be done during the hours of daylight, the nighttime construction along the 101 freeway has been a very disturbing time of noise during all hours of darkness this past 2 years of very loud pile drivers grind of road surfaces banging noises of trucks tractors etc.

These are just a few of the unforeseen problems of this environmental mess that will take years to complete and will likely be still in the process for the next 20 years.

Thank you O.W. & Nancy Smith
April 8, 2013

To: Atascadero, city council members individually and collectively, 
Tim Walters RRM Design Group, and the Applicant.

From: O.W. & Nancy Smith 
11705 Atascadero, Ave. 
Atascadero, Ca. 93422 
Phone 805-466-6796 
kf6gc@Hotmail.com

Subject 
Meeting with Callie Taylor, 
Brief synopsis of that meeting.

Subject of meeting: Eagle Ranch entrance and exit plan 
Proposed for, Atascadero, Avenue

Let me begin by saying the first, the meeting we attended at the Pavilion at Atascadero lake those speaking for Eagle Ranch stated using language to the effect “that Eagle Ranch wants to be a good neighbor with this project and promised to do the project in a esthetically and pleasing manner promising to respect the rights and property of it neighbors” that is what we are asking for is to be treated as a “good neighbor” we are not against the project as a design only its affect upon our property Values and the view shed we now have.

I am officially asking the Eagle Ranch E.I. R. study, to speak to following issues that the affect of this proposal will have on our property.

#1 This proposal as it now stands would devalue our property at 11705 Atascadero, Avenue, by approximately “one hundred thousand Dollars “at the current market value to date, This can be avoided by some careful consideration and reconfiguring new entrance and exit.

#2 light intrusion would flood my home and property with light in all the
hours of darkness and shine into my Living Room Master bedroom, and family rooms with every passing car. Not to mention noise and pollution of the air by 7500 passing cars a day at build out

Solutions.

Redesign the roadways further west to Lapaz lane, The direction of the vehicle lights, then would shine away from my home and into the hillsides beyond. Where no structures now exist or is proposed.

There are only two houses west of me on Atascadero Avenue that have views which will have any impact other than our property none of them in as significant or as greatly affected like ours.

All 3 next-door my neighbors I believe will also benefit from the changes I am suggesting the house at 11505 has a large building for housing a motor home, on his property blocking his own view. His house is build with the back facing Atascadero. The front viewing the rear of his property to the north.

The other lot across the street at 11323 appears to be a vacant lot, but is not. It is across from Lapaz Lane and their view is secure not facing Atascadero avenue at all. That home is over the hill away from the corners of Lapaze Lane and Atascadero Avenue and would not be at all affected from such a change.

There is one house on the hill that over looks the area but would be above the lights from traffic. It newly constructed can not speak for any of these folks but the value of their property would not be greatly impacted.

It would not suffer direct light intrusion or pollution as greatly because the air would be more dispersed, base on the intersection being in a breezeway with the flow of air from the direction of the natural flow of the air coming from the coast thru the are the hills on both sides of the roadway. Car lights would be confined more naturally down the road way.

A Study of airflow thru this area by the E.I.R would bear this out as being more environmentally sound than having it where it’s now proposed.
On my property has a naturally occurring flow of air out of Eagle Ranch in a northwesterly flow and up the hill in the large slope and in my homes direction.

#3 there will need to be and air quality study by the E.I.R prior to the project and an alternative routing, such as I have suggested to change or mitigate any issues found, and the affect of the air quality and light intrusion from vehicles and the stop lighting in the front of my home prior beginning of the these roads.

#4 The air quality in the future from the quote of the city expected 7500 trips per day Wildlife well as well human habitation should be a priority with the E. I. R. study and projected affects of the area in the future.

#5 The EIR study should include asbestos & carbon exhaust as well, from vehicular brake drums as well due the Hugh increase of the vehicles having to stop at these traffic lights.

#6 Every other intersection up along Atascadero avenue for the entire length does not have a traffic light until HIGHWAY 41. All these have Boulevard stops signs. These stop lights and lighting are the city requirements to avoid any cost it the future. And the result of the cities requirement, places an undue loss of property values burden on anyone’s property this is placed in front of in a rural setting.

The E.I.R. needs to do a traffic study along the entire route to determined the need for this light and only install a light IF AND ONLY, it is proved one is necessary! not now! Look at the highway 41 & #1 they have a far more complicated 6 way Boulevards stop and it works with very heavy traffic as we all know.

I use this stop weekly and never have problem NO LIGHTS needed The only time there is a problem is on the 4th of July fireworks display, with about 30 thousand of cars escaping the beaches to beat it home so they can work the morning after. Some traffic police one night a year for about 1 to ½ hours! You have all been there, now tell the truth! both when it is easy on the 4th of July.
The city has many such intersections all over the city with as much as traffic as this one proposed site would need in 10 or 20 years that's a lot of gas & oil placed on the environment and wasted gas and electric for the next 10 or one 20 years if and when it is ever needed we don't know, but certainly not now.

#7 Study of Safety of the design for the safety of the Public and occupants of my Property in both direction, due to the large blind curve this stop would be created at or in. that blind curve and the rear-end collisions caused at the stop around this blind curve. If there is ever such an accident there I gladly appear as a witness against the city for causing it to be built.

#8 Atascadero avenue is a major exercise route for bicyclist, Joggers’ seniors walking, including all sorts of exercise enthusiast, parents pushing strollers along its entire route into and from Santa Rosa school areas with children walking home form school, and parents driving to pick them up and drop them off. It is also a main shortcut to highway 41 to Morro Bay and the Davis ranch areas to the Santa Lucia Road area, surrounding hills are to drivers using this route to avoid the traffic congestion at the turnoffs 101 and highway 41 exchanges.

#9 I have had one rollover in my driveway from a small sports car hitting the curb on the other side of the road and careening across the road roll over landing on all its wheels right side up blowing out the rest of his tires and breaking off my mailbox split rail fences, and ending up facing back the other way in my driveway.

I know of one fence that has been knocked down three times and one of the cars landing caught in a trees limbs. About ten feet off the ground Which was pictured in the Atascadero, news. Just one of the many curves is this roadway, and incidents of cars leaving this road way.

My neighbor behind me rolled her car in the very same place a few years prior with neck and shoulder injuries having to wear a steel halo for months afterwards, she drove the road every day and knew the risks!

The noise and exhaust vapors of unconsumed fuel as well asbestos from brake linings now and far into the future caused by unbelievable increase in traffic at these proposed 3 way stop lights with idling engines of backed up
vehicles as many as 20 or more in two directions. At any given time.

The EIR needs to speak to these issues, these two roads are to be built across the flood plain and wild life habitat of frogs and Wild Cranes’ that flows into Eagle creek then, Dove creeks and Paloma creek areas which flows into the Salinas river where the pumps are that the city gets our drinking water!

My property has a large swale that drains into this same area of the flood plain where these two roads are planned to be built. Note, the following partial quote from an article next paragraph mentions this information.

In and article for the Atascadero, Magazine “Community Development - Planning for 2025” authored By Callie Taylor’s The senior planning department employee for the city. she wrote “if you are planning any new construction that has a creek or drainage swale, check with the city planning department to see if you are near a blue line creek or tributary that will carry water to sensitive habitats or drinking water “

I am asking the city and the E.I.R. to speak to these issues and perform the necessary studies to comply with these same requirements prior to a city approval of this project entire project.

The city needs to review its own policies regarding wild life habitat, and keep mankind’s, My habituate as a priority, without mankind, the wildlife in the modern world would very soon disappear.

The ranch already has roads across these areas that enters and exits the Eagle Ranch property called “Santa Barbara Road” where the first Plan entrance was planned, with a round about in the same area I was present at that meeting at the Atascadero lake pavilion with a round about at Santa Barbara Road. The same road they have been using prior to the past 37 years since move here in April of 1976.

Santa Barbara road is less than 500 yards from my driveway, all is needed is to improve & pave it to the areas it now serves and in the future. I believe any judge will agree with me.

Eagle Ranch does not need another Two roads to enter and exit its property
less than 500 yards from my property and destroy the value of my home, at the expense of lowering the property values of my self and my neighbors.

The Santa Barbara Road entrance can service the ranch property as well and the highway Commercial area for the Hotel and other amenities.

They have access by I believe 9 road already and literally many miles in uninhabited areas bordering their property with reasonable alternatives that can be built to current Highways and roads. They can afford the expense far easier than citizens of Atascadero, I believe environmentalist lawyer the public in general and the legal system as well will agree with me.

They don't need to place this EYESORE with two roads across from my driveway to my property with all the additional 3 stops lights and over head lighting.

Where My driveway is located would intersect with the additional two new roads and traffic lights as to how many cars would be continually parked there with engines running in at lest two direction at any given time at peak hours and how many hours that would be per day, week, month and year! At the 7500 projected trips per day in the cities study now. ****

There will be a light issue from on coming headlights shining directly my direction and into my home from the road directly across the street from my drive, shining into my master bedroom, living and family rooms. All face this new proposed road stop lights entering & exiting Eagle Ranch plus the over head lighting.

lights that will also undoubtedly be installed that I observe at every stop light in Atascadero, plus the ever-changing colored lights at all hours of darkness. In my primary view shed of my home created from the stop and go traffic at the signal lights.

It will also deny us FOREVER! the use of the front patios of our home during evening and night hours thru spring and summer months that we have enjoyed setting out with our guests in the wonderful summer evening, we all know so well in Atascadero, also no more moonlight and starry nights and with the prevailing airflow from the direction of Eagle ranch would bring the exhaust fumes and noise up to my outside living areas.
The value of my home would be diminished by as much as "one hundred thousands of dollars" and more in the future making it impossible to sell my home and purchase one of comparable value of property like mine with many 200 year old, oak trees and oak tree studded 3,656 acres of usable land like ours. It is the widest of all the lots within our section of land along Atascadero Avenue.

Our property as it now sits is a very desirable and valuable price of property due to its many as it is all usable. There does not exist a property for sale in all of Atascadero with the same beauty and usefulness,

Our property is suitable for horses and other types of buildings, activities and/or other agricultural uses such as grape, and fruit orchards, or truck garden, and lavender farm or other agricultural uses. The value will drop drastically if this stop light and road are allowed in this rural setting.

No one wishing to purchase a home site in a rural area will purchase a property with three-way stoplights at the entrance to their own driveway and the view shed, this is a disgusting disastrous and absolutely disgraceful proposal and cannot be allowed to stand period with out litigation.

There has to be a way to avoid this and I believe it can be found with ingenuity and Consideration if this were your own home WOULD YOU? A partial list is provided and requested below as well as previously requested documents, video, tapes, drawings, pictures, and maps etc. held by Callie Taylor, are requested be preserved and provided without charge to be issued to me unless or until other issues may arise of which I am unaware of and if there is any public document of which I have not requested or be unaware of and, known by the city or the applicant, that could affect any legal issue regarding these matters that I am not privy to, be made available to me at this time, that could affect any rights and/or privileges, I have of these matters, both my self and my wife Nancy D. Smith and our HIERS, unless or until these issues are address and or handle in such a way as our property values are not affected adversely or compromised and We are mutually agree there remains no future need for them.
#1 comments received from the neighborhood groups.
#2 Photos of the comment broads.
#3 PowerPoint presentation
#4 Land use - 12.13.12

Conceptual Phasing-12.13.12

Public Comment Received as of 12.20.12

All comments submitted or letter received or forwarded to the city as part of the public record any and all notes comment tapes

And a list of significant changes to the applicants updated changes as to its affects on my property of the intersection of Atascadero, avenue and any and all changes.

O. W. & Nancy Smith
11705 Atascadero, avenue.
Atascadero, C. 93422

Received by ____________________________

Copy file By the city of Atascadero.
Inputs to the Eagle Ranch EIR Scoping Process
June 13, 2013

This list of issues originated as input to the February 20, 2013 meeting attended by the Atascadero Ave. neighborhood residents, the City, RRM Design, and the Smith family. The issues represent some, but not all, of the concerns of the neighbors. These same questions and concerns ought to apply to the EIR scoping process.

A. Build-out Concerns:

1. Why is a project of this scale (545 homes) necessary? What are the cost drivers and tradeoffs that justify that number? Why not a smaller-scale development of, say, 150 units with more acreage and higher pricing for each, but with lower environmental impacts?

2. What purpose does the commercial hotel complex (near Hwy. 101) serve in the project? It seems totally unrelated to the rest of the development, as well as a potential eyesore and traffic magnet. Unlike the low-key equestrian hotel in the project interior, the commercial hotel sub-project is thematically disconnected and could easily become another problematic detraction from the efforts to unite the core of the city. Can the city really support another hotel? Has the nearby Holiday Inn already reached its capacity?

3. Why is any development being planned along the east ridge of the property (along Atascadero Rd.)? The build-out along that ridge will create an “in-your-face” interruption of the open space in that corridor. Why not keep that area as open space to minimize the visual impact on existing properties? Leaving this as open space also mitigates many of the street light concerns and potential impacts on local wildlife.

4. What are the risks of only partial completion of any given phase or sub-project? We want to see, in advance, a risk mitigation plan for any under-build-out of the infrastructure, roads, homes, commercial sites, and so on, that might occur due to financing, economic, environmental, or other problems. Some worst-case scenarios to be avoided at all costs include Dove Creek construction blight, expensive roads to nowhere, abandoned excavation eyesores, etc.

B. Road and Traffic Issues:

1. Why can’t the traffic flow through the interior of the development and bypass the Atascadero Road corridor altogether? If this could occur, a large number of traffic and environmental concerns (and related costs) would go away.

2. Why can’t there be a separate freeway access for Eagle Ranch south of Santa Barbara Road? This is one of the ways to mitigate the entire traffic problem.

3. Why is there no Hwy. 41 access into the development? This seems like another logical design question with no clear answer.

4. The proposed fire/emergency access road from upper San Diego Rd. has been documented repeatedly by residents as problematic, but it’s still a big unanswered issue. Since this is a sticking point for the project proceeding, what’s the priority for resolution?
5. **A San Rafael Road traffic study is greatly needed** for the area near Atascadero Rd. Do we have a definitive answer about the extent to which the road will be built out into the Eagle Ranch property? It’s not clear right now how developed that road would be.

6. **We have major concerns about “detour” traffic along Colorado, San Rafael, and San Diego Roads**, particularly during construction periods, but also afterward. Especially if there will be a stop sign and slowed traffic on lower Atascadero Rd., we could see a huge spike in traffic along our quiet streets.

7. **We have major concerns about the intersection of Atascadero and San Diego Roads** where there are excessive rates of speed and no safe pedestrian crossing exists.

8. **We have major concerns about access to Hwy. 101 at Santa Rosa Road** and other inevitable bottlenecks on overpasses, which would see dramatic traffic increases during peak hours. We’ve brought this up repeatedly, but the traffic studies so far do not seem to have adequately investigated this issue.

9. **We have major concerns about San Gabriel and Santa Rosa elementary school traffic.** Vehicles at the Santa Rosa and Atascadero Road intersection, as well as at San Gabriel and Atascadero Road, would increase, and would stream more heavily toward Hwy. 101 at Santa Rosa Road and West Front Road. This issue has not been addressed adequately by prior traffic studies. How would the additional school traffic be handled?

C. **Process and Oversight Questions and Concerns:**

1. **Whose prerogatives and preferences are driving each of the design decisions** for this project? If they’re a blend of requests or demands from the Smith family, the City, RRM, Caltrans, the Fire Dept., and other agencies, which requests are which? We want to understand what the implied “necessities” are, and where they’re coming from.

2. **What are the perceived “non-negotiable” requirements of the project?** We’ve heard that the emergency access road is one that the Fire Dept. requires. What are the others, who is requiring them, and what are the specific sources of those requirements (by document, page, and paragraph)?

3. **Which entities will be charged for what parts of the proposal?** For example, who would pay for Atascadero Road improvements, who would pay for any flood prevention improvements, and who would pay for the intersection improvements, roundabouts, etc.? Are these City, County, or Ranch obligations?

4. **What assurances do we have that sub-developers** who might build out each phase will adhere to the ultimate vision, goals, guidelines, stipulations, etc.? Once the work is contracted out, we don’t see how it could be managed tightly enough to prevent unwanted variation and quality degradation that could negatively affect the surrounding community.

5. **What are the EIR communication protocols?** Once the EIR process starts, we want to make our voices heard continuously throughout the process. Which agencies will be involved in the EIR process, and how do they each receive all of the sets of submitted public input? We are poised to stay in touch with each agency on our own, if needed, in case there’s no other coordinated way to do so.
6. How will annexation of Eagle Ranch to the City be handled with LAFCO? When will the hearings begin per LAFCO’s “Requirements for City Annexations” on p. 12 of its 2011 Policies and Procedures (slolafco.com/Documents/2011_Approved_Policies.pdf)?

D. Disaster Mitigation and Insurance Issues:
1. New flood insurance requirements: Some neighbors have learned that they will now need to carry flood insurance, where they did not need it before.
2. Increased fire insurance rates: Some neighbors have heard that their rates may increase significantly because of the development.
3. The general availability and cost of insurance is a big question. Higher rates could affect sales and re-sales of developed and neighboring properties.
4. The City’s own costs for fighting fires may increase dramatically in those remote regions. Are fire trucks expected to navigate deep into the development in case of a fire? It seems more likely that aerial firefighting would be needed, at a much greater expense.

E. Other Impacts:
1. Lighting: What kinds of streetlights are planned? The potential effects on the night sky have not been resolved.
2. Wildlife: What is the environmental impact on the wild turkeys, pigs, deer, foxes, etc.?
3. Flood management: The Jan. 31, 2012 DRC meeting offered some promising updates, but there are still concerns about the methods and costs of prevention and mitigation.
4. Sewage: Will the entire project be on a sewer system or will it rely somewhat on septic?
Ms. Taylor,

I am writing in response to the EIR for Eagle Ranch. I have the following concerns:

Increased and disproportionate traffic along Atascadero Avenue. Why isn't there additional access through Highway 41?
Aging highway overpass will not be able to accommodate this kind of traffic on Santa Barbara road.
Displacement of wildlife. Where are all the wild native animals living on the ranch going to go?
Increased flooding in the area of San Diego Rd. and Colorado Road.
Streetlights ruining the clear evening/night skylines.
Increased population placing additional demands on our existing infrastructures (schools, fire departments, etc) which are already stretched very thin.
Having a commercial hotel on Atascadero Avenue in a residential area completely changes the ambience of our existing neighborhood.
Concerned about the economic stability of a 20 year project. There have been too many unfinished projects in our area for example Dove Creek.
What assurances do we have that the subsequent developers will finish future phases as approved and not change up the development adding even more houses to this plan?
Potential worsened bottleneck at Santa Rosa Rd. and 101. This is already a bottleneck during different periods of the day. This will only get worse with increased population on the west side.
This development is not consistent with the existing surrounding neighborhoods.

This proposed development is changing everything in our peaceful and quiet neighborhoods, which is the reason why we bought our homes here. Many of us have lived here for a long time, and are very upset over this proposed change in our area. I realize that nothing can or should ever stay completely the same, but this development is too much.

Please feel free to email me with any questions you may have. I have many more concerns, but these are the major ones.

Regards,

Straith Smith-Zanartu, CPA
Sent from my iPad
We live on Eagle Creek Court with Santa Barbara Road down the hill and to the rear of our house. To date, most of the Atascadero and its cross street residents’ noise regarding the proposed traffic pattern plans has caused the developers to look at the Santa Barbara ramp as the most expedient outlet for the new development. The current proposal of course means virtually closing the San Diego ramp to eastbound traffic on Atascadero Ave. I guess I’m trying to understand why the San Diego ramp was put there in the first place. Someone’s private drive, perhaps? And that seems to be perfectly all right with those few houses in the immediate vicinity. No street lights, no traffic, no kidding! We on the west side of Eagle Creek Court have nothing to dampen the noise, curb the speeding cars, or worry about 7500 cars (really! 7500?) going by 24 hours a day. It would seem to me that all these cars could be spread over all the existing ramps all the way up to Route 41. But, we all know that the traffic will decide its own pattern based on how the new streets are laid out.

On another matter, somewhat related, what the heck does Atascadero need with another hotel? To handle the overflow from The Carlton Hotel? Surely, you jest. It may be my imagination, but, I didn't get the impression that the developers were short of breath over that idea! This is a very lucrative project for our city as well as the Smiths. But, that hotel would seem to represent a real white elephant quality and an expense that the developers don't need and that a big high quality hotel chain would hardly be rushing into. On the other hand, if the hotel has to be built, it would be better if it were built up towards 41 where it could have its own private entrance boulevard.

If you would like to share other intelligent considerations on this project, come on down to Eagle Creek Court and meet the neighbors.

David and Susan Tissue
120 Eagle Creek Court
461-5687
RE: Public Comments for Eagle Ranch EIR Preparation and Scoping

Please include the following issues, concerns, comments, and ideas for study in the Eagle Ranch EIR:

What impact will successive years of drought have on the environment; existing Atascadero homes water usages, water rates, potential water rationing and wildlife?

What is the impact of historical and potential flooding at Atascadero and San Diego Roads?

What is impact from road noise from a Speed Table on Atascadero Ave or other Roads?

What increased effects will there be of Granny Units on environmental impacts from the Eagle Ranch Development?

What effects will there be from the Hotel and Resort on the environment?

What effects will there be on sewer and other utility Impacts; City Ratepayers costs, groundwater and soil pollution?

What are the impacts on the Viewscape and Nightscape from the Eagle Ranch? How will the night sky be changed in different atmospheric conditions?

What are the impacts of each of the 10 construction phases? What are the total Construction Noise, Traffic and related impacts over twenty years on the surrounding neighborhoods?

What are the impacts on existing Home Property Values?

What are the increased dangers of Wild Fires?

What are the impacts on Wildlife?

What are the impacts on the Santa Rosa and Santa Barbara Freeway Interchanges?

What are the Native Tree Impacts and Grading Impacts?

What are the issues related to Median Safety and Restrictions?

What are the impacts on the Rural Character of Existing Neighborhoods?
What would the impact of minimum 2 ½ acre lots in the Eagle Ranch development be in conforming to the existing neighborhoods?

What are the Traffic impacts at the High/Middle/Elementary Schools?

What is the effect of southbound traffic on Atascadero Ave that will be higher with the Eagle Ranch development?

Traffic impacts to San Diego Road need to be studied? (Is no access a possibility?)

Can Eagle Ranch put in a new Freeway Interchange south of Santa Barbara Interchange?

What is the impact on the corner of Santa Rosa Road and Atascadero Avenue?

What are the impacts of new Eagle Ranch commercial businesses on existing downtown business?

Study the Golf Course Neighborhood which will be greatly impacted by visual and noise impacts from the main entrance to the Eagle Ranch?

What are the effects of Trucks and Service Trucks on Noise and Road Surfaces conditions? What impacts to the environment and existing neighborhoods will accumulated truck traffic have on the environment?

Why is there a disproportionate Traffic Burden on Atascadero Avenue vs. North and West sections of the proposed development?

Study the proposal to Realign Atascadero Ave, will this increase traffic speed?

Study one way options for Ortega and San Diego Roads?

Study limiting Ortega Rd access to emergency vehicles only?

Why not develop in the County?

How can proposed project amenities be integrated into existing communities? What is the timeline for building proposed trails?

What are the impacts of an incomplete project development and incomplete improvements? What provisions are there for addressing blight from an incomplete project?

How is the project going to achieve Integration with various segments into existing neighborhoods?

Study sight distances for safety at Santa Barbara Rd and main entrance?
What are the impacts in developing pedestrian safety zones and crosswalks?

What are the issues related to a prohibition of street lights on Atascadero Avenue to preserve the night sky?

Study the San Rafael Court compatibility and character with the Eagle Ranch development?

Study issues of limiting the whole development to the historical 452 lots?

What guarantee is there that no future developers want to make this a gated community?

If the County does not amend the Revenue Sharing Agreement, how will the City pay for higher demand for first responders required from the increased population from the Development? What if the Sales tax and Transitory Occupancy Tax never materialized from an undeveloped or underdeveloped commercial enterprises on the Eagle Ranch?
June 13, 2013

Callie Taylor, Senior Planner  
City of Atascadero, Community Development Department  
6907 El Camino Real  
Atascadero, California 93422  

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Eagle Ranch Specific Plan and Annexation, San Luis Obispo County, California

Dear Ms. Taylor:

This letter provides the U.S. Fish and Wildlife Service’s (Service) comments on the subject Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Eagle Ranch Specific Plan, located in unincorporated San Luis Obispo County, California, adjacent to the southwestern Atascadero city limits.

The proposed specific plan would provide for various land uses within the approximately 3,430-acre project site, including the development of 494 single-family residential parcels, up to 63 secondary single-family residential units, 93 multi-family dwelling units, a resort hotel and village center, highway commercial, a public park, an equestrian staging area, trails, various types of open space, and supporting infrastructure. This area is being proposed for annexation from the County of San Luis Obispo to the City of Atascadero.

The Service’s responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act and its implementing regulations prohibit the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines “take” to mean “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, the Federal agency must consult with the
Callie Taylor

Service pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Act.

According to the NOP, the subject project has the potential to impact biological resources. As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act, our comments on the NOP are not based upon a complete review of project impacts. We provide the following comments based upon project activities that have potential to affect resources under our jurisdiction related to our mandates under the Act. We are specifically concerned that the project has the potential to significantly impact directly, or through habitat modifications, federally listed species, as well as species identified as a candidate for Federal listing, or other protected species. Based upon a brief review of the plant communities, soils, and topography present within the project area, it is our opinion that, at a minimum, the following species have the potential to occur on-site: the federally threatened vernal pool fairy shrimp (*Branchinecta lynchii*) and perhaps other federally listed vernal pool branchiopod species, the federally threatened California red-legged frog (*Rana draytonii*), the federally endangered least Bell’s vireo (*Vireo bellii pusillus*), the federally protected golden eagle (*Aquila chrysaetos*), and other non-listed migratory birds.

**Listed Vernal Pool Branchiopods:** The potential for presence of listed vernal pool branchiopods should be included in the DEIR. In order to do this, we recommend that a biologist with demonstrable experience with these species conduct a habitat assessment within the proposed project area. If, after reviewing the results of this assessment, we determine that a survey for listed vernal pool branchiopods is warranted, our interim survey guidance should be used to determine species presence.

Only those biologists in possession of a valid recovery permit can conduct surveys for listed vernal pool branchiopods. While a recovery permit is not required to conduct the habitat assessment, the biologist conducting survey work should have experience with the full range and diversity of habitats in which the species are found, including anthropogenic features. Habitat assessments should include any seasonally ponded areas that could be inundated for the minimum amount of time for any one of the listed vernal pool branchiopod species to complete their life cycle. The biologist should be able to identify potential habitat in both its wet and dry condition. The assessment should not focus on the identification of vernal pool habitat but rather habitats that provide the requisite ecological conditions necessary to support the completion of a full life cycle of any of the listed species. The biologist should not focus exclusively on the presence of a floral signature; listed vernal pool branchiopod species are often found in habitats where this signature does not exist.

**California Red-legged Frog:** The proposed project area contains three major drainages (Eagle, Atascadero, and Paloma Creeks) and their tributaries. A habitat assessment should be conducted to determine if any of these features could provide habitat for the California red-legged frog.
This assessment should address both the presence of breeding and dispersal habitat. If either or both habitat types are identified, species surveys should then be conducted in accordance with our 2005 guidance.

**Least Bell’s Vireo:** As previously noted, Eagle, Atascadero, and Paloma Creeks and their tributaries are found within the project area. Least Bell’s vireos are known to nest in a diversity of riparian habitats, including those that are highly disturbed. Selection of breeding sites by this species does not appear to be limited to riparian habitat of a particular age or density although early successional habitat is preferred. This indicates an adaption to the naturally dynamic nature of riverine systems. Nests are often placed in openings and along the riparian edge where there is an exposure to sunlight and territories that include non-riparian habitat are not uncommon. Least Bell’s vireos have also been documented to use non-riparian habitat adjacent to riparian areas as nest sites. Adjacent upland areas are also considered important for foraging, especially for adults with juveniles. Extensive riparian restoration programs and removal of the parasitic brown-headed cowbird (*Molothrus ater*) have resulted in dramatic increases in least Bell’s vireo populations. These population increases have been accompanied by an expansion into the species’ historical breeding range; therefore, we recommend areas within the historical range where birds have not been observed for many years should be reconsidered for possible species presence. We recommend that a habitat assessment be conducted to determine if the project site contains habitat suitable for least Bell’s vireo. If suitable habitat is present, surveys for this species should be conducted in accordance with our guidance.

**Golden Eagle:** The Bald and Golden Eagle Protection Act (50 Code of Federal Regulations 22.26, 22.27; Eagle Act) prohibits a variety of actions with respect to eagles, including their “take.” “Take” under the Eagle Act is defined as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb.” We recommend that the DEIR address the potential effects the proposed project may have on golden eagles. We recommend the project proponent coordinate with our office to determine the appropriate level of survey effort for eagles and evaluate the need to develop further conservation measures.

**Migratory Birds:** The Service has conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 *et seq.*; MBTA). Any land clearing or other surface disturbance associated with the proposed actions should be timed to avoid potential destruction of bird nests or young of birds that breed in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, we recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food, etc.) prior to the commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be delineated and the entire area avoided preventing destruction of or disturbance to active nests. We also recommend that vegetation conducive to nesting within the development area of the proposed project site be removed before the nesting season begins to deter birds from nesting within the project site.
In summary, based on the general nature of the information presented in the NOP, we are unable to determine if the proposed project would substantially affect federally listed species, species identified as a candidate for Federal listing, or other federally protected species that may be present within the proposed project area. As such, we recommend that, at a minimum, habitat assessments be conducted to determine if suitable habitat for such species is present within the proposed project area. If so, surveys conducted in accordance with Service guidance should be performed to determine species presence. We encourage the applicant and the City to gather this information for evaluation in the DEIR in order to adequately support any determination of whether the project will result in impacts federally-listed, proposed for candidacy, or otherwise protected species. Survey guidance for those species discussed herein can be found on our website at: http://www.fws.gov/ventura/species_information/protocols_guidelines/index.html

We also suggest that you review information in the current year’s California Natural Diversity Database. While the absence of an occurrence record cannot be used to support a determination that species is not present, the database serves as a valuable tool to assess the potential for species presence. We also recommend you contact the California Department of Fish and Wildlife (559-243-4017) for information on State-listed or otherwise sensitive species that may be present in the proposed project area.

We appreciate the opportunity to provide comments on the NOP for the Eagle Ranch Specific Plan and look forward to receiving the DEIR. Please include all relevant biological technical appendices and reports. If you have any questions regarding our comments, please contact Kirstina Barry or Julie M. Vanderwier at (805) 644-1766, extensions 357 and 222, respectively.

Sincerely,

Diane K. Noda
Field Supervisor

cc:
Brandon Sanderson, California Department of Fish and Wildlife
May 16, 2013

To: Reviewing Agencies

Re: Eagle Ranch Specific Plan & Annexation
SCH# 2013051039

Attached for your review and comment is the Notice of Preparation (NOP) for the Eagle Ranch Specific Plan & Annexation draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Warren Frace
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency
The proposed project consists of the development of residential, resort, recreational, highway commercial, small retail, agricultural, and open space uses, as well as associate infrastructure, on the 3,430 (+/-) acre project site. The project would be guided by a Specific Plan and the project site would be annexed into the City of Atascadero. The Specific Plan has a buildout potential of 404 single-family residential lots; 93 multi-family dwelling units; up to 63 second units, a 100-room resort hotel; a 1.5 (+/-) acre Village Center featuring 15,000 sf of retail; a 15.2 (+/-) acre highway commercial area containing a 200-room hotel with conference and event facilities and a sit down restaurant, a 10.7 (+/-) acre public park, a 1.5 (+/-) acre equestrian area, and 2,585 (+/-) acres of open space. The Specific Plan would be developed in ~10 phases.

**Lead Agency Contact**

- **Name**: Warren Fance
- **Agency**: City of Atascadero
- **Phone**: (805) 470-3488
- **Email**:  
- **Address**: 6607 El Camino Real
- **City**: Atascadero
- **State**: CA
- **Zip**: 93422

**Project Location**

- **County**: San Luis Obispo
- **City**: Atascadero
- **Region**:  
- **Cross Streets**: Atascadero Ave./Ortega R.; San Diego Rd./San Dimas Rd.; San Rafael/San Carlos Rd.
- **Lat / Long**: 36° 22' 00" N / 120° 39' 00" W
- **Parcel No.**:  
- **Township**: 29S
- **Range**: 12E
- **Section**: 1, 2, 3
- **Base**: MDB&M

**Proximity to:**

- **Highways**: Hwy 101, 41
- **Airports**: Union Pacific
- **Railways**: Atascadero Creek; Paloma Creek, Eagle Creek
- **Waterways**: Atascadero Unified
- **Schools**: PLU: Grazing Land;
  - GP: Agriculture
  - Z: AG [Agriculture]

**Project Issues**

- Aesthetic/Visual;
- Agricultural Land;
- Air Quality;
- Archaeologic-Historic;
- Biological Resources;
- Drainage/Abosorption;
- Economics/Jobs;
- Flood Plain/Flooding;
- Forest Land/Fire Hazard;
- Geologic/Seismic;
- Minerals;
- Noise;
- Population/Housing Balance;
- Public Services;
- Recreation/Parks;
- Schools/Universities;
- Septic System;
- Sewer Capacity;
- Soil Erosion/Compaction/Grading;
- Solid Waste;
- Toxic/Hazardous;
- Traffic/Circulation;
- Vegetation;
- Water Quality;
- Water Supply;
- Wetland/Riparian;
- Growth Inducing;
- Landuse;
- Cumulative Effects

**Reviewing Agencies**

- Department of Conservation;
- Office of Historic Preservation;
- Department of Parks and Recreation;
- Department of Water Resources;
- Department of Fish and Wildlife, Region 4;
- Native American Heritage Commission;
- California Highway Patrol;
- Department of Housing and Community Development;
- Caltrans, District 5;
- Air Resources Board, Transportation Projects;
- Regional Water Quality Control Board, Region 3;
- Resources Agency

*Note: Blanks in data fields result from insufficient information provided by lead agency.*
Document Details Report
State Clearinghouse Data Base

Date Received  05/16/2013  Start of Review  05/16/2013  End of Review  06/14/2013

Note: Blanks in data fields result from insufficient information provided by lead agency.
County: San Luis Obispo

Other Departments
- Food & Agriculture
  - Gordon Schubert
  - Dept. of Food and Agriculture

- Dept. of General Services
  - Public School Construction
  - Dept. of General Services
  - Anna Garbely
  - Environmental Services Section
  - Dept. of Public Health
  - Jeffery Worth
  - Dept. of Health/Drinking Water

- Delta Stewardship Council
  - Kevan Samsan

Independent Commissions/Boards
- Delta Protection Commission
  - Michael Machado

- Cal EMA (Emergency Management Agency)
  - Dennis Castillio

Business, Trans & Housing
- Caltrans - Division of Aeronautics
  - Philip Crimmins

- Caltrans - Planning
  - Terri Pecorino

- California Highway Patrol
  - Suzanne Breedt
  - Office of Special Projects

- Housing & Community Development
  - CEQA Coordinator
  - Housing Policy Division

Dept. of Transportation
- Caltrans, District 1
  - Rex Jackman

- Caltrans, District 2
  - Marcelino Gonzalez

- Caltrans, District 3
  - Gary Arnold

- Caltrans, District 4
  - Erik Aim

- Caltrans, District 5
  - David Murray

- Caltrans, District 6
  - Michael Navarro

- Caltrans, District 7
  - Dianna Watson

- Caltrans, District 8
  - Dan Krupsky

- Caltrans, District 9
  - Gayle Rosander

- Caltrans, District 10
  - Tom Dumas

- Caltrans, District 11
  - Jacob Armstrong

- Caltrans, District 12
  - Mark Regisford

Cal EPA
- Air Resources Board
  - Jim Lerner
  - Ian Zehnder
  - Transportation Projects
  - Doug Wolfe
  - Industrial Projects
  - Mike Tolchinsky

- State Water Resources Control Board
  - Regional Programs Unit
  - Division of Financial Assistance

- State Water Resources Control Board
  - Student Intern, 401 Water Quality Certification Unit
  - Division of Water Quality

- State Water Resources Control Board
  - Phil Cramer
  - Division of Water Rights

- Dept. of Toxics Substances Control
  - CEQA Tracking Center

- Department of Pesticide Regulation
  - CEQA Coordinator

Resources Agency
- David Gayou
- Nicole Wong
- California Coastal Commission
  - Elizabeth A. Fuchs
- Colorado River Board
  - Gerald R. Zimmerman
- Dept. of Conservation
  - Elizabeth Carpenter
- California Energy Commission
  - Eric Knight
- Cal Fire
  - Dan Foster
- Central Valley Flood Protection Board
  - James Herold
- Office of Historic Preservation
  - Ron Parsons
- Dept of Parks & Recreation
  - Environmental Stewardship Section
  - California Department of Resources, Recycling & Recovery
  - Sue O'Leary
  - S.F. Bay Conservation & Dev't Comm.
  - Steve McAdam
  - Dept of Water Resources Resources Agency
  - Nadell Gayou

Fish and Game
- Dept. of Fish & Wildlife
  - Scott Flint
  - Environmental Services Division

- Fish & Wildlife Region 1
  - Donald Koch

Other

SCH# 2013051039

Regional Water Quality Control Board (RWQCB)
- RWQCB 1
  - Caldeira Hudson
  - North Coast Region (1)

- RWQCB 2
  - Environmental Document Coordinator
  - San Francisco Bay Region (2)

- RWQCB 3
  - Central Coast Region (3)

- RWQCB 4
  - Teresa Rodgers
  - Los Angeles Region (4)

- RWQCB 5
  - Central Valley Region (5)

- RWQCB 5F
  - Central Valley Region (5)
  - Fresno Branch Office

- RWQCB 5R
  - Redding Branch Office

- RWQCB 6
  - Lahontan Region (6)

- RWQCB 6W
  - Lahontan Region (6)
  - Victorville Branch Office

- RWQCB 7
  - Colorado River Basin Region (7)

- RWQCB 8
  - Santa Ana Region (8)

- RWQCB 9
  - San Diego Region (9)

- Other

Conservancy

Last Updated 01/08/2013
June 14, 2013

Mr. Warren Frace
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

COMMENTS ON THE EAGLE RANCH EIR NOTICE OF PREPARATION

Dear Mr. Frace:

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments for your consideration in preparing the Environmental Impact Report (EIR).

General Comments:

1. To ensure the traffic study in the Draft EIR includes the information needed to analyze the impacts (both cumulative and project specific), it is recommended that the analysis be prepared in accordance with the Department’s Guide for the Preparation of Traffic Impact Studies (December 2002).

2. Because we are responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards should be used to determine the significance of the project’s impact. Caltrans endeavors to maintain a target LOS at the transition between LOS “C” and LOS “D.”

3. The traffic study should include information on existing traffic volumes within the study area, including the State transportation system, and should be based on recent traffic volumes less than two years old. Counts older than two years cannot be used as a baseline. Feel free to contact us for assistance in acquiring the most recent data available.

4. The methodologies used to calculate the LOS should be consistent with the methods in the current version of the Highway Capacity Manual. All LOS calculations should also be included in the Draft EIR for review.

Specific Comments:

“Caltrans improves mobility across California”
1. Caltrans has concerns relative to potential impacts of increased impervious area to the drainage systems on US 101 and State Route (SR) 41, as well as potential flooding and erosion problems. A detailed storm water / hydrology report is requested for review as soon as it is available. No additional runoff can be allowed to the reach of the State transportation system.

2. The development is in an area that has been identified as a regionally important wildlife corridor that connects the Santa Lucia Range and Big Sur coastal regions in the Los Padres National Forest. This important wildlife corridor crosses Highway 101 near Santa Margarita and passes through the Eagle Ranch area and continues across Highway 41. The draft EIR should provide an analysis of the proposed project’s impacts to this wildlife corridor.

3. Considering the project will also include a venue for meetings, an amphitheater, an events lawn, an equestrian center as well as other event facilities, the trip generation analysis should include related trips from employees, deliveries, and other related support trips that will occur in association with each event. Including the full spectrum of related trips into the analysis will give the most accurate picture of the development’s potential impact on traffic operations and safety.

4. The traffic study should include, but is not limited to, an analysis of the proposed project’s impacts on the following:

   **Intersections**
   North Old Morro Road / SR 41
   South Old Morro Road / SR 41
   San Gabriel Road / SR 41

   **Interchanges (including associated ramps and intersections)**
   Santa Rosa Road
   Santa Barbara Road

   **Isolated On-ramps**
   West Front Road
   San Diego Road

   **Freeway Segments**
   US 101
   SR 41

If you have questions about this letter please contact me at (805) 549-3131.
Mr. Warren Frace
June 14, 2013
Page 3

Sincerely,

Adam Fukushima, PTP
Caltrans District 5
Development Review

Attachment

c: L. Newland (D5)
June 14, 2013

Ms. Callie Taylor, Senior Planner
Community Development Department
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

Subject: Notice of Preparation of an Environmental Impact Report (EIR) – Eagle Ranch Specific Plan and Annexation

Dear Ms. Taylor:

Thank you for the opportunity to provide comments regarding the scope and content of the draft EIR and Specific Plan for Eagle Ranch. The Local Agency Formation Commission (LAFCO) is a Responsible Agency that may use these documents for consideration of a future annexation to the City. LAFCO’s comments are focused on the potential annexation of this area into the City. The 3,430 acre area is within the City’s Sphere of Influence. The Sphere of Influence for the City was updated in September 2011 and identifies areas which may be annexed into the City for services over the next 20 years. The Sphere of Influence Update and Municipal Service Review prepared and approved by LAFCO may be useful in preparing the draft EIR. Please consider the following comments when completing the EIR:

1. Name of Contact Person. David Church, AICP, Executive Officer, San Luis Obispo Local Agency Formation Commission, 1042 Pacific Street, Suite A, San Luis Obispo, CA 93401. (805) 788-2096.

2. Permit(s) or Approval(s) Authority. LAFCO is responsible for determining the Sphere of Influence for jurisdictions throughout the County, including the City of Atascadero. LAFCO also considers any annexations or changes of organization to a jurisdiction’s service area. A jurisdiction is required to obtain LAFCO’s approval prior to serving a territory outside of its service area through an agreement with the property owner. The proposed annexation is subject to LAFCO’s local policies and procedures which are attached and can be found on our website at www.slolafco.com. These policies and procedures should be reviewed as part of the CEQA process if LAFCO is to use the EIR as a Responsible Agency in considering the annexation. Of particular note is the preparation of a Plan for Services by the City. A Plan for Services identifies the services that the City would deliver and the City’s capability
to provide such services. The specific government code section that identifies the elements of a plan for services is as follows:

56653. (a) Whenever a local agency submits a resolution of application for a change of organization or reorganization pursuant to this part, the local agency shall submit with the resolution of application a plan for providing services within the affected territory.

(b) The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

1. An enumeration and description of the services to be extended to the affected territory.

2. The level and range of those services.

3. An indication of when those services can feasibly be extended to the affected territory.

4. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

5. Information with respect to how those services will be financed.

3. **Environmental Information.** In order to consider the annexation of this area into the City an adequate environmental document must be prepared for LAFCO’s use. To expedite the annexation process, we recommend that the City’s EIR fully address the potential environmental impacts of adding this area to the City. A comprehensive analysis of the environmental impacts related to the area proposed for annexation will enable LAFCO to use the EIR prepared by the City for annexing the property. The EIR should address the capability of a jurisdiction to provide public services to existing and future residents with regard to water supply and demand, sewer capacity and demand, fire and police response, growth and development, roads, and financial constraints and opportunities. LAFCO would use the EIR as a responsible agency if the document adequately addresses the impacts of the annexation.

4. **General Comment.** Annexation generally requires the following information and activities;

a. Application through a petition of property owners or a City Resolution of Application - Submittal of Application

b. Preparation of Maps and submittal of all related information, approvals and documentation

c. Approval of Negotiated Tax Agreement between the City and County

d. Prezoning approved by the City; City is Lead Agency
e. Preparation of a Plan for Services by the City
f. Evaluation and Consideration by LAFCO, if approved;
g. Post annexation steps - condition compliance and Board of Equalization Filing and other notifications

Attached for your consideration are the San Luis Obispo LAFCO Policies and Procedures. This describes in more detail the proposal approval process.

5. **Project Description.** It would appear that a Water Assessment pursuant to SB 610 will be prepared for this proposal/project. This analysis evaluates the projects water supply to serve the anticipated demand. According to State Law, any project over 500 units is required to complete a Water Assessment Study.

   The Project Description should provide a description that addresses Prezoning, the Negotiated Tax Agreement, and the annexation processes. This will make the project description more complete and accurate. The annexation process for these areas should be included in the Project Description. It also should be clarified what area would be annexed into the City. An annexation map should be included in the document.

6. **Impact Analysis.** LAFCO policies and procedures should be incorporated into the impact analysis discussions as appropriate. LAFCO has polices that address the following impact areas:

   Agricultural Resources    Public Safety    Water/Wastewater
   Land Use                  Growth Inducing

   These impact areas should be analyzed for consistency with LAFCO policies.

7. **LAFCO Agricultural Policies.** Attached are the goals, policies, and guidelines approved by LAFCO regarding Agricultural Resources. These policies should be reviewed and analyzed or consistency with the proposed specific plan. A key policy to be considered is the 1:1 substitution ratio for preserve prime agricultural land.

8. **Mitigation Measures.** Mitigation Measures that assist LAFCO in achieving its legislative goals such as reducing the impacts to agriculture and open space should be referenced. Other key mitigation measures regarding roads and circulation, air quality, and public services should be noted. While LAFCO has discretion over the annexation proposal, mitigation measures that reduce impacts to resources assist LAFCO in the decision making process and should be referenced in this section.

9. **Permit Stipulations/Conditions.** Unknown at this time.

10. **Alternatives.** Any analysis of alternatives should include an evaluation of the impacts the proposed annexation might have on the environment. LAFCO has the discretion to modify a boundary change proposal, however; if a particular alternative was not studied as part of the CEQA document, LAFCO would not be able to approve a modified annexation due to an inadequate CEQA review.
We appreciate being contacted with regard to this project and look forward to hearing more about the plan as it progresses through the environmental review and planning process. If you have any questions regarding our comments please contact me at 788-2096.

Sincerely,

David Church, AICP
LAFCO Executive Officer

cc. Commissioners
    Ray Biering, LAFCO Counsel

Enc.
San Luis Obispo
Local Agency Formation Commission
Serving the Area of San Luis Obispo County Since 1963

Mission Statement

The San Luis Obispo Local Agency Formation Commission (LAFCO) is committed to serving the residents of San Luis Obispo County and the State of California by discouraging urban sprawl and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

LAFCO
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401

Phone: (805) 781-5795     Fax: (805) 788-2072     www.slolafco.com
San Luis Obispo
LOCAL AGENCY FORMATION COMMISSION

COMMISSIONERS

Chairman: Richard Roberts, Public Member
Vice Chairman: Bruce Gibson, County Member
Muriel Clift, Special District Member
Ed Eby, Special District Member
James R. Patterson, County Member
Duane Piccano, City Member
Kris Vardas, City Member

ALTERNATES

Roberta Fonzi, City Member
Frank R. Mecham, County Member
Tom Murray, Public Member
Vacant, Special District Member

STAFF

David Church, AICP, Executive Officer
Raymond A. Biering, Legal Counsel
Mike Prater, LAFCO Analyst
Donna J. Boyd, Commission Clerk
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Policies and Procedures-Approved 2011
CHAPTER 1
INTRODUCTION

Local Agency Formation Commissions (LAFCOs) were created to help organize, manage, and regulate the provision of public services to development. LAFCOs were created in 1963 in response to the post World War II development boom and the proliferation of development and local agencies providing public services to California’s fast growing communities. The results of this development boom became evident as more of California’s agricultural land was converted to urban uses. This premature and unplanned development pattern created inefficient and expensive systems of delivering public services using multiple small units of local government. A number of pieces of legislation were passed to help manage this situation, the most recent being the Cortese-Knox-Hertzberg Act of 2000 (CKH Act).

AUTHORITY AND MANDATE

A section of the California Government Code, the CKH Act, provides LAFCO with its powers, procedures and functions. This law gives LAFCOs the power to “approve or disapprove with or without amendment, wholly, partially, or conditionally” proposals concerning the formation of cities and special districts and other changes of jurisdiction or organization of local government agencies.

The CKH Act makes significant changes to LAFCOs' policies, procedures, and operations. It streamlines and clarifies procedures and strengthens LAFCOs' role and powers to prevent urban sprawl and protect open space. It includes many changes related to making LAFCOs more balanced and independent in representation and operation, making LAFCOs more accountable and visible to the public and enhancing communication among LAFCOs and other local government agencies.

LAFCO is required to review and approve or disapprove proposals for boundary changes or governmental reorganizations of cities and special districts, including (1) the formation of special districts and cities and (2) the annexation and detachment of territory to cities and special districts. In addition, LAFCO is required to determine a sphere of influence for each local governmental agency within its county. A sphere of influence is a twenty-year growth plan for the probable physical boundary and service area of the agency. After adoption, it is used by the Commission as a factor considered in review of proposals.

LAFCO must consider the effect that any proposal may produce on existing agricultural lands. By guiding development toward vacant urban land and away from agricultural preserves, LAFCO assists with the preservation of valuable agricultural resources.
In reviewing proposals, LAFCO is required to consider certain factors such as the conformity between city and county plans, current levels and needs for future services to the area, and the social, physical and economic effects that agency boundary changes may present to the community. The State of California, through legislation, gives LAFCOs the authority to achieve the following objectives:

**Encourage the Orderly Formation of Local Governmental Agencies**

LAFCOs review proposals for the formation of new local governmental agencies and changes of organization in existing agencies. In California there are 58 LAFCOs working with nearly 4,000 governmental agencies in 58 counties, 500+ cities, and 3,000+ special districts. Agency boundaries are often unrelated to one another and sometimes overlap at random, often leading to higher service costs to taxpayers and general confusion regarding service area boundaries. LAFCOs’ decisions strive to balance the competing needs in California for affordable housing, economic opportunity, and conservation of natural resources.

**Preserve Agricultural Land Resources**

LAFCO must consider the effect that any proposal may produce on existing agricultural lands. By guiding development toward vacant urban land and away from agricultural land, LAFCO assists with the preservation of valuable agricultural resources. The CKH Act strongly discourages the use of prime agriculture land for development. The definition of prime agriculture land is found in the CKH Act. In 2008 San Luis Obispo LAFCO adopted Agricultural Goals-Policies-Guidelines developed to help preserve agricultural resources. These policies can be found in Section 2.8 of the Policies chapter.

**Discourage Urban Sprawl**

Urban sprawl can best be described as irregular and disorganized growth occurring without apparent design or plan. This pattern of development is characterized by the inefficient delivery of urban services (police, fire, water, and sanitation) and the unnecessary loss of agricultural resources. By discouraging sprawl, LAFCO limits the misuse of land resources and promotes a more efficient system of local governmental agencies.
San Luis Obispo LAFCO Membership

The Commission is comprised of seven regular members (Two County Board of Supervisors, two City Council Members, two Special District Members, and one Public Member) and four Alternate Commissioners (One County Board of Supervisor, one City Council Member, one Special District Member, and one Public Member). Current membership is shown below:

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<th>Member</th>
<th>Type</th>
<th>Term Expiration</th>
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</thead>
<tbody>
<tr>
<td>Murl Clift</td>
<td>Special District Member</td>
<td>December 2012</td>
</tr>
<tr>
<td>Ed Eby</td>
<td>Special District Member</td>
<td>December 2014</td>
</tr>
<tr>
<td>Bruce Gibson</td>
<td>County Member</td>
<td>December 2013</td>
</tr>
<tr>
<td>James R. Patterson</td>
<td>County Member</td>
<td>December 2011</td>
</tr>
<tr>
<td>Duane Picanço</td>
<td>City Member</td>
<td>December 2011</td>
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<tr>
<td>Richard Roberts</td>
<td>Public Member</td>
<td>December 2012</td>
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<tr>
<td>Kris Vardas</td>
<td>City Member</td>
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</tr>
<tr>
<td>Vacant</td>
<td>Special District Member</td>
<td>December 2013</td>
</tr>
</tbody>
</table>

The County Board of Supervisors appoints two regular representatives and one alternate representative from the County. The cities convene a special committee composed of the mayors from each city to appoint two regular and one alternate representative. The Special Districts elect representatives through a process implemented by the Executive Officer pursuant to the CKH Act. The LAFCO Commission appoints public representatives to serve on the Commission.

San Luis Obispo LAFCO Staff

The Commission’s staff serves in an administrative capacity, reviewing proposals, preparing special studies, and acting as the liaison with state and local agencies and the public. Staff may be contacted by phone at (805) 781-5795, via e-mail through the Commission’s website at www.slolafco.com, or by the e-mail addresses listed below:

- David Church, AICP, Executive Officer  
  dchurch@slolafco.com
- Raymond A. Biering, Legal Counsel  
  biering@ammglaw.com
- Mike Prater, Analyst  
  mprater@slolafco.com
- Donna J. Bloyd, Commission Clerk  
  dbloyd@slolafco.com

---

Policies and Procedures-Approved 2011 7
CHAPTER 2
POLICIES

The CKH Act requires that each LAFCO establish policies and procedures. The CKH Act also states that LAFCOs are to exercise their powers consistent with those policies and procedures. The policies should encourage and provide for urban development patterns balanced with the goals of preserving open space and agricultural land while discouraging urban sprawl. In this chapter, the policies are broken into eight different sections:

2.1. General Policies
2.2. City Incorporations
2.3. City Annexations
2.4. Special District Annexations
2.5. Formation of Special Districts
2.6. Sphere of Influence and Service Reviews
2.7 Municipal Service Review Policies
2.8. Memorandum of Agreement Policies
2.9 Agricultural Policies

The policies in this chapter reflect the legislative intent of the CKH Act and provide for the consistent implementation based upon local conditions and circumstances. This chapter also incorporates by reference (1) policies that are explicitly required by the CKH Act, (2) new definitions stated in the CKH Act, and (3) implementation of any new LAFCO authority. The CKH Act clarified the many factors that LAFCOs must consider and balance in making decisions as is stated in the Act:

"The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with the sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agriculture lands, and efficiently extending government services."

2.1 General Policies

The following General Policies are to be used by the San Luis Obispo LAFCO in making decisions regarding all proposals as applicable and appropriate:

1. The Commission shall endeavor to balance the need to efficiently provide public services with the sometimes-competing interests of discouraging urban sprawl, preserving prime agriculture land and open space (CKH Act 56001).
2. While serving on the Commission, all members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole, to implement the CKH Act (CKH Act 56325.1).

3. Cities and Special Districts are discouraged from annexations outside of their sphere of influence unless the need for such services is clearly demonstrated (CKH 56375.5).

4. Jurisdictions are encouraged to create places to live that integrate various land uses as a way of providing for a diverse social and economic community.

5. Cities are encouraged to annex unincorporated islands as well as land that is mostly surrounded by the municipality (CKH 56001, 56375.3).

6. The Commission encourages development of vacant land within a municipality over development in fringe areas and discourages strip or noncontiguous annexations to Cities (CKH 56301).

7. The Commission prefers urban development within Cities as opposed to development in the unincorporated area (CKH 56001).

8. The Commission will recognize and preserve clearly defined, long-term agricultural and open space areas established by the County or other jurisdictions to preserve critical environmental areas and to bolster local economies (CKH 56001).

9. The Commission favors annexation to an existing agency over creation of a new agency. When the formation of a new government entity is proposed, the Commission shall make a determination as to whether existing agencies can feasibly provide the service in a more efficient manner (CKH 56301).

10. The Commission discourages Special Districts from extending services by agreement without annexation. A municipality or district may provide new or extended services by contract or agreement outside its boundaries only if it requests and receives written approval from LAFCO (CKH 56133).

11. The Commission normally will require annexation to a municipality rather than annexation to a sanitation, sanitary, community service or water district in the unincorporated area (CKH 56001).

12. The Commission will require, as a condition to city annexation, detachment of the annexed territory from the special district where appropriate (CKH 56001).
13. The Commission prefers the merger of a special district with a municipality upon incorporation, whenever possible, as being in the best interest of the local citizens.

14. In any proposal, the impacts on affordable housing must be considered. The Commission will consider the impact of the creation of new jobs on affordable housing stock, not only in the jurisdiction to which the annexation is proposed, but also in neighboring jurisdictions. The agency to which the annexation is proposed should demonstrate to the Commission that the effects of the proposed project on affordable housing have been mitigated (CKH 56001).

a. The Commission recognizes that providing a range of housing opportunities for persons and families of all incomes is an important factor in promoting orderly development.

15. Prior to annexation of territory within an agency’s sphere of influence, the Commission encourages development on vacant or underutilized parcels already within the boundaries of a jurisdiction. The agency should provide LAFCO with a build-out estimate or inventory and document how it was prepared.

16. In any proposal requiring water service, the Commission requires that the agency to which the annexation is proposed should demonstrate the availability of an adequate, reliable and sustainable supply of water. In cases where a phased development is proposed, the agency should demonstrate that adequate service capacity will be provided as needed for each phase. In cases where a proposed annexation will be served by an onsite water source, the proponent should demonstrate its adequacy (CKH 56668 (k)).

17. The Commission shall review and update the spheres of influence for all applicable jurisdictions in the County every five years, or as necessary, pursuant to the CKH Act and an approved local work plan. (CKH 56425 (g))

18. A municipal service review (MSR) shall be prepared to update the spheres using the guidelines adopted by San Luis Obispo LAFCO and in accordance with the CKH Act.

19. The Commission shall give “great weight” to a proposal that is supported by a community’s long-range vision for its growth and development.
2.2 Policies for City Incorporation

1. Incorporation will be discouraged where a municipal government already exists adjacent to the area. Existing jurisdictional boundaries of other agencies shall be recognized and evaluated.

2. When other municipalities are adjacent, the Commission will consider as preferable, in the order listed, the following actions:
   a. Annexation to an existing municipality.
   b. Reorganization, consolidating one or more of the municipalities and the unincorporated area.
   c. Incorporation.

3. Incorporation will be given more favorable consideration if:
   a. A community is geographically located some distance from any other municipality.
   b. There is a demonstrated public need for additional governmental services and controls or a need for a higher level of some or all of those services being provided.
   c. The needed governmental services can be shown to be most quickly and economically provided by incorporation.
   d. The area to be incorporated is compact, contiguous, possesses a community identity and includes a variety of land uses that provides for a balanced community.
   e. The proposed incorporation must reflect and consider the general plan of the County and affected Cities.
   f. The proposed incorporation must not conflict with the logical growth of adjacent cities as reflected in Commission approved spheres of influence.
   g. The proposed incorporation does not represent an attempt to incorporate only revenue-producing territories to preempt neighboring cities from receiving those revenues.
h. The proposed boundaries do not create or result in areas that are difficult to serve.

i. The proposed boundaries must be definite and certain and wherever possible, should conform to lines of assessment and consider topographic, geographic, and historic boundaries.

j. The effect of incorporation on a special district must be considered.

k. Within the proposal there must be a cost-versus-benefits justification of the proposed incorporation.

l. Sufficient revenue to supply required municipal services is evident in the incorporation proposal.

m. Consideration will be given to the effect of incorporation upon adjacent landowners, governmental agencies, and the County.

n. A Comprehensive Fiscal Analysis (CFA) must be completed pursuant to CKH Act 56800 and the LAFCO incorporation guidelines prepared by the State Office of Planning and Research.

o. The incorporation would result in a similar exchange of both revenue and responsibility for service delivery between the County, the proposed municipality and other involved agencies (CKH 56815).

p. The incorporation proposal shall fully consider the State Guidelines for incorporation. These guidelines are advisory to the Commission in the review of an incorporation proposal and should be used in preparing any incorporation proposal.

2.3 Policies for City Annexations

1. The boundaries of a proposed annexation must be definite and certain and must conform to lines of assessment whenever possible.

2. The boundaries of an area to be annexed will not result in any areas difficult to serve.

3. There is a demonstrated need for governmental services and controls in the area proposed for annexation.
4. The municipality has the resources capable of meeting the need for services in the area proposed for annexation and has submitted studies and information documenting its ability to serve.

5. There is a mutual social and economic community of interest between the residents of the municipality and the proposed territory.

6. The proposed annexation is compatible with the municipality's general plan. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.

2.4 Policies for Annexation to Special Districts

1. A demonstrated need exists for the required services and there is no reasonable alternative manner of providing these services.

2. The proposed annexation represents a logical and reasonable expansion of the district.

3. The proposed annexation reflects the plans of the adjacent governmental agencies.

4. The proposed annexation does not represent an attempt to annex only revenue producing property.

5. The proposed boundaries must be definite and certain and conform to lines of assessment whenever possible.

6. The district has the capability of meeting the need for services and has submitted studies and information documenting its capabilities.

2.5 Policies for Formation of Special Districts

1. There is a demonstrated need for services or controls which can be provided by a special district.

2. There is no alternative which would provide for the required service in a more reasonable manner.

3. There will be sufficient revenue to adequately finance the required services or controls.
4. The proposal does not represent a conflict with the reasonable and logical expansion of adjacent governmental agencies.

5. The boundary configuration will not create or result in areas difficult to serve.

6. The boundaries of the proposed formation must be definite and certain and must conform to lines of assessment whenever possible. The boundaries must not conflict with boundaries of other public agencies possessing the same powers unless properly justified.

2.6 Sphere of Influence Review Policies

The CKH Act provides the legislative authority and intent for establishing a sphere of influence and is included by reference in these policies. A sphere of influence is the 20-year growth boundary for a jurisdiction’s physical development. These policies are intended to be consistent with the CKH Act and take into consideration local conditions and circumstances. All procedures and definitions in the CKH Act are incorporated into these policies by reference.

1. LAFCO intends that its sphere of influence determination will serve as a master plan for the future organization of local government within the County. The spheres shall be used to discourage urban sprawl and the proliferation of local governmental agencies and to encourage efficiency, economy, and orderly changes in local government.

2. The sphere of influence lines shall be a declaration of policy which shall be a primary guide to LAFCO in the decision on any proposal under its jurisdiction. Every determination made by the Commission shall be consistent with the spheres of influence of the agencies affected by those determinations.

3. No proposal which is inconsistent with an agency’s adopted sphere of influence shall be approved until the Commission, at a noticed public hearing, has considered an amendment or revision to that agency’s sphere of influence.

4. The adopted sphere of influence shall reflect city and county general plans, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary area of an affected agency unless those plan or policies conflict with the legislative intent of the CKH Act (Government Code Section 56000 et seq.)

Where inconsistencies between plans exist, LAFCO shall rely upon that plan which most closely follows the legislature’s directive to discourage urban sprawl,
direct development away from prime agricultural land and open space lands, and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances.

In accordance with the CKH Act a municipal service review shall be conducted prior to the update of a jurisdiction’s sphere of influence. The service review is intended to be a basis for updating a jurisdiction’s sphere of influence.

5. LAFCO will designate a sphere of influence line for each local agency that represents the agency’s probable physical boundary and includes territory eligible for annexation and the extension of that agency’s services within a zero to twenty-year period.

6. LAFCO shall consider the following factors in determining an agency’s sphere of influence:

a. Present and future need for agency services and the service levels specified for the subject area in applicable general plans, growth management plans, annexation policies, resource management plans, and any other plans or policies related to an agency’s ultimate boundary and service area (CKH 56425 (e)(1)).

b. Capability of the local agency to provide needed services, taking into account evidence of resource capacity sufficient to provide for internal needs and urban expansion (CKH 56425 (e)(2)).

c. The existence of agricultural preserves, agricultural land and open space lands in the area and the effect that inclusion within a sphere of influence shall have on the physical and economic integrity of maintaining the land in non-urban use (CKH 56426.5 (a)).

d. Present and future cost and adequacy of services anticipated to be extended within the sphere of influence.

e. Present and projected population growth, population densities, land uses, and area, ownership patterns, assessed valuations, and proximity to other populated areas.

f. The agency’s capital improvement or other plans that delineate planned facility expansion and the timing of that expansion.

g. Social or economic communities of interest in the area (CKH 56425 (e)(4)).
8. LAFCO may adopt a zero sphere of influence encompassing no territory for an agency. This occurs if LAFCO determines that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency of government. The local agency which has been assigned a zero sphere of influence should ultimately be dissolved.

9. Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency’s sphere of influence unless the area’s exclusion would impede the planned, orderly and efficient development of the area.

10. LAFCO may adopt a sphere of influence that excludes territory currently within that agency’s boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands, or agricultural preserves whose preservation would be jeopardized by inclusion within an agency’s sphere of influence. Exclusion of these areas from an agency’s sphere of influence indicates that detachment is appropriate.

11. Where an area could be assigned to the sphere of influence of more than one agency providing needed service, the following hierarchy shall apply dependent upon ability to serve:
   a. Inclusion within a municipality sphere of influence.
   b. Inclusion within a multipurpose district sphere of influence.
   c. Inclusion within a single-purpose district sphere of influence.

In deciding which of two or more equally capable agencies shall include an area within its sphere of influence, LAFCO shall consider the agencies’ service and financial capabilities, social and economic interdependencies, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

12. Sphere of influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

13. Nonadjacent publicly owned properties and facilities used for urban purposes may be included within that public agency’s sphere of influence if eventual annexation would provide an overall benefit to agency residents.

14. At the time of adoption of a city sphere of influence, LAFCO may develop and
adopt in cooperation with the municipality, an urban area boundary pursuant to policies adopted by the Commission in accordance with Government Code Section 56080. LAFCO shall not consider any area for inclusion within an urban service area boundary that is not addressed in the general plan of the affected municipality or is not proposed to be served by urban facilities, utilities, and services within the first five years of the affected city's capital improvement program.

15. LAFCO shall review sphere of influence determinations every five years or when deemed necessary by the Commission. If a local agency or the County desires amendment or revision of an adopted sphere of influence, the local agency, by resolution, may file such a request with the LAFCO Executive Officer. Any local agency or county making such a request shall reimburse the Commission for the actual and direct costs incurred by the Commission. The Commission may waive such reimbursement if it finds that the request may be considered as part of its periodic review of spheres of influence.

16. LAFCO shall adopt, amend, or revise sphere of influence determinations following the procedural steps set forth in CKH Act 56000 et seq.

2.7 Municipal Service Review Policies

The following policies are meant to guide San Luis Obispo LAFCO in the preparation of the municipal service review for jurisdictions:

1. The Commission shall use the Municipal Service Review Guidelines found in Appendix A as a framework for preparing a municipal service review for a jurisdiction.

2. In order to prepare an update of spheres of influence in accordance with Section 56425, the Commission shall conduct a municipal service review of the municipal services provided by the local agency or service jurisdiction.

   a. LAFCO shall complete a municipal service reviews consistent with the provisions contained in the CKH Act.

2.8 Memorandum of Agreement Policies

1. LAFCO shall work together with the affected jurisdictions and facilitate a constructive dialogue of the issues related to a service review with the goal of achieving an agreement which can be given "great weight" by the Commission in its deliberations. The following steps shall be taken to encourage such
discussions and develop a memorandum of agreement (MOA) between a city (or district is applicable) and the County regarding a city’s sphere of influence.

a. Prepare agendas and facilitate initial meetings between representatives of the city, district and the County to identify potential sphere of influence areas and possible land use development standards. The County Agriculture Commissioner’s Office and the property owners should be included in these discussions as appropriate.

b. The negotiation period shall begin when the preparation of the Municipal Service Review is initiated prior to adoption of the resolution of application.

c. LAFCO staff shall prepare a draft memorandum of agreement that includes a map of the proposed sphere of influence along with provisions which address development processes and/or zoning requirements.

d. Conduct a series of meetings to discuss issues and agree to specific language provisions and SOI boundaries, if possible.

e. Provide the city and County with a final memorandum of agreement for a public hearing and consideration by the City council and the County Board of Supervisors.

f. If the city and County Board of Supervisors approve the memorandum of agreement, the Commission is required to give the agreement “great weight” in making a decision regarding the sphere of influence.

g. If the sphere of influence approved by the Commission is consistent with the agreement, the city and the county shall implement the provisions of the agreement by amending their respective general plans.

h. If the Commission changes the sphere of influence agreed upon by the city and the County, the agreement shall not be implemented; however, it may be renegotiated of both parties agree to further discussions.

2.9 Agricultural Policies

The policies in this section are designed to assist LAFCO in making decisions that achieve the Goals stated in the previous section. A policy is a statement that guides decision making by indicating a clear direction on the part of LAFCO. The following policies support the goals stated above and shall be used by San Luis Obispo LAFCO when considering a proposal that would involve agricultural resources:
Policy 1. Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes.

Policy 2. Land substantially surrounded by existing jurisdictional boundaries should be annexed before other lands.

Policy 3. In general, urban development should be discouraged in agricultural areas. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist. Large lot rural development that places pressure on a jurisdiction to provide services and causes agricultural areas to be infeasible for farming should be discouraged.

Policy 4. The Memorandum of Agreement between the City and County should be used and amended as needed to address the impacts on and conversion of Agricultural Lands on the fringe of a City.

Policy 5. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers should be established to promote this policy.

Policy 6. Development near agricultural land should not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations.

Policy 7. In considering the completeness and appropriateness of any proposal, the Executive Officer and this Commission may require proponents and other interested parties to provide such information and analysis as, in their judgment, will assist in an informed and reasoned evaluation of the proposal in accordance with these policies.

Policy 8. No change of organization, as defined by Government Code 56021, shall be approved unless it is consistent with the Spheres of Influence of all affected agencies.

Policy 9. Where feasible, and consistent with LAFCO policies, non-prime land should be annexed before prime land.

Policy 10. The Commission will consider feasible mitigation (found in the following guidelines) if a proposal would result in the loss of agricultural land.
Policy 11. The Commission encourages local agencies to adopt policies that result in efficient, coterminous and logical growth patterns within their General Plan and Sphere of Influence areas and that encourage protection of prime agricultural land in a manner that is consistent with this Policy.

Policy 12. The Commission shall approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land annexed is agreed to by the applicant (proponent), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:

a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands with similar characteristics within the County Planning Area.

b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.

c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.

Policy 13. Property owners of agricultural lands adjacent to a LAFCO proposal shall be notified when an application is submitted to LAFCO.
CHAPTER 3
PROCEDURES

The following is a step-by-step guide to the basic procedures followed by San Luis Obispo LAFCO in considering proposed changes in local government organization. More detailed procedures can be found in the CKH Act and "A Guide to LAFCO Procedures for City and Special Districts Change of Organization and Reorganization" which are incorporated by reference into this policy document. All references in this section are to the Government Code unless otherwise specified.

3.1 Preliminary Steps

1. Proponent reviews proposal with LAFCO staff. Although this step is not required, a brief discussion with LAFCO staff before application submittal could save the proponent time. These following steps are suggested:

   a. Call for an appointment.

   b. Bring the following information:

      (1) Assessor’s parcel numbers (APNs) for individual lots or project maps for complex proposals.

      (2) General plan and zoning designations.

      (3) Development plans, if applicable. LAFCO generally requires approved development plans, such as tentative maps, specific plans, etc, when vacant territory is proposed for annexation to a municipality or district. A key consideration of LAFCO’s review of annexation requests is the timing of the action. LAFCO discourages the annexation of vacant land until it can be demonstrated that services are required. Approved development plans also provide the information necessary to evaluate a proposal. The plans show what land uses are planned, the level of services required, how services will be provided, and the conditions under which service will be extended. They also enable LAFCO to evaluate the impact of a jurisdictional change on adjacent areas.

   c. LAFCO staff will review procedures, information requirements, and fees.

   d. Proponent should obtain application forms and ascertain what environmental documentation will be necessary.

2. Proponent prepares application material for proposal. More complex proposals
may need additional information, but all proposals must includes the following:

a. A certified resolution or petition of landowners/registered voters making the application. A petition or resolution of application shall include all of the following (56700):

(1) State that the proposal is made pursuant to the CKH Act.

(2) State the nature of the proposal and list all proposed changes of organization.

(3) Set forth a legal description of the boundaries of the affected territory accompanied by a map showing the boundaries.

(4) Set forth any proposed terms and conditions.

(5) State the reason(s) for the proposal.

(6) State whether the petition is signed by registered voters or landowner(s). (Not applicable to a resolution of application.)

(7) Designate not more than three persons as chief petitioners, setting forth their names and mailing addresses. (Not applicable to a resolution of application.)

(8) State whether the proposal is consistent with the spheres of influence of any affected municipality or district.

(9) Request that proceedings be taken for the proposal pursuant to this part.

(10) A resolution of application shall include a plan for services prepared according to CKH 56653.

b. One copy of a metes and bounds legal description of the perimeter of the subject proposal.

c. A Mylar, digital, or sepia parcel map of the subject property and ten prints.

d. Two copies of a vicinity map of the subject property.

e. One copy of any environmental documents (pursuant to CEQA)
associated with the proposal if, however, an environmental impact report (EIR) associated with the subject proposal was prepared, 15 hard copies of the certified EIR must be submitted with the application along with one digital copy. Only one copy of the EIR appendices is required.

f. One large-scale topographical map of the subject property and a clear 8.5 by 11 inch map of the property.

g. If the proposal includes annexation to a municipality, indicate that the annexing municipality has prezoned the property, such as a city council resolution approving the prezoning.

h. Processing fees.

3. As with other public agencies, San Luis Obispo LAFCO is required to comply with the California Environmental Quality Act (CEQA) for purposes of considering the environmental impact of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decision. For a detailed discussion of environmental requirements, please refer to Section IV of these Guidelines.

3.2 LAFCO Proceedings

1. Proponent delivers a complete application to the LAFCO Executive Officer (Section 56652).

2. The LAFCO Executive Officer determines if:

   a. The application is sufficient as required by law and issues a determination on its sufficiency within 30 days of submittal.

   b. If LAFCO is to be the lead agency, then the environmental review is undertaken by LAFCO.

   c. A satisfactory exchange of property tax has taken place. Master property tax agreements may be applicable or separate property tax exchange resolutions may be required. If negotiations leading to adoption of separate resolutions are required, either the County or any affected municipality must agree to a tax exchange or the County negotiates a property tax exchange on behalf of any Special District (Revenue and Taxation Code Section 99).

3. The LAFCO Executive Officer reviews the proposal and within 30 days of its receipt and either:
a. Determines that the application is complete (and that all property tax agreements are on file) and issues a Certificate of Filing and sets the Commission hearing within 90 days; or

b. Determines that the application is not complete and notifies the proponent (56658).

4. The LAFCO Executive Officer requests review of any information for the proposal from affected County Departments, affected agencies, and other affected counties’ LAFCOs (56378).

5. Proponents and/or LAFCO staff provides for a meeting with affected residents or landowners to give information and receive comments on the proposal (optional).

6. The LAFCO Executive Officer, at least 21 days prior to the date set for hearing, gives notice by:

   a. Publication in a newspaper of general circulation;

   b. Posting near the door of the hearing room; and

   c. Mailing to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, chief petitioner(s), persons requesting notice, each municipality within three miles, and the County in the case of incorporation or formation.


   e. For proposals requiring a public hearing, mailing to each registered voter and landowner within the affected territory and within 300 feet of the exterior boundary of the property that is the subject of the hearing. (This requirement may be waived if individual notices have already been provided by the initiating agency.) If this would require that more than 1,000 notices should be mailed, notice may be provided pursuant to Section 56157.

   **Note:** Some Commission actions can be made without a noticed hearing, such as annexations and detachments with written consent of all landowners. Notice and opportunity to request a public hearing must be given to agencies whose boundaries are affected (56662 & 56663).

7. The LAFCO Executive Officer reviews the application and any comments
received and prepares the written report and recommendation. The report reviews pertinent factors and policies, spheres of influence, and general and specific plans.

8. The Executive Officer mails the report at least five days prior to the hearing to each Commissioner, each person named in the application to receive a report, each affected local agency requesting a report, each agency whose boundaries or spheres of influence will be changed, and the Executive Officer of the LAFCOs of any other affected county (56665).

9. The Commission hears the proposal on the noticed date and time. The hearing may be continued for up to 70 days. The Commission must consider a number of factors and policies in compliance with state law. Among the factors considered by the San Luis Obispo LAFCO in making its determination are (56668):

   a. Population, density, land area and land use, per capita assessed valuation, topography, natural boundaries, drainage basins, proximity to populated areas, likelihood of significant growth during the next ten years.

   b. Need for organized community services, present cost and adequacy of government services and controls, probable future needs, probable effect of change of organization and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

   c. The effect of the proposed action or alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the County.

   d. Conformity of the proposal to Commission policies on providing planned, orderly, efficient patterns of urban development, and with state policies and priorities on conversion of open space uses.

   e. Effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open space uses.

   f. Definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment and ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

   g. A regional transportation plan adopted pursuant to Section 65080 and consistency with appropriate City or County general and specific plans.
h. The sphere of influence of any agency which may be applicable to the proposal being reviewed.

i. Comments of any affected local agency or other public agency.

j. The ability of the newly formed or receiving entity to provide the services which are the subject of the application, including the sufficiency of revenues for those services following the proposed boundary change.

k. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

l. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the Council of Governments (COG).

m. Any information or comments from the landowner or owners.

n. Any information relating to existing land use.

o. The extent to which the proposal promotes environmental justice.

10. Within 35 days of the hearing, the Commission will adopt a resolution of determination taking the following actions:

a. Approve or deny with or without conditions or revisions to the proposal. If denied, no new proposal can be made for one year unless waived by LAFCO. If the proposal included incorporation or consolidation of a municipality, no new proposal can be made for two years unless waived by LAFCO (57090);

b. Determine if the territory is inhabited or uninhabited (inhabited territory means territory within which there reside 12 or more registered voters);

c. Designate LAFCO or the Executive Officer as the Conducting Authority (56029);

d. Assign a short-term designation; and

e. Authorize proceedings without notice, hearing, or an election if there is 100% consent and only annexations, detachments, and CSA formations.
11. The LAFCO Executive Officer sends the Commission's resolution to the proponents, if any, and each agency whose boundaries will be changed by the proposal (56882). In the case of uninhabited territory, the Commission may waive conducting authority proceedings entirely if all of the following conditions apply (56663):

a. The owners of land that will gain or lose territory as a result of the change or organization or reorganization have consented in writing to a waiver of conducting authority proceedings.

b. No agency has submitted written opposition to a waiver of protest proceedings.

12. In the case of inhabited city and district annexations or detachments, or both, the Commission may waive protest proceedings pursuant to Part 4 (commencing with Section 57000) entirely if both of the following conditions apply:

a. The Commission has provided written notice of Commission proceedings to all registered voters and landowners within the affected territory and no opposition from registered voters or landowners within the affected territory is received prior to or during the Commission's meeting. The written notice shall disclose to the registered voters and landowners that unless opposition is expressed regarding the proposal or the Commission's intention to waive protest proceedings, that there will be no subsequent protest and election proceedings; and

b. No affected local agencies have submitted written opposition to a waiver of protest proceedings.

3.3 Conducting Authority Proceedings

1. If Conducting Authority Proceedings are not waived, LAFCO sets the proposal for protest hearing within 35 days of the Commission's resolution date and gives notice. If authorized by the Commission, the protest hearing may be held without notice and hearing.

2. The date of the hearing shall not be less than 21 days nor more than 60 days after the date the notice is given and shall be:

a. Published in a newspaper of general circulation;

b. Posted near the hearing room door; and
c. Mailed to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, the Executive Officers of other affected LAFCOs, chief petitioners if any, persons requesting notice, and landowners within territory to be formed into or annexed to or detached (57001, 57002 and 57025).

3. The Executive Officer or LAFCO hears the proposal at the noticed time and date. The hearing may be continued for up to 60 days. Any written protests must be filed with the Executive Officer or Commission prior to the conclusion of the hearing and must be signed, have the signature date, and address or location of the property. The value of written protests must be determined and action taken by LAFCO resolution to order the change, with or without an election, or terminate proceedings.

4. The Commission shall perform all Conducting Authority Proceedings in accordance with the provisions of the CKH Act.

5. The Commission may delegate to the Executive Officer the authority to act on matters related to the implementation of the Conducting Authority responsibility as applicable and appropriate.

3.4 Completion and Effective Date

1. Immediately after completion of proceedings ordering a change of organization or reorganization without an election or confirming an order of a change of organization or reorganization after an election, the Executive Officer prepares a Certificate of Completion and makes the required filings (57200).

2. The Certificate of Completion is recorded with the County Recorder. If no effective date is specified in the Commission resolution, the recodification date is the effective date. A Statement of Boundary Change or Creation is issued by the Executive Officer and filed, with the appropriate fees, with the State Board of Equalization and County Assessor (57202, 57203, 57204). Property tax resolutions, if any, are forwarded to the County Auditor for property tax transfer (Revenue and Taxation Code, Section 99).

3. The Executive Officer gives the Certificate of Completion and effective date to agencies whose boundaries are affected and affected County Departments.

4. The affected agencies recognize completion of the jurisdictional change: Property and sales tax transfers, polices and fire protection responsibilities, planning and inspection controls, etc.
CHAPTER 4
CALIFORNIA ENVIRONMENTAL QUALITY ACT POLICIES

The following policies shall be used to guide LAFCO with regard to implementing the California Environmental Quality Act (CEQA) for proposals evaluated by LAFCO.

1. The Commission shall take actions that maintain a high-quality and healthful environment for the people of San Luis Obispo County now and in the future.

2. The Commission shall take actions necessary to protect and enhance the environmental quality of San Luis Obispo County.

3. The Commission shall take actions that will provide the people of San Luis Obispo County with clean air and water, a vibrant and diverse economy, and enjoyment of aesthetic, natural, scenic, and historic environmental qualities.

4. The Commission shall carry out the environmental review process in an efficient, expeditious manner in order to conserve the available financial and governmental resources with the objective that these resources may be better applied toward the mitigation and avoidance of significant effects on the environment.

5. The Commission shall organize and write environmental documents in such a manner that they will be meaningful and useful to decision-makers and the public and consistent with CEQA guidelines.

6. The Commission shall consider the involvement of the public in actions affecting the environment as an essential and indispensable element of the decision-making process.

7. The Commission shall prefer avoidance of adverse impacts over mitigation. If, however, mitigation is necessary onsite or offsite mitigation should be fully implemented.

8. The Commission shall help prevent the elimination of the County's fish and wildlife species and preserve for future generations sustainable representations of the County's native plant and animal communities.

9. The Commission shall balance preventing negative environmental effects while providing a decent home and satisfying living environment for every San Luis Obispo County resident.
APPENDIX A
MUNICIPAL SERVICE REVIEW INFORMATION GUIDELINES

The following questions are designated to help agencies and LAFCO compile information needed to complete municipal service reviews. Information sources will vary depending upon jurisdictions. Answers to these questions will be used by LAFCO to prepare service reviews and will be used to update jurisdictions' spheres of influence.

1. Growth and Population projections for the affected area.
   a. How does the projected growth of the proposed sphere of influence areas compare with present County land use designations?
   b. How have surrounding County land use patterns evolved and what impacts have they caused on infrastructure, e.g., roads, water, sewer, fire, police?
   c. Will changes as proposed in the sphere of influence increase pressure to develop surrounding County lands causing an increase in growth potential?

Information Sources: City and County general plans, EIRS, US Census website, State Department of Finance, planning departments, Council of Governments, and economic reports.

2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies
   a. Are the jurisdiction’s water resources and facilities adequate to serve the area in the existing boundaries? What about future growth or expansions?
   b. What is the jurisdiction’s current status with regard to wastewater collection, treatment, and disposal? What are the plans for the future?
   c. What is the present condition of the streets, roads, and circulation? Where are the problem areas and what are the future needs and plans?
   d. Does the jurisdiction have adequate police and fire resources to meet the existing needs of the community? What about future needs?
Information Sources: Water master plans, urban water management plans, Department of Water Resources annual reports, wastewater master plans, general plans, EIRs, circulation elements, regional transportation plans and EIRs, capital improvement plans, Insurance Service Office (ISO) ratings, police and fire department websites, questionnaires, and interviews.

3. Financial ability of agencies to provide services.

a. What is the current fiscal status of the jurisdiction? What are the indicators?

b. Will the fiscal impacts of the proposed changes to the sphere of influence be greater or lesser than the fiscal benefits?

c. Does the jurisdiction have financial reserves? If so, what percentage of the general fund do their reserves represent?

d. How will the jurisdiction fund needed capital improvement projects, i.e., bonds, loans, other?

e. How does the jurisdiction analyze and establish rates and fees?

f. How will the sphere of influence action impact the rates and fees within the jurisdiction?

g. How will the sphere of influence territories pay their share of the jurisdictions' costs for services?

Information Sources: Budgets for the last three years, city managers, state and city annual reports, Department of Finance, retail sales and transient occupancy tax (TOT), city fiscal policies, development impact fee information, debt information, joint-financing efforts, and UCSB Economic Report, Budget processes, special purchasing contracts, bidding policies, service studies, and interviews rates and fees studies, EIRs, cost-of-service studies, and rates and fees policies.

4. Status of, and opportunity for, shared facilities.

a. Does the jurisdiction share facilities with other agencies?
b. Has either the jurisdiction or County suggested sharing facilities in the SOI/Annexation areas?

c. Are there presently any shared relationships for services between agencies in the sphere of influence areas? Are there opportunities for sharing in the future?

d. Is there any or will there be any duplication of facilities in the sphere of influence area?

**Information Sources:** Capital improvement plans, shared road construction plans, open space preservation plans, City and County recreational facilities, and shared water storage and distribution facilities.

5. Accountability for community service needs including governmental structure and operational efficiencies.

a. Does the jurisdiction strive to involve the public in decision-making?

b. Does the jurisdiction facilitate local media coverage and public information programs?

c. Are elected and appointed representatives accessible and attentive to their constituents?

d. Are annual budget and audit reports available to the public?

e. Does the jurisdiction have the administrative capacity to assume expanded responsibilities over the SOI areas without decreasing existing services?

f. Does the jurisdiction have a customer-oriented service philosophy, including written goals and mission statements, master services plans, customer outreach programs, and an active quality control program?

g. Does the jurisdiction maintain capital improvement programs and enterprise fund management plans?

h. Does the jurisdiction maintain sound accounting principles and best practice fiscal management programs?
i. Does the Jurisdiction have a reasonably good record of safety, environmental and permit compliance?

j. How will services to the sphere of influence areas be enhanced by the jurisdiction?

k. Will services to the sphere of influence areas proposed for exclusion be enhanced, decreased, or remain the same?

l. Will opportunities for public participation in the development review process be enhanced in the jurisdiction or the County for the SOI areas?

**Information Sources:** Interviews, websites, public involvement policies, public information programs, customer complaint processes, customer surveys, budgets for the last three years, city managers, state and city annual reports, fiscal management policies, and indicator reports.

6. Any other matter related to effective or efficient service delivery, as required by commission policy.
APPENDIX B
AGRICULTURAL GOALS-POLICIES-GUIDELINES

The Cortese-Knox-Hertzberg Act strongly encourages the preservation of prime agriculture land. LAFCO's mission is to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies. In general terms, San Luis Obispo LAFCO's current policy base discourages premature conversion of agricultural lands, guides development away from existing agricultural lands and encourages the development of existing vacant lands within city boundaries prior to conversion of additional agricultural lands. The CKH Act clarified the many factors that LAFCOs must consider and balance in making decisions:

"The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with the sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agriculture lands, and efficiently extending government services."

The written goals, policies, and guidelines in this document express LAFCO's intent to more specifically address the preservation of agricultural land, consistent with current policies and LAFCO's mandate. LAFCO must consider the effect that any proposal may produce on existing agricultural lands. This is balanced with the need to ensure orderly development and the efficient provision of services to certain areas. By guiding development toward urban areas and away from agricultural land, LAFCO helps to preserve important and valuable agricultural resources.

Definitions. Several terms are important in understanding agricultural resources. These terms and definitions are found below and are applicable throughout these policies. The Cortese-Knox-Hertzberg Act has a definition for agricultural land and prime agricultural lands that may include lands other than class one or two soil classification.

56016. "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

56064. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:
(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003, developed pursuant to Public Law 46, December 1935.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

The Cortese-Knox-Hertzberg Act further describes the intent of the legislation with regard to agricultural resources in Government Code section 56377, which states:

**56377.** In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency.
Government Code Section 56377 has been used by LAFCOs as the basis for developing more specific policies that address local circumstances and conditions.

**Guidelines**

Guidelines provide further direction regarding the application of the goals and policies, but are more flexible giving LAFCO more discretion in application. These guidelines are used to advise and assist the public, agencies, property owners, farmers and other stakeholders with regard to LAFCO’s expectations in reviewing a proposal that involves agricultural resources.

**Guideline 1.**

Applications submitted to LAFCO involving agricultural resources shall include analysis that evaluates the potential impacts (direct and indirect) of the proposal on agricultural resources. The California Environmental Quality Act (CEQA) analysis for a proposal shall evaluate the impacts affecting agricultural resources. At a minimum the following topics should be addressed:

a. Detailed analysis of direct and indirect impacts on agricultural resources of the site and surrounding area.

b. Potential diversion, availability and use of water that could impact agricultural lands or operations.

c. A detailed description of the agricultural resource that is affected, including but not limited to soil types, existing and potential productivity, and surrounding land uses

d. Use of transfer of development credits programs and purchase of development credits for the preservation of agricultural land and other approved programs.

e. Analysis of mitigation measures that could offset impacts.

f. Consultation with the County Agricultural Commissioners office.

g. Williamson Act, Agricultural Easements, and other preservation programs.

h. Urban Reserve Lines, Urban Limit Boundaries and Spheres of Influence.

i. County and City General Plan Policies.
Guideline 2.
Consider including agricultural land as defined in the Cortese-Knox-Hertzberg Act into a Sphere of Influence if the following factors are addressed:

a. Potential impacts of the conversion of the prime agricultural land.

b. Future capability of farming activities for the site and surrounding area.

c. Existing and potential productivity of the prime agricultural land.

d. Land Preservation status: Williamson Act, easements, etc.

e. Growth patterns in the surrounding area.

f. General Plan Policies and Standards.

g. Other relevant issues, such as potential impacts on agricultural tourism.

Guideline 3.
Consider approval of proposals that convert agricultural land when the Commission finds that the proposal will lead to planned, orderly, and efficient development. A proposal leads to the planned, orderly, and efficient development if all of the following criteria are met:

a. The land subject to the change of organization or reorganization is contiguous either to lands developed with an urban use or to lands which have received all discretionary approvals for urban development.

b. The proposed development of the subject lands is consistent with the Sphere of Influence of the affected agency or agencies.

c. The land subject to the change of organization is likely to be developed within five years.

Guideline 4.
If a LAFCO proposal involves a loss of prime agricultural lands, property owners, Cities, the County, Special Districts, Community Advisory Councils, Resource Conservation Districts, and agricultural conservation agencies should work together as early in the process as possible to adequately mitigate the impacts.

Guideline 5.
Detachment of prime agricultural lands and other open space lands should be encouraged if consistent with the Sphere of Influence for that agency.
Guideline 6.
The following factors should be considered for an annexation of prime agricultural and open space lands:

a. The proponent of the annexation should provide a land use inventory of the jurisdiction that indicates the amount of available land within the subject jurisdiction for the proposed land use.

b. Evaluation of effective measures to mitigate the loss of agricultural lands, and to preserve adjoining lands for agricultural use to prevent their premature conversion to other uses. Such measures may include, but need not be limited to:

1. Acquisition and dedication of farmland, development rights, open space and agricultural conservation easements to permanently protect adjacent and other agricultural lands within the county

2. Participation in other development programs that direct development toward urban areas (such as transfer or purchase of development credits)

3. Payments to responsible, recognized government and non-profit organizations for the purpose of preserving agricultural lands;

4. Establishment of buffers to protect adjacent agricultural operations from the effects of development

Guideline 7.
Annexation for land uses in conflict with an existing agricultural preserve contract shall be prohibited, unless the Commission finds that it meets all the following criteria:

a. The area is within the annexing agency's Sphere of Influence.

b. The Commission makes findings required by Government Code Section 56856.5.

c. The parcel is included in an approved city specific plan.

d. The soil is not categorized as prime.

e. Mitigation for the loss of agricultural land has been secured in the form of
agricultural easements to the satisfaction of the annexing agency and the County.

f. There is a pending, or approved, cancellation for the property that has been reviewed by the local jurisdictions and the Department of Conservation.

g. The Williamson Act contract on the property has not been renewed and final approval of the non-renewal has been granted.
June 11, 2013

Warren Frace  
City of Atascadero  
6907 El Camino Real  
Atascadero CA 93422

SUBJECT: APCD Comments Regarding the Eagle Ranch Notice of Preparation of an Environmental Impact Report

Dear Mr. Frace,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the Notice of Preparation for an Environmental Impact Report for the proposed Eagle Ranch project that is outside the city's urban reserve line and adjacent to the City of Atascadero. The proposed project area is generally bounded by the Los Padres National Forest (west), the Atascadero city limits (north), US 101 (east), and grazing land (south). The project proposes to develop the site with residential, resort, recreational, highway commercial, small retail, agricultural, and open space uses, as well as with associated infrastructure, on the 3,430 acre project site. The project would be guided by a Specific Plan developed by the City of Atascadero and the project site is proposed for annexation into the city.

The project proposes to modify the existing 452 lots of record (Colony lots) with a plan for 494 single family homes, up to 63 secondary dwellings, 93 multi-family units (650 total maximum residential units), a 42.4 acre 100 room resort hotel, a 1.8 acre commercial village center, a 15.2 acre highway commercial center with a 200 room hotel and a sit-down restaurant, a 10.7 acre public park, an equestrian staging area, 19.8 miles of roads, 16.2 miles of trails, and 2,585 acres of open space that would continue to support the existing cattle operation, residences and the future proposed recreational, resort, and staging areas. The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

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

1. Contact Person:

Andy Mutziger  
Air Pollution Control District  
3433 Roberto Court  
San Luis Obispo, CA 93401  
(805) 781-5912

2. Permit(s) or Approval(s) Authority:

Construction Permit Requirements  
Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD’s 2009 CEQA Handbook.
   - Power screens, conveyors, diesel engines, and/or crushers  
   - Portable generators and equipment with engines that are 50 hp or greater  
   - Electrical generation plants or the use of standby generator  
   - Internal combustion engines  
   - Rock and pavement crushing  
   - Unconfined abrasive blasting operations  
   - Tub grinders  
   - Trommel screens  
   - Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)

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

Operational Permit Requirements  
Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD’s 2009 CEQA Handbook.
   - Portable generators and equipment with engines that are 50 hp or greater;  
   - Electrical generation plants or the use of standby generator;  
   - Dry cleaning;  
   - Boilers;  
   - Internal combustion engines; and  
   - Cogeneration facilities.
Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

3. Environmental Information:

The potential air quality impacts should be assessed in the Environmental Impact Report (EIR). The “2012 CEQA Air Quality Handbook” (the Handbook) is to be used as guidance for assessing the air quality impacts for this project and defining mitigation measures. It can be accessed on the APCD web page at:


This analysis should address both short-term, construction, and long-term, operational, emissions impacts including traditional air pollutants, toxics and greenhouse gas emissions and include the following information:

a) A description of existing air quality and emissions in the impact area, including the attainment status of the APCD relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent Clean Air Plan (CAP) should be consulted for applicable information and the APCD should be consulted to determine if there is more up to date information available.

b) A complete emission analysis should be performed on all relevant construction and operational phase emission sources (e.g. vehicles, equipment and fugitive dust), using the latest approved version of CalEEMod (www.caleemod.com) or other APCD approved emission calculator tools. Documentation of the modeling assumption and emission factors must be provided in the EIR. The quantitative analysis needs to address criteria pollutants, greenhouse gases, toxics, and diesel particulate matter and be compared to APCD’s CEQA thresholds.

c) A qualitative analysis of the air quality impacts should be conducted. A consistency analysis with the CAP will determine if the emissions resulting from development under the project will be consistent with the emissions projected in the CAP, as described in item 6 of this letter. The qualitative analysis should be based upon criteria such as prevention of urban sprawl and reduced dependence on automobiles. A finding of Class I impacts could be determined qualitatively. The DEIR author should contact the APCD if additional information and guidance is required. All assumptions used should be fully documented in an appendix to the DEIR.
To aid in the air quality analysis, the traffic study should include the total daily traffic volumes projected. The traffic study results can be used in the quantitative and qualitative analyses by providing a tool for comparing trip generation between different alternatives and evaluating effectiveness of mitigation methods for reducing traffic impacts.

e) The DEIR should include a range of alternatives that could effectively minimize air quality impacts. A consistency analysis should be performed for each of the proposed alternatives identified, as described above. A quantitative and qualitative analysis of the air quality impacts should be generated for each of the proposed alternatives. Examples include but are not limited to:

- Flexible zoning to promote mixed use and design standards that protect mixed use.
- Increase the amount of neighborhood scale mixed use.
- Additional density beyond proposed zoning allowances.
- Design standards that require narrow streets and minimum front setbacks on structures.
- Limiting the size of each arterial through the development. This reduces the need for noise barriers such as cinder block walls along roadways, decreases roadway widths, and slows the speed of traffic, creating an atmosphere that encourages walking and bicycling.

f) Mitigation measures to reduce air quality impacts from construction and operational phases to a level of insignificance should be specified. If you would like to receive a copy of an example of a recommended format for the qualitative analysis section on air emissions impacts, contact the APCD Planning Division at 781-5912.

4. Permit Stipulations/Conditions:

In the preparation of the EIR, the preparer should refer to the APCD's CEQA Handbook for guidance on permitting, special conditions, air quality analysis, mitigating emissions, etc.

5. Alternatives:

Any alternatives described in the EIR should involve the same level of air quality analysis as described in section 3 above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The most appropriate standard for assessing the significance of potential air quality impacts for project EIRs is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections developed by the APCD are met and maintained. Failure to comply with the CAP could result in long term air quality impacts. Inability to maintain compliance with the state ozone standard could bear potential negative economic implications for the county's residents.
and business community. The APCD’s CEQA Air Quality Handbook provides guidance for preparing the consistency analysis and recommends evaluation of the following questions:

a) Are the population projections used in the plan or project equal to or less than those used in the most recent Regional Transportation Plan for the same area?

b) Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?

c) Have all applicable land use and transportation control measures from the CAP and Regional Transportation Plan been included in the plan or project to the maximum extent feasible?

The land use and circulation policy areas contained in Appendix E of the APCD’s CAP are crucial to the consistency analysis and should be specifically addressed in the DEIR. Implementation of these land use planning strategies is the best way to mitigate air quality impacts at the project scale.

These land use planning strategies are:

- Planning Compact Communities
- Providing for Mixed Land Use
- Balancing Jobs and Housing
- Circulation Management Policies and Programs
  - Promoting Accessibility in the Transportation System
  - Promoting Walking and Bicycling
  - Parking Management
  - Transportation Demand Management
  - Communication, Coordination and Monitoring

The formation of compact, pedestrian friendly and more economically self-sufficient communities will reduce automobile trip generation rates and trip lengths.

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:

Inconsistent with the Clean Air Plan
The APCD is very concerned with the cumulative effects resulting from jurisdictions annexing traditional agricultural lands into their urban reserve lines as opposed to focusing on compact urban in-fill and redevelopment which comparatively minimize air quality impacts. In addition, annexations like the proposed Eagle Ranch project that have heavy residential components & provide minimal commercial support for the future residents foster continued dependency of
private auto use as the only viable means of access to essential services, employment centers, and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promotes urban core growth. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development.

While we appreciate the City's desire to reduce site impact, cluster lots and maximum open space, one alternative that should be considered is the application of a robust transfer development credit program that provides financial incentives to land owners to place the land in conservation easement in perpetuity.

**Construction Phase Exceedance:**
Based on the project description, the construction phase could exceed the APCD's daily and or quarterly construction emission thresholds for criteria and toxic pollutants. Greenhouse pollutants from construction activity will need to be evaluated and amortized into the operational phase impacts. **Section 3 of this letter describes the process for evaluating the proposed project's air quality impacts and defining appropriate mitigation. Beyond project specific mitigation measures that will be defined using the process described above in Section 3, the following are standard construction phase mitigation measures that are applicable to this project:**

**Asbestos / Naturally Occurring Asbestos**
Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the AB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at: www.slocleanair.org/business/asbestos.php.

**Demolition of Asbestos Containing Materials**
The project referral did not indicate whether there are existing structures on the proposed site that will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If building(s) are removed or renovated: or utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory**
jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

Developmental Burning
Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Operational Phase Exceedance
Based on the project description, the operational phase will exceed APCD's daily operational emission thresholds and will exceed some (GHG), if not all (GHG & criteria pollutants) of the APCD's annual thresholds. Section 3 of this letter describes the process for evaluating the proposed project's air quality impacts and defining appropriate mitigation. Project such as Eagle Ranch that are removed from urban cores need to use the "Rural" modeling setting in the CalEEMod model to accurately define the projects air quality impacts. Beyond project specific mitigation measures that will be defined using the process described above in Section 3, the following are standard operational phase mitigation measures that are applicable to this project:

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

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

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

San Luis Obispo Car Free Program
Vehicle emissions are often the largest source of emissions from the operational phase of development. This project has the potential to increase the amount of vehicle trips to our County and appropriate mitigation measures should be considered. San Luis Obispo Car Free is a program to encourage car-free, care-free transportation to and around the San Luis Obispo area. SLO Car Free provides tools to travelers on the pleasures and availability of traveling to our area without their cars, or by parking their cars once they arrive. By pledging to travel to, or
around San Luis Obispo without a car, visitors receive special incentives from participating hotels, restaurants, transportation services and attractions. In addition, businesses who join SLO Car Free as a participating business, receive free advertisement on their website, highlighting the businesses efforts to encourage "green," tourism to San Luis Obispo County. The SLO Car Free website is a hub for information and web-links on transportation, lodging, attractions and other visitor needs. Visitors can use the website to find out what they can do in San Luis Obispo and how they can do it without a car. **To mitigate the potential vehicle trips to the proposed hotels, they will be required to participate in the SLO Car Free Program, provide incentives to car-free travels and promote the program in their communication tools.**

**Equestrian Staging Area and Trail Infrastructure**

A potential source of fugitive dust can come from equestrian operations, which may be a nuisance to local residents. **To minimize nuisance impacts and to reduce fugitive dust emissions from the proposed equestrian staging area and trail ways the following mitigation measures need to be incorporated into the project:**

- Permanent dust control measures shall be implemented as soon as possible following completion of building the staging area;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;
- All access roads associated with the staging area shall be paved to reduce fugitive dust, and,
- Parking area and trail infrastructure shall be managed for dust.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

\[Signature\]

Andy Mutziger  
Air Quality Specialist

AJM/arr

cc:  Jeff & Greg Smith  
Tim Fuhs, Enforcement Division, APCD  
Karen Brooks, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD