

**CITY OF SAN LUIS OBISPO
PLANNING COMMISSION AGENDA REPORT**

ITEM # 1

FROM: Kim Murry, Deputy Director *KM*

MEETING DATE: April 23, 2008

Prepared By: Michael Codron, Associate Planner

FILE NUMBER: SP 209-98

PROJECT ADDRESS: Orcutt Area – 231 acres of land in the southeastern portion of San Luis Obispo, bounded by Tank Farm Road, Orcutt Road and the Union Pacific Railroad.

SUBJECT: Review of the first three chapters of the Orcutt Area Specific Plan (OASP), Public Hearing Draft.

SUMMARY RECOMMENDATION

Receive public comment and provide direction to staff on changes to be incorporated into the first three chapters of the draft OASP.

BACKGROUND

Situation/Previous Review

On February 27, 2008, staff provided the Planning Commission with an overview of the Orcutt Area Specific Plan (OASP) and the process that is being followed to review and amend the specific plan prior to its adoption. On April 9, 2008, the Commission held a public hearing to accept public comments on the OASP Draft Environmental Impact Report (DEIR).

As requested by the Commission during the February 27th meeting, the Commission is being asked to review the OASP chapter by chapter, starting with chapters one through three. The key topics covered by these chapters include an introduction to the plan, policies and programs for conservation, open space and recreation, and land use and development standards.

Advisory Body Review

As noted in the hearing schedule endorsed by the Planning Commission on February 27th, other City advisory bodies and agencies are also reviewing the OASP. Recent meetings that have occurred include a March 5, 2008, Parks and Recreation Commission meeting, a March 24, 2008, Cultural Heritage Committee meeting and an April 16, 2008, Airport Land Use Commission meeting.

Parks and Recreation Commission

The Parks and Recreation Commission (PRC) supports the design of the neighborhood park, supports the inclusion of 1.2 acres of the linear park system (regional detention basin) for use as parkland, and supports a new pocket park proposed at the intersection of 'D' Street and 'C' Street. In total this amounts to 14.3 acres of on-site parkland that would go towards meeting the City's 20.4 acre parkland requirement under the 10 acre per 1,000 residents policy (Parks and Recreation Element Policy 3.13.1). The remaining requirement would be met by paying an in-lieu fee, which could be used to acquire and develop additional parkland elsewhere in the City,

or could be used to improve existing park facilities. Minutes from the PRC meeting are included as Attachment 1.

Cultural Heritage Committee

The Cultural Heritage Committee received a presentation on the cultural resources section of the DEIR. The agenda for the meeting included several other items and there was not enough time for detailed discussion. The meeting was continued to the next CHC meeting scheduled for April 28th. Staff is working on scheduling a meeting with Fred Collins, spokesperson for the Northern Chumash Tribal Council prior to the next CHC meeting so that staff and the Committee can benefit from his input.

Airport Land Use Commission

The Airport Land Use Commission (ALUC) met as part of the formal consultation process that is required by the Government Code for major projects located in airport land use plan areas. The San Luis Obispo Regional Airport Land Use Plan (ALUP) requires approval of a Detailed Area Plan (which can be in the form of a specific plan) in order to allow the density of development proposed and the school site, which is considered an *impaired egress* use. The OASP also includes Reserve Space, or Airport Compatible Open Space, as noted on Figure 1.3 and Page 3-10 of the OASP, which must be approved by the ALUC. The ALUC expressed dissatisfaction with the proposed school site location and informed staff that the proposed ACOS area was not acceptable because it includes slopes greater than 5%. As a result, staff will look for other areas, possibly outside of the Orcutt Area, to identify a new ACOS and will work with the School District to broker discussions regarding the school site location. At this time, the proposed density of development appears to be acceptable to a majority of the Commission, but there is a strong contingent of ALUC members who do not support new residential development in the Orcutt Area because of its proximity to the airport.

EVALUATION

The Public Hearing Draft of the Orcutt Area Specific Plan is the result of approximately 10 years of work on the part of property owners, City staff and City decision makers. The first draft OASP was submitted to the City in 1998. At that time the thirteen property owners in the area did not agree on a myriad of issues that were contained in the plan. Shortly after the initial application, the City hired a contract planner to work with the property owners to develop agreement on a revised draft plan. A new plan was produced in 2002, which was accepted by most of the property owners and the City Council as the "project description" for environmental review.

The environmental review process culminated recently with the publication of the Draft Environmental Impact Report (DEIR). The DEIR includes a detailed analysis of all of the environmental effects of the project. During the process of preparing the DEIR, many of the required mitigation measures were incorporated into the current draft of the OASP. As a result, the OASP can be considered a self-mitigating specific plan. In other words, all of the mitigation measures contained in the DEIR are intended to be written into the final version of the OASP so that future developers and decision makers will be able to use a single document as a reference.

The following analysis is intended to highlight a series of staff recommended changes to the OASP. These changes are recommended based on further review of the OASP, the DEIR and input from the Parks and Recreation Commission. The project applicants have also requested changes to the OASP, as noted and illustrated by attachments. Staff recommended direction or changes to the OASP are highlighted in *italics*.

Chapter One Recommended Changes

Section 1.2 of the OASP includes a reference to Appendix B, which includes a copy of the Residential Growth Management Phasing Schedule. *This table is amended from time to time, which should be noted in the appendix.*

A revision to Table 1.1 is proposed by the applicant and is attached (Attachment 2). Lots in low-density residential areas are proposed to be 4,500-15,000 s.f., as opposed to the 5,000 s.f. minimum now included in the plan. *Staff supports the change because it provides more flexibility for achieving the desired density of development and allows for smaller, more affordable housing in single-family neighborhoods.* No other standards would be changed. For instance, lot coverage would remain at a maximum of 40% insuring sufficient yard areas.

Staff is recommending a revision to Table 1.1 to reflect 14.3 acres of parkland provided on-site instead of 20.72, as listed in Attachment 3. The difference in area reflects the evaluation of the type of parkland rather than a major change in the land use plan, as discussed in this report under the heading Parks and Recreation Commission, above.

Chapter Two Recommended Changes

Section 2.1, Intent, refers to a definition of open space in the Conservation and Open Space Element, Section 8.15. *The reference should say, "Conservation Open Space Element, Chapter 8."*

References to Mine Hill will be parenthetical with the primary name used in the specific plan as Righetti Hill (Attachment 4).

Righetti Hill, Policy 2.2.9, Page 2-3: The policy calls for Righetti Hill to be dedicated to the City, but Table 9.1 (Development Phasing Summary) refers to an open space easement. *Table 9.1 should be corrected to reflect the more detailed policy.*

Righetti Hill, Program 2.2.9b, Page 2-4: *This reference to public access to Righetti Hill and other references in the document should include a statement that the City will prepare a management plan for the open space area consistent with Conservation and Open Space Element policies. Statements regarding public access to Righetti Hill should also reference DEIR mitigation measure CR-1(b), which requires archeological surveys of the hilltop prior to the establishment of a trail system. Appendix C also needs to be updated with the correct cultural resources mitigation measures from the current DEIR.*

Section 2.3, Page 2-9: *Recreation resources will include a pocket park, as noted in Attachment 5. In addition, references to parkland in Section 2.3 on Pages 2-9 and 2-10 should be updated per the acreages and features listed in Attachment 3.*

The applicants intend to revise Figure 2.5, as shown in Attachment 6, to more accurately show the parkland associated with the neighborhood park. There is additional land on the south side of the creek that will be developed as park.

Program 2.4.1a, Page 2-15: This program should include a statement to clarify that the 20-foot landscaped setback along Tank Farm Road and Orcutt Road will be in addition to the normal 20-foot street yard required in the R-1 and R-2 zoning districts.

Program 2.4.1e, Page 2-16: This program should be expanded, or a new program should be written, to specifically require visual simulations and architectural review of building designs for homes along the base of Righetti Hill at the time of subdivision review. The project DEIR establishes the fact that development in the Orcutt Area will have significant and unavoidable impacts on views of Righetti Hill. Staff believes that additional analysis of this effect would be speculative and possibly misleading if performed at this time because the design of future subdivisions is unknown. As a result, staff is recommending this additional program to help the Planning Commission establish appropriate building footprints and maximum building heights for development at the base of Righetti Hill at the time of subdivision review, insuring comprehensive review by both the Planning Commission and the Architectural Review Commission.

Staff will provide additional comments on Section 2.5, Archeological and Historic Resources, after the CHC further reviews and discusses the DEIR on April 28th.

Chapter Three Recommended Changes

Policy 3.2.5, Page 3-2: If the Planning Commission supports the applicants request to reduce minimum lot sizes to 4,500 square feet, then references to a 5,000 s.f. minimum lot size will need to be revised throughout the plan. Attachment 6 includes applicant requested changes to Table 3.1 that follow the proposed change to the minimum lot size standard.

Policy 3.2.18, Page 3-3: This policy should be deleted because it conflicts with other statements under Affordable Housing, Section 3.3.

Section 3.2.2, Page 3-4: Additional enabling language is proposed to allow additional mixed-use development to occur in the future, and be extended down 'A' Street if there is sufficient demand after the main plaza area is developed (Attachment 7). This language should also be reflected in a policy and would be implemented with a Special Considerations overlay zone that would be applied upon annexation of the property.

Policy 3.2.23, Page 3-6: This policy appears to conflict with the last paragraph on Page 3-4, which requires approval of an Administrative Use Permit before residential uses would be permitted on the ground floor in the C-C zoned commercial area. Policy 3.2.23 should be revised to include specific findings that must be made in order to approve such ground floor residential uses.

Section 3.2.4, Page 3-6, Agriculture: A proposed reference is made to the lack of water resources available for agriculture in the Orcutt Area. The Conservation and Open Space Element, Figure 10, identifies no prime agricultural land in the Orcutt Area, which is considered primarily to contain Farmland of Local Potential. Attachment 8 includes the proposed revision

and more detailed information about water availability and the historic of agriculture in the Orcutt Area.

Policy 3.2.7, Page 3-7: *The policy should be specific as to what type of use permit is required. The Planning Commission Use Permit process would be consistent with the City's Zoning Regulations for permitting schools in the PF zone.*

Policy 3.2.8, Page 3-7: *In order to effect a future zone change, the school site and shared park facility could be pre-zoned with the Special Considerations overlay zone prior to annexation. The ordinance would be specific as to the period of time and the process that would be required to re-designate the property from PF-S to R-2. Alternatively, both the elementary school use and the park use are conditionally allowed uses in the R-2 zoning district (medium-density residential land use designation). As a result, both the zoning and General Plan designations for the school site and secondary park site could be R-2, medium-density residential, allowing for all potential uses (park, school, housing) to be developed in the future, depending on if the school district chooses to build a new school.*

Policy 3.3.4, Page 3-8: *This policy should be revised to be specific to the one location where a property owner has committed to dedicating and improving land in the medium-high density zone for dedication to the Housing Authority or similar agency. The proposed dedication, located in the southwest portion of the Orcutt Area, may accommodate up to 50 low-income residential units and would satisfy the entire low-income housing requirement for Orcutt Area development. The property owner would be reimbursed for expenses beyond her fair share requirement. Although there are no other known locations where land dedications will be made for affordable housing, such dedications should be encouraged.*

Policy 3.3.5, Page 3-9: *The Planning Commission should discuss the precedent that would be set by exempting commercial development from inclusionary housing requirements. The policy is intended to promote and facilitate the development of the neighborhood's unique commercial core, which is expected to be an asset to the entire neighborhood. In commercial projects, affordable housing is required at the rate of two affordable dwelling units per acre. In this case, the commercial zoning includes 2.75 acres and the affordable housing requirement would result in six affordable dwelling units. Staff does not support the proposed exclusion of commercial development from inclusionary housing requirements.*

ALTERNATIVES

1. The Planning Commission should continue consideration of Chapters One through Three if there is not sufficient time to cover all of the material in one meeting.
2. The Planning Commission may direct substantial changes to the chapters under review. Staff does not recommend this option because the current plan was accepted by the City Council as the project description for environmental review. Substantial changes could result in additional environmental review requirements leading to additional cost to the City and delays in plan adoption.

ATTACHMENTS

1. Parks and Recreation Commission meeting minutes (3-5-08)
2. Proposed revisions (Table 1.1)
3. Parkland summary, supported by Parks and Recreation Commission and Director
4. Proposed revisions (Righetti Hill references)
5. Proposed revisions (Parkland issues)
6. Proposed revisions (Figure 2.5)
7. Proposed revisions (Table 3.1)
8. Proposed revisions (Community Commercial district)
9. Proposed revision and memo regarding groundwater availability in the Orcutt Area

Additional Background Information:

<http://www.slocity.org/communitydevelopment/oasp.asp>

respected his viewpoint through the years, regardless of whether they agreed or disagreed, and expressed the hope that he still attend meetings as a member of the community.

4. Orcutt Area Specific Plan – Kiser/Codron

Director Kiser reminded the Commissioners that the purpose of the Parks and Recreation Commission is to advise Council and implement the Parks and Recreation Element of the General Plan. Asked the Commissioners to participate in the planning of the Orcutt Area Specific Plan tonight to determine the kind of parks for the future. Currently, the Orcutt Area is the last of the annexations to come into the City.

Commissioners received a PowerPoint presentation on Chapter 2 of the Orcutt Area Specific Plan (OASP) by Associate Planner Michael Codron and Principal Planner for the Wallace Group, Andrew Merriam. Associate Planner Codron began by reviewing the General Plan context and how it fits into surrounding neighborhoods, an overview of the specific plan, parkland requirements, an overview of recreation resources to be developed, and recommendations provided in the agenda report. Commissioners not limited to discussing only the recommendations listed. Happy to answer any questions Commissions may have and open to discussion.

Associate Planner Codron reviewed Policy 2.2.6 of the Land Use Element which states all residential development shall be integrated with existing neighborhoods and where physical features make this impossible, the new development should create new neighborhoods. Specific plan is program for how development will occur in the future and how the park will be integrated into the neighborhood. Big focus on connections. Park is essential to Orcutt area and central. Highlighted the bridge, railroad safety trail, street connections and bike paths. Explained the current OASP is working document, a public hearing draft. This will eventually lead to a new draft of OASP that Planning Commission (PC) will present to City Council. Commissioner's input will be forwarded to PC. Chapter 2 deals with Open Space and Parkland. 230 acres, 55 percent zoned for development and 45 percent parkland and open space. The plan provides for 1,000 new dwellings, 15% of which will be affordable housing, a school site shared with park, and other features, etc.

Principal Planner Merriam spoke on history of project and the 2002 agreement to meet both the City and property owner's goals. Noted the area is the highest density in the City at 24 units per acre, although some are 18 units per acre and some 12 units per acre. Have received pressure that single family lots be less than the 6000 square feet that is typical.

The Righetti Ranch is largest component and 8 streams pass through the area was discussed in that it will make a unique neighborhood. Park is central to the development became, and because of school district needs, ended up with a bifurcated park with school in between. Explained changes to the plan and additional acreage on south side of creek for a scenic park. Mr. Merriam will walk Righetti Hill with Natural Resources Manager Neil Havlik to identify future potential trail system. Pointed out the Railroad Safety trail extension and class 2 bike lanes coming in from all the streets.

Associate Planner Codron expressed interest in how the Parks and Recreation Commission feels about design and shared slides portraying the look and feel of the neighborhood. Explained the Parks and Recreation Element requires 10 acres parkland/1000 residences, five acres of which is to

be developed as a neighborhood park, remaining five acres located anywhere in the City deemed appropriate. Twenty acres required of this development. Reviewed goals in OASP that show intent to meet requirements. Includes central park, linear park and bicycle paths. Eventually park will be dedicated to City.

Principal Planner Merriam explained acreage expanded to total 20 acres but clarified creeks are not counted within that 20 acres. Explained the average household size will be just under 2.2 persons per residence and that the emphasis of the plan ties in an aging community with the young by including active and passive elements (tennis and basketball courts, trail system and bike paths). Discussed pocket park system at base of Righetti Hill; the linear park, trail up Righetti Hill.

Showed cross sections of the Linear Park/drainage basin and the two areas on either end that are proposed as parkland because they would rarely be affected by storm runoff.

Recommendations were then critiqued:

- 1.a Support design and location of neighborhood park.
- 1.b Provide direction that land located within the creek not be used as developed parkland and therefore should not be included in meeting parkland requirements.
- 1.c Provide direction that for school playground to be counted as parkland City needs to develop a Joint Use Agreement with School District that will then allow policies to be included in the OASP that will set up program for area.
2. Support previous design of Linear Park and provide direction that only those areas that are provided for active recreation be counted in parkland acreage requirements
3. Provide direction to staff to include policy and programs in specific plan regarding private recreational facilities. As an alternative, Commission could recommend the inclusion of pocket parks (i.e. Anholm Park) and integrate these in the area as a way of meeting parkland requirement.

Associate Planner Codron pointed out that what is being seen is the response of property owners, that drainage basins are not necessarily effective parklands, and that when developer comes forward with plans, will review more. Merriam added felt strongly about most locations but some things can be moved. Reasonably accurate in programmatic requirement for children's areas, ball fields, soccer field, etc.

Chair Lemieux then asked Commissioners for their comments and questions as follows:

Commissioner Hensinger asked for clarification on how close the draft plan was to completion. Inquired if, in light of moving forward with skateboarding park at Santa Rosa, it would be too early to propose some of parkland in Orcutt be skatepark designated. (Merriam indicated it was still open.) Commented that can see plaza, as well as the two basketball courts and bike path, attracting skateboarders and feels should consider a designated area, but noted some places on the far side of stream may be hard to police.

Commissioner May asked presenters for comments on staff recommendations. Response on change in 2002 plan was heard regarding new junction park. Commissioner May confirmed that there

would be more than one tennis courts to guarantee use, and also confirmed the name “Mine Hill” will be replaced by Righetti Hill.

Commissioner Dollar inquired on public benefit from amending the General Plan, and the 30 residential lots, school district land purchase, enrollment projections, and private playgrounds being maintained to City standards. Associate Planner Codron explained analysis is still needed on the E Street area outside urban reserve and, although not the appropriate venue to discuss land use, input is welcome. Also explained that the location of school bifurcating the park was predicated on safety needs to be farther from railroad and high pressure gas lines and that a professional study was done predicting need for school there. The issue of private playgrounds are currently undetermined and can be revised. Also discussed were visual resource issues factored into single story units, and that the 15 acres of proposed easement for Righetti Ranch will never be rezoned to residential, but will remain private, and the eventual connection of Islay Hill for pedestrians. Commissioner Dollar also stated desire for less parking area and more park land.

Commissioner Wolf discussed nearby Broad Street Corridor and the shared safety trail if it is developed.

Commissioner Lemieux clarified overlay and piece of land on Righetti property not suitable for development and percentage of school need that would be lost if 20 units changed to 18. Also discussed Linear Park reduced acreage and peripheral terraces.

Chair Lemieux then opened discussion to public comment.

Jeanne Helphenstine spoke representing 144 acres of Righetti property and reminded Commissioners that ten years of meetings with 13 property owners have gone into the formulation of this plan, to please keep in mind the history and hard work already done by the Planning Department. Helphenstine expressed being happy to be part of the approval process.

Commissioners commented in turn on each of the three recommendations.

Recommendation 1, Section a: Concurrence with report. Clarification requested as to what is not counted as parkland, referenced May 4, 2005 PRC minutes which confirmed that open space trails do not meet parkland acreage requirement. Commissioner Hatch felt public art would be better than water feature.

Recommendation 1, Section b: All concur with staff recommendations on Linear Parks.

Recommendation 1, Section c: All concur, with note from Commissioner Hatch stressing need for Joint Use Agreement with School District.

Recommendation 2: All concur with staff recommendations on Linear Parks.

Recommendation 3:

Commissioner Dollar would like there to be public access if private park and Director Kiser explained “pocket” parks in areas of higher density.

Chair Lemieux concerned with maintenance if in middle of development. Merriam posed if maintained privately but accessible relieves pressure of parks farther away. Advised it is appropriate

that if counted it meets criteria.

Commissioner Hatch feels infringement on property rights and if privately funded the fairness of being open to public, often the reason for gated communities. Goal is to provide for Orcutt area and to serve that community.

Chair Lemieux clarified possible if privately maintained can change to green space if want to in future.

MOTION: (May/Hatch) Approve the Orcutt Area Specific Plan with the addition to Recommendation 3 that if it private pocket parks are counted as parkland acreage, that facilities adhere to City of San Luis Obispo standards.

Approved: 6 yes: 0 no: 1 absent (Kincaid)

Commissioner Dollar discussed other parklands and large developments of 1,000 homes or more. Would like further suggestions to make for better living. Discussed graphing breakdown of private and public owned land to help misunderstandings down road of Righetti land. In the past the Open Space Plan recommended going through the Open Space process rather than just this review. Understands a Specific Plan can bypass the process. Conservation easement is felt to be of greater benefit to public down the road, particularly important with Righetti Ranch and public understanding. Merriam explained the Open Space Easement is on Righetti Hill and will become part of the plan. Will be fee dedication and City Land; will check on Conservation Easement. Confirmed intent is to preserve in response to Dollars comment on keeping sycamores as buffer on E Street open space.

[Commissioner Wolf absent from 9:32pm until 9:59 pm]

5. Staff Report

Recreation Manager Linda Fitzgerald provided a presentation highlighting playground safety. A Certified Playground Inspector since 1998, Fitzgerald discussed benefits and statistics. The State mandates of January 2008 decree that all equipment installed between 1994 and 1999 conform to ASTM standards. If non-conforming in 15 years, then state funding will be withheld. The City has had a replacement program since the 1999-2001 Financial Plan as well as four certified inspectors. All 13 playgrounds have been audited. Fitzgerald explained that City playgrounds are given a 15 year useful life and presented the replacement schedule. Replacement funding comes from the general fund, state grants and bond act and CDBG funds. Current projects are Laguna Lake, French Park and Sinsheimer Park. There is no more use of wood structures as they are found to deteriorate in adobe soil. Fitzgerald passed out the pamphlet "Dirty Dozen" to the Commissioners.

6. Director's Report

Director Kiser briefed the Commission on the following projects:

- Joint Use Agreement approved by Council on February 15th

TABLE 1.1 - LAND USE SUMMARY

Land Use	Zoning	Acres	Density	Total Units	% of Overall Area
RESIDENTIAL					
Low Density Residential Detached single family, 4,500-15,000 sf. Lots	R-1-SP	53.29	Up to 7 du/acre ²	264	23.08%
Medium Density Residential Detached/attached single family w/zero lot line; duplex units ¹ Minimum lot size of 3,000 sf.	R-2-SP	31.23	Up to 12 du/acre ²	276	13.53%
Medium-High Density Residential Multi-plex units; mobile homes and multi- family apartments ¹	R-3-SP	20.88	Up to 18 du/acre ²	336	9.04%
High Density Residential Multi-family apartments ¹	R-4-SP	5.4	Up to 24 du/acre ²	103	2.34%
Subtotal		110.8		979⁵	47.99%
COMMERCIAL					
Community Commercial/ Mixed Use	CC-MU	2.75 ⁶			1.19%
OPEN SPACE AND RECREATION					
Open Space	C/OS-SP	81.46			35.29%
Parks					
<i>Neighborhood Park (ball fields, ball courts, playgrounds)</i>	P-F-SP	12.39			5.37%
<i>Linear Park/Floodable Terrace</i>	P-F-SP	6.78			2.94%
<i>Playgrounds and greens in medium high density residential³</i>	R-3-SP/ R-4-SP	1.55			0.67%
Total Parks		20.72			8.98%
Detention Ponds		0.52			0.23%
PUBLIC FACILITIES					
Roads Arterials, Collectors and major Local		14.6			6.32%
TOTAL		230.85		979	100.00%

¹ These types of housing reflect examples of housing types within each residential category.

² This range reflects the minimum and maximum densities for residential development.

³ Playground and greens in medium-high and high density residential (R-3 and R-4) is at 0.06 acres per acre of development.

⁴ This plan provides 20.72 acres total of active park. 19.17 acres will be zoned P-F-SP and 1.55 acres will be zoned R-3-SP/R-4-SP.

⁵ This figure represents full development potential buildout of maximum allowed units on each property, actual development may be lower.

⁶ This acreage is for CCMU and is expected to support 8,000 SF of retail and 8,500 SF of office space. The balance of the area will be devoted to residential in a mixed-use configuration.

Attachment 3

Orcutt Area Specific Plan: Park Land Allocations:

A. Central neighborhood park	
• Western sector	4.9 acres
• Eastern sector	4.6 acres
• School joint use	1.3 acres
• Sector east of creeks (Righetti)	1.0 acres
• Sector east of creeks (Garay proportional to hsg.)	<u>0.8 acres</u>
Subtotal	12.6 acres
B. Pocket Park (intersection of C and D streets to creek)	0.5 acres
C. Allocation of Linear Park System (extreme ends)	1.2 acres
Total	14.3 acres

Attachment 3

Costs related to revised park system of 3/4/08 (not finalized)

I. Land acquisition (prime land same as residential; bike, and secondary land at 50% - essentially \$11.50 and \$5.75/square foot)

A. Central Neighborhood Park	
1. Righetti Ranch allocation: central park @ 11.8 acres	\$ 5,911,000
2. Garay (park in proportion to residential) @ 0.8 acres	200,000
B. Pocket Park: Righetti land 0.5 acres at residential value	250,000
C. Allocation of Linear Park System: 1.2 acres @ 50%	301,000
Total land costs	\$ 6,666,200

II. Improvement Costs (based upon concept plans presented to Parks and Recreation Commission but no skate park)

A. Central Neighborhood Park	
1. Main portion south of creeks	\$3,628,000
2. Phase 2 portions north of creeks (need to refine estimate)	500,000
B. Pocket Park: Righetti land 0.5 acres	220,000
D. Allocation of Linear Park System: 1.2 acres	100,000
Total improvement costs	\$ 4,448,000

DRAFT ORCUTT AREA SPECIFIC PLAN
2 Conservation, Open Space and Recreation

permits may be required from the U.S. Army Corps of Engineers and California Department of Fish and Game. Project proponent will provide proof of consultation and copies of necessary permits to the City Community Development Director.

Policy 2.2.5: Recreational trails will be located outside the setback required by the City's General Plan and Zoning Ordinance to the greatest extent possible. Some trails will be located parallel to creeks. Trails may be placed in the outer perimeter of the creek setback when development of recreation trails or bike paths would otherwise cause significant loss of developable land for housing. City Council may approve such uses as part of a park design and with approval of subdivision maps.

Program 2.2.5a: Recreational access to creeks and wetlands will be discouraged by planting native plant species between trail and other recreation features and the wetland/riparian habitat.

Program 2.2.5b: Educational signage to provide information about wetland and creek habitats shall be installed on public trails and/or in public open space areas.

Policy 2.2.6: Design on-site drainage detention areas to support wetlands characteristics so that they may provide aesthetic, habitat and flood control benefits

Goal 2.2c: Preservation of unique plant and animal communities, particularly native California species.

Policy 2.2.7: Protect and enhance habitat through re-introduction of native California vegetation and removal of non-native species.

Policy 2.2.8: Avoid or minimize impacts on sensitive natural communities, special-status plant species and habitats, non-listed special-status wildlife species, and listed wildlife through the implementation of measures included in Appendix C at the discretion of the Community Development Director. Listed species include those identified by the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the California Native Plant Society and/ or the City of San Luis Obispo. Mitigation may include creation of twice the area of habitat lost (2:1 ratio), of equal quality and similar kind, within Orcutt Specific Plan Area.

Righetti Hill

Preservation of Righetti Hill as open space is a critical part of this Specific Plan. The City's General Plan directs Orcutt Area properties to dedicate land or easements covering the Santa Lucia foothills and ~~Mine Hill (Righetti Hill)~~ (Mine Hill) as identified in the Open Space Element. (General Plan Digest LU 1-13.5)

Goal 2.2d: Permanent protection of Righetti Hill through easements or land dedications.

Policy 2.2.9: The majority of Righetti Hill (47.82 acres) shall be preserved as natural Open Space through dedication to the City. This area includes the hill from the 320-foot elevation to the top of the hill, an abandoned rock quarry located on the west slope, and an existing unpaved access road. No development or private lots will encroach on this area.

Program 2.2.9a: The City will manage this area in accordance with City standards for Open Space areas. The City may manage hillside vegetation along the development limit line on the hill to avoid concentrations of chaparral or other plants that could support intensive fires. Fire safety will be achieved primarily by maintaining separation within the area that is eligible for development, between fire-prone natural vegetation

DRAFT ORCUTT AREA SPECIFIC PLAN
2 Conservation, Open Space and Recreation

and combustible structures, including wood fencing and sheds. Landscape plantings in the fire-safety setbacks will be low growing and not fire prone. To allow natural plant communities to regenerate, livestock grazing on the hill will be prohibited.

Program 2.2.9b: The City will provide and maintain public access to Righetti Hill, including the existing unpaved access road, and preserve the aesthetic values and biological resources on the hill.

Policy 2.2.10: The east flanks of the hill, with the Righetti family ranch home, shall be designated as Open Space. A conservation easement will be granted to the City for this 15.3-acre parcel and ownership and access will remain private. No further subdivision of this parcel will be permitted. Allowable uses on this parcel include agriculture, farmhouse and secondary dwelling, recreational horse ranch, and other passive or active recreational uses. The purpose of this easement is to allow the Righetti family home site to remain in private ownership while limiting development of the parcel.

Program 2.2.10a: ~~The Righetti family will maintain~~ land owner maintains the right to the number of structures onsite (two independent residential units, outbuildings, and structures) and will manage the parcel in accordance with City standards for Open Space areas. The creek habitats in the southeast corner of this parcel will be enhanced with native plantings and the removal of non-native vegetation.

2.3 RECREATION RESOURCES

Recreation resources include a neighborhood park, a linear park, a pocket park, and bicycle/pedestrian paths. The neighborhood park, located at the center of the Orcutt Area, will serve as a community gathering place for casual recreation and sporting events by providing a variety of active recreation facilities. The linear park design will combine utility with pleasure by doubling as both an area wide detention basin and a recreation area. Along along with providing a connection to the railroad bike path, the linear park will also provide and passive recreation facilities such as seating for wildlife viewing.

Neighborhood and Linear Parks

The neighborhood park is considered an essential component of the Specific Plan and a major amenity to the neighborhoods in the Orcutt Area. The location of the neighborhood park is designed to facilitate interaction between single-family and multi-family residential areas; it will be located close to the residential neighborhoods and serve as a natural focal point for the mixed-use area in the central portion of the Plan Area (Figures 2.4 and 2.5). As shown in Figure 2.5, the neighborhood park should incorporate the fringe of the adjacent riparian area into the setting of the park. The convergence of two channels of the upper fork of the East Branch of San Luis Obispo Creek is a valuable resource to the Orcutt Area. A portion of the creek channels are incorporated as an amenity into the acreage of the park area-system shown on the Specific Plan.

Consistent with the City's Park and Recreation Department park acreage requirements for new developments, this plan dedicates a maximum of 20.72 acres of active parklands into the Orcutt Area. Three types of active parklands are provided: 12.39 acres of neighborhood park and recreational facilities, 6.78 acres for a linear park with bicycle and pedestrian paths along the UPRR, and 1.55 acres of playgrounds and greens in the medium-high and high density residential areas.

Goal 2.3a: Opportunities for active and passive recreation through the creation of public parks.

Goal 2.3b: Adequate parkland to support the population of the neighborhood.

Policy 2.3.1: The City Parks and Recreation Element requires a minimum of 10 acres of parkland per 1,000 city residents.

Policy 2.3.2: Estimate the anticipated number of residents in the Orcutt Area based on the 2000 Census San Luis Obispo Average Household sizes used by the City as population generation rates of 2.58 residents per R-1 and R-2 units and 1.92 residents per R-3 and R-4 units.

Policy 2.3.3: The unit count used to calculate the required park acreage for the Specific Plan Area is based on assumed development of maximum allowed units on all properties in the Plan Area. Park acreage required as a result of development on the Imel (.44 acres) and Garay (1.16 acres) properties will be dedicated if and when entitlement requests for those properties are submitted to the City.

Program 2.3.3a: Based on Policies 2.2.1, 2.2.2, and 2.2.3, and the anticipated unit development for the Specific Plan Area shown in Table 1-1, a maximum of 20.72 acres of park and recreation areas will therefore need to be incorporated into the Orcutt Area.

Program 2.3.3b: A 12.39 acre centrally located neighborhood park will be developed in the Orcutt Area. Acreage for the park shall be dedicated during Phase I development, and construction of the neighborhood park will occur in two parts during Phases II and III. The park will provide facilities for a variety of users. These may include a playground for young children, soccer and baseball fields, tennis courts, basketball

courts, sand volleyball, picnic tables and restrooms. Security lighting will be provided in the parking lots and at the restrooms but to avoid glare impacts to surrounding residences, major night lighting will not be used at the park or ball fields.

Program 2.3.3c: A 6.78 acre linear park will be developed along the western portion of the Specific Plan Area which will also provide stormwater detention. Dedication of acreage and construction of the linear park will occur in Phase I, which will also provide stormwater detention and airport compatible open space.

The linear park will have multiple uses including paths for recreational bicycling and walking; a floodable terrace system for stormwater detention; and a wetland habitat project. The linear park will have a Class I bicycle/pedestrian path along the length of the park with trees planted on either side. The bicycle/pedestrian path will connect to the existing Class I bicycle path along the UPRR right-of-way and to the neighborhood park, allowing for multiple recreational opportunities for residents and visitors to the park. Picnic tables, benches, viewpoints, and educational signage about the wetland habitat project will provide additional recreational and educational opportunities for users of the park (Figures 2.6 and 2.7). The linear park will not have night lighting to avoid impacts to wildlife.

Program 2.3.3d: The remainder of park acreage in the Orcutt Area will be provided by a total of 1.55 acres of playgrounds and common outdoor greens in the R-3 and R-4 developments.

Each development is required to provide approximately 0.06 acres of children's play areas per acre of multi-family development. Owners or developers of adjacent properties may choose to work together to provide a single larger shared area which provides the required amount of play area acreage for all of the properties. These multi-family play areas will be maintained by the property owner.

Bicycle/Pedestrian Paths

Both Class I and Class II bicycle/pedestrian paths are an essential component of the recreation facilities provided in the Orcutt Area, and an integral part of the Specific Plan circulation system. Goals, policies, and programs for bike paths are discussed in the Circulation chapter (Section 4.5).

In coordination with the City's Natural Resources Manager, a relatively extensive pedestrian trail system (approximately _____ linear feet) is proposed for Righetti Hill and will be developed by San Luis Obispo consistent with City standards.

Open Space and Recreation Standards

Established City standards apply. No new standards are proposed.

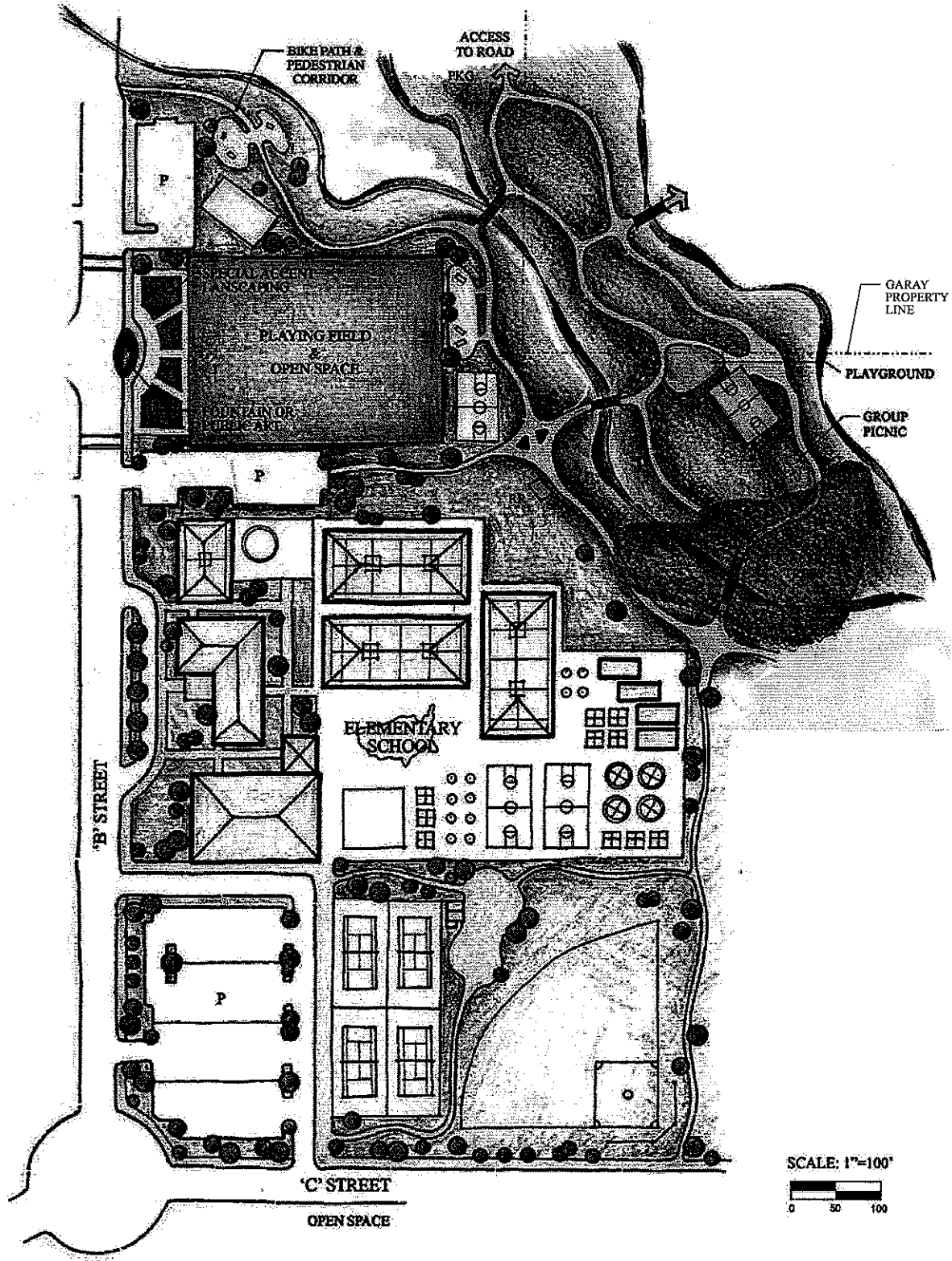


FIGURE 2.5 NEIGHBORHOOD PARK PLAN

DRAFT ORCUTT AREA SPECIFIC PLAN
3 Land Use and Development Standards

- Policy 3.2.17:** *Multifamily developments shall provide connections to pedestrian/bicycle paths in the Specific Plan Area for access to the mixed-use area, the neighborhood park, and linear park.*
- Policy 3.2.18:** *A manufactured/mobile home park development is allowed only in the R-3 zone as an expansion of the existing mobile home park in the northwest portion of the Plan Area. Development of a manufactured home park shall be comprised only of new manufactured homes (reconditioned and used manufactured homes shall not be permitted).*
- Policy 3.2.19:** *Sites within the medium-high and high density residential zones will be made available to the Housing Authority or private developers to develop units of affordable housing for low income households. Adequate areas of medium-high density (R-3) and medium density (R-2) will be provided for additional units of affordable housing for low and moderate-income households (see Affordable Housing below for further discussion).*

Table 3.1 Residential Development Standards

Standards (minimums)	R-1	R-2	R-3	R-4
Lot area	5000-4500 sf minimum 6000 sf average with a maximum of 15,000 sf	3000 sf minimum 5000 sf maximum Average: 4500 sf	Per City Zoning Code	Per City Zoning Code
Lot width	50-45 ft minimum	35 ft minimum		
Lot Frontage on Cul De Sac	30 ft	30 ft		
Corner Lot Width	60 ft	50 ft		
Lot Depth	Varies	40 ft		
Lot Coverage	40 %	50%		
Front setback				
House	15 ft	15 ft		
Garage, carport	20 ft Must be setback at least 5 ft from the front of the house	20 ft Must be setback at least 5 ft from the front of the house		
Front Porch or Covered Entry	Required	Required		
Rear Setback				
House	20 ft	20 ft		
Garage, carport	0-5 ft	0-5 ft		
Side Setback				
First Story	0-5 ft	0-5 ft		
Second Story	0-5 ft	0-5 ft		
Street (corner lot)	10 ft	10 ft		
Garage, carport	0-5 ft	NA		

3.2.2 Community Commercial Mixed Use (CCMU - SP)

The Community Commercial zone is intended to provide for an appropriately wide range of retail sales, personal service establishments, and selective office uses within the context of a distinctive, pedestrian-oriented shopping area. It is expected that these uses will primarily serve customers and clients within the Plan Area but be available to people community wide without generating traffic to a level that requires arterial access.

The southeastern portion of the City of San Luis Obispo is presently served by the Marigold Center at the intersection of Broad Street and Tank Farm Roads which contains approximately 180,000 square feet of retail floor area including a Vons, Sav-On Drugs, Michaels, First Bank and approximately 6 restaurants/food service establishments as well as seven smaller stores. This center is located about one mile away as one would drive. In addition, there is the Cross Roads Shopping center at the intersection of Broad and Orcutt (about one mile distant) which contains a series of shops, small offices, and restaurants. The older and smaller neighborhood commercial area on Laurel Lane includes a neighborhood market and related shops but has suffered; plans for its redevelopment are being considered. Within this larger commercial context, it is the desire of the City of San Luis Obispo to provide an appropriate community commercial area at the center of the Orcutt Area Specific Plan adjacent to the park to serve the 1,000 new units being proposed.

A viable commercial area in San Luis Obispo requires two major components in addition to adequate access: a realistic determination of the commercial mix and sustainable floor areas and a quality design setting. The Specific Plan seeks to establish the general parameters for both these components. The use and permitting aspects are considered here and the design issues are addressed in Chapter 4. While the mathematics of spending for retail uses indicate that the approximately 2,200 residents in the Specific Plan area would support around 65,400 square feet of various types of retail in the San Luis Obispo urban area, obviously deductions must be made for shopping in downtown and the other nearby centers identified in the paragraph above. An additional consideration is that while there will be support for supermarkets and food outlets, these stores come in large increments to be competitive; for example the Vons at Marigold Center is 60,000 square feet and is so competitive and nearby, that a supermarket would not survive in the Specific Plan area.

Within this context, this plan identifies potentially suitable types of tenants in the community commercial area. **Table 3.2** includes a typical range of categories and their suitability in the Orcutt Area. As indicated, many commercial uses are either inappropriate, do not meet access standards (related to an arterial street) or are too small to meet the threshold of size criteria.

There is the potential that at the time of development, market conditions or tenant availability may not support full development of the retail and office components of the community commercial area as identified below. In this event, at the time of project review the developer may present convincing information, including economic factors, to the City reviewing body which may approve an Administrative Use Permit to allow residential development on the ground floor. The design intent of the pedestrian friendly street and plaza system at the intersection of "A" and "B" streets shall apply in any case.

Conversely, if there is greater demand for mixed uses than can be supplied by the designated area, then the appropriate uses as identified in Table 3.2 may be extended north along "A" Street (see dotted area on Figure 1.3). Such a change must undergo a conditional use permit process but will be considered in substantial conformance with the Specific Plan.

DRAFT ORCUTT AREA SPECIFIC PLAN
3 Land Use and Development Standards

- Three story structures are allowed in the primary commercial area in any combination of retail on the ground floor, and either offices or residential on the upper floors.
- The off street parking requirements for the primary commercial area may be reduced to 60% of that ordinarily required by the City zoning ordinance for the individually designated uses. Such parking may utilize group parking lots to limit the number of driveways on "A" and "B" streets.

Policy 3.2.21: Encourage professional and other offices uses conducive to local residents walking to work, as second floor occupancy above the retail uses identified in Policy 3.2.1.

Policy 3.2.22: Encourage home/offices (live/work) in the multifamily residential portion of the community commercial. Additional precluded uses in the community commercial would be: mobile homes, or low intensity uses that do not contribute to a pedestrian intense environment.

Policy 3.2.23: While limited Community Commercial uses are the priority for this zone, if commercial tenants are not available, the CC zoned area may be utilized for multi-family housing at R-3 densities.

3.2.3 Conservation/Open Space (C/OS-SP)

The Conservation/Open Space designation will apply to Righetti Hill generally from the 320-foot elevation to the top of the hill as a permanent zone in the Area. Chapter 2, Conservation, Open Space and Recreation provides the goals, policies, and programs for the designated open space areas.

Policy 3.2.24: Property development standards in the City's zoning regulations shall apply to Conservation/Open Space designations in the Orcutt Plan Area.

Policy 3.2.25: Uses permitted in the Orcutt Plan C/OS zones shall be consistent with the City's zoning regulations with the exception of the following uses which are prohibited: agricultural activities, including grazing and animal keeping.

3.2.4 Agriculture

Agricultural use on the project site has included hay harvesting and cattle grazing for several decades. There are currently cattle grazing on Righetti Hill. According to the United States Department of Agriculture Soils Survey for San Luis Obispo, the plan area does not include prime soils or soils suitable for most agricultural activities given the lack of water resources suitable for irrigation. The plan area does not include properties zoned Agriculture (AG); however, properties zoned agriculture and used for animal keeping and grazing activities are southeast of the plan area, across Orcutt Road in the jurisdiction of the County.

Policy 3.2.25: Minimize exposure of homeowners to agricultural nuisances.

Program 3.2.25a: The transfer of real property in the Specific Plan area will comply with the County's Right to Farm Ordinance (No. 2050). (Refer to AG-1 in **Appendix C** of this Plan.)

Program 3.2.25b: Agriculture activities in the Plan Area, including grazing and animal keeping, will be phased out and will cease by buildout. Grazing and animal keeping are not authorized uses for any land use or zoning designation in the Orcutt Plan Area.

February 19, 2008

Michael Codron, Associate Planner
City of San Luis Obispo Community Development
990 Palm Street
San Luis Obispo, CA 93401

RE: Water availability in the Orcutt Area

Dear Michael:

I have been reviewing the water availability issue as it relates to the classification of Prime Agricultural Land in the Orcutt Area Specific Plan. This review included downloading the LESA document, discussion with most of the families living in the area (including the Righetis) and a general review with several people who earn their living by farming, as well as the water utilization factors generated during the Dalidio analysis which does have prime agricultural land. Hard well drilling and yield data on site has been difficult to obtain since records of failed wells have not been saved. The single most informative documentation was provided by Tim Cleath, a local certified hydrogeologist. His memo addressing general ground water issues in this area is attached.

Our conclusion is that the land under the Water Resource Availability Scoring (Table 5 of LESA or Land Evaluation and Site Assessment Model), is best described by Option is 13: "Irrigated production not feasible, but rainfall adequate for dry land production in non-drought years (but not in drought years)". This generates a water resource score of 20 for the LESA matrix.

This conclusion is based upon five areas of information and reasoning:

1. A review of the OASP land area with Tim Cleath (Certified Hydrogeologist #81), a noted ground water authority for the San Luis Obispo area, confirmed that the Edna Valley ground water basin does not extend into our project area. The soil overburden is relatively thin and the alluvial deposits which can hold water are minimal (see attached letter). Based upon his experience he states "There are no wells that we know of east of the railroad tracks and west of Orcutt Road that produces more than a few gallons per minute." Further bedrock can be observed at several points in the creek channels at about 6 feet below the soil surface. (In areas like the Dalidio property, the alluvial deposits reach the depths of 100 to 180 feet.)



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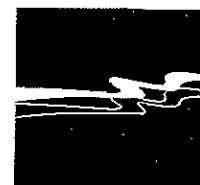
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2. The difficulty of obtaining adequate water is well known to the residents in the Orcutt and Hansen Road areas. There is anecdotal history, that during drought periods the residential wells run so low that even domestic use is rationed. Righetti household use of water has been significantly curtailed during droughts. This has also been true for the Muicks, Imels and Fialas. There is a record of the difficulty of obtaining adequate wells even for limited domestic use. (See Cleath comments for Righetti). Good wells in the area, based upon phone calls this week, typically are in the 5 to 15 gallons per minute range. (Based upon the Dalidio records – efficient and economic agricultural production for well sized agricultural units – in that case 100 acres - require wells that produce 200 to 600 hundred gallons per minute for effective furrow or overhead (large rainbird type sprinklers) irrigation. Less water availability increases labor costs significantly.
3. Riparian and spring boxes were the historic means of obtaining water. Neither has proved adequate or reliable for even domestic uses let alone for irrigated crops. Note that on an acre for acre basis, irrigated crops (varies with crop and amount of production, of course) uses approximately three times the amount of water when compared to urban uses. The Dalidio records indicate requirements of approximately two to three acre feet of water per irrigated acre of vegetables farming.
4. There is no record of any significant irrigated farming in the area. The agricultural uses that have been documented include dry farming (hay crop) on an 18 acre plot on the flattest portion of the site (on the Righetti parcel adjacent to the end of Bullock Lane), cattle grazing on the large open portions of the site (currently still the case) and, in the mid 20th century, chickens were raised by the Imels, predecessors of the Jones property, and the Righettis. According to Jerry Imel, in one drought year, "the Imels had to string hoses together and pump from their small well to keep the chickens from dying of thirst on the Jones property." Both of the non OASP area farmers interviewed who raise irrigated crops stated that "to a farmer, if you could raise irrigated crops you would do so since the return is better than dry farming and beef cattle". They also note that almost none of the Orcutt area is flat enough for really effective irrigation (with the possible exception of drip systems) since the existing slopes will make the water runoff hard to control. The lack of major water supplies is also attested to by the fact that the Righetti Ranch, the largest landowner with 144 acres could not even maintain dairy farming (see attached letter from Barbara Parsons). Their case was similar for the adjacent farm area now incorporated into the Arbors neighborhood. Similar statements can be made for the Wixom property just to the east of the Orcutt area which also is currently grazing.
5. Further, the residences adjacent to Orcutt Road between Fernwood and Johnson as well as those facing Bullock Lane have all opted to take City water rather than maintain their personal well systems. This would not be the case if well water were abundant and less expensive than City water.

In conclusion, I can find no evidence that the Orcutt Area has sufficient water for agricultural purposes. Given that even the domestic water supplies are an issue during drought years, the appropriate LESA description for water resource availability should be 20 as identified above. If you require more information, please give me a call.



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Sincerely,

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A handwritten signature in black ink, appearing to read "Andrew", with a long horizontal stroke extending to the right.

Andrew G. Merriam, AICP
Consulting Planner

Attachments

From: Timothy Cleath [timothycleath@sbcglobal.net]
Sent: Monday, February 18, 2008 9:09 AM
To: Andrew Merriam
Subject: Orcutt Area Specific Plan Water

To: Andrew Merriam, Wallace Group

From: Timothy S. Cleath, Certified Hydrogeologist #81, Cleath & Associates

As you know, we surveyed the Helphenstine/Parsons property for developing water to serve the property and prepared a report to the owner on August 9, 2007. Our focus was on serving the residence and the remainder parcel but we looked elsewhere on the property because the prime area is not favorable even to find water to meet one house's demand. We suggested that it may be possible to get a domestic well in the northwest corner of the property but we did not investigate this area further because of the distance to the residence.

The geologic map for the property shows that alluvium exists in the northwest corner of the property. The remainder of the property is underlain by non-water bearing Franciscan Formation and dacitic rock. The alluvium locally may store ground water but is typically very shallow (less than 30 feet deep) in this area as we state in our letter to the property owner. The alluvium is predominantly clayey, although there may be a thin layer of gravel resting on bedrock.

Some years ago, we drilled an exploratory test hole looking for water along Tank Farm Road near Poinsettia Street and encountered bedrock at shallow depth. This was unsuccessful and the hole was abandoned. There are no wells that we know of east of the railroad tracks and west of Orcutt Road that produce more than a few gallons per minute. The "Mental Health Association Growing Grounds" near Orcutt and Johnson has always struggled with their water supply and at times runs short. In the Capitolio/Sacramento Road area, there have been quite a few holes drilled and some wells produce water out of the Franciscan rock but the production capacity for these wells are very low and would not be capable of sustaining more than a few gallons per minute. Drought years are particularly difficult for wells in this area.

Please refer to the Helphenstine letter for further description of the geology and for a geologic map.

Assuming that more than 50 gallons per minute is needed to do irrigated agriculture, there is virtually no potential to find the amount of water needed for irrigated agriculture within this Specific Plan area.

Attachment 2

Barbara Parsons
 4650 Portola Rd.
 Atascadero, CA, 93422
 Telephone: (805) 466-9457

February 13, 2008

Mr. Andrew Merriam, AICP
 Consulting Planner
 612 Clarion Ct.
 San Luis Obispo, CA, 93401

FAX - 544-4294 (Andrew Merriam)
 FAX - 489-3535 (Jeanne)
 FAX - 1-559-924-10281 (Gary)

Re: Orcutt Area Specific Plan - EIR (Righetti Ranch - Water History)

Dear Andrew:

This letter is to provide you with the agricultural history of our property, which consists of 144 acres within the Orcutt Area Specific Plan, and surrounding area.

History: My parents, Allen and Yolanda Righetti, purchased the property in 1939 and lived there until 2002. At that time it was a small dairy, (Grade B) with no more than 24 cows. The land was used for grazing, and approximately 18 acres, located next to the Pratt property on the north west corner, was used for dryland farming (hay crop). The hay was planted in December and baled in late May. If there wasn't sufficient rain, you didn't have a crop. Many years it was necessary to purchase hay and feed for the cows. Poultry (laying hens) were raised to supplemental the income from the dairy.

Water: The only water supply we had was from two springs for the house and one small well, adjacent to the Garay property, near Orcutt road, for the cattle. That specific well was tested in July, 2007, showing it to be 50 feet in depth, testing 5.5 gallons of water per minute. You have a copy of the pump test report from Farm Supply dated 7/12/07. In addition you have a copy of a recent report from Cleath & Associates, Geologists, providing a water report for the property. Other areas on the ranch were tested for water at the same time the cattle well was developed, but no others were found to provide sufficient water. The property has no history of other wells, or great amounts of water, in fact the whole area is not known for an abundance of water. At no time was there sufficient water for irrigation of field crops within the whole specific plan area.

Income: In the mid 1960's, after the Grade "B" dairy farmers no longer had a market for their milk, my father kept some of his cows and continued with a cow-calf operation in the beef business. In order to continue as a Grade "A" dairy, a better water supply would have been required. Income from this acreage was minimal, both from the time it was a dairy, or a cow-calf operation. Income, at times, did not cover the ranch expenses including taxes, etc. This property could never be considered a sustaining agricultural entity, as far as income is concerned.

Andrew Merriam
Page - 2

February 13, 2008

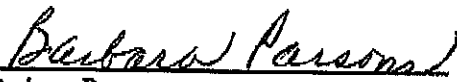
Dairy history: The dairy and small farm era began in the 1860's in San Luis Obispo County; however no dairies exist today. In the 1950's it was decreed that Grade "B" dairies were no longer in the best interest of the consumer. These dairies provided milk for cheese and butter. If they did not convert to Grade "A" dairies, with new milk barns, they went out of business. At that time many switched to raising beef cattle.

The area of the adjacent subdivision, "The Arbors", was a dairy farm with only dryland (hay) crop for cattle feed. It was in operation during the same period as our dairy and located in the area of the (Rodriguez Adobe). It must not be forgotten that the parcels of land in the specific plan consist of small acreage, other than our property, most parcels consisted of between 3/4 of an acres to 6 acres and 12 acres. None of them have any history of agricultural crops - they were home sites with small orchards, a few animals and some chickens. All of these people had outside jobs.

A review of the area in late October/November of this last year should provide evidence that the whole area cannot be considered agriculturally productive. Grazing conditions, at times, are minimal.

Hopefully this will provide you with some useful information.

Sincerely,


Barbara Parsons

bp

cc: Jeanne Helphenstine
Gary Esajian