

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: August 12, 2015
TO: Members of the Planning Commission
FROM: Lucille T. Breese, AICP, Planning Manager
RE: TEXT AMENDMENT – TA 15-01
Household Pet Definition

AGENDA ITEM NO. 3

Planning Commission will consider a recommendation to the City Council regarding amendment, including but not limited, to Zoning Ordinance *Section 17.008.020 Definitions and Standards*. The proposed amendment will, allow chickens as household pets within the City limits with specific criteria. If adopted the Ordinance would be effective Citywide in residential zones. A negative declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

Scope of Review

The Planning Commission is being asked to:

- Recommend that the City Council certify the negative declaration, and direct staff to file a Notice of Determination (NOD); and
- Recommend that the City Council adopt the draft Ordinance approving the proposed change to the Zoning Ordinance language.

The Planning Commission has the authority to recommend approval or denial of an amendment to the Zoning Ordinance to the City Council (Lompoc City Code Section 17.132.040).

Planning Commission Action

1. Receive public input;
2. Review the draft language for Zoning Ordinance *Section 17.008.020 Definitions and Standards*; and

3. Adopt Planning Commission Resolution No. 810 (15) recommending that the City Council certify the negative declaration and adopt Text Amendment TA 15-01 amending *Section 17.008.020 Definitions and Standards*.

Background

- July 25, 2012 The Planning Commission held a public hearing to discuss *Section 17.008.020 Definitions and Standards*. Ultimately, it was determined that a recommendation regarding Text Amendments to the Zoning Ordinance would be considered as part of the comprehensive update following adoption of the 2030 General Plan.
- July 7, 2015 The Council approved the contract for the comprehensive update of the Zoning Ordinance but directed staff to return to the Planning Commission with a Text Amendment to allow chickens, under certain regulations, in the residential areas of the City of Lompoc.

Discussion

There are many different approaches to allowing animals in an urban area. The primary concerns involve cleanliness, the number of animals, noise, location of coops. Any of these concerns can cause a negative impact on adjacent properties. The majority of folks will look after the animals properly however, the problem arises when the animals are not properly cared for and it becomes a code enforcement problem.

Staff has researched neighboring jurisdictions and compiled the following list of how this matter is handled in the jurisdictions noted below:

Jurisdiction	How Many Chickens Permitted	Zoning Designation	Additional Regulation
Buellton	3	Residential	<ul style="list-style-type: none"> - Any animal not kept under restraint or so confined or enclosed is hereby declared to be a menace and a nuisance to public health and safety. - The County may seize and impound any animal not kept under restraint or so confined or enclosed. - The keeping of the animal will not constitute a nuisance to the neighborhood or a danger to the public health, safety or welfare. - Chickens shall be used for domestic use of the residence and not for commercial purposes. - Enclosure for small animals shall be no closer than twenty-five (25) feet to any dwelling and shall meet the accessory structure regulations.

Jurisdiction	How Many Chickens Permitted	Zoning Designation	Additional Regulation
Paso Robles	6	Residential	<ul style="list-style-type: none"> - No person shall keep upon any premises, any animal poultry or household pet in a foul, offensive, obnoxious, filthy or unsanitary condition. All manure and other waste shall be removed at least once within seven (7) days. - Roosters are not allowed in all residential zones. - Any person may raise and keep animals in excess of the maximum number allowed per site or raise and keep any prohibited animals subject to a use permit approval. - No minimum site area is required. - Required setback of 20 feet.
San Luis Obispo	25, more require a special permit approved by Council	No specific designation	<ul style="list-style-type: none"> - No person shall keep upon any premises poultry in a foul, offensive, obnoxious, filthy or unsanitary condition. - No person shall keep upon any premises in the city any poultry within 50 feet of any dwelling or if more than 5 in all such rabbits or poultry are kept, within 75 feet of any dwelling. - The owner or persons in charge of such poultry kept in the city shall provide suitable houses or cotes with board or cement floors in each and every house and cote, and the houses, cotes, or pens shall be kept clean.
Santa Barbara	2, if kept as pets	Residential	<ul style="list-style-type: none"> - All chickens shall be kept in hutches, cages or coops. Which shall be maintained clean and in sanitary conditions at all times so that no other animal or human health, safety, and well-being are not affected. - Chicken cage, hutch or coop shall be located at least 35 feet from any dwelling unit or structure used for human habitation and located on an adjoining lot. - No roosters are allowed within city limits. - No owner of poultry (chickens) shall allow any loud noise that may affect the comfort of the neighborhood. - No owner of such animal shall abandon such animal in the city. - Chickens shall not be permitted on the city beaches.
Santa Maria	3	Residential	<ul style="list-style-type: none"> - Must be caged. - Chicken enclosure must be kept clean and free of any odor. - Roosters are prohibited within city limits. - There is no distance requirement on cages. Chicken enclosures can be next to fence on property (but it is discouraged).
Solvang	10	Single Family Residential	<ul style="list-style-type: none"> - Shall only be for domestic use of residence of the lot and shall not be kept for commercial purposes. - Keeping of small animals is not injurious to the health, safety and welfare of the neighborhood and doesn't create offensive noise or odor. - Coops or other enclosures shall not be closer than 25 feet of any dwelling. - Poultry ranches are not permitted.

In the City of Lompoc, Chickens are currently prohibited under the definitions section of the Zoning Ordinance as noted below (emphasis added):

Household Pets –

current definition:

*Shall mean animals, birds, or fowl ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets include birds kept in an enclosed aviary which shall be no closer than 30 feet from any residence other than that of the owner of the aviary. Pigeons banded with the American Racing Pigeon Union official band shall be the only birds allowed to be loose. The number of birds in an aviary shall not exceed 50 for each full 6,000 square feet of premises of the owner. Such an aviary shall not be allowed use in the R-2 and R-3 Districts except in conjunction with a single-family dwelling. **Household pets shall not include** horses, cows, goats, sheep, or other equine, bovine, ovine, or ruminant animals, pigs, predatory wild animals, **chickens**, ducks, geese, turkeys, game birds, and **fowl which normally constitute an agricultural use** (except pigeons, which shall be deemed household pets). The keeping of household pets or other animals is lawful only in those districts where the use is listed as a permitted use or when any household pets are kept as an accessory use to a lawfully maintained resident in another district. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use. The keeping of any animal not expressly allowed by this Code is a Group B non conforming use. Notwithstanding any provision herein to the contrary, miniature Asian pot-bellied pigs shall be deemed to be household pets and allowed in residential district, provided that no more than two shall be kept and they shall not be used for commercial breeding purposes.*

The City Council has requested Planning Commission consideration of a Text Amendment, in advance of the comprehensive Zoning Ordinance Update, to allow chickens for personal use in *Residential* zoning districts. The definition of *Household Pets* would need to be amended to allow this use in *Residential* zoning districts. The current definition is cumbersome and difficult to read and a revised definition should be developed.

The *R-A Residential Agricultural* Zoning District requires a minimum lot size of 20,000 square feet and allows for commercial raising of certain animals on parcels of land not less than five (5) acres (*Section 17.016.020 Uses Permitted*). There is also an expanded allowance for the “*Keeping of household pets and fish. Noncommercial keeping of poultry, fowl or rabbits, in an enclosure not located within 50 feet of a residence other than that of the owner of said animals. Keeping of a noncommercial kennel.*” There are currently 26 parcels zoned *R-A* in the City, generally on the southern boundary. There is no change proposed for the *R-A* zoning district.

The Municipal Code allows a maximum of four (4) dogs and/or cats over four (4) months of age per premise (*Sections 6.04.010 and 120*).

Staff has reviewed and considered the language in other jurisdictions. Discussions have been held with Code Enforcement staff regarding the proposed change. Concerns have been expressed that there will be an increased number of code enforcement cases regarding the maintenance of properties where the chickens are not kept in a clean and sanitary manner. There is also the increased likelihood of adjacent properties

having problems with rodents and other wildlife coming into residential neighborhoods in search of food and water. Disease is no more likely to be a threat to public health than from dogs and cats if the proper sanitation and cleaning practices are followed.

Proposed language to include in Section 17.008.020 Definitions and Standards Definitions, per TA 15-01: (*new in bold italics, existing in italics, proposed for deletion in strikeout*)

Animal Raising and Keeping

The non-commercial keeping of small animals that are not household pets (e.g. chickens, birds, ducks, rabbits, etc.) outside the dwelling in the Residential zoning districts, or other zoning district where a legally established single family dwelling is established, is allowed as follows:

R-A Rural Agricultural as identified in Section 17.016.020 Uses Permitted on 20,000 square foot minimum lots.

R-1 Single Family Residential for the personal use, not for sale to others, of the resident(s) of the single family dwelling in a clean and sanitary enclosure:

- 1. At least forty feet from any door or window of each adjoining residence;***
- 2. At least fifteen feet from the rear property line;***
- 3. At least ten feet from each side property line;***
- 4. On the rear half of the parcel;***
- 5. The cumulative number of small animals on any property shall be a maximum of four (4);***
- 6. Does not create an offensive noise or odor for adjacent property owners;***
- 7. Birds kept in an enclosed aviary which shall be no closer than 30 feet from any residence other than that of the owner of the aviary. The number of birds in an aviary shall not exceed 50 for each full 6,000 square feet of premises of the owner.***

Household pets shall mean domestic animals and birds, ~~or fowl~~ ordinarily permitted inside a dwelling and kept only for the company or pleasure provided to the occupants. Notwithstanding any provision herein to the contrary, miniature Asian pot-bellied pigs shall be deemed to be household pets and allowed in residential district, provided that no more than two shall be kept and they shall not be used for commercial breeding purposes.

Household pets include ~~Pigeons banded with the American Racing Pigeon Union official band shall be the only birds allowed to be loose. Such an aviary shall not be allowed use in the R-2 and R-3 Districts except in conjunction with a single-family dwelling. Household pets shall not include horses, cows, goats, sheep, or other equine, bovine, ovine, or ruminant animals, pigs, predatory wild animals, chickens, ducks, geese, turkeys, game birds, and fowl which normally constitute an agricultural use (except pigeons, which shall be deemed household pets). The keeping of household pets or other animals is lawful only in those districts where the use is listed as a~~

~~permitted use or when any household pets are kept as an accessory use to a lawfully maintained resident in another district. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use. The keeping of any animal not expressly allowed by this Code is a Group B non-conforming use.~~

The text changes proposed are included in Exhibit 1 of Attachment 1.

Environmental Determination

An Initial Environmental Study has been performed for the proposed Text Amendment. The Initial Study did not identify any significant environmental impacts that would occur as a result of approval and implementation of the Text Amendment. Pursuant to the provisions of the California Environmental Quality Act (CEQA), a negative declaration has been prepared and is attached for Commission review and recommendation to the Council. A Notice of Determination (NOD) will be filed following Council action.

Noticing

On July 31, 2015:

- 1) Notice of the Public Hearing was published in the Lompoc Record and posted on the City website;
- 2) Notices were mailed to interested parties.

Attachments

- 1) [Planning Commission Resolution No. 810\(15\)](#)
- 2) [Initial Environmental Study and Negative Declaration](#)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Teresa Gallavan Economic Development Director / Assistant City Manager		Date	Lucille T. Breese, AICP Planning Manager
			Date

RESOLUTION NO. 810 (15)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE A TEXT AMENDMENT TO AMEND ZONING ORDINANCE CHAPTERS 17.008.020 DEFINITIONS AND STANDARDS (PLANNING DIVISION FILE NO. TA 15-01)

WHEREAS, the Planning Commission has considered a Text Amendment to amend Zoning Ordinance *Section 17.008.020 – Definitions and Standards* as shown in the attached draft Ordinance; and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on August 12, 2015; and

WHEREAS, at the meeting of August 12, 2015, City staff was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 12, 2015, _____ spoke regarding the proposed Text Amendment; and

WHEREAS, a Negative Declaration was prepared for the Text Amendment, pursuant to the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposed Text Amendment (TA 15-01) recommended by this Resolution is in accordance with the provisions of the General Plan of the City of Lompoc;

SECTION 2: The proposed modifications are required for the public necessity, convenience and general welfare;

SECTION 3: Pursuant to Public Resources Code Section 21080(c) and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Negative Declaration which have been prepared for the proposed Text Amendment show that there is no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found, in the Planning Commission's independent judgment and analysis, that: the proposed Text Amendment will not result in an adverse impact on the environment;

SECTION 4: The Planning Commission resolves that this Resolution shall be forwarded to the City Council, pursuant to Section 17.132.040 of the Lompoc City Code, with the Commission’s recommendation that the Council certify the Negative Declaration and adopt the attached draft Ordinance approving TA 15-01.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 12, 2015 by the following vote:

AYES: Commissioners

NOES:

Lucille T. Breese, AICP, Secretary

Ron Fink, Chair

Exhibit A – [Draft Ordinance No. XXXX \(15\)](#)

ORDINANCE NO. XXXX(15)

An Ordinance of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Amending Section 17.008.020 – Definitions and Standards of the Lompoc
Municipal Code

THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The paragraph beginning with “Household pets” in Section 17.008.020 – Definitions and Standards, of the Lompoc Municipal Code is hereby amended to read as follows:

Animal Raising and Keeping

The non-commercial keeping of small animals that are not household pets (e.g. chickens, birds, ducks, rabbits, etc.) outside the dwelling in the Residential zoning districts, or other zoning district where a legally established single family dwelling is established, is allowed as follows:

R-A Rural Agricultural as identified in Section 17.016.020 Uses Permitted on 20,000 square foot minimum lots.

R-1 Single Family Residential for the personal use, not for sale to others, of the resident(s) of the single family dwelling in a clean and sanitary enclosure:

- 1. At least forty feet from any door or window of each adjoining residence;***
- 2. At least fifteen feet from the rear property line;***
- 3. At least ten feet from each side property line;***
- 4. On the rear half of the parcel;***
- 5. The cumulative number of small animals on any property shall be a maximum of four (4);***
- 6. Does not create an offensive noise or odor for adjacent property owners;***
- 7. Birds kept in an enclosed aviary which shall be no closer than 30 feet from any residence other than that of the owner of the aviary. The number of birds in an aviary shall not exceed 50 for each full 6,000 square feet of premises of the owner.***

Household pets shall mean **domestic** animals **and** birds, ~~or fowl~~ ordinarily permitted **inside** a dwelling and kept only for the company or pleasure provided to the occupants. Notwithstanding any provision herein to the contrary, miniature Asian pot-bellied pigs shall be deemed to be household pets and allowed in residential district, provided that no more than two shall be kept and they shall not be used for commercial breeding purposes.

~~Household pets include Pigeons banded with the American Racing Pigeon Union official band shall be the only birds allowed to be loose. Such an aviary shall not be allowed use in the R-2 and R-3 Districts except in conjunction with a single-family dwelling. Household pets shall not include horses, cows, goats, sheep, or other equine, bovine, ovine, or ruminant animals, pigs, predatory wild animals, chickens, ducks, geese, turkeys, game birds, and fowl which normally constitute an agricultural use (except pigeons, which shall be deemed household pets). The keeping of household pets or other animals is lawful only in those districts where the use is listed as a permitted use or when any household pets are kept as an accessory use to a lawfully maintained resident in another district. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use. The keeping of any animal not expressly allowed by this Code is a Group B non conforming use.~~

SECTION 2. This Ordinance shall be effective thirty (30) days after its adoption.

This Ordinance was introduced on _____, 2015, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2015, by the following electronic vote:

PASSED AND ADOPTED this ____ day of ____ 2015, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Bob Lingl, Mayor
City of Lompoc

Attest:

Stacey Alvarez, City Clerk
City of Lompoc

**CITY OF LOMPOC
ENVIRONMENTAL CHECKLIST FORM**

A. PROJECT INFORMATION:

Project Title: Text Amendment	Project No: TA 15-01	
Lead Agency Name and Address: City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436 P.O. Box 8001, Lompoc, CA 93438-8001	Contact Person and Phone Number: Lucille T. Breese, AICP Planning Manager (805) 875-8273	
PROJECT DESCRIPTION / LOCATION: Planning Commission will consider a recommendation to the City Council regarding a change to <i>Section 17.008.020 Definitions and Standards</i> . The proposed change will allow Chickens to be kept on single family residential sites in Residentially Zoned Areas. If adopted the Ordinance would be effective Citywide.		
Public Agencies with Approval Authority (Including permits, funding, or participation agreements): City of Lompoc Planning Division		
Project Applicant, Name and Address: N/A	Project Consultant: N/A	
General Plan Designations: Residential Zones	City Zoning Designations: Residential Zones	
Surrounding Land Use Designations: Various		
Surrounding Land Uses/Zoning: Various		
Environmental Setting: Existing urbanized area.		
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact", as indicated by the checklist on the following pages.		
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

B. ENVIRONMENTAL IMPACTS:

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

I. AESTHETICS	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Comments:

- a) The proposed Text Amendment applies to an existing urbanized area and will have no impact on scenic resources.
- b) The Text Amendment will not substantially damage scenic resources as no development is proposed.
- c) Planning Commission review of the proposed Text Amendment will assure guidelines for the community.
- d) Since no development is proposed, there will be no substantial light and/or glare to adversely affect day or nighttime views in the area.

II. AGRICULTURAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Comments:

- a-c) The proposed Text Amendment applies to an existing urbanized area and will have no impact on agricultural lands and resources; no development is proposed

III. AIR QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Comments:

a-e) The proposed Text Amendment will not obstruct the implementation of any applicable air quality plan; violate any air quality standard; will not result in a cumulatively considerable net increase in any criteria pollutant for which the City is in non-attainment; will not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people. There is no new development proposed at this time.

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comments:

a-f) The proposed Text Amendment will not have a substantial adverse effect on any species identified as a sensitive species in local or regional plans or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, nor will it affect federally protected wetlands, nor will it affect migratory wildlife corridors, nor will it affect biological resources, nor will it conflict with local policies or ordinances protecting biological resources, nor will it conflict with an approved local, regional or state habitat conservation plan because no development is proposed.

V. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Comments:

a-d) The proposed Text Amendment will not cause a substantial adverse change in the significance of a historical or archaeological resource as identified in the City of Lompoc Cultural Resource Study and "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997; no new development is proposed.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments:

a-e) The proposed Text Amendment will not expose people or structures to potential substantial adverse effects. No development is proposed.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments:

a-f) There is no development proposed by the Text Amendment and therefore, no creation of a significant hazard to the public or the environment.

g) The proposed Text Amendment will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h) The proposed Text Amendment will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands as no development is currently proposed.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Comments:

a-e) The Text Amendment will not violate any water quality standards or waste discharge requirements; the project will not substantially deplete groundwater supplies or interfere with groundwater recharge; the project will not substantially alter the existing drainage pattern of the area; the project will not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off.

f) The proposed Text Amendment will not violate any water quality standards or waste discharge requirements, nor place a greater demand on water supply or quality than the existing residential land use designations.

g) No development is proposed.

h) The proposed Text Amendment will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

i-j) The proposed Text Amendment will not create a threat of inundation by seiche, tsunami, or mudflow. No development is proposed.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comments:

- a) The proposed Text Amendment will not physically divide an established community; no development is proposed.
- b) The proposed Text Amendment will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; no development is proposed.
- c) No development is proposed; therefore, there will be no conflict with such a plan.

X. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments:

- a-b) The proposed Text Amendment will not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state as no development is proposed.

XI. NOISE Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments:

a-f) No development is proposed in conjunction with the Text Amendment and therefore will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, and it will not expose persons to excessive ground borne noise levels or result in a substantial permanent increase in ambient noise levels.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments:

a-c) The proposed Text Amendment will not induce population growth as there is no development proposed. The proposed project will not displace any housing or people, or require any replacement

housing. Furthermore, the Text Amendment will meet the implementation measures of the adopted Housing Element and conform with State law in permitting Emergency Shelters.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
b) Fire Protection?				X
c) Police protection?				X
d) Schools?				X
e) Parks?				X
f) Other public facilities?				X

Comments:

a-f) The proposed Text Amendment will not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire, Police, Schools, Parks, or other public services; no development is proposed.

XIV. RECREATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Comments:

a) The Text Amendment does not include any development and would not increase the use of existing neighborhood and regional parks, nor cause substantial physical deterioration to existing neighborhoods.

b) The text Amendment does not include recreational facilities or require construction or expansion of regional parks and other recreational facilities.

XV. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comments:

- a-b) The proposed Text Amendment would not increase traffic because no development is proposed.
- c) The proposed Text Amendment will not result in a change in air traffic patterns.
- d-g) The proposed Text Amendment will have no effect on the safe design of future specific projects; adequate emergency access; on-site parking capacity; and support of alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

XVI. UTILITIES AND SERVICE SYSTEMS				
Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments:

a-e) The proposed Text Amendment would not have an impact on water, wastewater, or storm water facilities and would not have an impact on water supplies; no development is proposed.

f-g) The proposed Text Amendment would not have an impact on the landfill; no development is proposed..

XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
Does the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Comments:

a-c) The proposed Text Amendment would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or eliminate the range of a rare or endangered plant or animal; or create impacts that cumulatively considerable; or cause substantial adverse effects on human beings directly or indirectly since no development is proposed.

DETERMINATION:	
On the basis of this initial evaluation:	
X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION , pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lucille T. Breese, AICP
 Planning Manager

Date