

Feb 2, 1994

***NIPOMO COMMUNITY
SERVICES DISTRICT***

**SUMMIT STATION WATER IMPROVEMENT
ASSESSMENT DISTRICT NO. 93-1**

***ENVIRONMENTAL DETERMINATION
PROPOSED NEGATIVE DECLARATION***

INITIAL STUDY

NAME OF PROJECT:

Construction Plans for Water Distribution System, in the Nipomo Community Services District, San Luis Obispo County, California. Assessment District No. 93-1 (Water Improvements).

PROJECT DESCRIPTION:

Install approximately 7.6 miles of water mains, fire hydrants, service laterals and appurtenances necessary for operation of a domestic water supply system, and connection to an existing water system. Installation will be within existing street rights of way, generally 14 feet to one side of the street centerline, and three to five feet below ground.

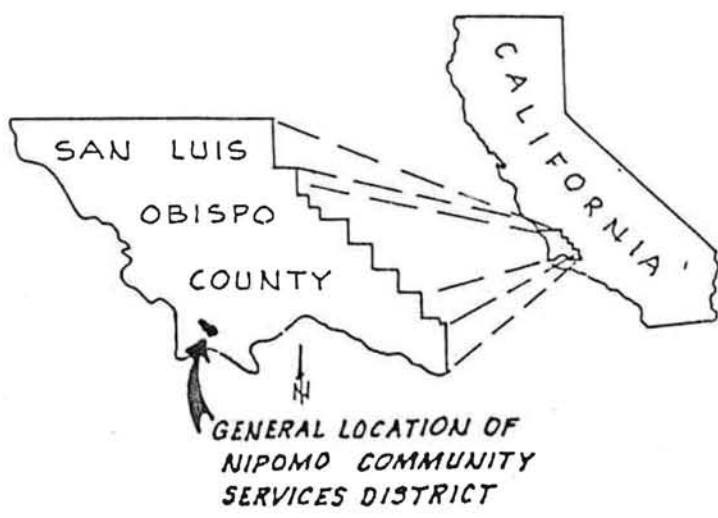
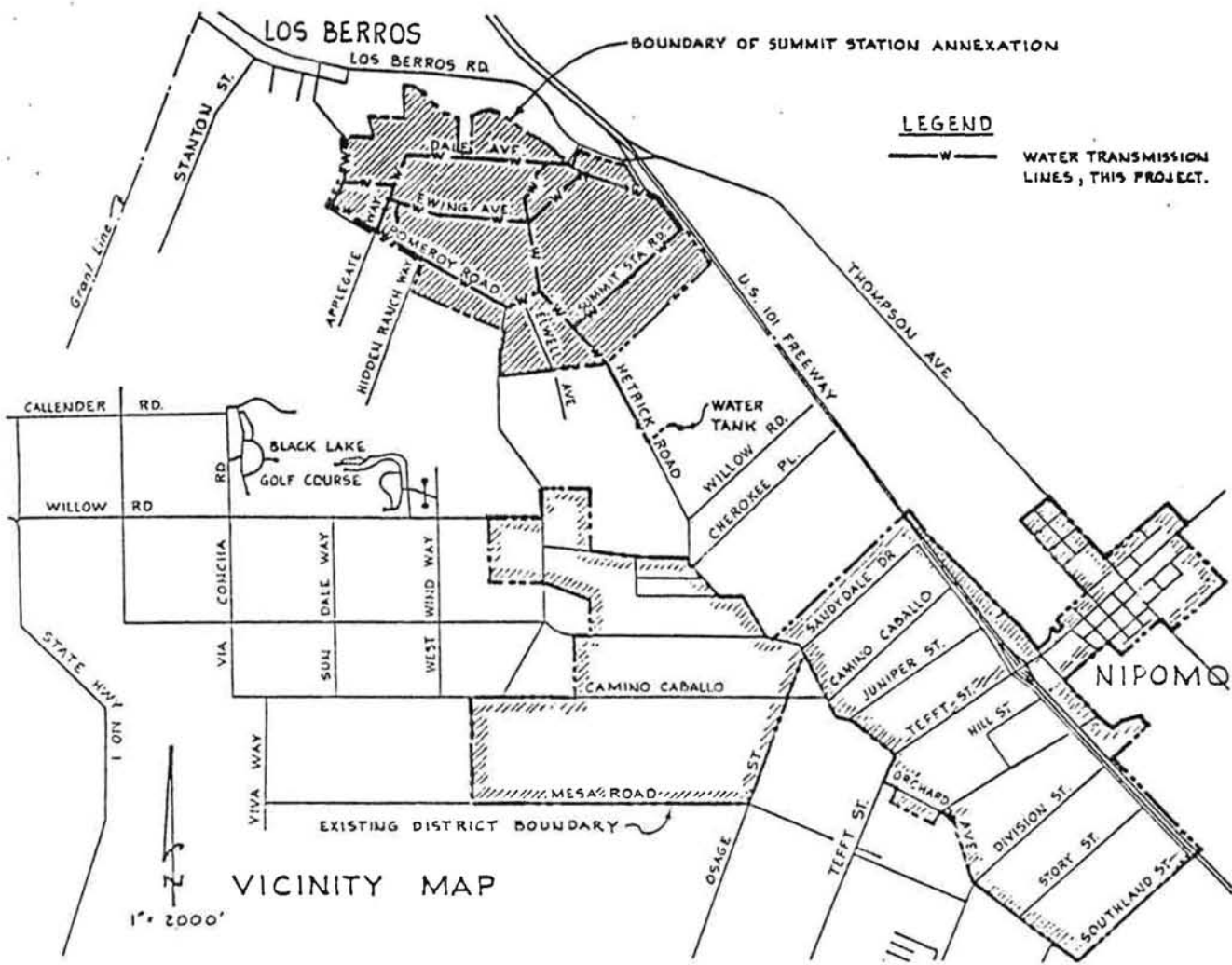
LOCATION:

The project is located within Annexation No.6 (Summit Station Road), of the Nipomo Community Services District, Northwest of the community of Nipomo and southeast of the community of Los Berros, and immediately west of Highway 101, in San Luis Obispo County, California. It is in the following streets: Hetric Road, Summit Station Road, Frisco Way, Pomeroy Road, Aden Way, Dale Avenue, Ewing Avenue, Applegate Way, Helroy Road, Rocky Place, Futura Lane, Val Verde Lane, Apache Trail, Poppy Lane, and Aurelia Lane.

LEAD AGENCY: Nipomo Community Services District
261 W Dana Street, P.O. Box 326
Nipomo CA. 93444 Phone no.(805) 929-1133

This initial study was prepared for the lead agency by:

Garing, Taylor & Assoc. Inc.
141 S. Elm St.
Arroyo Grande, CA 93420 Phone no.(805) 489-1321



PROCEDURES:

The California Environmental Quality Act (CEQA) requires that public agencies must prepare an environmental impact report (EIR) whenever a proposed "project" may cause "significant [adverse] affects [or impacts] on the environment". The first, step is to do an "initial study". If the initial study produces no substantial evidence , or reasonable inferences therefrom, that the project may produce significant adverse environmental impacts, the agency must issue a "negative declaration". Otherwise, an EIR is required.

INITIAL STUDY:

Copies of the following seven documents, all part of the evolution of this project, are submitted as the source of information, and a part of this "Initial Study".

1- A "NEGATIVE DECLARATION, ENVIRONMENTAL DETERMINATION NO. ED93-020", and an "INITIAL STUDY CHECKLIST", both dated February 19, 1993, were prepared by the Environmental Coordinator of the County of San Luis Obispo. This document is primarily concerning the revision of the South County Area Plan, a part of the County General Plan.

The Summit Station Road area has been experiencing a physical hardship due to a shortage of groundwater. In order to permit water to be made available from a central source, rather than from existing wells within the project area, it was necessary to amend the existing planning (zoning) regulations. An amendment to the Land Use Element was being proposed to allow establishment of a community water service system.

These documents provide an environmental checklist, a description of the project area, review the project's back-

ground, the environmental setting, water sources, growth inducement, and site specific impacts in order to identify environmental impacts. They recognize that the installation of a central water system may encourage a desire to divide the property further, causing a growth inducing impact in the area, along with increased traffic, air pollution, need for urban services, etc.

This document recommends specific wording to be included in the amended plan, in order to prevent any growth from occurring and also to prevent any potential impact upon archaeological or botanical resources. (See appendix 1)

2- An "AMENDMENT TO LAND USE ELEMENT - PART I/Framework for Planning, - PART II/SOUTH COUNTY AREA PLAN, dated April 20, 1993, was adopted by the County Board of Supervisors. This amendment allows the establishment of a community water service system and installation of a distribution system, but prevents any growth from occurring. It also requires that an archaeological and a botanical study be made prior to any construction. (See appendix 2)

3- A Local Agency Formation Commission (LAFCO) staff report, "LAFCO FILE NO.1-R-92: ANNEXATION NO.6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION AREA)", dated May 20, 1993, This action permitted expansion of the service area of the Nipomo Community Services District (Summit Station). This document describes the history, setting, reasoning and environmental safeguards incorporated in the general plan amendment. It recommends that sphere of influence boundary be amended and that the request for annexation to the Nipomo Community Services District be approved. (See appendix 3)

4- A Negative Declaration, "REVISION OF A SPHERE OF INFLUENCE AND A SPHERE OF SERVICE FOR ANNEXATION NO.6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION)", dated April 28, 1993. This document was prepared by the Local Agency Formation Commission (LAFCO) for the County of San Luis Obispo. (See appendix 4)

5- A Negative Declaration, "ANNEXATION NO.6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION)", dated April 28, 1993. This document was prepared by the Local Agency Formation Commission (LAFCO) for the County of San Luis Obispo. (See appendix 5)

6- An archaeological surface study was required by the provisions of the amendment to The Planning Area Standards of the Land Use Element of the General Plan. This study, CULTURAL RESOURCE INVESTIGATION OF THE PROPOSED WATER DISTRIBUTION SYSTEM FOR THE SUMMIT STATION ASSESSMENT DISTRICT, NIPOMO COMMUNITY SERVICES DISTRICT, was prepared by Parker & Associates, July 1993, which included all ground disturbing activities occurring during construction of this project. Mitigation measures recommended are the relocating of a short portion of the pipeline and having a qualified archaeologist monitor the trenching in certain designated areas. These measures are incorporated in the plans and specifications for construction this project. (See appendix 6)

7- A botanical report was required by the provisions of the amended Planning Area Standards of the Land Use Element of the General Plan. A study was prepared by Malcolm McLeod Ph.D., dated July 28, 1993. It locates by reference to stationing on

the plans, all oak trees and other sensitive vegetation within 50 feet the project limits. Mitigation measures include relocation of the pipeline in certain areas, and the replacement of vegetation where it must be disturbed or removed. Where vegetation is to be replaced, procedures for propagation and monitoring are recommended. These measures are incorporated in the plans and specifications for construction this project. (See appendix 7)

Three other documents provide environmental information about the region in which the project is located, but are not made a part of this initial study because of their size. These documents are:

1- FINAL ENVIRONMENTAL IMPACT REPORT, SOUTH COUNTY AREA PLAN, INLAND PORTION, SCH No. 86111662, May 1991, prepared for the County's Environmental Coordinator by the Morro Group. It discusses the environmental impact of updating and changing the South County Area of the County General Plan.

2- ENVIRONMENTAL IMPACT REPORT ADDENDUM FOR SOUTH COUNTY AREA PLAN UPDATE, ED86-319 (G860007X), November, 1991, prepared by the County's Environmental Coordinator and discusses proposed changes to the update.

3- ENVIRONMENTAL IMPACT REPORT, REVISED ADDENDUM FOR SOUTH COUNTY AREA PLAN UPDATE, ED86-319 (G860007X), July 1993, prepared by the County's Environmental Coordinator and discusses proposed changes to the update.

A considerable amount of relevant information is provided in the E.I.R., but little is contained in the two other reports. They are available for review at:

Office of the Environmental Coordinator,
County Government Center, Room 370
San Luis Obispo, CA 93408

FINDINGS:

The purpose of the project has been to solve an existing water problem. The General Plan amendment provided land use regulations to prevent additional development of the land within the project area and any potential impacts related to growth. The General plan amendment also required that a report be made by an archaeologist and a botanist, prior to any construction within the area.

Implementing the reports of the archaeologist and the botanist by incorporating their recommended mitigation measures into the plans and specifications for construction of this project, will remove or mitigate any potential adverse impacts occurring as a result of this project.

The above listed documents provide sufficient data, to find that the project will solve the existing water problem and will not have a significant adverse impact upon the environment.

Date: _____

Authorized person

APPENDIX 1

MAY 8 1993

FOR OFFICIAL USE ONLY

FRANCIS M. GOSNEY, COUNTY CLERK
By VICKI M. SHELBY
DEPUTY CLERK

COUNTY OF SAN LUIS OBISPO
NOTICE OF DETERMINATION AND
NEGATIVE DECLARATION

ENVIRONMENTAL DETERMINATION NO. ED93-020

DATE: February 19, 1993

PROJECT DESCRIPTION

APPLICANT/ENTITLEMENT: County General Plan Amendment; G920006M

PLANNING AREA: South County, Rural

LAND USE CATEGORY: Residential Rural

PARCEL SIZE: 143 existing parcels totaling approximately 870 acres

LOCATION: Immediately west of Highway 101, south of Los Berros Road, immediately east of Pomeroy Road and north of the southerly property lines of the properties fronting the south side of Summit Station Road, north of the community of Nipomo

PROPOSED USES/INTENT: A request by the County Planning Department to amend the existing South County Area Plan to include text and standards to 1) allow establishment of a community water service system within the Summit Station Road area (which has been identified as a rural area that is experiencing a physical hardship due to a shortage of groundwater); 2) limit the use of community water services to serve only the existing residences within the Residential Rural land use category currently applied to this 870 acre area; 3) prohibit the creation of new subdivisions or creation of new lots within this area; 4) limit each lot to only one house (existing secondary residences not affected); 5) establish a provision that the community water service is not intended to be a basis for land use category changes enabling higher densities of development within the Summit Station Road area, or for extending such service into other Residential Rural areas; and 6) establish a provision that the Summit Station area is not intended to be seen as the sole justification for the establishment of community services within other rural areas of the county which do not have a physical hardship of comparable magnitude. This amendment also proposes to make several changes to Framework for Planning (Part I of the Land Use Element) to maintain consistency with that document.

APPLICANT: County Planning and Building Department; San Luis Obispo, CA

ENVIRONMENTAL SETTING

| | |
|----------------------|---|
| TOPOGRAPHY: | Gently to moderately sloping with steeply sloping bluff to the north |
| VEGETATION: | Grassland; chaparral; coast live oak woodland |
| SOIL TYPE: | Oceano sand; Chamise shaly loam; Xerorthents, escarpment |
| SOIL CHARACTERISTIC: | Not well to well drained; low to high erodibility; low to moderate shrink-swell potential; may present some limitations to the percolation of sewage effluent due to poor filtering, slow percolation and/or excessive slopes |
| GEOLOGIC HAZARDS: | Low landslide potential; moderate to high liquefaction potential |
| FIRE HAZARD: | Moderate to high |
| EXISTING USES: | Oil pumping station; single family residences, mobile homes, grazing; undeveloped |
| SURROUNDING USES: | Single family residences; grazing; Highway 101; Los Berros Creek; undeveloped |

BACKGROUND

On January 20, 1993, in efforts to recognize and alleviate the apparent water shortage currently being experienced around the Summit Station Road area (see Figure 1, pg. 7 of initial study checklist), the Board of Supervisors authorized the processing of this amendment, which would 1) allow establishment of a community water service system within the Summit Station Road area (which has been identified as a rural area that is experiencing a physical hardship due to a shortage of groundwater); 2) limit the use of community water services to serve only the existing residences within the Residential Rural land use category currently applied to this 870 acre area; 3) prohibit the creation of new subdivisions or creation of new lots within this area; 4) limit each lot to only one house (existing secondary residences not affected); 5) establish a provision that the community water service is not intended to be a basis for land use category changes enabling higher densities of development within the Summit Station Road area, or for extending such service into other Residential Rural areas; and 6) establish a provision that the Summit Station area is not intended to be seen as the sole justification for the establishment of community services within other rural areas of the county which do not have a physical hardship of comparable magnitude.

LAFCo has identified that because this area would not be contiguous with the District's boundaries it could be considered inconsistent with LAFCo policies and portions of the County's General Plan. The proposed amendment therefore includes several changes to the South County area plan, and Framework for Planning to maintain consistency with these County documents.

The land owners of the area around what is known as the "Summit Station Road area" have been experiencing long-term water shortages from individual on-site wells. In efforts to eliminate this problem, these land owners have been pursuing a more reliable source of water to serve their homes. To accomplish this, an off-site community water system appears necessary. To avoid substantial capital costs, these owners have expressed an interest in connecting to an existing water system, such as the Nipomo Community Service District (NCSD). NCSD, in turn, has indicated a willingness and ability to serve this area with a limited amount of water. Per the attached letter from NCSD (See Exhibit 1), NCSD has expressed a willingness and ability to provide up to 284 acre feet per year (AF/Y) of water to the area. Based on the assumption that one home would use about 1.0 AF/Y, this amount would provide service to about 284 homes.

Currently the subject property is in the Residential Rural land use category, which allows for parcel sizes to range from 5 to 20 acres. The majority of existing parcels range from 2.5 (created prior to establishment of the 5 acre minimum zoning) to 5 acres with several larger parcels ranging from 10 to 20 acres.

DISCUSSION

The Draft EIR and Addendum for the Revised South County Area Plan Update, have considered the potential impacts of this area under the current zoning at buildout. The analysis assumes that all parcels would be subdivided into the smallest parcel possible (5 acres) and may each have a secondary residence. Under this zoning, no significant impacts (except air quality) were identified for the Summit Station area that cannot be mitigated to insignificant levels. Since the recent passage of the Clean Air Plan, countywide strategies will be implemented which are expected to reduce key air pollutants, such as ozone precursors and particulate matter, to acceptable levels over the next several years.

As the following Table 1 shows, the 870 acre area currently contains 143 existing residential parcels (two of these parcels have tentatively-approved vesting subdivisions). Under the current zoning (without any limitations), a secondary residence ("granny" unit) would be allowed for most of these parcels (approximately 137 parcels) allowing for up to 284 residences. If the remaining parcels of 10 acres or more could subdivide, an additional 37 parcels could be created. If secondary residences were considered for each of these, up to 74 additional residences could be created. The following table also provides a comparison of how much water would be needed under the scenarios just described.

Table 1. Water Usage

| | One house/parcel | Water use (ac-ft/yr) | Sub Total | Secondary Residence/ Parcel | Water use (ac-ft/yr) | Sub Total | Grand Total |
|---------------------|------------------|----------------------|-----------|-----------------------------|----------------------|-----------|-------------|
| Existing Parcels* | 143 | 1.0 | 143.00 | 137 | 1.0 | 137.00 | 280.00 |
| Additional Parcels* | 37 | 1.0 | 37.00 | 37 | 1.0 | 37.00 | 74.00 |
| Total | 180.00 | | 180.00 | 174.00 | | 174.00 | 354.00 |

* Two of these parcels have tentatively-approved vesting parcel maps, which when recorded will provide for a total of four parcels (with 4 primary and 4 secondary residential structures allowed). These vesting parcels would not be subject to the proposed amendment limitations.

A survey has been conducted by the Planning Department to determine how many of these existing parcels (excluding tentative vesting maps) have one or more residences. Based on these results, of the 143 existing lots, approximately 28 parcels do not have any residences, 97 have only one home, and 18 parcels that have more than one residence (2 to 4).

The Draft EIR and addendum assumed that water for this area would be obtained from individual on-site wells. Since the use and associated impacts of using off-site water for this area was not addressed in the Draft EIR or Addendum, the following discussion will focus on impacts associated with the use of off-site community water.

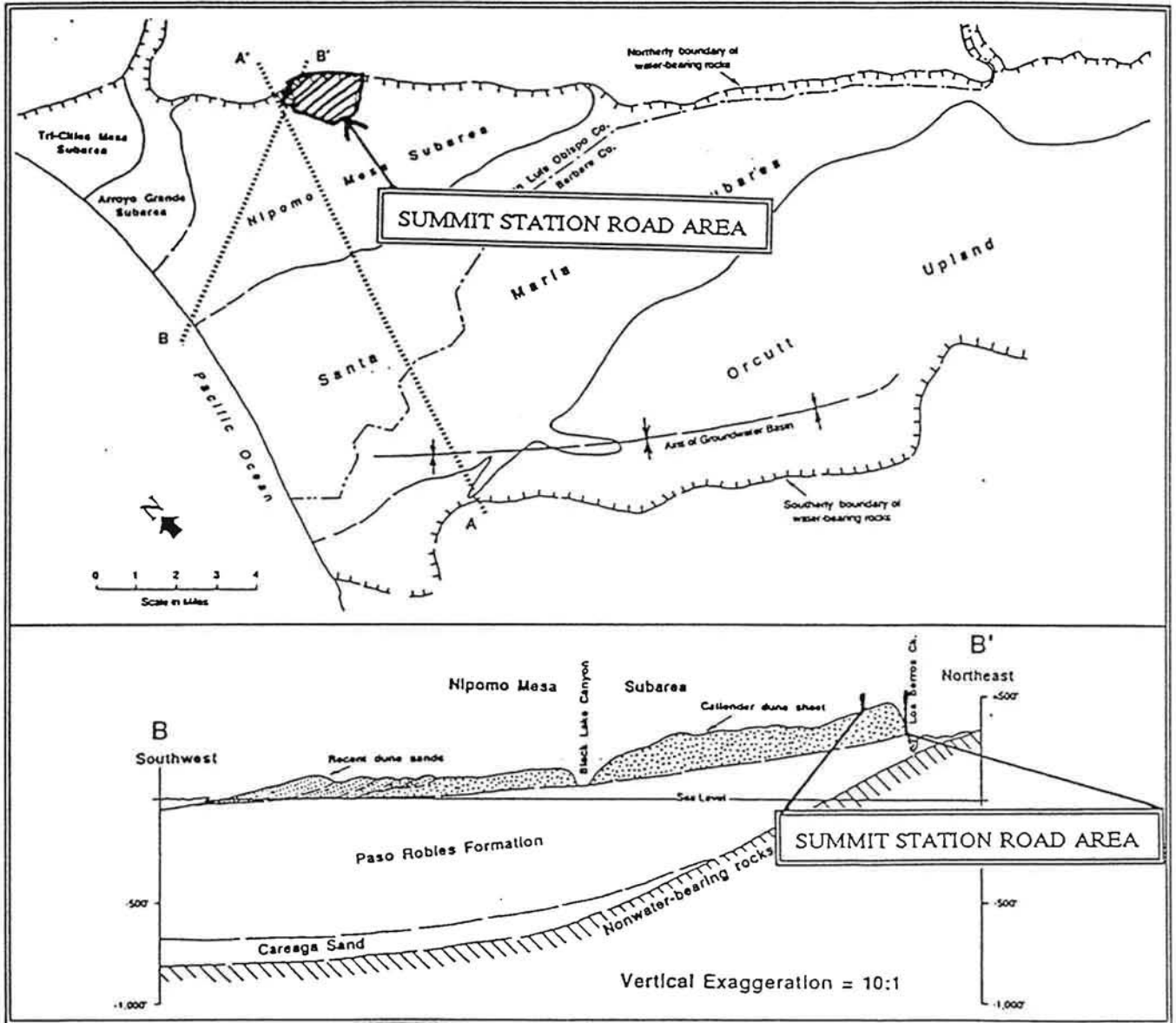
Water Source

The issues of using off-site water include the direct impacts from where the additional water is being extracted to supply the Summit Station area, impacts from installing the necessary water lines (see "Site Specific Impacts"), and the impacts to the Summit Station area from the imported water and subsequent wastewater effluent.

Whether the off-site water is supplied by the Nipomo Community Service District (NCSD), or another public or private water purveyor, approximately 143 AF/Y would need to be available to serve the existing parcels with one residence on each. An approximate 20 AF/Y of additional water would be needed to serve existing secondary dwellings. An additional 6 AF/Y would also need to be reserved for the recently-approved, vesting parcel maps. The total amount needed to serve the

area that has been authorized by the Board totals approximately 169 AF/Y. While the proposed amendment would not allow secondary residences, in speaking with Ryder Ray (NCSO) and as his letter indicates, the NCSO Board would be willing and able to provide for the existing parcels, including secondary residence development, as well as the vesting maps, or up to 284 AF/Y. Mr. Ray's letter also shows the District will still have sufficient water to serve the remaining undeveloped areas within the District's boundaries. Mr. Ray has indicated that the District would not be willing to provide water at this time for any new parcels created by new subdivisions.

Figure 2. Hydrologic and Geologic cross-section of the Nipomo Mesa



The well fields used to supply water for NCSO include wells both on and off the mesa. The main on-mesa well is near the Black Lake Canyon area. One issue of "exporting" water away from where it has been extracted are the effects to the underlying groundwater basin. In this case, the affected basin is known as the Santa Maria groundwater basin, which is further divided into three subareas known as the Santa Maria subarea, Tri-Cities subarea and the Nipomo Mesa subarea. The Summit

Station properties, along with the rest of the Nipomo Mesa, are within the Nipomo Mesa subarea. As identified in the Draft EIR, the Nipomo Mesa subarea has a unique set of conditions that result in an unusually high rate of recharge. As is shown in Figure 2, a cross section of the geology and hydrology of the mesa show how the subject properties are within and on the fringe of this groundwater subarea, as well as upslope from the Black Lake Canyon area. The filtered effluent from Summit Station area will recharge back into the mesa subarea, providing for eventual reuse by mesa wells, including those around Black Lake Canyon. This situation would also apply to other water purveyors extracting water from the Mesa. Water supplied from off-mesa purveyors may permanently remove or "appropriate" water outside of that subarea basin or watershed, which would require approval by the State Water Resource Control Board to appropriate this water.

Growth Inducement

As outlined in NCSD's letter, the District appears to have extra water at buildout of the District's boundaries, even after the Summit Station allocation is subtracted out. Connecting to a large community water system, such as NCSD, with more water than is needed to serve its boundaries, has the potential to encourage future expansion and/or requests for higher densities within its boundaries. In this case, NCSD has made it clear that it would be able to provide the Summit Station area's primary and secondary residences on existing lots only and it does not intend to serve the area to facilitate future subdivisions at this time. This intent, along with the amendment's provisions to prohibit growth beyond the existing development and one house per existing vacant lot, will reduce potential growth inducing and precedent setting impacts to insignificant levels.

Based on information provided in the record and the Draft EIR and Addendum, water availability appears to be the main limiting factor for additional growth in the area. In this case, NCSD has stated they can provide a reliable source without adversely affecting their ability to serve all others within their existing District boundaries.

Site-Specific Impacts

As the amendment is proposed, community water service could accommodate existing development and up to one house per existing vacant lot. Currently, there are approximately 28 existing lots that are undeveloped (see the shaded portions of Figure 3). While it is unknown if these lots are vacant due to the water situation, this analysis will take a "worst-case" approach and assume that these lots would develop as a result of a reliable water source (i.e., off-site community water). Due to the gently sloping terrain of most of this area, building a primary home probably will not receive any additional environmental analysis beyond this general plan amendment. On a site-specific level, future residential development could have an impact in the following areas:

1. Archaeology
2. Botanical Resources

Under archaeology, a number of archaeological sites have been identified throughout the mesa, including one within the 870 acre area. Very little of this 870 acre area has actually been surveyed. Of the seven properties surveyed, two have resources present. Immediately adjacent to this area and within 1/2 mile of the area's perimeter, a number of important sites have been documented, most to the east of Highway 101. Based on the County's archaeological records for the area, the blufftop edges would appear to have the greatest potential for archaeological resources. To minimize

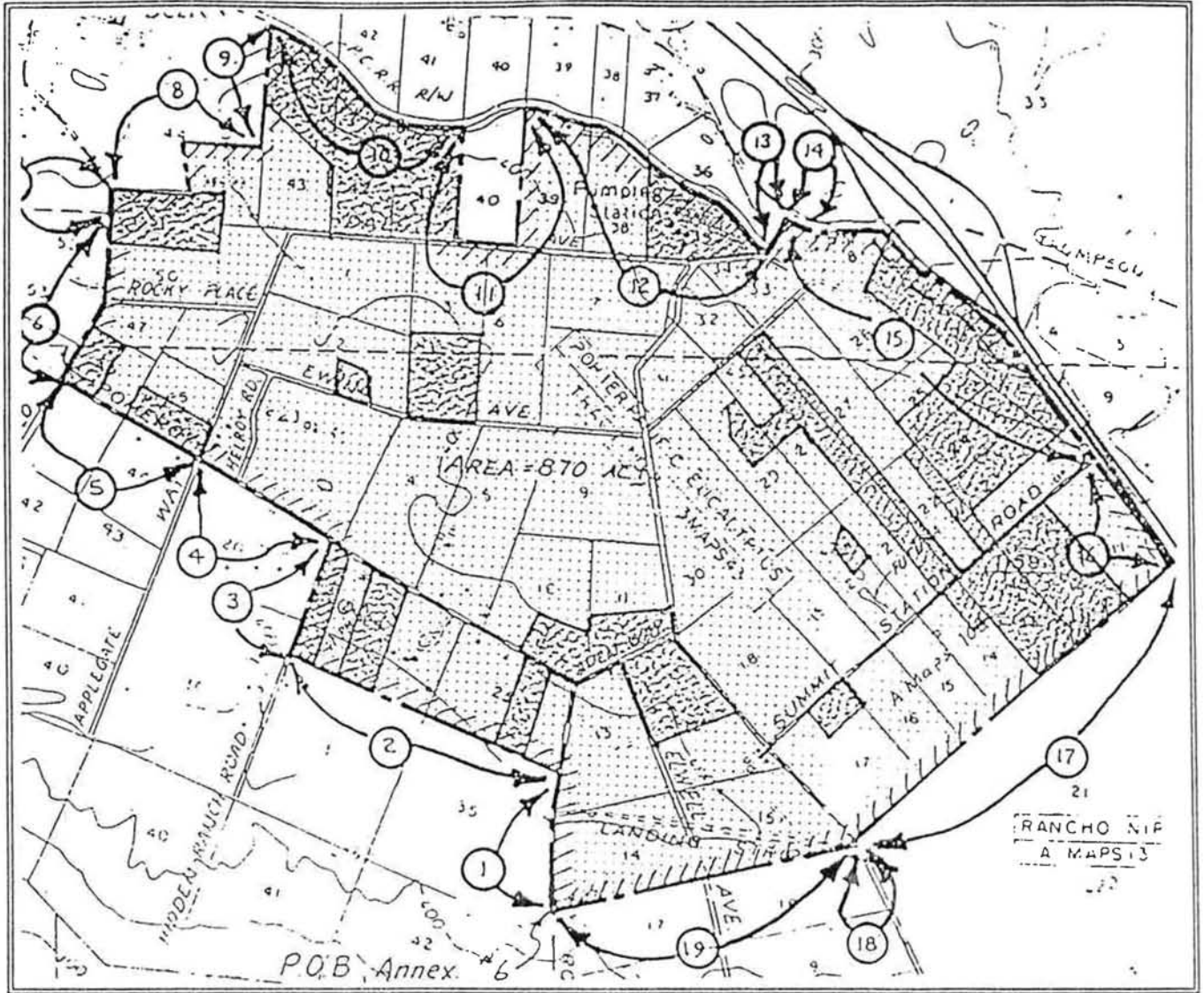
potential impacts to these resources, it is recommended that the following Planning Area Standard be included to protect these resources:

1. At the time of construction permit application, the applicant shall provide an archaeological surface survey, conducted by a qualified archaeologist approved by the Environmental Coordinator's Office, for all ground disturbing activities (e.g. roads, driveways, residences). If any resources are found by the archaeologist, the following process shall be used to minimize impacts:
 - a. Development shall be relocated so no building and grading activities will occur within the identified archaeologically sensitive area(s).
 - b. If the applicant can satisfactorily show to the county that construction cannot avoid identified archaeological resources, the applicant shall implement the recommendations of the archaeologist as determined appropriate by the Environmental Coordinator's Office.



Under botanical resources, most of the 870 acre area is covered with coast live oak woodlands and forests with smaller areas of central scrub chaparral. Within these chaparral areas, shagbark manzanita (a federal candidate species for listing) is typically found. This shrub has been specifically identified on the two vesting parcel maps previously mentioned on Summit Station Road. In an effort to minimize potential impacts, it is recommended that the following planning area standard be included to minimize impacts to the oak, as well as any other sensitive plants (state or federal candidate or listed species):

2. At the time of construction permit application, the applicant shall provide a botanical report, prepared by a qualified botanist approved by the Office of the Environmental Coordinator, which identifies and locates all oak trees and any other sensitive vegetation within 50 feet of the project limits. If any sensitive vegetation is identified by the botanist, the following process shall be used to minimize impacts:
 - a. Where possible, development shall be relocated so no building and grading activities will occur within the identified sensitive area(s).
 - b. If the applicant can satisfactorily show to the county (ECO) that construction cannot avoid identified sensitive resources, the applicant shall abide by the botanist's recommendations, as well as the following:
 - (1) Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees/sensitive vegetation are to be removed and which are to remain.
 - (2) Replace all oak trees removed in accordance to the Environmental Coordinator's policy in place at the time of construction.
 - (3) Prior to removal of any other sensitive vegetation, the applicant shall retain an individual qualified in native vegetation (i.e. native plant nurseryman) to determine if the plant to be removed can be transplanted. If not, either a seed collection or several cuttings per plant removed shall be completed, then propagated at a native plant nursery, and finally replanted on-site (at least two successfully propagated individuals per plant removed).

Figure 3. Developed and Undeveloped Parcels



KEY

-  Vacant Parcels
-  Parcels with one or more home(s)

Water line installation has the potential of adversely impacting archaeological resources as well as sensitive plants, such as the Shagbark manzanita or coast live oaks. If NCSID should be the water purveyor, since they have the authority to prepare their own environmental determinations, they should have archaeological, tree and botanical surveys prepared to determine if any sensitive resource would be impacted, prior to the planning for and installation of any necessary water lines to serve the area. If resources are encountered, mitigation should be developed and agreed to prior to any grading for these lines. If any other water purveyor is used, the above-recommended planning

area standards should be included to require that these potential impacts be addressed during the planning stages of the water line alignment, as well as before any grading.

CONCLUSION

Based on the above discussion, the potential on-site and cumulative impacts associated with the request are not considered significant. Therefore, a Negative Declaration is appropriate under the California Environmental Quality Act.

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Environmental Coordinator's Office, County Government Center, Rm. 370, San Luis Obispo, CA 93408, (805)781-5011.

STATEMENT OF FINDINGS

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108, 21151 & 21167) is proposed.

ACTION TAKEN

On April 20, 1993, the San Luis Obispo ~~Board of Supervisors/Planning Commission/Staff,~~ having considered the Environmental Coordinator's action approved/~~denied~~ this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, Rm 385, County Government Ctr, San Luis Obispo, CA 93408.

California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: County General Plan Amendment; ED93-020 (G920006M)

Project Applicant

Name: County Planning & Building Department
Address: County Government Center
City, State, Zip Code: San Luis Obispo, CA 93408
Phone #: (805)781-5600

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

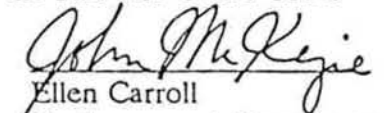
FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____
- Other: The proposed amendment is mostly intended to supply water to existing residences that are encountering water problems.

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


Ellen Carroll
Environmental Coordinator
County of San Luis Obispo

Date 2/19/93

SAN LUIS OBISPO COUNTY
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. The Office of Environmental Coordinator uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project. Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the San Luis Obispo County Office of Environmental Coordinator in Rm. 370, County Government Center, San Luis Obispo, CA or call (805) 781-5011.

Initial Study Reference and Agency Contacts: The following reference materials are used in the environmental review for each project and are hereby incorporated by reference into the Initial Study.

- *Project File for the Subject Application
- *County General Plan (Including all maps & elements)
- *County Land Use Ordinance
- *Area of Critical Concerns Map
- *Fire Hazard Severity Map
- *Natural Species Diversity Database
- *Areas of Special Biological Importance Map
- *County Seismic Safety Element
- *Archaeological Resources Map
- *U.S. Soil Conservation Service Soil Survey for SLO County
- *Flood Hazard Maps
- *Other special studies, reports and previously prepared EIRs as appropriate.
- *Airport Land Use Plans

In addition to the above, the County Planning Department and/or the Office of Environmental Coordinator contacted responsible and trustee agencies for their comments on the proposed project. With respect to the subject application, the following agencies have been contacted.

| | |
|---|---|
| <input type="checkbox"/> County Engineering Department | <input type="checkbox"/> CA Coastal Commission |
| <input checked="" type="checkbox"/> County Planning Department | <input type="checkbox"/> CA Dept. of Forestry |
| <input type="checkbox"/> County Environmental Health Dept. | <input type="checkbox"/> County Airport Manager |
| <input type="checkbox"/> Agricultural Commissioner's Office | <input type="checkbox"/> Airport Land Use Commission |
| <input type="checkbox"/> Air Pollution Control District | <input type="checkbox"/> California Dept. of Transportation |
| <input type="checkbox"/> Reg. Water Quality Control Board | <input type="checkbox"/> Sheriff's Department |
| <input checked="" type="checkbox"/> Other Nipomo Community Service District | <input type="checkbox"/> CA Department of Fish and Game |

X- Agency contacted XX- Agency responded
rev. 1/93

Checklist Identification of Mitigations for Potential Impacts:

The checklist provides the identification and summary of the project's potential environmental impacts. Where potential impacts require mitigation, the following list of mitigations explains how the identified potential environmental impacts can and will be avoided or substantially lessened.

- A. The project has been changed to avoid or substantially lessen environmental impacts. Where changes require explanation, the change(s) will be discussed in the Special Environmental Considerations section or attached material following the checklist.
- B. The project is subject to standards and requirements of the Land Use Element/Land Use Ordinance and/or other County ordinances that include provisions to avoid or substantially lessen environmental impacts. These provisions are requirements that must be incorporated into the project.
- C. The project is subject to state and/or federal regulations, laws and/or requirements that include provisions to avoid or substantially lessen environmental impacts. The project must incorporate the above provisions in order to be in compliance with Federal and/or State law.
- D. A special mitigation plan to avoid or lessen environmental impacts has been agreed to by the applicant. This will be noted on the checklist and, if necessary, discussed in an attachment to the checklist.

SAN LUIS OBISPO COUNTY INITIAL STUDY CHECKLIST

Project Title & No. County General Plan Amendment; ED93-020 (G920006M)

1=Potentially Significant Impact
 2=Impact Can & Will be Mitigated
 3=Insignificant Impact
 4=Not Applicable

| I. <u>BIOLOGICAL RESOURCES</u> | 1 | 2 | 3 | 4 |
|--|-----|-----|-----|-----|
| A. Wildlife | () | () | (X) | () |
| * B. Vegetation | () | (X) | () | () |
| C. Habitat Area | () | () | (X) | () |
| * D. Rare and/or Endangered Species | () | (X) | () | () |
| E. Unique or Fragile Biotic Community | () | () | (X) | () |
| F. State Area of Special Biological Importance | () | () | () | (X) |
| G. Riparian/Wetland Area | () | () | () | (X) |
| H. Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ C ___ D ___

- () See attached exhibits: ()Developer's Statement; ()Agency Response _____;
- ()Botanical/Biological Reports; ()Revised Plans; ()Designated Bldg Sites
- (*) See Special Environmental Considerations/"Discussion" Section under Site Specific Impacts
- () See Document in file _____

| |
|--|
| 1=Potentially Significant Impact 2=Impact Can & Will be Mitigated 3=Insignificant Impact 4=Not Applicable |
|--|

II. DRAINAGE, EROSION AND SEDIMENTATION

| | 1 | 2 | 3 | 4 |
|--|-----|-----|-----|-----|
| A. Increased Storm Water Runoff | () | () | (X) | () |
| B. Erodible Soils/Erosion | () | () | (X) | () |
| C. Poorly Drained Soils | () | () | (X) | () |
| D. Sedimentation | () | () | (X) | () |
| E. Contributes to Existing Drainage Problem | () | () | (X) | () |
| F. Alters Existing Drainage Course or Waterway | () | () | (X) | () |
| G. Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ [see LUO sec.22.05.036(CZLUO 23.05.036);
C ___ D ___ 22.05.040(CZLUO 23.05.040)]

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____;
- () Sedimentation & Erosion Control/Drainage Plan
- () See Special Environmental Considerations
- () See Document in file _____

III. GEOLOGICAL HAZARDS/SITE ALTERATION

| | | | | |
|---|-----|-----|-----|-----|
| A. Landslide Hazard | () | () | (X) | () |
| B. Seismic Hazard | () | () | (X) | () |
| C. Topographic Alteration; Grading for Building __, Driveways __, Roads __, Other __ | () | () | (X) | () |
| D. Soil Expansion | () | () | (X) | () |
| E. Steep Slopes | () | () | (X) | () |
| F. Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ C ___ D ___

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____;
- () Geology/Soils Report; () Sed./Erosion Control Plan; () Rev. Plns; () Des. Bldg Sites
- () See Special Environmental Considerations
- () See Document in file _____

IV. WATER RESOURCES

| | | | | |
|------------------------------------|-----|-----|-----|-----|
| * A. Groundwater Quantity | () | () | (X) | () |
| B. Groundwater Quality | () | () | (X) | () |
| C. Surface Water Quantity | () | () | (X) | () |
| D. Surface Water Quality | () | () | (X) | () |
| E. Stream Flow Change | () | () | () | (X) |
| F. Change to Estuarine Environment | () | () | () | (X) |
| G. Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ C ___ D ___

- () See attached exhibit(s): () Developer's Statement;
- () Agency Response _____; () Hydrology Report
- (*) See Special Environmental Considerations/"Discussion" Section under Water Source
- () See Document in file _____

| |
|--|
| 1=Potentially Significant Impact 2=Impact Can & Will be Mitigated 3=Insignificant Impact 4=Not Applicable |
|--|

V. POLLUTION

| | 1 | 2 | 3 | 4 |
|--|-----|-----|-----|-----|
| A. Hazardous Materials | () | () | (X) | () |
| B. Groundwater Pollution | () | () | (X) | () |
| C. Surface Water Pollution | () | () | (X) | () |
| D. Increase in Existing Noise Levels | () | () | (X) | () |
| E. Exposure of People to Severe Noise Levels | () | () | () | (X) |
| * F. Substantial Air Emissions | () | () | () | (X) |
| G. Deterioration of Ambient Air Quality | () | () | (X) | () |
| H. Creation of Objectionable Odors | () | () | (X) | () |
| I. Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ C ___ D ___

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____; () Hydrology/Noise Study
(*) See Special Environmental Considerations/"Discussion" section
() See Document in file _____

VI. TRAFFIC*

| | | | | |
|--|-----|-----|-----|-----|
| A. Increase in Vehicle Trips | () | () | (X) | () |
| B. Reduced Levels of Service on Existing Public Roadways | () | () | (X) | () |
| C. Limited or Unsafe Access | () | () | (X) | () |
| D. Creates Unsafe Conditions on Public Roadways | () | () | (X) | () |
| E. Areawide Traffic Circulation | () | () | (X) | () |
| F. Internal Traffic Circulation | () | () | (X) | () |
| G. Other: _____ | () | () | () | () |

* Mitigation: A ___ B X [see Co. Code Title 13.01.010-.060;
C ___ D ___ Nipomo Circulation Fee]

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____; () Traffic Study
() See Special Environmental Considerations
() See Document in file _____

| |
|----------------------------------|
| 1=Potentially Significant Impact |
| 2=Impact Can & Will be Mitigated |
| 3=Insignificant Impact |
| 4=Not Applicable |

VII. PUBLIC SERVICES

| | | 1 | 2 | 3 | 4 |
|------|--------------------------|-----|-----|-----|-----|
| A. | Fire Protection Services | () | () | (X) | () |
| B. | Sheriff/Police Services | () | () | (X) | () |
| C. | Schools | () | () | (X) | () |
| D. | Community Wastewater | () | () | () | (X) |
| * E. | Community Water Supply | () | () | () | (X) |
| F. | Solid Waste Disposal | () | () | (X) | () |
| G. | Onsite Wastewater | () | () | (X) | () |
| H. | Onsite Water | () | () | (X) | () |
| I. | Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ (School Fee, Countywide Fee) C ___ D ___

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____; () Hydrology Report
 (*) See Special Environmental Considerations/"Discussion" section
 () See Document in file _____

VIII. AESTHETIC/CULTURAL RESOURCES

| | | | | | |
|------|-----------------------------------|-----|-----|-----|-----|
| A. | Visual Impact from Public Roadway | () | () | (X) | () |
| B. | Increased Light or Glare | () | () | (X) | () |
| C. | Alters Important Scenic Vista | () | () | (X) | () |
| * D. | Archaeological Resources | () | (X) | () | () |
| E. | Historic Resources | () | () | (X) | () |
| F. | Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ C ___ D ___

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____;
 () Visual Analysis; () Revised Plans; () Landscape Plan; () Designated Bldg Sites
 (*) See Special Environmental Considerations/"Discussion" section under Site Specific Impacts
 () See Document in file _____

IX. HOUSING AND ENERGY

| | | | | | |
|------|--|-----|-----|-----|-----|
| A. | Creates Substantial Demand for Housing | () | () | (X) | () |
| B. | Uses Substantial Amount of Fuel or Energy | () | () | (X) | () |
| * C. | Encourages Growth Beyond Resource Capacities | () | () | (X) | () |
| D. | Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ C ___ D ___

- () See attached exhibit(s)
 (*) See Special Environmental Considerations/"Discussion" section under Growth Inducement
 () See Document in file _____

| |
|--|
| 1=Potentially Significant Impact 2=Impact Can & Will be Mitigated 3=Insignificant Impact 4=Not Applicable |
|--|

| | | | | | |
|----|---|-----|-----|-----|-----|
| X. | <u>AGRICULTURAL/MINERAL RESOURCES</u> | 1 | 2 | 3 | 4 |
| A. | Eliminates Valuable Mineral Resources | () | () | () | (X) |
| B. | Prime Agricultural Soils | () | () | (X) | () |
| C. | Conflicts with Existing Agricultural Area | () | () | (X) | () |
| D. | Change from Agriculture to Other Uses | () | () | () | (X) |
| E. | Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ C ___ D ___

- () See attached exhibit(s): () Developer's Statement; (X) Agency Response _____
- () See Special Environmental Considerations
- () See Document in file _____

| | | | | | |
|-----|---|-----|-----|-----|-----|
| XI. | <u>GROWTH INDUCING/CUMULATIVE EFFECTS</u> | | | | |
| * | A. Growth Inducing Effects | () | () | (X) | () |
| | B. Precedent for Change in Area Land Use | () | () | (X) | () |
| | C. Cumulative Effects: _____ | () | () | (X) | () |
| | _____ | () | () | () | () |
| | _____ | () | () | () | () |
| | _____ | () | () | () | () |
| | _____ | () | () | () | () |
| | _____ | () | () | () | () |
| | _____ | () | () | () | () |
| | D. Other: _____ | () | () | () | () |

Mitigation: A ___ B ___ (School Fee, Countywide Fee)
C ___ D ___

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____
- (*) See Special Environmental Considerations/"Discussion" section under Growth Inducement
- () See Document in file _____

wp51/doc/aegdec/summita.sd
jm

NIPOMO COMMUNITY SERVICES DISTRICT AND BUILDING

POST OFFICE BOX 326
NIPOMO, CALIFORNIA 93444
Phone: (805) 929-1133

DEPT

'93 FEB 10 AM 10 25

February 8, 1993

Department of Planning and Building
County Governmental Center
San Luis Obispo County
San Luis Obispo, CA 93408

ATTENTION: JOHN MCKINSLEY
SUBJECT: SUMMIT STATION

Confirming our conversation regarding the latest information available on existing and possible residences within the proposed annexation, following is the estimated water demand and available supply.

- o The area of 870+/- acres under existing zoning has a maximum buildout of 284 primary and secondary units. This is composed of 276 possible units and 8 from existing vesting maps. Presently there are 97 parcels with 1 residence each, 18 residences at 2 to 4 residences per parcel, and 28 vacant parcels for a total of 115 existing residences and 143 residences possible at 1 unit per parcel.
- o Based on existing zoning the 284 possible units would require an estimated 284 acre feet per year of water for residential purposes. The Nipomo Community Services District now has the capability to produce 4,080 AFY of water, but to be realistic and to provide down time on the wells for maintenance 80% of the 4,080 AFY of 3,264 AFY should be used. In 1993 two new wells will be added to the system increasing the realistic production amount to 3,496 AFY.

EXHIBIT 1

February 8, 1993
John McKinsley
Page Two

- o The existing metered use within Nipomo Community Services District is 1450 AFY; will serve for water service demand 370 AFY; estimated water demand for Summit Station would be 284 AFY under existing zoning; therefore the total demand would be 2604 AFY.
Using the realistic production amount of 3264 AFY less the existing and proposed use demand of 2604 AFY, the District will realize a conservative production reserve of 659 AFY. The development of two additional wells in 1993 will increase the reserve to 892 AFY.

Should you have questions or require additional information please call 929-1133.



W. RYDER RAY
GENERAL MANAGER

WRR:d

RESOLUTION 480

WHEREAS, the District Board of Directors previously adopted Resolution No. 467 finding that the proposed improvement are exempt from CEQA Title 14, CAC 15269(c), 15303(d), and 15319.

WHEREAS, the annexation area has been substantially reduced to supply services only to the emergency situation detrimental to the public health, safety and welfare of the residents; and

WHEREAS, any further delays will extend the emergency situation in the Summit Station area; and

NOW, THEREFORE, BE IT RESOLVED by the Nipomo Community Services District request that the Local Agency Formation Commission waive its previous condition that an Environmental Impact Report is required for this annexation.

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RESOLUTION NO. 480

UPON THE MOTION of Director Mendoza, seconded by
Director Gracia and on the following roll call vote,
to wit:

AYES: Directors Manriquez, Mendoza and Gracia

NOES: Director Small

ABSENT: Director Fairbanks

the foregoing resolution is hereby adopted this 5th day
of May 1993.

/s/David Manriquez

David Manriquez, President
Nipomo Community Services District

ATTEST:

Donna Johnson
Donna Johnson
Secretary

APPROVED AS TO FORM:

Arthur J. Shaw
General Counsel

c:w:r480

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18 MAY 1993

PAUL HOOD
DIRECTOR LAFCD
COUNTY GOV'T CENTER
SAN LUIS OBISPO 93408

DEAR MR. HOOD:

I AM CONCERNED ABOUT ANY FUTURE LARGE ANNEXATIONS TO NCSD. WHERE WILL ADDITIONAL WATER COME FROM TO SERVICE THESE ANNEXATIONS? NCSD CANNOT CONTINUE TO INCREASE PUMPING OF WATER FROM SOURCES OUTSIDE THE DISTRICT TO SERVICE IT'S OWN CUSTOMERS WITHOUT HAVING DETRIMENTAL EFFECTS ON THE EXISTING WATER LEVELS IN THE OUT LYING AREAS. PEOPLE WHO HAVE WATER WELLS IN THE OUT LYING AREAS NEAR HWY 1 AND WILLOW RD ARE BEING "ROBBED" RIGHTFULLY OF THEIR OWN SOURCE OF WATER.

OUR RECORDS SHOWS THAT DURING THE THIRTY YEARS THAT OUR WATER LEVEL IN THE PRODUCING WELL DROPPED SOME 48 FEET FROM 141 FEET IN 1962 TO 189 FEET IN 1992.

AS MORE AND MORE WATER IS PUMPED OUT OF THE GROUND WITHOUT ANY SIGNIFICANT REPLACEMENT, QUALITY OF WATER WILL DROP AS WELL. THERE IS A NEED FOR NCSD TO BUY INTO THE STATE WATER PROJECT NOW FOR THE FUTURE.

YOURS TRULY,



HOWARD YOKOYAMA

APPENDIX 4

EXHIBIT C

NEGATIVE DECLARATION

PROJECT TITLE: REVISION OF A SPHERE OF INFLUENCE AND A SPHERE OF SERVICE FOR ANNEXATION NO. 6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION)

PROJECT DESCRIPTION:

The Local Agency Formation Commission (LAFCo) is responsible for determining the service boundaries, called "spheres of influence" and "spheres of service", for each special district and city in San Luis Obispo County. The sphere of influence and sphere of service revision for Annexation No. 6 to the Nipomo Community Services District (Summit Station) has been determined and the project is under consideration.

FINDINGS:

A sphere of influence and service determination is not a plan for development of the area, but rather a factor to be considered in reviewing future proposals before LAFCo. The sphere of influence and service is subject to regular review and/or revision, and does not represent an irrevocable action by the Commission.

These sphere of influence and service recommendations will not result in any significant adverse environmental impacts. Should specific proposals be presented in future, which would call for annexation and/or development of any involved properties, a new and independent environmental assessment will be conducted, and the appropriate environmental document prepared. In addition, the project will not:

1. Create impacts which have the potential to degrade the quality of the environment or curtail the range of the environment;
2. Create impacts which achieve short-term, to the disadvantage of long-term, environmental goals;
3. Create impacts which are individually limited, but cumulatively considerable;
4. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

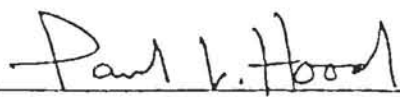
RECOMMENDATION:

Issuance of a Negative Declaration on the sphere of influence and service revision for Annexation No. 6 to Nipomo Community Services District (Summit Station) is recommended, since approval of the project will not have significant effect upon environment.

Copy of initial study may be obtained at LAFCO Offices
County Government Center, Room 370
San Luis Obispo, CA 93408

Date: April 28, 1993

LAFCO File No. 1-R-92



Authorized Person
PAUL L. HOOD
DEPUTY EXECUTIVE OFFICER LAFCO

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EXHIBIT D

(NEGATIVE DECLARATION)

NAME OF PROJECT: Annexation NO. 6 to The Nipomo Community Services District (Summit Station)

LOCATION: In South County, generally one mile north of Nipomo, east of Highway 101

ENTITY OF PERSON UNDERTAKING PROJECT:
The Nipomo Community Services District City/District
OTHER:NAME _____
ADDRESS _____

PROJECT DESCRIPTION: Annexation to the Nipomo Community Services District to receive water services, consisting of approximately 870 acres.

FINDING: It is hereby found that the above named project will not have a significant effect upon the environment. (See following page.)

INITIAL STUDY: An initial study of this project was undertaken and prepared in accordance with the Local Agency Formation Commission's environmental guidelines for the purpose of ascertaining whether this project might have a significant effect on the environment by:
Paul L. Hood, Deputy Executive Officer, LAFCO

Place where copy of initial study may be obtained: RM 370 County Government Center, San Luis Obispo, CA 93408

DATE: 4/28/93

Paul L. Hood
Authorized Person

LAFCo File No: 1-R-92

FINDINGS

The proposed annexation consists of approximately 870 acres of Residential Rural land divided into 143 lots. The annexation will provide for the extension of water services by the Nipomo Community Services District to an area where domestic wells are failing. A recent General Plan Amendment establishes a planning area standard which applies to all properties in the Summit Station area, once community water service is established. The standard limits the development potential of the area.

The annexation in and of itself will have minimal impact on the environment. Any future development on the property will be subject to further environmental review at the time it is proposed.

RECOMMENDATION: Issuance of a Negative Declaration is recommended for Annexation No. 6 to the Nipomo Community Services District (Summit Station Area).

DATE: April 28, 1993


Authorized Person

LAFCO FILE NO: 1-R-93

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water service to the community and sewer and drainage services to a more limited area. Fire protection is provided by the California Department of Forestry. A five member Board of Directors manages district affairs.

The total pumping capacity of the NCSD's wells is 2,275 gallons per minute or 3,668 AF/Y (acre feet per year) but to be on the conservative side, a total delivery of 80% or 2,935 AF/Y would be more realistic.

The District has two storage tank reservoirs with a total capacity of 1.0 M.G. (million gallons). An additional 1.0 M.G. tank reservoir has recently been constructed adjacent to the Summit Station area, which brings the total storage capacity of the NCSD to 2.0 M.G.

The District attempts to find a new well site each year. This involves easements and a pilot well to determine the quality and quantity of water available. New water transmission lines are being installed as development occurs. The well fields used to supply water for NCSD use include wells both on and off the Mesa. The main on-Mesa well is near the Black Lake Canyon area, which is close to the Summit Station area.

The District has completed grading for an additional aeration pond at the wastewater treatment plant. Bids will be called for in 1993 to complete the pond (piping, aeration units, liner). This capital improvement will increase the capacity of the plant to approximately .9 MGD.

The capital improvements listed are all financed from funds on deposit that have been set aside from development fees and earmarked for such projects. Assessment districts financing will be used to finance water infrastructure in the Summit Station area. It is by the District's Manager that each parcel will be charged approximately \$2,800 per acre to extend water lines to the area. In addition, each parcel will be charged a connection fee, plus actual water service charges.

Background: When this annexation was first considered by the Commission on August 20, 1992 as a 2,200 acres proposal, the LAFCO required an Environmental Impact Report because extending community services into such a large rural area could cause significant growth inducement, resource demands and other related impacts. However, as part of the discussion on this matter, the Commission indicated it might reconsider the requirement for an EIR if:

- 1) The annexation was reduced in extent to only the immediate hardship area experiencing severe groundwater deficiencies and,

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- 2) The County amends its general plan policies discouraging extension of urban-level services into rural areas to make an exception for allowing community water service in the Summit Station area.

The Nipomo Community Services District subsequently requested that the annexation boundaries be reduced in size to an 870 acre area know to be experiencing a groundwater shortage (this reduction resulted in the removal of Agriculture-zoned land from the annexation area). On April 27, 1993, the Board of Supervisors also adopted an amendment to the County General Plan which revised policies on public services to allow community water service in rural areas experiencing long term physical hardship due to local groundwater shortages -- subject to amendment of the affected area plan of the Land Use Element to:

- 1) Identify the specific hardship area,
- 2) Provide policies explaining the justification and objectives for allowing community water service in the area and,
- 3) Establish standards for implementing those policies. The adopted general plan amendment included revisions to the South County area plan to identify Summit Station as such a hardship area and to establish the policies and standards for guiding the provision of community water service to that area.

The effective date of the General Plan Amendment is May 27, 1993. For the Commission's information, the Environmental Coordinator's Office issued a Negative Declaration on the General Plan Amendment.

Land Use and General Plan: County General Plan policies in Framework of Planning, Part I of the Land Use Element have historically provided that rural areas should be served by individual wells for their water supply needs and that community water service should not be extended into rural areas outside of urban and village reserve lines. The purposes of these policies are to maintain a distinction between rural areas and urban and village areas and to discourage premature intensive development in areas without all needed services being available. The general plan amendment recently adopted by the Board of Supervisor revises the public service policies in Framework to enable the provision of community water service in rural areas in highly limited situations without conflicting with the general policies of maintaining an urban/rural distinction and discouraging premature intensive development in rural areas.

The amendments to the South County area plan establish the justification for allowing community water service in the Summit Station area on a hardship basis and including a map of the proposed service area which reflects the revised 870 acre annexation area. Text has

been added in two chapters of the area plan which states that the provision of community water service to the Summit Station hardship area is not intended to be used to support a higher intensity of development than allowed under the existing Residential Rural zoning, or to justify any rezoning to enable a denser level of development. Also stated is the intent that no other urban-level community services are to be established in the Summit Station area. The new text includes the statement that creation of a community water service system for the Summit Station area is not intended to set a precedent or be seen as the sole justification for the establishment of community services within other rural areas which do not have a physical hardship of comparable magnitude. The amended text indicates that the establishment of a community water system is to be at the option of the Summit Station land owners, who could elect to seek such service from a public agency such as a community service district or a county service area, or from a private water purveyor.

The adopted general plan amendment establishes a planning area standard which applies to all properties in the Summit Station area once community water service is established in the area, but only if such service is provided by a public agency (i.e., a community services district such as the NCSD or a county service area). The standard includes the following provisions:

1. The (public) purveyor must obtain all necessary agency approvals before installing infrastructure improvements and providing water service within the Summit Station area.
2. The water service area boundaries can only be changed through a separate general plan amendment for that purpose.
3. No land divisions creating new parcels are allowed.
4. Residential density is limited to one dwelling unit per parcel (i.e., no secondary dwellings are allowed).
5. No urban-level community services other than water supply are to be provided in the Summit Station area.
6. New development is required to submit an archaeological surface survey and a botanical report with construction permits.

The adopted planning area standard does not apply to private water purveyors so its provision would become operative only if the proposed annexation to the Nipomo Community Service District is approved and water service is established by that agency (or if the Summit

Station land owners join or create a county service area in the future of the NCSD annexation is not successfully completed). The effect of the standard would be to more severely limit future development potential in the Summit Station area if it is annexed to the Nipomo CSD than if the area were to be served by a private water purveyor.

Consequently, the concerns raised by the original annexation proposal regarding significant growth inducement, resource demands and precedent-setting for other rural areas have been effectively resolved by the combination of the annexation proposal is consistent with the County General Plan.

Nipomo Community Services District Plan for Providing Services: The NCSD has expressed a willingness and ability to serve this area with a limited amount of water. The district is willing to provide up to 284 acre feet per year (AF/Y) of water to the area. Based on the assumption that one home would use about 1.0 AF/Y, this amount would provide service to about 284 homes. Of the 143 existing lots, 115 are developed and 28 are vacant. Of the 115 developed parcels, 97 have a single residence, and 18 parcels have more than one residence (2 to 4). Under the Residential Rural land use category, a secondary residence would be allowed on all existing parcels which do not have more than one residence currently (125), adding up to 250 residences. Because of the Board's recent action, no new secondary units will be allowed. However, an additional 6 AF/Y would also need to be reserved for the recently-approved, vested parcel maps.

Approximately 143 AF/Y would need to be available to serve the existing parcels with one residence on each. An approximate 20 AF/Y of additional water would be needed to serve existing secondary dwellings. An additional 6 AF/Y would also need to be reserved for recently approved, vested parcel maps. The total amount of water needed to serve the area that has been authorized by the Board totals approximately 169 AF/Y.

Other Services Provided to the Area: The County of San Luis Obispo provides the remainder of local government services to the Nipomo area. These include police protection from the Sheriff's Office, street maintenance, health, social services, planning, and general government services.

Other Water Purveyors in the Area: The Summit Water Company is requesting that LAFCO deny the proposed annexation of the Summit Station area to the Nipomo Community Services District. The Summit Water Company has informed staff that it has been working for over two years to develop a water company in the Summit Station Road area. Representatives of the Summit Water Company believe that their company is the most appropriate water purveyor for the area.

Petitions in Support of the Annexation: Prior to the August 20, 1992 LAFCO hearing, staff received and distributed to the Commission, a large number of letters of support for the annexation from area property owners. In addition on July 31, 1992, staff received a letter with a petition bearing a large number of signatures, favoring the annexation and requesting that a condition be applied to the annexation restricting lot splits or zoning changes which may result from annexation of the area to the NCSD. Copies of the letter and petition were distributed to Commissioners prior to the August 1992 hearing and are available for review in the official LAFCO file for this proposal.

Engineering Department Comments: The County Engineering Department expresses no particular opposition to the annexation at this time. The County Engineer stated that in his opinion the water shortage in the area is not temporary in nature.

Planning Department Comments: Because the issues raised by the original 2,200 acre annexation proposal have been resolved by reducing the proposed annexation to include only the immediate hardship area and by guiding the provision of community water service to the Summit Station area, it is recommended that the requirement for an EIR be rescinded and that the revised annexation of the 870 acre area to the Nipomo Community Services District be approved.

Analysis of the Annexation Proposal: A strict interpretation of LAFCO guidelines and the Cortese-Knox Local Government Reorganization Act of 1985, would indicate that this proposal should be denied by the Commission. This is because extending community services into this rural area could cause significant growth inducement, resource demands and other related impacts. It could lead to urban sprawl and the inefficient provision of urban services to an area that is non-contiguous to the NCSD's current service boundaries. Furthermore, it is outside the NCSD's sphere of influence and service and, up until recently, was inconsistent with the Land Use Element of the County General Plan. Based on this the Commission's decision to require an Environmental Impact Report prior to consideration of the annexation proposal was logical and completely justified by the facts.

However, in making its decision to require an EIR, the Commission did acknowledge that the hardship situation in the Summit Station area could be viewed as a unique situation. Therefore, as part of its discussion on the matter, the Commission indicated it might reconsider the requirement for an EIR if:

- 1) The annexation was reduced in extent to only the immediate hardship area experiencing severe groundwater deficiencies and,
- 2) The County were to amend its general plan policies discouraging extension of urban-level services into rural areas to make an exception for allowing community water service in the Summit Station area.

As a result of this direction, staff convened several meetings with property owners, Planning staff and the NCSD, which subsequently resulted in a request that the annexation boundaries be reduced in size to an 870 acre area known to be experiencing a groundwater shortage (this reduction resulted in the removal of Agriculture-zoned land from the annexation area). Based on this on April 27, 1993, the Board of Supervisors approved an amendment to the County General Plan which revised policies on public services to allow community water service in rural areas experiencing long term physical hardship due to local groundwater shortages and subject to amendment of the affected area plan of the Land Use Element. As a result of the Board's action, on May 4, 1993, the Board of Directors of the NCSD, by resolution, formally appealed LAFCO's decision to require an EIR (**Exhibit F**).

Although staff continues to have some reservations about this annexation proposal, it is fair to say that the direction given by the Commission to the NCSD and area property owners has been complied with. Therefore, staff recommends that the Commission rescind its decision to require an Environmental Impact Report and instead adopt a Negative Declaration and approve the Summit Station area annexation with the reduced boundaries requested by the NCSD.

Recommended Action on the Environmental Determination for the Sphere of Influence and Service Amendment: It is recommended that the Commission rescind its original determination that an Environmental Impact Report be required for the sphere of influence and service for Annexation No. 6 to the Nipomo Community Services District (Summit Station Area), and that:

1. The Commission, by resolution, certify that the Negative Declaration prepared for the sphere of influence and service amendment is complete and adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA).
2. Determine that the proposed sphere of influence and service will have no significant effect on the environment.
3. Certify that the Commission has considered the contents of the Negative Declaration in making its determination.

Recommended Action on the Sphere of Influence and Service Amendment: It is recommended that the Commission, by resolution, adopt a revised sphere of influence and service that includes the territory as shown in **Exhibit E**. It is further recommended that the Commission adopt the following as its written statement of determinations:

Statement of Determinations:

1. The present and planned land uses in the area, including Agricultural and open space lands: Present and planned land uses in the area are Residential Rural.
2. The present and probable need for public facilities and services in the area: The roads in the annexation area have a present need for water services.
3. The present capability of public facilities and the adequacy of public services which the agency provides or is authorized to provide: The NCSD has the capacity to provide adequate water services.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency: Social and economic communities of interest in this area reside primarily with the Community of Nipomo.

Recommended Action on the Environmental Determination for the Annexation: It is recommended that the Commission rescind its original determination that an Environmental Impact Report be required for Annexation No. 6 to the Nipomo Community Services District (Summit Station Area), and furthermore that the Commission, by resolution:

1. Certify that the Negative Declaration prepared for the proposed annexation is complete and adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA).
2. Determine that the proposed annexation will have no significant impact on the environment.
3. Certify that the Commission has considered the contents of the Negative Declaration in making its determination.

Recommended Action on the Annexation Proposal: It is respectfully recommended that the Commission, by resolution, Approve Annexation No. 6 to the Nipomo Community Services District (Summit Station Area), with the amended boundaries as set forth in Exhibit E.

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Formation Commission
May 20, 1993
Page Ten

It is further recommended that the Commission designate the Nipomo Community Services District as the conducting authority for subsequent proceedings.

Respectfully submitted.

ROBERT E. HENDRIX
Executive Officer
Local Agency Formation Commission

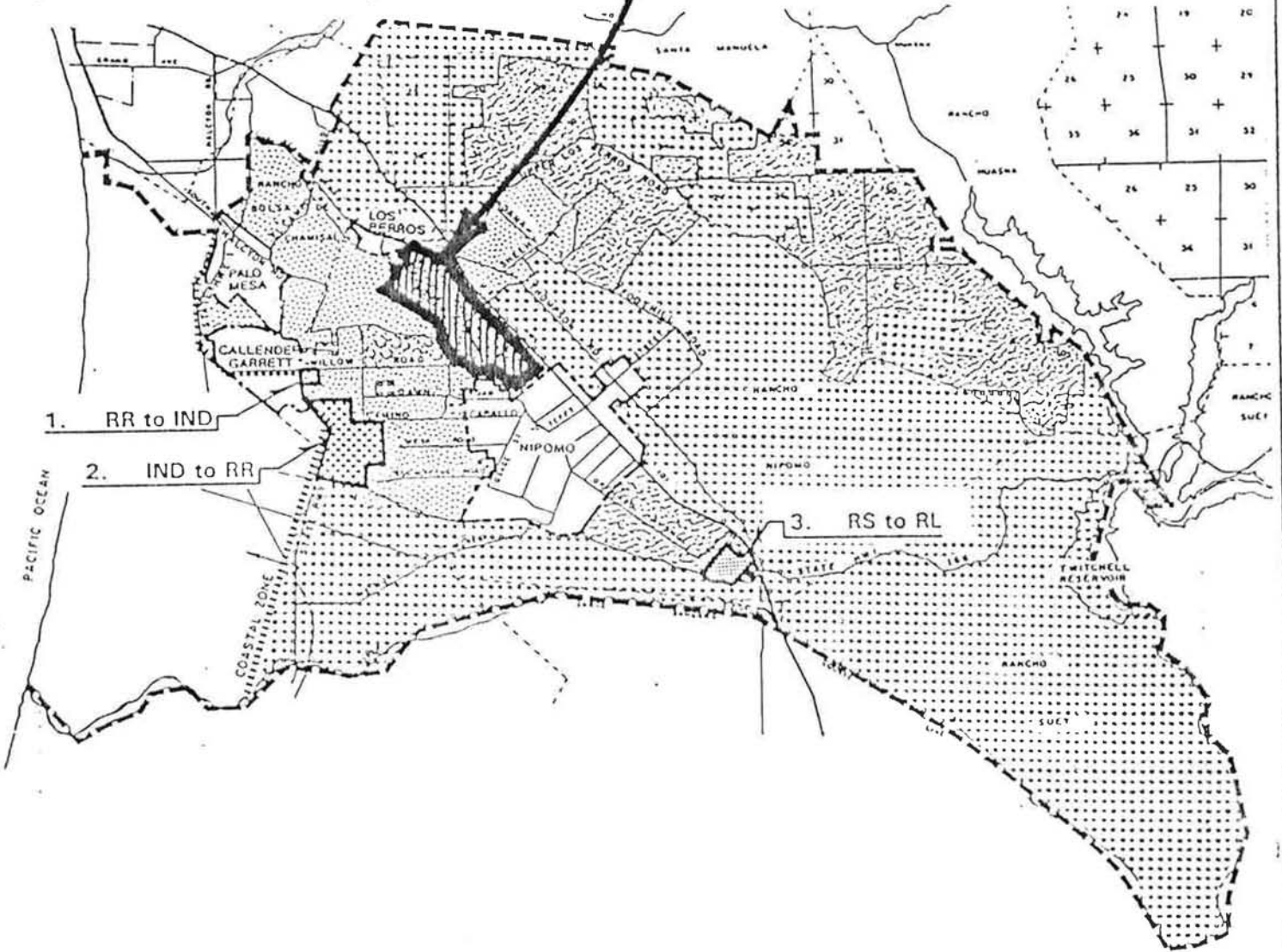


By: **PAUL L. HOOD**
Deputy Executive Officer
Local Agency Formation Commission

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Exhibit "A"

SITE

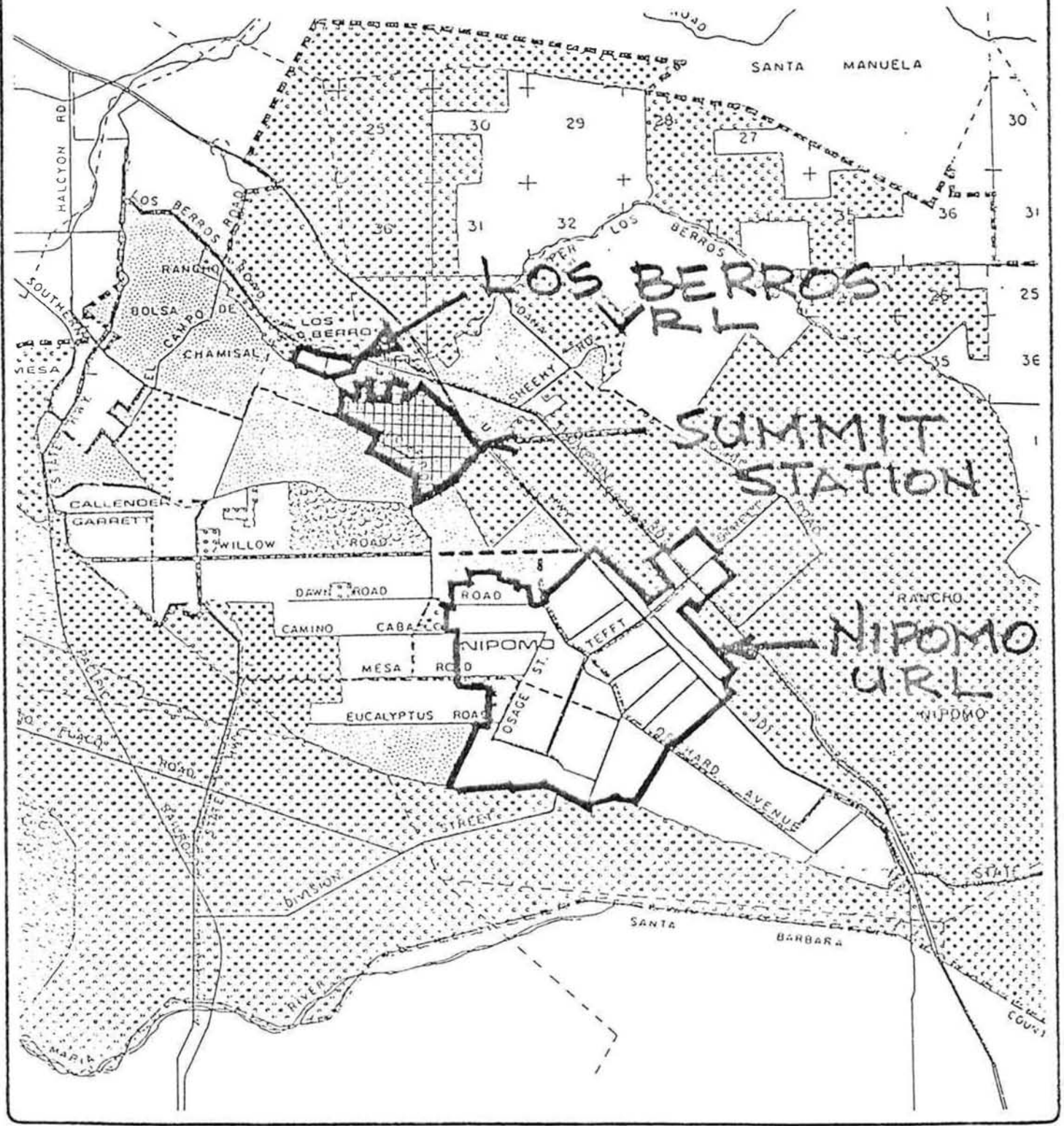


A-11

EXHIBIT No. 1

N.C.S.D. ANNEXATION NO. 6

Exhibit "B"



PROJECT

EXHIBIT G920006N:A



EXHIBIT

VICINITY MAP

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NEGATIVE DECLARATION

PROJECT TITLE: REVISION OF A SPHERE OF INFLUENCE AND A SPHERE OF SERVICE FOR ANNEXATION NO. 6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION)

PROJECT DESCRIPTION:

The Local Agency Formation Commission (LAFCo) is responsible for determining the service boundaries, called "spheres of influence" and "spheres of service", for each special district and city in San Luis Obispo County. The sphere of influence and sphere of service revision for Annexation No. 6 to the Nipomo Community Services District (Summit Station) has been determined and the project is under consideration.

FINDINGS:

A sphere of influence and service determination is not a plan for development of the area, but rather a factor to be considered in reviewing future proposals before LAFCo. The sphere of influence and service is subject to regular review and/or revision, and does not represent an irrevocable action by the Commission.

These sphere of influence and service recommendations will not result in any significant adverse environmental impacts. Should specific proposals be presented in future, which would call for annexation and/or development of any involved properties, a new and independent environmental assessment will be conducted, and the appropriate environmental document prepared. In addition, the project will not:

1. Create impacts which have the potential to degrade the quality of the environment or curtail the range of the environment;
2. Create impacts which achieve short-term, to the disadvantage of long-term, environmental goals;
3. Create impacts which are individually limited, but cumulatively considerable;
4. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

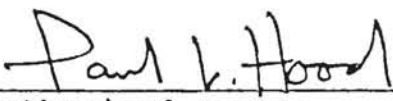
RECOMMENDATION:

Issuance of a Negative Declaration on the sphere of influence and service revision for Annexation No. 6 to Nipomo Community Services District (Summit Station) is recommended, since approval of the project will not have significant effect upon environment.

Copy of initial study may be obtained at LAFCO Offices
County Government Center, Room 370
San Luis Obispo, CA 93408

Date: April 28, 1993

LAFCO File No. 1-R-92



Authorized Person
PAUL L. HOOD
DEPUTY EXECUTIVE OFFICER LAFCO

EXHIBIT D

(NEGATIVE DECLARATION)

NAME OF PROJECT: Annexation NO. 6 to The Nipomo Community Services District (Summit Station)

LOCATION: In South County, generally one mile north of Nipomo, east of Highway 101

ENTITY OF PERSON UNDERTAKING PROJECT:
The Nipomo Community Services District City/District

OTHER:NAME _____

ADDRESS _____

PROJECT DESCRIPTION: Annexation to the Nipomo Community Services District to receive water services, consisting of approximately 870 acres.

FINDING: It is hereby found that the above named project will not have a significant effect upon the environment. (See following page.)

INITIAL STUDY: An initial study of this project was undertaken and prepared in accordance with the Local Agency Formation Commission's environmental guidelines for the purpose of ascertaining whether this project might have a significant effect on the environment by:

Paul L. Hood, Deputy Executive Officer, LAFCO

Place where copy of initial study may be obtained: RM 370 County Government Center, San Luis Obispo, CA 93408

DATE: 4/28/93

Paul L. Hood
Authorized Person

LAFCo File No: 1-R-92

FINDINGS

The proposed annexation consists of approximately 870 acres of Residential Rural land divided into 143 lots. The annexation will provide for the extension of water services by the Nipomo Community Services District to an area where domestic wells are failing. A recent General Plan Amendment establishes a planning area standard which applies to all properties in the Summit Station area, once community water service is established. The standard limits the development potential of the area.

The annexation in and of itself will have minimal impact on the environment. Any future development on the property will be subject to further environmental review at the time it is proposed.

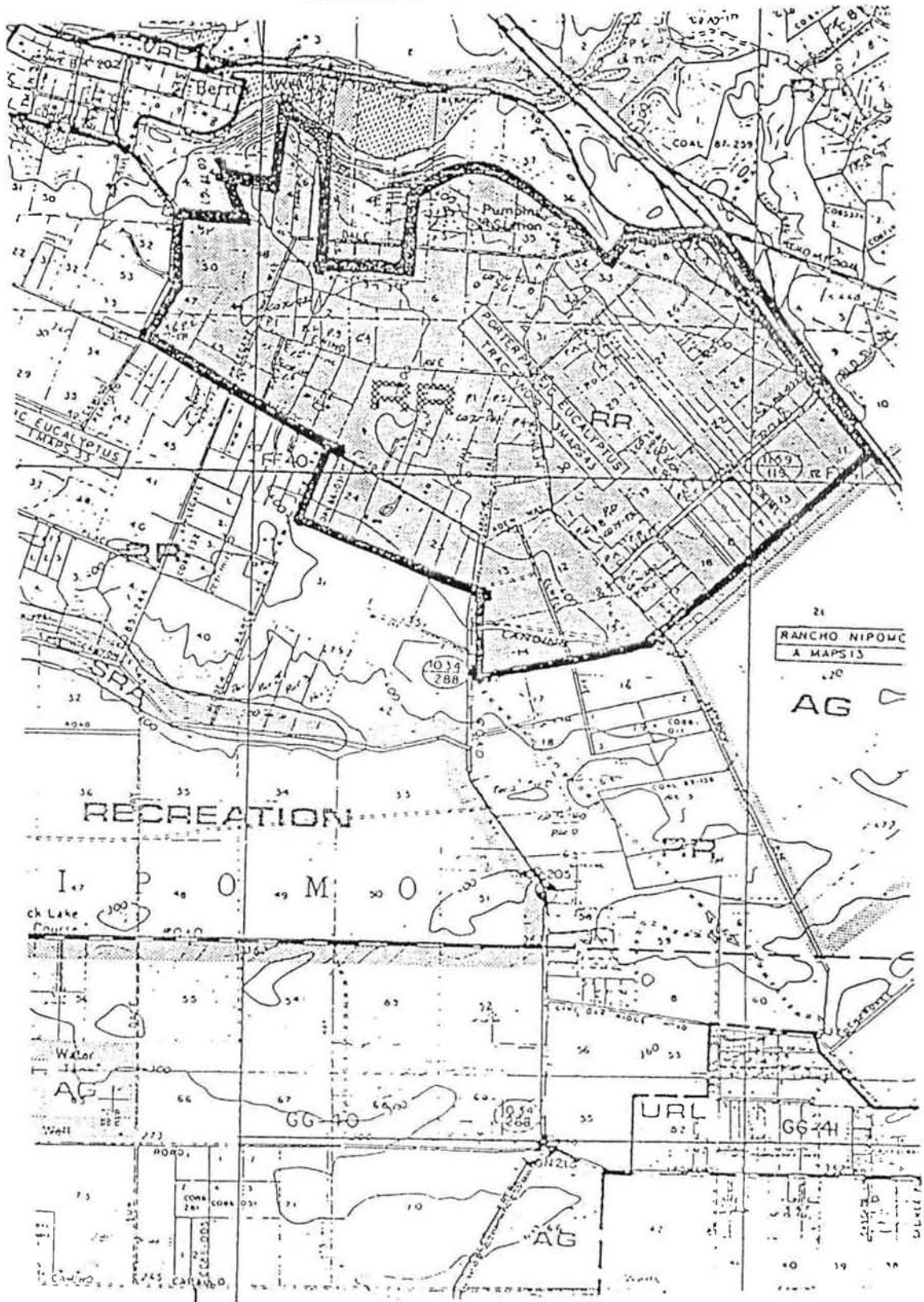
RECOMMENDATION: Issuance of a Negative Declaration is recommended for Annexation No. 6 to the Nipomo Community Services District (Summit Station Area).

DATE: April 28, 1993


Authorized Person

LAFCO FILE NO: 1-R-93

EXHIBIT E



PROJECT

EXHIBIT G920006N:B



EXHIBIT

CATEGORY MAP

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APPENDIX 2

EXHIBIT G920006N:C

(Revised April 20, 1993)

Amend the Inland Land Use Element - Part I/Framework for Planning, and amend the South County Area Plan of the San Luis Obispo County General Plan as follows:

A. AMENDMENTS TO LAND USE ELEMENT - PART I/Framework for PLANNING:

1. Amend CHAPTER 5: PUBLIC SERVICE CONSIDERATION to add the following new text regarding community water systems immediately after TABLE H: LEVELS OF SERVICE on Page 5-6:

In rural areas outside the urban reserve line that are experiencing long term physical hardship due to local groundwater shortages, it may become appropriate to establish an urban level community service system for water service only. Consideration should be given to the goals provided above in Section C. GOALS AND OBJECTIVES. Prior to establishment of community water service within a rural area, the affected area plan must be amended to identify a specific water hardship area, to provide policies that explain the justification and objectives for allowing the establishment of community water service, and to provide the standards by which to implement these policies.

2. Amend CHAPTER 8: COMBINING DESIGNATIONS AND PROPOSED PUBLIC FACILITIES to add the following new text at the end of the Water Supply Facilities section on Page 8-21:

In rural areas outside the urban reserve line that are experiencing long term physical hardship due to local groundwater shortages, it may become appropriate to establish an urban level community service system for water service only. Prior to establishment of community water service within a rural area, the area plan should be amended to provide the boundaries, policies and standards that would apply to a specific hardship area and its community water system.

B. AMENDMENTS TO LAND USE ELEMENT - PART II/SOUTH COUNTY AREA PLAN:

1. Amend CHAPTER 3: PUBLIC FACILITIES AND SERVICES to add the following new text regarding community water systems after the first paragraph in the right column on Page 7:

2. Amend CHAPTER 7: COMBINING DESIGNATIONS AND PROPOSED PUBLIC FACILITIES to add the following new text to section "B. PROPOSED PUBLIC FACILITIES" after the second paragraph in that section, on Page 44:

Rural Area

Summit Station Road Area. The area surrounding Summit Station Road, as shown in Figure No. 4.A, has a unique hardship regarding water availability. Establishment of a community water service system is justified within the boundaries of this specific hardship area. This community water service system may be managed by a private water purveyor or, subject to LAFCo approval, by a public agency such as a community service district or a county service area. It is intended that the water from the community water system shall not be used to support new land uses or category changes that would result in denser development than what is allowed by the hardship area's Residential Rural category. Any modification of the hardship area's boundaries that expands the service area is not encouraged. Furthermore, the establishment of a community water service system in this unique hardship area is not intended to set a precedent or be seen as the sole justification for the establishment of community services within other rural areas of the county which do not have a physical hardship of comparable magnitude.

3. Amend CHAPTER 8: PLANNING AREA STANDARDS to add the following new rural area standards for the Residential Rural land use category on Page 59:

SUMMIT STATION ROAD AREA. The following standards apply to the Summit Station Road area shown in Figure No. 4.A:

24. Community Water Service. The land owners may elect or choose to establish a community water service system within the boundaries of the Summit Station Road area shown in Figure No. 4.A. If community water service provided by a public agency is established within this area, then the following standards apply to all properties within the service area boundaries:
 - a. Agency Approval. Prior to establishment of water service, the purveyor shall obtain approval from all appropriate agencies in order to provide water service within Summit Station Road area and to install the necessary improvements.

- b. ^{AREA} a Boundaries. There shall be no ch ^{change} e to the Summit Station Road area boundaries shown in Figure No. 4.A that will result in an expansion of the boundary area or that increases the number of parcels that may be served without an amendment to this area plan for that purpose.
- c. Subdivision. In recognition of the intent to provide community water service to a rural area experiencing a severe groundwater hardship, and to assure that the benefit of community water will be enjoyed by all of the existing parcels within the service area, no applications shall be approved for subdivision of any existing parcels or the creation of new parcels.
- d. Residential Density. The maximum allowable residential density is one dwelling unit per parcel.
- e. Community Services. No urban level community services except for community water service shall be provided within the Summit Station Road area.
- f. Archaeological Resources. At the time of construction permit application, the applicant shall provide an archaeological surface survey, conducted by a qualified archaeologist approved by the Environmental Coordinator's Office, for all ground disturbing activities (e.g., roads, driveways, residences). If any resources are found by the archaeologist, the following process shall be used to minimize impacts:
- 1) Development shall be relocated so no building and grading activities will occur within the identified archaeologically sensitive area(s).
 - 2) If the applicant can satisfactorily show to the county that construction cannot avoid identified archaeological resources, the applicant shall implement the recommendations of the archaeologist as determined appropriate by the Environmental Coordinator's Office.
- g. Botanical Resources. At the time of construction permit application, the applicant shall provide a botanical report, prepared by a qualified botanist approved by the Office of the Environmental Coordinator, which identifies and locates all oak trees and any other sensitive vegetation within 50 feet of the project limits. If any sensitive vegetation is identified by the botanist, the following process shall be used to minimize impacts:

- 1) Where possible, development shall be relocated so no building and grading activities will occur within the identified sensitive area(s).
- 2) If the applicant can satisfactorily show to the county (ECO) that construction cannot avoid identified sensitive resources, the applicant shall abide by the botanist's recommendations, as well as the following:

- i) Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees/sensitive vegetation are to be removed and which are to remain.

- ii) Replace all oak trees removed in accordance to the Environmental Coordinator's policy in place at the time of construction.

- iii) Prior to removal of any other sensitive vegetation, the applicant shall retain an individual qualified in native vegetation (i.e. native plant nurseryman) to determine if the plant to be removed can be transplanted. If not, either a seed collection or several cuttings per plant removed shall be completed, then propagated at a native plant nursery, and finally replanted on-site (at least two successfully propagated individuals per plant removed).

APPENDIX 3

LAFCO FILE NO. 1-R-92: ANNEXATION NO. 6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION AREA)

Chief Proponents: Nipomo Community Services District, by Resolution of Application.

Property Ownership: The territory proposed for annexation has 143 existing lots and is in multiple ownership.

Certificate of Filing: Issued April 27, 1993.

Purpose: To provide residential water services to an area where the domestic wells are failing. The NCS D is applying for the annexation at the request of the property owners within the area.

Acreage and Location: The original contiguous annexation included approximately 2200 acres located in South County, generally one mile north of Nipomo and 500 feet southeast. (Exhibit A). The revised non-contiguous annexation, as requested by the NCS D, includes approximately 870 acres (Exhibit B).

Sphere of Influence and Service: In March 1983, LAFCO adopted a sphere of influence and service for the Nipomo Community Services District. The area proposed for annexation is outside of the adopted sphere of influence and service. LAFCO policy states that:

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

Pursuant to this policy, territory is eligible for annexation only after a determination that revision of the sphere of influence and service is appropriate given a demonstration of the need for services.

Environmental Determination: On August 20, 1993, the Commission required an Environmental Impact Report on the annexation. However, based on the recent action by the Board of Supervisors to amend the General Plan, staff is now recommending the adoption of a Negative Declaration.

Environmental Determination for Sphere of Influence and Service Revision: Rescind the determination that an Environmental Impact Report is required and issue a Negative Declaration (Exhibit C).

Recommended Action on the Sphere of Influence and Service Amendment: Approval, with revised boundaries.

Environmental Determination for the Annexation: Rescind the determination that an Environmental Impact Report is required and issue a Negative Declaration (Exhibit D).

Recommended Action on the Annexation: Approval, with revised boundaries (**Exhibit E**).

Property Tax Transfer: Pursuant to Section 99 of the Revenue and Taxation Code, on August 4, 1992 the Board of Supervisors approved a resolution agreeing to an exchange of property tax revenue for this annexation. On August 19, 1992, the Directors of the Nipomo Community Services District adopted a substantially similar resolution agreeing to the same amount. The amount of property tax revenue to be transferred from the County to the Nipomo Community Services District will be zero. The amount of the annual tax increment to be transferred will also be zero percent of the total growth in the area to be annexed.

Inhabited of Uninhabited: Inhabited (more than twelve registered voters).

Valuation: The County Assessor reports that the territory proposed for annexation is valued at \$32,064,400.

Topography: The site terrain is characterized by gently (5 to 10%) to moderately (15 to 30%) rolling slopes, with some level areas. There are steep canyon slopes along Los Berros Creek to the north of the site. The site is bordered to the south by the Nipomo urban area (urban reserve line) and by Highway 101 to the northeast. The site touches the Los Berros village reserve line to the northwest. There are two significant drainage courses close to the site, which are Los Berros Creek to the northwest and the Black Lake Canyon to the southwest.

Population: The site has an estimated population of 749 people, according to the 1990 census. The estimated population within the Nipomo urban reserve line is 8,981 people. There are no specific figures for population growth within the project site. Between 1980 and 1990 the south county's rural area population grew from 11,702 to 16,806 - which is an increase of 44%. Between 1980 and 1990 the population within the Nipomo urban reserve line grew from 5,210 to 8,981 - which is an increase of 72%.

If the south county rural area population continues to grow at a rate of 44% every 10 years, then the site could have a population of 1,079 people in the year 2000. Actual growth is likely to be moderated by constraints from a shortage of water sources, schools and roads. If the rural area population grows at a rate of 2.5% annually, then the site could have a population of approximately 936 people (a 25% increase). If the Nipomo urban area continues to grow at a rate of 72% every 10 years, then by the year 2000 it could have a population of 15,447. If the urban area grows 2.5% annually, it could have a population of 11,226 people by the year 2000.

Nipomo Community Services District: The Nipomo Community Services District was formed following an election in 1965 for the purpose of providing water, sewer, and fire protection services. A water system was installed in 1966. The NCSD currently provides

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EXHIBIT E

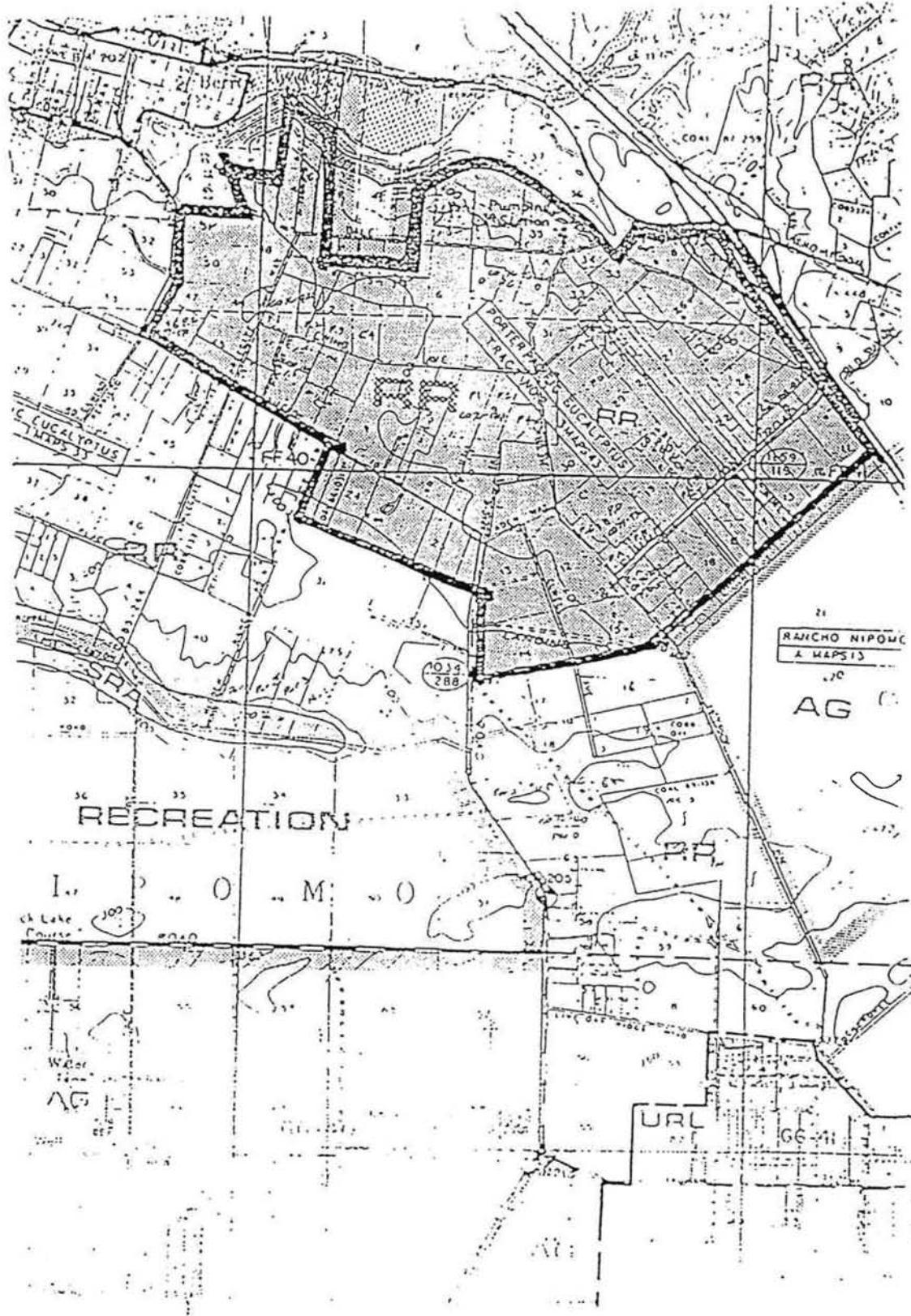


EXHIBIT G920006NB



CATEGORY MAP

A-1

APPENDIX 5

LAFCO FILE NO. 1-R-92: ANNEXATION NO. 6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION AREA)

Chief Proponents: Nipomo Community Services District, by Resolution of Application.

Property Ownership: The territory proposed for annexation has 143 existing lots and is in multiple ownership.

Certificate of Filing: Issued April 27, 1993.

Purpose: To provide residential water services to an area where the domestic wells are failing. The NCSD is applying for the annexation at the request of the property owners within the area.

Acreage and Location: The original contiguous annexation included approximately 2200 acres located in South County, generally one mile north of Nipomo and 500 feet southeast. (Exhibit A). The revised non-contiguous annexation, as requested by the NCSD, includes approximately 870 acres (Exhibit B).

Sphere of Influence and Service: In March 1983, LAFCO adopted a sphere of influence and service for the Nipomo Community Services District. The area proposed for annexation is outside of the adopted sphere of influence and service. LAFCO policy states that:

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

Pursuant to this policy, territory is eligible for annexation only after a determination that revision of the sphere of influence and service is appropriate given a demonstration of the need for services.

Environmental Determination: On August 20, 1993, the Commission required an Environmental Impact Report on the annexation. However, based on the recent action by the Board of Supervisors to amend the General Plan, staff is now recommending the adoption of a Negative Declaration.

Environmental Determination for Sphere of Influence and Service Revision: Rescind the determination that an Environmental Impact Report is required and issue a Negative Declaration (Exhibit C).

Recommended Action on the Sphere of Influence and Service Amendment: Approval, with revised boundaries.

Environmental Determination for the Annexation: Rescind the determination that an Environmental Impact Report is required and issue a Negative Declaration (Exhibit D).

Recommended Action on the Annexation: Approval, with revised boundaries (**Exhibit E**).

Property Tax Transfer: Pursuant to Section 99 of the Revenue and Taxation Code, on August 4, 1992 the Board of Supervisors approved a resolution agreeing to an exchange of property tax revenue for this annexation. On August 19, 1992, the Directors of the Nipomo Community Services District adopted a substantially similar resolution agreeing to the same amount. The amount of property tax revenue to be transferred from the County to the Nipomo Community Services District will be zero. The amount of the annual tax increment to be transferred will also be zero percent of the total growth in the area to be annexed.

Inhabited of Uninhabited: Inhabited (more than twelve registered voters).

Valuation: The County Assessor reports that the territory proposed for annexation is valued at \$32,064,400.

Topography: The site terrain is characterized by gently (5 to 10%) to moderately (15 to 30%) rolling slopes, with some level areas. There are steep canyon slopes along Los Berros Creek to the north of the site. The site is bordered to the south by the Nipomo urban area (urban reserve line) and by Highway 101 to the northeast. The site touches the Los Berros village reserve line to the northwest. There are two significant drainage courses close to the site, which are Los Berros Creek to the northwest and the Black Lake Canyon to the southwest.

Population: The site has an estimated population of 749 people, according to the 1990 census. The estimated population within the Nipomo urban reserve line is 8,981 people. There are no specific figures for population growth within the project site. Between 1980 and 1990 the south county's rural area population grew from 11,702 to 16,806 - which is an increase of 44%. Between 1980 and 1990 the population within the Nipomo urban reserve line grew from 5,210 to 8,981 - which is an increase of 72%.

If the south county rural area population continues to grow at a rate of 44% every 10 years, then the site could have a population of 1,079 people in the year 2000. Actual growth is likely to be moderated by constraints from a shortage of water sources, schools and roads. If the rural area population grows at a rate of 2.5% annually, then the site could have a population of approximately 936 people (a 25% increase). If the Nipomo urban area continues to grow at a rate of 72% every 10 years, then by the year 2000 it could have a population of 15,447. If the urban area grows 2.5% annually, it could have a population of 11,226 people by the year 2000.

Nipomo Community Services District: The Nipomo Community Services District was formed following an election in 1965 for the purpose of providing water, sewer, and fire protection services. A water system was installed in 1966. The NCS D currently provides

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water service to the community and sewer and drainage services to a more limited area. Fire protection is provided by the California Department of Forestry. A five member Board of Directors manages district affairs.

The total pumping capacity of the NCSD's wells is 2,275 gallons per minute or 3,668 AF/Y (acre feet per year) but to be on the conservative side, a total delivery of 80% or 2,935 AF/Y would be more realistic.

The District has two storage tank reservoirs with a total capacity of 1.0 M.G. (million gallons). An additional 1.0 M.G. tank reservoir has recently been constructed adjacent to the Summit Station area, which brings the total storage capacity of the NCSD to 2.0 M.G.

The District attempts to find a new well site each year. This involves easements and a pilot well to determine the quality and quantity of water available. New water transmission lines are being installed as development occurs. The well fields used to supply water for NCSD use include wells both on and off the Mesa. The main on-Mesa well is near the Black Lake Canyon area, which is close to the Summit Station area.

The District has completed grading for an additional aeration pond at the wastewater treatment plant. Bids will be called for in 1993 to complete the pond (piping, aeration units, liner). This capital improvement will increase the capacity of the plant to approximately .9 MGD.

The capital improvements listed are all financed from funds on deposit that have been set aside from development fees and earmarked for such projects. Assessment districts financing will be used to finance water infrastructure in the Summit Station area. It is by the District's Manager that each parcel will be charged approximately \$2,800 per acre to extend water lines to the area. In addition, each parcel will be charged a connection fee, plus actual water service charges.

Background: When this annexation was first considered by the Commission on August 20, 1992 as a 2,200 acres proposal, the LAFCO required an Environmental Impact Report because extending community services into such a large rural area could cause significant growth inducement, resource demands and other related impacts. However, as part of the discussion on this matter, the Commission indicated it might reconsider the requirement for an EIR if:

- 1) The annexation was reduced in extent to only the immediate hardship area experiencing severe groundwater deficiencies and,

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- 2) The County amends its general plan policies discouraging extension of urban-level services into rural areas to make an exception for allowing community water service in the Summit Station area.

The Nipomo Community Services District subsequently requested that the annexation boundaries be reduced in size to an 870 acre area know to be experiencing a groundwater shortage (this reduction resulted in the removal of Agriculture-zoned land from the annexation area). On April 27, 1993, the Board of Supervisors also adopted an amendment to the County General Plan which revised policies on public services to allow community water service in rural areas experiencing long term physical hardship due to local groundwater shortages -- subject to amendment of the affected area plan of the Land Use Element to:

- 1) Identify the specific hardship area,
- 2) Provide policies explaining the justification and objectives for allowing community water service in the area and,
- 3) Establish standards for implementing those policies. The adopted general plan amendment included revisions to the South County area plan to identify Summit Station as such a hardship area and to establish the policies and standards for guiding the provision of community water service to that area.

The effective date of the General Plan Amendment is May 27, 1993. For the Commission's information, the Environmental Coordinator's Office issued a Negative Declaration on the General Plan Amendment.

Land Use and General Plan: County General Plan policies in Framework of Planning, Part I of the Land Use Element have historically provided that rural areas should be served by individual wells for their water supply needs and that community water service should not be extended into rural areas outside of urban and village reserve lines. The purposes of these policies are to maintain a distinction between rural areas and urban and village areas and to discourage premature intensive development in areas without all needed services being available. The general plan amendment recently adopted by the Board of Supervisor revises the public service policies in Framework to enable the provision of community water service in rural areas in highly limited situations without conflicting with the general policies of maintaining an urban/rural distinction and discouraging premature intensive development in rural areas.

The amendments to the South County area plan establish the justification for allowing community water service in the Summit Station area on a hardship basis and including a map of the proposed service area which reflects the revised 870 acre annexation area. Text has

been added in two chapters of the area plan which states that the provision of community water service to the Summit Station hardship area is not intended to be used to support a higher intensity of development than allowed under the existing Residential Rural zoning, or to justify any rezoning to enable a denser level of development. Also stated is the intent that no other urban-level community services are to be established in the Summit Station area. The new text includes the statement that creation of a community water service system for the Summit Station area is not intended to set a precedent or be seen as the sole justification for the establishment of community services within other rural areas which do not have a physical hardship of comparable magnitude. The amended text indicates that the establishment of a community water system is to be at the option of the Summit Station land owners, who could elect to seek such service from a public agency such as a community service district or a county service area, or from a private water purveyor.

The adopted general plan amendment establishes a planning area standard which applies to all properties in the Summit Station area once community water service is established in the area, but only if such service is provided by a public agency (i.e., a community services district such as the NCSD or a county service area). The standard includes the following provisions:

1. The (public) purveyor must obtain all necessary agency approvals before installing infrastructure improvements and providing water service within the Summit Station area.
2. The water service area boundaries can only be changed through a separate general plan amendment for that purpose.
3. No land divisions creating new parcels are allowed.
4. Residential density is limited to one dwelling unit per parcel (i.e., no secondary dwellings are allowed).
5. No urban-level community services other than water supply are to be provided in the Summit Station area.
6. New development is required to submit an archaeological surface survey and a botanical report with construction permits.

The adopted planning area standard does not apply to private water purveyors so its provision would become operative only if the proposed annexation to the Nipomo Community Service District is approved and water service is established by that agency (or if the Summit

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Station land owners join or create a county service area in the future of the NCSD annexation is not successfully completed). The effect of the standard would be to more severely limit future development potential in the Summit Station area if it is annexed to the Nipomo CSD than if the area were to be served by a private water purveyor.

Consequently, the concerns raised by the original annexation proposal regarding significant growth inducement, resource demands and precedent-setting for other rural areas have been effectively resolved by the combination of the annexation proposal is consistent with the County General Plan.

Nipomo Community Services District Plan for Providing Services: The NCSD has expressed a willingness and ability to serve this area with a limited amount of water. The district is willing to provide up to 284 acre feet per year (AF/Y) of water to the area. Based on the assumption that one home would use about 1.0 AF/Y, this amount would provide service to about 284 homes. Of the 143 existing lots, 115 are developed and 28 are vacant. Of the 115 developed parcels, 97 have a single residence, and 18 parcels have more than one residence (2 to 4). Under the Residential Rural land use category, a secondary residence would be allowed on all existing parcels which do not have more than one residence currently (125), adding up to 250 residences. Because of the Board's recent action, no new secondary units will be allowed. However, an additional 6 AF/Y would also need to be reserved for the recently-approved, vested parcel maps.

Approximately 143 AF/Y would need to be available to serve the existing parcels with one residence on each. An approximate 20 AF/Y of additional water would be needed to serve existing secondary dwellings. An additional 6 AF/Y would also need to be reserved for recently approved, vested parcel maps. The total amount of water needed to serve the area that has been authorized by the Board totals approximately 169 AF/Y.

Other Services Provided to the Area: The County of San Luis Obispo provides the remainder of local government services to the Nipomo area. These include police protection from the Sheriff's Office, street maintenance, health, social services, planning, and general government services.

Other Water Purveyors in the Area: The Summit Water Company is requesting that LAFCO deny the proposed annexation of the Summit Station area to the Nipomo Community Services District. The Summit Water Company has informed staff that it has been working for over two years to develop a water company in the Summit Station Road area. Representatives of the Summit Water Company believe that their company is the most appropriate water purveyor for the area.

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Petitions in Support of the Annexation: Prior to the August 20, 1992 LAFCO hearing, staff received and distributed to the Commission, a large number of letters of support for the annexation from area property owners. In addition on July 31, 1992, staff received a letter with a petition bearing a large number of signatures, favoring the annexation and requesting that a condition be applied to the annexation restricting lot splits or zoning changes which may result from annexation of the area to the NCSD. Copies of the letter and petition were distributed to Commissioners prior to the August 1992 hearing and are available for review in the official LAFCO file for this proposal.

Engineering Department Comments: The County Engineering Department expresses no particular opposition to the annexation at this time. The County Engineer stated that in his opinion the water shortage in the area is not temporary in nature.

Planning Department Comments: Because the issues raised by the original 2,200 acre annexation proposal have been resolved by reducing the proposed annexation to include only the immediate hardship area and by guiding the provision of community water service to the Summit Station area, it is recommended that the requirement for an EIR be rescinded and that the revised annexation of the 870 acre area to the Nipomo Community Services District be approved.

Analysis of the Annexation Proposal: A strict interpretation of LAFCO guidelines and the Cortese-Knox Local Government Reorganization Act of 1985, would indicate that this proposal should be denied by the Commission. This is because extending community services into this rural area could cause significant growth inducement, resource demands and other related impacts. It could lead to urban sprawl and the inefficient provision of urban services to an area that is non-contiguous to the NCSD's current service boundaries. Furthermore, it is outside the NCSD's sphere of influence and service and, up until recently, was inconsistent with the Land Use Element of the County General Plan. Based on this the Commission's decision to require an Environmental Impact Report prior to consideration of the annexation proposal was logical and completely justified by the facts.

However, in making its decision to require an EIR, the Commission did acknowledge that the hardship situation in the Summit Station area could be viewed as a unique situation. Therefore, as part of its discussion on the matter, the Commission indicated it might reconsider the requirement for an EIR if:

- 1) The annexation was reduced in extent to only the immediate hardship area experiencing severe groundwater deficiencies and,
- 2) The County were to amend its general plan policies discouraging extension of urban-level services into rural areas to make an exception for allowing community water service in the Summit Station area.

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As a result of this direction, staff convened several meetings with property owners, Planning staff and the NCSD, which subsequently resulted in a request that the annexation boundaries be reduced in size to an 870 acre area know to be experiencing a groundwater shortage (this reduction resulted in the removal of Agriculture-zoned land from the annexation area). Based on this on April 27, 1993, the Board of Supervisors approved an amendment to the County General Plan which revised policies on public services to allow community water service in rural areas experiencing long term physical hardship due to local groundwater shortages and subject to amendment of the affected area plan of the Land Use Element. As a result of the Board's action, on May 4, 1993, the Board of Directors of the NCSD, by resolution, formally appealed LAFCO's decision to require an EIR (**Exhibit F**).

Although staff continues to have some reservations about this annexation proposal, it is fair to say that the direction given by the Commission to the NCSD and area property owners has been complied with. Therefore, staff recommends that the Commission rescind its decision to require an Environmental Impact Report and instead adopt a Negative Declaration and approve the Summit Station area annexation with the reduced boundaries requested by the NCSD.

Recommended Action on the Environmental Determination for the Sphere of Influence and Service Amendment: It is recommended that the Commission rescind its original determination that an Environmental Impact Report be required for the sphere of influence and service for Annexation No. 6 to the Nipomo Community Services District (Summit Station Area), and that:

1. The Commission, by resolution, certify that the Negative Declaration prepared for the sphere of influence and service amendment is complete and adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA).
2. Determine that the proposed sphere of influence and service will have no significant effect on the environment.
3. Certify that the Commission has considered the contents of the Negative Declaration in making its determination.

Recommended Action on the Sphere of Influence and Service Amendment: It is recommended that the Commission, by resolution, adopt a revised sphere of influence and service that includes the territory as shown in **Exhibit E**. It is further recommended that the Commission adopt the following as its written statement of determinations:

Statement of Determinations:

1. The present and planned land uses in the area, including Agricultural and open space lands: Present and planned land uses in the area are Residential Rural.
2. The present and probable need for public facilities and services in the area: The roads in the annexation area have a present need for water services.
3. The present capability of public facilities and the adequacy of public services which the agency provides or is authorized to provide: The NCSD has the capacity to provide adequate water services.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency: Social and economic communities of interest in this area reside primarily with the Community of Nipomo.

Recommended Action on the Environmental Determination for the Annexation: It is recommended that the Commission rescind its original determination that an Environmental Impact Report be required for Annexation No. 6 to the Nipomo Community Services District (Summit Station Area), and furthermore that the Commission, by resolution:

1. Certify that the Negative Declaration prepared for the proposed annexation is complete and adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA).
2. Determine that the proposed annexation will have no significant impact on the environment.
3. Certify that the Commission has considered the contents of the Negative Declaration in making its determination.

Recommended Action on the Annexation Proposal: It is respectfully recommended that the Commission, by resolution, **Approve** Annexation No. 6 to the Nipomo Community Services District (Summit Station Area), with the amended boundaries as set forth in **Exhibit E**.

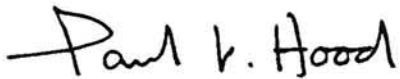
A-1
9

Formation Commission
May 20, 1993
Page Ten

It is further recommended that the Commission designate the Nipomo Community Services District as the conducting authority for subsequent proceedings.

Respectfully submitted.

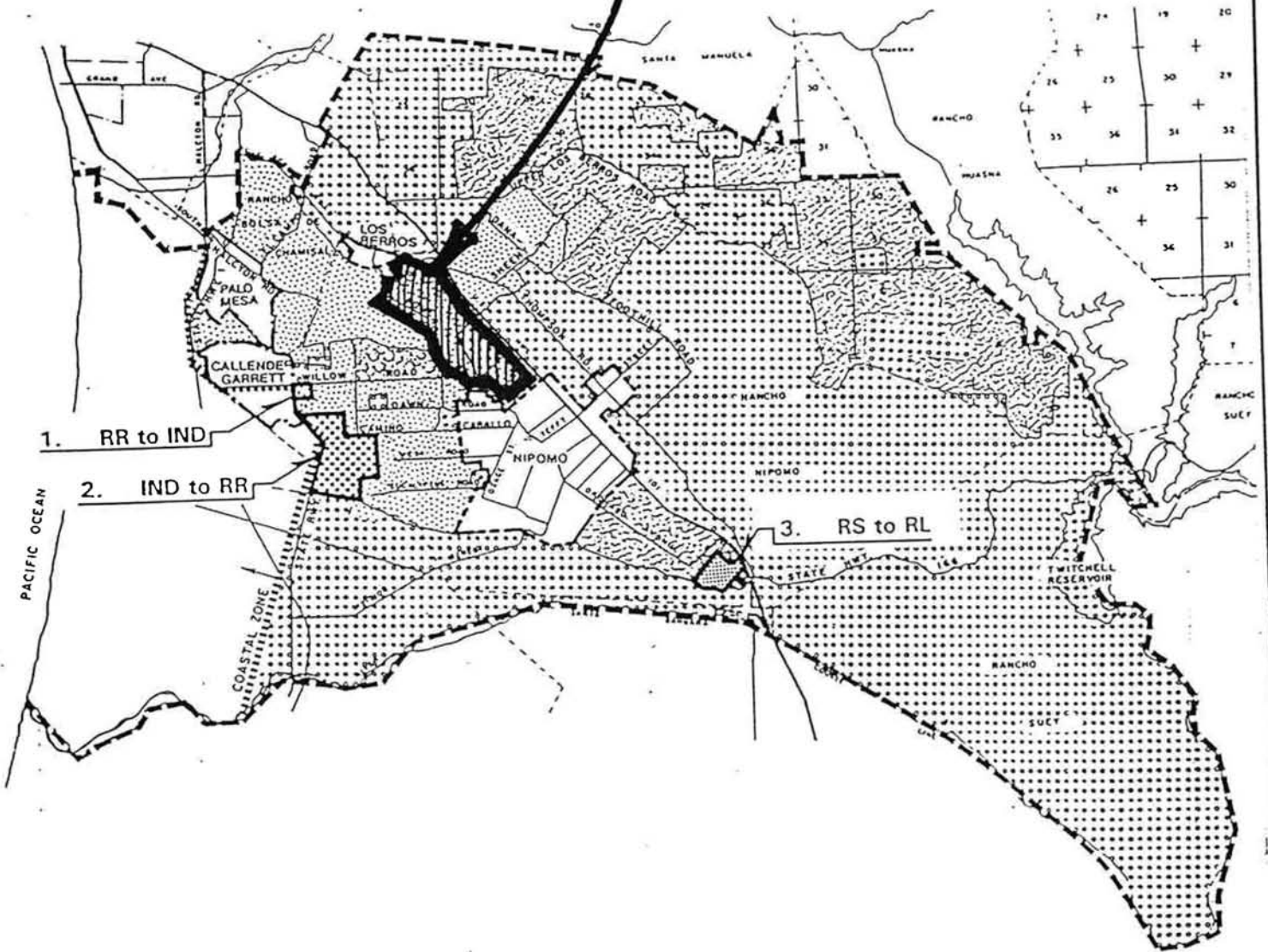
ROBERT E. HENDRIX
Executive Officer
Local Agency Formation Commission



By: **PAUL L. HOOD**
Deputy Executive Officer
Local Agency Formation Commission

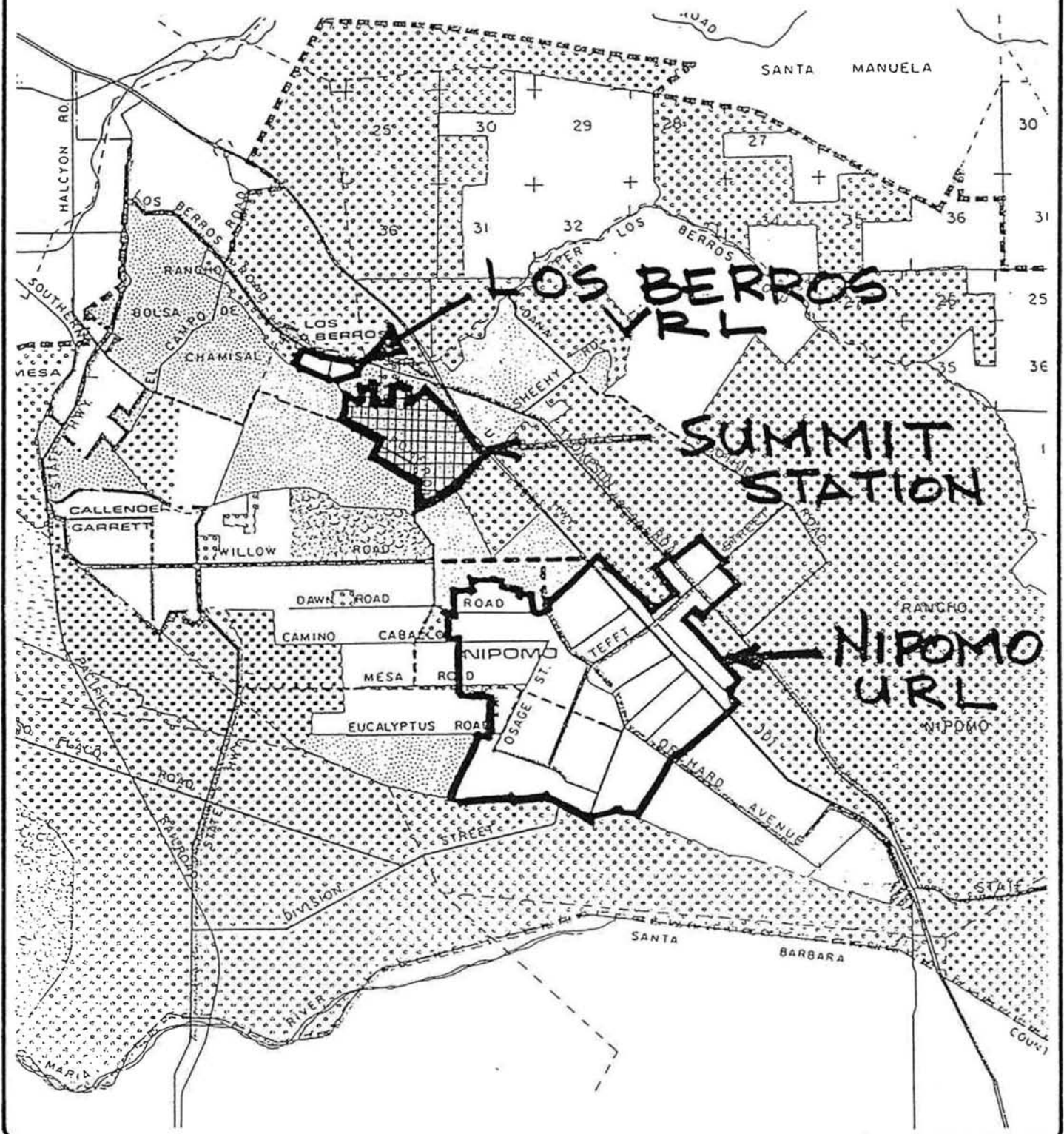
Exhibit "A"

SITE



A-11

Exhibit "B"



PROJECT
EXHIBIT G920006N:A



EXHIBIT
VICINITY MAP
 A-12

EXHIBIT C

NEGATIVE DECLARATION

PROJECT TITLE: REVISION OF A SPHERE OF INFLUENCE AND A SPHERE OF SERVICE FOR ANNEXATION NO. 6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION)

PROJECT DESCRIPTION:

The Local Agency Formation Commission (LAFCo) is responsible for determining the service boundaries, called "spheres of influence" and "spheres of service", for each special district and city in San Luis Obispo County. The sphere of influence and sphere of service revision for Annexation No. 6 to the Nipomo Community Services District (Summit Station) has been determined and the project is under consideration.

FINDINGS:

A sphere of influence and service determination is not a plan for development of the area, but rather a factor to be considered in reviewing future proposals before LAFCo. The sphere of influence and service is subject to regular review and/or revision, and does not represent an irrevocable action by the Commission.

These sphere of influence and service recommendations will not result in any significant adverse environmental impacts. Should specific proposals be presented in future, which would call for annexation and/or development of any involved properties, a new and independent environmental assessment will be conducted, and the appropriate environmental document prepared. In addition, the project will not:

1. Create impacts which have the potential to degrade the quality of the environment or curtail the range of the environment;
2. Create impacts which achieve short-term, to the disadvantage of long-term, environmental goals;
3. Create impacts which are individually limited, but cumulatively considerable;
4. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

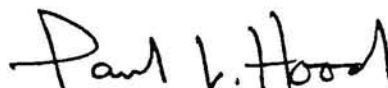
RECOMMENDATION:

Issuance of a Negative Declaration on the sphere of influence and service revision for Annexation No. 6 to Nipomo Community Services District (Summit Station) is recommended, since approval of the project will not have significant effect upon environment.

Copy of initial study may be obtained at LAFCo Offices
County Government Center, Room 370
San Luis Obispo, CA 93408

Date: April 28, 1993

LAFCo File No. 1-R-92



Authorized Person

PAUL L. HOOD

DEPUTY EXECUTIVE OFFICER LAFCO

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EXHIBIT D

(NEGATIVE DECLARATION)

NAME OF PROJECT: Annexation NO. 6 to The Nipomo Community Services District (Summit Station)

LOCATION: In South County, generally one mile north of Nipomo, east of Highway 101

ENTITY OF PERSON UNDERTAKING PROJECT:
The Nipomo Community Services District City/District

OTHER:NAME _____

ADDRESS _____

PROJECT DESCRIPTION: Annexation to the Nipomo Community Services District to receive water services, consisting of approximately 870 acres.

FINDING: It is hereby found that the above named project will not have a significant effect upon the environment. (See following page.)

INITIAL STUDY: An initial study of this project was undertaken and prepared in accordance with the Local Agency Formation Commission's environmental guidelines for the purpose of ascertaining whether this project might have a significant effect on the environment by:

Paul L. Hood, Deputy Executive Officer, LAFCO

Place where copy of initial study may be obtained: RM 370 County Government Center, San Luis Obispo, CA 93408

DATE: 4/28/93

Paul L. Hood
Authorized Person

LAFCo File No: 1-R-92

FINDINGS

The proposed annexation consists of approximately 870 acres of Residential Rural land divided into 143 lots. The annexation will provide for the extension of water services by the Nipomo Community Services District to an area where domestic wells are failing. A recent General Plan Amendment establishes a planning area standard which applies to all properties in the Summit Station area, once community water service is established. The standard limits the development potential of the area.

The annexation in and of itself will have minimal impact on the environment. Any future development on the property will be subject to further environmental review at the time it is proposed.

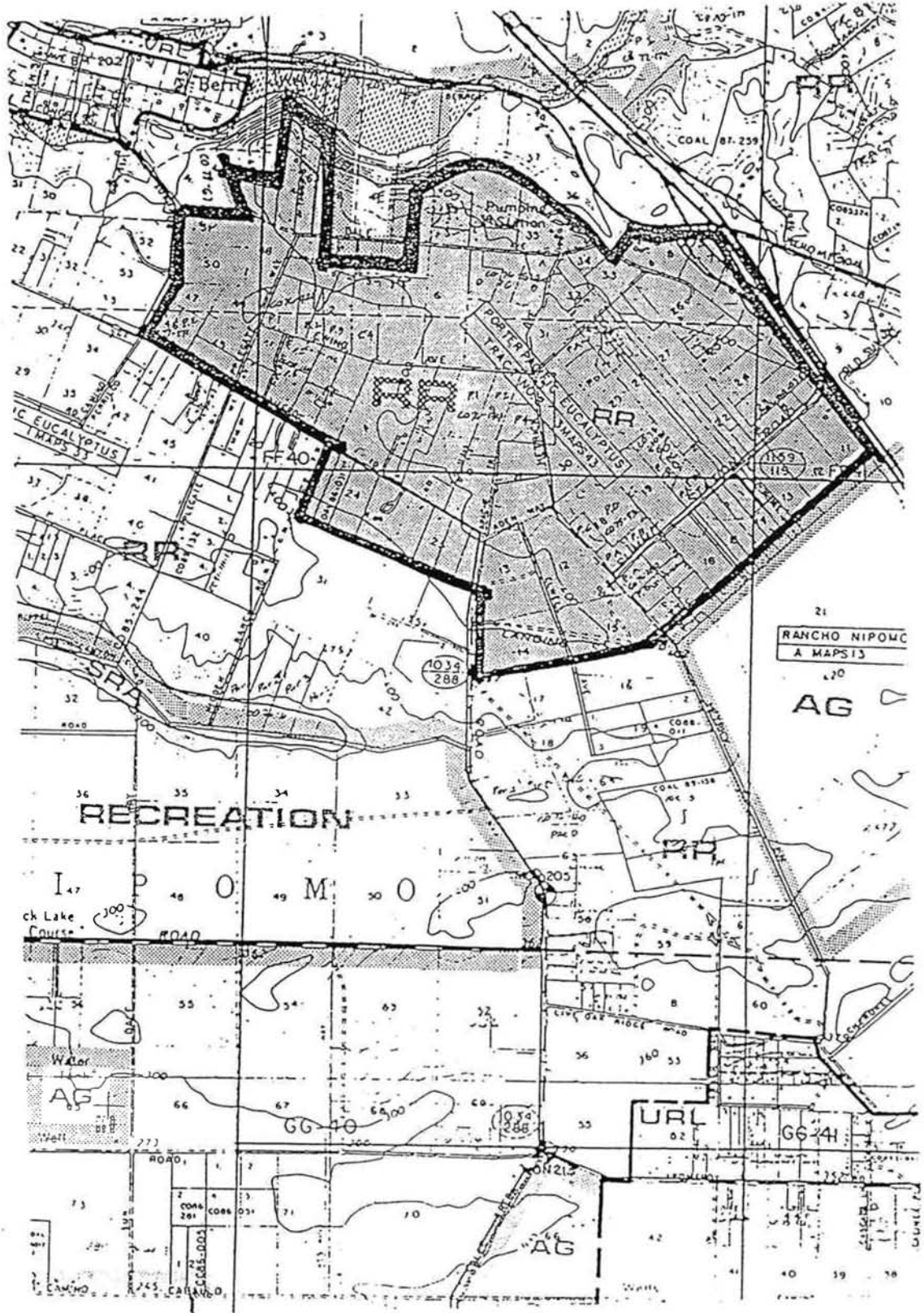
RECOMMENDATION: Issuance of a Negative Declaration is recommended for Annexation No. 6 to the Nipomo Community Services District (Summit Station Area).

DATE: April 28, 1993


Authorized Person

LAFCO FILE NO: 1-R-93

EXHIBIT E



PROJECT

EXHIBIT G920006N:B



EXHIBIT

CATEGORY MAP

A-1
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EXHIBIT F

RESOLUTION NO. 480

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
TO WAIVE THE CALIFORNIA ENVIRONMENTAL IMPACT REPORT FOR
ANNEXATION NO. 6, SUMMIT STATION

WHEREAS, the property owners of the Summit Station area
have had a water shortage problem for many years; and

WHEREAS, because the lack of water for household use,
sanitation and fire protection an emergency exists; and

WHEREAS, the property owners of this area have
requested that the Nipomo Community Services District
provide water service to the Summit Station Area; and

WHEREAS, annexation procedures have commenced so that
the Nipomo Community Services District may form an
Assessment District to construct water facilities to serve
the Summit Station Area; and

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RESOLUTION 480

WHEREAS, the District Board of Directors previously adopted Resolution No. 467 finding that the proposed improvement are exempt from CEQA Title 14, CAC 15269(c), 15303(d), and 15319.

WHEREAS, the annexation area has been substantially reduced to supply services only to the emergency situation detrimental to the public health, safety and welfare of the residents; and

WHEREAS, any further delays will extend the emergency situation in the Summit Station area; and

NOW, THEREFORE, BE IT RESOLVED by the Nipomo Community Services District request that the Local Agency Formation Commission waive its previous condition that an Environmental Impact Report is required for this annexation.

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RESOLUTION NO. 480

UPON THE MOTION of Director Mendoza, seconded by
Director Gracia and on the following roll call vote,
to wit:

AYES: Directors Manriquez, Mendoza and Gracia

NOES: Director Small

ABSENT: Director Fairbanks

the foregoing resolution is hereby adopted this 5th day
of May 1993.

/s/David Manriquez

David Manriquez, President
Nipomo Community Services District

ATTEST:

Donna Johnson
Donna Johnson
Secretary

APPROVED AS TO FORM:

Arthur J. Shaw
General Counsel

c:w:r480

18 MAY 1993

PAUL HOOD
DIRECTOR LAFCD
COUNTY GOV'T CENTER
SAN LUIS OBISPO 93408

DEAR MR. HOOD:

I AM CONCERNED ABOUT ANY FUTURE LARGE ANNEXATIONS TO NCSD. WHERE WILL ADDITIONAL WATER COME FROM TO SERVICE THESE ANNEXATIONS? NCSD CANNOT CONTINUE TO INCREASE PUMPING OF WATER FROM SOURCES OUTSIDE THE DISTRICT TO SERVICE IT'S OWN CUSTOMERS WITHOUT HAVING DETRIMENTAL EFFECTS ON THE EXISTING WATER LEVELS IN THE OUT LYING AREAS. PEOPLE WHO HAVE WATER WELLS IN THE OUT LYING AREAS NEAR HWY 1 AND WILLOW RD ARE BEING "ROBBED" RIGHTFULLY OF THEIR OWN SOURCE OF WATER.

OUR RECORDS SHOWS THAT DURING THE THIRTY YEARS THAT OUR WATER LEVEL IN THE PRODUCING WELL DROPPED SOME 48 FEET FROM 141 FEET IN 1962 TO 189 FEET IN 1992.

AS MORE AND MORE WATER IS PUMPED OUT OF THE GROUND WITHOUT ANY SIGNIFICANT REPLACEMENT, QUALITY OF WATER WILL DROP AS WELL. THERE IS A NEED FOR NCSD TO BUY INTO THE STATE WATER PROJECT NOW FOR THE FUTURE.

YOURS TRULY,


HOWARD YOKOYAMA

APPENDIX 6

PARKER & ASSOCIATES

2131 Sunset

Morro Bay, CA. 93442

(805) 772-0117

**CULTURAL RESOURCE INVESTIGATION
OF THE PROPOSED
WATER DISTRIBUTION SYSTEM
FOR THE
SUMMIT STATION ASSESSMENT DISTRICT
NIPOMO COMMUNITY SERVICES DISTRICT**

Prepared at the request of:
Garing, Taylor & Associates Inc.
141 S. Elm Street
Arroyo Grande, CA. 93420

1993

SCSA Certified

Copy of document found at www.NoNewWorldFax.com

FIELD AND RESEARCH ARCHAEOLOGICAL STUDIES

Prehistorically, the general area surrounding the Nipomo Mesa has been occupied for at least 9000 years (Greenwood 1972). Ethnohistorically the area has been occupied by the Chumash, of either Southern Obispeño or Northern Purisimeño descent (Spanne 1981). The Chumash are the indigenous inhabitants of the south-central coast of California ranging from what is today northern Los Angeles County to northern San Luis Obispo County and occupying all land between the San Joaquin Valley and the coastline, including the Northern Channel Islands (Gibson 1991). They were a group of hunter-gatherer-fishers who attained an extraordinary level of social complexity given their means of subsistence. Today descendants of these groups continue to live in San Luis Obispo, Santa Barbara and Ventura Counties as well as elsewhere in California.

FIELD METHODS

Prior to the field inspection, a record search was conducted for the project area. It was determined that no recorded sites were known to exist on the pipeline easement. Several previous surveys have been conducted that have either covered part of the present project area or were conducted adjacent to or nearby the project area. These surveys indicated that there were known prehistoric resources nearby and that there was a reasonable potential for sites to be encountered within the project area.

The field work consisted of an intensive surface examination of all portions of the project area. This inspection was conducted by walking along both sides of the roads on which the pipeline placement has been proposed. See maps 1 through 46 prepared by Garing, Taylor, & Assoc. for the Nipomo Community Services Dist. (7-14-93).

Sparse vegetation allowed a detailed inspection of the ground surface over the entire area. All cut banks and exposed bedrock areas were examined for evidence of buried cultural materials and/or rock art. It should be mentioned that certain small intervals (none greater than 30 meters) were not surveyed due to the diligence of many roaming packs of guard dogs which are abundant on the Nipomo Mesa. These areas were briefly checked from the safety of the project vehicle and did not appear to contain any cultural remains.

STUDY RESULTS

Four marine shell scatters and the disturbed remnants of a recorded archaeological site were observed during the survey. Each of the shell scatters were a result of human

SUMMARY

On July 20th, requested that the author conduct a cultural resource investigation of a proposed pipeline route on the Nipomo Mesa. The purpose of the investigation was to locate, describe, and evaluate any archaeological or historical resources which may be present on the property. In addition, The author was to assess the impact which might occur as a result of the proposed water pipeline trenching and installation.

The results of this analysis indicated that two small areas within the proposed alignment were found to contain the remains of what may be prehistoric archaeological resources. These have been temporarily designated as EBB-93-01 and EBB-93-02. In addition, the remnants of a previously recorded cultural resource (CA-SLO-1294) was discovered. Recommendations are made at the end of this report which will allow the project to proceed while protecting existing cultural resources..

INTRODUCTION AND BACKGROUND

The field work carried out as part of this study was conducted by Ethan Bertrando. Mr. Bertrando holds a Masters Degree in Anthropology and is a Ph.d. Candidate in Archaeology. The field work took place July 21, 1993. The areas investigated covers approximately 7.5 miles. The property is depicted on the Oceano 7.5' USGS topographic map as existing on the northern section of the Nipomo Mesa.

The project area was located on the elevated portions of the Nipomo Mesa. The pipeline alignments are depicted on the Oceano 7.5' USGS topographic map as existing in an unsectioned portion of the Nipomo Land Grant T 11 and 12 N, R35W (see attached map for general location and area inspected).

The proposed project will involve trenching within and adjacent to road beds to provide for the placement of 12"pvc water mains throughout the Summit Station Assessment District.

The major plant communities included coastal chaparral dominated by Coast Live Oak (*Quercus agrifolia*), Dune Buckwheat (*Erigonum parvifolium*), California Poppy (*Eschscholzia californica*) and a variety of verbena (*Abronia* sp.). Some modified areas of introduced species of Eucalyptus and Old World grasses were also observed. The mesa itself is composed primarily of stabilized dunes over an elevated Pleistocene terrace (Spanne 1981).

Prehistorically, the general area surrounding the Nipomo Mesa has been occupied for at least 9000 years (Greenwood 1972). Ethnohistorically the area has been occupied by the Chumash, of either Southern Obispeño or Northern Purisimeño descent (Spanne 1981). The Chumash are the indigenous inhabitants of the south-central coast of California ranging from what is today northern Los Angeles County to northern San Luis Obispo County and occupying all land between the San Joaquin Valley and the coastline, including the Northern Channel Islands (Gibson 1991). They were a group of hunter-gatherer-fishers who attained an extraordinary level of social complexity given their means of subsistence. Today descendants of these groups continue to live in San Luis Obispo, Santa Barbara and Ventura Counties as well as elsewhere in California.

FIELD METHODS

Prior to the field inspection, a record search was conducted for the project area. It was determined that no recorded sites were known to exist on the pipeline easement. Several previous surveys have been conducted that have either covered part of the present project area or were conducted adjacent to or nearby the project area. These surveys indicated that there were known prehistoric resources nearby and that there was a reasonable potential for sites to be encountered within the project area.

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Sparse vegetation allowed a detailed inspection of the ground surface over the entire area. All cut banks and exposed bedrock areas were examined for evidence of buried cultural materials and/or rock art. It should be mentioned that certain small intervals (none greater than 30 meters) were not surveyed due to the diligence of many roaming packs of guard dogs which are abundant on the Nipomo Mesa. These areas were briefly checked from the safety of the project vehicle and did not appear to contain any cultural remains.

STUDY RESULTS

Four marine shell scatters and the disturbed remnants of a recorded archaeological site were observed during the survey. Each of the shell scatters were a result of human

discard. Two of the scatters were found to be composed solely of Pismo Clam (*Tivela stultorum*) and were found in a context that is indicative of recent disposal. One of the recent scatters (located on Pomeroy at the extreme east end of the project area) was found directly associated with other discarded modern refuse such as tin cans, broken glass and machine cut cow bone. The other scatter represented fragments of a single valve of *Tivela stultorum* and was found on the surface of a newly graded gravel turn-off at the northern extreme of the project area on Pomeroy. No other shell remains were identified in the adjoining natural soil, nor did the extreme slope of the area suggest it as a likely area for prehistoric occupation.

Two of the four marine shell scatters (tentatively named EBB-93-01 and EBB-93-02) may represent prehistoric refuse. They were found to contain a range of shellfish species known to have been utilized by the aboriginal inhabitants of the area. In addition, these remains are scattered over a broader area (in comparison to the two previously described historic scatters). It should be emphasized that the descriptions of these sites are based on a survey alongside of existing roads only, thus making any spatial determination of these sites beyond these boundaries impossible. A final determination as to the actual origins of these scatters and whether or not they are significant would require the archaeological excavation of samples from each.

EBB-93-01, the first of the prehistoric scatters, was located on Pomeroy adjacent to and just south of its intersection with Rocky Way (see Map 1). The scatter of shell was sparse and concentrated on the west side of Pomeroy. The landform appeared to be a broad shallow depression on the top of the mesa very near the north slope. The site area contained fragments of Abalone (*Haliotis* sp.), Black Turbin (*Tegula* sp.) and *Tivela stultorum*. Shell fragments were found on the surface of a dark brown sandy soil which was much darker than some of the surrounding soil and may indicate a midden (prehistoric shell dump site). Unfortunately no other cultural remains were observed (such as stone chipping debris) which makes any final determinations on the nature of this site extremely difficult.

EBB-93-02 was located at the highest point of Dale Avenue, south and upslope from the pumping station. The shells were scattered across approximately 15 meters of the north shoulder of the road. This scatter was much more sparse than EBB-93-01 and contained a different variety of shellfish. The scatter was composed entirely of

small bivalves (clams and cockles, including *Protothaca* sp.), most under 5 cm. in length. They were found associated with a light colored sand, typical for the ridge tops of the mesa and, as with EBB-93-01, no other cultural material was found.

CA-SLO-1294, a previously recorded archaeological site was located at the north end of Poppy Lane. During the field inspection only one flake of Franciscan chert was observed adjacent to the road. The entire area along the road appeared to have been graded for the placement of Poppy Lane. This conclusion was supported by an informal discussion with the landowner, Mr. Pabst who said that the road was graded and covered with imported red rock several years ago. He also mentioned that his son had collected artifacts such as arrowheads at a point approximately 50 meters northwest beyond the end of Poppy Lane.

Based on this information and the lack of visible cultural materials, it appears that much of CA-SLO-1294 has since been removed through modern land modification.

No other prehistoric or historic cultural remains were observed during the survey.

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings of this survey, it appears that the placement of a water pipeline as proposed for the Summit Station Assessment District should create no detrimental impacts on the cultural resources of the area, with three possible exceptions.

It is recommended that the construction alignment be adjusted to avoid the area tentatively designated as EBB-93-01. This can be accomplished by rerouting the trench to the east side of the Pomeroy roadbed within the vicinity of the cultural material (see attached design drawings). In addition, a qualified archaeologist should be on site to monitor trenching in this area.

Cultural materials designated as EBB-93-02 may or may not represent prehistoric cultural remains. As a precaution, and to avoid project delays, it is recommended that a qualified archaeologist be on site during construction of the Dale Ave. section to monitor trenching. See attached design drawings for area to be monitored.

At the north end of Poppy Lane, it appears that recorded archaeological site CA-SLO-1294 has been destroyed. There is a remote possibility that buried cultural material still exist in this area. No realignment is recommended, however, a qualified archaeologist should be on site to monitor trenching in this area (see attached design drawings).

If any historic or prehistoric cultural material is encountered during pipeline trenching, work in the immediate vicinity of the find shall stop and an evaluation of the exposed material made before any further impacts occur in that area.

REFERENCES CITED

Gibson, Robert O.

1991 "Indians of North America: The Chumash", Frank W. Porter III, General Editor, Chelsea House Publishers, New York.

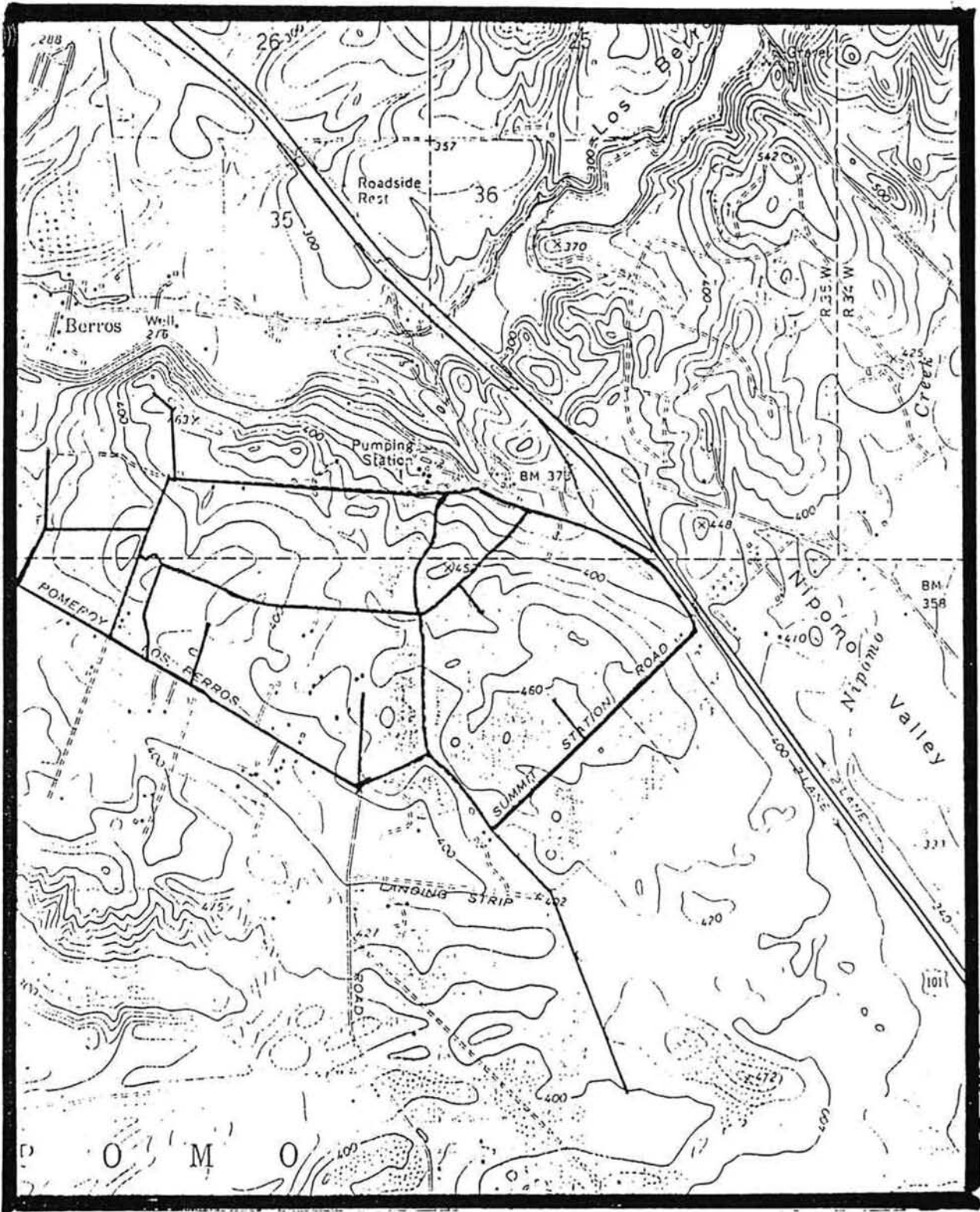
Greenwood, Roberta S.

1972 "9000 Years of Prehistory at Diablo Canyon, San Luis Obispo County, California". San Luis Obispo County Archaeological Society Occasional Paper No. 7.

Spanne, Lawrence W.

1981 "Archaeological Evaluation of a Proposed Subsurface Pipeline Route, Nipomo Mesa, San Luis Obispo County". Report Prepared for Dames and Moore, Santa Barbara, California.

GENERAL PROJECT LOCATION
AREA INSPECTED

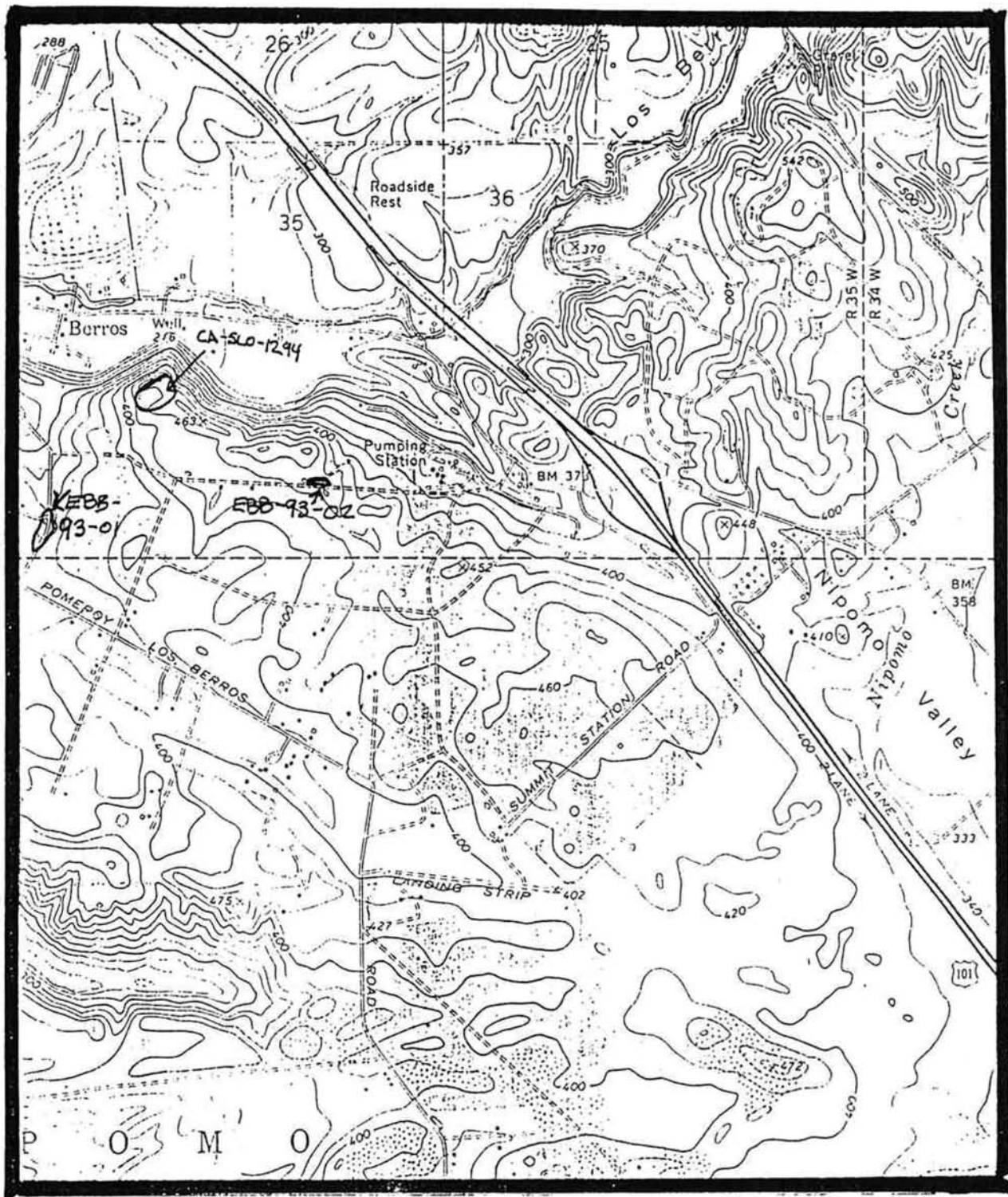


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PHOTOREVISED 1979

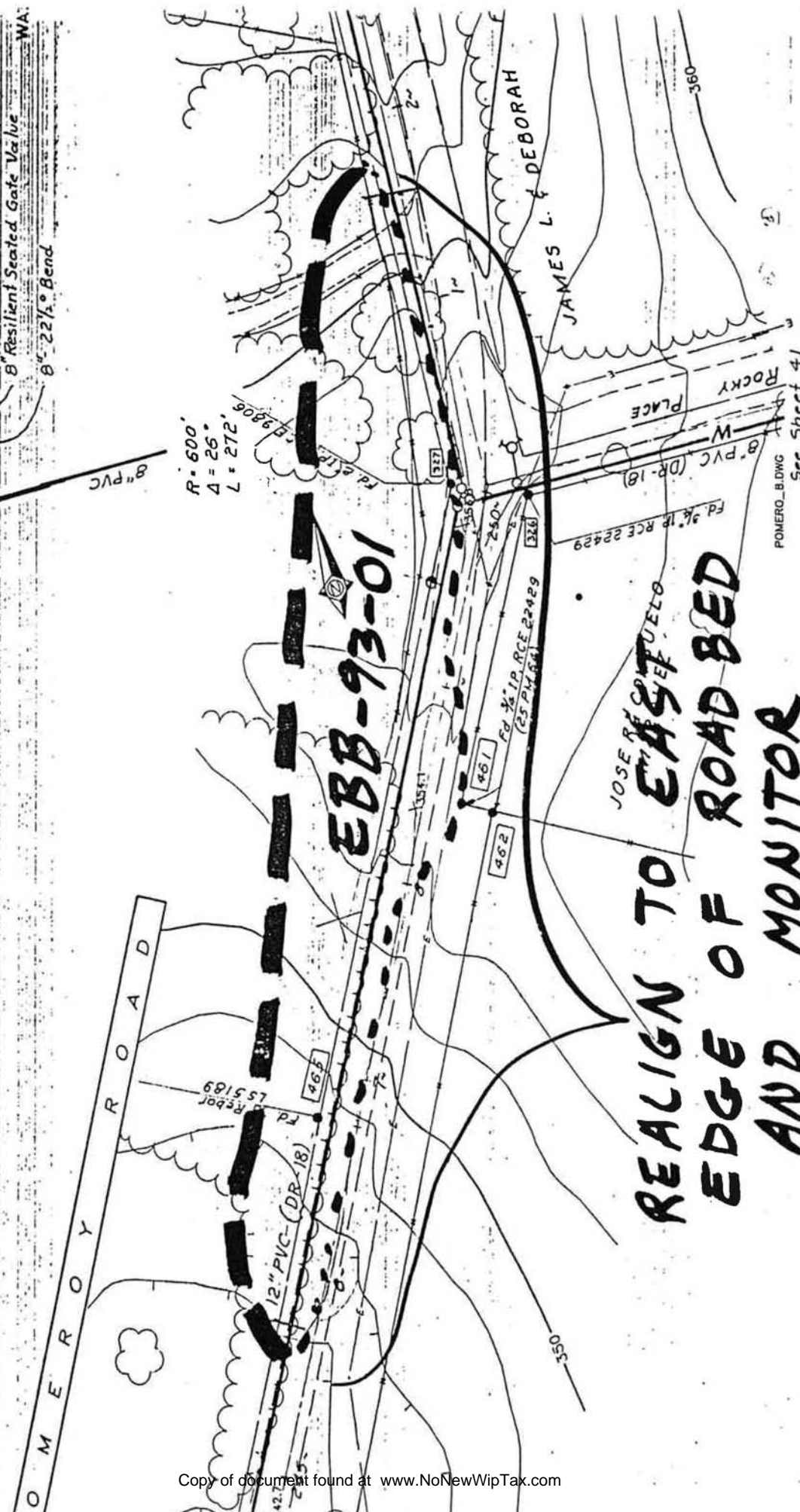
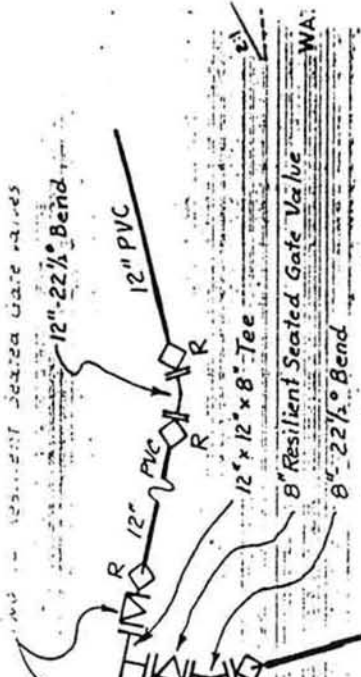
GENERAL PROJECT LOCATION
AREA INSPECTED



OCEANO, CALIF.

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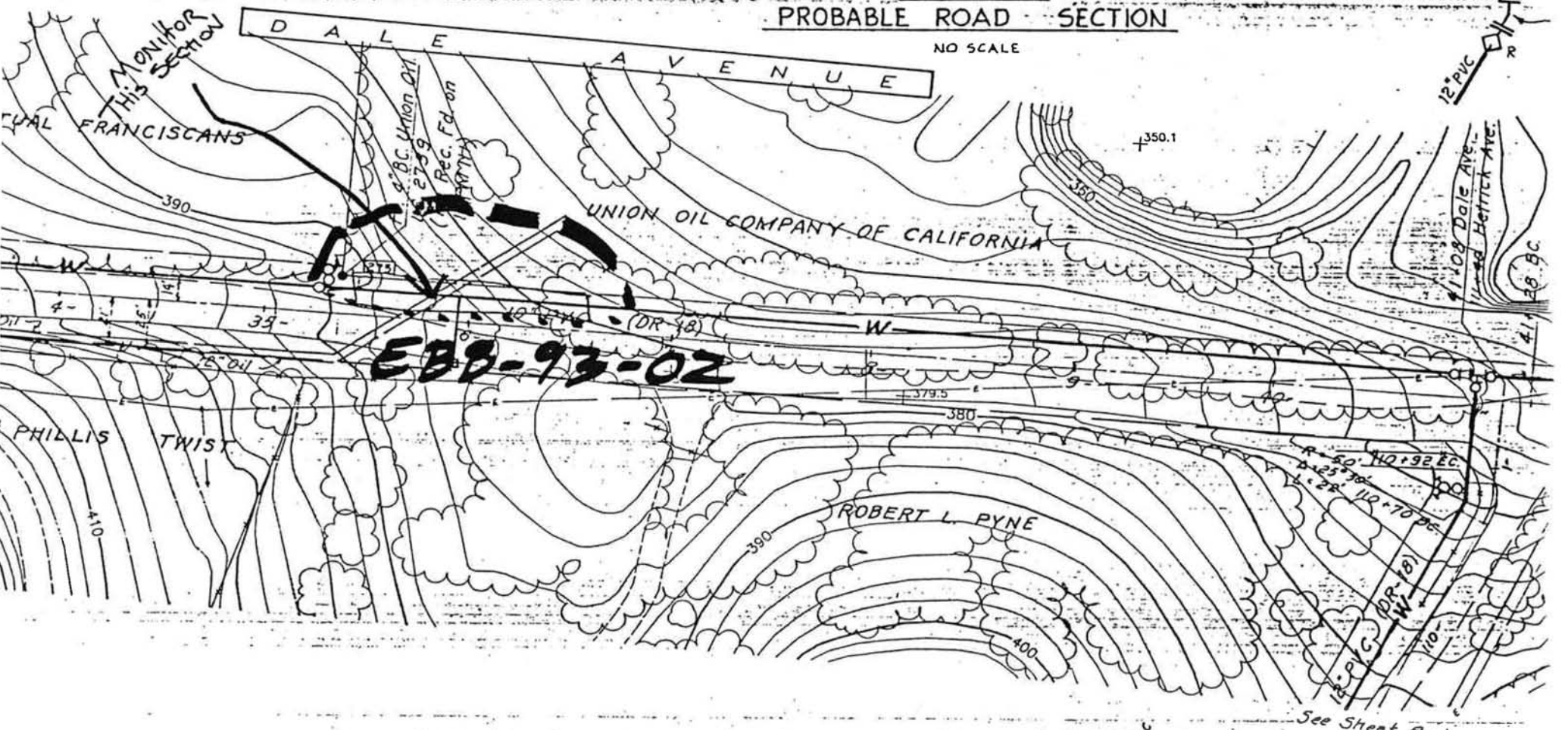
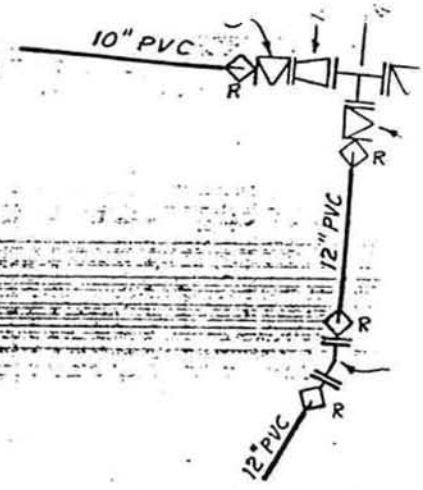
1965
PHOTOREVISED 1979



$R = 600'$
 $\Delta = 26^\circ$
 $L = 272'$

JOSE REYES SUELO
**REALIGN TO EAST
 EDGE OF ROAD BED
 AND MONITOR**

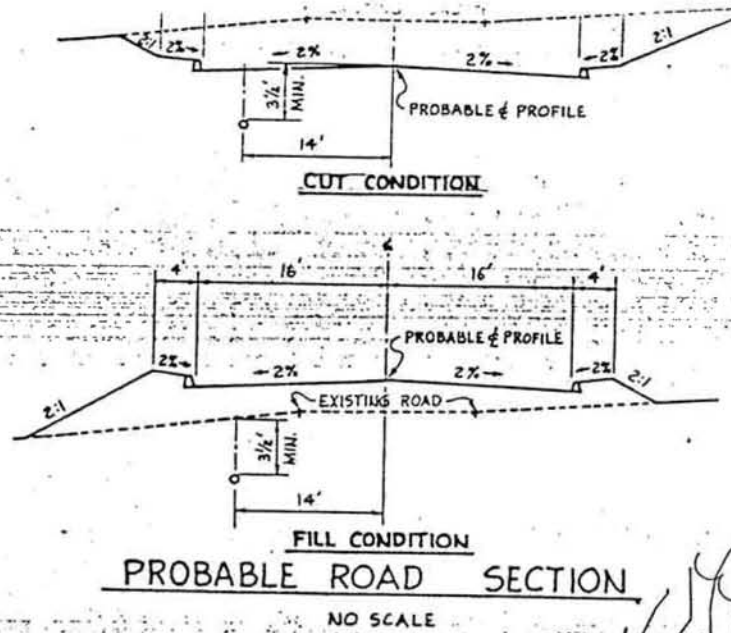
| | | | |
|-----------------------|-------------|------------------------|-------------|
| BM 463 | Elev. 347.1 | BM 426 | Elev. 353.9 |
| Sta. 246+71, 20' Left | | Sta. 250+04, 20' Right | |
| 5/8" Rebar, LS. 5189 | | 3/4" TP, RCE 22429 | |



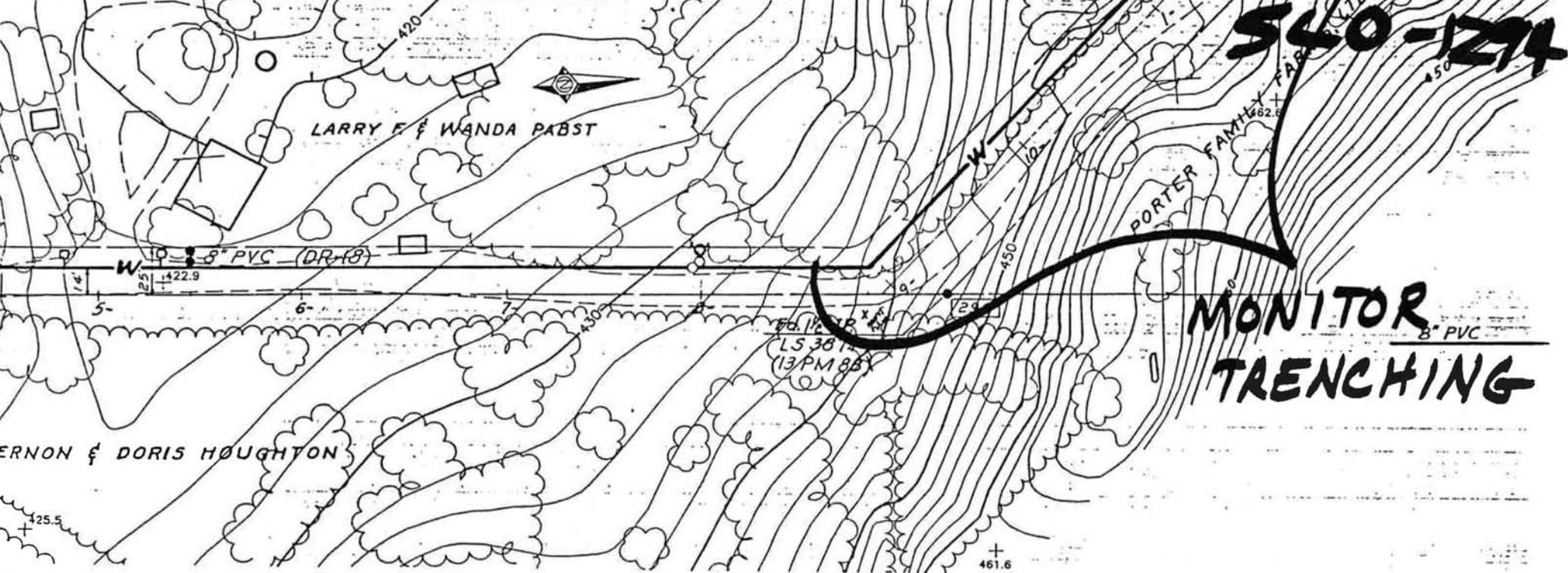
BM. 275 - Elev. + 388.8
Sta. 35+36, 20' left
4" Brass Cap Merr. (Union Oil)
LS 2739

31
CAL 9275
9275
9275

Gate Valve (2 Required)
and Gate Valve



POPPY LANE



ARCHEOLOGICAL SITE RECORD

Other Designations: EBB-93-01

Page 1 of 4

1. County: San Luis Obispo

2. USGS Quad: Oceano (7.5') * (15') Photorevised

3. UTM Coordinates: Zone 10 712 4 380 m Easting 3 8 8 3 4 8 6 m Northing ()

4. Township 12N Range 35 W % of _____ % of _____ % of _____ % of Section _____ Base Mer. _____ ()

5. Map Coordinates: _____ mmS _____ mmE (from NW corner of map) 6. Elevation 340 ft. ()

7. Location: Along Pomeroy, next to the intersection with Rocky Way and south. Most of the remains were found on the west side of the road. Only the roadside was surveyed and the site's extent beyond the road is unknown.

8. Prehistoric * _____ Historic _____ Protohistoric _____ 9. Site Description A sparse scatter of marine shell in a dark sandy soil.

10. Area 30 north-south 2 east-west m () 60 m²

Method of Determination: Pacing ()

11. Depth: Unknown cm Method Not Tested ()

12. Features: _____ ()

13. Artifacts: _____ ()

14. Non-Artifactual Constituents and Faunal Remains: Marine shell; Valiotes, Tivela, Tegula ()

15. Date Recorded: July 21, 1993 16. Recorded By: Ethan Bertrando ()

17. Affiliation and Address John Parker and Associates, 2131 Sunset
Marro Bay, Ca. Copy of document found at www.NoNewWipTax.com ()

ARCHEOLOGICAL SITE RECORD

Page 2 of 4

- 18. Human Remains: _____ ()
- 19. Site Disturbances: The portion of the site recorded is found along Pomeroy Road and may have suffered significant human disturbance during the road's construction _____ ()
- 20. Nearest Water (type, distance and direction): 0.88 km due north, Los Berros Creek _____ ()
- 21. Vegetation Community (site vicinity): Introduced Eucalyptus and Old World grasses Plant List _____ ()
- 22. Vegetation (on site): Introduced Eucalyptus and Old World grasses _____ ()
- 23. Site Soil: Dark Brown Sand _____ ()
- 24. Surrounding Soil: Dark Brown and Light Brown Sand _____ ()
- 25. Geology: Stabilized dunes over shale bedrock _____ ()
- 26. Landform: Coastal Mesa _____ ()
- 27. Slope: No Slope () 28. Exposure: All Directions (mesa top) ()
- 29. Landowner(s) (and/or tenants) and Address: _____ ()
- 30. Remarks: _____ ()
- 31. References: _____ ()
- 32. Name of Project: _____ ()
- 33. Type of Investigation: Contract Survey _____ ()
- 34. Site Accession Number: _____ Curated At: _____ ()
- 35. Photos: _____ ()

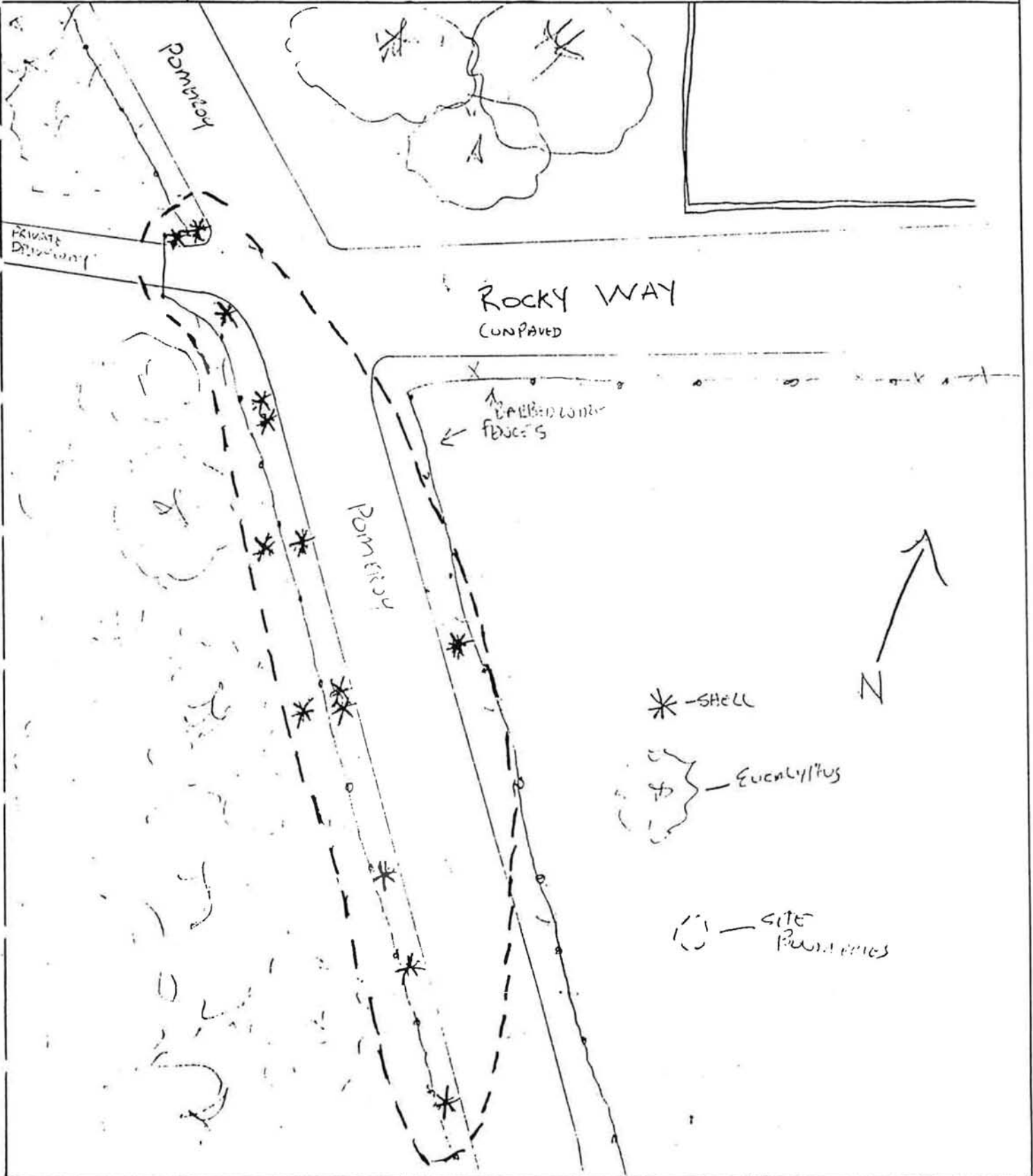
ARCHEOLOGICAL SITE
MAP

Permanent Trinomial: _____

Mo. Yr.

Other Designations: EBB-93-01

Page 3 of 4

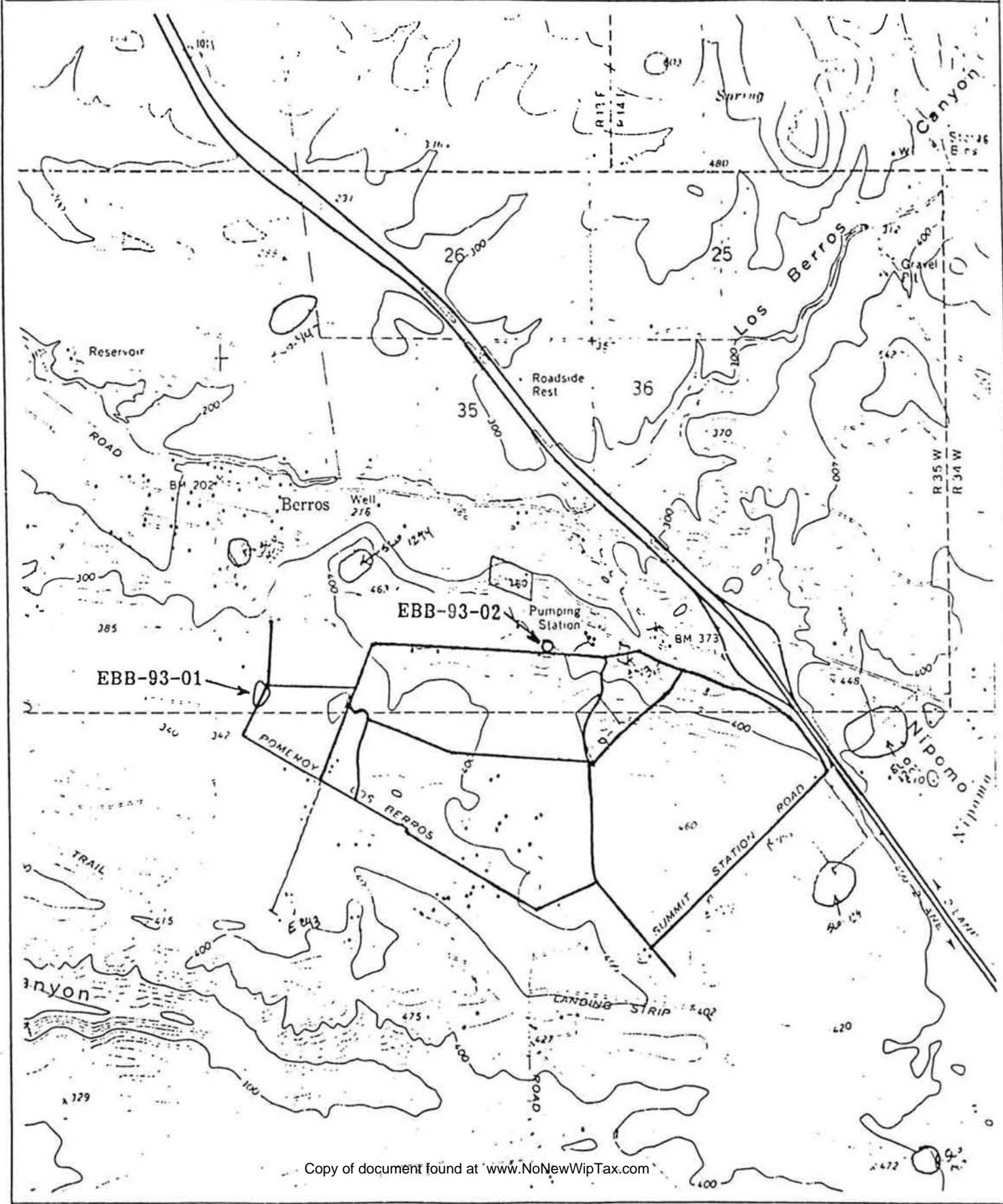


State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
ARCHEOLOGICAL SITE LOCATION
MAP

Permanent Trinomial: _____ Mo. Yr.

Other Designations: EBB-93-01

Page 4 of 4.



ARCHEOLOGICAL SITE RECORD

Other Designations: EBB-93-02

Page 1 of 4

1. County: San Luis Obispo

2. USGS Quad: Oceano (7.5') * (15') Photorevised _____

3. UTM Coordinates: Zone 10 725400 m Easting 3883690 m Northing ()

4. Township 12N Range 35 W % of _____ % of _____ % of _____ % of Section _____ Base Mer. _____ ()

5. Map Coordinates: _____ mmS _____ mmE (from NW corner of map) 6. Elevation 420 ft. ()

7. Location: On Dale Ave. at its highest point. Southwest and upslope of the Pumping Station, apparently restricted to the northside of the road and the nearby dunes.

8. Prehistoric * Historic _____ Protohistoric _____ 9. Site Description Very sparse shell scatter on stabilized dune formation on the top of the mesa.

10. Area 15 east - west m () x 3 north-south m () 45 m²
Method of Determination: visual estimation ()

11. Depth: Unknown cm Method of Determination: not tested ()

12. Features: _____ ()

13. Artifacts: _____ ()

14. Non-Artifactual Constituents and Faunal Remains: Very sparse scatter of marine shell, all were small bivalves. ()

15. Date Recorded: July 21, 1993 16. Recorded By: Ethan Bertrando ()

17. Affiliation and Address: John Parker and Associates, 2131 Sunset Morro Bay, Ca. ()

ARCHEOLOGICAL SITE RECORD

Page 2 of 4

18. Human Remains: _____ ()

19. Site Disturbances: Dune Movement and the construction of Dale Ave.

_____ ()

20. Nearest Water (type, distance and direction): Los Berros Creek, 0.6km due north ()

21. Vegetation Community (site vicinity): Chapparal and dune species Plant List ()

22. Vegetation (on site): Coast Live Oak , Dune Buckwheat

_____ ()

23. Site Soil: Light Brown sand ()

24. Surrounding Soil: Same ()

25. Geology: Stabilized dunes over shale bedrock ()

26. Landform: Coatal Mesa ()

27. Slope: 0 degrees () 28. Exposure: All directions (mesa top) ()

29. Landowner(s) (and/or tenants) and Address: _____

_____ ()

30. Remarks: _____

_____ ()

31. References: _____

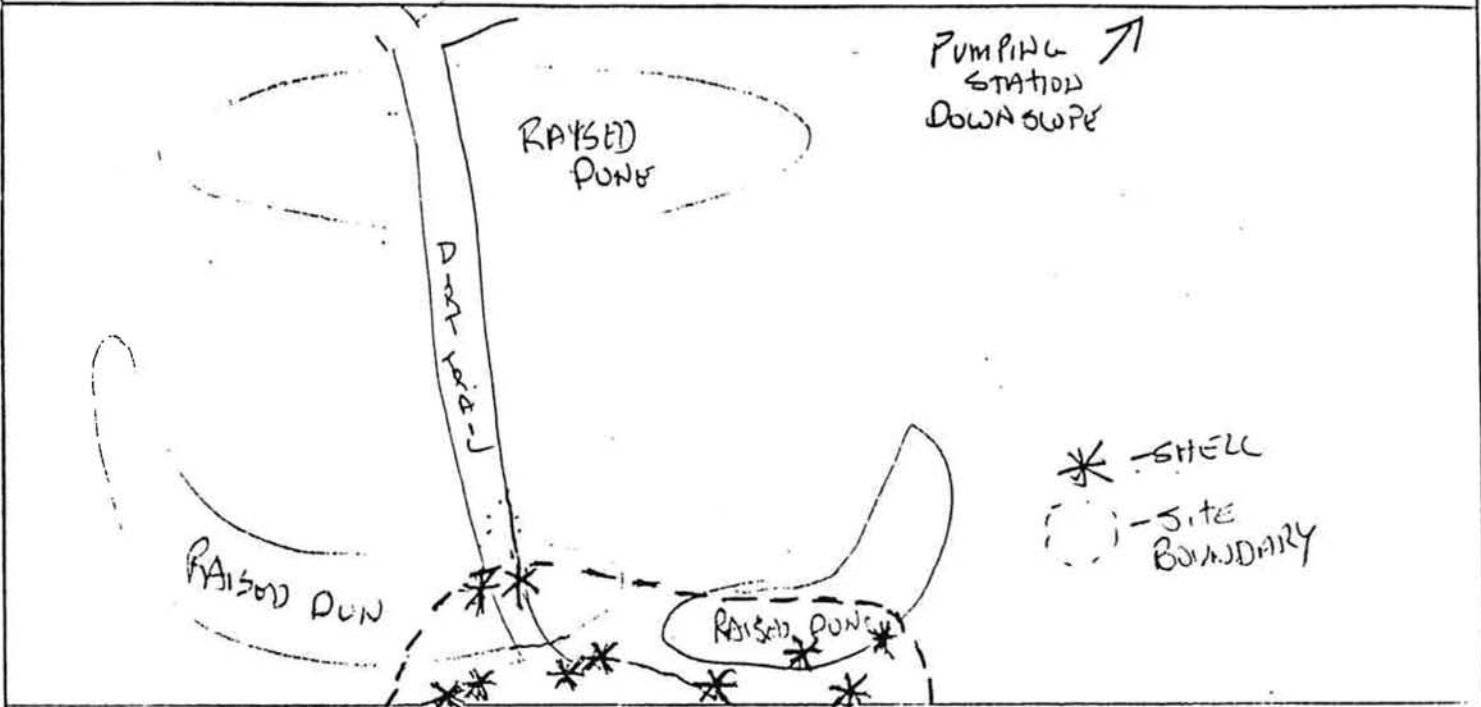
_____ ()

32. Name of Project: _____
_____ ()

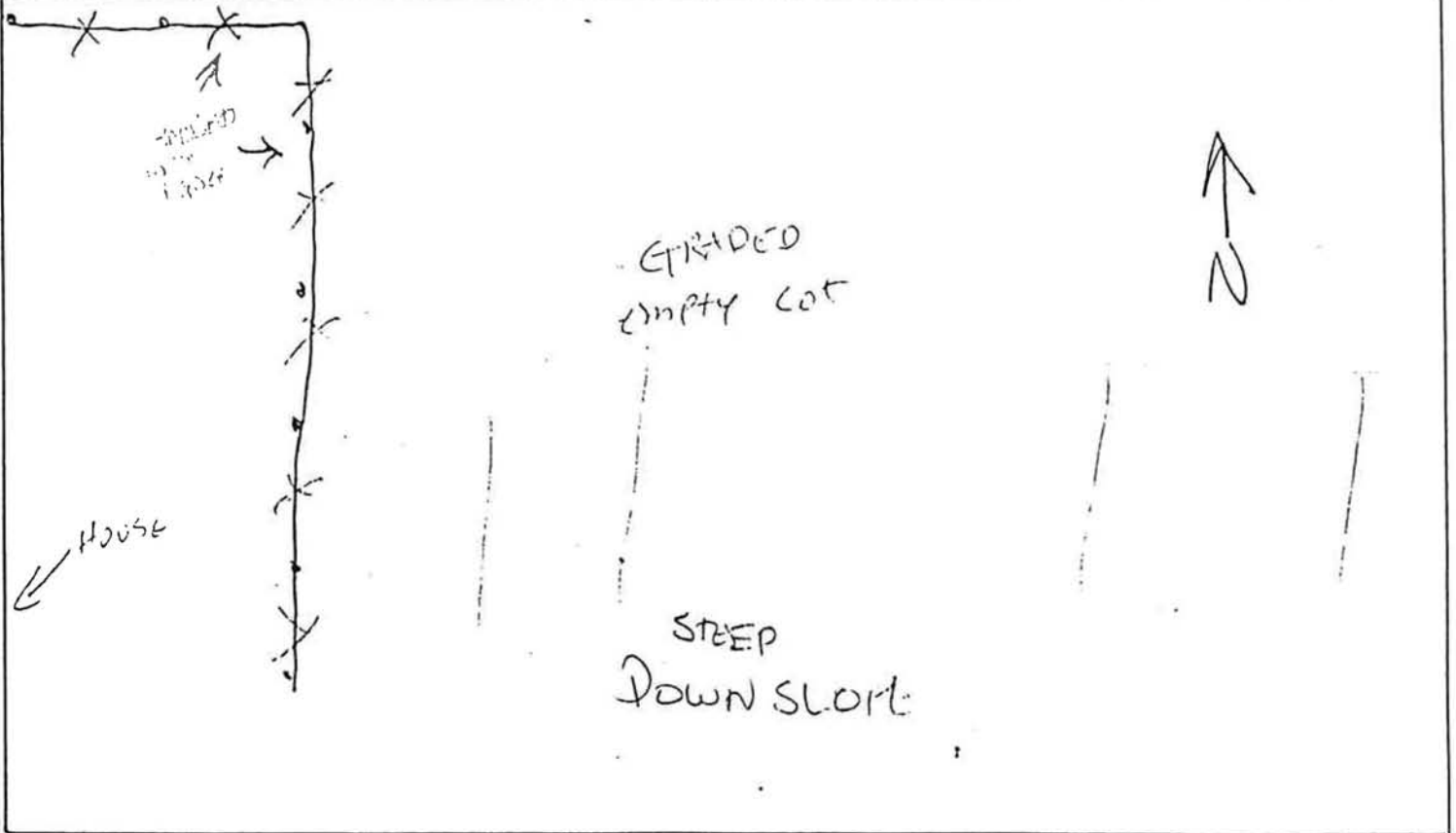
33. Type of Investigation: Contract Survey ()

34. Site Accession Number: _____ Curated At: _____ ()

35. Photos: _____ ()



Dale Ave.

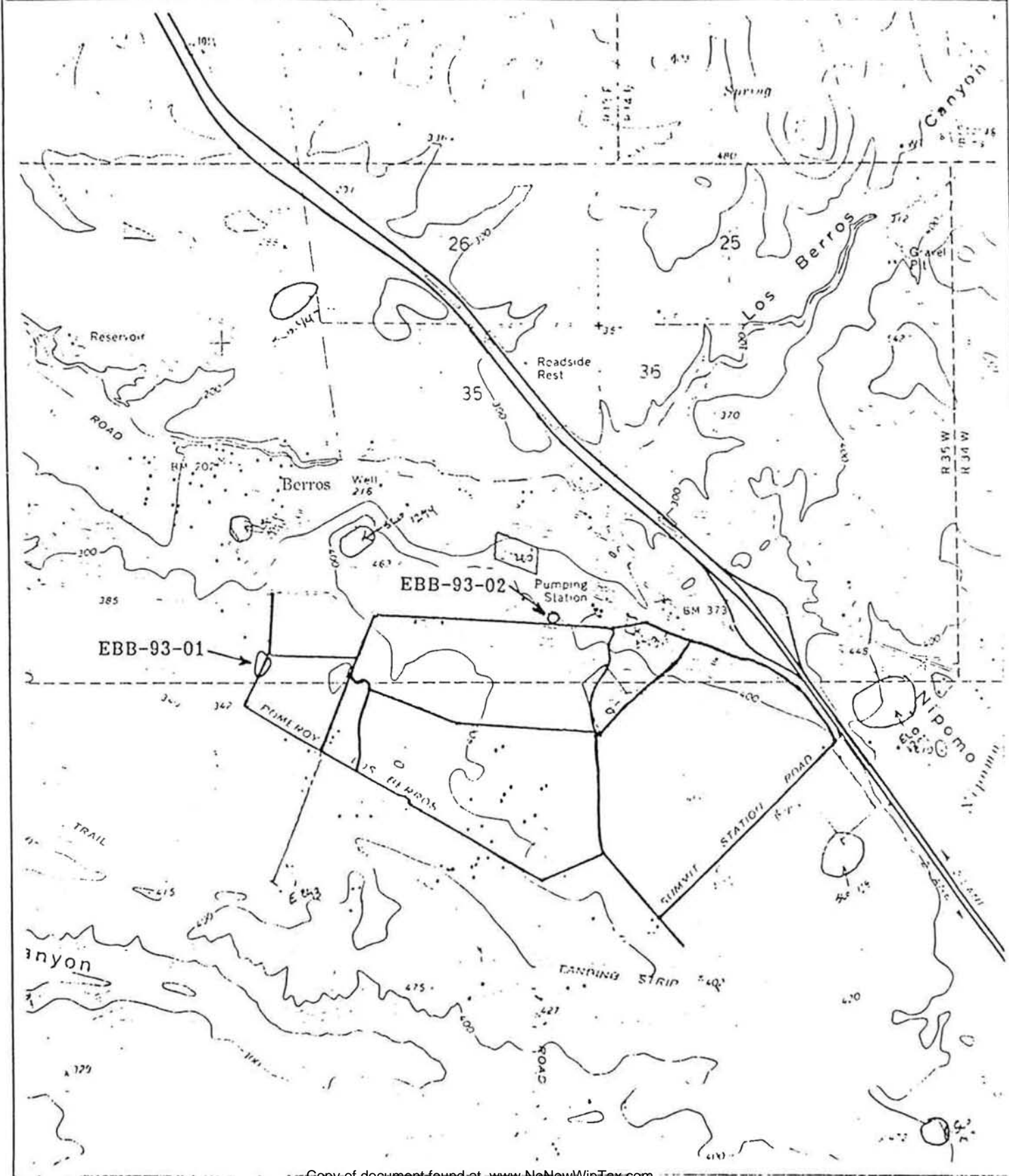


State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
ARCHEOLOGICAL SITE LOCATION
MAP

Permanent Trinomial: _____ Mo. Yr.

Other Designations: EBB-93-02

Page 4 of 4.



APPENDIX 7

To:
Office of the Environmental Coordinator
County Of San Luis Obispo

July 28, 1993

From:
Malcolm G. McLeod Ph. D.
2122 Loomis Street
San Luis Obispo, CA. 93405



Subject

This is a report of a survey of the possible impacts to the botanical resources of the Summit Station Assessment District, Nipomo Community Services District, San Luis Obispo County, California, of the construction of water pipelines in the streets as shown on the set of maps prepared by Garing, Taylor and Associates, civil engineers, 141 south Elm Street, Arroyo Grande, California.

Introduction:

I was retained by Ralph Nunley of Garing, Taylor and Associates to perform the survey which is the subject of this report. I was provided with a set of maps which showed topographical features, all trees and outlines of areas of shrubby plants. The maps also showed the locations of buildings and property owners for each of the parcels.

I will discuss the possible impacts to the vegetation along the roadside areas where Garing, Taylor proposes to place the waterlines, proceeding street by street and map by map along each street following the numbering sequence of the maps. I will also discuss the possible impacts to the vegetation of placing the waterline along the opposite margin of the street to that proposed by Garing, Taylor. I will then describe the better placement of the pipeline with respect to minimizing impacts to the vegetation. I will also present a plan for mitigation of unavoidable impacts to the sensitive vegetation along each of the streets.

In discussion of the vegetation, the system presented by Robert F. Holland in; Holland, Robert F. 1986, *Preliminary Descriptions of the Terrestrial Natural Communities of California*. is used. Identification of plants utilizes; Hoover, Robert F. 1970, *The Vascular Plants of San Luis Obispo County, California*, with corroboration and updating of nomenclatural changes where necessary from; Hickman, James C. 1993, *The Jepson Manual, Higher Plants of California*, Rare plant information is from personal knowledge, from; Smith and Berg 1988, *Inventory of Rare and Endangered Vascular Plants of California*. ed. 4 and from; Skinner et. al., 1993, *Inventory of Rare and Endangered Vascular Plants of California*. ed. 5 ined.

Methods:

Since an area within 50' of each side of each roadway was to be surveyed, and there is only one oak species and one manzanita species, it was possible to survey much of the area by merely walking by. Closer scrutiny was given to places where there was thick vegetation and where impacts to sensitive vegetation were shown by the maps to occur in construction of the pipeline. Areas which could possibly contain the annual sensitive plants which are the Pismo clarkia (*Clarkia speciosa*) and the Nipomo Mesa lupine (*Lupinus nipomensis*) were also closely scrutinized by walking

Summit Station
Assessment District
McLeod Report



the area in a zig-zag pattern. In determining locations landmarks such as driveways, street corners, large coast live oak trees and rows of vegetation which are all shown on the maps were used. In pinpointing location the numbers presented on the maps along the streets were used.

Vegetation:

The Summit Station Assessment District is located on the Nipomo Mesa in southern San Luis Obispo County. The substrate is sand or at least sandy soils. The natural vegetation consists of Coastal Live Oak Woodlands with the coast live oak (*Quercus agrifolia*) dominant. There are also individual coast live oaks scattered around, apparently remnants of oak woodlands which were once more widespread in the area. There is very little understory around the oaks. There is bracken fern (*Pteridium aquilinum*) and poison oak (*Toxicodendron diversilobum*) in some places.

Interspersed between the individual oaks and oak woodlands is Central Maritime Chaparral. This chaparral varies in composition in various locations of the area. In some places chamise (*Adenostema fasciculatum*) is present in almost pure stands. In other places there is a mixture of Nipomo Mesa ceanothus (*Ceanothus impressus*), coffeeberry (*Rhamnus californica*), sticky monkey flower (*Mimulus aurantiacus*) and black sage (*Salvia mellifera*). In still other places shagbark manzanita (*Arctostaphylos rudis*) is present in some numbers.

The activities of man which have occurred since the late 19th century have greatly impacted the native vegetation. Blue gum (*Eucalyptus globulus*) plantations have been present in the Assessment District since around the turn of the twentieth century. These blue gum (or eucalyptus) plantations are present along or near Pomeroy Road particularly near its northwestern end. Individual properties have been cleared of native vegetation for a number of reasons including fire prevention. The chaparral has been cleared to remaining fence rows in a number of places. The Coastal Live Oak Woodland understory has been removed leaving clusters of trees or individual coast live oaks dotting the landscape.

Rare, Endangered or Sensitive plants on the property

Because the Coastal Live Oak Woodlands have been removed or otherwise impacted over many square miles of their original range, the remaining stands and individual trees are considered to be a sensitive resource. The shagbark manzanita (*Arctostaphylos rudis*) occurs only on Nipomo Mesa in southern San Luis Obispo county and on Burton Mesa in northern Santa Barbara county and at a few other surrounding locations. It is listed by the California Native Plant Society in *Inventory of Rare and Endangered Vascular Plants* as rare and endangered. Although shagbark manzanita has not been listed by either the State of California Department of Fish and Game or the Federal Fish and Wildlife agency as rare and endangered, any plant species which is listed by the California Native Plant society as rare and endangered has met the criteria for consideration as rare and endangered. It is considered to be a candidate for listing and thus is deemed worthy of the protection afforded any listed rare and endangered species. It therefore is a sensitive botanical resource.

Since the present survey was done in the middle of the summer, it was not possible to positively identify annual species which grow, flower and set seed in the winter and spring. Two sensitive species which are known from the general vicinity of the Assessment District are the Nipomo Mesa lupine (*Lupinus nipomensis*) and the

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McLeod Report

Pismo clarkia (*Clarkia speciosa*ssp. *immaculata*). Neither of these species has been seen in previous surveys in the Assessment District area. Another factor which would make their presence doubtful is the disturbance which has occurred along the roadways and in the fields of the district. I did not see any indication that either species could be present during my survey. There would be some parts such as fruits left in the area if these plants were present in the spring. These remaining parts would make it possible to identify the plant to the level of genus but complete identification requires that the plants be in flower.

Potential Impacts of Construction of the Waterlines Hetrick Avenue, Maps 3-8 Proceeding from Southeast to Northwest

Map 3

Proceeding from the point where the the line in the southwest margin of the road would connect with the line from the tank there are four places where the waterline would be within the dripline of coast live oaks. These are at the southeast end of the line at approximately 31, just northwest of each of the following; 33, 39, and 42. In these four locations one tree each would be impacted.

If the pipeline were placed along the northeast side of the road only two oak trees would be impacted by intrusion under the dripline. One at 38, the other near 42.

Map 4

With construction of the pipeline as shown there are two locations near the northwest limit of map 4 where intrusion under the canopy of oaks would occur. The most significant intrusion would be between 56 and 57 where at least three trees would be heavily impacted. The other location is southeast of 58 where one tree would be heavily impacted.

Construction of the pipeline along the opposite side of the road would intrude under the dripline of an oak near 45, would heavily impact at least two oaks at 49 and individual trees at 50 and southeast of 51. At least one oak would be impacted at 56.

Map 5

Construction as shown would impact individual trees between 58 and 59, and southwest of 61. About 5 trees would be heavily impacted between the southeast side of Summit Station Road and a point southwest of 69. Two more oak trees would be impacted between 69 and 70 and one shagbark manzanita plant would be impacted opposite 71.

Construction of the pipeline on the opposite side of the street from that shown would impact one oak tree southeast of 61 and approach the dripline of one tree northeast of 61. No manzanitas would be impacted.

Map 6

The pipeline as shown would intrude under the dripline of a row of about six trees between a point half way between 72 and 73 to 74. Another group of about six trees would be impacted from a point east of 76, to 78 at Aden Way. There would be intrusion under the dripline of an oak tree at 81.

A pipeline on the opposite side of the road would possibly intrude under the dripline of an oak at 74 and two oaks near 78. It would impact an oak at 81 and possibly three pines which have been planted between 83 and 84. Since these pines have been introduced they would not be involved in any mitigation.

Map 7

Summit Station
Assessment District
McLeod Report

Construction of a pipeline as shown would impact an oak tree at 88 and be very close to the dripline of another at 93. No additional trees or other sensitive plants would apparently be impacted.

Building the pipeline on the opposite side of the road would impact four small trees between 85 and 86. It would also impact one shagbark manzanita at 96 and five more manzanitas between 97 and 98. It would also impact an oak at 98.

Map 8

Construction of the pipeline as shown would impact Maritime Chaparral northwest of 99 to a point northwest of 102 and for a distance on both sides of 103. It would also impact an oak southwest of 106 and approach the dripline of an oak at 110. Near the northwestern end of Hetrick Avenue.

Placing the pipeline on the opposite or southeast side of the road would put it very close to chaparral between 99 and 100. It would intrude under the edge of the dripline of an oak at 101. It would pass very close to chaparral near 101 and encroach under the dripline of an oak at 104. It would pass under the dripline of a row of at least five oaks between 107 and 109. It would approach an oak near 109 and pass close to the dripline of an oak at 110^{1/2}.

Mitigation Measures for Hetrick Avenue:

Mitigation by Partial Relocation of the Pipeline

To build the pipeline as shown would impact 31 coast live oak trees at least to some extent. It would also impact 3 shagbark manzanitas. Much of the impacts to coast live oak trees could be avoided by putting the pipeline on the opposite (or northeast) side of the street from that shown between 56 on map 4 and 95 at Ewing Lane on map 7. It appears that to cross at a diagonal between the trees at 56 to 57 from the southwest side of the road to the northeast side and then to proceed along that side of the road to Ewing Lane and at that point switch the pipeline back to the southwest side of the road would change the number of trees impacted to 19. The impacts to the trees would be less than would be the case in the plan as shown where several trees would have to be removed or at least heavily impacted at 56 to 57 and at 58 on map 4 and from Summit Station Road to near 69, and 69 to near 70 on map 5, and from 73 to 74 and particularly 76 to 78 on map 6. The number of manzanitas impacted would be reduced to two.

This would mean that relocation of the pipeline as indicated would be the most significant mitigation measure. It would greatly reduce the necessity for other mitigation measures. A part of this avoidance strategy would be the use of care where the route of the pipeline would come close to the dripline of a manzanita plant or oak tree or trees. In such cases it would be necessary to use caution to minimize intrusion under the dripline to avoid compacting the soil or doing direct physical damage to the tree.

Mitigation by Replacement of Impacted Manzanita Shrubs or Oak Trees

For the oak trees impacted it will be necessary to collect acorns from the trees impacted or from ones in the same area so that they have the same or very similar genetic makeup as the impacted trees (site specific). The collecting of acorns should be handled by a qualified nurseryman. This collection should be done in the fall when the seeds are ripe just before they would fall from the tree. One may test for viable seed by immersing them in water and discarding the ones that float. There should be at least five seed germinated for each tree impacted for a total of 95. The goal is at least two

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seedlings planted in the ground for each impacted tree. This would total 38. The plants should be planted in the fall after the first rains so that they may become established before the dry late spring and summer. These seedlings should be planted where no impacts will occur from the project but in the vicinity of and in similar habitat to that of the locations of the impacted plants.

The shagbark manzanita may be grown from cuttings. The cuttings should also be handled by a qualified nurseryman and taken from the plant to be impacted or one close by (site specific). Since there would be only one manzanita impacted there should be five cuttings taken. There should be at least two planted in the ground near the location of the impacted plant.

The cuttings should be taken at the time of year deemed best by the nurseryman. They as the oak seedlings should be planted out in the fall after the first rains so that they may become established before the late spring-summer dry season.

Monitoring

A monitor should be retained to oversee the development of the replacement plants. The monitor should be a person who has had plant taxonomy and either field botany or plant ecology. This could be a student at a local university. It would also be helpful if the person had some experience in cultivating plants.

Both the manzanitas and the oaks should be monitored at the end of the wet period in the spring and at the end of the summer for at least two years. The condition of the plants should be noted and if the number falls below two cuttings or seedlings to one original plant impacted, additional cuttings or seedlings should be propagated and planted to equal the two to one ratio. If there are signs of damage to the plants from grazing or browsing animals it will be necessary to enclose each new plant in a wire enclosure. This enclosure should be large enough that it does not restrict the plant's growth. When the plants become large enough that the enclosure becomes restrictive the enclosure should be removed. If it appears that damage is being caused by human activities either the area should be fenced off or a replacement planted in a more protected location close by. The plants should be monitored at least annually for an additional three years for a total of five years. There should be two for one surviving at the end of the five year period.

A monitor should be present when construction is taking place near any sensitive plant. The monitor should acquaint the equipment operators with the sensitive plants so that they can use caution in operating equipment around them.

Potential Impacts of Construction of the Waterlines Continued.

Summit Station Road, maps 9, 10 and 11, From Hetrick Road northeastward to Frontage Road near Highway 101.

Map 9

The proposed routing of the pipeline would intrude under the dripline of a coast live oak just southwest of 1. It would be just outside the dripline of a group of three oaks between 3 and 4. It would approach the dripline of a tree at 6 and intrude under the dripline of a tree at 7. It would intrude under the dripline of a tree between 9 and 10. It would approach the dripline of a tree between 10 and 11. Two trees would be intruded under and five would be closely approached.

Moving the location of the pipeline to the opposite (northeast) side of the street would have the following effects. The pipeline would apparently approach the dripline

Summit Station
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McLeod Report

of individual trees at 9, 9^{1/2} and 13^{1/2}. Three trees would be approached and no trees would be directly impacted.

Map 10

The pipeline as proposed would approach the dripline of a coast live oak tree at 19^{1/2} and one at 23.

Placing the pipeline on the opposite side of the road would approach the dripline of an oak tree at 18^{1/2} and near 21. There is a population of the shagbark manzanita along the roadside from 23^{1/2} to 25. This population apparently would not be directly impacted.

Map 11

The pipeline routing as proposed would intrude under the dripline of an oak tree at 29, another at 32 and a third at 33^{1/2}.

Placing the line at the opposite side of the street would approach the dripline of individual trees at 30^{1/2}, 31^{1/2}, 32^{1/2} and near 33. It would intrude nearly to the center of a tree between 34 and 35.

Mitigation measures for Summit Station Road

Mitigation by Changing the location of the Pipeline

Impacts to any of the trees along the proposed routing are not great in their extent. There apparently would be some advantage to placing the pipeline at the northeast side of the road throughout the distance covered by map 9 where the dripline of three trees is approached. The routing on this side could be continued through map 10 since the number of contacts would be two for either side. It would be necessary if this were done to assure that the shagbark manzanita at 25 to 26 were not impacted. Three trees would be impacted on either side of the road between 28 and 34 on map 11. However these impacts would be less on the northeast side so that that routing could be continued to 34 on map 11. At that point the pipeline should be put on the southwest side of the road. This would avoid a tree on the southwest side at 33^{1/2} and a greater impact to an oak tree along the northeast side at 34^{1/2}.

Mitigation by Replacement of Impacted Oak Trees

The dripline of a total of nine trees would be approached in the length of Summit Station Road if the pipeline were placed along the northeast side of the road between Hetrick Road and 34 of map 11. No trees would be directly impacted. There should still be a total of 45 (5 to 1 ratio) acorns collected from the trees of the site and germinated. At least two seedlings should be planted in the area of each of the affected trees following the practices outlined for those of Hetrick Road.

Monitoring

Monitoring should be done as for the plantings for Hetrick Road.

Potential Impacts of Construction of the Waterlines Continued.

Frisco Road, maps 18, 19, and 20, From Summit Station Road westward to Dale Avenue.

Map 18

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McLeod Report

On the northeastern side of Summit Station Road on map 18 at 118 the pipeline would pass through a small grove of Monterey cypress (*Cupressus macrocarpa*). These trees are native to the Monterey Bay area and have been introduced at this location. Across Summit Station Road the pipeline routing along the north side of Frisco Way passes under one non-native blue gum (*Eucalyptus globulus*) at 120 and around another one at 121. The routing of the pipeline passes under the dripline of a coast live oak at 132.

If the pipeline were routed along the southerly side of Frisco Way it would still pass under the Monterey cypress at 118 and under or near the blue gums at 120 and 121. It would be well away from the coast live oak at 132.

Map 19

The routing shown on the map along the south side of the road would pass under a dead Monterey cypress near 139 and very close to the Maritime Chaparral at 145. It would intrude under the dripline of a coast live oak at 146.

Placing the pipeline along the north side of the road would avoid the dead cypress and if the jog at 145 were continued to the north side of the road would avoid the oak tree at 146 and would also place it away from the Maritime Chaparral.

Map 20

The routing shown on the map would pass along the south side of Frisco Way at the margin of the chaparral from 146 to near 148 and directly under two oak trees at 148. It would pass along the margins of the chaparral from 149 to near 151 and directly under an oak tree near 150 and two near 151. It would pass under a blue gum near 152 and an oak at the corner of Dale Avenue and Frisco Way. It would pass under a total of six coast live oaks.

If the pipeline were placed at the north side of Frisco Way it would pass directly under an oak near 149. It would be away from the chaparral. It would pass under one oak tree.

Mitigation Measures for Frisco Way

Mitigation by Changing the location of the Pipeline

No change is necessary in the routing of the pipeline on map 18 except at the oak tree at 132. Since the Monterey cypress and the blue gums are not part of the natural vegetation they do not require mitigation. It would appear that the jog at 121 could be continued to a point along the south side of Frisco Way and the pipeline kept along the south side of the road past 132 to a point where it could apparently be placed on the north side of the road. Following this line would place it along the north side of the road to about 145. The jog at 145 could be continued to place the pipeline along the north side of the road from there to the corner of Dale Avenue. This routing would impact only the one coast live oak near 149 rather than the eight oak trees by the routing shown on the maps. It might even be possible to find a routing around the one tree near 149 so that no oaks would be impacted.

Mitigation by Replacement of the Impacted Oak Tree

This is a mature coast live oak undoubtedly more than 200 years old. To place the pipeline directly underneath it would probably cause its demise. Rather than replace it with just two seedlings, it should be replaced with at least five. This would mean that perhaps one could survive to be 200 years old. The seedlings should be from site specific material as for those of Hetrick Road.

Monitoring

Summit Station
Assessment District
McLeod Report

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road.

**Potential Impacts of Construction of the Waterlines Continued.
Pomeroy Road, Maps 24-29, From Aden Way to 255 on Map 29**

Map 24

The routing shown on map 24 has the pipeline on the southwest side of the road. This route passes under the dripline of two coast live oaks between 194 and 195 and close to the dripline of a row of pines at 196^{1/2}.

Putting the pipeline along the northeast side of the road means that the pipeline would pass under the dripline of an oak at 192 and another at 194^{1/2}. It would pass close to the dripline of a small oak at 192^{1/2}.

Map 25

The routing shown continues along the southwest side of Pomeroy Road passing under the dripline of oaks on both sides of 200 and another near 203. It passes under the dripline of a pine at 207 and an oak at 209. The line approaches oak trees at 206^{1/2} and near 210.

Placing the line on the northeast side of the road would have the following effects. It would pass under the dripline of an oak at 202^{1/2}, 205 and 207^{1/2}.

Map 26

The routing as shown would pass under the dripline of an oak at 214^{1/2}, one near 217 and two near 219. The line would pass at the margins of a blue gum plantation from 224 to 226.

Placing the pipeline on the northeast side of the road would mean that the pipeline would pass under the edge of the dripline of an oak at 213 and 215^{1/2}.

Map 27

The routing as shown would pass under the dripline of blue gums from 227 to 228^{1/2}. It would pass under the dripline of oaks at 234^{1/2} and near 235.

If the pipeline were placed along the northeast side of the road it would pass under the dripline of a blue gum at 233.

Map 28

The routing shown would pass under the dripline of blue gums between 243 and 244 and from 245 to 248^{1/2}. It would pass under the dripline of oaks near 250 and at 251 and 252.

If the pipeline were placed on the northeast to east side of the road the length of map 28 it would not approach the dripline of any tree.

Map 29

If the pipeline were placed as shown from 254 to its end at 255 it would intrude under the dripline of two Monterey cypresses.

If the pipeline were placed along the northeast side of the road it would contact no trees from 254 to 255.

Mitigation for Pomeroy Road

Mitigation by Changing the Location of the pipeline

Summit Station
Assessment District
McLeod Report

If the pipeline were built as shown from Aden Way to the end of the pipeline at 255 on Pomeroy Road it would impact 16 coast live oak trees. The blue gums, pines and cypresses are introduced and no mitigation is necessary. If it were placed along the northeast (opposite) side of the road throughout this same distance it would impact about 6 coast live oak trees. The placement of the pipeline along the northeast side of the road would avoid the impacting of 10 coast live oak trees. The effects of the intrusion of the pipeline under the dripline of the oaks would be mainly in the trenching. The area near all of the oak trees potentially impacted has been cleared and in fact the dripline of several of the oaks is out over the roadway.

Mitigation by Replacement of the Impacted Oak Trees.

The area under the oak trees along Pomeroy Road has been cleared of all understory vegetation. In several places the oaks form a closed canopy with only leaves beneath them. This means that replacement trees should be planted at a location where there will not be so much disturbance or shading. There are more or less clear areas around the intersection of Pomeroy Road and Aden Way where disturbance is not so recent. It would be better to plant the replacement trees in such a location than to place them along Pomeroy Road where there would be competition from native and introduced plants.

Five acorns should be collected and germinated for each tree to be impacted. At least two seedlings should be planted for each oak tree impacted. A pair of trees should be allocated a 20 x 20 foot space.

Monitoring

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road.

Potential Impacts of Construction of the Waterlines Continued.

Dale Avenue, Maps 31-33, Trending West to East between Applegate Way and Frisco Way.

Map 31

The pipeline route as shown along the north side of the road would impact 3 coast live oaks near 6 and Applegate Way and shagbark manzanitas near 7 and 8. It would also impact oaks near 12 and 15, a manzanita near 16 and one on each side of 18. The pipeline would be in the margins of Maritime Chaparral from 6¹/₂ to 8 and from 8¹/₂ to 10¹/₂ and much of the distance between 14 and 19.

Placing the pipeline on the south side of the street would impact oaks at 6 and near 10. It would possibly impact cultivated plants around 13 and 15. It would also possibly impact cultivated plants around 15 and 16 to 18.

Map 32

The pipeline placed as shown would impact an oak near 20, one each at 24, 26 and 27 and approach one each at 19, 27¹/₂, and 31¹/₂. It would impact shagbark manzanitas at 24 and 29.

The pipeline placed 14 feet from center line on the south side of the road would apparently not impact any sensitive plants.

Map 33

The pipeline placed as shown would pass near the margins of five oaks from near 33 to 35¹/₂. It would pass near the center of six oaks between 36¹/₂ and 38¹/₂, one at 39 and six more between 39 and 41.

If the pipeline were placed on the south side of the road it would possibly intrude under the driplines of one tree at 33¹/₂, two at 36¹/₂, one at 37¹/₂, two at 42 and approach one at 43 and two at 44.

Mitigation for Dale Avenue

Mitigation by Changing the Location of the pipeline

Leaving the pipeline as it is shown would impact 27 coast live oaks and 7 shagbark manzanitas. It would heavily impact 13 of the oaks. Placing the pipeline on the south side of the road would comparatively lightly impact 11 oaks and no manzanitas. One reason for the difference is that there has been more activity such as clearing of vegetation and planting of cultivated plants along the south side. It also has to do with the fact that the travelled road is south of the location where the pipeline is shown on map 33. It would be much better as far as the sensitive vegetation is concerned to put the pipeline on the south side of the road.

Mitigation by Replacement of Impacted Oak Trees

Acorns should be collected from the impacted oak trees at the ratio of five to one. If the number of oak trees impacted is 11 (it may be less if the pipeline is placed on the south side of the road) then the number of acorns to be collected is 55. Two seedlings per impacted tree could be planted along the north side of Dale Avenue toward Applegate Way where there are spaces among the oaks and maritime chaparral. It must be assured that no shagbark manzanita or coast live oak is impacted in planting the seedlings. It would not be practical to plant seedlings along most of the south side of the street. The mitigation should be done as for the oaks of Hetrick Road.

Monitoring

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road.

Potential Impacts of Construction of the Waterlines Continued.

Ewing Avenue and Ewing Lane, Maps 34-37, Trending Northeastward from Applegate Way to the end of Ewing Lane.

Map 34

The routing as shown passes under the dripline of a coast live oak at 7¹/₂, one at 9 and one at 10. The pipeline approaches the dripline of an oak at 11.

Placing the pipeline on the opposite or southeastern side of the road would place it in a fence row of Maritime Chaparral from 5 to 8. It would pass through the center of a shagbark manzanita plant at 9 and near 10. It would pass through the center of an oak tree at 11. It would also pass through Maritime Chaparral from 13 to 15 including two shagbark manzanita plants near 15. It would pass under the middle of an oak at 16 and under the dripline of an oak at 19.

Map 35

The pipeline as shown would pass through chaparral at 21. It would pass through the location of three oaks in the area of 22 to 23. It would pass through

chaparral at 23 to near 24. It would pass under the dripline of oaks at 24, 24¹/₂ and 25. It approaches two oaks between 25 and 26 and one each at 26¹/₂ and 28. It passes through a fence row of chaparral near 33.

If the pipeline were placed on the opposite or southeast side of the road it would pass under two oaks at 19 to near 20. At 22 to 23 it would pass under two oak trees. At 26 it would pass close to one tree. It would pass under the dripline of two trees at 28 and near one tree at 30.

Map 36

The pipeline as shown would pass through chaparral between 33 and 33¹/₂. It would pass under the dripline of two oaks between 33¹/₂ and 34. It would pass through Maritime Chaparral from 34 to 35¹/₂ and through an oak at 36. It would pass under the dripline of one oak at 36¹/₂ and another at 37. It would pass through the middle of one oak at 39¹/₂ and one near 40. It would pass directly through five shagbark manzanitas between 40¹/₂ and the corner of Hetrick Road. It would pass under the dripline of one oak tree at 44 on Ewing Lane and another near 45.

The pipeline placed on the opposite or south side of the road would pass near chaparral between 34 and 35. It would pass under or near the dripline of an oak at 35 and close to the dripline of an oak near 36. It would pass near the dripline of an oak at 38 and under the dripline of an oak at 42. Depending on the exact routing, it could approach the dripline of two oak trees at 43¹/₂ on Ewing Lane.

Map 37 Ewing Lane

The pipeline as shown would approach the dripline of a pine tree near 48. It would pass under the dripline of two oaks near 51. It would pass within the dripline of an oak at 53 and one at 53¹/₂. It would approach the dripline of one oak at 54¹/₂ and another near 56. It would pass directly through the middle of seven coast live oak trees between 56¹/₂ and near 60. It would pass through chaparral from 60¹/₂ to 61¹/₂.

If the pipeline were placed on the opposite or northeast side of the road it would approach the dripline of about five oaks between 55 and 57¹/₂. It would pass near the dripline of an oak near 59 and another at 60.

Mitigation by Changing the Location of the pipeline

The placement of the pipeline should be left as it is for the distance of map 34. This placement of the pipeline would impact only three oaks. It should be switched to the opposite or south side of the road at the jog at 20¹/₂ on map 35. It should be kept on that side of the road for the remainder of the length of Ewing Avenue. The pipeline should cross directly across Hetrick Road as shown and continue in that same direction diagonally across Ewing Lane. Maintaining this direction across Ewing Lane will avoid two oak trees at the southeast corner of Hetrick Road and Ewing Lane. From there the pipeline should be on the opposite or southeast side of the road to the northeasterly end of Ewing Lane.

To leave the routing as it is for all of Ewing Avenue and Ewing Lane would impact 32 oaks, five shagbark manzanitas and Maritime Chaparral at five locations. To leave it as it is for all of map 34 and switch to the other side of the road at the jog on map 35 at 20¹/₂ would impact 19 coast live oaks, no manzanitas and approach chaparral in only one place.

Mitigation by Replacement of Impacted Oak Trees

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Acorns should be collected from the impacted oak trees at the ratio of five to one. For the 19 coast live oaks impacted 95 acorns should be collected from impacted trees. The seedlings may be planted in spaces near the impacted oaks. The mitigation should be done as for the oaks of Hetrick Road.

Monitoring

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road.

**Potential Impacts of Construction of the Waterlines Continued.
Applegate Way, Maps 38 and 39, Trending Northeasterly from
Pomeroy Road on the Southwest to Dale Avenue on the Northeast.**

Map 38

Building the pipeline as shown on map 38 would impact one coast live oak at 5. It would impact blue gums between 3 and 5¹/₂ and between 7 and 8.

Placing the pipeline at the opposite or northeast side of the road would impact two manzanitas at Ewing Avenue. It would impact the same blue gums as for the other side of the road.

Map 39

Placing the pipeline as shown would impact a blue gum at 19¹/₂ and another at 21¹/₂. No sensitive plants would be impacted.

Placing the pipeline at the opposite or northeasterly side of the road would impact an oak near 18¹/₂ and a manzanita on the other side of the same location.

Possible Mitigation by Changing the Location of the pipeline

If the pipeline were left as shown it would impact an oak at 5 on map 38. No mitigation is required for blue gums. Placing the pipeline on the other side of the road would have no advantage.

Mitigation by Replacement of Impacted Oak Tree

Acorns should be collected from the impacted oak tree at the ratio of five to one. In this case where blue gum eucalyptus trees are close by, mitigation could also include removal of the blue gums. The best plan would include removal of surrounding trees and planting of the oak seedlings. However removal of three blue gums would be sufficient mitigation for impacts to the one oak.

Monitoring

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road. If blue gum removal is used as a mitigating measure monitoring should include removal of any blue gum seedlings or sprouts from stumps of removed trees. These seedlings or sprouts may come up over the years.

**Potential Impacts of Construction of the Waterlines Continued.
Helroy Road, Map 40, Proceeding Northeasterly from Pomeroy Road
to Ewing Avenue.**

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Placing the pipeline as shown would impact a coast live oak at 19¹/₂.

Placing the pipeline at the opposite side of the road would impact individual oaks at 14, 17¹/₂ and 19¹/₂.

Mitigation by Replacement of Impacted Oak Tree

Acorns should be collected from the impacted oak tree at the ratio of five to one. The mitigation should be done as for the oaks of Hetrick Road.

Monitoring

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road.

Potential Impacts of Construction of the Waterlines Continued.

Rocky Place, Map 41, Trending Easterly from Pomeroy Road to Applegate Way.

Building the pipeline as shown would impact a coast live oak near 12 and at 12¹/₂.

Building the pipeline on the opposite or north side of the street would impact no oaks or manzanitas.

Mitigation by Changing the Location of the Pipeline

If the pipeline were built along the south side of the street all oak trees would be avoided and no further mitigation would be necessary.

Potential Impacts of Construction of the Waterlines Continued.

Map 42, Futura Lane a Cul de Sac West off Summit Station Road and Val Verde Lane a Cul de Sac off Ewing Lane.

Futura Lane

Building the pipeline as shown would impact two oak trees between 2 and 3, one near 3¹/₂ and two near 4¹/₂.

Building the pipeline along the opposite or northeast side of the road would impact oaks at 3 and 5.

Mitigation by Changing the Location of the pipeline

To move the location of the pipeline to the opposite side of the road to that shown would lower the number of oaks impacted to two rather than four.

Mitigation by Replacement of Impacted Oak Tree

Acorns should be collected from the two impacted oak trees at the ratio of five to one. The mitigation should be done as for the oaks of Hetrick Road. There is an area near Summit Station Road which looks favorable for planting the replacement trees. Care should be taken if this is done not to impact the shagbark manzanita which is in the area.

Monitoring

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road.

Val Verde Lane

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The pipeline as shown in Val Verde Lane impacts no sensitive plants.

Potential Impacts of Construction of the Waterlines Continued.

Apache Trail, Map 43, Proceeding Northerly from Pomeroy road at Aden Way.

The pipeline as shown for Apache Trail impacts no sensitive plants. Care should be taken to avoid impacts to an oak tree at 10¹/₂.

Potential Impacts of Construction of the Waterlines Continued.

Poppy Lane, Map 44, a Cul de Sac, West off Dale Avenue.

If the pipeline were built as shown it would impact coast live oaks at 5, 7, 9 and 11¹/₂. It would impact a shagbark manzanita near 9. It would impact Maritime Chaparral between 9 and 12.

If the pipeline were built on the east or opposite side of the street to that shown, it would apparently impact no sensitive plants throughout its length.

Mitigation by Changing the Location of the pipeline

The location of the pipeline should be changed to the east side of the road. As indicated this would apparently serve to avoid all sensitive plants. It would be necessary to use care to avoid impacts to the chaparral between 4 and 9. This is particularly important because of the presence of several shagbark manzanita plants in the margins of that chaparral. No further mitigation measures are necessary.

Potential Impacts of Construction of the Waterlines Continued.

Aurelia Lane, Map 45, A Cul de Sac Proceeding Northerly off Pomeroy Road

If the pipeline were built as shown it would impact a row of Maritime chaparral from near 10 to 13¹/₂ and from 14¹/₂ to near 16. There is one coast live oak in the row of chaparral at 15.

If the pipeline were built on the opposite or east side of the road it would intrude just under the edge of the dripline of an oak at 10¹/₂ and approach the dripline of oaks near 12 and near 15.

Mitigation by Changing the Location of the pipeline

If the pipeline were built on the east side of the road it would avoid impacts to the Maritime Chaparral along the west side. Only one oak tree would be directly impacted.

Mitigation by Replacement of Impacted Oak Tree

Acorns should be collected from the impacted oak tree at the ratio of five to one. The mitigation should be done as for the oaks of Hetrick Road. There apparently is space close by the impacted tree to plant the seedlings.

Monitoring

Monitoring should be at semi annual intervals for the first two years and annually for three additional years with a qualified monitor as for the oaks of Hetrick Road.

Mitigation Location

If mitigation area is not available at any particular location, any area of the same habitat as that of the impacted sensitive plants within the Assessment District

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will be considered as on-site for mitigation purposes. On-site mitigation is very much preferable to off-site mitigation

Partial List of Plants Found on the Project Area

| | |
|---|----------------------|
| <i>Arctostaphylos rudis</i> | shagbark manzanita |
| <i>Croton californicus</i> | croton |
| <i>Cupressus macrocarpa</i> | Monterey cypress |
| <i>Ehrharta calycina</i> | Veldt grass |
| <i>Eriogonum fasciculatum</i> | California buckwheat |
| <i>Helianthemum scoparium</i> | rock rose |
| <i>Heterotheca grandiflora</i> | telegraph weed |
| <i>Mimulus aurantiacus</i> | sticky monkey flower |
| <i>Pinus radiata</i> | Monterey pine |
| <i>Quercus agrifolia</i> | coast live oak |
| <i>Rhamnus californica</i> | coffeeberry |
| <i>Salvia mellifera</i> | black sage |
| <i>Sambucus mexicana</i> | Mexican elderberry |
| <i>Toxicodendron diversilobum</i> | poison oak |