

CHAPTER 1

INTRODUCTION AND PURPOSE

This document is a Draft Program Environmental Impact Report (DEIR) prepared to assess the environmental effects associated with the implementation of the Sphere of Influence Update and Municipal Service Review (SOI/MSR) prepared for the Nipomo Community Services District (NCSD) by the San Luis Obispo Local Agency Formation Commission (LAFCO) pursuant to Government Code 56000 et al. The environmental analysis focuses on the potential environmental effects of the expanding the NCSD's Sphere of Influence in the eight Study Areas shown in Figure 1-1, pages 1-6. Several alternatives to the eight Study Areas are also evaluated in Chapter 7 of this Program Draft EIR.

This Draft EIR is being prepared as a "Program" EIR pursuant to Section 15168 of the California Environmental Quality Act (CEQA) Guidelines. The use of a Program EIR allows LAFCO to evaluate impacts of the SOI Update and MSR at a comprehensive level of detail, focusing on area-wide impacts and programmatic mitigation measures. While the area-wide impacts of expanding the SOI are evaluated in this report, any potential impacts caused by specific development projects would be subject to additional project-specific environmental review.

As stated in 15168 of the CEQA Guidelines, a Program EIR may be prepared for a series of agency actions that may be considered one large project and are either related in any of the following ways: 1) geographically, 2) as logical parts in a chain of contemplated actions, 3) connected with the issuance of rules, plans, or other general criteria to govern the conduct of a continuing program; and/or 4) as individual activities carried out under the same authorizing statute or regulatory authority and having generally similar environmental impacts that can be mitigated in similar ways. The Nipomo Community Services District Sphere of Influence Update and Municipal Service Review meets the criteria for a program EIR on several points stated in CEQA guideline 15168:

1. The Sphere of Influence update is geographically related to the District by its nature and will affect the areas in and around the District and the communities the District may serve.
2. The Sphere of Influence update is a logical part of a chain of contemplated actions because it identifies areas where future annexations may take place.
3. The Cortese-Knox-Hertzberg of 2000 defines a Sphere of Influence as a plan for the probable physical boundaries of the District.
4. The Sphere of Influence update is part of a group of activities mandated under the Cortese/Knox/Hertzberg Act, government code 56000 et al.

In preparing the SOI Update and Municipal Service Review for the NCSD, it became evident that expanding the Sphere of Influence could have potentially significant impacts on the environment and completion of a Program Environmental Impact Report was recommended. A Program EIR usually provides a more general discussion of information related to the environmental setting, impacts, alternatives, and mitigation measures. It is characterized as a useful CEQA tool for evaluating community-wide and regional impacts regarding a program or series of actions.

This DPEIR has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended (Public Resources Code Section 21000, et. seq.). An Initial Study for the project has been prepared by LAFCO and a Notice of Preparation (NOP) for the DEIR was distributed to local responsible and trustee agencies, the State Clearinghouse, and other interested parties between July 1, 2003 and August 1, 2003. The objective of distributing the NOP was to identify and determine the full range and scope of environmental issues of concern so that these issues may be fully examined in the Draft PEIR. Comments received during the NOP distribution process regarding potentially significant environmental impacts have been addressed in Chapter 5, Environmental Analysis of this DEIR. The Initial Study, Notice of Preparation, and comments resulting from their distribution are contained within Appendix A to this DEIR.

This Draft PEIR begins with Chapter 1, Introduction and Purpose, which provides an introductory discussion of the purpose and scope of the document. Chapter 2 summarizes the project impacts and mitigation measures, as subsequently described in greater detail in Chapter 5. Chapter 2 also contains the state-mandated Mitigation Monitoring Program (pursuant to AB 3180). Chapter 3, the Project Description, provides a description of the pertinent aspects of the proposed project and related permits and approvals. Chapter 4, Environmental Setting, provides an overview description of existing environmental conditions in the vicinity of the proposed project.

Issues identified in the Initial Study and NOP review process are discussed in Chapter 5, Environmental Analysis. The environmental factors which require a more comprehensive evaluation because of potentially significant impacts identified through the Initial Study and NOP process, include:

- *Land Use and Planning*
- *Water*
- *Transportation/Circulation*
- *Population and Housing*
- *Air Quality*
- *Utilities and Service Systems*

The environmental factors that did not have potentially significant impacts identified through the Initial Study and NOP process include the following:

- *Biological*
- *Hazards*
- *Aesthetics*
- *Recreation*
- *Energy and Mineral Resources*
- *Noise*
- *Cultural Resources*
- *Public Services*

These environmental issue areas are more appropriately addressed when a specific project is proposed and the development and review process is implemented. The Program EIR will address these issues in a more general manner than the other issue areas where a potentially significant impact has been identified.

The discussion of each issue within Chapter 5 begins with a description of the existing environmental conditions followed by an identification of any pertinent thresholds of environmental significance. At that point, the nature and extent of project-related impacts, as well as any regional or cumulative implications of the proposed project will be identified. For environmental impacts found to be significant, mitigation measures are provided to reduce potential environmental impacts to a level of insignificance. The final aspect of this analysis is the identification of those residual impacts that remain after the proposed mitigation measures.

The significant adverse impacts which remain after implementation of proposed mitigation measures are summarized in Chapter 6, Unavoidable Adverse Impacts. Chapter 7, Alternatives to the Proposed Project, provides a discussion of potential project alternatives which may be capable of reducing or eliminating any of these adverse impacts. Chapter 7 additionally provides a total of five alternatives to various proposed Sphere of Influence configurations. Chapter 8, Growth Inducing Impacts of the Proposed Action, discusses if and to what extent the proposed project will facilitate development within the adjacent areas.

This Draft EIR provides a full and fair discussion of the environmental impacts of the proposed Sphere of Influence Update and Municipal Service Review and alternatives. In preparing this DEIR, the LAFCO decision-makers, staff and members of the public will be fully informed as to the impacts, mitigation measures and reasonable alternatives associated with the proposed Sphere of Influence Update and Municipal Service Review.

Pursuant to Section 15021 of the State CEQA Guidelines, this EIR is intended to enable LAFCO, as Lead Agency, to evaluate environmental impacts, mitigation measures and project alternatives in determining the ultimate Sphere of Influence for the Nipomo Community Services District.

Pursuant to California Public Resources Code 21082.1, LAFCO has independently reviewed and analyzed the information contained in this report prior to its distribution

as a Draft Program Environmental Impact Report. The conclusions and discussions contained herein reflect the independent judgment of LAFCO as to those issues at the time of publication.

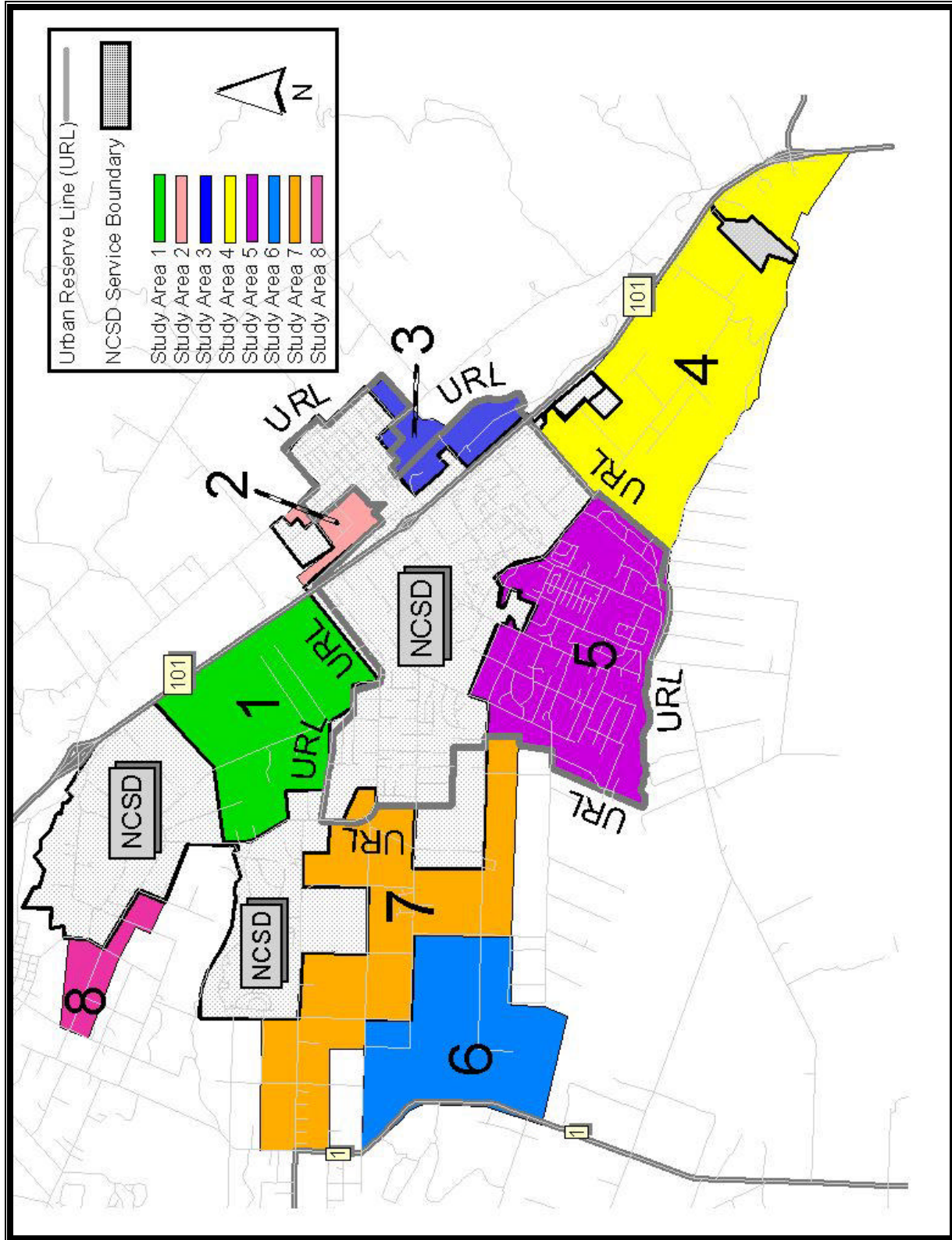


Figure 1-1: Eight Study Areas