

CHAPTER 3

PROJECT DESCRIPTION

A. Project Summary

The Sphere of Influence (SOI) Update–Municipal Service Review prepared for the Nipomo Community Services District (NCSD) is an important tool utilized in implementing the Cortese-Knox-Hertzberg Act. An SOI is defined by Government Code 56425 as “...a plan for the probable physical boundary and service area of a local agency or municipality...” The SOI represents an area adjacent to the service area of a jurisdiction where services might reasonably be provided in the next 20 years. The SOI does not define or identify specific development projects, change or modify zoning, or grant land use entitlements. In order for a property to be annexed into the District, the property is required to be within its Sphere of Influence.

The CKH Act further requires that a Municipal Service Review (MSR) be conducted prior to or in conjunction with the update of a Sphere of Influence. LAFCO must update the Spheres of Influence for all applicable jurisdictions in the County within five years or by January 1, 2006.

The Sphere of Influence Update is based upon the Municipal Service Review completed for Nipomo Community Services District by the Local Agency Formation Commission. The Municipal Service Review analyzes the jurisdiction’s capability to provide public services to existing and future residents. The SOI update and Service Review were prepared to meet the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code 56000 et al. In order to evaluate the areas that might be included in the SOI, eight study areas were identified based upon a draft SOI map submitted by the NCSD.

B. Determination

It has been determined that establishing the SOI for the NCSD will have a significant effect on the environment and a Program Environmental Impact Report is appropriate for this project. This Initial Study was prepared to help focus on the environmental impacts that may be associated with a SOI expansion.

A Program EIR is a first-tier environmental document that, according to Section 15168 of the State CEQA Guidelines, is prepared for an agency program or series of actions that can be characterized as one large project. Typically, such a project involves actions that are closely related either geographically or temporally.

Program EIRs are also prepared for agency plans, policies or regulatory programs. Program EIRs generally analyze broad environmental effects of the program with the acknowledgement that site-specific environmental review may be required for particular aspects or portions of the program when those aspects are proposed for the implementation.

A state or local agency should, according to Section 15168(a) of the State CEQA Guidelines, prepare a Program EIR rather than a Project EIR when the agency proposes a program or series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program or are individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways. The proposed Sphere of Influence Update and Municipal Services Review is considered to be a project that fits these criteria.

Once a Program EIR has been prepared, subsequent activities within the program are evaluated to determine whether an additional CEQA document needs to be prepared. If a subsequent activity would have effects that are not within the scope of the Program EIR, the Lead Agency must prepare a new Initial Study leading to either a Negative Declaration, Mitigated Negative Declaration or an EIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. The Program EIR can be incorporated by reference into the subsequently prepared document to address program wide issues, such as cumulative impacts and policy alternatives, allowing the subsequent environmental document to focus on new or site-specific impacts.

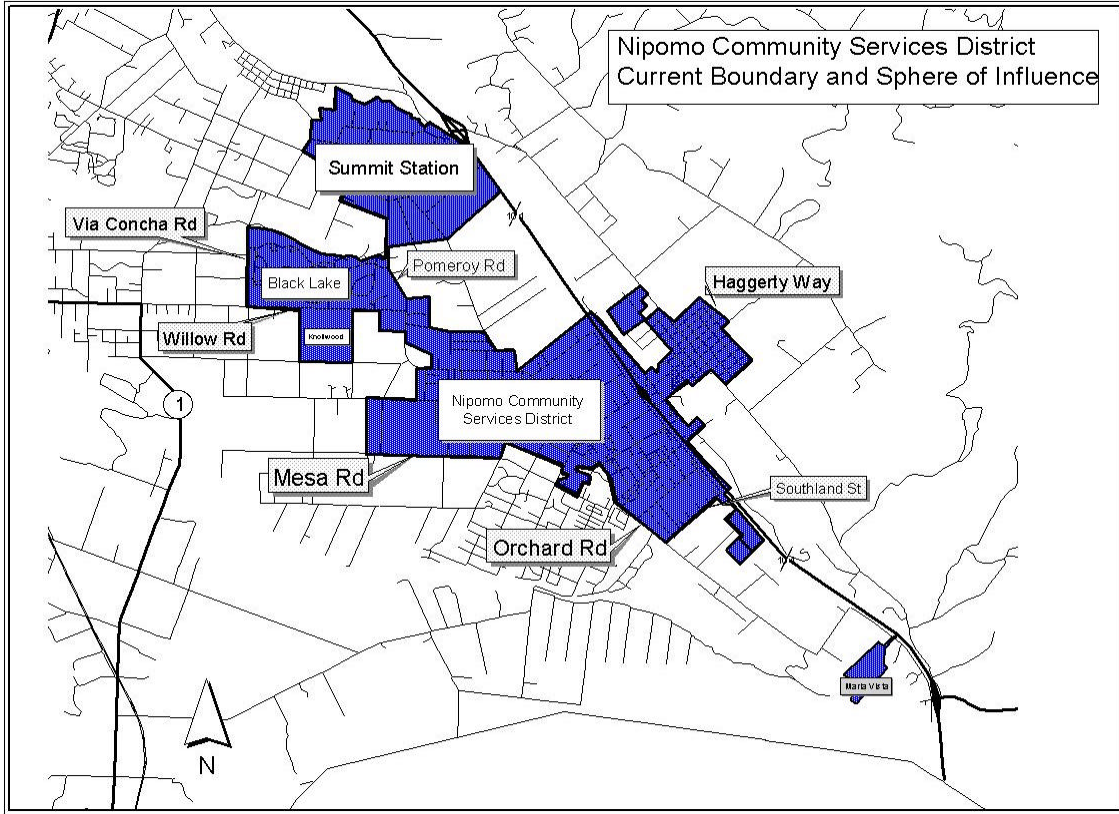
Program EIRs are typically more conceptual than Project EIRs; a Program EIR may contain more general discussions of impacts, alternatives and mitigation measures.

In developing a Program EIR, the Lead Agency (LAFCO) must attempt to anticipate likely future scenarios that could develop under the program. Once a reasonable range of assumptions about future projects are developed, the Lead Agency is obligated to generally evaluate potential impact methods used for more project-specific EIRs. A Program EIR is considered to be a useful tool for evaluating community-wide and regional impacts, similar to those associated with the proposed Sphere of Influence Update and Municipal Service Review.

C. Project Location

The area being studied is often referred to as the Nipomo Mesa. The Nipomo Community Services District is located along Highway 101 in the southern portion of San Luis Obispo County, California. The figure below shows the existing service area boundary and Sphere of Influence for the Nipomo Community Services District. These boundaries are currently coterminous. The total area of the District is an estimated six square miles. The District is responsible for providing public services (water, sewer, garbage, lighting) to this community, except for County-provided services related to land use development, roads, streets, emergency response police/sheriff, and fire protection.

Figure 3-1: NCSO Current Boundary and Sphere of Influence



D. Project Description

The CKH Act requires LAFCO to update the spheres of influence for all applicable jurisdictions within the County. A “sphere of influence” is defined by Government Code 56425 as “a plan for the probable physical boundary and service area of a local agency or municipality as determined by the Local Agency Formation Commission.” The sphere of influence usually represents an area adjacent to a jurisdiction where within the next twenty years development may be reasonably expected to occur. The Sphere of Influence for the NCSD does not identify or define specific development projects or land uses for an area. In this case, the SOI represents the area the District may provide services to over the next 20 years. Extension of the Sphere of Influence enables the Nipomo Community Services District to extend various services to these areas in the future. As such, inclusion of an area within a SOI of a utility provider represents the initial step in the future extension of services to the area and subsequent potential development of areas within the SOI.

The Nipomo Community Services District is a multi-service special district formed on January 28, 1965, under the Community Services District Law, California Government Code Section 61000 et seq. The NCSD provides the residents and property owners within its approximately six square miles of service area with water and wastewater disposal services, garbage, and landscape watering. The District also provides Black Lake Golf Course with street lighting and limited drainage services.

As part of their decision-making process, LAFCO is required to review and consider the potential environmental effects that could result from the proposed Sphere of Influence Update and Municipal Services Review. In order to identify what areas should be included in the NCSD’s SOI, eight Study Areas around the District’s existing service area have been identified. The Study Areas are described in the narratives below. At the end of this chapter are aerial photographs for each study area and surrounding lands.

Study Area #1

This area is located west of Highway 101 and north of the Urban Reserve Line (URL) for Nipomo with properties zoned Residential Rural and Agriculture. The properties are adjacent to Highway 101, just north of Nipomo's URL and south of Summit Station. The Canada Ranch is a 285-acre parcel included in this area. The South County Area Plan calls for a specific plan to be prepared for this property. The specific plan may include a number of residential units along with commercial and retail uses. Also, the Canada Ranch is proposed as a commercial job center for Nipomo in the South County Area Plan. The SOI area also includes the extension of Willow Road. The County plans to construct the Willow extension to Highway 101 in the next several years. The District has waterlines located along Pomeroy and the million-gallon water tank (Stand Pipe) is also located in the area. The area also includes several existing residences near Pomeroy Road. The area is considered in the South County Area Plan as a "gateway" to the Nipomo community.

Study Area #2

This area is located to the north of Olde Towne and on the east side of Highway 101 and is broken into a large and a small parcel. The total acreage for both areas is 132 acres and the zoning is Agriculture. The New Nipomo High School is located to the northeast and the town of Nipomo to the south and east. The larger of the two properties is currently being farmed and is considered to be Prime Agricultural land according to the County Agriculture Commission. Prime Agricultural Land is defined in the Cortese-Knox-Hertzberg Act as follows:

56064. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) *Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.*

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

- (c) *Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.*
- (d) *Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.*
- (e) *Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.*

(Amended by Stats. 2000, Ch. 761.)

The area is also prone to flooding during storms and is in a known flood hazard zone. It includes an underlying antiquated subdivision that, according to the County, does have legal standing. Nipomo Creek is located adjacent to Highway 101 on the southwest side of the property. The property has significant environmental constraints that would need to be addressed in the development and review process if development were to be considered for this site. The District has water and sewer infrastructure adjacent to the area.

Study Area #3

This area is located east of Highway 101 and south of Olde Towne Nipomo. Much of the land is within the Nipomo URL as established by the County in the South County Area Plan. The only area being considered for inclusion into the SOI that is outside the URL is an area between Thompson Rd. and the Nipomo Creek adjacent to Sparks Ave. This site is a small area that is zoned Agriculture and is identified as the possible future site of a government center in the SCAP. The Area Plan

recommends that a specific plan be completed to identify the appropriate civic-related functions and related private uses that would be associated with a civic center. Area three includes several land use categories, including Residential Single Family, Residential Suburban, Agriculture and Recreation. The Dana Adobe site is located in an area that is zoned Recreation. To protect the historic nature of the Adobe, the South County Area Plan has special development standards for this area. The District currently provides the Adobe with water service under an agreement approved in 1972 between the District and the San Luis Obispo County Historical Society.

Study Area #4

This area is located to the south of the current District boundary and north of the Santa Maria Valley. The area to the south of Southland Street is zoned Rural Lands and a portion of it is used for growing strawberries. The southern portion of this area contains some prime agricultural land. The total area is approximately 1,173 acres. The South County Area Plan calls for a specific plan to be prepared for the site just south of and adjacent to Southland Street. The SCAP also calls for the application of the Highway 101 Corridor Design Standards as well as area standards that apply to the Rural Lands Land Use Zone. The Maria Vista development (77 homes in Residential Suburban zoning) is also found in this area, as is a small piece of commercial land use. The RS zoning for Maria Vista also has several existing residences adjacent to Maria Development.

Study Area #5

This area is immediately southwest of the District's existing boundary and is zoned Residential Suburban and Residential Single Family. This area is also located within the County's URL as established in the South County Area Plan. The area is largely built-out on one-acre or larger lots. The higher density Galaxy Park development is located in this area and is zoned Residential Single Family. The SCAP calls for 2½-acre lots for the area adjacent to Osage Road from Mesa Road South to the end of Osage. Cal Cities Water and County Service Area 1 provide this area with water and sewer services respectively. The District and the County are discussing the reorganization of CSA 1 and the Nipomo Lighting District into the NCSD. The NCSD

has indicated that it would provide the area with solid waste, park maintenance, and possibly landscape services, but not water service since currently Cal Cities Water Company serves the area.

Study Area #6

The Woodlands development is over 900 acres and will include 1,300 residences, a commercial area, and 45 holes of golf. It is located east and adjacent to Highway 1 and south of Willow Road. The Woodlands has been approved by the County through a specific plan and EIR and proposes to use existing groundwater resources to serve the future residents. The Woodlands development has requested to be excluded from the District's SOI; the District concurs with this request.

Study Area #7

This area is located west of the NCSD service area boundary east of the Woodlands project and Highway 1, and south of Willow Road. The area is zoned Residential Rural with two smaller parcels zoned Agriculture. The area includes several greenhouses as well as a number of residential units on five-acre lots and larger. The area is sparsely developed and the road system is in need of improvement. The NCSD's most productive water wells are located in this area.

Study Area #8

This area is 180 acres and is located on the west side of Highway 101, to the west of the Summit Station area and south of Los Berros. The area is zoned Residential Rural and includes the Robertson General Plan Amendment which will allow for water service to existing residences that are currently trucking water into the area.

E. Project Objectives

The primary objective of the proposed Sphere of Influence Update and Municipal Services Review is to permit the San Luis Obispo Local Agency Formation Commission to implement the requirements of the Cortese-Knox-Hertzberg Act consistent with local conditions and circumstances. The SOI is a long-range planning tool that helps LAFCO achieve the major goals as established by the legislation as follows:

1. To encourage orderly growth and development which is essential to the social, fiscal and economic well being of the state;
2. To promote orderly development by encouraging the logical formation and determination of boundaries and working to provide housing for families of all incomes;
3. To discourage urban sprawl;
4. To preserve open-space and prime agricultural lands by guiding development in a manner that minimizes resource loss;
5. To exercise its authority to ensure that affected populations receive efficient governmental services;
6. To promote logical formation and boundary modifications that direct the burdens and benefits of additional growth to those local agencies that are best suited to provide necessary services and housing;
7. To make studies and obtain and furnish information which will contribute to the logical and reasonable development of local agencies and to shape their development so as to advantageously provide for the present and future needs of each county and its communities;
8. To establish priorities by assessing and balancing total community services needs with financial resources available to secure and provide community services and to encourage government structures that reflect local circumstances, conditions and financial resources;

9. To determine whether new or existing agencies can feasibly provide needed services in a more efficient or accountable manner and, where deemed necessary, consider reorganization with other single purpose agencies that provide related services;
10. To update Spheres of Influence as necessary but not less than every five years, and by January 1, 2006.
11. Conduct a review of all municipal services by county, jurisdiction, region, sub-region or other geographic area prior to, or in conjunction with, SOI updates or the creation of new SOIs.

F. Project Approvals

The proposed Sphere of Influence Update and Municipal Services Review involves the following approvals from the San Luis Obispo Local Agency Formation Commission.

1. Certification of the Environmental Impact Report for the proposed Sphere of Influence Update and Municipal Services Review.
2. Approval of the Mitigation Monitoring Program recommended in the Chapter Two of this EIR.
3. Approval of the Municipal Service Review
4. Approval of the Sphere of Influence Update and Boundary

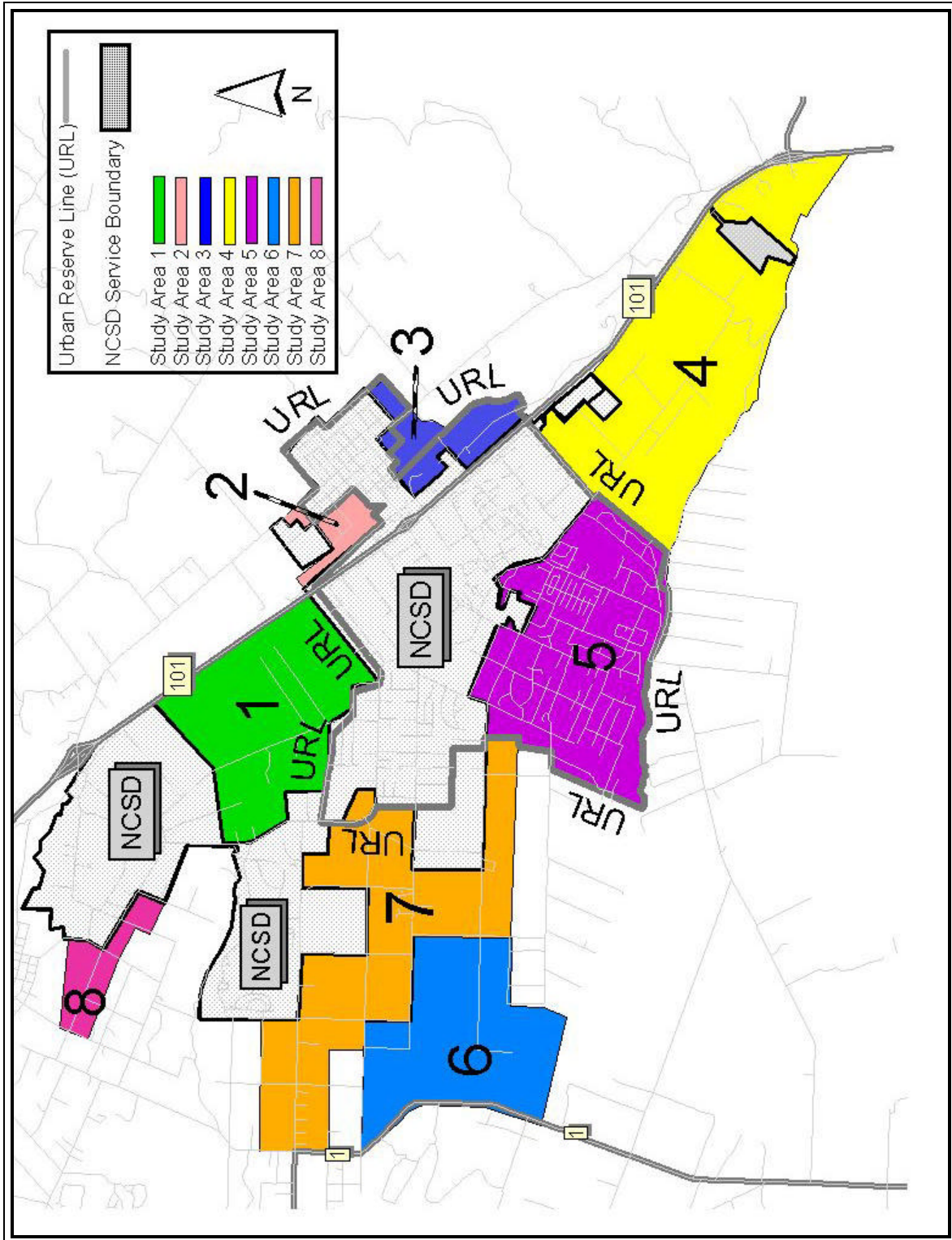
G. Approvals by Other Agencies

Other agencies have regulatory authority in the Nipomo Area and are responsible for approving various activities. The NCSO is considered a service district, but also enforces its own rules and policies associated with providing services. Other state and County agencies involved in the Nipomo area are shown in the following table:

Table 3-1: Other Agencies’ Responsibilities

AGENCY	RESPONSIBILITY
County of San Luis Obispo	
Planning and Building	All land use planning functions including CEQA, building permits and inspections, resource management system, and code enforcement.
Public Works	Road construction and maintenance, management of County Service Areas.
Environmental Health	Water Well approvals for development projects and other public health threats.
Agricultural Commissioner	Administers regulations associated with agricultural operations and comments on development proposal involving the conversion of agricultural land.
Regional Agencies	
Air Pollution Control District	Establishes and enforces Clean Air Rules and Regulations
Council of Governments	Manages and administer funding for transportation and road projects.
State Agencies	
Regional Water Quality Control Board	Administers and enforces water quality laws established by the State of California
CalTrans	Plans and programs for major state highway transportation projects
Department of Fish and Game	Conserves and protects wildlife and their habitat in the State of California
Department of Water Resources	Responsible for preparing studies related to the Santa Maria Groundwater Basin

Figure 3-2: Sphere of Influence Study Areas



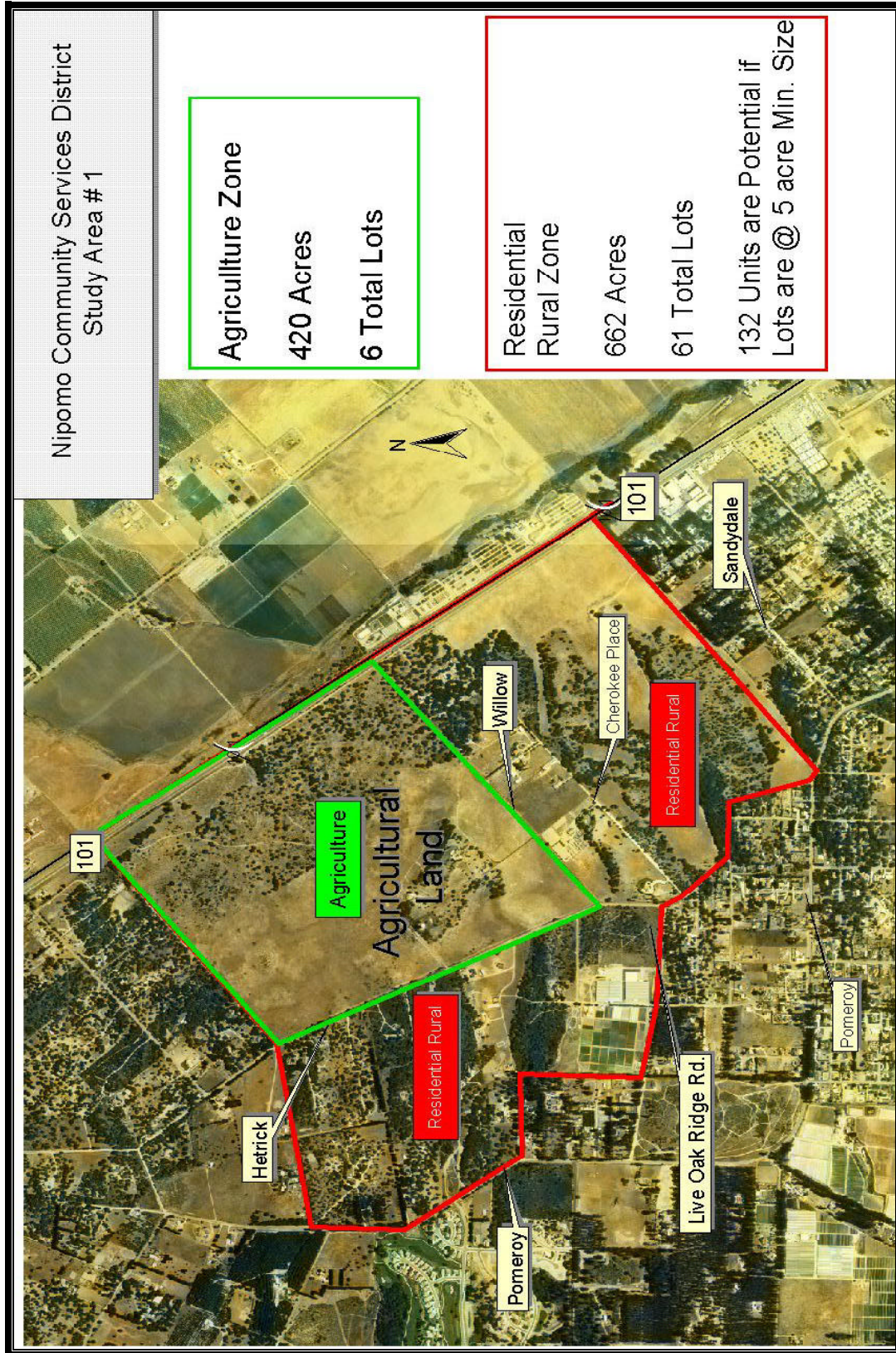


Figure 3-3: Study Area #1

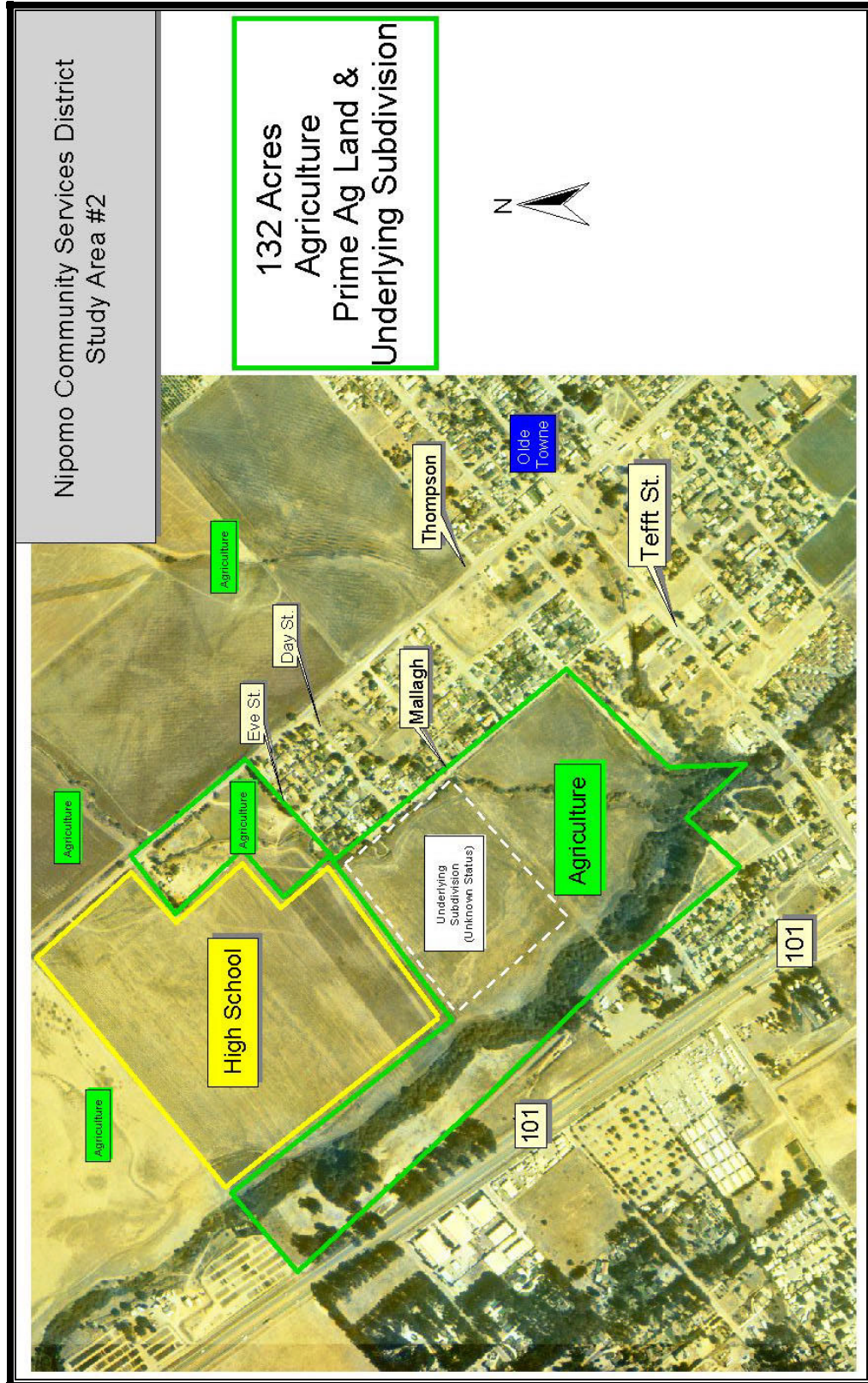
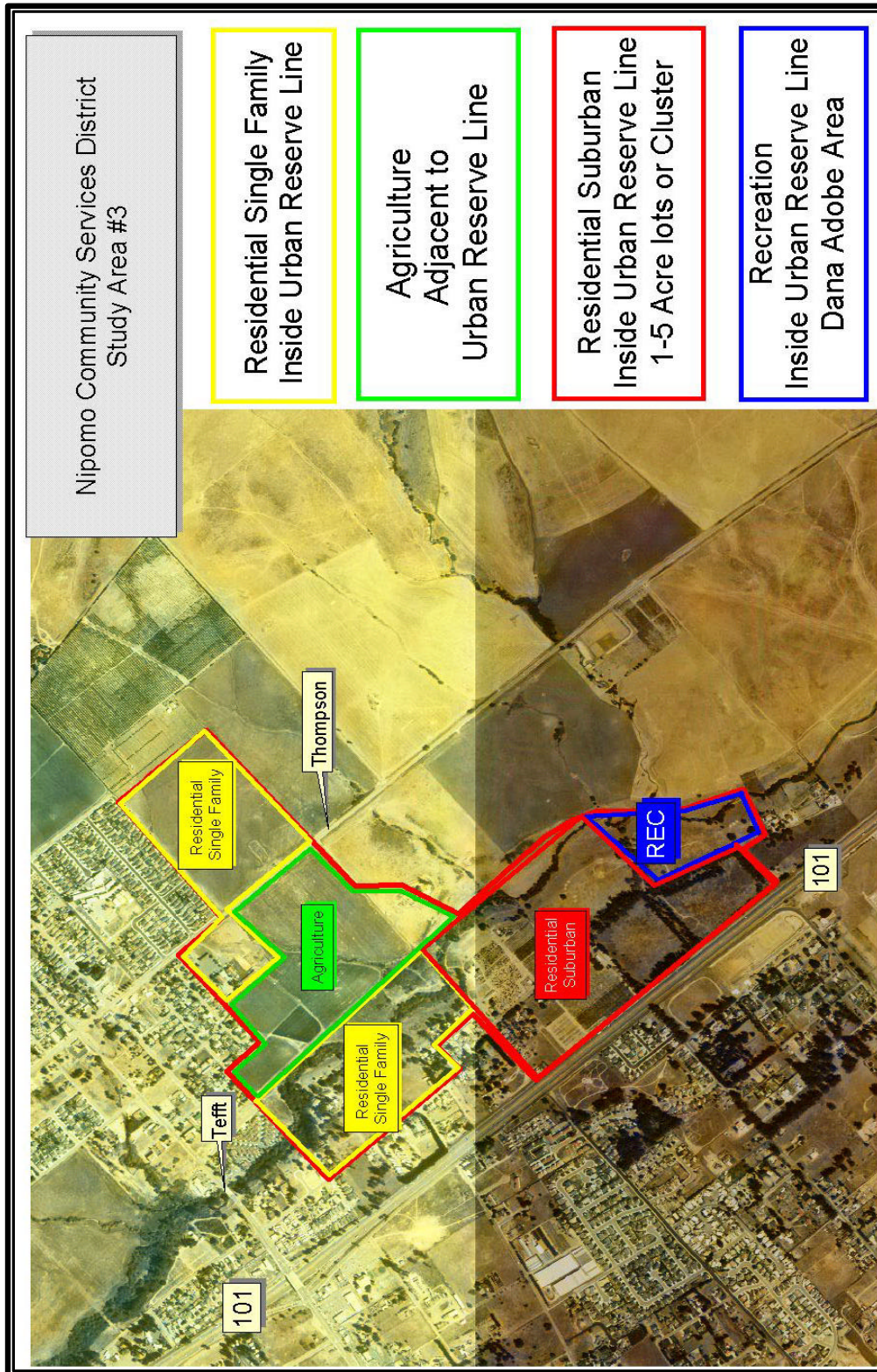


Figure 3-4: Study Area #2

Figure 3-5: Study Area #3



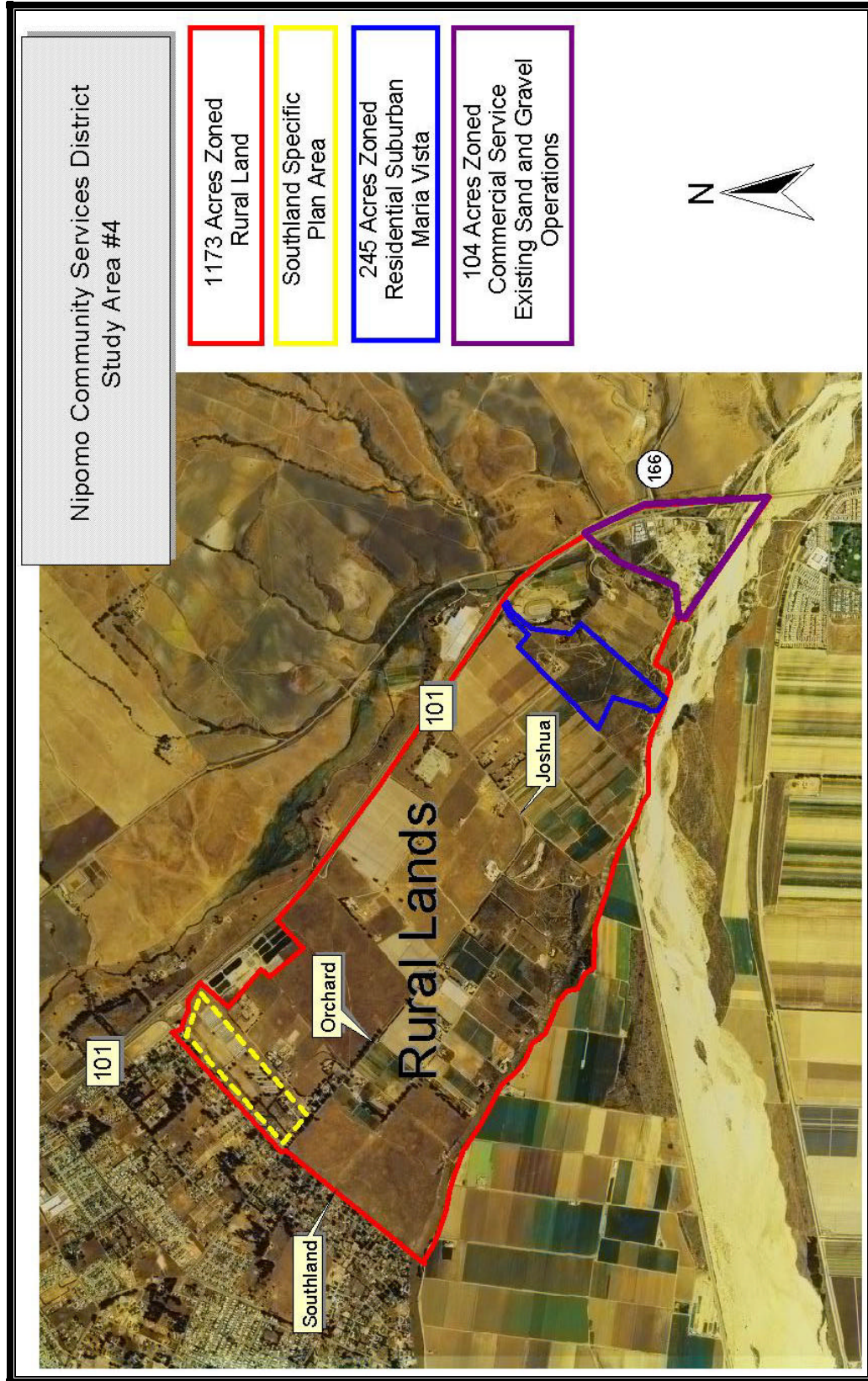


Figure 3-6: Study Area #4

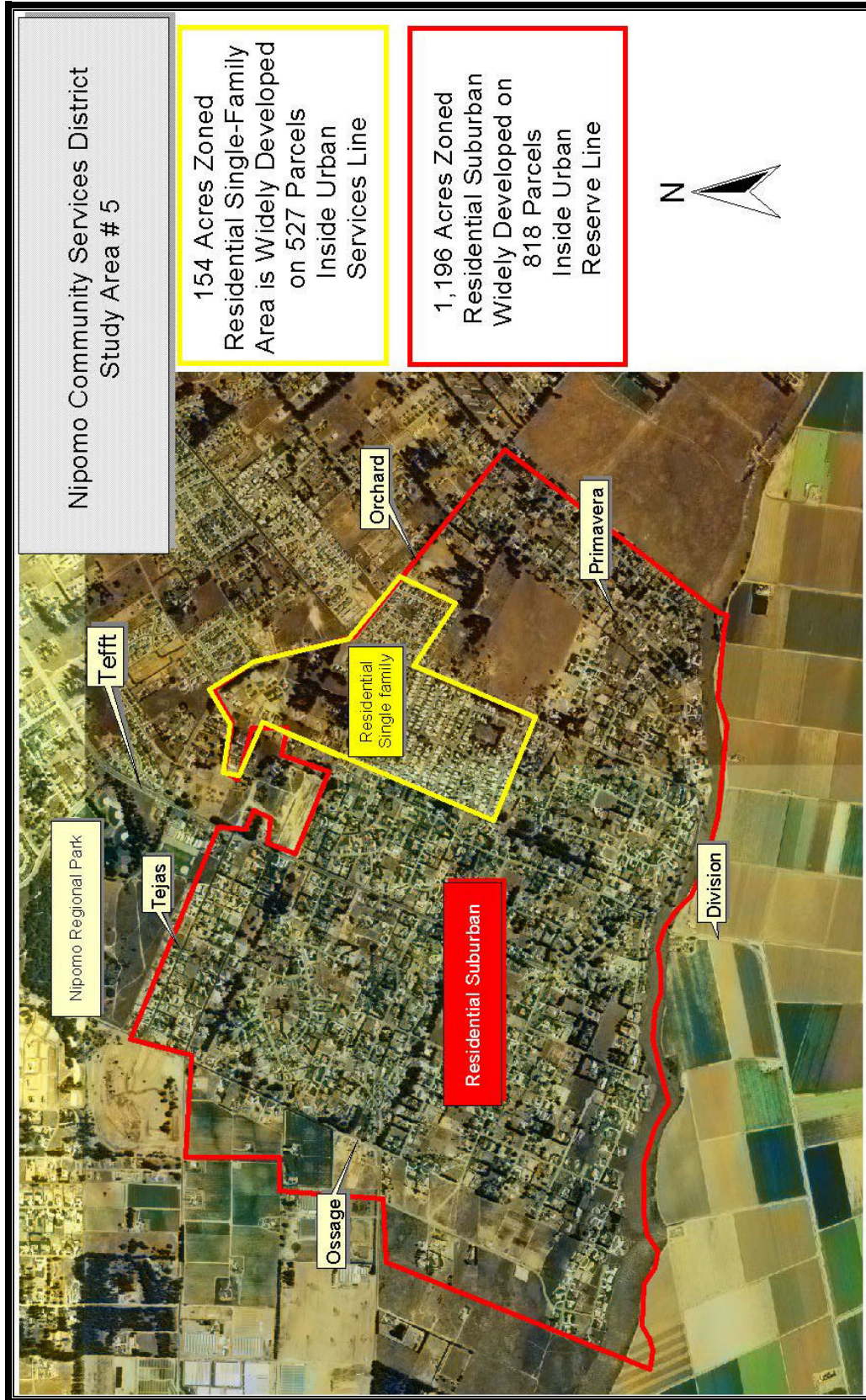


Figure 3-7: Study Area #5

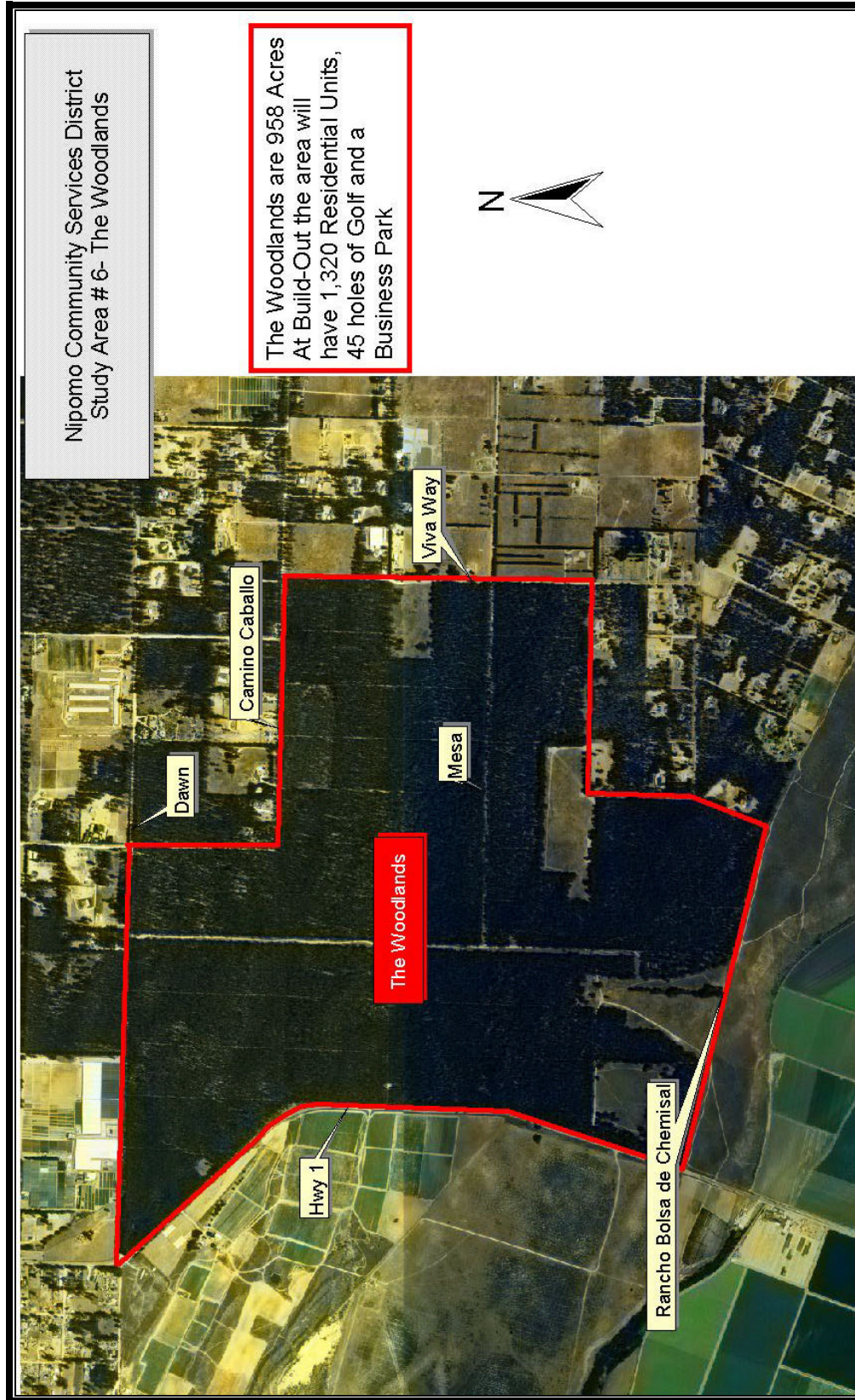
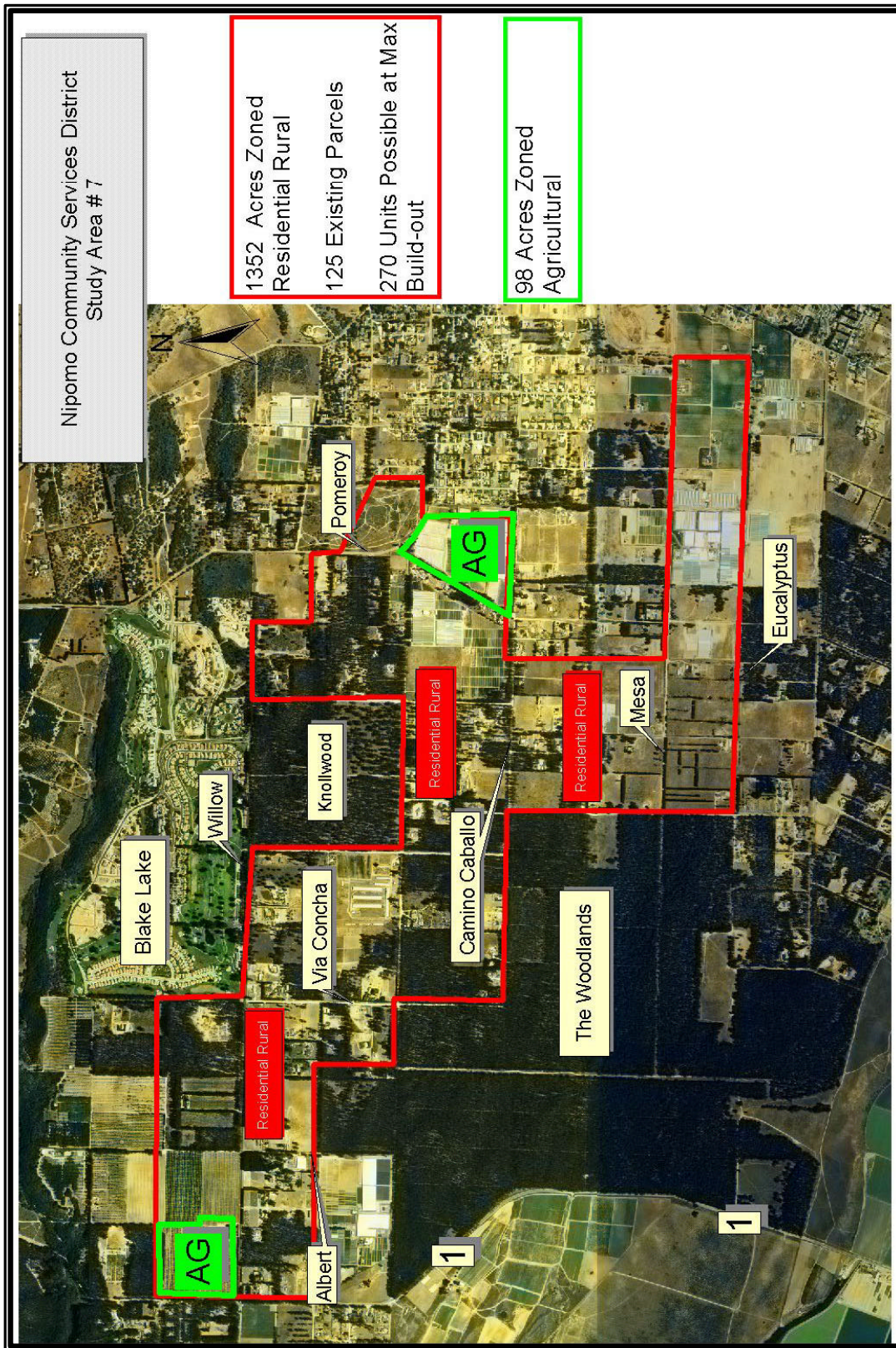


Figure 3-8: Study Area #6

Figure 3-9: Study Area #7



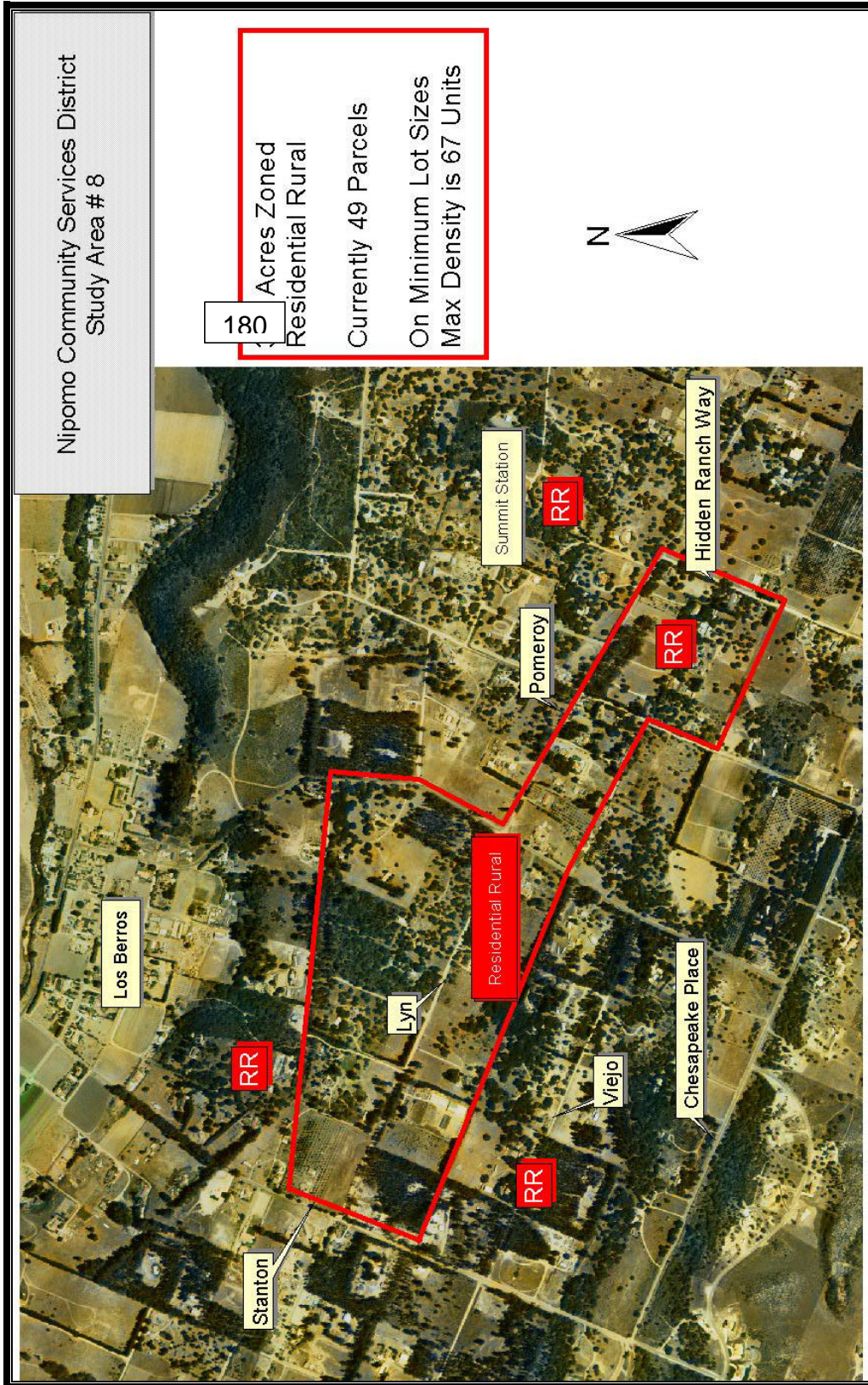


Figure 3-10: Study Area #8