

CHAPTER 5.1

LAND USE AND PLANNING

A. Existing Conditions–San Luis Obispo County General Plan

State law requires that the County have a General Plan with goals, policies, and programs that regulate the use of land in the unincorporated areas of the County. The San Luis Obispo County General Plan governs land use within the unincorporated community of Nipomo and the surrounding area. The plan is composed of several parts or elements as follows:

- *Land Use**
- *Circulation* (sometimes combined with land use)*
- *Housing**
- *Conservation**
- *Agriculture and Open Space**
- *Safety**
- *Noise**
- *Historic*
- *Recreation*
- *Energy*
- *Offshore Energy*

The elements listed above followed by " * " are required by State law. The law also allows the adoption of optional elements of the General Plan to address specific issues that may not be covered in sufficient detail by the other elements. The historic, recreation, offshore energy, energy and agriculture and open space elements are optional.

Land Use Element and Local Coastal Plan

The Land Use Element (LUE) and Local Coastal Plan (LCP) establish the overall policies for land use in the unincorporated County for both inland and coastal areas. The LUE is composed of four sections: Framework for Planning, the Area Plans, the Coastal Program Policy document, and the official maps.

Framework for Planning

This section of the LUE contains policies, programs and procedures that apply Countywide and it explains how the element is to be used with other adopted plans. The framework section describes the various land use categories that apply to the unincorporated County, the allowable land uses within each category, and typical building intensities (parcel sizes, population, and building densities). There is also a Coastal Framework for Planning that describes the policies, programs and land use categories that apply to lands within the Coastal Zone.

Area Plans

The LUE includes 13 area plans that address specific land use issues affecting the unincorporated communities and regions within the County. The area plans supplement and refine the general goals, policies and programs contained in the framework section and help to make the planning process more localized. The area plans describe where land use categories are to be applied and discuss population growth and economic conditions, public services, and circulation. The South County Area Plan governs growth and development in the Nipomo Area.

Official Maps

The Official Land Use Maps illustrate where the various land use categories are to be applied in the unincorporated County. Each area plan contains land use maps that provide more detailed illustrations of where the land use designations are applied.

Combining Designations

The diverse environmental and built features of San Luis Obispo County create a need for more careful review of development projects in areas where new development could adversely affect sensitive resources or result in the exposure of people or property to natural hazards; for this reason, the LUE and LCP contain combining designations that identify areas with characteristics that are

either of public value or are natural hazards. The combining designations are applied to the basic land use designations in the unincorporated County as described in each area plan. Those plans are as follows:

- Airport Review Area
- Archaeologically Sensitive Area
- Geologic Study Area
- Sensitive Resource Area
- Flood Hazard
- Historic
- Energy and Extractive Area
- Local Coastal Plan
- Visitor Service Area

Agriculture and Open Space Element

Agriculture forms a substantial component of the County's economy. To help preserve the viability of agriculture in the County, the Planning Department recently published a Draft Agriculture and Open Space Element of the San Luis Obispo County General Plan that contains goals, policies and programs that promote the preservation of productive agricultural lands. Because agricultural lands comprise such a large segment of the total land within the County (65 percent), it is possible that new or expanded energy facilities may be located on such lands. Policies in the Draft Agriculture and Open Space Element governing the conversion of agricultural lands to other land uses will be particularly important when considering siting of future energy facilities.

Circulation Element

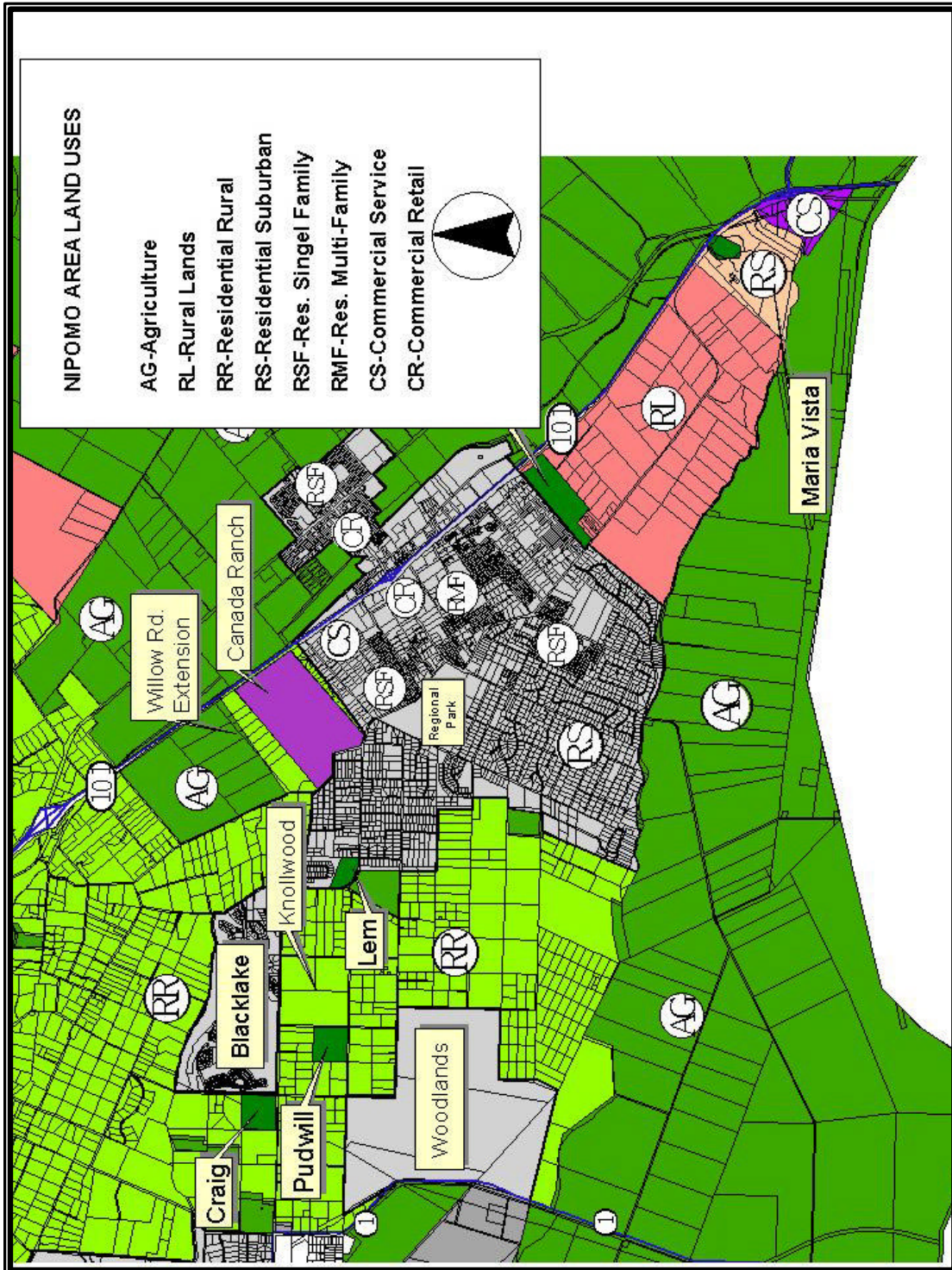
The Circulation Element of the General Plan describes how the County plans to provide for the transportation of people and materials within the unincorporated County. The Circulation Element is contained within the framework section and describes the overall policies for vehicular and non-vehicular circulation. Each of the area plans contains more specific circulation plan maps that implement the overall policies of the Circulation Element.

Because the transportation of goods and people is generally an energy-intensive activity, the policies and programs contained in the Circulation Element have a direct effect on the use and demand for energy in the County. The Circulation Element recognizes the need to develop alternate forms of transportation that lessen the use of energy-consuming vehicles by encouraging pedestrian and transit facilities to be incorporated into new development and by establishing land use patterns that reduce the commute between homes and jobs.

Land Use

The Nipomo Mesa has a variety of land uses located throughout the area. There are large areas of land being used for agricultural purposes to the south, west, and east of the town of Nipomo; these uses include strawberry farming, greenhouses, orchards, seed production, equine facilities, and cattle. Much of the property directly west of the Nipomo Urban Reserve Line (Area #7) is zoned Residential Rural and is foreseen by the General Plan as being an urban separator. The zoning of the area generally reflects this diversity of land uses. The following map (Figure 5.1-1) shows land uses for the Nipomo Mesa and South County Area.

Figure 5.1-1: Land Uses



The community of Nipomo comprises the only unincorporated urban area within the South County Planning Area. The Urban Reserve Line established in the South County Area Plan encompasses approximately 3,951 acres. The intent of the plan is to focus development to these urban areas and maintain the areas in between as rural buffers to carry on some of the rural character (South County Area Plan).

The County's General Plan governs the development of land in the community of Nipomo. The NCSD may provide the County with comments regarding land use decisions but does not have authority over land use entitlements. Development projects are sometimes approved contingent upon receiving water and sewer services from a community water system such as the NCSD. The General Plan identifies the type and intensity of development allowed in each of several land use categories for the Nipomo area. As previously stated, the land surrounding the District's existing boundary has been divided into eight areas by LAFCO staff for study. The following table summarizes the existing zoning and acreage for those eight areas:

Table 5.1-1: Existing Study Area Zoning and Acreage

Area	Acres	Land Use Category/Zoning	Notes
#1	1,082	Agriculture, 420; Residential Rural, 662	Canada Ranch and Willow Road Extension
#2	132	Agriculture	Prime Agricultural land and Flood Plain
#3	266	Residential Single Family, Res. Suburban, Recreation, and Agriculture	Areas to be annexed will be within the Urban Reserve Line
#4	1,522	Rural Lands, 1,173 acres; Residential Suburban, 245 acres; Commercial Service, 104 acres	Includes Maria Vista, Strawberry fields, and rural lands
#5	1,350	Residential Single Family, 154 acres; Residential Suburban, 1,196 acres	Mostly developed area
#6	950	Woodlands Specific Plan	Approved by the County
#7	1,375	Residential Suburban, 28; Agriculture, 83; Residential Rural, 1,264	Urban Separator in County General Plan
#8	181	Residential Rural, 181	Robertson General Plan Amendment (63) approved by County and Annexation approved by LAFCO

The following is a description of the land use categories/zoning used by the County in the South County Planning Area to manage and direct development and growth. The District does not have land use authority, however the provision of public services such as water and sewer does increase the likelihood that an area may be developed. The following land use categories exist in Nipomo:

Agriculture

This land use category designates areas that have existing or potential production capability. Agriculture has been and still is the most widespread use of land in the South County Planning Area. The Study Areas for the District’s Sphere of Influence are surrounded by land that is zoned as Agriculture. Within the Study Areas include approximately 757 acres of agriculturally zoned land

found in Study Areas 1, 2, 3, and 7. Minimum parcel sizes for agriculturally zoned areas range from 20 acres to 320 acres, depending on the method used to calculate the parcel size. Three methods are identified in the County Land Use Ordinance and include size based on existing use, size based upon land capability, and size based on agriculture preserve status. Each method has “tests” that determine the minimum parcel size for an area zoned Agriculture. These tests are described in detail in Chapter Four of the County Land Use Ordinance-Title 22.

Agricultural Preserves established under the Williamson act are located in several of the Sphere of Influence study areas and in the surrounding Nipomo Area. The Williamson Act allows local jurisdictions to establish agricultural preserves consisting of existing agricultural or other vacant lands. The property enters into a long term agreement to restrict the use of their property to agricultural uses rather than converting the land to another more intensive use. In exchange the property owner receives a property tax assessment based on the agricultural uses and not the lands “highest and best use”. Withdrawal from a Williamson act agreement can occur if the property gives the jurisdiction notice of Non-Renewal. After providing this notice the land remains in preserve status for 10 years.

Approximately 33,000 acres of land are under Williamson contract in the Nipomo Mesa and Nipomo Valley Areas. Most of the preserves are located outside the Study Areas for the District Sphere of Influence with approximated 867 acres located within the Sphere of Influence Study Areas. The following Table shows the preserves in the Nipomo Mesa and the Nipomo Valley areas:

Table 5.1-2: Agricultural Contracts/Preserves

Property Owner	Acres	Non-Renewal Status	Study Area
Nipomo Mesa			
1. Kaminaka	60	Expiration date 1/1/98	Study Area #7
2. Taylor	91	Expiration date 1/1/96	Study Area #7
3. Pudwill	40	Expiration date 2/7/97	Study Area #7
4. Withrow	228	Has not applied	Outside Study Areas
5. Andersen	12	Expiration date 1/1/97	Within District's Service Area
6. Peck	10	Cancelled Contract 4/5/88	Within District's Service Area
7. Koch	30	Has not applied	Study Area #7
8. Rogan	15	Has not applied	Study Area #7
Nipomo Mesa	486		
Nipomo Valley			
1. Canada	162	Has not applied	Outside Study Areas
2. Cavaletto	210	Has not applied	Outside Study Areas
3. Cooper	294	Has not applied	Outside Study Areas
4. Cossa	865	Has not applied	Outside Study Areas
5. Cossa	261	Has not applied	Outside Study Areas
6. Dana	264	Has not applied	Outside Study Areas
7. Donovan	219	Has not applied	Outside Study Areas
8. Dunn	84	Has not applied	Outside Study Areas
9. Dunn	514	Has not applied	Outside Study Areas
10. Enos	285	Has not applied	Outside Study Areas
11. Grisinger	99	Expiration date 1/1/93	Outside Study Areas
12. Grisinger	387	Expiration date 1/1/93	Outside Study Areas
13. Kennedy	20	Has not applied	Outside Study Areas
14. McBride	145	Has not applied	Outside Study Areas
15. Mehlschau	198	Has not applied	Outside Study Areas
16. Mehlschau	391	Expiration date 1/1/96-200 ac.	Study Area #1
17. Mehlschau	40	Has not applied	
18. Mehlschau	19	Has not applied	Outside Study Areas
19. Mehlschau	213	Expiration date 1/1/99	Outside Study Areas
20. Mehlschau	192	Has not applied	Outside Study Areas
21. Newhall	2750	Expiration date 1/1/95	Outside Study Areas

Property Owner	Acres	Non-Renewal Status	Study Area
22.Porter	91	Transferred to #24	Outside Study Areas
23.Walsh	228	Has not applied	Outside Study Areas
24.Williams Bros.	70	Expiration date 1/1/98	Outside Study Areas
25.Wineman	331	Has not applied	Outside Study Areas
26. Wineman	657	Has not applied	Outside Study Areas
27. Wineman	850	Has not applied	Outside Study Areas
28.Cavaletto	60	Expiration date 1/1/09	Outside Study Areas
29.Dunn	10	Has not applied	Outside Study Areas
30.Newhall	15,750	Has not applied	Outside Study Areas
31.Wineman	2,858	Has not applied	Outside Study Areas
32. Miller	135	Has not applied	Outside Study Areas
33.Adam	575	Has not applied	Outside Study Areas
34.Reber	1,141	Has not applied	Outside Study Areas
35.Mehlschau	248	No contract	Outside Study Areas
36.Cooper	908	Has not applied	Outside Study Areas
37.Dana	25	Has not applied	Outside Study Areas
38.Dana	51	Has not applied	Outside Study Areas
39.Dana	155	Has not applied	Outside Study Areas
40.Renetsky	158	Expiration Date 1/1/99	Outside Study Areas
41.Dana	847	Has not applied	Outside Study Areas
42.Dana	182	Has not applied	Study Area #2
43.Dana	58	Has not applied	Study Area #3
44.Dana	44	Has not applied	Outside Study Areas
45.Wineman	581	Has not applied	Outside Study Areas
46.Mankins	160	Has not applied	Outside Study Areas
47.Markshettel	53	Expiration date 2/17/9?	Outside Study Areas
48.Vidal	100	Has not applied	Outside Study Areas
49.Vidal	45	Has not applied	
50.Garrison	58	Has not applied	
51.Cuerro	2,417	Has not applied	Outside Study Areas
52.	0	Has not applied	
53.Baker	715	Has not applied	Outside Study Areas
54. Dunlap	120	Has not applied	Outside Study Areas
Nipomo Valley	37,293		

Property Owner	Acres	Non-Renewal Status	Study Area
Total	37,779		
Acres Withdrawn	4,334		
Net Acres in Contract	33,445		

Source: County of San Luis Obispo Department of Planning and Building

Residential Rural

This land use designation provides for estate-sized residential lots or small farms of five acres or larger. These areas are generally unsuitable for commercial agriculture because of topography, small property size, broken ownership patterns, and prior residential commitments. There are currently 10,317 acres (or 12.5%) of the South County Planning Area designated for this use. Many of the rural residential areas are undeveloped and often lack adequate circulation and road improvements, including a lack of trails and areas for horseback riding that are associated with a rural residential character. According to the South County Area Plan, "the rural residential density on the mesa recognizes that services are not generally available for higher densities and are not planned." This designation also "recognizes both the potential for continued agricultural uses as well as potential development of large-lot rural homesites." Residential Rural zoning can be found in Study Areas 1, 662 acres; 7, 1,264 acres; and 8, 339 acres. This is a total of approximately 2,265 acres of land that is zoned Residential Rural.

Properties in the Residential Rural zoning category can achieve a minimum parcel size ranging from 5 to 20 acres depending upon the circumstances of a particular parcel. Several tests are applied to calculate the minimum parcel size for an area, including remoteness, fire/hazard response time, access, and slope. These tests are described in detail in Chapter Four of the County Land Use Ordinance—Title 22 which can be found in Appendix B of this document.

Residential Suburban

This land use designation allows for single-family residential development on estate-sized lots in a semi-rural, suburban setting within the urban and village

areas or in older existing rural subdivisions. This zoning category encourages clustering of allowed densities where there are important open space attributes that are a community resource or where sensitive habitats exist.

Properties in the Residential Suburban zoning category can achieve a minimum parcel size ranging from 1 to 5 acres depending upon the circumstances of a particular parcel. Two tests are applied to calculate the minimum parcel size for an area: a Slope Test, and a Water and Sewer Test. The one with largest minimum parcel size is used. These tests are described in detail in Chapter Four of the County Land Use Ordinance—Title 22 which can be found in Appendix B of this document, and are briefly described below:

Slope Test. The Slope Test calculates the average slope of a parcel in a percent relative to vertical rise and horizontal distance. The greater the slope the larger the minimum parcel size. For example, the minimum parcel size for a parcel with a slope between 0-15% is one acre. If the slope is 16-30%, the minimum parcel size is 2-2.5 acres, depending on if it is in a Geologic Study Area. Over 30% the minimum parcel size is 3-5 acres depending on if the parcel is in a geologic study area.

Water and Sewer Test. If a parcel has access to community water and sewer the minimum parcel size is one acre. If a parcel is proposed with an individual well and septic the minimum parcel size is 2.5 acres.

Within the Study Areas, Residential Suburban includes 84 acres in Study Area 3; 1,196 acres in Study Area 5; and 28 acres in Study Area 7. The land in Study Area 5 is largely built-out under the Residential Suburban land use designation and Study Area #3 is undeveloped.

Recreation

This land use designation identifies areas having recreational potential where private or public development of recreational uses can be encouraged when not

in conflict with surrounding rural and agricultural uses. This zoning category allows for resort-oriented development that can integrate residential uses into the development pattern. An example of this zoning category in the Nipomo area is the Black Lake Golf Course development that was completed under a Specific Plan approved by the County in 1983. The minimum parcel size for the Recreation land use category is determined by the Review Authority through a Development Plan unless the Area Plan or a Specific Plan states a minimum parcel size. The minimum parcel size for projects in this land use designation shall range from 20 to 1 acre outside Urban and Village Areas and 20 acres to 6,000 square feet for project inside Urban and Village Areas.

Rural Lands

This land use category encourages rural development of areas having limited agricultural capability at very low densities with the purpose of preserving open space, watershed and wildlife habitat areas. Typical Rural Land areas maintain low population in rural areas outside of urban and village reserve lines where an open and natural countryside with very low development intensity is preferred.

The minimum parcel size for new lots in the Rural Lands category is based upon site features including remoteness, fire hazard and response time, access, and slope. The minimum parcel size can range from 20 to 320 acres, depending upon the circumstances of a particular site. Several tests are applied to determine the minimum parcel size for a location, including remoteness, fire hazard/response time, access and slope. These tests are described in detail in Chapter four of the County Land Use Ordinance-Title 22, found in Appendix B of this document.

Residential Single Family

The Residential Single Family zoning category provides for single-family homes on urban-sized lots of less than one acre and mobile home developments in communities with full urban services. The minimum parcel size is based upon the type of public road serving the property, topography and terrain, and the type

of sewer system. The minimum parcel size can range from 6,000 square feet to one acre, depending of the circumstances of a particular site. A series of “tests” are applied to determine the minimum lot size for a site or area. These tests include access, slope and sewer. These tests are described in detail in Chapter Four of the County Land Use Ordinance–Title 22, which can be found in Appendix B of this document.

This land use category is found in Study Areas #3 and #5. The 91-acre site in Study Area #3 is vacant and is within the County’s Urban Reserve Line. The land zoned residential single family in Study Area #5 is already built-out.

Commercial Service

This land use category provides for commercial or industrial services and light manufacturing where they will not adversely affect surrounding properties. Study Area #4 has approximately 104 acres of land zoned Commercial Service. The minimum parcel size depends on whether the site has community water and sewer or is on an individual well and septic system. The minimum parcel size ranges from 6,000 square feet to 2.5 acres, depending on if the location has community water and sewer or an individual well and septic.

Clustering

The Clustering provision of the County’s Land Use Ordinance allows for smaller lot sizes to preserve more open space or habitat area on a parcel for the Rural Lands, Recreation, Residential Rural, Residential Suburban and Residential Single-Family land use categories. The number of parcels allowed for a site is established by applying the previously discussed minimum parcel size tests. This means that no increases in density can occur through clustering unless a parcel meets the Density Increase Bonus provision in the Clustering section. This provision allows for a nominal increase in the number of lots of an area with a Residential Single Family or Residential Suburban zoning category using the gross site area instead of net site area to calculate the minimum parcel size. The net site area excludes street rights-of-way and easements that limit the surface

use of the site for building construction. The actual number of lots created by the bonus is usually very low since the difference between the gross and net site area is not normally a large amount of area.

B. Thresholds of Significance

The proposed project would represent a significant land use impact if it were to conflict with an adopted general plan land use designations, environmental plans or adjacent land uses. The proposed project would have a significant impact if it affects agriculture resources or operations. The conversion of the agricultural soils is considered to be a significant adverse impact. Class I and Class II soils are considered to be prime agricultural soils

The proposed project will have a significant impact if it would "disrupt or divide the physical arrangement of an established community, conflict with adopted environmental plans and goals of the community where it is located, convert prime agricultural land to non-agricultural use or impair agricultural land or conflict with established recreational, educational, religious or scientific uses of the area." For the purposes of this DEIR, a project-related land use impact is considered significant if the Sphere of Influence would directly cause a change in zoning or a substantial intensification of land use in a particular Study Area.

C. Project Impacts

The proposed project would not directly result in any changes in land use for the involved properties. The proposed project could, however, represent the first step in development of any undeveloped property in the SOI. The precise nature and extent of future development within the proposed SOI is subject to speculation and cannot be determined at this time. Any future development of the areas within the SOI would require a number of steps, including but not limited to a General Plan Amendment, Specific Plan, a Subdivision Tract/Parcel Map, Conditional Use Permit approval, and Annexation approval by LAFCO. These above-listed discretionary approvals would require the preparation of

additional environmental documentation (CEQA) to address any potential land use and planning impacts.

Public services can increase the likelihood that an area may be developed or that a property owner may apply for a zone change; in either case, approvals such as a General Plan Amendment, Conditional Use Permit, or Tract/Parcel Map are generally needed from the County prior to development. It should be noted that it is unknown at this time if the expanded Sphere of Influence would cause such changes to any of the eight Study Areas. Using the existing land use designations to estimate the development potential for each of the eight areas, the following table shows the estimated development potential for each area as currently zoned:

Table 5.1-3: Development Potential-Existing Zoning

AREA	PROJECTED LAND USE (DU=Dwelling Units)	DWELLING UNITS (DU)	PROJECTED POPULATION INCREASE (3.00 persons/unit)
1	420 acres of Agriculture x 1 unit/100 acres=	4 du	12
	462 acres of Residential Rural x 1 unit/5 acres=	92 du	276
	Canada Ranch Specific Plan=	350 du	1050
2	132 ac. Agriculture x 1 units/100 acres	1 du	3
3	⁽¹⁾ 91 acres of Residential Single Family X 4 units/acre=	364 du	1092
	84 acres of Residential Suburban X 1 unit/acre=	84 du	252
	84 units		
4	Southland Specific Plan =	100 du	300

AREA	PROJECTED LAND USE (DU=Dwelling Units)	DWELLING UNITS (DU)	PROJECTED POPULATION INCREASE (3.00 persons/unit)
	1,173 of Rural Lands X 1 unit/20 acres=	59 du	177
5	Residential Single Family & Residential Suburban	Nearly built- out	Nearly built- out
6	⁽²⁾ Woodlands Specific Plan Area	1,320 du Request not to be included	3,960 Request not to be included
7	1,325 acres of Residential Rural X 1 unit/5 acres=	265 du	795
8	180 acres of Residential Rural X 1 unit/5 acres =	36 du	108
TOTALS		1,355 du	4,065
Deduct 20% build-out factor		271 du	813
Adjusted Total		1,084du	3,252

- (1) General Plan Amendment would be needed to increase density.
- (2) Woodlands is an approved project and is not included in calculation.
- (3) Based on estimated 10,000 people currently living within the District.

Other actions such as approval of a Specific Plan, Conditional Use permit, or an Annexation may also be needed prior to an area being served by the NCSD; however, inclusion of an area within a Sphere of Influence of a utility provider represents the initial step in the future extension of services to an area and may represent the elimination of a potential constraint upon future development in that area.

It should be noted that the SOI would not however cause a change in zoning or an increase in density. An increase in density in the SOI Study Areas would first require review and evaluation through one or more of the following processes:

- A zoning change in the form of a General Plan Amendment.
- Approval of a Specific Plan.

- Conditional Use Permit (Minor Use Permit/Development Plan approvals).
- Annexation into the District.

The above-listed processes are subject to the California Environmental Quality Act. Inclusion in the SOI does not guarantee service or development of an area, but allows for the jurisdiction to plan serving that area. A General Plan Amendment, Specific Plan, or Conditional Use Permit would study a variety of land use and environmental issues before being approved or denied including community character and compatibility, existing Land Use policies, traffic and circulation impacts, the provision of public services, etc.

The NCSD SOI is a contributing factor to continued growth and development in the Nipomo area; however, it should be noted that Nipomo has grown significantly over the past two decades without the prior expansion of the District's Sphere of Influence. Typically, development projects were approved by the County for development and then approved by LAFCO and the District for inclusion into the District's SOI and service area. The growth in the area has been driven by approvals at the County level. The approvals usually anticipate the project itself providing public services such as water and sewer (i.e., Woodlands, Black Lake).

While the NCSD's Sphere of Influence does provide for public services to some undeveloped areas, these areas are subject to the County's Land Use approval process. Additions to the District's Service Area and Sphere of Influence are often reacting to a land use proposal approved or being considered by the County. The cumulative impacts of adding areas to the District's Sphere of Influence on land use are difficult to quantify because while public services may result in intensification of land use, there are examples of this intensification not occurring in areas once services are provided. For example, Area 1 where waterlines have existed for years and Area 3 where public service infrastructure is also close by and within the URL. It is more often that a project is approved by the County and then requests services from the District, i.e., Knollwood, Black Lake, and Maria Vista.

Expanding the District's Sphere of Influence could have the indirect impact of encouraging a change in land uses in some Study Areas by providing public services (water and sewer). While in this case the NCSD does not control land use decisions (the County), the provision of public services can affect the intensity and type of land development in a particular area. The Initial Study identified the following land use and planning impacts as potentially significant:

Impact LU-1. Including all eight Study Areas, could conflict with general plan designation, zoning or land use policies in the Nipomo Area.

The land use planning process is designed specifically to review projects for General Plan consistency. Inconsistencies or conflicts between the Sphere of Influence and the County General Plan or zoning can be resolved through LAFCO review and evaluation of annexations or through County land use approvals. The following is a more detailed discussion of the planning process and regulations that may apply.

Density is determined based on the existing zoning of a property. The zoning allows for the type of use and helps determine the minimum size of the lot that may be allowed, providing certain criteria are met. Minimum lot sizes under existing zoning, subject to the standards shown in the table below, effectively establish the density of a particular property or area. To modify or change density, the zoning would need to be changed through a General Plan Amendment.

A key factor in determining the density of a property or site is whether or not it has access to an adequate water supply and sewer system. Access to community water and sewer can enable a property or site to reach the minimum lot size allowed by its existing zoning. However, the minimum lot size under the existing zoning cannot be changed to increase density unless a General Plan Amendment is approved by the County. If community water and sewer are available, but the zoning will not allow an increase in density, a property owner may request that the zoning be changed through a General Plan Amendment.

Table 5.1-4 shows the minimum lot size allowed with and without community water and sewer for residential development.

Table 5.1-4: Minimum Lot Sizes Allowed

Land Use	Lot Size allowed with Community Water	Lot Size allowed without Community Water	Lot Size allowed with Community Sewer	Lot Size Allowed without Community Sewer
Residential Multifamily Residential Single Family	Community Water is required to develop land in these categories Other applicable Standards: Access, Slope and Sewer tests	Community Water is required for this land use category	6,000 Sq ft.	20,000 sq. ft. with 0-5 min. /inch Leaching Capacity 1 acre with 5+ min/inch of leaching capacity
Residential Suburban	1 acre Other Standards: Slope test	1 acre with comm. sewer 2.5 acres w/o comm. sewer	1 acre	2.5 acres
Residential Rural: 22.04.026	Based on other Standards: Remoteness, Fire Response, Access, and Slope tests	5-acre minimum	5-acre minimum	5-acre minimum
Rural Lands: 22.04.025	Based on other Standards: Remoteness, Fire Response, Access, and Slope tests	20-acre minimum	20-acre minimum	20-acre minimum

1) San Luis Obispo County Land Use Ordinance Chapter 22.04.20-37

The provision of these public services may or may not encourage the changes of zoning discussed above; however, placing an area in the NCSD's Sphere of Influence does indicate that it may be annexed into the District in the next 20 years for the provision of services.

This is an important consideration because expanding the NCSD's Sphere of Influence would make these areas eligible for community services, thus potentially increasing the likelihood of an increase in density for a particular parcel of land through a change in zoning. This increase in density could lead to increased population, the need for additional road capacity and water supply as well as other services. It is also important to note that property owners may choose to develop properties under their current zoning and allowed densities. It is uncertain how many General Plan Amendments might occur if all eight Study Areas are placed in the Sphere of Influence as they are now proposed. While the Sphere of Influence allows for services to be provided to a property upon annexation to the District, the County maintains land use authority in terms of changing the zoning to allow for increases in density and approval of development projects.

"Build-out" is the maximum possible development permitted in an area under current land uses allowed by the General Plan. Full build-out is rarely, if ever, reached within a community because some parcels are not suitable for development and other parcels are not developed to their maximum potential by choice of the owner. As a rule of thumb, build-out may be 75 to 80% of the area of a particular property. This could be more or less depending on the site constraints of a particular property.

The proposed Sphere of Influence Update and Municipal Service Review may conflict with the County of San Luis Obispo's General Plan and may lead indirectly to changes in the South County Area Plan of the County's General Plan. The potential conflict is that the County General Plan discourages the provision of urban-level services (water and sewer) outside the Urban Reserve Line. The premise of this policy is that community water and sewer services promote increased density and development to an area. That stated, it is unknown what specific changes or development projects may be proposed because of the expansion of the NCSD's Sphere of Influence.

Areas that are outside the County's Urban Reserve Line are not intended to received urban-level services such as water, sewer and street lighting. The South County Area Plan intends for some of these areas to remain rural in character and to be used as urban separators for the various "villages" in the area. Study Areas where this could be an issue include:

Study Area #1	1,100 acres
Study Area #4	1,200 acres
Study Area #7	1,352 acres, and
Study Area #8	334 acres.

Study Area #5 is within the Urban Reserve Line and Study Area #6 is the Woodlands development within a Village Reserve Line.

Public services can increase the likelihood that an area may be developed or that a property owner may apply for a zone change. In either case, approvals such as a General Plan Amendment, Conditional Use Permit, or Tract Map are needed from the County prior to development. It should be noted that it is unknown at this time if an expanded Sphere of Influence would cause such changes to any of the eight Study Areas.

As previously stated, the SOI would not however cause a change in zoning or an increase in density. An increase in density in the SOI Study Areas would first require review, evaluation, and approval through one or more of the previously mentioned land use processes.

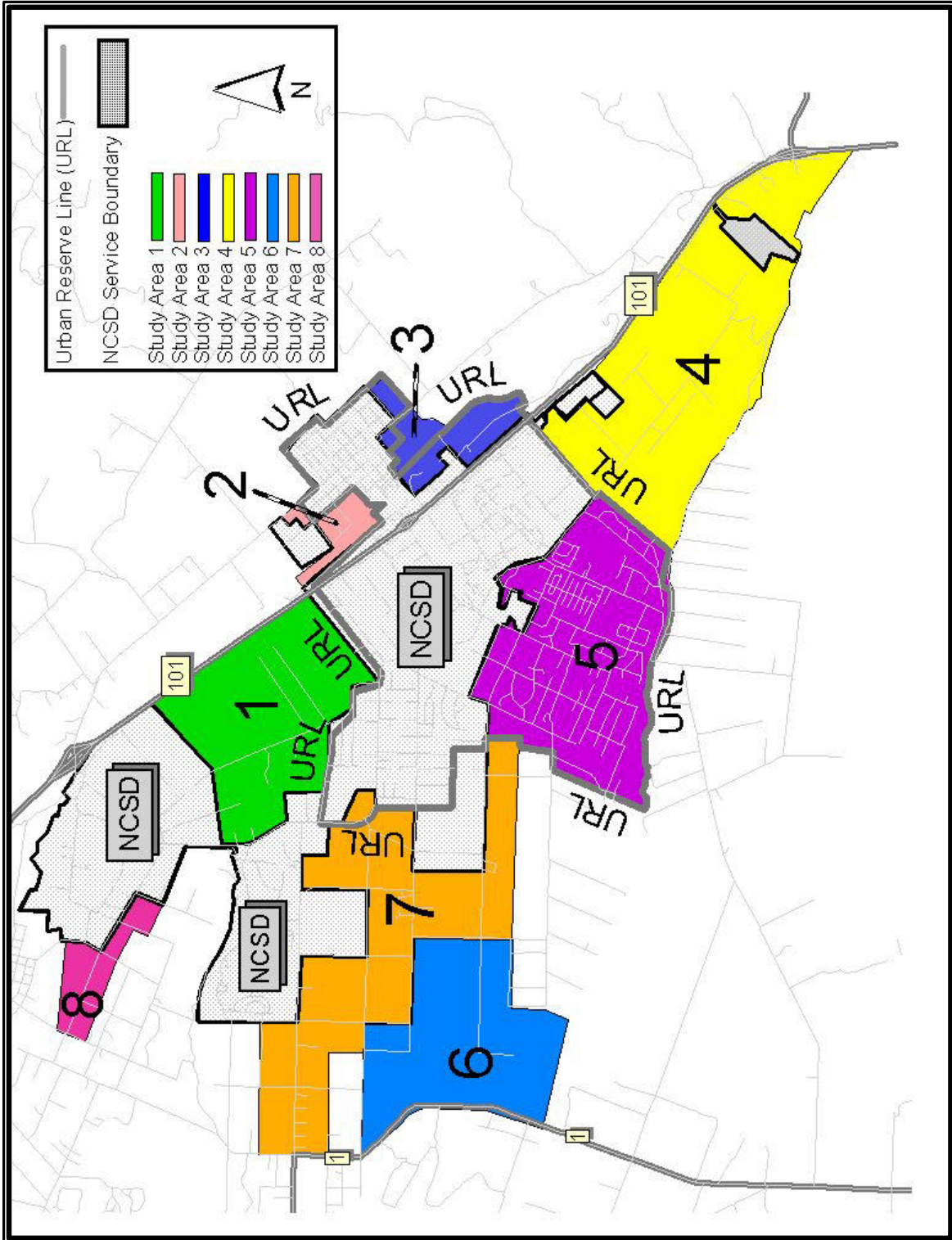


Figure 5.1-2: Study Areas & Urban Reserve Line

These processes entail significant public involvement and the implementation of CEQA. The SOI is one factor among many that needs to be considered prior to a zoning change being approved. The following table shows the areas being studied for inclusion in the SOI and the approvals that could be required:

Table 5.1-5: Study Areas and Potential Approvals

STUDY AREA	EXISTING LAND USE	Land Use Approvals Needed
1	420 acres of Agriculture 462 acres of Residential Rural 200 acre Canada Ranch Specific Plan	<ul style="list-style-type: none"> • To increase density, or move the URL, a General Plan Amendment to change zoning would be required. • Possible approval of Tract or Parcel Map by County • Conditional Use Permit approval may be needed for land use projects • Specific Plan approval for Canada • Annexation to the District • All approvals are subject to CEQA
2	132 Acres Agriculture	<ul style="list-style-type: none"> • To increase density and move the URL, a General Plan Amendment would be required. • Possible approval of Tract or Parcel Map by County • Conditional Use Permit approval may be required for some land use projects • Annexation to the District • All approvals are subject to CEQA
3	91 acres of Residential Single Family 84 acres of Residential Suburban	<ul style="list-style-type: none"> • Conditional Use Permit approval may be required for land use projects. This area is within the URL and is envisioned by the County to receive urban services. • Annexation to the District • To increase density in this area, a General Plan Amendment to change zoning would be required. • All approvals are subject to CEQA
4	Southland Specific Plan	<ul style="list-style-type: none"> • To Increase Density, a General Plan Amendment to change zoning would be

STUDY AREA	EXISTING LAND USE	Land Use Approvals Needed
	1,173 acres of Rural Lands 104 acres Commercial Service Maria Vista-Residential Suburban	required <ul style="list-style-type: none"> • Conditional Use Permit approval may be required for some land use projects. • Possible approval of Tract or Parcel Map by County • Specific Plan approval for Southland • Annexation to the District • All approvals are subject to CEQA
5	Residential Single Family (RSF) Residential Suburban (RS)	<ul style="list-style-type: none"> • The RSF area is already developed. To Increase Density a General Plan Amendment to change zoning from RSF to RMF would be needed. • The RSF area already receives sewer service from the County. The County contracts with the NCSD to process the effluent from this area. • The RS area is largely built out and Cal Cities Water Co provides community water. The provision of sewer services to the area might allow for a limited number of secondary units on some lots. • A Conditional Use Permit (Minor Use Permit-Development Plan) approval may be required by the County for these units. • Annexation to the District • These approvals are subject to CEQA
6	Woodlands Specific Plan Area	<ul style="list-style-type: none"> • The Woodlands has already been approved with an EIR and mitigations.
7	1,325 acres of Residential Rural x 1 unit/5 acres= 265	<ul style="list-style-type: none"> • To increase density, a General Plan Amendment to change zoning from RR to RS or RSF is required. • Conditional Use Permit approval for land use development/projects is usually required. • Annexation to the District would be required. • Approvals are subject to CEQA

STUDY AREA	EXISTING LAND USE	Land Use Approvals Needed
8	181 acres of Residential Rural x 1 unit/5 acres = 36	<ul style="list-style-type: none"> • To increase density, a General Plan Amendment to change zoning from RR to RS or RSF is needed. • Conditional Use Permit approval for land use development/projects is usually required. • Annexation to the District would be required. • Approvals are subject to CEQA

Impact LU-2. Including all eight Study Areas, could conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project.

The proposed project may indirectly conflict with any environmental plans or policies adopted by agencies with jurisdiction over the project area.

Environmental plans that apply to the project area include the County General Plan, the Clean Air Plan (Air Pollution Control District), Water Quality Control Plan-Basin Plan (Regional Water Quality Control Board) and the Regional Transportation Plan (San Luis Obispo Council of Governments).

The proposed project would not directly result in any changes in land use for the involved properties. The proposed project could, however, represent the first step in development of any undeveloped property in the SOI. The precise nature and extent of future development within the proposed SOI is subject to speculation and cannot be determined at this time. Any future development of the areas within the SOI would require a number of steps, including but not limited to a General Plan Amendment, Specific Plan, a Subdivision Tract/Parcel Map, Conditional Use Permit approval, and Annexation approval by LAFCO. These above-listed discretionary approvals would require the preparation of additional environmental documentation (CEQA) to address any potential land use and planning impacts.

LAFCO generally reviews and evaluates annexation proposals that have obtained land use approvals from the County. Alternatively, if an annexation is approved prior to the County Land Use Approval being granted, the proposal may be conditioned for approval only upon land use approvals being granted by the County. This would mitigate the impact of the SOI conflicting with General Plan designation or zoning. Agricultural resources would also be studied as part of the land use project evaluation.

The San Luis Obispo County Air Pollution Control District (APCD) implements and regulates the air quality regulations for the County and for the Nipomo area. During the NOP 30-day comment period, the APCD provided a comment letter that indicated specific concerns about the expansion of the SOI into various study areas. The APCD also offered general comments with regard to the proposed SOI expansion and the consistency of this action with APCD's policies.

The APCD has indicated that they believe many of the changes proposed in the SOI Update would likely promote additional development in remote areas and result in urban sprawl, which is inconsistent with the goals and objectives of the Clean Air Plan.

The APCD is concerned about the cumulative effects resulting from ongoing conversion of agricultural and rural areas to more intensive uses in locations removed from commercial services and employment centers. Such development fosters continued dependency on automobile use as the only viable means of access to essential services and other destinations. This type of development is inconsistent with the Land Use Planning Strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The Land Use Planning Strategies were designed to lessen automobile dependence through greater pedestrian access; increased transit access; mixed-use and compact zoning; in-fill development as opposed to development at the urban fringe; and balance of jobs and housing.

The APCD also indicates that in addition to the Land Use Planning elements described in the CAP, designing compact communities and increasing transportation alternatives are the first two goals identified in the County's Energy Element of the San Luis Obispo County General Plan. Several studies have shown that communities designed with these goals in mind not only minimize impacts on air quality and the environment, but are also much more energy efficient and provide better long-term economic benefits.

According to the APCD, promoting in-fill and higher density development in the town center while limiting development at the urban fringe will not only preserve our natural resources, including air quality, but can also result in significant financial savings. Development at the urban fringe often results in an eventual decline in property values in the town center and close-in suburbs. Additionally, business and shop owners also see the decline in their customer base and property values, making the continuation of their business more and more difficult over time. The costs of expanding services, such as water, sewer, and garbage are also significantly increased as development sprawls. Rather than expanding the Sphere of Influence and moving new development away from the town center, new development should be focused on the underutilized areas within the current urban reserve line (URL) and/ or Village Reserve Line (VRL).

The APCD draws the conclusion that if the SOI includes all eight Study Areas it would promote urban sprawl by encouraging additional development in remote areas. It should be noted that significant development could occur within the SOI under current zoning and general plan policies. The following is a summary of the APCD's comments:

Study Area 1 includes Canada Ranch, a 200-acre parcel adjacent to the NCSD. The County General Plan envisions this area as being the location of a Specific Plan with jobs and housing. Just north of Canada Ranch is the Willow Road extension and interchange which already has a completed EIR and will be constructed in the next few years. This project will provide key transportation link

for the community and may also cause an increase in the pressure for growth in the area.

The South County Area plan specifies the types of land uses that may be proposed for the Canada Ranch and identifies planning and environmental issues that need to be addressed in the Specific Plan. Study area #1 is currently outside the Urban Reserve Line. It is very likely that the URL would be moved to include Canada Ranch when the Specific Plan is processed for this property. The other areas will likely not be included within the URL unless a general plan amendment is applied for an approved.

Study Area 2 is prime agricultural land that is currently under production. This area is surrounded by development with the high school to the north, the town of Nipomo to the south and east, and Highway 101 to the west. Often, agricultural areas that are surrounded in this manner are eventually proposed for development.

Study Area 2 is also proximate to town and urban services and is a way to ensure a more compact development pattern with fewer and shorter vehicle trips. Directing development closer to the town and services is consistent with the APCD's and County policies. The conversion of prime agricultural land is an issue that will be addressed through the County's land use planning process and prior to any development occurring. The County Agriculture and Open Space Element contains policies and standards that address the conversion of agricultural land at the time of site development. These policies would be applicable when a proposal to develop the property is made. This property could not be significantly developed without a General Plan Amendment to change the zoning of the property and a Development Plan that identified a project for the site. There is not a proposal for development of this property at this time, as it lies outside the URL.

Study Area 3 includes sites within the Urban Reserve Line already established by the County. The APCD indicates they are in agreement with adding those areas

to the District's SOI. The area also includes a small parcel zoned Agriculture. The South County Area Plan calls for this area to be recommended as a site for a South County Government Center.

Study Area 4 -- The APCD does not agree with adding Study Area 4 to the District's SOI because it may encourage Urban Sprawl. It should be noted that the parcel adjacent to the District's southern boundary, the Southland Street Specific Plan Area, is proposed for development through the preparation of a Specific Plan. The following types of land uses are envisioned for this parcel by the Area Plan; small-scale manufacturing or electronics assembly, business support services, research and development, incidental public facility, retail and personal service uses. It should also be noted that the District's Wastewater Treatment Facility is located in this area as well as water and sewer lines to serve the Maria Vista development in the southern part of Study Area 4.

Study Area 5 -- The APCD supports the inclusion of Study Area 5 into the District's SOI because it is already within the County's Urban Reserve Line.

Study Area 6 -- The APCD also supports the inclusion of the Woodlands (Study Area 6) into the District's SOI because the environmental impacts have already been studied and mitigated. It should be noted that adding the Woodlands would promote the sprawling development pattern already evident within the area. Also, the Woodlands is not proximate to the District's existing boundaries and could cause increased pressure for the development of surrounding areas.

Study Areas 7 and 8 -- The APCD recommends that both Study Areas 7 and 8 be excluded from the District's SOI because of the low-density nature of the development that would occur in these areas. The APCD is concerned about furthering the dependence on the automobile because services would not be available in these areas. Study Area 7 is zoned largely Residential Rural and many areas have been developed as allowed; five acre parcels. Greenhouses are another land use in the area. Changing land uses or increasing the density in the area would require a General Plan Amendment. Study Area 8 recently

received approval of a General Plan Amendment (Robertson) from the Board of Supervisors to receive water from a community water source, the Nipomo Community Services District. This is pursuant to the standards and policies identified in the South County Area Plan. Study Area 8 is a water poor area that requires the trucking in of water on occasion. These area not likely to be included within the URL in the future unless a General Plan Amendment is applied for and approved.

Impact LU-3. Including all eight Study Areas, could affect agricultural resources or operations in the area (e.g., impacts to soils or farmlands or impacts from incompatible land uses).

The conversion of the agricultural soils is considered to be a significant adverse impact. Class I and Class II soils are considered to be prime agricultural soils. According to the Department of Agriculture of the County of San Luis Obispo, the eight Study Areas contain a total of approximately 757 acres within the Agriculture Land Use Category. Multiple production agriculture uses also exist within the Rural Residential and Rural Lands land use categories, predominately strawberries, avocados and greenhouses. 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.

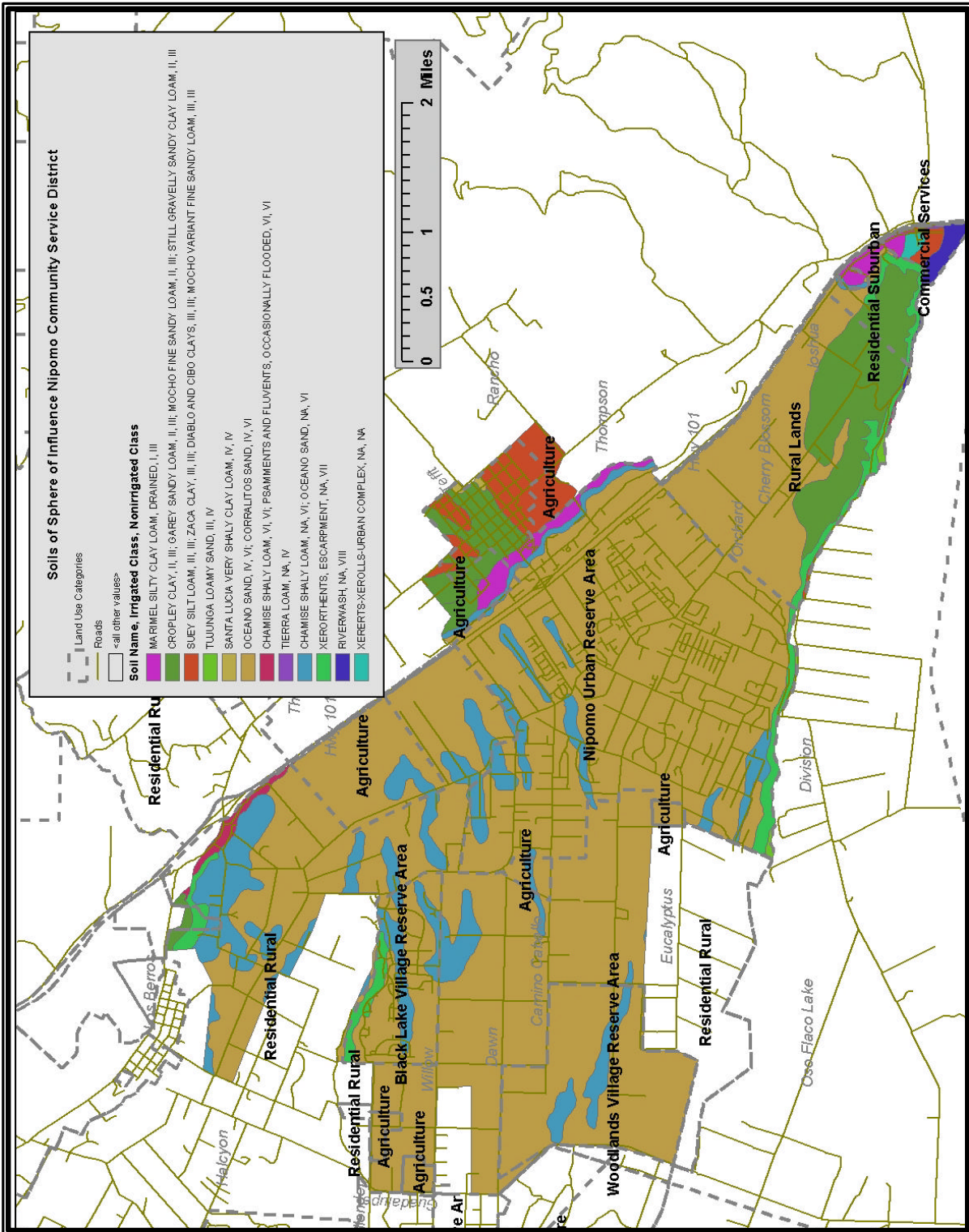
(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$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 (\$400.00) per acre for three of the previous five calendar years.

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

Figure 5.1-2 on the following page shows the soils types within the Study Areas of the Sphere of Influence. Please note that the prime agriculture soils are found in Study Areas 2, 3, 4, and 5.

Figure 5.1-2: Study Area Soil Types



The County Department of Agriculture identified specific policies from the Agriculture and Open Space Element that may be applied when evaluating specific projects for development including AGP 8, Intensive Agriculture Facilities; AGP 11, Agricultural Water Supplies; AGP 17, Agricultural Buffers; AGP 20, Agricultural Land Divisions; and AGP 24, Conversion of Agricultural Land. While the SOI does plan for the future service boundary of the NCSO, it does not propose the conversion of agricultural land; however, the inclusion of an agricultural area within the SOI may be a precursor to the development and may have the indirect effect of causing development to be proposed on prime agricultural land.

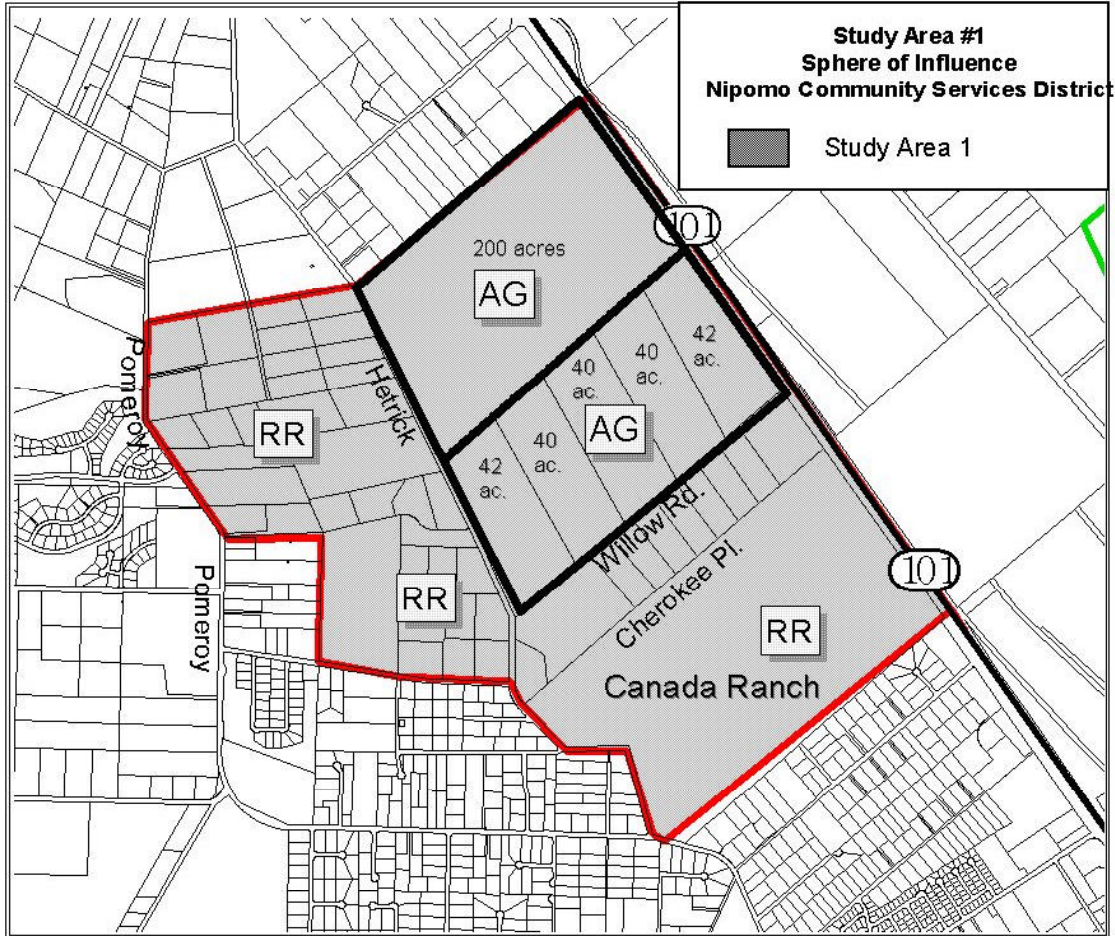
The Sphere of Influence may be extended into existing agricultural lands, areas adjacent to existing agricultural farmlands, and rural lands being used for agricultural purposes. The proposed project could represent the first step in the development for property in these areas. Future development of these areas could adversely impact any agricultural operations in adjacent areas at that time; however, the precise nature and extent of future development of these properties cannot be determined at this time. Study Areas that may affect agricultural resources and land if they are developed include #1, #2, #3, #4, and #7.

The following discussion provides details about agricultural resources in the Study Areas.

Study Area 1 includes 400 acres of agriculturally zoned land north of the Willow Road extension and east of Hetrick which are sometimes used for grazing cattle. This area is made up of six parcels: five 40-acre parcels adjacent to the Willow Road extension and one 200-acre parcel to the north. The area is shown below in Figure 5.1-3. The soils in this area are classified as Class IV if irrigated and Class VI if they are not irrigated. These soils are used for rangeland and limited crops such as lemons, avocados, strawberries and Christmas Trees. The conversion of the agricultural soils is considered to be a significant adverse

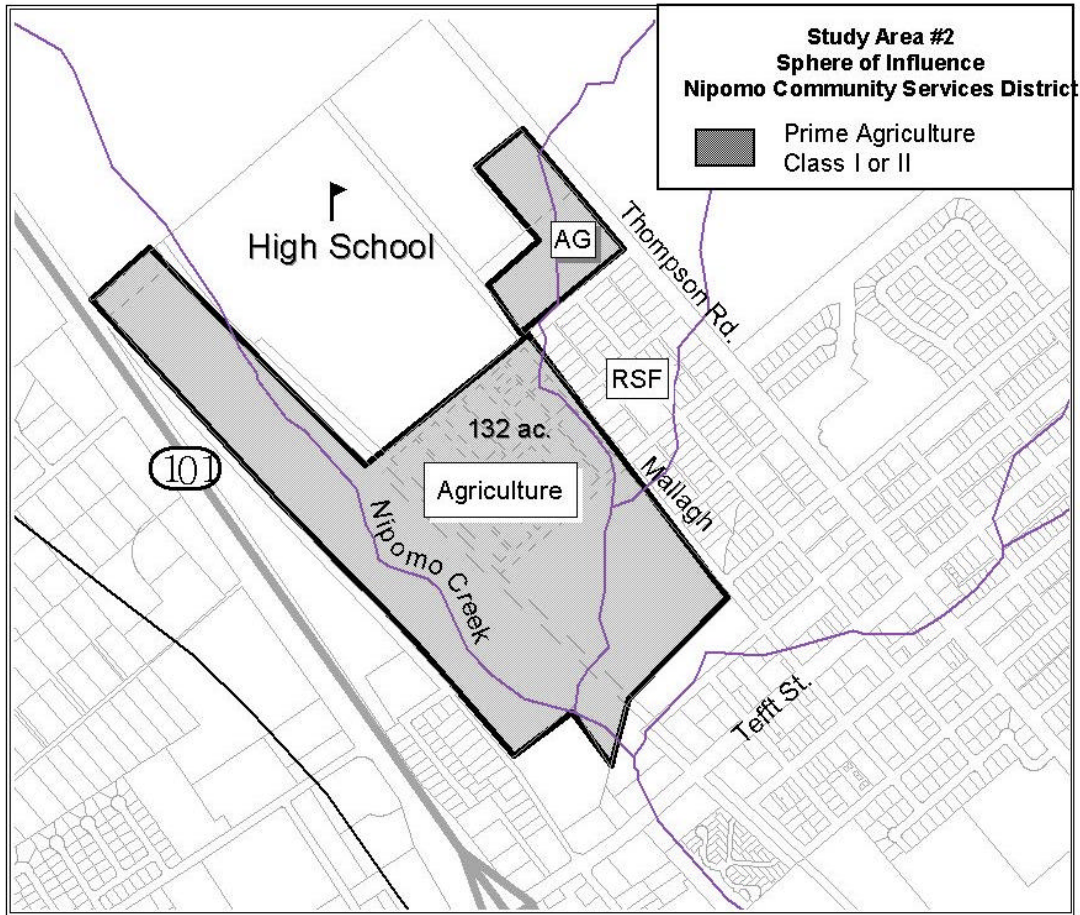
impact. Class I and Class II soils, which are considered to be prime agricultural soils, are not found on this site.

Figure 5.1-3: Study Area #1



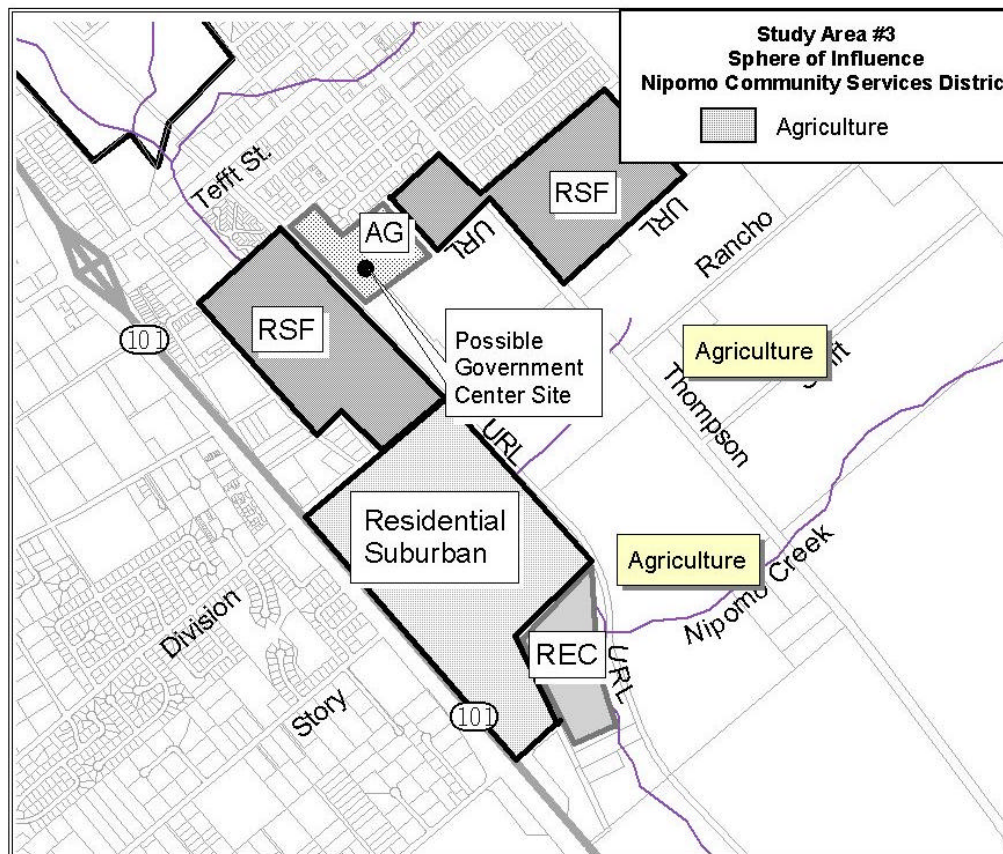
Study Area 2 includes 132 acres of agriculturally zoned land north of the Town, south of the High School and east of Highway 101. The soils in this area are classified as Class II if irrigated and Class III if they are not irrigated. These soils are considered to be “prime” agriculture with a classification of II for this area and have been used for growing row crops in the recent past. The area is in an agricultural preserve contract under the Williamson Act.

Figure 5.1-4: Study Area #2



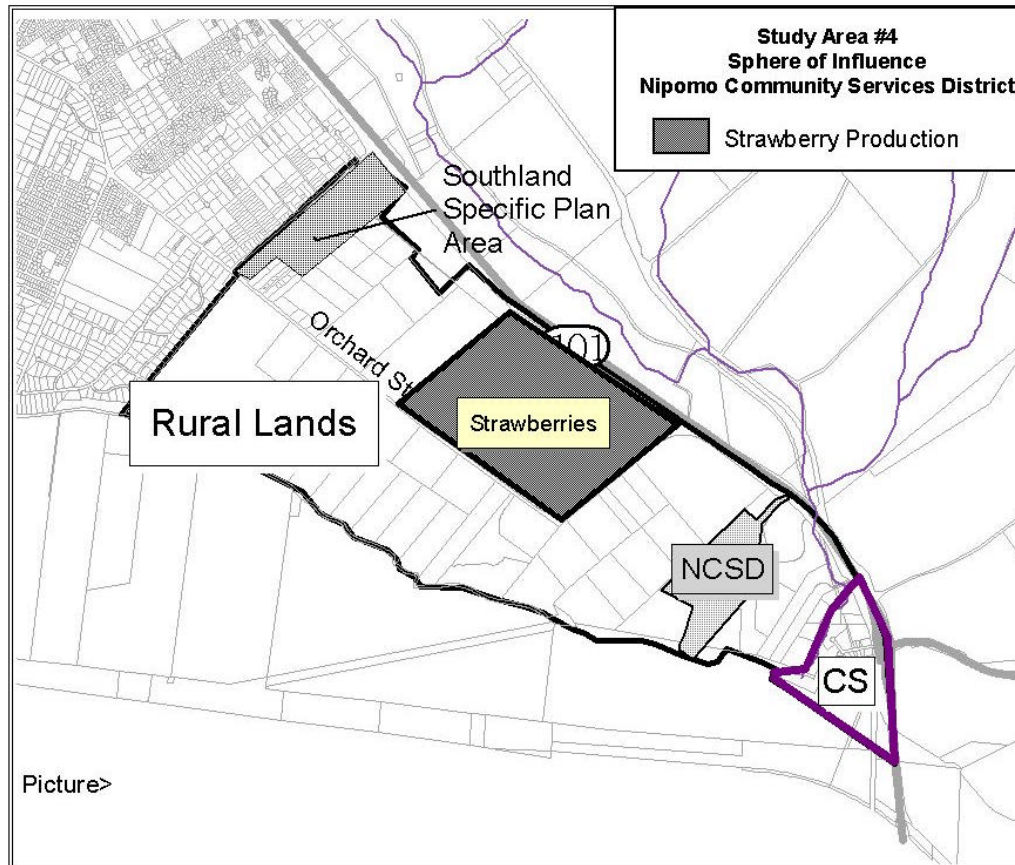
Study Area 3 is located east of Highway 101 and south of Olde Towne Nipomo. Much of the land is within the Nipomo URL as established by the County in the South County Area Plan. The only area being considered for inclusion into the SOI that is outside the URL is an area between Thompson Rd. and the Nipomo Creek adjacent to Sparks Ave. This site is a small area that is zoned Agriculture, and is a possible future site of a government center. The area consists of non-prime, Class III soils. The South County 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. There are adjacent lands that are zoned Agriculture in this area and the impact of development next to these areas would need to be addressed when a project is proposed.

Figure 5.1-5: Study Area #3



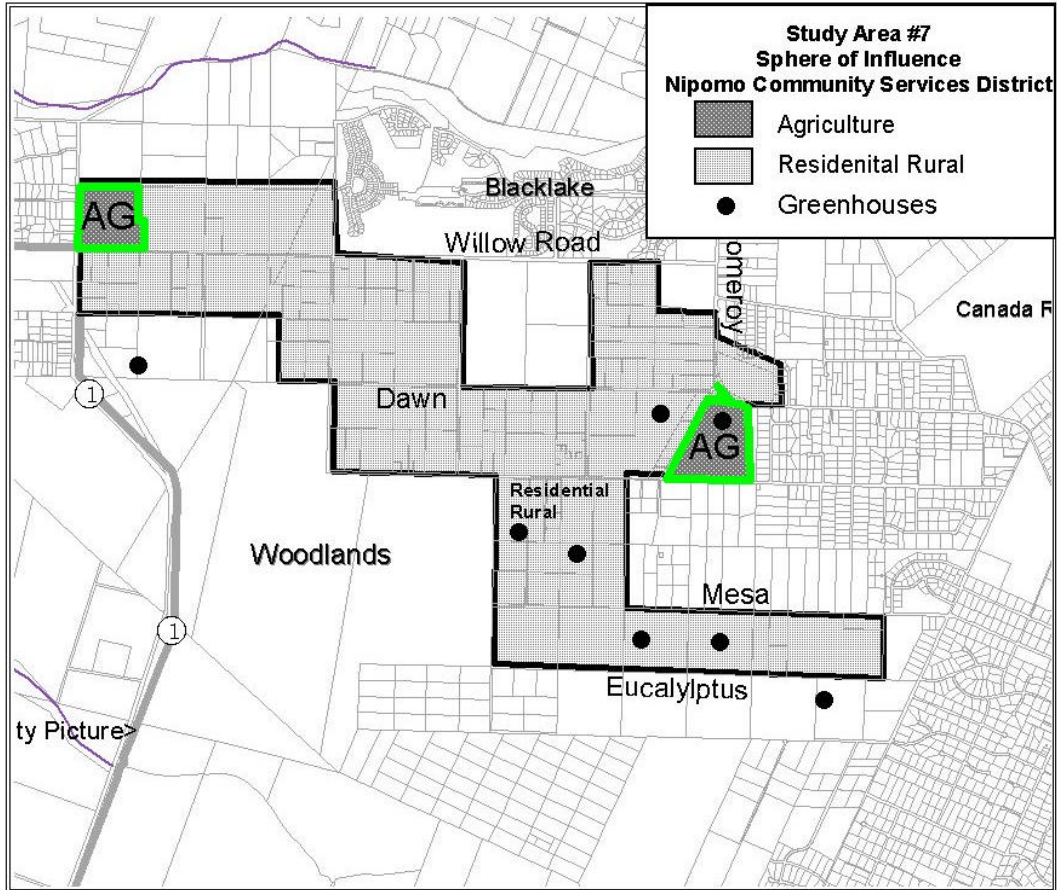
Study Area 4 is located to the south of the current NCSD boundary and north of the Santa Maria Valley. The area to the south of Southland Street is zoned Rural Lands. A large portion of this area is used for growing strawberries. Prime soils (class II) are located in southwest portion of the area with non-prime soils in the areas closer to Highway 101.

Figure 5.1-6: Study Area #4



Study Area 7 is zoned Residential Rural with two smaller parcels zoned Agriculture. The area includes several greenhouses as well as a number of residential units on 5-acre lots and larger. The soils in this area are classified as IV and VI. This area does not include any prime agricultural land.

Figure 5.1-7: Study Area #7



D. Cumulative Impacts

The CEQA Deskbook defines Cumulative Impacts as “two or more individual impacts that, when considered together are considerable or that compound or increase other environmental impacts.” The NCSO SOI is a contributing factor to continued growth and development in the Nipomo area; however, it should be noted that Nipomo has grown significantly over the past two decades without the prior expansion of the District’s Sphere of Influence. Typically, development projects were approved by the County for development and then approved by LAFCO and the District for inclusion into the District’s SOI and service area. The growth in the area has been driven by approvals at the County level. The approvals usually anticipate the project itself providing public services such as water and sewer. Major development approvals of this type include:

- Black Lake Development-Within the District’s SOI/Service Area
- The Woodlands-Outside the District’s SOI/Service Area
- Maria Vista-Within the District’s SOI/Service Area
- Knollwood-Within the District’s SOI/Service Area

Pending General Plan Amendments

The County has several General Plan Amendments pending in the area (see table 5.1-6), including the Woodlands development.

Table 5.1-6: Pending General Plan Amendments

Project	Description	NCSD Service Status
1. <u>Cypress Ridge</u> -PC approved-February 28, 2002	Change 123 acres from Residential Suburban to Recreation. Enable development of lodging (103 suites) and restaurant, and employee housing.	Not proposed for inclusion in SOI or the NCSD Service Area.
2. <u>Summit Station</u> -EIR waiting for funding for EIR Preparation.	Remove area standard that limits further subdivisions of land near Summit Station Road.	Currently served by NCSD. Could allow up to 200 new residences to be served by NCSD. Expansion of Summit Station area to include Robertson property.
3. <u>Nipomo Oaks Partnership/Mehlscau</u> : Accepted for processing- In the environmental review Process.	Change a 40-acre site from Agriculture to Commercial Retail, dis-establish agriculture preserve contract, also extends Urban Services Line to include other 425 acres of rural properties to the south.	Currently outside of Service Area. Being considered for inclusion into NCSD Sphere of Influence as part of this update.
4. <u>Brand</u> -EIR being prepared	Change 72 acres from rural lands to 32 acres Residential Suburban and 40 acres of Commercial Service.	Currently outside of Service Area. Being considered for inclusion into NCSD Sphere of Influence as part of this update.
5. <u>Craig/Lucia Mar USD</u> :	Change 14.5 acres of 40-acre site from Rural residential to Recreation. Will include 16 residences and 500-student	EIR is being prepared for the project.

Project	Description	NCS D Service Status
	elementary school.	
6. <u>Green Canyon/Helenius</u> :	Change 21 acres of 84 acres from Agriculture to Residential Rural. Includes agriculture buffers and trails plan and dis-establish Agriculture preserve status.	Currently outside of Service Area. Is not being considered for inclusion into NCS D Sphere of Influence as part of this update.
7. <u>Robertson</u> : Negative Declaration and Board Approved application to the NCS D	Adds 9 lots to Summit Station area currently served by the NCS D	Currently outside of Service Area. Is being considered for inclusion into NCS D Sphere of Influence as part of this update.
8. <u>Troesh</u> : Authorized for processing	Change allowable uses to allow for wood chipping.	
9. <u>Anderson</u> : Authorized for processing	Change land use category on approx. 38-acre site from Ag to Residential Rural to allow the site to be subdivided into seven approx. five-acre parcels.	
10. <u>A.J. Diani Construction</u> : Initial review stage. Not authorized for processing yet.	Change land use category from Commercial Service to Industrial to allow for the development of a portable stand-alone asphalt concrete plant and occasional operation of a portable lime treatment system, and a portable rubberized asphalt blending system.	

Pending Annexations

Several annexation applications have been submitted to LAFCO for consideration and are summarized below:

Table 5.1-7: Pending Annexation Applications

Project	Description	NCS D Service Status
1. <u>Robertson Annexation</u>	Would add 9 lots to Summit Station area currently served by the NCS D. GPA Approved by the Board of Supervisors-Annexation application submitted to LAFCO	Currently outside of District's Service Area. Is being considered for inclusion into NCS D Sphere of Influence as part of this update.
2. <u>Lem Annexation</u>	Includes 19 acres currently within the Urban Reserve Line. Would add 18 lots to the District. County consideration is pending, Annexation application submitted to LAFCO.	Currently outside of District's Service Area. Is being considered for inclusion into NCS D Sphere of Influence as part of this update.
3. <u>Nipomo Hills</u>	Would add 91 acres to the District for the purpose of residential development. County consideration is pending, Annexation application submitted to LAFCO. Part of the area is inside the Urban Reserve Line.	Currently outside of Service Area. Being considered for inclusion into NCS D Sphere of Influence as part of this update.

While the NCS D's Sphere of Influence does provide for public services to some undeveloped areas, these areas are subject to the County's Land Use approval process. Additions to the District's Service Area and Sphere of Influence are often reacting to a land use proposal approved or being considered by the County. The cumulative impacts of adding areas to the District's Sphere of Influence on land use are difficult to quantify because while public services may result in intensification of land use, there are examples of this intensification not occurring in areas once services are provided; i.e., Area 1 where waterlines have existed for years and Area 3 where public service infrastructure is also close by and within the URL. It is more often that a project is approved by the County and then requests services from the District, i.e., Knollwood, Black Lake, and

Maria Vista. This same process may be followed when the Canada Ranch and Southland Specific Plan areas are developed as foreseen in the County's General Plan.

It is uncertain what development proposals will come forward in the future and which ones will be approved by the County. It is equally uncertain to be able to foretell which of these proposals would be caused by expanding the District's Sphere of Influence. The cumulative impact on land use caused by the expansion of the Sphere of Influence cannot be quantified; however, expanding the SOI is the first step towards development and may be a contributing factor to the future development of an area.

E. Mitigation Measures

Mitigation LU-1. Prior to providing services to an area or property in the District's Sphere of Influence one or more of the following processes shall be completed:

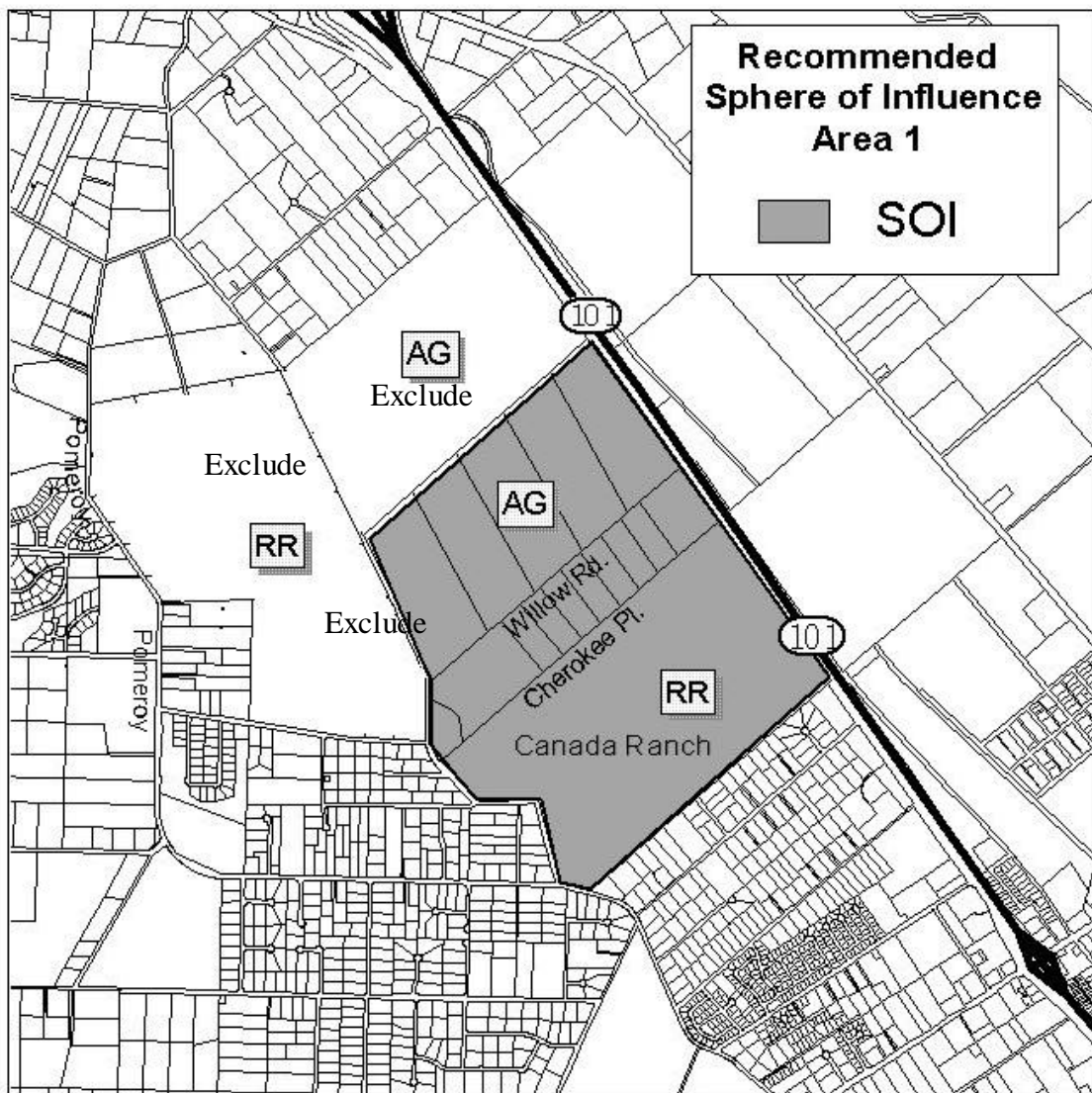
- 1) Approval by the County of San Luis Obispo of Tract or Parcel Map, Conditional Use Permit, Specific Plan, and/or General Plan Amendment, or
- 2) Approval by LAFCO of an Outside User Agreement or an Annexation.

These processes shall be subject to the environmental review process consistent with the California Environmental Quality Act (CEQA). Any conflicts between the Sphere of Influence and the General Plan shall be resolved through these processes stated above. Impacts associated with premature or "leapfrog" development, development outside the Urban Reserve Line, potential growth-inducing impacts, and the availability of public services shall also be addressed and mitigated to the greatest possible degree through these discretionary approval processes.

Mitigation LU-2. The proposed Sphere of Influence shall be reduced from the eight Study Areas to include areas that are less likely to see an intensification of land use or premature development because of the provision of services from the Community Services District. It is recommended that certain portions of the eight Study Areas be excluded from the Sphere of Influence in order to reduce the potential for premature development or intensification of land uses. The following maps and narrative discussion depict the recommended Sphere of Influence.

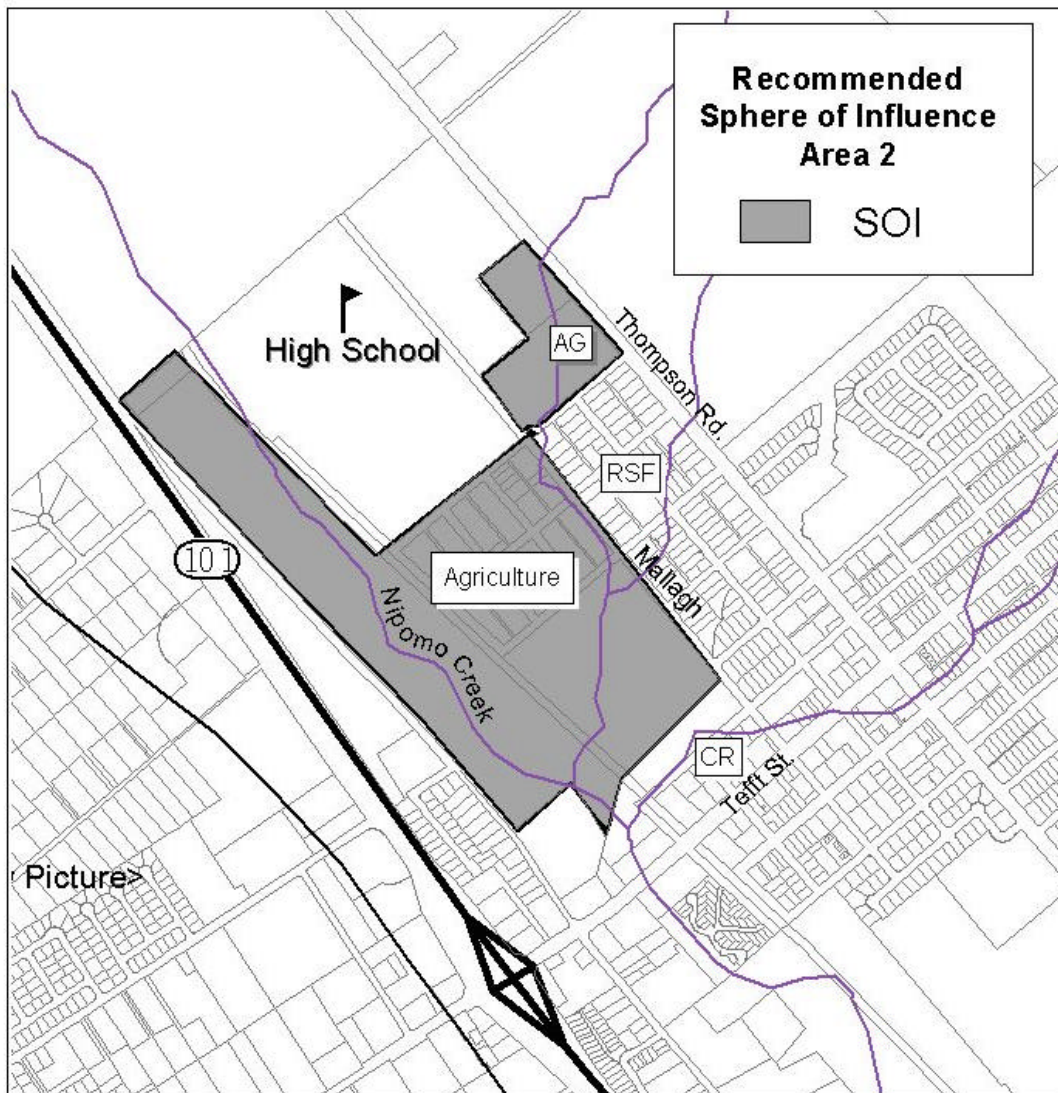
Mitigation LU-2. Area 1 should exclude the Residential Rural lands located east of Hetrick and north of Willow Road as shown on the map below. Also exclude the agriculturally zoned parcel south of Summit Station and east of Hetrick. Include the five 40-acre parcels north of the Willow Road and the Canada Ranch shown below.

Figure 5.1-8: Study Area #1



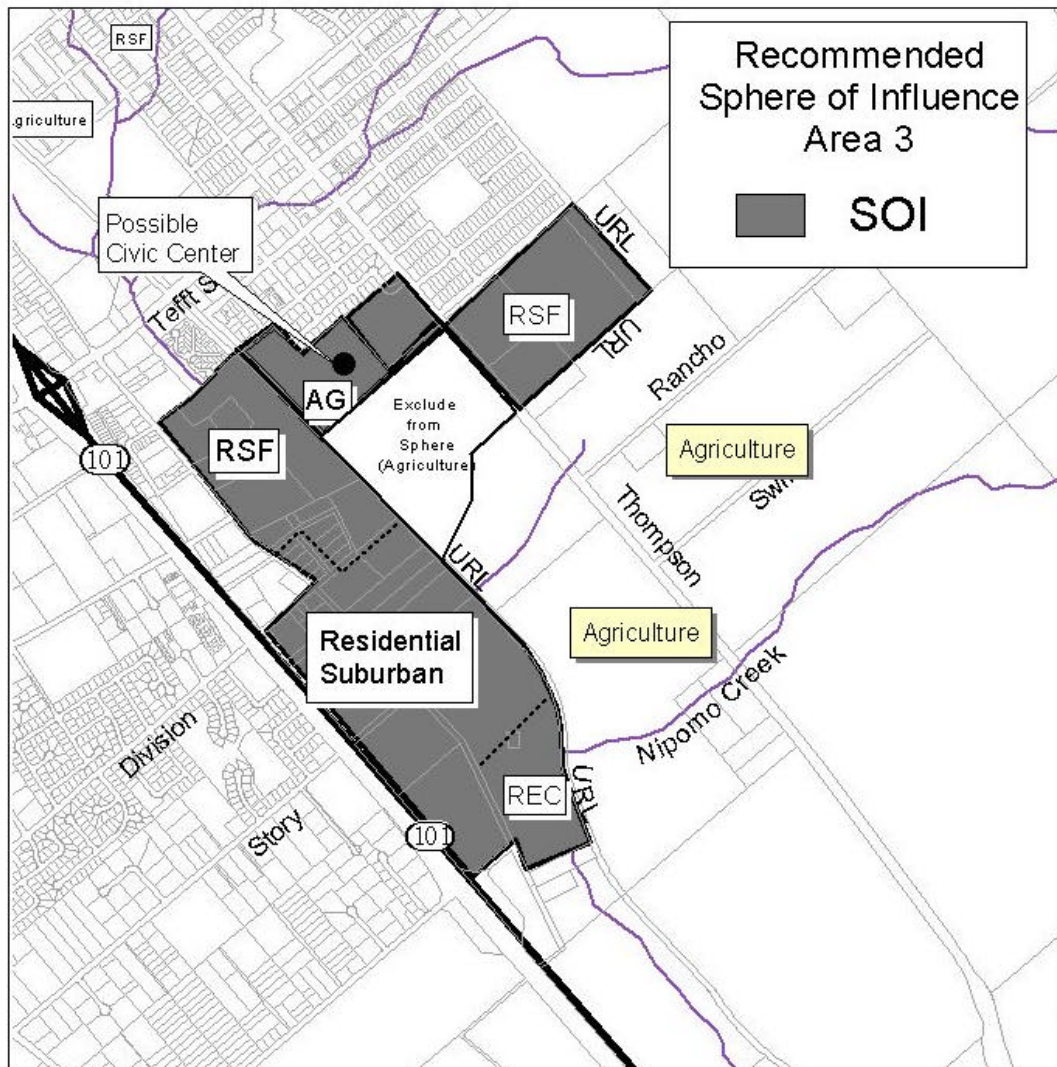
Mitigation LU-2. Area 2 should be included in its entirety because it is surrounded by urban uses and will be a likely place for urban development. Area 2 is closer to urban services and should be included in order to promote a more compact community development pattern by directing growth towards areas that are closer in proximity to the urban core.

Figure 5.1-9: Study Area #2



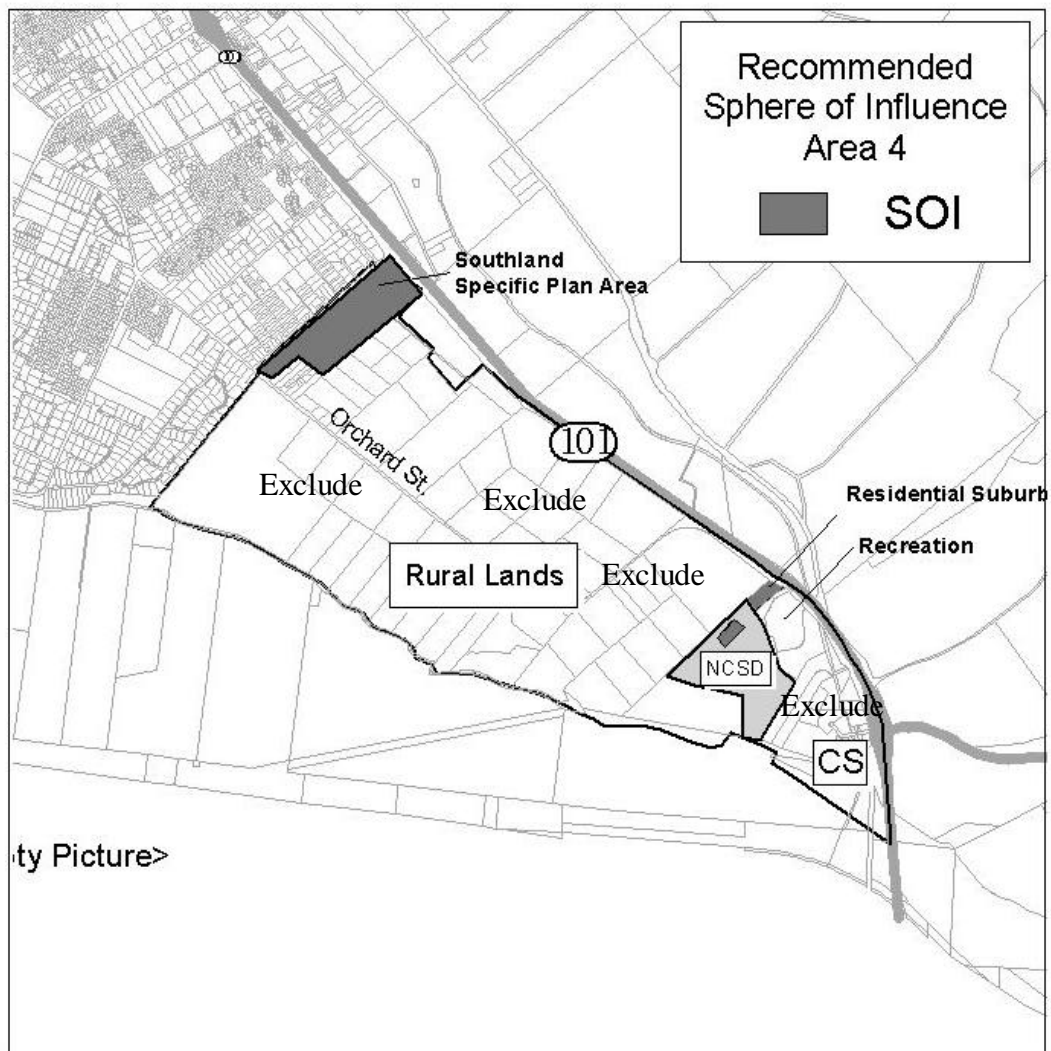
Mitigation LU-2. Area 3 should include all areas within the Urban Reserve Line and the site envisioned for a civic center by the County's South County Area Plan. The area should be reduced by eliminating a portion of the agricultural land originally shown in the Study Area. The proposed excluded area is shown on the map following.

Figure 5.1-10: Study Area #3



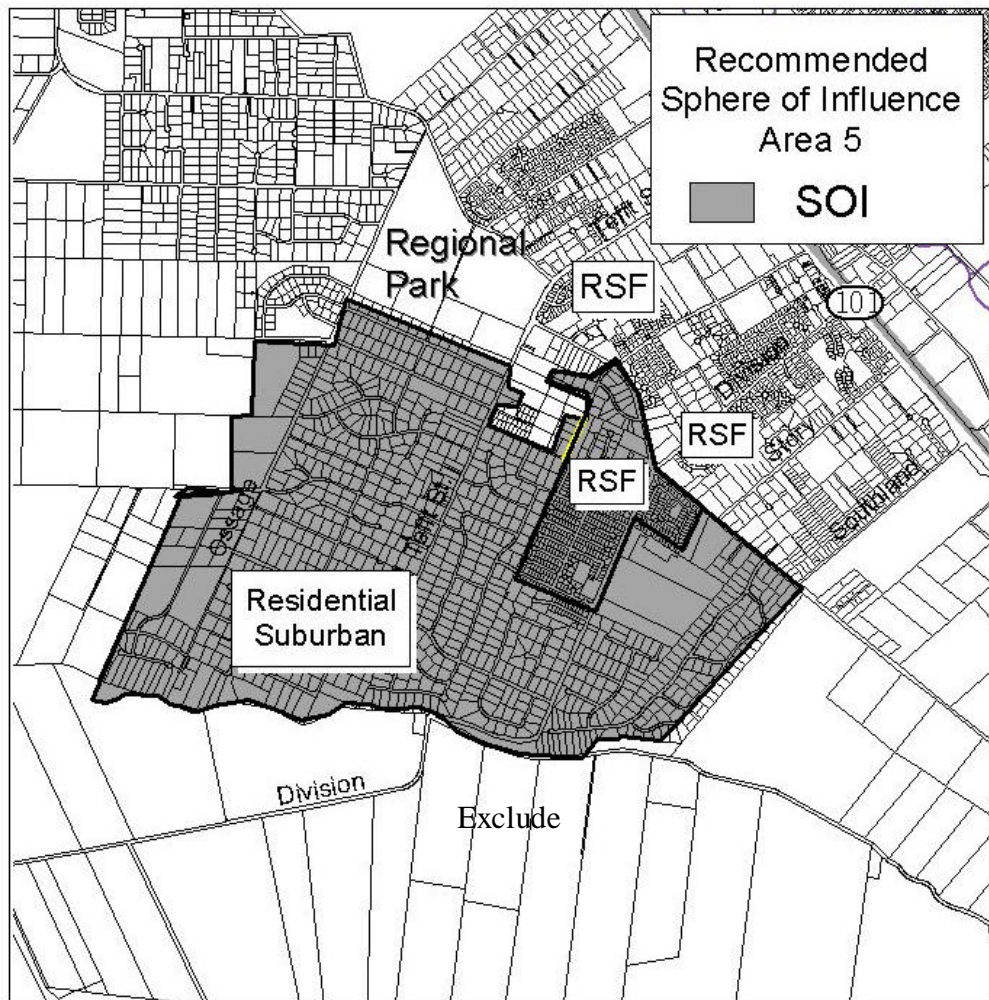
Mitigation LU-2. Area 4 should be excluded from the NCSD's Sphere of Influence with the exception of the Southland Specific Plan area shown on the map. Including this area in the Sphere would increase the likelihood that the existing land use (Rural Lands) would change (intensify) in the future. Also, adding this area is inconsistent with the County's General Plan. This area is prone to urban sprawl and leapfrog development. One 5-acre parcel adjacent to the Maria Vista development and Highway 101 has five existing dwelling units; this parcel is zoned Residential Suburban and should be included in the SOI.

Figure 5.1-11: Study Area #4



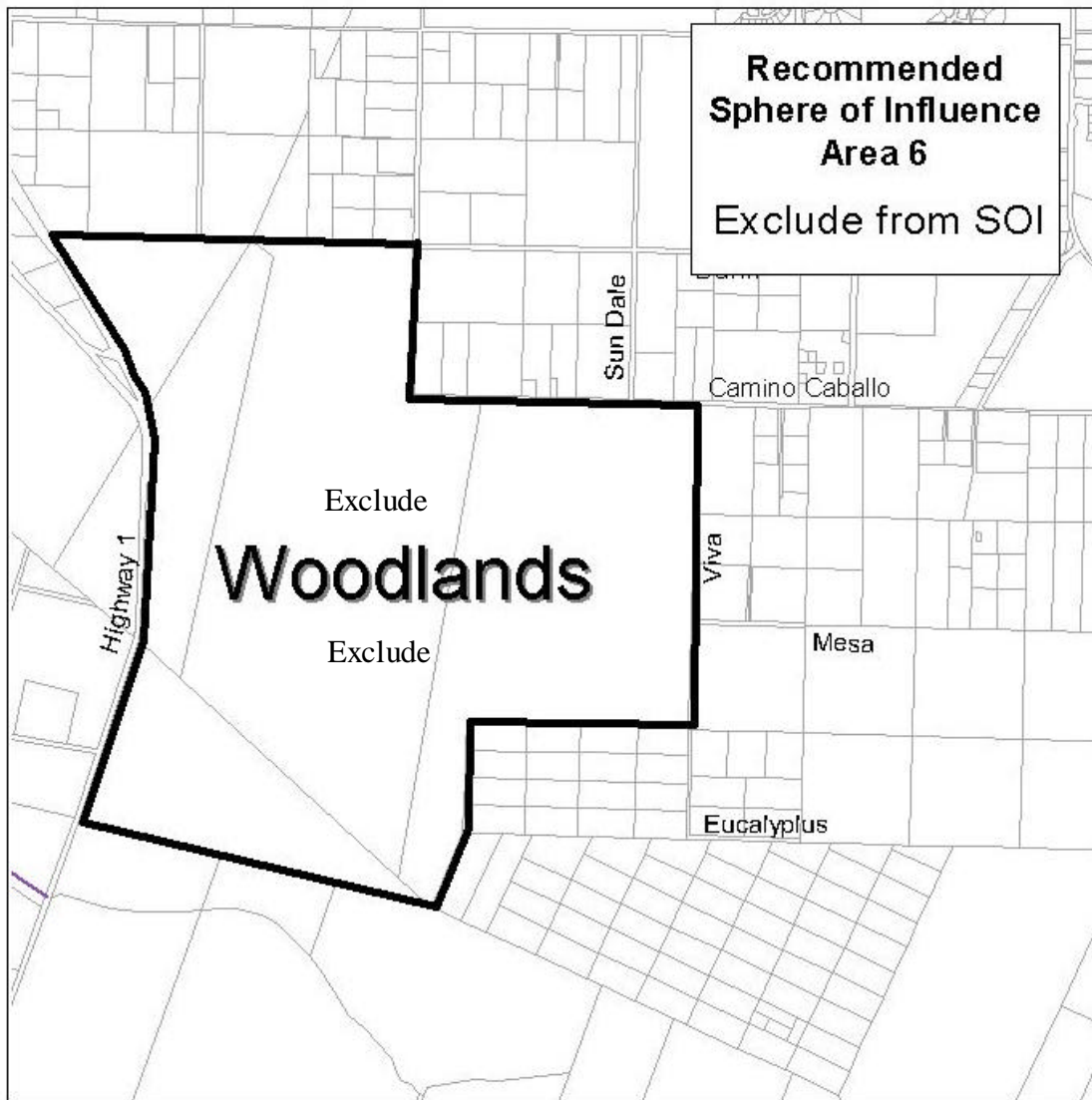
Mitigation LU-2. Area 5 should be included in the Sphere of Influence in its entirety because it largely built-out and is already within the County's Urban Reserve Line. This area includes parcels that have been developed and are provided water service by Cal Cities with individual septic systems constructed to deal with wastewater. Galaxy Park in Area 5 is a Residential Single-Family area that is provided sewer service by the NCSD through County Service Area One (CSA 1), with the wastewater being processed by the Community Services District. CSA 1 serves other smaller areas in the same manner. CSA 1 should eventually be dissolved with the NCSD taking over these services.

Figure 5.1-12: Study Area #5



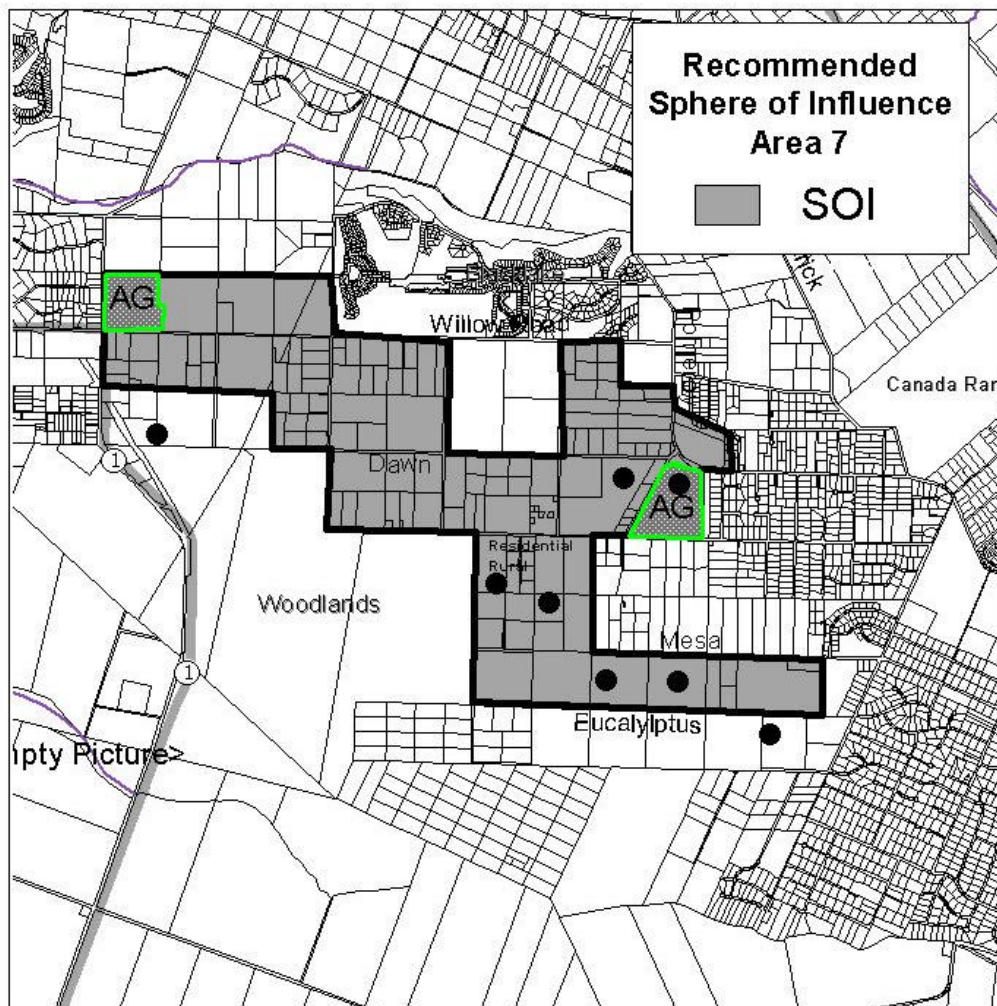
Mitigation LU-2. Area 6 is the Woodlands project and is proposed to be excluded from the Sphere of Influence. The County has approved the Woodlands Specific Plan and EIR and development (including public services) of this project has been provided for in those planning documents.

Figure 5.1-13: Study Area #6



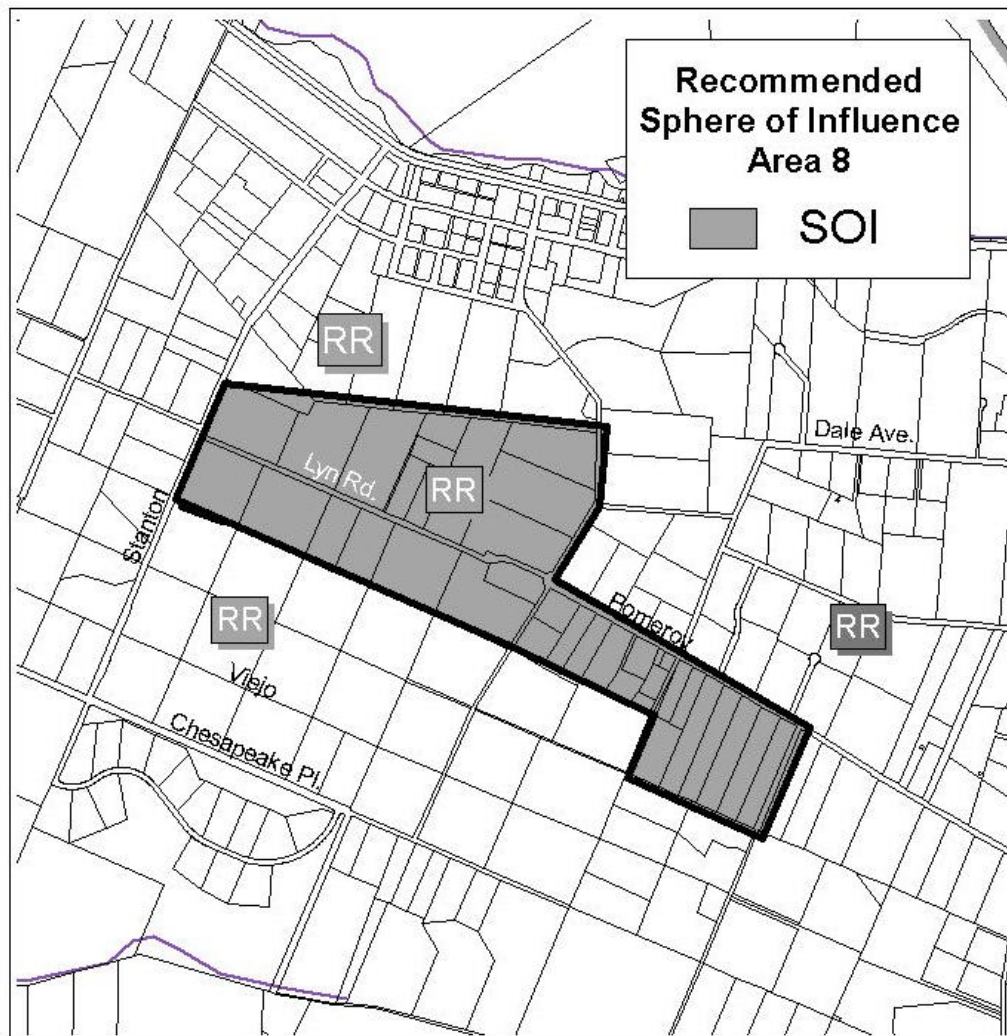
Mitigation LU-2. Area 7 should be included in the Sphere of Influence for the following reasons: 1) The area is the location of the District's Water Wells, 2) the NCSD can implement more comprehensive groundwater basin management practices than can a multitude of private water purveyors, 3) the area is zoned largely Residential Rural (with 2 small agriculture parcels) and a General Plan Amendment and Development Plan would be required to change zoning and intensify the land use, 4) this process would require that CEQA be complied with, and 5) community water service here could promote increased clustering in the Residential Rural Land use category and preservation of open space without increasing density.

Figure 5.1-14: Study Area #7



Mitigation LU-2. Area 8 includes the Robertson General Plan Amendment and several other parcels in a water poor area of Summit Station and should be included in the District's Sphere of Influence. The County recently approved the Robertson GPA to enable those included in that area to be annexed into the NCSD. The County's General Plan stipulated that in order to be served with water by the District in this area, a General Plan Amendment needed to be processed. The Robertsons and several other property owners filed an application and received approval from the County to receive water services from the NCSD.

Figure 5.1-15: Study Area #8



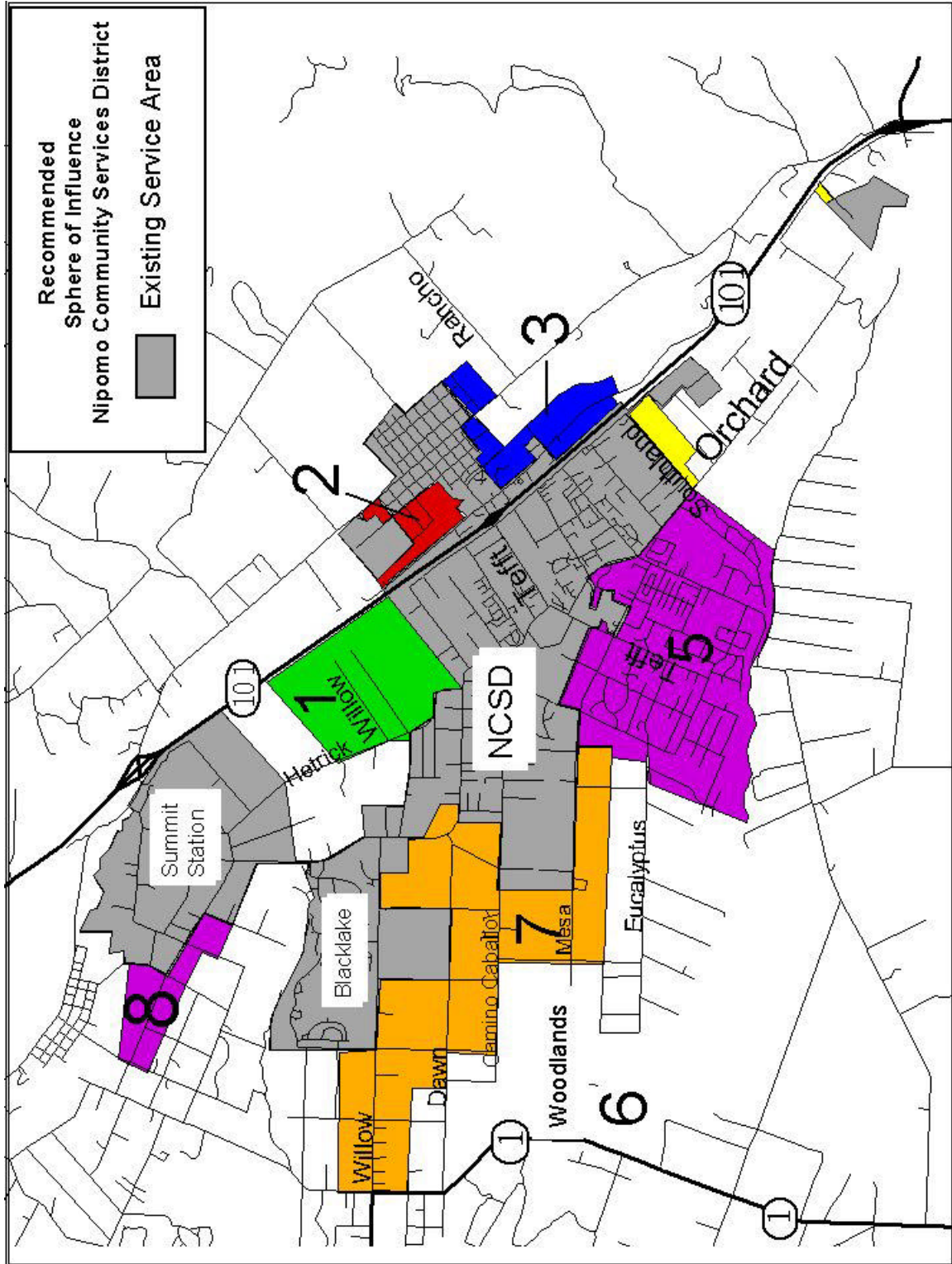


Figure 5.1-16: Recommended NCSO Sphere of Influence

Mitigation LU-3. The District shall not provide sewer services to Study Areas #5 (Residential Suburban zoning only), #7, and #8. As shown in the table below, access to community sewer service allows for smaller minimum lot sizes and increased density in the Residential Multi-Family, Residential Single Family, and Residential Suburban land use categories. This mitigation will, therefore, decrease the potential growth inducing impacts of adding these areas to the District’s Sphere of Influence.

Table 5.1-8: Minimum Lot Sizes Allowed ⁽¹⁾

Land Use	Lot Size allowed with Community Water	Lot Size allowed without Community Water	Lot Size allowed with Community Sewer	Lot Size Allowed without Community Sewer
Residential Multifamily Residential Single Family	Community Water is required to develop land in these categories Other applicable Standards: Access, Slope and Sewer tests	Community Water is required for this land use category	6,000 Sq ft.	20,000 sq. ft. with 0-5 min. /inch Leaching Capacity 1 acre with 5+ min/inch of leaching capacity
Residential Suburban	1 acre Other Standards: Slope test	1 acre with comm. sewer 2.5 acres w/o comm. sewer	1 acre	2.5 acres
Residential Rural: 22.04.026	Based on other Standards: Remoteness, Fire Response, Access, and Slope tests	5-acre minimum	5-acre minimum	5-acre minimum
Rural Lands: 22.04.025	Based on other Standards: Remoteness, Fire Response, Access, and Slope tests	20-acre minimum	20-acre minimum	20-acre minimum

1) San Luis Obispo County Land Use Ordinance Chapter 22.04.20-37

F. Residual Impacts

Implementation of the mitigation measures LU-1, 2, and 3 noted above will reduce the following potentially significant impacts identified in the initial study to an insignificant level (Class II Impact): conflicts with the General Plan or zoning; conflicts with other environmental plans or policies, impacts to agricultural resources or operations. Residual growth inducing impacts that may be related to the Sphere of Influence expansion are minimized because a change of zoning through a General Plan Amendment is required prior to increasing the density of a particular parcel.