



INFORMATION – NIPOMO ASSESSMENT DISTRICT

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
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Promoting the Wise Use of Land • Helping to Build Great Communities

The Nipomo Community Services District has begun the process of forming an assessment district to authorize and secure funding for the *Nipomo Mesa Supplemental Water Project*. The County of San Luis Obispo has received a number of questions regarding the potential for future use and/or subdivision of land within the areas served by the Nipomo Community Services District, the Rural Water Company, the Woodlands Water Company and Golden State Water Company. This Fact Sheet was prepared to help answer some of these questions.

“Benefit Units” - Payment of assessments to the Nipomo Community Services District associated with the assessment district does not guarantee approval of a land division or a development project by the County. The number of benefit units assigned by the Nipomo Community Services District has no effect on what may be approved or denied on an individual parcel by County decision-makers. The information provided in this handout describes some of the items that are evaluated by the County in determining whether to approve or deny a project or land division.

There are a number of issues that are considered when evaluating a land division or development project, including:

- ◆ What is the zoning and minimum parcel size?
- ◆ What is the current zoning and does it allow the proposed project?
- ◆ Are there specific standards from the Land Use Ordinance and/or Area Plan document that apply to the property?
- ◆ What uses are allowed?
- ◆ Would the project raise environmental concerns?
- ◆ Is the site near any hazards? (creeks, airports, earthquake faults)
- ◆ What is the availability of utilities? (water, sewer, gas, etc)
- ◆ Are the roads adequate?
- ◆ Are the fire safety provisions adequate?
- ◆ Does each site contain an adequate building site?
- ◆ What requirements and permit procedures must be completed before a particular use is allowed or a land division approved.

These are examples of the kinds of circumstances that may affect the types of uses that can be developed on a parcel or the number of lots and residences allowed on a parcel. A key point is what requirements and permit procedures must be completed before a particular use is allowed or a land division approved. In most cases, a “discretionary” approval will be required.

A discretionary approval is any permit or map requiring a decision-making body to exercise judgment prior to its approval. Discretionary permits require:

- ◆ Approval from either the Hearing Officer, Subdivision Review Board, Planning Commission, or Board of Supervisors
- ◆ Environmental review for potential impacts pursuant to the California Environmental Quality Act (CEQA)
- ◆ A noticed public hearing

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Public hearings allow the applicant and all interested parties to present their testimony and position on the requested use or map. **Such permits or maps can be approved, approved with conditions or denied.** Simply having the proper zoning and meeting the ordinance standards does not guarantee a project will ultimately be approved or will be approved at the density or with the uses that were proposed. Any decision of a lower decision-making body can be appealed to the Board of Supervisors (within 14 days following the decision).

More information about any individual type of discretionary permit; the submittal materials and information required; processing time; or filing fees can be found in the "User's Guides" on the department web page.

There are a number of items that are considered by a decision-making body in determining whether to approve or deny a land use permit or map.

The project will be carefully reviewed to determine how the proposal relates to the specific site, and how it may affect its neighborhood and the community. To put it another way, the decision-makers want to be sure that the development fits with the surrounding area and supports adopted community goals. The following concerns are likely to be considered before any decision is made on a project.

- ◆ General Plan Consistency - A proposed land division or development project must be found to be consistent with all the goals, objectives, policies and standards that are set forth in the adopted county general plan.
- ◆ Area Plan & Land Use Ordinance Standards - Planning Area Standards, which are found in Article 9 of the Land Use Ordinance, can include special requirements, limit uses and/or set a minimum parcel size different from that allowed by the Land Use Ordinance. When there is a difference, the planning area standards override the Land Use Ordinance.

The foremost considerations are whether the project is an allowed use and whether it meets the standards set forth in the applicable Planning Area Standards and/or the Land Use Ordinance. It must maintain the health and safety of the community and be compatible with the existing uses in the area. The site must also be able to accommodate the proposed use.

- ◆ Minimum Parcel Size / Allowed Uses –

If a minimum parcel size was not set through Planning Area Standards, turn to Chapter 22.22 of the Land Use Ordinance. Find the section heading for the land use category (zoning) that applies to the site. The minimum parcel size is based on a number of factors including, the use of the site, the soil classification, the distance from a community, the existing services, and/or the fire hazard. Minimum parcel size is determined by applying the tests for the applicable land use category to the site features. The minimum size is the largest area obtained from any of the tests. The proposed parcels must be no smaller than this minimum parcel size. Gross and net acreage is important in determining how many lots a site can actually support. The need for interior roadways will also affect the number of lots.

If uses have not been set through Planning Area Standards, turn to Table 2-2 of the Land Use Ordinance. Use the table to find the use you want to establish and the land use category (zoning) that applies to the site. The table will tell you whether the use is allowed and what permit level is required. If the table shows a blank, it means that use is not allowed in that land use category.

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- ◆ Relationship to Community Goals - A proposed project that furthers community planning goals is more likely to be approved than one that hinders them. Most communities have goals that encourage certain densities and uses within the community. Projects should have the community's support and further those goals. Most communities have a Community Advisory Council that provide comments to the decision-makers about how a land division or development proposal does, or does not, meet the community's goals.
- ◆ Land Capability and Service Availability - Whether the land can support the types of development proposed will be evaluated. Topography, sensitive environmental resources, service availability, and access will all be considered.
- ◆ Environmental Impacts - Proposed applications are evaluated to determine whether they would adversely affect the environment. Proposed land divisions and development projects should be designed to avoid or minimize environmental impacts.
- ◆ Relationship to Surrounding Land Uses - New uses on a site are evaluated to determine whether they are consistent with existing uses on surrounding properties
- ◆ Factors to be Considered - Most regulations for the use and development of land are found in four documents: (1) the Land Use Element of the general plan; (2) the Land Use Ordinance (the zoning ordinance); (3) the Real Property Division Ordinance; and (4) the Building and Construction Ordinance. All the elements of the adopted general plan are also used in project review.

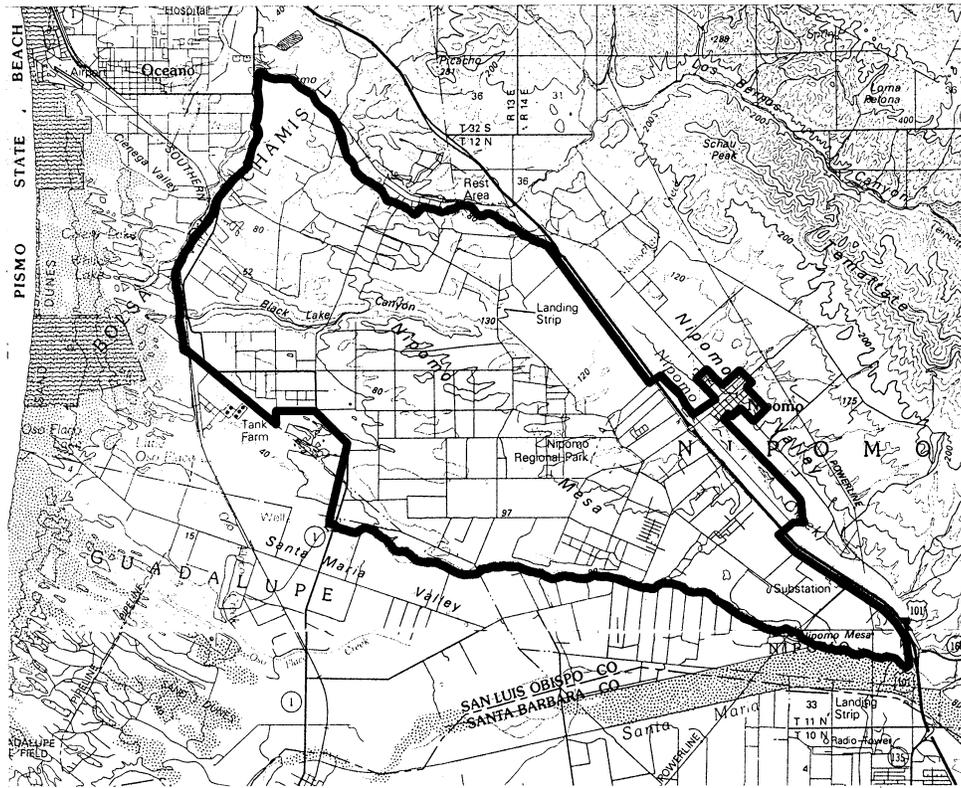
Chapter 3 of the Real Property Division Ordinance contains the criteria applied to land divisions, including standards on parcel design, landscaping, access and circulation design, flood hazard and drainage, water supply and sewage disposal, and utilities. You should review all of these standards to make sure that what you are proposing is consistent with the criteria.

Articles 3, 4 and 5 in the Land Use Ordinance lists the standards (requirements) for land development, including features of site design such as minimum parcel size, required width of yards (setbacks), allowed building heights, number and design of off-street parking spaces, and standards for grading, drainage, curb and gutter improvements and tree removal.

- ◆ Land Capability and Service Availability - Whether the land can support the types of development or land division proposed will be evaluated. Topography, sensitive environmental resources, service availability, and access will all be considered.

All of the above items are considered, at a minimum, when determining whether to support a project. To reiterate, **the number of benefit units that the Nipomo Community Services District has assigned to an individual lot does not have an effect on either the number of lots or the allowable uses that can be established.**

Groundwater Basin Level of Severity – The Nipomo Mesa Water Conservation Area (NMWCA) is part of the Santa Maria Groundwater Basin (please refer to the map). The NMWCA is currently at a level of severity (LOS) III for water supply (this determination is established when projected water demand equals or exceeds the estimated dependable water supply.) The Board of Supervisors certified the LOS III in 2007 and subsequently approved water conservation ordinances for the NMWCA. The following standards apply to all land in the NMWCA as shown on the map.



1. General Plan Amendments and land divisions. Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:
 - a. General Plan Amendments. Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.
 - b. Land Divisions. Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance, not to exceed \$13,200. If the development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee.

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2. Landscape standards. The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area (NMWCA). Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
 - a. Public projects. Development projects completed by a public agency that require a land use permit.
 - b. Other projects. All development projects not included in subsection 2a in and outside of urban and village reserve lines.
 - c. Irrigation Systems. Irrigation systems shall include the following components:
 - (1) Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - (2) Drip Irrigation. Drip irrigation systems shall be utilized for all landscape plant material with the exception of turf.
 - (3) A separate meter for outdoor water; and
 - (4) An operating manual to instruct the building occupant how to use and maintain the water conservation hardware.
 - d. Turf area limits.
 - (1) Multi Family dwellings: The site's total irrigated landscape area shall be limited to 300 square feet per unit.
 - (2) All other projects: The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet. The review authority may approve exceptions to this requirement in order to allow the minimum amount of irrigated landscaped or turf area needed for schools, parks and other uses that typically require larger irrigated landscape areas when the applicant can demonstrate the need for the additional irrigated landscaped area based on the characteristics of the use and the site.
3. Building Permits. Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.07.042.

For more information about the process of subdividing land or receiving approval for a development project, or to make an appointment for a pre-application meeting, call (805) 781-5600. Information is also available on the Department's website (sloplanning.org) or at the Permit Center located in Room 200 in the County Courthouse and open from 8:30 a.m. to 4:30 p.m. Monday through Friday (closed holidays).