

Growth Management Ordinance (Draft) Environmental Impact Report

[GMO DEIR]

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What is an EIR?

- Disclosure Document
- Required when project could have environmental impacts
- Assists decision makers (DM) in making intelligent decisions
- Provides guidelines for mandatory and discretionary rulings

First . . . the California Environmental Quality Act (CEQA)

*CEQA requires public agency decision makers
to evaluate the environmental consequences of their acts*

- Applies to “discretionary projects” carried out/approved by public agencies
 - Discretionary=requiring exercise of judgment or deliberation when a public agency/body decides to approve or disapprove a project
 - Projects=any activity which may cause physical change to the environment
- Some projects immune from CEQA
 - Prevent or mitigate an emergency
 - Consistent with General Plans
 - Residential housing for agricultural employees or low income housing
 - Operation, repair, maintenance, replacement of existing structures

The EIR

- **Must** be prepared when the lead agency determines that project may have significant adverse on the environment
- **May** be used to require mitigations and a mitigation monitoring program
- **May** be used to reject projects
- **May** be used to approve projects
- **May** be minimized by approving agency/body (at their peril!)

Impacts and Mitigations

Class I Impacts	Significant environmental impacts that <u>cannot</u> be fully mitigated	DM must adopt “Statement of Overriding Considerations” to approve project
Class II Impacts	Significant environmental impacts that <u>can</u> be mitigated	DM must issue “Findings” to approve project
Class III Impacts	Adverse but not significant	No DM requirements

What is the GMO?

- Pre-existing (2000) countywide growth cap of 2.3% per year
- Nipomo had been growing at 4-6%, other areas less
- Nipomo limited to 2.3% in January, 2000 (180 building permits in process, but not approved)

What is the GMO Amendment?

- A series of modifications to the GMO
- BOS gave “one time” exemption for 180 permits in May, 2000 (plus several other GMO amendments)
- Accommodate 3,000 unused allocations from prior years
- Banking
- “Fair share” provisions
- Exempt Woodlands

Save the Mesa Settlement (2000)

- County agreed to prepare EIR for 180 exemptions and cumulative effect
- County agreed to grant no further GMO exemptions until EIR complete
- Save the Mesa will meet with County Planning Staff, review, and discuss EIR

GMO Draft EIR

- EIR focuses on 2 areas
 - ☛ **South County Planning Area**
 - Countywide
- Study impacts of
 - ☛ **180 exemptions in South County**
 - ☛ **Cumulative impact of development**
 - Distribution of 2,596 unused allocations countywide
 - Carryover of unused allocations
 - Affordable housing
 - Refine allocation

Class I Impacts and Mitigations

Impact	Mitigation
Development of 180 pipeline projects will accelerate water demands	Land use permits issued. "The County of San Luis Obispo does not have the authority to impose mitigation measures on projects that have already been permitted." *
Cumulative development on Nipomo Mesa will increase water demand by 5,252 acre feet per year	Implement Water Mitigation Measures 2-6
2 Air Quality	APCD Clean Air Plan and project specific
10 Public Services	PFF fees and other

*Too Late Clause (TLC)

Water Mitigation Measures

WR/mm-2	Prior to annual distribution of building allocations, the County shall, <i>to the extent feasible</i> , not distribute <i>unused</i> allocations to communities with a recommended level of severity of II or III in the most recent report of the County Resource Management System.
WR/mm-3	Prior to annual distribution of building allocations, the County shall continue to require that applicants for building permits submit proof that they can produce a reliable water supply <i>or</i> have obtained a “Will Serve” letter for their project.
WR/mm-4	During project review, the County shall require the use of indoor/outdoor water conservation techniques to help offset proposed future projects anticipated water demand.
WR/mm-5	The County shall adopt the recommendations contained in the latest Resource Capacity Study. These measures include but are not limited to
WR/mm-6	On a programmatic level, the County shall develop aggressive regional water conservation and reuse/recycle programs. These programs shall encompass conservation and reuse/recycle strategies at the community level all the way down to the individual homeowner. Incentives shall be granted to developers and individual homeowners participating in the programs.

Class II Impacts and Mitigations

Impact	Mitigation
3 Geological Hazards	Various
4 Water Resources	Various
2 Drainage, Erosion, and Sedimentation	Various
4 Biological	Various
3 Cultural Resources	Various
2 Agricultural Resources	Various
4 Traffic and Circulation	Various
13 Air Quality	Various
10 Public Services	Various
4 Land Use	Various

*Nearly all Mitigations have a TLC

Class III Impacts and Mitigations

Impact	Mitigation
16 Noise	Various

*Nearly all Mitigations have a TLC

Summary of Alternatives

Eight project alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen project impacts, or because they were required under CEQA Guidelines (e.g., the No Project Alternative).

1. “No Project” Alternative
2. Elimination of the Previous Unused Allocations
3. Redistribution of the Previous Unused Allocations by Changing the Filters (Incorporating Smart Growth Concepts)
4. Elimination of the Mixed-Income Exemptions Amendment
5. Elimination or Reduction of the Nipomo Mesa Area 2.3 Percent Growth Cap
 - 5a. Nipomo Mesa Area Building Moratorium
 - 5b. Nipomo Mesa Area 1.0 Percent Allowable Growth Rate
6. Growth Cap Designated by Planning Area
7. Mitigated Project Alternative
8. Combined Alternative (Environmentally Superior Alternative)

Next

Comments due by August 12, 2005

DEIR can be downloaded from:

<http://www.sloplanning.org/Environmental/growth%20management%20draft%20eir.htm>