

Carla Haynie
1585 Hogan Court
Nipomo, CA 93444

October 28, 2024

To: Members of the Commission San Luis Obispo Local Agency Formation Commission (LAFCO)
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401

Subject: Public Comment Regarding Dana Reserve Specific Plan,

Dear Chairperson and Members of the Commission,

I am writing to submit my comments regarding LAFCO No. 4-R-22 | Annexation No. 30 to Nipomo CSD (Dana Reserve), which is currently under consideration by the San Luis Obispo Local Agency Formation Commission (LAFCO).

The mission of the South County Advisory Council is to provide a forum for citizen involvement and seek to achieve sound community planning and development in Nipomo. The SCAC is on record supporting a Community based alternative plan with many fewer impacts, greater consistency with the general plan and proposed 900 units.

This project as proposed is arguably one of the largest and most complex in SLO County history and we encourage your commission to take extra time to insure your decision is fully informed. As an agency of concern you also have the right and the responsibility to take an independent look at the project as defined in LAFCOs scope to address the key question:

Given the number of unprecedented of Class 1 and other impacts does the project benefits justify a statement of overriding concern?

We urge you to look carefully at the questions previously directed at the project and issues within the approval process including the dissenting comments of both the Supervisors and Planning Commissioner.

This letter includes suggested questions and recommendations consistent with LAFCOs scope and policies for the study session, thank you for your consideration of these suggestions:

Projects within the existing NCSD boundaries:

Regarding General Policy 2.3.2. *Prior to annexation of territory within an agency's Sphere of Influence, the Commission encourages development on vacant or underutilized parcels already within the boundaries of a jurisdiction. The agency should provide LAFCO with a build-out estimate or inventory and document how it was prepared.*

We request you assess the number of new projects and specific number units that are currently proposed, approved or in the County permitting process within the existing NCSD boundary with special attention to those in the affordable category, and:

—Compare how these numbers close the gap on the RHNA numbers sought by the County with consideration for Nipomo's fair share.

—We contend these projects align with LAFCOs priorities in orderly and responsible growth in terms of consistency with the General Plan and projected and planned for population growth.

The Sept. 19, staff report, pg.2 states: "... *the Legislature also recognizes that providing housing for individuals and families at all income levels is essential for promoting orderly development and must be carefully balanced against other factors and environmental impacts. Both the State and the County of San Luis Obispo have prioritized affordable housing.*"

In consideration what the applicant of the Dana Reserve claims about categories of affordability, we request you insist on an up date study of the projected the cost for housing within each of the categories at the projected time of sale. We strongly suggest you seek an independent source to cross check the developer provided data. The market study provided by the developer has significant deficits and requires review as pointed out at the BOS.

We contend the number and ratio of actual affordable housing is lower than promised, overly weighted with luxury housing and not worth the cost of unmitigated impacts.

Population Considerations:

Regarding policy 56668 (a) *Population and population density.... and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years. The DRSP is anticipated to result in a total population growth of at least 4,200 residents. This would result in a total population of over 23,000 in the unincorporated community of Nipomo by 2030, approximately 15% higher than the population projected for 2030 derived from buildout population projections. (DEIR 4.14-25)*

We request: you evaluate the projected population estimates with the new projects in the pipeline to realistically assess if these cumulative impacts can be sustainable with current and proposed infrastructure including road and traffic. This is essential that you determine what studies or expertise or testimony you can bring to better understand the reality of this projected increase. Nipomo will live with these impacts forever, take the time to get this right.

Biological Assets:

Consistent with LAFCO General Policies 2.1.1. ...balance the need to efficiently provide public services with the sometimes-competing interests of discouraging urban sprawl, preserving prime agriculture land and open space (CKH Act 56001 and 56301).

Considerable attention has been focused on the assessing housing side of the equation. Your agency could help strike a critical balance between the competing concerns of protecting unique biological resources and the provision of housing by including the following:

Request in a follow up study session to learn about the unique biological assets in the project and the concerns within the existing mitigation plan. Allow local experts (with no financial interest in this project) to share extraordinary recent research and suggest practical solutions for permanent conservation opportunities including conservation easements of impacted habitat that is actually

being impacted. Experts concur that the proposed foothill ridge property does not protect the associated plant community of the Nipomo.

Regarding the parcel on the ridge, note that the west facing portion of the parcel on the ridge of the Temmettate Ridge is critical agricultural corridor and foothill view shed. Please determine why this parcel is not also protected by a permanent conservation easement.

Circulation options that do not transect the central oak corridor (Collector B) and increased buffer between the oak forest and the residences would both reduce tree count and protect sensitive species from the “edge effect” of development.

LAFCO should take time to learn more about viable concepts presented by the Community Colition and endorsed by the SCAC. Allow an SCAC response to the developer funded study when we contend elements of the plan are feasible.

This research would be consistent with general policy 2.1.6. *The Commission will recognize and preserve clearly defined, long-term agricultural and open space areas established by the County or other jurisdictions to preserve critical environmental areas and to bolster local economies (Gov. Code Section 56001). This may be accomplished using agricultural easements, open space easements, conservation easements, or other mechanisms, that preserve agricultural or open space lands in perpetuity.*

And also support LAFCO policy:2.10.6 *The Commission shall consider the involvement of the public in actions affecting the environment as an essential and indispensable element of the decision-making process.*

NCSD Capacity:

Regarding General Policy: 2.3.8. *The district has the capability of meeting the need for services and has submitted studies and information documenting its capabilities*

This project requires new level of administrative and infrastructure for the NCSD.

To insure NCSD has the capacity to do so, we suggest LAFCO request NCSD present their short, medium and long range planning documents. If this is not availability at this study session, request a follow up study session to review the advance planning and administrative capabilities of this agency.

Scrutiny of Amenities:

Regarding amenities of the Project, LAFCO Policy number 56668 (c) to consider..” The effect of the proposed ...on mutual social and economic interests,..”. We urge you to take time to carefully examine the details the amenities proposed in the developers presentation.

—Identify specific designs and amenities and responsibilities within the proposed park and open space areas to help assess quality and feasibility of what is proposed for future residents.

—Please determine why County Parks will not be involved.

—Assess what legal assurance future residents and community members have to be assured of a quality park being established and maintained. What will be the costs and other amenities cost borne by residents of HOA be affordable? Ask the developer to demonstrate that these costs have been factored into affordability both purchase price and monthly fees.

—Seek stakeholder feedback on the pedestrian and equestrian trails designs. SCAC has received highly critical input regarding design of staging area, proposed route, biological impacts relative to users.

—Regarding the Cuesta College South County Site: Request an explanation from a Cuesta College faculty representative to understand why the facility senate voted to stop the administration from publicly voicing support this project. Consider a request for financial information from Cuesta to demonstrate the viability and timeline for construction of the facilities, as there is dissent within administration about feasibility.

—What are the timeline and costs born by donors in the community for the fundraising needed by People's Self Help Housing from design and construction of affordable housing?

Each listed asset, with purported potential benefit to the community should be evaluated so as not to obstruct the larger issues such as identified Class 1 and Class 2 impacts within the community to assess the overall merits of committing to a statement of overriding concern.

Legal Provision of Water:

Regarding General Policy 2.1.11. In any proposal requiring water service, the Commission requires that the agency to which the annexation is proposed should demonstrate the availability of an adequate, reliable and sustainable supply of water.

Insure that all the issues raised about NCSDs legal capacity to provide water in the pending litigation are understood by your council. Your staff report advises that you can't condition your approval pending the legal decision, but you must have certainty that any decision you make is consistent with the law.

We recommend you obtain independent attorney testimony from State council familiar and involved with the Nipomo groundwater adjudication stipulation settlement on all aspects of the legal questions raised. Share these details in a public setting so your decision is informed and transparent. An extra study session on this topic would be important information demonstrate thoroughness in your decision making process.

LAFCOs Duty for independent review:

The Staff report states you "*must assume that Final EIR complies with CEQA*"

As a responsible agency you have the right and duty to make an informed and independent decision which involves addressing the important questions raised in all relevant documents about impacts, and potential shortcomings in the CEQA process. Without this level of scrutiny this could impair decision making or worse put LAFCO into a legal bind later.

Thank you for your service and your thorough consideration of our recommendations.

We only get one shot at building our community, the South County Advisory Council urges you to please take your time to get this right!

Sincerely,



Carla Haynie

Morgan Bing

From: Streamline <noreply@specialdistrict.org>
Sent: Tuesday, November 5, 2024 10:10 AM
To: Morgan Bing
Subject: New form submission assigned to you: LAFCO No. 4-R-22 | Annexation No. 30 to Nipomo CSD (Dana Reserve)

SAN LUIS OBISPO
LOCAL AGENCY FORMATION COMMISSION



LAFCO No. 4-R-22 | Annexation No. 30 to Nipomo CSD (Dana Reserve)

Your Name:	Nancy Lee
Your Email:	twiga1313@gmail.com
Subject:	Dana Reserve project
Message:	<p>I am opposed to the Dana Reserve project as it is currently proposed because the project will (1) increase traffic, without sufficient mitigation methods, (2) increase attendance at our schools, without adequate preparation for so many additional students, and (3) will significantly increase the population of Nipomo without providing for additional medical care, shopping, and other necessities of life. Also, it is not consistent with various County ordinances, including the following: 1. The County's Land Use Ordinance lists the limiting requirements for a future Specific Plan of the Dana Reserve area to include the following provision: "b. Oak habitat preservation. Designation of the existing oak forest habitat for open space preservation, where limited recreational and open space uses may be allowed." The DR Project is inconsistent with this Ordinance. 2. The Conservation and Open Space Element of the County's General Plan states: Native habitat and biodiversity will be protected, restored and enhanced. The proposed destruction of the oak woodland and Burton Mesa Chaparral habitat is a clear violation of this as it will destroy oak trees and other native plants, and will adversely affect various species of animals and other creatures. 3. The Conservation and Open Space Element of the County's General Plan Goal OS1 states: "Important open space areas will be identified, protected, sustained, and where necessary,</p>

	restored and reclaimed.” It is clear that this project severely diminishes open space. I request that the Dana Reserve project as proposed be denied. Thank you.
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Attachment:	
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Morgan Bing

From: Steve Yamaichi <yamafam@att.net>
Sent: Tuesday, November 5, 2024 12:45 PM
To: Morgan Bing
Subject: LAFCO File No. 4-R-22 | Annexation No. 30 to Nipomo Community Services District (Dana Reserve Specific Plan)

Morgan Bing,

I understand LAFCO has determined that the Dana Reserve Specific Plan (DRSP) is located within the Sphere of Influence of the Nipomo Community Service District (NCSD).

As a long time Nipomo resident (23 years). I am writing to you and LAFCO to **not approve** the application submitted by NKT Development, LLC for annexation of the DRSP area into NCSD for water, wastewater, and solid waste service.

NCSD is importing water from the City of Santa Maria because the current NCSD wells cannot meet the water needs of existing Nipomo residents and businesses. All NCSD customers are paying an additional monthly fee to help cover the cost of importing Santa Maria water to Nipomo. With that in mind, I do not see how the NCSD can meet the water needs of 1370 additional residences and a multitude of new commercial businesses.

Before LAFCO issues their decision on the annexation of the DRSP. I am requesting LAFCO to require the NCSD to submit a written plan to LAFCO on how they will meet the future water needs of the entire DRSP development.

Again, I am asking LAFCO as the Responsible Agency under the California Environmental Quality Act to **not approve** the annexation of the DRSP into the NCSD.

Steve Yamaichi
724 Via Seco
Nipomo, CA 93444