

## **Appendix C: Land Use and Planning Information**



## **C-1: Expanded Land Use Analysis**



**Expanded Land Use and Planning Analysis**  
**Prepared for the**  
**Draft EIR**  
**County of San Luis Obispo**  
**Los Osos Wastewater Project**



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## **PREFACE**

This Expanded Land Use and Planning Analysis corresponds to Section 5.1, Land Use and Planning, of the Los Osos Wastewater Project Draft EIR. For readability and reference, the numbering system for headings and page numbers in the following environmental analysis uses the same section number as that used in the Draft EIR.

This Expanded Land Use and Planning Analysis of the Los Osos Wastewater Project Draft EIR is a summary of a compendium of knowledge regarding land use issues statewide, as well as those issues applicable to San Luis Obispo County and specifically Los Osos. Since the body of knowledge is considerable and contained in numerous appendices, it would be difficult to present it entirely in this document and in a manner that is easily understood by the reader. In order to aid the reader in locating background information, this section is formatted to facilitate the retrieval of appended information by presenting the reader with references that address the issue at hand.



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## 5.1 - Land use and planning

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### 5.1.1 - Introduction

Land Use refers to the use of land for various activities, including commerce, industry, recreation, agriculture, open space and residential uses. Local land use policies and development regulations control the types of land use and intensity of development permitted on private property. Changes in land use patterns that result from new development can affect the character of an area and result in physical impacts on the environment.

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15125(d), the potential effects of the proposed project on applicable general plans and regional plans are discussed in this EIR. This section of the EIR focuses on the project's consistency with applicable County of San Luis Obispo Land Use Element goals and policies and Land Use Ordinance. The portions of the County of San Luis Obispo Land Use Element that apply to the Los Osos Community include the Estero Area Plan, the Framework for Planning Coastal Zone, and Coastal Plan Policies. The Land Use Ordinance that applies to the Los Osos Community is the Coastal Zone Land Use Ordinance. Other applicable General Plan goals and policies as well as applicable regional plans are discussed in other Expanded Analyses and portions of Section 5 of the EIR.

The following is a list of information reviewed in preparation of this section and is located as noted below:

1. The Land Use Element of the San Luis Obispo County General Plan - Estero Area Plan. - November 2004 and last amended November 2006, County of San Luis Obispo. This document is not contained in the EIR appendices, but is instead available for review at the San Luis Obispo County Department of Planning and Building. Pursuant to CEQA Guidelines Section 15150, this document is hereby incorporated by reference.
2. The Land Use and Circulation Elements of the San Luis Obispo County General Plan - Framework for Planning Coastal Zone. March 1988. County of San Luis Obispo. This document is not contained in the EIR appendices, but is instead available for review at the San Luis Obispo County Department of Planning and Building. Pursuant to CEQA Guidelines Section 15150, this document is hereby incorporated by reference.
3. Local Coastal Program Policy Document, A Portion of the San Luis Obispo County Land Use Element of the General Plan - Coastal Plan Policies. March 1988. County of San Luis Obispo. This document is not contained in the EIR appendices, but is instead available for review at the San Luis Obispo County Department of Planning and Building. Pursuant to CEQA Guidelines Section 15150, this document is hereby incorporated by reference.
4. County of San Luis Obispo Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code. March 1988. County of San Luis Obispo. This document is not

contained in the EIR appendices, but is instead available for review at the San Luis Obispo County Department of Planning and Building. Pursuant to CEQA Guidelines Section 15150, this document is hereby incorporated by reference.

5. Interactive GIS Mapping. 2007. County of San Luis Obispo. This information is located in Appendix C-2 of the Draft EIR.

## **5.1.2 - Environmental Setting**

### **Regional Conditions**

The Community of Los Osos is located in west central San Luis Obispo County midway between San Francisco and the Los Angeles metropolitan areas. Los Osos is located at the south end of the Morro Bay Estuary, recognized as one of the most important biological resources on the west coast of the United States. The Morro Bay watershed stretches inland to the foothills of the Santa Lucia Range. Most recently, the Bay achieved Natural Estuary status, which affords a high level of protection at the federal, state, and local level.

Land use decisions for the Community of Los Osos are identified in the Estero Area Plan. This plan gives high priority to maintenance of the watershed/estuary, coastal access, and preservation of scenic vistas. Consequently, there is an emphasis on retention of agricultural lands for both their water filtering and scenic value.

### **Local Conditions**

The natural setting of Los Osos is a place of unique beauty. The Los Osos urban area lies at the westerly end of the picturesque and agriculturally productive Los Osos Valley and is bounded by the environmentally important Los Osos Creek and riparian corridor on the east and southeast, and the older coastal dunes to the north, south, and southwest. The creek and dune-covered hills form a natural edge to and greenbelt for the community. Morro Bay and its tidelands on the north, the scenic Irish Hills on the south, Montaña de Oro State Park on the southwest, and Morro Bay State Park on the northwest form natural, scenic backdrops.

Los Osos is an unincorporated coastal community of approximately 15,000 residents. The physical development of Los Osos began as a scattering of beach vacation homes in the 1960s. The development pattern in Los Osos consists of long, narrow (25- to 50-foot) residential lots located on wide (40- to 80-foot) streets generally arranged in a grid. Under the Estero Area Plan, the Los Osos area is divided into neighborhoods. The urban reserve line encompasses approximately 2,590-acres (approximately 4 square miles) of developed and developable property.

The Proposed Projects include three components: collection system, treatment plant facilities, and disposal areas. The proposed collection system would be located along roadways throughout the community and includes pump stations that are primarily located underground. The central pump station that is part of the gravity system would be located on a 0.1-acre site. The proposed treatment

plant sites are located east of the urban reserve line. The two disposal sites are located as follows: one is east of the urban reserve line, and the second is in the southern portion of the community. Following is a specific discussion of each of the components of the proposed project.

**Collection System** - The two proposed collection systems would include facilities on existing residential properties as well as within existing streets throughout the Regional Water Quality Control Board Prohibition Zone. In addition, pipelines would be located within Los Osos Valley Road and extend to the proposed treatment plant sites.

**Treatment Plant Facilities** - There are four treatment plant sites proposed. The treatment plant facilities for Proposed Project 1 would occupy portions of following three parcels:

The Cemetery parcel consists of a rectangular, 47.4-acre parcel north of Los Osos Valley Road (LOVR). The proposed facilities would be located on the northerly portion of parcel (i.e., undeveloped portion) while The Los Osos Mortuary and Memorial Park occupies the southerly portion of the site (approximately 19-acres). The site slopes gently downward to the north; the westerly boundary slopes downward to the west to a dirt road that provides access to surrounding farming operations. Approximately 6.5-acres in the northwestern corner are cultivated with row crops. This parcel is currently designated as PF (Public Facility).

The Giacomazzi parcel is a rectangular, 38.2-acre parcel north of LOVR and west of Clark Valley Road. The site slopes gently downward to the north and east toward an ephemeral drainage that extends along the easterly portion of the site to Warden Lake and supports a small oak woodland along its northerly reaches. There is a collection of farm-related buildings along the western border with numerous tall trees surround the buildings. The level areas of the site have been cultivated with crops. The parcel is currently designated AG (Agriculture).

The Branin parcel consists of an irregularly shaped, 42.2-acre parcel north of LOVR and adjacent to Warden Lake. The site slopes to the north and contains two ephemeral drainages. A portion of this parcel is currently cultivated and is designated AG (Agriculture).

The treatment plant facilities and seasonal storage pond would occupy up to 20-acres on the approximately 128-acre area of the three sites combined.

The treatment plant facilities for Proposed Project 2 would be located on approximately 20 acres of the Giacomazzi parcel. The 8-acre seasonal storage pond would be located on the Tonini parcel. The characteristics of the Giacomazzi parcel are described above and the characteristics of the Tonini parcel are described below.

The treatment plant facilities for Proposed Project 3 would be located on approximately 28 acres of the Giacomazzi/Branin site. The Giacomazzi parcel would include the approximately 10-acre

treatment facility and 4-acre appurtenances, while the seasonal storage pond would be located on approximately 8 acres of the Branin parcel. The combined total area of the Giacomazzi and Branin parcels encompasses approximately 80-acres. The characteristics of these parcels are described above.

The treatment plant site for Proposed Project 4 would be located on the Tonini parcel. This parcel is approximately 650-acres in area. The proposed treatment plant facilities would be located in the southeastern portion of the parcel on approximately 32-acres. These facilities include the facultative ponds on approximately 20 acres, seasonal storage pond on approximately 8 acres, and appurtenances on approximately 4 acres. The Tonini parcel includes agriculture (i.e., row crops) and grazing activities. This parcel is currently designated AG (Agriculture).

Disposal Areas - The disposal of treated effluent would require a combination of sprayfield (spraying of secondarily treated effluent on land to dispose of the water through evapotranspiration and percolation) and leachfield (percolation of treated effluent to recharge the groundwater basin).

The sprayfields would be located on approximately 175-acres on the approximately 650-acre Tonini parcel. The leachfields would be constructed on approximately 8-acres of the 81-acre Broderson parcel. Broderson is the only potential leachfield site that benefits the groundwater water balance of restoration of the upper and lower aquifers (with the added benefit of mitigating saltwater intrusion). Access to the site would be by a gravel road that extends south from the south end of Broderson Avenue, and the site would be surrounded by fencing to limit public access.

### **5.1.3 - Regulatory Setting**

This section of the EIR focuses on the project's consistency with applicable County of San Luis Obispo Land Use Element goals and policies and Land Use Ordinance. The portions of the County of San Luis Obispo Land Use Element that apply to the Los Osos Community include the Estero Area Plan, the Framework for Planning Coastal Zone, and Coastal Plan Policies. The Land Use Ordinance that applies to the Los Osos Community is the Coastal Zone Land Use Ordinance. Other applicable General Plan goals and policies as well as applicable regional plans are discussed in other Expanded Analyses and portions of Section 5 of the EIR.

### **Framework for Planning Coastal Zone**

The Framework for Planning describes the overall structure for land use management within the unincorporated County. The Framework describes the relationships among land use, circulation, and public services, as well as programs for implementing and administering relevant land use policies. The Framework for Planning also defines the various land use categories applied to the unincorporated areas of the County, and provides a table (Table O) that describes the range of allowable land uses for each land use category. Based on a review of Table O, the Agriculture - Prime Soils and Agriculture - Non-Prime Soils allows Pipelines and Transmission Lines and Public

Utility Facilities. According to the land use definitions in the Framework for Planning Coastal Zone, the definition of Pipelines and Transmission Lines and Public Utility Facilities is as follows:

**Pipelines and Transmission Lines**

Transportation facilities primarily engaged in the pipeline transportation of crude petroleum; refined products of petroleum such as gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipelines; surface and terminal facilities, including pump stations; bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communication transmission facilities utilizing direct physical conduits. Does not include offices or service centers (classified in “Offices”), equipment and material storage yards (classified under “Storage Yards and Sales Lots”), distribution substations (classified under “Public Utility Facilities”), or power plants (classified under “Electric Generating Plants”).

**Public Utility Facilities**

Fixed-based structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields. Nothing in this definition is intended to require a land use permit where Government Code Section 53091 would exempt local agencies from permit requirements, except in the coastal zone where permitting requirements are as set forth in the Local Coastal Plan. These uses do not include those uses that are not directly and immediately used for the production, generation, storage, or transmission of water, wastewater or electrical power such as office or customer service centers (classified in “Offices”), or equipment and material storage yards (classified in Storage Yards and Sales Lots” (page 6-45).

Following are the land use goals that are applicable to the proposed Los Osos Wastewater Project.

Goal 1: Environment - Maintain and protect a living environment that is safe, healthful and pleasant for all residents by:

- a. Assuring the protection of coastal resources such as wetlands, coastal streams, forests, marine habitats, and threatened and endangered species.
- b. Balancing the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- c. Conserving nonrenewable resources and replenishing renewable resources.

- d. Mitigating adverse impacts from development using the best available methods and technology, to the maximum extent feasible.

Goal 9: Public Services and Facilities - Provide additional public resources, services and facilities to serve existing communities in sufficient time by:

- a. Avoiding the use of public resources, services, and facilities beyond their renewable capacities.
- b. Planning for and monitoring new development through resource management system and growth management strategies, to ensure that resource demands will not exceed existing and planned capacities, or service levels.
- c. Financing the cost of additional services and facilities from those who benefit such as local residents, businesses, public agencies, and visitors. Based on reliable studies, such as cost benefit analysis, finance methods may include dedications, development impact fees, in-lieu fees, and other exactions to assure that adequate services are available.
- d. Locating new public service facilities as close as possible to the users. If facilities are necessary in rural areas, allow for sufficient buffers to protect environmentally sensitive and agricultural areas.
- e. Planning new land uses that avoid overburdening existing resources, services and facilities.

### **San Luis Obispo County General Plan Land Use Element and Local Coastal Program - Estero Area Plan**

In San Luis Obispo County, the individual General Plan Elements provide broad policy guidance for land use decisions throughout the unincorporated County. To provide policies and programs for specific geographic sub-areas, the County has adopted fifteen Area Plans, which serve as the General Plan Land Use Element for the given area.

The Community of Los Osos is governed by the goals and policies set forth in the Estero Area Plan. The Estero Area Plan was adopted in 1980 and updated as the Local Coastal Plan in 1988. Subsequently, the Area Plan was last updated in November 2004 and amended in July 2006. The Estero Area Plan encompasses approximately 71.5 square miles, and the plan area is consistent with the California Coastal Zone Boundary established by the California Coastal Act of 1976. In general, the plan area extends from Point Estero to the north (approximately 16.5 miles north of Los Osos) and Point Buchon to the south (approximately 3.3 miles south of Los Osos). Following are the goals that are applicable to the Los Osos Wastewater Project.

C. Rural Area (page 1-9)

12. Maintain agriculture and the rural character of the area.
14. Prevent further urban and suburban encroachment into the Los Osos and Chorro Valleys in order to maintain valuable agricultural and open space resources.
15. Preserve agriculture, open space and sensitive resources.

The following policies that are applicable to the Los Osos Wastewater Project expand on and implement the above goals, providing further direction for the future of the Estero Planning Area. The following policies also function as criteria to help determine consistency of development proposals with the Land Use Element/Local Coastal Program. According to the Estero Area Plan, development needs to be located, designed, and built in a manner that furthers the following policies and complies with all other applicable regulations.

B. Agriculture (page 4-5)

1. Provide incentives for landowners to maintain land in productive agricultural use.
2. Maintain existing Agriculture land use categories in order to protect agricultural resources: do not convert agricultural land to other land use categories or revise planning area standards so as to enable more intensive development.
3. Support creation of a greenbelt adjacent to the urban reserve line to clearly define the urban edge of Los Osos, prevent urban sprawl, discourage conversion of agricultural land, and protect unique and sensitive habitat, including wildlife corridors.
4. Promote uses such as high value crop and animal specialties on existing small parcels to help maintain the agricultural integrity of the area.
5. Protect scenic views, especially those of the hillsides and ridges of the Irish Hills as seen from Los Osos Valley Road without interfering with agricultural production.

Chapter 7 of the Estero Area Plan establishes special standards for the Estero Planning Area. These standards are mandatory requirements for development, intended to respond to concerns in a particular area or community. These planning area standards apply to development in addition to provisions of the Local Coastal Program Policy Document and the Coastal Zone Land Use Ordinance. Where planning area standards conflict with the Coastal Zone Land Use Ordinance, these standards take precedence.

**Areawide Standards, Excluding Los Osos**

These standards do not apply to the Los Osos urban area; however, they do apply to the rural area east of the Los Osos urban area.

**A. Resource Protection****2. Environmentally Sensitive Areas - Clustered Development and Habitat Protection Required.**

a. Cluster or concentrate development on the least sensitive portions of the site in order to protect and sustain the following features:

- (1) Sensitive Resource Areas and Environmentally Sensitive Habitats as shown in the Land Use Element and Local Coastal Plan.

**Rural Area Standards**

The following standards apply to lands in the Estero Planning Area outside of urban and village reserve lines, in the land use categories or specific areas listed.

**Agriculture**

The following standards apply to lands in the Agriculture land use category located outside of urban and village reserve lines.

**A. Limitation on Use.**

The following standard applies only to lands that are defined by the Agriculture and Open Space Element as Row Crop Terrain and Soils. Following is the definition of Row Crop Terrain and Soils:

These lands are characterized by various types of vegetables, seed crops, orchards, and other irrigated specialty crops. In valley bottom lands, uses included irrigated field crops and other irrigated specialty crops. Property sizes generally range from 10-acres to hundreds of-acres. The topography of these areas consists of nearly level valley bottom lands. The soils are mainly in land capability Classes I and II, but may include some Class III land that has been traditionally or is currently used for row crop production.

These areas support the most intensive farming. The farming operations involve labor-intensive use of equipment and chemicals and much vehicle traffic. They are often close to populated areas because these lands have historically been the easiest to develop. Partly because of that, these areas need special recognition to assure that the land will remain in agricultural use. (page 2-2)

The intent of this standard is to limit uses to those that are most directly related to agricultural production on lands that support the most intensive farming operations.

1. Allowable uses are limited to agricultural accessory structures; animal raising and keeping; crop production and grazing; nursery specialties soil dependent; coastal accessways; farm support quarters; home occupations; mobile homes; residential accessory uses; single family dwellings; temporary dwelling; water wells and impoundments; pipelines and transmission lines; public utility facilities.

## **County of San Luis Obispo Local Coastal Program Policy Document - Coastal Plan Policies**

San Luis Obispo County has special tools available to implement the Local Coastal Program. The County adopted a Land Use Element and Land Use Ordinance system that has replaced typical general plan designations and zoning districts. The Coastal Plan Policies document states the policy commitment of San Luis Obispo County to implement the mandates of the Coastal Act. This policy document of the Local Coastal Plan is part of the Land Use Element of the County General Plan. Following are the policies that are applicable to the Los Osos Wastewater Project.

### **Policies for Environmentally Sensitive Habitats (page 6-5)**

- Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats  
New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

### **Policies for Agriculture (page 7-6)**

- Policy 1: Maintaining Agricultural Land  
Prime agricultural land shall be maintained, in or available for, agricultural production unless: (1) agricultural use is already severely limited by conflicts with urban uses; or (2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and (3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.
- Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: (1) continued or renewed agricultural use is not feasible; or (2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and (3) the permitted conversion will not adversely affect surrounding agricultural uses.

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the Land Use Element as Agriculture unless agriculture use is already limited by conflicts with urban uses.

Permitted Uses on Prime Agricultural Lands. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

Permitted Uses on Non-Prime Agricultural Lands. Principal permitted and allowable uses on non-prime agricultural lands designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non-agricultural soils, that the least amount on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

The proposed Los Osos Wastewater Project includes facilities that would be considered supplemental non-agricultural uses as defined in Section 23.40.050 of the Coastal Zone Land Use Ordinance. Although it is considered a supplemental non-agricultural use, the proposed facilities would not be considered a development, which is proposed to supplement the agricultural use permitted in areas designated as agriculture. Therefore, Policy 3, Non-Agricultural Uses, would not apply to the proposed Los Osos Wastewater Project.

#### **Policies for Public Works (page 8-5)**

**Policy 2: New or Expanded Public Works Facilities**

New or expanded public works facilities shall be designed to accommodate but not exceed the needs generated by projected development within the designated urban reserve lines. Other special contractual agreements to serve public facilities and public recreation areas beyond the urban reserve line may be found appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.430 OF THE COASTAL ZONE LAND USE ORDINANCE.]

**Policy 9: Review of Treatment Works**

For any development that constitutes a treatment works (PRC 30120), issuance of a permit shall be consistent with the certified LCP and PRC 30412 and shall address the following aspects of such development:

- b. The siting and visual appearance of treatment works within the coastal zone.

- c. The geographic limits of the service area within the coastal zone which is to be served by the treatment works and the timing of the extension of services to allow for phasing of development consistent with the certified LCP.
- d. Projected growth rates used to determine the sizing of treatment works.  
[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

### **County of San Luis Obispo Coastal Zone Land Use Ordinance - Title 23 of the San Luis Obispo County Code**

The Coastal Zone Land Use Ordinance implements the policies of the San Luis Obispo County General Plan and San Luis Obispo County Local Coastal Program. Following are the portions of the sections of the Coastal Land Use Ordinance that are applicable to the proposed Los Osos Wastewater Project.

**Section 23.04.012 - Applicability of Site Design Standards:** The standards of this chapter apply to all new land uses required to have a permit pursuant to this title, except:

- a. Where the standards of Chapters 23.07 (Combining Designation Standards), or 23.08 (Special Uses) conflict with the provisions of this chapter, the provisions of Chapters 23.07 and 23.08 prevail.

**Section 23.04.050 - Non-Agricultural uses in the Agricultural Land Use Category:** This section establishes permit requirements and standards for non-agricultural uses in the Agricultural category consistent with Local Coastal Plan Agricultural policies 3, 4, and 5.

- b. Supplemental non-agricultural uses.
  - (1) Supplemental non-agricultural uses defined: Uses allowed by Coastal Table “O” in the Agricultural category that are not directly related to the principal agricultural use on the site. (Example: where crop production or grazing are the principal agricultural use of a parcel, petroleum extraction, mining or rural sports and group facilities may be allowed as supplemental non-agricultural uses consistent with this section.)
  - (4) Required finding: Supplemental non-agricultural uses may be established only if the findings are made by the applicable approval body:
    - i. For prime soils, it has been demonstrated that no alternative project site exists except on prime soils; and
    - ii. The least amount of prime soils possible will be converted; and
    - iii. The proposed use will not conflict with surrounding agricultural lands and uses.
  - (6) Site design and development standards. A land use permit for a supplemental non-agricultural use shall not be approved unless the proposed project will satisfy all of the following requirements:

- i. Project location. The project shall be designed so that no development occurs on prime agricultural soils, except where it is demonstrated that all agriculturally unsuitable land on the site has been developed or cannot be used because of terrain constraints.
- ii. Limitation on project area. The total area of the site allocated for supplemental non-agricultural uses shall not exceed two percent of the gross site area.

Section 23.08.280 identifies the sections of the ordinance that define allowable S-13 uses identified in Coastal Table O, Part I of the Land Use Element as described below:

**Section 23.08.280 - Transportation, Utilities and Communication (S-13):** Transportation and Public Utility Facilities identified as allowable, S-13 uses by the Land Use Element (see Coastal Table O, Part I of the Land Use Element) are subject to the following sections:

- 23.08.282 - Airfields and Landing Strips
- 23.08.284 - Communications Facilities
- 23.08.286 - Pipelines and Transmission Lines
- 23.08.288 - Public Utility Facilities
- 23.08.290 - Vehicle Storage
- 23.08.300 - Electric Generating Plants

**Section 23.08.286 - Pipelines and Transmission Lines:** This section provides standards for pipeline and communications transmission lines and related facilities, where designated as S-13 uses by Coastal Table O, Part I of the Land Use Element. This section applies to emergency repairs, replacement, renewal, and upgrading of existing facilities, as well as to new facilities.

- c. Pipeline facilities.
  - (1) Permit requirements - pipelines.
    - (i) Where an existing or proposed pipeline is to be used for conveyance of toxic substances or highly volatile liquids (HVL) other than crude oil, and non-HVL liquefied petroleum products, development plan approval is required.

**Section 23.08.288 - Public Utility Facilities:** The requirements of this section apply to Public Utility Facilities where designated as S-13 uses by Coastal Table O, Part I of the Land Use Element. Public Utility Facilities for other than electric and communication transmission and natural gas regulation and distribution, require Development Plan approval pursuant to Section 23.02.034 (Development Plan).

- d. Limitation on use, sensitive environmental areas. Uses shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made by the applicable approval body that there

is no other feasible location on or off-site the property. Applications for Public Utility Facilities in the above sensitive areas shall include a feasibility study, prepared by a qualified professional approved by the Environmental Coordinator. The feasibility study shall include a constraints analysis, and analyzed alternative locations.

### **State Revolving Fund**

The State of California Water Resources Control Board (SWRCB), Division of Clean Water Programs has adopted guidelines for compliance with environmental review requirements for applicants for State Revolving Fund (SRF) funding. The SRF loan program is partially funded by the U.S. Environmental Protection Agency and is subject, therefore, to federal environmental regulations. These requirements supplement those contained in the CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3) and are intended to ensure compliance with CEQA and relevant federal environmental laws. The environmental review documents (in this case, this EIR) are considered part of the SRF loan application and must address, therefore, all of the relevant environmental issues associated with the project. Specific guidelines are provided relating to compliance with the Federal Endangered Species Act and National Historic Preservation Act.

**Endangered Species Act.** The WRCB has been designated the non-federal representative under the Endangered Species Act for all projects in California that involve an SRF loan. To comply with Section 7 of the Act, the WRCB will review SRF projects during the facilities planning process to determine whether a project could adversely affect federal listed species. The WRCB will confer informally with the U.S. Fish and Wildlife Service (USFWS) as appropriate. If federal listed species may be affected, the WRCB will evaluate the extent of the impacts as part of the environmental review process and submit its findings to the USFWS. If the WRCB determines that the project will affect any federal listed species it will notify the EPA of the need to request formal consultation with USFWS.

**National Historic Preservation Act (NHPA).** SRF funded projects are also required to demonstrate compliance with Section 106 of the National Historic Preservation Act. This involves development of an Area of Potential Effect (APE) map and extensive background research regarding the potential for the presence of archaeological/historical resources. More importantly, documentation must be provided of consultation with Native Americans, including a letter that must be submitted to the Native American Heritage Commission (NAHC) requesting a review of its Sacred Lands Inventory. Applicants are also encouraged to contact local Native American representatives. A survey report must be submitted with the SRF loan application that complies with the requirements of the California Office of Historic Preservation Planning Bulletin 4(a), December 1989.

In addition, loan applicants are encouraged to include wide public involvement in the CEQA/ environmental review process.

### 5.1.4 - Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether land use and planning impacts are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

- a.) Physically divide an established community?
- b.) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c.) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

The above threshold regarding a conflict with applicable plans, policies, and regulations that are not related to land use is discussed within those portions of Section 5 of this EIR that analyze those environmental issues and, therefore, is not addressed below in Section 5.1.5, Impacts and Mitigation Measures. In addition, the above threshold regarding a conflict with any applicable habitat conservation plan or natural communities conservation plan is addressed in Section 5.3, Biological Resources, of this EIR and, therefore, is not addressed below in Section 5.1.5, Analysis.

### 5.1.5 - Analysis

This section analyzes Proposed Projects 1 through 4. The analysis includes a discussion of project-specific and cumulative impacts, provides mitigation measures where required, and concludes with a determination of level of significance after mitigation.

### Divide an Established Community

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**5.1-A: The project would not physically divide an established community.**

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#### ***Project-Specific Impact Analysis***

##### **Proposed Project 1**

###### *Collection System*

The collection system for Proposed Project 1 is a STEP/STEG system. This collection system consists of both septic tank effluent pumps (STEP) and septic tank effluent gravity (STEG) conveyance lines. For this system, new STEP/STEG tanks are installed at each connection. In addition, there are individual pumps to adequately pressurize the system and transport the effluent to the treatment plant site.

Implementation of the proposed conveyance system will be located below existing streets, and the proposed septic tanks would replace the existing septic tanks that are located on individual properties.

Therefore, these collection facilities would not divide the existing established community of Los Osos.

#### *Treatment Plant Site*

The proposed facilities at the treatment plant site include facultative ponds, storage, and appurtenant structures. These facilities would be located on the combination of the Cemetery, Giacomazzi, and Branin parcels. The portions of these parcels that are proposed to be used are surrounded by a residential community to the southwest; the existing cemetery to the south; and undeveloped land that is designated agriculture to the east, north, and west. The Cemetery parcel includes fallow land, while the Giacomazzi and Branin parcels include row crop production. Since existing development occurs on the southwestern and southern sides of the proposed treatment plant site, the implementation of the proposed facilities would not divide an established community.

#### *Disposal Sites*

The proposed disposal systems include sprayfields at the Tonini parcel and leachfields at the Broderson parcel.

The Tonini parcel encompasses approximately 650-acres. Approximately 171-acres on the parcel includes crop production and approximately 479-acres include grazing land. The parcel is surrounded by a combination of rangeland land to the north and west, and rangeland land and agricultural uses to the south and east. Because of the substantial amount of agriculture in the vicinity of the Tonini parcel, the existing agricultural land could be considered an established agricultural community. This community encompasses the majority of the Los Osos valley east of Los Osos Creek. The proposed facilities at the Tonini parcel would include spray irrigation piping, berms to prevent treated effluent from entering the onsite drainages, and detention facilities. Since the proposed facilities at the sprayfields closely resemble facilities associated with agricultural uses, the proposed facilities would not represent a physical division of the established agricultural community in the vicinity of the Tonini parcel.

The Broderson parcel encompasses 81-acres and is currently undeveloped land. The parcel is surrounded by residential to the north and west, and by undeveloped land to the south and east. The proposed leachfield would be constructed by excavating approximately 8-acres and placing a piping system to allow for leaching treated water to allow the restoration of the upper and lower aquifers. The proposed facilities would also include berms to prevent treated effluent from being conveyed offsite. The proposed facilities at the Broderson parcel would not represent a barrier to the surrounding uses that would divide an establish community, since existing urban development is located on the north and west sides but not on the east and south sides of the parcel.

#### *Combined Project Effects*

Since each component of the proposed project would not result in dividing an established community, the combined effect of implementing the proposed collection, treatment plant, and disposal facilities

within the existing urban area and agricultural area of Los Osos would not result in the division of an established community.

## **Proposed Project 2**

### *Collection System*

The collection system for Proposed Project 2 is a gravity system. This collection system consists of a combination of conventional gravity sewers (GS) and low-pressure grinder pumps (LPGP).

Individual septic tanks are not used and the existing ones are abandoned. For sewage lift stations or pump stations, typically three pumps would be installed in the gravity conveyance system: two operational and one standby. The pump stations would occupy approximately 0.1-acre each and would be installed either completely underground or in small aboveground structures built with sound attenuating features. Since the proposed collection system would not have substantial aboveground facilities, the implementation of the proposed collection facilities would not divide the existing established community of Los Osos.

### *Treatment Plant Site*

The proposed facilities at the treatment plant site include oxidation ditch/BioLAC, biosolids, and appurtenant structures. Storage of the treated effluent would be located within a storage pond proposed to be located on the Tonini parcel. These facilities at the treatment plant site would be located on the Giacomazzi parcel. This parcel includes row crop production and is surrounded by fallow and row crop production to the north, west, and south and by undeveloped land to the east. Since the adjacent properties include both fallow and row crop production, the implementation of the proposed facilities would not divide an established community.

### *Disposal Sites*

The proposed disposal systems include sprayfields at the Tonini parcel and leachfields at the Broderson parcel. In addition, the Tonini parcel includes storage ponds. As with Proposed Project 1, the implementation of the proposed facilities on the Tonini and Broderson parcels would not divide an established community.

### *Combined Project Effects*

Since each component of the proposed project would not result in dividing an established community, the combined effect of implementing the proposed collection, treatment plant, and disposal facilities within the existing urban area and agricultural area of Los Osos would not result in the division of an established community.

## **Proposed Project 3**

### *Collection System*

As with Proposed Project 2, the implementation of the collection system facilities under Proposed Project 3 would not divide an established community.

*Treatment Plant Site*

The proposed facilities at the treatment plant site include oxidation ditch/BioLAC, biosolids, storage, and appurtenant structures. These facilities at the treatment plant site would be located on the Giacomazzi and Branin parcels. These parcels include row crop production and are surrounded by fallow and agricultural land to the north, west, and south and by undeveloped land to the east. Since the adjacent properties include both fallow and agricultural land, the implementation of the proposed facilities would not divide an established community.

*Disposal Sites*

The proposed disposal systems include sprayfields at the Tonini parcel and leachfields at the Broderon parcel. As with Proposed Project 1, the implementation of the proposed facilities on the Tonini and Broderon parcels would not divide an established community.

*Combined Project Effects*

Since each component of the proposed project would not result in dividing an established community, the combined effect of implementing the proposed collection, treatment plant, and disposal facilities within the existing urban area and agricultural area of Los Osos would not result in the division of an established community.

**Proposed Project 4**

*Collection System*

As with Proposed Project 2, the implementation of the collection system facilities under Proposed Project 4 would not divide an established community.

*Treatment Plant Site*

The proposed facilities at the treatment plant site include facultative ponds, storage, and appurtenant structures. These facilities would be located on the Tonini parcel. Approximately 171 acres on the parcel include agricultural crop uses. The remainder of the parcel is currently used for grazing. The parcel is surrounded by a combination of rangeland and row crop production. Because of the substantial amount of agriculture in the vicinity of the Tonini parcel, the existing agricultural land could be considered an established agricultural community. This community encompasses many square miles within the Los Osos valley. The proposed treatment facilities at the Tonini parcel would include above ground and below ground facilities. The proposed facilities would encompass approximately 32-acres of the approximately 650-acre parcel. The proposed treatment facilities would not divide the established agricultural community in the vicinity of the Tonini parcel.

*Disposal Sites*

The proposed disposal systems include sprayfields at the Tonini parcel and leachfields at the Broderon parcel; as with Proposed Project 1, the implementation of the proposed facilities on the Tonini and Broderon parcels would not divide an established community.

*Combined Project Effects*

The proposed facilities for the treatment and sprayfields would be located on the Tonini parcel. The combination of the two facilities on the Tonini parcel would encompass approximately 207 acres of the approximate 650-acre parcel. As described above, the proposed sprayfield facilities would include spray irrigation piping, berms to prevent treated effluent from entering the onsite drainages, and detention facilities. The proposed treatment plant facilities would include facultative ponds, storage, and appurtenant structures. Since the proposed facilities at the sprayfields closely resemble facilities associated with agricultural uses, and the proposed treatment plant facilities would encompass approximately 32-acres, the facilities at the Tonini parcel encompass a relatively small area and would not divide the established multi-square mile agricultural community in the vicinity of the Tonini parcel.

Since the remainder of each component of the proposed project would not result in dividing an established community, the combined effect of implementing the proposed collection, treatment plant, and disposal facilities within the existing urban area and agricultural area of Los Osos would not result in the division of an established community.

**Cumulative Impact Analysis**

*Proposed Projects 1 through 4*

Proposed Projects 1 through 4 would result in no impacts relating to physically dividing an established community. Therefore, the project would not contribute to any potential cumulative impacts on physically dividing an established community.

**Mitigation Measures**

**Project-Specific**

*Proposed Project 1*

No mitigation measures are required.

*Proposed Project 2*

No mitigation measures are required.

*Proposed Project 3*

No mitigation measures are required.

*Proposed Project 4*

No mitigation measures are required.

**Cumulative**

*Proposed Projects 1 through 4*

No mitigation measures are required.

## **Level of Significance After Mitigation**

### **Project-Specific**

#### *Proposed Project 1*

No impact.

#### *Proposed Project 2*

No impact.

#### *Proposed Project 3*

No impact.

#### *Proposed Project 4*

No impact.

### **Cumulative**

#### *Proposed Projects 1 through 4*

No impact.

## **Conflict with Applicable Plans, Policies, or Regulations**

### **5.1-B:**

**The project would not conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.**

## **Project-Specific Impact Analysis**

The following includes an evaluation of the proposed projects' consistency with the applicable land use plan, policy, or regulation with jurisdiction over the projects. The evaluation includes the County of San Luis Obispo Land Use Element as well as the Land Use Ordinance.

In addition to the evaluation of the County's goals, policies, and ordinances that are discussed below, the projects' consistency with the requirements of the State Revolving Fund also is discussed.

The Los Osos Wastewater Project has complied with the State Revolving Fund environmental review guidelines regarding the Endangered Species Act and the National Historic Preservation Act. In addition, the County of San Luis Obispo has provided substantial opportunities for public involvement in the environmental review process through the Notice of Preparation process, public meetings at the Technical Advisory Committee, public meetings at the Board of Supervisors regarding the Los Osos Wastewater Project, and public review opportunities of this Draft EIR.

### **Proposed Project 1**

#### *Collection System*

The County of San Luis Obispo General Plan Land Use Element describes allowed land uses in the coastal zone as discussed above in Section 5.1.3, Regulatory Setting. The septic tanks, pipelines, and pump stations that are a part of the collection system are allowed in all land use designations, subject to the restrictions contained in Section 23.08.286 of the Coastal Zone Land Use Ordinance (CZLUO).

One restriction in Section 23.08.286 is a requirement to obtain a minor use permit when the area of site disturbance would exceed 40,000 square feet. Since installation of the STEP/STEG collection system would disturb more than 40,000 square feet, a minor use permit would be required. Another restriction is a requirement to obtain a Development Plan for all surface facilities associated with the collection system. Proposed Project 1 would obtain a minor use permit, and it would prepare and obtain approval of a Development Plan; therefore, Proposed Project 1 would be consistent with these requirements.

#### *Treatment Plant Site*

The facilities proposed at the treatment plant site are allowed uses in the coastal zone as discussed above in Section 5.1.3, Regulatory Setting. The land use designations for the treatment plant site include Agriculture on approximately 80-acres and Public Facility on approximately 48-acres. According to Table O in the Framework for Planning Coastal Zone, the facilities proposed on the portion of the treatment plant site designated for Public Facility are uses that are principally permitted and encouraged. The facilities proposed on the portion of the treatment plant designated for Agriculture are uses that are allowed subject to the restrictions contained in Section 23.08.288 of the CZLUO. The primary restriction is described in Section 23.08.288(d), which states that “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” An evaluation of alternative locations for the treatment plant facilities as well as for the disposal facilities is provided below. As described below under Combined Project Effects, there are no feasible locations for the proposed treatment plant and sprayfield facilities; therefore, Proposed Project 1 would be consistent with the restrictions contained in Section 23.08.288 of the CZLUO.

Furthermore, the Framework for Planning Coastal Zone includes location criteria for new or expanded public facilities, including wastewater treatment plants. Criteria for determining conformity of the location of proposed wastewater treatment facilities within the General Plan are provided. Table P of this document indicates that sewage treatment facilities can be located within 0.5 mile of a specified location on the Land Use Element map, and still be found consistent with applicable policies and standards within the Land Use Element. Since the Cemetery parcel is designated Public Facility on the maps contained in the Estero Area Plan, and the Giacomazzi and Branin parcels are within 0.5 mile of the Cemetery parcel, a public facility such as a wastewater treatment facility on the proposed treatment plant site would be considered consistent with this requirement of the Estero Area Plan.

The Estero Area Plan establishes special standards for the Estero Planning Area. Chapter 7 of the Estero Area Plan includes Rural Area Standards for areas that are outside of the Los Osos Urban Reserve Line. Special standards within the Plan include limitations on uses within areas designated for Agriculture, such as the Giacomazzi and Branin parcels. These limitations applies to lands that are defined by the Agriculture and Open Space Element as Row Crop Terrain and Soils. Based on

information obtained from the County of San Luis Obispo Agricultural Commissioner's Office, the Cemetery, Giacomazzi, and Branin sites are defined as Row Crop Terrain and Soils. Although these sites are defined as Row Crop Terrain and Soils, this standard within the Estero Area Plan states that there are limited uses that are allowed within areas defined as Row Crop Terrain and Soils. These limited uses include public utility facilities. Since the proposed facilities at the treatment plant site are public utility facilities as defined in the Estero Area Plan, Proposed Project 1 is considered consistent with this standard.

As part of the Local Coastal Program, the County of San Luis Obispo has adopted Coastal Plan Policies to implement the mandates of the Coastal Act. Chapters 6, 7, and 8 of the Coastal Plan Policies include policies for environmentally sensitive habitats, agriculture, and public works, respectively.

Policy 1 of the environmentally sensitive habitats policies set a standard for a minimum of a 100-foot setback for new developments from environmentally sensitive habitats. The nearest environmentally sensitive habitat to the proposed treatment plant is Warden Creek and the proposed facilities would be a minimum of 100 feet from Warden Creek. Therefore, the proposed treatment facilities that are part of Proposed Project 1 would be consistent with this policy.

Policy 1 of the agriculture policies identify that prime agricultural land shall be maintained, in or available for, agricultural production. Prime agricultural land is located on the Cemetery, Giacomazzi, and Branin parcels. This policy also states that permitted uses that depicted on Coastal Table O in Framework for Planning Coastal Zone are permitted where it can be demonstrated that no alternative building site exists except on prime agricultural soils, and that the least amount of prime soil possible is converted and the use will not conflict with surrounding agricultural lands and uses. An evaluation of alternative site locations for the treatment plant facilities as well as for the disposal facilities is provided below. As described below under Combined Project Effects, there are no feasible locations for the proposed treatment plant and sprayfield facilities; therefore, Proposed Project 1 would be consistent with the Policy 1.

Policy 2 of the public works policies identifies new or expanded facilities shall be designed to accommodate but not exceed the needs generated by proposed development within the designated urban reserve lines. The treatment plant facilities are proposed to be sized to accommodate existing development as well as buildout development in accordance with the Estero Area Plan for areas within the Regional Water Quality Control Board Prohibition Zone that are located within the Urban Reserve Line. Therefore, the proposed treatment plant facilities that are part of Proposed Project 1 would be consistent with Policy 2.

Policy 9 of the public works policies identifies a standard for any development that constitutes a treatment works (i.e., the proposed treatment plant facilities) to be reviewed for siting and visual appearance, geographic service area, and sizing. A discussion of alternative locations for the

treatment plant facilities is provided below. The visual appearance of the proposed treatment plant facilities is addressed in Appendix M-1, and visual impacts are determined to be less than significant after the implementation of mitigation measures. Finally, the geographic service area and sizing would be reviewed, but since the proposed treatment plant facilities would accommodate existing development and General Plan buildout of the RWQCB Prohibition Zone, the proposed facilities would be consistent with coastal standards such as Policy 2. Therefore, the proposed treatment plant facilities that are part of Proposed Project 1 would be consistent with Policy 9.

The County of San Luis Obispo Local Coastal Program also includes standards that are part of the Coastal Zone Land Use Ordinance. As identified above, the Giacomazzi and Branin parcels are designated as Agriculture. Section 23.04.050 defines supplemental non-agricultural uses as those uses allowed by Coastal Table O in the Agriculture category in the Framework for Planning Coastal Zone. The proposed treatment plant facilities fall under an allowed use in Coastal Table O. This standard further states that supplemental non-agricultural uses may be established within prime soils only if it has been demonstrated that no alternative project site exists except on prime soils, the least amount of prime soils possible will be converted, and the proposed use will not conflict with surrounding agricultural lands and uses. Furthermore, Section 23.08.288 of the CZLUO identifies that public utility facilities shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made that there is no other feasible location on or off-site the property. A discussion of the feasibility for the proposed treatment plant facilities—as well as for the disposal facilities to be located on alternative sites that would not result in impacts on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas—is provided below under Combined Project Effects. As described below, there are no feasible locations for the proposed treatment plant and sprayfield facilities; therefore, Proposed Project 1 would be consistent with Sections 23.04.050 and 23.08.288 of the CZLUO.

#### *Disposal Sites*

The facilities proposed at the disposal sites are allowed uses in the coastal zone, as discussed above in Section 5.1.3, Regulatory Setting. The land use designations for the approximately 650-acre Tonini parcel is Agriculture and for the 80-acre Broderson parcel is Residential Single Family in the northern portion and unclassified for the southern portion of the parcel. According to Table O in the Framework for Planning Coastal Zone, the facilities proposed on the portion of the treatment plant site designated for Agriculture are uses that are allowed subject to the restrictions contained in Section 23.08.288 of the CZLUO. The primary restriction is described in Section 23.08.288(d), which states that “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” An evaluation of locations for the treatment plant facilities as well as for the disposal facilities is provided below under Combined Project Effects. As described below, there are no feasible locations for the proposed treatment plant

and sprayfield facilities; therefore, Proposed Project 1 would be consistent with Section 23.08.288 of the CZLUO.

The portion of the Broderon parcel that would be used for the proposed leachfield is designated Residential Single Family. According to Table O in the Framework for Planning Coastal Zone, the proposed leachfield facilities are uses allowed in the Residential Single Family category subject to the restrictions contained in Section 23.08.288 of the CZLUO. The primary restriction for the proposed leachfield facility on Residential Single Family designated land is to include a Development Plan that addresses operating schedule, utilities, erosion control measures, oil and hazardous spill contingency plan, and construction estimates. Proposed Project 1 would obtain approval of a Development Plan; therefore, Proposed Project 1 would be consistent with this requirement.

#### *Combined Project Effects*

As discussed above, the proposed facilities at the treatment plant site and the sprayfield site would result in the removal of prime agricultural soil, which is considered a sensitive environmental area. As required by Section 23.08.288(d) of the CZLUO, “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” Therefore, an evaluation of potential alternative locations for the proposed treatment plant and sprayfields in the vicinity of Los Osos is provided below. As discussed below, there are no feasible locations for the proposed treatment plant and sprayfield facilities; therefore, Proposed Project 1 would be consistent with the goals, policies, and ordinances applicable to the proposed projects.

#### *Feasibility of Alternative Locations for Treatment Plant and Sprayfield Facilities*

Alternative locations for the treatment plant facilities are considered throughout the EIR. A screening analysis was conducted as described in Section 7 of the EIR to identify the sites that could feasibly accomplish the fundamental goals of the project, while minimizing environmental impacts. The wastewater treatment plant sites that are determined to be feasible are located east of Los Osos Creek. Los Osos Creek establishes the dividing line between agricultural land uses to the east and environmentally sensitive habitat areas to the west. In 2001, the Los Osos Wastewater Project was approved and the proposed treatment plant was located west of Los Osos Creek at the Mid-Town site. However, shortly after construction began, the majority of the Los Osos Community Service District board members were recalled and the new board members immediately halted construction on the wastewater project. This action demonstrated that the placement of a wastewater treatment plant west of Los Osos Creek would not be feasible. Therefore, feasible locations east of Los Osos Creek were reviewed for the location of a wastewater treatment plant. In addition, because of the relatively large area (approximately 175-acres) that is required for the proposed spray disposal, locations for the proposed sprayfield facilities were also reviewed east of Los Osos Creek.

In evaluating potential sites for the proposed treatment plant and sprayfield facilities, various constraints were identified. These constraints are shown on Exhibit 5.1-1 and include:

- No treatment plant or sprayfield facilities would be located on slopes of greater than 10 percent, due to the need for substantial grading for treatment plant facilities and the increased potential for surface water runoff from the sprayfields.
- No treatment plant or sprayfield facilities would be located within a Environmentally Sensitive Habitat Area or a Sensitive Resource Area as defined by County of San Luis Obispo.
- No treatment plant or sprayfield facilities would be located on or within existing urban areas.

As shown on Exhibit 5.1-1, the general area that does not show constraints includes the valley floor of Los Osos.

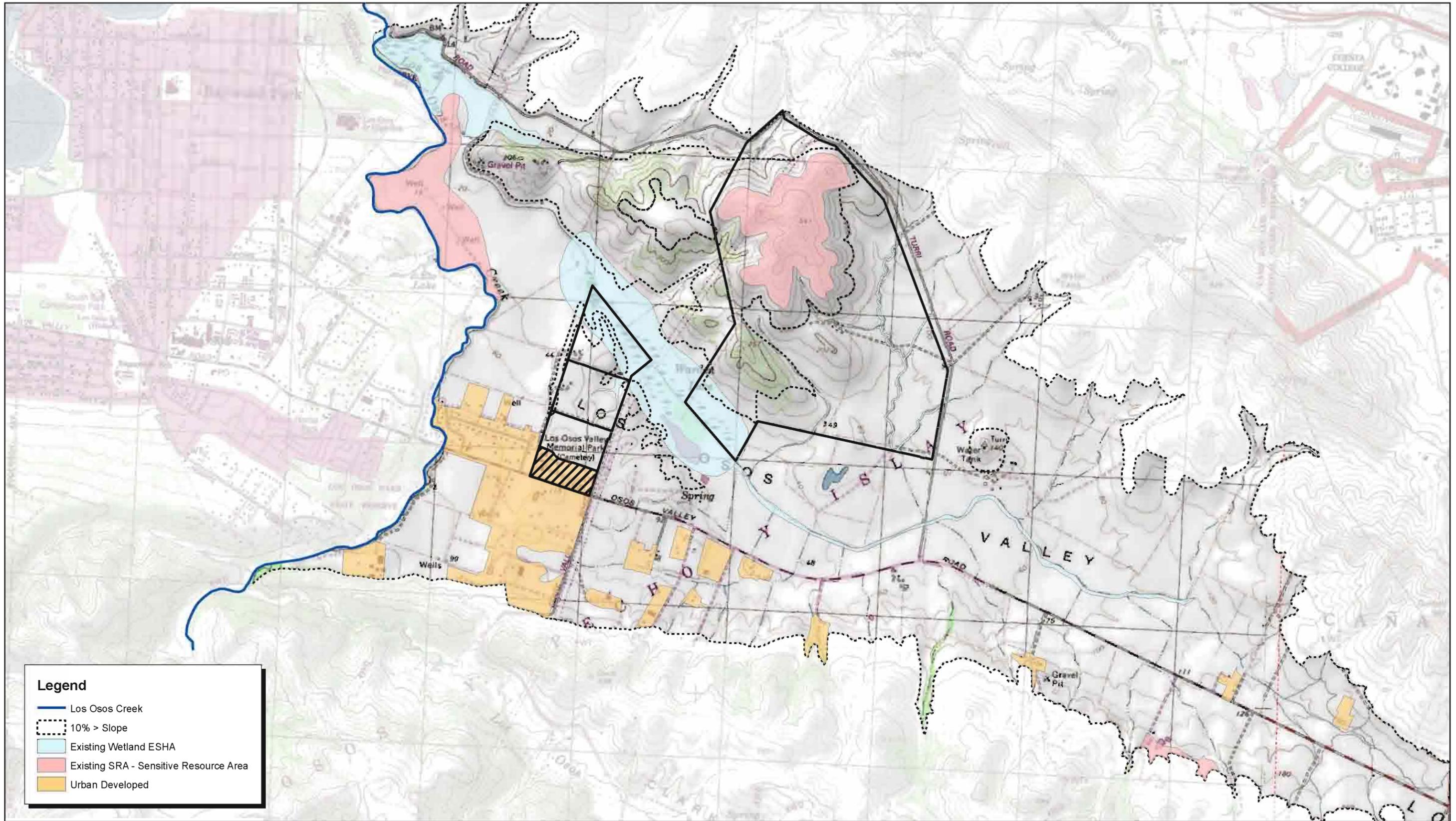
Next, the unconstrained areas were evaluated to determine prime agricultural and non-prime agricultural. This evaluation utilizes the California Coastal Commissions definition of prime farmland. Farmland is considered Prime Farmland under the California Coastal Commission definition when one of the four following criteria is met:

- The soils are classified as Class I and/or Class II irrigated soils.
- The soils have an 80 to 100 Storie Index rating.
- The land has a gross crop return of \$200 or more per acre per year.
- The land has an annual carrying capacity of one animal unit per acre per year.

Based on the above definition, Exhibit 5.1-2 illustrates the areas classified as prime agricultural land and non-prime agricultural land. As shown on Exhibit 5.1-2, there are no substantial areas within the Los Osos valley floor that are classified as non-agricultural land and outside of the constraints identified above. Areas classified as non-prime agricultural land are reviewed to determine whether there are feasible, alternative locations for the proposed treatment plant and sprayfield facilities. Large areas classified as prime agricultural land were not reviewed because the objective of the analysis is to reduce the potential impact of the proposed facilities on prime agricultural land while taking into consideration various environmental constraints.

Two areas with the most acres and classified as non-prime agricultural land includes the parcel immediately south of the Tonini parcel and the series of parcels east of the Cemetery parcel known as the Andre, Robbins 1, and Robbins 2 parcels as well as one additional parcel east of the Robbins 2 parcel. The Andre, Robbins 1, and Robbins 2 parcels constitute a series of parcels identified as an alternative for treatment plant facilities in Section 7 of the Draft EIR.

The area south of the Tonini parcel encompasses approximately 181-acres of prime agricultural land and approximately 77-acres of non-prime agricultural land. Within this parcel, there is Warden Creek that extends west to east across the site. Warden Creek separates the prime agricultural land into approximately 97 acres north of the creek and 84 acres south of the creek. In addition, this parcel



Source: TOPO! USGS Morro Bay South (2002) 7.5' DRG. San Luis Obispo County GIS Data, and MBA GIS Data.

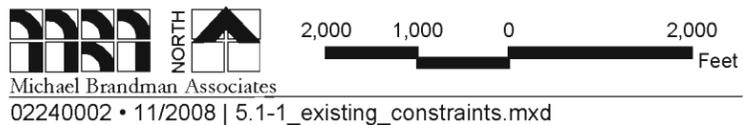
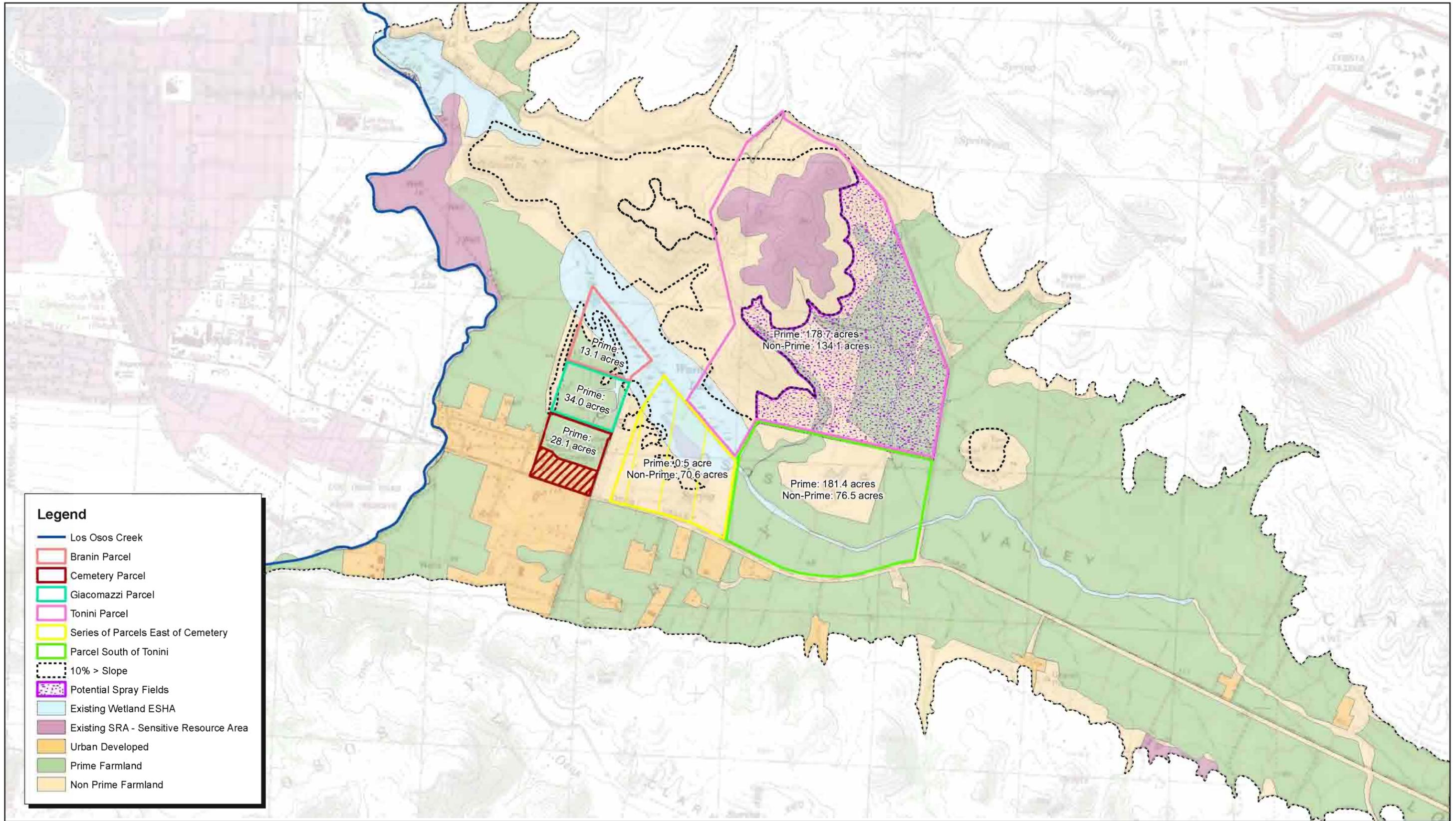


Exhibit 5.1-1  
Existing Environmental Constraints East of Los Osos Creek

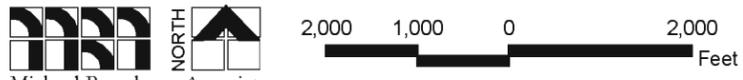




**Legend**

- Los Osos Creek
- Branim Parcel
- Cemetery Parcel
- Giacomazzi Parcel
- Tonini Parcel
- Series of Parcels East of Cemetery
- Parcel South of Tonini
- 10% > Slope
- Potential Spray Fields
- Existing Wetland ESHA
- Existing SRA - Sensitive Resource Area
- Urban Developed
- Prime Farmland
- Non Prime Farmland

Source: TOPO! USGS Morro Bay South (2002) 7.5' DRG. San Luis Obispo County GIS Data, and MBA GIS Data.



**Exhibit 5.1-2**  
**Prime and Non-Prime Agricultural Lands**



includes an approximately 3-acre surface water feature in the middle of the non-prime agricultural land area. Based on a review of the aerial photograph from the County of San Luis Obispo Interactive GIS Mapping System, there are no drainages that convey water away from the surface water feature. Therefore, the surface water feature is assumed to be a depression within the non-prime area.

If this parcel were selected for sprayfield facilities, the spray disposal would need to be setback from Warden Creek because Warden Creek is designated a coastal stream. All coastal streams are considered an environmental sensitive habitat area (ESHA). The required setback from ESHAs is 100 feet. In addition, the parcel is adjacent to the Warden Lake ESHA and spray disposal would need to be setback 100 feet from the Warden Lake ESHA. With a setback of 100 feet from Warden Creek and the Warden Lake ESHA, there would be approximately 13.2 acres of prime agricultural land north of Warden Creek and approximately 11 acres south of Warden Creek that would not be available for spray irrigation. With the setback, there would be approximately 84.2 acres of prime agricultural land available for spray irrigation north of Warden Creek and approximately 73 acres of prime agricultural land available for spray irrigation south of Warden Creek. In addition, with a setback of 100 feet from the existing 3-acre surface water feature, there would be approximately 68.7 acres of non-prime agricultural land available for spray irrigation. Therefore, the implementation of an approximately 175 acres of spray irrigation on the parcel south of Tonini could include direct impacts on 84.2 acres of prime farmland north of Warden Creek, 68.7 acres of non-prime agricultural land north of Warden Creek, and 22.1 acres of prime farmland south of Warden Creek. The remaining prime farmland south of Warden Creek would be indirectly affected resulting in a total loss of 181.4 acres of prime agricultural land. Given that more acres of loss prime agricultural land would occur with the placement of the proposed sprayfield facilities south of the Tonini parcel compared to the 178.7 acres of loss prime agricultural land on the Tonini parcel, the parcel south of the Tonini parcel would not provide a reduction in the loss of prime agricultural land; therefore, it is not considered feasible for the sprayfields at Tonini.

The parcel south of Tonini could accommodate the proposed treatment plant facilities of 20 to 30-acres as well as sprayfield facilities. If this parcel was selected only for treatment plant facilities, it would result in the loss of approximately 181-acres of prime agricultural land, in addition to the approximately 178.7-acres of prime agricultural land that would be removed with the implementation of the sprayfields on the Tonini parcel. The total loss of approximately 360-acres of prime agricultural land with treatment plant facilities on the parcel south of the Tonini parcel and the spray facilities on the Tonini parcel would be substantially greater than the loss of prime agricultural land under Proposed Project 1 (253.9-acres), Proposed Project 2 (212.7-acres), Proposed Project 3 (225.8-acres), and Proposed Project 4 (178.7-acres). Therefore, the use of the parcel south of the Tonini parcel for the proposed treatment plant facilities would not be considered feasible when compared with Proposed Projects 1 through 4. If this parcel were selected for treatment plant and sprayfield facilities, approximately 181-acres of prime agricultural land would be removed, which is slightly

greater than Proposed Project 4 but less than Proposed Projects 1 through 3. Potential issues with the implementation of treatment plant and sprayfield facilities on this parcel include the following:

1. The area is located immediately adjacent to Los Osos Valley Road and would result in a significant impact on views while entering the community of Los Osos.
2. Los Osos Valley Road is proposed as a scenic corridor and the placement of treatment plant facilities adjacent to this roadway would not be consistent with a scenic corridor designation.
3. These proposed facilities would be located directly adjacent to Warden Creek. Because of these issues, the County considers that this series of parcels would not be feasible to accommodate the proposed treatment plant and sprayfield facilities.

The area east of the Cemetery parcel is primarily classified as non-prime agricultural land. These parcels encompass approximately 128-acres; however, 57-acres include environmental constraints such as slopes of greater than 10 percent and an environmentally sensitive habitat area. The area outside of the environmental constraints encompasses approximately 71-acres of non-prime agricultural land and 0.5-acre of prime agricultural land. The total 71.5-acres of this unconstrained area are not enough to accommodate the proposed, approximately 175-acre sprayfield. Therefore, this area is not feasible for a sprayfield. This area could accommodate treatment plant facilities of 20 to 30-acres. If this series of parcels were selected for the proposed treatment plant facilities, approximately 179.5-acres of prime agricultural land would be removed, which is slightly greater than Proposed Project 4 (179-acres) but less than Proposed Project 1 (254-acres), Proposed Project 2 (213-acres), and Proposed Project 3 (226-acres). Potential issues with the placement of proposed treatment plant facilities in this area include the following:

1. These parcels are owned by private individuals that does not want to sell their property; and therefore, the County would be required to obtain the property through eminent domain which is not desired by the County.
2. The area is located immediately adjacent to Los Osos Valley Road and would result in a significant impact on views while entering the community of Los Osos
3. Los Osos Valley Road is proposed as a scenic corridor and the placement of treatment plant facilities adjacent to this roadway would not be consistent with a scenic corridor designation, Due to these issues, the County considers that this series of parcels would not be feasible to accommodate the proposed treatment plant facilities.

Based on the above evaluation, there are no feasible alternative locations for the proposed treatment plant facilities and sprayfields, compared with the facilities within Proposed Projects 1 through 4. Therefore, the combined effects associated with Proposed Project 1 would be consistent with the goals, policies, and ordinances applicable to the proposed projects.

## Proposed Project 2

### *Collection System*

The County of San Luis Obispo General Plan Land Use Element describes allowed land uses in the coastal zone as discussed above in Section 5.1.3, Regulatory Setting. The pipelines and pump stations that are a part of the gravity collection system are allowed in all land use designations, subject to the restrictions contained in Section 23.08.286 of the Coastal Zone Land Use Ordinance (CZLUO). One restriction in Section 23.08.286 is a requirement to obtain a minor use permit when the area of site disturbance would exceed 40,000 square feet. Since installation of the gravity collection system would disturb more than 40,000 square feet, a minor use permit would be required. Another restriction is a requirement to obtain a Development Plan for all surface facilities associated with the collection system. Proposed Project 2 would obtain a minor use permit, and it would prepare and obtain approval of a Development Plan; therefore, Proposed Project 2 would be consistent with these requirements.

### *Treatment Plant Site*

The facilities proposed at the treatment plant site are allowed uses in the coastal zone as discussed above in Section 5.1.3, Regulatory Setting. The land use designations for the treatment plant site include Agriculture on approximately 38-acres. These treatment facilities are uses that are allowed in Agriculture subject to the restrictions contained in Section 23.08.288 of the CZLUO. The primary restriction is described in Section 23.08.288(d), which states that “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” An evaluation of alternative locations for the treatment plant facilities as well as for the disposal facilities is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 2 would be consistent with Section 23.08.288 of the CZLUO.

Furthermore, the Framework for Planning Coastal Zone includes location criteria for new or expanded public facilities, including wastewater treatment plants. Criteria for determining conformity of the location of proposed wastewater treatment facilities within the General Plan are provided. Table P of this document indicates that sewage treatment facilities can be located within 0.5 mile of a specified location on the Land Use Element map and still be found consistent with applicable policies and standards within the Land Use Element. Since the Cemetery parcel is designated Public Facility on the maps contained in the Estero Area Plan, and the Giacomazzi parcel is within 0.5 mile of the Cemetery parcel, a public facility such as a wastewater treatment facility on the proposed treatment plant site would be considered consistent with this requirement of the Estero Area Plan.

The Estero Area Plan establishes special standards for the Estero Planning Area. Chapter 7 of the Estero Area Plan includes Rural Area Standards for areas that are outside of the Los Osos Urban Reserve Line. Special standards within the Plan include limitations on uses within areas designated

for Agriculture, such as the Giacomazzi parcel. These limitations applies to lands that are defined by the Agriculture and Open Space Element as Row Crop Terrain and Soils. Based on information obtained from the County of San Luis Obispo Agricultural Commissioner's Office, the Giacomazzi site is defined as Row Crop Terrain and Soils. Although this site is defined as Row Crop Terrain and Soils, this standard within the Estero Area Plan states that there are limited uses that are allowed within areas defined as Row Crop Terrain and Soils. These limited uses include public utility facilities. Since the proposed facilities at the treatment plant site are public utility facilities as defined in the Estero Area Plan, Proposed Project 2 is considered consistent with this standard.

As part of the Local Coastal Program, the County of San Luis Obispo has adopted Coastal Plan Policies to implement the mandates of the Coastal Act. Chapters 6, 7, and 8 of the Coastal Plan Policies include policies for environmentally sensitive habitats, agriculture, and public works, respectively.

Policy 1 of the environmentally sensitive habitats policies set a standard for a minimum of a 100-foot setback for new developments from environmentally sensitive habitats. The nearest environmentally sensitive habitat to the proposed treatment plant is Warden Creek, and the proposed facilities would be a minimum of 100 feet from Warden Creek. Therefore, the proposed treatment facilities that are part of Proposed Project 2 would be consistent with this policy.

Policy 1 of the agriculture policies identify that prime agricultural land shall be maintained in, or available for, agricultural production. Prime agricultural land is located on the Giacomazzi parcel. This policy also states that permitted uses that depicted on Coastal Table O in Framework for Planning Coastal Zone are permitted, where it can be demonstrated that no alternative building site exists except on prime agricultural soils, that the least amount of prime soil possible is converted, and the use will not conflict with surrounding agricultural lands and uses. An evaluation of alternative site locations for the treatment plant facilities as well as for the disposal facilities is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 2 would be consistent with Policy 1.

Policy 2 of the public works policies identifies new or expanded facilities shall be designed to accommodate but not exceed the needs generated by proposed development within the designated urban reserve lines. The treatment plant facilities are proposed to be sized to accommodate existing development as well as buildout development in accordance with the Estero Area Plan for areas within the Regional Water Quality Control Board Prohibition Zone that is located within the Urban Reserve Line. Therefore, the proposed treatment plant facilities that are part of Proposed Project 2 would be consistent with this policy.

Policy 9 of the public works policies identifies a standard for any development that constitutes a treatment works (i.e., the proposed treatment plant facilities) to be reviewed for siting and visual appearance, geographic service area, and sizing. A discussion of alternative locations (i.e., siting) of

the treatment plant facilities is provided above under Proposed Project 1. The visual appearance of the proposed treatment plant facilities is addressed in Appendix M-1, and visual impacts are determined to be less than significant after the implementation of mitigation measures. Finally, the geographic service area and sizing would be reviewed, but since the proposed treatment plant facilities would accommodate existing development and General Plan buildout of the RWQCB Prohibition Zone, the proposed facilities would be consistent with coastal standards such as Policy 2. Therefore, the proposed treatment plant facilities that are part of Proposed Project 2 would be consistent with Policy 9.

The County of San Luis Obispo Local Coastal Program also includes standards that are part of the Coastal Zone Land Use Ordinance. As identified above, the Giacomazzi parcel is designated as Agriculture. Section 23.04.050 defines supplemental non-agricultural uses as those uses allowed by Coastal Table O in the Agriculture category in the Framework for Planning Coastal Zone. The proposed treatment plant facilities are an allowed use in Coastal Table O. This standard further states that supplemental non-agricultural uses may be established within prime soils only if it has been demonstrated that no alternative project site exists except on prime soils, the least amount of prime soils possible will be converted, and the proposed use will not conflict with surrounding agricultural lands and uses. Furthermore, Section 23.08.288 of the CZLUO identifies that “the public utility facilities shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made that there is no other feasible location on or off-site the property.” A discussion of the feasibility for the proposed treatment plant facilities as well as for the disposal facilities to be located on alternative sites that would not result in impacts on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 2 would be consistent with Sections 23.04.050 and 23.08.288 of the CZLUO.

#### *Disposal Sites*

Implementation of the proposed facilities at the disposal sites under Proposed Project 2 would result in the same impacts as those discussed under Proposed Project 1.

#### *Combined Project Effects*

As discussed above the proposed facilities at the treatment plant site and the sprayfield site would result in the removal of prime agricultural soil, which is considered a sensitive environmental area. As required by Section 23.08.288(d) of the CZLUO, “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” As discussed above in the feasibility evaluation under Proposed Project 1, there are no feasible locations for the proposed treatment plant and sprayfield facilities; therefore, Proposed Project 2 would be consistent with the goals, policies, and ordinances applicable to the proposed project.

### Proposed Project 3

#### *Collection System*

Implementation of the proposed collection system facilities under Proposed Project 3 would result in the same impacts as those discussed under Proposed Project 2.

#### *Treatment Plant Site*

The facilities proposed at the treatment plant site are allowed uses in the coastal zone as discussed above in Section 5.1.3, Regulatory Setting. The land use designations for the treatment plant site include Agriculture on approximately 80-acres. These treatment facilities are uses that are allowed in Agriculture subject to the restrictions contained in Section 23.08.288 of the CZLUO. The primary restriction is described in Section 23.08.288(d), which states that “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” An evaluation of alternative locations for the treatment plant facilities as well as for the disposal facilities is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 3 would be consistent with Section 23.08.288 of the CZLUO.

Furthermore, the Framework for Planning Coastal Zone includes location criteria for new or expanded public facilities, including wastewater treatment plants. Criteria for determining conformity of the location of proposed wastewater treatment facilities within the General Plan are provided. Table P of this document indicates that sewage treatment facilities can be located within 0.5 mile of a specified location on the Land Use Element map and still be found consistent with applicable policies and standards within the Land Use Element. Since the Cemetery parcel is designated Public Facility on the maps contained in the Estero Area Plan, and the Giacomazzi and Branin parcels are within 0.5 mile of the Cemetery parcel, a public facility such as a wastewater treatment facility on the proposed treatment plant site would be considered consistent with this requirement of the Estero Area Plan.

The Estero Area Plan establishes special standards for the Estero Planning Area. Chapter 7 of the Estero Area Plan includes Rural Area Standards for areas that are outside of the Los Osos Urban Reserve Line. Special standards within the Plan include limitations on uses within areas designated for Agriculture, such as the Giacomazzi and Branin parcels. These limitations applies to lands that are defined by the Agriculture and Open Space Element as Row Crop Terrain and Soils. Based on information obtained from the County of San Luis Obispo Agricultural Commissioner’s Office, the Giacomazzi, and Branin sites are defined as Row Crop Terrain and Soils. Although these sites are defined as Row Crop Terrain and Soils, this standard within the Estero Area Plan states that there are limited uses that are allowed within areas defined as Row Crop Terrain and Soils. These limited uses include public utility facilities. Since the proposed facilities at the treatment plant site are public utility facilities as defined in the Estero Area Plan, Proposed Project 3 is considered consistent with this standard.

As part of the Local Coastal Program, the County of San Luis Obispo has adopted Coastal Plan Policies to implement the mandates of the Coastal Act. Chapters 6, 7, and 8 of the Coastal Plan Policies include policies for environmentally sensitive habitats, agriculture, and public works, respectively.

Policy 1 of the environmentally sensitive habitats policies set a standard for a minimum of a 100-foot setback for new developments from environmentally sensitive habitats. The nearest environmentally sensitive habitat to the proposed treatment plant is Warden Creek, and the proposed facilities would be a minimum of 100 feet from Warden Creek. Therefore, the proposed treatment facilities that are part of Proposed Project 3 would be consistent with Policy 1.

Policy 1 of the agriculture policies identify that prime agricultural land shall be maintained, in or available for, agricultural production. Prime agricultural land is located on the Giacomazzi and Branin parcels. This policy also states that permitted uses that are depicted on Coastal Table O in Framework for Planning Coastal Zone are permitted where it can be demonstrated that no alternative building site exists except on prime agricultural soils, and that the least amount of prime soil possible is converted and the use will not conflict with surrounding agricultural lands and uses. An evaluation of alternative site locations for the treatment plant facilities as well as for the disposal facilities is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 3 would be consistent with Policy 1.

Policy 2 of the public works policies identifies new or expanded facilities shall be designed to accommodate but not exceed the needs generated by proposed development within the designated urban reserve lines. The treatment plant facilities are proposed to be sized to accommodate existing development as well as buildout development in accordance with the Estero Area Plan for areas within the Regional Water Quality Control Board Prohibition Zone that is located within the Urban Reserve Line. Therefore, the proposed treatment plant facilities that are part of Proposed Project 3 would be consistent with Policy 2.

Policy 9 of the public works policies identifies a standard for any development that constitutes a treatment works (i.e., the proposed treatment plant facilities) to be reviewed for siting and visual appearance, geographic service area, and sizing. A discussion of alternative locations (i.e., siting) of the treatment plant facilities is provided above under Proposed Project 1. The visual appearance of the proposed treatment plant facilities is addressed in Appendix M-1, and visual impacts are determined to be less than significant after the implementation of mitigation measures. Finally, the geographic service area and sizing would be reviewed, but since the proposed treatment plant facilities would accommodate existing development and General Plan buildout of the RWQCB Prohibition Zone, the proposed facilities would be consistent with coastal standards such as Policy 2. Therefore, the proposed treatment plant facilities that are part of Proposed Project 3 would be consistent with Policy 9.

The County of San Luis Obispo Local Coastal Program also includes standards that are part of the Coastal Zone Land Use Ordinance. As identified above, the Giacomazzi parcel is designated as Agriculture. Section 23.04.050 defines supplemental non-agricultural uses as those uses allowed by Coastal Table O in the Agriculture category in the Framework for Planning Coastal Zone. The proposed treatment plant facilities are an allowed use in Coastal Table O. This standard further states that supplemental non-agricultural uses may be established within prime soils only if it has been demonstrated that no alternative project site exists except on prime soils, the least amount of prime soils possible will be converted, and the proposed use will not conflict with surrounding agricultural lands and uses. Furthermore, Section 23.08.288 of the CZLUO identifies that “the public utility facilities shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made that there is no other feasible location on or off-site the property.” A discussion of the feasibility for the proposed treatment plant facilities as well as for the disposal facilities to be located on alternative sites that would not result in impacts on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 3 would be consistent with Sections 23.04.050 and 23.08.288 of the CZLUO.

#### *Disposal Sites*

Implementation of the proposed facilities at the disposal sites under Proposed Project 3 would result in the same impacts as those discussed under Proposed Project 1.

#### *Combined Project Effects*

As discussed above the proposed facilities at the treatment plant site and the sprayfield site would result in the removal of prime agricultural soil, which is considered a sensitive environmental area. As required by Section 23.08.288(d) of the CZLUO, “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” As discussed above in the feasibility evaluation under Proposed Project 1, there are no feasible locations for the proposed treatment plant and sprayfield facilities; therefore, Proposed Project 3 would be consistent with the goals, policies, and ordinances applicable to the proposed project.

### **Proposed Project 4**

#### *Collection System*

Implementation of the proposed collection system facilities under Proposed Project 4 would result in the same impacts as those discussed under Proposed Project 2.

#### *Treatment Plant Site*

The facilities proposed at the treatment plant site are allowed uses in the coastal zone as discussed above in Section 5.1.3, Regulatory Setting. The land use designation for the treatment plant site includes Agriculture on approximately 650-acres. The facilities proposed are allowed uses subject to the restrictions contained in Section 23.08.288 of the CLUE. The primary restriction is described in

Section 23.08.288(d) which states that “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” An evaluation of alternative locations for the treatment plant facilities as well as for the disposal facilities is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 4 would be consistent with Section 23.08.288 of the CZLUO.

Furthermore, the Framework for Planning Coastal Zone includes location criteria for new or expanded public facilities, including wastewater treatment plants. Criteria for determining conformity of the location of proposed wastewater treatment facilities within the General Plan are provided. Table “P” of this document indicates that sewage treatment facilities can be located within 0.5 mile of a specified location on the Land Use Element map, and still be found consistent with applicable policies and standards within the Land Use Element. The Tonini site or parcels within 0.5 mile of this parcel are not designated Public Facilities on the maps contained in the Estero Area Plan; however, this should not be interpreted as an inconsistency with the plan; rather, it indicates that the location of such a facility had not been anticipated at the time the Estero Area Plan was most recently updated.

The Estero Area Plan establishes special standards for the Estero Planning Area. Chapter 7 of the Estero Area Plan includes Rural Area Standards for areas that are outside of the Los Osos Urban Reserve Line. Special standards within the Plan include limitations on uses within areas designated for Agriculture, such as the Tonini parcel. These limitations applies to lands that are defined by the Agriculture and Open Space Element as Row Crop Terrain and Soils. Based on information obtained from the County of San Luis Obispo Agricultural Commissioner’s Office, the portion of the Tonini parcel that is proposed for the treatment plant facilities is defined as Row Crop Terrain and Soils. Although this area of the Tonini parcel is defined as Row Crop Terrain and Soils, this standard within the Estero Area Plan states that there are limited uses that are allowed within areas defined as Row Crop Terrain and Soils. These limited uses include public utility facilities. Since the proposed facilities at the treatment plant site are public utility facilities as defined in the Estero Area Plan, Proposed Project 4 is considered consistent with this standard.

As part of the Local Coastal Program, the County of San Luis Obispo has adopted Coastal Plan Policies to implement the mandates of the Coastal Act. Chapters 6, 7, and 8 of the Coastal Plan Policies include policies for environmental sensitive habitats, agriculture, and public works, respectively.

Policy 1 of the environmental sensitive habitats policies set a standard for a minimum of a 100-foot setback for new developments from environmentally sensitive habitats. The nearest environmentally sensitive habitat to the proposed treatment plant are tributaries to Warden Creek, and the proposed facilities would be a minimum of 100 feet from these tributaries. Therefore, the proposed treatment facilities that are part of Proposed Project 4 would be consistent with Policy 1.

Policy 1 of the agriculture policies identify that prime agricultural land shall be maintained, in or available for, agricultural production. Prime agricultural land is located on the Tonini parcel. This policy also states that permitted uses that depicted on Coastal Table O in Framework for Planning Coastal Zone are permitted where it can be demonstrated that no alternative building site exists except on prime agricultural soils, and that the least amount of prime soil possible is converted and the use will not conflict with surrounding agricultural lands and uses. An evaluation of alternative site locations for the treatment plant facilities as well as for the disposal facilities is provided above under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 4 would be consistent with Policy 1.

Policy 2 of the public works policies identifies new or expanded facilities shall be designed to accommodate but not exceed the needs generated by proposed development within the designated urban reserve lines. The treatment plant facilities are proposed to be sized to accommodate existing development as well as buildout development, in accordance with the Estero Area Plan for areas within the Regional Water Quality Control Board Prohibition Zone that is located within the Urban Reserve Line. Therefore, the proposed treatment plant facilities that are part of Proposed Project 4 would be consistent with Policy 2.

Policy 9 of the public works policies identifies a standard for any development that constitutes a treatment works (i.e., the proposed treatment plant facilities) to be reviewed for siting and visual appearance, geographic service area, and sizing. A discussion of alternative locations for the treatment plant facilities is provided below. The visual appearance of the proposed treatment plant facilities is addressed in Appendix M-1, and visual impacts are determined to be less than significant after the implementation of mitigation measures. Finally, the geographic service area and sizing would be reviewed, but since the proposed treatment plant facilities would accommodate existing development and General Plan buildout of the RWQCB Prohibition Zone, the proposed facilities would be consistent with coastal standards such as Policy 2. Therefore, the proposed treatment plant facilities that are part of Proposed Project 4 would be consistent with Policy 9.

The County of San Luis Obispo Local Coastal Program also includes standards that are part of the Coastal Zone Land Use Ordinance. As identified above, the Tonini parcel is designated as Agriculture. Section 23.04.050 defines supplemental non-agricultural uses as those uses allowed by Coastal Table O in the Agriculture category in the Framework for Planning Coastal Zone. The proposed treatment plant facilities are an allowed use in Coastal Table O. This standard further states that supplemental non-agricultural uses may be established within prime soils only if it has been demonstrated that no alternative project site exists except on prime soils, the least amount of prime soils possible will be converted, and the proposed use will not conflict with surrounding agricultural lands and uses. Furthermore, Section 23.08.288 of the CZLUO identifies that “the public utility facilities shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made that there is no

other feasible location on or off-site the property.” A discussion of the feasibility for the proposed treatment plant facilities as well as for the disposal facilities to be located on alternative sites that would not result in impacts on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas is provided above below under Proposed Project 1. As shown above, there are no alternative feasible locations; therefore, Proposed Project 4 would be consistent with Sections 23.04.050 and 23.08.288 of the CZLUO.

#### *Disposal Sites*

Implementation of the proposed facilities at the disposal sites under Proposed Project 4 would result in the same impacts as those discussed under Proposed Project 1.

#### *Combined Project Effects*

As discussed above, the proposed facilities at the treatment plant site and the sprayfield site would result in the removal of prime agricultural soil, which is considered a sensitive environmental area. As required by Section 23.08.288(d) of the CZLUO, “the proposed public facilities shall not be allowed on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas unless there is a finding that there is no feasible location on or off-site the property.” As discussed above in the feasibility evaluation under Proposed Project 1, there are no feasible locations for the proposed treatment plant and sprayfield facilities; therefore, Proposed Project 4 would be consistent with the goals, policies, and ordinances applicable to the proposed project.

### **Cumulative Impact Analysis**

#### *Proposed Projects 1 through 4*

Related projects within the greater cumulative project area are detailed in Section 4.2 and Exhibit 4.2-1 in the Draft EIR. Three of the nine related projects (Los Osos CSD Waterline Replacement, Los Osos Valley Road Palisades Storm Drain, and AT&T Cable) physically overlap with the study area for the proposed project but are either completed or expected to be completed by the time that construction of the proposed project is anticipated to begin (2010). Six of the nine related projects (State Park Marina Renovation, Morro Bay Wastewater Treatment Plant, Dredging of Morro Bay, CMC Wastewater Treatment Plant, Phase II Steam Generator Replacement at Diablo, and Spent Fuel Storage Facility at Diablo) do not physically overlap the proposed project. The two related Diablo projects are, in fact, nearly 7 miles south of Los Osos. Since there are no related projects that would contribute to cumulative impacts, the implementation of Proposed Projects 1 through 4 would not contribute to cumulative impacts to goals, policies, and ordinances.

### **Mitigation Measures**

#### **Project-Specific**

##### *Proposed Project 1*

No mitigation measures are required.

##### *Proposed Project 2*

No mitigation measures are required.

*Proposed Project 3*

No mitigation measures are required.

*Proposed Project 4*

No mitigation measures are required.

**Cumulative**

*Proposed Projects 1 through 4*

No mitigation measures are required.

**Level of Significance After Mitigation**

**Project-Specific**

*Proposed Project 1*

No impact.

*Proposed Project 2*

No impact.

*Proposed Project 3*

No impact.

*Proposed Project 4*

No impact.

**Cumulative**

*Proposed Projects 1 through 4*

No impact.

## **C-2: San Luis Obispo County GIS Interactive Mapping, Land Use Designations**





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**Parcel Information**

**APN:** 067-132-025  
**Mailing Address:** 2786 CLARK VALLEY RD, LOS OSOS, CA 93402  
**Land Use Category:** AG  
**Supervisorial District:** 2  
**Planning Area:** Estero  
**School District:** San Luis Coastal Unified School District  
**Combining Designations:** Geologic Study Area - Landslide Risk  
 Coastal Zone Boundary  
**Coastal Designations**

[Link to Tidemark Permit Tracking System](#)

**Layer Display:**

**Land Use**

- Countywide Landuse Categories
- Land Under Conservation Contract

**Combining Designations**

- Airport Review Area
- Coastal Zone Boundary
- Energy and Extractive Area
- Extractive Area
- Flood Hazard
- Geologic Study Area
- Geologic Study Area - Faults
- Proposed Reservoirs
- Sensitive Resource Area

**Coastal Designations**

- Archaeologically Sensitive Area
- Marine Habitat
- Riparian Vegetation
- Terrestrial Habitat
- Wetlands

**Planning/District Boundaries**

- 2000 Supervisorial Districts
- Community Advisory Areas
- Planning Areas
- School Districts
- Urban/Village Reserve Areas

**Base Map**

- 2007 Aerial Photo
- County Wide Creeks
- Highways
- Hillshade
- Roads



**LEGEND**

- Selected Property
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- Highways
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- San Luis Obispo County

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Waterbodies

**Emergency Preparedness**

Agriculture Holding Areas

Fire Hazard Zones

Protective Action Zones

Tsunami Inundation Area

**Environmental**

Kit Fox Mitigation Ratios

For more information please contact:

County of San Luis Obispo  
[jkelly@co.slo.ca.us](mailto:jkelly@co.slo.ca.us)



San Luis Obispo County Department of Planning & Building  
**Interactive GIS Mapping**



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Parcel Information

**APN:** 074-222-014  
**Mailing Address:** PO BOX 11250, NEW ORLEANS, LA 70181  
**Land Use Category:** PF  
**Supervisorial District:** 2  
**Planning Area:** Estero  
**School District:** San Luis Coastal Unified School District  
**Combining Designations:** Coastal Zone Boundary  
**Coastal Designations**

[Link to Tidemark Permit Tracking System](#)

Map navigation controls: zoom in (+), zoom out (-), pan (hand), and identify (i) icons.

Map navigation controls: zoom in (+), zoom out (-), pan (hand), and identify (i) icons.

**Layer Display:**

- Land Use**
- Countywide Landuse Categories
  - Land Under Conservation Contract

- Combining Designations**
- Airport Review Area
  - Coastal Zone Boundary
  - Energy and Extractive Area
  - Extractive Area
  - Flood Hazard
  - Geologic Study Area
  - Geologic Study Area - Faults
  - Proposed Reservoirs
  - Sensitive Resource Area

- Coastal Designations**
- Archaeologically Sensitive Area
  - Marine Habitat
  - Riparian Vegetation
  - Terrestrial Habitat
  - Wetlands

- Planning/District Boundaries**
- 2000 Supervisorial Districts
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- Base Map**
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  - Highways
  - Hillshade
  - Roads
  - Waterbodies

- Emergency Preparedness**
- Agriculture Holding Areas
  - Fire Hazard Zones
  - Protective Action Zones
  - Tsunami Inundation Area

- Environmental**
- Kit Fox Mitigation Ratios



**LEGEND**

- Selected Property
- Streets
- Highways
- Parcels
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For more information please contact:

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Parcel Information

**APN:** 074-022-030  
**Mailing Address:**  
**Land Use Category:** RSF  
**Supervisorial District:** 2  
**Planning Area:** Estero  
**School District:** San Luis Coastal Unified School District  
**Combining Designations:** Coastal Zone Boundary  
**Coastal Designations**

[Link to Tidemark Permit Tracking System](#)

**Layer Display:**

**Land Use**

- Countywide Landuse Categories
- Land Under Conservation Contract

**Combining Designations**

- Airport Review Area
- Coastal Zone Boundary
- Energy and Extractive Area
- Extractive Area
- Flood Hazard
- Geologic Study Area
- Geologic Study Area - Faults
- Proposed Reservoirs
- Sensitive Resource Area

**Coastal Designations**

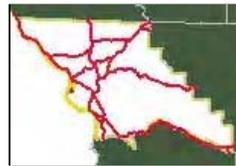
- Archaeologically Sensitive Area
- Marine Habitat
- Riparian Vegetation
- Terrestrial Habitat
- Wetlands

**Planning/District Boundaries**

- 2000 Supervisorial Districts
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- Adjacent Counties
- San Luis Obispo County

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Waterbodies

**Emergency Preparedness**

Agriculture Holding Areas

Fire Hazard Zones

Protective Action Zones

Tsunami Inundation Area

**Environmental**

Kit Fox Mitigation Ratios

For more information please contact:

County of San Luis Obispo  
[jkelly@co.slo.ca.us](mailto:jkelly@co.slo.ca.us)





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**Parcel Information**

**APN:** 067-031-001  
**Mailing Address:** 3515 TURRI RD, SLO, CA 93405  
**Land Use Category:** AG  
**Supervisory District:** 2  
**Planning Area:** Estero  
**School District:** San Luis Coastal Unified School District  
**Combining Designations:** Flood Hazard Area  
 Sensitive Resource Area  
 Geologic Study Area - Landslide Risk  
 Coastal Zone Boundary

**Coastal Designations**

[Link to Tidemark Permit Tracking System](#)

**Layer Display:**

**Land Use**

- Countywide Landuse Categories
- Land Under Conservation Contract

**Combining Designations**

- Airport Review Area
- Coastal Zone Boundary
- Energy and Extractive Area
- Extractive Area
- Flood Hazard
- Geologic Study Area
- Geologic Study Area - Faults
- Proposed Reservoirs
- Sensitive Resource Area

**Coastal Designations**

- Archaeologically Sensitive Area
- Marine Habitat
- Riparian Vegetation
- Terrestrial Habitat
- Wetlands

**Planning/District Boundaries**

- 2000 Supervisory Districts
- Community Advisory Areas
- Planning Areas
- School Districts
- Urban/Village Reserve Areas

**Base Map**

- 2007 Aerial Photo
- County Wide Creeks
- Highways
- Hillshade
- Roads



**LEGEND**

- Selected Property
- Streets
- Highways
- Parcels
- Adjacent Counties
- San Luis Obispo County

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