

Take your time, LAFCO.
You don't have to green-light Dana Reserve project
Opinion By Herb Kandel Updated November 09, 2024

On November 14 at 9 AM, at the BOS chambers, the Local Agency Formation Commission (LAFCO) will consider annexation of the Dana Reserve Project (DR). Prior County decisions have justified overriding 19 un-mitigable impacts, the largest number in County history. Failure to account for the project's cumulative



impacts and newly available information is essential to make the right decision. Below are four key reasons to reconsider approving the annexation of this project:

Figure 1 Scientists gather manzanita specimens at a Nipomo park. A soon-to-be published, peer reviewed journal found Nipomo's Manzanita to be a completely unique species, with only about 750 plants remaining in the world. Bill Waycott PhD

1. Protection of Unique Biological Resources:

One purview of the commission is to balance the protection of unique biological resources along with the need for housing. The Dana Reserve Project holds the largest remaining intact oak woodland in private hands on the Nipomo Mesa, including a number of rare and endangered plant species. One example is the Nipomo Manzanita, dismissed by the developer and County planners on this site as not worthy of special attention beyond the most basic required mitigation measures. This action is premature because a soon-to-be-published peer-reviewed study by researchers at the University of California, Riverside has established the Nipomo Manzanita as a completely new species of *Arctostaphylos*, with fewer than 750 individuals remaining *anywhere*, some being centuries old. This project site is home to over a third of the plant's entire remaining population. This new discovery is an opportunity for LAFCO to request a supplemental EIR to re-

view the cumulative biological impacts and assess the risks of irreplaceable habitat loss. In addition, the project also requires the removal of over 3,000 oaks, while posing risks to the long-term survival of federal and state-listed endangered species like the Pismo Clarkia. The California Native Plant Society (CNPS) has identified the project's mitigation plans as grossly inadequate, as well as being inconsistent with the County's Oak Ordinance.

2. Legal Provision of Water in Question:

LAFCO's General Policy 2.1.11 mandates that any proposal requiring water service must demonstrate a reliable, sustainable water supply. Yet, questions remain regarding the Nipomo Community Services District's (NCSD) legal capacity to provide water for the Dana Reserve project. The NCSD has not formally assessed the environmental impact of extending water service beyond its current boundaries or renegotiated terms with other water providers. Golden State Water, another Nipomo Mesa purveyor, correctly points out that the 500 acre feet of supplemental allocation of water from the Santa Maria basin was intended only for existing customers and future infill *within NCSD's current service area*, not for new developments outside its area. As such, the NCSD cannot lawfully commit to supplying water for this project. There is also an issue of fairness regarding those with prior existing requests within the district, who have been denied water.

3. Lacking assessment on cumulative impacts

The DR project alone is expected to increase Nipomo's population by approximately 25%, and yet the County's review did not evaluate the cumulative impacts of the current projects in the pipeline. The five formally approved projects including the DR total 2,151 new units. Add the 624 units with pending applications and the total is an approximate 40% increase in population. This an unimaginable overextension of Nipomo's current infrastructure capacity.

The DR development is outside the urban area requiring new infrastructure, increasing vehicle miles traveled and reducing job/housing ratio and with many unaffordable market rate homes.

Contrast this with almost 900 “wise infill” new housing units in the pipeline. These are affordable, within existing water district boundaries, walking distance to schools, shops, park, and, *have* the widespread support of the community. With many undeveloped parcels remaining in the urban area, consider LAFCO policy 2.3.2, which states, “Prior to annexation of territory within an agency sphere of influence, the commission encourages development on vacant or underutilized parcels, already within the boundaries of its jurisdiction.”

4. Consideration of Community-Driven Concept:

LAFCO commissioners should allow time to explore the viable modifications to the current DR plan presented by a broad-based community coalition, supported by the South County Advisory Council. We also urge LAFCO commissioners to look beyond the developer funded study declaring the community proposal as infeasible. Two county supervisors during the BOS hearing questioned the developer’s approach targeting the community’s sound *concepts for negotiation as a fixed plan*, thus untenable and non negotiable.

A review of these concepts would ensure LAFCO has a comprehensive understanding of the viable, professionally vetted, widely supported community compromises that aim to protect critical resources, embrace sustainable growth and provide a better ratio of affordable housing, per the needs identified in the County’s own Regional Housing Needs Allocation (RHNA).

A “no” vote or a recommendation for a supplemental EIR before approving the annexation would uphold LAFCO policies which seek to promote sustainable community growth, as well as signal to the developer the need for a reasonable compromise in project size to reduce unacceptable impacts.