

## 7 Implementation and Administration

This Chapter describes the DRSP authority, development review process, and administrative procedures controlling the DRSP adjustments and amendments, as well as outlines the intended phasing plan and the proposed construction/maintenance of improvements.

The DRSP provides County review authorities the tools and guidelines to review and approve the DRSP area development proposals. Implementation shall be administered by County review authorities and ensure consistency with the DRSP document.

### 7.1 Specific Plan Authority and Adoption

Specific plans must comply with California Government Code Sections 65450 through 65457. These provisions require that a specific plan be consistent with the adopted General Plan for the jurisdiction in which the specific plan area is located. In turn, all subsequent development proposals, such as tentative subdivision maps, site plans, improvement plans, and all public works projects, must be consistent with the adopted specific plan.

Pursuant to California Government Code Section 65453, a specific plan may be adopted by resolution or by ordinance. Past County practice has been to adopt a specific plan and certify the Final Environmental Impact Report (FEIR) concurrently through resolution. Customized land use categories are provided to implement the land uses identified in Chapter 2. Land use categories included herein supersede the County's Land Use Ordinance (Title 22) except where the DRSP is silent. In such cases, the existing County land use category standards shall apply.

### 7.2 Development Agreement

A development agreement is a planning tool that allows public agencies greater latitude to advance local planning policies in sometimes new and creative ways. A development agreement is commonly used in conjunction with specific plan projects.

Neither the applicant nor the public agency is required to enter into a development agreement as part of project proposal. When a development agreement is entered into, the allowable land uses, required infrastructure and its financing, as well as other terms and conditions of approval are negotiated between the parties involved, subject to the public agency's ultimate approval.

### 7.3 Environmental Review

The DRSP addresses land uses, densities, and types of development proposed, as well as streets and infrastructure anticipated to serve the area. It provides a detailed description of the project that was evaluated in the Final Project Environmental Impact Report (FEIR) for the DRSP. Under the California Environmental Quality Act (CEQA), the FEIR has assessed the potential direct and indirect environmental effects associated with the land use program described in the DRSP.

Although the EIR is a separate document, the environmental review process has been an integral component of the planning process to ensure that the DRSP minimizes environmental impacts. The EIR addresses the development of the DRSP as a single project which is projected to be developed in increments over a period of several years. This approach enables the County to comprehensively evaluate the cumulative impacts of the DRSP and consider alternatives and mitigation measures prior to adoption of the DRSP.

Development within the DRSP area shall comply with all conditions of approval and mitigation measures identified in the certified Specific Plan EIR (The Dana Reserve Specific Plan EIR SCH No. 2021060558) and any subsequent CEQA document (e.g., Addendum, Mitigated Negative Declaration, Subsequent EIR, or Supplemental EIR). The DRSP FEIR is intended to expedite the processing of future projects that are consistent with the DRSP. If, when considering subsequent development proposals, the County determines that the proposed development will not result in new effects or require additional mitigation, the County can approve the project without additional environmental review (California Government Code Section 65457 and CEQA Guidelines Section 15182). However, if there are significant changes proposed to the approved DRSP that the County concludes may result in new impacts, any additional environmental review need focus only on those specific areas or topics affected by the change.

## 7.4 Annexation

The DRSP is currently under County jurisdiction ~~but and~~ is located ~~immediately adjacent to~~ within the Nipomo Urban Reserve Line (URL). The property is designated in the County's General Plan as a specific plan area, which ~~is was~~ subject to preparation of a specific plan to accommodate development proposals and address pertinent issues (refer to Chapter 1). The General Plan ~~requires~~ required that a specific plan for the property be adopted prior to annexation of the DRSP area to the URL. The DRSP area ~~is identified within~~ was then annexed into the NCSD's ~~Future District~~ Service Boundary area.

Following Board of Supervisor action of project entitlements including adoption of the DRSP and certification of the FEIR, the project ~~will be~~ was submitted by NCSD to the Local Agency Formation Commission (LAFCO) ~~for the formal annexation review process and was formally annexed into the NCSD Service Boundary area. As part of this process,~~ LAFCO ~~works worked~~ with the County and NCSD to ensure that a proper plan of services ~~is was~~ in place to guide orderly development of the annexed property.

## 7.5 Development Review Process

### *Land Use Boundaries*

The Land Use Element of the County's General Plan defines and identifies the purpose and character for each of the County's 14 land use categories. These land use categories, which serve as both the County's Land Use Element and zoning maps, comprise the County's "single map" system for land use and development. To implement the DRSP, the subject property will be redesignated from the Residential Rural land use category to a 15<sup>th</sup> County land use category called "Dana Reserve Specific Plan (DRSP)," except for APNs 091-301-029 and 091-301-301, which will remain Residential Rural. The DRSP land use category will direct future landowners and developers to this Specific Plan for allowable land uses, development standards, and permitting requirements.

Future development within the DRSP land use category shall correspond with the eight (8) Land Uses identified in Exhibit 2-1 and the development standards, allowable uses, and all other related requirements identified in Chapter 2 and the objective design standards and guidelines identified in Appendix A, not Table 2-3 in Section 22.08.030 or Article 4 of the County Land Use Ordinance. In instances where the DRSP is silent on a particular topic or requirement, development will instead be subject to the requirements of the County's Land Use Ordinance, Title 22 of the County Code, or by interpretation of the Director of Planning and Building as identified in Section 7.7 below, for the most closely related land use category. For example, for development in the DR-SF 1 and DR-SF 2

land uses, the requirements of the RSF Land Use Category in Title 22 will apply when the DRSP is silent on a topic.

*Processing, Uses, and Plan Interpretation*

Subdivisions

The precise location of streets, utilities, and boundaries of development sites will be determined upon approval of tentative subdivision maps as part of a Land Division application. Along with the review of the final map before recording, subdivision improvement plans will be reviewed and approved by the Planning Commission, which will show compliance with the DRSP, EIR, and any associated project conditions of approval. As part of the Land Division application submittal and subsequent review by Planning Commission, applicants are required to provide preliminary floor plans and architectural elevations for uses that only require a Site Plan that show height of buildings and structures, color, texture, and material of exterior finishes and roofing. Where the architecture of a project meets the relevant objective design standard requirements identified in Appendix A, the preliminary floor plans and architectural elevations provided are intended to be for informational purposes only as part of the Land Division application.

Land Use Permits

*Conditional Use Permit*

As part of the DRSP project, a conditional use permit will be required in conjunction with the Oak Woodland Management Plan.

Uses identified in Chapter 2, Tables 2.5, 2.8, and 2.11 requiring a Conditional Use Permit shall be processed according to County Land Use Ordinance Section 22.62.060.

*Minor Use Permit*

Uses identified in Chapter 2, Tables 2.5, 2.8, and 2.11 requiring a Minor Use Permit shall be processed according to County Land Use Ordinance Section 22.62.050.

*Site Plan Review*

Uses identified in Chapter 2, Tables 2.5, 2.8, and 2.11 requiring a Site Plan Review shall be processed according to County Land Use Ordinance Section 22.62.040.

*Zoning Clearance*

Uses identified in Chapter 2, Tables 2.5, 2.8, and 2.11 requiring a Zoning Clearance shall be processed according to County Land Use Ordinance Section 22.62.030.

*Objective Design Standards and Guidelines*

Residential, Commercial, and Recreation and Open Space land uses within the DRSP are required to adhere to the relevant objective design standards and guidelines identified in Appendix A, not the San Luis Obispo County Design Guidelines. When applicable, as part of an application submittal to the County, the applicant shall provide an analysis of how the project complies with the relevant objective design standards and guidelines for use by the County.

Building Permits

The County building permit process of plan-check, inspection, and occupancy release will typically be the final and most detailed step in County review of private site development. Impact fees are

due at the time building permits are issued or as may be described in the development agreement. If required, Inclusionary housing fees will be required to pay at time of building permits.

## 7.6 Construction and Maintenance of Required Improvements

Public facilities required to serve the DRSP area will be funded as discussed in Chapter 8. Property in the DRSP area that is annexed into the URL will receive the same public services as other neighborhoods in the community, including school, police, fire, neighborhood park, and Collector Road maintenance. Once facilities to serve the DRSP are constructed, a Homeowners Association will be established to operate and maintain facilities, such as parkways, off-street pedestrian trails and equestrian trails, open space, neighborhood park and pocket parks, and stormwater facilities. Facilities located within individual residential neighborhoods, such as pocket parks, parkways, stormwater facilities, and local roads, will also be privately maintained by a Homeowners Association. Collector Roads A, B, and C will be maintained by the County.

## 7.7 Interpretations, Adjustments, and Amendments to the Specific Plan

### *Interpretations*

In instances where the DRSP may not be clear or completely articulate a particular topic related to plan implementation, the Director of San Luis Obispo County Planning and Building (Director) or his/her designee may provide an interpretation based on whether the item in question is in keeping with the vision and intent of the DRSP. The Director has the authority to refer a Zoning Clearance or Site Plan to the Planning Commission if questions arise regarding the applicability of a policy, standard, or mitigation measure to a proposed land use or development within the DRSP.

### *Adjustments to LUO Development Standards*

New development and land uses within the DRSP will be subject to LUO standards, when this Specific Plan is silent on a particular topic. For example, a detached garage will continue to be subject to a 1,000 square-foot size limitation as provided in LUO Section 22.30.410 because the DRSP does not allow for a larger detached garage. These development standards may be waived through a MUP or CUP when procedures to do so are provided in the LUO. For example, the LUO allows for a detached garage greater than 1,000 square feet subject to MUP approval. In such an instance, the MUP requirement would supersede the permitting requirements in Chapter 2 of the Specific Plan.

### *Adjustments in Project Phasing*

Project features may be advanced to an earlier phase provided all required infrastructure is in place, all necessary mitigation measures are completed or will be completed with project, and the action will not significantly defer a project feature that is anticipated in a preceding phase. The determination to advance a project feature shall be made by the Director or his/her designee. Any adjustments in project phasing needs to be consistent with Section 7.3 of the DRSP and the findings of the FEIR.

### *Amendments*

California Government Code Section 65453 et. Seq. provides that a Specific Plan “may be amended as often as deemed necessary by the legislative body”. Amendments to this plan may be initiated by a developer, any individual property owner, or by the County, in accordance with duly adopted County procedures governing the adoption and amendment of the Specific Plan. Applications for amendments shall be submitted to the County Department of Planning and Building for processing.

*Necessary Findings*

- A. Changes have occurred in the community since the approval of the Specific Plan which warrant the proposed amendment.
- B. The proposed amendment is consistent with the San Luis Obispo County General Plan.
- C. The proposed amendment may enable efficient and less costly delivery of necessary services, housing, and public facilities to the population within the area of this Specific Plan and the Nipomo Mesa.

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