



**Fw: Nipomo Park**

James Patterson to: cr\_board\_clerk Clerk Recorder

Sent by: Amy Gilman

11/05/2012 09:45 AM

----- Forwarded by Amy Gilman/BOS/COSLO on 11/05/2012 09:44 AM -----

From: "Gary Hanes" <margiandgary@charter.net>  
To: <fmecham@co.slo.ca.us>, <bgibson@co.slo.ca.us>, <ahill@co.slo.ca.us>, <pteixeira@co.slo.ca.us>, <jpatterson@co.slo.ca.us>  
Date: 11/05/2012 05:46 AM  
Subject: Nipomo Park

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Honorable Board of Supervisors:

Excuse the tardiness on this issue as I originally thought I would be able to appear in person on Tuesday, November 6.

Simply put, I urge you to vote for Master Plan "B". Additionally, I ask you to consider the location for the Recreational Center to **not** be in the Nipomo Park. This is due to a host of reasons....all of which you have heard and you will continue to hear so I will not elaborate in this writing.

Thank you for your time and attention in this matter. No doubt we will all be revisiting this issue many, many times in the future.

Margaret Hanes  
635 High Meadow Drive  
Nipomo, CA  
93444

Item # 17 Meeting Date: 11/06/2012  
Presented by: Gary Hanes  
Received prior to meeting and posted to web  
on: November 5, 2012



**Fw: Letter from Douglas Mr. Milhorn re park and rec meeting**

James Patterson to: cr\_board\_clerk Clerk Recorder

11/05/2012 09:46 AM

Sent by: Amy Gilman

Cc: Paul Teixeira

----- Forwarded by Amy Gilman/BOS/COSLO on 11/05/2012 09:46 AM -----

From: James Harrison <sbwlff@sbcglobal.net>  
To: bgibson@co.slo.ca.us, Adam Hill <ahill@co.slo.ca.us>, JPATTERSON@CO.SLO.CA.US, Frank Mecham <fmecham@co.slo.ca.us>  
Date: 11/04/2012 02:21 PM  
Subject: Letter from Douglas Mr. Milhorn re park and rec meeting

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Sir's and Madam

Mr Milhorn the present president of the Nipomo Recreation Association sent a letter to Supervisor Texieria suggesting that you go to the County Parks and Recreation Web site and view the meeting where the Nipomo park Programed Environmental Impact Report and master plan was discussed and voted on.

I really wish each of you would actually read his letter and than go to the web site of the County Parks and Recreation website and view this meeting of which he writes in his letter to Mr Texieria asking him to censor the individuals who spoke.

You will find many discrepancies in his contentions beginning with his contention that two members of the SCAC spoke as members representing this Group. If you watch the video you would see that only one person said anything about SCAC and she made it clear that she was not speaking for this group but as a citizen of the area, yet once again Mr Milhorn takes the opportunity to attack this group with his letter.

I am not a member of the South County Advisory Council but am the one who said that by precedent the courts of California have indicated that a school was not a legal use of park land. If you read the two sections used by your County Council in their decision that the use of the park by Nipomo Recreation was legal ( I do not disagree with them their use of the park is legal for Recreation I believe that these opinions and many case law prohibit school on park lands.) No mention was made by County Council of the Day care School in the Nipomo Regional Park. However in both these cases cited by County Council in their opinion, say no schools may be on park land. The December 30 2008 Decision by the State Attorney General makes it clear that nothing in this opinion should be taken to mean that a School could be built on Park land.

In any case I would like you to read Mr. Milhorn's letter than Watch the tapes and take into consideration the two different views before you make the decision on the Park Master plan.

And I also urge you to look at this very flawed PEIR and really consider if you want to destroy this natural habitat with its many beautiful trails and wildlife. Especially to build a facility for this association to manage with its track record.

Jim Harrison  
Nipomo

Item # 17 Meeting Date: 11/06/2012

Presented by: James Harrison

Received prior to meeting and posted to web on: November 5, 2012



To: cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
Cc:  
Bcc:  
Subject: Fw: Please save our irreplaceable regional park in Nipomo  
From: James Patterson/BOS/COSLO - Monday 11/05/2012 09:47 AM  
Sent by: Amy Gilman/BOS/COSLO

----- Forwarded by Amy Gilman/BOS/COSLO on 11/05/2012 09:46 AM -----

From: Paint horse lady 56 <painthorselady56-romeo@yahoo.com>  
To: Debbie Arnold <darnold@co.slo.ca.us>, bgibson@co.slo.ca.us, Adam Hill <ahill@co.slo.ca.us>, JPATTERSON@CO.SLO.CA.US, Frank Mecham <fmecham@co.slo.ca.us>, Paul Teixeira <pteixeira@co.slo.ca.us>  
Date: 11/04/2012 01:06 PM  
Subject: Please save our irreplaceable regional park in Nipomo

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Honorable Board of Supervisors

I am writing to you today to ask that you not take away our irreplaceable regional park in Nipomo. I have lived here for 11 yrs. and chose to buy our 1 acre property so I could ride my horse in my neighbored everyday.

There are so many beautiful trails through this park. Big oak trees and lots of sage brush. There is much wildlife in this park, coyote, fox, jack rabbit, cotton tail rabbits, lizards, horny toads, blue jays, red tail hawks, and owls. There is even a mountain lion that has been seen on occasion in this park.

Is is really a true joy to be able to saddle up my horse and cross a couple of streets and be able to enjoy this beautiful piece of quietness. I can ride for a few of hrs. and feel like I am in a wilderness area. Most of the time I see hikers, dog walkers, other Equestrians using these trials, even on occasion I have seen new mothers pushing their strollers with small children through these trails.

I like to think of this place as our central park like New York, hopefully you will be smart enough to have the vision of saving this precious piece of native habitat for future generations.

It would be awesome if my granddaughters had the opportunity to visit and enjoy this small little piece of undisturbed native habitat.

Thank you for your consideration in this matter.

Cheryl Harrison  
857 Inga Rd.  
Nipomo, Ca 93444

Item # 17 Meeting Date: 11/06/2012

Presented by: Cheryl Harrison

Received prior to meeting and posted to web  
on: November 5, 2012



To: cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Fw: Contact Us (response #2235)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 10:23 AM  
 Sent: Fran Zohns/BOS/COSLO  
 by:

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:23 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSuprs@co.slo.ca.us" <BoardOfSuprs@co.slo.ca.us>  
 Date: 11/05/2012 09:24 AM  
 Subject: Contact Us (response #2235)

Contact Us (response #2235)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 9:24:13 AM

Survey Response

Name:	Kathy Bumgardner
Telephone Number:	8057140484
Email address:	<a href="mailto:kathybumgardner@gmail.com">kathybumgardner@gmail.com</a>
Comments or questions (8,192 characters max):	I am a resident of Nipomo for many years and I strongly urge you to approve the master plan for the Nipomo Community Park. The community needs a community center, sports fields, skate park and other amenities, and I feel the location of these amenities in the park is the perfect location and would greatly benefit all residents in Nipomo.

Item # 17 Meeting Date: 11/06/2012

Presented by: Kathy Bumgardner

Received prior to meeting and posted to web on: November 5, 2012



**Fw: Nipomo Regional Native Park**  
Board of Supervisors to: cr\_board\_clerk Clerk Recorder  
Sent by: Fran Zohns

11/05/2012 10:23 AM

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:23 AM -----

From: <sacsta@gmail.com>  
To: <boardofsups@co.slo.ca.us>  
Date: 11/04/2012 06:24 PM  
Subject: Nipomo Regional Native Park

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November 4, 2012

To Whom it May Concern:

I am from Vancouver, British Columbia, Canada. This is the 7th year that my husband and I have spent the month of November in Nipomo. What drew us to the area was the sunshine, relaxation, golf and the fact that it is a rural area. The second year we came here I found a new friend in the area through our common interest – horses. Cheryl Harrison and I have become very good friends and enjoy riding together during my time in Nipomo. We have gone to La Purisima, the woods at Monarch Dunes and a couple other locations but most often we ride in Nipomo Native Park. To have this Native park in the community for everyone to enjoy is wonderful. From equestrians to hikers, dog walkers to joggers, I have seen all kinds of people enjoying your park. I think it's incredible that Cheryl and I have this park to ride in so close to home.

Nipomo area looks to be quite an equestrian area. Without this park as it now exists, many of the local horse owners that ride the park would have very limited areas to ride in without riding the road, which can be very dangerous.

I look forward to returning each November to ride Nipomo Regional Native Park with Cheryl. Nipomo Native Park with it's trails and wildlife is irreplaceable. I hope that the decision is made to leave this park, it's beauty and natural habitat for the future generations to enjoy. Not to mention, saving the wildlife that live in the park!

Yours truly,  
Susan Randall

Item # 17 Meeting Date: 11/06/2012

Presented by: Susan Randall

Received prior to meeting and posted to web  
on: November 5, 2012



To: cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Fw: Contact Us (response #2233)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 10:23 AM  
 Sent Fran Zohns/BOS/COSLO  
 by:

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:23 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSupps@co.slo.ca.us" <BoardOfSupps@co.slo.ca.us>  
 Date: 11/03/2012 10:30 AM  
 Subject: Contact Us (response #2233)

Contact Us (response #2233)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/3/2012 10:29:55 AM

Survey Response

Name:	Kerry Millhorn
Telephone Number:	
Email address:	<a href="mailto:kerry@millhorn.us">kerry@millhorn.us</a>
Comments or questions (8,192 characters max):	I have been a resident of Nipomo for 16 years. As a mother and elementary school teacher, I strongly urge you to approve the Master Plan for the Nipomo County Park. Our town needs a community center, recreation opportunities and other amenities as proposed in the plan. The EIR is complete, suggestions to mitigate the concerns of some community members have been addressed, and it is time we move forward. I live within walking distance of the park and believe this location is the perfect solution to best serve the needs of all the residents of Nipomo.

Item # 17 Meeting Date: 11/06/2012

Presented by: Kerry Millhorn

Received prior to meeting and posted to web on: November 5, 2012



To: cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Fw: Contact Us (response #2234)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 10:23 AM  
 Sent Fran Zohns/BOS/COSLO  
 by:

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:23 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSuprs@co.slo.ca.us" <BoardOfSuprs@co.slo.ca.us>  
 Date: 11/04/2012 02:55 PM  
 Subject: Contact Us (response #2234)

Contact Us (response #2234)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/4/2012 2:55:09 PM

Survey Response

Name:	Nicole Gutierrez
Telephone Number:	805-929-3524
Email address:	<a href="mailto:Nlgutierrez@att.net">Nlgutierrez@att.net</a>
Comments or questions (8,192 characters max):	I am a resident of Nipomo for over 15 years and I strongly urge you to approve the master plan for the Nipomo Community Park. The community needs a community center, sports fields, skate park and other amenities, and I feel the location of these amenities in the park is the perfect location and would greatly benefit all residents in Nipomo.

Item # 17 Meeting Date: 11/06/2012

Presented by: Nicole Gutierrez

Received prior to meeting and posted to web on: November 5, 2012



To: cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Fw: Contact Us (response #2231)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 10:24 AM  
 Sent Fran Zohns/BOS/COSLO  
 by:

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:24 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSups@co.slo.ca.us" <BoardOfSups@co.slo.ca.us>  
 Date: 11/02/2012 08:35 PM  
 Subject: Contact Us (response #2231)

Contact Us (response #2231)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/2/2012 8:35:09 PM

Survey Response

Name:	lisa chadwick
Telephone Number:	8057096049
Email address:	<a href="mailto:lmchadwick@gmail.com">lmchadwick@gmail.com</a>
Comments or questions (8,192 characters max):	I truly believe that the Nipomo Regional Park should retain the rural character that is there now. SO much of the rural character of Nipomo is already gone forever, please don't let the this lovely park disappear too.

Item # 17 Meeting Date: 11/06/2012  
 Presented by: Lisa Chadwick  
 Received prior to meeting and posted to web  
 on: November, 2012



To: cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Fw: Contact Us (response #2232)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 10:23 AM  
 Sent Fran Zohns/BOS/COSLO  
 by:

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:24 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSuprs@co.slo.ca.us" <BoardOfSuprs@co.slo.ca.us>  
 Date: 11/02/2012 11:21 PM  
 Subject: Contact Us (response #2232)

Contact Us (response #2232)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	http://www.slocounty.ca.gov/bos/BOSContactUs.htm
Submission Time/Date:	11/2/2012 11:20:46 PM

Survey Response

Name:	Nathaniel Dostal
Telephone Number:	805-931-0474
Email address:	<a href="mailto:njdostal@charter.net">njdostal@charter.net</a>
Comments or questions (8,192 characters max):	Dear Board of Supervisors, I have been a resident of Nipomo since 1998. My wife has been an elementary school teacher in Nipomo since 2002 and I have been employed by the State of California as a Peace Officer since 1993. We have been raising our two children who are now 13 and 10 in Nipomo since they were born. I have been a Little League baseball coach for 8 years, a youth basketball coach for 5 years, and a youth football coach for 4 years. The space and facilities for youth activities in Nipomo is currently insufficient. The facilities are dated and have not been improved for decades. There are no available gymnasiums for use for youth basketball and we have to travel as far as Pismo Beach for the use of a gym for games. Improvements to the current park are much needed and I would hope that the community building would also be built for use as a basketball court for youth basketball. The fields would be much needed for youth baseball, softball, and football, as the current facilities are

Item # 17 Meeting Date: 11/06/2012

Presented by: Nathaniel Dostal

Received prior to meeting and posted to web on: November 5, 2012

not enough. I feel the future of Nipomo is in its youth and I urge you to make these improvements to the park. Studies show that children involved in youth sports have a higher rate of graduating from High School. Studies also show that children that play youth sports have better jobs and earn more money as adults. Please help expand the opportunities for the youth of Nipomo, which in turn would improve this community as a whole. Thank You for your time and consideration in this matter, Nathaniel J. Dostal



To: Frank Mecham/BOS/COSLO@Wings, James Patterson/BOS/COSLO@Wings, Adam Hill/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Paul cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
Cc:  
Bcc:  
Subject: Fw: Nipomo Parks Conservancy\_Comments re Nipomo Park Master Plan & EIR  
From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 10:29 AM  
Sent by: Fran Zohns/BOS/COSLO

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:29 AM -----

From: Cynthia Hawley <cynthiahawley@att.net>  
To: boardofsups@co.slo.ca.us  
Date: 11/05/2012 10:28 AM  
Subject: Nipomo Parks Conservancy\_Comments re Nipomo Park Master Plan & EIR

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Dear Chairperson Patterson and Supervisors,

Attached please find comments on tomorrow's Agenda Item 17 - hearing on the Nipomo Park Master Plan and EIR - sub Nipomo Parks Conservancy for your review. The document contains analyses of multiple significant violations of the California Environmental Quality Act, the California Code of Civil Procedure and multiple elements of the County Ge

As I note in the analysis, these violations are not mere "technicalities". They represent, if allowed, irreversible harms to r

On behalf of the Nipomo Parks Conservancy, I thank you for your attention to these matters and look forward to address tomorrow's hearing. Please feel free to call or email me if you have any questions.

Best regards,

Cynthia Hawley

Cynthia Hawley, Attorney at Law  
P.O. Box 29  
Cambria, CA 93428  
Phone: (805) 927-5102  
Facsimile: (805) 927-5220



Nipomo Park Cons comments to BOS.pdf

Item # 17 Meeting Date: 11/06/2012

Presented by: Cynthia Hawley

Received prior to meeting and posted to web on: November 5, 2012

COMMENTS RESPECTFULLY SUBMITTED TO THE  
SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS

BY

THE NIPOMO PARKS CONSERVANCY

Prepared by

Cynthia Hawley

Attorney for Nipomo Parks Conservancy

What follows are comments submitted by the Nipomo Parks Conservancy for consideration by the San Luis Obispo County Board of Supervisors in relation to Agenda Item 17 at the November 6, 2012 meeting – the Nipomo Parks Master Plan and Master Plan Program Environmental Impact Report.

This analysis shows that approval the proposed Park Master Plan and certification of the Environmental Impact Report should be denied because they both involve multiple significant violations including violations of the California Constitution, the California Environmental Quality Act (CEQA), the California Code of Civil Procedure, and the County General Plan. These are not “technical” violations, but violations that, if allowed, will result in serious irreversible harm to public resources.

These violations are, among other things, related to the Park Master Plan and the EIR allowing additional, unanalyzed, harms related to the severe overdraft of the Nipomo Mesa groundwater basin, the recent evidence of seawater intrusion into the groundwater and basin subsidence, climate change, the significant losses to the existing rural park including treasured oak woodlands, protected species, and popular equestrian and jogging trails. None of these issues were addressed or properly analyzed in the EIR.

The Nipomo Parks Conservancy thanks you for your attention to these critical matters and requests that you deny approval of the Master Park Plan and deny certification of the Environmental Impact Report until these documents and the project comply with the laws that protect public due process, the public use of public parks, and vital public resources.

***The County is currently engaging in unconstitutional gifts of public property related to the Nipomo Park and approval of the project and certification of the EIR would formally approve that constitutional violation.***

Article XVI, §6 of the California Constitution prohibits public agencies from lending and from “...the making of any gift, of any public money or thing of value to any individual... .” Rent free use of public property is a gift. The reason for this prohibition is obvious – to prevent the transfer of public property and funds to the private sector without compensation.

The County is currently and has been since 2004 giving the Nipomo Area Recreation Association use of Nipomo Park property and utilities for operation of its preschool without

compensation. A public records act request for records of rent payments for the property and of payments for utilities revealed that no such documents exist within the County.

Legally, it is of no difference whether a public agency believes a private recipient of a gift of public property is carrying out a public service. Thousands of nonprofit corporations carry out public services without gifts of public property. Public grants to nonprofit corporations are awarded based on competitive applications. The gifts of rent-free land and utilities paid for with public funds are current and ongoing unconstitutional gifts of public property to the Nipomo Area Recreation Association.

In addition, the permit issued to the Nipomo Area Recreation Association to use the property is a permit to the Association as a nonprofit corporation and according to the California Secretary of State the Association's nonprofit corporate status has been suspended.

Since the gifts of rent-free use of the public property and free utilities are included in the Park Master Plan and the EIR, approval of the Master Plan and certification of the EIR as written would be approval of unconstitutional gifts of public property to a private enterprise in violation of Article XVI §6 and an abuse of discretion.

***Approval of the project would be a violation of Article X §2 of the California Constitution which prohibits waste and unreasonable use of California's waters.***

The County of San Luis Obispo has a mandatory, nondiscretionary duty to comply with California's water rights laws including Article X, § 2 of the California Constitution which requires reasonable use and prohibits waste of water. *Consolidated Salmon Cases*, U.S. District Court, E.D. California (2011) 1791 F.Supp.2d 802

Article X Section 2 of the California Constitution states in pertinent part as follows:

It is hereby declared that because of the conditions prevailing in this State the general welfare requires that ...the waste or unreasonable use ...of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water ... does not and shall not extend to the waste or unreasonable use ... of water.

The Nipomo Parks Conservancy urges the Board of Supervisors to deny certification of the EIR and approval of the project because to authorize the uses of water as described in the Plan and EIR would be an unconstitutional authorization of a waste of water and unreasonable uses of water.

The undisputed and overwhelming evidence in the record shows that the Nipomo groundwater basin is in overdraft, that current uses are drawing down the aquifer faster than it is being replenished, and that there is evidence of seawater intrusion and subsidence.

The Nipomo Mesa Area has, since 2005, been designated a level of Severity III by the County's Resource Management System – a designation that has been certified by the Board of Supervisors and requires corrective action according to the County's General Plan Framework for Planning to which projects must conform. According to the Inland Framework for Planning (pp. 3-1,3-2) "[L]evel of Severity III occurs when resource use exceeds the capacity of the resource." By the County's own findings, the proposed additional draw on the groundwater basin would be unreasonable and could cause significant waste, or harm, to the aquifer itself in violation of Article X Section 2 of the California Constitution.

The EIR acknowledges that, in response to these conditions, the Nipomo Community Services District has recently placed a moratorium on new water uses.

The Nipomo Community Services District 2010/2011 Urban Water Management Plan P. 2-14 states that the current pumping practices are unsustainable based on the following considerations:

1. Current pumping exceeds recharge as described in Section 2.1.1.
2. The presence of expanding groundwater depressions.
3. Recent evidence of seawater intrusion at the coastal monitoring wells within the NCMA.
4. The period of analysis (1975-2009) is roughly 11 percent "wetter" on average than the longterm record (1920-2009) indicating there is a slight bias toward overstating the amount of local water supply resulting from percolation of rainfall.
5. In addition to NCSD's imposed pumping restrictions, the NCSD pumping is subject to mandatory restriction by the Court if the NMMA TG Severe Water Shortage Condition criterion is met.

While the EIR states that sports fields and open play areas (estimated use of 27 acre feet per year) will not be constructed until the Nipomo Services District has a supplemental water source, this statement is contradicted within the EIR as discussed below. In addition, other water uses are proposed for development using the current overdrafted groundwater basin. The project elements cited for development before a supplemental water source is on line have an estimated use of over 17 acre feet per year and significant water uses are not included in the estimate or in the Table 4.12-2 Estimated Water Demand (p. 4.12-10) including the preschool, all landscaping, ranger residence, maintenance facility, library expansion, and plantings for biological mitigation.

The approval of a project that would not only increase the draw on an already overdrafted basin but would threaten to worsen conditions of pollution by seawater intrusion and depletion of basin capacity by subsidence would be a waste of the water resource and an unreasonable use of water in violation of the California Constitution.

***The EIR erroneously exempts the project from compliance with the entire Land Use Ordinance and Area Plan Standards.***

The EIR should be amended to clarify that, as a County public works project, the Park Master Plan is exempt only from the land use permitting requirements of Title 22 and is not exempt from the entire Land Use Ordinance (LUO) Area Plan Standards as enforced within the LUO.

Section 22.06.040 of Title 22 of the Land Use Ordinance exempts county public works projects from land use permitting requirements as follows.

22.06.040 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Title do not apply to the activities, uses of land and/or structures identified by this Section. However, nothing in this Section shall be construed as exempting construction activities from the necessity of obtaining grading, building, and/or other construction permits prior to starting any work.

A. County projects. Public works projects constructed by the county or its contractors;

It is unclear whether this is a public works project.

According to Title 22 definitions a "permit" is a formal authorization or entitlement. The plain meaning of the section is to exempt county public works projects from land use permitting requirements for its own projects.

The EIR erroneously expands this exemption from land use permit requirements to the entire ordinance and specifically to include planning area standards identified in the South County Area Plan (EIR sections 3.3.2, 4.7.22). At p. ES-13, the EIR states that "[T]he County LUO exempts this project from permit requirements and ordinance regulations". Section 4.7.5.1 states that "...compliance with the ordinance regulations is not required..." and section 4.7.2.2 states that County public projects are exempt from the LUO. Section 4.7.5.2 restates that consistency with ordinance regulations is not required.

These errors wrongly inform the public and the Board of Supervisors that the Park Master Plan is not subject to the Land Use Ordinance or the Planning Area Standards as they are implemented within the LUO.

The ordinance is clear in that the exemption extends only to land use permit requirements. The exemption does not include planning area standards and does not include the entire Land Use Ordinance as claimed.

According to the Inland Framework For Planning Land Use Element (p. 1-3) "...the Land Use Element and Land Use Ordinance are an integrated land use policy and regulatory system. The policies of the LUE and the enforceable standards of the LUO work together to ensure the

compatibility of uses.” The LUE further clarifies that “[S]tandards are criteria that must be satisfied in development planning and construction to achieve consistency with the general plan.

The practical results of this error is that the Board of Supervisors and the public are erroneously led to believe that County projects including the Park Master Plan are not subject to the Land Use Ordinance or the Planning Area Standards and these mandatory planning area standards are seen only as “...useful thresholds of significance to identify potential land use impacts” instead of mandatory standards for achieving general plan consistency. (EIR section 4.7.2.2)

### **Background on CEQA**

The purpose of CEQA is to provide information to the public and to decision makers so informed decisions can be made to protect and mitigate harm to the state’s public environmental resources. CEQA is specific as to what information is required and the failure to provide and consider that information is a violation of CEQA and an abuse of discretion.

As expressed by the California Supreme Court in *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376

The Legislature has made clear that an EIR is “an informational document” and that “[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (§ 21061; Guidelines, § 15003, subds. (b)–(e).)

In the case of *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4<sup>th</sup> 931, the Court reiterated that:

Noncompliance with substantive requirements of CEQA or noncompliance with information disclosure provisions “which precludes relevant information from being presented to the public agency ... may constitute prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.” (§ 21005, subd. (a).) .... The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation. Case law is clear that, in such cases, the error is prejudicial.

***The EIR systemically fails to carry out the essential mission under CEQA to inform the public and decision makers of the potential environmental impacts of the Park Master Plan before the decisions to approve the project and certify the EIR are to be made.***

The Court in *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4<sup>th</sup> 892, in citing *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4<sup>th</sup> 182 clarified that:

“In our view, the County’s approval of the project under these circumstances defeated a fundamental purpose of CEQA: to ‘inform the public and responsible officials of the environmental consequences of their decisions before they are made.’ [Citations.] The CEQA EIR process ‘protects not only the environment but also informed self-government.’ ” [Citation] Although neither Stanislaus County case suffered the same defect as the EIR before us, both EIRs failed their essential mission under CEQA to present a full disclosure of the potential environmental impacts of the proposal.

In evaluating the impacts of the environmental effects of a proposed project, §15064(d) of the CEQA Guidelines requires that a lead agency such as the County shall “...consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.”

According to Public Resources Code §15, “shall” is mandatory and “may” is permissive.

What follows are, among other things, examples of the failure of the EIR to inform the public and the Board of Supervisors of potential significant impacts that the Park Master Plan may cause and the results of those failures on the integrity of the EIR and unnecessary and unlawful harms to public resources.

***The EIR is in violation of CEQA because it does not provide any analysis of the impacts of seawater intrusion – an adopted threshold of significance.***

The EIR discusses the existing condition of overdraft in the groundwater basin, the fact that the current use exceeds the recharge of the basin, and the fact that the Nipomo Community Services District has initiated a moratorium. This moratorium is based on the finding that sufficient excess water does not exist to serve new projects.

The EIR establishes that the County’s adopted thresholds of significance related to impacts to water quality include changes in groundwater quality such as seawater intrusion. (Section 4.12.3) The recent evidence of seawater intrusion is a well established physical change that could be intensified with the ongoing over drafting of the Nipomo Mesa groundwater basin.

At section 4.12.4, the EIR explicitly identifies that “significant water supply and infrastructure impacts **would occur**” if water demands caused by the Park Master Plan exceed the available

supply, or if the well capacity on nearby parcels was diminished to unsustainable yields or disrupt existing local water supplies.

While the EIR identifies the significant and irreversible possible physical change of seawater intrusion as threshold of significance, and the recent evidence of seawater intrusion is documented, The EIR does not analyze the impacts seawater intrusion might have. In violation of CEQA (§15126.2) the EIR does not analyze:

1. The impacts of recent evidence of seawater intrusion to the existing physical environment as a result of the project;
2. The short and long term impacts seawater intrusion might have on the physical conditions of the groundwater aquifer related to pollution by salt water;
3. The short and long term impacts such pollution might have on the residential and agricultural uses of land that depend on an adequate and unpolluted supply of water from the basin; or,
4. The irreversible nature of seawater intrusion on the groundwater basin and the commitment of future generations to the impacts.

The only discussion of effects to the quality of groundwater is in the context of wastewater produced at the park with the conclusion that impacts related to wastewater disposal would be less than significant with no necessary mitigation because the "...site demonstrates characteristics (slope, percolation rate, depth of groundwater) suitable for disposal while avoiding adverse effects to surface or groundwater." (CEQA Findings p. 18)

***The EIR is in violation of CEQA because it does not provide any analysis of the impacts of unsustainable yields and disruption of existing local water supplies.***

In addition, at section 4.12-1, the EIR states that "...there are approximately 25 private water purveyors and hundreds of private domestic wells within the Nipomo area" and section 4.12.4 identifies unsustainable yields or disruption of existing local water supplies as a possible change in the physical environment. While the EIR identifies these significant impacts, it provides no analysis of the impact that unsustainable yields or disruption of existing local water supplies would have on, among other things, the natural environment or on the residential and agricultural uses of land.

***The EIR violates CEQA because it does not analyze the impacts of additional water extraction on possible changes to the quantity of groundwater.***

The County has also adopted as a threshold of significance as to whether a proposed project will "change the quantity or movement of available surface or ground water." (Section 4.12.3)

The EIR does not analyze the project in relation to this threshold of significance. The only threshold of significance used in the EIR to reach the finding that the project would have less than significant impacts on the groundwater is related to on-site septic systems and leach fields for disposal of wastewater.

The EIR provides no information or analyses of the impacts the project might have on the quantity of groundwater. Given the circumstances of the severe shortage of water in the groundwater basin and expansion of depressions (subsidence) and the recent evidence of seawater intrusion, this is critical information and analysis related to substantial and irreversible impacts to Nipomo's water resource.

***The EIR violates CEQA because it does not apply the adopted threshold of significance related to subsidence of land and does not analyze the impacts of additional water extraction on subsidence of the groundwater basin.***

The Nipomo Community Services District 2010/2011 Urban Water Management Plan P. 2-14 states that the current pumping practices are unsustainable due to the presence of expanding groundwater depressions.

The EIR failed to apply the County's adopted threshold of significance to the subsidence. At section 4.3.5 the EIR states that "... a project would result in a significant geology, soils or drainage-related impact if it would... result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazard."

Even though the record explicitly demonstrates that land subsidence, or depression, has occurred as a result of the overdraft of the groundwater basin, this threshold was not applied to the analysis of the project and as a result the EIR makes the erroneous finding that the project would cause no significant impacts to geology.

The EIR does not describe this existing condition with the environmental setting section of the EIR, provides no discussion of impacts the expansion of depressions may have on the capacity of the groundwater basin to hold water, and omits critical information needed to analyze the benefits of the no project alternative..

***The discussion of impacts to the water resource on which the finding of no significant impacts is based contradicts the EIR's critical conclusion that the significance of impacts to water is related to the adequacy of the supply and not the amount of water to be used.***

The EIR states clearly that "[T]he conclusions regarding significance are influenced more by the adequacy of current and future supplies rather than by the magnitude of potential increased demands." In other words, the significance of the impacts on water supply that may be caused by the Park Master Plan are more affected by the adequacy of current and future supplies than

by how much water the project will ultimately use. The issue is whether current and future supplies can provided for any increase in use, not how much water is required for a new use.

There are two problems with the EIR in relation to this critical conclusion.

First, the EIR contradicts this important conclusion because the only analysis it provides and the only analysis it relies upon to support its finding that the project will cause less than significant impacts on water resources is related to reducing the use of water at the park.

The EIR provides no analyses of whether current and future supplies can provide water for the project and no analysis of what impacts on current and future supplies the additional draw would cause.

Second, based on all data in the record as discussed above, the answer is no. Neither current nor foreseeable future water supplies can supply any new water uses. Nipomo has been exceeding the capacity of its basin to recharge with water for years. This means that the finding of less than significant impact related to water resources cannot be and is not supported by the facts in the record all of which show that there is no available water for new uses.

***The finding that the Park Master Plan will have less than significant impacts on the quality and quantity of the Nipomo Mesa water resource ignores the required analyses and is entirely speculative.***

The finding of less than significant impact to water resources and the rationale for no mitigation needed that the Board of Supervisors is asked to certify is based entirely on speculative reduction of water use by the project as follows:

6. **Water Services.** The project site would continue to be served by the NCSW for water supply. Improved on-site use of water and infrastructure, including irrigation systems, and anticipated additional water demand is discussed in detail in EIR Section 4.12, Water Resources. Additional infrastructure may include pipelines to transfer recycled water from the Southland Wastewater Treatment Facility.

Otherwise, no additional facilities would be required to serve the project. Please refer to Section 4.12, Water Resources, for addition discussion and analysis. This impact is considered *less than significant* (Class III), and no mitigation is necessary.

Given the facts surrounding the condition of the water resource on the Nipomo Mesa and the established need to assess impacts based on the adequacy of the water supply and not the amount of water used, certification of this finding would be arbitrary and capricious and therefore an abuse of the Board's discretion.

***The finding that no mitigation is required to address impacts to the water supply is unsupported.***

Because the impacts in terms of the adequacy of current and future water supply and the irreversible harmful impacts that would be caused by the additional use of water in the basin as described in this analysis were ignored, the EIR reaches the improper and unsupported conclusion that no mitigation measures are needed to address those impacts and the Board of Supervisors is asked to certify the finding that no mitigation is required.

***The EIR provides no facts, evidence, information or analysis to support its finding that the proposed Master Park Plan will cause less than significant impacts on the water supply.***

The law is well established by both statute and cases that a land use finding must be supported by facts and evidence in the record. In this case, the facts and evidence in the record show that the Nipomo Mesa groundwater supply is in overdraft; that is, current use exceeds recharge and the groundwater supply is diminishing. While the EIR mentions this condition, it does not provide any analysis as to the impacts the project may have on the already overdrafted groundwater supply.

The EIR provides no analysis of the impacts the added use of water would have on the severe conditions that current water use has caused on the Nipomo Mesa's groundwater supply. The finding that the project will cause less than significant impacts to the water supply is contradicted by facts or evidence in the record and the findings should not be certified by the Board of Supervisors.

***The EIR does not provide an analysis of the effects of killing and removing oak trees within the oak woodland on climate change as specifically required by CEQA.***

*"[W]e cannot afford to ignore even modest contributions to global warming. If global warming is the result of cumulative contributions of myriad sources, any one modest in itself, is there not a danger of losing the forest by closing our eyes to the felling of the individual tree?" [Center for Biological Diversity v. National Highway Traffic Safety Administration (US Ninth Circuit Court, 2007)]*

The EIR fails to analyze and mitigate biological emissions of carbon dioxide (CO<sub>2</sub>) associated with the conversion of oak woodlands to non-woodland use. By this omission, the EIR and the project disregard the California Environmental Quality Act (CEQA), Office of Planning and Research (OPR) guidelines, California Attorney General opinions and Court decisions by not making a good faith effort to analyze and mitigate the biological emissions of CO<sub>2</sub> that the project will cause.

The CO2 emitted back into the atmosphere by the killing and removal of oaks within this woodland and the loss of future increases in tree carbon sequestration, represent a measurable potential adverse environmental effect.

The program offered by the EIR to replace the old oaks with seedlings does not mitigate the loss of mature trees and the current capacity for carbon sequestration.

The County should support its climate change objectives by planting additional trees in the park rather than cutting them down for replacement by urban structures and turf.

The required finding of impacts to climate change and mitigation cannot be made prior to the an analysis of climate change impacts and certification of the EIR should be denied because to do otherwise would be an abuse of discretion.

***The EIR violates CEQA because it fails to provide information about and analyze alternative sites for the proposed project.***

Part of the relevant information required by the California Environmental Quality Act to be included in an adequate EIR is a discussion of reasonable alternative sites. Information about alternative sites in the area which do not contain the sensitive resources that exist within Nipomo Regional Park was not provided to the public or the Board of Supervisors and such alternative sites were not discussed as required by CEQA. It would be an abuse of the Board's discretion to certify the EIR without a discussion of alternative sites for construction of the active sports facilities and structures.

In *Citizens of Goleta Valley v. Board of Supervisors*, the Second District clarified that “[S]erving the public purpose at minimal environmental expense is the goal of CEQA. Ownership of the land used and the identity of the developer are factors of lesser significance.” In addition, the Court stated that “[R]eason requires that the agency charged with the duty to protect the environment compare impacts at feasible alternative locations.” The Court concludes that “...omission from the EIR of consideration of whether there was a feasible alternate site or sites was unreasonable and rendered the EIR inadequate, so as to make the respondent's actions with regard to it a prejudicial abuse of discretion.”

According to the Court in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4<sup>th</sup> 713, 721-722, “[T]he error is prejudicial ‘if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.’”

The Park Master Plan Program EIR provides discussion of alternative sites for a single structure only – the community center – but not for the whole project. Based on this EIR, the Board of Supervisors is precluded from an informed decision as to alternative sites because information and analyses related to alternative sites do not exist in the EIR.

***The EIR violates CEQA because the mitigation measures are not fully enforceable as required and are subject to post-certification changes at the discretion of County staff.***

CEQA requires that the mitigation measures that are approved by the Board of Supervisors in a public hearing must be fully enforceable.

In this case, and in violation of California Code of Regulation §15126.4, mitigation measures are not enforceable and are subject to the discretionary changes by County staff.

Section 15126.4(a)(2) the CEQA Guidelines state that:

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

According to Public Resources Code §15 “shall” is mandatory and “may” is permissive.

CEQA provides the mandatory requirement that mitigation measures must be fully enforceable. They must be included into an adopted document. Otherwise, the entire CEQA process is rendered meaningless.

Therefore, fully enforceable does not mean that a county department will be keeping tabs on implementation of mitigation measures. In the case of a public project it means formal adoption of the mitigation measures in the project plan, policy, regulation, or project design. These measures are customarily adopted by the Board of Supervisors as conditions to approval of a project.

The mitigation measures proposed for this project have not been included within the 2009 Park Master Plan and the staff report does not contain or refer to attached conditions of approval of the Master Plan based on incorporation of mitigation measures.

In this case, at section 11.0 of the EIR Findings it is made clear that enforcement of the mitigation measures within the EIR will be “...accomplished through verification in periodic Mitigation Monitoring Reports and periodic inspection by appropriate County personnel.” In addition, this section makes it clear that, far from being fully enforceable by incorporation into the project plan or project design where significant modifications would be the subject of public review, mitigation measures may be changed at any time by the County at the County’s discretion apparently out of the public view.

Adoption of the Plan and certification of the EIR should be denied because to do otherwise would be a violation of CEQA and an abuse of the Board’s discretion.

***The County has established no need for expanding active sports facilities at the expense of destroying the passive recreational park, irreplaceable equestrian, walking trails, natural scenery, and habitat.***

State statute and case law require land use decision makers to provide written reasons (findings) for their decisions and to back up their reasons with facts and evidence in the record.

This is the legal safeguard the public has against the unnecessary transfer of public funds into private hands for unneeded projects – a topic that the public is very sensitive to at this time.

While both CEQA and General Plan law require specific findings, the California Code of Civil Procedure also requires findings and supporting evidence for all discretionary decisions by public bodies made at a hearing. According to §1094.5 failure to support a decision with findings (reasons for the decision) and failure to support the reasons with evidence is an abuse of discretion which may result in the voiding of the decision in a court of law.

The County has not stated a reason, or finding, why existing passive recreation trails, natural habitat areas, protected species, and carbon sequestering trees should be demolished and why the need for additional active sports facilities is great enough to justify those losses of irreplaceable public resources.

To expand active sports facilities in an existing rural passive recreational park, the County is required by law to provide 1) the reasons (findings) for the decision to expand active sports facilities and 2) the reasons for the decision to destroy existing passive recreation park areas in terms of public benefit. And the County is required to back up those reasons, or findings, with facts in the record.

The only reason provided in the staff report for both the expansion of active sports facilities is that “[T]he community has expressed the need to have additional recreation facilities at the park to serve all generations, but especially to meet the needs of youth.” No data demonstrating the community’s expression of this need or what type of facilities the community has stated it needs is provided. And this statement is directly contradicted with a description of comments at two South County Advisory Council meetings, also on page 2 of the staff report, that “[A] majority of public comments included requests that the park remain rural with new recreation largely located elsewhere.”

In fact, 511 area residents signed a petition to keep the park in its existing form.

No written findings based on the public benefit that are supported by facts in the record, as required by law, are provided to the Board of Supervisors to support the decision to spend public funds in the development and maintenance of additional active sports facilities or to support the decision to demolish existing passive recreation and habitat areas and approval of the Park Master Plan would be an abuse of the Board’s discretion.

No population data or existing sports fields data is provided to show a need to expand active sports facilities. And no population or data on existing opportunities for rural equestrian and

walking trails is provided to support the recommended decision to destroy a major area of existing rural park areas.

The County Ordinance §21.09.012 provides the formula for providing acres of park land per 1000 people based on the 2000 census as follows:

**21.09.012 - Relation of land required to population density.**

Based upon the principles and standards of the county general plan, it is hereby found and determined that the public interest, convenience, health, safety, and welfare require that 0.00564 acres of land required per dwelling unit for residential multiple family and 0.00741 acres of land per dwelling unit for any other residential or rural lands land use category be devoted to neighborhood and community park and recreational purposes, in addition to school lands used cooperatively for recreational purposes. The acres per dwelling unit factor is based on three required park and recreation acres per one thousand persons in accordance with the county general plan and the average county population density of 1.88 persons per dwelling unit for residential multiple family and 2.47 persons per dwelling unit for any other residential or rural lands land use category per the 2000 census.

Prior to any destruction or demolition of the existing park trails, trees and other native habitat, the County must provide reasons (findings) for the destruction and demolition based on a factual showing of the lack of need for the existing park, the need for expanded urban sports facilities within the existing park, and the absence of any alternative site where the proposed sports facilities could be provided.

***The EIR violates CEQA and due process rights by circumventing future public review of the development plan and project designs and the future site- and design-specific tiered EIRs.***

As repeated throughout the Program EIR “[T]he NCPMP is a conceptual plan” (pp. 3-26, 3-27). The locations of structures in the site plan are conceptual and “...based on preliminary and conceptual site plan information...” (4.1-6) The images of the community center / gymnasium and the grading plan for the sports fields and stormwater basin are “preliminary concept images”. (4.1-8)

As noted in the Executive Summary at page ES-27, there are no “definitive design concepts for the elements in the Master Plan.”

According to the Second District Court of Appeal in *Lincoln Place Tenants Association v. City of Los Angeles* (2007) 155 Cal.App.4<sup>th</sup> 425, 445, “[A] “mitigation measure” is a suggestion or change that would reduce or minimize significant adverse impacts on the environment caused by the project as proposed.” While the CEQA process encourages identification of impacts and statements of changes or modifications that will mitigate those impacts, the impacts identified are on the “project as proposed”.

The project as proposed in this case is a concept without a development plan or structural designs.

In the 2008 case of *Save Tara v. City of West Hollywood*, the California Supreme Court clarifies that:

“...when the prospect of agency commitment mandates environmental analysis of a large-scale project at a relatively early planning stage, before all the project parameters and alternatives are reasonably foreseeable, the agency may assess the project’s potential effects with corresponding generality. With complex or phased projects, a staged EIR [citation] or some other appropriate form of tiering [citations] may be used to postpone to a later planning stage the evaluation of those project details that are not reasonably foreseeable when the agency first approves the project.

The EIR for the Park Master Plan states explicitly that it is a Program “first tier” EIR that will be followed by subsequent program level analyses and mitigation measures based on design-specific and site-specific information. See page 1.1 of the Final Program EIR.

For example, as stated in the EIR, the sites for the structures in the Park Master Plan including the community center/gym are conceptual. This is appropriate for a program Level EIR.

While sites for the community center and gymnasium are described and mapped in the Program EIR and Master Plan, those sites are conceptual as allowed in a program level EIR. Neither of these elements has been designed and both will be sited in different locations than shown in the Master Plan and as discussed in the EIR. As stated multiple times and clearly on page 7.1 in Table 7-1:

Prior to approval of the final design and development plan, site plans and architectural plans shall be submitted showing the community center and gymnasium a minimum distance of 150 feet from the existing park road.

Clearly, the Master Plan is a concept only.

However, a problem emerges. Although the Master Plan is in concept form only being reviewed by a Program EIR to be followed by tiered project-specific EIRs, the Program EIR does not limit its *assessment of the potential effects of the conceptual Master Plan with corresponding generality*.

For example, instead of limiting its assessment of potential effects of the community center and gym to broad program-level impacts such as impacts to water resources and transportation and circulation, the EIR improperly makes the assessment (finding) that the long term visual effects of the community center and gym will be insignificant because the future design will make it so. (ES-27)

The same is true for sports field lighting. Instead of stating that the impacts of sports field lighting will be provided for public and Board review in a subsequent EIR after the sports field lighting has been designed and sited, the EIR states that, although "[N]ighttime visibility of sports field lighting glare and light trespass would result in a direct long-term impact to the nighttime views in the area" the long term effect will be less than significant because "[P]rior to approval of the final design and development plan for the multi-use sports field lighting, a comprehensive multi-use sports field lighting plan shall be submitted for review and approval."

That is, the acknowledged direct long term impacts of sports field lighting will be less than significant because before approval of the final design and development plan for the lighting, a lighting plan will be submitted and approved.

Next, the EIR presents the fact that lighting plans will not be submitted to the Board of Supervisors for public review and approval but are presented as mitigation for the glare caused by the sports field lighting. In addition, the EIR states that, as mitigation, these future plans will be reviewed by the General Services Department and their implementation will be monitored by the General Services Department.

This process is applied systematically for the future design and environmental review of the project specific plans and the development plan which are categorized and presented as mitigation measures. See Table 7-1.

As a result, according to the EIR, the project specific development plan and designs will not be reviewed at noticed public hearings and approved by the Board of Supervisors but by staff without public participation. The development plan and project specific designs will be reviewed and approved by staff. And, according to the EIR, no future tiered EIRs will identify and analyze the impacts of the development plan and the project specific designs as stated in the EIR but will be reviewed and approved by staff.

This system contradicts the EIR's assurance that the Program EIR will be followed by later project specific EIRS. It also precludes information from being presented to the public and the Board of Supervisors for open deliberation and the protection of California's resources and denies the public of its statutory due process right to participate in the land use planning and environmental review processes.

Section 21005 of the California Environmental Quality Act states as follows:

(a) The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

The information disclosure provision of CEQA is well established in case law. In County of Amador v. El Dorado County Water Agency, (1999) 76 Cal. App. 4th 931 at 946, the Court stated that

Noncompliance with substantive requirements of CEQA or noncompliance with information disclosure provisions "which precludes relevant information from being presented to the public agency . . . may constitute prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions." (§ 21005, subd. (a).) In other words, when an agency fails to proceed as required by CEQA, *harmless error analysis is inapplicable. The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation.* Case law is clear that, in such cases, the error is prejudicial. (Emphasis added)

Certification of the EIR should be denied.

**The EIR is unclear and contradictory as to whether it plans to build new sports fields before a new water source is on line.** While the EIR states that expansion of the sports fields will not occur until Nipomo has a new water source, the analysis of significant impacts and mitigation measures (Table ES-4 Summary of Impacts and Mitigation Measures p. ES-58) related to water usage does not include mitigation of harms to water resource by waiting for a new water source before building the sports fields. It states instead that prior to expansion or addition of irrigated turf and landscaped areas, General Services will conduct a survey of existing water uses, identify water savings recommendations, and demonstrate compliance with water savings recommendations.

**The EIR is contradictory and unclear as to whether the park is a regional or community park.** Both designations are made in the EIR.

The definition of the park as it exists today is that of a regional park and until recently it has been consistently called a regional park. According to County General Services, it is a regional park. The fiscal year 2012-13 parks fee schedule shows it as a regional park with a \$3 a day parking fee, and a 2012 request for proposals for an overhaul of their park reservation system shows it as a regional park. South County Planning Area LUO (revised 2012) Figures 112-1 Edge of Nipomo Mesa Map and 112-4 Nipomo Mesa Water Conservation Area refer to Nipomo Regional Park. The constraints analyses for the park development refer to it as Nipomo Regional Park.

It is unclear whether the designation of the park as Nipomo Regional Park has been formally changed to a community park and, if so, when that changed designation occurred and by whom. There is no discussion in the EIR of the park being reclassified from a regional to a community park.

The difference is material because the proposed development of the park with expanded active recreational facilities is supported by referring to the park as a community park. Here are the County's definitions of community and regional park.

**Community Parks.** Community parks are roughly between 20 and 25 acres and provide recreation facilities that serve not only the local community but also, in some cases, visitors from outside the city or county. For example, a community park, which includes numerous sports fields, will draw people from outside the community for tournament play. Typical facilities might include a skate park, sports fields (football, baseball, soccer, and softball), a swimming pool, a sufficient number of tennis courts for tournament play, group picnic areas, and/or a community center. Although community parks tend to be more active in nature and/or provide a greater mix of active recreation, they may also contain some passive uses such as trails, scenic overlooks, benches and nature appreciation. P. 47

**Regional Parks.** San Luis Obispo provides two types of Regional Parks: Urban and Rural. Urban Regional Parks tend to be located near an urban area. Because of their location closer to population center, these parks may include some neighborhood and community park components as well as recreation generally associated with a Rural Regional Park (such as camping, trails and nature appreciation). Urban Regional Parks within San Luis Obispo County are generally larger than 25 acres. Examples of Urban Regional Parks in San Luis Obispo County include El Chorro and Biddle Parks. Rural Regional Parks tends to be located in a more remote area, i.e., away from urban development and population centers. These parks provide nature oriented recreation as well as items such as swimming, fishing, and boating. Generally a large proportion of a Rural Regional Park is set aside for conservation and resource management (natural areas). These parks are typically over 1,000 acres and tend to serve the county's population as well as a tourist population. Within San Luis Obispo County, examples of Rural Regional Parks are Santa Margarita Lake Regional Park and Lopez Lake Recreation Area. P. 50

**The EIR is unclear and contradictory as to whether public project reviews and subsequent tiering EIRs will be provided once the park structures have been designed and a development plan is completed.**

Page 1-1 of the EIR states clearly that the Program EIR for the conceptual Park Master Plan is a "...framework for future, more detailed environmental analyses ..." and discusses the framework of Program EIRs which includes a tiering of multiple EIRs when the conceptual Master Plan is filled in with project-specific designs and locations of park structures. The EIR repeats many times throughout the EIR that the Park Master Plan is a concept only to be followed by structure designs and a development plan. This is consistent with analysis by way of tiers of EIRs beginning with analysis of the conceptual Master Plan with a Program EIR.

In complete contradiction, the EIR:

1. states on page 1-1 that the EIR addresses the environmental impacts associated with construction and operation of the project elements which comprise the proposed project;
2. makes no reference to future EIRs as part of the planning and review process to be expected;
3. casts future planning and environmental review of project specific elements as mitigation measures that will be produced and monitored by staff; and
4. makes ultimate findings that the Park Master Plan will cause less than significant impacts on the environment.

These statements, the findings, and the structure of the EIR indicate that no future public planning process will be provided as the development plan and design plans are completed and that no future tiered EIRs will be taking place to provide for public review of the impacts of the project specific designs and development plan.

These contradictions with the overarching fact that the conceptual Master Plan will be provided with multiple tiered EIRs are systemic throughout the EIR and are related to the systemic failure to provide a legally adequate description of construction and operation of the project, and the failure to support findings of less than significant impacts with legally adequate facts and evidence about project construction and operation in the record.

Will there be future public planning processes for project specific elements and a development plan?

Will there be future tiered EIRs for public analysis of project specific impacts?

The Board should keep in mind that, as a matter of statute, once findings of significance of environmental impacts are certified, they must be accepted by all other agencies as actual and valid findings. This means that if these ultimate findings of less than significant impact related to construction and operation of the conceptual Park Master Plan are certified, the whole project could be constructed and operated without any further environmental review.

These critical contradictions and questions must, at the very least, be clarified in the record before the EIR is certified.

***The EIR erroneously exempts the project from compliance with the entire Land Use Ordinance and Area Plan Standards.***

Section 22.06.040 of Title 22 of the Land Use Ordinance exempts county public works projects from land use permitting requirements as follows.

22.06.040 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Title do not apply to the activities, uses of land and/or structures identified by this Section. However, nothing in this Section shall be construed as exempting construction activities from the necessity of obtaining grading, building, and/or other construction permits prior to starting any work.

A. County projects. Public works projects constructed by the county or its contractors;

According to Title 22 definitions a "permit" is a formal authorization or entitlement. The plain meaning of the section is to exempt county projects from land use permitting requirements for its own public works projects. It is unclear whether a park is a public works project.

The EIR erroneously expands this exemption from land use permit requirements to the entire ordinance and specifically to include exemption from planning area standards identified in the South County Area Plan (EIR sections 3.3.2, 4.7.22). At p. ES-13, the EIR states that "[T]he County LUO exempts this project from permit requirements and ordinance regulations". Section 4.7.5.1 states that "...compliance with the ordinance regulations is not required..." and section 4.7.2.2 states that County public projects are exempt from the LUO. Section 4.7.5.2 restates that consistency with ordinance regulations is not required.

These errors wrongly inform the public and the Board of Supervisors that the Park Master Plan is not subject to the Land Use Ordinance or the Planning Area Standards as they are implemented within the LUO and informs the public and the Board that the Park Master Plan was not subjected to the requirements of the LUO and Planning Area Standards.

The ordinance is clear in that the exemption extends only to land use permit requirements. The exemption does not include planning area standards and does not include the entire Land Use Ordinance which are the implementing mechanisms for the County's General Plan to which the County's projects must conform.

According to the Inland Framework For Planning Land Use Element (p. 1-3) "...the Land Use Element and Land Use Ordinance are an integrated land use policy and regulatory system. The policies of the LUE and the enforceable standards of the LUO work together to ensure the compatibility of uses." The LUE further clarifies that "[S]tandards are criteria that must be satisfied in development planning and construction to achieve consistency with the general plan."

The Land Use Ordinance clarifies that the County is subject to standards. Article 4 of the Inland Area Land Use Ordinance contains Standards for Specific Land Uses. Section 22.30.340 states explicitly that public outdoor athletic facilities are subject to the standards within the section which contains, among other things, standards for setbacks.

The unfortunate result of this error is that the Land Use Ordinance and the planning area standards were applied to the Master Park Plan only as "...useful thresholds of significance to identify potential land use impacts" (EIR section 4.7.2.2) and not as mandatory standards for achieving general plan consistency.

Approval of the Park Master Plan should be delayed until it corrects the statement of exemption and until it has analyzed the project for consistency with the Land Use Ordinance including the mandatory standards.

**The Park Master Plan is inconsistent with the South County Inland Area Plan Countywide General Goal 16.**

General Goal 16 (p. 1-3) is a foundation goal adopted by the Board of Supervisors and states as follows:

Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.

At p. 1-1 the Area Plan clarifies the importance of these goals in the statement that “[L]and use and circulation planning efforts in the inland area of the county are guided by 22 general goals which have been adopted by the Board of Supervisors and incorporated into Chapter 1 of Framework for Planning – Inland Area. As these general goals are the “foundation goals” for all area plans, they are repeated here for easy reference.

As discussed elsewhere in these comments, the water resource for the Nipomo area is in overdraft and the approval of the new substantial draw of water on the aquifer which has exceeded its capacity to recharge would be a violation of the County’s own adopted policy to ensure that the water demands will not exceed existing and planned capacities.

***The Park Master Plan is inconsistent with the South County Inland Area Plan provision to augment parks by additional neighborhood parks.***

At page 4-25, the South County Inland Area Plan explicitly states that the Nipomo Regional Park will provide park facilities for the northwest portion of town and “... must be augmented by additional neighborhood parks to serve east and southwest Nipomo.”

This section also states that “[T]he Parks and Recreation Element recognizes the need for additional neighborhood and regional parks in Nipomo.” The Area Plan goes on to say that additional parks should be located adjacent to and as part of school facilities, dispersed in neighborhoods to locate play areas within walking distance of homes.

No General Plan or Area Plan policy or implementation plan authorizes or calls for the demolition of an existing park’s passive recreational facilities for the creation of active sports structures. The policy and goal is for additional parks.

Inconsistent with the Area Plan, the proposed development invests major funding into more facilities for the north west area of Nipomo and centralizes all major park facilities at the Nipomo Park without providing neighborhood parks for other areas. The Master Plan cites no findings

and no data or facts in the record upon which this inconsistency can be justified and the decision to expand services at Nipomo Park is not supported by facts or evidence in the record and should be denied.

**The Park Master Plan is inconsistent with the South County Inland Area Plan provision for equestrian trails and jogging paths.**

The Area Plan also states on page 4-25 that “[E]questrian trails and jogging paths should also be provided.” The Park Master Plan is inconsistent with this provision because, instead of providing equestrian and jogging trails, it would result in significantly reducing the existing rural trails provided at Nipomo Park to make room for expansion of the active sports facilities that approved long range plans direct to other neighborhood areas. Again, no findings or facts and evidence is cited or provided to support the inconsistency and approval of the Master Park Plan should be denied.

***Approval of the project would be a violation of the County’s General Plan Inland Framework for Planning Resource Management System.***

It is well established in the record that the Nipomo Mesa groundwater basin is in overdraft.

The Nipomo Mesa Area has, since 2005, been designated a level of Severity III by the County’s Resource Management System. The County’s Resource Management System is part of the County’s General Plan Framework for Planning to which projects must conform. According to the Inland Framework for Planning (pp. 3-1,3-2) when an individual community is perceived to have a potential resource problem, steps must be taken to correct the situation and the operation of the Resource Management System is the responsibility of the Department of Planning and Building. The Inland Framework for Planning makes it clear that a “[L]evel of Severity III occurs when resource use exceeds the capacity of the resource.”

Approval of the project would be in direct contradiction to the County’s General Plan Resource Management System because rather than taking steps to correct the ongoing groundwater depletion as required, the Park Master Plan will further deplete the resource.

***The Park Master Plan is inconsistent with the County General Plan Open Space Policy.***

The project is inconsistent with Open Space Policy 1.4 and Implementation Strategy 1.4.1.

Open Space Policy 1.1 states that the County will “continue to identify and protect open space resources with the following characteristics:

- ◆ Recreation areas
- ◆ Ecosystems and environmentally sensitive resources such as natural area preserves, streams and riparian vegetation, unique, sensitive habitat, natural communities; significant marine resources

- ◆ Archaeological, cultural, and historical resources
- ◆ Scenic areas
- ◆ Hazard areas
- ◆ Rural character

Far from protecting the scenic, rural character of the passive recreation offered by the Nipomo Park as it is today, the project would unnecessarily destroy the last public equestrian trails in the Nipomo area along with the scenic rural character of the existing natural park resources.

***The General Plan Parks and Recreation Element Standard Mitigation Measures apply to the Park Master Plan.***

The Parks and Recreation Element of the County General Plan was adopted by the Board of Supervisors in December 2006. Appendix F of the Parks and Recreation Element contains Standard Mitigation Measures developed for application to environmental review of future county parks. Appendix F on p. F-1 of the Parks and Recreation Element states as follows:

APPENDIX F STANDARD MITIGATION MEASURES

An Environmental Impact Report was prepared and certified for the Parks and Recreation Element. As a program document, the mitigations measures contained in the EIR were designed to apply to a broad range of future parks projects. These are set forth here to guide future environmental review and to provide consistency as future projects are developed.

***The Park Master Plan is inconsistent with the General Plan Parks and Recreation Element because it fails to apply the Public Services and Safety Standard Mitigation Measure for water availability.***

The Standard Mitigation Measure for future parks projects related to water availability states as follows:

At the time of project conception the County shall document sufficient water availability for the type of facility proposed.

This standard recognizes the need to identify water availability for the project early – at project conception. The standard was not applied to the project and EIR does not apply this mitigation measure as required and thus does not conform the General Plan Parks and Recreation Element.

***The Park Master Plan is inconsistent with the General Plan Parks and Recreation Element because it fails to apply the Standard Mitigation Measure for Building Aesthetics related to Ridgetop Development.***

The Parks and Recreation Element Standard Mitigation Measure for Building Aesthetics related to Ridgetop Development states that:

New structures shall be located so that they are not silhouetted against the sky as viewed from public roads or the ocean. (Page F-7)

In section 9.4.1 of the County's Response to Additional Comments, response ASCAC-3 explicitly admits that the adopted Standard Mitigation Measure for Ridgetop Development "... is not a specific mitigation measure identified in the EIR."

Instead, Aesthetics Impact 1 states that as it is currently planned, the community center and gym would block views of the oak-covered ridge as seen from the main park road. Mitigation for this violation of the Standard is simply that, prior to approval of final design and development plan, plans shall be submitted showing the community center a minimum of 150 feet from the existing park road. There is no requirement that the structures are built to conform with the Standard and there are no facts, evidence or analyses in the record to show that the re-location would conform to the Standard. In addition, according to the EIR mitigation measures are subject to changes at the discretion of County staff and are not enforceable as discussed in these comments.

***The Park Master Plan is inconsistent with the General Plan Parks and Recreation Element because it fails to conform to Element policies.***

The Park Master Plan does not conform to the following Parks and Recreation Element policies.

**Policy 2.1: Provide parks which are aesthetic and consistent with community needs.**

The conversion of the popular and treasured natural area and rural park that now exists into an urbanized sports area does not conform with Parks and Recreation Element Policy 2.1 because it is not consistent with community needs. There is no evidence provided in the record to establish a community need for additional sports fields and active recreational structures at the Nipomo Park at the expense of the irreversible and irreplaceable loss of the existing passing recreation facilities, protected woodland habitat, protected species, and carbon sequestering trees.

The comments in the staff report that "[T]he community has expressed the need to have additional recreation facilities at the park to serve all generations..." is not supported by any evidence in the record and is contradicted in the same staff report with the statement that "A majority of public comments [at two meetings of the South County Advisory Council] included requests that the park remain rural with new recreation largely located elsewhere."

Data showing existing active sports opportunities, alternative sites for additional active sports facilities, and the fact that the existing passive equestrian trails, jogging paths and natural area cannot be reproduced at any other site, sheds light on community needs and leads to the conclusion that the existing rural park and equestrian trails should be preserved.

**Policy 2.4: Preserve County parkland for active and passive recreation. Community facilities, which have little to no recreational component, shall be placed outside of an existing or proposed park.**

The proposed Park Master Plan is inconsistent with Policy 2.4 because it does not preserve existing passive recreation. It eliminates the rural character, treasured oak woodlands and equestrian trails to provide for active sports facilities that could be located in other areas.

**Policy 5.1: Project priorities should be determined by the County's rating criteria [Appendix D] and decision tree, and balancing staffing with community needs and funding.**

The Park Master Plan is inconsistent with Policy 5.1 because there is no record of the County's rating criteria and decision tree being applied to the Park Master Plan to balance staffing with community needs and funding. Selection of the existing rural park for the site of active sports facilities and fields without any analyses of alternative locations would be an arbitrary decision.

**Policy 6.5: Ensure that County parks receive a net benefit to the County park and recreation system when a park or recreation facility is impacted by private or quasi-public infrastructure and other easements.**

In addition to being a violation of the California Constitutional prohibition against gifts of public property, the private use of the Nipomo Park and park utilities by the Nipomo Area Recreation Association is a violation of Policy 6.5 because that use is free and there is no net benefit to the park.

***The preschool on the Nipomo Park property is not a public recreational service because the public does not have access to the structure.***

The County issued a use permit to allow the Nipomo Area Recreation Association to use park land for its preschool. There is no mention of this community parks structure on the parks web site as a public facility and no mention of it as available for public use.

***The use permit is not valid because County has no authority to allow the private use of the public park.***

According to the Second District Appellate Court in *San Vicente Nursery School v. Los Angeles County* (1956) 147 Cal.App.2d 79:

A county has only those powers which are specifically conferred by charter or the general law; or those powers necessarily implied from the powers expressed. There is no express authority which permits the use of a public park for a private nursery school. In the absence of such authority a county cannot permit the use of a public park in a manner which will unreasonably impair or interfere with the right of the public to use the park.

Without the authority to allow the use, the use permit is void.

Since the Master Plan and the EIR both refer to the Nipomo Area Recreation Association preschool as an element of the existing park and an element of the Park Master Plan in terms of a permanent structure, both the Plan and the EIR should be amended to eliminate inclusion of the preschool on park property.

***The preschool on park property is in violation of and inconsistent with Parks & Recreation Element Policy 2.4.***

Parks and Recreation Element Policy 2.4 reflects the prohibition of non-park uses of public parks as expressed in the San Vicente Nursery School case described above. Policy 2.4 is to "Preserve County parkland for active and passive recreation."

County allowed the Nipomo Area Recreation Association preschool to install its own building in Nipomo Regional Park for the purpose of running a private preschool. County parkland is to be preserved for active and passive recreation and the Little Bits preschool is in violation of this Policy.

**Nipomo Area Recreation Association standing as a nonprofit corporation has been suspended.**

The "use permit"/contract between the county and Nipomo Area Recreation Association (NARA) states that NARA is a 501(c)(3) nonprofit corporation. However, the secretary of state's web site shows it to be suspended. In addition, the Nipomo Area Recreation Association is not in good standing with the State Franchise Tax Board.



**Fw: Nipomo Park**

James Patterson to: cr\_board\_clerk Clerk Recorder  
Sent by: Amy Gilman

11/05/2012 11:49 AM

----- Forwarded by Amy Gilman/BOS/COSLO on 11/05/2012 11:49 AM -----

From: AmberB138@aol.com  
To: boardofsups@co.slo.ca.us  
Cc: fmecham@co.slo.ca.us, bgibson@co.slo.ca.us, ahill@co.slo.ca.us, fpeixeira@co.slo.ca.us, jpatterson@co.slo.ca.us  
Date: 11/05/2012 11:11 AM  
Subject: Nipomo Park

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Please take the time to hear my voice. I am a four year resident of Nipomo. My husband and I **Oppose and Reject** any plans change Nipomo Park.

We planned and saved to make our dream come true and retire in rural Nipomo. Nipomo Park and the rural surroundings was the deciding factor. Our family and friends utilize the equestrian trails, walking trails and native gardens several times a week.

Other friends of ours have visited and loved the area so much they have purchased homes in the area of Nipomo Park because of its beauty and open area. Naturally, they feel the same as we do.

We have carefully looked over the purposed Master Plan and alternative Mater Plans. We have weighed the pros and cons. To be honest, the cons outnumber the pros.

We realize the park is not crime free. But with this proposal our main concern is the increase in crime. Especially for opportunist. Not only in the park area but surrounding residential areas. Just to name a few; traffic violations and traffic accidents, Burglary and Theft from motor vehicles, Theft from county property, truancy, loitering, narcotics (buying, selling, and under the influence), drinking in public, lewd conduct, littering, graffiti, loud music-noise increase. Not to mention injuries that occur on county property where citizens file and injury report, obtain attorneys and expect the county to pay out for medical and other fees.

Does the county have the insurance, attorney's and funds to cover these expenses? Does the county have enough Law Enforcement officers, EMT's and Fire to deploy to the location in a timely manner to handle calls and conduct routine patrol functions?

Also important is the upset of earth and wildlife. The beautiful Oak Trees, native plants and openness that is priceless.

We believe there are other alternatives and locations in the surrounding areas to build a community center. An area that is open, whereas trees wont have to be cut down and removed.

Item # 17 Meeting Date: 11/06/2012

Presented by: Patricia F. Barclay  
Terry Barclay

Received prior to meeting and posted to web

An area that is relatively close to on ramps and off ramps to ease congestion and traffic thru the residential community of Nipomo.

In the meantime this community, surrounding areas and local schools that can offer events and entertainment for all ages. If families are really interested and want to involve their children and relatives in these things there are web sites that can provide all the information needed.

Thank you for your time.

Respectfully,  
Patricia Fuller Barclay and Terry Barclay



To: BOS\_Legislative Assistants@co.slo.ca.us,  
 Cc: cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Curtis  
 Black/GenSrvcs/COSLO@Wings, Chris Macek/Planning/COSLO@Wings,  
 Bcc:  
 Subject: Fw: Contact Us (response #2236)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 12:18 PM  
 Sent Amber Wilson/BOS/COSLO  
 by:

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 12:18 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSupps@co.slo.ca.us" <BoardOfSupps@co.slo.ca.us>  
 Date: 11/05/2012 12:18 PM  
 Subject: Contact Us (response #2236)

Contact Us (response #2236)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 12:17:38 PM

Survey Response

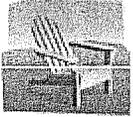
Name:	Kristal Slover
Telephone Number:	
Email address:	<a href="mailto:kemig@calpoly.edu">kemig@calpoly.edu</a>
Comments or questions (8,192 characters max):	I have been a resident of Nipomo for 10 years and have lived in San Luis County for 20 years. I strongly support the master plan for the Nipomo Park. I have two children ages 8 and 11. Our family is active in sports and use a variety of facilities in Nipomo and the rest of the county. It would be very nice to have a pool and gym as well as sports fields in a central location in our own town. I believe that not only the youth but the adult population can take advantage of what the new plan has to offer. Thank you, Kristal Slover

Item # 17 Meeting Date: 11/06/2012

Presented by: Kristal Slover

Received prior to meeting and posted to web

on: November 5, 2012



**Fw: Nipomo Park**

Amber Wilson to: BOS\_Legislative Assistants  
Cc: cr\_board\_clerk Clerk Recorder, Curtis Black, Chris Macek

11/05/2012 12:57 PM

*Amber Wilson*  
Secretary/Board of Supervisors  
San Luis Obispo County  
805.781.4335  
abwilson@co.slo.ca.us

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 12:56 PM -----

From: Fran Zohns/BOS/COSLO  
To: Amber Wilson/BOS/COSLO@Wings  
Date: 11/05/2012 12:51 PM  
Subject: Fw: Nipomo Park

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From: Steve McMasters/Planning/COSLO  
To: Shaun E Cooper/GenSrvcs/COSLO@Wings  
Date: 11/05/2012 12:38 PM  
Subject: Fw: Nipomo Park

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----- Forwarded by Steve McMasters/Planning/COSLO on 11/05/2012 12:37 PM -----

From: Julie Steiner <juliaste@sbcglobal.net>  
To: smcmasters@co.slo.ca.us  
Date: 11/03/2012 06:27 AM  
Subject: Nipomo Park

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Dear Sir,

I am a 20 year resident and have been a school teacher for 16 years the Nipomo area. I am writing to ask you to vote against the development of any of the Nipomo Community Park's natural area, specifically I am opposed to the construction of a Recreation Center, Community Center, or Daycare center within the park. I am also opposed to the addition of any ballfields/playing fields/ multi-use fields. Please help save the last public rural area/trails in Nipomo. I am all for a new Rec. Center/soccer fields, but there are other possible locations outside the park for these facility. We should be able to have both. Thank you, Julie Steiner

Item # 17 Meeting Date: 11/06/2012

Presented by: Julie Steiner

Received prior to meeting and posted to web  
on: November 5, 2012



To: BOS\_Legislative Assistants@co.slo.ca.us,  
 cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Chris  
 Cc: Macek/Planning/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings,  
 Bcc:  
 Subject: Fw: Contact Us (response #2237)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 01:04 PM  
 Sent: Amber Wilson/BOS/COSLO  
 by:

If you received a previous email with only a LINK that does not work - here is the actual email that was supposed to be attached. Sorry!

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 01:03 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSupps@co.slo.ca.us" <BoardOfSupps@co.slo.ca.us>  
 Date: 11/05/2012 12:40 PM  
 Subject: Contact Us (response #2237)

Contact Us (response #2237)  
 Survey Information

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Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 12:39:59 PM

Survey Response

Name:	Jennifer Sloan
Telephone Number:	805-202-8713
Email address:	<a href="mailto:Jnicesloan@hotmail.com">Jnicesloan@hotmail.com</a>
Comments or questions (8,192 characters max):	I support the Nipomo master plan. I think it's a great idea and long over due.

Item # 17 Meeting Date: 11/06/2012

Presented by: Jennifer Sloan

Received prior to meeting and posted to web on: November 5, 2012



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Chris Macek/Planning/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Fw: Contact Us (response #2238)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 01:36 PM  
 Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 01:35 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSupps@co.slo.ca.us" <BoardOfSupps@co.slo.ca.us>  
 Date: 11/05/2012 01:34 PM  
 Subject: Contact Us (response #2238)

Contact Us (response #2238)

Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 1:34:20 PM

Survey Response

Name:	Jason Hart
Telephone Number:	805-709-6491
Email address:	<a href="mailto:jasonhartre@yahoo.com">jasonhartre@yahoo.com</a>
Comments or questions (8,192 characters max):	Dear San Luis Obispo County Board of Supervisors, My family and I have lived in Nipomo for the past eight years. During that time I have been involved in coaching soccer, baseball and basketball. The Nipomo Community Park is wonderful center, but does not meet the growing needs of our community. Many of our community sports programs do not have sufficient facilities to practice and play games, and I see the problem growing each year. The community and those involved in the youth sports and other activities work hard to take care of the park and take great pride in it. I see the master plan funding being successful through a combination of both assessments and user fees. The proposed additions would benefit the entire community, not only families. I am confident that Nipomo residents would financially support such a benefit to our community. Thank you for your time and consideration. Regards, Jason Hart

Item # 17 Meeting Date: 11/06/2012

Presented by: Jason Hart

Received prior to meeting and posted to web on: November 5, 2012



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Chris Macek/Planning/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings,

Cc:

Bcc:

Subject: Fw: Contact Us (response #2239)

From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 02:25 PM

Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 02:24 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSuprs@co.slo.ca.us" <BoardOfSuprs@co.slo.ca.us>  
 Date: 11/05/2012 02:20 PM  
 Subject: Contact Us (response #2239)

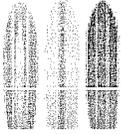
Contact Us (response #2239)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 2:19:43 PM

Survey Response

Name:	Miranda Aguilar
Telephone Number:	805-406-1504
Email address:	<a href="mailto:Mea8879@aol.com">Mea8879@aol.com</a>
Comments or questions (8,192 characters max):	I, Miranda Aguilar, am in favor of the master plan located inside Nipomo Community Park. As an employee of Little Bits Preschool, a new larger facility would benefit not only the children but the community as well. I would feel honored to take part in making a better community for our children to grow and prosper in. I also feel having such amenities as a pool and gym, would benefit the community by keeping people from having to leave Nipomo for family recreation and help bring in revenue. Thank you For your time.

Item # 17 Meeting Date: 11/06/2012  
 Presented by: Miranda Aguilar  
 Received prior to meeting and posted to web  
 on: November 5, 2012



**Item 17 Nipomo Community Park Master Plan**

Elizabeth Kavanaugh to: cr\_board\_clerk Clerk Recorder, James  
Patterson, Frank Mecham, Bruce  
Gibson, Adam Hill, Paul Teixeira

11/05/2012 02:54 PM

Please see/ post County Parks responses to comments received after staff report completion.

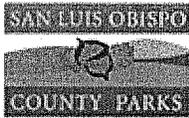


Response to comments.doc

Thanks

\*\*\*\*\*

Elizabeth Kavanaugh  
Parks & Trails Planner  
San Luis Obispo County Parks  
(805) 781-4089  
www.slocountyparks.org



*Think Outside!*



County of San Luis Obispo General Services Agency

# COUNTY PARKS

Janette D. Pell, Director

Curtis Black, Deputy Director

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November 5, 2012

## County Parks' Responses to Comments Received on the Nipomo Community Park Master Plan

Many letters have been submitted to County Parks and the Board of Supervisors since the completion of the staff report recommending the Nipomo Community Park Master Plan EIR Certification and Master Plan Adoption. After reviewing the letters that were submitted staff finds that the comments fall into nine categories: Open space and trails verses developed recreation facilities; increased traffic; increased water use; use of school recreational facilities; future funding for project build out and maintenance; loss of night sky due to lighting; increased ambient noise; legality of Little bits pre-school at the park; and potential locations for recreation facilities other than Nipomo Community Park. Below please find staff's responses to these areas of concern.

### 1. Open Space and Trails verse Developed Recreation facilities:

Per the County's Parks and Recreation Element, "a Community parks provide recreation facilities that serve not only the local community, but also, in some cases, visitors from outside the city or county. For example, a community park, which includes numerous sports fields, will draw people from outside the community for tournament play. As a result, community parks tend to be more active in nature and/or provide a greater mix of active recreation. Typical facilities might include a skate park, sports fields (football, baseball, soccer, and softball), a swimming pool, a sufficient number of tennis courts for tournament play, group picnic areas, and/or a community center as well as facilities for some passive uses such as a trails, scenic overlooks, benches and interpretive displays".

Census data on Nipomo indicates Nipomo's population is approximately 16,700. 26.5 percent of Nipomo's population are under the age of 18, while 12.6 percent are over 65. The average age is 37, nearly 8.6 years younger than the State's average which is 45.6. The County's Parks and Recreation Element sets a goal to achieve a minimum of 3 acres of community parkland per 1,000 population. Nipomo has 16,700 people today  $16.7 \times 3 = 50$ . Nipomo should have 50 acres of Community Park facilities. It currently has 15-acres. Nipomo's population is estimated to be over 20,000, by the year 2032, based on population projections. Using the same formula from the Park and Recreation Element ( $20 \times 3 = 60$ ), in 20 years Nipomo should have 60 acres of Community Park facilities. The proposed Master Plan is a plan for the Park is for the next 20 years.



Nipomo Community Park site is 137-acres. 15-acres are currently developed and the proposed Master Plan will create another 27.5 acres of recreational facilities. This is a total of 31 percent of the 137-acre site, leaving 94.5-acres of open space. Sensitive site design of new recreational facilities within the Master Plan means that one-acre of oak woodland will be impacted by this Master Plan. Most of the oak woodland impacts are from the required widening of ~~Camino Caballo~~ Osage Street, not from the development of the recreation facilities. Finally this project proposes to double the amount of trails within the 94.5-acres of open space and provides a staging area to help facilitate equestrian use of these trails.

#### 2. Increased Traffic:

It is well known that the intersection of Tefft Street and Highway 101 is congested at peak traffic hours. With the opening of the Willow Road interchange, this congestion will decrease by 20 to 25 percent, but it still is not enough to raise the Level of Service (LOS) during the peak PM traffic period to acceptable LOS D, with or without this Park project. This Park project, at built out, will add approximately 150 pm peak hour trips to this intersection, not causing the problem but adding to it. The EIR mitigates this impact by requiring County Parks to stagger the starting/ending times of games and activities at the Park during the PM peak hours (EIR page 4.10-19). The Park project will not significantly increase vehicle traffic demand on other local streets.

#### 3. Increased Water Use:

In June 2012 Nipomo Community Service District (NCSD) issued a moratorium on new well permits, until the NCS D finds an additional water source. It is true that Nipomo Community Park is a large water user in the area. The Park's current water use is approximately 50-acre feet a year. The total water use of the proposed Master Plan would be approximately 46-acre feet per year. This begs the question, how can a Plan that doubles the recreational features and use the same amount of water as the existing Park? The NCS D's water usage at the Park shows the Park's irrigation system currently operates at a 57% efficiency rate, indicating that the Park's antiquated irrigation system may be using twice as much water as needed for irrigation. Steps are being taken to upgrade the existing irrigation systems. The Master Plan will be phased over 20 years and water will need to be secured prior to construction of sports fields and other irrigated facilities. The NCS D's Urban Water Management Plan (2011) has specific water conservation measures for Nipomo Community Park reflected in the EIR as mitigation measures for this project (page 4.12-16). These are to be implemented prior to construction of the sports fields.

#### 4. Use of area's schools recreational facilities:

In a perfect world people in the community would be able to use the area's school's recreational fields and facilities and in some cases this is happening. For example Nipomo High School allows the public to use its pool for a few hours during the weekdays, in the summer months. However, many of Nipomo's school's campuses are

fenced and locked when the schools are out of session. This limits their availability for recreation. Staff has had discussions, over the years, with the school district to try to increase the use of school ball fields for the community's recreation use. The school district has had concerns regarding potential damage to school property and maintenance of facilities. In addition, many of the recreation features proposed within the Master Plan cannot be found at the local schools: skate park; community center; amphitheater; dog park; and equestrian/hiking trails.

5. Future Funding for Project Build Out and Maintenance:

Future funding for developing the recreational facilities in Nipomo Community Park are unknown. This is a 20-year plan. In park planning, the local agency plans for the park and then based on what is proposed within the park project; seeks out appropriate funds to develop it. These funds come from grants, development fees and donations.

6. Loss of Night Sky Due to Increased Lighting in the Park:

The EIR reviewed lighting impacts to the immediate area and found that lighting of the sports fields would have an impact. While use of additional lights would increase the ambient light of the immediate area while they are turned on for games, this impact is not significant per CEQA's standards and can be minimized would be minimized by implementation of lighting fixture location and shielding. In addition, a technology-specific photometric study will be required at the time the County is able to pursue development of the sports fields, but it will increase the ambient light of the immediate area while they are turned on for games. The residual impact would be less than significant.

7. Increased Ambient Noise:

The park is closed from 10 pm to 6 am. Ambient noise during these night time hours will be non-existent. The EIR studied ambient noise and concluded that while the ambient noise levels would increase in some areas in the park, ~~the~~ the open space area of the park and the residential areas around the park would not experience a substantial increase in ambient noise levels. These noise levels are well below the County Noise Element thresholds. Mitigation measures for the skate park are required to ensure ~~quite~~ consistency with the County Noise Element, and quiet enjoyment of the open space area (EIR page 4.8-16).

8. Legality of Little Bits Pre-school at the Park:

In 2004 a Use Agreement between County Parks and Nipomo Area Recreation Association was entered into to allow Nipomo Area Recreation to operate a youth oriented community recreation and child care program, to serve the community, in the park. Since then, a few members of the community have claimed that this is illegal. As part of the Master Plan process, staff asked County Counsel to review this use in the park. County Counsel concluded that the County is legally permitted to lease park land to an entity such as Nipomo Area Recreation as long as the land/facility is used primarily

for public recreation and enjoyment. Nipomo Area Recreation provides numerous recreational opportunities in Nipomo and Lil Bits program is part of a broader and more expansive recreational program offered by Nipomo Area Recreation.

9. Potential locations for recreation facilities other than Nipomo Community Park:

Nipomo Community Park is the only developed public park in Nipomo. Its large size and central location make it suitable for many of the community desired recreational facilities. The proposed project recommends the enhancement and addition of recreational facilities at this existing park. The County's Parks and Recreation Element identifies additional community or neighborhood parks in Nipomo, and the proposed Nipomo Community Park Master Plan does not preempt or hinder the development of such additional recreational areas. Other opportunities for park improvements in the community include Jack Ready Park, Jim Miller Memorial Park, the Dana Adobe, and private developments. Many of the proposed facilities for Nipomo Community Park are not suitable for these smaller neighborhood parks.



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Chris Macek/Planning/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings,

Bcc:

Subject: Fw: Contact Us (response #2240)

From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 03:42 PM

Sent: Amber Wilson/BOS/COSLO

by:

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 03:42 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSups@co.slo.ca.us" <BoardOfSups@co.slo.ca.us>  
 Date: 11/05/2012 03:35 PM  
 Subject: Contact Us (response #2240)

Contact Us (response #2240)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:34:54 PM

Survey Response

Name:	Angie Leon
Telephone Number:	(805) 478-5630
Email address:	<a href="mailto:apereyrleon@yahoo.com">apereyrleon@yahoo.com</a>
Comments or questions (8,192 characters max):	Hi my name is Angie Leon and I have lived in Nipomo for the past nine years. My husband and I have three boys that attend school in Nipomo. I am in favor of the Master Plan for Nipomo Community Park. I think this will be a great benefit for all of Nipomo's residents.

Item # 17 Meeting Date: 11/06/2012

Presented by: Angie Leon

Received prior to meeting and posted to web

on: November 5, 2012



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings, Chris Macek/Planning/COSLO@Wings,

Cc:

Bcc:

Subject: Fw: Contact Us (response #2242)

From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 03:43 PM

Sent: Amber Wilson/BOS/COSLO

by:

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 03:42 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSuprs@co.slo.ca.us" <BoardOfSuprs@co.slo.ca.us>  
 Date: 11/05/2012 03:40 PM  
 Subject: Contact Us (response #2242)

Contact Us (response #2242)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:39:33 PM

Survey Response

Name:	Lisa Haslett
Telephone Number:	805-929-6625
Email address:	<a href="mailto:lhaslett@calpoly.edu">lhaslett@calpoly.edu</a>
Comments or questions (8,192 characters max):	I support the Master Plan for Nipomo Community Park. My family and I have lived in Nipomo for the last 6 year. We see the need for increased opportunities and facilities in the park for kids of all ages, especially for the ages from 4th grade through 8th grade. That age group is too old for the playground equipment but not yet old enough for high school sports & activities. Having facilities and programs within the park would be advantageous to all ages. Please count my family of three as enthusiastic supporters of the Nipomo Community Park Master Plan. Thank you, Lisa Haslett 460 Casa Real Pl., Nipomo

Item # 17 Meeting Date: 11/06/2012

Presented by: Lisa Haslett

Received prior to meeting and posted to web on: November 5, 2012



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings, Chris Macek/Planning/COSLO@Wings,

Cc:

Bcc:

Subject: Fw: Contact Us (response #2241)

From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 03:43 PM

Sent: Amber Wilson/BOS/COSLO

by:

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 03:43 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSuprs@co.slo.ca.us" <BoardOfSuprs@co.slo.ca.us>  
 Date: 11/05/2012 03:40 PM  
 Subject: Contact Us (response #2241)

Contact Us (response #2241)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:39:23 PM

Survey Response

Name:	Linda Clarke
Telephone Number:	805-441-7231
Email address:	<a href="mailto:ljclarke@thegrid.net">ljclarke@thegrid.net</a>
Comments or questions (8,192 characters max):	The following comments are in regard to the Nipomo Community Park master Plan, which is Item 17 on the November 6,2012 agenda. I believe the park should remain primarily as is. With an adoption of the master Plan there would be many equestrian trails that would be eliminated. The park doesn't need more buildings. As an equestrian I have seen equestrian trails being eliminated or shrinking throughout the county. This occurs as plans such as this are prepared with the only thing in mind of spending taxpayer's money on more ball fields, more soccer fields, swimming pools, tennis courts, skate parks, etc. . Nipomo needs to remain rural with a rural park, not a big city park. There is not adequate policing available now for the infrastructure suggested in Master Plan A. Alternative B might be ok for the far future, once there is money for a police force and park police. I am not in favor of any changes for the park.

Item # 17 Meeting Date: 11/06/2012  
 Presented by: Linda Clarke  
 Received prior to meeting and posted to web on: November 5, 2012



To: Adam Hill/BOS/COSLO@Wings, Amy Gilman/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Debbie Geaslen/BOS/COSLO@Wings, Frank Mecham/BOS/COSLO@Wings, James cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Chris Macek/Planning/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings,  
 Cc:  
 Bcc:  
 Subject: Nipomo Park Emails  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 03:54 PM  
 Sent by: Amber Wilson/BOS/COSLO

Includes 4 emails.

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 03:54 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSups@co.slo.ca.us" <BoardOfSups@co.slo.ca.us>  
 Date: 11/05/2012 03:44 PM  
 Subject: Contact Us (response #2243)

Contact Us (response #2243)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:43:43 PM

Survey Response

Name:	Thomas Tryon
Telephone Number:	805-720-1712
Email address:	<a href="mailto:twtryon@att.net">twtryon@att.net</a>
Comments or questions (8,192 characters max):	I am a current resident of Nipomo (8 years) and have been involved in community development and working with kids. I order for our community to be a better place to live and raise our children I strongly recommend approval of the master plan for the Nipomo Community Park. All communities need a community center, sports fields, skate park and other amenities for families to enjoy their community and not have to travel to other communities in order to enjoy the benefits of certain amenities that would be offered in the proposed Master Plan. Thank you, Tom Tryon

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 03:54 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSups@co.slo.ca.us" <BoardOfSups@co.slo.ca.us>  
 Date: 11/05/2012 03:49 PM

Item # 17 Meeting Date: 11/06/2012

Presented by: Thomas Tryon

Received prior to meeting and posted to web on: November 5, 2012

Subject: Contact Us (response #2244)

Contact Us (response #2244)  
Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:48:49 PM

Survey Response

Name:	Merrie Wallravin
Telephone Number:	805 714-8537
Email address:	<a href="mailto:rereravin@charter.net">rereravin@charter.net</a>
Comments or questions (8,192 characters max):	I am a nipomo resident for 26 years and I am strongly in favor of the master plan for the Nipomo community park and urge you to approve the master plan at the Nov 6 meeting.

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 03:54 PM -----

From: "Internet Webmaster" <[webmaster@co.slo.ca.us](mailto:webmaster@co.slo.ca.us)>  
To: "BoardOfSupps@co.slo.ca.us" <[BoardOfSupps@co.slo.ca.us](mailto:BoardOfSupps@co.slo.ca.us)>  
Date: 11/05/2012 03:50 PM  
Subject: Contact Us (response #2245)

Item # 17 Meeting Date: 11/06/2012  
Presented by: Merrie Wallravin  
Received prior to meeting and posted to web  
on: November 5, 2012

Contact Us (response #2245)  
Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:50:14 PM

Survey Response

Name:	Kenny Wallravin
Telephone Number:	805 714-8547
Email address:	<a href="mailto:kravin@charter.net">kravin@charter.net</a>
Comments or questions (8,192 characters max):	I am a nipomo resident for 38 years and I am strongly in favor of the master plan for the Nipomo community park and urge you to approve the master plan at the Nov 6 meeting.

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 03:54 PM -----

From: "Internet Webmaster" <[webmaster@co.slo.ca.us](mailto:webmaster@co.slo.ca.us)>  
To: "BoardOfSupps@co.slo.ca.us" <[BoardOfSupps@co.slo.ca.us](mailto:BoardOfSupps@co.slo.ca.us)>  
Date: 11/05/2012 03:52 PM  
Subject: Contact Us (response #2246)

Item # 17 Meeting Date: 11/06/2012  
Presented by: Kenny Wallravin  
Received prior to meeting and posted to web  
on: November 5, 2012

Contact Us (response #2246)

Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:52:21 PM

Survey Response

Name:	Juliza Hernandez
Telephone Number:	805.441.0287
Email address:	<a href="mailto:Julizahernandez3@gmail.com">Julizahernandez3@gmail.com</a>
Comments or questions (8,192 characters max):	Dearest Supervisors, I strongly urge you to approve the master plan for the Nipomo Community Park. The community is in desperate need of a community center, sports fields, skate park and other amenities, and I feel the location of these amenities in the park is the perfect location and would greatly benefit all residents in Nipomo. Thank you.

Item # 17 Meeting Date: 11/06/2012

Presented by: Julia Hernandez

Received prior to meeting and posted to web

on: November 5, 2012



To: BOS\_Legislative Assistants@co.slo.ca.us,  
 cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Chris  
 Cc: Macek/Planning/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings,  
 Bcc:  
 Subject: Fw: Contact Us (response #2247)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 04:10 PM  
 Sent: Amber Wilson/BOS/COSLO  
 by:

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 04:09 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSupps@co.slo.ca.us" <BoardOfSupps@co.slo.ca.us>  
 Date: 11/05/2012 03:58 PM  
 Subject: Contact Us (response #2247)

Contact Us (response #2247)

Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 3:58:07 PM

Survey Response

Name:	Anne Martin
Telephone Number:	805 929-2188
Email address:	<a href="mailto:Ashamrockgirl17@aol.com">Ashamrockgirl17@aol.com</a>
Comments or questions (8,192 characters max):	copy and paste this in the email, and add any other info you would like: I am a resident of Nipomo for 12 years and I strongly urge you to approve the master plan for the Nipomo Community Park. The community needs a community center, sports fields, skate park and other amenities, and I feel the location of these amenities in the park is the perfect location and would greatly benefit all residents in Nipomo.

Item # 17 Meeting Date: 11/06/2012

Presented by: Anne Martin

Received prior to meeting and posted to web on: November 5, 2012



To: BOS\_Legislative Assistants@co.slo.ca.us,  
 cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings, Chris  
 Cc: Macek/Planning/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings,  
 Bcc:  
 Subject: Fw: Contact Us (response #2248)  
 From: Board of Supervisors/BOS/COSLO - Monday 11/05/2012 04:31 PM  
 Sent: Amber Wilson/BOS/COSLO  
 by:

----- Forwarded by Amber Wilson/BOS/COSLO on 11/05/2012 04:31 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>  
 To: "BoardOfSupps@co.slo.ca.us" <BoardOfSupps@co.slo.ca.us>  
 Date: 11/05/2012 04:22 PM  
 Subject: Contact Us (response #2248)

Contact Us (response #2248)  
 Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	11/5/2012 4:21:38 PM

Survey Response

Name:	Kevin Bumgardner
Telephone Number:	805-481-0576
Email address:	<a href="mailto:kdbumgardner@yahoo.com">kdbumgardner@yahoo.com</a>
Comments or questions (8,192 characters max):	I am in favor of approving the master plan to have a community center built in the Nipomo park. The park is the perfect central location and would allow all the fantastic amenities that Nipomo needs. Building such a community center would allow money to stay in Nipomo and having easy access to it would be even greater. As a father to two young children who will eventually grow and have children of their own it is vital to have this available for their future. I have been a long time supporter of growth in Nipomo and this would bring many people to the area knowing there is something their children can do. Please vote YES to approve the park master plan! Thank You, Kevin

Item # 17 Meeting Date: 11/06/2012

Presented by: Kevin Bumgardner

Received prior to meeting and posted to web

on: November 5, 2012