

Fw: Nipomo Community Park Issue

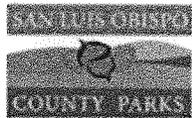
Paul Teixeira, Frank Mecham, Bruce
Elizabeth Kavanaugh to: Gibson, Adam Hill, James Patterson,
Curtis Black, Shaun E Cooper,

12/17/2012 07:40 AM

Good morning,

Here is another letter against Nipomo Community Park Master Plan

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



Think Outside!

----- Forwarded by Elizabeth Kavanaugh/GenSrvcs/COSLO on 12/17/2012 07:37 AM -----

From: Vince McCarthy <vincemcc@att.net>
To: ekavanaugh@co.slo.ca.us
Date: 12/15/2012 08:55 AM
Subject: Re: Fw: Nipomo Community Park Issue

Mrs. Kavanaugh,

I have enclosed the letter to you in DOC format. Thank you for passing this on

Vincent McCarthy

On 12/14/2012 4:23 PM, ekavanaugh@co.slo.ca.us wrote:

> Mr. McCarthy,

>

> Great. I can open Word documents. Please send it to me and I will forward
> it to the Board of Supervisors.

>

> Thank you again,

>

>

>

> Elizabeth Kavanaugh
> Parks & Trails Planner
> San Luis Obispo County Parks

Item # 44 Meeting Date: 12/18/2012

Presented by: Vincent McCarthy

Received prior to meeting and posted to web
on: December 17, 2012

> (805) 781-4089
> www.slocountyparks.org
>
> (Embedded image moved to file: pic25679.jpg)

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>
> From: Vince McCarthy <vincemcc@att.net>
> To: ekavanaugh@co.slo.ca.us
> Date: 12/14/2012 07:28 AM
> Subject: Re: Fw: Nipomo Community Park Issue

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>
> Mrs. Kavanaugh,
> I have redone the letter I sent you in word(doc). If you can't
> open this can you open a text
> file? Thank you again

> Vincent McCarthy

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>
> On 12/13/2012 4:29 PM, ekavanaugh@co.slo.ca.us wrote:

>> Mr, McCarthy,
>>
>> Thank you taking the time write the attached letter regarding Nipomo
>> Community Park. I was not able to open the attached letter. I wonder if
>> it
>> is saved in a format that my computer does not support. If you could be
>> please copy and paste the contents of this letter into the body of a
>> email
>> and resend it to me or save the letter in a Word or PDF file, I can
>> then
>> forward it to the Board of Supervisors.

>> Thank you,
>>
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>

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

>> (Embedded image moved to file: pic10133.jpg)

>>
>>
>> ----- Forwarded by Elizabeth Kavanaugh/GenSrvcs/COSLO on 12/13/2012 08:21
>> AM -----
>>

>> From: Vince McCarthy <vincemcc@att.net>
>> To: ekavanaugh@co.slo.ca.us
>> Cc: Vince McCarthy <vincemcc@att.net>
>> Date: 12/13/2012 07:30 AM
>> Subject: Nipomo Community Park Issue
>>
>>
>> Mrs. Elizabeth Kavanaugh,
>> I have enclosed a letter about the Nipomo Community Park. The issue
>> comes up on 18th of Dec., before the Board of Supervisors. I would
>> appreciate it if you would enclose this letter as a part of the Nipomo
>> Community Park record.
>>
>> Thank You Vincent McCarthy
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>> (See attached file: Attached Message Part)
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>> [Scanned @co.slo.ca.us]
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DRAFTS.doc

18 Dec., 2012

Board of Supervisors,

I am writing you about the Nipomo Community Park. I am in full agreement that we need areas for children to play. I don't believe the present Nipomo Community Park plan that is up for adoption is the answer. When the park is fully built out according to your plan the Community will have lost a beautiful park to a bunch of unattractive commercial buildings for a gymnasium, other buildings and asphalt parking places, in place of the beautiful green grasses there now.

I have raised a family here in Nipomo and for the past 45 years and have enjoyed the Park. I know many people have rented spaces in the park for large family gatherings. These people do not want to lose or see the park turned into what the Nipomo Community Park is proposed at this time.

One of the biggest problem is the traffic congestion that will be incurred by the large use of the park. A lot of after school activities will be held from 3:00pm to 6:00pm, at the park and the rush home traffic congestion will cause conflicts at Tefft and Division or at Pomeroy and Juniper. As you already know from being parents the children have a care-less habit of running out in traffic without looking. The words "I'm sorry" doesn't mean much to the parents after a child has been hurt or killed by a tired driver trying to rush home. How do you think the driver would feel?

Yes the children of this Community need a place to play. There is no disagreement about that. About three years ago the NCAC now the SCAC, held meetings to see if it was feasible to use some of the larger drain basins in the area to be converted into Pocket parks. There were about 3 or 4 large drain basins that could be converted into Pocket Parks, like other Communities have done. Also arrangements could be negotiated with the Lucia Mar Unified School District to use school facilities after school hours. Activities are the best way children from becoming bored and getting into gangs, drugs or other trouble. keep them busy is without saying. You also have to look at the children who do not play sports. There are more children who are involved in other activities, and don't play sports than do. There needs to be a balance provided for all.

I urge you to preserve the Rural atmosphere of the park by retaining the Master Plan Alternative B and use other sites around Nipomo, for the reasons I have stated here. It is not only children that use the park. It is used by the Community as a whole, for other activities.

The use of the Pocket parks would alleviate this traffic congestion on Tefft St. and also Pomeroy. It would be easier to get to one of these pocket parks than to fight the traffic congestion at the park's entrances. I know the congestion at the entrance to the park will be like the Tefft St. and Mary Ave daily traffic jams. They will be duplicated at the park at Tefft and Division also Pomeroy seven days a week.

Another problem that was brought out by the Sheriff. That was the drug and gang activity in the park at night. The Sheriff deputy that spoke to the NCAC(now the SCAC) said that there are not enough deputies available to patrol the park. He also suggested that the main buildings should be located on the outskirts of the park, so they are visible at all times. The patrolling deputies do not routinely go into the park to check it out. The Sheriff has said the at this time and in the future they may not have the funds to supply more deputies.

Meganslaw.ca.gov(12/08/12) shows that there are about 22 sex offenders registered within two miles of the park. This is only the registered ones and not the unregistered ones. A park is a natural hunting ground for pedophiles after innocent unsuspecting children, with

little or no police presense in the park, to protect them.

I also feel very strongly that any control of any part of the Nipomo Community park should not be turned over to any Non-profit or For-profit group of any kind. Also these groups should not manage any buildings or property that is now or in the future, part of the Nipomo Community Park property. It is the responsibility of the SLO Parks dept., with the help of the Community to run and manage this park. After all the Nipomo Community park still belongs to the people of Nipomo doesn't it?

As I am a member of the South County Advisory Council(SCAC), I am not representing them in any way with these comments. I am speaking out as a private citizen who has lived in this Community for 45 years raised a family and can see the dangers in the adoption of this Park plan.

I know this is a 20 year plan, but the way it is been presented now makes me wonder how long before you start putting this Park plan in to reality. How much will it cost to develop this plan and how is it going to be paid for? The people in this state are being taxed enough. Even a "Temporary" tax would be too much.

Again I ask you to reconsider the Master Park Plan Alternative B, for the sake of the entire Community. Thank you.

Sincerely, yours
Vincent McCarthy



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,
Cc:
Bcc:
Subject: Fw: Dec 18 BOS meeting re Nipomo Park EIR/ Master Plan
From: Board of Supervisors/BOS/COSLO - Monday 12/17/2012 08:15 AM
Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:15 AM -----

From: HARRY Walls <harrywalls@sbcglobal.net>
To: bos <boardofsups@co.slo.ca.us>, ELIZABETH KAVANAUGH <ekavanaugh@co.slo.ca.us>
Date: 12/17/2012 12:13 AM
Subject: Dec 18 BOS meeting re Nipomo Park EIR/ Master Plan

December 16, 2012

To the San Luis Obispo County Board of Supervisors:

The Nipomo Parks Conservancy submits the following to you for your consideration.

Conditions have changed since 2004 when the planning process began for the proposed Nipomo Park Master Plan.

In 2006 the Board of Supervisors adopted the Parks and Recreation Element which provides an integrated long term plan for parks in the entire Nipomo area.

The 2006 Parks and Recreation Element calls for smaller neighborhood parks in the growing Nipomo area so young people and families can walk to parks. This is safer due to neighborhood oversight. Smaller neighborhood parks reduce traffic congestion, and provide more people with recreational opportunities.

Adoption of the 2006 Parks and Recreation Element included Board approval of the Element's official Project List. This list includes neighborhood parks for the Nipomo area.

Please refer to page A-36 of the attached Project List. Please note that the Park Master Plan was not approved by your Board on the official Project List and that the Project List states that the site for the community center "may include a new structure, an existing school, or other similar facility available through a joint use agreement."

Item # **44** Meeting Date: **12/18/2012**

Presented by: Harry Walls

Received prior to meeting and posted to web on: **December 17, 2012**

The 2006 Parks and Recreation Element calls for protection of equestrian trails and other passive recreation facilities. The process of reviewing the proposed Park Master Plan has brought to light how intensely the Nipomo Park is used as a regional park by equestrians and others for passive recreation and enjoyment of natural resources.

In 2012 the Nipomo Community Services District declared a moratorium on new water uses. The Nipomo Community Park is in the NCSD's service area. It could be a decade before water is available for any incremental part of the Park Master Plan at that location.

The economic conditions have changed drastically since 2004 when this planning process began.

Based on these changes and the analyses that we have provided to you, Nipomo Parks Conservancy asks you to deny the project approval and deny certification of the EIR.

Given the current economic conditions and the unavailability of new water, we ask that you consider joint use of existing facilities as called for repeatedly in the adopted Project List.

Thank you for your consideration.

Harry Walls, President
Nipomo Parks Conservancy



Fw:

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

12/17/2012 08:16 AM

Sent by: Amber Wilson

Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:15 AM -----

From: jeffrey bell <bellimaging@att.net>
To: "Harrywalls@sbcglobal.net" <Harrywalls@sbcglobal.net>, "boardofsups@co.slo.ca.us"
<boardofsups@co.slo.ca.us>
Date: 12/16/2012 09:47 PM
Subject: Re:

Dear Members of the San Luis Obispo Board of Supervisors,

I am writing this letter in support of keeping Nipomo Park as it now is, with half of the park developed and the other half native. As development of the mesa has progressed, the untouched section of the park has become even more important. It keeps a native woodlands available for everyone to enjoy. As future years go by, this unique area will become ever more treasured. As more roads are paved and more homes built, the oasis that a native park provides will be greatly appreciated. Please consider the Nipomo Park not as a parcel to be developed, but as an example of nipomo mesa. Something to be preserved.

Thank you, Jeff Bell, Brushpoppers Riding Club

Item # **44** Meeting Date: **12/18/2012**

Presented by: Jeff Bell

Received prior to meeting and posted to web
on: **December 17, 2012**



Fw: Nipomo Park build out

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

12/17/2012 08:16 AM

Sent by: Amber Wilson

Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:16 AM -----

From: "Pamela Krahl" <krahlp@gmail.com>
To: <boardofsups@co.slo.ca.us>
Cc: "'HARRY Walls'" <harrywalls@sbcglobal.net>, "'robert dodds'" <rcdodds@sbcglobal.net>
Date: 12/16/2012 05:56 PM
Subject: Nipomo Park build out

Dear Supervisors,

I am a member of, and trail riding representative for the Central Coast of California Arabian Horse Association, and I speak for many equestrians who are interested in preserving the existing riding (and walking) trails within the Nipomo Park. As riders, we too, make up a large part of the local population that enjoys recreation, and this facility already exists for use without any new expenses incurred. Every time there is development, horse trails are lost, as we have specifically seen in the Nipomo area. Lost riding areas are NEVER replaced in kind, if at all.

This park is situated right in the middle of a designated equestrian community, and these trails are dear. The oaks, likewise, are irreplaceable. Sport parks and fields have a wider range of placement options that should be used.

Please preserve all existing trails in this park.

Yours truly,
Pamela Krahl

Item # **44** Meeting Date: **12/18/2012**

Presented by: Pamela Krahl

Received prior to meeting and posted to web
on: **December 17, 2012**



Fw: NFP #21

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson, Cherie Aispuro, Debbie Geaslen, Frank Mecham, James Patterson, Paul 12/17/2012 08:17 AM

Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:17 AM -----

From: Bill Denneen <bdenneen@slonet.org>
To: bdenneen@kcbx.net
Date: 12/16/2012 05:24 PM
Subject: NFP #21
Sent by: denneenbill@gmail.com

NIPOMO FREE PRESS #21

If U want off this mail list respond with "OFF"

#1. UPCOMING EVENTS:

- Dec. 18, Tues. 1330 BOS: Tribute to Jim Patterson
- Dec. 22 Sat. 1000 NNG: Winter Solstice Celebration---bring poems, songs, musical instruments, quotes----start of new year
- Dec, 25 Tues. 0900 Meet at Melodrama for hike into dunes (same as Thanksgiving----back at 12:30)
- Jan. 1 Tues. 0930 Meet Guad Beach for hike to Mussel Rock---Leader Kara (I go part way)

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#2. DIABLO: CA has one functioning nuclear power-plant---Diablo. It stores it's toxic radioactive nuclear waste on site----- (our legacy to future generation)? I was arrested (& went to jail) in front of Diablo in 1978 because they did not know what they would do with their waste-----still don't know-----NO DIABLO-----speak out: letters to editor?

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#3. MARIJUANA:

10:24 AM (1 hour ago)

A. Input from: <allan_e@efn.org>

Petition: Relieve Five Elderly Federal Prisoners From Life Without Parole Sentences For Marijuana

<https://petitions.whitehouse.gov/petition/relieve-five-elderly-federal-prisoners-life-without-parole-sentences-marijuana/nRkGWXx6>

B. "Thank you for supporting MPP's work fighting marijuana prohibition. Here is your donor profile, according to our records, which lists your total lifetime donations, your donations this year:" Lifetime: \$640.00
Year-to-date: \$40. This plant is in the process of being legalized (then taxed to max----makes sense as we fill our jails with pot "criminals")

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#4. HABITAT:

A. It's 2012. 10,000 years since we started domesticating plants. 3000 years since we invented the plow. And 70 years since the rollout of what we now call 'industrial agriculture,' with it's intensive use of chemicals, fossil fuels, and irrigation. And today, agriculture does more damage to the environment than any other human activity: biodiversity loss, soil erosion, greenhouse gas emissions, and pollution. This is the face of modern farming.

B. In my opinion (wish I were wrong) we are destroying the habitat in which we evolved.

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#5. KPR is an SOB

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#6. ENFORCE the LAW:

Item # 44 Meeting Date: 12/18/2012

Presented by: Bill Denneen

Received prior to meeting and posted to web on: December 17, 2012

Rule 1001, implemented by the San Luis Obispo County Air Pollution Control District Board, includes penalties for the California Department of Parks and Recreation if that body doesn't work with the district to reduce airborne dust in and around the dunes. The rule hasn't helped the district in encouraging participation from State Parks, but it has attracted some significant opposition, including the state attorney general's recent involvement in the situation.

Now the district is turning to the governor and his head of the natural resources division for help, offering an interesting example of California politics and proving that even in a state filled to the brim with Democrats in local and statewide public office, divisions still arise and political alliances can prove advantageous. (rest of article on request)
(enforce the LAW)

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#7. ENVIRO_AWARDS

These are Bill's awards until about 2011 when they were turned over to a group of FOUR to continue----no one knows how long they will live ----- after 80 life

is a steady, terrible decline Any corrections? The FOUR: My daughter Katie, Herb Kandel, Virginia Perry Sousa, Dave Georgi. The Clint Slaughter

Award represent the first of the FOUR (need to update this list)

ENVIRO--AWARDS (started 1996) Consists of: Eco-Books, large Award winning Dune Picture by David Stroup, \$500. cash from the Enviro-Award Trust etc.

Tentative List to date: 82. Clint Slaughter, 81. Michael Sween(17), 80. Victoria Rose Carranza(20), 79. Richard Krejsa (ECOSLO)

78. Christine Mulholland, 77. Nancy Graves, 76. Jesse Arnold, 75. Rosemary Wilvert

74. Lucia Casalnuovoo, 73. David Congalton, 72. Martha Godinez, 71 Virginia Perry Souza

70 Andrew Christie(SC), 69 David Weisman, 68 Hilda Zacarias, 67 Terry Lilly & Sue Sloan

66 Russ Hodin, 65 Dave Georgi, 64. Karen Merriam(SC), 63. Betty Faas, 62 Jane Swanson(MFP)

61 David Gonzalez NH/S, 60. Mariah Gonzalez NH/S, 59. Sasha Stackhouse NH/S

58. Laura MacCarley NH/S, 58. Donna Kandel, 57. Dennis Apel, 56. Sarah Christie

55. Mark DiMaggio, 54. David Broadwater, 53. James Murr, 52. Silvia Toscano (PP)

51. Ian Wells NH/S, 50. Brianna Martin NH/S, 49. Charles Wells NH/S, 48. Gwen Tindula NH/S

47. Clark Campagna NH/S, 46. Katherine Greig NH/S, 45. Monica Cruz (PP), 44. Jan Marx

43. Roger Wightman H/S, 42. Donna Gilbert, 41. Lisa, East Fork Farm, OR, 40. Jack Beigle

39. Peter Douglas, 38. Peg Pinard, 37. Jim Patterson, 36. Richard Kransdorf, 35 Bill Robinson

34. Pam Heatherington, 33. Cindy Cleveland, 32. Susie Aguilar (PP), 31. Eric Greening

30. Rochelle Becker(MFP), 29. Larry Verhilig(NNG), 28. Marla Morrissey, 27. Patty Herrera (PP)

26. Mary Caldwell, 25. Save the Mesa, 24. Dirk & Bonnie Walters, 23. Amy Shore, 22. Raye Fleming

21. David Chipping, 20. Bud Laurent, 19. Bob Banner, 18. Tim Gallager, 17. Jim Blakley (SB)

16. Vie Obern (SB), 15. Jean Barry Schuyler (SB), 14. Jim & Sue Higman (SB), 13. Pat Veasart

12. Anne Stubbs, 11. Jim Merkel, 10. Herb Kandel, 9. Charlie & Cindy Gulyash, 8. Klaus Schumann

7. Ernie Simpson, 6. David Blakely, 5. Kathy Diperi, 4. Gary Felsman

3. Geof Land, 2. Janice Fong Wolf, 1. Steve Aslandis (died)

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#8. PLANTS: I have about 200 plants in gallon pots ready to put in the ground. Now is the time to plant them. They R free (but if you have waste food

bring for my pig). Just come, go in my backyard near pig pen & select---mostly natives (no eucalyptus for sure)

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END The NFP welcomes input----WRITE-----promote NNG, Library, Dana Adobe



Fw: NFP #21

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

12/17/2012 08:17 AM

Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:17 AM -----

From: Bill Denneen <bdenneen@slonet.org>
To: bdenneen@kcbx.net
Date: 12/16/2012 08:12 AM
Subject: NFP #21
Sent by: denneenbill@gmail.com

NIPOMO FREE PRESS #21

If U want off this list reply ASAP with "OFF"

#1. DIABLO 12/12/12:

A. Hi Bill, I feel invigorated by the 12 mile walk I took with you and the fellow protectors of the Earth on 12/12/12 starting at the gates of Diablo Canyon through Avila valley and along the frontage road of the 101 Freeway to San Luis Obispo Court House with the Nuclear Free future Coalition and the Buddhist Monks. I was impressed with the Chumash speakers powerful Tribal Ceremony right before the Walk.

The rain made the roads wet but made the earth seem so beautiful and pristine. The conversation turned to this as we walked along road with the creek on our left just past the Avila Bay Club.

What I said at the time was, "This is SO BEAUTIFUL SO PRISTINE" and my friend who was also walking said, "Yes it is Paradise" and I said "Yes it is paradise and that is why we are walking, because WE DO NOT WANT PARADISE LOST!!"

Thus brings up the reality that Bill has continued to bring to the public's attention, something most people would probably prefer to forget because it is so detrimental to their "bubble of comfort" where these kinds of thoughts only exist in the subconscious mind. Where is Diablo canyon storing the waste? On Site is the answer. This is a potential disaster in the making and in violation of the agreement that Diablo originally agreed to when they were first given the permits to operate. I guess they (Diablo) are above the law. I am also asking why KSBY T.V. Station came out to the Protest, took pictures and statements but apparently found it not Newsworthy enough to Report this protest to the public. If you want to see or hear about this more go to: Yahoo news : Diablo canyon protest.

I will post the speech I delivered at the steps of the SLO Court House upon our arrival, in next nipomo Free press Newsletter. Elaura A.K.A Goatmilk girl

B. Event covered in "T", SMT, 5CTPR Start Ceremony at gate (blue line) to Diablo. That "blue line" goes back to 1987 when I was arrested for crossing it---at the time 500 arrested. The significant thing for me is the storage of the terrible nuclear waste at Diablo which will last about 10,000 years---yuck-----not fair to future generation ----- NO DIABLO

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#2. WAR DOGS:

Item # **44** Meeting Date: **12/18/2012**

Presented by: Bill Denneen

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(German shepherds are still used as war dogs by the American military but the lighter, stubbier Malinois is considered better for the tandem parachute jumping and rappelling operations often undertaken by SEAL teams. Labrador retrievers are also favoured by various military organizations around the world.

#3. MARIJUANA: The Obama administration is on the verge of issuing a major position statement on marijuana legalization -- and Obama's history on medical marijuana offers important insights. Even though Obama pledged not to use federal resources to prosecute medical marijuana patients, the federal government has still raided and prosecuted medical marijuana providers, undermining state efforts to responsibly regulate medical marijuana. We can't let history repeat itself. We need to pressure Obama not to undermine marijuana legalization like his administration has with medical marijuana. I did something about it and I hope you'll join me. [Take action today and urge Obama not to interfere with marijuana legalization in Washington and Colorado.](#)

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#4. CLIMATE CHANGE:

Evangelical leader says we need family planning to help fight climate change

See:

<http://grist.org/climate-energy/evangelical-leader-says-we-need-family-planning-to-help-fight-climate-change/>

Richard Cizik has a knack for irritating right-wing evangelicals. He knows just how to do it, being an evangelical himself, though no longer one with standard right-wing political views. Cizik was a key leader of an evangelical Christian movement calling for climate action and "creation care" a few years ago, when he was vice president of governmental affairs for the National Association of Evangelicals. Some religious-right bigwigs tried unsuccessfully to force him out of that job in 2007 because of his environmental activism, and then ultimately succeeded in forcing him out in 2008 because he endorsed gay civil unions (oh the horror!). Cizik bounced back by founding the New Evangelical Partnership for the Common Good, which advocates for social-justice causes including human rights, health-care access, and an end to war.

(the ideal gift for a teenager is bunch of condoms)

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#5. PARTY

All newspapers will have a big party for everyone that has had a letter published in their paper during the previous year-----will U be able to attend?
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#6. AUDUBON CALIFORNIA NEWS November 2012

Sometimes helping birds is as simple as providing a hospitable place for them to rest, feed, and build nests. Audubon California's Garry George tore up the lawn around his bungalow in mid-city Los Angeles and turned his yard into a bird sanctuary. Every little bit helps. This video is the first in a series for our [bird] L.A. project, which will not only connect people in the greater Los Angeles area with Audubon events near them, but also share fun ways to help the birds around them.

Cast your vote for Bird of the Year

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#7. VEHICLES on the BEACH:

A.

http://www.heraldandnews.com/news/ap_news/article_393c7a0c-31b7-11e2-9819-0019bb2963f4.html

B. Hi Nell,

Compliments on having Kevin P. Rice "after U"----that means U are effective against "vehicle recreation". He had me arrested 3 times. What we need is a mean, nasty lawyer to go "GET"

him----we could go visit

him in jail-----DREAM!!!!!! EldrBill

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#8. GO SOLAR:

Join 500 Sierra Club members and supporters who have already gone solar with Sungevity and know first-hand that this opportunity is a win, win, win!

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#9. LETTER to EDITOR

http://civic.moveon.org/signon/lte/lte_so.html?zip=93449<e_campaign_id=132

Then all you have to do is fill in your name, etc., and type your letter in the box. Hit send and it will go to the papers that are checked.

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#10. Wild Cherry Canyon Update: WCC is one of the largest conservation projects in SLO County. If you feel moved to be involved in this conservation project the links below will help you do so. Below is a re-cap from Kara's most recent greeting: *Greetings, friends of Wild Cherry Canyon. It's been a while. . .so here's an update on this important conservation project. If you are not familiar with Wild Cherry Canyon, or need reasons to get excited about this project - check out: www.wildcherrycanyon.org . So, what's the status on the Wild Cherry Canyon, (WCC), now? Great progress has been made. . .of the total purchase price of \$21 million, over \$14 million has been raised thanks to the generosity and vision of the StateWildlife and Conservation Board, CA State Coastal Conservancy, County of SLO, the Hind Foundation, and many community members (thank you!) The remaining amount has already been budgeted by State Parks. To get that last amount officially allocated toward WCC, we simply have to get agendized before the State's Public Works Board. The work continues. . .We will need to encourage the Public Works Board to agendize WCC, and we will make our WCC acquisition package to the Public Works Board more competitive by building: (1) a management endowment to help offset operational costs, and (2) a labor endowment to assist State Parks with on-the-ground needs. (WCC is just south of Diablo & will be the site of CA Coastal Trail from MDO to Avila)*

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#11. The "HIRED GUN" of the VEHICLE CORPORATIONS:

KEVIN P. RICE, PO #14107, SLO. CA, 93406-4107 <kriceslo@gmail.com>

Some questions to ask him: How much do they pay you?, do U have a regular job?, why do U love your M/C?, do U ever go on a walk on the beach & listen to the waves????????????

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#12. WOMEN: When the 113th Congress convenes next year, women's representation will jump from just under 17% to over 19%, a first step towards the 51% representation we will achieve, and a dramatic reversal of the 2010 midterm elections, when women's representation in Congress declined for the first time in a generation. Congressperson Lois Capps has a 100% Enviro-voting record. Senator Barbara Boxer is excellent. Hillary Clinton would be an excellent next President. Men (Bush) seem to jump us into war---women in my opinion want to talk & negotiate-----more women representation

!!!!!!! (less old white guys)

////////////////////////////////////



Fw: Nipomo Regional Park Master Plan

Adam Hill, Amy Gilman, Bruce Gibson,
Board of Supervisors to: Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

12/17/2012 08:18 AM

Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:17 AM -----

From: HARRY Walls <harrywalls@sbcglobal.net>
To: bos <boardofsups@co.slo.ca.us>
Date: 12/15/2012 09:00 PM
Subject: Fw: Nipomo Regional Park Master Plan

--- On Sat, 12/15/12, Ted and
Bel Wilkins
<tedbel@charter.net> wrote:

From: Ted and Bel Wilkins
<tedbel@charter.net>
Subject: Fw: Nipomo Regional
Park Master Plan

Date: Saturday, December 15,
2012, 5:51 PM

----- Original Message -----

From: Ted and Bel Wilkins
To: ekavanaugh@co.slo.ca.us

Sent: Saturday, December 15,
2012 5:49 PM

Subject: Fw: Nipomo
Regional Park Master Plan

I have lived in Nipomo for 15
years. An avid walker, I have
seen the open green spaces
where I enjoyed walking
disappear into housing
developments, one by one.
Only one open area is left:
the Nipomo Regional Park.
Now I see that you want to
take away that green belt! It is
disturbing, even
heartbreaking, for those of us

Item # 44 Meeting Date: 12/18/2012

Presented by: Maribel Wilkins

Received prior to meeting and posted to web
on: December 17, 2012

who get so much enjoyment from being part of nature. The steps that are being contemplated will do irrevocable damage to the quality of life in Nipomo. They will change the very nature of Nipomo forever. This once-lovely country town is slowly and surely being urbanized. Can't we at least keep one open area for nature lovers?

I agree that a recreational facility for the youth is desirable. Surely there are other locations...e.g., Old Town. There is an empty park sitting there, plus other open non-wooded space.

I urge you to vote against the Nipomo Regional Park Master Plan. Thank you.

Maribel Wilkins
810 Ten Oaks Way
Nipomo



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,
Cc:
Bcc:
Subject: Fw: nipomo park agenda item Dec 18
From: Board of Supervisors/BOS/COSLO - Monday 12/17/2012 08:18 AM
Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:18 AM -----

From: HARRY Walls <harryfwalls@sbcglobal.net>
To: bos <boardofsups@co.slo.ca.us>, ELIZABETH KAVANAUGH <ekavanaugh@co.slo.ca.us>
Date: 12/15/2012 04:15 PM
Subject: nipomo park agenda item Dec 18

Elizabeth Kavanaugh,

This is the cover letter to the 300 page spiral bound Community Input hand out that was delivered to your office 2 weeks before the Nov 6 BOS meeting. It was not posted with the agenda in the correspondence attachments section. Please post it for the Dec 18 BOS meeting. Thank You

Harry and Jackie
Walls



NPC November 6 BOS Park master plan vote pkt cover ltr.docx

Item # **44** Meeting Date: **12/18/2012**

Presented by: Harry and Jackie Walls

Received prior to meeting and posted to web on: **December 17, 2012**

November 6, 2012

Re: Nipomo Community Park Master Plan vote

Honorable Supervisors;

Today you will be voting on the Nipomo Community Park Master Plan. In making your decision we ask that you consider the enclosed community input that shows strong support to preserve the open space and rural character of the park

In 2004 a Parks and Recreation survey was mailed randomly to 3000 south county households; 522 were returned and combined with 51 surveys conducted on site for a total of 573. With respect to existing facilities, more than 60% supported an increase in walking/jogging/bicycling trails and restrooms. Between 50%-60% supported increases in children's play equipment, individual picnic areas, and parking. Between 40%-50% supported increases in group picnic areas and wilderness areas. The survey asked participants to list the biggest unmet recreational needs of their household. There were 448 written responses. The most common were hiking/jogging/biking trails and a swimming pool. Other needs included equestrian trails and an equestrian arena. Note that respondents had no option to vote for recreational facilities to be developed at any other site.

Subsequent workshops were held for the community's input. In the proposed improvements tabulations, 100% wanted to preserve the existing facilities and 91% wanted to preserve the existing oaks, open space, and multi-use trails. The summary of key items stated, " Preservation of existing facilities (e.g. open space, trails, ball fields, tennis courts, picnic area, off leash dog park, native garden, etc.) is important. Preservation of existing oaks and open space, while retaining existing multi-use trails, is important. New improvements should be concentrated within or adjacent to the existing developed portions of the park. Emphasis should be on providing activities for the children and youth, such as development of multiuse fields and trails. Multiple uses of existing fields and facilities is important. Enhanced safety at the park entrances off of Pomeroy a West Tefft is important"

The community's needs have changed since that survey with the addition of 2 schools, Nipomo High School and Dorthea Lange and declined enrollment. Nipomo H.S. has an Olympic sized swimming pool that is open to the public during the summer months, a football field stadium and track, a gymnasium with an indoor basketball court, a weight room, volleyball courts, 10 outdoor basketball courts, 6 tennis courts, 5 soccer/baseball fields, amphitheater, theater/forum room (available to the public), larger multi-purpose room (available to the public). These fields were built with County Park funds in a joint agreement with the School District in which the school would maintain them and the fields would be available to the public during off school hours and summer months. Dorthea Lange has a multipurpose room, 1 handball court, 4 outdoor basketball courts, 2 play structures, swings, several tether ball poles, and a multi-use field (see Appendix for listing of existing recreation in Nipomo). In economic tight times

it would be irresponsible to duplicate existing facilities for which there are no funds to maintain. Further, Lucia Mar School District has been experiencing declining enrollment since 2002. Enrollment in Nipomo's 5 schools is currently lower than during the 2004-2005 school year (see Appendix).

In 2002, Ride Nipomo, a local nonprofit equestrian organization, conducted a horse survey in Nipomo. There were approximately 1200 horses at that time and the number has since increased. As an equestrian community, we feel the retention, development, and maintenance of pathways and trails are important esthetic, recreational, and safety issues. Multi-use trails provide year-round safe recreational corridors for joggers, pet owners, hikers, cyclist, and equestrian of all ages. Retaining, maintaining, and accepting new trails needs to be a priority in our recreational planning. With the Master plan, 27.5 acres (1,197,786 sf) of open space and trails would be lost; with Alternate Plan A, 27 acres (1,172,786 sf) would be lost and 12 acres (510,168 sf) in Alternate Plan B.

In July 2004, the South County Advisory Council along with County personnel held a public meeting for input on the park plan. Several community members and the SCAC Board objected to the massive park build out in the 3 schemes proposed by the County. Pete Jenny, then the Parks Manager, advised the Board to approve an environmental impact report on the most dense design to cover all developmental options stating items could be eliminated later. The SCAC agreed to an EIR with the stipulation that a more passive design option be added and that the SCAC be allowed to make future changes. The County agreed. The Board of Supervisors needs to honor that promise. The community, members of 4 prominent locally based non-profits, and the elected Board members of the SCAC all endorse Master Plan Alternative B, the passive park plan.

In 2004 the County contracted with Nipomo Recreation Inc. to place a 4500 sf temporary daycare center, "Lil Bits, in the park. Appellant court case San Vicente etc.Sch.vCounty of L.A., 147 Cal.App.2d 79 found it illegal to place nursery schools in county parks (see court section). The County could be subject to litigation on this issue.

The following pages document the community's ongoing response to the Nipomo Park Master Plan. Please review the following items:

- 51 letters opposing the development of the rural section of Nipomo Park and the Master Plan
- 1 joint letter from 4 local nonprofits (Ride Nipomo, Save the Mesa, Keep Nipomo Rural, and Nipomo Parks Conservancy) opposing the development of the rural section of the park and the Master Plan.
- 2 letters from our elected South County Advisory Council under 2 different Chairpersons requesting a more rural park plan
- 511 signatures on a petition opposed to the development of the rural section of the park and the addition of additional ball fields, recreation center or daycare in the park.
- 13 newspaper articles regarding the park Master Plan
- Community vote tally on the Master Plan:
 - 1 Master Plan-full build out
 - 4 Alternate Plan A-less items and moving them around

57 Alternate Plan B-more passive, SCAC endorsed

51 No Change-leave park as is

2 Alternate B or No Change

Community vote tally for recreation center alternate sites:

27 A-Frontage and Sandydale

15 B-Tefft and Branch

8 C-Orchard and Division

7 D-Hill and Grand

33 Any of the 4 sites acceptable, not in the park

2 write in for Willow and Highway 101

- A copy of the Appellate Court case declaring nursery schools in county parks illegal

Everyone agrees recreation is a welcomed component to a community but it comes in many forms. We feel existing recreational opportunities for team sports already exists (see Appendix for list) while rural recreation for equestrian, joggers, cyclist, dog walkers and naturalists is diminishing with development. We feel the rural portion of the park provides low-maintenance year-round recreation for a variety of activities for people of all ages. One only needs to walk the park and observe the well worn trails to see how actively they are used. We recommend the use of one of the alternate sites suggested in the EIR for the proposed recreation center, the acceptance of land parcels from developers for future parks, some upgrades to the developed portion of Nipomo Park as listed in Alternative park plan B, and the rural section left as it is for the continued use by equestrians and nature lovers. Further, the illegal temporary preschool contract needs to be terminated and permanent preschool plans eliminated from the Master Plan.

Please support the community's plea to retain Nipomo Park's natural park that so uniquely reflects Nipomo's equestrian and rural character. Vote for Master Plan Alternate B, the more passive park development endorsed by the elected members of the South County Advisory Council and any of the 4 alternate locations for the recreation center.

Thank you for your consideration,

Harry F. Walls

Nipomo Parks Conservancy, President



Fw: Nipomo Park

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

12/17/2012 08:18 AM

Sent by: Amber Wilson

Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:18 AM -----

From: Janette Wesch <jwesch71@gmail.com>
To: boardofsups@co.slo.ca.us
Date: 12/15/2012 05:28 AM
Subject: Nipomo Park

Dear Board of Supervisors,

Please save the open space in Nipomo Park. Those of us who moved to this area because of it's rural quality and have seen open space chipped away by development, cherish being able to hike, walk the dog, ride a horse, or just sit in a safe spot and watch the birds. Our kids catch bugs, pretend they are Davy Crockett, use their imagination to entertain themselves without uniforms and coaches. **Once you pave Paradise, it's gone.**

We lived down the street from Nipomo Park for 17 years and used the open space every day. We moved up to the Mesa and miss the ability to walk in a non-paved area.

I know there are many families who want more organized sports fields and gyms, but open space is also important for young people to experience. The old timers know that kids were able to take off on a horse and ride all the way to the beach or up into hills on the East side before properties were fenced off and owners became too afraid of liability to allow trails through their property. Nipomo Park open space provides a little bit of that wonderful experience to kids today.

Please keep us from becoming just like every other Los Angeles neighborhood where you have to escape on a weekend to see open space. The people who have moved here and want to pave it, just don't know any better. You do.

Thanks for listening.

Have a happy day!

Janette Wesch

jwesch71@gmail.com

Item # **44** Meeting Date: **12/18/2012**

Presented by: Janette Wesch

Received prior to meeting and posted to web
on: **December 17, 2012**



Fw: Nipomo Park Conservancy - additional analyses of Master Park Plan & Plan EIR

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank
Mecham, James Patterson, Paul

12/17/2012 08:26 AM

Sent by: Amber Wilson

Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:26 AM -----

From: Cynthia Hawley <cynthiahawley@att.net>
To: boardofsups@co.slo.ca.us
Date: 12/14/2012 04:19 PM
Subject: Nipomo Park Conservancy - additional analyses of Master Park Plan & Plan EIR

Dear Chairperson Patterson and Supervisors,

Attached please find additional analysis related to the violations within the Nipomo Park Master Plan and the :

If you have any questions please feel free to contact me.

Sincerely,

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



Nipomo Parks Conservancy_addendum to comments re Park Master Plan.pdf

Item # **44** Meeting Date: **12/18/2012**

Presented by: Cynthia Hawley

Received prior to meeting and posted to web
on: **December 17, 2012**

ADDITIONAL ANALYSES SUBMITTED TO THE
SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS
REGARDING THE NIPOMO COMMUNITY PARK MASTER PLAN AND PROGRAM EIR
BY
THE NIPOMO PARKS CONSERVANCY
Prepared by
Cynthia Hawley
Attorney for Nipomo Parks Conservancy

Please note that the Nipomo Parks Conservancy continues to ask your Board to deny approval of the Park Master Plan and the Program EIR based on these analyses and the analyses previously submitted to you. The response to comments prepared by County staff does not address the issues raised and does not provide legal grounds for approval of the Plan or certification of the EIR.

Each Supervisor is bound by oath to uphold the California Constitution and approval of the Nipomo Park Master Plan would be a violation of the Constitution and that oath.

In these times the public is acutely aware of the misuse of public funds and property. To protect the public's money and property, the gifting of public property by public officials and agencies is banned by the California Constitution – a document each Supervisor is sworn to honor and uphold.

It is uncontested that the County is giving away public property and that approval of the Master Plan would approve the give-away in violation of the California Constitution.

The staff response to comments does not say that the Nipomo Area Recreation Association has been paying rent for use of the park and utilities for its pre-school. It does not refer to any record of billings or payments by NARA for the use of County property and County funded utilities.

The staff response states merely that the County may legally *lease* park land as long as the land/facility is used primarily for *public* recreation and enjoyment. That's true – but it's not the issue. The County is gifting these public resources and the staff response does not deny it.

The Nipomo Parks Conservancy informed you, and has entered evidence into the record showing, that the County is currently, and has been for years, giving away public property and resources to the Nipomo Area Recreation Association – the suspended nonprofit corporation associated with Supervisor Teixeira. Supervisor Teixeira was on the NARA board of Directors and now the County is involved in unconstitutional gifts of public property to NARA.

In addition, it is false that the NARA pre-school and the pre-school building is open to the public. Families pay for their children to attend the pre-school just as they do at any other pre-school and at comparable prices. The County's web site makes no reference to the pre-school building being open to the public for use. There is no evidence that individuals in the public can reserve the building or grounds for use. And the County's interpretation of case law is far off base. Applicable case law needing no interpretation shows that public parks must be used for public purposes and use of park property by an income-making pre-school is not a public use.

Approval of these unconstitutional gifts and illegal private use of public park land would be without authority, a breach of trust, and an abuse of discretion.

The EIR unlawfully allows for the future deletion of mitigation measures.

As discussed previously, section 11.0 of the EIR Findings states as follows:

The County reserves the right to make amendments to and/or substitutions of mitigation measures if, in the exercise of discretion of the County, it is determined that the amended or substituted mitigation measure will mitigate the identified significant environmental impact to at least the same degree of significance as the original mitigation measure it replaces, or would attain an adopted performance standard for mitigation, and where the amendment or substitution would not result in a new significant impact on the environment that cannot be mitigated.

This intent to change the adopted mitigation measures is made clear in Chapter 7 of the EIR "Mitigation Monitoring and Reporting Program" which qualifies the descriptions of multiple mitigation measures with the phrase "or similar measure" indicating that the adopted mitigation measures may be deleted and substituted by measures that have not been publically reviewed and adopted by the Board of Supervisors.

While post-adoption changes may be made to mitigations measures, the deletion and substitution of different mitigation measures must be reviewed and approved by the Board of Supervisors, must be based on a legitimate reason, and the statement of the reason must be supported with substantial evidence in the record. *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342

The findings that the Park Master Plan is consistent with the County General Plan are not supported by substantial evidence in the record and adoption of them would be an abuse of discretion.

In California, the General Plan is the constitution for land use planning. All development plans must be consistent with the policies and programs in the adopted general plan. Consistency is mandatory. It is well established that "[A]n action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552.

California's Code of Civil Procedure establishes at §1094.5 that the failure to support findings with evidence is an abuse of discretion. In this case the findings must be supported by substantial evidence in the light of the whole record.

Therefore, a finding that a project or plan is consistent with the general plan must be based on all aspects of the project in light of the whole record. An agency may not pick and choose aspects of a project and/or evidence in the record to analyze and leave other aspects and evidence out. In addition, the findings must be supported by substantial evidence that the project or plan will further the objectives and policies of the general plan and not obstruct their attainment.

An analysis of the Park Master Plan in relation to the various policies, objectives and programs within the County General Plan shows that the project lacks consistency. Some of these

inconsistencies were pointed out in the Nipomo Parks Conservancy's initial submittal of comments. The record shows multiple inconsistencies with the General Plan. The findings that the Master Plan is consistent with the General Plan are not supported by evidence in the record and are contradicted with facts and evidence in the record.

The findings of consistency with the General Plan do not consider all aspects of the project, do not further the objectives of the General Plan and obstruct their attainment.

Framework for Planning Policy 2.11 is to:

Provide adequate community amenities, parks, natural areas and trails in support of new development, which will support a high quality of life and a compact form of community development.

The finding that the Park Master Plan is consistent with this Policy is based on the statement that:

The project proposes the development and/or enhancement of various trails, park areas and natural areas at the NCP, consistent with this policy. While other neighborhood park areas are still needed in Nipomo, the project enhances those resources that are available at the existing park location. (EIR p. 3-11)

Analysis of the whole record and all aspects of the project shows that the proposed development will cause the loss of regional equestrian trails and natural areas, the loss of habitat for wildlife, and the loss of treasured and protected oak woodland among other things. There is no analysis of consistency in relation to these losses and when the loss of trails and natural areas is taken into consideration, it is clear that the project is not consistent with Policy 2.11 and the project should be denied as inconsistent with the General Plan.

It is important to note that Policy 2.11 establishes natural areas and trails as resources that support a high quality of life. Destruction of these trails and natural areas as proposed obstructs the attainment of that quality of life.

The finding that the Park Master Plan is consistent with the Inland RMS Framework for Planning Principle 4 and Policy 4.1 is not supported by the evidence. Here, Principle 4 is to "create walkable neighborhoods and towns." The Policy is to "plan ... parks... within convenient walking distances of neighborhoods..." Note that the Policy explicitly calls for multiple parks in multiple neighborhoods as a method of making access to parks and recreational facilities conveniently walkable.

The EIR states that the Master Plan does just the opposite – that it would create a park that concentrates "high-traffic generating" recreational facilities and leave other neighborhoods un-served (EIR p. 3-11) As a result of the concentration of recreational facilities, enough traffic from the un-served neighborhoods is expected to be generated to significantly impact traffic on the US 101/Tefft Street interchange southbound ramps (EIR p. 4.10-19) The permanent pre-school, administration building, sports fields, community center, amphitheater, swimming pool and (or) skate park are all classified as "high-traffic generating" facilities that will require major on- and off-site roadway infrastructure, realignments and widening, and traffic signals that will require the destruction of ancient oak trees and other habitat areas. That the EIR claims that traffic will be "mitigated" by the proposed road work and that other neighborhood parks could be built is not material to the fact that the Master Plan is not consistent with Principle 4 and Policy

4.1 – it does not “create walkable neighborhoods” and does not promote “parks... within convenient walking distances of neighborhoods...” The Master Plan would obstruct neighborhood parks by concentrating County resources and funding away from neighborhood parks into this central location. The Plan should be denied because it is not consistent with Principle 4 and Policy 4.1.

The County’s intent to provide neighborhood parks in the Nipomo area is strong and reiterated in multiple policies. Policy 14 of the Nipomo Urban Area Programs entitled “Neighborhood Parks” states that the County should work jointly with the Lucia Mar School District and the Nipomo CSD to develop neighborhood parks adjacent to new school sites and small parks throughout neighborhoods. The EIR finding that the Master Park Plan is consistent with this Policy lacks reality since by the County’s own account “[T]he project consolidates many of Nipomo’s recreational opportunities at one location” (EIR p.3-12) and it is not a joint project with the School District and the NCSD.

Policy 4.4 is to provide parks, natural areas and recreational facilities with new urban development to enhance a community’s quality of life and improve public health. The finding of consistency based on the idea that the Park Master Plan incorporates “...new and enhanced ...natural resource areas...” (EIR p. 3-11) is contradicted by the undisputed facts that the proposed project involves no new and enhanced natural resource areas but instead would urbanize what are now natural resource areas – aspects of the project improperly not considered. The proposed project would in fact obstruct the protection of existing natural areas.

Parks Goal 1 Objective A limits new and expanded parks to those on the Parks and Recreation Element Project List as follows:

Maintain and improve as well as provide new and expanded parks and recreation within the County consistent with Chapter 8 Parks and Recreation Project List and the County’s available funding.

The Nipomo Park Master Plan is not on that list.

Chapter 8 of the Parks and Recreation Element clarifies that the Project List is “...the County’s official list of park and recreation proposals” and that “[I]t is the policy of the County to implement the projects identified in this chapter through grant funding, capital improvement expenditures, or discretionary project revenue consistent with the objectives and policies contained within this element.”

The Project List was adopted by the Board of Supervisors within the Parks and Recreation Element in 2006 and the Element explicitly states that the List will need to be updated periodically, that the “...Parks and Recreation Commission may make minor additions to the Project List...”, and that deletions from the List can only be made by the Board of Supervisors. Given that it is an adopted Objective to improve, provide and expand parks consistent with the Project List, the Park Master Plan should be denied because it is not on the list.

Since the adopted Objective is to implement the park projects on the Project List, development of the Park Master Plan which is not on the Project List obstructs that Objective directly and diverts funds from the neighborhood parks that are on the Project List.

The finding of consistency with Objective A is not supported by facts in the record.

The EIR violates CEQA because it fails to provide the required “no project” alternative.

At §15126.6(e)(2) the CEQA Guidelines require specific content to be included in an analysis of the “no project” alternative. This section states that the “no project” analysis must discuss the existing conditions at the site and must discuss “... what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” As you know, the site of the proposed urban park development is the existing rural, passive recreation regional park. Subsection (e)(3)(A) addresses this situation specifically as follows:

When the project is the revision of an ongoing operation, the “no project” alternative will be the continuation of the existing ... operation into the future. ... Thus, the projected impacts of the proposed plan ... would be compared to the impacts that would occur under the existing plan.

The EIR violates this requirement because it provides no such analysis. There is no analysis of the impacts of not destroying oak woodlands and the existing equestrian, walking and jogging trails. There is no analysis of the consistency of the “no project” alternative with the elements of the County’s General Plan. There is no analysis of the impacts of the “no project” alternative on the overdrafted groundwater basin. Such an analysis would show a reduction in water use of 22 acre feet a year if the County also implemented water saving conservation measures in the existing park.

It is critical to realize and take actions consistent with the fact that the Nipomo groundwater basin is being depleted by current use.

Current use is drawing the level of Nipomo’s groundwater down, year by year. Because of this, saying that the proposed park development will have no net increase in water use is meaningless. Even if the “paper water” calculations were valid to show no net increase – which they are not – no net increase is not material under the circumstances. What is meaningful is renovating the park water system that is currently *wasting 50% of the water used*. (See below for discussion of paper water and 50% waste.)

Under the circumstances of overdraft by current use and the potential for irrevocable harms to the water basin caused by seawater intrusion and subsidence, an ongoing 50% waste of water used in the park is in itself a waste and unreasonable use of water and an ongoing and continuing abuse of the County’s discretion and duty to protect the water resources pursuant to the General Plan Framework for Planning Resource Management System.

The EIR relies on what is well established by the courts as “paper water”.

The California Supreme Court stated in *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412 that:

“...the future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations (“paper water”) are insufficient bases for decisionmaking under CEQA. An EIR for a land use project must address the impacts of *likely* future water sources, and the EIR’s discussion must include

a reasoned analysis of the circumstances affecting the likelihood of the water's availability.

Five years ago in September 2007, the Nipomo Community Services District audit of Nipomo Park water use showed that the County was using twice as much water as needed for irrigation. According to the EIR, current water use for irrigation is approximately 44 acre feet a year. The CCSD suggested conservation measures would save \$26,445 a year. In spite of groundwater depletion by current use, the irrigation system remains the same and half of the water drawn is wasted by inefficiencies, outdated technologies and lack of conservation measures.

Today, the County relies on this 22 acre feet of water currently being wasted as the source of water for the new sports field turf.

This is what the courts call "paper water". On paper the EIR rationalizes that there will be no net use of water because the County will use what it is now wasting to water the new sports fields. This method might work if the groundwater basin were not being depleted by current use.

But the NCSD has made it clear that "[S]imply conserving water is not enough..." Even with conservation, "...we are still using twice as much water as is being replaced by rainfall." (Our Water Problem pamphlet by NCSD.) This means that there is a huge gap between the water that is being used and what can be delivered in the long term. In addition that gap is growing with existing uses with existing saltwater intrusion into the aquifer and the threat of subsidence.

Under these conditions it is wholly unreasonable that the County knew it was using twice the water needed – 22 acre feet a year – and for the last five years failed to implement efficient technologies and conservation measures as required by its own policies and as requested by the Nipomo CSD. Instead, the EIR now counts on the ongoing waste as water that can be used on the new sports fields with no net increase in water use. Paper water.

The EIR does not explain how the long term demand for water by the proposed projects in the Park Master Plan is likely to be met by the diminishing groundwater resource.

While the EIR identifies the Nipomo groundwater basin as the water source, it does not explain, as required by CEQA, how the long-term demand created by the project will be met by the already overdrafted basin.

The EIR does not analyze reasonably foreseeable impacts of supplying water to the project.

According to the California Supreme Court in *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 421, 434, the ultimate question under CEQA is whether an EIR "...adequately addresses the reasonably foreseeable *impacts* of supplying water to the project." (Emphasis in original.) This rule is applicable to an environmental review of a conceptual plan as with the Park Master Plan.

The EIR recognizes that the Nipomo groundwater basin is the source of water for the project, that the basin is in overdraft, and that, by certification of Level of Severity III within the Resource Management System, water use in Nipomo has exceeded the capacity of the water resource. The staff response to comments recognizes that seawater intrusion exists in the aquifer and that there are depressions in the groundwater level that may cause subsidence of the basin.

However the EIR does not analyze any of the reasonably foreseeable impacts to the groundwater basin of supplying water to the proposed projects within the Park Master Plan. Some of these foreseeable impacts were discussed in NPC's previous analyses including but not limited to saltwater intrusion, basin subsidence and loss of water to the many other users in the basin.

Seawater intrusion is real, has devastating effects on groundwater, and failing to protect public water resources from seawater intrusion is a violation of law.

According to the County of Monterey, seawater intrusion in the Salinas River basin has resulted in the degradation of groundwater supplies, requiring numerous urban and agricultural supply wells to be abandoned or destroyed.

The Nipomo CSD states in a brochure that the threat of seawater intrusion is "here and now". According to the brochure, seawater intrusion was detected in Los Osos in 1985 a mile inland from the ocean and, while the County continued to issue permits for additional water extractions in violation of its Resource Management System, by 2009 had advanced a second mile. In Oceano, seawater intrusion was identified one half mile inland in 2009 – one mile from its municipal wells.

The County Board of Supervisors is responsible for protection of the public health, safety, and welfare. By the General Plan Framework for Planning Resource Management System, the County has the duty to protect resources from depletion. Approval of the Park Master Plan would be a failure to protect public water resources in violation of the Board's constitutional duty to protect the public health, safety and welfare and a violation of the Resource Management System.

The EIR does not discuss reasonably foreseeable alternative water sources or reduction in the scope of the project.

The California Supreme Court in *Vineyard* as cited above also clarified CEQA §21100(b) in that "[I]f the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives—including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases—and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact."

While the EIR acknowledges the overdrafting of the groundwater basin, it does not discuss any reasonably foreseeable alternative water source and it does not discuss reducing the project. It fails to acknowledge the alternative of not adding any additional draw on the water basin by expanding the use of existing sports facilities as described and planned for in the Joint Use Agreement between the County and the Lucia Mar Unified School District.

The findings of less than significant impacts related to specific resources are premature and unsupported by facts and evidence in the record.

The EIR repeats the fact that the Park Master Plan is only at the concept level. The possible impacts described are speculative because the project elements are not designed, and impacts of the un-designed project elements are unknown. The findings of less than significant impacts

related to construction and operation of the Park Master Plan should not be certified because they are not supported by facts and evidence in the record of this Program EIR of a conceptual long term plan.

As stated in the EIR, the project specific elements must undergo future tiered EIRs to address the specific project related impacts of construction and operation of the project. It is within the project specific EIRs that information about project design, siting, construction and operation will be known and can be analyzed to form conclusions and findings related to the impacts of construction and operation of the project.

At this time – based on analysis of the conceptual Master Plan – it is premature to make the recommended ultimate findings that construction and operation of the entire Park Master Plan will have no significant impacts on the environment and the EIR should not be certified.

The procedural requirements related to the Nipomo Park Master Plan are unclear.

It is unclear how the project has reached the Board of Supervisors without prior approvals.

First, the Nipomo Park Master Plan was not approved by the Board of Supervisors to be included on the Parks and Recreation Element Project List – the County’s official list of selected park projects. As discussed elsewhere in more detail, Parks Goal 1 Objective A limits new and expanded parks to those on the Parks and Recreation Element Project List.

Second, the Nipomo Park Master Plan has not been approved by the Board of Supervisors as a capital improvement project. It is not on the list of capital improvement projects through fiscal 2017. Although it is also discussed as a long range plan, it is not being presented or approved as a long range plan. The Board is being asked to approve a “project”.

Also, as discussed in NPC’s previous analyses, the EIR is contradictory as to how the process will continue.

While the EIR is described as a Program EIR with subsequent project specific EIRs to follow, the process described in the text of the EIR indicates that this is the only time this project will be before the Board of Supervisors. According to the EIR, later project-specific designs and environmental effects will be reviewed by staff prior to construction.

Based on the lack of prior approvals, and the confusion and contradictions in the EIR related to future approvals of specific projects within the Master Plan, the Nipomo Park Conservancy is concerned that the project specific designs will not be brought back to the Board of Supervisors for approval as part of the capital improve plan and budget and for review of consistency with the general plan elements and of environmental impacts once the impacts are known. The EIR should not be certified until the past lack of procedural approvals and what procedures will be carried out in the future are clarified.

The Board of Supervisors must make a finding that the proposed buildings and structures are consistent with the general plan.

Government Code §65402(a) states in pertinent part as follows:

If a general plan or part thereof has been adopted ... no public building or structure shall be constructed or authorized ... until the location, purpose and extent of such ... public

building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.”

In this case, the location, purposes, and extents of the buildings and structures proposed in the Park Master Plan to be authorized by the Board of Supervisors have not been submitted to and reported upon by the Board of Supervisors or any other County planning agency body as to conformity of the proposed buildings and structures with the South County Inland Area Plan, Inland Framework for Planning Resource Management System, Conservation and Open Space Element, or the Parks and Recreation Element of the County General Plan including.

There is no report in the record provided to the public that analyzes and concludes whether the buildings and structures including the community center and gymnasium, swimming pool, skate board park, ball fields structures including lighting, and other structures and lighting, conform to the adopted parts and elements of the County’s General Plan.

According to Government Code §65402(a), the Board of Supervisors lacks the authority to authorize the buildings and structures in the Park Master Plan until a report showing conformity of the locations, purposes and extents of the buildings and structures with the various elements of the General Plan has been provided.

The County’s Response to Recently Received Comments does not address the violations analyzed by the Nipomo Park Conservancy.

The County does not contradict or provided evidence to disprove the analyses showing that the project is inconsistent with General Plan elements or the analyses showing violations of the California Constitution and the County General Plan elements.

The County’s response does not argue against or contest the analysis showing that approval of the Park Plan would be a violation of Article X §2 of the California Constitution.

The County’s response does not address the violation of Article X §2 of the California Constitution related to unreasonable use of water within the context of the ongoing depletion of groundwater due to current uses. Irrelevant to the issue, it states the unsupported conclusion that use of water for public recreational facilities is a reasonable and beneficial use of water.

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

The County reasons in its response to this issue that since

1. standards “apply to all proposed development and new land uses”
2. compliance with standards is required for a land use permit
3. no permit is required for a public works project, and
4. Therefore, public works projects are not subject to standards.

This is a logical fallacy. Where compliance with standards is required for issuance of a permit, exemption from a permit is not an exemption from standards.

If this were true, the same could be said for compliance with the general plan or compliance with the Local Coastal Program: Since compliance with the general plan and the LCP is required to

get a land use permit and public works projects don't need permits, public works projects are not subject to compliance with the general plan and the LCP. We all know this is not the case.

The faulty reasoning also does not work for the standards which – according to the general plan and the LUO – apply to all new land uses without the explicit exemption provided to public works projects for land use permits.

The EIR should not be certified and the Plan should not be approved because the EIR misinforms the public and decision makers as to exemption of public works projects from standards and neither the EIR nor the Park Master Plan has been analyzed for compliance with required standards.

The County's response does not address the issues raised related to the EIR's failure to inform the public and decision makers of potential impacts before the decisions are made to approve the project and certify the EIR.

The County states that “[T]he analysis in the EIR corresponds to the depth and detail of available information.” The depth of detail is “... assumptions regarding design, area of impact, and operations, assuming a worst case scenario... .” That is, the available information about the project design and its impacts on the environment are assumptions. Exhibit A of the Nipomo Community Park Master Plan clarifies that “[T]his PEIR is an informational document that was used by the general public and governmental agencies to review and evaluate the Master Plan.”

The EIR reviews and evaluates the Master Plan which is based on assumptions regarding design, impacts, and operations. The Master Plan is entirely conceptual as repeated in the EIR and project specific information is not available within the conceptual Master Plan.

The problem is that the EIR findings exceed the scope of information provided in the conceptual plan and the assumptions of designs and impacts. The findings are not limited to appropriate findings that reflect a conceptual plan based on design and impact assumptions.

The problem is that the EIR makes findings that construction and operation of the project will not cause significant impacts on the environment when no information is available in the Master Plan description about construction and operation of the project.

This puts the cart before the horse – puts the findings before the information and analysis to support the findings is available – and it is illegal. The law requires that all findings must be supported by facts and evidence in the record and CEQA specifically requires that the public and decision makers must be informed about the impacts of a project before decisions are made to approve a project and certify its EIR.

What's more, the EIR then states that, after the findings of no impact are made, and at the time when the project designs are complete, analyses of conformance with the general plan and analyses of environmental impacts are to be carried out by staff, outside of the required public review processes. This procedural sequence of:

1. certification of findings of no significant impact caused by construction and operation of the project,
2. project design and impact analyses,
3. approval of design and impact analyses by staff without public hearing

is a violation of multiple laws including, but not limited to, the General Plan, the Government Code, the Code of Civil Procedure, the California Environmental Quality Act, and common law and statutory due process.

The County does not support its statement that “[I]t is within the Lead Agency’s authority to review the evidence and conduct additional CEQA review based on existing conditions, the level of detail provided in the Program EIR, and the specific details of the subsequent project” with any statute, regulation or case law.

The EIR must be re-drafted to make findings consistent with the conceptual plan based on assumptions.

The County’s response fails to address the issues raised by NPC related to analysis of the impact of the project on seawater intrusion, subsidence, and current unsustainable yields.

The crux of the County’s response is as follows:

Analyzing the effects of seawater intrusion, unsustainable yields, and disruption of existing local water supplies is outside of the scope of the EIR, because implementation of the project would not result in these effects.

This rationale rather begs the question – how does the County know the project would not result in these effects if it has not done the analyses to find out?

The County does not address the fact that the EIR violates CEQA because it does not apply the adopted thresholds of significance.

The County misses the point in its response to NPC’s analysis showing that the County’s findings of no significant impacts to water resources contradict 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.

In its response the County states that it did consider the adequacy of the water supply in that, since the “...project would result in additional demand for water services, mitigation is provided to address this impact and ensure that implementation of the project would not require the use of additional potable water supply beyond existing conditions.”

The point is that the EIR concludes that significance of impacts to water is not related to the amount of water to be used but to the adequacy of the supply. The County defends itself by admitting the problem – that its finding of adequacy is based on the amount of water it proposed to use, not on the adequacy of the supply.

The County misses the point in its response to the fact that EIR fails to provide information about and analyze alternative sites for the proposed project.

The County provides no legal basis for failing to provide an analysis of alternative sites. It's only claim is that the project is to develop Nipomo Park and consideration of alternative sites "does not meet the rule of reason." Apparently the purpose is not to provide the community with recreational opportunities as listed on its Project List at walkable neighborhood parks with the least impacts to protected rural trails, habitat and species. The purpose is to develop the Nipomo Regional Park as an urban community park.

As discussed in NPC's previous analysis, CEQA requires alternative site analysis. The issue is the public purpose of protecting environmental resources and ownership of the land where the project is planned to be carried out does not eliminate the requirement for analysis of an alternative site. An EIR for development of a shopping mall on a parcel must provide an analysis of alternative sites for the mall. Ownership of the parcel is of lesser significance than the public purpose of minimal harm to the environment.

The County must provide an analysis of an alternative site.

The County misses the point in its response to NPC's analysis of the failure to analyze the effects of killing and removing oak trees within the oak woodland on climate change as specifically required by CEQA.

The point is that at this time, after the planet's forest cover has been radically diminished by incremental deforestation, even cutting individual trees represents a contribution to global warming. The threat of climate change is now. It is imminent. The impacts to the imminent threats to climate change due to the loss of trees will not be mitigated by planting seedlings that will take decades to mature.



Fw: Nipomo Park

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank Mecham, James Patterson, Paul
12/17/2012 08:26 AM

Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:26 AM -----

From: Camille Nordwall <camille@surfwalls.com>
To: boardofsups@co.slo.ca.us
Date: 12/14/2012 03:42 PM
Subject: Nipomo Park

Dear Board of Supervisors,

We should not have to choose between natural open space and children / youth and community services. We need both! There are many, many other locations within Nipomo that would better facilitate these amenities. The Park, untouched by development boasts oak trees that are easily a hundred years old and can never be replaced. If we "pave paradise and put up a parking lot" who will mourn for the loss? My family, I, nature itself and many other residents would.

I have walked with my children through that native open space and pointed out teeming wildlife, animal prints, native plants and trees. We have told fun stories, pretending that we are Chumash Indians in search of game. The imagination soars in that jewel of a place. Walking through this lovely gift of nature, restores, heals and invigorates the mind and soul. People from all around Nipomo, take quick rejuvenating hikes through Nipomo Park wild open space.

Having seven children, that have grown and are growing up in Nipomo, I would call myself a native. You might even call me a bygone hippy, but there needs to be a place for everyone! Please consider my plea and give the children what can never be put anywhere else.

Again, we are not asking you to make a choice in whether the children need these amenities... we are asking you to locate them in a place that will not cause grief and regret to a good part of the Nipomo residents. Most people that I talk to that are in favor of the development of the Park have never heard that there are other, better locations for the community center, gym, recreation center and other amenities they feel are needed.

The traffic, uncontrolled access, noise, night time light pollution and other difficulties could be alleviated if they would spread out these facilities throughout Nipomo, instead of trying to cram as much as possible into the Park.

Law enforcement cringes when they think of what could happen as a result of the development.

Please, consider saving this pristine, native, open space for the children who will become the next generation of adults here. Please let the children be able to say, we have this beautiful place that is quickly accessible, to commune with nature and restore our souls.

AND we also have a terrific recreation center and other great amenities here in Nipomo. Not we use to have this beautiful native open space when I was a child.....

Thank you for your consideration!

Camille Nordwall
741 Pomeroy Rd

Item # **44** Meeting Date: **12/18/2012**

Presented by: Camille Nordwall

Received prior to meeting and posted to web
on: December 17, 2012

Nipomo, CA 93444
805-929-5774



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,
Cc:
Bcc:
Subject: Fw: Nipomo Community Park
From: Board of Supervisors/BOS/COSLO - Monday 12/17/2012 08:27 AM
Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:27 AM -----

From: HARRY Walls <harryfwalls@sbcglobal.net>
To: ELIZABETH KAVANAUGH <ekavanaugh@co.slo.ca.us>, boardofsups@co.slo.ca.us
Date: 12/17/2012 08:26 AM
Subject: Fw: Re: Nipomo Community Park

This was omitted from the Dec 18 BOS correspondence section of the agenda. Please post
 Thank you
 Harry and Jackie
 Walls

--- On **Wed, 11/14/12**, **Jeanne Taylor <nipomojeanne@att.net>** wrote:

From: Jeanne Taylor <nipomojeanne@att.net>
Subject: Re: Nipomo Community Park
To: "HARRY Walls" <harryfwalls@sbcglobal.net>
Date: Wednesday, November 14, 2012, 4:38 PM

we'll see.....so much is happening in the next couple of months.
 waiting now for call from doc, ref: surg. tomorrow. Doing my left eye
 at French Hosp.

Jeanne (*_*)

On 11/14/2012 1630, HARRY Walls wrote:

:

From: Jeanne Taylor <nipomojeanne@att.net>
Subject: Nipomo Community Park
To: "SLO Super Mecham" <fmecham@co.slo.ca.us>, "SLO Super Gibson" <bgibson@co.slo.ca.us>, "SLO Super Hill" <ahill@co.slo.ca.us>, "SLO Super Patterson" <jpatterson@co.slo.ca.us>, "SLO Super Teixeira" <pteixeira@co.slo.ca.us>
Date: Wednesday, November 14, 2012, 3:05 PM

Dear Sirs:

Item # **44** Meeting Date: **12/18/2012**

Presented by: Harry and Jackie Walls

Received prior to meeting and posted to web
 on: **December 17, 2012**

I personally wish to thank you for your support of our pending Jack Ready Park. This is a much needed venue for those of Nipomo and the surrounding areas. I am very familiar with the special needs/handicapped park in Fresno and the advantages it holds for the children and their parents/guardians, of the area. The park in Fresno, is also utilized by everyone, not just those with 'special needs'.

Jack Ready Imagination Park Update

A special thank you to the San Luis Obispo County Parks Commission and the County Board of Supervisors for the recommendation and approval of \$532,500 in available park funding committed to the Jack Ready Imagination Park. These funds bring us so much closer to breaking ground and commencing the construction of our dream park.

I am extremely disappointed to learn of the EIR and Master Plan for our rural Nipomo Community Park. I recently learned of a 'survey' that was conducted some time ago. Apparently I am not a "random" postal customer, although I certainly am an "occupant and/or resident" when it comes to receiving mail via the United States Postal Service.

One of the reasons I purchased a home in Nipomo, was the quaint community park; the access to and availability of the functions in the park were and are a big plus to my family, friends neighbors, and myself.

I grew up across the street from Upland Memorial Park. We created ways to entertain ourselves - the word "Board" was never in our vocabulary.

The high school and other venues in the area had public swimming pools, ball fields, and other activities.

Please take a look at the after school activities listed for Nipomo High School at *nhstitians.org* . The local elementary schools also provide after school activities, as do your non-profit groups, such as Camp Fire Girls & Boys, Girl Scouts, Boy Scouts of America, FFA, FHA, 4-H, church youth groups, etc.

I sincerely wish that you take another look at what the residence of Nipomo want and need.

Thank you for your consideration in this matter,
Jeanne M. Taylor



Fw: URGENT: MEETING 9am on Nov 6th, Master Plan for the Community Park

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson, Cherie Aispuro, Debbie Geaslen, Frank Mecham, James Patterson, Paul
12/17/2012 08:28 AM
Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:27 AM -----

From: HARRY Walls <harryfwalls@sbcglobal.net>
To: ELIZABETH KAVANAUGH <ekavanaugh@co.slo.ca.us>, bos <boardofsups@co.slo.ca.us>
Date: 12/14/2012 02:39 PM
Subject: Fw: Re: Fw: URGENT: MEETING 9am on Nov 6th, Master Plan for the Community Park

please post on Dec 18 BOS agenda for Nipomo Park Thanks

Harry and Jackie
Walls

--- On **Sat, 10/27/12**, carole brown <barnlion@gmail.com> wrote:

From: carole brown <barnlion@gmail.com>
Subject: Re: Fw: URGENT: MEETING 9am on Nov 6th, Master Plan for the Community Park
To: "HARRY Walls" <harryfwalls@sbcglobal.net>
Date: Saturday, October 27, 2012, 8:19 PM

On Fri, Oct 26, 2012 at 11:10 PM, HARRY Walls <harryfwalls@sbcglobal.net> wrote:

--- On **Fri, 10/26/12**, carole brown <barnlion@gmail.com> wrote:

From: carole brown <barnlion@gmail.com>
Subject: Re: Fw: URGENT: MEETING 9am on Nov 6th, Master Plan for the Community Park
To: "HARRY Walls" <harryfwalls@sbcglobal.net>
Date: Friday, October 26, 2012, 5:01 PM

I just wrote a letter and sent the blanket email to all the supervisors. Anyone need a template?

On Fri, Oct 26, 2012 at 3:10 PM, HARRY Walls <harryfwalls@sbcglobal.net> wrote:

Item # **44** Meeting Date: **12/18/2012**

Presented by: Harry and Jackie Walls

Received prior to meeting and posted to web
on: **December 17, 2012**

Hi NPC members and supporters,

This email went out to all the people who want the park built out. If you want to combat that you need to show up to the Nov 6 meeting AND send a letter or e-mail RIGHT NOW.

Remember the email need not be long, numbers count. Let the county know you want a rural park and the rural section left alone. Speak up. This is your last chance. PLEASE send an email. If you come to the meeting you need not speak. Someone will ask all the people in the audience who want a rural park to stand up. You can have a voice without saying a word. Plan to come and bring a friend. Thanks Jackie

Harry and Jackie
Walls

--- On Fri, 10/26/12, Nipomo Area Recreation Association <nipomorecreation@gmail.com> wrote:

From: Nipomo Area Recreation Association <nipomorecreation@gmail.com>
Subject: URGENT: MEETING 9am on Nov 6th, Master Plan for the Community Park
To: harryfwalls@sbcglobal.net
Date: Friday, October 26, 2012, 2:10 PM

Having trouble viewing this email? [Click here](#)

Like us on facebook to stay informed on the Master Plan for the Nipomo Community Park! www.facebook.com/nipomorec

Please post this attachment to the BOS dec 18 agenda for nipomo Park Thanks

Steven McMasters, EIR Project Manager smcmasters@co.slo.ca.us

- * District 1 Frank Mecham fmecham@co.slo.ca.us
- * District 2 Bruce Gibson bgibson@co.slo.ca.us
- * District 3 Adam Hill ahill@co.slo.ca.us
- * District 4 Paul Teixeira pteixeira@co.slo.ca.us

* District 5 James Patterson

jpatterson@co.slo.ca.us



NIPOMOpark horses.doc

Dear Board Members:

First and foremost, being an equestrian who rides in Nipomo and in Nipomo Park trails, it is my request that horse owner's and those who wish to keep horses in our community, have a VOICE and be a huge influence in keeping Nipomo Park (and Nipomo) horse friendly.

Horse owners, are very respectable, intelligent, tax paying citizens who are fighting for a cause in which we believe will negatively impact the horse community forever. Experience proves once it's gone....it doesn't come back. Horse back riders have a very long history here. Our central coast equestrian community has to fight tooth and nail to keep trails and fun places to ride from being squeezed out of existence. Sadly, this is another one of those circumstances.

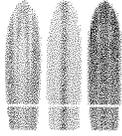
Don't take away or minimize our ability to enjoy good, clean, family recreational fun by fazing us out. Provide us with the necessary areas and meet our safety concerns... and let those of us who know our needs, have their say-so in the planning of these huge projects.

Thank you kindly for allowing me to submit my request for keeping Nipomo Park and Nipomo horse friendly. Please don't shun the equestrian base of people and their needs. Let's take care our own people first.

Keep Nipomo Park horse friendly and safe.

Sincerely,

Carole Brown



Support for Master Plan for Nipomo Community Park, Attention: San Luis Obispo Board of Supervisors Meeting on Tue, Dec 18, 2012

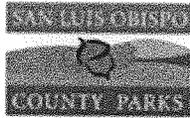
Elizabeth Kavanaugh to: Paul Teixeira, Frank Mecham, Bruce Gibson, Adam Hill, James Patterson

12/17/2012 08:50 AM

Cc: Curtis Black, Shaun E Cooper, cr_board_clerk Clerk Recorder

Another letter on the Park Master Plan.

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



Think Outside!

----- Forwarded by Elizabeth Kavanaugh/GenSrvcs/COSLO on 12/17/2012 08:46 AM -----

From: Steve McMasters/Planning/COSLO
To: Elizabeth Kavanaugh/GenSrvcs/COSLO@Wings, Shaun E Cooper/GenSrvcs/COSLO@Wings
Date: 12/17/2012 08:02 AM
Subject: Fw: Master Plan for Nipomo Community Park, Attention: San Luis Obispo Board of Supervisors Meeting on Tue, Dec 18, 2012

I don't know if this has gone to the Board yet...

----- Forwarded by Steve McMasters/Planning/COSLO on 12/17/2012 08:01 AM -----

From: Pat Veronese <patveronese@hotmail.com>
To: "smcmasters@co.slo.ca.us" <smcmasters@co.slo.ca.us>
Date: 12/16/2012 01:58 PM
Subject: Master Plan for Nipomo Community Park, Attention: San Luis Obispo Board of Supervisors Meeting on Tue, Dec 18, 2012

Attention: Board of Supervisors, San Luis Obispo – Meeting Tuesday, 12/18/12
RE: Master Plan for Nipomo Community Park

We support Alternative Master Plan "A" for Nipomo Community Park. Future development should serve the entire community as a whole not special interest groups that are lobbying for a plan that supports their personal agenda.

The available combined space of the Park, the Nipomo Native Garden, and Mesa Meadows should be adequate to provide recreation for everyone in the community. The space is centrally located in Nipomo which makes it ideal for a planned recreation development.

Item # **44** Meeting Date: **12/18/2012**

Presented by: Pat & Tom Veronese

Received prior to meeting and posted to web on: **December 17, 2012**

The proposed amenities such as a skate park and Recreation Center would give young people a healthy, safe environment for recreation and encourage exercise and learning. A central location would reduce the need for a broader patrol area with regard to our law enforcement resources.

Please note, in a recent Neighborhood People Stats Report dated 10/2/2012 the Population of Children in Nipomo are: Toddlers 1,069, Elementary School 1,052, Middle School 1,128, and High School 837. We hope the Board will consider this population base in their final decision.

We retired to Nipomo however have lived in other locales where the Parks & Recreation provided a centralized recreational facility/learning center for the residents and it was a valuable asset to the community and actively used.

Thank you for considering everyone in our community.

Very Sincerely,
Pat & Tom Veronese
Nipomo, CA
Cell No. 805.264.8144



Fw: paso groundwater basin report
Amy Gilman to: cr_board_clerk Clerk Recorder

12/17/2012 09:45 AM

Good morning, please post.

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 08:18 AM -----

From: Maria Lorca <maria7551@charter.net>
To: boardofsups@co.slo.ca.us
Cc: choward@co.slo.ca.us
Date: 12/14/2012 05:00 PM
Subject: paso groundwater basin report

Supervisors,

I am astounded to see that the well level reports for the basin are not included in your staff report. Great effort went into the production of that information.

Why was it left out ?

Those of us dependent upon wells in the basin need to have this information disclosed and discussed at your December 18th meeting.

Fair management of the basin is a top priority for rural residents. Even if enough expensive water can be developed over the next 15 years to stabilize the

basin's overdraft, pouring it in won't solve anything without management of the pumping. Without management we will only be trying to fill a bucket full of holes.

Please make discussion of the well levels a priority on the 18th.

Sincerely,

Maria Lorca
PO Box 502
Creston, CA 93432

Item # **44** Meeting Date: **12/18/2012**

Presented by: Maria Lorca

Received prior to meeting and posted to web
on: **December 17, 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,
 Cc:
 Bcc:
 Subject: Fw: Contact Us (response #2278)
 From: Board of Supervisors/BOS/COSLO - Monday 12/17/2012 09:51 AM
 Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 09:51 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>
 To: "BoardOfSups@co.slo.ca.us" <BoardOfSups@co.slo.ca.us>
 Date: 12/17/2012 09:50 AM
 Subject: Contact Us (response #2278)

Contact Us (response #2278)

Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	http://www.slocounty.ca.gov/bos/BOSContactUs.htm
Submission Time/Date:	12/17/2012 9:49:56 AM

Survey Response

Name:	Jennifer Jozwiak
Telephone Number:	805-503-0733
Email address:	girlonabike@hotmail.com
	Greetings, esteemed Board of Supervisors. My name is Jennifer Jozwiak, Nipomo resident of five years. I'm writing to show my opposition to the build out and final draft EIR of the Nipomo Community Park for several reasons. I do not approve of paving over this beautiful, natural space. The first reason is the park is natural and beautiful. Nipomo Community Park is one of very few naturally landscaped (wild) parks in the South County. It has grasses, Native California Peonies, sagebrush, coastal oaks and many more native plants. It is one place where you can walk without sidewalks, noises, and other aspects of paved parks and enjoy natural scenery. The second reason is that other parts of Nipomo are unsafe for recreation. I live in downtown Nipomo, and I often ride my bike or drive to the park because it's safer than walking around my neighborhood. In my neighborhood and on Dana Foothill Road (public streets!), I am frequently chased by ranch dogs, German shepherds, and dachshunds. Yes, even small dogs chase and bite ankles. I often see other dogs off leash like pitbulls and Chihuahuas in the downtown area. Hence, I do not feel safe walking or riding around my own neighborhood. I feel much safer going to the park to

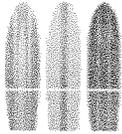
Item # **44** Meeting Date: **12/18/2012**

Presented by: Jennifer Jozwiak

Received prior to meeting and posted to web on: **December 17, 2012**

Comments or questions (8,192 characters max):

walk or hike. Another reason is that there are many open and vacant lots downtown that would be better used as recreation area. For example, there are several vacant lots downtown such as the lot off Thompson Road at Price Street, or the Jim Miller Park (still vacant). There are more vacant lots off of Tefft near Thompson and even more vacant lots on the Mesa or off of Frontage Road. These vacant areas are an eyesore and could be utilized for recreation by Nipomo Residents. Build the recreation areas where the children live and need recreation—downtown. Why destroy a natural area when other areas would suffice? Lastly, there is no need to build additional facilities when others exist. For instance, the schools already have basketball courts, tennis courts, soccer fields, a pool, and football fields for kids to play. More agreements need to be put in place with Lucia Mar School District so the community can use these facilities more frequently. However, one thing that doesn't currently exist is a skate park, and this skate park could be built downtown in one of the vacant lots. Build the skate park in the neighborhood where the kids live and want to play. In sum, there is no good reason to pave over a beautiful natural space when better options exist, options that would benefit deserving members of the community—the kids that live in downtown Nipomo. Sincerely, Jennifer Jozwiak 200 S. Burton St. Nipomo



Fw: Nipomo Park Plans

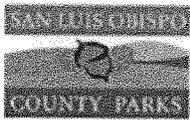
Elizabeth Kavanaugh to: Paul Teixeira, Frank Mecham, Bruce Gibson, Adam Hill, James Patterson

12/17/2012 10:16 AM

Cc: Curtis Black, Shaun E Cooper, cr_board_clerk Clerk Recorder

another NCP Maser Plan letter

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



Think Outside!

----- Forwarded by Elizabeth Kavanaugh/GenSrvcs/COSLO on 12/17/2012 10:13 AM -----

From: "Nora Jenae" <njjenae@sbcglobal.net>
To: <ekavanaugh@co.slo.ca.us>
Date: 12/15/2012 04:36 PM
Subject: Nipomo Park Plans

I find the Adobe headline "Equestrians versus youth recreation" and much discussion upsetting because it is trails against the kids. That is entirely missing the point. The park is a precious treasure that cannot be restored once lost. Its natural acreage is exactly what makes it work as a greenbelt and enough natural habitat to support the critters that contribute to its health.

All people regardless of age benefit by taking time to slow down and appreciate nature as God created it as equestrians of all ages know and enjoy it immensely. That is why they do not want to have it tractored over! Nature renews us and restores our tranquility by watching the birds, the skies, the trees, grounding us in fundamental reality, taking us back to a natural garden. Surely you have read of the multitude of therapeutic groups that utilize some facet of nature, horses, pets or gardening to benefit those who need restoration to health.

I agree a recreation center would be great, but it would be just as great in the midst of development, housing or shopping centers where there is already parking. The same goes for a skateboard park or playing fields etc. Development intensity has already degraded the natural landscape just because of the smaller lots, whereas doing the same in the park would destroy an irreplaceable treasure. The more built

Item # **44** Meeting Date: **12/18/2012**

Presented by: Nora Janae

Received prior to meeting and posted to web on: **December 17, 2012**

up south county becomes the more value Nipomo Park ruralness contributes as a greenbelt. Example: Griffith Park in LA, in Ojai it is The Rail Trail and there are thousands more.

Therefore I plead for the park to remain in its natural state. The dog park also demonstrates how nature benefits everyone. The library is already there and will need enlarging in time requiring an enlarged area. But do meet the kid's needs in already developed areas, just not at the cost of destroying our unique asset. I have seen lists of many other parcels that could meet the kids need very well without the destruction of a unique treasure. It really is NOT an either/or situation.

Thank you for hearing me,

Nora Jenae'

Kitt Jenae

692 Beverly Drive

Nipomo, CA 93444



Fw: Nipomo Community Park

James Patterson to: cr_board_clerk Clerk Recorder
Sent by: Amy Gilman

12/17/2012 11:03 AM

----- Forwarded by Amy Gilman/BOS/COSLO on 12/17/2012 11:03 AM -----

From: zwrights229@aol.com
To: smcmasters@co.slo.ca.us, 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: 12/17/2012 10:45 AM
Subject: Nipomo Community Park

Dear Supervisors:

There has been significant controversy over the Nipomo Park development, however some compromise regarding the "design" of the park would alleviate many of the concerns. If properly designed this large park could meet the needs of the community. The following suggestions are offered:

#1 - Place the Recreation Center along either Pomeroy or Tefft instead of in the middle of the park. This would allow for proper patrolling by the Sheriff's Department and would tend to remove the threat of gang members and other miscreants from choosing to gather around a less visible location.

#2 - Move the planned soccer fields away from the rear of the residential homes on Tejas Place. There is sufficient room in the park to place them elsewhere to eliminate the noise and night lights from disturbing the residents on Tejas Pl.

#3 - Leave the old oak trees along Osage Street in place. There is no need to include the widening of Osage as part of the future use of a developed park. It should be noted that Public Works does not have any plans for independently widening this street and the level of use does not justify this change.

#4 - Maintain appropriate horse trails in the park. There is sufficient room for this activity.

Your consideration of these suggestions is appreciated.

Respectfully submitted,
Dick Wright
Nipomo resident

Item # 44 Meeting Date: 12/18/2012

Presented by: Dick Wright

Received prior to meeting and posted to web
on: December 17, 2012



Fw: 1 Nipomo Park Master Plan documents entered into record

Board of Supervisors to: Adam Hill, Amy Gilman, Bruce Gibson,
Cherie Aispuro, Debbie Geaslen, Frank Mecham, James Patterson, Paul
12/17/2012 11:56 AM

Sent by: Amber Wilson
Cc: cr_board_clerk Clerk Recorder, Curtis Black

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 11:56 AM -----

From: Cynthia Hawley <cynthiahawley@att.net>
To: boardofsups@co.slo.ca.us
Date: 12/17/2012 11:47 AM
Subject: 1 Nipomo Park Master Plan documents entered into record

Dear Chairperson Patterson and Supervisors,

I represent the Nipomo Parks Conservancy in the matter of the upcoming hearing on the Nipomo Park Master hard copies at the hearing.

Due to the large volume of data I will send the documents as attachments to several emails.

Sincerely,
Cynthia Hawley

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



2011 NCSD twnhall meeting answers to questions.pdf



08-21-12 stff rpt de Anza Trail.pdf



Engineer rpt for Nipomo pipeline assessment.pdf



Nipomo CSD mailer_OurWaterProblem.pdf



Nipomo CSD mailer2_conservation.pdf

Item # **44** Meeting Date: **12/18/2012**

Presented by: Cynthia Hawley

Received prior to meeting and posted to web
on: **December 17, 2012**

**From NCSD Town Hall Meeting - November 9, 2011
RE "Our Water Problem on the Nipomo Mesa"**

Answers to Questions

Question	# of Cards (similar questions)	Answer
1. How much will groundwater pumping be reduced after connection with Santa Maria?	1	Groundwater pumping by the NCSD will be reduced by the same amount brought in by pipeline from Santa Maria (a minimum of 2,000 acre-feet per year or 652 Million gallons per year).
2. Why does development on the Mesa continue if our water resources are so severely threatened?	3	The NCSD does not control development on the Mesa. The County has control of approving new development. NCSD only approves delivery of water to new customers in our area as long as there is adequate supply. Due to both national and state financial conditions, development on the Mesa is now at a low level. Our challenge is to find a solution for past basin damage, not to facilitate future growth where it is not already entitled.
3. How much did the NCSD pay for putting on this presentation and other efforts to reach out to the public on this project? Who pays for these costs?	1	NCSD surveys found a lack of accurate information in the community about both our water shortage problem and the true costs of bringing in supplemental water to mitigate basin damage here. The District Board authorized \$150,000 to close the information gap--all of which is funded by new development fees collected since 2007. No funds collected from water bills paid for our public outreach about the water shortage dilemma we are facing on the Nipomo Mesa.

Question	# of Cards (similar questions)	Answer
4. Does Rural Water Company get connected to the system?	5	Rural Water is not currently connected to the NCSD water distribution system. Golden State and Woodlands water companies are connected to NCSD system – those existing connections were constructed by and paid for by the customers of those two companies. Rural Water Company may connect to the NCSD system in the future, but is not required to. Regardless of a physical connection, Rural Water Company is required by the Court's final ruling to participate in the supplemental water project. Rural will, by active participation in the project, maintain its right to connect to the system and receive its allotment of water directly at any time in the future. Until such time as a physical connection is made, the benefit of the project to Rural and its customers is indirect. That is, the water supply for Rural's wells will be more secure by reason of reduced pumping nearby, reducing the risk of seawater intrusion into their wells. Importing new water is a benefit to all users of the basin.
5. Should the Environmental Impact Report for running a pipeline under the Santa Maria River recognize the impact of having parallel pipes?	1	No parallel pipes are part of the Supplemental Water Project. The Environmental Impact Report (EIR) for this project was certified by the NCSD Board of Directors in May 2009, without any legal challenge.
6. Would gravel pits in strategic areas of runoff aid the aquifer? Will the aquifer collapse as it is pumped down?	1	Runoff on the Mesa already recharges our aquifer very quickly without any need for further aid. The aquifer is not collapsing despite current overpumping, and supplemental water will make that even less likely.
7. What is the purpose of the Court's indicating a need for 2,500 acre-feet of imported water per year?	1	In its January 2005 Judgment After Trial, the Court incorporated the Settlement Stipulation into its own ruling and ordered all stipulating (agreeing/settling) parties to comply with its terms. The 2,500 acre-feet per year order was the minimum delivery mandated by the Court to remediate the pumping depressions on the Mesa.

Question	# of Cards (similar questions)	Answer
8. Why aren't the other water users (farmers, refinery, private land owners on private wells or small water systems) required to participate in the project?	9	The answer to this question is complex at best and grounded in the Santa Maria groundwater rights court case that has been ongoing since 1997. In a very general sense, landowners who overlie the groundwater basin and pump water from the basin to use on their overlying land, have a senior right to water. California law related to groundwater and surface water rights is some of the most complex law in the United States. NCS D and other water companies utilizing the Santa Maria Groundwater basin expended a great deal of effort and resources (many millions of dollars) over the past fourteen years trying to establish and defend the right to pump groundwater. The success of these efforts was limited, and in the end, the Court required the four major water companies and their customers on the Nipomo Mesa to fund and construct a project that would import new water to the area. Overlying landowners/water users are not required to participate.
9. Will Santa Maria be able to cut off water to the Nipomo Mesa if they are faced with supply constraints (drought etc.)?	2	No. The District contract for water purchase with the City of Santa Maria mandates that reduction in delivery to the District can only be made if equal reductions are required of all Santa Maria City water customers (NCS D rights to Santa Maria City water are on the same level as all Santa Maria City water customers).
10. The "White Paper" handed out references "the Court". Why is 'the Court' involved? The "White Paper" says Golden State Water Company already gets State Water. Why must we also participate in NCS D's project?	2	The referenced White Paper is NOT a document produced by NCS D or any of the water project partners.
11. Will people with their own wells be required to participate in the project?	3	Well owners outside the four service areas? No. Well owners inside a water company's service area, if not currently a customer, may opt out; but future connection is not guaranteed.
12. Have other sources of funding or grants been explored?	1	Yes. The District actively pursued and was awarded a \$2.3M grant from Department of Water Resources. The District is looking into low-interest state loans that would be available <i>after</i> project financing is in place and may utilize these programs if they are found to be beneficial to project customers.

Question	# of Cards (similar questions)	Answer
13. Why is my proposed assessment based on my property's potential water use and not my actual water use?	3	<p>Your water rate charges will be directly proportional to your actual water use, but the charges for the pipeline infrastructure will be based on your property's full potential as currently zoned. You will have an opportunity to opt out of future expansion beyond one unit per parcel if you wish to give up that right.</p> <p>The proposed property assessment will fund project infrastructure that will serve the District and partners for decades to come and be financed by a 30-year bond. Therefore, the participation in funding the capital is based on a property's potential for water use in the future since today's water use on any one property has little bearing on what the demands of that property may be in a decade or two, or three. The purchase of water from Santa Maria will be covered, at least in part, by water rate charges in the District and other partner areas. Therefore, one's use of water over the years will define the level of participation in the project.</p>
14. How will the proposed project impact water rates?	11	<p>Water rates will be impacted somewhat by the project and how the project's water costs are financed. Under the scenario presented at the November 9, 2011 Town Hall meeting, the cost of water to the "average" NCS D customer is estimated to increase by \$8/month after the project is completed. Should other financing approaches be used – where fewer costs are applied to property assessment and more costs applied to rates – rate impacts would increase AND property assessments would DECREASE.</p>
15. If the project is approved and a homeowner chooses monthly payments, do the monthly payments continue if the house is sold?	1	<p>The "monthly" payments represent the annual tax assessment to the property divided by twelve months. Property owners who have a property tax "impound" with their mortgage payments will pay this amount monthly. Property assessments generally run with the land – but are not required to.</p>

Question	# of Cards (similar questions)	Answer
16. Will the Benefit Unit process be made open to the public?	1	<p>Yes. The draft and final assessment report will be prepared in accordance with state assessment law and will be made available for public review prior to an assessment vote. At this time, the draft assessment report is scheduled to be circulated and discussed by the NCSD Board of Directors at the January 11, 2012 regular meeting of the Board. The final report is scheduled to be before the Board on March 14, 2012. All property owners will receive a notice that specifies the proposed assessment for their property – first in draft form in January 2012 and then in ballot/final form in March 2012. Lastly, a property owner's number of votes will equal the number of dollars of proposed assessment on their property.</p>
17. If the assessment vote fails, then what?	6	<p>We do not expect local property owners to vote against this project, a project that will protect them from future water shortages, rationing, and their related impacts.</p> <p>Though there is no formal policy in place now, we would expect to severely restrict water use until we had some answer to the threat of seawater intrusion.</p>
18. Why is Twitchell Reservoir empty?	1	<p>Twitchell Reservoir is usually dry because the Central Coast is a semi-arid area, and the dam was constructed to deal with extraordinary events that might flood Santa Maria.</p> <p>Twitchell Reservoir has two design functions; flood control and water resources. Early in winter the level of the reservoir is kept low enough to insure flood protection throughout the rainy season. Once threat of flood is past, the reservoir is managed to maximize groundwater recharge in the Santa Maria Groundwater basin. The water release rate is set to ensure no surface water flow past Bonita School Road. Thereby insuring the maximum amount of Twitchell water is percolated into the groundwater table. There is no direct delivery of Twitchell water to any user – all Twitchell water and water rights are conveyed through groundwater.</p>
19. Has the idea of damming Nipomo Creek been considered?	1	<p>Yes. However, there is not enough creek water in the best of years to make much of a difference, and it would never be a reliable source.</p>

Question	# of Cards (similar questions)	Answer
20. Where can the studies that have been conducted over the years be found?	1	See the NCSD website (ncsd.ca.gov) and go to "Reports by Subject" and then Water Resources Reports – or click on the "Water Shortage News" button at the bottom of the home page. Either link will take you to a listing of documents on the District's website. If you having any trouble locating reports, contact NCSD at 929-1133 for assistance. Hard copies of reports are available upon request. Reproduction charges do apply.
21. Why don't we simply take the Santa Maria water directly from the State Water pipeline that runs down Thompson Road?	8	The simple answer is, the owners of that pipeline are not willing to allow NCSD access at any reasonable price. The answer becomes significantly more complex when one realizes that "owners" of the pipeline are the hundreds of thousands of people served by the pipeline in Santa Barbara County. These "owners" have participated in (paid for) the pipeline since its inception in the early 1990s. They are represented by eight separate public agencies (water districts and cities), which are governed by elected Boards or councils, and they are not willing to sell it to us. The District has been successful in negotiating the sale of Santa Maria's municipal mix that contains a high percentage of State Water.
22. If the City of Santa Maria pumps water from the same basin as the NCSD and other Mesa water companies, then wouldn't the same threat of seawater intrusion exist for City wells as Mesa area wells?	3	The City of Santa Maria delivers a blend of State Water and groundwater. In 2011, the blend is averaging 95% state water. The City pumps groundwater from wells that are located significantly further inland than the Mesa's production wells, which are closer to the ocean. This means the City's wells are less threatened by seawater intrusion.

Question	# of Cards (similar questions)	Answer
23. Is there any independent confirmation of the Oceano area seawater intrusion claim?	2	<p>Yes. The Northern Cities Management Area Technical Group (NCMA-TG) is the court-recognized group that oversees groundwater resources management in the Oceano area. The Group is made up of representatives from the Arroyo Grande, Oceano, Pismo Beach, and Grover Beach. The Group produces and submits to the court an annual report on groundwater conditions in the area. The Northern Cities 2009 Annual Report (see section 4.3.2) describes the indications of seawater intrusion that were measured in 2009 after two years of record low groundwater levels in the near-shore monitoring wells. The seawater intrusion was again described starting in the 4th paragraph of section 4.2.3.1 of that Technical Group's 2010 Annual Report. On November 24, 2009, each of the Northern Cities municipalities sent letters to County staff informing them of seawater intrusion in Oceano. (Both the 2009 and 2010 NCMA-TG Annual Reports can be found on District's website – See Answer 20 above for more information)</p> <p>It is an equally well documented fact that all water agencies in the Northern Cities significantly reduced groundwater pumping in response to these measurements of high salinity in near-shore wells. This reduction in pumping and a return to average and above-average rainfall since 2009 are credited with returning the quality of water in the monitoring wells to normal. To the District's knowledge, there are no recognized reports or studies that deny this intrusion episode.</p>
24. Where does the State Water Pipeline come from?	1	<p>The Coastal Branch of the State Water Pipeline runs from the California Aqueduct in northwestern Kern County through San Luis Obispo County and ultimately to Lake Cachuma in Santa Barbara County. Supply to the California Aqueduct comes from a complex set of reservoirs and conveyance systems first imagined back in the 1930s and initially financed by a \$1.75 Billion dollar state-wide general obligation bond issued in 1960. The supply system includes, among others, the Sacramento Delta, Lake Oroville, many other "regulating" reservoirs, and hundreds of miles of canals and pipelines.</p>

Question	# of Cards (similar questions)	Answer
25. Is there a difference in funding the project with property tax assessment versus rates/user fees? Are there income tax benefits from the method selected?	1	<p>There are differences in the cost of property secured financing (property tax assessment) and rate secured financing. As recently as two years ago, property secured financing had the lower interest rate. In today's lending environment, rate-secured financing is favorable. While the cost of financing is the single most important factor in making the decision, other factors including impacts to project schedule and spreading project costs equitably, must be considered.</p> <p>On November 16, 2011, the NCSD Board of Directors voted to finance project construction cost through property secured financing and to pay for the cost of buying the water from Santa Maria through rates and charges.</p> <p>Consult your tax accountant for advice on income tax benefits.</p>
26. Is it true that the District is looking at decreasing the water connection fee for new development if the assessment passes?	1	<p>A large part of the current water connection fee is to support the Supplemental Water Project. Assuming passage of the proposed assessment measure, future support for the Supplemental Water Project will be funded by the property assessment and the water connection fee will be reduced.</p>
27. The Summit Station area of NCSD was assessed for the infrastructure required to connect the areas homes to NCSD water system. Didn't that assessment cover all future costs of water to the Summit Station customers?	1	<p>No. The assessment could not cover all future costs, because it would be impossible to predict them. The assessment only covered the distribution system installed in the Summit Station area. Summit Station homeowners who elected to become NCSD customer also paid a connection fee to pay for the connection to greater existing District infrastructure. Now Summit Station homeowners will be asked, along with all other District homeowners and partner agency homeowners, to share in the cost of upgrading and diversifying the area water supply infrastructure.</p>
28. Home lawns: Do they account for more than 2% of the cost of water?	1	<p>The "average" NCSD customer uses nearly half the water they purchase annually to irrigate landscape.</p>
29. The District stated that 27% of water had been conserved in recent years. How many acre-feet is that?	1	<p>The conservation numbers are based on a per person estimate as required by state reporting standards. Since its peak pumping year of 2007, the District has reduced pumping by 600 acre-feet (2010) or 20%. The population of the District has grown during the same period, and that is why the per-person conservation is closer to 27%.</p>

Question	# of Cards (similar questions)	Answer
30. How can you justify the DWR (State Department of Water Resources) definition of overdraft when it is different than that of the Court (Superior Court of CA)?	1	The discussion of overdraft was not part of our November 9 th presentation. Accordingly, it is not NCSD's intention or responsibility to justify the definitions of the CA State agency responsible for water research and policy. When we refer to the DWR, we are simply reporting their findings. See DWR documents for further information.

Attachment B
Staff Report August 6, 2012
Consider three parcels along Juan Bautista de Anza Trail corridor

I. Background

A private citizen owns a 1.2-acre parcel of land with one small home on it, and is in escrow to purchase two additional parcels of land, with one additional home, within the proposed Juan Bautista de Anza Trail (Anza Trail) corridor. The first parcel was of 1.2-acres was purchased for \$120,000. The two additional parcels held in escrow, total approximately 7-acres. The citizen has agreed to purchase them for the price of \$325,000. The citizen would then like to sell the three parcels to the County, at cost (including purchase, property taxes, interest, real estate transaction and loan transaction costs) for the purpose of securing a potential portion of the Anza Trail corridor near Edna.

County Parks staff has assembled the steps and actions that would be required to move this project forward. Staff sought input regarding: Real Property Purchasing Steps; Trail Planning and Development Steps; Trail Access Acquisition Methods; Park Project Evaluation Criteria; High Priority Park Projects Rating List; and Funding Options. Information on these topics follows.

II. Real Property Purchasing Steps:

Regarding the potential purchase of these properties, staff consulted with County Real Property Services and determined that the following due diligence would be required, in accordance with the California Government Code, prior to the County purchasing property:

1. Discuss possible purchase of parcels with sellers and/or seller(s) agent(s);
 - Determine willingness to negotiate and work cooperatively with County.
2. Identify funding source(s);
 - Determine appropriate funding sources for preliminary studies and potential land purchase expenses.
 - Present Board Budget Adjustment Request for preliminary studies.
3. Obtain appraisals of the properties to determine the Fair Market Values of the properties, as required by Government code;
 - Estimated cost = \$ 15,000
4. Obtain Phase I environmental site assessment to determine potential or existing environmental contamination liabilities;
 - Determine scope of hazardous waste cleanup.
 - Estimated Consulting Cost = \$ \$12,000
5. Obtain environmental determination pursuant to Government code section 65402;
 - Estimated Cost = \$ 5,000
6. Determine tenant relocation requirements (additional costs if tenant relocation is required);
 - Determine if County will be required to compensate tenants for 42 months of rent plus moving expenses.
 - Estimated Consulting Cost = \$ 5,000
7. Obtain title searches to determine if seller has saleable interest in property, and any restrictions pertaining to the use of the land (real covenants, easements, or other servitudes);
 - Determine if parcels are encumbered by easements or other restrictions.
 - Estimated Cost = \$ 1,200
8. Determine General Plan Conformity pursuant to Government code section 65402; and,

9. Present Board Resolution of Intent to Purchase with a follow up Resolution Authorizing the Purchase of the property.
 - Pursuant to Government code section 25350, no purchase of real property shall be made unless a notice of the intention of the board of supervisors to make the purchase is published in the county pursuant to Section 6063, which states that notice must be published in a newspaper of general circulation at least three weeks prior to the time the board meets to consummate the purchase. The notice must contain the description of the property proposed to be purchased, the price, the vendor, and a statement of the time the board will meet to consummate the purchase.

None of the above listed steps have been completed regarding the three parcels that owner would like the County to purchase. The estimated cost for completing these preliminary investigations and required studies is approximately \$40,000 not including staff labor costs. The estimated time schedule required to complete these preliminary investigations and required studies is approximately 6 months.

III. Trail Planning and Development Steps:

The County's Parks and Recreation Element policies state that County Parks shall consider, as the highest priority, those trail projects which:

1. Are on land owned or operated by the County, including public rights of way.
2. Connect urban communities or provide access to recreation areas.
3. Complete a trail corridor, where only small portions are missing.
4. Will be popular due to their length or location.
5. Offer alternative transportation.
6. Solve a safety concern.
7. Include a funding source
8. Minimize costs of development and maintenance

Currently, the parcels in question are not owned by the County. It is the citizen's desire that the County purchase these parcels. While the parcels are located within the Anza Trail corridor, and could potentially become part of the Anza Trail, this trail segment, between Pismo Beach and Edna, could not be completed until numerous additional parcels are secured through various undetermined means. Development and maintenance costs have not been identified for these parcels or for the Anza Trail. Development and maintenance costs would likely be higher than that of typical trails that are constructed on easements. Because of the sixty-foot width of the parcels, County Parks would need to develop and care for more than twice the acreage of the typical twenty-five foot wide trail area. Additional costs would include the removal of the two existing homes and potential costs could include relocation costs for the tenants that may reside in these homes at the time of purchase.

The following steps are typical for trail planning and development projects:

1. Identify project in Parks and Recreation Element.
2. Identify planning and development funding sources
3. Complete Feasibility Study/ Constraints Analysis.
4. Complete Preliminary Design (connecting two public entry points of interest).
5. Conduct Environmental Review.
6. Complete Final Design
7. Secure easement(s) or acquire land.

8. Secure Permits.
9. Complete Construction Documents
10. Identify Operation and Maintenance funding source
11. Complete Construction.
12. Open trail to public

Typically, multi-discipline consultants are hired to complete these tasks under the direction of Park Planners and Capital Project Coordinators. For example, along this section of Anza Trail one trail easement has been offered to the county as a condition of development, and one trail easement has a delayed offer to the County, as a condition of development, along Price Canyon Road within the Anza Trail corridor (King Properties Development and PXP oilfield property). None of the above steps have been taken to date for this section of the Anza Trail corridor.

IV. Trail Access Acquisition Methods:

From most common to least common, following are methods for acquiring trail easements:

1. Require trail easements as conditions of discretionary permits;
2. Receive easements as donations from property owners;
3. Obtain Right-of-way vacations or abandonments; and,
4. Purchase easements at or below appraised values.

Generally, County Parks secures twenty to twenty-five foot wide public trail easements as conditions for sub-divisions or development of parcels when they occur along an identified County Trail Corridor. Occasionally, property owners contact staff with a proposed easement offered as a donation and, at times trail easements are secured as a public right of way is vacated or abandoned. Staff seeks to purchase an easement once the majority of sections of a trail corridor are in-hand and one or two sections are needed to complete a trail from one public point of interest to another public point of interest. County Parks does not typically purchase entire parcels that would not complete a public trail.

V. Park Project Evaluation Criteria:

Below is a list of current High Priority projects in various stages of planning and development that are eligible for funding with Park Public Facilities Fees (PFF). While PFF funds cannot be used for initial studies, they could be considered for actual purchase of trail lands. The High Priority projects are ranked, from highest priority to lowest priority, based on the following scoring criteria, contained in the Parks and Recreation Element of the San Luis Obispo County General Plan. According to these criteria, the Anza Trail section between Pismo Beach and San Luis Obispo is ranked number 16 of 17.

Parks & Recreation Element Project Rating Criteria:

1. Will this project improve health and safety conditions?
2. How effectively does this project impact existing park and recreation service levels?
3. How effectively does this project meet community recreation needs?
4. Are there additional resources available to aid in the implementation of this project (i.e., grants, inter-agency or public/private cooperation)?
5. What is the project's impact on County Park's operating or staff costs?
6. Does this project meet identified, unmet need consistent with current plans and policies (i.e., the Park and Recreation Element, Natural Areas Plan, facility master plans, etc.)?

7. Is this project consistent with the balanced use of the various available County Park development funds (i.e., Public Facilities Fees, Quimby Fees, general funds, etc.)?
8. Will this project generate revenue?
9. Is this project required to make a committed project operational?

VI. High Priority Park Projects Rating List:

Project Title	BOS District	Project Description	Rating Per PRE Criteria	Ranking
Bob Jones Pathway – SLO to Ontario Road	3	Multi-use class I pathway from Octagon Barn to Ontario Road- EIR in process- construction partially funded w/ PFF and Grants	33.3	1
Morro Bay to Cayucos Connector	2	Multi-use class I pathway and class III bike route between Morro Bay and Cayucos (California Coastal Trail)- in the permitting process, plans, specifications and estimates funded with grants, grant application submitted for construction	31.3	2
San Miguel Community Park Expansion	1	Expand park by removing K St. & expanding to adjacent parcel. Improvements include: new ball field; and repair of existing facilities - K St. mitigation partially grant funded, additional funding needed for improvements	31	3
Nipomo Community Park Master Plan	4	Master Plan adoption and EIR certification planned for 2012. PFF Funds allocated for playground replacement. Master plan improvements include: restrooms; picnic areas; sports; fields; trails; etc.- unfunded	30	4
Templeton to Atascadero Connector	1 & 5	Multi-use trail connecting Templeton and Atascadero- Design funded by grant, construction unfunded	29.3	5
Cave Landing Trail and Improvements	3	Multi-use trail connecting Pismo Beach to Avila Beach, parking lot improvements, and beach access to pirates cove- - in the permit process, construction fully grant funded	28	6

Avila to Harford Pier Pathway	3	Multi-use class I pathway between Avila Beach and Harford Pier (California Coastal Trail) -design and permits funded with grant funds, construction partially grant funded	27.7	7
Santa Margarita to Garden Farm Connector	5	Multi-use class I pathway connecting Santa Margarita and Garden Farm-easement to be donated, remaining phases unfunded	26	8
Salinas River Corridor Anza Trail	1	Plan for multi-use trail funded with grant. Remaining phases, including construction, unfunded	25	9
Jack Ready Park	4	Assist Jack's Helping Hand with new park development for people with special needs. Improvements include: playground; parking; picnic areas; equestrian facilities; and trails - Jack's Helping Hand has funded park design and access improvements and is striving to raise funds for construction - partially funded	23.3	10 tie
Biddle Park Master Plan	4	Master Plan adoption and environmental review completion planned for 2012. PFF funds allocated for playground replacement. Master plan improvements include: parking; restrooms; picnic areas; ball fields; playgrounds; trails; etc.- unfunded	23.3	10 tie
Dana Adobe Park	4	Acquisition and development of a new park adjacent to the Dana Adobe, in Nipomo. Improvements include: community center; trails; picnic areas; playgrounds; and interpretive garden - unfunded	23	12
Norma Rose Park Development	2	New park in Cayucos. Improvements include: parking; playground; basketball court; skate park- partially funded with PFF	22	13
North Coast Coastal Trail	2	Plan for multi-use trail funded through grant. Remaining phases, including construction, unfunded	20	14
SLO Botanical Garden Improvements	2	Assist the SLO Botanical Garden with the improvements to the garden and facilities. Improvements include: paving; and amphitheater construction- PFF funded	19.7	15
San Juan Bautista De Anza Trail Property Acquisition in Edna	3	Acquisition of parcels that may become part of the multi-use class I pathway segment between Pismo Beach and San Luis Obispo -	17.7	16

		unfunded		
Pismo Beach to Bob Jones Trail Connector	3	Multi-use class one pathway connecting Pismo Beach to Bob Jones trail - unfunded	11.3	17

Two Park Planners are employed to pursue park projects in a systematic fashion, typically working with consultants to complete studies on the majority of the above projects concurrently. This work is completed in phases while they also seek grant funds, address referrals from the Public Works and the Planning and Building Departments, and follow projects through to completion. Completing the preliminary property investigations and studies, required to provide information needed to consider purchasing property would require significant time and attention of one Park Planner, and one Real Property Services Agent, with additional assistance of County Counsel, Planning, and Public Works staffs. The citizen has requested that the County determine interest in purchase of the three parcels within one year of the Parks and Recreation Commission's recommendation (before April 26, 2013).

VII. Funding Options:

Following are four funding options examined as potential sources to complete the preliminary studies and reports necessary to consider the viability of purchasing the three parcels being considered. Each option presents impacts to the County's ability to provide existing and/or planned park services and projects.

1. Park Public Facilities Fees

Park Public Facilities Fees (PFF's) are impact fees assessed on new residential development. They are collected, upon construction of new residential units, "for the construction, expansion or improvement of Public Facilities, the need for which is caused by new development projects" (PFF - SLO County Ordinance 18.01.010). Currently, there is a balance of approximately \$1,200,000 of undesignated PFF funds.

In review of appropriateness of using PFF funds for this project, County Counsel has determined that PFF funds are not suitable for use in preliminary surveys, reports and efforts necessary to consider the viability of purchasing the three parcels under consideration. Therefore, PFF funds would not be appropriate for the approximately \$40,000 of costs for the preliminary investigation efforts.

However, if the County desired to purchase the parcels, PFF funds could be used for their purchase if all other legal public property purchase steps were completed. Therefore, PFF funds could be used for the potential approximately \$445,000 and upwards of \$100,000 of related additional costs, if the purchase resulted in ultimately creating/ constructing a public trail. Staff recommends that these funds be retained for high priority projects currently in progress.

To date, PFF funds have been designated by the Board of Supervisors for the following park facilities and properties.

Project	PFF Funding Amount	Year Expended
Cave Landing property acquisition	\$1,255,000	2008
Wild Cherry Canyon property acquisition	\$500,000	2010
Bob Jones Trail extension from San Miguel St. to First St., in Avila Beach	\$515,000	2011
Bob Jones Trail from Octagon Barn to Ontario Rd. staging area	\$1,485,000	TBD
SLO Botanical Garden	\$300,000	2012
Ontario Ridge Acquisition	\$50,000	2012
Norma Rose Park	\$450,000	2012
Moonstone Dr. Trail	\$20,000	2011
Heilmann Park Maintenance Building	\$760,000	2011
Biddle Park Playground	\$150,000	TBD
Nipomo Park Playground	\$250,000	TBD

2. FC 305 Parks Operations:

Fund Center 305, Park Operations is funded yearly through Board approval to provide for maintenance, operations and maintenance projects on County Park properties. All labor, materials, services and supplies required for yearly routine maintenance is provided through this fund center. Funds to complete the preliminary studies and reports to consider the viability of purchasing the three parcels under consideration are not included in the FY 2012/13 approved budget. These types of costs are generally not funded through the operating budget. If the Board directs staff to expend the approximately \$40,000 of costs for the preliminary consultant efforts from park operations, this would greatly impact County Park's ability to provide for the regular maintenance and care of parks and park properties for fiscal year 2012-13.

3. Designated Park Projects Reserves:

Designated Park Project Reserves are funds retained in previous years to provide funding for important maintenance projects. Currently County Parks has millions of dollars of deferred maintenance projects and has been able to fund only the most critical projects that impact the health and safety of park visitors and employees. At the end of FY 2011/12 there was \$214,770 available in the Designated Park Projects Reserves. A portion of these funds have been encumbered to repair leaking roofs, replace a communications cable and remove a water feature that has become an attractive nuisance. The remaining available balance is as follows:

<u>Designated Park Project Reserves balance 6/01/2012</u>	<u>\$214,770</u>
<u>FY 2012/13 approved projects:</u>	<u>Costs</u>
Coastal Dunes Roof Replacements	\$38,000
Coastal Dunes Communications Data Cable	\$22,300
Gilardi Roof/Fungal Damage	\$40,000
Avila Plaza Water Feature Removal	\$26,000
<u>Total Approved Projects FY 2012/13:</u>	<u>\$127,000</u>
<u>Designated Park Project Reserves - Balance Available 7/01/2012:</u>	<u>\$87,770</u>

The \$87,770 available in Designated Park Project Reserves is the total amount available countywide for use if park facilities and properties should experience an emergency need such as campground utilities failure, leaking roofs and health/safety items. For example, the Cayucos Pier experienced damage during 2012 spring storms and high surf. This is a significant project that has recently been assessed by an engineer who estimated repair costs to be \$1,320,000. Another example is the Rios Caledonia Adobe which is in need of preservation work, including exterior plaster, to protect the adobe structure. Construction documents are complete and the engineer's estimate is \$77,438. Staff recommends that these funds be retained for funding critical deferred maintenance projects that preserve historic resources and improve the health and safety of park visitors and employees.

4. General Fund:

County-wide General Funds are used to fund operating programs countywide and for emergency situations to fund eminent needs. Typically these funds are only used when the designated park project reserves have been depleted and are insufficient to meet the eminent need. Staff recommends that these funds be retained for operations and unforeseen critical needs.

5. Other Agencies, Non-Profits and Private Donations:

This project has been discussed with the San Luis Obispo Council of Governments (SLOCOG) and the Land Conservancy of San Luis Obispo. The Land Conservancy provided a letter encouraging the County's thoughtful consideration of the southern portion of the De Anza Trail and SLOCOG strongly supports alternative transportation routes. However, each agency noted that neither the expenditures for preliminary studies stage nor purchase stage would present a complete project that could be considered for funding through their agencies.

A private donor campaign has been considered by the leadership of San Luis Obispo Parks and Open Space (SLOPOST). Consideration was given toward securing consultant assistance to hold a fund-raising campaign. This option was determined to be infeasible to SLOPOST given other competing fundraising campaigns, and the uncertain potential outcome of pursuing the preliminary studies required to determine the viability of purchasing these parcels.

VIII. Conclusion:

County Parks staffs have compiled the above information with the assistance of staffs of the Department of Public Works, County Counsel and the General Services Agency. The information contained is complete for each topic; however, additional studies, if funded, would provide topic-expert work that would likely provide additional information and data.

Engineer's Report

For the

Nipomo Community Services District

**Assessment District No. 2012-1
(Supplemental Water Project)**

State of California



March 14, 2012

Prepared by:

**Wallace Group
a California Corporation
612 Clarion Court
San Luis Obispo, California 93401**



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**NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

James Harrison, President
Larry Vierheilg, Vice President
Michael Winn, Director
Ed Eby, Director
Dan A. Gaddis, Director

**NIPOMO COMMUNITY SERVICES DISTRICT
STAFF MEMBERS**

Michael S. LeBrun, P.E., General Manager
Lisa Bognuda, Assistant General Manager
Peter Sevcik, P.E., District Engineer
Jon Seitz, General Counsel

PROFESSIONAL SERVICES

Assessment Engineer
Wallace Group
a California Corporation

Financial Advisor
C.M. De Crinis & Co., Inc.

Bond Counsel
Fulbright & Jaworski, L.L.P.

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CERTIFICATES

1. I, the Secretary of the Board of Directors of the Nipomo Community Services District, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Roll, in the amounts set forth in each, and with the Assessment Diagram attached hereto, was filed with me on _____, 2012.

By: _____
Michael S. LeBrun, P.E.,
Secretary of the Board of Directors

2. I, the Secretary of the Board of Directors of the Nipomo Community Services District, hereby certify that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached received preliminary approval by the Board of Directors on ____, 2012, by Resolution No. _____.

By: _____
Michael S. LeBrun, P.E.,
Secretary of the Board of Directors

3. I, the Secretary of the Board of Directors of the Nipomo Community Services District, hereby certify that the enclosed Engineer's Report, together with the Assessment and the Assessment Diagram thereto attached was approved and confirmed by the Board of Directors on ____, 2012, by Resolution No. _____.

By: _____
Michael S. LeBrun, P.E.,
Secretary of the Board of Directors

4. I, the District Engineer of the Nipomo Community Services District, acting as the Superintendent of Streets, hereby certify that the enclosed Engineer's Report, together with the Assessment and the Assessment Diagram thereto attached was recorded in my office on _____, 2012.

By: _____
Peter Sevcik, P.E.,
District Engineer

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NIPOMO COMMUNITY SERVICES DISTRICT
COUNTY OF SAN LUIS OBISPO, CALIFORNIA

ENGINEER'S REPORT

PURSUANT TO THE PROVISIONS OF DIVISION 12
OF THE STREETS AND HIGHWAYS CODE FOR THE
NIPOMO COMMUNITY SERVICES DISTRICT
ASSESSMENT DISTRICT NO. 2012-1
(SUPPLEMENTAL WATER PROJECT)

INTRODUCTION

Pursuant to the provisions of the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code of the State of California (the "Improvement Act"), Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, being Division 4 of the Streets and Highways Code of the State of California (the "Investigations Act"), Article XIID of the California Constitution ("Article XIID"), and the Proposition 218 Omnibus Implementation Act, being Article 4.6 of Chapter 4 of Part 1 of Division 2 of the Government Code of the State of California (the "Implementation Act"), and in accordance with the Resolution of Intention passed and adopted on _____, 2012 by the Board of Directors of the Nipomo Community Services District (the "Resolution of Intention") in connection with the financing, acquisition and construction of certain public improvements, together with appurtenances and appurtenant work in connection therewith, Kari E. Wagner, P.E. duly-authorized representative of Wallace Group, a California Corporation, submits herewith the report for the special assessment district known and designated as Nipomo Community Services District, Assessment District No. 2012-1 (Supplemental Water Project) (the "Assessment District"), consisting of six parts as follows:

PART I

The **plans and specifications** for the proposed improvements sufficient to describe the general nature, location and extent of the improvements are as set forth in separate bid packages listed below on file in the Office of the District Engineer and are herewith made a part of this report.

- Bid Package #1 – Santa Maria River Crossing
- Bid Package #2 – Nipomo Area Pipeline Improvements
- Bid Package #3 – Blosser Road Waterline and Flow Meter
- Bid Package #4 – Joshua Road Pump Station and reservoir & Wellhead Chloramination Improvements

The improvements (the "Improvements") to be financed, constructed or acquired by the Assessment District are generally described as follows:

The design and construction of certain public capital water facilities, together with appurtenances and appurtenant work related thereto, including construction of a waterline to connect the City of Santa Maria water distribution system with the Nipomo Community Services District water distribution system, involving an underground pipeline with a nominal capacity of 3000 acre-feet to be installed under the Santa Maria river using horizontal directional drilling technique, the construction of a storage tank and booster station to deliver the water into the District's system, and all related permits, fees, bonds, construction management, and construction engineering (e.g. soils, survey, archeological), and incidental and administrative costs associated therewith.

The Nipomo Mesa Supplemental Water Project consists of over 27,000 linear feet (LF) of pipeline, a 0.5 million gallon (MG) storage tank, a 2,000 gallon per minute (gpm) pump station, and chloramination systems at the pump station and at four existing Nipomo Community Services District production wells, as well as the related back-up power, controls, power supply and instrumentation. The Improvements, as part of the Supplemental Water Project, benefit each zone, as further provided in the methodology of assessment.

PART II

A **description** of the project and general description of the improvements, rights-of-way, and other property interests, if any, to be acquired is attached hereto and made a part hereof.

PART III

An **estimate of the cost** of the project, proposed improvements and of the cost of land, rights-or-way, and incidental expenses is attached hereto and is made a part hereof.

PART IV

The **assessment diagram** (hereinafter referred to as "Diagram") showing the exterior boundaries of the Assessment District, the exterior boundaries of any zones within the Assessment District and each parcel of land within the Assessment District is attached hereto and is made a part hereof. The location of the properties corresponding to the Assessment Numbers shown on the attached assessment roll can also be found on the Assessment Diagram. There are publicly-owned parcels to be assessed in the Assessment District.

PART V

A **description of the method of assessing costs** to the parcels in the Assessment District along with a list of parcels in the Assessment District and the assessments apportioned to those parcels (see Part VI) is attached hereto and made a part hereof.

PART VI

The **proposed assessment** of a portion of the costs and expenses of the proposed improvements in proportion to the estimated special benefits to be received by properties within each zone of the Assessment District, respectively, from said improvements, is set forth upon the **assessment roll** filed herewith and made a part hereof (the "Assessment Roll").

The Assessment Roll also includes the "Assessor APN" for each parcel which is the Assessor's Parcel Number corresponding to each property within the Assessment District as recorded in the San Luis Obispo County Assessor's Office.

Pursuant to the provisions of law and the Resolution of Intention, the costs and expenses of the Nipomo Mesa Supplemental Water Project have been assessed upon each of the parcels of land benefitted in direct proportion and relation to the estimated special benefits to be received by each of the parcels.

PART VII

A **proposed maximum annual administration assessment** upon each parcel to pay costs incurred by the Nipomo Community Services District resulting from the administration and collection of assessments and/or administration and registration of bonds and other funds.

PROPOSED ASSESSMENT

WHEREAS, on _____, 2012, the Board of Directors of the Nipomo Community Services District, California, pursuant to the provisions of the Improvement Act, Article XIID and the Implementation Act, adopted its Resolution of Intention for the construction of the public improvements more particularly therein described;

WHEREAS, said Resolution directed the undersigned to make and file a report presenting a general description of any works and appliances already installed and any other property necessary or convenient for the operation of the improvements, preliminary plans for the proposed construction, preliminary estimate of costs, maps and general descriptions of lands to be acquired, and diagram, including zones, therein and assessment of and upon the subdivisions of land within the assessment district, to which Resolution and the description of said proposed improvements therein contained reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Improvement Act, Article XIID and the Implementation Act and the order of the Board of Directors of the Nipomo Community Services District, hereby make the following assessment to cover the portion of the estimated costs of said acquisitions, work and improvements and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said acquisitions, work and improvements, and the expenses incidental thereto, has been determined by the District assessment engineer of work for The Nipomo Mesa Supplemental Water Project and is summarized in the table, "Nipomo Mesa Supplemental Water Project Estimate of Costs".

**NIPOMO MESA SUPPLEMENTAL WATER PROJECT
 ESTIMATE OF COSTS**

Construction	
Construction	\$15,876,900
Construction Contingency (15%)	\$2,381,535
Total Construction	\$18,258,435
Engineering, Design and Incidental Costs	
Right of Way/Property Acquisition	\$360,000
Design Engineering	\$2,274,055
Contingency	\$688,233
Construction Management/Inspection	\$2,821,274
EIR Preparation	\$275,000
Total Design Costs	\$6,418,562
District Planning & Formation Costs	
Legal, Bond & Financial Costs	\$672,125
Engineering, Planning & Administration	\$912,000
Total District Formation Costs	\$1,584,125
Financing Costs & Reserves	
Capitalized Interest – 1 Year	\$1,460,393
Underwriter's Discount -1.5%	\$322,125
Bond Reserve Fund	\$1,719,674
Total Financing Costs & Reserve	\$3,502,192
TOTAL ALL COSTS	\$29,763,314
Contributions	
Dept. of Water Resources Contribution (Grant)	\$2,300,000
NCSD Contribution ¹	\$6,000,000
Total Contributions	\$8,300,000
TOTAL ASSESSMENT AMOUNT	\$21,463,314

¹ Contribution from capital charges accumulated by NCSD and allocated to Developed Property only within Zone A.

And I do hereby assess and apportion said portion of said total amount of the cost and expenses of said project including acquisitions, work and improvements upon the zones, several lots, pieces or parcels or portions of lots or subdivisions of land liable therefore and benefited thereby, and hereinafter number to correspond with the numbers upon the attached Diagram, upon each, severally and respectively, in accordance with the special benefits to be received by such parcels, respectively, from the acquisitions and improvements, and more particularly set forth in the list hereto attached and by reference made a part hereof.

As required by the Improvement Act, Article XIIID and the Implementation Act, an Assessment Diagram is hereto attached showing the Assessment District and also the boundaries of the respective Zones and parcels of land within said Zones of the Assessment District as the same existed at the time of the passage of the Resolution of Intention, each of which parcels having been given a separate number upon the Diagram.

Said assessment is made upon the parcels of land within the Assessment District and the Zones therein in proportion to the estimated special benefits to be received by said parcels, respectively, from said improvement. The Diagram and assessment numbers appearing herein are the diagram numbers appearing on the Diagram, to which reference is hereby made for a more particular description of said property.

Each parcel of land assessed is described within the Assessment Roll by reference to its assessor's parcel number as shown on the Assessor's Maps of the County of San Luis Obispo (the "County") for the fiscal year 2011-12 and includes all of such parcels excepting those portions thereof within existing public roads. For a more particular description of said property, reference is hereby made to the deeds and maps on file and on record in the office of the County Recorder of said County.

Notice is hereby given that serial bonds or term bonds or other financing instruments, to represent unpaid assessments and bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of such bonds, will be issued hereunder in the manner provided by Division 10 of the Streets and Highways Code, the Improvement Bond Act of 1915 (the "1915 Act", and together with the Improvement Act, the Investigations Act, Article XIIID and the Implementation Act, are collectively referred to herein as "Assessment Law"), and the last installment of such bonds shall mature not to exceed thirty (30) years from the second day of September next succeeding twelve (12) months from their date.

SPECIAL ASSESSMENT INVESTIGATION

Under the Resolution of Intention, the requirements of the Investigations Act shall be satisfied with Part 7.5 of the Investigations Act. The total amount of the principal sum of the special assessments proposed to be assessed for the financing,

construction and acquisition of the Nipomo Mesa Supplemental Water Project in the current proceedings is \$21,463,314. The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments requires or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, has been investigated and analyzed. The total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed have investigated and is estimated as the full cash value of the parcels as shown upon the last equalized assessment roll of the County. Certification as required under the Investigations Act is attached hereto as Appendix A.

The undersigned respectively submits the enclosed report as directed by the Board of Directors of the Nipomo Community Services District.

Dated this _____ day of _____, 20_____.

Kari E. Wagner, P.E.
RCE No. 66026, Expires 06-30-12
Wallace Group, a California Corporation

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PART I

PRELIMINARY PLANS AND SPECIFICATIONS

The plans and specifications for the improvements for this Assessment District are voluminous and are not bound in this Engineer's Report. Reference is hereby made to the body of evidence and summary cost information contained within the preliminary design plans for the Nipomo Mesa Supplemental Water Project as four separate bid packages, which are as follows:

- Bid Package #1 – Santa Maria River Crossing
- Bid Package #2 – Nipomo Area Pipeline Improvements
- Bid Package #3 – Blosser Road Waterline and Flow Meter
- Bid Package #4 – Joshua Road Pump Station and reservoir & Wellhead Chloramination Improvements

Each set prepared by AECOM, previously referenced and incorporated as if attached to and part a part of this Engineer's Report, is on file in the Office of the District Engineer of the Nipomo Community Services District where they are available for inspection.

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PART II

PROJECT DESCRIPTION

Background

The Improvements, generally described as the construction of a waterline to connect the City of Santa Maria water distribution system with the Nipomo Community Services District water distribution system, involving an underground pipeline, storage tank and booster station, will facilitate the importation of a reliable source of fresh water to the Nipomo Mesa to relieve the single diminishing supply of groundwater. The additional water from the Improvements will allow groundwater levels to rise, reduce the threat of seawater intrusion, and satisfy the Santa Clara County Superior Court-approved Stipulation and Judgment (described below) to import an additional supply of water from the City of Santa Maria.

The Santa Maria Valley Groundwater Basin has been the subject of ongoing litigation since July 1997. Collectively called the Santa Maria Groundwater Litigation (Santa Maria Valley Water Conservation District vs. City of Santa Maria, et al. Case No. 770214), over 1,000 parties were involved with competing claims to pump groundwater from within the boundary of the Santa Maria Valley Groundwater Basin.

On June 30, 2005, the Court entered a Stipulated Judgment ("Stipulation") in the case. The Stipulation divides the Santa Maria Valley Groundwater Basin into three separate management sub-areas (the Northern Cities Management Area, the Nipomo Mesa Management Area (NMMA), and the Santa Maria Valley Management Area). The Stipulation contains specific provisions with regard to rights to use groundwater, development of groundwater monitoring programs, and development of plans and programs to respond to Potentially Severe and Severe Water Shortage Conditions.

The Technical Group (TG) was formed pursuant to a requirement contained in the Stipulation. Sections IV D (All Management Areas) and Section VI (C) (Nipomo Mesa Management Area) contained in the Stipulation were independently adopted by the Court in the Judgment After Trial (herein "Judgment"). The Judgment is dated January 25, 2008 and was entered and served on all parties on February 7, 2008.

The provisions in the Stipulation regarding supplemental water provide in relevant part:

"The Nipomo Community Services District agrees to purchase and transmit to the NMMA a minimum of 2,500 acre-feet of Nipomo Supplemental Water each Year. However, the NMMA Technical Group may require NCS D in any given Year to purchase and transmit to the NMMA an amount in excess of 2,500 acre-feet and up to the maximum amount of Nipomo Supplemental Water which the NCS D is entitled to

receive under the Memorandum Of Understanding (MOU) if the Technical Group concludes that such an amount is necessary to protect or sustain Groundwater supplies in the NMMA. The NMMA Technical Group also may periodically reduce the required amount of Nipomo Supplemental Water used in the NMMA so long as it finds that groundwater supplies in the NMMA are not endangered in any way or to any degree whatsoever by such a reduction”.

“Once the Nipomo Supplemental Water is capable of being delivered, those certain Stipulating Parties listed below shall purchase the following portions of the Nipomo Supplemental Water Yearly:

Nipomo Community Services District - 66.68%
Woodlands Mutual Water Company - 16.66%
Golden State Water Company² - 8.33%
Rural Water Company - 8.33%”

The final Judgment entered on January 24, 2008, states: “The court approves the Stipulation, orders the Stipulating Parties only to comply with each and every term thereof, and incorporates the same herein as though set forth on full.”

The Nipomo Community Services District developed the Supplemental Water Project to bring supplemental water, combined with current sources, to the above referenced Stipulating Parties within the NMMA. The Supplemental Water Project involves the construction of approximately five miles of new water main to transport up to 3,000 AF of new water from the City of Santa Maria to the Nipomo Community Services District and the other Stipulating Parties. In summary, the Judgment mandates the financing, construction and acquisition of the Supplemental Water Project and has apportioned among the Stipulating Parties the allocation of the costs and benefits of the financing, construction and acquisition of the Supplemental Water Project. Therefore, the parcels within the boundaries of each Stipulating Party will be treated as a separate zone with the Assessment District and the special benefits afforded to each parcel therein as determined by the Assessment Engineer in conjunction with the determination established by the Judgment.

Project Description

The Nipomo Mesa Supplemental Water Project consists of over 27,000 linear feet (LF) of pipeline, a 0.5 million gallon (MG) storage tank, a 2,000 gallon per minute (gpm) pump station, and chloramination systems at the pump station and at four existing Nipomo Community Services District production wells, as well as the related back-up power, controls, power supply and instrumentation. The Supplemental Water

² The proceedings reference Golden State Water Company in its previous name, Southern California Water Company.

Project is an integrated approach to the mandate of the Judgment and is to be viewed as a single project benefitting the zones in the manner allocation described in the Judgment. The Supplemental Water Project shall be constructed, owned and operated by the Nipomo Community Services District. The Nipomo Community Services District completed the Concept Design in April 2009 (Nipomo Waterline Intertie Project, Concept Design Report, AECOM). The report is available for viewing at the Nipomo Community Services District office and for download on the Nipomo Community Services District's website.

Transmission Pipeline

The waterline design begins at the north end of the City of Santa Maria water distribution system at the intersection of Blosser Road and West Taylor Street with a new 18-inch waterline (24-inch bid option available). The waterline runs north along Blosser Road to Atlantic Place and transitions to a 24-inch waterline to cross underneath the Santa Maria River levee. The 24-inch line will be installed underneath the levee and will cross under the Santa Maria River utilizing horizontal directional drilling technology, ending atop the Nipomo Mesa. From the end of the horizontal directional drill, a 24-inch pipeline will be installed via open trench construction to the reservoir.

Reservoir

On the Nipomo Mesa, the 24-inch pipeline will connect to a 500,000-gallon, pre-stressed concrete reservoir. The reservoir will be partially buried to assist the delivery of water via City of Santa Maria system pressures (without pumping). The primary reason for a partially buried tank is to eliminate the need for a pump station in Santa Maria. However, a secondary benefit to the partially buried tank design is that it will reduce visual impacts. The partially buried tank is designed with the bottom of the tank at approximately 22 feet below grade. Approximately 3 to 6 feet of tank wall will be visible above grade. "Native" colors will be selected for the tank color.

Booster Pump Station

The booster pump station consists of three vertical turbine pumps and associated controls. The pumps will draw water from the reservoir and deliver it at flows ranging from 600 gallons per minute (gpm) to up to 2,000 gpm. A 24-inch pipeline will be installed to connect the pump station to an existing 12-inch waterline. Water will be pumped along Orchard Road (in the existing 12-inch waterline) and branch into new dedicated pipelines that connect to the main Nipomo Community Services District system in several locations.

NCSD System Pipeline Improvements

Dedicated 12-inch waterlines will be installed to deliver water to the system's back-bone transmission mains in order to protect smaller existing waterlines and users from high pressures. These dedicated mains will be in five areas: 1) along Orchard Road, from Southland Street to Grande Street; 2) along Southland Street, from Orchard Road to Frontage Road; 3) along Frontage Road from Southland Street to Grande Street; 4) from Grande Street, northeast underneath Highway 101 to Darby Lane,

continuing on Darby Lane to South Oakglen Avenue; and 5) along South Oakglen Avenue from Darby Lane to Tefft Street. The dedicated mains will connect to the existing system at Orchard Road and Grande Street, Frontage Road and Grande Street, and South Oakglen Avenue and Tefft Street.

Pressure Reducing Valve Stations

Pressure-reducing-valve (PRV) stations will protect downstream users from high pressures required for the supplemental water delivery. Five PRV stations will be installed around the Nipomo Community Services District's system. One will be placed on Santa Maria Vista Way near the connection to the existing 12-inch waterline, lowering pressure for the Maria Vista Development. Three stations will be placed strategically to create a separate pressure zone in the southwest region of the Nipomo Community Services District's system (on Grande Street, on Orchard Road, and on Oakglen Avenue). The fifth PRV station will be installed on Southland Street between the dedicated main and an existing waterline to allow high flows into the new pressure zone during an emergency (low pressure) situation.

Chloramination Disinfection Conversion

The project includes conversion of four production wells from chlorination to chloramination systems and a booster chloramination system at the pump station. The Preliminary Engineering Memorandum (Boyle/AECOM, May 2008) contains a detailed discussion of the project's disinfection options and water quality issues, and recommends the conversion to match the disinfection process of the supplemental water.

The Nipomo Community Services District will install chloramination equipment at Sundale, Eureka, Via Concha, and Blacklake #4 wells. Production records indicate that these four wells, along with the Bevington or Knollwood Well (if a chloramination system is installed in the future) should produce sufficient water to meet the year 2007 maximum daily demand of 3,152 gpm (4.5 MGD). Other wells could be on standby until such time as they were needed, or they could be operated periodically, using a portable chloramination system.

Land and Easements

To complete the Project it is estimated that 8.36 acres of permanent easement property and 5.74 acres of temporary construction easement property will need to be acquired for \$150,900. The cost of the property acquisition as well as the costs of preparing the plats and legal description are necessary for the Project and are included in the cost estimate.

Incidental Expenses

Incidental expenses proposed to be included as part of the assessment include costs related to, but not limited to, planning, design engineering, construction engineering, right-of-way engineering, assessment engineering, bond counsel, financial advising, construction management, construction administration, environmental

mitigation, soils testing, bond issuance, capitalized interest and contingencies. The expenses are incidental and necessary to accomplish the works of improvement.

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PART III

ESTIMATE OF COSTS

An estimate of the cost of the proposed improvements for the Nipomo Mesa Supplemental Water Project and of the cost of lands, rights-of-way, and incidental expenses is shown in the table below "Nipomo Mesa Supplemental Water Project Estimate of Costs". The estimated cost is based on the 90% plan set and engineer's opinion of probable cost prepared by AECOM in December 2011 and additional input from Nipomo Community Services District Staff on incidental expenses also provided in December 2011.

The Nipomo Community Services District has received a grant from the State Department of Water Resources in the amount of \$2,300,000 to offset the cost of the Project and as a contribution for general benefit should any be determined to exist. Additionally, within Zone A (served by Nipomo Community Services District), developed properties have been charged a facility fee which Nipomo Community Services District shall contribute in the amount of \$6,000,000 to the cost of the Project for the specific benefit and allocation to such developed properties within Zone A.

The annual operation, maintenance and replacement cost of the Project will not be funded by the proposed Assessment District. Instead, NCSD will recover such costs through rates and fees charged to its customers and water purchase rates charged to the three other participating water purveyors.

**NIPOMO MESA SUPPLEMENTAL WATER PROJECT
 ESTIMATE OF COSTS**

Construction	
Construction	\$15,876,900
Construction Contingency (15%)	\$2,381,535
Total Construction	\$18,258,435
Engineering, Design and Incidental Costs	
Right of Way/Property Acquisition	\$360,000
Design Engineering	\$2,274,055
Contingency	\$688,233
Construction Management/Inspection	\$2,821,274
EIR Preparation	\$275,000
Total Design Costs	\$6,418,562
District Planning & Formation Costs	
Legal, Bond & Financial Costs	\$672,125
Engineering, Planning & Administration	\$912,000
Total District Formation Costs	\$1,584,125
Financing Costs & Reserves	
Capitalized Interest – 1 Year	\$1,460,393
Underwriter's Discount -1.5%	\$322,125
Bond Reserve Fund	\$1,719,674
Total Financing Costs & Reserve	\$3,502,192
TOTAL ALL COSTS	\$29,763,314
Contributions	
Dept. of Water Resources Contribution (Grant)	\$2,300,000
NCS D Contribution ³	\$6,000,000
Total Contributions	\$8,300,000
TOTAL ASSESSMENT AMOUNT	\$21,463,314

³ Contribution from capital charges accumulated by NCS D and allocated to Developed Property only within Zone A.

PART IV

ASSESSMENT DIAGRAM

The Assessment District is divided into four (4) separate zones, each zone corresponding to the boundaries or service areas of the following water purveyors: Nipomo Community Services District – Zone A, Golden State Water Company – Zone B, Rural Water Company – Zone C, and Woodlands Mutual Water Company – Zone D. The boundaries of the proposed Assessment District, including the zones, are as established by the Board of Directors of the Nipomo Community Services District with its Resolution of Intention adopted on _____, 2012, and are incorporated herein by reference.

The lines and dimensions of each lot or parcel within each Zone within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of San Luis Obispo for the year when this Engineer's Report was prepared, and are incorporated by reference herein and made part of this Engineer's Report. The Diagram for the Assessment District is shown in a separately bound document which is on file with the Secretary of the Board; said material being too bulky to be bound with this Engineer's Report. The Proposed Boundary/Diagram are shown in a reduced scale format as Exhibit "A".

The Proposed Boundary Map was recorded on _____, 2012 in Book _____, Pages _____, Recording Number _____, in the office of the County Recorder of the County San Luis Obispo, State of California.

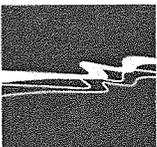
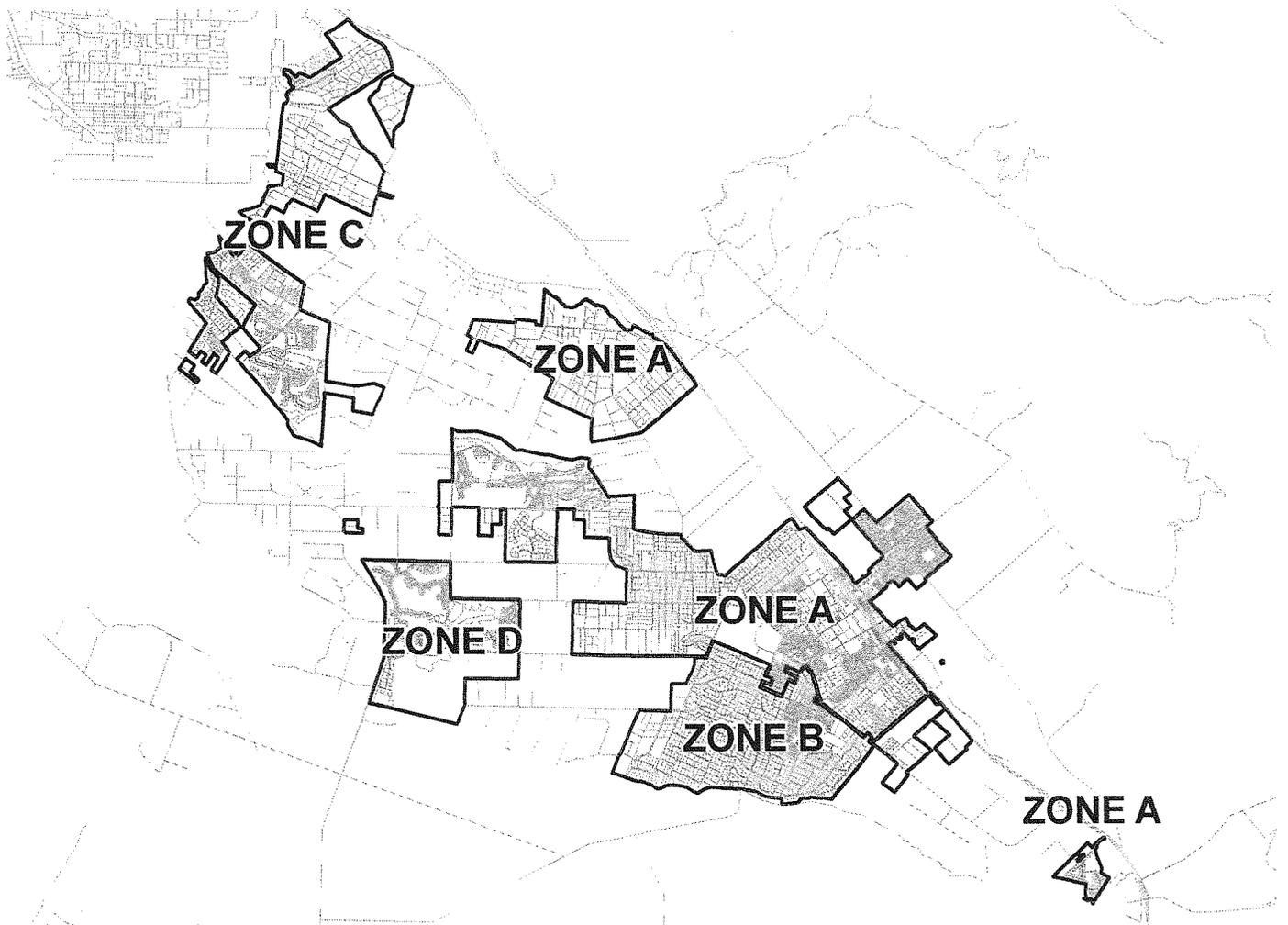
The Diagram was recorded on _____, 2012 in Book _____, Pages _____, Recording Number _____, in the office of the County Recorder of the County San Luis Obispo, State of California.

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Exhibit A

Assessment District No. 2012-1 (Supplemental Water Project)

Nipomo Community Services District State of California



CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LANDSCAPE ARCHITECTURE
MECHANICAL ENGINEERING
PLANNING
PUBLIC WORKS ADMINISTRATION
SURVEYING/GIS SOLUTIONS
WATER RESOURCES
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March 14, 2012



WALLACE GROUP

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PART V

METHOD OF ASSESSMENT APPORTIONMENT

A. BACKGROUND

The law requires that assessments imposed pursuant to Assessment law be based on the special benefit properties receive from the works of improvement. However, the law does not specify the method or formula that should be used to apportion the assessments in assessment district proceedings. In addition, Article XIID requires that only special benefits are assessable, that no assessment may exceed the proportional special benefit conferred on the parcel assessed, and that publicly-owned parcels shall not be exempt from the assessment unless clear and convincing evidence demonstrates that such publicly-owned parcels receive no special benefits from the improvements for which the improvements are imposed. Special Benefit is a particular and distinct benefit over and above general benefits conferred on real property located in the Assessment District or to the public at-large. General enhancement of property does not constitute special benefit.

It is necessary to identify the special benefit that the works of improvement will render to the properties within each Zone within the Assessment District. It is also necessary that the properties receive a special and direct benefit as distinguished from benefit to the general public.

The Assessment Engineer is appointed for the purpose of analyzing the facts and determining the method or formula for apportionment of the assessment obligation to the benefited properties. For these proceedings, Nipomo Community Services District retained the firm of The Wallace Group as the Assessment Engineer.

The Assessment Engineer makes his or her recommendation for the method of apportionment of the improvement at the public hearing. The final authority and action rests with the Board of Directors after hearing all testimony and evidence presented at the public hearing and the tabulation of the assessment ballots. Upon conclusion of the public hearing, the board of Directors must make the final action in determining that the assessment has been made in direct proportion to the special benefit received. Ballot tabulation will then be completed, and if a majority protest, weighted by assessment amount, do not protest the assessment, then the Board of Directors may establish the Assessment District.

GENERAL BENEFIT

The Assessment Engineer reviewed whether the Project conveys any public general benefit or conveys special benefit to parcels beyond the properties within the Assessment District. All properties outside of the boundaries of the Assessment District or those exempt within the Assessment District do not receive special benefit because such parcels are subject, to Ordinance No. 3090 of the County of San Luis Obispo, which requires parcels within the Nipomo Mesa Water Conservation Area with general plan amendments or land divisions to offset their impact and need for supplemental water by paying a supplemental water development fee that will increase, not supplant the existing planned supplemental water provided by the Project. Therefore, those parcels which are not subject to the Assessment or which are

restricted in their benefit, will not receive any special benefit beyond what is determined since water will not be available until future improvements and the costs associated therewith have been made by such parcels. General benefit to the public at large, if any, of lessening the threat of seawater intrusion into the fresh water supply or special benefit to properties not covered by Ordinance No. 3090, has been quantified to be much less than the contribution provided by the State Department of Water Resources grant in the amount of \$2,300,000.

SPECIAL BENEFIT

In making the special benefit analysis, it was necessary to first identify the special and general benefits that the work of improvements render to the properties within the Assessment District and to determine that the zones, and the properties within the zones, receive a direct and special benefit distinguished from that of the general public. The special benefit for each zone has been measured in the quantity of the supplemental water available and the detailed analysis of the average water use for certain categories of parcels or parcels in particular. The special benefit to each property within the zone, as a result of the construction of the work of improvements, is the ability of each property to have reliable sources of fresh water from direct and/or supplemental water sources, the reduced risk of seawater intrusion and the satisfaction of obligations under the court-approved Judgment.

The properties within the Assessment District are only parcels that will receive a special benefit from the work of improvements. The work of improvements provide special benefit for each property within the Zones which are part of a service area to a water purveyor and are subject to or benefit by the availability of the supplemental water provided by the work of improvements, the risk of seawater intrusion and the satisfaction of court-approved Judgment. The improvements are for the use and benefit of the properties within the Assessment District only and will not serve or directly benefit the general public or those parcels not subject to the Assessment. Additionally, the improvements have been sized for the benefit of the properties within the Assessment District and does not contain additional capacity which would allow other areas to use the improvements without an additional cost and addition to the improvements.

GENERAL DESCRIPTION OF METHOD

All properties that stand to benefit from the construction of the Nipomo Mesa Supplemental Water Project, public or private, vacant or occupied, subdivided or un-subdivided, have been assessed a portion of the project costs. The benefits to an individual parcel are based on its service location, zoning, size, use of the property, whether it is currently developed, and its development potential. First, the proposed Assessment District is broken into four zones based on the boundaries of each water purveyor's water system boundary or service area: Nipomo Community Services District (NCSD) – Zone A, Golden State Water Company (GSWC) – Zone B, Rural Water Company (RWC) – Zone C, and Woodlands Mutual Water Company (WMWC) – Zone D. Each zone has a different share in the total project costs identified in Part III of this Engineer's Report, based on their percentage established in the Stipulation noted in Part V of this Engineer's Report, which apportionment and rationale has been reviewed by the Assessment Engineer and in which the Assessment Engineer concurs. Apportionment of the costs of the Project for each zone is based on the percentage of the projected quantity of available water due to the construction of the Project for such zone in relationship to the other zones' quantity of available water and constitutes the special benefit for such zone. The

following Table, "Nipomo Mesa Supplemental Water Project Apportioned Project Costs", provides a breakdown of the share for Zone and their financial share of the proposed project.

**Nipomo Mesa Supplemental Water Project
 Apportioned Project Costs**

Zone	Percentage of Share ¹ (%)	Water Supply ² (acre-ft)	Additional Water Supply Requested (acre-ft)	Equivalent Percentage Based on 3,000 acre-ft ³ (%)	Project Cost (\$)
Zone A (NCSD)	66.68%	1,667	500	72.23%	13,186,314
Zone B (GSWC)	8.33%	208	0	6.94%	2,086,047
Zone C (RWC)	8.33%	208	0	6.94%	2,086,047
Zone D (VMWC)	16.66%	417	0	13.88%	4,104,906
Total	100.00%	2,500	500	100.00%	21,463,314

¹ Percentage based on stipulation agreement for 2,500 acre-feet of water.

² The amount of water supply for each zone based on a percentage of 2,500 acre-ft.

³ The equivalent percentage for each zone based on 3,000 acre-feet of water. This percentage will be used to calculate distributed cost to each zone.

The Basis of Assessment was established in a memorandum to the Nipomo Community Services District Board of Directors, dated April 15, 2009, prepared by Wallace Group. The development of the Basis of Assessment was based on a two-year review of average water use for all parcel sizes and land uses within Nipomo Community Services District, which report is attached hereto as Appendix C and incorporated herein.

Once a cost estimate and special benefit has been determined for a zone, then the further special benefit for each parcel is determined based on several factors for the parcel including its zoning, size, use of the property, whether it is currently developed, and its development potential. Although there are four (4) zones included in the same Assessment District, the governing codes and ordinances to determine the development potential, and thereby the method of assessment is different for each zone. The methods used for determining development potential for this Assessment District are as follows:

Development Potential Determination

To determine the number of potential lots for each vacant or underdeveloped property, reference was made to the Land Use Element and Land Use Ordinance provided by the San Luis Obispo Planning and Building Department. The South County Area Plan is the part of the County's Land Use Plan covering the Nipomo area. Various "Planning Areas" as designated in the Land Use Element are associated with particular minimum lot sizes within each group. Each are described in more detail below for each water purveyor's boundary.

ZONE A

There are 4,593 parcels within Zone A, which is served by Nipomo Community Services District. The parcels are governed by the following current land use policies as of the date of this report:

- San Luis Obispo County Land Use Ordinance Title 22
- South County Planning Area Standards Chapter 22.112
- Blacklake Village Specific Plan
- Resource Management System Policies

The development potential for the parcels within Zone A are based on the evaluation of the assumptions and thresholds of water use and availability identified in a report prepared by Wallace Group for Nipomo Community Service District on April 15, 2009 attached as Appendix C. The following are various ordinances and assumptions used to determine development potential for all parcels within Zone A:

- Residential single family (RSF) parcels 12,000 square foot (sf) in size are potentially allowed by ordinance to subdivide to 6,000 sf lots. For parcels less than or equal to 2.0 acres, if a residential unit is existing, it was assumed that the parcel would not subdivide and was only assessed based on its existing use. For parcels on greater than 2.0 acres, the parcel was assessed for its full development potential, based on its ability to subdivide or build secondary "granny" units.
- Residential single family lots of less than 6,000 sf do not have secondary dwelling unit capability.
- Residential parcels on less than 2.0 acres on septic systems do not have secondary dwelling unit capability unless determined by the County of San Luis Obispo to have "favorable" conditions.
- Blacklake Village residential parcels do not have secondary dwelling unit capability, regardless of parcel size.
- Residential Multi-Family (RMF) parcels do not have secondary dwelling unit capability, regardless of parcel size.
- Minimum lot size for an existing legally created lot to establish a single family residence is 1,750 sf.
- Minimum newly created lot size in Agriculture (AG) zoning is 20 acres.
- Minimum newly created lot size in Residential Rural (RR) zone is 5 acres.
- Minimum newly created lot size in Residential Suburban (RS) is 1 acre.

- Minimum newly created lot size in RSF is 6,000 sf, except where density is dictated by the Area Plan standards or where limited by wastewater service.
- Development potential for parcels with split zoning will be evaluated per Section 22.02.020.D, and/or in consult with County of San Luis Obispo staff.

Zone B

There are 1,492 parcels within Zone B, which is served by Golden State Water Company. The parcels are governed by the following current land use policies as of the date of this report:

- San Luis Obispo County Land Use Ordinance Title 22
- South County Planning Area Standards Chapter 22.112
- Resource Management System Policies

The development potential for the parcels within Zone B are based on the evaluation of the assumptions and thresholds of water use and availability identified in a report prepared by Wallace Group for Nipomo Community Service District on April 15, 2009 attached as Appendix C and described above under the Development Potential for Nipomo Community Services District. The following are additional assumptions made specifically for Zone B parcels:

- All lots outside of Specific Plan areas are assumed to be on septic systems for density purposes, with exceptions as noted. Regardless of zoning and lot size, for properties on septic, a secondary unit requires 2 acres minimum. Where properties are on community sewer, the secondary unit is allowed on each existing lot over 6,000 square feet, or on any potential lot that could be created by subdivision at the required minimum lot size.
- Minimum newly created parcel in Rural Lands (RL) is 20 acres.

Zone C

There are 1,085 parcels within Zone C, which is served by Rural Water Company. Zone C includes Cypress Ridge, a master planned community governed by the Cypress Ridge Specific Plan in addition to Falcon Ridge Development and other surrounding properties. The parcels are governed by the following current land use policies as of the date of this report:

- San Luis Obispo County Land Use Ordinance Title 22
- South County Planning Area Standards Chapter 22.112
- Resource Management System Policies

The development potential for the parcels within Zone C are based on the evaluation of the assumptions and thresholds of water use and availability identified in a report prepared by Wallace Group for Nipomo Community Service District on August 19, 2009 attached as Appendix C. The following are some assumptions made specifically for Zone C parcels:

- Cypress Ridge has sewer service; all parcels outside of Cypress Ridge are assumed to be on septic.
- Residential parcels on less than 2.0 acres on septic systems do not have secondary dwelling unit capability.

- The resort site has an existing golf club and restaurant. There is an approved Vesting Tentative Tract Map for a new hotel condo resort with restaurant which includes 7 residential lots at Brant and Tattler. These lots are being graded for residential sale, and will not be part of the resort.
- The resort will be redesigned to fit the smaller area. The allowed resort uses are:
 - Hotel up to 103 units
 - 14,000 sf footprint for hotel registration & lobby, restaurant (200-seat max), pro shop.
- The Cypress Village Center allows for a sports facility (swim & tennis center), a community resource (common building) center, and limited office/retail services. The sports center has yet not been constructed.
- Development potential for all parcels, excluding parcels within the Cypress Ridge Specific Plan, is based on the assumptions and thresholds identified for Nipomo Community Services District, stated above.

Zone D

Zone D, which is served by Woodlands Mutual Water Company, is allowed a maximum of 1,320 dwelling units, inclusive of secondary units per the Woodlands Specific Plan. Not all primary units are built, but Phase 1 lots are "assumed built". Secondary units are allowed on lots over 6,000 sf. within the maximum limit of 1,320 dwelling units total for the entire planned community.

For Zone D's Commercial Mixed Use (at the Village Center) which is vacant, the maximum floor area allowed under the Specific Plan for all Commercial Retail (CR) lots is provided. The Mixed Use allows up to 80 units per the Specific Plan. Per the Conditional Use Permit, the Village Center will have 20 units. The Assessment District will assume 20 units will be constructed.

The use of the Business Park is authorized to be converted with a Specific Plan Amendment to retail or residential uses. If residential is proposed, it still cannot exceed the 1,320 dwelling units maximum.

For Zone D Commercial Services (CS) zoned lots, the Floor Area Ratio (FAR) maximum of 0.35 was used to calculate the maximum development per lot. It turns out that the FAR per each of the 19 lots totals 284,000, considerably less than the overall allowed maximum of 350,000 sf, leaving some potential commercial floor area on the table in Phase II.

The various open space lots are identified within the spreadsheet as follows:

Easement Open Space:

- Easements providing access to the golf course are "access easements"
- Easements acting as open space buffers between development are "buffer lots"
- Buffer easements along the perimeter are identified as "buffer & trail"
- Pocket park lots are called "park open space"
- The Butterfly habitat is "habitat open space"

APN 091-500-016 includes all of Phase 2A and 2B.

BENEFIT UNIT DETERMINATION

Each property that stands to obtain a special benefit from the Nipomo Mesa Supplemental Water Project has been assigned a "benefit unit", or share in the overall cost of the project or special benefit derived from the project. The cost for a benefit unit will be different for each Zone as each Zone has a different share in the project. Within each Zone, special benefits are proportional to the special benefits received by the individual parcel in relation to the special benefits received by the other parcels in the Zone, based on the quantity and availability of water due to the Nipomo Mesa Supplemental Water Project, its zoning designation, use, size and/or current or potential development use. Within the Assessment District, there are various land uses such as single family residences, multiple family residences, commercial retail property, open space, etc. The method of assigning benefit units to each of these land uses is different for each area and is described in more detail as follows.

Zone A

The Basis of Assessment for Zone A is summarized in "Zone A Basis of Assessment" table. A full description of each group in this table is as follows:

Group 1: Residential with One Unit

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Multi-Family, Residential Rural, Residential Suburban, and Rural Lands with one unit. The following parameters were used to determine benefit unit assignments:

- Developed parcels less than or equal to 2.0 acres – Parcels were only assessed for their existing use and were not assessed for their full development potential if capable of subdividing or adding an additional granny unit.
- Developed parcels greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential.

Group 2: Residential with Granny Unit

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Rural, Residential Suburban, and Rural Lands with a secondary "granny" unit. The following parameters were used to determine benefit unit assignments:

- The first unit is assessed per Group 1.
- Developed parcels with 2 units – Parcels less than or equal to 1.0 acre with a second unit are not assessed for the secondary unit. Parcels greater than 1.0 acres with a second unit are assessed 0.3 benefit units for the second unit in addition to the assessment for the first unit.
- Vacant parcels less than or equal to 2.0 acres – If a parcel is provided sewer service, the parcel was identified to be capable of having a secondary unit potential, but the benefit unit was not increased for this potential. If parcel is on septic, parcel is unable to have a secondary dwelling unit.
- Vacant parcels greater than 2.0 acres – Parcels on greater than 2 acres were assessed for a secondary unit if allowed by its land use category.

Zone A
(Nipomo Community Services District)
Basis of Assessment

Group	Sub Group	Land Use Category	Description	Parcel Sizes Included (acres)	Basis of Assessment
1	A	Residential with 1 unit (RSF, RMF, RR, RS, RL)	All residential parcels with one unit	<= to 0.35	1.00 Equivalent Benefit Unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65	2.00 benefit units
2	A	Residential with Granny unit	Secondary Unit on a residential property	<=1.00	0.00 benefit units
	B			>1.00	0.30 benefit unit for second unit
3	A	Residential with 3 or More units	Residential properties with greater than two units (Does not include subdividable RSF parcels)	All Parcel Sizes	0.70 benefit unit for each additional unit beyond two units
4	A	Residential Multi-Family (RMF)	Multi-family units w/ no land (i.e. condos, apartments, mobile homes)	All Parcel Sizes	0.70 benefit units per unit
5	A	Commercial (CS, OP, CR)	Commercial Services, Office Professional, Commercial Retail	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	6.00 benefit units
6	A	Mini Storage	Storage units with physical storage structures	All Parcel Sizes	0.50 benefit units
7	A	School	School	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	3.00 benefit units plus 1.0 benefit unit for every acre above 2.0 acres
8	A	Public Mtg	Includes churches, public meeting halls, excluding schools	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	2.00 benefit units
	D			>2.00	1.00 benefit units per acre
9	A	Recreational	Parks, Fields, etc	All Parcel Sizes	1.00 benefit units per acre
10	A	Government	Government (i.e. Fire Station, Police, etc)	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	3.00 benefit units plus 1.00 benefit unit for every acre above 2.00 acres
11	A	Public Facilities w/ No Irrigation	Public Facilities with no irrigation (i.e. wells, tanks, lift stations)	All Parcel Sizes	0.00 benefit units
12	A	Public Facilities w/ Irrigation	Public Facilities with irrigation	All Parcel Sizes	1.00 benefit units per acre
13	A	Open Space w/ No Irrigation	Open Space w/ no irrigation (i.e. medians, parking lots, etc)	All Parcel Sizes	0.00 benefit units
14	A	Open Space w/ Irrigation	Open Space w/ existing irrigation	All Parcel Sizes	1.00 benefit units per acre
15	A	WWTP	Wastewater Treatment Plant	All Parcel Sizes	1.00 benefit unit
16	A	Agriculture	Agriculture parcels using NCSD water	All Parcel Sizes	1.00 benefit units per acre
17	A	Hotel	Hotel or Bed & Breakfast	All Parcel Sizes	0.40 benefit units per room
18	A	Exempted Parcels	Parcels with their own water source	All Parcel Sizes	0.00 benefit units
19	A	Interval Ownership Suites	Two-bedroom hotel/timeshare units	All Parcel Sizes	0.55 benefit units per unit

Group 3: Residential with Three or More Units

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Rural, Residential Suburban, and Rural Lands with three or more units. This does not include apartments, condominiums, multi-plex, mobile homes or sub-dividable parcels. The following parameters were used to determine benefit unit assignments:

- The first unit is assessed per Group 1.
- The second unit is assessed per Group 2.
- Developed parcels with 3 or more units – Parcels of all size will be assessed 0.7 benefit units each additional unit beyond two units.
- Developed parcels on greater than 2.0 acres – If a parcel is greater than 2.0 acres and is sub-dividable, the parcel is assessed for full development potential per Group 1 and Group 2.

Group 4: Residential Multi-Family

This group includes all residential multi-family properties with no attributable land (less than 6,000 sq ft lot size), designated as condominiums, apartments, multi-plex, or mobile homes. The following parameters were used to determine benefit unit assignments:

- Each unit is assessed 0.7 benefit units.
- Developed parcels less than or equal to 2.0 acres - Parcels were only assessed for their existing use and were not assessed for their full development potential.
- Developed parcels greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential.

Group 5: Commercial

This group includes all commercial properties, including Land Use Categories Commercial Services, Office Professional, and Commercial Retail. The following parameters were used to determine benefit unit assignments:

- Developed parcels less than or equal to 2.0 acres – Parcels were only assessed for their existing use and were not assessed for their full development potential.
- Developed parcels greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential. Full development potential for commercial zoned parcels that allow for residential multi-family development were assessed according to Group 4.

Group 6: Mini Storage

This group includes all parcels identified by their land use as a mini storage. All mini storage parcels are assigned 0.5 benefit units.

Group 7: School

This group includes all parcels identified by their land use as a school. Benefit unit assignments are based on parcel size.

Group 8: Public Meeting

This group includes all parcels that have facilities for public meetings, including churches and public meeting halls, but excluding schools (See Group 7). Benefit unit assignments are based on parcel size.

Group 9: Recreational

This group includes all recreational facilities that are irrigated and/or have public use facilities. Benefit unit assignments are based on parcel size.

Group 10: Government

This group includes all public facilities, including the Fire Station, Police Station, District Office, etc., that use water for inside use and/or outside irrigation. Benefit unit assignments are based on parcel size.

Group 11: Public Facilities with No Irrigation

This group includes all public facilities that do not use water on-site. These parcels include private or public well sites, tank sites, and lift stations. All parcels within this group are assigned zero benefit units.

Group 12: Public Facilities with Irrigation

This group includes all public facilities that do use water on-site. Benefit unit assignment is based on parcel size.

Group 13: Open Space with No Irrigation

This group includes all designated open space parcels with no irrigation. These parcels include hardscaped medians, parking lots, areas with dense oak trees, etc. All parcels within this group are assigned zero benefit units.

Group 14: Open Space with Irrigation

This group includes all designated open space parcels with irrigation. Benefit unit assignment is based on parcel size.

Group 15: Wastewater Treatment Plant

This group includes all public facilities designated for a wastewater treatment plant. These parcels are assigned 1.0 benefit unit regardless of parcel size.

Group 16: Agriculture

This group includes all agriculture parcels that are currently served by Nipomo Community Services District within Zone A. Benefit unit assignment is based on parcel size.

Group 17: Hotel

This group includes all parcels designated for a hotel or bed & breakfast. Benefit unit assignment is based on the number of rooms within the hotel or bed & breakfast.

Group 18: Exempted Parcels

Parcels located within Zone A, but have their own well and underlying appropriate water rights are assigned zero benefit units.

Group 19: Interval Ownership Suites

This group includes all parcels designated for an Interval Ownership Suites. Benefit unit assignment is based on the number of two-bedroom units.

Based on this analysis, there are 5,740.67 benefit units assigned to existing development and 1,864.83 benefit units assigned to future development (un-developed).

Zone B

The Basis of Assessment for Zone B is summarized in "Zone B Basis of Assessment" table. A full description of each group in this table is as follows:

Group 1: Residential with One Unit

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Multi-Family, Residential Rural, Residential Suburban, and Rural Lands with one unit. The following parameters were used to determine benefit unit assignments:

- Developed parcels less than or equal to 2.0 acres – Parcels were only assessed for their existing use and were not assessed for their full development potential if capable of subdividing or adding an additional granny unit.
- Developed parcels greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential.

Group 2: Residential with Granny Unit

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Rural, Residential Suburban, and Rural Lands with a secondary "granny" unit. The following parameters were used to determine benefit unit assignments:

- The first unit is assessed per Group 1.
- Developed parcels with 2 units – Parcels less than or equal to 1.0 acre with a second unit are not assessed for the secondary unit. Parcels greater than 1.0 acres with a second unit are assessed 0.3 benefit units for the second unit in addition to the assessment for the first unit.
- Vacant parcels less than or equal to 2.0 acres – If a parcel is provided sewer service, the parcel was identified to be capable of having a secondary unit potential, but the benefit unit was not increased for this potential. If parcel is on septic, parcel is unable to have a secondary dwelling unit.
- Vacant parcels greater than 2.0 acres – Parcels on greater than 2 acres were assessed for a secondary unit if allowed by its land use category.

Group 3: Residential with Three or More Units

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Rural, Residential Suburban, and Rural Lands with three or more units. This does not include apartments, condominiums, multi-plex, mobile homes or sub-dividable parcels. The following parameters were used to determine benefit unit assignments:

- The first unit is assessed per Group 1.

**Zone B
(Golden State Water Company)
Basis of Assessment**

Group	Sub Group	Land Use Category	Description	Parcel Sizes Included (acres)	Basis of Assessment
1	A	Residential with 1 unit (RSF, RMF, RR, RS, RL)	All residential parcels with one unit	<= to 0.35	1.00 Equivalent Benefit Unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65	2.00 benefit units
2	A	Residential with Granny Unit	Secondary Unit on a residential property	<=1.00	0.00 benefit units
	B			>1.00	0.30 benefit unit for second unit
3	A	Residential with 3 or More units	Residential properties with greater than two units (Does not include subdividable RSF parcels)	All Parcel Sizes	0.70 benefit unit for each additional unit beyond two units
4	A	Residential Multi-Family (RMF)	Multi-family units w/ no land (i.e. condos, apartments, mobile homes)	All Parcel Sizes	0.70 benefit units per unit
5	A	Commercial (CS, OP, CR)	Commercial Services, Office Professional, Commercial Retail	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	6.00 benefit units
6	A	Agriculture	Agriculture parcels using GSWC water	All Parcel Sizes	1.00 benefit units per acre
7	A	School	School	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	3.00 benefit units plus 1.00 benefit unit for every acre above 2.00 acres
8	A	Government	Government (i.e. Fire Station, Police, etc)	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	3.00 benefit units plus 1.00 benefit unit for every acre above 2.00 acres
9	A	Public Facilities w/ No Irrigation	Public Facilities with no irrigation (i.e. wells, tanks, lift stations)	All Parcel Sizes	0.00 benefit units
10	A	Open Space w/ No Irrigation	Open Space w/ no irrigation (i.e. medians, parking lots, etc)	All Parcel Sizes	0.00 benefit units
11	A	Open Space w/ Irrigation	Open Space w/ existing irrigation	All Parcel Sizes	1.00 benefit units per acre
12	A	Exempted Parcels	Parcels with their own water source	All Parcel Sizes	0.00 benefit units

- The second unit is assessed per Group 2.
- Developed parcels with 3 or more units – Parcels of all size will be assessed 0.7 benefit units each additional unit beyond two units.
- Developed parcels greater than 2.0 acres – If a parcel is greater than 2.0 acres and is sub-dividable, the parcel is assessed for full development potential per Group 1 and Group 2.

Group 4: Residential Multi-Family

This group includes all residential multi-family properties with no attributable land (less than 6,000 sq ft lot size), designated as condominiums, apartments, multi-plex, or mobile homes. The following parameters were used to determine benefit unit assignments:

- Each unit is assessed 0.7 benefit units.
- Developed parcels less than or equal 2.0 acres - Parcels were only assessed for their existing use and were not assessed for their full development potential.
- Developed parcels on greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential.

Group 5: Commercial

This group includes all commercial properties, including Land Use Categories Commercial Services, Office Professional, and Commercial Retail. The following parameters were used to determine benefit unit assignments:

- Developed parcels less than or equal to 2.0 acres – Parcels were only assessed for their existing use and were not assessed for their full development potential.
- Developed parcels greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential. Full development potential for commercial zoned parcels that allow for residential multi-family development were assessed according to Group 4.

Group 6: Agriculture

This group includes all agriculture parcels that are currently served by Golden State Water Company within Zone B. Benefit unit assignment is based on parcel size.

Group 7: School

This group includes all parcels identified by their land use as a school. Benefit unit assignments are based on parcel size.

Group 8: Government

This group includes all public facilities, including the Fire Station, Police Station, District Office, etc., that use water for inside use or outside irrigation. Benefit unit assignments are based on parcel size.

Group 9: Public Facilities with No Irrigation

This group includes all public facilities that do not use water on-site. These parcels include private or public well sites, tank sites, and lift stations. All parcels within this group are assigned zero benefit units.

Group 10: Open Space with No Irrigation

This group includes all designated open space parcels with no irrigation. These parcels include landscaped medians, parking lots, areas with dense oak trees, etc. All parcels within this group are assigned zero benefit units.

Group 11: Open Space with Irrigation

This group includes all designated open space parcels with irrigation. Benefit unit assignments are based on parcel size.

Group 12: Exempted Parcels

Parcels located within Zone B, but have their own well and underlying appropriative water rights are assigned zero benefit units.

Based on this analysis, there are 2,615.45 benefit units.

Zone C

The Basis of Assessment for Zone C is summarized in "Zone C Basis of Assessment" table. A full description of each group in this table is as follows:

Group 1: Residential with One Unit

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Multi-Family, Residential Rural, Residential Suburban, and Rural Lands with one unit. The following parameters were used to determine benefit unit assignments:

- Developed parcels less than or equal on 2.0 acres – Parcels were only assessed for their existing use and were not assessed for their full development potential if capable of subdividing or adding an additional granny unit.
- Developed parcels greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential.

Group 2: Residential with Granny Unit

This group includes all residential properties, including Land Use Categories Residential Single Family, Residential Rural, Residential Suburban, and Rural Lands with a secondary "granny" unit. The following parameters were used to determine benefit unit assignments:

- The first unit is assessed per Group 1.
- Developed parcels with 2 units – Parcels less than or equal to 1.0 acre with a second unit are not assessed for the secondary unit. Parcels greater than 1.0 acres with a second unit are assessed 0.3 benefit units for the second unit in addition to the assessment for the first unit.

**Zone C
(Rural Water Company)
Basis of Assessment**

Group	Sub Group	Land Use Category	Description	Parcel Sizes Included (acres)	Basis of Assessment
1	A	Residential with 1 unit (RSF, RMF, RR, RS, RL)	All residential parcels with one unit	<= to 0.35	1.00 Equivalent Benefit Unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65	2.00 benefit units
2	A	Residential with Granny Unit	Secondary Unit on a residential property	<=1.00	0.00 benefit units
	B			>1.00	0.30 benefit unit for second unit
3	A	Commercial (CS, OP, CR)	Commercial Services, Office Professional, Commercial Retail	<= to 0.35	1.0 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	6.00 benefit units
4	A	Hotel	Hotel or Bed & Breakfast	All Parcel Sizes	0.40 benefit units per room
5	A	School	School	<= to 0.35	1.00 benefit unit
	B			>0.35 & <= 0.65	1.60 benefit units
	C			>0.65 & <= 2.00	3.00 benefit units
	D			>2.00	3.00 benefit units plus 1.0 benefit unit for every acre above 2.0 acres
6	A	Recreational	Parks, Fields, etc	All Parcel Sizes	1.00 benefit units per acre
7	A	Public Facilities w/ No Irrigation	Public Facilities with no irrigation (i.e. wells, tanks, lift stations)	All Parcel Sizes	0.00 benefit units
8	A	Public Facilities w/ Irrigation	Public Facilities with irrigation	All Parcel Sizes	1.00 benefit units per acre
9	A	Open Space w/ No Irrigation	Open Space w/ no irrigation (i.e. medians, parking lots, etc)	All Parcel Sizes	0.00 benefit units
10	A	Open Space w/ Irrigation	Open Space w/ existing irrigation	All Parcel Sizes	1.00 benefit units per acre
11	A	WWTP	Wastewater Treatment Plant		1.00 benefit unit
12	A	Exempted Parces	Parcels with their own water source	All Parcel Sizes	0.00 benefit units
13	A	Agriculture	Agriculture parcels using RWC water	All Parcel Sizes	1.00 benefit units per acre

- Vacant parcels less than or equal to 2.0 acres – If a parcel is provided sewer service, the parcel was identified to be capable of having a secondary unit potential, but the benefit unit was not increased for this potential. If parcel is on septic, parcel is unable to have a secondary dwelling unit.
- Vacant parcels on greater than 2.0 acres – Parcels on greater than 2 acres were assessed for a secondary unit if allowed by its land use category.

Group 3: Commercial

This group includes all commercial properties, including Land Use Categories Commercial Services, Office Professional, and Commercial Retail. The following parameters were used to determine benefit unit assignments:

- Developed parcels less than or equal to 2.0 acres – Parcels were only assessed for their existing use and were not assessed for their full development potential.
- Developed parcels on greater than 2.0 acres – Parcels were assessed for their existing development in addition to the parcels full development potential.
- Vacant parcels (any size) – Vacant parcels were assessed for their full development potential. Full development potential for commercial zoned parcels that allow for residential multi-family development were assessed according to Zone A Group 4.

Group 4: Hotel

This group includes all parcels designated for a hotel or bed & breakfast. Benefit unit assignment is based on the number of rooms within the hotel or bed & breakfast.

Group 5: School

This group includes all parcels identified by their land use as a school. Benefit unit assignments are based on parcel size.

Group 6: Recreational

This group includes all recreational facilities that are irrigated and/or have public facilities. Benefit unit assignments are based on parcel size.

Group 7: Public Facilities with No Irrigation

This group includes all public facilities that do not use water on-site. These parcels include private or public well sites, tank sites, and lift stations. All parcels within this group are assigned zero benefit units.

Group 8: Public Facilities with Irrigation

This group includes all public facilities that do use water on-site. Benefit unit assignments are based on parcel size.

Group 9: Open Space with No Irrigation

This group includes all designated open space parcels with no irrigation. These parcels include hardscaped medians, parking lots, areas with dense oak trees, etc. All parcels within this group are assigned zero benefit units.

Group 10: Open Space with Irrigation

This group includes all designated open space parcels with irrigation. Benefit unit assignments are based on parcel size.

Group 11: Wastewater Treatment Plant

This group includes all public facilities designated for a wastewater treatment plant. These parcels are assigned 1.0 benefit unit regardless of parcel size.

Group 12: Exempted Parcels

Parcels located within Zone C, but have their own well and underlying appropriative water rights are assigned zero benefit units.

Based on this analysis, there are 1,739.90 benefit units.

Zone D

The Basis of Assessment for Zone D is summarized in "Zone D Basis of Assessment" table. A full description of each group in this table is as follows:

Group 1: Residential with One Unit

This group includes all residential single family properties with only one unit. The following parameters were used to determine benefit unit assignments:

- Developed Parcels – All developed residential parcels were assessed 1.0 benefit unit.
- Subdivided Vacant Parcels – Vacant parcels that are already subdivided in to individual lots were assessed 1.0 benefit unit.
- Un-Subdivided Vacant Parcels – Vacant parcels that have not been subdivided were assessed based on the number of residential parcels identified in the approved tentative map for the Woodlands subdivision.

Group 2: Residential Multi-Family

This group includes all residential multi-family properties with no attributable land (less than 6,000 sq. ft.), designated as condominiums or apartments. Each unit is assessed 0.7 benefit units.

Group 3: Commercial

This group includes all commercial properties, including Land Use Categories Commercial Services, Office Professional, and Commercial Retail. Commercial parcels were assessed based on parcel size. For mixed use on commercial, the one-bedroom unit above commercial is assessed 0.50 per unit in addition to the commercial benefit unit assignment.

Group 4: Open Space

This group includes all designated open space parcels, including open space, golf course, buffer lots, and Park & Ride facility. All parcels within this group are assigned zero benefit units.

**Zone D
(Woodlands Mutual Water Company)
Basis of Assessment**

Group	Sub Group	Land Use Category	Description	Parcel Sizes Included (acres)	Basis of Assessment
1	A	Residential (RSF)	All residential parcels with one unit	All Parcel Sizes	1.00 Equivalent Benefit Unit
2	A	Residential Multi-Family (RMF)	Multi-family units	<0.10	0.70 benefit units per unit
3	A	Commercial (CS, OP, CR)	Commercial Services, Office Professional, Commercial Retail	<=1.20	1.50 benefit units
	B			>1.20 & <=3.50	3.00 benefit units
	C			>3.50	6.00 benefit units
	D		1 Bedroom Unit above Commercial	All Parcel Sizes	0.50 benefit units per unit (in addition to Com)
4	A	Open Space	Open Space, Golf Course, Buffer Lots, Park & Ride	All Parcel Sizes	0.00 benefit units
5	A	Public Facilities	All Public Facilities	All Parcel Sizes	0.00 benefit units
6	A	Resort	Resort	All Parcel Sizes	0.25 benefit units per room
	B		Assisted Living	All Parcel Sizes	0.35 benefit units per room
7	A	Trilogy Center	Monarch Club (Trilogy Center)	>8.00	51.0 benefit units
8	A	Golf Clubhouse	Golf Club House Facility	All Parcel Sizes	15.5 benefit units
9	A	Golf Maintenance	Golf Maintenance Facility	All Parcel Sizes	2.0 benefit units

Group 5: Public Facilities

This group includes all designated public facilities, including tank site, wells, lift station, maintenance yard, and wastewater treatment plant. All parcels within this group are assigned zero benefit units.

Group 6: Resort

This group includes all parcels designated for a resort and assisted living facility. Benefit unit assignment is based on the number of rooms within the resort and assisted living facility.

Group 7: Trilogy Center

This group includes the parcel designated for the Trilogy Center (Monarch Club). Benefit unit assignment will be 51.0 benefit units.

Group 8: Golf Clubhouse Facility

This group includes the clubhouse facility for the golf course. The clubhouse facility is assigned 15.5 benefit units.

Group 9: Golf Maintenance Facility

This group includes the maintenance facility for the golf course. The maintenance facility is assigned 2.0 benefit units.

Based on this analysis, there are 1,516.25 benefit units.

Summary

Based on the above methodology the total benefit units assigned to each Zone is as follows:

	Total # of Benefit Units	Developed Benefit Units	Undeveloped Benefit Units
Zone A	7,605.51	5,740.67	1,864.83
Zone B	2,615.45		
Zone C	1,739.90		
Zone D	1,516.25		

B. ASSESSMENT RATE CALCULATION

Zone A

Zone A, which is served by Nipomo Community Services District, is comprised of residential and commercial units on varying parcel sizes. It also includes the planned development known as Blacklake Village. Based on the basis of assessment, Zone A has a total of 7,605.51 benefit units. Zone A's share of the project is \$19,186,314. The Nipomo Community Services District is allocating \$6,000,000 from reserves to reduce the assessment on developed properties within Zone A, thus the total assessment cost for Zone A is \$13,186,314. The cost per benefit unit is \$2,522.69.

Nipomo Community Services District has authorized to use of \$6,000,000 of NCSD funds to reduce the cost of the project for the developed parcels within Zone A. Based on this reduction the following provides a summary of the cost per benefit unit for developed and undeveloped parcels:

Project Cost	\$19,186,314
Total # of Benefit Units	7,605.51
Cost Per Benefit Unit	\$2,522.69
Total # of Developed Benefit Units	5,740.67
Total Project Cost Attributed to Developed Benefit Units	\$14,481,908
Less District Funds (\$6,000,000)	\$8,481,908
Revised Cost Per Benefit Unit for Developed Parcels Only	\$1,477.51

The cost per benefit unit for undeveloped parcels is \$2,522.69. The cost per benefit unit for developed parcels is \$1,477.51.

Zone B

Zone B is comprised of large residential units on septic systems. Based on basis of assessment, Zone B has a total of 2,615.45 benefit units. Zone B's share of the project is \$2,086,047. The cost per benefit unit is \$797.59.

Zone C

Zone C is comprised of large residential units and the planned development known as Cypress Ridge. Based on the basis of assessment, Zone C has a total of 1,739.90 benefit units. Zone C's share of the project is \$2,086,047. The cost per benefit unit is \$1,198.95.

Zone D

Woodlands Mutual Water Company owns and operates the water and sewer facilities within the planned community known as the Woodlands. The Woodlands is not fully built out. The Woodlands has an approved tentative map allowing for 1,320 residential units, plus additional commercial facilities. Based on basis of assessment, Zone D has a total of 1,516.25 benefit units. Zone D's share of the project is \$4,104,906. The cost per benefit unit is \$2,707.28.

PART VI

ASSESSMENT AND ASSESSMENT ROLL

The assessments are hereby made upon the parcels of land within the Assessment District and the Zones therein in proportion to the estimated special benefits to be received by said parcels, respectively, from said improvement. The Diagram and assessment numbers appearing herein are the diagram numbers appearing on the Diagram, to which reference is hereby made for a more particular description of said property.

A list of names and addresses of the owners of all parcels, and the description of each lot or parcel within each Zone of the Assessment District is shown on the last equalized Property Tax Roll of the San Luis Obispo County Assessor, which by reference is hereby made part of this report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessment apportioned to each lot or parcel and the parcel's assessment number within each Zone of the Assessment District. The Assessment Roll for the Assessment District is shown in a separately bound document which is on file with the Secretary of the Board; said material being too bulky to be bound with this Engineer's Report. The Assessment Roll is incorporated herein as if set forth fully herein.

PART VII

MAXIMUM ANNUAL ADMINISTRATION ASSESSMENT

The Board of Directors intends, pursuant to subparagraph (f) of Section 10204 of the Improvement Act, to authorize an annual assessment upon each of the parcels of land in the proposed Assessment District to pay various costs and expenses incurred from time to time by the Nipomo Community Services District and not otherwise reimbursed to the Nipomo Community Services District, which result from the administration and collection of assessment installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto, in an amount per year not to exceed six dollars (\$6) per parcel, however, said amount may be subject to an inflation adjustment of up to 2% per year, based on consumer price index for the San Luis Obispo County. This annual assessment shall be in addition to any fee charged pursuant to Section 8682 and 8682.1 of the Streets and Highways Code.

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APPENDIX A

CERTIFICATE OF VALUATION OF PROPERTY

I, Kari Wagner, the authorized representative of Wallace Group, as the Assessment Engineer, have performed services pursuant to the Municipal Improvement Act of 1913, which is Division 12 of the Streets and Highways Code of the State of California, for certain engineering work, including assessment engineering, in an assessment district known and designated as Nipomo Community Services District Assessment District No. 2012-1 (Supplemental Water Project).

The Assessment Engineer did make the spread of the assessments against each individual parcel of property within the boundaries of the Assessment District.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, that the following is true and correct.

The total amount of the principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, levied against the parcels proposed to be assessed, plus the principal amount of the special assessment proposed to be levied in the instant proceedings, as now set forth on the Assessment Roll for the Assessment District, does not exceed fifty percent (50%) of the estimated full cash value of the lands proposed to be assessed as determined from the last equalized tax roll. Supporting data is available upon request.

Dated as of the ____ day of ____, 2012.

Kari E. Wagner, P.E.
RCE No. 66026, Expires 06-30-12
Wallace Group, a California Corporation

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APPENDIX B

RIGHT-OF-WAY CERTIFICATE

I, Peter Sevcik, hereby CERTIFY, UNDER PENALTY OF PERJURY, that the following is true and correct.

At all times herein mentioned, I was and now am, the District Engineer of the Nipomo Community Services District.

That there have now been instituted proceedings under the provisions of the Municipal Improvement Act of 1913, which is Division 12 of the Streets and Highways Code of the State of California, for the construction of certain public improvements in a special assessment district known and designated as Nipomo Community Services District Assessment District No. 2012-1 (Supplemental Water Project).

I STATE AND CERTIFY AS FOLLOWS:

The rights-of-way and easements not already in the possession of the Nipomo Community Services District, but identified to be needed for the Improvements in preliminary engineering, are shown incorporated into this report by reference and being placed on file, along with a copy of this Certificate, in the office of the District Engineer. It is acknowledged that the proposed Improvements must be constructed within public right-of-way, land or easements owned by Nipomo Community Services District and other public agencies at the time of construction of the Improvements, and I hereby further certify that provisions have been made in the cost estimates outlined herein for the acquisition of all necessary right-of-way for the Improvements and that all rights-of-way necessary for the works of Improvement will be obtained and in the possession of the Nipomo Community Services District prior to the commencement of any installation.

Dated as of the ____ day of ____, 2012.

Peter Sevcik, P.E.,
District Engineer

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APPENDIX C

NCSD Assessment District Research
Dated, April 15, 2009

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MEMORANDUM

Date: April 15, 2009
To: Bruce Buel
From: Kari Wagner, P.E.
Subject: DRAFT NCSD Assessment District Research

The Nipomo Community Services District (District) is currently in the process of designing an inter-tie water main between the City of Santa Maria and the District to bring a supplemental water supply for existing and future water demands. This project is estimated to cost the District \$21 million dollars. Wallace Group prepared a Preliminary Assessment Report discussing the formation of the assessment District in November 2008. The Board authorized staff to proceed with the formation of an Assessment District as the method of payment for the project.

As Wallace Group prepared the Preliminary Assessment Report, the database that was used to estimate the benefit units was determined to be unreliable. The information received was from the County's Assessor's database, which has errors in the information that is inputted. At the time of the Preliminary Assessment Report, Wallace Group made some assumptions in order to provide preliminary estimates on a per unit basis for the assessment district.

Following the completion of the Preliminary Assessment Report, Wallace Group discussed the database with District staff and it was recommended to review the entire database to confirm two things: 1) The accuracy of the information inputted. 2) Determine the development potential for each parcel. It was recommended to complete this task prior to the preparation of the engineer's report to allow adequate time for the research.

The District authorized Wallace Group to proceed with the review of the database on January 28, 2009. Wallace Group has been diligently working on reviewing over 5,000 parcels for the past 6 weeks and analyzing the data against water consumption. The following are the assumptions that were made, the references that were used, and various other information that was used to assist us with developing the database. Finally, an analysis was completed on the existing development against water consumption to determine a correlation between water use and parcel size.

DATABASE ANALYSIS

Below describes the means and methods Wallace Group took to determine the existing uses and the development potential for every parcel within the District.



CIVIL ENGINEERING
CONSTRUCTION
MANAGEMENT
LANDSCAPE
ARCHITECTURE
MECHANICAL
ENGINEERING
PLANNING
PUBLIC WORKS
ADMINISTRATION
SURVEYING /
GIS SOLUTIONS
WATER RESOURCES
WALLACE SWANSON
INTERNATIONAL

WALLACE GROUP
A California Corporation

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Reference Sources

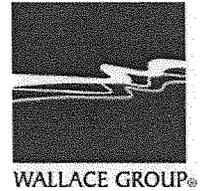
1. SLO County Land Use Ordinance Title 22
2. South County Planning Area Standards Chapter 22.112
3. Black Lake Specific Plan
4. County Tax Assessor's database
5. County GIS parcel aerial database and Tidemark permit tracking system
6. Google Earth aerial information

Notes on the Data Evaluation

1. Assessor's land use descriptions were not necessarily reliable. If the descriptions were backed by other information, we accepted it.
2. Assessor's parcels are not necessarily legal parcels – some legal lots contain several Assessor's parcels with different tax bases due to use.
3. Land Uses listed as "allowed" include those allowed with a conditional use permit.
4. Secondary units in a SF zone are on the same meter and subordinate to the primary residence, while in MF zoning, multiple detached units are each on their own meter and are each considered a "primary" unit.
5. Although nearly all RSF lots over 6,000 sf in size are potentially allowed a secondary unit, in reality the configuration of existing development may preclude the ability to construct one without demolition.
6. Although most RSF lots over 12,000 sf in size are potentially allowed by ordinance to subdivide, the configuration of the parcel shape, regardless of existing development, may preclude that ability due to frontage requirements. Where these lots are already developed, many could only be subdivided with demolition of the existing unit.
7. Parcels with incorrect or retired Assessor's numbers were placed on a separate tab along with split-zoned parcels to be analyzed individually.

Assumptions & Thresholds

1. All parcels within District boundary are, or will be, served by community water and wastewater (Sec. 22.22.080).
2. Residential Single-Family lots of less than 6,000 sf do not have Secondary Dwelling Unit capability (Sec. 22.10.130.B.2).
3. All RSF lots over 6,000 sf in size have potential for adding a Secondary Dwelling unit, unless on septic systems. If parcel is on a septic system, all RSF lots under two acres do not have Secondary Dwelling Unit capability.
4. Black Lake parcels do not have Secondary Unit potential, regardless of size, because REC zoning does not permit them (22.06.030 Table 2-2). We



assume that any attempt to increase density would require a Specific Plan Amendment.

5. Residential Multi-Family lots do not have potential for Secondary Dwelling units, regardless of parcel size (22.10.130).
6. Residential Multi-Family lots may have two (or more) units if over 6,000 sf; where if less than 6,000 sf only one unit is allowed (22.10.110.C).
7. Specific density standards for RMF and certain RSF lots were evaluated per South County Area Plan Section 22.112.080.
8. Minimum lot size for an existing, legally created lot to establish a SF residence is 1,750 sf (22.10.110.C).
9. Minimum newly created lot size in AG zoning is 20 acres (22.22.040).
10. Minimum newly created lot size in RR zone is 5 acres (22.22.050).
11. Minimum newly created lot size in RS is 1 acre (22.22.060).
12. Minimum newly created lot size in RSF is 6,000 sf (22.22.070), except where density is dictated by the Area Plan standards
13. Development potential for parcels with split zoning will be evaluated per Section 22.02.020.D, and/or in consult with County staff
14. If parcel is on septic, the minimum lot size is 1 acre.

Verification Method

Assessor's Information Accepted (AI)

1. Parcels described as "vacant", with no assessed improvement value, and no address, were accepted as vacant.
2. Parcels in RSF, RS, and RR zones, assessed for improvement value, less than 6,000 square feet in size, and not described by the Assessor as having more than one unit, were assumed to have one residential unit as a maximum.
3. Parcels in RSF, RS, and RR zones, assessed for improvement value, more than 6,000 sf in size but less than twice minimum lot size, and not described as having more than one unit, were assumed to have one residential unit, with potential for a secondary unit, and no potential for further subdivision, unless the parcel is on a septic system. If parcel is on a septic system, parcels under 2 acres do not have the potential for a secondary unit. In addition, parcels on septic systems can not be subdivided to less than 1 acere.
4. Residential parcels in single-family zoning described as "Duplex", "SFR w/2nd Living", "SFR w/Sec" etc. were assumed to have legally permitted secondary dwelling units, and were evaluated for further development potential on that basis.



5. We assumed that parcels in zones other than OS that are designated as open space by the assessor (and assessed as such) have a deed restriction limiting any development.

Online Data Verification (OD)

1. Where the Assessor Land Use description was unclear (ie, "Government", Residual Land Segment", Misc Imps"), we reviewed the parcel online using County GIS aerial, permit tracking system, and/or Google Earth to verify use and development status.
2. All CR and CS parcels were checked online against aerials and the County's permit tracking system.
3. Because residential MF density on CR-zoned lots is determined by Conditional Use Permit, the density is discretionary. Secondary units are not allowed on CR-zoned lots.
4. Well parcels located within residential lots, smaller than 1,500 sf in size, are assumed to have no development potential. Most are probably not separate legal lots and were created to assess a well site that may or may not still contain a functioning well.

Field Check (FC):

Field checking was used to verify construction or demolition on parcels where the data suggested that a building permit was in effect, but the aerial did not show it (or vice versa). In some cases, the field review did not clarify the uses on site because it was not possible to tell the use of some structures from the public right-of-way.

County Land Uses

- AG (Agriculture); 3 parcels
- CR (Commercial Retail); 126 parcels
- CS (Commercial Services); 26 parcels
- OP (Office Professional); 34 parcels
- OS (Open Space); 2 parcels
- PF (Public Facilities); 9 parcels
- REC (Recreation); 605 parcels
- RL (Rural Lands); 2 parcels
- RMF (Residential Multi-Family); 526 parcels
- RR (Residential Rural); 277 parcels
- RS (Residential Suburban); 835 parcels

RSF (Residential Single-Family); 2044 parcels

There are also parcels in several land use categories with split zoning that are grouped separately. These were addressed individually per County requirements.



ENGINEERING ANALYSIS

Wallace Group requested the water use records from the District for the past two years to assist in the benefit unit analysis. This information was linked to the database and sorted based on existing development. The analysis was completed on developed parcels since vacant parcels do not have water use.

There were some anomalies and assumptions in the data that required the data to be either set aside and not used or slightly altered. These anomalies or assumptions that were made are as follows:

- Not all records were provided to Wallace Group. Since water records are tied to an account number, the account number changes if residents change. Therefore, if the account number changed within the past two years, this information was not provided to Wallace Group
- Some records were provided to Wallace Group that still did not contain two full years of data. Any records that did not have two full years of water data were not included in the analysis.
- Some water records were altered slightly to adjust water usage that did not appear to be correct. Example, typical bi-monthly water usage of 120 units. One of the month's readings was 1,137 units. This is most likely a data entry error and was altered to a typical bi-monthly reading.

Once all the viable parcels were either altered or non-viable parcels were removed from the selection, Wallace Group separated the database according to the following categories:

- Residential Single Family (RSF) – All parcels that had one RSF home, regardless of lot size or zoning.
- Residential Single Family – 2 (RSF-2) – All parcels that have two RSF units on a parcel, regardless of lot size or zoning. These second units are either granny units or two RSF houses. These parcels were identified to have permitted second units. Those parcels that may have a granny unit or second dwelling unit on the parcel that is not permitted is not accounted for.
- Residential Single Family >2 (RSF>2) – All parcels that have more than two RSF units on the same parcel. This includes triplex units. This does not include identified residential multi-family parcels such as apartments or condominiums.
- Residential Multi-Family (RMF) – All identified residential multi-family parcels such as apartments and condominiums. These are individual units that typically do not have any land attributed to the parcel. They typically have a central common area for several units, which has its own parcel number.
- Commercial (Com) – All non-residential parcels providing services to the community. This includes office and professional, retail services, industrial, etc.



- Other – There are other parcels, such as public facilities, schools, parks, churches, open space, etc. These parcels will ultimately need to be assessed on a case by case basis and therefore, were not analyzed at this time. Once a method of assessment is identified, these parcels will be re-evaluated to determine their proper assessment.

Water Use Analysis Results

Over 2,700 RSF parcels were evaluated ranging in size from 0.10 acres to 18.20 acres. When the water usage for all viable parcels is plotted against parcel size, the amount of water used by any one parcel of the same size was vastly different. For example: A parcel of 0.10 acres used between 23 gpd on the low end and 1,080 gpd on the high end. The delta between high and low got even greater for larger parcels. For the 1.00 acre parcels, on the low end, parcels used only 25 gpd. On the other hand, there were parcels that used up to almost 3,800 gpd. Exhibit 1 depicts the water usage for all viable RSF parcels against the parcel size. For clarity, Exhibit 1 only shows parcels up to 10 acres. There are few parcels greater than 10 acres and these parcels all used less water than any 10 acre parcels. This analysis does not provide any concrete method for assessment, except that it can be determined that the larger parcels have the “potential” for significantly more water use.

The next step in the analysis used the law of averages to determine how much water RSF parcels of the same size were using. The parcel sizes were rounded to the nearest 0.10 of an acre and grouped together. The water use was averaged for both 2007 and 2008 and plotted on Exhibit 2. The parcels were graphed for every 0.10 acre up to 1.0 acre. Parcels between 1.10 and 2.00 acres were grouped together and parcels greater than 2.00 acres were grouped together. This grouping method gave a large enough sample size that reduces the impacts from those few parcels that used small or large quantities of water and skewed the results.

This analysis provided interesting results. The average water use consistently increased as parcel size increased excluding those parcels greater than 1.0 acre. Parcels greater than 1.0 acre used approximately the same amount of water or less water than 1.0 acre parcels. The average consumption for 2007 and 2008 were similar for each grouping, except 0.70 acres. There was a difference of 110 gpm between 2007 water consumption and 2008 water consumption for 0.7 acre parcels.

Although the water usage continuously goes up, there are three obvious breaks in the water consumption.

- Group 1: Includes parcel sizes of 0.10, 0.20, and 0.30 acres. These parcels used between 370 and 480 gpd.
- Group 2: Includes parcel size of 0.40, 0.50, and 0.60 acres. These parcels used between 680 and 740 gpd.
- Group 3: Includes parcel sizes 0.7 acres and greater. These parcels used between 760 and 950 gpd.

Once this was established, Wallace Group then broke down the other remaining categories to see how their water usage compared to the RSF. Their water usage was again broken into the same 0.10 acre parcel groupings. The law of averages is more skewed for this analysis since the quantity of the parcels was not nearly as



high as they are for RSF. In some instances, there were only one or two parcels that fell into certain groupings. Exhibit 3 provides the analysis of the various categories versus parcel size for 2007 and 2008. Exhibit 4 provides the same information as Exhibit 3, except years 2007 and 2008 are averaged to simplify the exhibit.

The following is an analysis for each category:

- RSF-2: There were only 32 parcels analyzed for this category. If parcel size was not considered, parcels with two RSF units used between 135 and 3,600 gpd. Again, this range is too great to extract any useful information from it. The largest groupings were for 0.20, 1.00, 1.10 to 2.00, and greater than 2.00 acre parcels. These groupings had five or more parcels that provided a better average water consumption. For parcels 0.2 and 1.10 to 2.00 acres, the water consumption for RSF and RSF-2 were identical. For parcels greater than 2.00 acres, the water consumption for RSF-2 was higher than RSF parcels. For 1.00 acre parcels, the water consumption for RSF-2 was significantly higher than the RSF parcels.
- RSF>2: There are only 14 parcels that are RSF with more than 2 parcels on the lot. Their water consumption ranged between 443 and 2,101 gpd. On the smaller lots (under 0.50 acre), the water use was higher than the RSF parcels. For parcels between 0.50 and 1.00 acres, the water use was the same or less than the RSF parcels. For parcels between 1.10 and 2.00 acres, the water consumption was higher. For parcels greater than 2.00 acres, the water consumption was approximately the same as RSF.
- RMF: The RMF lots are parcels that really don't have any land attributed to the parcel. Therefore, these parcels were compared to parcels with 0.10 acres. There were 206 RMF parcels analyzed. The RMF parcels used approximately 200 gpd. This is 170 gpd less than 0.10 acre RSF parcels.
- Commercial: There were 47 commercial parcels analyzed. Again, the water consumption was vastly different, 18 gpd versus 8,600 gpd. There was one anomaly with commercial that was dependent on use of the parcel. There are several fairly large commercial parcels that had storage uses and therefore, used little water as compared to other parcels of the same size. These uses should be considered as a separate condition than typical commercial uses since parcels with storage units will most likely not convert their use. For the most part, parcels 0.90 acre and below use approximately the same quantity of water as their corresponding RSF parcel size. Parcels 1.00 acre and parcels greater than 2.0 acres used significantly more water than their corresponding RSF parcels. Parcels between 1.10 and 2.00 acres used about the same as RSF parcels. However, if the parcels with storage units are taken out of the average, then the water consumption for commercial parcels becomes significantly higher than RSF parcels.

Basis of Assessment

The data that is extracted from this analysis can be manipulated in many ways than were analyzed for this report at this time. Since the number of parcels in each category is not the same, the potential for discrepancies is higher. Again, not all parcels were included in the analysis and therefore, the entire District is not represented. With this knowledge, Table 1 provides a summary of recommendations for proceeding with the basis of assessment.

Table 1. Basis of Assessment

Group	Zoning	Description	Parcel Sizes Included	Recommendations
1	RSF	All residential parcels with one unit	0.10, 0.20, 0.30	Basis of Assessment, 1.0 Equivalent Benefit Unit
			0.40, 0.50, 0.60	1.60 benefit units
			0.70 & Greater	2.00 benefit units
2	RSF-2	Second Unit	<1.0	0.00 benefit units
			1.0 & Greater	0.30 benefit unit for second unit
3	RSF>2	Greater than two units	All Parcel Sizes	0.30 benefit unit for each additional unit beyond two units
4	RMF	Multi-family units w/ no land (i.e. condos, apartments, mobile homes)	<0.1	0.70 benefit units per unit
5	Com	Commercial Services, Office Professional, Commercial Retail	0.10, 0.20, 0.30	1.0 benefit unit
			0.40, 0.50, 0.60	1.60 benefit units
			0.70 to 1.99	3.00 benefit units
			2.00 & Greater	6.00 benefit units
Special Cases				
6	Mini Storage	Storage units with physical storage structures	All Parcel Sizes	0.50 benefit units
7	School	School	0.10, 0.20, 0.30	1.00 benefit unit
			0.40, 0.50, 0.60	1.60 benefit units
			0.70 to 2.00	3.00 benefit units
			2.01 & Greater	3.00 benefit units plus 1.0 benefit unit for every acre above 2.0 acres
8	Church	Church	0.10, 0.20, 0.30	1.00 benefit unit
			0.40, 0.50, 0.60	1.60 benefit units
			0.70 to 2.00	2.00 benefit units
			2.01 & Greater	2.00 benefit units plus 1.0 benefit unit for every acre above 2.0 acres
9	Recreational	Parks, Fields, etc	All Parcel Sizes	1.00 benefit units per acre
10	Government	Government (i.e. Fire Station, Police, etc)	0.10, 0.20, 0.30	1.00 benefit unit
			0.40, 0.50, 0.60	1.60 benefit units
			0.70 to 2.00	3.00 benefit units
			2.01 & Greater	3.00 benefit units plus 1.0 benefit unit for every acre above 2.0 acres
11	PF w/ No Irrig.	Public Facilities with no irrigation (i.e. wells, tanks, lift stations)	All Parcel Sizes	0.00 benefit units
12	PF w/ Irrig.	Public Facilities with irrigation	All Parcel Sizes	1.00 benefit units per acre
13	OS w/ No Irrig. Potential	Open Space w/ no potential for irrigation (i.e. medians, parking lots, etc)	All Parcel Sizes	0.00 benefit units
14	OS w/ Irrig.	Open Space w/ existing or potential for irrigation	All Parcel Sizes	1.00 benefit units per acre
15	WWTP	Wastewater Treatment Plant		1.00 benefit unit

Exhibit 1
Residential Single Family

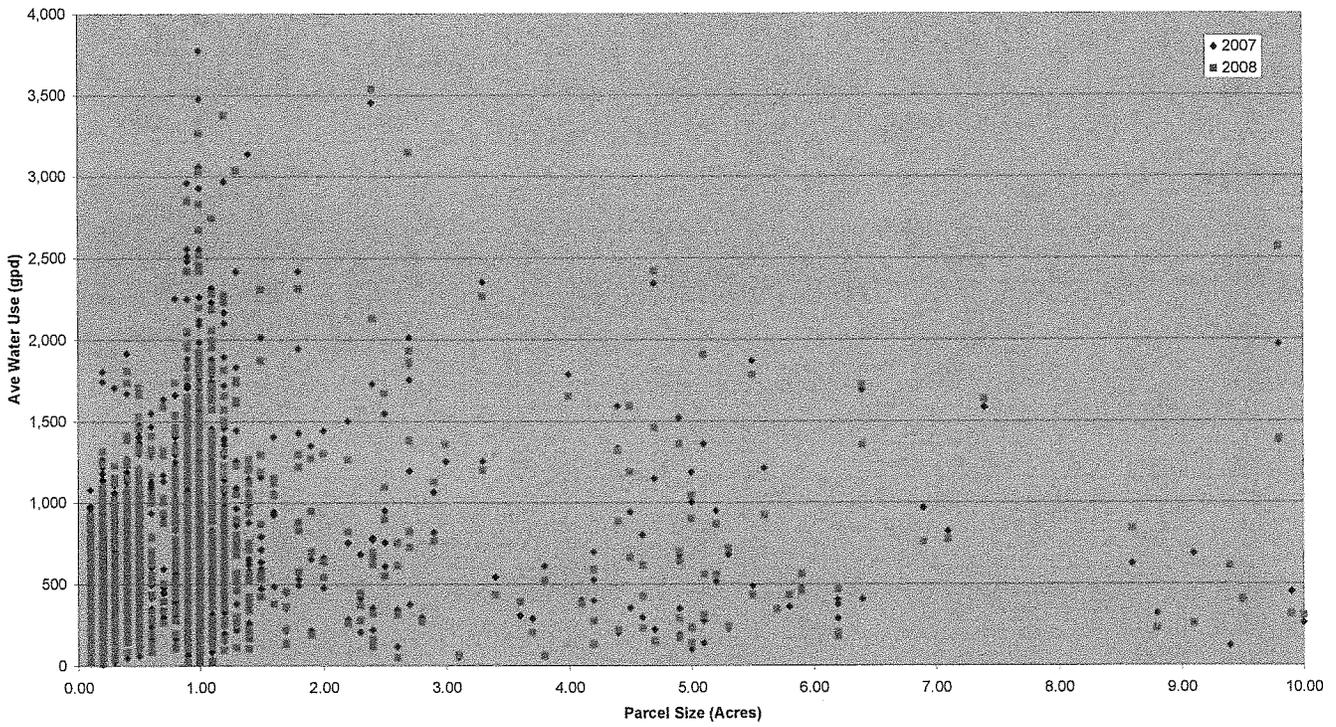


Exhibit 2
Average Water Use vs Parcel Size
Residential Single Family Only

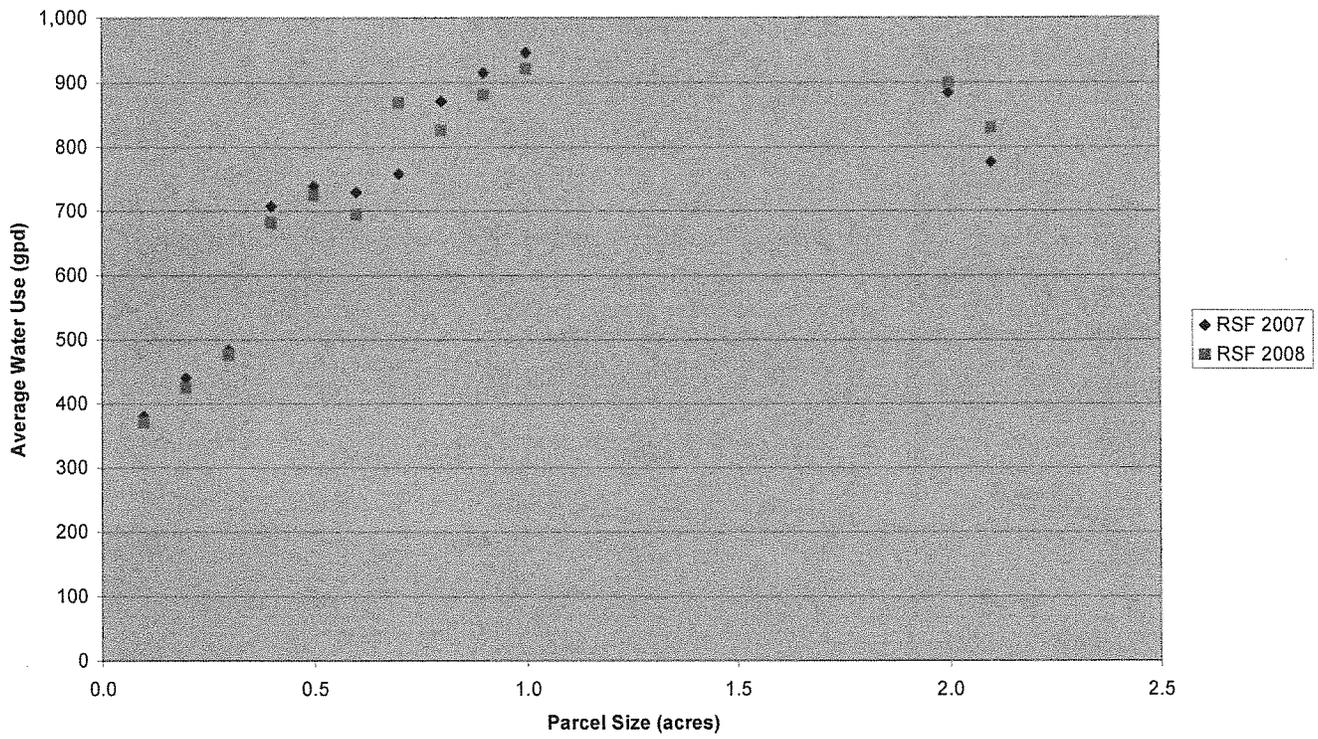


Exhibit 3
Average Water Use vs Parcel Size
2007 and 2008

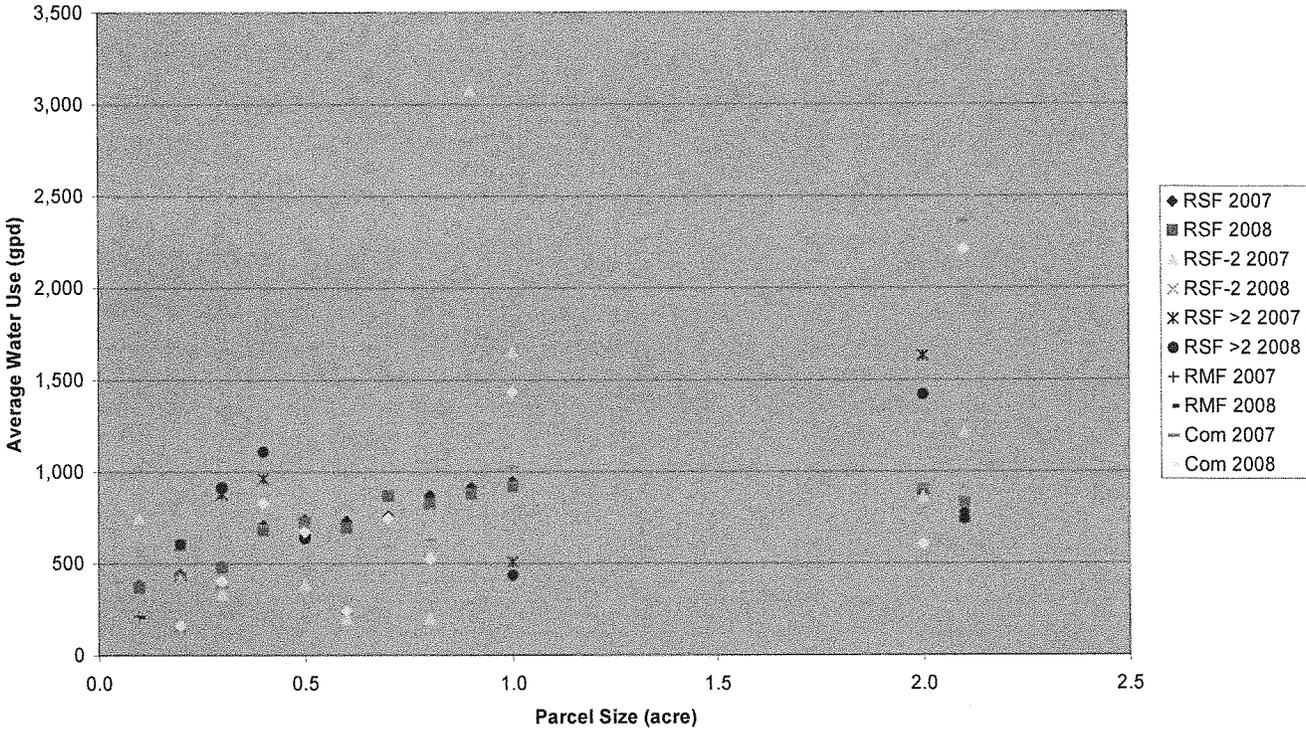
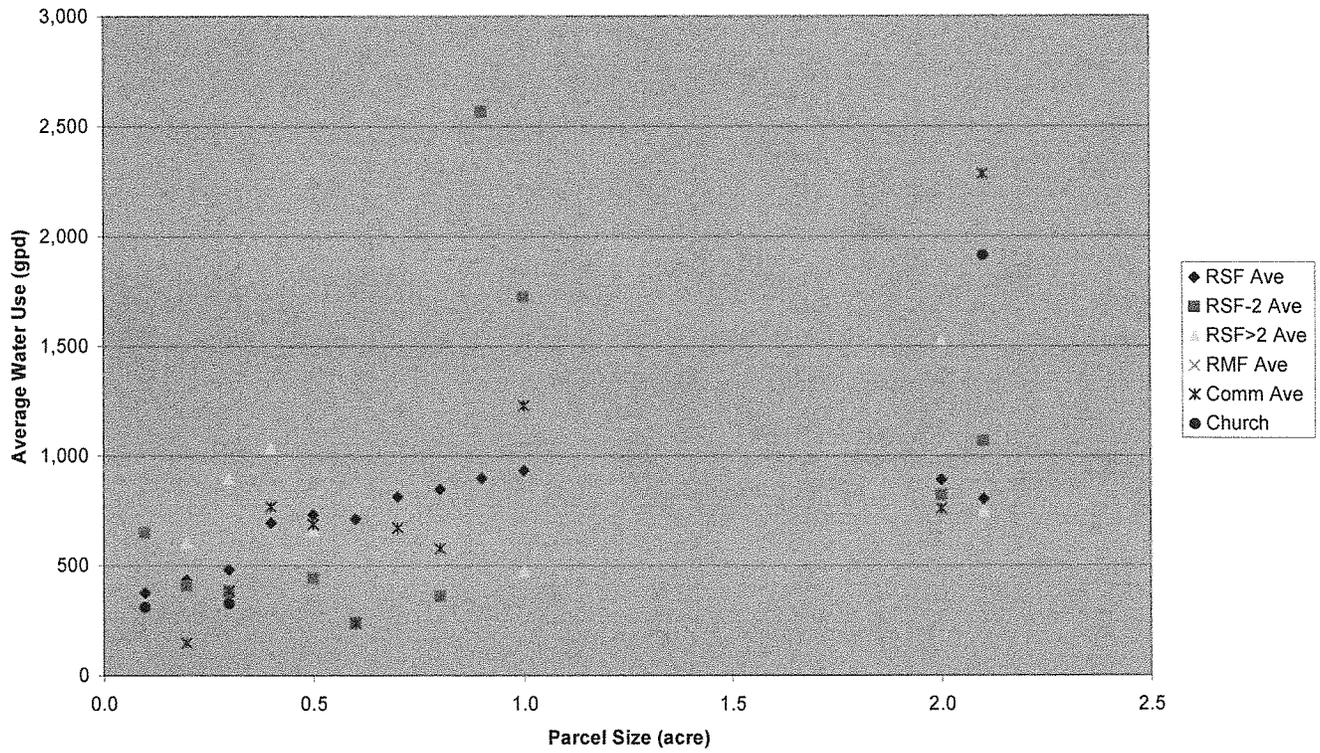


Exhibit 4
Average Water Use vs Parcel Size
Average of 2007 and 2008

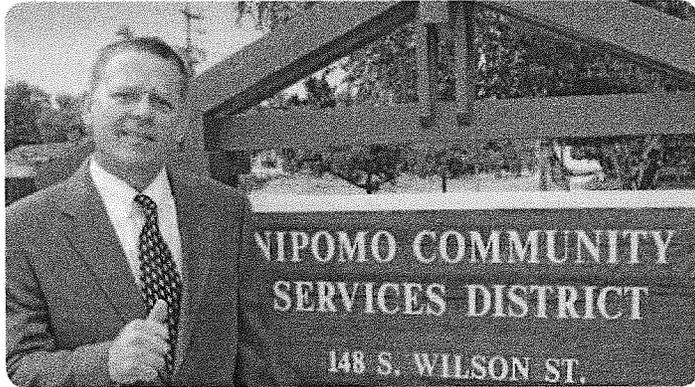




“With all the talk lately about our WATER SHORTAGE in Nipomo, it makes you wonder—can one person make a difference? What can I do?...”

— Becky Sommerfield, *Nipomo Resident*

GET INFORMED—STAY INFORMED.



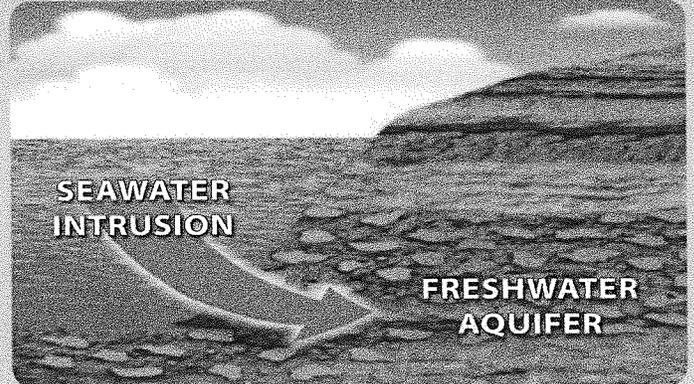
KEEP CONSERVING WATER!



Conserving helps. Nipomo residents are already using 27% less water than our established baseline. We are on track to reach the State's 2020 goal of reducing water consumption by 20%.

But conservation alone won't solve our water problem. **Nipomo's fresh water supply is finite and limited.** We need an additional (supplemental) water source. It's important for local residents to understand what's at stake. Nipomo's water shortage is REAL.

— Michael S. LeBrun, *General Manager,*
Nipomo Community Services District



As a coastal community, **SEAWATER INTRUSION is a serious threat to our community.**



Our community's **ONLY** source of fresh water lies directly next to the Pacific Ocean. As inland water levels drop below sea level due to local water demand, seawater will intrude into underground aquifers, and contaminate our fresh water supply. As a coastal community without a supplemental water source, we risk devastating consequences in the event seawater intrusion occurs here.

LEARN MORE. Go to www.NCSD.ca.gov and click on "Water Shortage News"

The threat of seawater intrusion is real.

**SEAWATER
INTRUSION**
is a threat to Coastal
Communities.

Marro Bay

○ Los Osos

San Luis
Obispo

San Luis
Obispo Bay

○ Oceano

○ Nipomo

Los Osos:

In 1985 seawater intrusion was identified at least 1 mile inland from the ocean. Between 2005 and 2009, seawater had advanced to nearly 2 miles inland. **Los Osos has no supplemental water source to resist continuing seawater intrusion.** Actions under consideration to slow seawater intrusion include residential water restriction to about 20% the daily water used by Nipomo customers.

Oceano:

In August 2009 seawater intrusion was found ½ mile inland—just 1 mile away from municipal freshwater wells. To reduce the threat of further intrusion, the Northern Cities (Arroyo Grande, Grover Beach, Pismo Beach, and Oceano) reduced coastal groundwater pumping, and moved to secure additional supplemental water. **Multiple sources of supplemental water** allowed for reduced groundwater pumping—and helped reduce the threat of seawater intrusion.



Rural Water Company, Inc.

Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444-5320

Questions & Answers about NIPOMO's serious water shortage

Where does our fresh water come from on the Nipomo Mesa?

ALL of the fresh water used by our community comes from a natural underground aquifer located hundreds of feet below the Nipomo Mesa and Santa Maria River Valley. This precious, natural fresh water source known as the Santa Maria Groundwater Basin is our ONLY water source and it is replenished ONLY by rainfall.

Why is relying solely on the Groundwater Basin for our fresh water a concern?

Over the past decade, engineers and water experts commissioned by the State and County have studied our local water supply and concluded that there is simply not enough water in our underground aquifer to meet existing needs. **In short: Our community is facing a serious water shortage.** We are using more water than is being replaced in our natural water supply. In fact, over the past decade water levels beneath the Nipomo Mesa have fallen significantly.

What will happen if we continue to use water at current levels?

The most likely result will be seawater intrusion from the Pacific Ocean moving progressively inland into the aquifer under the Nipomo Mesa. If seawater intrusion occurs in our community (as it has in other nearby coastal communities) it could ultimately contaminate our ONLY water supply, making it unsafe and unusable for drinking and agriculture—this could trigger a drastic reduction in property values and impact the local economy.

Isn't the threat of seawater intrusion something that is years away?

The threat is here and now. While it is not possible to predict exactly when seawater intrusion will occur, the recent experience of our neighbors to the north is a good indication (see more inside this brochure about Los Osos and Oceano). We must begin the process of importing supplemental water now, for the simple reason that no matter which solution is chosen for Nipomo, it will take years to complete.

What will happen if seawater intrusion occurs?

If it happens, experts agree that reversing seawater intrusion into our aquifer is nearly impossible. It would require elimination of pumping in the affected area(s) and infusion of an enormous amount of fresh water into the ground. The only viable way to avoid seawater intrusion is to reduce groundwater pumping before it actually happens and import a new source of fresh water to ensure we have the water needed to support our local quality of life.

Isn't the answer simply more/ improved WATER CONSERVATION?

No. Simply conserving water is not enough to solve our problem. Nipomo residents are already exceeding local and State conservation goals. Even so, we are still using twice as much water as is being replaced by rainfall. To adequately protect against water depletion in the aquifer and avoid seawater intrusion, ALL Nipomo residents

would have to completely stop using water. That's not realistic. WE need to import another water source to support our existing population. This is true even if no new development occurs in the future and no one new moves into our community.

Isn't this a regional problem that is better dealt with by the State or the County?

No. This is a local problem that must be dealt with locally. It is specific to people that live on the Nipomo Mesa. We must work together to deal with our water shortage and the threat it poses to our quality of life, just as other neighboring communities have.

How can I stay informed about Nipomo's water shortage and related issues?

To learn more, visit www.NCSD.ca.gov or contact NCSD General Manager Michael S. LeBrun at (805) 929-1133 or email him at: mlebrun@ncsd.ca.gov

LEARN MORE. Go to www.NCSD.ca.gov and click on "Water Shortage News"

Paid for by Nipomo Community Services District as a public service to the Nipomo community.

Your opinions are important!

“Send us your comments, suggestions and questions.
We’ll keep you informed on this important issue.”

— Michael S. LeBrun, *General Manager*
Nipomo Community Services District
Email: mlebrun@ncsd.ca.gov

- I want to know more. Please send me information.
- I will host a house meeting to help educate my neighbors.
- Show me how to save money on my water bill.

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

EMAIL _____

Here are my ideas/suggestions/questions:

Mail to:

Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444-5320



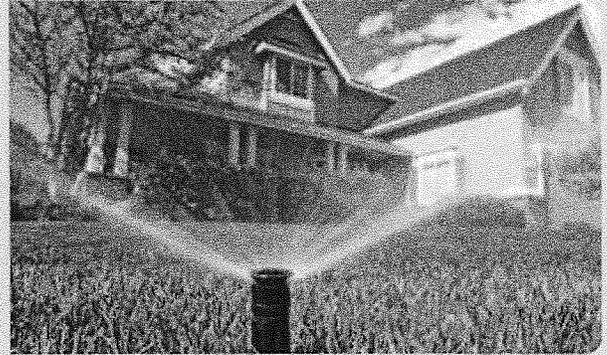
Water is vital to life...



Imagine going even one day without fresh water.

We use it to drink, prepare food, bathe, and care for our homes, businesses and property. Fresh water is vital to daily life, but its availability is often taken for granted.

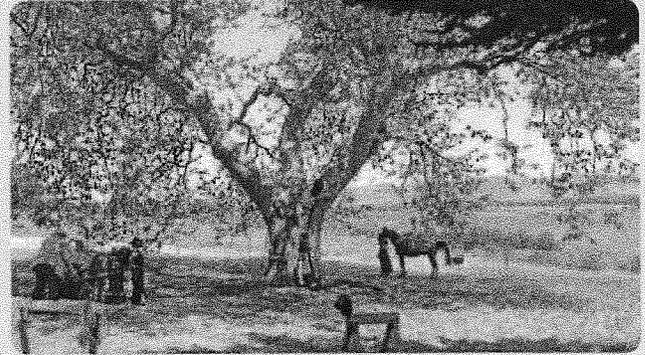
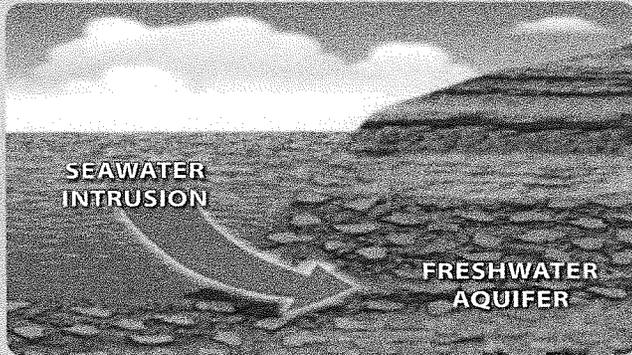
ALL of the fresh water used by our community comes from natural underground "aquifers" located hundreds of feet below the Nipomo Mesa and Santa Maria River Valley. This precious natural water source, known as **the Santa Maria Groundwater Basin, is our ONLY water source** and it is replenished **ONLY** by rainfall.



Our ONLY water source is limited and over-extended.

Over the past decade, engineers and water experts commissioned by the State and County have studied our local water supply and concluded that there is simply not enough water to meet existing needs. In short: **Our community is facing a serious water shortage.**

The evidence is clear: We are using more water than is being replaced in our natural water supply. Over the past decade, water levels beneath the Nipomo Mesa have fallen significantly. In many areas of the Mesa, current **groundwater levels have fallen below sea level.** Since 1970, groundwater levels in the Blacklake area have dropped by more than 58 feet.



A GROWING THREAT: seawater intrusion and contamination.

Our fresh water aquifer under the Nipomo Mesa lies directly next to the Pacific Ocean. As inland water levels drop below sea level due to local water demand, seawater from the Pacific Ocean will intrude into underground aquifers, causing permanent contamination to our fresh water supply.

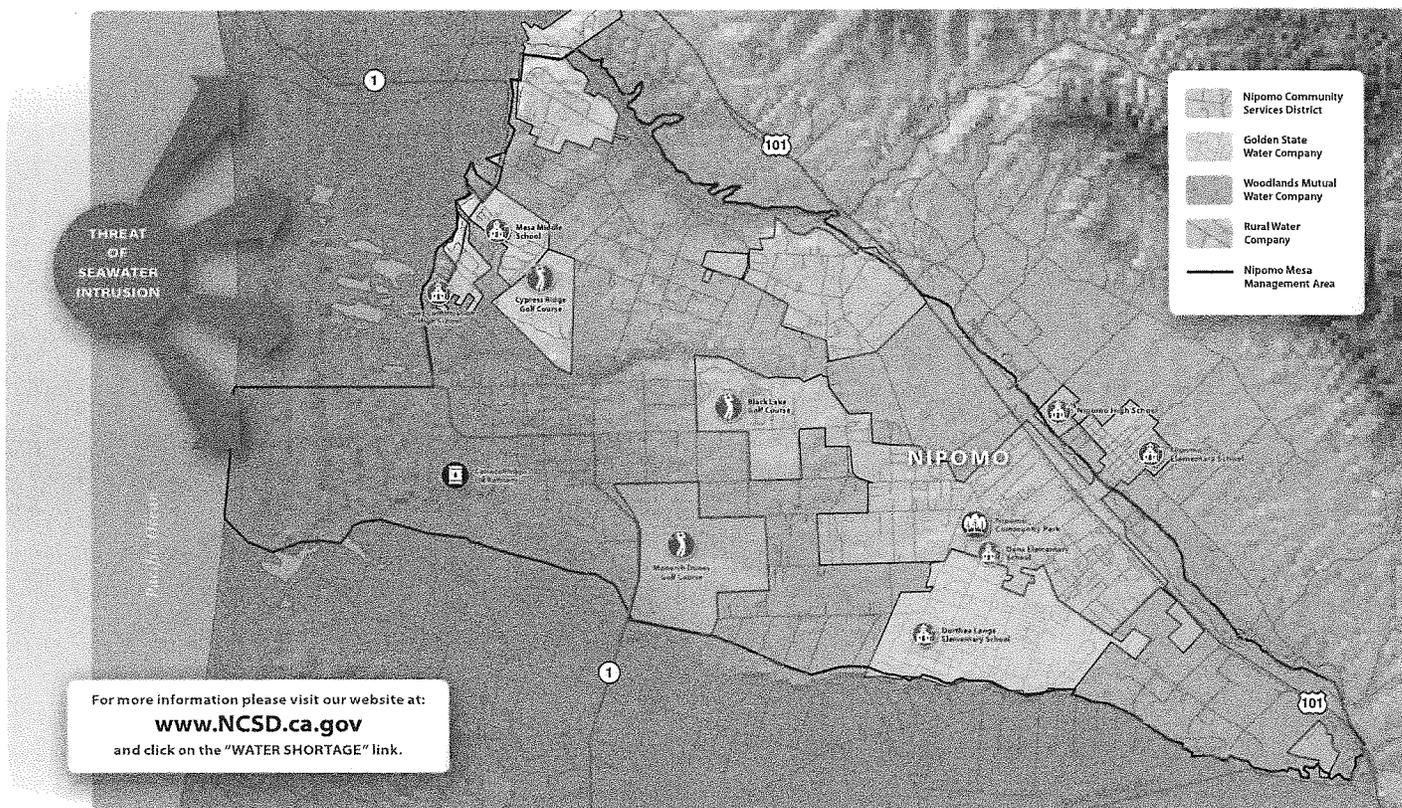
As a coastal community, seawater intrusion is a serious threat to our local quality of life. Los Osos, Avila Beach, the Ventura/Oxnard area, and the Monterey Bay Area have all been forced to deal with difficult and expensive seawater intrusion issues. Without a supplemental water source, the same thing will happen here.

We need an additional (supplemental) water source.

Simply conserving water **cannot** solve this problem. Nipomo area water conservation efforts are important and necessary—but these efforts are **already** exceeding local and State conservation goals and expectations.

Nipomo is the ONLY community in this part of the Central Coast that has not yet secured an additional (supplemental) water source to ensure a reliable, enduring fresh water supply in the event of seawater intrusion, major earthquake damage, or recurring multi-year droughts. Our neighbors in Pismo Beach, Arroyo Grande, Oceano, Grover Beach, and Santa Maria all have multiple sources of water, such as groundwater, State water and reservoir water.

Our Community is facing a serious water shortage. We must act soon.



Today Nipomo has ONLY ONE fresh water source: our single underground natural aquifer— the Santa Maria Groundwater Basin.

Our Community is facing a serious water shortage. We must act soon.



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,
Cc:
Bcc:
Subject: Fw: Keep Nipomo Park as is
From: Board of Supervisors/BOS/COSLO - Monday 12/17/2012 12:10 PM
Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 12:09 PM -----

From: HARRY Walls <harryfwalls@sbcglobal.net>
To: bos <boardofsups@co.slo.ca.us>, ELIZABETH KAVANAUGH <ekavanaugh@co.slo.ca.us>
Date: 12/17/2012 12:05 PM
Subject: Fw: Re: Keep Nipomo Park as is

This letter was written and submitted for the Nov 6 BOS meeting re the Nipomo Park but was never posted with the agenda. Please post it with the Dec18 agenda correspondence for the Nipomo Park. Thank You

--- On Tue, 10/30/12, Sheila Mangione <sheilam@mangionepayne.com> wrote:

From: Sheila Mangione <sheilam@mangionepayne.com>
Subject: Keep Nipomo Park as is
To: harryfwalls@sbcglobal.net
Date: Tuesday, October 30, 2012, 8:07 PM

Hi there,

I'm responding to a message from Ride Nipomo about riding trails in Nipomo Park. We have an incredibly beautiful natural area that's great for hiking and trail riding. It's an area that is extremely rich for showing school children what nature is all about. The kids in this area can see plenty of asphalt, cement, buildings and so forth. Why would we ever consider paving over a natural area like Nipomo Park and destroying the natural beauty?

Look, I'm a Republican. Most people think Republicans want to pave the world. We don't. I, as a Republican, want to conserve the natural beauty we have in this area. Putting in rec centers and parking lots isn't they way to do that.

Regards,
Sheila Payne Mangione
Mangione, Payne & Associates
446 Pajaro Lane
Nipomo, CA 93444
805-929-6825
sheilam@mangionepayne.com

Item # **44** Meeting Date: **12/18/2012**

Presented by: Sheila Payne Mangione

Received prior to meeting and posted to web on: **December 17, 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,
Cc:
Bcc:
Subject: Fw: Nipomo Park Master Plan Build out
From: Board of Supervisors/BOS/COSLO - Monday 12/17/2012 12:15 PM
Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 12:14 PM -----

From: HARRY Walls <harryfwalls@sbcglobal.net>
To: bos <boardofsups@co.slo.ca.us>, ELIZABETH KAVANAUGH <ekavanaugh@co.slo.ca.us>
Date: 12/17/2012 12:14 PM
Subject: Fw: Nipomo Park Master Plan Build out

Harry and Jackie
Walls

this did not get sent to you and did not get put on the Nov 6 BOS agenda, please Put it on the Dec 18 one. Thank yOu

Harry and Jackie
Walls

--- On Sat, 10/27/12, shar <hinshar@charter.net> wrote:

From: shar <hinshar@charter.net>
Subject: Fw: Nipomo Park Master Plan Build out
To: "HARRY Walls" <harryfwalls@sbcglobal.net>
Date: Saturday, October 27, 2012, 1:31 PM

FYI

From: shar
Sent: Saturday, October 20, 2012 3:28 PM
To: pteixeira@co.slo.ca.us ; fmecham@co.slo.ca.us ; bgibson@co.slo.ca.us ; ahill@co.slo.ca.us ; ipatterson@co.slo.ca.us ; darnold@co.slo.ca.us ; boardofsups@co.slo.ca.us
Cc: connie@clarkcenter.org ; wdorland@gmail.com
Subject: Nipomo Park Master Plan Build out

My name is Sharlene Hinshaw and I live at 240 Tejas Place, Nipomo. I thought it was

Item # **44** Meeting Date: **12/18/2012**

Presented by: Harry and Jackie Walls

Received prior to meeting and posted to web
on: December 17, 2012

very fortunate for my husband Robert and I to secure a property right in back of the undeveloped acreage that surrounds the Nipomo Park and have thus far been very lucky to be here. We enjoy hearing the coyotes, the wildlife, the people walking their dogs, people riding their horses but now it appears that our illustrious supervisor, Paul Teixeira, which by the way I did not vote for, is bent on putting a Disneyland in our backyard let alone in the once rural town of Nipomo. If I wanted to have all of these bells and whistles in my backyard I would have moved down to Orange County. Little did I expect that now I am going to be faced with lighted basketball courts, tennis courts, additional playgrounds, skateboard parks, SIX lighted sports fields, notwithstanding the immense loss of open space and loss of trees. Not everyone in this world has children; my husband and I do not and to think that all of these PLAYGROUNDS are going to be next to our quiet area runs shudders down our backs.

I would like to know where the money is coming from for this "circus circus" that we vehemently oppose and if anyone says my tax monies you are going to have an irate taxpayer at your meetings that you would not like to have in your chambers.

The full master plan build out increases developed area from 15 acres to over 42 acres and a loss of 27 rural acres with over 20 acres of lighted amenities. I did not move to where I am now to be subjected to the loss of quiet enjoyment of my property.

I have read the alternative master plan B and if you must turn what we have left of our open space into your kiddieland then that would be our vote.

I don't see a lot of amenities for the adult crowd; it is all geared towards children who more than likely will not treat the property with any respect.

My husband and I therefore are adamantly opposed to the full master plan build out and will grudgingly support (if I have to pick one) the alternative master plan B. We had hoped to make this property our retirement home but in view of the proposed buildings, lighted fields, recreation center and whatever else Paul Teixeira can put in the open land, we definitely will not be staying in this town.

It appears that there is little to no open space left around here and what is available something to this magnitude is forced upon the residents.

Once again my faith in our politicians has been destroyed.

Very truly yours,

Sharlene Hinshaw
240 Tejas Place
Nipomo, CA 93454



Correspondence for Dec 18 agenda
Fran Zohns to: cr_board_clerk Clerk Recorder

12/17/2012 01:21 PM



doc20121217105446.pdf

Fran Zohns
Board of Supervisors
San Luis Obispo County
(805)781-5450

Item # 44 Meeting Date: 12/18/2012

Presented by: Christina Bird-Holenda

Received prior to meeting and posted to web
on: December 17, 2012

1690 Primavera Lane
Nipomo, Ca. 93444
Dec. 15, 2012

RECEIVED

DEC 17 2012

EACH SUPERVISOR
RECEIVED COPY

Board of Supervisors
San Luis Obispo County

Forwarded
to the
Clerk's Recorder

The Board of Supervisors
Administration Office
1055 Monterey St-Suite D-430
San Luis Obispo, Ca. 93408

Gentlemen
Re:Nipomo's recreation park development

As a Nipomo resident since 1999, I would reiterate my reasons for choosing this small community as opposed to some of the larger close by towns. It is the special rural nature and small size of the area as opposed to areas like SLO, Arroyo Grande and Santa Maria etc.. It is a unique place, unlike the others, where one is able to hike safely within its boundaries and enjoy peace and quiet among the natural beauty...esp. the horse back riding trails and other areas around our existing park. Our schools have recreational areas..particularly the high school and there are areas in the town which a community building could be built (If indeed there is proven need for one)...and leave our jewel, and only truly quiet recreational areas as is (with some needed improvements like the tennis courts).

PLEASE keep Nipomo unique and rural....If others want a loud noisy park, they can always go a few miles to Arroyo Grande or the beaches or join existing senior centers in Santa Maria or AG and the like.

Thank You,

Christina Bird-Holenda
805-929-5749



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,
 Cc:
 Bcc:
 Subject: Fw: 3 Nipomo Park Master Plan documents entered into record
 From: Board of Supervisors/BOS/COSLO - Monday 12/17/2012 01:28 PM
 Sent by: Amber Wilson/BOS/COSLO

----- Forwarded by Amber Wilson/BOS/COSLO on 12/17/2012 01:27 PM -----

From: Cynthia Hawley <cynthiahawley@att.net>
 To: boardofsups@co.slo.ca.us
 Date: 12/17/2012 01:10 PM
 Subject: 3 Nipomo Park Master Plan documents entered into record

Attached is the third set of documents in the series of documents entered into the administrative record regarding the upcoming hearing on the Nipomo Park Master Plan.

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



2006 Annual+Air+Quality+Report.pdf



2011_anul rpt NMMA TG.pdf



2004 groundwater resource capacity study.pdf



2012 groundwater impact review.pdf

Item # **44** Meeting Date: **12/18/2012**

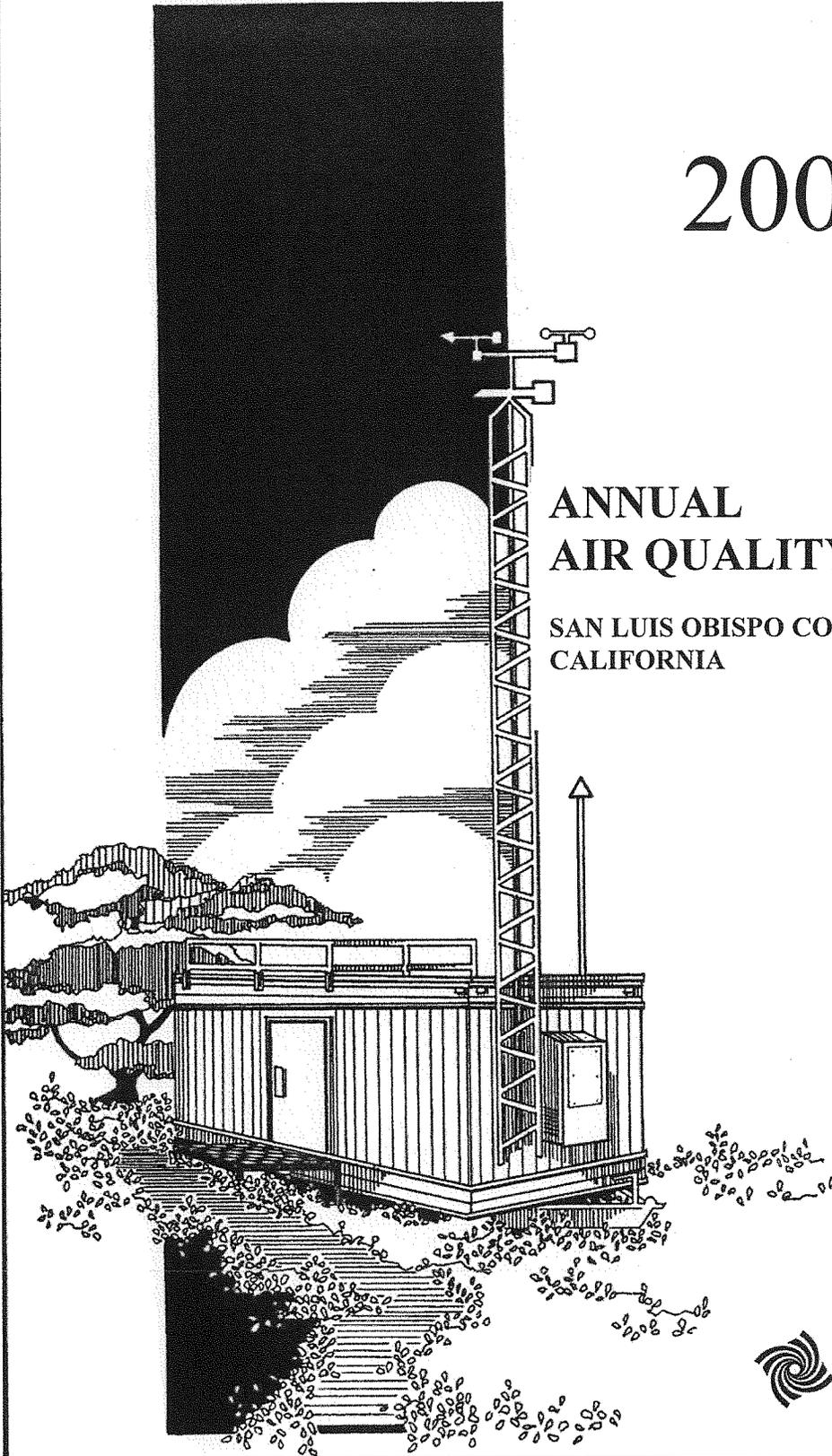
Presented by: Cynthia Hawley

Received prior to meeting and posted to web on: **December 17, 2012**

2006

ANNUAL
AIR QUALITY REPORT

SAN LUIS OBISPO COUNTY
CALIFORNIA



AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

AIR POLLUTION CONTROL DISTRICT COUNTY OF SAN LUIS OBISPO

3433 Roberto Court
San Luis Obispo, California 93401

Phone: (805) 781-5912
Fax: (805) 781-1002
Burn Advisory (toll free): (800) 834-2876
Email: info@slocleanair.org
World Wide Web Homepage: www.slocleanair.org

Air Pollution Control Officer: Larry Allen

Senior Staff

Compliance and Monitoring: Karen Brooks
Engineering: Gary Willey
Planning: Aeron Arlin Genet
Fiscal: Kevin Kaizuka
Administrative Support: Kim Johnson

2006 Annual Air Quality Report
Published November 2007
By Compliance and Monitoring Division

The air quality database for San Luis Obispo County is a public record and is available from the APCD office in various forms, including comprehensive records of all hourly or other sample values acquired anywhere in the county. Data summaries are published weekly on the APCD's website and in this Annual Air Quality Report. Ozone summary data appear weekly in the Saturday edition of the San Luis Obispo County Tribune, a local newspaper. Each month's data from ambient monitoring is added to separate archives maintained by the federal Environmental Protection Agency (EPA) and by the Air Resources Board (ARB). Summary data from San Luis Obispo County can be found in EPA and ARB publications and on the world wide web at the following websites:

www.slocleanair.org
SLO APCD website
www.arb.ca.gov
ARB website
www.epa.gov
US EPA website

2006 Air Quality Summary

Although most populated areas of San Luis Obispo County enjoyed very good air quality this year, ozone levels exceeding both federal and state standards were measured on numerous days in the Carrizo Plains due to transported pollution from the San Joaquin Valley. Seven days exceeding the federal 8-hour ozone standard of 0.08 parts per million (ppm) were recorded in 2006 at the Carrizo Plains station, while exceedances of the more stringent state 8-hour ozone standard of 0.070 ppm occurred on fifty-two days there. Four exceedence days in Atascadero and seven exceedence days in Paso Robles were also concurrently recorded for the state 8-hour standard. In addition, four days exceeding the state one hour ozone standard of 0.09 ppm were measured at the Carrizo Plains station.

Countywide, exceedences of the state 24 hour PM₁₀ standard of 50 ug/m³ occurred six times out of 61 different sample days. Statistically, this is equivalent to 36 exceedence days for 2006 since sampling is only conducted once every six days. Four exceedence days were recorded at Nipomo Mesa 2 station and one exceedence day was recorded at the Paso Robles station. On October 26, 2006 stations at San Luis Obispo, Morro Bay, Mesa 2, Nipomo Regional Park and Paso Robles all recorded an exceedence of the state PM₁₀ standard due to smoke impacts from the Day Fire in the Angeles National Forest. A county-wide Health Advisory was issued for smoke impacts from that fire by San Luis Obispo County's Health Officer and Air Pollution Control Officer. There was no measured exceedence of state or federal PM_{2.5} standards or the federal air quality standard for PM₁₀ in 2006.

In San Luis Obispo County, ozone and PM₁₀ are the pollutants of main concern, since exceedences of state health-based standards for those are experienced here in most years. Our county is designated as a non-attainment area for the state PM₁₀ standard.

Air Quality Monitoring

San Luis Obispo County air quality was measured in 2006 by a network of nine ambient air monitoring stations and one seasonal research station run only during the summer ozone season. Station locations are depicted on the map on page 2. The APCD operated six permanent stations at Nipomo Regional Park, Grover Beach, Morro Bay, Atascadero, Red Hills and Carrizo Plains. The seasonal research station on the summit of Black Mountain was closed at the end of October 2006. The State Air Resources Board (ARB) operated stations at San Luis Obispo and Paso Robles. One station on the Nipomo Mesa was operated by the District for the ConocoPhillips refinery in 2006. A tenth station, a special purpose PM₁₀ monitoring station, is operated at Hillview, Nipomo Mesa.

In 2006 District staff completed a comprehensive review of the ambient air monitoring network to evaluate how well it is achieving our goal to provide adequate, representative and useful air quality data. This review will be covered in the 2007 Annual Report.

Air quality monitoring is rigorously controlled by federal and state quality assurance and control procedures to ensure data validity. Gaseous pollutant levels are measured continuously and averaged each hour, 24 hours a day. Particulate pollutants are generally sampled by filter techniques for averaging periods of 24 hours. PM₁₀ (respirable particulate matter 10 microns or less in size) and PM_{2.5} (fine particulate matter 2.5 microns or less in size) are sampled for 24 hours every sixth day on the same schedule nationwide. In addition, PM₁₀ is sampled continuously at the Atascadero monitoring station using a TEOM (*tapered element oscillating microbalance*) sampler.

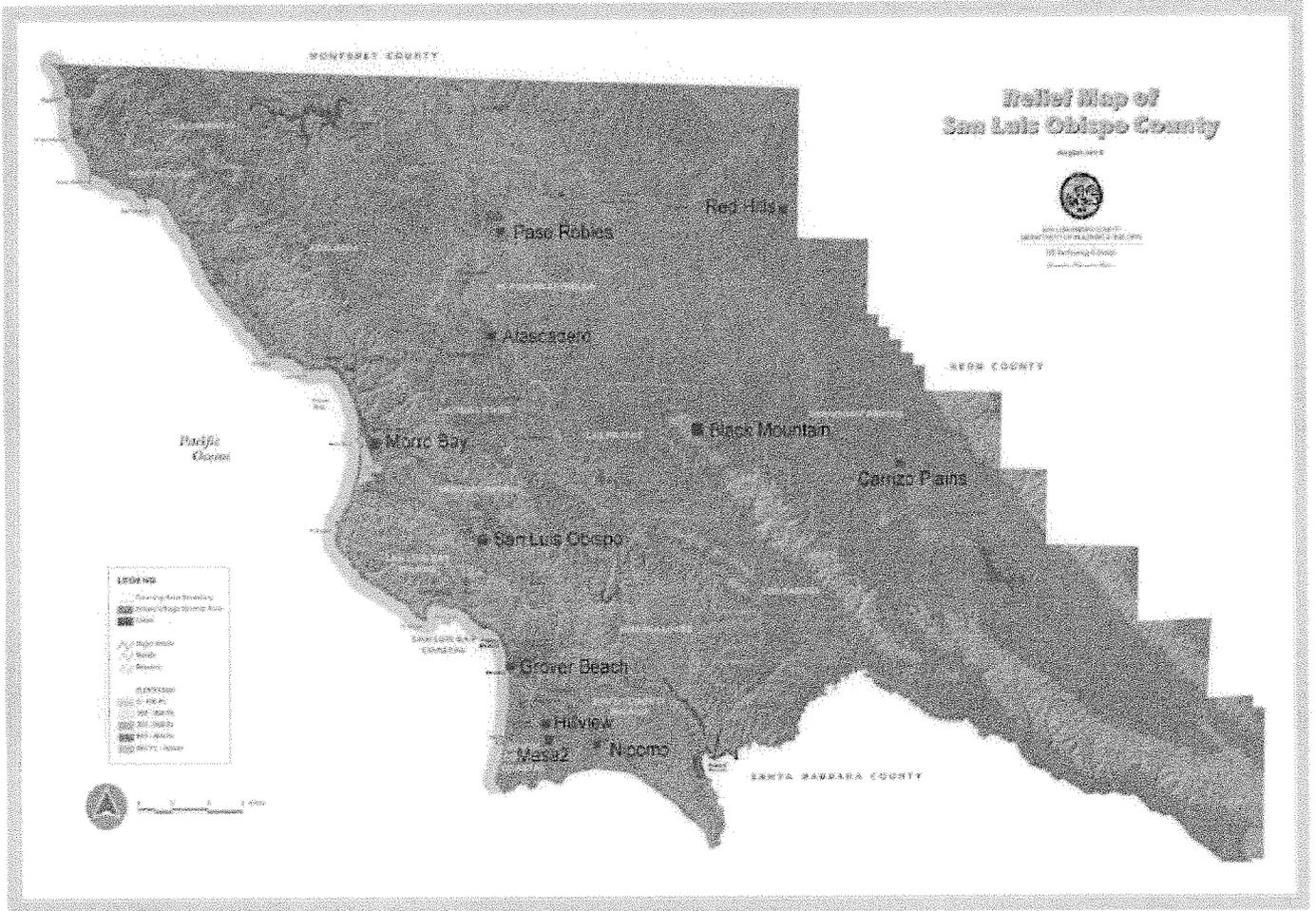


Table 1: Ambient Air Quality Parameters Monitored in San Luis Obispo County in 2006

	O ₃	NO	NO ₂	NO _x	SO ₂	CO	PM ₁₀	PM _{2.5}	TEOM	WS	WD	ATM
APCD Permanent Stations												
Atascadero	X	X	X	X			X	X	X	X	X	X
Morro Bay	X	X	X	X			X			X	X	
Nipomo Reg. Park	X	X	X	X	X		X			X	X	X
Red Hills	X									X	X	X
Carrizo Plains	X						X			X	X	X
APCD Research Station												
Black Mountain ¹	X									X	X	X
South County Special Study Sites												
Hillview							X					
ARB Stations												
San Luis Obispo ²	X	X	X	X		X	X	X		X	X	X
Paso Robles	X						X			X	X	X
Operated by APCD												
Mesa 2, Nipomo					X		X			X	X	X
Grover Beach ³										X	X	

Notes:

1 Black Mountain was discontinued at the end of October 2006.

2 The Air Resources Board discontinued nitrogen dioxide and carbon monoxide monitoring in November 2006.

3 Grover Beach is operated as a meteorology station only.

Acronyms:

O ₃	Ozone	SO ₂	Sulfur Dioxide	PM ₁₀	Particulates < 10 microns (samples every sixth day)	WS	Wind Speed
NO	Nitric Oxide	CO	Carbon Monoxide	PM _{2.5}	Particulates < 2.5 microns (samples every sixth day)	WD	Wind Direction
NO ₂	Nitrogen Dioxide	TEOM	Particulates <10 microns (monitored continuously)			ATM	Ambient Temp
NO _x	Oxides of Nitrogen						

Table 2: Ambient Air Quality Standards in 2006

The factors that lead to ozone formation are very complex and include: climate, topography, emissions of precursor pollutants, and pollutant transport. Air quality monitoring has shown that ozone levels can be very different from year to year. The reasons for this are not fully understood and are the subject of ongoing research.

A standard exceedence occurs when a measured value meets exceedence criteria prescribed by state or federal agencies and does not necessarily constitute a violation.

A standard violation may occur following a single or cumulative series of standard exceedences. Criteria constituting a violation are unique for each pollutant and may result in changes to an area's attainment status.

Pollutant	Averaging Time	California Standard	National Standard
Ozone (O₃)	1 Hour	0.09 ppm	-----
	8 Hour	0.070 ppm	0.08 ppm
Carbon Monoxide (CO)	8 Hour	9.0 ppm	9 ppm
	1 Hour	20 ppm	35 ppm
Nitrogen Dioxide (NO₂)	Annual Arithmetic Mean	-----	0.053 ppm
	1 hour	0.25 ppm	-----
Sulfur Dioxide (SO₂)	Annual Arithmetic Mean	-----	0.030 ppm (primary)
	24 Hour	0.04 ppm	0.14 ppm (primary)
	3 Hour	-----	0.5 ppm (secondary)
	1 Hour	0.25 ppm	-----
Respirable Particulate Matter (PM₁₀)	24 Hour	50 ug/m ³	150 ug/m ³
	Annual Arithmetic Mean	20 ug/m ³	-----
Fine Particulate Matter (PM_{2.5})	24 Hour	-----	35 ug/m ³
	Annual Arithmetic Mean	12 ug/m ³	15 ug/m ³
Hydrogen Sulfide (H₂S)	1 Hour	0.03 ppm	-----
Visibility	8 hour	Sufficient amount to reduce the prevailing visibility to less than ten miles when the relative humidity is less than 70 %.	

Ambient Air Pollutants Of Local Concern

While ground level ozone is harmful to plants and animals and is considered a pollutant, upper level (stratospheric) ozone occurs naturally and protects the earth from harmful ultra-violet energy from the sun.

Fine particulate matter, in addition to being a health hazard, can greatly reduce visibility. Research suggests that fine particulate is much more detrimental to human health than previously thought.

NO₂ and SO₂ create aerosols, which may fall as acid rain causing damage to crops, forests, and lakes.

CO is a colorless, odorless gas that can lower the blood's ability to carry oxygen.

Ozone

Although ozone occurs naturally at low concentrations near the earth's surface, much higher and unhealthful levels are created when airborne mixtures of hydrocarbons and oxides of nitrogen are driven by sunlight to react, forming ozone pollution. The emissions of these ozone precursor pollutants come from many human activities, but primarily from industry and the wide use of motor vehicles. As a pollutant, ozone is a strong oxidant gas which attacks plant and animal tissues. It causes impaired breathing and reduced lung capacity, especially among children, athletes and persons with compromised respiratory systems. It also causes significant crop and forest damage. Ozone is a pollutant of particular concern in California where geography, climate and high population densities contribute to frequent violations of health-based air quality standards.

Particulate Matter

Ambient air quality standards have been established for two classes of particulate matter: PM₁₀ (respirable particulate matter less than 10 microns in aerodynamic diameter), and PM_{2.5} (fine particulate matter 2.5 microns or less in aerodynamic diameter). Both consist of many different types of particles that vary in their chemical activity and toxicity. PM_{2.5} tends to be a greater health risk since it cannot be removed from the lungs once it is deeply inhaled. Sources of particulate pollution include: diesel exhaust, mineral extraction and production; combustion products from industry and motor vehicles; demolition and construction; agricultural operations; smoke from open burning; paved and unpaved roads; condensation of gaseous pollutants into liquid or solid particles; and natural sources such as wind-blown dust.

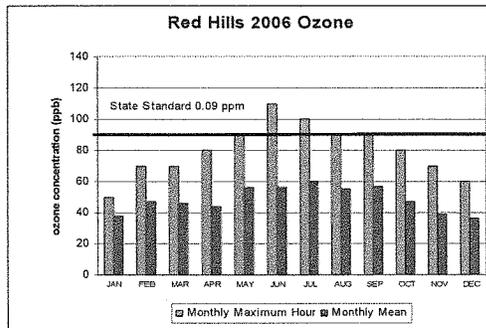
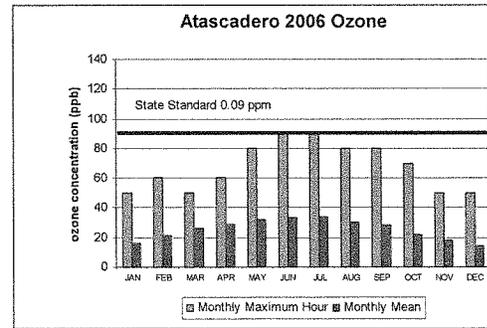
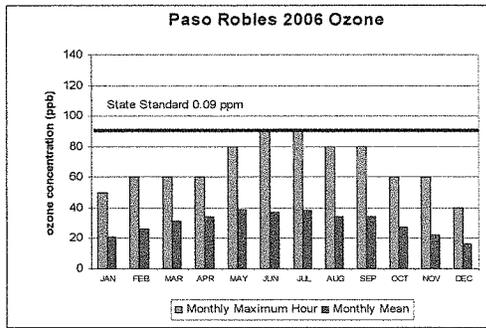
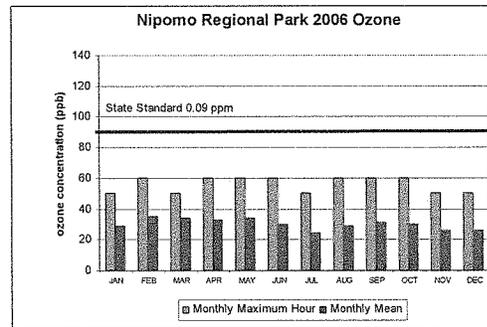
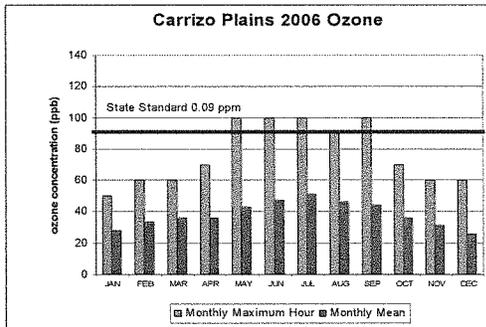
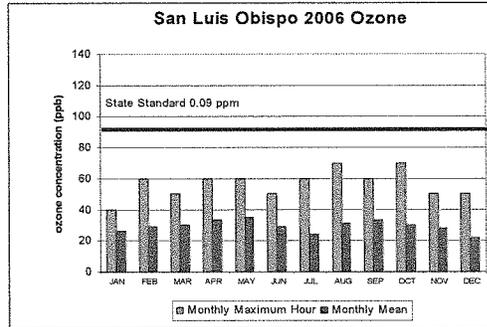
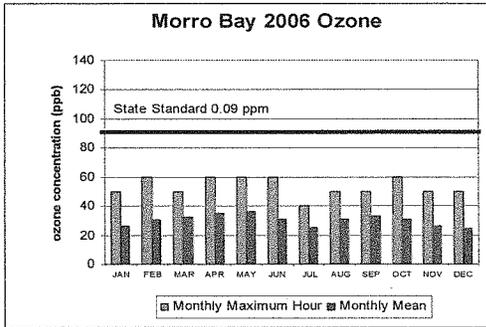
NO₂, SO₂, CO

Nitrogen dioxide (NO₂) is the brownish-colored component of smog. NO₂ irritates the eyes, nose and throat, and can damage lung tissues. Sulfur dioxide (SO₂) is a colorless gas with health effects similar to NO₂. Both pollutants are generated by fossil fuel combustion from mobile sources (such as vehicles, ships and aircraft), and at stationary sources (such as industry, homes and businesses). SO₂ may also be emitted by petroleum production and refining operations. The state and national standards for NO₂ have never been exceeded in this county. The Air Resources Board discontinued NO₂ monitoring at the San Luis Obispo Station in November 2006. The state standard for SO₂ was exceeded periodically on the Nipomo Mesa up until 1993. Equipment and processes at the facilities responsible for the emissions were upgraded as a result, and the state SO₂ standard has not been exceeded since that time. Exceedences of the federal SO₂ standard have never been measured here.

Carbon monoxide (CO) can cause headaches and fatigue and results from fuel combustion of all types. Motor vehicles are by far the chief contributor of CO in outdoor air. State CO standards have not been exceeded in San Luis Obispo County since 1975. The Air Resources Board discontinued CO monitoring at the San Luis Obispo Station in November 2006.

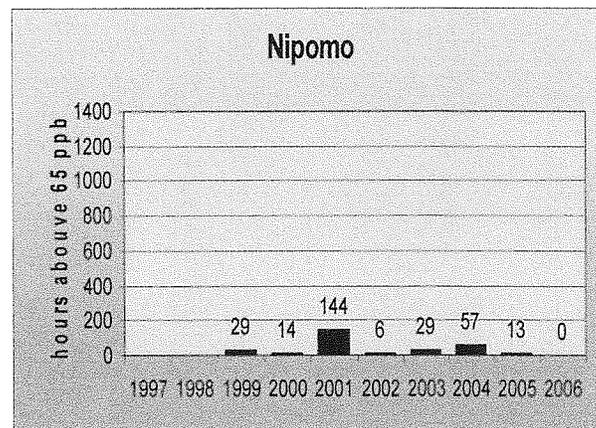
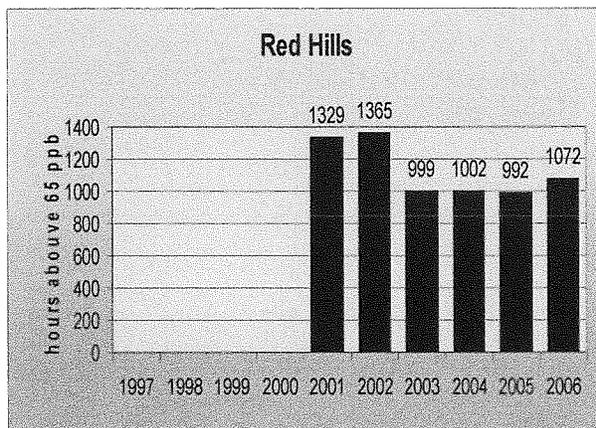
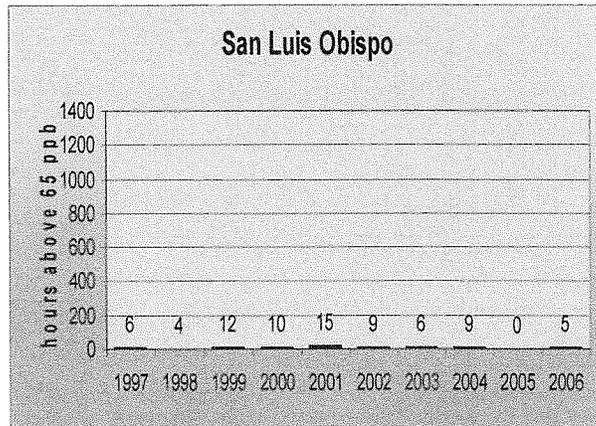
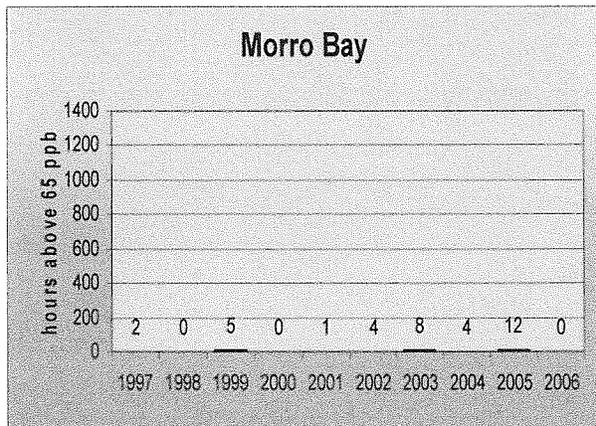
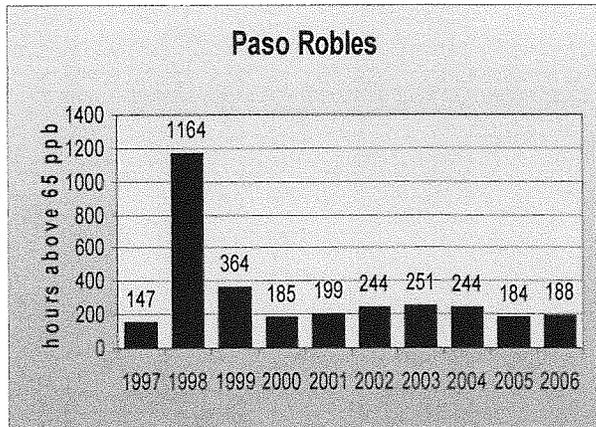
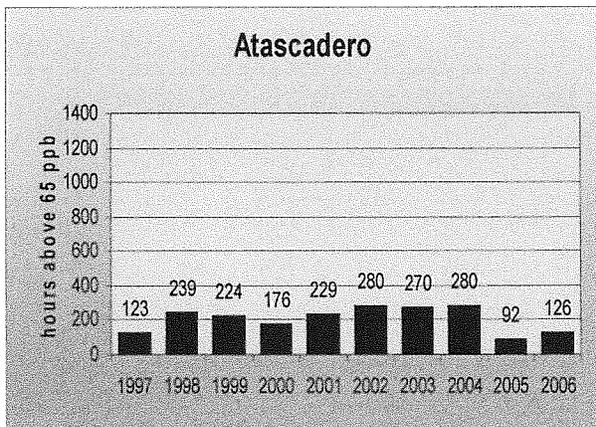
2006 Ozone

The following graphs depict 2006 monthly ozone concentrations at seven monitoring stations in the county. There are two data bars presented for each month. The monthly maximum hour bar shows the highest hourly average concentration during the month in parts per billion (ppb). The monthly mean bar is a monthly average concentration and depicts average ozone intensity (in ppb) for the month. There were four days of exceedence of the state hourly standard for ozone in 2006 measured at Carrizo Plains. Fifty-two exceedence days of the state eight hour standard were recorded at the Carrizo Plains station and concurrently four days at the Atascadero and seven days at the Paso Robles stations. There were seven exceedence days of the federal 8-hour ozone standard measured in 2006 recorded at the Carrizo Plains station.



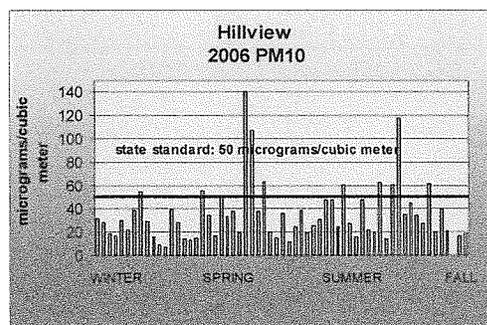
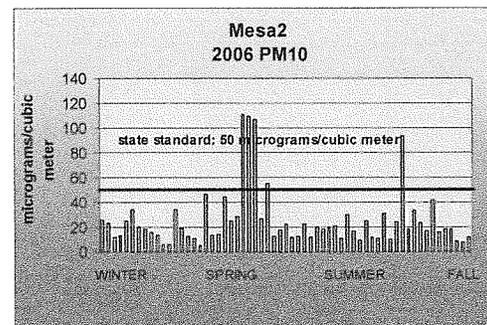
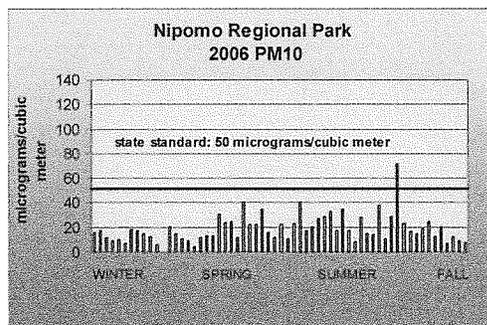
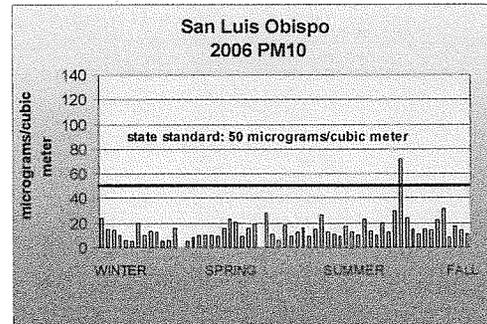
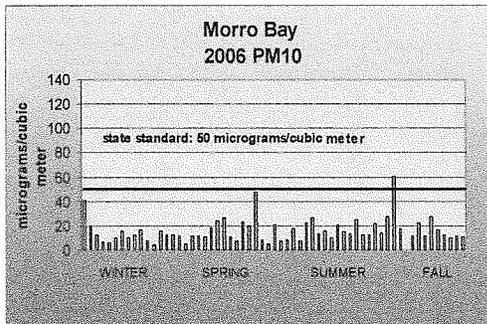
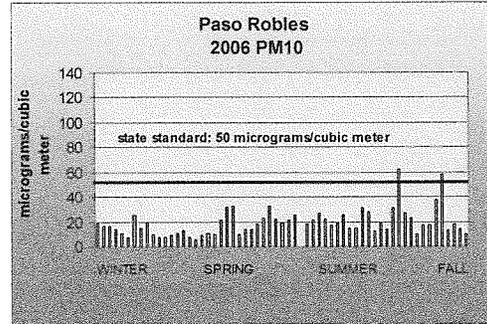
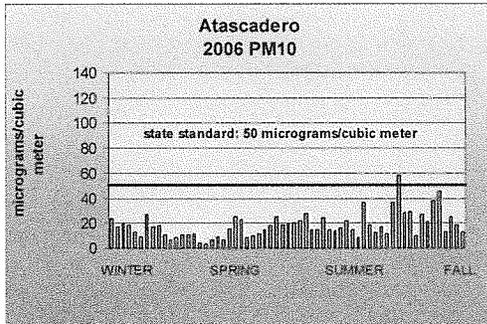
Countywide Ozone Trends - 1997-2006

The following graphs depict ozone trends at six locations within the county for the past ten years; six years at Red Hills and eight years at Nipomo. Each data bar represents the total number of hours in a given year in which the ozone concentrations exceeded 65 parts per billion. This concentration level is a useful indicator for trend purposes even though there are no health standards for single-hour exposures to 65 parts per billion of ozone. No data was collected for Nipomo in 1997 and 1998 during which time the station was relocated. Monitoring resumed at Nipomo in November 1998. No trend information is presented at this time for the one year of data at Carrizo Plains.



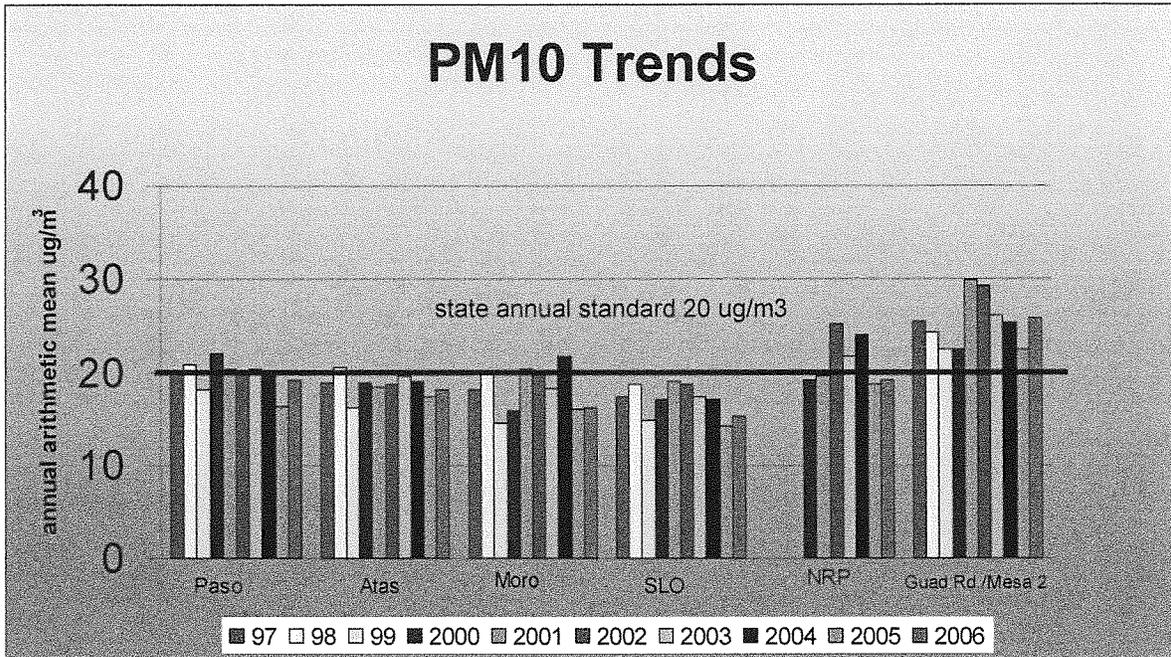
Particulate Matter, 10 microns or less (PM₁₀)

The graphs on this page present PM₁₀ particulate data from seven locations. Countywide, exceedences of the state 24 hour PM₁₀ standard of 50 ug/m³ occurred six times out of 61 different sample days. Statistically, this is equivalent to 36 exceedence days for 2006 since sampling is only conducted once every six days. Four exceedence days of the state PM₁₀ standard were recorded at the District-operated Mesa 2 station and one exceedence day was recorded at the Paso Robles station. On October 26, 2006 stations at San Luis Obispo, Morro Bay, Mesa 2, Nipomo Regional Park and Paso Robles all recorded an exceedence of the state PM₁₀ standard due to smoke impacts from the Day Fire in the Angeles National Forest. A county-wide Health Advisory was issued for the Day Fire smoke impacts by San Luis Obispo County's Health Officer and Air Pollution Control Officer. There was no measured exceedence of the federal air quality standard for PM₁₀ in 2006.



Particulate Matter, 10 microns or less (PM₁₀) continued.

The graph below depicts the annual arithmetic average PM₁₀ concentration at six locations in San Luis Obispo County over the past ten years (seven years at NRP). While occasional exceedences of the state PM₁₀ standard occur at all sites, the monitors on the Nipomo Mesa at NRP and Guadalupe Road/Mesa 2 are consistently higher than elsewhere in the county. The reasons for this are being investigated through the South County Particulate Matter Phase II Study discussed on page 11 of this report.



Particulate Matter, 2.5 microns or less (PM_{2.5})

Monitoring for fine particulate matter (PM_{2.5}) began in 1999 and is performed at two locations in San Luis Obispo County: the San Luis Obispo and Atascadero monitoring stations. The federal standard for PM_{2.5} of 35 micrograms per cubic meter was not exceeded during 2006. California has not set a 24 hour PM_{2.5} standard.

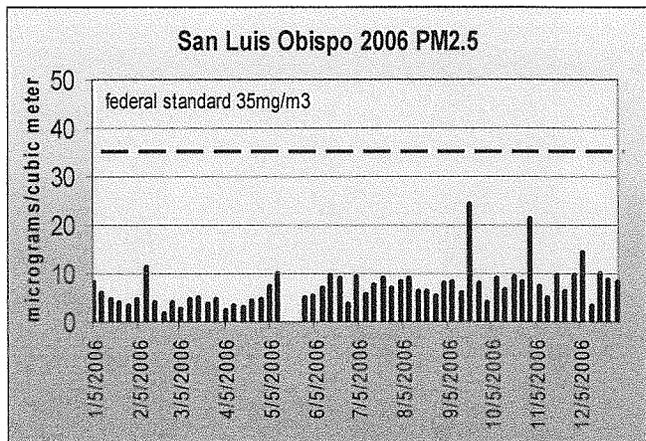
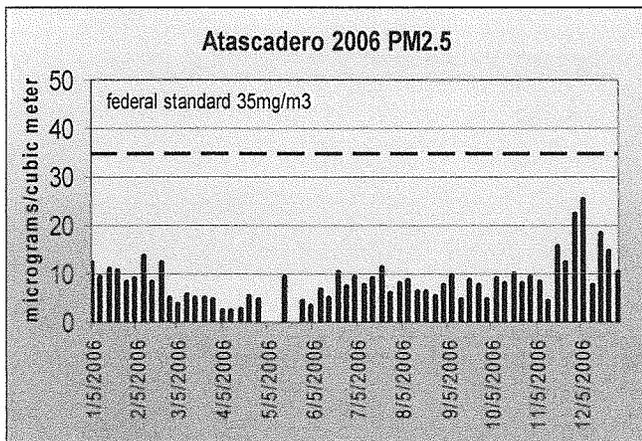


Table 3: First, Second and Third Highest Hourly Averages for 2006

The following table lists the highest hourly (and 8-hour for ozone) concentrations (expressed in parts per million) recorded in 2006 for ozone, sulfur dioxide, nitrogen dioxide and carbon monoxide at the stations where they are monitored. Sampling date and hour appears with each data value in the format of month/day: hour.

Station	O ₃ 1-hour			O ₃ 8-hour			SO ₂			NO ₂			CO		
	1st	2nd	3rd	1st	2nd	3rd	1st	2nd	3rd	1st	2nd	3rd	1st	2nd	3rd
Paso Robles	.088 6/22:20	.087 7/9:11	.086 7/21:12	.074 8/9:09	.073 7/16:10	.072 6/22:15									
Atascadero	.093 6/22:20	.085 7/8:12	.082 7/16:15	.076 7/16:13	.075 6/22:16	.071 8/9:09				.056 10/20:14	.056 12/07:16	.050 10/26:18			
Morro Bay	.063 10/28:14	.060 2/26:21	.059 5/14:22	.056 10/28:11	.055 2/26:20	.053 2/12:14				.046 12/05:17	.042 11/30:18	.039 02/09:08			
San Luis Obispo	.070 8/9:15	.066 10/28:15	.059 09/18:12	.059 10/28:11	.058 8/9:11	.055 2/26:21				.035 10/26:20	.034 01/24:08	.034 02/08:08	1.1 02/23:08	1.1 03/13:06	1.0 02/23:07
Carrizo Plains	.103 5/19:15	.101 7/20:17	.96 9/27:14	.095 7/20:10	.087 7/15:12	.086 6/24:09									
Nipomo Regional Park	.064 9/18:16	.063 8/9:16	.062 02/12:20	.060 2/12:16	.059 2/26:22	.056 2/27:00	.052 07/22:09	.040 12/03:14	.037 12/03:17	.039 10/26:19	.033 12/06:18	.032 01/24:19			
Nipomo, Mesa 2							.137 05/30:17	.122 02/13:16	.116 12/02:12						

Table 4: Summary of Particulate Matter Concentrations for 2006

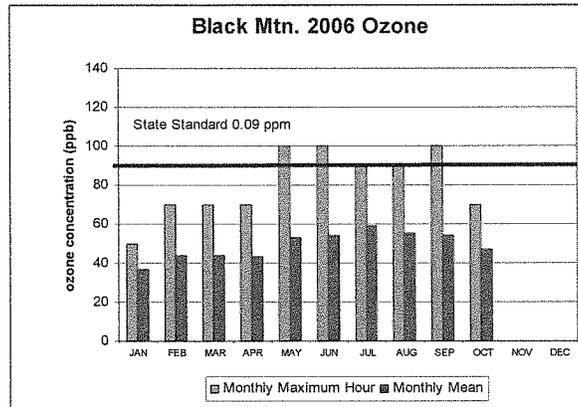
The following table lists the highest concentrations and the annual means recorded in 2006 for PM₁₀ and PM_{2.5} particulate matter at the stations where they are monitored. Values are in micrograms/cubic meter. Values exceeding state or federal standards are in bold.

2006	PM ₁₀		PM _{2.5}	
	Highest Concentration	Annual Arithmetic Mean	Highest Concentration	Annual Arithmetic Mean
Paso Robles	62 ug/M³ 10/26	19.2 ug/M ³		
Atascadero	58 ug/M³ 10/26	18.2ug/M ³	25.2 ug/M³ 12/07	8.5 ug/M ³
Morro Bay	60ug/M³ 10/26	16.1ug/M ³		
San Luis Obispo	72 ug/M³ 10/26	15.2ug/M ³	24.2 ug/M³ 09/20	7.1 ug/M ³
Nipomo Regional Park	71 ug/M³ 10/26	19.1ug/M ³		
Nipomo, Mesa2	110 ug/M³ 5/23	25.9ug/M³		
Hillview, Nipomo	141ug/M³ 5/29	35.1ug/M³		

Ozone at the Black Mountain Special Study Site in 2006

The following graph depicts monthly ozone concentrations at the Black Mountain research monitoring station operated by the District in 2006. There are two data bars presented for each month. The monthly maximum hour bar shows the highest hourly average concentration during the month in parts-per-billion (ppb). The monthly mean bar is a monthly average concentration and depicts overall average ozone intensity for the month (in ppb). The Black Mountain station was operated only during the summer ozone season and was discontinued at the end of October 2006.

The Black Mountain research monitoring station was sited to provide the District with more information about possible transport of polluted air into our county from other areas, as well as providing us with a profile of ozone concentrations in the air column from ground level to about 4000 foot elevation. In general, ozone levels were higher at the study site located in elevated terrain than in populated areas at lower elevations where we regularly monitor for ozone. Information gathered at the site is used by APCD staff and ARB researchers in understanding regional pollutant transport within California. Special study site data is not reported to the official state or federal air quality databases and is not used in determination of our attainment status for ozone air quality standards.



South County Particulate Matter Study

The report on the Nipomo Mesa Particulate Study, concluded in March 2006, was released to the public in 2007. The results of the study document a serious problem on the Mesa, with exceedances of five of the six state and federal health standards for fine and coarse particulates recorded over the study period. Exceedances of the state 24 hour PM10 standard were measured on over one quarter of the sample days.

The study data clearly demonstrates that the single largest contributor to the particulate problem is high northwesterly wind events entraining crustal particles upwind from the Mesa and transporting them to the Mesa area; particulate concentrations dropped off substantially at the farther inland location of the Mesa. The farther the winds extended inland, the farther inland the high particulate concentrations extend. One exception to this pattern was the observation of localized areas of higher concentration that occurred near dirt roads composed of fine sandy particles.

This study also attempted to evaluate the potential impacts from off-road vehicle activities at the Oceano Dunes State Vehicle Recreational Area (SVRA) on the elevated particulate levels seen on the Mesa. The SVRA is located upwind of the Mesa in the area shown by the study data to be the major source of particulates when high PM concentrations are measured on the Mesa. An analysis of average weekend and weekday particulate measurements taken on the Mesa over the past 12 years was conducted to determine if there were higher PM

levels on the weekends relative to the typically higher weekend off-road vehicle activity at the SVRA. The analysis found higher weekend concentrations at one monitoring station, but the data were not conclusive. Secondary impacts from the off-road activities, such as denuding vegetation, may also play a role by destabilizing the dune structure, allowing winds to entrain fine particles and carry them downwind. Determining the potential secondary impacts of the off-road activities is beyond the scope of this report, but deserves further study.

Regardless of whether human activities or natural sources are responsible, the study documents the frequent occurrence of unhealthful particulate levels on the Mesa. Even though the composition of the particulates is mostly natural crustal particles, the health implications are not lessened. All fine airborne particulate matter, regardless of composition, can cause respiratory distress when inhaled, especially to the very young, the elderly and those with compromised respiratory systems. In addition, sand particles are high in crystalline silica, a known carcinogen with a high risk factor.

The study results also showed that sulfate concentrations on the Mesa are well below the California state sulfate standard, although higher sulfate concentrations were measured there than at other rural coastal areas of California. On days with light winds, the study data showed monitoring locations downwind from the ConocoPhillips Refinery complex had significantly higher sulfate concentrations than sites located upwind from the refinery. The coke calcining facility, the major source of sulfur dioxide emissions at the refinery complex, shut down in March 2007 and will not resume operations.

The District Board of Directors has directed staff to conduct additional studies of particulate matter levels on the Nipomo Mesa to enable more definitive conclusions regarding the source(s) of the pollution and potential mitigation needed. Staff is currently working with the California Department of Parks and Recreation to design and implement a follow-on study to further investigate the potential influence of off-road vehicle use at the SVRA, agriculture and the refinery on the elevated PM levels measured on the Mesa. The study design is nearly complete, with implementation scheduled to begin in mid-January 2008 and run through a full year of PM monitoring in both impacted areas and similar non-impacted areas to provide adequate data on which to reach conclusions and base decisions. Comprehensive analysis of the data will begin after the field work is completed, with a formal report on the study findings expected to be completed in mid-2008.

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Nipomo Mesa Management Area

4th Annual Report
Calendar Year 2011

Prepared by
NMMA Technical Group

Submitted April 2012

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Acronyms

AF	-	acre-feet
AF/yr	-	acre-feet per year
ALERT	-	Automated Local Evaluation in Real Time
C.E.G.	-	Certified Engineering Geologist
C.H.G.	-	Certified Hydrogeologist
CCAMP	-	Central Coast Ambient Monitoring Program
CDF	-	California Department of Forestry (now Cal Fire)
CIMIS	-	California Irrigation Management Information System
CPUC	-	California Public Utilities Commission
CU	-	consumptive use
D	-	day
DPH	-	California Department of Public Health
DWR	-	California Department of Water Resources
ES	-	Executive Summary
Ft	-	feet
ft ²	-	square feet
ft msl	-	feet above mean sea level
Gpd	-	gallons per day
GSWC	-	Golden State Water Company
K	-	hydraulic conductivity
MCL	-	Maximum Contaminant Level
mg/L	-	milligrams per Liter
Msl	-	mean sea level
NCSD	-	Nipomo Community Services District
NMMA	-	Nipomo Mesa Management Area
NSWP	-	Nipomo Supplemental Water Project
TG	-	Nipomo Mesa Management Area Technical Group
P.E.	-	Professional Engineer
P.G.	-	Professional Geologist
PG&E	-	Pacific Gas & Electric
RF	-	return flow
RP	-	reference point
RWC	-	Rural Water Company
SCWC	-	Southern California Water Company (now Golden State Water Company)
SLO	-	San Luis Obispo County
SLO DPW	-	San Luis Obispo County Department of Public Works
SWP	-	State Water Project
TDS	-	Total Dissolved Solids
U.S.	-	United States
WWTF	-	wastewater treatment facility
WY	-	Water Year
Yr	-	year

Abbreviations

Blacklake WWTF	-	Blacklake Reclamation Facility
Cypress Ridge WWTF	-	Rural Water Company's Cypress Ridge Wastewater Facility
Judgment	-	Judgment After Trial dated January 25, 2008
Phase III	-	Santa Maria Groundwater Litigation Phase III
Program	-	Nipomo Mesa Management Area Monitoring Program
Santa Maria Groundwater Litigation	-	<i>Santa Maria Valley Water Conservation District vs. City of Santa Maria, et al.</i> Case No. 770214
Southland WWTF	-	Southland Wastewater Treatment Facility
Stipulation	-	Stipulated Judgment dated June 30, 2005
Temp	-	Temperature
Woodlands	-	Woodlands Mutual Water Company
Woodlands WWTF	-	Woodlands Mutual Water Company Wastewater Reclamation Facility

Executive Summary

This 4th Annual Report, covering calendar year 2011 for the Nipomo Mesa Management Area (NMMA), is prepared in accordance with the Stipulation and Judgment for the Santa Maria Groundwater Litigation (Lead Case No. 1-97-CV-770214). The Annual Report provides an assessment of hydrologic conditions for the NMMA based on an analysis of the data accruing each calendar year. Each Annual Report is submitted to the court annually in accordance with the Stipulation in the year following that which is assessed in the report. This Executive Summary contains three sections: ES-1 Background; ES-2 Findings; and ES-3 Recommendations.

ES-1 Background

The NMMA Technical Group (TG) is one of three management areas committees established by the Court and charged with developing the technical bases for sustainable management of the surface and groundwater supplies available to each of the management areas. The TG is the committee for the NMMA. The NMMA lies between the Northern Cities Management Area to the north and the Santa Maria Valley Management Area to the south. The goal of each management area is to promote monitoring and management practices so that present and future water demands are satisfied without causing long-term damage to the underlying groundwater resource.

The TG, a committee formed to administer the relevant provisions of the Stipulation regarding the NMMA, prepared this 4th Annual Report Calendar Year 2011. ConocoPhillips, Golden State Water Company, Nipomo Community Services District, and Woodlands Mutual Water Company are responsible for appointing the members of the committee, and along with an agricultural overlying landowner, who is also a Stipulating Party, are responsible for the preparation of this Annual Report.

The TG collected and compiled data and reports from numerous sources including the NMMA Monitoring Parties, Counties of San Luis Obispo and Santa Barbara, California Department of Water Resources and Department of Public Health, the U. S. Geologic Survey and the Management Area Engineers for the Northern Cities and Santa Maria Valley Management Areas. The TG developed an electronic database to aid in the evaluation of the long-term sustainability of the NMMA portion of the Santa Maria Groundwater Basin. The TG reviewed these data and reports and concluded that the development of additional data and evaluations will be on-going to aid the understanding of the hydrogeologic conditions of the NMMA and to make comprehensive recommendations for the long-term management of the NMMA.

The TG evaluated the available compiled data to reach the findings presented in the following section of this Executive Summary. The TG recognizes that the data used in the evaluations are not equally reliable but represent what is currently available. In some cases, additional analysis will be required for an adequate characterization of the physical setting within NMMA to develop an appropriately detailed model of the stratigraphy, defining the location and thickness of production aquifers and confining layers. Refinements in the understanding of the physical setting will improve upon estimates of groundwater in storage available for pumping to meet water demands. Such work is an important goal for the TG and mirrors the TG's desire to characterize groundwater storage in the NMMA. The TG has developed specific recommendations to address these issues for the next Annual Report.

ES-2 Findings

Presented in this section of the Executive Summary are brief descriptions of the findings by the TG for calendar year 2011. Presented in the body of this report are the details and bases for these findings.

1. The TG recommends that the Nipomo Supplemental Water Project be implemented as soon as possible (see Section 9.3 Technical Recommendations, see Appendix F NSWP Technical Memorandum).
2. Potentially Severe Water Shortage Conditions continue to exist in the NMMA as indicated by the Key Wells Index (see Section 7.2 Water Shortage Conditions). Coastal water quality and water levels continue to be better than thresholds for Water Shortage Conditions (i.e., chloride concentrations are less than threshold concentrations and groundwater elevations are higher than threshold elevations). Potentially Severe Water Shortage Conditions trigger a voluntary response plan as presented in the Water Shortage Conditions and Response Plan (see Section 7.2.1 Status of Water Shortage Conditions).
3. Spring groundwater elevations underlying the NMMA, indicated by the Key Wells Index of eight (8) wells, decreased sharply from 2010 levels after a slight increase last year following a three consecutive year decline (see Section 7.1.1 Groundwater Conditions). Several of the Key Wells have seen declining groundwater elevations since about 2000 (see Section 6.1.1 Results from Inland Key Wells).
4. There are a number of direct measurements that indicate that demand exceeds the ability of the supply to replace the water pumped from the aquifers (see Section 7.1.2 Hydrologic Inventory).
5. The final environmental documentation for the Nipomo Supplemental Water Project is completed and NCS D has informed the TG that construction could begin in late 2012 (see Section 1.1.7 Supplemental Water).
6. Total rainfall for Water Year 2011 (October 1, 2010 through September 30, 2011) is approximately 180 percent of the long-term average (see Section 3.1.3 Rainfall).
7. The period of analysis (1975-2011) used by the TG is roughly 11 percent “wetter” on average than the long-term record (1920-2011) indicating there is a slight bias toward overstating the amount of local water supply resulting from percolation of rainfall (see Section 7.3.1 Climatological Trends).
8. The total estimated 2011 calendar year groundwater production is 10,538 acre-feet (AF). The breakdown by user and type of use is shown in the following table (see Section 3.1.9 Groundwater Production (Reported and Estimated)).

Agriculture	2,465 AF
Urban/Industrial	8,073 AF
Total Production	10,538 AF

9. The total Waste Water Treatment Facility effluent discharged in the NMMA was 780 AF for Calendar Year 2011 (see Section 3.1.10 Wastewater Discharge and Reuse).

-
10. Contour maps prepared using Spring and Fall 2011 groundwater elevations suggests subsurface flow is generally from east to west (toward the ocean). They also show a nearly flat gradient in a localized area near the coast (see Section 6.1.3 Groundwater Contours and Pumping Depressions).
 11. The acreage for land use classification of Urban is 10,246 acres; of Agriculture is 2,587 acres; and, of Native is 8,314 acres (see Section 3.1.8 Land Use).
 12. There is no evidence of any water quality issues including seawater intrusion that significantly restrict current use of groundwater to meet the current water demands, except for one nitrate exceedance in the northern portion of the NMMA. Nitrate concentration measurements in portions of the NMMA are more than half the drinking water MCL in 2011, and much of the NMMA has relatively high TDS concentrations, up to 1,100 mg/l (see Section 6.2.2 Results of Inland Water Quality Monitoring).
 13. There is a lack of understanding of the contribution of Los Berros and Nipomo Creeks to the NMMA water supplies (see Section 3.1.5 Streamflow).
 14. There is a lack of understanding about confined and unconfined aquifer conditions in the NMMA, except near the coast and locally adjacent areas where the Deep Aquifers are known to be confined (see Section 2.3.2 Groundwater Flow Regime).
 15. There is a lack of understanding of the flow path of rainfall, applied water, and treated wastewater to specific aquifers underlying the NMMA (see Section 3.1.10 Wastewater Discharge and Reuse).

ES-3 Recommendations

A list of recommendations were developed and published in each of the previous NMMA Annual Reports. The TG will address past and newly developed recommendations along with the implementation schedule based on future budgets, feasibility, and priority. The recommendations are subdivided into three categories: (1) Draft capital and operation expenditure plan, (2) Achievements from earlier NMMA Annual Report recommendations accomplished in 2011; and (3) Technical Recommendations – to address the needs of the TG for data collection and compilation.

ES-3.1 Funding Recommendations

The TG acknowledges that the work items and budget presented below represent a consensus view that additional technical work is necessary beyond that covered under the current annual budget limit. Completing this broader scope of work will require a formal adjustment to the NMMA TG budget limit.

NMMA 5-Year Cost Analysis

Task Description	Total Cost	Targeted Completion Year	Projected 5-year Cash Flow				
			2012	2013	2014	2015	2016
Yearly Tasks							
Annual Report preparation			\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Grant funding efforts			\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Confining layer definition			\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Well head surveying			\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Analytical testing			\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Long Term Studies							
Groundwater model (NMMA share)	\$250,000	2016	\$33,300	\$33,300	\$33,300	\$75,000	\$75,000
Capital Projects							
Oso Flaco monitoring well	\$130,000	2014	\$43,300	\$43,300	\$43,300	--	--
Automatic monitoring equipment	\$25,000	2016	--	--	--	\$12,500	\$12,500
Total Projected Annual Cost			\$154,600	\$154,600	\$154,600	\$165,500	\$165,500

ES-3.2 Achievements from Previous NMMA Annual Report Recommendations

The TG worked diligently to address several of the recommendations outlined in the previous Annual Reports. Accomplishments and/or progress made during 2011 include:

- Development of refined cross sections through key areas of the basin.
- Reviewed and identified existing well locations and recommended additional monitoring to be incorporated into the County water level monitoring program.
- Met with representatives from Northern Cities Management Area and Santa Maria Valley Management Area to discuss groundwater modeling possibilities, groundwater monitoring activities, methodology to estimate percolation, and sea water intrusion findings.

ES-3.3 Technical Recommendations

The following technical recommendations are not organized in their order of priority because the monitoring parties, considering their own particular funding constraints and authorities, will determine the implementation strategies and priorities. However, the TG has suggested a priority for some of the technical recommendations.

- **Supplemental Water Supply** – An additional water supply that would allow reduced pumping within the NMMA is the most effective method of reducing the stress on the aquifers and allow groundwater elevations to recover. The NSWP (see Section 1.1.7-Supplemental Water) is the fastest method of obtaining alternative water supplies. Given the Potentially Severe Water Shortage Conditions within the NMMA and the other risk factors discussed in this Report, the TG recommends that this project be implemented as soon as possible.

-
- **Subsurface Flow Estimates** – Continue to develop and evaluate geologic cross-sections along NMMA boundaries and make estimates of subsurface flow.
 - **Severe Water Shortage Conditions** – The TG will evaluate the potential mandatory responses to the Severe Water Shortage Conditions as prescribed in the Stipulation Paragraph VI(D)(1b)(i)-(v).
 - **Installation of Groundwater Monitoring Equipment** – When a groundwater level is measured in a well, both the length of time since the measured well is shut off and the effect of nearby pumping wells modify the static water level in the well being measured. For the Key Wells, the installation of transducers and data loggers will largely solve this problem. Installation of transducers is also recommended for purveyors' wells that pump much of the time.
 - **Changes to Monitoring Points or Methods** – The coastal monitoring wells are of great importance in the Monitoring Program. The inability to locate the monitoring well cluster under the sand dunes proximally north of Oso Flaco Lake renders the southwestern coastal portion of the NMMA without adequate coastal monitoring. During 2009 and 2010, the NMMA TG reviewed options for replacing this lost groundwater monitoring site. The TG was given written support of the concept from the State Parks Department to allow replacement of the well, and the TG has also had discussions with San Luis Obispo County, which may be able to provide some financial assistance for the project. The NMMA TG has incorporated replacement of this monitoring well in its long-term capital project planning and will investigate possible State or Federal grants for financial assistance with the construction of this multi-completion monitoring well.
 - **Well Management Plan** – It is recommended that for calendar year 2012, purveyors compile and present to the TG a Well Management Plan status update.
 - **County of San Luis Obispo Monitoring Locations** – Review proposed County of San Luis Obispo monitoring well and stream gauge locations.
 - **Well Reference Point Elevations** – It is recommended that all the wells used for monitoring have an accurate RP elevation established over time. This could be accomplished by surveying a few wells every year or by working with the other Management Areas and the two counties in the Santa Maria Groundwater Basin to obtain LIDAR data for the region; the accuracy of the LIDAR method allows one-foot contours to be constructed and/or spot elevations to be determined to similar accuracy.
 - **Groundwater Production** – Estimates of total groundwater production are based on a combination of measurements provided freely from some of the parties, and estimates based on land use. The TG recommends developing a method to collect groundwater production data from all stipulating parties. The TG recommends updating the land use classification on an interval commensurate with growth and as is practical with the intention that the interval is more frequent than DWR's 10-year cycle of land use classification.
 - **Increased Collaboration with Agricultural Producers** – To better estimate agricultural groundwater production where data is incomplete, it is recommended that the TG work with a subset of farmers to measure groundwater production. This measured groundwater production can then be used to calibrate models and verify estimates of agricultural groundwater production where data are not available.

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- **Hydrogeologic Characteristics of NMMA** – Further defining the continuity of confining conditions within the NMMA remains a topic of investigation by the TG. The locations of confined and unconfined conditions is important – they control to a significant degree both the NMMA groundwater budget as to the quantity of recharge from overlying sources and any calculation of changes in groundwater storage. Further review of well screen intervals, lithology, groundwater level, and other relevant information to segregate wells into the different aquifers groups (e.g. shallow versus deep aquifers) for preparation of groundwater elevation contour maps for different aquifers. In addition, the NMMA will be requesting geologic information obtained during the PG&E long-term seismic studies program.
 - **Modifications of Water Shortage Conditions Criteria** – The Water Shortage Conditions and Response Plan was submitted to the Court in 2008. The TG will review the plan on a regular basis.
 - **Groundwater Modeling** – The TG continues to recommend the advancement of a groundwater model as presented in the NMMA 5-year Cost Analysis. This may include collaboration with the Northern Cities Management Area, the Santa Maria Valley Management Area or both.

1. Introduction

The rights to extract water from the Santa Maria Groundwater Basin have been in litigation since the late 1990s. By stipulation and Court action three separate management areas were established, the Northern Cities Management Area, the Nipomo Mesa Management Area (NMMA) and the Santa Maria Valley Management Area. Each management area was directed to form a group of technical experts to continue to study and evaluate the characteristics and conditions of each management area and present their findings to the Court in the form of an Annual Report.

This 4th Annual Report Calendar Year 2011 is a joint effort of the NMMA Technical Group (TG). The requirement contained in the Judgment for the production of an Annual Report is as follows:

Within one hundred and twenty days after each Year, the Management Area Engineers will file an Annual Report with the Court. The Annual Report will summarize the results of the Monitoring Program, changes in groundwater supplies, and any threats to Groundwater supplies. The Annual Report shall also include a tabulation of Management Area water use, including Imported Water availability and use, Return Flow entitlement and use, other Developed Water availability and use, and Groundwater use. Any Stipulating Party may object to the Monitoring Program, the reported results, or the Annual Report by motion.

This Annual Report is organized into ten sections that presents: the general background of the litigation and some of the requirements imposed by the Court, a description of the Basin, Data Collection, Water Supply and Demand, Hydrologic Inventory, Groundwater Conditions, Analysis of Groundwater Conditions, Other Considerations, Recommendations; and References.

Six appendices are also included: Appendix A – NMMA Monitoring Program, Appendix B – NMMA Water Shortage Conditions and Response Plan, Appendix C – Well Management Plan, Appendix D – Data Acquisition Protocols for Groundwater Level Measurements for the NMMA, Appendix E – Additional Data, and Appendix F – Nipomo Supplemental Water Project (NSWP) Technical Memorandum.

1.1. **Background**

Presented in this subsection is the history of the litigation process and general discussions of activities that have been undertaken to date or are underway to manage the water resources of the NMMA.

1.1.1. History of the Litigation Process

The Santa Maria Groundwater Basin has been the subject of ongoing litigation since July 1997. Collectively called the Santa Maria Groundwater Litigation (*Santa Maria Valley Water Conservation District vs. City of Santa Maria, et al.* Case No. 770214), over 1,000 parties were involved with competing claims to pump groundwater from within the boundary of the Santa Maria Groundwater Basin (Figure 1-1).

The Santa Maria Valley Water Conservation District was originally concerned that banking of State Water Project (SWP) water in the groundwater basin by the City of Santa Maria would give the City

priority rights to the groundwater. The lawsuit was broadened to address groundwater management of the entire Santa Maria Groundwater Basin.

On June 30, 2005, the Stipulating Parties entered a Stipulated Judgment (“Stipulation”) in the case that was approved by the Court on August 3, 2005. The Stipulation divides the Santa Maria Groundwater Basin into three separate management sub-areas (the Northern Cities Management Area, the Nipomo Mesa Management Area (NMMA), and the Santa Maria Valley Management Area). The Stipulation contains specific provisions with regard to rights to use groundwater, development of groundwater monitoring programs, and development of plans and programs to respond to Potentially Severe and Severe Water Shortage Conditions.

The TG was formed pursuant to a requirement contained in the Stipulation. Sections IV D (All Management Areas) and Section VI (C) (Nipomo Mesa Management Area) contained in the Stipulation were independently adopted by the Court in the Judgment After Trial (herein “Judgment”). The Judgment is dated January 25, 2008, and was entered and served on all parties on February 7, 2008.

It is noted that pursuant to paragraph 5 of the Judgment, the TG retains the right to seek a Court Order requiring non-stipulating parties to monitor their well production, maintain records thereof, and make the data available to the Court or the Court’s designee. The compilation and evaluation of existing data, and the aggregation of additional data, are ongoing processes. Given its limited budget and resources, the TG has focused its efforts on the evaluation of readily accessible data. The TG does intend to slowly integrate into its assessment new data that may be collected from stipulating parties and other sources that were not previously compiled as part of the existing database.

1.1.2. Description of the Nipomo Mesa Management Area Technical Group

The TG is composed of representatives of the Nipomo Community Services District (NCSD), Golden State Water Company (GSWC) (formerly named Southern California Water Company), ConocoPhillips, Woodlands Mutual Water Company (Woodlands), and an agricultural user that is also a Stipulating Party. Rural Water Company (RWC) is responsible for funding a portion of the TG’s efforts, but does not appoint a representative to the TG. The TG is responsible for conducting and funding the Monitoring Program. In-lieu contributions through engineering services may be provided, subject to agreement by those parties. The budget of the TG shall not exceed \$75,000 per year without prior approval of the Court. The TG is responsible for preparing the Monitoring Program, conducting the Monitoring Program, and preparing the Annual Reports. The TG attempts to develop consensus on all material issues. If the TG is unable to reach a consensus, the matter may be taken to the court for resolution.

The TG may hire individuals or consulting firms to assist in the preparation of the Monitoring Program and Annual Reports (the Judgment describes these individuals or consulting firms as the “Management Area Engineer”). The representatives to the TG, as a group, function as the Management Area Engineer (Table 1-1). The TG Monitoring Parties have the sole discretion to select, retain, and replace the Management Area Engineer.

Table 1-1. NMMA Technical Group

Monitoring Parties	Management Area Engineers
Agricultural Users	Jacqueline Frederick, J.D.
ConocoPhillips	Steve Bachman, Ph.D., P.G.
ConocoPhillips	Norm Brown, Ph.D., P.G.
Golden State Water Company	Robert Collar, P.G., C.H.G.
Golden State Water Company	Toby Moore, Ph.D., P.G., C.H.G.
Golden State Water Company	Ken Petersen, P.E.
Nipomo Community Services District	Brad Newton, Ph.D., P.G.
Woodlands	Tim Cleath, P.G., C.H.G., C.E.G.
Woodlands	Rob Miller, P.E.

1.1.3. Coordination with Northern Cities and Santa Maria Valley Management Areas

The NMMA is bounded on the north by the Northern Cities Management Area and on the south by the Santa Maria Valley Management Area (Figure 1-1). Subsurface Flows is monitored in all three Management Areas by comparing groundwater elevation data on each side of the management area boundary to determine the gradient and direction of flow. Groundwater elevation data is collected within the boundaries and shared with the others to allow estimates of the quantity and direction of flow. The TG has incorporated this concept in its monitoring program submitted to the court and described in the next section. It is understood that the neighboring subareas will do the same.

One of the sources of uncertainty is the subsurface quantity of groundwater that crosses the NMMA boundaries. The TG recognizes that collaborative technical efforts with the Northern Cities Management Area and Santa Maria Valley Management Area technical groups will be important to the appropriate management of the basin. Examples of current collaborative efforts include:

- Sharing of technical data throughout the year, and during the preparation of Annual Reports,
- Opportunities for review and comment on technical work products,
- Sharing of protocols and standards for data collection and analysis, and
- Consideration of jointly-pursued projects and grant opportunities.

As the conditions of the existing basin underlying the NMMA are described in subsequent sections, periodic reference will be made to the Annual Reports produced by the two neighboring technical groups. The aerial extent of groundwater contours has also been limited to the immediate vicinity of the NMMA.

1.1.4. Development of Monitoring Program

In 2008, the TG developed and the Court approved the NMMA Monitoring Program (“Monitoring Program”), attached as Appendix A, to ensure systematic monitoring of important information in the basin. This Monitoring Program includes information such as groundwater elevations, groundwater quality, and pumping amounts. The Monitoring Program also identifies a number of wells in the NMMA to be monitored (Figure 1-3) and discusses the methods of analysis of the data.

A large areal extent within the NMMA receives water service from the major water purveyors (Figure 1-2). The majority of the lands within the NMMA obtain water by means other than from a

purveyor. A fraction of these property owners are Stipulating Parties. All of the larger purveyors are also Stipulating Parties. All Stipulating Parties are obligated to make available relevant information regarding groundwater elevations and water quality data necessary to implement the NMMA Monitoring Program.

1.1.5. Development of Water Shortage Conditions and Response Plan

Pursuant to the Stipulation, the TG developed a Water Shortage Conditions and Response Plan that is included as part of the Monitoring Program. The Water Shortage Conditions are characterized by two different criteria – those for Potentially Severe Water Shortage Conditions and those for Severe Water Shortage Conditions. The Response Plan for these conditions includes voluntary and mandatory actions by the parties to the Stipulation. The Court approved the Water Shortage Conditions and Response Plan on April 22, 2009, and the document is attached as Appendix B to this report.

1.1.6. Well Management Plan

The Stipulation requires the preparation of a Well Management Plan when Potentially Severe Water Shortage Conditions or Severe Water Shortage Conditions exist prior to the completion of a Supplemental Water project. The Well Management Plan provides for steps to be taken by the NCS D, GSWC, Woodlands and RWC under these water shortage conditions. The Well Management Plan has no applicability to either ConocoPhillips or Overlying Owners as defined in the Stipulation. The Well Management Plan was adopted by the TG in January 2010 and is attached as Appendix C to this report.

There are currently no facilities to transfer water between RWC and the other purveyors. Beginning in 2010, NCS D and RWC began discussing the planning and design related to establishing facilities to convey water.

1.1.7. Supplemental Water

The provisions in the Stipulation regarding Supplemental Water provide in relevant part:

“The NCS D agrees to purchase and transmit to the NMMA a minimum of 2,500 acre-feet of Nipomo Supplemental Water each Year. However, the NMMA Technical Group may require NCS D in any given Year to purchase and transmit to the NMMA an amount in excess of 2,500 acre-feet and up to the maximum amount of Nipomo Supplemental Water which the NCS D is entitled to receive under the MOU if the Technical Group concludes that such an amount is necessary to protect or sustain Groundwater supplies in the NMMA. The NMMA Technical Group also may periodically reduce the required amount of Nipomo Supplemental Water used in the NMMA so long as it finds that groundwater supplies in the NMMA are not endangered in any way or to any degree whatsoever by such a reduction.”

“Once the Nipomo Supplemental Water is capable of being delivered, those certain Stipulating Parties listed below shall purchase the following portions of the Nipomo Supplemental Water Yearly:

NCS D - 66.68%
Woodlands - 16.66%
SCWC (i.e. GSWC) - 8.33%
RWC - 8.33%

The final Judgment entered on January 24, 2008, states: “The court approves the Stipulation, orders the Stipulating Parties only to comply with each and every term thereof, and incorporates the same herein as though set forth in full.” Thus, the terms of the Stipulation as herein stated must be complied with in accordance with the order of the Court.

The NCSD is developing a project (i.e. the NSWP) to bring Supplemental Water to the above referenced Stipulating Parties within the NMMA. The NSWP involves the construction of approximately five miles of new water main to transport up to 3,000 AF of water from the City of Santa Maria. The project is nearing 100% design completion. In the first year of operation, NCSD expects to purchase 2,000 AF of water from the City. The final EIR has been certified by NCSD as lead agency and the City of Santa Maria as a responsible agency. The final Supplemental Water Agreement has been approved by NCSD and the City of Santa Maria. The current construction cost estimate for the project is \$25,800,000. The County of San Luis Obispo granted NCSD permission to form an assessment district to finance the capital costs of the project. Property owners in the four water service areas are scheduled to vote on formation of the Assessment District in Spring 2012. If the assessment district is approved, construction of the project will commence in September 2012 with a scheduled completion date of February 2014. DWR has awarded the NSWP a grant of \$2,300,000 in support of the project. All four purveyors will be required to adopt a rate structure to support purchasing their share of the supplemental water. For GSWC and RWC, this will require California Public Utilities Commission approval. For NCSD, this will require Proposition 218 protest proceedings. The TG prepared an evaluation of the basin impacts from NSWP deliveries (see Appendix F).

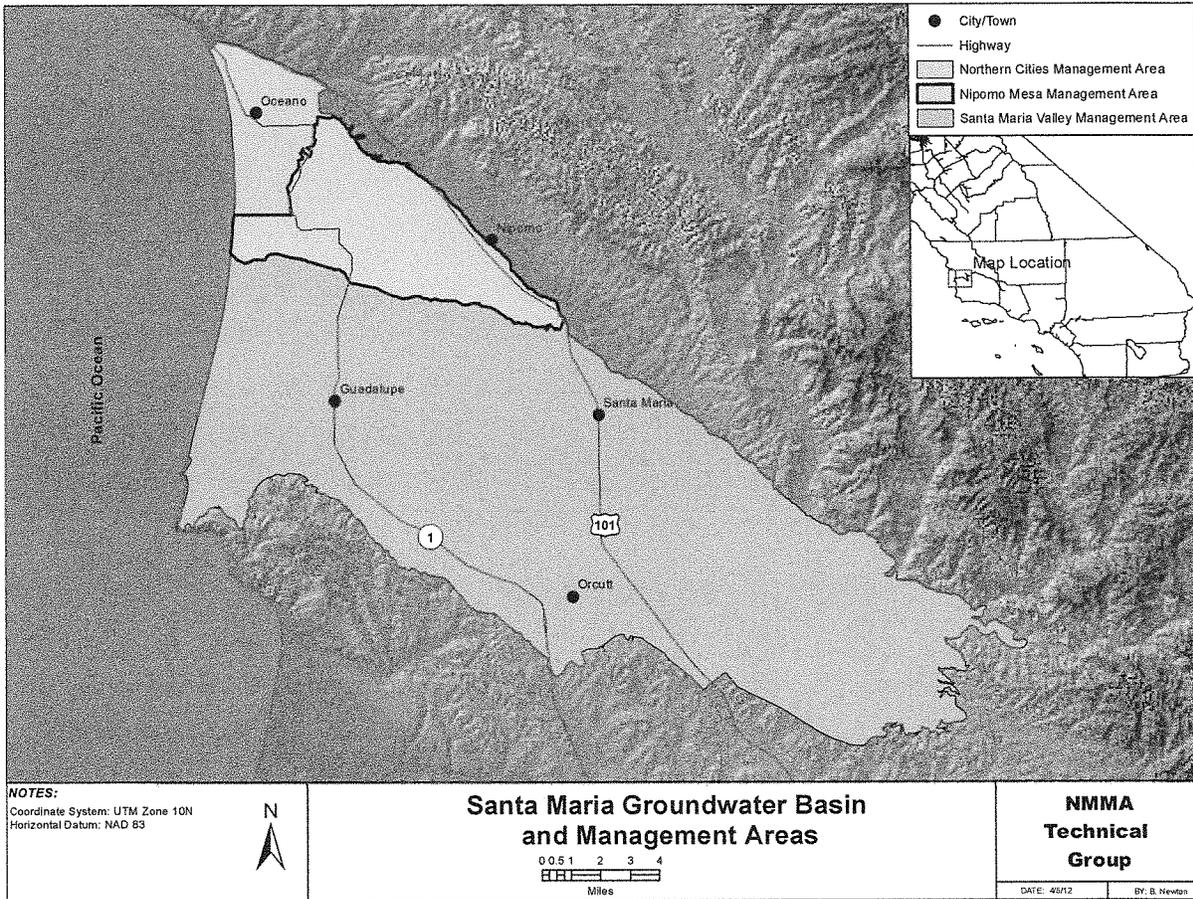


Figure 1-1. Santa Maria Groundwater Basin and Management Areas

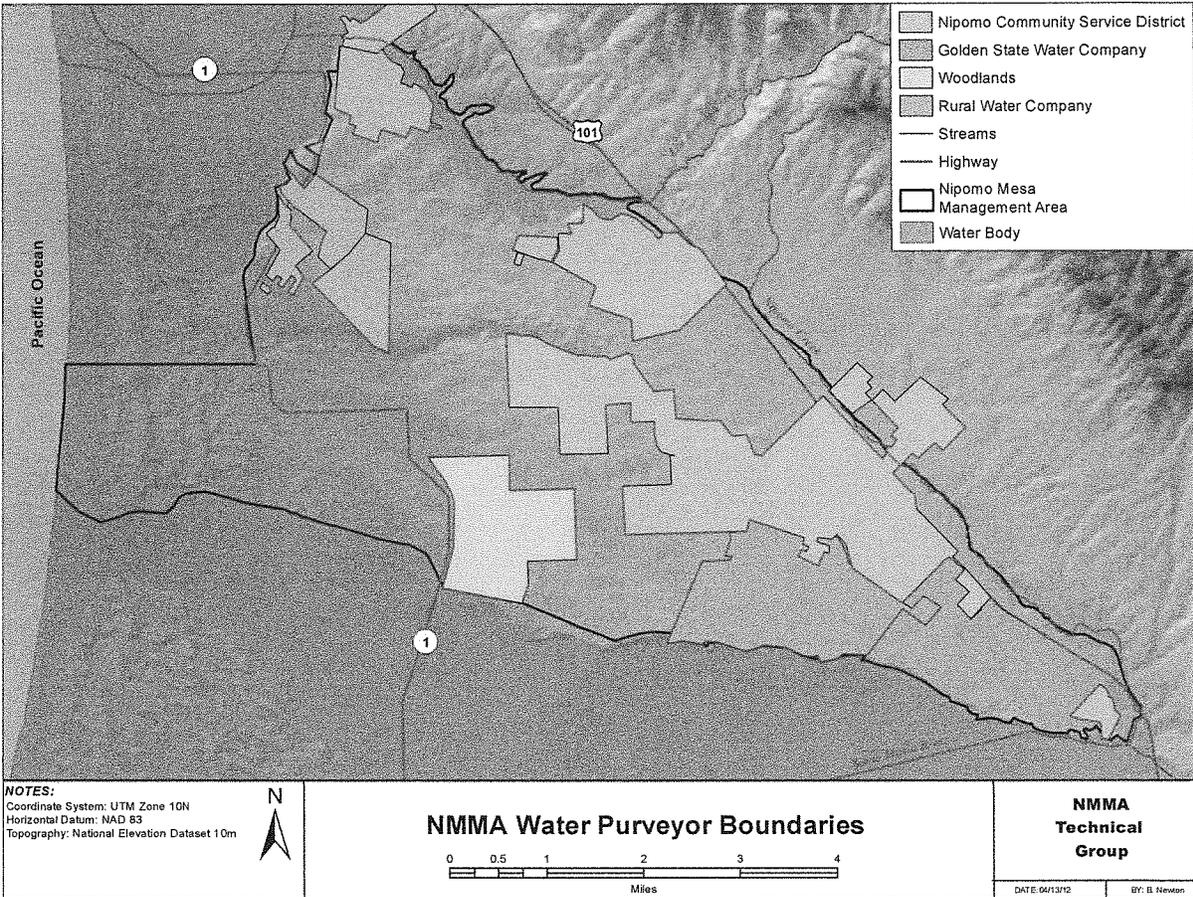


Figure 1-2. NMMA Water Purveyor Boundaries

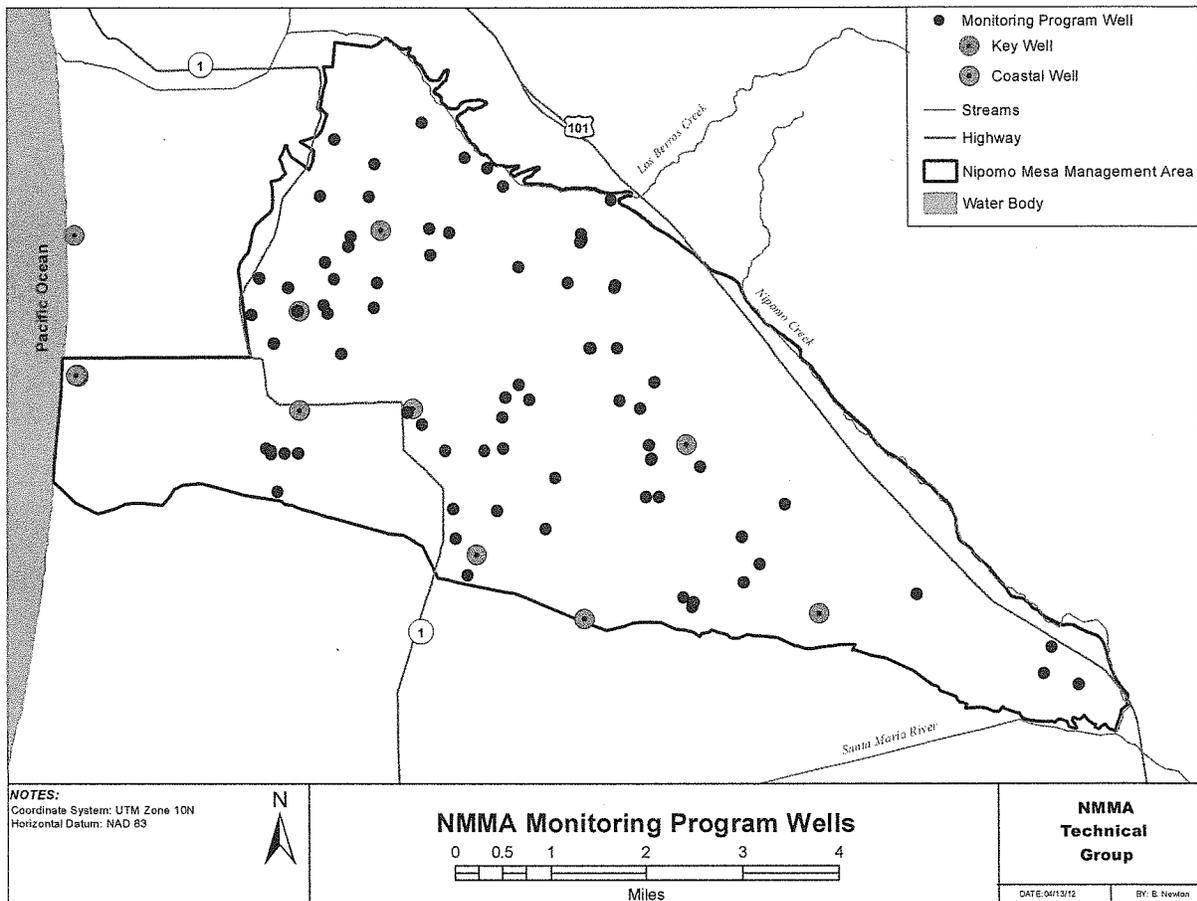


Figure 1-3. NMMA Monitoring Program Wells

2. Basin Description

The Santa Maria Groundwater Basin, covering a surface area of approximately 256 square miles, is bounded on the north by the San Luis and Santa Lucia mountain ranges, on the south by the Casmalia-Solomon Hills, on the east by the San Rafael Mountains, and on the west by the Pacific Ocean. The basin receives water from rainfall directly and runoff from several major watersheds drained by the Cuyama River, Sisquoc River, Arroyo Grande Creek, and Pismo Creek, as well as many minor tributary watersheds. Sediment eroded from these nearby mountains and deposited in the Santa Maria Valley formed beds of unconsolidated alluvium, averaging 1,000 feet in depth, with maximum depths up to 2,800 feet and comprise the principal production aquifers from which water is produced to supply the regional demand. Three management areas were defined to recognize that the development and use of groundwater, State Water Project water, surface water storage, and treatment and distribution facilities have historically been financed and managed separately, yet they are all underlain by or contribute to the supplies within the same groundwater basin.

2.1. **Physical Setting**

The NMMA has physical characteristics which are distinct from the other two management areas. It is largely a mesa area that is north of the Santa Maria River, west of the San Luis Range and south of the Arroyo Grande Creek, with a lower lying coastal environment to the west. The mesa was formed when the Santa Maria River and Arroyo Grande Creek eroded the surrounding area. The current coastal environment developed subsequently, is composed of beach dunes and lakes, and is currently a recreational area with sensitive species habitat. Locally, hummocky topography on the mesa area reflects the older dune deposits. Black Lake Canyon is an erosional feature north-central in the NMMA and where the dune deposit thickness is exposed.

2.1.1. **Area**

The NMMA covers approximately 33 square miles or 21,100 acres, which accounts for approximately 13 percent of the overall Santa Maria Groundwater Basin (164,000 acres). Approximately 13,000 acres on the NMMA, or 60 percent, is developed land requiring water pumped from the underground aquifers to sustain the agricultural and urban development.

2.1.2. **General Land Use**

Land uses include agricultural, urban (residential/commercial), and native or undeveloped areas. There are also three golf courses and one oil-processing facility. The crop types grown in the order of largest acreage were strawberries, nursery, avocado, and rotational vegetables (broccoli, lettuce, etc.) based on a survey in year 2009.

2.2. **Climate**

A Mediterranean-like climate persists throughout the area with cool moist winters and warm dry summers. During the summer months, the warm air inland rises and draws in the relatively cooler marine layer near the coastline keeping summer cooler and providing moisture for plant growth, while in the winter months the relatively warmer ocean temperature keeps the winter warmer. The average annual maximum temperature is 69 degrees Fahrenheit, and the average annual minimum temperature is 46 degrees Fahrenheit. Precipitation normally occurs as rainfall between November and April when cyclonic storms originating in the Pacific Ocean move onto the continent. The long-term (1959 to 2011) average annual rainfall reported at CDF Nipomo Rain Gauge #151.1 is 15.9 inches and is representative of the larger area of the NMMA. Rainfall variability exists across the NMMA and rainfall increases in the foothills and mountains due to the orographic (elevation) effect. The average annual evapotranspiration from standard turf (a well-watered actively growing closely clipped grass that is completely shading the soil) is 52 inches, and is referred to as the reference evapotranspiration (Table 2-1).

Table 2-1. Climate in the Nipomo Mesa Area

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max Temp (Fahrenheit) ¹	63.3	64.3	64.8	66.9	68.3	70.6	72.8	73.2	74.4	73.5	69.2	64.3	68.8
Average Min Temp (Fahrenheit) ¹	39	40.9	42	43.4	46.8	50.1	53.1	53.6	52.2	48.1	42.6	38.7	45.9
Average Rainfall (inches) ²	3.26	3.38	2.73	1.11	0.24	0.05	0.02	0.04	0.20	0.73	1.57	2.53	15.87
Monthly Average Reference Evapotranspiration (inches) ³	2.21	2.50	3.80	5.08	5.70	6.19	6.43	6.09	4.87	4.09	2.89	2.28	52.13
Monthly Average Reference Evapotranspiration (inches) ⁴	2.13	2.31	3.63	4.63	5.03	4.26	4.98	4.54	3.75	3.41	2.43	1.89	42.99

Notes:

1. Data from Santa Maria Airport - Nearest long-term temperature record to the NMMA in the Western Regional Climate Center is from the Santa Maria Airport, station #47946. The average is from 1948 through 2011. Source: <http://www.wrcc.dri.edu/climsum.html>.
2. Data from CDF Nipomo Rain Gauge 151.1 (1959 to 2011).
3. Data from California Irrigation Management Information System (CIMIS) - Records at Nipomo (202) are less than 5 years; therefore, CIMIS reports the regional average for Central Coast Valleys for Station #202. Source: <http://www.cimis.water.ca.gov/cimis/data.jsp>
4. Data from California Irrigation Management Information System (CIMIS), calculated from monthly evapotranspiration (ET_o) for the period of record at Station 202 Nipomo (June 2006 to December 2011). Source: <http://www.cimis.water.ca.gov/cimis/data.jsp>

2.3. **Hydrogeology**

Groundwater management is founded upon an understanding of the geology and the groundwater flow regime specific to the NMMA.

2.3.1. **Geology**

The NMMA overlies part of the northwest portion of and is contiguous with the Santa Maria Groundwater Basin (Figure 1-1). The unconsolidated sedimentary deposits comprising the main aquifers of the groundwater basin underlying the NMMA include the Pliocene age Careaga Formation and the Plio-Pleistocene age Paso Robles Formation. These basin sedimentary formations are overlain by Quaternary age dune sands on the Mesa (Figure 2-1), and by the Quaternary age alluvium in Los Berros Valley and in Nipomo Valley (on the eastern perimeter of the NMMA) which, where saturated, are also aquifers. These sedimentary beds have been deposited within the Santa Maria Valley synclinal basin. The pre-Quaternary age sedimentary beds have been displaced by faults within and on the perimeter of the basin. The extent of the geologic formations and the faulting within the NMMA area are shown on the following geologic map. Further information on these geologic formations and the geologic structure is available in the 2nd Annual Report Calendar Year 2009.

The deep aquifers within the Paso Robles and Careaga Formations underlying the Nipomo Mesa comprise the main source of water for municipal and agricultural wells. The shallow aquifers in the Los Berros Valley alluvium and Nipomo Mesa dune sands are tapped by lower capacity domestic and

agricultural wells. These deep and shallow aquifers are in places separated vertically by relatively low hydraulic conductivity layers (i.e. aquitards), which act locally as confining layers within the NMMA.

A cross section generally following the northwestern boundary of the NMMA from Los Berros Creek and Nipomo Hill in the north to Black Lake Canyon and State Route 1 (Figure 2-1) has been prepared based on well logs and geologic maps as a foundation for evaluating groundwater flow in this area. The cross section (Figure 2-2) was developed primarily using 19 wells distributed from north to south along, and located within roughly one half mile east (primarily) and west of, the approximately 4-mile-long cross section. The wells and associated lithology are not included on the cross section because they are considered confidential according to the California Water Code. It should be noted that this cross section represents a little more than about 10 percent of the roughly 30-mile-long boundary of the NMMA, but represents some unknown percentage of the saturated (i.e. below the water table) cross sectional area along the same boundary.

The cross section generally shows the land surface, relatively permeable aquifers tapped by many wells in the area, underlying relatively impermeable bedrock, and the Oceano fault. Aquifers include the Younger Alluvium, Dune Sand deposits, Paso Robles Formation (clay and gravel beds), and underlying marine sands of the Careaga Formation. The base of the Dune Sand slopes to the southwest from where it laps onto the Nipomo Hill bedrock at an elevation of more than 100 feet above sea level to an elevation of about 100 feet below sea level at the southern end of the cross section. The Paso Robles/Careaga Formation beds also slope to the southwest from Nipomo Hill toward Black Lake Canyon, where the base of these formations drops to an elevation of at least about 400 feet below sea level (Figure 2-2).

The relatively impermeable bedrock, which is tapped by very few wells, is comprised of the Cretaceous and Jurassic age Franciscan Complex rock and older sedimentary beds (early Pliocene age Sisquoc Formation). Franciscan Complex bedrock is exposed at the base of Nipomo Hill at Los Berros Road and remains very shallow to where State Route 1 goes up onto the Nipomo Mesa. As the sedimentary beds thicken toward the coast, older low permeability sedimentary beds underlie the water-bearing formations. These older sedimentary beds, though not as impermeable as the Franciscan Complex rock, are less permeable and contain poorer quality groundwater than the overlying Paso Robles and Careaga Formations.

The Oceano fault (U.S. Geological Survey and California Geological Survey, 2006) trends northwest-southeast as it crosses the NMMA boundary near Woodland Hills Road and Kip Lane. Displacement of the Paso Robles and Careaga Formations is evident, whereas displacement of the Dune Sands is not known. Movement on the fault has down-dropped aquifers to the southwest and the fault may be an impediment to groundwater flow within the Paso Robles and Careaga Formations.

2.3.2. Groundwater Flow Regime

Groundwater flows within the NMMA from recharge sources toward areas of groundwater discharge. Groundwater flow is controlled by:

- hydraulic head (e.g., recharge and pumping),
- barriers to flow (e.g., faults),
- preferential flow paths (e.g., buried gravel channel deposits), and
- geology (e.g., geologic facies contacts or leakage through fine grained beds).

Groundwater elevation hydrographs show measured groundwater elevations over time within the specific aquifers tapped by a well and are site-specific for specific times. Groundwater elevation measurements

within an aquifer are mapped and interpreted to develop groundwater contours. Groundwater contour maps provide an interpreted understanding of the hydraulic head conditions within specific aquifer zones.

The following paragraphs present our current understanding of the groundwater flow regime. This understanding includes groundwater flow along the boundaries of the NMMA and groundwater flow within the NMMA.

Groundwater flow at the NMMA Boundary

The NMMA area encompasses only part of the Santa Maria Groundwater Basin. Groundwater flow between adjacent portions of the basin can be expected to occur, but less subsurface flow is likely to occur along bedrock basin edges than between areas where there is continuity of the aquifers.

The eastern boundary of the NMMA is approximately coincident with Nipomo Creek in Nipomo Valley. Groundwater recharge from the creek may occur through the shallow creek deposits but minimal subsurface inflow into the NMMA area occurs from the bedrock underlying the creek alluvium.

The northern boundary of the NMMA is coincident with the creek alluvium – Paso Robles Formation boundary within Los Berros Creek Valley. It is underlain by alluvium that receives recharge from Los Berros Creek which may be a significant source of groundwater recharge. Formations north of the Los Berros Valley include sedimentary deposits and underlying Franciscan Complex. Any groundwater flow from these formations to the NMMA is likely negligible.

The northwest boundary of the NMMA is at the base of the Mesa along the Cienega Valley of Arroyo Grande Creek. Groundwater flow across this boundary can occur, and may be impeded by the Oceano fault and the bedrock outcrop at Nipomo Hill. A cross section along the north edge of the Mesa was developed to aid in characterization of the subsurface geology (Figure 2-2). Hydrogeologic parameters have subsequently been used, along with groundwater level contour maps, to evaluate the amount of groundwater flow that occurs across this interface between the NMMA and the Northern Cities Management Area (see Section 5.2).

The southern boundary of the NMMA is at the base of the Mesa along the Santa Maria River Valley. Groundwater flow across this boundary can occur and may be impeded by the Oceano fault. A cross section along this boundary is being developed to aid in characterization of the subsurface geology. Hydrogeologic parameters can then be used, along with groundwater level contour maps, to estimate the amount of flow that occurs at this interface between the NMMA and the Santa Maria Valley Management Area.

The western boundary of the NMMA is a combination of the east-west R3 administrative line (San Luis Obispo County land use zoning) from the Cienega Valley to the coast and south along the coastline. Groundwater flow has historically occurred from land to the ocean across this boundary. This boundary is particularly important because a reversal of flow across this boundary may result in seawater intrusion.

Along the coastal portion of the NMMA, there is a potential for seawater intrusion to occur. The risk of seawater intrusion to NMMA water supply is a function of the groundwater level, the depth of the aquifers, the structural geology and stratigraphy, and the location of a seawater-fresh groundwater interface. It is not known if the principal aquifers are exposed on the seafloor along the coastal portion of the NMMA. The nearest known aquifer exposure on the seafloor occurs to the north of the NMMA area. A further risk of seawater intrusion to NMMA water supply could exist along vertical migration pathways

in a near coastal zone. Seawater intrusion is minimized where offshore gradients exist, and could occur most rapidly if the onshore aquifers are pumped in excess of fresh water replenishment.

Groundwater flow within the NMMA

Groundwater flow within the NMMA is influenced by geologic features, and recharge and discharge points. Aquitards within the Nipomo Mesa restrict vertical groundwater flow particularly between the shallow and deep aquifers. Recharge sources include major point sources (Los Berros Creek, stormwater runoff basins and wastewater percolation ponds) and distributed recharge sources (septic systems, percolation of rainfall and irrigation return flows). Discharge locations include pumping wells, areas of surface outflow, and phreatophyte consumption.

Groundwater flow from the Los Berros Creek alluvium toward the Mesa can occur where the alluvium overlies or is in contact with the shallow and deep aquifers along the southern edge of the Los Berros Valley. A cross section along this alignment is being developed to aid in characterization of the subsurface geology. Hydrogeologic parameters can then be used, along with groundwater levels, to estimate the amount of flow that occurs at Los Berros Valley alluvium and Mesa basin sediments interface.

Faults have been identified by the California Department of Water Resources (2002) and by previous geological studies (Figure 2-1). These studies identify multiple faults that cross the NMMA. These faults have been interpreted to vertically displace the pre-Holocene geologic units. The overlying dune sands do not appear to be displaced along these faults. The faults could impede flow within basin sedimentary beds. Current seismic studies are being performed for Pacific Gas and Electric Company as mandated by the Nuclear Regulatory Commission for permitting operation of the Diablo Nuclear Power Plant. These studies can be expected to provide additional information that can be used to improve the definition of faulting in the NMMA.

Aquitards that influence vertical migration of groundwater between aquifers have varying thicknesses and hydraulic conductivities (Figure 2-3). A significant aquitard exists in some areas near the base of the dune sand deposits that confines groundwater in underlying aquifers. Locally groundwater may be perched above the aquitard. Some leakage is likely to occur where the aquitard hydraulic conductivity increases and thickness decreases. The extent and thickness of the aquitards have been defined based on well logs and correlations or inferred based on groundwater levels.

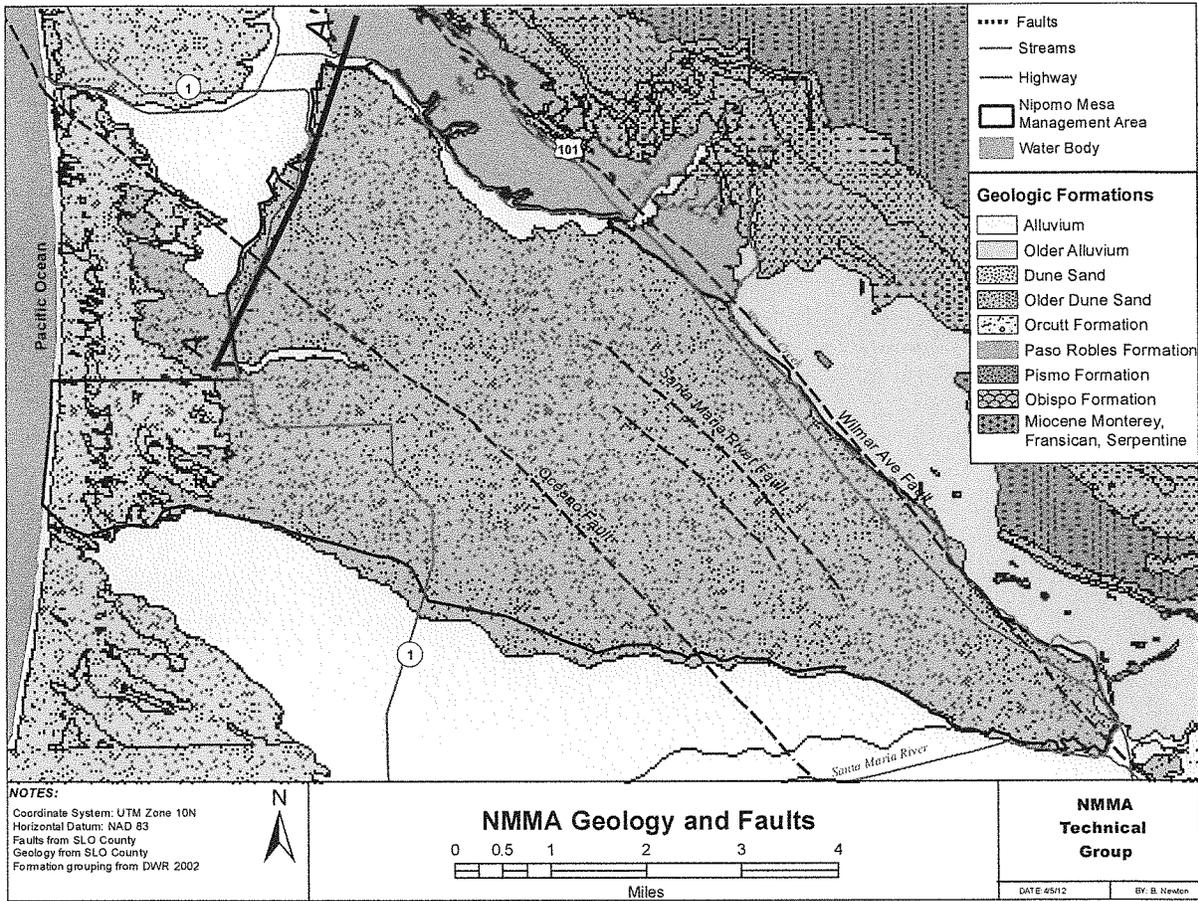


Figure 2-1. NMMA Geology and Faults

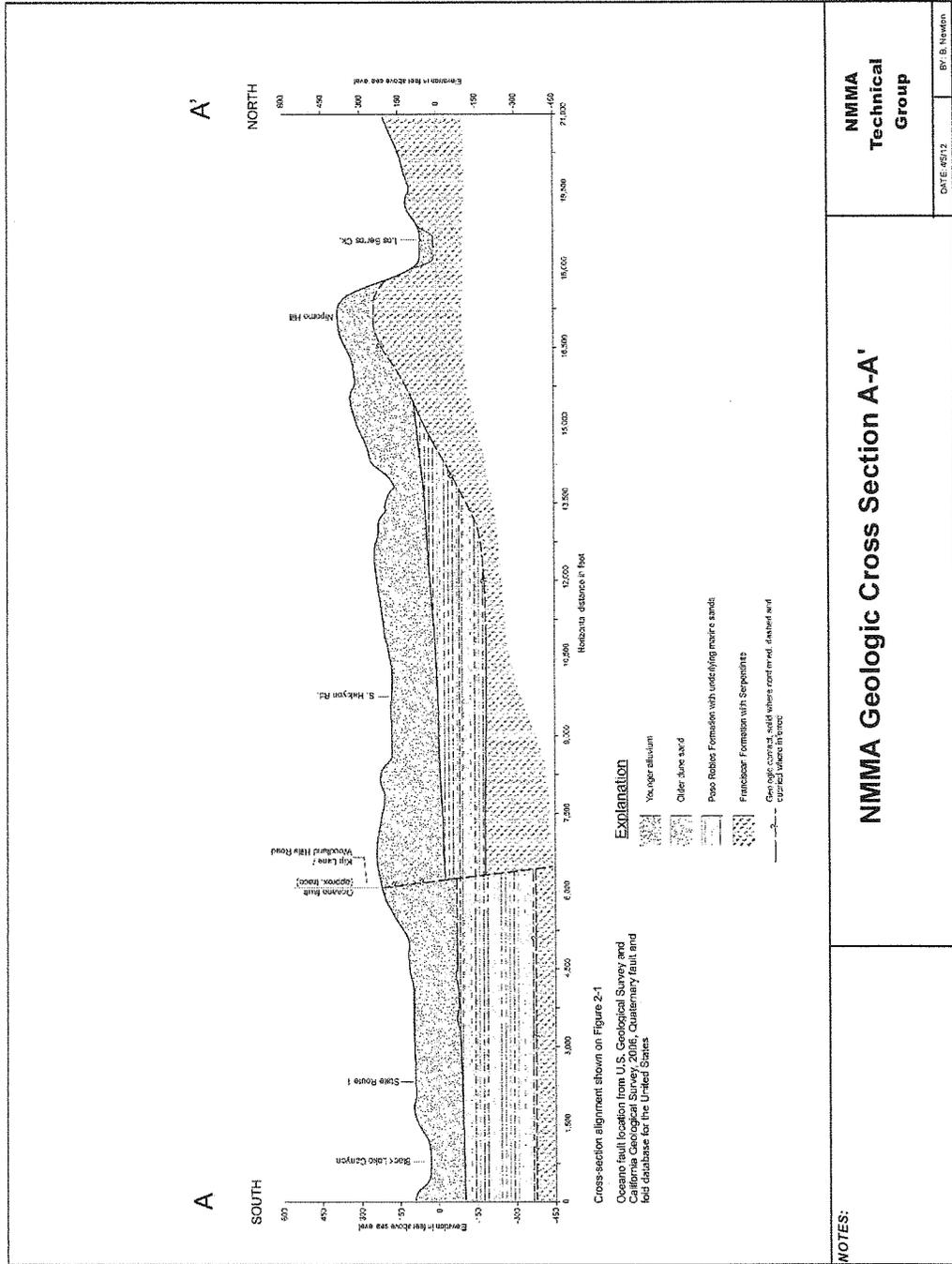


Figure 2-2. NMMA Geologic Cross Section A-A'

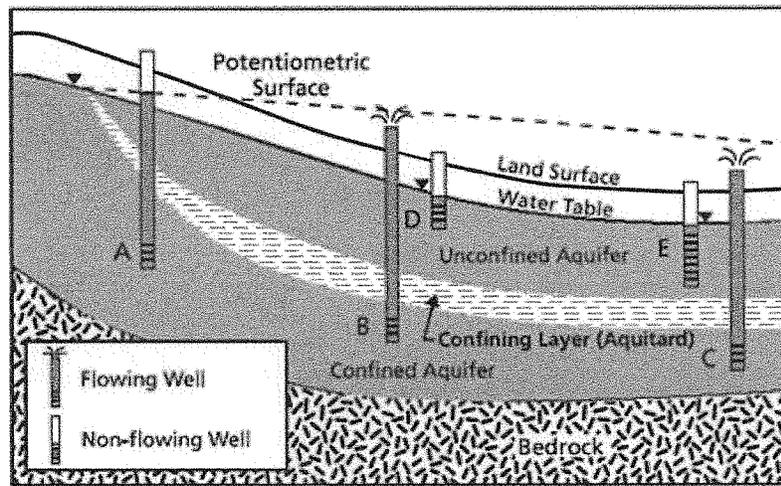


Figure 2-3. Schematic of Confining Layer and Confined Aquifer (Bachman et al., 2005)

3. Data Collection

The TG is monitoring and analyzing water conditions in the NMMA in accordance with the requirements of the Stipulation and Judgment. The Stipulating Parties are required to provide monitoring and other production data at no charge, to the extent that such data are readily available. The TG has developed protocols concerning measuring devices in order to obtain consistency with the Monitoring Programs of other Management Areas. Discussions of these subjects are presented in the following sections of this 4th Annual Report Calendar Year 2011.

3.1. Data Collected

The data presented in this section of the Annual Report was measured during the calendar year 2011 and is the subject of this Annual Report. Groundwater elevations, water quality, rainfall, surface water, land use, groundwater production and waste water discharge data were compiled and are presented in the following sections.

3.1.1. Groundwater Elevations in Wells

Groundwater elevation is determined by measuring the depth to water in a well from a reference point at the top of the well casing. The reference point and depth to water data are collected from each agency and input into a TG database that includes groundwater elevation determinations. The date, depth to water, measuring agency, pumping condition, and additional comments are recorded. When the database is updated with new data, an entry is posted in the database log describing the changes that have been made to the database. The groundwater elevation measurements are subjected to Quality Assurance Quality Control procedures adopted by the TG in part by reviewing historical hydrographs to determine if the measurements are within the historical range for the given well.

The accuracy of the groundwater elevations depends on measurement protocols, the reference point and local drawdown effects at that well. The TG surveyed the elevation for all the reference points at each Key Well in February of 2009. Additional elevation surveys for all monitoring program wells are

scheduled for the continued improvement of groundwater elevations accuracy. Furthermore, protocol standards were developed by the TG regarding the length of time for well shut down before a groundwater elevation measurement is taken, and a notation of whether nearby wells are known to be concurrently pumping.

Depth-to-water measurements were collected in the April and October of 2011 by the County of San Luis Obispo. In addition Nipomo Community Services District, ConocoPhillips, Woodlands, Golden State Water Company, Cypress Ridge Golf Course, and the USGS collected depth-to-water measurements in calendar year 2011 (Figure 3-1, Figure 3-2).

3.1.2. Water Quality in Wells

Water quality of the NMMA and adjacent areas is summarized from a wide range of data sources, including:

- ◆ California Department of Public Health water quality records of water supply system groundwater sources;
- ◆ Regional Water Quality Control Board waste discharge reports, site assessments, remediation project reports and related materials;
- ◆ State Water Resources Control Board site assessments, remediation project reports and related materials (GeoTracker database);
- ◆ California Department of Toxic Substances Control site assessments and related materials;
- ◆ US Geological Survey ambient groundwater monitoring program (GAMA) data and reports; and
- ◆ Other NMMA groundwater production monitoring data.

Data reported in this Annual Report are derived from samples obtained using standard professional sampling protocols and analyzed at certified laboratories. The TG maintains these data in a digital database. In the NMMA, historical data from approximately 200 wells can be used to map groundwater quality conditions in both the Shallow and Deep aquifers. In some cases, water quality records consist of only one or two sampling events from a well, and with only a few water quality parameters, such as total dissolved solids or chloride. In other cases such as wells within the potable water systems, regular groundwater quality testing for a wide range of constituents is conducted.

Groundwater quality in wells near the ocean is of considerable importance because this is the most likely site where any intrusion of seawater would first be detected. Coastal nested monitoring well site 11N/36W-12C (west of the ConocoPhillips refinery; Figure 1-3) is monitored under agreement with SLO County and is scheduled to provide quarterly water quality sampling of general mineral and physical water quality constituents subject to access constraints for the protection of endangered species. In addition to monitoring this coastal site for water quality, the TG has pursued ways of updating coastal monitoring near the former nested well site 13K2-K6 adjacent to Oso Flaco Lake.

Locally, shallow groundwater quality is impacted by high concentrations of total dissolved solids, chloride and nitrate, and two municipal supply wells are known to require treatment or blending because of high nitrate concentrations. No other contaminants are known to impact local use of groundwater supplies for domestic or irrigation purposes.