



APPENDIX B

NOTICE OF PREPARATION

**Notice of Preparation for the
Draft Program Environmental Impact Report
November 17, 2009**



NOTICE OF PREPARATION – DRAFT ENVIRONMENTAL IMPACT REPORT

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET ♦ ROOM 200 ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600
Promoting the Wise Use of Land ♦ Helping to Build Great Communities

DATE: November 17, 2009

FROM: Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93408-2040

PROJECT TITLE: Nipomo Community Park Master Plan Program EIR

PROJECT APPLICANT: County of San Luis Obispo, County Parks

RESPONSES DUE BY: December 23, 2009

The County of San Luis Obispo is the lead agency for the Nipomo Community Park Master Plan and will prepare a Program Environmental Impact Report (PEIR) for the project described in the attached project description. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the Environmental Impact Report prepared by our agency when considering your permit or other approval for the project. If you are not a government agency, the following is for your informational purposes only. Your comments are welcome but not required.

PLEASE provide us the following information at your earliest convenience, but not later than the 30-day comment period, which began with your agency's receipt of the Notice of Preparation (NOP).

1. NAME OF CONTACT PERSON. (Please include address, e-mail and telephone number)
2. PERMIT(S) or APPROVAL(S) AUTHORITY. Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. ENVIRONMENTAL INFORMATION. What environmental information must be addressed in the Environmental Impact Report to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. PERMIT STIPULATIONS/CONDITIONS. Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there other conditions that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.

5. ALTERNATIVES. What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed above?
6. REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS. Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.
7. RELEVANT INFORMATION. Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the Environmental Impact Report. Reference to and/or inclusion of such documents in an electronic format would be appreciated.
8. FURTHER COMMENTS. Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

The project description, location, and the probable environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, **but not later than 30 days after receipt of this notice.**

Please send your response to Mr. Steve McMasters at the address shown above. As requested above, we will need the name for a contact person in your agency. If you have any questions regarding the NOP or the proposed project, please contact Mr. Steve McMasters at smcmasters@co.slo.ca.us or (805) 781-5096.

In addition, a notice will be sent out regarding an EIR scoping meeting, which will be held on December 1, 2009 at the Nipomo Community Services District Boardroom, located at 148 South Wilson Street in Nipomo, San Luis Obispo County, California. The EIR scoping meeting will be open to all interested parties and provide an opportunity for input relating to the scope and content of the EIR.

Signature



Ellen Carroll
County of San Luis Obispo
Department of Planning and Building

Reference: California Administrative Code, Title 14, Section 15082

Attachments

Project Description
Initial Study

ATTACHMENT 1

PROJECT DESCRIPTION

San Luis Obispo County Parks (County) proposes to implement the Nipomo Community Park Master Plan (proposed project), which would result in the phased construction of recreation facilities and related infrastructure over a 20-year timeframe. The proposed project under consideration in this Program EIR includes the Nipomo Community Park Master Plan (NCPMP). A description of the project location, project history, and project elements are provided within this chapter in the sections below.

1.1 PROJECT LOCATION

The project site is located in the unincorporated community of Nipomo, within San Luis Obispo County, California (refer to Figure 1). The proposed project consists of two connected park areas, Nipomo Community Park (NCP), including the Nipomo Native Garden, and Mesa Meadows (refer to Figure 2). The project site is located northwest of the Pomeroy Road / Tefft Street intersection, approximately one mile west of Highway 101.

NCP is an approximately 137-acre angular parcel bounded by Pomeroy Road and Tefft Street to the east, Osage Street to the west, and the Tejas Street neighborhood to the south. The approximately 22-acre Mesa Meadows open space area is located within two parcels adjacent to, and immediately southwest of, NCP, on the northwest corner of Mesa Road and Osage Road. The total park and open space area is approximately 159 acres, comprised of four parcels (Assessor Parcel Numbers 091-313-049, 091-313-050, 092-121-085, and 092-121-086) (refer to Figures 3 and 4).

1.2 PROJECT BACKGROUND

The park was initially developed in the 1970s, and additional improvements were constructed in the 1980's. The Mesa Meadows open space area was accepted by the County of San Luis Obispo on November 7, 2000. The area within Mesa Meadows was donated in fee to the County as open-space, which limits the County use to passive land uses only. The Mesa Meadows Landscape and Amenity Plan (2002) was approved in association with the residents living in the Mesa Meadows subdivision.

1.2.1 Initial Scoping

In 2003, the County commissioned an environmental constraints analysis report (Morro Group 2004). The constraints analysis identified sensitive resources within the park and Mesa Meadows. The report included the existing setting; a summary of potentially proposed recreation and infrastructure; and project-specific technical studies and focused surveys for aesthetics, biological resources, noise, and traffic. The report also assessed potential constraints due to cultural resources, geology and soils, drainage, erosion, sedimentation, flooding, public utilities and services, land use, and planning.

Figure 1. Regional Location Map

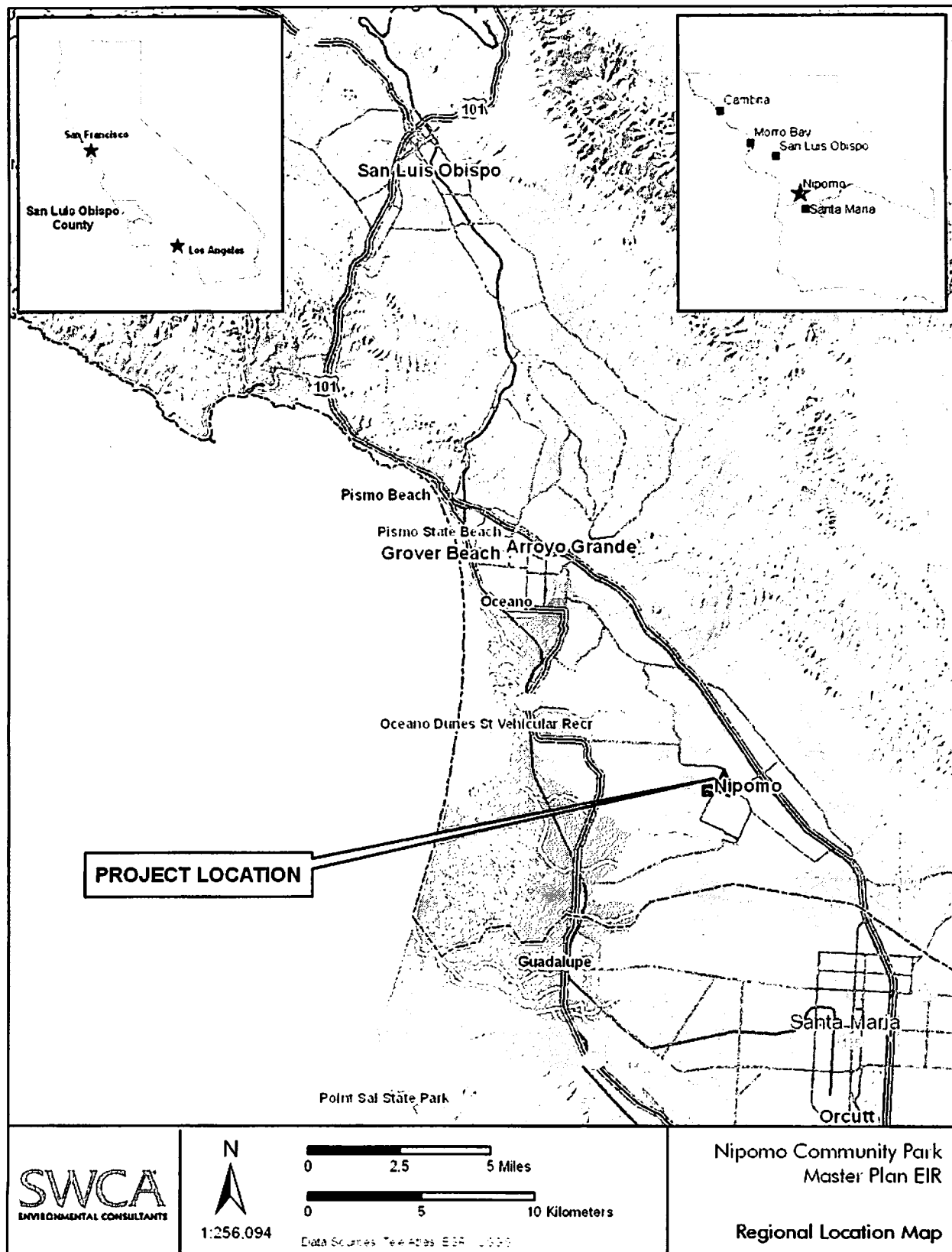


Figure 2. Project Vicinity Map

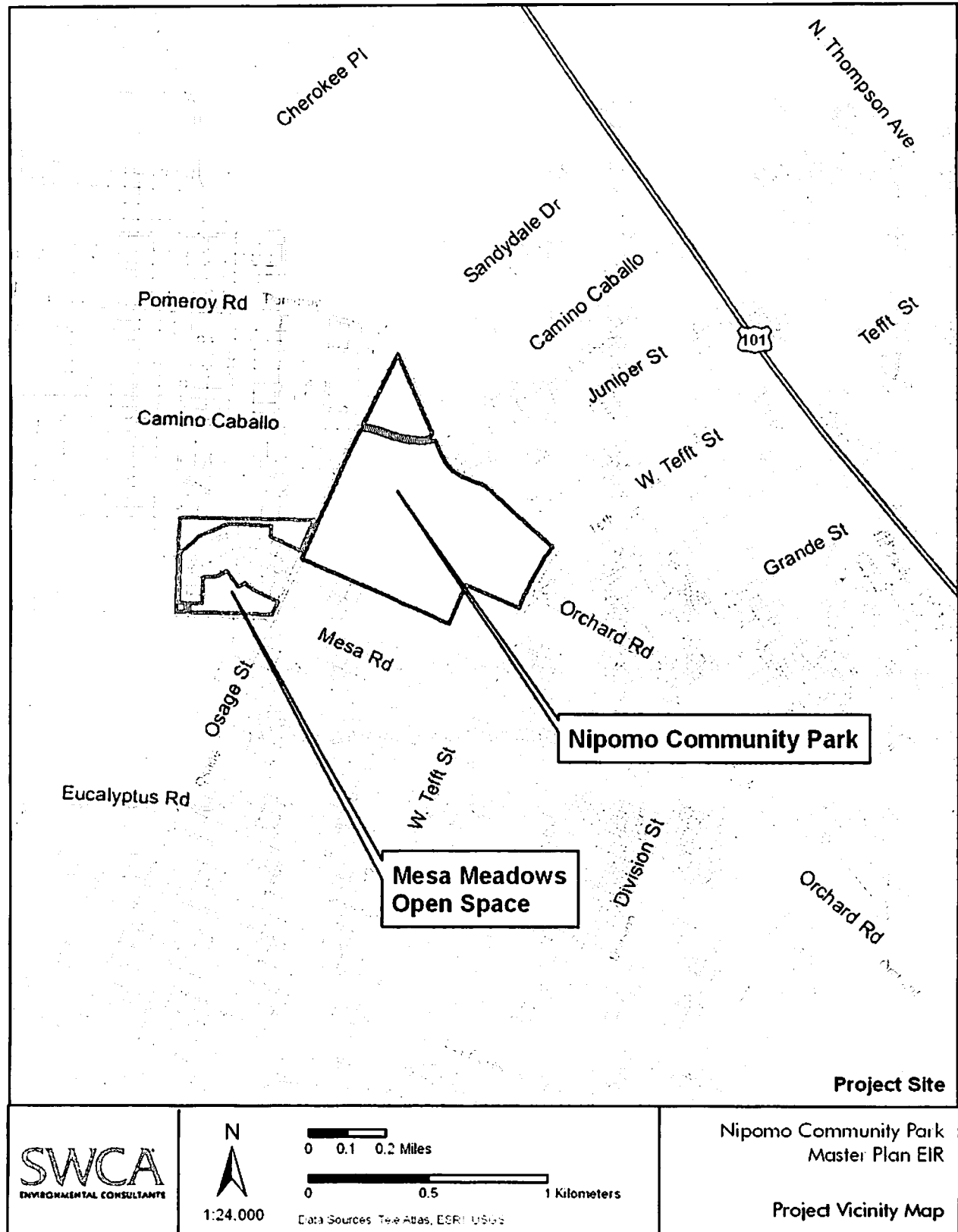


Figure 3. Assessors Parcel Map

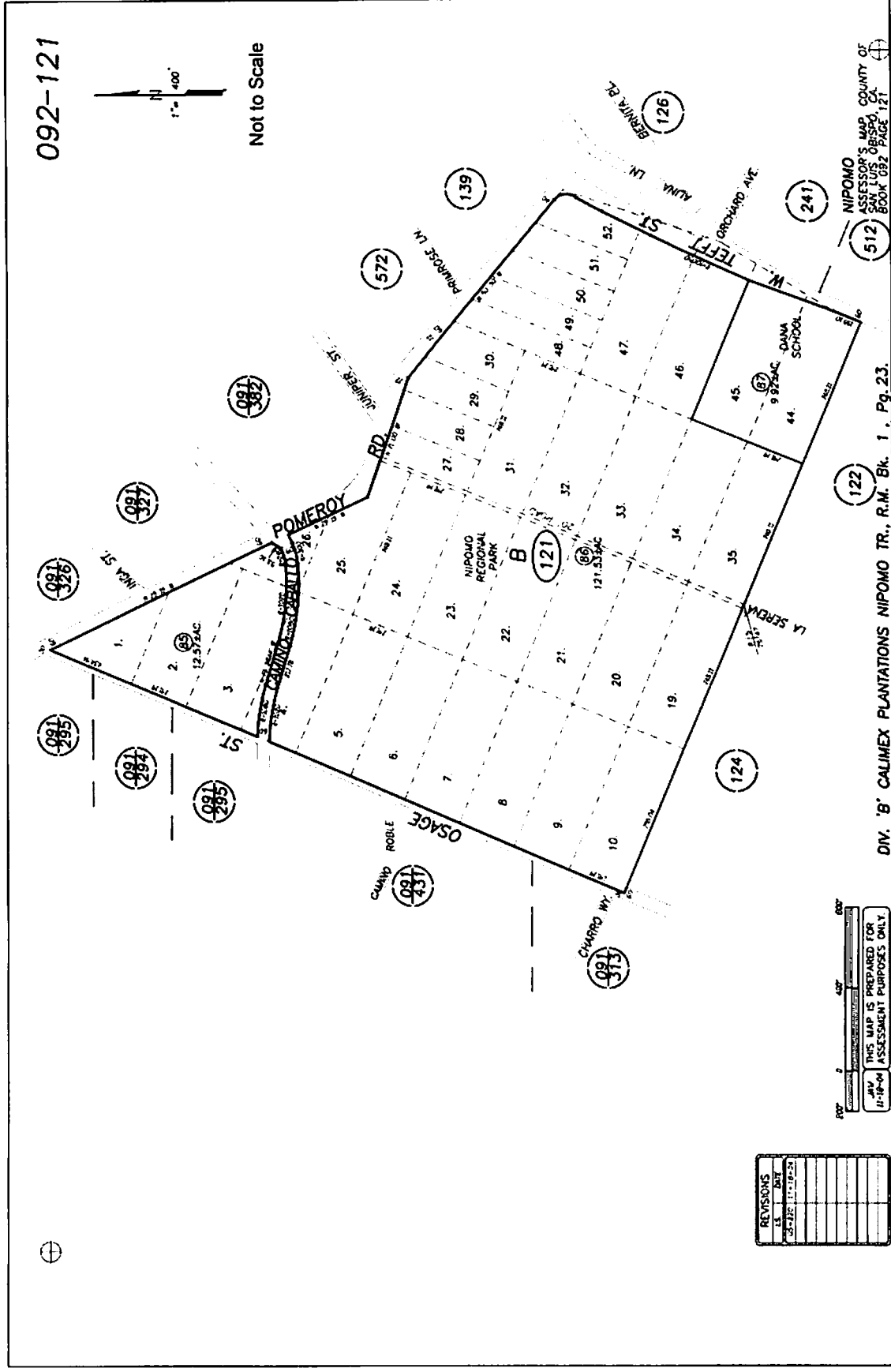
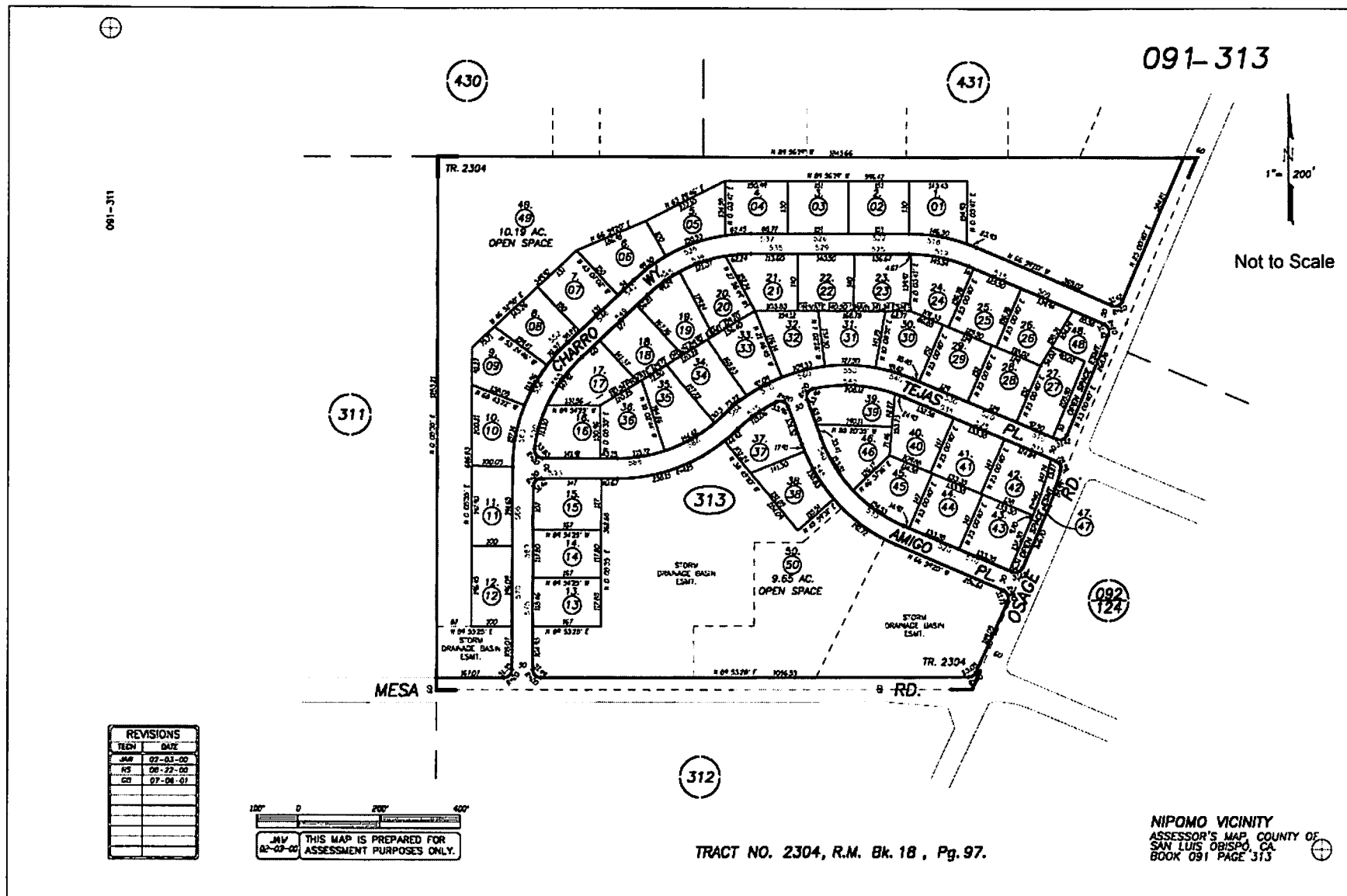


Figure 4. Assessors Parcel Map



Source: County of San Luis Obispo

County of San Luis Obispo

In addition to the environmental constraints analysis, the County commissioned a public survey to identify public opinions regarding Nipomo Community Park and what additions or improvements are needed at the park (Kocher 2004). The survey was mailed out in January 2004 to 3,000 randomly selected households in the communities of Nipomo and Oceano; 522 survey responses were returned by mail. In addition to the mail survey, 51 surveys were conducted onsite at NCP, resulting in a total of 573 responses/returned surveys. The two-page survey included questions on existing recreation, proposed recreation, park funding, unmet recreation needs, and demographic characteristics of the survey respondents. The survey found that, for the recreation opportunities currently provided, people wanted more walking trails, park restrooms, playgrounds, picnic areas, parking, and sports fields. When asked what new recreation facilities they wanted, a majority favored a community recreation center, swimming pool, amphitheater, and skateboard park. The County retained a design firm to prepare a draft park master plan (Firma 2004). Firma reviewed the project survey results, attended public workshops, and ultimately prepared plans for the park's master plan.

1.2.2 Public Workshops and Scoping Meetings

To obtain public input, four public workshops were conducted. The workshops were arranged in two sets. The purpose of first two workshops was to obtain input regarding what people would like to see in the park and obtain input regarding potential concerns. The first two public workshops were held at the Nipomo Community Services District (NCSD) on March 3 and 4, 2004. These workshops included an exercise to let groups of participants draw ideas on a park plan. The facilities with the highest degree of consensus included:

- Preserve existing park facilities
- Preserve existing oaks and open space
- Retain existing multi-use trails
- New community center / recreation building
- Additional sports fields
- Multi-use path around park perimeter
- Equestrian staging area and multi use arena
- Enhance safety at both park entrances

The second set of workshops, held on May 5 and 6, 2004, presented three Concept Plans. These plans were developed based on the survey results, public input received at the March 2004 workshops, and data from the constraints analysis. These Concept Plans included a range of park development intensities as well as options for the locations of some key elements. At the May 2004 workshops there was no overall consensus regarding any one of the concept plans or the precise location of recreation elements.

On July 12, 2004, County Parks staff and NCAC held a noticed public meeting at the Nipomo High School Auditorium to: present information from the constraints analysis, the project's public survey, take public testimony, and obtain community and NCAC input on the NCPMP Concept Plans. Over 100 residents attended the meeting, and diverse viewpoints were expressed, including a majority of persons requesting additional development within the park. The NCAC recommended that the County move forward with environmental review on the more intense Concept Plan, based on the fact that it is easier to take items out of a master plan than put them in later. NCAC also requested that the County review a second alternative that moved some of the larger components (such as a community center) to Tefft Street versus the park's interior.

The NCAC requested that the County return to the community for additional input upon completion of the environmental document. In late 2004, Firma completed two Draft NCPMP drawings based on NCAC input. The drawings included two alternatives as requested by the NCAC.

1.2.3 Initial Study

In January 2005, the County's consultant started preparation of the project's environmental document (i.e., the CEQA initial study), including the submittal of referrals to agencies and advisory groups. The NCAC held a special meeting on March 24, 2005 to respond to the referral. County Parks staff did not attend this meeting, nor was the County's noticing list used. At the March 2005 meeting, the NCAC objected to the designs being analyzed in the project's environmental document and proposed a "rural friendly" design alternative. In 2006 a draft initial study was completed by the County's consultant. County staff coordinated with the South County Advisory Council (SCAC, previously identified as the NCAC) and held public meetings in Nipomo on August 14 and 21, 2006 to obtain input on the draft initial study. A majority of public comments included requests that the park remain rural with new recreation largely located elsewhere. On August 21, 2006, the majority of the SCAC supported the idea that the park should remain largely rural.

On March 22, 2007, County staff presented the project to the County Parks and Recreation Commission (PRC) for input. Numerous members of the public attended this meeting, and expressed various views regarding future park development. Based on County staff's input that it is easier to take items out of the park plan once environmental review is complete than to add items later, the PRC directed staff to complete the environmental review for the two proposed alternatives (as described in the draft initial study) and then bring the item back to the Commission for further discussion. In September 2007, the County issued a draft initial study (#ED05-225) for the NCPMP for public review. The initial study reviewed two alternative projects. The two alternative park master plans were similar, with the exception of the location of major facilities such as the community center. No un-mitigable impacts were identified in the initial study. Public comments received regarding the initial study raised issues regarding:

- aesthetics, including night lighting;
- biological resources, including impacts to oak trees;
- hazardous materials related to the site's previous use;
- noise from proposed facilities;
- adequacy of public services, such as fire and sheriff;
- land use;
- adequacy of public services for proposed facilities;
- traffic and circulation;
- adequacy of wastewater to serve the proposed park development, and,
- water use.

Some of the letters received in response to the draft initial study raised concern whether the initial study was adequate, indicating that an EIR should be completed for the project. On November 13, 2007, Parks staff met with the Environmental Coordinator and other Department of Planning and Building staff involved with the NCPMP to discuss the comments received on the draft initial study. On November 26, 2007, the Environmental Coordinator recommended that an EIR be prepared for the NCPMP.

1.2.4 Project Changes Since 2007

Since the release of the Master Plan, Master Plan Alternative, and 2007 Initial Study document, Parks has amended the project description as follows:

- All Osage Street improvements, including an adjacent trail, are now included in the Master Plan design
- Modification to proposed trail locations, including a paved trail adjacent to Osage Street
- The Alternative Master Plan identified in the 2007 Initial Study (which moved some of the larger recreation facilities such as a community center to Tefft Street) will be assessed in the Alternatives chapter of the EIR
- The existing, temporary pre-school is identified as an existing, temporary use
- Conceptual architectural drawings are provided for the proposed community center.

1.3 PROJECT OBJECTIVES

The primary goal of the NCPMP is to establish the long-range plan for Nipomo Community Park and Mesa Meadows. The objectives of the NCPMP are to:

- provide a range of passive and active facilities and use areas to meet the recreational needs of the community;
- maintain and upgrade existing recreational and community facilities and amenities;
- effectively manage current and projected levels of park uses;
- provide amenities that are aesthetically consistent with the regional character of the area;
- provide a community recreation center within the unincorporated community of Nipomo;
- incorporate infrastructure and circulation improvements to meet existing and estimated future (2025) motor vehicle transportation warrants;
- apply adaptive management strategies, including the use of improved technology, to address new planning and management issues as they arise;
- consider and support active citizen input in the decision-making process; and,
- periodically review and update the NCPMP through a public review process (approximately 15-year intervals), including consideration of the changing needs of the community when evaluating existing and potential new amenities.

1.4 PROPOSED PROJECT

The proposed project under consideration in this Program EIR includes the proposed NCPMP (refer to Figure 5). The plan includes a variety of recreational opportunities, including the expansion of existing facilities, the addition of new facilities to the park, active recreational uses including multi-use sports fields, passive recreational uses and open space, and improvements to infrastructure. Table 1 shows the existing and proposed acreage of land use-types within the park, and the percentage of the park area for each identified use. Table 2 lists all the proposed NCPMP facilities and their approximate respective land areas, along with the existing facilities and areas to be substantially left undeveloped.

1.4.1 Existing Facilities

Existing major amenities in the park include: four sports fields accommodating baseball, soccer, and football (5.3 acres), including one lighted field; four lighted tennis courts (0.6 acre); a 0.7-acre dog park; 6,534-square foot playground; group and individual picnic areas (9,433 square feet); the 12-acre Nipomo Native Garden including trails and planted areas; open play area (9.3 acres); 1.1 acres of paved trails/walkways; and, 4.3 acres of dirt and spur trails. Infrastructure within the park includes: 1.2 acres of drainage improvements including a basin, two acres of roads; 3.1 acres of parking; 3,155 square feet of restrooms and a maintenance building (consisting of a shop, office and restroom); two host sites (1,284 square feet); and, an air quality monitoring station. In addition, 7,134-square foot Nipomo Library is located within the park, and is accessed from Tefft Street. An existing, temporary pre-school and fenced outdoor play area occupies approximately 4,050-square feet within the park. The pre-school is proposed to remain until a new pre-school is approved onsite, or elsewhere in the community of Nipomo.

Existing recreation and infrastructure cover approximately 15 acres or approximately 11 percent of the park. The remaining 130-acre area is generally a natural area consisting of oak woodland and coastal scrub, annual and ruderal grassland, and trails. Public recreation at Mesa Meadows includes a roughly one mile Class I bicycle path and contiguous equestrian trail. The site also contains native and non-native vegetation. The trail system at Mesa Meadows connects into the trail system of Nipomo Community Park.

1.4.2 Proposed Facilities

The NCPMP proposes approximately 15.96 acres of new recreational uses, 3.96 acres of new open play area (turf), and 7.57 acres of new infrastructure. Approximately 27.5 acres of existing undeveloped area and dirt trails would be converted to accommodate these new uses (refer to Table 1). The proposed project includes the expansion of the following existing uses: 4,000-square foot expansion of the library near Tefft Street; an additional 8,276 square feet of playground, including a play structure and open play area near Osage Street and Camino Caballo; 19,000-square foot expansion of the off-leash dog park; an additional 14,400 square feet of tennis courts; and additional three acres of paved and unpaved trails/walkways; restoration of spur trails; an additional four acres of open play area (turf). In addition, the NCPMP includes an additional 10 acres of multi-use sports fields. The type of sports to be accommodated would be determined at the time the need for added fields arises. The maximum intensity of use would likely be youth soccer. The area could accommodate about six youth soccer fields. The fields are proposed to be lighted.

Proposed new amenities include a skate park or community pool (10,000 square feet) near Tefft Street. Additional new facilities would be located near the center of the park, including: a 5,227-square foot amphitheater (gazebo/informal stage); basketball courts (10,000 square feet); handball courts (4,000 square feet); horseshoe pits (1,800 square feet); and, 8,400-square foot swimming pool and deck (if not constructed near Tefft Street). A paved walkway (11,280 square feet) is proposed along Osage Street. The NCPMP includes a 36,000-square foot community center/gymnasium to be located within the park.

The total area for the proposed community center/gymnasium and associated improvements would be approximately two acres. A conceptual schematic of the community center is shown in Figure 6.

Table 1. Master Plan Existing and Proposed Use Types

Use Type	Existing		Proposed		Total	
	Acres	Percentage	Acres	Percentage	Acres	Percentage
Recreation Area	8.19	5.2	15.96	10.0	24.15	15.2
Open Space	144.26	90.6	-23.54	-14.8	120.72	75.8
Infrastructure	6.72	4.2	7.58	4.8	14.3	9.0
TOTAL	159.17	100			159.17	100

Figure 5. Nipomo Community Park Master Plan

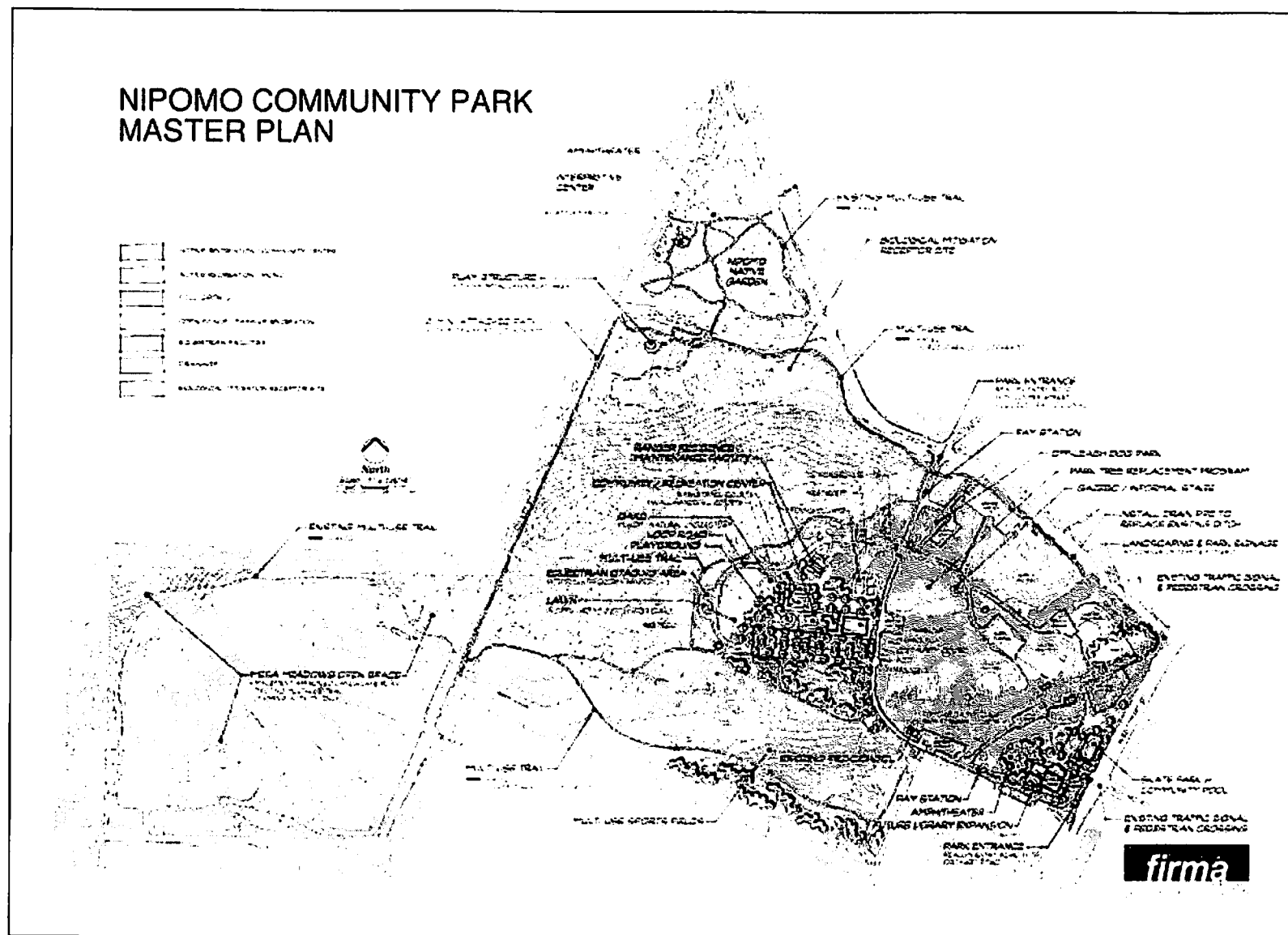
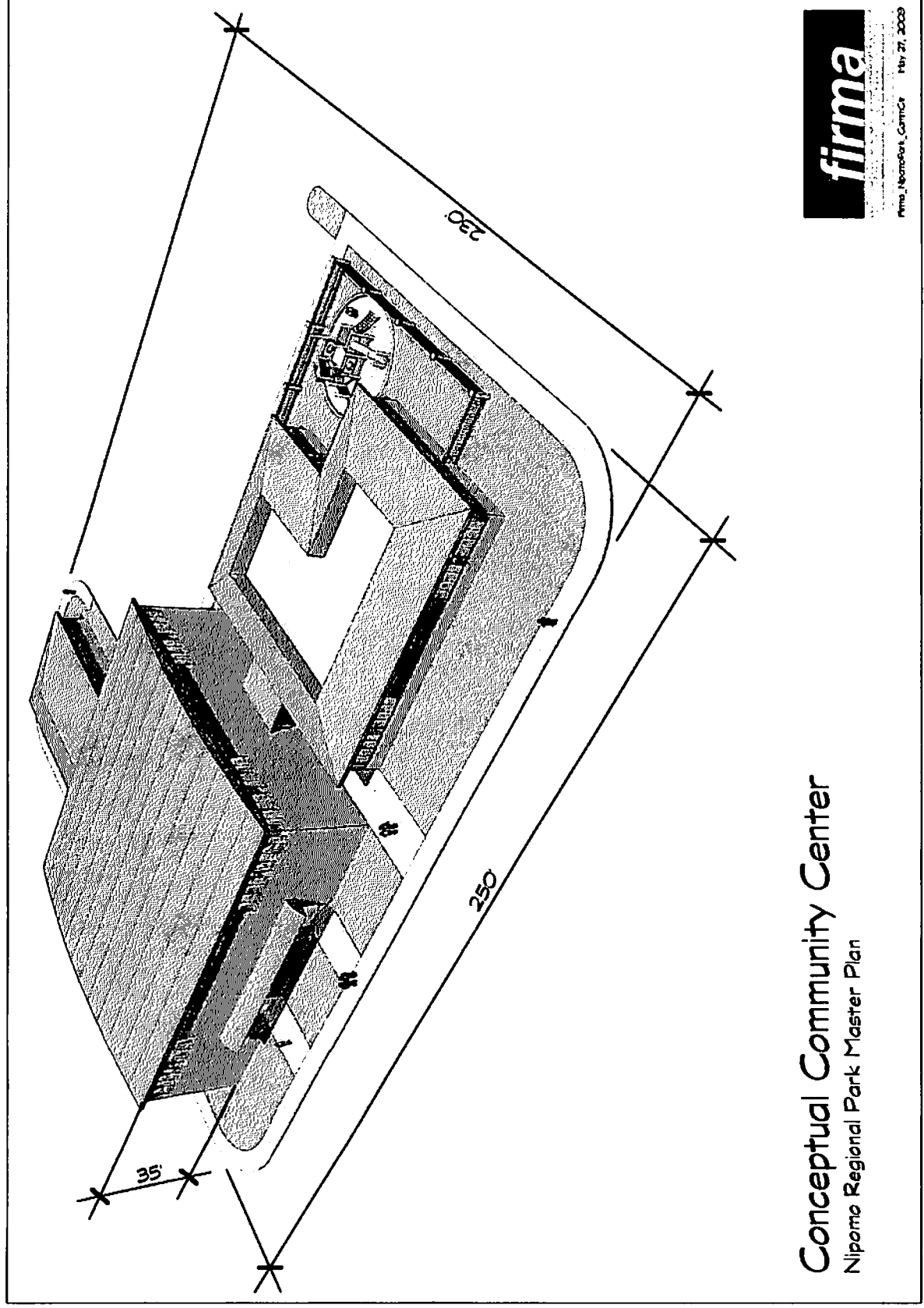


Table 2. Master Plan Existing and Proposed Amenities

Facilities	Existing (sf)	Proposed (sf)	Total (sf)
RECREATION AREA			
Amphitheaters	0	5,227	5,227
Basketball Courts	0	10,000	10,000
Playgrounds	6,534	8,276	14,810
Community Center/Gymnasium	0	36,000	36,000
Dog Parks	31,988	19,000	50,988
Group Picnic Areas	9,433	0	9,433
Handball Courts	0	4,000	4,000
Horseshoe Pits	0	1,800	1,800
Skate Park	0	10,000	10,000
Sports Fields (Turf)	231,633	439,520	671,153
Swimming Pool/Deck	0	8,400	8,400
Tennis Courts	26,404	14,400	40,804
Trails/Walkways (paved/unpaved)	50,724	127,373	178,097
Osage Street Walkway (paved)	0	11,280	11,280
<i>Subtotal</i>	<i>356,716</i>	<i>695,276</i>	<i>1,051,992</i>
OPEN SPACE			
Open Space (undeveloped)	5,689,881	-1,113,510	4,576,371
Open Play Area (Turf)	399,805	172,498	572,303
Trails (dirt)	190,200	-84,276	105,924
<i>Subtotal</i>	<i>6,283,936</i>	<i>-1,025,288</i>	<i>5,258,648</i>
INFRASTRUCTURE			
Basins	54,900	108,900	163,800
Library Building	7,134	4,000	11,134
Parking	137,166	183,388	320,554
Temporary Pre-school	4,050	0	4,050
Two Host Sites	1,284	0	1,284
Restrooms/Maintenance Buildings	3,155	1,490	4,645
Roads	89,036	32,234	121,270
<i>Subtotal</i>	<i>292,675</i>	<i>330,012</i>	<i>622,687</i>

Figure 6. Community Center Conceptual Schematic



1.4.3 Access and Parking

1.4.3.1 Access

There are two motor vehicle entrances to NCP. One entrance is located on Pomeroy Road, offset and east of Juniper Street. The second motor vehicle entrance is located on Tefft Street, adjacent to the Nipomo Library, offset and south of Orchard Avenue. The Tefft Street and Orchard Street intersection is currently signalized, and a pedestrian crosswalk is located across Tefft Street. Pedestrian, bicyclist, and equestrian trail access into NCP is located off of: Osage Street (near Charro Way), Camino Caballo (near Osage Street), and at the northern terminus of La Serena Way. NCP is accessible from a number of collector and local streets including: Camino Caballo, Mesa Road, Osage Road, and Tejas Place. The trail system within Mesa Meadows is accessible from Charro Way, Tejas Place, and Amigo Place; this trail system connects with the NCP trail system immediately east of the Charro Way and Osage Street intersection (refer to Figure 5).

Major road improvements proposed for the NCPMP include: the re-alignment of existing park entrances on Tefft Street and Pomeroy Road; installation of a traffic signal at the re-aligned Pomeroy Road/Juniper Street intersection; construction of a westbound left turn pocket and an eastbound right turn pocket on Pomeroy Road; and improvements to Osage Road, including road widening for consistency with County road standard A-1(d) (two 11-foot wide travel lanes, with six-foot shoulders on each side, for a total width of 34 feet), and construction of a trail within the road right-of-way. The project includes construction of a six-foot wide, paved, multi-use trail and parallel equestrian trail creating a loop around the park.

1.4.3.2 Internal Circulation and Parking

Internal vehicular access within the park is provided by a loop road, which connects the Tefft Street and Pomeroy Road park entrances. Additional paved access is provided for the existing ballpark area. An additional paved loop road is proposed to provide access to proposed facilities and parking areas in the center of NCP.

The park currently provides 325 parking spaces within several parking lots located within the southeastern portion of the park. The parking area for the Nipomo Native Garden, located adjacent to Osage Street, includes 10 automobile spaces and two bus spaces. The proposed NCPMP includes an additional 386 to 422 spaces, including seven equestrian pull-through spaces.

1.4.4 Park Programs and Operational Activities

In addition to the proposed facilities discussed above, the following activities and facilities are proposed as part of the NCPMP: removal of diseased trees and replacement tree planting program; utility infrastructure additions and maintenance; and a cellular communication repeater station. Tree removal would be required to accommodate access improvements at Pomeroy Road and Juniper Street, and Osage Road widening and pathway improvements.

1.4.4.1 Replacement Tree Planting Program

Many of the existing park trees are Monterey pine (*Pinus radiata*); this species is highly susceptible to devastating disease including pine pitch canker. The replacement tree planting program includes regular evaluation of trees, and subsequent maintenance, removal (if the tree

is dead and/or a hazard to public safety), and replacement depending on the monitored health of the tree. Pre-emptive replacement of trees prior to removal may be implemented. Proposed replacement trees may include: Coast live oak (*Quercus agrifolia*), California sycamore (*Platanus racemosa*), California pepper (*Schinus molle*), Coast redwood (*Sequoia sempervirens*), and Monterey cypress (*Callitropsis macrocarpa*).

1.4.4.2 Utility Infrastructure Additions and Maintenance

Water Supply

Water service is currently supplied to NCP through a contractual Water Service Agreement (WSA) executed between the NCSD and the County (recorded May 29, 1984). The WSA states that the NCSD will provide water to the park for the purposes of irrigation, sanitation, and miscellaneous uses. In 2004, the NCSD constructed a waterline through the park adjacent to Dana Elementary School, within a five-foot wide easement executed between the County and the NCSD. The width of this utility easement is approximately 20 feet from the southern edge of the property. Water is delivered to the park via a three-inch water main that is located within the right-of-way on Pomeroy Road. The County proposes to continue receiving water from the NCSD to serve the park, potentially including the use of recycled water.

The Mesa Meadows subdivision (Tract 2304) is served by the NCSD. Water mains are located along Osage Street, Charro Way, Tejas Place, and Amigo Place.

Wastewater

Wastewater disposal for the park is currently treated by individual septic systems for four existing restroom facilities. The project includes two additional restroom facilities to serve park visitors. Effluent disposal and treatment could be accomplished by two methods: septic tanks and leachfield systems, or fiberglass holding tanks that are regularly pumped and maintained. The Mesa Meadows subdivision (Tract 2304) is served by onsite, individual septic systems.

Stormwater Management

The project site currently receives stormwater flow from adjacent developed areas, which is directed into an existing onsite, 1.2-acre, stormwater basin. Existing drainage improvements in the northeast area of the park include small drainage channels, v-shaped concrete swales, culverts, and unlined infiltration basins. Collected stormwater percolates into the soil within the basins. An earthen drainage channel located along the northern property line accommodates storm water flows originating from the parking lot along the Pomeroy Road frontage. The earthen drainage channel then flows southwest and empties onto a rock riprap energy dissipater into an unlined retention basin constructed at the Tefft Street and Pomeroy Road intersection. The retention basin also receives storm flows via three 12-inch culverts: one that conveys storm water from underneath Pomeroy Road from a low-lying area across the street at the intersection of Tefft and Pomeroy, a storm drain on the park side of Tefft Street, and a culvert that flows underneath Tefft Street originating from bordering residential developments to the east of the park.

An engineered drainage system is located within Mesa Meadows, including multiple 24-inch corrugated metal culverts designed to convey stormwater runoff from the residential development into four infiltration basins located adjacent to Mesa Road. The basins discharge stormwater via percolation into the sandy topsoil.

The proposed project includes the following drainage improvements to manage stormwater flow during rain events: (1) construct a new basin in the center of the southern half of the park, and (2) install a drainage pipe along Pomeroy Road within the existing drainage swale.

1.4.4.3 Cellular Communication Repeater Station

A repeater station is a combination of a receiver and a transmitter that receives a weak or low-level signal and retransmits it at a higher level or higher power, so that the signal can cover longer distances without degradation. These facilities require a power source for operation. One repeater station is currently located at NCP on an existing light pole that illuminates the football field. A second repeater station was approved by the County Planning & Building Department in 2009. The second station is located in the same vicinity as the existing station.

1.5 MASTER PLAN IMPLEMENTATION

1.5.1 Project Phasing and Funding

The Master Plan does not establish a phasing plan. Once a master park plan is adopted, County Parks staff will go back to the community to determine priorities. The timing, type, and extent of infrastructure extensions, off site improvements such as traffic signals, and earthwork would depend upon the type and extent of the first new facilities to be implemented. Conversely, the choice of which facilities to implement first, second, or third may be influenced by the cost of infrastructure and earthwork that must accompany the recreation facilities.

The overall cost to construct the Master Plan is shown in Appendix A (Master Plan). The cost for each element is based on conceptual design characteristics; therefore, the cost for any particular element could go up or down once the more detailed design is developed.

It is possible that the Nipomo community, a concessionaire, and/or a community organization may be a partner in the development of the community recreation buildings planned for the park. The cost to construct these facilities is identified as a separate item on the construction cost breakdown (2003 dollars) in Appendix A (Master Plan).

1.5.2 Master Plan Amendment

The Master Plan is intended to guide development of the park to an envisioned “build out” some undetermined years in the future. While the purpose of a Master Plan is to guide decisions over a number of years, it is recognized that as time passes community needs and priorities may change and the Master Plan may need updating and revising. The Master Plan should be updated at 15-year intervals to ensure that it remains viable and relevant as a guide for meeting the park and recreation needs of the community. The Master Plan may be amended at any point along the way if new ideas or pressing needs warrant a change in the Plan. The process for amending the Plan would involve community workshops, SCAC and County Parks and Recreation Commission input, as well as review and approval by the County Board of Supervisors.



COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. County Parks Nipomo Community Park Master Plan; ED05-225

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Wastewater |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Water |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services/Utilities | <input checked="" type="checkbox"/> Land Use |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Steve McMaster
Prepared by (Print)

S. McMaster By M. Fisher 11-16-09
Signature Date

Ellen Carroll
Reviewed by (Print)

Ellen Carroll,
Environmental Coordinator 11-16-09
Signature (for) Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

Refer to Attachment 1, Project Description.

B. EXISTING SETTING

ASSESSOR PARCEL NUMBERS: 091-313-047, -048, -049, SUPERVISORIAL DISTRICT # 4
and -050; 092-122-056, -058, and -060.

Latitude: 35 degrees 01' 53.76" N Longitude: 120 degrees 30' 10.08" W

PLANNING AREA: South County Inland, Nipomo

LAND USE CATEGORIES: Recreation, Residential Suburban

COMBINING DESIGNATION(S): None applicable

EXISTING USES: Nipomo Community Park, botanical garden, Mesa Meadows

TOPOGRAPHY: Gently sloping

VEGETATION: Coastal scrub, oak woodland, maritime chaparral, annual
grassland, pine and eucalyptus trees, and landscaping/turf

PARCEL SIZE: 157 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban/ residences

East: Residential Suburban, Residential Single
Family/ residences

South: Public Facilities, Office and Professional,
Residential Single Family, Residential
Suburban/ school, library, residences

West: Residential Suburban/ residences

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Since 2003, the scoping process included preparation of an environmental constraints analysis, public survey, and public workshops and scoping meetings. In September 2007, the County issued a draft initial study (#ED05-225) for the Nipomo Community Park Master Plan for public review. The initial study (IS) reviewed two alternative projects. No un-mitigable impacts were identified in the IS. Public comments received on the IS raised issues regarding: aesthetics including night lighting, biological resources including impacts to oak trees, hazardous materials related to the site's previous use, noise from proposed facilities, the adequacy of public services such as fire and sheriff, land use, adequacy of public services for proposed facilities, traffic and circulation, adequacy of wastewater to serve the proposed park development, and water use. Some of the letters received in response to the draft initial study raised issues whether the initial study was adequate, indicating that an EIR should be completed for the project. On November 13, 2007, Parks staff met with the Environmental Coordinator and other Planning and Building Department staff involved with the project to discuss the comments received on the draft initial study. On November 26, 2007, the Environmental Coordinator recommended that an environmental impact report (EIR) be prepared for the Nipomo Park Master Plan. This Initial Study Checklist summarizes issues identified during public scoping and review of the project to date, which will be assessed in the Program EIR.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting which may affect surrounding areas?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Nipomo Community Park, Mesa Meadows, and the Nipomo Native Garden are located on four parcels totaling 157 acres on the west side of Pomeroy Road, approximately one mile west of Highway 101, in the community of Nipomo. The South County region has a generally rural visual character, and supports a variety of uses including agriculture, open space, and large-lot residential development. The community of Nipomo supports a variety of urban development including single-family residences, multi-family residential complexes, commercial, retail, and office buildings, and public facilities. The park is located within the community of Nipomo, and is surrounded by residential neighborhoods, and is bounded by Pomeroy Road to the north, Tefft Street to the east, Tejas Place to the south, and Osage Street to the west. Camino Caballo traverses the northern section of the project site, south of the botanical gardens.

The eastern and central portion of the park is developed with sports and play fields, including ball fields with night lighting, group and individual picnic facilities, children's play areas, lighted tennis courts, basketball courts, restrooms and parking lots. Maintenance buildings and a storage yard are located near the center of the park, including a wooden building with scattered maintenance accessory structures and vehicles. The northern, eastern and southern portions of the park appear mostly natural and are developed with trails, an interpretive garden, parking area, informational kiosks, and open space areas. The Mesa Meadows portion of the site consists of residential development, passive recreational uses, a loop trail around the perimeter, and a portion of open space serving as a storm water detention area and a buffer from the agricultural field to the south.

The topography of the park is generally flat along the eastern side, in the area of the existing play fields. The southern perimeter of the site is slightly elevated along the back yards of residences on Tejas Place. Moving north from Tejas Place toward the interior of the site the landform drops off then rises again forming a natural depression in the landscape. The landform elevates gently from this area to form an east-west oriented ridge along the northern third of the site rising noticeably above the surroundings. This oak covered ridge is one of the most important visual features of the park. It is recognizable from the surrounding community, it helps establish a natural scenic character for the park as well as the adjacent neighborhoods, the topography provides visual variety and interest, it helps define spatial zones within the park, and it offers up-close and unique viewing opportunities of nature. North of the ridge toward Pomeroy Road the landform flattens out again to match the terrain

of the adjacent neighborhoods. The Mesa Meadows area to the west is mostly level. The existing landform offers visual interest as seen from both internal and external viewing locations, allows viewing opportunities from the elevated areas and visual enclosure at the lower elevations. Views of the distant hills to the north and west are limited, but where visible, they provide an attractive backdrop and visually frame the regional setting.

Vegetation within the more developed eastern side of the park includes mature pines and eucalyptus, reaching heights of up to approximately 80 feet, as well as a variety of non-native shrubs. The tall eucalyptus and pine trees within the existing developed area are valuable because they have skyline qualities as seen from the surrounding community, they filter the glare of the sports field lighting, they add to the vegetated character of the park, they provide spatial definition for the park perimeter as well as internal areas, and they create a sense of overhead visual enclosure for park users. Turf areas cover most of this developed portion of the park. The southern portion of the park is more open and has predominantly scattered native shrubs with native and non-native grasses. The ridge area along the mid-section of the site is mostly covered with well-established native oak woodland species. The oak trees in this area form a moderately dense visual canopy, are evergreen and average approximately 15 to 30 feet in height. The forest understory is comprised of a variety of native shrubs, perennials, and related plants. On the flatter portion of the site north of the ridge, the vegetation is scattered oaks and native shrubs, appearing less dense than the forested area along the ridge. The Nipomo Native Garden is located in the northern corner of the park. This garden is currently under development, and the associated plantings are not yet major visual elements in the landscape. Vegetation within the Mesa Meadows area of the park includes oaks along the perimeter pathway, large windrows of eucalyptus trees along the northwest and southeast corners, landscaping, and typical residential plantings associated with the houses and neighborhood streets. The majority of the park is bounded by some type of fencing, including post and wire, pipe, wood, and chain link.

The project site is mostly surrounded by development and as a result has some degree of visibility from all sides. Intermittent views of the park from the surrounding area include adjacent and distant neighborhoods, public roadways, and other public facilities such as Dana Elementary School, the library, and a local church. The developed portion of the park is visible to the north, as seen from Dana Elementary School. The southern, undeveloped portion of the park can be seen toward the west. As with most viewing locations surrounding the park, much of the view from the school is somewhat blocked by landform and existing vegetation. Viewer activities associated with these potential locations vary greatly. In general, views to the interior of the park are limited to some extent by existing vegetation and/or topography. Visibility of the park from longer distances is mostly restricted to the tops of the existing trees near the sports fields and the oak covered ridge. During evening sporting events, the sports field lighting can be seen from the surrounding area, although the existing trees filter some of the light and glare.

Public roads border the park on four sides and provide direct visual access to the site. The majority of views toward the site from Osage Street, Camino Caballo and the eastern portion of Pomeroy Road are of dense oak woodland on slopes rising up from the property edge. The eastern portion of Pomeroy Road is adjacent to one of the park entrances, and views include the developed sports field section of the site. Baseball diamonds, bleachers, lights, restrooms and parking are part of the view. The developed portion of the park is visible from Pomeroy Road and Tefft Street, however traveling south on Tefft Street from this point, views to the interior of the site are somewhat blocked by mature landscaping and development along the roadway. The Nipomo Community Library and Dana Elementary School obstruct views of the park as seen from further south along Tefft Street. The eastern entrance road to the park is located along this section of Tefft Street. Tejas Place parallels the southern perimeter of the park, and existing residences along the north side of this street block approximately 80 percent of views to the park from this public roadway.

Views toward the park west of Osage Street include wooded slopes and the native gardens areas near Camino Caballo. From the Mesa Meadows neighborhood, views are available to the interior of the park, along the southern more open portion of the site. The residential neighborhoods in the vicinity of Tefft and Orchard Streets are at a somewhat higher elevation than the park, which allows potentially greater visibility of the exterior perimeter of the project site. Views to the interior of the park are largely hindered by the masses of tall trees near the eastern perimeter of the park. The southern residential neighborhood has limited visibility of the park, with the exception of the homes along the north side of Tejas Place, which back up to the park. The existing topography within the park between the southern portion of Tejas Place and the proposed sports field location slopes approximately 30 feet to the southwest. The gaps between the residences allow some neighborhood views to the park site, primarily of the oak covered ridge. The homes are located at a lower elevation than an earthen berm located along the southern park boundary, which obstructs some views of the project site.

The Pomeroy Road area has views of the park that are mostly limited to either the wooded ridgeline along the western section or the tops of the eucalyptus and pine trees of the developed area to the east. From this area the sports field lights can be seen above or through the trees. As with most of the residential neighborhoods surrounding the park, unless a residence is directly across a street from the park, the views of the park are substantially if not completely blocked by intervening structures and landscaping.

Impact. The existing park setting and surrounding natural resources contribute to the scenic quality of the area, including the ridge, trees, topography, and distant hills. These visual resources are important because they either support or enhance the natural visual character of the site, they are a unique or interesting example of their type, they function to screen or filter objectionable views, they have some degree of "landmark" characteristics, or they serve to define the park as seen from the surrounding community. Some of the visual resources have value mainly as seen from a distance, while others provide a close-in aesthetic benefit. Implementation and build-out of the proposed master plan would result in increased development within the park including facilities, structures, paving, and lighting, which have the potential to degrade existing views, limit aesthetic opportunities, or result in visually incompatible uses and activities. The proposed project complies with the setback distances listed in the County Land Use Ordinance (LUO) (refer to Section 13, Land Use), with the exception of the skate park location proposed near Tefft Street. The skate park would not include lighting.

The proposed project would have a high degree of potential visibility and would be seen from local public transportation corridors and nearby residences. In addition to the inherent change associated with conversion to more intensive recreational development, visible project components would include new buildings, sports fields, parking and roads, trails, earthwork, amphitheaters, playgrounds, support facilities, a swimming pool, a skate park, and other features. It is anticipated that potential viewers may experience the project as an alteration of overall visual character in addition to focusing on its individual components.

Components that would be visible from public roads include development near Tefft Street, such as the proposed skate park or community center facilities. New facilities within the northern portion of the park, including the amphitheater, interpretive center, and play structure would be visible from Osage Street. The proposed multi-use sports fields and associated bleachers, goal netting, and field lighting would be visible in varying degrees as seen from Tefft Street, Orchard Road, and Tejas Place neighborhoods.

Buildings such as restrooms, the community recreation center, and maintenance buildings can either enhance or degrade views within the park and the nearby community. Structures such as large-scale fly-ball netting, very tall light poles, and bleachers can be visually intrusive in the setting. The siting,

form, style and number of structures can have a substantial affect on the quality of views and aesthetic character to and from the park and its surroundings. Existing landscaping, trees, topography, and structures along the perimeter and within the park would provide some screening of future development as seen from public roads and adjacent neighborhoods. Visibility of future structures would be brief and intermittent. The construction of new buildings and structures would change the character of the central area of the park; however, the concentration of structural features outside of existing natural, and generally undisturbed areas, would preserve the overall visual character of the park.

Additional proposed changes to the park design, including re-aligned entrances on Tefft Street and Pomeroy Road and installation of a new traffic signal would affect the appearance of the park and immediate area; however, these changes are not likely to be visually significant due to the existing presence of park entrances and traffic signals along both Tefft Street and Pomeroy Road.

Lighting. Existing as well as future night lighting for sports fields, parking lots, roadways, buildings, and security purposes create glare within the park as well as in the adjacent neighborhoods. The "spill-over" of park illumination has the potential for affecting the ambient level of light in the nighttime sky. The construction of new fields and installation of new lighting in the southwest portion of the park may significantly affect the Tejas Place neighborhood if lighting is not minimized and shielded.

Earthwork. The undulating topography of portions of the site may necessitate extensive grading to accommodate the proposed multi-use fields and community recreation center facilities. Without appropriate design, large excavation and embankment slopes have the potential to appear unnatural and detract from the viewing experience as seen from Mesa Meadows, Tejas Place, Dana School, Tefft Street, and within Nipomo Community Park.

Parking areas. Large expanses of pavement for parking can visually urbanize a setting and can significantly alter the visual character. In addition to the paved surface, the associated parked vehicles can create glare as well as visual clutter. The extent of views of parking areas can affect the quality of the viewing experience and visitor enjoyment. Proposed new parking areas would be located near the center of the park, adjacent to the proposed sports fields and community recreation center. The parking area would be landscaped with shrubs and trees to minimize visibility and glare, and would not likely be visible from public roads, neighborhoods, or natural areas of the park.

Crowds of park users. Views of large gatherings of people associated with some types of park activities can reduce the visual experience sought by other visitors interested in more passive, solitary recreation. The interior roadway, sports fields, and active recreation facilities focus larger crowds of people near the southeast and southern portions of the park, and maintain natural trails and features in the western and northern portions of the park. The existing and proposed design of the park would minimize negative visual experiences associated with crowds.

Mitigation/Conclusion. The aesthetics and visual impacts potentially resulting from the proposed project, as seen from public roadways and use areas, shall be evaluated as part of the Program EIR. The aesthetics section shall compare the existing on-site and through-site visual resources with the project features as proposed, and will identify any potential impacts to visual character. The evaluation will include all proposed structures and site amenities as they apply, including structures, signage, grading and earthwork, utilities, lighting, increased vehicles and spectators, landscaping and other improvements for their complete affect on views. Potential visual changes will be identified as they relate to the phased construction of the park plans, in terms of long-term operational affects and short-term impacts. Construction activities and disturbance will be addressed, as well as consideration of proposed landscaping growth rates and size potential. The analysis methodology shall also evaluate the cumulative effect that each of the individual project components will have on the visual character of the surroundings. The visual section will consider the project's contribution to

a potential change in character when seen with other approved or pending projects in the region. Specific project impacts will be determined by evaluating the physical changes proposed by the project in the context of the existing and surrounding landscape, as seen from important and representative viewing locations. Expected viewer sensitivity will be assessed and considered as part of the analysis.

This analysis shall form the basis for any required measures necessary to mitigate potentially significant impacts. Measures may include, but not be limited to, locating structures outside of visually sensitive areas, height limitations, roof and building design and exterior color/materials recommendations, implementation of revegetation and landscaping efforts, and shielding of night lighting away from sensitive receptors.

2. AGRICULTURAL RESOURCES - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	<i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located in the Recreation land use category. Based on the Natural Resources Conservation Service (NRCS), the soil type mapped for the project site is Oceano sand (non-irr: IV, irr: IV). The project site is generally developed with park-related uses and does not support agricultural use. Surrounding land uses include residential development to the north, east, and west, and a school, library, and residences to the south. Impacts to agricultural resources would be less than significant.

Mitigation/Conclusion. Based on the lack of agricultural uses on or in the immediate vicinity of the project site, implementation of the proposed Master would not impact agricultural lands or soils, or conflict with existing agricultural operations in the region. Further analysis in the EIR is not warranted.

3. AIR QUALITY - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NO_x) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM₁₀) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NO_x (e.g., application of the 2003 CEQA Air Quality Handbook) have helped reduce the formation of ozone. The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the construction and operational phases of the proposed project.

Impact. Implementation of the Master Plan would require grading and construction activities. As identified by the APCD, air quality impacts during construction include: the creation of fugitive dust (PM₁₀), the generation of diesel particulates during use of heavy construction equipment, the potential release of asbestos during demolition and removal of pipelines, the potential release of naturally occurring asbestos during grading, and un-permitted developmental burning. No operational impacts were identified; however, the APCD initially supported less intensive development (Melissa Guise; March 24, 2005). In addition, the APCD recommends linking proposed and existing pathways to bus stops, pedestrian trails, and bike paths outside the park to encourage the use of alternative transportation.

The issue of global climate change has recently been debated and discussed on the international, national, state, and local level. These changes are caused by the buildup of gases in the atmosphere that trap heat, similar to a greenhouse. These "greenhouse gases" include carbon dioxide, methane, nitrous oxide and others. A portion of them exist naturally and help regulate the temperature of the earth. Emissions from human activities, such as burning fossil fuels, have elevated greenhouse gas levels. The effects of climate change have been documented in studies issued by the UN Intergovernmental Panel on Climate Change. Implementation of the proposed project would result in the production of greenhouse gases; however, accommodating alternative transportation and encouraging community use of the park may offset trips generated by Nipomo residents currently using park facilities in other areas of the County. With the passage of AB 32, the State requires all land use projects to reduce greenhouse gas emissions to 1990 levels by 2020, a reduction of 30% over current rates. Because this project is a master plan, the County may be required to prepare a Climate Action Plan (CAP) to address greenhouse gas emissions.

Mitigation/Conclusion. Air quality impacts resulting from the proposed project shall be evaluated as part of the EIR in consultation with the APCD. The analysis shall include a qualitative analysis of potential impacts related to on-site fugitive dust generation and other pollutants during project construction. Long-term generation of pollutants from automobile traffic and on-site energy consumption shall be quantitatively assessed. The EIR shall include a discussion of the 2001 Clean

Air Plan, and the project's consistency with adopted goals and policies. Regarding climate change, the EIR shall identify potential greenhouse gases, assess the potential of the proposed project to emit significant levels of greenhouse gases (either directly or indirectly), and identify procedures that may reduce those emissions.

Mitigation measures may be necessary in order to reduce potentially significant air quality impacts including, but not limited to: reducing construction phase emissions through fugitive dust control and control of equipment emissions; asbestos control; vehicular emission reductions (activity management, Best Available Control Technology, efficient vehicular entry and circulation, etc.); and, energy efficiency and site design.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Result in a loss of unique or special status species or their habitats?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	<i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Five natural plant communities and habitat types are located within the project site, including coastal scrub, oak woodland, a mixture of coastal scrub and maritime chaparral, annual grassland, and ruderal/disturbed areas. Landscaped/turf areas, and windrows of pine and eucalyptus trees are also present in the recreationally developed eastern portion of the park. Several drainage basins are present in the developed area of the site. The project site is located within vernal pool habitat region; however, no evidence of vernal pools or areas of standing water were observed onsite. Biological field surveys of the project site were conducted in January, April, and May 2004 (Morro Group, Inc.; June 14, 2004).

Special-status Plant Species. Based on the California Natural Diversity Database (2005) and habitat types present on the project site, the following eight special-status plant species have the potential for presence within the park: sand mesa manzanita (*Arctostaphylos rudis*); Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*); dune larkspur (*Delphinium parryi* ssp. *blochmaniae*); Blochman's leafy daisy (*Erigeron blochmaniae*); Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*); San Luis Obispo County lupine (*Lupinus ludovicianus*); crisp monardella (*Monardella crispera*); and San Luis Obispo monardella (*Monardella frutescens*). During comprehensive botanical surveys conducted in April and May 2004, only sand mesa manzanita was observed within the proposed site.

Sand Mesa Manzanita

Sand mesa manzanita is a Federal Species of Concern (FSC), and California Native Plant Society (CNPS) List 1B (rare, threatened, or endangered in California and elsewhere) evergreen shrub. This

species occurs in chaparral and coastal scrub on sandy soils. Numerous individuals of this species were observed within the oak woodland and coastal scrub/chaparral areas of the project site.

Special-status Wildlife Species. Based on the California Natural Diversity Database (2005) and habitat types present on the project site, the following three special-status wildlife species have the potential for presence within the park: silvery legless lizard (*Anniella pulchra pulchra*); California horned lizard (*Phrynosoma coronatum frontale*); and, sharp-shinned hawk (*Accipiter striatus*).

Silvery Legless Lizard

The silvery legless lizard is a Federal Species of Concern, coastally distributed from the San Francisco Bay area southward into northern Mexico. Suitable habitat includes loose soils of coastal dune, valley foothill woodland, chaparral, and coastal scrub areas. This species could occur in undisturbed areas of dune scrub and chaparral located within the project area.

Coast Horned Lizard

The coast horned lizard is a California Species of Special Concern, distributed throughout foothills and coastal plains in areas with abundant, open vegetation such as chaparral or coastal sage scrub. This lizard is a ground dweller, and does not climb shrubs or trees. The native plant communities of the park property are expected to support individuals of this species.

Sharp-shinned hawk

The sharp-shinned hawk is a California Species of Special Concern that ranges throughout California and forages in most habitats. It is an uncommon transient and winter visitor within San Luis Obispo County. Winter foraging and roosting typically occurs in association with coniferous, deciduous, or mixed forest woodland areas. Grassland habitats may also be used for foraging purposes. This species could be present within the park on a seasonal basis.

Native and/or Important Vegetation. Oak woodland is present throughout the northern and western portion of the park. Oak species include coast live oak (*Quercus agrifolia*) and valley oak (*Quercus lobata*).

Wetland and Riparian Habitat. No wetland or riparian habitats were observed on the project site. Existing stormwater basins within the park and Mesa Meadows area do not support any riparian vegetation or wetland indicator species.

Wildlife Activities. Oak woodlands and grassland areas could provide nesting and foraging habitat for several raptor species, including Cooper's hawk (*Accipiter cooperii*), white-tailed kite (*Elanus leucurus*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and American kestrel (*Falco sparverius*). These raptor species and their nests are protected under CDFG regulations.

Impact. The Master Plan was designed to minimize disturbance to natural areas and sensitive habitat types where feasible. As proposed, the Master Plan would result in the loss of up to 13 acres of coastal scrub, seven acres of annual grassland, three acres of maritime chaparral, and 0.5 acre of oak woodland. Approximately four acres of development would occur within currently developed and disturbed areas.

Special-Status Plant Species. Approximately 60 to 80 individual sand mesa manzanita plants are present in the central oak woodland areas, and the northernmost portion of the project site. The manzanita present range from juveniles to mature specimens, and are interspersed with oak woodland and chaparral/coastal scrub habitat. 27 sand mesa manzanita plants are located in the immediate vicinity of existing trails located in the park. The proposed master plan was designed to avoid removal or impacts to this species. Inadvertent impacts could occur during construction, if

equipment and materials are not utilized or stored properly during improvement or maintenance of existing trails. In addition, operational impacts, including the use of equestrian trails, may result in impacts to sensitive vegetative communities and native plant habitat due to the spread of non-native grasses and grains.

Special-Status Wildlife Species. No special-status wildlife species were observed on the project site during surveys conducted in January, April, and May 2004 (Morro Group, Inc.; June 14, 2004); however, based on the presence of suitable habitat, development of the project site could result in impacts to silvery legless lizard, coast horned lizard, and sharp-shinned hawk. Suitable habitat for these species is present throughout the park, and these species may be harmed during construction phases of the proposed Master Plan. In addition, comment letters from the public identified other fish and wildlife species that have been observed in the park, including Cooper's hawk.

Native and/or Important Vegetation. Based on the design of the proposed Master Plan, oak woodland and individual oak trees would not be directly impacted by the construction of proposed amenities. Realignment of the Pomeroy Road park entrance (at Juniper Street) and road improvements to Osage Road may impact or require the removal of up to eighteen coast live oak trees.

Wildlife Activities. In addition to the removal of coast live oak trees discussed above, future construction activities would require the removal of individual pine or eucalyptus trees, which may provide nesting habitat for sharp-shinned hawk and other bird species. In addition, grading and construction activities during the nesting season (typically February through September) may disrupt the natural behavior of birds.

Mitigation/Conclusion. Habitat mapping and reconnaissance biological surveys, including wildlife surveys and botanical surveys following California Department of Fish and Game (CDFG) guidelines, were conducted on the project site in 2004. As part of the EIR analysis, existing habitat mapping shall be reviewed and updated as necessary to quantify impacts to habitat types, and evaluate whether vegetation impacts may also impact special-status species. The U.S. Fish and Wildlife Service, California Department of Fish and Game, California Native Plant Society, and County-approved biological groups and societies shall be consulted to supplement existing information. Potential impacts to biological resources shall be addressed and evaluated in the EIR. Mitigation measures will likely be required, including recommendations to avoid plants and wildlife, and special-status and sensitive species and habitats through site design, pre-emptive construction measures (i.e., installation of protection fencing, construction crew training), construction monitoring, habitat revegetation and restoration; and operational standards (i.e., protection fencing, public educational materials).

5. CULTURAL RESOURCES - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. A *Cultural Resource Investigation* (John Parker; June 21, 2002) was completed for the project site, including a records search for cultural resources in the area, and a field surface survey.

Archaeological Resources. The project site is located in an area historically occupied by the Obispeño Chumash. Based on the results of the records search and field survey, three archeological deposit sites are located within one mile of the proposed project site; however, no archaeological deposits were recorded or observed on the project site.

Historical Resources. In the mid-1800's, the town site of Nipomo was subdivided for the sale and development of lots. By 1887, the town of Nipomo had two hotels, shops, a schoolhouse, stable, real estate offices, saloons, and a newspaper. The Pacific Coast Railway had a depot in town; however the Southern Pacific Railway was established west of Nipomo through the town of Guadalupe in 1895. By 1942, the Pacific Coast Railway was put out of commission, disassembled, and sold for scrap. A major economic slump occurred in the town of Nipomo, until Highway 101 was completed in the 1940's. The record search revealed the presence of one historic site located on the project site. Documented findings at the site included glass, ceramics, and metal artifacts dating from 1880 to 1930. The location of the historic site was confirmed during the field surface survey.

Paleontological Resources. The proposed project site is located on sand dune deposits, which are generally too young to contain significant paleontological resources.

Impact.

Archaeological Resources. Based on the negative results of the surface survey for cultural resources, it is unlikely that significant archaeological deposits are present onsite (Parker and Associates; June 21, 2002). Implementation of the proposed master plan would not likely impact archaeological resources.

Historical Resources. The surface survey for cultural resources resulted in a positive discovery of historical resources. Implementation of proposed improvements may disturb or result in the exposure of subsurface resources. In addition, any improvement or maintenance activities that require soil disturbance within the deposit area may result in the disturbance or looting of resources.

Mitigation/Conclusion. As noted in Section 7 (Hazards and Hazardous Materials), the County will initiate a testing program to clarify the contents of the historic deposit area. The analysis shall incorporate the results and recommendations from the 2002 cultural resources report into the EIR. The proposed project shall be evaluated with respect to impacts to cultural resources of the project site and surrounding area. Mitigation measures shall be identified to address potential impacts, which may include implementation of a monitoring program during ground disturbance.

6. GEOLOGY AND SOILS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology. The topography of the project site consists of gently undulating older sand dune deposits. The area proposed for development is outside of the Geologic Study Area designation. The liquefaction potential is moderate. The landslide potential is low. The project site is located in the regional vicinity of the Wilmar/Santa Maria River, Oceano, Pecho, Oceanic West Huasna, San Luis Bay, and Casmalia-Orcutt-Little Pine faults. The potentially active Wilmar Avenue Fault is mapped east of Highway 101 in the vicinity of Nipomo Creek. The project is not located within a known area containing serpentine or ultramafic rock or soils.

Drainage and Flooding. The area proposed for development is outside the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, the soil is considered well drained. Nipomo Creek is located approximately one mile to the east; however, there is no evidence of off-site stormwater discharge. In addition to rainfall on the project site, stormwater discharged from adjacent residential developments flows onto the park site. Due to the rolling topography of the park area, presence of closed depressions, and lack of drainage inlets, stormwater accumulates in several areas of the park, causing localized flooding during rain events. Existing drainage improvements throughout the park include small drainage channels, concrete swales, culverts, and unlined infiltration basins.

Erosion and Sedimentation. The soil type mapped for the project site is Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a high erodibility and low shrink swell

characteristics. Due to the lack of concentrated storm flows and presence of vegetation throughout the park, only minor evidence of erosion was observed within the project site. Along the northern property line, an earthen drainage channel has been constructed to accommodate storm water flows originating from the parking lot along the Pomeroy Road frontage. This channel starts out as nothing more than a small roadside swale, but develops into a 3-foot wide by 2-foot deep erosive channel near Primrose Lane, where it picks up residential runoff from the north via a 12-inch culvert that runs underneath Pomeroy Road. The earthen drainage channel then flows southwest and empties onto a rock riprap energy dissipater into the primary unlined infiltration basin constructed at the Tefft Street and Pomeroy Road intersection. The infiltration basin also receives storm flows via three 12-inch culverts: one that conveys storm water from underneath Pomeroy Road from a low-lying area across the street at the intersection of Tefft and Pomeroy, a storm drain on the park side of Tefft Street, and a culvert that flows underneath Tefft Street originating from bordering residential developments to the east of the park. This existing drainage channel appears subject to erosion, and subsequent sedimentation within the primary retention basin.

Impact.

Geology. The project site is not located within an area subject to severe geologic hazards, and future development of the proposed master plan would not result in exposure to or cause unstable geologic conditions. There is no evidence that measures above what would already be required by code are necessary.

Drainage and Flooding. Based on review of the existing drainage system within the park, existing facilities are not adequate to handle existing and future stormwater flows, and localized flooding within the park occurs during storm events. In addition, the existing drainage swale adjacent to Pomeroy Road is subject to erosion, and subsequent sedimentation of the primary retention basin. If this basin becomes inundated with sediment and debris during a major rain event, storm water could back up, flow across the spillway, and discharge into the low-lying areas near the Tefft Street and Pomeroy Avenue intersection.

Additional flooding occurs within the softball field parking lot, and the park access road west of the existing tennis courts. Stormwater sheet flows from two adjacent parking lots towards the softball field, and the lack of drainage outlets and bowl shaped topography cause flooding in the parking lot. In addition, stormwater flows from the upland areas of the park, and flows west where it ponds on the access road, which is a low point. Implementation of the proposed master plan would create additional impervious surfaces (e.g., roofs, structures, sidewalks, and paved parking) that would increase the amount of stormwater flow directed towards to lower areas of the park. Increased flooding could also occur if subsurface clay layers inhibit percolation of runoff beneath potential development sites, and rising ground water levels surface, resulting in flooding conditions. The proposed Master Plan includes the following drainage improvements to manage stormwater flow during rain events: 1) construct a new basin in the center of the southern half of the park, and 2) install a drainage pipe along Pomeroy Road within the existing drainage swale.

Erosion and Sedimentation. Erosion and subsequent down-gradient sedimentation would likely occur during future grading and vegetation removal activities associated with implementation of the proposed master plan. In addition, erosion of surface materials is likely to occur if concentrated storm runoff is allowed to flow onto erodible soil from impervious surfaces, causing deposition of sediment in areas of lower park elevation.

Mitigation/Conclusion. The potential site alteration and drainage, erosion, and sedimentation impacts of the proposed project shall be evaluated in the EIR. Due to the conceptual nature of the proposed master plan, preparation of the Geology and Soils section of the EIR will primarily rely on existing information. Mitigation measures shall be developed relative to site disturbance, preliminary

drainage and stormwater management recommendations, incorporation of low impact development (LID) measures, minimizing sedimentation and erosion impacts during construction through preparation and implementation of a SWPPP. Public Works staff shall be consulted regarding operational standards, including improvements to existing drainage facilities, on-going maintenance of drainage facilities, and implementation of best management practices (BMPs) to minimize erosion and down-gradient sedimentation.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located within the Nipomo urban area. Based on the results of a cultural resources field survey (John Parker; June 21, 2002), and consultation with County maintenance staff and other sources, a historic dump site is present within the park. The project site is within a high fire hazard zone, and within the State Responsibility Area for wildland fires. During preliminary scoping, the proposed project was referred to the County Fire Department/California Department of Forestry (CAL FIRE) for review. CAL FIRE did not identify any significant fire hazard concerns; however, the department recommended preparation of a Fire Prevention Plan for the park, including vegetation fuel management, no smoking areas, and evacuation plan, and noted emergency access and fire hydrant locations (Robert Lewin, CAL FIRE; September 27, 2005). The project site is not located within an Airport Review area, or within two miles of a private or public airport.

Impact. Potential hazards and public safety issues associated with development of the Master Plan include increased risk for fire hazard, adequate secondary and emergency access, potential for crime, risks from road traffic, and exposure due to a known historic dump onsite. The County has retained a qualified specialist to conduct a focused Phase One ESA and investigate test pits within the park. During construction, the use of large equipment may result in an incidental oil/fuel leak or spill, potentially adversely affecting park users and adjacent areas.

Mitigation/Conclusion. The EIR shall identify potential hazards, including public exposure to hazardous materials. The results of the focused Phase One ESA and subsurface investigation shall be reviewed in consultation with the County Environmental Health Division, and information shall be considered in the EIR. Consultation with CAL FIRE and the County Sheriff shall be implemented to

identify potential hazards or risks to the public. Mitigation measures may include remediation of potential hazards, implementation of BMPs to avoid public exposure to incidental exposure during construction, and operational standards to minimize public risk.

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The environmental constraints report prepared for the proposed Master Plan included transportation noise measurements taken from six locations along the perimeter of the park, and 34 ambient noise readings along the perimeter and within the park. The six transportation noise measurement locations were selectively chosen surrounding the park area, at the intersection of Pomeroy Road and Tefft Street, the intersection of Tefft Street and Orchard Road, the intersection of Pomeroy Road and Juniper Street, the intersection of Pomeroy Road and Camino Caballo, the intersection of Camino Caballo and Osage Street, and one location at the intersection of Osage Street and Tejas Place.

Transportation Related Noise. Based on the results of the noise measurements, the average noise level due to transportation-related noise ranges from 59.6 to 72.7 decibels (db). Higher levels of noise occur along Tefft Street and Pomeroy Road, near the existing sports fields due to automobile and truck traffic on these roads. Noise levels rapidly attenuate as one moves towards the interior of the park due to the varying topography and dense wooded vegetation (Morro Group, Inc. June 14, 2004). Existing noise-sensitive uses within the park include outdoor sports fields, a library, and passive park facilities (i.e., trails, walkways, gardens).

Stationary Noise. The only existing, continually operating stationary noise sources are the high volume sampler operated by the California Air Resources Board, which is located in the undeveloped portion of the park near the existing maintenance/caretaker residence, and Dana Elementary School, located in the southeastern corner adjacent to the park. Measured noise levels originating from the sampler at a distance of 25 feet were approximately 54-55 average db (dBA). Noise levels originating from the school were approximately 57-58 dBA, measured along the property line of the school and park boundary. The existing sports fields would also be characterized as stationary noise sources; however, they are not continually being utilized, and are considered intermittent sources of noise, more likely to be subject to maximum noise levels associated with a stationary source.

Generation of Noise. Noise sources generated by existing park facilities include baseball fields, tennis courts, handball courts, basketball courts, picnic areas, children's play areas, and traffic generated by park visitors. Ambient noise levels within the park in the vicinity of these uses range from 48 to 56 dBA. Noise sensitive land uses in the immediate vicinity of the park include residences, Dana Elementary School, and a community library.

Impact. The proposed Master Plan complies with the setback distances listed in the County Ordinance (refer to Section 13, Land Use), with the exception of the skate park location proposed adjacent to Tefft Street.

Transportation Related Noise. In addition to existing park facilities, noise sensitive uses proposed in the Master Plan include outdoor amphitheaters, outdoor sports and recreation areas, pre-school, and a community/recreation center. Based on the County Noise Element, the maximum allowable noise exposure level generated by transportation noise sources is 35 Leq (worst-case hour level of interior noise) and 60 dB (outdoor noise exposure) for public assembly uses, and 70 dB for outdoor sports and recreation uses.

Based on noise measurement data collected in 2004, the average noise level generated by traffic on Pomeroy Road at Juniper Street was 69.7 dBA, as measured at the intersection of Pomeroy Road and Juniper Street. The average noise level generated by traffic was 69.5 dB (as measured from the intersection of Pomeroy Road and Camino Caballo), and 64.8 dB (as measured from the intersection of Osage Street and Camino Caballo) (Morro Group, 2004).

Determining whether the acceptable noise threshold will be exceeded will depend on current and estimated future noise levels, and the location of noise sensitive uses (i.e., community center, amphitheater, outdoor recreation facilities, and the library expansion in relation to the roadway.

Stationary Noise. The only existing, continually operating stationary noise sources are the high volume sampler operated by the California Air Resources Board, which is located in the undeveloped portion of the park near the existing maintenance/caretaker residence, and Dana Elementary School, located in the southeastern corner adjacent to the park. Measured noise levels originating from the sampler at a distance of 25 feet were approximately 54-55 average db (dBA). Noise levels originating from the school were approximately 57-58 dBA, measured along the property line of the school and park boundary (2004). The existing sports fields would also be characterized as stationary noise sources; however, they are not continually being utilized, and are considered intermittent sources of noise, more likely to be subject to maximum noise levels associated with a stationary source, as discussed below (Generation of Noise). The noise levels generated by the ARB air emission sampler and Dana Elementary School do not exceed the threshold for acceptable levels of noise generation.

Generation of Noise. Multi-use sports fields are proposed in the southern portion of the park, approximately 180 feet northeast of existing residences along Tejas Place. The elevation along most of the property line on the southern boundary is higher and slopes downward as one moves north towards the interior of the park. South of the property line, the topography also slopes downward toward the residences; the result of this natural topographical dune feature would be more or less characterized as a berm. This natural feature would help attenuate much of the noise increase due to new facilities development in the park near this boundary. Operation of these fields would potentially subject this existing residential area to adverse levels of noise, including the use of loud speakers and microphones during sporting events.

A skate park or community pool, teen center, and community center may be proposed near Tefft Street. A residential neighborhood is located on the opposite side of Tefft Street. Activities that would create noise in the park include the use of skateboards and skates, the use of radios, and loud laughter or shouting by park users. Residential land uses may be adversely affected by noise generated by persons using park facilities.

The ambient noise level within the park is expected to increase upon operation of new park amenities. The new sports fields and additional facilities proposed within the center of the active recreation park area would contribute to the overall generation of noise within the park. Maintenance activities, including mowing and use of equipment and tools, would continue to generate noise in the park. Unless an emergency situation exists, these activities are limited to daytime hours, which would

reduce the effects of noise. The use of amplified music and microphones within proposed amphitheatres and spill-over noise from the community center would likely generate noise exceeding thresholds established by the County Noise Element. The County Parks Division currently requires issuance of a permit prior to the use of microphones and amplified music. Permit conditions limit use of amplified sound to business hours only, and the Parks Division reserves the right to revoke permits at any time during the event if the noise is excessive. The permit requires reservation of any adjacent group area that might be impacted by amplified sound. In addition, amplified concerts are prohibited at Nipomo Community Park. These regulations would apply to all existing and proposed uses within the park to minimize the effects of amplified sounds within and outside of the park.

In addition to noise generated by the operation of existing and future park facilities, an increase in traffic volume associated with new park development would occur. It generally takes one doubling of traffic volume to cause a 3 dBA increase in noise levels. Given the large traffic volumes on Tefft Street and Pomeroy Road, it is very unlikely that increased vehicle traffic associated with the park would make a noticeable difference in noise levels.

Mitigation/Conclusion. Preparation of the Noise section of the EIR shall include a review of the previous noise analysis (Morro Group; 2004), completion of a supplemental analysis with updated noise measurement data. Updated measured noise data shall be used to predict compliance with the future noise environment resulting from estimated buildout of traffic as defined in the County's Noise Element, and build-out of the proposed master plan. The impact of the proposed project on ambient noise levels and sensitive receptors within and near the park due to project construction and long-term operation of the project, as well as potential exposure of sensitive receptors to existing off-site noise sources (i.e., Tefft Street, Pomeroy Road), shall be evaluated in the EIR. The EIR shall identify existing policies in place to control and monitor amplified noise within County park facilities. Mitigation measures may include modifications to the proposed design, incorporation of exterior and interior noise level reduction measures (e.g., earthen berms, noise walls, construction standards, etc.), and operational standards including use of a park monitor.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed park improvements would be constructed to meet the recreational demands of the community of Nipomo and south county area. The proposed project is not anticipated

to induce growth, create the need for new housing, or use a substantial amount of fuel or energy to construct and maintain. The proposed project does not displace existing housing or people.

Mitigation/Conclusion. Implementation of the proposed Master Plan would not have a significant effect on population or housing. Further analysis in the EIR is not warranted.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Fire Protection. County Fire/California Department of Forestry (CAL FIRE) provides fire protection in the Nipomo Mesa area. The Safety Element of the County's General Plan indicates that the Nipomo community developed with a primarily low-density residential pattern with supporting commercial uses. The element also notes that Nipomo's fire response needs are increased because of the wooded and urban area interfaces that are in the area. This represents a higher risk than other unincorporated communities. CAL FIRE is responsible for the administration of the fire stations that serve Nipomo, and provides equipment and training for volunteer stations. Two stations serve the Nipomo area, Station 22 located on the Mesa off of Highway 1, and Station 20 located in the Town of Nipomo. The stations are staffed to provide for 24 hours a day, 7 days a week emergency response and include volunteer programs to increase response capabilities.

Sheriff Protection. The County Sheriff's Department provides police and patrol services in the Nipomo Mesa area. The Oceano CSD funded the construction of the Sheriff's South Station located at 1681 Front Street that opened in October 2002. This station improves the Sheriff's ability to respond to calls in the Nipomo area. There is presently a need to expand police services in the South County area, and this need will increase as the population grows. New park development would place additional service demands on existing South County Sheriff services. Current average response times generally range from five to thirty minutes.

Emergency Responders. Private companies in Arroyo Grande and Santa Maria provide ambulance service to the Nipomo area. Emergency service operations and County emergency medical services would not be significantly impacted by new development within the park. The California Highway Patrol (CHP) services San Luis Obispo County's highways, with stations located in San Luis Obispo and Templeton. They are available to respond in emergency situations, but generally do not respond to domestic calls. In addition, a Park Ranger is present onsite.

Schools. The park is located within the Lucia Mar School District.

Roads. The park is accessed from Tefft Street and Pomeroy Road, and is located within Area 1 of the South County Fee Area (refer to Section 12, Transportation and Circulation).

Solid Waste. South County Sanitary Service is the private vendor that provides solid waste collection services to the park area; however, Waste Connections, Inc. has purchased the Cold Canyon Landfill, Coastal Rolloff Service, and the South County Sanitary Service. Waste Connections, Inc. is a regional, integrated, non-hazardous solid waste services company that provides collection, transfer, disposal and recycling services to commercial, industrial and residential customers in the Nipomo area. Solid waste is disposed of at either the Santa Maria Landfill or the Cold Canyon Sanitary Landfill north of Arroyo Grande. The Nipomo Transfer Station is located one-half mile west of Highway 101, at 325 Cuyama Lane (Highway 166) in Nipomo. Estimated area landfill capacities are shown in Table 6. These two landfills would be able to adequately meet the small increase in solid waste that would be generated by new development of the park. The County is currently pursuing alternative landfill sites, anticipating the closure of Cold Canyon in 2017.

Other Public Facilities. The County Parks and Recreation Element states that based on National Recreation and Park Association standards, five to eight acres of community parkland is recommended per 1,000 residents.

Impact. The Nipomo Mesa area has a “high” hazard zone rating in the Safety Element of the General Plan. The park area is within a five-minute response time zone. The addition of new park facilities would increase the service demand on the two CAL FIRE stations that serve the area. The Sheriff’s Department (South Station) serves the communities of Oceano, Nipomo, rural Arroyo Grande, New Cuyama, and Lopez Lake. The cumulative development and build-out of these communities, including the proposed Nipomo Park Master Plan, impacts the Sheriff Department’s capacity to respond to emergency calls. The current ratio of deputies per population unit is 0.64 deputy per 1,000 citizens, which is deficient. The acceptable ratio is considered 1.0 deputy per 1,000 citizens (Martin Basti, Commander South Station; January 18, 2006). Funds for operating and staffing expenses are provided by the County General Fund, and are determined by the County Board of Supervisors. Based on the Sheriff Department’s response to the proposed project, several safety measures are recommended, including the “Crime Prevention Through Environmental Design” and “Lighting and Lighting Systems” guidelines (San Luis Obispo County Sheriff’s Department). Implementation of these measures have proven to prevent and reduce crime (Martin J. Basti, Commander, South Station; January 18, 2006).

The Nipomo Community Park is intended to serve the residents of Nipomo and immediate fringe areas with a variety of recreational opportunities including both active and passive recreation. Implementation of the proposed project would result in a beneficial impact by helping to meet the projected demand for recreational public services in the area. Subsequently, as additional facilities are constructed, the public’s use of the park may increase, which may have a significant impact on public services, including police and fire protection, road use, and solid waste disposal.

Mitigation/Conclusion. The need for any additional service facilities shall be evaluated in the project EIR. The project’s ability to maintain acceptable service ratios, response times or other performance objectives for any public service shall be evaluated and mitigation measures identified. Mitigation measures recommended by the Sheriff’s Department may include site design measures and the need for adequate exterior lighting. Mitigation measures recommended by CAL FIRE may include provision of fire hydrants, adequate water flows, and the use of fire retardant roof materials. Implementation of solid waste redirection programs both during project construction and long-term operation of the project shall also be required.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The intent of the proposed project is to increase recreational opportunities in the community of Nipomo. Project components would provide a greater diversity of activities including field sports, court sports, multi-use trails, skating, swimming, and a dog park for a greater number of individuals. No significant impacts to recreational resources would occur as a result of the proposed project.

Mitigation/Conclusion. Due to the nature of the proposed project, analysis of recreational resources shall be incorporated into the Land Use section of the EIR.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Vehicle access to the park is currently stop sign-controlled at two existing egresses. The main entry way is located on Pomeroy Road, offset and east of Juniper Street. The second entrance is located on Tefft Street, offset and south of Orchard Avenue. Pedestrians access the park via “pedestrian only” trails located in the southwest corner, northwest corner, and the terminus of La Serena Way along the southern park boundary. A traffic and pedestrian circulation analysis was prepared in 2004 using data from the County Department of Public Works, San Luis Obispo Council of Governments (SLOCOG) 2001, South County Traffic Model 2002, South County Traffic Model Update 2006, South County General Plan Update, Woodlands Specific Plan EIR 1998, and traffic counts obtained by Morro Group, Inc. on April 20, 2004 (Morro Group, Inc.; June 14, 2004).

Tefft Street

Tefft Street is a primary arterial roadway within the Nipomo area. Regionally, Tefft Street extends from Dana Foothill Road at the northeast to Las Flores Drive at the southwest. The roadway varies in width from two to four lanes with a center turn lane. The section of Tefft Street that serves the park area extends from U.S. Highway 101 to just south of Orchard Avenue is four lanes wide, with a left-turn median and bike lanes. The posted speed limit along this roadway section ranges between 35 and 45 miles per hour. The four-lane section also serves small businesses and residential uses. A two-lane section with a center left-turn median and bike lanes exists from just south of Orchard Avenue to south of Verbena Street. The posted speed limit along the two-lane section of Tefft Street is 45 miles per hour. The two-lane section serves adjacent residential uses. The intersections of Tefft Street with Pomeroy Road, Orchard Avenue, Mary Avenue, and U.S. 101 ramps are controlled by 3-stage traffic signals. The remaining Tefft Street intersections are controlled by side-street stop signs.

Pomeroy Road

Pomeroy Road is a two-lane arterial, undivided roadway with bike lanes from Tefft Street to Willow Road. The posted speed limit on Pomeroy Road from Tefft Street to Hetrick Avenue is 45 miles per hour, and 55 miles per hour from Hetrick Avenue to Willow Road. The roadway width is approximately 40 feet along the entire section from Tefft Street to Willow Road. The intersections along Pomeroy Road are controlled by stop signs on the side street approaches, with the exception of Tefft Street, which is signalized.

Local Roads

There are a number of collector and local streets that provide access to the park area. These include: Camino Caballo, Mesa Road, Osage Road, and Tejas Place. The widths of these roadways range from 20-30 feet. Many of these roadways are not fully improved and do not have any control at cross streets.

Level of Service. The threshold for Level of Service (LOS) in urban areas, such as the project area, is LOS D, which indicates stable flow, restricted speed and maneuverability, and some operational problems caused by small increases in traffic volume. Use of park is primarily limited to mid-day, afternoon, and evening hours, and weekends. Based on 2004 traffic counts, the overall LOS for the road network surrounding the park ranges from LOS A to LOS C, as shown in the table below. The P.M. peak hour operations range from LOS A to LOS D. Based on the South County Traffic Model Update 2006, the LOS for the roadways noted below did not degrade since the 2004 traffic counts.

Based on the traffic analysis, Tefft Street intersections at Orchard Avenue and Pomeroy Road are currently operating at LOS C during the P.M. peak hour. The Pomeroy and Juniper intersection and the Mesa Road and Tefft Street intersections are operating at LOS B, and the Osage Street intersections at Camino Caballo and Mesa Road are operating at LOS A during the P.M. peak hour. These roads and intersections are currently operating at acceptable LOS.

TABLE 1
2004 Study-Area Overall Roadway LOS

Roadway	Roadway Classification	ADT Capacity	Existing ADT	Volume/ Capacity	Existing LOS
Mesa Road	2-lane Collector	10,600	1,800	0.17	A
Orchard Avenue	2-lane Arterial	10,600	3,290	0.31	B
Pomeroy Road	2-lane Arterial	18,000	7,260	0.40	C
Tefft Street	4-lane Arterial	35,900	15,700	0.44	C
	2-lane Arterial	18,000	5,900	0.33	B
Osage Road	2-lane Collector	10,600	930	0.09	A

Traffic Data Obtained by Morro Group, Inc. (April, 2004)

TABLE 2
2004 P.M. Peak-Hour Roadway LOS

Roadway	Count Location	P.M. Peak Hour 2-Way Volumes	P.M. Peak Hour LOS
Mesa Road	West of Tefft Street	160	B
Orchard Avenue	Southeast of Tefft Street	329	C
Pomeroy Road	West of Tefft Street	726	D
Tefft Street	North of Mesa Road	485	C
	North of Orchard Avenue	694	D
	Southwest of Mary Avenue	1570	C
Osage Road	North of Mesa Road	93	A

Traffic Data Obtained by Morro Group, Inc. (April, 2004)

Traffic Hazards. There are two existing vehicular egresses to access park facilities. The first is located off of Tefft Street, just south of the signalized Tefft and Orchard intersection. The park egress at this location is situated between the County Library and Dana Elementary School. This access point has poor sight distance to the south, and a relatively short distance from the park exit to the intersection to the north, which affects left-turn movements from the park onto Tefft Street. Long queues tend to develop on Tefft Street at this location during peak-hours, blocking left-turn movements from the park because of backed-up traffic at the light. This is a highly trafficked and congested area during peak hours due to the mixture of drop-off and pick-up of students at Dana Elementary School, patrons of the library, pass-by traffic, and park users.

The main access point to park facilities is located off of Pomeroy Road. This entrance has very limited sight distance because of a small hill that descends to the west that is coupled with a banked curve. High traffic volumes on Pomeroy Road, and a 45 mph speed limit, create safety issues for left and right turn movements into and out of the park from Pomeroy Road due to the limited sight distance to the west and the fast rate of vehicle travel.

The Pomeroy Road and Juniper Street intersection is located approximately 100-150 feet to the northwest of the existing park egress. This intersection is currently stop sign controlled at the Juniper Street approach leg (Pomeroy Road currently has no stop control at this location). Turning

movements from Juniper Street can be dangerous during peak hour travel periods because of the high rate of travel and limited sight distance on Pomeroy Road. Several accidents have occurred at this intersection in the past few years. Turning movements from the park onto Pomeroy Road could also be dangerous during peak hour periods because of the high rate of travel and limited sight distance to the west.

The area between Juniper Street and Camino Caballo is a dense residential neighborhood with a significant amount of pedestrian traffic. A large number of schoolchildren cross Pomeroy Road in this area to access the park on their way to and from Dana Elementary School. This area has issues with the safe movement of pedestrians across Pomeroy Road during peak hour periods because of the lack of designated crossing facilities.

Emergency Access. The park is surrounded on three sides by public roads, and internal access is provided via Tefft Street and Camino Caballo.

Parking and Internal Circulation. The park currently provides 325 parking spaces within several parking lots located within the southeastern portion of the park. Internal vehicle circulation is limited to the existing ballpark area. Existing trails within the park are multi-use, and support bicycles.

Air Traffic. The park is not located within two miles of a public or private airport or airstrip.

Impact. The park egress on Tefft Street has poor sight distance to the south, and a relatively short distance from the park exit to the intersection to the north, which affects left-turn movements from the park onto Tefft Street. Long queues tend to develop on Tefft Street at this location during peak-hours, blocking left-turn movements from the park because of backed-up traffic at the light. This is a highly trafficked and congested area during peak hours due to the mixture of drop-off and pick-up of students at Dana Elementary School, patrons of the library, pass-by traffic, and park users. The main access point to park facilities is located off of Pomeroy Road. This entrance has very limited sight distance because of a small hill that descends to the west that is coupled with a banked curve. High traffic volumes on Pomeroy Road, and a 45 mph speed limit, create safety issues for left and right turn movements into and out of the park from Pomeroy Road due to the limited sight distance to the west and the fast rate of vehicle travel. The Pomeroy Road and Juniper Street intersection is located approximately 100-150 feet to the northwest of the existing park egress. This intersection is currently stop sign controlled at the Juniper Street approach leg (Pomeroy Road currently has no stop control at this location). Turning movements from Juniper Street can be dangerous during peak hour travel periods because of the high rate of travel and limited sight distance on Pomeroy Road. Several accidents have occurred at this intersection in the past few years. Turning movements from the park onto Pomeroy Road could also be dangerous during peak hour periods because of the high rate of travel and limited sight distance to the west. The area between Juniper Street and Camino Caballo is a dense residential neighborhood with a significant amount of pedestrian traffic. A large number of schoolchildren cross Pomeroy Road in this area to access the park on their way to and from Dana Elementary School. This area has issues with the safe movement of pedestrians across Pomeroy Road during peak hour periods because of the lack of designated crossing facilities.

During preliminary scoping, the proposed project was referred to the County Public Works Department for review. The Public Works Department is currently consulting with the California Department of Transportation (Caltrans) regarding future improvements to the Highway 101 and Tefft Street interchange. Based on the South County Traffic Study Update 2006, the Level of Service at the Highway 101 and Tefft Street interchange is LOS E (southbound ramps/south frontage street/Tefft Street, p.m. peak hour). The Public Works Department reviewed the proposed development (including proposed road and intersection improvements), and determined that no project-specific traffic impacts would occur; however, standard offsite road improvements on Osage Road are

required to bring Osage Road into compliance with County road standards (Mike Goodwin; March 21, 2005).

The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department and the South County Traffic Study Update 2006, the Level of Service at the interchange would decrease to LOS F under the cumulative, 2025, build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange, and the Nipomo area road network. Collection of development fees and implementation of projects listed in the South County Circulation Study is required to mitigate cumulative impacts.

The proposed Master Plan proposes the construction of an additional looped road to serve internalized circulation; however, internal congestion could occur during operation of the sporting fields. Approximately 371 to 422 additional parking spaces, including seven new equestrian pull-through spaces, are proposed to accommodate uses included in the Master Plan.

Mitigation/Conclusion. Transportation and circulation impacts resulting from the proposed project shall be evaluated as part of the EIR. Based on the time that has passed since the 2004 study occurred, and subsequent updates to the South County Traffic Study, an updated traffic analysis shall be implemented. The updated analysis shall be conducted consistent with county modeling efforts for the area, and the County Department of Public Works, Caltrans, and San Luis Obispo Council of Governments shall be consulted. This analysis shall include, but not be limited to, existing conditions, proposed project only conditions, cumulative conditions, and cumulative conditions plus proposed project conditions. Based on consultation with County Public Works staff, the evaluation shall focus on an analysis of operations along Tefft Street and Pomeroy Road. At the request of County staff, the traffic analysis will also include a qualitative evaluation of potential impacts at the US101/Tefft Street interchange. The analysis will include documenting existing traffic conditions, deriving the master plan trip generation estimates, an evaluation of potential project specific impacts, and a review of access. The analysis will also include a qualitative evaluation of peak demands associated with the use of multiple park facilities (i.e., concerts at amphitheater, sporting tournaments, etc). The analysis contained within the EIR shall identify mitigation measures necessary to reduce traffic and circulation impacts to the greatest extent feasible.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Wastewater disposal for the park is currently treated by individual septic systems for the four existing restroom facilities. The park is located within the Nipomo urban area, and surrounding uses are served by the Nipomo Community Services District (NCSD).

Impact. The proposed Master Plan includes two additional restroom facilities to serve park visitors. On-site effluent disposal and treatment could be accomplished by two methods: septic tanks and leachfield systems, or fiberglass holding tanks that are regularly pumped and maintained. Potential constraints to on-site wastewater disposal include slope, depth to bedrock, depth to groundwater, and percolation rates. There appears to be multiple, level to relatively level, areas within the park that would be suitable for leachfield siting. Prior to development of the Mesa Meadows residential area, percolation tests were performed by Earth Systems Consultants to assess the Mesa Meadows area for suitability of on-site effluent disposal via septic system, and to determine the ability for onsite stormwater retention via percolation. Observed percolation rates ranged from a low of <1 min/inch up to 8 min/inch. Because of the large separation from the ground surface to groundwater depth, soil conditions were judged to be adequate for on-site septic systems. The Master Plan does not propose to construct restrooms in the Mesa Meadows area; however the existing soils and percolation data can be generally be applied to the park area. Because Mesa Meadows is located immediately adjacent to the park, contains the same soil profile mapped by the NRCC (Oceano sand), and standard septic systems were constructed for that development, the park would be able implement standard septic systems as well.

Based on consultation with Environmental Health (Leslie Terry; December 17, 2008), the California Regional Water Quality Control Board Central Coast Region (RWQCB) is proposing to amend the *Water Quality Control Plan, Central Coast Basin* (Basin Plan) regarding the on-site wastewater system implementation program. The RWQCB has entered into a multi-agency memorandum of understanding (MOU) governing regulation of on-site systems, and local permitting agencies (i.e., County) implemented criteria for on-site systems through their own permits.

Implementation of on-site wastewater disposal would be subject to updated regulations regarding wastewater disposal and water quality. In addition, based on the location of the park within an urban reserve line, the County may be required to connect to existing sewer lines operated and maintained by the NCSD. Based on consultation with the NCSD (Bruce Buel; December 17, 2008), the NCSD notes that a connection is possible, based on further review of additional information.

Mitigation/Conclusion. Preparation of the EIR shall include consultation with RWQCB to clarify how proposed Basin Plan amendments affect the proposed project. Data collection shall include consultation with County Environmental Health and County Building Division regarding the existing wastewater disposal systems, and obtain information regarding use, capacity, maintenance issues, and the feasibility for expansion areas. Further consultation with NCSD shall be conducted regarding the potential for connection to the sewer system. Primary and secondary impacts, and subsequent mitigation measures, related to wastewater treatment and disposal shall be identified in the EIR based on consultation with the RWQCB, County staff, and NCSD.

14. WATER - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Surface Water. The area proposed for development is outside the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, the soil is considered well drained. Nipomo Creek is located approximately one mile to the east; however, there is no evidence of off-site stormwater discharge. In addition to rainfall on the project site, stormwater discharged from adjacent residential developments flows onto the park site. Due to the rolling topography of the park area, presence of closed depressions, and lack of drainage inlets, stormwater accumulates in several areas of the park, causing localized flooding during rain events. Existing drainage improvements throughout the park include small drainage channels, concrete swales, culverts, and unlined infiltration basins.

Water Supply. The project will be using water provided by the NCSD, extracted from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, and Santa Maria). Approximately 30 percent of the basin's area lies north of the Santa Maria River in San Luis Obispo County. In 1994, the DWR began an update of the 1979 study of the Arroyo Grande Valley – Nipomo Mesa Area groundwater sub area and the northern portion of the Santa Maria River Valley groundwater sub area. The study, "Water Resources of the Arroyo Grande -Nipomo Mesa Area", was completed and published in 2003. The study contains the following findings and conclusions:

- Observations of groundwater elevations in 1975, 1985 and 1995 revealed the development and subsequent expansion of a depression in groundwater elevations generally south of Willow Road and east of Highway 1 - the south central portion of the Nipomo Mesa.
- Nipomo Community Services District and Southern California Water Company have many of their wells in or near the depression. The extractions of these two agencies have increased from about 940 afy in 1979 to 2,790 afy in 1995 and 3,620 in 2000.
- There have also been increases in demand for water to serve rural residences and agricultural uses.
- Since the depression enlarges, the reduced water in storage could result in increased inflow from Santa Maria Valley and decreased outflow to the ocean from the mesa and the valley. If the pumping depression on the mesa pulls in water from the Santa Maria Valley, the possibility exists for the poorer quality groundwater of the valley, containing high concentrations of

dissolved solids, to locally reduce the quality of the mesa's groundwater. Also, in the future, if subsurface outflows to the ocean cease, and the seaward hydraulic gradient is reversed, this condition could lead to seawater intrusion of the groundwater resources. Currently, there is no evidence of seawater intrusion.

A major source of recharge for the Nipomo Mesa is deep percolation of precipitation. This makes the groundwater basin vulnerable to protracted periods of below-average rainfall.

Political/Legal History. In 1998, a complaint was filed by agricultural pumpers in Santa Barbara County against the basin's water purveyors, including the City of Santa Maria, the NCSD and Cal Cities Water Co. Because of inconsistencies in the DWR study, the County commissioned an additional study by S.S. Papadopoulos & Associates (SSPA) to provide clarification of water issues on the Mesa. SSPA concluded that the data presented in the DWR study correctly identified overdraft conditions in the Nipomo Mesa area of the groundwater basin.

Concurrently, the judge in the groundwater litigation issued a finding that the basin as a whole was not being overdrafted and that there was insufficient evidence to support the existence of sub-basins. The County's Water Resources Advisory Committee (WRAC) reviewed the SSPA study and the judge's decision and concluded that overdraft in the Nipomo Mesa area either exists currently or is imminent. In November 2004 the Board of Supervisors certified Level of Severity II and approved several actions intended to strengthen water conservation efforts in the Nipomo Mesa area.

Litigation of the basin has resulted in a settlement in which the stipulating parties have agreed to a "physical solution establishing a legal and practical means for ensuring the Basin's long-term sustainability". The physical solution establishes three management areas, creates a management entity for each area and directs each management entity to monitor groundwater conditions and prepare plans for dealing with water shortages. The agenda for the Nipomo Mesa Management Area (NMMA) also includes importation of at least 2,500 acre feet per year of supplemental water by the NCSD from the City of Santa Maria and an agreement of the major water purveyors in the area to purchase some of that water. New urban uses proposed by stipulating parties within the service area of a major water purveyor or within the Sphere of Influence of the NCSD must obtain water service from the local supplier. New urban uses proposed by stipulating parties outside these areas and within one-quarter mile of a service area or NCSD Sphere of Influence must conduct good faith negotiations with the local supplier before forming a mutual water company to provide water service.

In May, 2006, as a part of the annual Growth Management Ordinance update, the County Board of Supervisors adopted the following relating to the Nipomo area:

- Reaffirm limiting new residential development in the Nipomo Mesa Area to an annual 1.8% growth rate;
- Change the Level of Severity for Water Supply from II to III; however, the Board further determined that a building moratorium would not be necessary based on implementing the following measures, as well as environmental determinations for development proposals on the Nipomo Mesa would continue to be made on a case-by-case basis, where an EIR would not necessarily be required if water supply is identified as the only significant issue. The following water conservation measures were required of all new development (and added as County LUO planning area standards) as of August, 2006:
 - Require all sink faucets in bathrooms and kitchens in new residences be equipped with automatic shut off devices. This also applies when a bathroom is added, or when the floor area is increased by twenty per cent (20%). Automatic shut off faucets operate by means of a hands-free electric sensor.
 - Require drip-line irrigation for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil

moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.

- The maximum amount of turf (lawn) area may not exceed twenty percent of the site's total irrigated landscape area, and, in all cases the site's total irrigated landscape area shall be limited to 1,500 square feet.

The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for the Nipomo Mesa area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water.

Also, in an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations may be recommended.

In August, 2006, The Board also approved new requirements for all land divisions accepted for processing after June 23, 2006 and General Plan Amendments submitted after June 23, 2006 in the Nipomo and the Nipomo Mesa areas. Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the land division, the project will be subject to contributing towards acquiring supplemental water.

On June 26, 2007, the Board of Supervisors, as a part of the County's Resource Management System annual update, reaffirmed and certified a level of Severity III for water supply in the Nipomo area, and directed the preparation of additional water conservation ordinance(s). The new ordinance(s) will require the establishment of retrofit program(s) and/or other new water conservation program(s) where new development will be required to participate to offset/reduce new impacts to water consumption from the Nipomo Mesa groundwater basin.

The NCSD currently provides water supply to the park through a contractual Water Service Agreement (WSA) executed between the NCSD and the County of San Luis Obispo (recorded May 29, 1984). The WSA states that the NCSD will provide water to the park for the purposes of irrigation, sanitation, and miscellaneous uses. The maximum annual rate agreed upon in the WSA was set at 43 acre-feet per year, and the County was not permitted to exceed the rates or quantities agreed upon in the WSA unless it is demonstrated to the mutual satisfaction of both the County and NCSD that said expansion or changes can occur without detriment to the water resources and delivery system of the NCSD. The park is currently one of the NCSD's largest single water users, with annual demand approaching 50-acre feet per year (Michael LeBrun, NCSD; March 28, 2005). As noted in the Initial Study, the NCSD approved a 38 percent increase in water usage (additional 16.34 afy) for a total water allotment of 59.34 afy.

In 2004, the NCSD constructed a waterline through the park adjacent to Dana Elementary School, within a five-foot wide easement executed between the County and the NCSD. The width of this utility easement is approximately 20 feet from the southern edge of the property. Water is delivered to the park via a three-inch water main that is located within the right-of-way on Pomeroy Road.

Impact.

Surface Water. Implementation of the proposed Master Plan would not directly affect any sources of surface water. Future grading activities would disturb soil, and potentially result in off-site sedimentation and/or clogging within existing and proposed retention basins. Standard erosion and sedimentation control measures would be required, as discussed in Section 6 (Geology and Soils). In

addition, the Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollution Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP that focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs. Pursuant to Clean Water Act regulations, the Parks Division is required to prepare and implement a SWPPP during construction to minimize off-site sedimentation and erosion impacts.

Water Supply. Implementation of the Master Plan would result in an increase of irrigated areas and facilities, and would require additional water supplied from the NCSD. The proposed Master Plan would be constructed in phases, and supplemental water would need to be secured prior to construction of the new sports fields and open turf areas. Based on consultation with the NCSD (Bruce Buell; December 17, 2008), no project can be given more than 20 percent of the annual water allocation per year. The NCSD proposes to purchase water from the City of Santa Maria, via a Waterline Inter-tie Project; however, the NCSD cannot guarantee water availability for the park. The NCSD may consider eliminating the existing MOU with the County and develop a new service agreement. Regarding existing water use, the NCSD conducted a water audit of the Nipomo Community Park in September 2007. Based on the results of the audit, the County could apply water conservation measures to existing irrigation systems, which would result in a savings of \$26,445 annually. The NCSD requests that the County implement recommended water conservation measures within existing facility areas and incorporate the use of recycled water to minimize the anticipated demand for new uses.

Mitigation/Conclusion. The EIR analysis shall include a review of existing documents and consultation with County and RWQCB staff regarding water quality. The EIR shall identify a baseline for existing water use, and assess future demand for water uses at the park, based on consultation with County Parks staff and the NCSD. Consultation with these agencies will also be necessary to identify appropriate water conservation measures and best available technology to reduce current and future water demands. In addition to technology, the EIR shall investigate the feasibility of the County's inclusion in the NCSD's water reclamation project, which would include connection to existing wastewater treatment facilities as a non-potable water source. Mitigation options shall focus on improving water conservation within existing areas, developing a "toolbox" of measures for use with future development.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Be potentially inconsistent with any habitat or community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The park is located within the Nipomo urban area, and is generally surrounded by residential development. The park is within the Recreation land use category. The proposed project is not located within a Habitat Conservation Plan Area.

Impact. During preliminary scoping, the project was found to be generally consistent with applicable plans and policies including the County General Plan and Clean Air Plan. The proposed Master Plan is potentially inconsistent with Section 22.30.340 of the Land Use Ordinance, which states that amusement parks (including skate parks) shall not be located closer than 1,000 feet to a residential land use category. The proposed skate park element to the proposed project would be located approximately 120 feet from residential property boundaries to the east, and therefore does not comply with the ordinance requirement. We understand that County agencies are not required to comply with ordinance standards; however, we recommend disclosure of any potential ordinance and land use inconsistencies in the EIR. In addition, during the preliminary scoping, neighbors have raised concerns regarding the compatibility of this project with the existing park setting and surrounding neighborhood.

Mitigation/Conclusion. The Land Use section of the EIR shall include an analysis of existing and proposed uses, and identify potential inconsistencies or incompatibilities on both a site specific and area-wide level. Information from other applicable PEIR sections such as Transportation, Noise, and Aesthetics shall be used during preparation of this section.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of</i>				

probable future projects)

☐☒☐☐

- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

☐☒☐☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File
<input checked="" type="checkbox"/>	County Environmental Health Division	In File
<input checked="" type="checkbox"/>	Air Pollution Control District	In File
<input checked="" type="checkbox"/>	CA Department of Forestry	In File
<input checked="" type="checkbox"/>	San Luis Obispo County Sheriff	In File
<input checked="" type="checkbox"/>	Nipomo Community Services District	In File
<input checked="" type="checkbox"/>	South County Advisory Council	In File
<input checked="" type="checkbox"/>	Nipomo Parks Conservancy	In File
<input checked="" type="checkbox"/>	Native American Heritage Commission	No Response
<input checked="" type="checkbox"/>	San Luis Obispo County Chumash Council	No Response

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application
County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☒ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
 - ☒ Agriculture & Open Space Element
 - ☒ Energy Element
 - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
 - ☒ Housing Element
 - ☒ Noise Element
 - ☒ Parks & Recreation Element
 - ☒ Safety Element
- ☒ Land Use Ordinance
- ☒ Real Property Division Ordinance
- ☒ Trails Plan

- ☒ South County Area Plan and Update EIR
- ☒ South County Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Earth Systems Pacific. April 26, 1994. *Soils Engineering Report Proposed Tract 1924.*

Firma. November 2004. *Nipomo Community Park Master Plan.*

Morro Group, Inc. June 14, 2004. *Nipomo Regional Park Constraints Analysis.*

Parker, John. June 21, 2002. *Cultural Resource Investigation of the Nipomo Community Park.*

Notice of Preparation Comment Letters



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

November 19, 2009

To: Reviewing Agencies

Re: Nipomo Community Park Master Plan Program EIR
SCH# 2009111067

Attached for your review and comment is the Notice of Preparation (NOP) for the Nipomo Community Park Master Plan Program EIR draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Steve McMasters
San Luis Obispo County
County Government Center
976 Osos Street, Rm 200
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

fm: Scott Morgan
Acting Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009111067
Project Title Nipomo Community Park Master Plan Program EIR
Lead Agency San Luis Obispo County

Type NOP Notice of Preparation

Description The NCPMP proposes approximately 15.96 acres of new recreational uses, 3.96 acres of new open play area (turf), and 7.57 acres of new infrastructure. Approximately 27.5 acres of existing undeveloped area and dirt trails would be converted to accommodate these new uses. The proposed project includes the expansion of the following existing uses: 4,000-square foot expansion of the library near Tefft Street; an additional 8,276 square feet of playground, including a play structure and open play area near Osage Street and Camino Caballo; 19,000-square foot expansion of the off-leash dog park; an additional 14,400 square feet of tennis courts; and additional three acres of paved and unpaved trails/walkways; restoration of spur trails; an additional four acres of open play area (turf). In addition, the NCPMP includes an additional 10 acres of multi-use sports fields.

Lead Agency Contact

Name	Steve McMasters		
Agency	San Luis Obispo County		
Phone	805-781-5096	Fax	
email			
Address	County Government Center 976 Osos Street, Rm 200		
City	San Luis Obispo	State CA	Zip 93408-2040

Project Location

County	San Luis Obispo		
City	Nipomo		
Region			
Cross Streets	Pomeroy Road and Tefft Street, Osage Street and Tejas Street		
Lat / Long			
Parcel No.	091-313-049, 091-313-050, -092-121-085 and 092-121-086		
Township	Range	Section	Base

Proximity to:

Highways Hwy 101
Airports
Railways
Waterways
Schools
Land Use

Project Issues Aesthetic/Visual; Biological Resources; Toxic/Hazardous; Noise; Public Services; Landuse; Traffic/Circulation; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Department of Conservation; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 4; Office of Emergency Services; Native American Heritage Commission; California Highway Patrol; Caltrans, District 5; Air Resources Board, Transportation Projects; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 3

Date Received 11/19/2009 **Start of Review** 11/19/2009 **End of Review** 12/21/2009

RECEIVED

NOV 25 2009

GLO CO PLAN & BLDG



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: November 20, 2009

To: Ms. Ellen Carroll, Environmental Coordinator
San Luis Obispo County Planning & Building Department

From: Glenn Marshall, Development Services Engineer *GM*

Subject: Notice of Preparation – Nipomo Community Park Master Plan, San Luis Obispo County

Thank you for the opportunity to provide information on the Notice of Preparation of an Environmental Impact Report for the subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

1. Contact person: Glenn Marshall, County Government Center Room 207, San Luis Obispo CA 93408. (805) 781-1596, gdmarrshall@co.slo.ca.us.
2. County Public Works will review required public improvements including streets and utilities, as well as drainage and flood hazard, under the provisions of the Real Property Division Ordinance and the Land Use Ordinance.
3. For our use, the report must address project anticipated impacts to traffic and circulation, drainage and flood hazard. The Initial Study Summary-Environmental Checklist appears to adequately cover these topics.
4. A list of "Standard Conditions" is available from our office and available upon request. Minimum conditions would include road improvements, circulation improvements, drainage improvements, utility improvements, and maintenance requirements of the new improvements.
5. We do not have any alternative projects to suggest for evaluation.
6. Reasonably foreseeable Department projects, programs or plans in the area of this proposed development may include:
 - a. Ongoing scheduled maintenance operations within the public right of way.
 - b. US 101 and Tefft Street interchange Project Study Report (PSR).
 - c. Realignment and extension of Willow Road.
7. The following information may be relevant for consideration in the EIR:
 - a. San Luis Obispo County Public Improvement Standards.
 - b. County Traffic Impact Study Policies (revised 3/26/07)
 - c. County of San Luis Obispo July 2008 Pavement Report.
 - d. County of San Luis Obispo National Pollutant Discharge Elimination System Phase II, Stormwater Management Program (County Code Section 8.68)
 - e. County Code (Title 22) Sections 22.52-Grading & Drainage, and 22.14.060-Flood Hazard Area

8. Public Works has no further comments on the Notice of Preparation.

Please provide us notification that the Draft EIR is available for review via the web and the related web address where the document may be viewed. If you have any questions or comments I can be contacted by phone at 805/781-1596, by email at (gdmmarshall@co.slo.ca.us), or at the above address.

Cc: Frank Honeycutt, Transportation and Roads Division Manager

V:_DEVSEV Referrals_Referral Responses\EIRs\Nipomo Community Park\NOP response 20091120.doc

MEMORANDUM

San Luis Obispo County Department of Public Works • Utilities Division
County Government Center, Room 207 • San Luis Obispo, California 93408
ph: (805) 781-5252 • fax: (805) 781-1229

Date: November 25, 2009
To: Glenn Marshall, Development Services Engineer
Cc: Jill Ogren, Hydraulic Planning Engineer
From: Nola Engelskirger, Hydraulic Planning Staff Engineer
**SUBJECT: Nipomo Community Park Master Plan EIR
Drainage Comments**

Glenn:

We have some general comments relevant to drainage and in accordance with the Nipomo Drainage and Flood Control Study prepared by RMC (April 2004).

The proposed community park is located at the corner of Pomeroy and Tefft Street. According to the 2004 Flood Study, there are no reported drainage issues in that specific area of the Nipomo Mesa.

The Mesa's typical problem includes water ponding at road intersections, road shoulders and on private property. Due to the undulating topography of the area, the Mesa was not planned with a centralized gravity driven storm water management system. Therefore, runoff must be directed to retention basins shared by a number of properties in larger land developments, or to small retention basins on each property.

In order to mitigate the typical drainage problems we are recommending that:

1. Development plans include analysis of existing drainage routes with grading plan submittals. Plans should identify where drainage routes currently exist and identify changes proposed in drainage due to site development.
2. Drainage improvements should be planned with proposed development. Regardless of whether drainage problems exist prior to development, mitigation should be planned as not to increase the severity or frequency of problems. Such mitigation could include on-site retention/detention of run-off, thereby preventing the increase of runoff onto lower lying properties.
3. To control erosion, runoff from impervious surfaces should be collected and retained on-site, or released to the public right of way through a drainage system approved by the County Public Works Department. In general, the new development should achieve the following:
 - a. Increase vegetative ground cover, to the maximum extent possible, as a means of reducing stormwater runoff.
 - b. Install on-site natural drainage channels or detention basins to retain runoff from impervious surfaces prior to reaching the public right of way.
4. Divert runoff from impervious surfaces to landscaped areas, swales, or infiltration basins where water can percolate into the ground. This can greatly reduce runoff to streets.

Of course, all Public Works Standards and typical drainage conditions for new development should also be incorporated and adhered to by the project developers.

We understand that many of these comments may not be appropriate for preparation of the EIR and would be more appropriate at the time of future development, but wanted to provide them in advance to assist with any preliminary planning efforts.

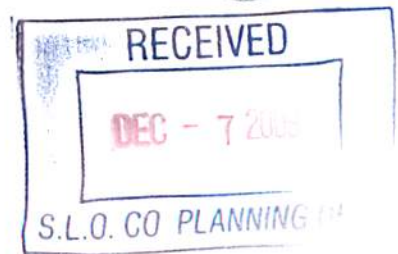
Please contact me at 788-2100 if you have any questions.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



November 30, 2009



Steve McMasters
San Luis Obispo County
County Government Center
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

RE: SCH#200911167 Nipomo Community Park Master Plan Program EIR: San Luis Obispo County.

Dear Mr. McMasters: :

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact
San Luis Obispo County
November 30, 2009

Beverly Salazar Folkles
1931 Shadybrook Drive
Thousand Oaks, CA 91362
805 492-7255
(805) 558-1154 - cell
folkles9@msn.com

Chumash
Tataviam
Fernandeño

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
cheifmvgil@fix.net
(805) 481-2461
(805) 474-4729 - Fax

Chumash

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez, CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax

Chumash

Diane Napoleone and Associates
Diane Napoleone
1433 Camino Trillado
Carpinteria, CA 93013
805-684-4213

Chumash

Julie Lynn Tumamait
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Chumash

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365
Santa Ynez, CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Chumash

Lei Lynn Odom
1339 24th Street
Oceano, CA 93445
(805) 489-5390

Chumash

Randy Guzman - Folkles
655 Los Angeles Avenue, Unit E
Moorpark, CA 93021
ndnRandy@gmail.com
(805) 905-1675 - cell

Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009111067 Nipomo Community Park Master Plan Program EIR: San Luis Obispo County.

Native American Contact
San Luis Obispo County
November 30, 2009

Coastal Band of the Chumash Nation
Janet Garcia, Chairperson
P.O. Box 4464 Chumash
Santa Barbara CA 93140
805-964-3447

Salinan-Chumash Nation
Xielolixii
3901 Q Street, Suite 31B Salinan
Bakersfield , CA 93301 Chumash
xielolixii@yahoo.com

408-966-8807 - cell

Mona Olivas Tucker
660 Camino Del Rey Chumash
Arroyo Grande CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell

Northern Chumash Tribal Council
Fred Collins, Spokesperson
67 South Street Chumash
San Luis Obispo CA 93401
(805) 801-0347 (Cell)

Matthew Darian Goldman
495 Mentone Chumash
Grover Beach CA 93433
805-748-6913

Frank Arredondo
PO Box 161 Chumash
Santa Barbara Ca 93102
805-617-6884
kzen_sku_mu@yahoo.com

Santa Ynez Band of Mission Indians
Sam Cohen, Tribal Administrator
P.O. Box 517 Chumash
Santa Ynez , CA 93460
(805) 688-7997
(805) 686-9578 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009111067 Nipomo Community Park Master Plan Program EIR: San Luis Obispo County.



Patrick Hedges
Sheriff-Coroner
1585 Kansas Avenue
San Luis Obispo, CA 93405

December 3, 2009

TO: County of San Luis Obispo
Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93408
Attn: Ellen Carroll

FROM: Chief Deputy Rob Reid
San Luis Obispo County Sheriff's Department
1585 Kansas Avenue
San Luis Obispo, California 93406
rreid@co.slo.ca.us 805-781-4542

RE: Planning Referral Response / Public Service Utilities – Sheriff Protection
Project Name: Nipomo Community Park Master Plan Program -EIR

PATROL AREA: South /
COMMUNITY: Nipomo

Law enforcement needs for the unincorporated area of San Luis Obispo County are served by the Sheriff's Department. San Luis Obispo County encompasses 3615 Sq. miles of which sixty-six miles are incorporated (City) and served by police departments.

The South Patrol Station is located at 1681 Front Street, Oceano. The South Station serves the communities of Oceano, Nipomo, Huasna, rural Arroyo Grande, New Cuyama, and Lopez Lake. South Station deputies work in a demanding environment and handle a high volume of calls.

The California Highway Patrol (CHP) is primarily responsible for traffic-related calls along highways and streets in the unincorporated areas of the County. Unlike the Sheriff's Department, they will not investigate, take action, or respond to crimes in progress in residential, commercial, or industrial areas. They may respond upon request as back-up to the Sheriff's Department response, if available; however, the CHP does not normally provide police protection services. Their primary role is traffic enforcement.

Emergency response times for the South Station are dependent on where the patrol vehicles are in relation to a call, as well as the nature of the call. Estimated average response time to the project area is five to thirty minutes. Currently, the Sheriff's Department is understaffed, and with the cumulative impact of approved development, response times most likely will



increase. As there is already a need to expand police services in South County, the further development of this park area, and the addition of a community center, has the potential for a significant impact on Sheriff's Department patrol and related resources.

In an attempt to - forecast future needs for additional personnel, vehicles, equipment, and buildings, i.e., jail facilities, formulas are used to predict public safety needs:

Using a model by the Federal Bureau of Investigation (FBI), ** the need for new law enforcement can be projected. This model is based on the number of deputies to population per 1,000. The ratio of deputy to population has not kept pace with population growth for many years. Our current ratio is one deputy to 1140 citizens. This is not an acceptable ratio. A ratio of one deputy per 750 citizens would align our level of service with city police departments in the County.

As San Luis Obispo County grows, the Sheriff's Department must anticipate public safety needs. Funds required for operating and staffing expenses for the Sheriff's Department are derived from the General Fund, and are a budgetary matter to be determined by the Board of Supervisors on an annual basis. The Sheriff's Department, like other County services, i.e., fire and engineering, must petition funding for new personnel positions. Each project creates a law enforcement impact that should be addressed upon approval.

Any enterprise has the potential to generate the need for public safety response, and therefore impact Sheriff's Department resources. Because of the on-going budgetary issues, and the ratio of deputy to population, a beneficial approach to any new project, would be to incorporate the principles and practices of "Crime Prevention Through Environmental Design" (CPTED) while in the planning stages of the project.

The following suggestions incorporate CPTED practices:

- After hours access points to the park and community center should be protected with adequate security, however, admission is also necessary for emergency personnel, therefore, combinations to locks/lockboxes should be provided to Sheriff's Department Dispatch.
- Visible signage with hours of operation and any type of regulations should be strategically placed throughout the park, and properly maintained.
- Proper illumination is paramount inside structures, exterior doors, designated parking areas, entry and walkways. Not only is adequate lighting essential to deter property crime, but it is also vital for personal safety. Lights should be on timers, and a manual override is recommended in case of a greater need for light. Adequate exterior / interior lighting is a great deterrent to a would-be assailant, vandal or burglar. Because concern has been expressed regarding "spill-over" of park illumination, which might affect the ambient level of light in the nighttime sky, special care should be taken to have exterior lighting properly shielded.
- Key control for employees is essential, with accurate information indicating who has access to which areas of any structures or access points.

During the Construction of the Community Center:

- The construction site should be temporarily fenced off, with signage indicating that the area is off limits to the general public.
- All construction equipment should be secured at the site after hours, with a complete recorded inventory kept on file.
- Adequate lighting of the construction area should be implemented.

Regarding the Design of the Community Center:

- Special care should be taken to avoid creating “hiding places” in alcoves or entry areas.
- A clear view of the exterior of the structure from the interior, and vice versa, would create an opportunity for several sets of eyes to observe any suspicious activity in either area.
- Sufficient lighting should be installed on the exterior and interior of the structure.
- All exterior doors should meet all safety requirements, should be solid core, and have adequate locks.

At such time as development occurs on this project, the builders are encouraged to contact the Sheriff's Department Crime Prevention Unit at (805) 781-4483, for assistance and to learn additional strategies that will make them less likely to be a target of criminal activity.

**** FBI, Uniform Crime Reports (Law Enforcement Officers)**

Shawna Scott

From: smcmasters@co.slo.ca.us
Sent: Saturday, December 12, 2009 1:11 PM
To: Shawna Scott
Subject: Fw: NOP for Nipomo Community Park Master Plan Program EIR

-----Forwarded by Steve McMasters/Planning/COSLO on 12/12/2009 01:10PM -----

To: "smcmasters@co.slo.ca.us" <smcmasters@co.slo.ca.us>
From: "Hackett, Jeff" <JHackett@CIWMB.ca.gov>
Date: 12/10/2009 03:52PM
cc: 'Thea Tryon' <ttryon@waterboards.ca.gov>, "Friedlander, Randy" <RFriedlander@CIWMB.ca.gov>
Subject: NOP for Nipomo Community Park Master Plan Program EIR

Hi Steve,

Attached is California Integrated Waste Management Board staff's comments on the subject NOP. If you have any questions regarding the comments, please contact me. If you have any trouble opening the attachment, let me know and I will fax or mail you a copy of the letter.

Sincerely,

Jeff Hackett, Supervisor

MSW Facilities and EA Inspection and Enforcement B

Compliance Evaluation and Enforcement Division

CA Integrated Waste Management Board

916.341.6413

jhackett@ciwmb.ca.gov

[Scanned @co.slo.ca.us]

1/22/2010



LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN
CHAIR
MBROWN@CIWMB.CA.GOV
(916) 341-6051

SHEILA JAMES KUEHL
SKUEHL@CIWMB.CA.GOV
(916) 341-6039

JOHN LAIRD
JLAIRD@CIWMB.CA.GOV
(916) 341-6010

CAROLE MIGDEN
CMIGDEN@CIWMB.CA.GOV
(916) 341-6024

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
(916) 341-6016



Via E-Mail

December 10, 2009

Mr. Steve McMasters
smcmasters@co.slo.ca.us

San Luis Obispo County
Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93408-2040

SUBJECT: Notice of Preparation (NOP) – Draft Environmental Impact Report,
Nipomo Community Park Master Plan Program EIR

Dear Mr. McMasters:

California Integrated Waste Management Board (CIWMB) staff appreciates receipt of the NOP for the proposed project and have the following comments:

- As stated in Section 7. – Hazards & Hazardous Materials, a historic dump/disposal site is present in the park. According to limited documentation on file at the CIWMB, the disposal site is noted as being one acre in size and operated from 1965-1972. However, there is no documentation on file at the CIWMB that describes the exact location, extent, or nature (e.g., types of waste disposed, burn dump, etc.) of the disposal area. Although the exact extent of the disposal site is not well documented, CIWMB was previously informed that the disposal site is located on the southeastern portion of the park near the Nipomo Library. As a result, the former Local Enforcement Agency (San Luis Obispo County Environmental Health Department) and CIWMB required that the Nipomo Library be equipped with a continuous combustible/methane gas sensor system in 1996.
- The closed disposal site is required to be maintained by the owner and is inspected by the CIWMB annually to evaluate compliance with applicable requirements of Title 27, California Code of Regulations (27 CCR), Chapter 3.
- The project applicant must be informed that any proposed change in postclosure land use of the closed disposal site is required to be submitted to the CIWMB, Regional Water Quality Control Board, local air district and local land use agency for review and approval in accordance with 27 CCR Section 21190, excerpt below, and can be viewed on the CIWMB's web page at <http://www.ciwmb.ca.gov/Regulations/Title27/ch3sb5.htm#Article2>.



- CIWMB staff supports the completion of a focused Phase One ESA and investigative test pits within the park as indicated in the NOP. Completion of such an investigation will assist the CIWMB in reviewing any subsequent proposed land use change(s) on or adjacent to the closed disposal site. The CIWMB's Closed, Illegal, and Abandoned Disposal Site Program web page includes information regarding site investigations of closed disposal sites, which can be reviewed at <http://www.ciwmb.ca.gov/LEACentral/CIA/>.

Please provide CIWMB staff with any subsequent documentation regarding the focused Phase One ESA and draft Environmental Impact Report for review and comment.

If you have any questions regarding this correspondence, please contact me at (916) 341-6413 or jhackett@ciwmb.ca.gov.

Sincerely,



Jeff Hackett, Supervisor
MSW Facilities & EA Inspections & Enforcement B
Compliance Evaluation and Enforcement Division

cc via e-mail:

Thea Tryon, Central Coast Regional Water Quality Control Board
ttryon@waterboards.ca.gov

Excerpt from Title 27 CCR 21190:

21190. CIWMB - Postclosure Land Use. (T14:Section 17796)

(a) Proposed postclosure land uses shall be designed and maintained to:

- (1) protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems;
- (2) prevent public contact with waste, landfill gas and leachate; and
- (3) prevent landfill gas explosions.

(b) The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts, or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover.

(c) All proposed postclosure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the EA, RWQCB, local air district and local land use agency. The EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.

(d) Construction on the site shall maintain the integrity of the final cover, drainage and erosion control systems, and gas monitoring and control systems. The owner or operator shall demonstrate to the satisfaction of the EA that the activities will not pose a threat to public health and safety and the environment. Any proposed modification or replacement of the low permeability layer of the final cover shall begin upon approval by the EA, and the RWQCB.

(e) Construction of structural improvements on top of landfilled areas during the postclosure period shall meet the following conditions:

(1) automatic methane gas sensors, designed to trigger an audible alarm when methane concentrations are detected, shall be installed in all buildings;

(2) enclosed basement construction is prohibited;

(3) buildings shall be constructed to mitigate the effects of gas accumulation, which may include an active gas collection or passive vent systems;

(4) buildings and utilities shall be constructed to mitigate the effects of differential settlement. All utility connections shall be designed with flexible connections and utility collars;

(5) utilities shall not be installed in or below any low permeability layer of final cover;

(6) pilings shall not be installed in or through any bottom liner unless approved by the RWQCB;

(7) if pilings are installed in or through the low permeability layer of final cover, then the low permeability layer must be replaced or repaired; and

(8) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with section 20933 of Article 6, of Subchapter 4 of this Chapter.

(f) The EA may require that an additional soil layer or building pad be placed on the final cover prior to construction to protect the integrity and function of the various layers of final cover.

(g) All on site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:

(1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;

(2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;

(3) a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;

(4) perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;

(5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;

(6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and

(7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.).

Note:

Authority cited:

Sections 40502 and 43020, [Public Resources Code](#); and Section 66796.22(d), Government Code.

Reference:

Sections 43021, 43103 and 44105, [Public Resources Code](#); and Section 66796.22(d), Government Code.



December 17, 2009

Steve McMasters
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Nipomo Community Park Master Plan (NCPMP).

Dear Mr. McMasters,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located in the unincorporated community of Nipomo, northwest of the Pomeroy Road and Tefft Street intersection, approximately one mile west of Highway 101. San Luis Obispo County Parks proposes to implement the Nipomo Community Park Master Plan which would result in the phased construction of the recreation facilities and related infrastructure over a 20-year timeframe. The proposed project consists of connected park and open space areas, approximately 159 acres in size, called Nipomo Community Park (NCP), which includes the Nipomo Native Garden and roughly 22 acres known as the Mesa Meadows Open Space.

The following are APCD comments that are pertinent to this project.

1. Contact Person:

Gary Arcemont
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
(805) 781-5912

2. Permit(s) or Approval(s) Authority:

Portable equipment activities may require statewide registration or an APCD permit. Additionally, any future developments may require APCD permits and applicants may need to apply for an Authority to Construct. Please contact our Engineering Division at (805) 781-5912 for more information.

Demolition and remodeling activities have potential negative air quality impacts, including issues surrounding proper demolition and disposal of asbestos containing material (ACM). Demolition and remodeling projects are subject to the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP), which includes but is not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at 781-5912 prior to final approval of these types of projects by your agency.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

3. Environmental Information:

The potential air quality impacts should be assessed in the EIR. This analysis should address both short-term and long-term emissions impacts (including traditional air pollutants and greenhouse gas emissions) and include the following information:

- a. A description of existing air quality and emissions in the impact area, including the attainment status of SLO County relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent Clean Air Plan should be consulted for applicable information.
- b. A complete emission analysis should be performed on all relevant emission sources, using emission factors from the EPA document AP-42 "Compilation of Air Pollutant Emission Factors", the latest approved version of URBEMIS, EMFAC, OFF-ROAD or other approved emission calculator tools. The emissions analysis should include calculations for estimated emissions of all criteria air pollutants and toxic air contaminants released from the anticipated land use on a quarterly and yearly basis. Documentation of emission factors and all assumptions (i.e. anticipated land uses, average daily trip rate from trip generation studies, etc.) should be provided in an appendix to the EIR. The quantitative analysis should address criteria pollutants, greenhouse gases, toxics and fugitive dust from vehicles traveling to the park.

- c. The EIR should include a range of feasible alternatives to the proposed project that could effectively minimize air quality impacts. A thorough emissions analysis should be conducted for each of the proposed alternatives identified. The EIR author should contact the SLO County APCD if additional information and guidance is required. All calculations and assumptions used should be fully documented in an appendix to the EIR.
- d. Assembly Bill 32, the California Global Warming Solution Act of 2006 and California Governor Schwarzenegger Executive Order S-3-05 (June 1, 2005), both require reductions of greenhouse gases in the State of California. The Governor has recognized mitigation efforts will be necessary to reduce greenhouse gas emissions. In order to address these issues, greenhouse gas emissions should be evaluated in the EIR, and appropriate mitigation identified.
- e. If there is the potential to emit toxic or hazardous air pollutants, including diesel exhaust, especially in close proximity to sensitive receptors, impacts may be considered significant due to increased cancer risk for the affected population, even at very low levels of emissions. A risk assessment may be required to determine the potential level of risk. The SLO County APCD should be consulted on any project with the potential to emit toxic or hazardous air pollutants.

Pursuant to the requirements of California Health and Safety Code Section 42301.6 (AB 3205) and Public Resources Code Section 21151.8, subd. (a)(2), any new school or proposed industrial or commercial project site located within 1000 feet of a school must be referred to the SLO County APCD for review.

- f. A consistency analysis with the Clean Air Plan is required for a Program Level environmental review.
- g. A cumulative impact analysis should be performed to evaluate the combined air quality impacts of this project and impacts from existing and proposed future development in the area. This should encompass all planned construction activities within one mile of the project.
- h. The data analyses requested above should address local and regional impacts with respect to maintaining applicable air quality standards. Authors should consult the SLO County APCD to determine if a modeling analysis should be performed and included in the EIR.
- i. Any temporary construction impacts, such as fugitive dust and combustion emissions from construction and grading activities, should be quantified and mitigation measures proposed.
- j. The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction,

Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact the APCD Enforcement Division at 781-5912. The EIR should indicate that a plan will be developed to comply with the requirements listed in the Air Resources Board's Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. The EIR should indicate that if naturally occurring asbestos is not present at the site an exemption request will need to be filed with the APCD.

- k. Describe feasible mitigation measures to reduce air quality impacts from vehicle travel to the park.

If you would like to receive a copy of an example of a recommended format for the qualitative analysis section on air emissions impacts, contact the APCD Planning Division at 781-5912.

4. Permit Stipulations/Conditions:

It is recommended that you refer to the 2009 version of the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the APCD web page (www.slocleanair.org) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the APCD. The Handbook provides information on mitigating emissions which should be referenced in the EIR.

5. Alternatives:

Any alternatives described in the EIR should involve the same level of air quality analysis as described in section 3 listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The 2009 version of the APCD's CEQA Air Quality Handbook provides guidance for preparing the EIR.

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:

The EIR must address any activities that have the potential to produce air quality impacts to sensitive receptors in the area.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter, with special attention to items that are highlighted by bold and underlined text.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Arcemont", with a stylized flourish at the end.

Gary Arcemont
Air Quality Specialist

GJA/MAG/arr

cc: Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD

NIPOMO COMMUNITY

BOARD MEMBERS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
MICHAEL WINN, DIRECTOR
ED EBY, DIRECTOR
BILL NELSON, DIRECTOR



SERVICES DISTRICT

STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address ncsd.ca.gov

December 22, 2009

Mr. Steve McMasters
San Luis Obispo County
Dept. Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93408-2040



RE: NOTICE OF PREPARATION – DRAFT ENVIRONMENTAL IMPACT REPORT, NIPOMO COMMUNITY PARK MASTER PLAN

Dear Mr. McMasters:

Nipomo Community Services District (NCSD) appreciates the opportunity to review and comment on the County's Notice of Preparation (NOTICE) pertaining to the Community Park Master Plan EIR. The Nipomo Community Park, and parks in general, represent a community asset and expression of community ideals. The District's comments specific to services provided currently, or in the future, follow.

PROJECT DESCRIPTION

The NOTICE incorrectly references a retired Water Service Agreement (page 1-15 and elsewhere). This Agreement was usurped when the Community Park annexed into the District in 1992 and became a 'regular' District customer. This means the Park, like all other regular customers, is no longer limited to the quantity of water it may use. However, the Community Park is one of the District's single largest customers. The District's 2007 water audit (Attached) of Park irrigation indicates a low (53%) efficiency. This means the Park is currently using nearly twice as much water as may be needed. Improvement in the Park irrigation system now and/or through implementation of the Master Plan is highly recommended and may significantly offset planned demand increases.

The District will work with County to improve irrigation and other water uses in the Park, now, and in the future as part of Master Plan implementation. While irrigation of open spaces is not a water use *necessity*, a well managed park

irrigation system serving community recreation needs can serve as an important drought buffer. These non-necessary community uses can be accounted for during water planning and served during normal to above normal supply years. In turn, during drought periods and/or water emergency scenarios, these demands can be significantly curtailed to insure water remains available for community necessities (drinking, bathing, human waste conveyance, drinking, and the like).

WASTE WATER

Connection to the District's sewer collection system is possible. The Nipomo Library is currently connected to the system and collection lines run along the north side of Tefft Street. A standard District application for service and consultation with the District will be required. An estimate of wastewater quantity generated by planned facilities should be included in EIR. Percolation testing specific to areas where future wastewater leachfields might be located are recommended since percolation rates vary widely across the area.

WATER

Surface Water

Deep infiltration of rain water constitutes a significant fraction of local aquifer supply. Collection and infiltration of storm water from Park areas and, to the degree feasible, surrounding areas should be emphasized.

Water Supply

See comments above regarding current uses and irrigation efficiency. The District will require a significant improvement in irrigation efficiency as part of Master Plan implementation and consideration of any additional water service. Include an estimate of future water demands in the EIR.

In the future the District may have reclaimed water available for irrigation use. We recommend the County separate the Park water distribution system into an irrigation distribution system and a potable/interior distribution system near the current point of connection with District water. This would facilitate future connection of the irrigation system to a reclaimed source or dedicated irrigation well.

General Comments

In the Hazardous & Hazardous Materials section, the presence on an historic dump site at the park is noted. Historic abandoned waste sites pose a significant risk to water quality – specifically groundwater quality. Some years back, a well at Dana School, adjacent to the Park, tested high for arsenic. The source of the contamination was never identified. A thorough investigation of the dump site should be undertaken through EIR development.

Thank you again for this opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Nipomo Community Master Plan. If you should any questions, please call.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael LeBrun
Interim General Manager

Enclosures

t:\services\parks\nop comment.doc

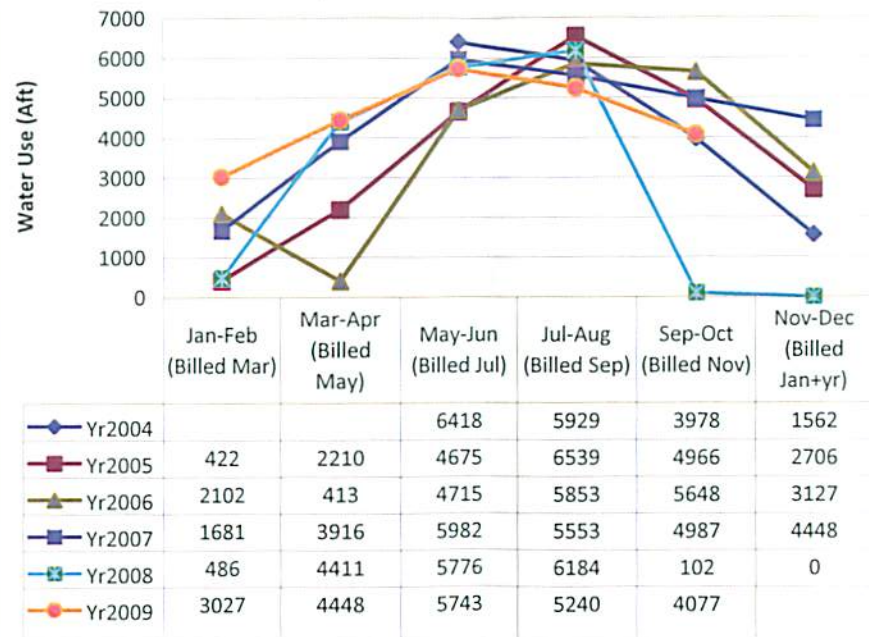
	Jan-Feb (Billed Mar)	Mar-Apr (Billed May)	May-Jun (Billed Jul)	Jul-Aug (Billed Sep)	Sep-Oct (Billed Nov)	Nov-Dec (Billed Jan+yr)	TotalCCF	AF	Gallons
Yr2004			6418	5929	3978	1562			
Yr2005	422	2210	4675	6539	4966	2706	21518	49.40	16,095,464.00
Yr2006	2102	413	4715	5853	5648	3127	21858	50.18	16,349,784.00
Yr2007	1681	3916	5982	5553	4987	4448	26567	60.99	19,872,116.00
Yr2008	486	4411	5776	6184	102	0	16959	38.93	12,685,332.00
Yr2009	3027	4448	5743	5240	4077				

Distribution Uniformity on Water Audit of four stations, August 2006: 53%

Translation:

1. Almost half of the amount of water applied is wasted because of poor distribution uniformity.
2. Almost 2-times the water actually needed by the plants must be applied because the application components (sprinkler heads, etc.) are only 53% of the efficiency needed to apply water uniformly to all parts of the landscape under irrigation.

Nipomo Park Water Consumption May 2004-October 2008





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

December 22, 2009

MEMORANDUM

TO: Steve McMasters, Project Manager

FROM: Mary Whittlesey, Solid Waste Coordinator *MW 12/22/09*

SUBJECT: Nipomo Community Park Master Plan Program EIR NOP

Thank you for the opportunity to comment on the Notice of Preparation for the Nipomo Community Park Master Plan Program EIR.

1) In the paragraph on Solid Waste, page 21 of the NOP, there is the statement "County is currently pursuing alternative landfill sites." This is not correct. The Cold Canyon Landfill is undergoing an EIR due to its expansion plans (DRC2005-01740). There are no siting studies underway for another landfill site.

2. In that same paragraph, the NOP also refers to a Table 6 for the landfill capacities. I could not locate the Table in my packet so I cannot verify any numbers. If it would be helpful for me to verify the estimated capacities, please let me know.

3. A note about grading in the park: as noted in Section 7- Hazards & Hazardous Materials, an informal dump site exists in the park. Not knowing the extent or type of materials buried, the 'extensive' grading (p 7) that may be needed to provide multi-use fields should be approached with obvious caution. It may even be necessary to map and remove the disposed waste (hazardous and non-hazardous) from its current location and take it to a properly permitted disposal facility. There may be funds from the California Integrated Waste Management Board (CIWMB.ca.gov) or the USEPA (EPA.gov) to help with such a 'cleanup'. Having the APCD and the Environmental Health Division of the Health Agency involved will also provide appropriate expertise.

I hope these comments are helpful. Thank you for bringing the project to my attention.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

December 22, 2009

MEMORANDUM

TO: Steve McMasters, Project Manager

FROM: Mary Whittlesey, Solid Waste Coordinator *MW 12/22/09*

SUBJECT: Nipomo Community Park Master Plan Program EIR NOP

Thank you for the opportunity to comment on the Notice of Preparation for the Nipomo Community Park Master Plan Program EIR.

1) In the paragraph on Solid Waste, page 21 of the NOP, there is the statement "County is currently pursuing alternative landfill sites." This is not correct. The Cold Canyon Landfill is undergoing an EIR due to its expansion plans (DRC2005-01740). There are no siting studies underway for another landfill site.

2. In that same paragraph, the NOP also refers to a Table 6 for the landfill capacities. I could not locate the Table in my packet so I cannot verify any numbers. If it would be helpful for me to verify the estimated capacities, please let me know.

3. A note about grading in the park: as noted in Section 7- Hazards & Hazardous Materials, an informal dump site exists in the park. Not knowing the extent or type of materials buried, the 'extensive' grading (p 7) that may be needed to provide multi-use fields should be approached with obvious caution. It may even be necessary to map and remove the disposed waste (hazardous and non-hazardous) from its current location and take it to a properly permitted disposal facility. There may be funds from the California Integrated Waste Management Board (CIWMB.ca.gov) or the USEPA (EPA.gov) to help with such a 'cleanup'. Having the APCD and the Environmental Health Division of the Health Agency involved will also provide appropriate expertise.

I hope these comments are helpful. Thank you for bringing the project to my attention.



P.O. Box 2042 Nipomo CA 93444

SLO COUNTY
PLANNING/BUILDING
DEPT

2009 DEC 22 PM 1:14

December 22, 2009

Mr. Steve McMasters
County of San Luis Obispo Department of Planning & Building
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408-2040

Dear Mr. McMasters

The Nipomo Parks Conservancy is pleased with this opportunity to provide public comment on the Notice of Preparation – Draft Environmental Impact Report for the Nipomo Community Park Master Plan dated November 17, 2009.

We find this Notice of Preparation to be a useful tool to guide the preparation of the Environmental Impact Report for the Master Plan. Unfortunately, the environmental impacts from this enormous development proposed for the Nipomo Community Park have not been adequately addressed in the Notice of Preparation. For the reasons outlined below, we believe that the California Environmental Quality Act (CEQA) requires that additional material be provided for the Environmental Impact Report.

Project Description Inadequate. The Project Description is insufficient to provide the details for thorough environmental impact analysis. Since the Master Plan was described in 2007 (and not updated for this Notice of Preparation), several significant changes have been conceptualized, but not described.

- There is a notion for widening Osage Road that is described simply but inadequately by a single bullet point. Justification for the “required” change is anecdotal, vague, and unsupported.
- Layout details for new trails adjacent to Osage Road are lacking.
- Designation of a pre-school as “temporary” neither explains nor implies the impact of assigning this designation. In addition, previous construction of the pre-school within the park without a CEQA environmental determination (including public comment) should be addressed and at least be subject to a legal environmental determination if its existence in the park should be allowed to continue.

- Restroom, kitchen, and shower room facilities are not thoroughly or accurately quantified. These details are required to address the wastewater disposal requirements, impacts, and mitigations.

- The water demand is not specified. A demand analysis is crucial to the analysis of project improvements, impacts, and mitigations.

We expect that a more thorough Project Description and answers to the issues we present in our comments to the Initial Study Checklist will help make the Environmental Impact Report a useful disclosure document for the decision makers.

Project Alternatives. While the Project Description and Initial Study Checklist did not address Project Alternatives, we choose this opportunity to suggest guidelines for the CEQA-required alternatives that must be presented in the EIR.

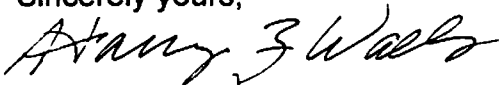
1. Community Distributed Facilities Alternative - This alternative would locate the community center/gymnasium, swimming pool, and skateboard park outside the current park boundaries to other community areas such as near Nipomo High School. This option would eliminate most of the traffic and circulation mitigations whose costs will likely make the development of additional park facilities unfeasible. All of the Project Objectives could be met with this alternative.

2. Resource Neutral Alternative - This alternative would require no additional water demand or wastewater loading. Developments requiring additional water (additional playing fields, showers, etc.) could be eliminated or traded by removing other irrigated areas in the park. Additional wastewater production could be reduced by eliminating facilities requiring kitchen related wastewater, showers, and restrooms. While all the overly ambitious Project Objectives may not be met by this alternative, realistic resource availability may require this alternative as a feasible solution. Concurrently, the reduced facilities and associated reduced visitor population may eliminate the perceived, but not yet justified, requirement for off-site road enhancements.

3. Reduced Resource Demand Alternative - This alternative would demand less water than current use. Developments requiring additional water (additional playing fields, showers, etc.) could be scaled back in conjunction with removing some irrigated areas in the park. Water conservation in the existing park would also solve the irrigation waste observed in studies. While all the overly ambitious Project Objectives may not be met by this alternative, realistic resource availability may require this alternative as the only feasible solution. Concurrently, the reduced facilities and associated reduced visitor population may eliminate the perceived, but not yet justified, requirement for off-site road enhancements.

4. No Project/Reduced Impact Alternative - While this alternative meets few of the Project Objectives, its implementation, with a badly needed water conservation program, could maintain the park as a sustainable community resource water rationing is required.

Sincerely yours,



Harry Walls

Nipomo Parks Conservancy



P.O. Box 2042 Nipomo CA 93444

**COMMENTS to the
NIPOMO COMMUNITY PARK MASTER PLAN
ED05-225
Program Environmental Impact Report (EIR) --
Notice of Preparation
(Dated November 17, 2009)**

Submitted by Nipomo Parks Conservancy

TABLE OF CONTENTS

Definitions	4
Comments on the Project Description	5
Comments of the Existing Setting	7
Comments on the Initial Study Checklist	8
12. TRANSPORTATION/CIRCULATION	8
13. WASTEWATER	10
14. WATER	12
15. LAND USE	15
Appendices	19

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

DATE: December 22, 2009

TO: Mr. Steve McMasters
County of San Luis Obispo Department of Planning & Building
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408-2040

SUBJECT: Nipomo Park Master Plan, Initial Study dated September 27, 2007

This letter is submitted in response to the Notice of Preparation -- Draft Environmental Impact Report for the Nipomo Community Park Master Plan dated November 17, 2009. Pursuant to California Environmental Quality Act (CEQA), the public review period stipulated by the lead agency ends December 23, 2009. This response is being filed in a timely manner.

The following information is provided in response to the Notice of Preparation (NOP) cover letter, however we are also providing additional comments to the Project Description and Initial Study to assist you in providing a thorough (EIR).

1. NAME OF CONTACT PERSON. Harry Walls, P.O. Box 2042 Nipomo CA 93444, harryfwalls@sbcglobal.net, (805) 929-6085.
2. PERMIT(S) or APPROVAL(S) AUTHORITY. Not Applicable.
3. ENVIRONMENTAL INFORMATION. See attached comments.
4. PERMIT STIPULATIONS/CONDITIONS. Not Applicable.
5. ALTERNATIVES. See attached comments.
6. REASONABLY FORSEEABLE PROJECTS, PROGRAMS or PLANS. Not Applicable.
7. RELEVANT INFORMATION. See attached comments.
8. FURTHER COMMENTS. See attached comments.

Definitions

The term "County Parks" as used herein shall be construed as a reference to the County of San Luis Obispo General Services Department Parks Division.

The term "Proponent" as used herein shall be construed as a reference to County Parks and its staff, agents, and representatives.

The term "Initial Study" as used herein shall be construed to mean the document prepared by the Proponent setting forth a development plan for Nipomo Community Park, entitled "County Parks Nipomo Community Park Master Plan," signed November 16, 2009, and identified by Project Number ED05-225. The term "Project" shall be construed as a reference to the particulars of the park development plan described by Proponent in the Initial Study.

The term "CEQA" as used herein shall be construed as a reference to the California Environmental Quality Act and its various subdivisions, as promulgated in California Public Resources Code §§21000 et seq.

The term "NOP" as used herein shall be construed as a reference to the Notice of Preparation – Draft Environmental Impact Report for the Nipomo Community Park Master Plan dated November 17, 2009.

"We," "us," and "our" as used herein refers to the Nipomo Parks Conservancy, the submitter of this comment document.

Comments on the Project Description

In paragraph 1.1 (Project Location) the 137-acre park parcel and the 22-acre Mesa Meadows open space area are described. Since there is nothing in the Master Plan involving any development in the Mesa Meadows area, its area should not be used in any calculations regarding the percentage of area that the Master Plan development impacts.

Paragraph 1.2.4 (Project Changes Since 2007) lists five bullet points describing the changes proposed since the release of the original 2007 Initial Study document. Beyond these bullet points, there appear to be no further details of the changes. At a NOP informational meeting on December 1, 2009, the audience was told that there was no additional documentation detailing the changes. More detailed information (including layouts, dimensions, sight lines, grading implications, drainage requirements, etc.) about the Osage Road improvements, modification to proposed trail locations and paving, and the privately-owned-and-operated supposedly "temporary" pre-school is required to adequately assess the potential environmental impact of these changes to the Master Plan.

In the Proponent's "Scoping Meeting Notes" dated December 1, 2009, which can be found on the San Luis Obispo County' Parks website at http://www.slocountyparks.com/information/nip_scoping_mtg_notes.pdf, County Parks employee Jan Di Leo is quoted as telling a member of the public that "Temporary means the pre-school is not permitted." If that is the case, then the pre-school is being operated illegally. She went on to say that how long it will remain in the park "depends on whether the preschool will be included in the community center plans." In fact, the pre-school has been operating in the park since the summer of 2004...it has already been there more than five years, and it appears that County Parks has always intended that this facility would be permanent, regardless of the community's desires or priorities. This assertion is based on the rather fact that County Parks signed a contract in 2001 in which it would allow a private group, Nipomo Area Recreation Association (NARA), to build a "a large recreation center" and a pre-school on public park land.¹ This lease, which we believe is unlawful, is discussed further in Section 15 of this Response – (*"Land Use: Unlawful Diversion of Park Land, Misappropriation of Public Funds"*)

Paragraph 1.4.1 (Existing Facilities) - The potential environmental impacts of the existing "temporary" pre-school needs to be analyzed as though it does not yet exist, since no environmental determination (required by CEQA) was ever made when the County allowed it to be constructed in the Park outside any Master Plan. It must also be treated as a permanent fixture rather than minimized or dismissed as a "temporary" facility, and appropriate mitigations, including the road impact mitigation fees described in Section 12 below must be applied. The

¹ A copy of this contract is found in Appendix B of this response.

"temporary" designation is totally misleading to the factual requirements of an EIR. This facility has been in full operation for five years, with no specified plan to move its location.

The park area proposed for development in the Master Plan is 137 acres (see 1.1 Project Location). If 15 acres is covered with existing recreation and infrastructure, that leaves 122 acres remaining, not 130 acres.

Paragraph 1.4.3.1 (Access) The road widening of Osage needs further description. The development threshold for the requirement to be consistent with County Road Standard A-1(d) must be defined. Future definition of a threshold is not permitted under CEQA. The dimensioned layout of the widened road needs to be shown, as it appears that the cuts and fills required on the adjacent residential properties would encroach on those properties. Moreover, the layout of the paved multi-use trail needs to be shown as it may require additional cuts in the steeply inclined slopes in the park which are populated with 50-100 year-old Coast Live Oak trees and native vegetation plantings that mitigated a previous environmental impact.

Paragraph 1.4.4.2 (Utility Infrastructure Additions and Maintenance) The description of the septic systems is incomplete. The existing wastewater disposal should include and describe the sewage from the "temporary" pre-school. It should further be noted that the restrooms in the pre-school facility are "dedicated" solely to the pre-school children and staff and, as dictated by State Health and Safety codes. These restrooms may not be used in any manner by the users of other nearby facilities, other park-goers, or the public at large.

In addition what is described, the proposed project will require wastewater disposal from restrooms in the Community Center, Gymnasium, Swimming Pool, and from the commercial kitchen in the Community Center, the showers in the Gymnasium and showers at the Swimming Pool. Not described are any restrooms required for other facilities such as the skate park, remote Osage/Camino Caballo playground, and maintenance buildings.

Paragraph 1.5.1 (Project Phasing and Funding) The Master Plan, as it presently exists, is not updated to adequately include the changes briefly mentioned in paragraph 1.2.4. Any construction costs in the outdated (2003) document must be revised to reflect 2010 costs and the additional costs of the changes in 1.2.4.

Comments on the Existing Setting

The Initial Study references the Residential Suburban Land Use Category, yet no property with this zoning designation is included in the proposed development. While Mesa Meadows is zoned Residential Suburban, no development is being proposed in that area. Mesa Meadows is not included in EXISTING USES of the proposed development.

In the Project Description (1.1 Project Location) the two areas discussed total 159 acres, not 157 acres. Since no development is proposed in the 22 acres of Mesa Meadows, the correct area that could face environmental impact is only 137 acres.

If widening Osage road and other traffic and circulation changes are to be part of the project, their area should be added as well as the area of any private property facing encroachment from cuts and fills.

Comments on the Initial Study Checklist

12. TRANSPORTATION/CIRCULATION

Osage Road Widening - The project description referred to widening Osage Road to 34 feet, from its present 22 feet (curb-to-curb) width. Osage Road is currently confined between asphalt curbs from Camino Caballo to approximately 1,100 feet southward. The curbs define the limit of travel and provide drainage control. Since the feasibility of such an expansion can not be determined from the inadequate description of such a development, a more detailed study will be required as part of the EIR. A fully dimensioned grading plan is required to show the feasibility of the widening, since there are steep slopes adjacent the current road. The grading plan should also show the vegetation removal requirements.

On the east side of Osage the park has steep rising and falling slopes on the park property. Widening Osage to make a 34-foot width will require fill near Camino Caballo, and deep cuts south of Camino Roble. Such grading will disturb or destroy native plants including ancient Coast Live Oaks and manzanitas planted to mitigate the environmental impact of the development of the Mesa Meadows neighborhood. Further widening and cuts on the east side will be required if the paved walkway in the park adjacent Osage is to be a safe distance from motor vehicle traffic.

On the west side of Osage, four residences will require cuts and fills that will both fill in existing, County mandated drainage swales and cut into old-growth Coast Live Oaks and a previous environmental mitigation plantings. Maintaining the County standard 2:1 cut/fill requirement will require earth moving onto private property, and likely onto existing homes.

The EIR should describe the effects of the cuts and fills on the following residential parcels:

091-431-015 (cuts)

091-431-016 (fills, effect on drainage, interference with fire hydrant, encroachment of property, removal of at least two 50+ year-old Coast Live Oaks)

091-431-030 (cuts and fills, effect on drainage, encroachment of property)

091-431-029 (cuts, encroachment of property, removal of at least one 50+ year-old Coast Live Oak)

In addition, the widening will require removal of the curbs that currently act as drainage conduits for the steep Osage Road slope. A complete new drainage strategy for this 1,100-foot road section will be required.

The requirement to change a relatively newly constructed Osage Road requires justification beyond "widening for consistency." The justification must be related to the environmental impact of the park improvements. When this road

was approved, prior to the home construction in the late 1990s these standards might more logically have been applied. It is additionally questionable why a requirement to make “improvements” to Osage Road exists. None of the developments in the Master Plan require any entrances or exits via Osage Road. In fact, only two roads, Pomeroy and Tefft will access the park, nearly one mile from any Osage Road pavement.

Traffic Generated by Group C Projects and Road Impact Fees - In the Proponent's (2007) *Draft Negative Declaration*, Section 12 (Transportation/Circulation) we find on page 32: “The Public Works Department determined that major road improvements would be required prior to construction and operation of any high-traffic generating facility, including the pre-school and administration building...” (Richard Marshall; March 7, 2006).” Yet, as previously noted, County Parks has already allowed a private group to set up and operate a pre-school in the park. It has been operating outside of any Master Plan since 2004, and during this time, County Parks, while obviously aware of its obligation, has consistently ignored the requirement that it complete major road improvements prior to construction and operation of this facility.

In the *Draft Negative Declaration*, again on page 35, the Proponent claims the pre-school and administration building will “generate approximately 4.48 ADT (average daily trips) per student (Richard Marshall, County Public Works Dept.; June 1, 2005). Based on the size of the proposed facility, an assumption of 15 students was used.”

We believe that the Proponent dangerously underestimated the number of students served in its “assumption of 15 students.” The Proponent certainly knows or should know the true number of children served at the pre-school which it permitted, as well as how many children were historically served at the pre-school's former location on Frontage Road. By understating this figure, the Proponent denies the County the substantial impact fees necessary to mitigate the severe and chronic road impacts which residents of the community would be forced to endure as a direct consequence of this project.

The minutes of the South County Advisory Council's January 23, 2006, meeting reflect that a presentation was given by Becky Crowe, who introduced herself as NARA's new executive director: “In response to an audience question, she stated that Lil Bits Preschool currently serves about 30 children, and 15 others are scattered around in other locations.” We understand that the existing “temporary” pre-school has a capacity of 40 children, and at its previous site on Frontage Road, the pre-school served over 100 children. We must therefore reasonably conclude that the pre-school, at the very least, will serve 40 children, and if given permanent status, will likely return to its historic population of 100 or more children.

On page 35-37 of the Proponent's *Draft Negative Declaration*, Table 6 shows that the pre-school and NARA administration building are Group C projects which will "generate a significant amount of project-specific traffic, and would also contribute to the cumulative congestion of the Nipomo area." County Parks is required to complete major road improvements and contribute to the Area 1 Traffic Program, prior to implementing any of the Group C projects. These improvements would logically be required on the Pomeroy and Tefft entrances and exits.

On page 38, we find that County Parks would be required to pay \$4,510 for each weekday peak hour traffic trip generated by the facilities listed in Groups B and C which includes the pre-school and administration building.) Table 8 shows that County Parks' share of road impact fees arising from the preschool and administration building – based on its underestimated assumption of 15 students – would be calculated as follows: 6.72 Weekday Peak Hour ADT trips, multiplied by \$4,510 per trip, equals \$30,308 in road impact mitigation fees.

In reality, given that the "temporary" pre-school facility serves up to 40 children, and the historic pre-school population is 100 children, these impact fees should be calculated as shown below. We note that practically all of the weekday trips would consist of parents dropping off children on their way to work, and then picking up their children on the way home from work, both trips occurring in most cases during peak traffic hours. We also note that the \$4,510 per trip number is now obsolete, and the current road impact fee for 2010 is \$5,133.

_ At a minimum, 40 students, each generating two Weekday Peak Hour trips per day, would total 80 peak hour trips, multiplied by \$5,133 per trip, for a total of \$410,640 in road impact mitigation fees.

_ Based on the pre-school's historic population of 100 students, each generating two Weekday Peak Hour trips per day, would total 200 peak hour trips multiplied by \$5,133 per trip, for a total of \$1,026,600 in road impact fees.

In addition to the foregoing traffic computations, additional weekday trips by pre-school staff and NARA employees staffing the proposed administrative building must also be calculated and properly assessed. Likewise, potential new clients, vendors, state and local regulators, public service accesses, and other traffic likely to occur in the course of doing routine business at the facilities must also be calculated and added to the above road impact mitigation fees.

13. WASTEWATER

Wastewater Treatment - The wastewater treatment requirements of the park expansion plan cannot be determined from the Project Description. The addition of recreation center/teen center/preschool/ gymnasium/commercial kitchen/amphitheatre/office buildings, and more than 400 new parking spaces, as

well as the Proponent's expectation that gatherings of up to 2,000 concurrent park users would be a regular, ongoing occurrence, clearly implies that significant toilet additions and wastewater treatment facilities will be required to handle the peak demand. Only two additional restrooms are described. This hardly seems adequate to serve up to 2,000 visitors -- or even a crowd half that size. Yet, the Proponent continues to assert, incorrectly, in the NOP (pg. 26) that the proposed Master Plan will add "two additional restrooms to serve park visitors."

When considering the various facilities described in the Initial Study, it is clear two additional restrooms would be utterly inadequate. State mandated licensing criteria for preschools require that separate restrooms be provided for children and adults. These restrooms must be dedicated; that is, use of these restrooms by the public is not allowed. Likewise, health codes require that a commercial kitchen must have bathrooms for the use of employees and the public. The community center will be required to provide restrooms for its patrons; the gymnasium will need public separate restrooms and showers for male and female sporting participants. So, in reality, eight restroom facilities would be required to support the proposed amenities -- in addition to those needed for the proposed expansion to serve the public throughout the remainder of the park. Specific details about the location of these restrooms, whether some or all of them will be required to be ADA-compliant, how the considerable effluent and other wastewater from these facilities will be disposed of, whether quasi-commercial activities such as those proposed here can be safely (or legally) use a septic system or "porta-potties." A thorough analysis of the sewage loading is necessary in order to adequately evaluate the potential impacts and determine the appropriate mitigations.

The Initial Study suggests that wastewater disposal will be handled by a system of septic tanks and leach fields that would supplement the existing septic systems installed in the park or a connection to the Nipomo Community Services District (NCSD) sewer system. The NCSD Water and Sewer Master Plan recently published provides for the community's sewer requirements through 2030. No treatment of park sewage was requested in the development of that plan. The ability of the recently approved Southland Wastewater Treatment Plant to process the additional park sewage will require analysis by the NCSD.

The Proponent suggests that existing soils and percolation data from a nearby housing development (Mesa Meadows) can generally be applied to the vicinity of the Community Park. However, any restrooms and leach fields serving the Park would be well over a quarter-mile from Mesa Meadows. A geotechnical analysis and percolation data will be required for each specific site where a leach field is planned.

Title 19 of the San Luis Obispo County Code promulgates new procedures for sewage disposal systems and is currently in draft form. For leach fields, it

requires exploratory borings that "... extend to a minimum depth of ten (10) feet below the bottom of the proposed disposal system so as to determine the depth of the water table, bedrock, and/or impervious material." This analysis must be performed **at the site of the proposed disposal system**, not taken from data collected from a housing development nearly a quarter-mile away. There is no evidence presented that these exploratory borings have been made to support the claim that some unspecified site in the Community Park may be suitable for wastewater disposal for an unspecified number of visitors.

14. WATER

Water Availability - One of the most critical deficiencies of the Initial Study is the failure to project a water demand for the Master Plan. While historic water use was discussed, it is not a useful topic for a Master Plan with significant increased demands from a diminishing resource. A thorough and detailed water demand must be provided by the EIR as well as alternative project configurations that will require significantly less water in the likely condition of less water availability than today.

The Nipomo Mesa is a plateau in south San Luis Obispo County with elevations up to 300 feet above mean sea level. The only source of water for the Nipomo Mesa area is from wells tapping the aquifer beneath. The aquifer is replenished primarily from rainwater that percolates into the sandy soil. There are no rivers, creeks, reservoirs, or pipelines as other viable sources for the Mesa water users.

Water "stored" in the saturated sands beneath the Nipomo Mesa Subarea is found at levels from 200 feet above to 150 feet below mean sea level. "Stored" is a misleading term, because the water above sea level migrates out of the elevated area to the lower adjacent off-mesa territory. A fractional amount of water flows into the Subarea from adjacent areas, where the water table is higher. It is important that the net groundwater in storage (GWS) be maintained above sea level to prevent seawater intrusion, and cause permanent contamination of the aquifer.

Various studies² have concluded that the annual amount of water that can be extracted without a net reduction in the GWS is between 4,800 and 6,000 acre-feet per year (AFY). Over the long term, continuous extraction beyond this "safe yield" will drive the GWS below zero, creating the conditions conducive to seawater intrusion. Recent measurements in test wells north of the Nipomo Mesa show evidence of seawater intrusion subsequent to the local water table being pumped below sea level. This "canary in the mine" serves as a warning to

2 •WATER RESOURCES OF THE ARROYO GRANDE - NIPOMO MESA AREA, California Department of Water Resources, 2002, p. 154

•NIPOMO MESA GROUNDWATER RESOURCE STUDY, S. S. Papadopoulos & Associates Inc., March 2004, p. 13

•Resource Capacity Study -Water Supply in the Nipomo Mesa Area, SLO County Dept. of Planning and Building, August 2004, p. 13, Table 8

conditions likely to develop in the Nipomo Mesa if water extraction beyond the safe yield continues.

Science Applications International Corporation (SAIC) was commissioned by the NCSD to establish GWS trigger points for water rationing in the event that conditions for seawater intrusion were imminent. In a technical memorandum³, they projected future GWS levels based on historic rainfall, its effect on well levels, and different water extraction scenarios. A rainfall pattern (and its resultant effect on well levels) identical to that experienced from 1975 to 2007 was overlaid on predicted water extractions to project GWS in the future. A result of this study was projections of depletion of the GWS to and below zero.

As expected, soon after the safe yield of 6,000 AFY extraction (or consumptive use) was reached (between 1995 and 2005) the GWS established an unmistakable downward trend. Different accelerations in water use (growth rates) and net rainfall were examined with different rates of reduction in GWS, but the GWS went below zero in all cases.

The table on page 4 of the "technical memorandum" summarizes the number of years until there is no GWS above sea level. **In cases with the annual growth rates between zero and 4% table shows that the GWS reaches zero in 12 years (from 2008).** This demonstrates that even a growth moratorium would not prevent the total depletion. **If a 50% water conservation were immediately implemented by customers of the four the Nipomo Mesa water purveyors, the GWS reaches zero in 14 years in all growth scenarios including the no-growth case.**⁴ Of course, a rainfall pattern drier than the 32-year historical pattern would accelerate the depletion.

The Nipomo Mesa has been at a Level III Water Resource Severity since 2003. This means that the wells providing Nipomo Mesa with water are pumping more water than is being naturally replaced. This creates a water deficit, which increases yearly. Such "mining" of water can drop the level of the water table below sea level, until seawater intrudes into the aquifer. This causes permanent contamination and resultant destruction of the water source. This condition will continue to worsen until supplemental water is brought to the Mesa.

In April, 2009, the Nipomo Mesa Management Area (NMMA) Technical Group (TG), a court established association, issued the finding that a "Potentially Severe Water Shortage Condition exists in the NMMA."⁵ This condition is determined by the water level in widely spaced "key wells" on the Nipomo Mesa. There is only one worse condition, a "Severe Water Shortage Condition," which could be reached in one to two years if drought patterns of 2007 and 2008

³ Emergency Water Shortage Regulations and Future Groundwater in Storage, Pappas, Degner, Beckwith and Newton, Science Applications International Corporation, January 6, 2008.

⁴ Unfortunately, a recent court decision protects the water rights of the other overlying pumpers, where no conservation can legally be imposed.

⁵ Nipomo Mesa Management Area 1st Annual Report, Calendar Year 2008, Prepared by NMMA Technical Group. April 2009

continue. This latter condition is a mandatory action trigger point where the court orders restricted water use.

The NCSD has anticipated no increase in park water use in its long range planning. Neither the Urban Water Management Plan 2005 Update of the NCSD nor the Water and Sewer Master Plans (Water and Sewer Load Projections, January 5, 2007) have contemplated any additional water allocation for the park.

The NCSD is facing major difficulties augmenting its dwindling water supply with supplemental water. The supplemental water project from Santa Maria has seen the projected cost soar from \$6 million to \$24 million, just to provide water for identified uses, not including increased demand for park water. One long-term alternative, desalination of sea water, is being explored but faces initial cost projections approaching \$100 million and an eight-year schedule to completion. Until the supplemental water pipeline is funded and constructed and new water is flowing in the tap, the NCSD will be under pressure to avoid additional water delivery commitments required by this Park Master Plan.

Correspondence from a former NCSD General Manager dated March 28, 2005, suggested conservation measures in the design of the Community Parks Master Plan, but gave no encouragement that the NCSD was willing or able to provide additional water. In fact, this letter was written when the NCSD still had a \$6 million estimate for its supplemental water project. A July 21, 2006, letter from a former Acting General Manager cautioned County Parks that the Initial Study, as it stood then, was deficient in recognizing the existing Level III Water Resource Severity in Nipomo. He also stated that the details of water conservation measures being proposed by the Proponent were insufficient to provide evidence that the impact would be mitigated to less than significant. This letter also gave no encouragement that the NCSD was willing or able to provide additional water.

In 2007, the NCSD began revision of its Emergency Water Shortage Regulations to deal with the decreasing quantity of GWS which supplies NCSD customers. On October 10, 2007, the NCSD Board of Directors was presented a draft ordinance implementing four stages of water conservation that would trigger successively more stringent water conservation measures. At the third and fourth conservation stages, prohibition of the use of potable water to irrigate grass, lawns, ground cover, shrubbery, crops, vegetation, ornamental trees, etc. would be mandatory. Had this ordinance been in effect since 1975, the NCSD would have been in the third and fourth stage (with irrigation prohibition) for fifteen years -- one period of five successive years and another period of ten successive years would have passed with no Community Park irrigation allowed. This surely would have had a fatal effect on most or all of the irrigated parkland. Although this version of the Emergency Water Shortage Regulations was not codified, it is an example of the water restrictions the park could face, and a condition the EIR must examine.

Contrary to the statement in the NOP, the Community Park is not one of the biggest water users of the NCSD; it is the biggest water user. In times of decreasing water availability, the NCSD must examine water commitments to all its customers, especially those who create the biggest impact on demand. In the event that sufficient water is not available for residential customers, it may be prudent for the NCSD to consider limiting or eliminating water delivery to customers for irrigation purposes. This is a situation the EIR must examine and provide alternative project solutions.

If additional water cannot be secured from the NCSD, execution of the Master Plan, as written is impossible.

15. LAND USE

West Tefft Corridor Design Plan (Specific Plan) - The Tefft Street side of the Nipomo Community Park is within the boundaries of the Specific Plan of the West Tefft Corridor Design Plan. This Specific Plan, adopted by the County Board of Supervisors, expresses concern that the Community Park area, the "gateway corridor to downtown Nipomo," be landscaped in accordance with the Design Plan. No evidence has been presented in the Initial Study that the Specific Plan has been analyzed and steps taken to insure that the Park Master Plan is compliant. As a minimum, a checklist should be prepared to demonstrate that proposed changes to the Community Park are compatible with the Specific Plan and provide mitigations as required.

Encroachment on Private Property - If the Osage Road widening requires cuts and fills that cause earth movement onto private property (in order to maintain a 2:1 slope standard), County-owned road improvements will encroach on the useful area of the residential properties, requiring lot line adjustments, title revisions, and possible reduction of parcel sizes, in violation of the Residential Suburban designation. The mitigation may be a General Plan Amendment with all its administrative requirements. This potential impact needs to be addressed by the EIR.

Unlawful Diversion of Park Land, Misappropriation of Public Funds - Item 15(a) on the Initial Study asks whether the project is potentially inconsistent with land use ordinances, policy/regulation, etc. The answer is yes -- one or more of facilities proposed in the Initial Study are inconsistent with land use because these proposals would violate state law. Regardless of whether County land use ordinances recognize that a particular development is unlawful, State law prohibits the unlawful diversion of park land, thus, the proposed use set forth in the Initial Study cannot be approved

As explained earlier, the Proponent claims that the privately-owned-and-operated pre-school that now exists in the park is "temporary" and is not considered in this Environmental Review. In fact, its impact should be fully

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) – Notice of Preparation

"A park is a pleasure ground set apart for recreation of the public, to promote its health and enjoyment. It need not and should not be a mere field or open space, but no objects, however worthy, such as court houses and school houses, which have no connection with park purposes, should be permitted to encroach upon it without the legislative authority plainly conferred, even when the dedication to park purposes is made by the public itself..."¹⁰

In addition, County Parks' stated intention to pay road impact fees and other costs in order to mitigate environmental impacts, which it admits will result from the development would violate the State Constitution. Section 31 of article IV of the Constitution of California prohibits a county from using public funds for private purposes.¹¹

There is no mitigation for this dilemma, making this a Class I impact under CEQA, requiring mandatory findings of significance.

As a footnote, the above referenced lease also express County Parks' desire to turn over control of Nipomo Community Park to NARA, and for this private group to "coordinate all sports activities, clubs, and events within Nipomo Regional Park on behalf of the County." This ceding of public park land to a private group clearly violates State law and represents a gross diversion of park resources. The lease was drafted and signed without any hearings, with no input whatsoever from the community, and without formal action by County Board of Supervisors. It should be further noted that the Nipomo Community Services District currently has conditional and limited "park powers" pending by LAFCO and is the only public agency in Nipomo capable of legally assuming such control of the park.

Another problem is that the previously mentioned lease between County Parks and NARA was signed in August 2001 – four years before County Parks ever began eliciting "community input." This explains why every design configuration proposed by County Parks included a preschool for NARA, and why every design configuration offered by the community (including the South County Advisory Council on at least four occasions) that did not have the pre-school and private offices, were rejected by County Parks. It is unfortunate that County Parks has engaged in the wasteful spending of \$250,000 of Nipomo's scarce park funds on "unbiased" surveys, public workshops, and studies to deduce "what the community wants in our park" when the staff of County Parks had already decided the answer long before.

Even the editorial staff of the *Times Press Recorder*, a local newspaper that has always been extremely supportive of Nipomo youth, sports, and parks,

¹⁰ Williams v. Gallatin, 229 N.Y. 248 [128 N.E. 121, 18 A.L.R 1238]

¹¹ Goodall v. Brite, 11 Cal.App.2d 540, 544-545 [54 P.2d 510]

questioned the wisdom and the potential environmental impacts of the proposed Park Master Plan, stating:

"If all those amenities are centrally located in the park -- or elsewhere -- how will that affect traffic on surrounding roads? . . . Think about what the traffic is already like around West Tefft Street.

"Most communities have found that centralizing so many facilities has created problems, and not just with traffic. Scheduling to avoid conflicts has also become an issue. Eventually, people end up traveling long distances to get to centralized facilities. The park may be considered the "center" of the community now, but it may not be in 10, 15, or 20 years.

"Communities are now trying to find ways to provide parks and facilities closer to the people who use them. But if all the land has already been built upon, that's not an easy task.

"Nipomo citizens, Nipomo Recreation and San Luis Obispo County have some hard decisions to make regarding the community center and the future of the park. All three should take a hard look at traffic impacts and future road plans, consider where the commercial and residential growth is zoned to take place and decide if they really want to combine every conceivable service and amenity into one facility.

"While the financial cost may be higher to separate them at regional sites, the social cost may be even higher if everything is centralized."¹²

¹² (*Times Press Recorder* editorial, by TPR Staff, October 4, 2006)

**APPENDIX A - LETTERS OF TESTIMONY
PREVIOUSLY SUBMITTED IN SUPPORT OF
COMMISSIONING AN EIR**

ENVIRONMENTAL IMPACT 1 AESTHETICS

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

July 17, 2007

Nipomo Park Conservancy
P.O. Box 2042
Nipomo, CA 93444

I would like to voice my concerns with the upcoming projected build-out and subsequent addition of additional lighting in Nipomo Park. It was my understanding that this is a rural park, horse friendly and neighbor/family friendly park. What I am seeing is the break down of a truly wonderful gem in our community.

I am particularly concerned about the lights. There are currently two areas that have lights and one of those has an amplified sound system. I realize they are a necessary part of the recreation portion of this park. I live almost a half mile down Tejas and I can see these lights and hear every word the announcers say very clearly. There is absolutely no way that the new lighting proposed for this area will be blocked by trees, etc, as these trees are coming down at a rapid rate due to disease and expansion needs.

I don't understand why we are adding anything to this park in the first place. I use this park daily and rarely do I see more than 10-20 people (adults) in it. The exception being on the weekends when there are a number of family barbeques going on. We should have additional picnic facilities to accommodate the most popular activity that I witness all the time. I feel the money would be better spent in addressing the growing homeless population in the park and not adding useless recreation facilities that will go as unused as the rest of the items in the park.

Sincerely,


Elizabeth Kerby
448 Tejas Place
Nipomo, CA 93444

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) – Notice of Preparation

Sept. 27, 2007

Nipomo Park Conservancy
P.O. Box 2042
Nipomo, CA 93444

To whom it may concern,

First of all I would like to commend you for the diligent work you have been doing to help preserve the rural essence of our community – Nipomo. We have lived in this community for 35 years and it has saddened us to see the encroaching ways of city life reach farther and farther into the boundaries of Nipomo. This does not mean we do not appreciate “progress” but we have become very aware that everyone has a different definition of that word. Unfortunately it seems that the definition depends upon who is going to profit (financially or career-wise) from it.

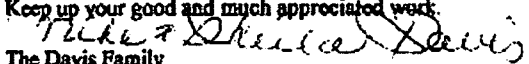
For an example, we have attended a few meetings regarding the proposed changes for the Nipomo Park. It is an understatement to say that we were APALLED at the ludicrous of the presentations being made. It seems as though the SLO board members and the group that is promoting the multiple additions to the park are void of COMMON SENSE. How can they even suggest that there will be NO ENVIRONMENTAL IMPACT on this area???

Our family lives on the northwest boundary of the park (Camino Caballo/Pomeroy). We set our home up to enjoy the view of the oak trees & gentle hills of the park. Will all that be lost?? The thought of mature trees being removed & replaced by concrete is so sad. How many trees & bushes & acres of grass are going to be sacrificed for this project? How many light poles are in the plan? *We can see the current light poles from our home.* On the nights of current park activity the skies in our area are brightly lit up – no more star gazing!

While our family enjoys watching the kids in particular play sports, it seems like the plans are an overkill for a multitude of sport activities – all in one selected spot in Nipomo. *Noise* will become an even bigger concern – *noise from spectators, loud speakers and much increased traffic.* Currently we can hear the games from our home. We can hear all the activities that play music etc. When we have friends over it becomes especially bothersome to talk over the noise. Currently we cannot even use our front courtyard because 24/7 traffic noise. The trees do not diffuse the sound at all!! All the proposed additional structures, lighting & activities will only intensify these problems for ALL THE SURROUNDING NEIGHBORS!!

Again, we appreciate your efforts – but there are so many questions that need answers. Why must everything be in this one spot – we just do not understand & at the meetings we attended it seems like this question never gets a direct answer. Who or what is behind this plan??

Keep up your good and much appreciated work.


The Davis Family
886 Camino Caballo
Nipomo, CA 93444

Once a lovely rural community

Thomas + Edith Shahaden
857 BERNITA PLACE Nipomo

THE PARK AS IT IS NOW WE CAN
SEE 3 light STANDARDS ABOVE THE
TREE LINE FROM OUR FRONT WINDOWS
THE NOISE FROM THE PARK AS IT IS
BEARABLE

BUT ADDING MORE VEHICLES TO THE PARK
WILL ADD

- 1 MORE NOISE POLLUTION
- 2 MORE TRAFFIC
- 3 MORE EVENTS INTO THE LATE EVENING HOURS
- 4 MORE CRIME

PLUS HAVING THE LIGHTS ON 7 NITES A WEEK

THE PARK SHOULD BE KEPT AS RURAL
AS POSSIBLE. THE PROPOSED ADDITIONS
WILL DESTROY THE RURAL ATMOSPHERE.

Thomas Shahaden
Edith C. Shahaden

P.S. I COACHED BASEBALL IN LONG BEACH
FOR 10 YEARS AGES 13 ~~THROUGH~~ 16
~~AND ON THE PARK~~ AND ALL THE SOCCER TEAMS
DID WAS FOR THE FIELDS UP AND LEFT US
TO US TO PAY TO REPAIR IT.

ENVIRONMENTAL IMPACT 4 BIOLOGICAL RESOURCES

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

From: juliaste@sbcglobal.net
Subject: park biological resources
Date: October 20, 2007 10:55:16 AM PDT
To: juliaste@sbcglobal.net

To Whom It May Concern:

I have witnessed the effects our growing community and increased recreational use are having on the existing wild area. I ride through the park 3 to 5 days a week. Six months ago there was a very large California King snake under the big oak tree where the Brushpoppers rodeo used to be held (behind where the parking lot is planned). This large orange, black, and white-banded snake had its head crushed by a large pop bottle. An unfortunate encounter with a cruel or naive human. I have also seen a young Gopher snake whose home was near the entrance gate on Camino Caballo. Several weeks later he had been run over by a car. Every summer I've seen several California Horned Lizards, popularly called "horned or horny toads" in the wild area of the park where the soccer fields are planned. They like the warm, flat, sandy areas. The numbers I've witnessed never have varied from 2 or 3 a year. Moving them during construction (if found) may or may not help them to survive. The Morro survey could find no Horned Lizards. Only an adequate biological field survey can determine if the reduction of the wild area and the increased use of the remaining wild area will further stress the existence of these and other species in the park to the point of extinction. Horned Lizards are not on the California endangered list, however, they are vanishing in Nipomo. They were readily seen around my house when I first moved to Nipomo 17 years ago.

Julie Steiner
(805) 929-2134

ENVIRONMENTAL IMPACT 7 HAZARDS/HAZARDOUS MATERIALS

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) – Notice of Preparation

From: ljwalden@charter.net
Subject: glass problem in Nipomo Park
Date: October 20, 2007 8:41:12 AM PDT
To: ljwalden@charter.net

To Whom It May Concern,

While walking in the park adjoining Tefft St (Oak Park BBQ and dog park area), I've often noted glass that keeps coming up from the ground. I do pick it up, but it is an unending situation.

While in the Dog Park, glass is cleaned up almost daily. This is NOT the result of recent broken glass perhaps done by kids; while building the off-leash area, we encountered countless items buried underground between inches and as much as 3' in the area.

I have oft heard rumors that most of the park was an official dump and privately owned at that time.

**Linda Walden
(805) 929-0849**

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

From: Charles Hail
To: ljwalden@charter.net
Sent: Wednesday, October 17, 2007 11:55 AM
Subject: Dog Park

To Whom it May Concern:

As head of the volunteer fencing crew that built the dog park known as the "Nipomo Off-leash Recreation Area" at Nipomo Community Park, I have first hand knowledge of the kinds of articles we unearthed while digging the post holes. I had another young man helping me - we used a 2-man motorized post-hole digger - and in most of the holes, we encountered some type of debris that halted our progress. Things like shoes, bottles, cans, silverware, clothes, even an automobile bumper and a box spring turned up under the surface. On the latter 2 occasions, we simply had to move the hole over by a foot or so just to get the post in. It became clear to me during this process that the land had been a landfill at one time.

Charles Hail
805-343-0157

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

From: James Harrison
To: ljwalden@charter.net
Sent: Thursday October 18, 2007
Subject: Old Dump in Nipomo County Park

To Whom it May Concern:

In July 2006 my Grandson and I were assisting the dog park extend a water line from one side of the dog park to the other putting water into the smaller area for the dogs to have a place to drink.

During the digging of the approximately 200 feet trench 18 inches deep, and the post hole for the post to hold the faucet for the water my grandson collected over 75 old bottles and we also found various vehicle parts, a starter from an old vehicle, a clutch, part of a flywheel, broken knife, etc. Some of the bottles had applied bottoms and tops which would indicate that they were older type bottles.

If within inches of the surface these items can be found one has to wonder how long the dump existed, and just what hazardous materials were dumped here. What efforts were made by the County to safeguard our health when they put this park there and in my opinion prior to any future development a complete environmental impact report (E.I.R.) needs to be completed that will determine exactly what hazard to our families exist on this old dump site. Failure to comply with this need could result in massive legal problems for the County and increase of taxes to pay for this failure to comply with the environmental review necessary for this project.

Jim Harrison
(805) 929-2935

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

From: Kkubiak@aol.com
To: liwalden@charter.net
Sent: Tuesday, October 16, 2007 4:03 PM
Subject: Re: Nipomo Park

Hi Linda,

The property, now known as Nipomo Community Park, was indeed a dump in the past. When the owner decided to call it quits, he donated the land to the County. I'm not sure of the timeline though.

Volunteers in the past put in baseball fields and irrigation lines that were supplied water by a well that was situated just west of the Little League Fields. It went dry in the 1970's and the county decided to abandon the well and opted for city water, even though there were offers within the community to put in a new well free of charge.

I know that when my husband and myself put in the concession stand up by the Babe Ruth Field, we found various items as we dug the footing for the building.

I can ask some other old timers to see if they can remember the timeline.

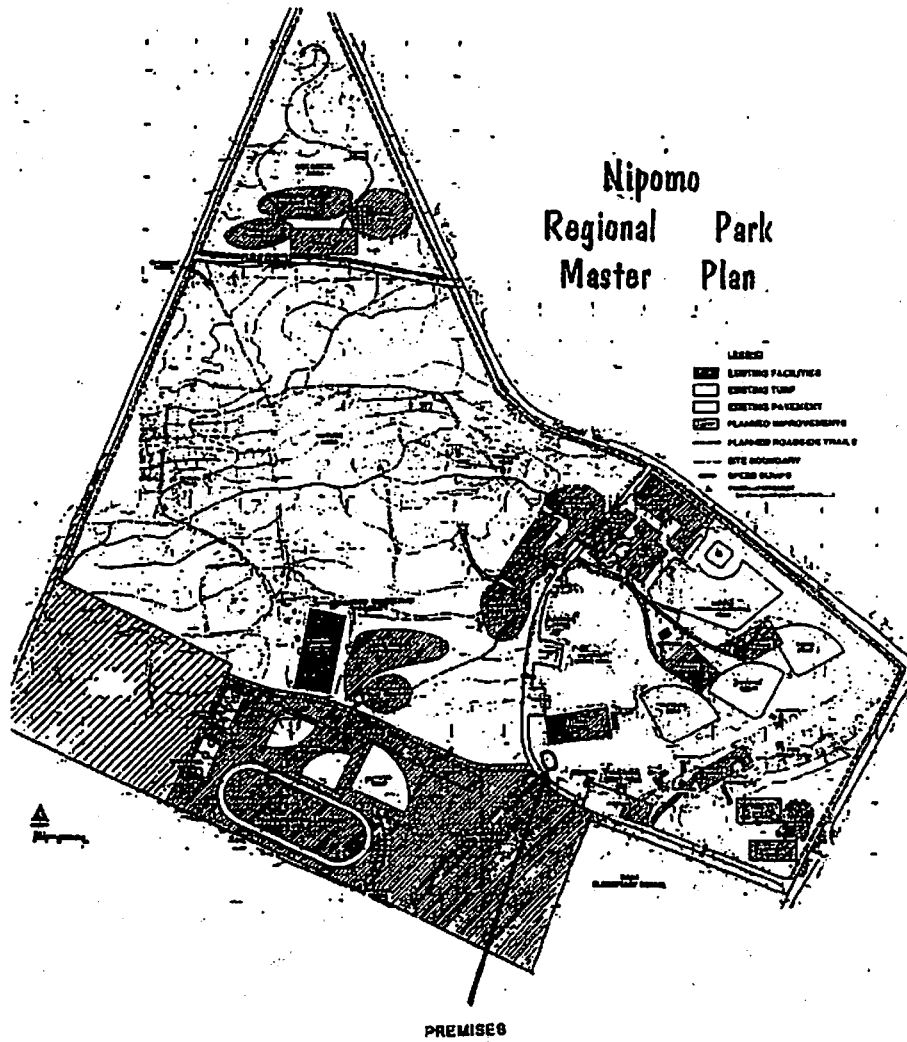
Hope this helps.

Kathy Kubiak
(805) 929-1241

APPENDIX B - COPY OF LONG-TERM LEASE AGREEMENT BETWEEN COUNTY AND NARA

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

EXHIBIT "A"



USE PERMIT

THIS USE PERMIT is entered into between the County of San Luis Obispo, hereinafter referred to as "County" and the Nipomo Area Recreation Association, a non-profit 501(c)(3) charitable organization doing business as Nipomo Recreation Center hereinafter referred to as "Permittee."

WHEREAS, due to space limitations at its present location, Permittee wishes to relocate its current youth-oriented community recreation and child care program; and

WHEREAS, the County and Permittee desire a permanent, long term lease of a portion of Nipomo Regional Park in which Permittee will build a large community recreation center, will offer expanded services to the community, and will coordinate all sports activities, clubs, and events within Nipomo Regional Park on behalf of the County; and

WHEREAS, said long term lease arrangement is compatible with County Parks Master Plan; and

WHEREAS, County and Permittee can not venture into said long term lease until Permittee has secured funding sources to build the new community recreation center; and

WHEREAS, Permittee desires a suitable temporary location at which to offer its current youth-oriented community recreation and child care program until the aforementioned permanent lease is secured; and

WHEREAS, County owns a temporary location located within the Nipomo Regional Park that meets Lessee's temporary needs until the long term lease agreement within Nipomo Regional Park is settled;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. Premises: County hereby grants to Permittee, and Permittee hereby hires and takes from County, for the term and upon the conditions hereinafter set forth, those certain premises defined as approximately 1,500 square feet of vacant land located in Nipomo Regional Park adjacent to the Perimeter Road near the tennis courts, hereinafter referred to as "Premises," as outlined and described in Exhibit "A" attached hereto and incorporated by reference herein.

2. Use of Premises: The Premises shall be used for the purpose of conducting and operating a youth-oriented community recreation and child care program to serve the community's needs.

Dated: May 31, 2001

1

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

3. **Quiet Possession:** County shall place Permittee in quiet possession of the Premises on the commencement of the term hereof, and subject to Permittee performing and observing all applicable conditions and covenants, as contained in this Use Permit, County shall secure to Permittee the quiet possession of the Premises during the term hereof against all persons claiming the same.

4. **Term:** The term shall commence upon execution of this Use Permit by the County General Services Director ("Director") and shall automatically renew on an annual basis. Director or Permittee may terminate this Use Permit for any reason by providing at least Ninety (90) days prior written notice to the other.

5. **Improvements:** Permittee may install one temporary modular building on the Premises, not to exceed 1,000 square feet and may install a temporary fence on the Premises adjacent to the temporary modular building, surrounding 500 square feet or less of vacant land.

However, no improvement of any type shall be constructed or located on the premises unless and until design, location, and the type of any and all proposed construction materials have been expressly approved in writing by the Director or his designee.

Permittee shall have the right on said Premises, at Permittee 's sole cost and expense, to construct other temporary improvements on said Premises subject to prior written approval by the Director or his designee.

Permittee agrees to submit to the Director, for review and written approval, all plans including specifications, working drawings, and other information required by Director covering the projects to be accomplished by Permittee . Said plans shall be submitted to the Director for County approval at least thirty (30) days in advance of the initiation of any such projects. If the Director objects to all or any portion of such plans, the Director shall state the objections specifically, and the Permittee shall make the changes specified and resubmit the plans as revised for the Director's approval as herein provided. No improvement or alteration shall be made to the Premises or any portion thereof without the submission to and prior written approval of the plans by the Director or his designee. In addition, the following shall apply to any construction or improvement to the Premises:

A. Nothing herein shall be construed to be a waiver of formal County building and land use review procedures and Permittee shall comply fully with same at Permittee 's sole cost and expense.

B. All utilities to the Premises shall be extended at the sole cost and expense of Permittee

Dated: May 31, 2001

2

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

. Said utilities shall include, but not be limited to, water, sewer, electricity, natural gas and telephone.

C. Permittee shall be responsible for any environmental determination. If an E.I.R. or C.E.Q.A. or other environmental review is needed, Permittee shall comply at Permittee's sole cost and expense.

D. Permittee shall be responsible for the monitoring of all activity during construction, installation and maintenance and shall comply with all such rules and regulations necessary to protect the health, safety and welfare of the public therein. The County Parks Manager and Environmental Coordinator shall determine, in each instance, whether an Environmental Monitor is necessary during construction, installation, repair and maintenance of the project. If County determines an Environmental Monitor is necessary, County shall provide said Monitor on site and Permittee shall be solely responsible for all costs associated with said monitoring.

E. County retains the right to make any improvements to the Premises as necessary which improvements shall not be inconsistent with the Permittee's use of the Premises.

6. Ownership of Improvements: At the termination of this Use Permit, Permittee shall be responsible for the removal of all alterations, modifications, or improvements upon the Premises made by Permittee, absent any agreement between the County and Permittee to the contrary, or unless County otherwise elects, which election shall be made by giving a notice in writing not less than fifteen (15) working days prior to the termination of this Use Permit. Permittee shall be responsible for the removal of said improvements, at Permittee's sole cost and expense, no later than sixty (60) days from the termination of this Use Permit or at such further time as County may agree to in writing, and Permittee shall promptly repair any damage caused by such removal in a first class manner. In the event Permittee fails to remove any or all of the alterations, additions, or improvements required by County, County may remove same and charge Permittee for the cost of such removals and Permittee hereby agrees to pay any and all such costs upon demand. Permittee shall defend and indemnify the County against all liability and loss arising from such claims or from the County's exercise of the rights conferred by this paragraph.

In the event the County elects that any or all alterations, modifications, or improvements made by Permittee upon the Premises remain, then said alterations, modifications, or improvements shall become County property without compensation to Permittee, free and clear of all claims to or against the improvements by Permittee or any third person.

Dated: May 31, 2001

3

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

7. **Repairs and Maintenance:** Permittee, at Permittee's sole cost and expense, shall maintain and keep the Premises and every portion thereof in a good state of repair during the term of this Use Permit and shall not, at any time, commit or suffer to be committed any waste, nuisance, or unlawful act thereon. The Director, or his designee, shall have the right to inspect the Premises at any reasonable time to protect the health, safety and welfare of individuals using the Premises. Permittee shall promptly repair or correct any problem identified in writing by the Director, or his designee. Should Permittee fail or neglect to make such repairs as necessary to protect the health, safety or welfare of individuals using the Premises, Director may, after ten (10) days written notice to Permittee, make said repairs and charge Permittee for same and Permittee shall reimburse County for said costs upon demand.

8. **Janitorial Services:** Permittee shall provide janitorial service for the Premises, at Permittee's sole cost and expense.

9. **Parking:** Permittee shall have the non-exclusive right to use available public parking within Nipomo Regional Park.

10. **Landscaping/Grounds Maintenance:** County agrees to maintain exterior turf and irrigation systems, and to provide parking lot repair and maintenance. Permittee shall provide exterior ornamental care on Premises (e.g. line trimming at base of fence, maintenance of shrubs and flowers, if applicable.)

11. **Refuse:** The removal and disposal of all rubbish, refuse, and garbage resulting from Permittee's operations will be accomplished by Permittee. Permittee may dispose of reasonable amounts of garbage in the Park's garbage containers in accordance with applicable law. Garbage removal of the Park's garbage containers shall be performed by County.

12. **Utilities:** During the term of this Use Permit, Permittee shall establish and pay for all monthly utility services to the Premises, including but not limited to, water and sewer, telephone, gas, and electric used by Permittee during its occupation of the Premises. If the establishment of separate utility meters is not possible or cost effective, Permittee, upon written permission by Director or his designee, may tap into County's utility systems and pay to County a flat fee for monthly utility usage, as negotiated between County and Permittee.

Any required fire detection systems shall be maintained by Permittee according to

Dated: May 31, 2001

4

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

requirements of CDF/County Fire under which jurisdiction the Premises is located.

13. **Taxes:** During the term of this Use Permit, Permittee hereby agrees to pay, prior to delinquency, all taxes and assessments, including both general and special, levied or assessed against the Premises and in connection with the Premises and Permittee's operation thereof, including without limitation, taxes on Permittee's possessory interest hereunder or in the Premises, and taxes or assessments on all structures, improvements, and fixtures now or hereinafter existing on the Premises, and on any personal property situated in, on, or about the Premises, or in, on or about any structures or improvements thereon. Permittee is hereby informed that a possessory interest subject to property taxation may be created by this Use Permit and that the party to whom the possessory interest is vested (Permittee) may be subject to the payment of property taxes levied on such interest. Permittee hereby agrees to pay such taxes prior to delinquency.

14. **Signs:** Permittee, at its sole cost, shall have the right to construct, place and maintain a sign on the Premises, advertising its business on the Premises. Any sign that Permittee constructs, places, and maintains shall comply with all laws, and Permittee shall obtain prior written approval from Director or his designee prior to placement of said sign.

15. **Protection of Premises:** Permittee agrees to take all reasonable precautions to protect Premises from damage, theft, vandalism and other such hazards.

16. **Insurance:** Permittee shall obtain and maintain for the entire term of the Agreement and Permittee shall not perform any work under this Agreement until after it has obtained insurance complying with the provisions of this paragraph. Said policies shall be issued by companies authorized to do business in the State of California. Permittee shall maintain said insurance in force at all times. The following coverage with the following features shall be provided:

A. **Commercial Liability Insurance:** Permittee shall maintain in full force and effect for the period covered by this Agreement, commercial liability insurance. This insurance shall include, but shall not be limited to, comprehensive general and automobile liability insurance providing protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from any act or occurrence arising out of Permittee's operations in the performance of this Agreement, including, without limitation, acts involving vehicles. The policy shall provide not less than single limit coverage applying to bodily and personal injury, including death resulting therefrom, and property damage in the total amount of One Million Dollars (\$1,000,000). The following endorsements must be

Dated: May 31, 2001

5

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) – Notice of Preparation

attached to the policy:

- (1) If the insurance policy covers on an "accident" basis, it must be changed to "occurrence".
- (2) The policy must cover personal injury as well as bodily injury.
- (3) Blanket contractual liability must be afforded and the policy must contain a cross liability or severability of interest endorsement.

B. Workers' Compensation Insurance: In accordance with the provisions of sections 3700 et seq., of the California Labor Code, if Permittee has any employees, Permittee is required to be insured against liability for workers' compensation or to undertake self insurance. Permittee agrees to comply with such provisions before commencing the performance of this Contract.

C. Additional Insureds to be Covered: The commercial general liability policies shall name "County of San Luis Obispo, its officers, employees, and agents" as additional insureds. The policy shall provide that the Permittee's insurance will operate as primary insurance and that no other insurance maintained by the County, or additional insureds will be called upon to contribute to a loss hereunder.

D. Certification of Coverage: Prior to commencing work under this contract, Permittee shall furnish County with the following for each insurance policy required to be maintained by this Agreement:

(1) A copy of the Certificate of Insurance shall be provided. The certificate of insurance must include a certification that the policy will not be canceled or reduced in coverage or changed in any other material aspect without thirty (30) days prior written notice to the County.

(2) A Workers' Compensation certificate of insurance must be provided.

(3) Upon written request by the County, the Permittee shall provide a copy of the complete insurance policy.

(4) Approval of Insurance by County shall not relieve or decrease the extent to which the Permittee may be held responsible for payment of damages resulting from Permittee's services or operations pursuant to this Agreement. Further, County's act of acceptance of an insurance policy does not waive or relieve Permittee's obligations to provide the insurance coverage required by the specific written provisions of this Agreement.

E. Effect of Failure or Refusal: If Permittee fails or refuses to procure or maintain the

Dated: May 31, 2001

6

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

insurance required by this contract, or fails or refuses to furnish County with the certifications required by *Subparagraph D.* above, County shall have the right, at it's option, to forthwith terminate the Agreement for cause.

17. **Indemnity:** Permittee shall defend, indemnify and hold harmless the County, its officers and employees from any and all claims and demands, costs, expenses, judgments, attorney fees or liabilities that may be asserted by any person or entity that arise out of or in connection with the acts or omissions relating to the performance of any obligation or duty provided for or relating (directly or indirectly) to this Use Permit, the tenancy created under this Use Permit, or the Premises hereunder. The obligation to indemnify shall be effective and shall extend to all such claims and losses, in their entirety, even when such claims or losses arise from the comparative negligence of the County, its officers and employees. However, this indemnity will not extend to any claims or losses arising out of the sole negligence or willful misconduct of the County, its officers and employees.

The preceding paragraph applies to any theory of recovery relating to said act or omission by the Permittee, or its agents, employees or other independent contractors directly responsible to Permittee, including, but not limited to, the following:

- A. Violation of statute, ordinance, or regulation.
- B. Professional malpractice.
- C. Willful, intentional or other wrongful acts, or failures to act.
- D. Negligence or recklessness.
- E. Furnishing of defective or dangerous products.
- F. Premises liability.
- G. Strict liability.
- H. Inverse Condemnation.
- I. Violation of civil rights.
- J. Violation of any federal or state statute, regulation, or ruling resulting in a determination by the Internal Revenue Service, California Franchise Tax Board or any other California public entity responsible for collecting payroll taxes, when the Permittee is not an independent contractor.

It is the intent of the parties to provide the County the fullest indemnification, defense, and hold harmless rights allowed under the law. If any word(s) contained herein are deemed by a court to be in

Dated: May 31, 2001

7

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) – Notice of Preparation

contravention of applicable law, said word(s) shall be severed from this contract and the remaining language shall be given full force and effect.

18. **Surrender:** Upon termination of this Use Permit, Permittee shall surrender the Premises unto County in the same condition as when received, reasonable use and wear excepted.

19. **Assignment:** Permittee shall neither transfer nor assign this Use Permit or any property on the Premises, nor sublet the Premises or any part thereof or any property thereon, nor grant any interest, privilege, or license whatsoever in connection with this Use Permit without the prior written consent of the County.

20. **Provisions Deemed Covenants and Conditions:** The parties hereto agree that all the provisions hereof are to be construed as covenants and conditions as though the words importing such covenants and conditions are used in each instance, and that all of the provisions hereof shall bind and inure to the benefit of the parties hereto and their respective heirs, legal representative, successors and assigns.

21. **Environmental Matters / Covenants Regarding Hazardous Materials:** Permittee and County shall at all times and in all respects comply with all federal, state and local laws, ordinances and regulations ("Hazardous Materials Laws") relating to industrial hygiene, environmental protection or the use, analysis, generation, manufacture, storage, disposal or transportation of any oil, flammable explosives, asbestos, urea formaldehyde, radioactive materials or waste, or other hazardous, toxic, contaminated or polluting materials, substances or wastes, including without limitation, any "hazardous substances," "hazardous wastes," "hazardous materials," or "toxic substances" under such laws, ordinances or regulations (collectively, "Hazardous Materials").

Permittee shall, except in the event of County's negligence, indemnify, defend, protect, and hold County and each of County's officers, directors, employees, agents, attorneys, successors and assigns, free and harmless from and against any and all claims, liabilities, penalties, forfeitures, losses or expenses or death of or injury to any person or damage to any property whatsoever, arising from or caused in whole or in part, directly or indirectly, by:

A. The presence in, on, under or about the Premises or discharge in or from the Premises of any Hazardous Materials or Permittee's use, analysis, storage, transportation, disposal, release, threatened release, discharge or generation of Hazardous Materials to, in, on, under, about or from the Premises, or

B. Permittee's failure to comply with any Hazardous Materials Law. Permittee's

Dated: May 31, 2001

8

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

obligations hereunder shall include, without limitation, and whether foreseeable or unforeseeable, all costs of any required or necessary repair, cleanup or detoxification or decontamination of the Premises, and the preparation and implementation of any closure, remedial action or other required plans in connection therewith caused by Permittee and shall survive the expiration or earlier termination of the term of this Use Permit. For purposes of the release and indemnity provisions hereof, any acts or omissions of Permittee, or by employees, agents, assignees, contractors or subcontractors of Permittee or others acting for or on behalf of Permittee (whether or not they are negligent, intentional, willful or unlawful) shall be strictly attributable to Permittee.

22. **Condemnation:** If the whole of the Premises shall be taken or condemned by any competent authority under power of eminent domain for a public or a quasi-public use or purpose, then the leasehold estate hereby created shall cease and terminate as of the date actual physical possession of the Premises is taken by the condemnor. All compensation and damages awarded for such total taking shall belong to and be the sole property of County, provided, however, that Permittee shall be entitled to receive a sum attributable to the taking of damage to Permittee's equipment, fixtures, or any improvements to the Premises which Permittee would have had, but for the condemnation, the right to remove on termination of this Use Permit. Upon termination of the Use Permit by a total taking all charges payable by Permittee to or on behalf of County under the provisions of this Use Permit shall be paid up to the date on which actual physical possession of the leased Premises shall be taken by the condemnor, and the parties hereto shall thereafter be released from all further liability in relation thereto.

In the event that there shall be partial taking of the leased Premises during the permit term under the power of eminent domain, this Use Permit shall terminate as to the portion of the released premises so taken on the date when actual physical possession of said portion is taken by the condemnor. At Permittee's option, this Use Permit shall continue in force and effect as to the remainder of the leased Premises. In the event of such partial taking, all compensation and damages for such partial taking shall belong to and be the sole property of County, provided, however, that Permittee shall be entitled to receive any award made for the taking of, or damage to, Permittee's equipment, fixtures, and any improvements made by Permittee to the leased Premises which Permittee would have had, but for the condemnation, the right to remove on termination of this Use Permit. In the event that this Use Permit is retained as to the portion of the leased Premises not condemned, any award made for alteration, modifications or repairs which may be reasonably

Dated: May 31, 2001

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

required in order to place the remaining portion of the leased Premises not taken in a suitable condition for the continuance of Permittee's tenancy shall belong to and be the sole property of County.

23. **Destruction of Premises:** Should any matter or condition beyond the control of the parties hereto, such as war, public emergency, or calamity, fire, earthquake, flood, act of God, strike, or any other labor disturbance, prevent performance of this Use Permit in accordance with the rights and privileges granted herein, this Use Permit shall immediately be terminated and the County shall be under no legal obligation to the Permittee by reason of said matter or condition.

Should any aforementioned matter or condition create eligibility for Federal, State, or any other governmental jurisdictional relief assistance and/or aid, both parties agree to take all reasonable steps necessary to procure such assistance and/or aid, in their respective capacities at the time of such application.

24. **Law:** This Use Permit has been executed and delivered in the State of California and the validity, enforceability and interpretation of any of the clauses of this Use Permit shall be determined and governed by the laws of the State of California.

25. **Venue:** The duties and obligations of the parties created hereunder are performable in San Luis Obispo County, and such County shall be the venue for any action or proceeding that may be brought or arise out of or in connection with or by reason of this Use Permit.

26. **Inspection of Premises:** County reserves the right of ingress and egress at any reasonable time to inspect, investigate and survey the Premises as deemed necessary by County, and the right to do any and all work of any nature for the preservation and maintenance of the Premises or improvements thereon without interfering with Permittee's use of the Premises.

27. **Employment Status:** Neither Permittee nor any of Permittee's agents or contractors are or shall be considered to be employees or agents of County in connection with the performance of Permittee's right and obligations under this Use Permit.

28. **Non-Discrimination:** Permittee and County shall not discriminate against any person or class of persons in violation of the Civil Rights Act of 1964 as amended or any other applicable laws prohibiting discrimination in the use of the Premises.

29. **Drug Free Workplace:** Permittee and Permittee's employees shall comply with County's policy of a drug free workplace. Neither Permittee nor Permittee's employees shall unlawfully manufacture, distribute, dispense, possess, or use controlled substances, including but not limited to marijuana, heroin,

Dated: May 31, 2001

10

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

cocaine, methamphetamine, or amphetamines at any of Permittee's facilities or County facilities or work sites. If any employee of Permittee is found to be under the influence of or in possession of any illegal substance at or on County's premises, that employee may not return to any of County's premises. Further return shall be a breach of this Use Permit. If Permittee becomes aware that any of Permittee's employees, during the course of their employ with Permittee, are convicted or plead nolo contendere to a criminal substance abuse statute, Permittee shall be responsible for notifying the Director within seventy-two (72) hours of becoming aware of said conviction or plea. Violation of this notification provision shall constitute grounds for termination of this Use Permit.

30. Americans with Disabilities Act: The Permittee acknowledges the passage of the Americans With Disabilities Act of 1990, 42 U.S.C. sect. 12101 et seq., ("ADA"). Permittee, as required by law, hereby agrees and is required to install any and all equipment, perform any and all alterations, improvements or modifications to the Premises such that the Premises are in strict compliance with ADA requirements.

31. Notices: All notices to Permittee shall be given in writing personally or by depositing the same in the United States mail, postage prepaid, or by certified or registered mail, return receipt requested, and addressed to Permittee at:

Nipomo Area Recreation Association
170 South Frontage Road
Nipomo, CA 93444
Attn: Executive Director

All notices to County shall be given in writing personally or by depositing the same in the United States mail, postage prepaid, or by certified or registered mail, return receipt requested, and addressed to:

County of San Luis Obispo
Department of General Services
1087 Santa Rosa
San Luis Obispo, CA, 93408
Attention: Parks Manager.

Either party can change address by notifying the other party in writing.

32. Breach: Notwithstanding any other provisions contained herein, Director may cancel and terminate this Use Permit if Permittee shall fail, neglect or refuse to perform and obey any term or condition

Dated: May 31, 2001

11

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) – Notice of Preparation

set forth in this Use Permit, after Director has given to Permittee written notice of thirty (30) days to do so, unless such failure, neglect or refusal by nature cannot be remedied within thirty (30) days of said notice and Permittee has within thirty (30) days of the notice commenced and does thereafter continue diligent efforts to remedy such failure, neglect or refusal. Any waiver by County of any failure by Permittee to comply with the terms and conditions of this Use Permit shall not be construed to be a waiver by County of any similar or other failure by Permittee to comply with any other term or condition hereof.

33. Immediate Suspension and Termination Clause: If Permittee or Permittee's agents, employees, or any party responsible to Permittee cause an occurrence on the Premises which seriously threatens or damages the health, safety and or welfare of the public, the Director may, upon written notice to Permittee, immediately suspend all activities on the Premises and this Use Permit may be terminated, if Permittee is determined to be negligent, upon direction of the County Board of Supervisors. Permittee shall have no recourse against County of said action and Permittee shall defend, and indemnify the County against all liability and loss arising from the occurrence.

34. Waiver of Claim: Permittee hereby waives any claim against the County, its officers, agents or employees for damage or loss caused by any suit or proceeding directly or indirectly attacking the validity of this Use Permit, or any part thereof or by any judgement or award in any suit or proceeding declaring this Use Permit null, void or voidable, or delaying the same or any part thereof from being carried out.

35. Severability: The invalidity of any provision of this Use Permit shall not affect the validity, enforceability of any other provision of this Use Permit.

36. Entire Agreement and Modifications: This Use Permit embodies the whole agreement between the parties hereto as it pertains to the subject real property and there are no promised terms, conditions, or obligations referring to the subject matter hereof, other than as contained herein. Any alterations, changes or modifications to this Use Permit must be in writing and executed by both Permittee and County.

////////////////////////////////// NOTHING FURTHER BEYOND THIS POINT //////////////////////////////////

Dated: May 31, 2001

12

Nipomo Community Park Master Plan
Comments on Program Environmental Impact Report (EIR) -- Notice of Preparation

IN WITNESS WHEREOF, the parties hereto have executed this Use Permit this 25.1 day of

August, 2001.

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Date: 8/13/01

COUNTY OF SAN LUIS OBISPO

By: [Signature]
Duane P. Leib

NIPOMO AREA RECREATION ASSOCIATION

By: [Signature]
Cheryl Villan, Executive Director

By: [Signature]
Bob Armstrong, President of the Board of Directors

Corporate Certificate

I, [Signature], certify that I am the Secretary of the Corporation named in the foregoing Use Permit; that Bob Armstrong, who signed said Use Permit on behalf of the corporation, was then President of the Board of Directors of said Corporation and said Use Permit was duly signed for and on behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

[Signature]
(CORPORATE SEAL) Secretary

F:\P\PM\G\T\NIPOMO Rec Assoc Use Permit.wpd

Dated: May 31, 2001

13

Shawna Scott

From: jdileo@co.slo.ca.us
Sent: Monday, November 30, 2009 9:52 AM
To: smcmasters@co.slo.ca.us; Shawna Scott
Subject: Fw: Nipomo Community Park

Our first comment....

Jan Di Leo
Parks Planner
SLO County Parks
(805) 781-4089 <http://www.slocountyparks.org>

----- Forwarded by Jan DiLeo/GenSrvcs/COSLO on 11/30/2009 09:53 AM -----

From: Bill Denneen <bdenneen@kcbx.net>
To: <jdileo@co.slo.ca.us>
Date: 11/25/2009 06:39 PM
Subject: Re: Nipomo Community Park

Hi Jan,
I hope to be at this meeting. Nipomo Park should NOT be "developed" (invaded). At one time it was proposed for Nipomo High School-----yuk. I jog there almost daily. We need a hint of what Nipomo was before being invaded by LA-slurbanization. Build your Rec-Center by the High School----not in our wonderful Nipomo Community Park.
Bill Denneen, Executive Director, Friends of Nipomo Park, PO# 73, Nipomo, 93444

> FROM: STEVEN MCMASTERS, PROJECT MANAGER
>
> SUBJECT: NIPOMO COMMUNITY PARK MASTER PLAN PROGRAM ENVIRONMENTAL
> IMPACT REPORT (EIR) -- NOTICE OF PREPARATION
>
> A Program EIR is being prepared for the Nipomo Community Park Master
> Plan (NCMP). The NCMP is proposed by San Luis Obispo County Parks and
> would result in the phased construction of recreation facilities and
> related infrastructure over a 20-year timeframe. At this point a
> Notice of Preparation (NOP) is being circulated for comments. The NOP
> is the vehicle by which agencies (Federal, State and Local) can
> comment on the proposed scope of the EIR and inform the County as to
> what if any permit authority they may have over the proposed project.
> While the NOP is primarily addressed to governmental agencies, it also
> provides an excellent opportunity for the public and other
> non-governmental groups to comment on the proposed scope of the EIR as
> well. The County encourages any interested party to review the
> information in the NOP and provide comments to the County. The NOP and
> supporting documents can be accessed at the County Planning Department
> website:
> PUBLIC MEETING:
>
> The County will also hold a public EIR scoping meeting on December 1,
> 2009 from 6:30 - 8:30 pm, at 148 South Wilson Street in Nipomo, San

> Luis Obispo County, California. The public scoping meeting is an
> additional avenue for commenting on the scope of work for the EIR.
>
> If you need more information about this project, please contact Steven
> McMasters at (805)781-5096 (or e-mail:
> _smcmasters@co.slo.ca.us_), or Jan DiLeo at (805) 781-4089 (or
> e-mail: _jdileo@co.slo.ca.us_).

Shawna Scott

From: jdileo@co.slo.ca.us
Sent: Wednesday, December 02, 2009 12:39 PM
To: smcmasters@co.slo.ca.us
Cc: Shawna Scott
Subject: Fw: Nipomo Park Build Out

A comment!

Jan Di Leo
Parks Planner
SLO County Parks
(805) 781-4089 <http://www.slocountyparks.org>

----- Forwarded by Jan DiLeo/GenSrvcs/COSLO on 12/02/2009 12:39 PM -----

From: Ernie DelRio/GenSrvcs/COSLO
To: Jan DiLeo/GenSrvcs/COSLO@Wings, Curtis Black/GenSrvcs/COSLO@Wings
Date: 11/30/2009 01:37 PM
Subject: Fw: Nipomo Park Build Out

FYI

Ernie Del Rio, Park Superintendent
San Luis Obispo County Parks
(805) 781-5200 Visit: <http://www.slocountyparks.org>

----- Forwarded by Ernie DelRio/GenSrvcs/COSLO on 11/30/2009 01:37 PM -----

From: SLOParks General Services/GenSrvcs/COSLO
To: Ernie DelRio/GenSrvcs/COSLO@Wings, Mark Wagner/GenSrvcs/COSLO@Wings
Date: 11/30/2009 12:57 PM
Subject: Fw: Nipomo Park Build Out
Sent by: Anna Diaz

San Luis Obispo County Parks
1087 Santa Rosa Street
San Luis Obispo, CA 93408
(805) 781-5930
<http://www.slocountyparks.org>

----- Forwarded by Anna Diaz/GenSrvcs/COSLO on 11/30/2009 12:57 PM -----

From: "robert dodds" <rcdodds@sbcglobal.net>

To: <sloparks@co.slo.ca.us>
Date: 11/25/2009 03:50 PM
Subject: Nipomo Park Build Out

To Whom it may concern: I live very close to Nipomo Park and over the last ten years have watched all the new development that has gone in surrounding it. Most of the animals that used this area for habitat were pushed out. Many have been killed on Camino Caballo, Pomeroy, and the other streets outlining the park. This is one of the last remaining greenbelts left in Nipomo. So many animals use it for their home, I would hate to see them pushed out and their last chance for survival. It is a wonderful spot for everyone to use for dog walking, human retreat, and equestrians. We the surrounding neighbors feel it is perfect!

We all agree that there needs to be a recreation center for the children and adults of Nipomo but I haven't seen any other areas actively pursued. I would think that there would be plenty of land available at Nipomo High School for a center that could be used by the High School and the rec. dept. It could be a win/win situation for all. It would also be cost effective as the kids from the high school wouldn't have to drive to it, and the kids from the elementary schools could be bused there for care if it was used for that purpose. Please do not take our last open space left.

Sincerely, Cherie Dodds

Shawna Scott

From: jdileo@co.slo.ca.us
Sent: Monday, December 21, 2009 9:03 AM
To: smcmasters@co.slo.ca.us; Shawna Scott
Cc: hansson@verizon.net
Subject: Fw: Nipomo Community Park Master Plan Program EIR

Follow Up Flag: Follow up
Flag Status: Red

Steve,
Below are comments I received on the Notice of Preparation.

Jan Di Leo
Parks Planner
SLO County Parks
(805) 781-4089 <http://www.slocountyparks.org>

----- Forwarded by Jan DiLeo/GenSrvcs/COSLO on 12/21/2009 09:02 AM -----

From: "Hans & El-Jay Hansson" <hansson@verizon.net>
To: <planning@co.slo.ca.us>
Cc: "Dan Gaddis" <silverwings1@sbcglobal.net>, "Jan Di Leo" <jdileo@co.slo.ca.us>, "Katcho Achadjian" <kachadjian@co.slo.ca.us>
Date: 12/20/2009 05:10 PM
Subject: Nipomo Community Park Master Plan Program EIR

After reviewing the draft EIR, there are a number of items that disturb us.

1. The 2004 survey, we have yet to identify any participants, which leads us to believe the range was very limited. Also why was Oceano involved in the survey? 1.2.1)
2. With so many other more appropriate venues such as Kaminaka, and the smaller Nipomo parks, why would you want to ruin the rural ambiance of this pristine property? It seems logical to spread out the facilities while you still can, before all available land has been developed. (1.2.2)
3. The SCAC, which is supposed to represent the community and those that will have to live with any decision you make, objected to this ambitious plan, requesting a more rural approach. (1.2.3)
4. To pave over another 183,388 square feet, is leading us to the "concrete jungle" we want to avoid. (1-12)
5. How is removing 84,276 square feet of trail going to help us maintain a rural setting? (1-12)
6. If future gang activity takes over this park, it will leave nothing for the regular youths in our area. Thus the argument that we spread out facilities around (do not put

all the eggs in one basket).

7. How about water and waste management? The EIR does not seem to address this properly with the current drought.

Thank you for your consideration.

Hans & El-Jay Hansson

[Scanned @co.slo.ca.us]

December 22, 2009



Mr. Steve McMasters
County of San Luis Obispo Department of Planning and Building
976 Osos Street, Rm.300
San Luis Obispo, CA 93408-2040

Dear Mr. McMasters

I attended your Nipomo Park Master Plan Notice of Preparation meeting on December 1, 2009 at the Nipomo Community Services District building. In compliance with your stated process, I am submitting my written response to your NOP and EIR.

My comments refer to the category of "Aesthetics":

- Both alternatives 1&2 include lighting the soccer fields, parking, group picnic area, tennis courts, basketball courts and includes security and building lights. Using your figures, the totals for the existing and proposed recreation areas totals over 24 acres of lighting. That's the equivalent of lighting up the entire developed portion of the park at its current size plus an additional 2 acres. The park is surrounded on all four sides by residential housing. That much light cannot be mitigated for the surrounding neighborhoods by grading, landscaping, or light shields. Currently the park tennis court is lit automatically from dusk to 10PM whether or not anyone is playing. That one area of light already causes glare for the homes and drivers on Pomeroy. Your report does not state what hours the lights will be on and the impact on the surrounding residents and drivers.
- A Community Park should reflect a community's character and Nipomo's character is equestrian. Just as Tahoe has snow parks and Pismo has dune parks Nipomo's recreational niche is equestrian trails. Currently the rural portion of the park provides a unique variety of trails for walkers hikers, bird watchers and equestrians. This park

draws visitors from surrounding communities and out of state tourists. With all the residential development our trail numbers have been shrinking and the county has refused to accept dedication of new trails. Ride Nipomo has actively pursued the inclusion of trails in our community planning with Nipomo Community Park being the trail hub. The master plan calls for eliminating 84,276 square feet of trails and 1,113,510 square feet of undeveloped open space. This reduction would alter the park's character and impact Ride Nipomo's years of trail planning. How can you mitigate the elimination recreation for one group of people to build recreation for another?

Please include my comments and respond to them in your EIR.

Respectfully submitted,



Jacqueline Sue Walls
410 Tejas Place
Nipomo, CA 93444
805/929-6085

