

**D. GENERAL PUBLIC**

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<b>Kevin and Debbie Lee [a]</b> P.O. Box 1168 Nipomo, CA 93444	KDL[a]	October 5, 2008	X.D.-7
<b>Terese Toomey</b> 1150 North Thompson Road Nipomo, CA 93444	TT	October 16, 2008	X.D.-9
<b>Gary Guliasi</b> 330 Black Hawk Nipomo, CA 93444	GG	October 17, 2008	X.D.-11
<b>Kevin Murphy</b> Arroyo Grande, CA 93420	KM	October 19, 2008	X.D.-13
<b>Carol Garcia</b> 545 Camino Encanto Nipomo, CA 93444	CG	October 20, 2008	X.D.-15
<b>Craig and Paula Knighten</b> Nipomo, CA 93444	CPK	October 22, 2008	X.D.-17
<b>James Skow, M.D. and Kristi Adams</b> Broken Arrow Road Nipomo, CA 93444	JSKA	October 22, 2008	X.D.-19
<b>Mike and Ann McClure</b> 235 Cimarron Way Arroyo Grande, CA 93420	MAM	October 23, 2008	X.D.-21
<b>Lee Jamieson</b> 439 Rim Rock Road Nipomo, CA 93444	LJ	October 27, 2008	X.D.-24
<b>Jay Hardy [a]</b> 550 Sycamore Creek Lane Nipomo, CA 93444	JaH[a]	October 27, 2008	X.D.-26
<b>Bernie and Lennette Horton</b> 265 Rim Rock Road Nipomo, CA 93444	BLH	October 27, 2008	X.D.-29
<b>Julie and David Johnson</b> 820 Upper Los Berros Road Nipomo, CA 93444	JDJ	October 27, 2008	X.D.-32

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<b>Kevin and Debbie Lee [b]</b> P.O. Box 1168 Nipomo, CA 93444	KDL[b]	October 27, 2008	X.D.-34
<b>Richard Sachen [a]</b> 1190 Upper Los Berros Road Nipomo, CA 93444	RS[a]	October 27, 2008	X.D.-36
<b>Brent and Mary Beth Stromberg</b> 441 Rim Rock Road Nipomo, CA 93444	BMBS	October 27, 2008	X.D.-39
<b>James Toomey [a]</b> 161 Jovita Place Nipomo, CA 93444	JT[a]	October 28, 2008	X.D.-43
<b>Laurie Laughlin</b> P.O. Box 1089 Arroyo Grande, CA 93421	LL	October 28, 2008	X.D.-45
<b>Chris and Dennis Wynn</b> 405 Broken Arrow Nipomo, CA 93444	CDW	October 28, 2008	X.D.-47
<b>David L. Richards</b> 225 Broken Arrow Road Nipomo, CA 93444	DLR	October 28, 2008	X.D.-49
<b>Vern and Carol Garcia</b> 545 Camino Encanto Nipomo, CA 93444	VCG	October 29, 2008	X.D.-69
<b>Mark and Stephanie Fugate</b> 620 Spring Canyon Lane Nipomo, CA 93444	MSF	October 29, 2008	X.D.-72
<b>Joanna Kearns</b> 333 Broken Arrow Road Nipomo, CA 93444	JK	October 29, 2008	X.D.-75
<b>Gerald and Julie Kuras</b> 427 Rim Rock Road Nipomo, CA 93444	GJK	October 30, 2008	X.D.-78
<b>James Toomey [b]</b> 161 Jovita Place Nipomo, CA 93444	JT[b]	November 1, 2008	X.D.-80

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<b>Richards Red Rock Ranch</b> 225 Broken Arrow Road Nipomo, CA 93444	RRRR	November 3, 2008	X.D.-84
<b>Patricia Rogers</b> 1235 Ramal Lane Nipomo, CA 93444	PR	November 3, 2008	X.D.-91
<b>Christina Richards</b> 225 Broken Arrow Road Nipomo, CA 93444	CR	November 3, 2008	X.D.-93
<b>Tina Grietens</b> P.O. Box 12 Nipomo, CA 93444	TG	November 3, 2008	X.D.-97
<b>Aldo and Bonni Pellicciotti</b> 530 Sycamore Creek Lane Nipomo, CA 93444	ABP	November 3, 2008	X.D.-102
<b>Donald and Roberta Gehring</b> 540 Sycamore Creek Lane Nipomo, CA 93444	DRG	November 4, 2008	X.D.-106
<b>John and Vickie Dicus</b> 1175 Jackrabbit Road Nipomo, CA 93444	JVD	November 4, 2008	X.D.-109
<b>Barbara and John Anderson</b> P.O. Box 240 Arroyo Grande, CA 93421	BJA	November 4, 2008	X.D.-114
<b>Paul Castello, M.D.</b> Broken Arrow Road Nipomo, CA 93444	PC	November 4, 2008	X.D.-116
<b>Lorene Murphy</b> P.O. Box 1997 Nipomo, CA 93444	LM	November 4, 2008	X.D.-121
<b>Michael Murphy</b> P.O. Box 1997 Nipomo, CA 93444	MiMu	November 4, 2008	X.D.-124
<b>Charles Andree and Laurie Laughlin [a]</b> 1012 Upper Los Berros Road Nipomo, CA 93444	CALL[a]	November 4, 2008	X.D.-127

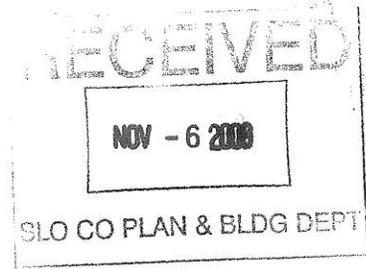
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<b>Mary O'Connor</b> 156 Sheehy Road Nipomo, CA 93444	MOC	November 5, 2008	X.D.-129
<b>Molly Martin</b> 1190 Upper Los Berros Road Nipomo, CA 93444	MoMa	November 5, 2008	X.D.-132
<b>Ernie and Nancy Penny</b> 1255 Haven Hill Way Nipomo, CA 93444	ENP	November 5, 2008	X.D.-134
<b>Tom and Linda Shea</b> 494 Rim Rock Road Nipomo, CA 93444	TLS	November 5, 2008	X.D.-136
<b>Raymond Toomey</b> 1150 North Thompson Avenue Nipomo, CA 93444	RT	November 6, 2008	X.D.-139
<b>Marc and Linda Sommerfeld</b> 255 Broken Arrow Road Nipomo, CA 93444	MLS	November 6, 2008	X.D.-162
<b>Vince McCarthy</b> 194 East Dana Street Nipomo, CA 93444	VMC	November 7, 2008	X.D.-164
<b>Margy Moynihan Billita Corporation</b> 2480 Brady Lane Arroyo Grande, CA 93420	MMBC	November 7, 2008	X.D.-167
<b>Susan Wies</b> 1260 Hawthorne Lane Nipomo, CA 93444	SW	November 7, 2008	X.D.-170
<b>Robert Moss, M.D., F.A.C.S.</b> Sheehy Road Nipomo, CA 93444	RM	November 7, 2008	X.D.-174
<b>Bailey and Celeste Hudson</b> 1032 East Orange Street Santa Maria, CA 93454	BCH	November 8, 2008	X.D.-176
<b>Nancy McIntosh</b> 191 Rim Rock Road Nipomo, CA 93444	NMI	November 8, 2008	X.D.-178

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<b>Dr. Donald and Melinda Montano</b> 240 White Dove Court Nipomo, CA 93444	DMM	November 8, 2008	X.D.-180
<b>Albert and Cherie FitzGerald</b> 380 Rim Rock Road Nipomo, CA 93444	ACF	November 8, 2008	X.D.-182
<b>Dr. Kalred and Constance Chun</b> 250 White Dove Court Nipomo, CA 93444	KCC	November 8, 2008	X.D.-184
<b>Julie Johnson</b> Nipomo, CA 93444	JJ	November 8, 2008	X.D.-186
<b>Kem and Robin Weber</b> 445 Rim Rock Road Nipomo, CA 93444	KRW	November 8, 2008	X.D.-188
<b>Amy and John Henry</b> <b>Clyde and Julie Johnston</b> 480 and 482 Rim Rock Road Nipomo, CA 93444	H&J	November 8, 2008	X.D.-191
<b>Jay Hardy [b]</b> 550 Sycamore Creek Lane Nipomo, CA 93444	JaH[b]	November 8, 2008	X.D.-194
<b>Gordon and Ann Gill</b> 428 Rim Rock Road Nipomo, CA 93444	GAG	November 8, 2008	X.D.-196
<b>Stacey and Geriann McIntosh</b> 4717 Ledge Avenue Toluca Lake, CA 91602	SGM	November 8, 2008	X.D.-198
<b>Dr. Michael and Diane Haverty</b> Thompson Road Nipomo, CA 93444	MDH	November 8, 2008	X.D.-200
<b>Jon Hergert</b> Arroyo Grande, CA	JoH	November 8, 2008	X.D.-202
<b>Richard Sachen [b]</b> 1190 Upper Los Berros Road Nipomo, CA 93444	RS[b]	November 8, 2008	X.D.-204

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<b>Debbie and Richard Ryder</b> Upper Los Berros Canyon Nipomo, CA 93444	DRR	November 10, 2008	X.D.-206
<b>Camilio and Teresa Alarcio</b> 875 Riata Lane Nipomo, CA 93444	CTA	November 11, 2008	X.D.-209
<b>Charles Andree and Laurie Laughlin [b]</b> 1012 Upper Los Berros Road Nipomo, CA 93444	CALL[b]	December 13, 2008	X.D.-211

10/05/2008

To: Brian Pedrotti  
County building and planning Dept.  
San Luis Obispo, Ca.



Dear Brian,

I am writing you this letter with my concerns about the Laetitia Subdivision. My wife and I own three houses in upper Los Berros canyon along with three wells. We have been here for 22 years and love our quality of life. 102 houses would impact us gravely; traffic on Dana foothill and the canyon is dangerous now with the fieldworkers and the trucks from the winery. Our water is declining. All that development would lower the water table more and really impact the area, I propose that we get independent E.I.R study, along with water and traffic studies. The study conducted was done in January a time of little winery activity

KDL[a]-1

KDL[a]-2

Thank You  
Sincerely  
Kevin and Debbie Lee

**Responses to Kevin and Debbie Lee’s Comments [a]**

<b>Comment No.</b>	<b>Comment</b>
KDL[a]-1	Please refer to Final EIR Sections V.N. Transportation and Circulation and V.P. Water Resources, which address noted concerns.
KDL[a]-2	Please refer to Final EIR Sections V.N. Transportation and Circulation and V.P. Water Resources, which were prepared by the County’s independent consultant. Water studies submitted by the applicant were peer reviewed by the County’s hydrogeological consultant (refer to Final EIR Appendix H).



Terese Toomey  
<teresetoomey@yahoo.com>

10/16/2008 02:01 PM

Please respond to  
teresetoomey@yahoo.com

To bpedrotti@co.slo.ca.us

cc

bcc

Subject Laetita DEIR

Hello Brian

I am currently reviewing the DEIR for the Laetitia Agriculture Cluster Subdivision in preparation of compiling a written response and would like to confirm the traffic counts used for Sheehy and North Thompson Roads were completed on January 3 and January 4, 2006. Do you know if the South County Traffic Model Report is available for electronic viewing? Has the increased traffic from the proposed Willow Road extension project been included in projected traffic counts for Thompson Road and US 101 ramps? Thank you, Terese Toomey

TT-1

TT-2

Terese Toomey  
1150 N. Thompson Road  
Nipomo, CA 93444

**Responses to Terese Toomey's Comments**

<b>Comment No.</b>	<b>Comment</b>
TT-1	Final EIR Section V.N.1.d has been clarified to state that traffic counts were conducted on January 3 and 4, 2006. The South County Traffic Model Report is available online at <a href="http://www.slocounty.ca.gov/PW/Traffic/Traffic_Studies.htm">http://www.slocounty.ca.gov/PW/Traffic/Traffic_Studies.htm</a> .
TT-2	Traffic resulting from the Willow Road extension was not included in the traffic analysis for the proposed project; however, the County Department of Public Works was consulted to determine if the Willow Road project would substantially affect the analysis conducted for the Draft EIR. The Department concluded that the Willow Road extension would not have a substantial effect on the US 101/Los Berros Road/N. Thompson Road interchange (personal communication, 2011).

17 October 2008

Mr. Pedrotti,

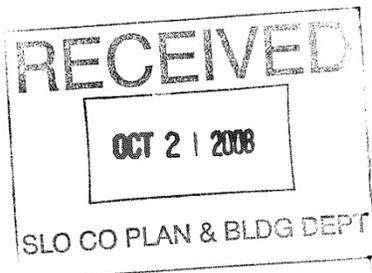
After having reviewed the Draft EIR for the Laetitia Agricultural Cluster Subdivision on-line I believe the project should not be allowed for the following reasons:

- 1. Open space/ag land should not be developed (no rural sprawl) | GG-1
- 2. Increased traffic congestion | GG-2
- 3. Negative impacts to Los Berros Creek | GG-3
- 4. Removal of too many oak trees | GG-4
- 5. Access road does not meet emergency response Cal Fire requirements | GG-5
- 6. Development is visible from Highway 101. | GG-6

IF any development is allowed on this property it should scaled down and not visible from Highway 101. | GG-7

Respect fully,

Gary Guliassi  
330 Black Hawk  
Nipomo, CA 93444



### Responses to Gary Guliasi's Comments

<b>Comment No.</b>	<b>Comment</b>
GG-1	Comment noted. No changes to the EIR are necessary.
GG-2	Comment noted. No changes to the EIR are necessary.
GG-3	Comment noted. No changes to the EIR are necessary.
GG-4	Comment noted. No changes to the EIR are necessary.
GG-5	Comment noted. No changes to the EIR are necessary.
GG-6	Comment noted. No changes to the EIR are necessary.
GG-7	Please refer to Recirculated Chapter VI Alternatives Analysis, which identifies additional alternatives for review and consideration.



"Kevin Murphy"  
<kevsr@cox.net>  
10/19/2008 10:36 AM

To <bpedrotti@co.slo.ca.us>  
cc <garin@murrphylawcorp.com>, "tx my bro"  
<terry@mred.com>  
bcc  
Subject Questions regarding the Letitia Plan

Dear Mr. Pedrotti,

I've just become aware of the Laetitia Plan for property very close to property my wife and I share a 1/3rd interest in. Our property is Parcel # 048-121-010, 40 acres, Upper Los Berros, Arroyo Grande, CA 93420. I'm concerned about two issues. One is the impact 102 - 1 acre residential home sites will have on my property and the other much more disconcerting. On July, 26, 2006 I met with SLO County Department of Planning and Building to discuss partitioning my 40 acres into 4 - 10 acre parcels. I was told in no uncertain terms that my plans were not allowed based on current zoning requirements. I'm assuming since the Laetitia Plan is almost next door to my parcel that the zoning has been changed? If it has not, could you please explain why my parcel split request was considered too dense for the area at 10 acres per parcel and the Laetitia plan is not at 1 acre? Could you also forward to me, or direct me to a website, that provides information in which I can more fully understand the project and its impact on my property? Thank you in advance for your assistance.

KM-1

KM-2

Sincerely,

Kevin Murphy  
cp: 602-697-9511  
email: [kevsr@cox.net](mailto:kevsr@cox.net)

### Responses to Kevin Murphy's Comments

Comment No.	Comment
KM-1	The project applicant is proposing an Agricultural Cluster Subdivision, which allows for the clustering of residential units, provided 95% of the project site remain in open space/agricultural use. No changes to the EIR are necessary.
KM-2	Environmental notices and EIRs are posted on the County's website: <a href="http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices.htm">http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices.htm</a>



cg6760406@aol.com  
10/20/2008 10:09 AM

To bpedrotti@co.slo.ca.us  
cc  
bcc  
Subject

Mr. Brian Pedrotti,

Could you please send me the guide lines for including a response to the "draft environmental impact report" for the Laetitia project. | CG-1

We are very unhappy about all of that traffice being directed onto Los Berros Road. | CG-2

Thank you, Carol Garcia

McCain or Obama? Stay updated on coverage of the Presidential race while you browse - [Download Now!](#)

### Responses to Carol Garcia's Comments

Comment No.	Comment
CG-1	Please refer to CEQA Guidelines Section 15204 Focus of Review. A copy of the Guidelines can be reviewed here: <a href="http://califaep.org/ceqa/statute-and-guidelines">http://califaep.org/ceqa/statute-and-guidelines</a>
CG-2	Comment noted. No changes to the EIR are necessary.



"Knighten, Paula"  
<paula@windsorinsurance.com>  
10/22/2008 05:20 PM

To <bpedrotti@co.slo.ca.us>  
cc  
bcc  
Subject Laetitia plan

Hello Mr.. Pedrotti:

Our property is located at the corner of Dana Foothill and Upper Los Berros Road. Here are our concerns:

The open-space lots would be used for a homeowners association facility, a recreation center, an equestrian facility and a community center. **We heard that gates will be set up at Upper Los Berros Road. We are concerned about the increased traffic coming down the corner of Dana Foothill and Upper Los Berros with the current 'S' Turn and 45 degree Turn with blind spots - a situation prone to traffic accidents.** CPK-1

Plans for the project, to be constructed in three phases, call for drilling two new wells and constructing a water storage tank, private water service lines, a wastewater treatment plant, effluent storage ponds, an effluent disposal/irrigation system and entry gates. **Same concern about the increased traffic at the same location above. In addition, the impact to the Los Berros Creek is of huge concern.** CPK-2  
CPK-3

A 7.7-acre dude ranch is proposed for one of the open-space parcels. Although it is a future project and not part of the three phases, it is analyzed in the draft EIR. **Same concern about the increased traffic at the same location above. The blind spots is already a current issue for local residents. The increase of traffic would only accelerate the chance of traffic accidents.** CPK-4

Those include the removal of 300 coast live oak trees greater than 5 inches in diameter, impacts to 14.35 acres of native oak woodland habitat and reduced water quality and quantity within Los Berros Creek and critical steelhead trout habitat. **We are concerned about the removal of the oak trees. Is there any plan for Laetitia to plant new trees in other areas to make up for the lost? The other huge concern is the reduced water quality and quantity to the Los Berros Creek. Creek is the natural treasure for all. Any impact reducing the quality and quantity and affecting the trout habitat is surely a great loss to the entire community.** CPK-5  
CPK-6

As proposed, the access road exceeds Cal Fire requirements, which could increase fire hazards and hamper emergency responses even as the project increases the demand for service. **We are concerned about the increase fire hazards.** CPK-7

Thank you for letting us voiced our concerns.

Your truly

Craig and Paula Knighten

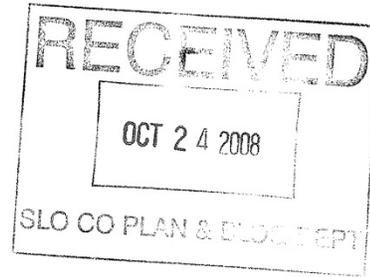
Notice: This e-mail message and any attachment to this e-mail message may contain information that is confidential, proprietary, privileged, legally privileged and/or exempt from disclosure under

### Responses to Craig and Paula Knighten's Comments

Comment No.	Comment
CPK-1	Please refer to Final EIR Section V.N. Transportation and Circulation, which includes mitigation measures specific to North Dana Foothill Road and Los Berros Road including implementation of road improvements (i.e., widening, road striping, and shoulders) pursuant to County road standards, which would address identified safety concerns consistent with adopted standards. No changes to the EIR are necessary.
CPK-2	Please refer to Final EIR Section V.N. Transportation and Circulation, and Recirculated and Final EIR Section V.P. Water Resources. No changes to the EIR are necessary.
CPK-3	Refer to response to comment CPK-1 above.
CPK-4	Please refer to Recirculated and Final EIR Section V.E. Biological Resources. Implementation of the project would result in the removal of up to 55 oak trees, and an additional 114 trees would be impacted. Offsite road improvements would result in the removal or impact of up to 94 additional oak trees. Pursuant to mitigation measures BIO/mm-13, BIO/mm-14, and BIO/mm-15, the applicant will be required to plant oak trees onsite.
CPK-5	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which includes an analysis of the applicant's proposal to use wells that would not have a direct effect on Los Berros Creek, and mitigation to ensure further protection of creek flow (WAT/mm-1). Water quality mitigation is also provided to avoid adverse effects to surface waters, including Los Berros Creek (refer to WAT/mm-9, WAT/mm-10, WAT/mm-11, WAT/mm-12, WAT/mm-13, WAT/mm-14, BIO/mm-9, BIO/mm-10, BIO/mm-11, and BIO/mm-12).
CPK-6	Comment noted. No changes to the EIR are necessary.

October 22, 2008

Brian Pedrotti  
Project Manager  
County Planning and Bldg. Dept  
County Government Center Room 200  
San Luis Obispo, 93408



Dear Brian,

Thank you for your previous courtesy to me in regard to the Thompson project. | JSKA-1

We have read about the 102 one acre parcel development that Latitia Winery is proposing.

This development is directly northwest of our property and that of our neighbors on Broken Arrow Rd. The proposed sewage treatment plant is upwind of our properties.

The sewage plant and effluent ponds should be relocated because of the likelihood of foul odors. The effect of the whole development on our water table and water quality is of great concern to us. How can we be certain that the holding ponds will not foul our well water? | JSKA-2

Our understanding is that the Nipomo region already has a depleted water table and that unless another source of water other than wells is found that no further permits should be granted. We understand that salt water intrusion is already occurring. | JSKA-3

We understand that the traffic on Sheehy Rd., Dana Foothill Rd., and Upper Los Berros Rd. will be greatly increased. | JSKA-4

In our opinion the Latitia property should remain agricultural. In the very least a complete environmental report should be required. That would have to address the water table issues and the holding pond odor issues which are a great concern to us and our neighbors. | JSKA-5  
| JSKA-6

Thank you for your consideration of our concerns.

James R. Skow, M.D. and Kristi Adams

jrskow@airspeedwireless.net

245 Broken Arrow Road  
Nipomo, CA 93444

### Responses to James Skow, M.D. and Kristi Adams's Comments

Comment No.	Comment
JSKA-1	As noted in Final EIR Section V.C.5.c Air Quality, Project-specific Impacts and Mitigation Measures, Long-term Project Related Operational Emissions, Odors, the wastewater processing facility would be fully enclosed, and a biofilter would be installed and maintained to prevent odors.
JSKA-2	Tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated pursuant to Regional Water Quality Control Board regulations. This level of treatment, and implementation of emergency back-up systems (refer to WW/mm-1) will ensure that no adverse effects to surface or groundwater occur. No changes to the EIR are necessary.
JSKA-3	Please refer to Recirculated and Final EIR Section V.P. Water Resources. The project is not located within the Santa Maria Groundwater Basin; however, the applicant proposes to use domestic wells that would not reduce stream flow within Los Berros Creek, which flows into the Santa Maria Groundwater Basin. In addition, mitigation measure WAT/mm-1 identifies restricted yields on proposed domestic wells.
JSKA-4	Please refer to Final EIR Section V.N. (Transportation and Circulation) of the EIR.
JSKA-5	Please refer to Final EIR Section V.C. Air Quality, Section V.O. Wastewater, and Recirculated and Final Section V.P. Water Resources.

October 23, 2008

Brian Pedrotti, Project Manager  
County Planning & Building Department  
County Government Center, room 200  
San Luis Obispo, Ca 93408-2040

Dear Mr. Pedrotti,

The purpose of this letter is to voice my concerns regarding portions of the Laetitia Agricultural Cluster Subdivision Draft Environmental Impact Report. I own two contiguous parcels (APN 090,042,001 and 002) that are adjacent to Los Berros Creek and therefore adjacent to the proposed Laetitia project. My property is the residence for my wife and I, plus residences for our two children and their families. Our concern is the location of the project wastewater treatment facility.

MAM-1

From the DEIR it is obvious the designers of this project are expending a great deal of engineering and expense to locate this necessary utility as far as possible from their proposed housing element, making it out of sight and out of smelling range from their subdivisions. At issue for us is this selected location puts the treatment plant and ponds directly next to my home, within 200 feet in my case and directly upwind. The prevailing winds in our canyon are upstream 25 out of 30 days of a typical month. Our three families find this totally unacceptable, and I can assure you my neighbors behind us share our concerns for this unnecessary and drastic reduction in our viewscape and quality of life.

MAM-2

Another serious issue for us is the possible contamination of our ground water supply. My property is a certified organic vegetable farm, and has been a certified organic farm for more than 30 years, which is longer than Laetitia has had their vineyard and winery operation. If you will refer to sheet 2 of tract parcel map no. 77-173 (copy enclosed) you will note the location of one of my water well sites. This site is I believe right at or closer than the 100 foot minimum required distance from such a utility. Next I will refer you to the DEIR WW-1 thru 4 which details potential systems failure scenarios described in terms such as “when they occur”, not “if” they occur. Any one of these would be a threat to permanently contaminate my groundwater for organic farming purposes. My water is tested twice a year for the presence of nitrates, coliform, salts (such as sodium hypochlorate) and other foreign matter any one of which would permanently disqualify us for an organic farming certificate. While I am not a hydrologist, I do have some knowledge of salt water incursion of the ground water and its permanent effect on the aquifers. I do not wish to have a “chemical incursion” on my property. I do wish to continue with certified organic farming.

MAM-3

MAM-4

I am currently responsible to the California Regional Water Control Board to monthly monitor any water in the Los Berros Creek from the upper portion of my property line to

MAM-5

the bottom. I am to monitor for nitrates and other chemicals. I do not wish to monitor the accidental runoff from a wastewater treatment system.

MAM-5  
(cont'd)

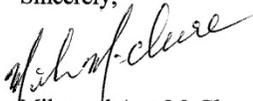
I was very impressed with the thoroughness of the DEIR and its photos of properties as far away as Los Berros, Upper Los Berros and Thompson Road etc. and the visual effects this development will have on their viewscape, traffic, noise and other issues. The DEIR totally left out of the report any mention of impacts this project will have to their nearest neighbor, us, and to our neighbors behind us. They cannot say this is an oversight, we had a long discussion with their representative, at their request, concerning other project issues earlier this year in our living room.

MAM-6

We are in no way trying to prevent this worthwhile and desirable project at this time, but I do ask that they find a more suitable location within their 1000 plus acre project site to build this utility, whose sole function is to serve this development.

MAM-7

Sincerely,



Mike and Ann McClure

235 Cimarron Way  
Arroyo Grande, Ca 93420

Ph: (805) 481-0530  
Fax: (805) 481-7484  
[Makomc@msn.com](mailto:Makomc@msn.com)

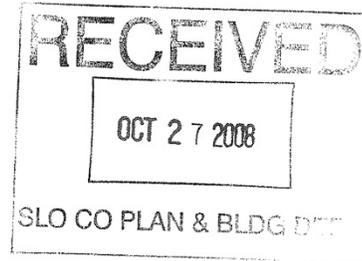
Enc: tract map co. 77-173

MAM-8

### Responses to Mike and Ann McClure's Comments

Comment No.	Comment
MAM-1	Please refer to EIR Section XI.D. Response to Comments – Public – 2013 RDEIR (MAM).
MAM-2	Please refer to response to comment MAM-2 (2013), which references the following responses to comments received on the 2013 Recirculated EIR: DLR-10 regarding pond odor, DRL-14 regarding facility odor, and DLR-13 regarding odor and visual impacts.
MAM-3	Please refer to response to comment MAM-3 (2013).
MAM-4	Please refer to response to comment MAM-4 (2013), which references the following responses to comments received on the 2013 Recirculated EIR: DRL-11 regarding the potential for an accidental spill or discharge.
MAM-5	Please refer to response to comment MAM-5 (2013).
MAM-6	Please refer to response to comment MAM-6 (2013).
MAM-7	The commenter's concern will be considered by the County decision makers.
MAM-8	The map attached by the commenter is referenced and responded to under comment MAM-3 (2013).

Mr. Brian Pedrotti  
Project Manager  
County Planning & Building Department  
County Government Center  
Room 200  
San Luis Obispo, Calif. 93408



Dear Sir,

This letter is to voice our concerns regarding the residential development, and sewage effluent ponds in the planning for the development on Laetitia Winery property.

LJ-1

We live on the south side of Los Berros Creek, and therefore will be directly affected by such an enormous development. Our concerns are as follows:

1. Impact on ground water both by quantity and by quality. In the past few years Laetitia has vastly expanded their vineyards. This has put greater demands on the ground water basin. How much water can they extract until someone says "thats enough"? Water is our most precious resource and I don't believe one entity should have the right to monopolize.
2. Additional traffic impact on Rim Rock Road, Dana Foothill, and Sheehy Road
3. In case of fire or flood there would be only one escape route. A second route out of their developement should be a top priority.
4. With the proposed sewage treatment facility we are concerned about air pollution and the fact that we will be left with the wonderful view of looking at their treatment facility. Put it back in the hills where only they have to smell it and look at it!

LJ-2

LJ-3

LJ-4

The Enviromental Impact Report contains an alternative site for these effluent ponds. We feel stongly that an alternate area is essential.

LJ-5

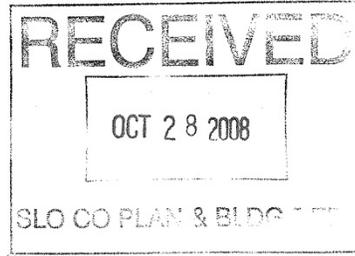
Sincerely,

*Lee A. Jamieson*  
Lee A. Jamieson  
439 Rim Rock Road  
Nipomo, California 93444  
Ph. # 805 4898573

### Responses to Lee Jamieson's Comments

Comment No.	Comment
LJ-1	Please refer to Recirculated and Final EIR Section V.E. Water Resources.
LJ-2	Please refer to Final EIR Section V.N. Transportation and Circulation.
LJ-3	Please refer to Final EIR Section V.N.6.g.1 of the EIR; the applicant proposes to use Laetitia Vineyard Drive for emergency access. No changes to the EIR are necessary.
LJ-4	The wastewater treatment facility would be located near existing equipment storage over one mile from Rim Rock Road (refer to Figure III-12). Storage ponds would be located approximately 600 feet from the Rim Rock/Broken Arroyo Road neighborhood; and within 200 feet from the closest adjacent landowner. While the pond would be visible, its appearance would be similar to an agricultural reservoir or irrigation storage pond, and would function as such. Regarding odors, the facility would be enclosed, and a biofilter would be installed to prevent escape of offensive odors. The effluent would be treated to a tertiary level, which would remove odors. No changes to the EIR are necessary.
LJ-5	Comment noted. No changes to the EIR are necessary.

Jay Hardy  
550 Sycamore Creek Lane  
Nipomo, Ca 93444



October 27, 2008

Brian Pedrotti, Project Manager  
County Planning and Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

I have studied the EIR for the Laetitia Subdivision proposal, and as a resident of Sycamore Creek Lane, which is across Los Berros Creek from the proposed development, I must voice some very serious concerns about this project.

JaH[a]-1

1. **Traffic:** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill contains a very dangerous "S" turn as it approaches the bridge over Los Berros Creek. There have been many very serious accidents at this "S" curve and I personally have had many near misses due to oncoming vehicles "cutting the corner". The project would create hundreds more trips on this narrow road, thus endangering all the current residents as well as the new ones. With residents, housekeepers, gardeners, and visitors, I would estimate over 800 trips being made on our roads (coming and going) every day. Considering the design and narrowness of these roads, this is just unacceptable.

2. **Water:** Nipomo has experienced many problems with wells drying up over the past few years. This project would only make matters worse for the current residents of our community. I am also concerned for the sensitive environment surrounding Los Berros Creek. When we moved onto Sycamore Creek Lane, which is adjacent to the creek, in 1998, the creek flowed the majority of the months each year; and for several years the creek flowed all year round. However, as soon as Laetitia planted their hundreds of acres of vineyards, there is only flow in the creek during a heavy rain. They have reduced this once beautiful creek and habitat to nothing more than a storm drain. The creek was once home to the Steelhead Trout, California Red Legged Frog, Western Pond Turtle, and other endangered species. I am also concerned about the viability of the hundred year

JaH[a]-2

JaH[a]-3

JaH[a]-4

old sycamore trees along the creek banks which would be endangered by the future draw on the ground water that this project would entail. A large project of this nature can only do further harm to a very sensitive and beautiful environment that is irreplaceable.

JaH[a]-4  
(cont'd)

3. **Odors:** Several current residents live directly across from the proposed equestrian center. The smells and flies would definitely affect their quality of life. In addition, many residents in the Rim Rock Road area live downwind of the proposed sewage effluent treatment ponds, which obviously would have a negative effect on their property values as well as being unsightly and offensive.

JaH[a]-5

JaH[a]-6

4. **Fire:** The increased traffic would also increase the likelihood of a fire in the heavily wooded canyon areas. In addition, emergency egress from the fire would be very difficult on the narrow roads leading out of the project (Dana Foothill).

JaH[a]-7

5. **Trees:** The plan calls for cutting down 300 mature oak trees. This is a loss to the environment that we and future generations will regret.

JaH[a]-8

6. **Why?:** Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community.

JaH[a]-9

For the above reasons, I, and my neighbors, would strongly urge you and the County Planning Department to reject this unneeded subdivision that would do irreparable damage to our environment and degrade our community.

JaH[a]-10

Sincerely,



Jay Hardy

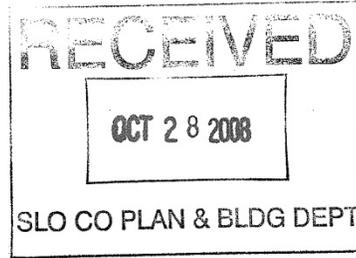
### Responses to Jay Hardy's Comments [a]

Comment No.	Comment
JaH[a]-1	As noted in Final EIR Section V.N. Transportation and Circulation, TR Impact 2, TR Impact 3, TR Impact 7, TR Impact 8, and TR Impact 9, and subsequent mitigation measures specific to Dana Foothill Road and Los Berros Road including implementation of road improvements (i.e., widening, road striping, shoulders) pursuant to County road standards. Construction of road widening, standard road shoulders, and striping would improve conditions along affected roadways. No changes to the EIR are necessary.
JaH[a]-2	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which includes an expanded discussion of the environmental setting and additional analysis of sustainable yield.
JaH[a]-3	Comment noted. No changes to the EIR are necessary.
JaH[a]-4	Please refer to Recirculated and Final EIR Section V.P. Water Resources. The applicant no longer proposes to use wells that would reduce streamflow with Los Berros Creek, and pumping restrictions are recommended as mitigation (refer to WAT/mm-1) to further avoid adverse effects to Los Berros Creek, and associated aquatic species.
JaH[a]-5	Please note the applicant no longer requests approval of an equestrian center (refer to Final EIR Chapter III Project Description).
JaH[a]-6	The proposed treated effluent storage ponds would be located approximately 600 feet from the Rim Rock/Broken Arroyo Road neighborhood; and within 200 feet from the closest adjacent landowner. Prior to storage, the wastewater would be treated within an enclosed facility to a tertiary level, which would remove offensive odors typically associated with untreated, or primary treated, wastewater. While the pond would be visible, its appearance would be similar to an agricultural reservoir or irrigation storage pond, and would function as such. Regarding odors, the facility would be enclosed, and a biofilter would be installed to prevent escape of offensive odors. The effluent would be treated to a tertiary level, which would remove odors. No changes to the EIR are necessary.
JaH[a]-7	The commenter's concerns are addressed in Final EIR Section V.G. Hazards and Hazardous Materials (Wildland Fire Hazards).
JaH[a]-8	The commenter's concerns are addressed in Final EIR Section V.E. Biological Resources.
JaH[a]-9	The commenter's concerns will be considered by the County decision makers.
JaH[a]-10	The commenter's concerns will be considered by the County decision makers.

Bernie & Lennette Horton  
265 Rim Rock Road  
Nipomo, CA 93444

October 27, 2008

Mr. Brian Pedrotti  
Project Manager  
County Planning & Building Department  
County Government Center  
Room 200  
San Luis Obispo, CA 93408



Re: Proposed Laetitia Winery Housing Development

Dear Sir:

As residents living on Rim Rock Road southeast of the proposed project, we are vehemently opposed to the development as currently planned for many reasons.

BLH-1

First is increased traffic in an already impacted area. The roads beyond Thompson were never designed for even the amount of traffic that currently uses them. To DOUBLE the number of houses using Sheehy and Dana Foothill for access, not even considering the construction traffic and eventual Dude Ranch traffic is ludicrous. Even though Rim Rock Road is not considered to be main access, we already know that it is used as a "short cut" by many of the current residents beyond its intersection with Dana Foothill, as well as by construction traffic and even Laetitia Vineyard workers who have been working on the back side of their property. In the five years we have lived here, we have had three accidents where drivers have come around the corner too fast and ended up in our front landscaping.

The "loop" of Sheehy, Dana Foothill, and Rim Rock is a popular recreational walking spot (not just with area residents), but with the speed many vehicles use on the stretch it has already become dangerous to be healthy.

BLH-2

Second, we are concerned with the location of the sewer treatment plant and effluent holding ponds. They are located so that the prevailing winds would "scent" our neighborhood along Rim Rock Road and Broken Arrow Road. They are also located too close to the Los Berros Creek drainage and in a wet year, will certainly cause problems. Also, Los Berros Creek is a critical steelhead trout habitat. Imagine the damage one "spill" could have on it.

BLH-3

BLH-4

Third, we are concerned about emergency egress. Fires often start along the 101 and we are all uphill from there. Trying to evacuate that many people would be asking for disaster. Also, expecting emergency response from CDF or the Sheriff's Department for

BLH-5

that many more residences, as well as the Dude Ranch, in a confined area is truly laughable. | BLH-5 (cont'd)

Fourth, the light and noise pollution of 102 more homes will greatly affect our rural quality of life. If the homes were on 100 acre parcels, the light would not be so concentrated. | BLH-6

Fifth, the proposed changes to the Thompson/Los Berros road and 101 exit as well as turn lanes onto Sheehy are not enough. The traffic along Thompson Road is already heavy and when students at Nipomo High are going and coming from class, it takes forever to get onto Thompson from Sheehy. | BLH-7

Sixth, the "open space" of the proposed development would apparently be used for a homeowner's association facility, a recreation center, an equestrian facility and a community center, as well as developed agricultural areas. How can that be considered "open space"? | BLH-8

Seventh, at least 300 mature Coastal live oaks are going to be cut down. Even if they are "replaced", it would be 30 to 50 years before they would look the way they do now. Other large trees would also be cut. | BLH-9

Eighth, we are gravely concerned with the water situation in the area. Grapes do not take the amount of water that homes and landscaping take. Where is all this water going to come from? | BLH-10

We would not be opposed to a reduced project that puts fewer homes on minimum 5-acre parcels and places the sewer system in a less populated area and one that does not use Sheehy/Dana Foothill/Rim Rock for access. | BLH-11

Thank you for your consideration.

*Bernie + Lennette Horton*

Bernie & Lennette Horton

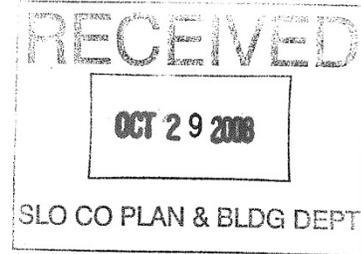
Cc: Katcho Achadjian, 4<sup>th</sup> District Supervisor  
South County Advisory Committee

**Responses to Bernie and Lennette Horton’s Comments**

Comment No.	Comment
BLH-1	As noted in Final EIR Section V.N. Transportation and Circulation, the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project’s effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip estimates and to provide safe County roads.
BLH-2	Please refer to response to comment BLH-1 above.
BLH-3	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to RWQCB regulations.
BLH-4	As noted in the Final EIR (Section V.E. Biological Resources, see V.E.5.b), and as discussed in Section V.O. Wastewater, there is a potential for accidental spill, mechanical failure, or other unforeseen event that could cause release of raw sewage (from collection pipes) or improperly treated effluent into surface waters, including the storage ponds. In addition to measures proposed by the applicant (i.e., alarms, emergency generators, contained treatment plant) and compliance with existing regulations, mitigation is identified (refer to WW/mm-1), requiring an emergency contingency plan to avoid accidental discharge into surface waters. Implementation of these measures would minimize the likelihood of accidental harm to special-status species potentially within and down-gradient of the reservoirs.
BLH-5	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter’s concerns.
BLH-6	Please refer to Final EIR Section V.A. Aesthetics (AES Impact 3), which addresses the commenter’s concerns regarding lighting. Please refer to Final EIR Section V.I. Noise (N Impact 2), which addresses transportation-related noise generated by the proposed project.
BLH-7	The mitigation identified in Final EIR Section V.N. Transportation and Circulation is based on traffic model calculations and traffic control warrants, which include the creation of additional trips under daily and peak conditions. Please refer to mitigation measure TR/mm-3, which requires construction of a left turn channelization lane at the North Thompson Road/Sheehy Road intersection. Based on the traffic analysis, implementation of the project would not result in significant impacts to the roadway segment of North Thompson Road. Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities. This improvement is anticipated to address the commenter’s concerns.
BLH-8	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
BLH-9	Please refer to Final EIR Section V.E. Biological Resources, which assesses potential impacts to oak trees.
BLH-10	Please refer to Final EIR Section V.P. Water Resources and response to comment letter BH (2013).
BLH-11	Please refer to EIR Chapter VI Alternatives Analysis, which considers alternatives consistent with the Land Use Ordinance and that would avoid or reduce identified significant impacts. Based on consultation with Caltrans, consideration of access via Laetitia Vineyard Drive / Highway 101 is not a feasible option due to significant traffic safety concerns.

October 27, 2008

Brain Pedrotti  
County Planning and Building Dept.  
County Government Center, Room 200  
San Luis Obispo, Ca. 93408-2040



Dear Mr. Pedrotti.

My husband and I have had the great pleasure of living in the upper Los Berros Canyon for 4 years. We moved here to get away from the traffic and noise of the city. We left the lights and noise and smells of the city for the peace and quiet of the country. We chose our spot carefully. The quiet here is almost cathedral-like. When we come home it's as if you can breathe again and calm settles over you. Now we hear there is a plan afoot to put more than 200 more cars on our little roads. How? How can the County imagine that 204 cars making numerous trips in and out all day can be serviced by Dana Foothill, Sheehy and worst, Upper los Berros Roads?

JDJ-1

JDJ-2

My next concern is a Dude Ranch with 77 cabins less than 1/2 mile from my house. The noise pollution, the lights at night blocking our stars, and 77 more cars, all out here in our rural, peaceful neighborhood make us very concerned for the quality of our life.

JDJ-3

The biggest concern I think we all have is the water issue. There is not enough water for Nipomo as it is, why allow such a large project? Our water table dropped with the planting of the vineyards. Can you imagine what will occur when there are 102 homes, 77 guest cabins, pool, landscaping, and horse watering?

JDJ-4

A water treatment plant and effluent ponds will just about cap off the situation. I feel sorry for the people on Broken Arrow Lane. The stench of sewer probably wasn't something they would choose to have behind their houses, nor I as we drive home.

JDJ-5

Your EIR has 17 NEGATIVE points on how this will affect our quality of life. Please deny this application. If that is not possible we would request that you deny the dude ranch, make number of homes less, direct Laetitia traffic out through Laetitia property to Highway 101, and move the sewage treatment plant further into the Laetitia property, away from our PROTECTED steelhead trout habitat. Let us enjoy our quality of life.

JDJ-6

Thank you for your attention.

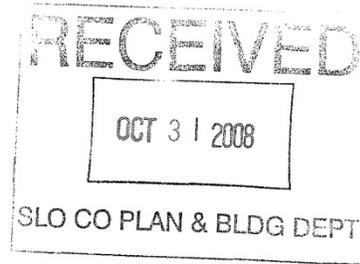
*Julie Johnson*  
Julie and David Johnson  
820 Upper Los Berros Road  
Nipomo, Ca. 93444-8765

*David R. Johnson*

### Responses to Julie and David Johnson's Comments

Comment No.	Comment
JDJ-1	The commenter's concerns will be considered by the County decision makers.
JDJ-2	As noted in Final EIR Section V.N. Transportation and Circulation, the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
JDJ-3	The commenter's concerns will be considered by the County decision makers.
JDJ-4	Please refer to Final EIR Section V.P. Water Resources.
JDJ-5	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
JDJ-6	The commenter's concerns will be considered by the County decision makers.

10/27/2008  
Brian Pedrotti, Project Manager  
County Planning & Building Dept.



Re: Laetitia Project, 102 homes

Dear Sir, My name is Kevin Lee I live off upper Los Berros Canyon at 1165 Jackrabbit Rd. My wife and I are strongly opposed to the Laetita Development, We have gone over the E.R.A and feel the Traffic impact, Water table impact along with the other class one impacts would change our way of life. We are concerned for our safety and what resources we have left.

KDL[b]-1

Thank You  
  
Kevin and Debbie Lee  
PO Box 1168

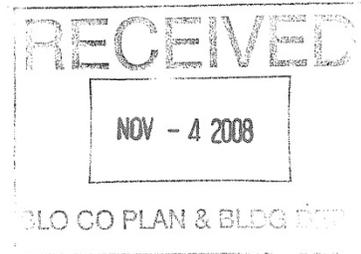
**Responses to Kevin and Debbie Lee’s Comments [b]**

<b>Comment No.</b>	<b>Comment</b>
KDL[b]-1	The commenter’s concerns will be considered by the County decision makers.

Richard W. Sachen  
1190 upper Los Berros Rd  
Nipomo, Ca. 93444

October 27, 2008

Brian Pedrotti, Project Manager  
County Planning and Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040



Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

I have studied the EIR for the Laetitia Subdivision proposal, and as a resident in the area accessed by Sheehy and Dana Foothill Roads, I must voice some very serious concerns about this project.

RS[a]-1

- 1. **Traffic:** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. These are small, rural, country roads. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill contains a very dangerous “S” turn as it approaches the bridge over Los Berros Creek. There have been many very serious accidents at this “S” curve due to oncoming vehicles “cutting the corner”.

With residents, housekeepers, gardeners, farm workers, and visitors, the traffic will be significantly increased. It is estimated that this development will create approximately 1,000 more trips on these narrow roads, thus endangering all the current residents as well as the new ones. Considering the design and narrowness of these roads, this is just unacceptable.

- 2. **Water:** Nipomo has experienced many problems with wells drying up over the past few years. This project would only make matters worse for the current residents of our community.

RS[a]-2

There is no aquifer in this area. The proposed wells would be located over fractured shale, which provides an unpredictable source of water, and one that potentially dry up wells that are located further up Los Berros Canyon.

I am also concerned for the sensitive environment surrounding Los Berros Creek. For the majority of year, water flows in Los Berros creek, that is, until it reaches the Laetitia Vineyard area; then the water ceases to flow unless there is a very heavy rain. Laetitia has already reduced this once beautiful creek and habitat to nothing more than a storm drain. The creek was once home to the Steelhead Trout, California Red Legged Frog, Western Pond Turtle, and other endangered species. I am also concerned about the viability of the hundred year old sycamore trees along the creek banks which would be endangered by the future draw on the ground water that this project would entail. A large project of this nature can only do further harm to a very sensitive and beautiful environment that is irreplaceable.

RS[a]-3

RS[a]-4

- 3. **Odors:** Several current residents live directly across from the proposed equestrian center. The smells and flies would definitely affect their quality of life. In addition, many residents in the Rim Rock Road area live downwind of the three proposed sewage effluent treatment ponds, which obviously would have a negative effect on their property values as well as being unsightly and offensive. RS[a]-5
  
- 4. **“Open Space”:** The plan calls for four rural lots to be **“buildable open space”** an oxymoron that will allow future development of communal buildings, farm buildings, worker residences, “accessory structures”, and who knows what. This project will undoubtedly result in far more than the 102 residences initially proposed. In addition, the idea of a future 75 room hotel, for which Laetitia has created the euphemism “dude ranch”, is more than inappropriate for this area; it is appalling! RS[a]-6
  
- 5. **Fire:** The increased traffic would also increase the likelihood of a fire in the heavily wooded canyon areas. In addition, emergency egress via Dana Foothill from the fire would be very difficult if not impossible on the narrow roads leading out of the project, thus endangering the lives of all canyon residents. RS[a]-7
  
- 6. **Trees:** The plan calls for cutting down 300 mature oak trees. This is a loss to the environment that we and future generations will regret. RS[a]-8
  
- 7. **Why?:** Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community. RS[a]-9
  
- 7. **Why?:** Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community. RS[a]-10

For the above reasons, I join my neighbors in strongly urging you and the County Planning Department to reject this unneeded subdivision that would do irreparable damage to our environment and degrade our community.

Sincerely,

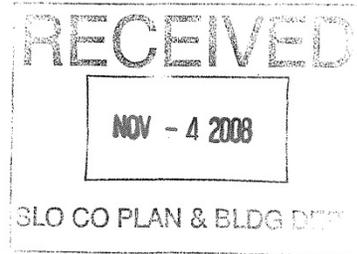


Richard W. Sacher  
 1190 Upper Los Berros Rd.  
 Nipomo, Ca. 93444

### Responses to Richard Sachen's Comments [a]

Comment No.	Comment
RS[a]-1	As noted in the Final EIR Section V.N. Transportation and Circulation, the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
RS[a]-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which addresses this concern.
RS[a]-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which addresses these concerns.
RS[a]-4	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which addresses these concerns.
RS[a]-5	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
RS[a]-6	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
RS[a]-7	The commenter's concern regarding the dude ranch will be considered by the County decision makers. Please note the applicant is not requesting a use permit for the dude ranch at this time.
RS[a]-8	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns regarding fire hazards and emergency response.
RS[a]-9	Please refer to Final EIR Section V.E. Biological Resources, which addresses the commenter's concern regarding oak trees.
RS[a]-10	The commenter's concerns and statements will be considered by the County decision makers.

Brent & Mary Beth Stromberg  
441 Rim Rock Road  
Nipomo, CA 93444



October 27, 2008

Brian Pedrotti, Project Manager  
County Planning and Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

I have studied the EIR for the Laetitia Subdivision proposal, and as a resident in the area accessed by Sheehy and Dana Foothill Roads, I must voice some very serious concerns about this project.

BMBS-1

1. **Traffic:** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. These are small, rural, country roads. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill contains a very dangerous "S" turn as it approaches the bridge over Los Berros Creek. There have been many very serious accidents at this "S" curve due to oncoming vehicles "cutting the corner".

With residents, housekeepers, gardeners, farm workers, and visitors, the traffic will be significantly increased. It is estimated that this development will create approximately 1,000 more daily trips on these narrow roads, thus endangering all the current residents as well as the new ones. Considering the design and narrowness of these roads, this is just unacceptable.

2. **Water:** Nipomo has experienced many problems with wells drying up over the past few years. This project would only make matters worse for the current residents of our community.

BMBS-2

There is no aquifer in this area. The proposed wells would be located over fractured shale, which provides an unpredictable source of water, and one that potentially dry up wells that are located further up Los Berros Canyon.

BMBS-3

- |   |                             |
|---|-----------------------------|
| <p>I am also concerned for the sensitive environment surrounding Los Berros Creek. For the majority of year, water flows in Los Berros creek, that is, until it reaches the Laetitia Vineyard area; then the water ceases to flow unless there is a very heavy rain. Laetitia has already reduced this once beautiful creek and habitat to nothing more than a storm drain. The creek was once home to the Steelhead Trout, California Red Legged Frog, Western Pond Turtle, and other endangered species. I am also concerned about the viability of the hundred year old sycamore trees along the creek banks which would be endangered by the future draw on the ground water that this project would entail. A large project of this nature can only do further harm to a very sensitive and beautiful environment that is irreplaceable.</p> | <p>BMBS-4</p> <p>BMBS-5</p> |
| <p>3. <b>Odors:</b> Several current residents live directly across from the proposed equestrian center. The smells and flies would definitely affect their quality of life. In addition, many residents in the Rim Rock Road area live downwind of the three proposed sewage effluent treatment ponds, which obviously would have a negative effect on their property values as well as being unsightly and offensive.</p>  | <p>BMBS-6</p>               |
| <p>4. <b>“Open Space”:</b> The plan calls for four rural lots to be <b>“buildable open space”</b> an oxymoron that will allow future development of communal buildings, farm buildings, worker residences, “accessory structures”, and who knows what. This project will undoubtedly result in far more than the 102 residences initially proposed. In addition, the idea of a future 75 room hotel, for which Laetitia has created the euphemism “dude ranch”, is more than inappropriate for this area; it is appalling!</p>  | <p>BMBS-7</p>               |
| <p>5. <b>Fire:</b> The increased traffic would also increase the likelihood of a fire in the heavily wooded canyon areas. In addition, emergency egress via Dana Foothill from the fire would be very difficult if not impossible on the narrow roads leading out of the project, thus endangering the lives of all canyon residents.</p>   | <p>BMBS-8</p>               |
| <p>6. <b>Trees:</b> The plan calls for cutting down 300 mature oak trees. This is a loss to the environment that we and future generations will regret.</p>   | <p>BMBS-9</p>               |
| <p>7. <b>Lot Size:</b> At the time we purchased our property the zoning in this rural area required a minimum of 5 acres. Any future development should follow a similar pattern.</p>   | <p>BMBS-10</p>              |
| <p>8. <b>Why:</b> Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community.</p>   | <p>BMBS-11</p>              |

For the above reasons, I join my neighbors in strongly urging you and the County Planning Department to reject this unneeded subdivision that would do irreparable damage to our environment and degrade our community.

BMBS-12

Sincerely,

*Brent Stromberg*  
*Mary Beth Stromberg*

Brent & Mary Beth Stromberg

### Responses to Brent and Mary Beth Stromberg's Comments

Comment No.	Comment
BMBS-1	As noted in the EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
BMBS-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which addresses this concern.
BMBS-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which addresses these concerns.
BMBS-4	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which addresses these concerns.
BMBS-5	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which addresses these concerns
BMBS-6	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
BMBS-7	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
BMBS-8	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns regarding fire hazards and emergency response.
BMBS-9	Please refer to Final EIR Section V.E. Biological Resources, which addresses the commenter's concern regarding oak trees.
BMBS-10	The applicant is proposing an Agricultural Cluster, which allows reduced lot sizes with the intention of clustering development in order to preserve contiguous agricultural land.
BMBS-11	The commenter's concerns and statements will be considered by the County decision makers.
BMBS-12	The commenter's concerns and statements will be considered by the County decision makers.



Debbie Toomey  
<yemoot2002@yahoo.com>

10/28/2008 09:51 AM

Please respond to  
yemoot2002@yahoo.com

To bpedrotti@co.slo.ca.us

cc

bcc

Subject Laetitia Project Draft EIR

Dear Mr. Pedrotti:

Section V-45 of the draft EIR discusses Section 10910 of the California Water Code which seems to say the county must prepare a water supply assessment depicting total projected water supplies available for a 20 year period during both wet and dry years and periods. My question is am I interpreting this correctly and, if so, is this in addition to what Cleath and Associates has done for the draft EIR or is it subsumed under the EIR?

JT[a]-1

If my interpretation is not correct would you please elaborate on what this section means.

JT[a]-2

So that you can associate a face with this e-mail, I am the guy who works part-time for the City of SLO as a parking attendant and sees you from time to time at the 919 Palm Structure, not that this entitles me to any different treatment from other citizens.

JT[a]-3

Thank you in advance for your expeditious reply to this query.

James T. Toomey  
161 Jovita Place  
Nipomo, CA 93444  
489-1043

**Responses to James Toomey's Comments [a]**

<b>Comment No.</b>	<b>Comment</b>
JT[a]-1	Section 10910 of the California Water Code (CWC) applies to systems determined to be public water systems, which is defined as "a system for the provision of piped water to the public for human consumption that has 3,000 or more service connections "(Section 10912 of the CWC). Water supply assessments are also required for 500-unit residential developments (or uses requiring an equivalent amount of water). The project does not meet these standards. Please refer to Final EIR Section V.P. Water Resources and Final EIR Appendix H regarding the water studies conducted for the project.
JT[a]-2	Please refer to response to JT[a]-1 above.
JT[a]-3	Comment noted. No changes to the EIR are necessary.

RECEIVED

OCT 28 2008

DR

10/28/08

DEAR MR. PEDROTTI,

SLO COUNTY PLANNING & BLDG DEPT

I OBJECT STRONGLY TO THE LAETITIA DEVELOPEMENT THAT IS PLANNED FOR UPPER LOS BERROS RD, MY REASON:

LL-1

- 1. IT'S A TREMENDOUS ENVIRONMENTAL IMPACT ON THE LOS BERROS CREEK + HABITAT.
- 2. TWO MORE WELLS + A TREATMENT PLANT IS ASKING TOO MUCH OF THIS SENSITIVE LANDSCAPE.
- 3. YOUR PLANNED ROAD ACCESS TO THE FIRST FAZE OF HOUSES IS UNSAFE.
- 4. THE TRAFFIC CREATED BY THIS DEVELOPEMENT IS OVER THE TOP FOR A RURAL DIRT ROAD

LL-2

LL-3

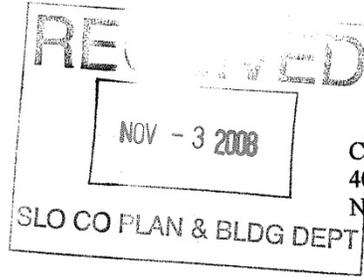
LL-4

PLEASE RE THINK THIS WHOLE PROJECT  
LAURIE CAUGHTON, P.O. BOX 1089, A6, CA 93421  
710-7855 489-7681

**Responses to Laurie Laughlin’s Comments**

<b>Comment No.</b>	<b>Comment</b>
LL-1	Please refer to Recirculated (2013) and Final EIR Sections V.E. Biological Resources and V.P. Water Resources, which addresses this concern.
LL-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources and EIR Section V.O. Wastewater, which addresses these concerns.
LL-3	Please refer to Final EIR Section V.N. Transportation and Circulation, which addresses this concern.
LL-4	Please refer to Final EIR Section V.N. Transportation and Circulation, which addresses this concern.

Brian Pedrotti  
County Government Center  
Room # 200  
San Luis Obispo, Ca. 93408



Chris & Dennis Wynn  
405 Broken Arrow  
Nipomo, Ca. 93444

Dear Mr. Pedrotti:

Oct. 28, 2008

We have reviewed the proposed Laetitia housing development plan and found that the impact to our neighborhood is negative in all areas. We recommend that this proposal be rejected by County Planning. The proposal as written shifts all possible negative impacts away from the Laetitia property and to the South and into our neighborhood.

CDW-1

The very large increase in traffic will add noise, light, and air pollution to all the residents that live in this area. This will include: residential traffic, commercial truck traffic, service vehicles, and visitors to the commercial areas. In the present proposal all this traffic will move through our neighborhood and nothing will move through Laetitia from Highway 101 where ample access is currently available. It is unacceptable that Laetitia solves their development problems by impacting the surrounding community.

CDW-2

There is another added negative impact; the proposed building site of the waste treatment facility is in view of our home. By necessity this plant will operate on a 24 hour basis. A byproduct of this plant would be air pollution, noise pollution and Light pollution. The site of this waste plant would be better located north closer to Laetitia's commercial and retail properties. Putting a waste treatment plant next to a stream (Los Berros creek) is poor planning and maybe negligence in the future protection of the water shed. All of the above will damage our present and future property values.

CDW-3

Combine the obvious problems of traffic and pollution with the amount of monies that the county will have to expend to upgrade infrastructure to accommodate an increase in road usage ( traffic signal, road signs, new roadside drainage, repave and widen exiting roads) this proposal is a net negative to everyone except Laetitia.

CDW-4

CDW-5

We again encourage you to reject the current proposal.

Respectfully,  
Chris and Dennis Wynn

P.S.

Currently we have not been notified of any plans on this project. In the future it would be helpful to be kept informed of any developments.

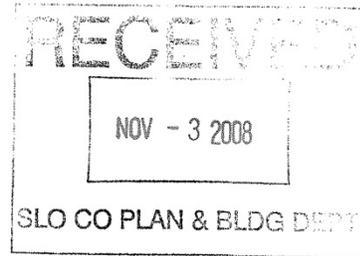
CDW-6

### Responses to Chris and Dennis Wynn's Comments

Comment No.	Comment
CDW-1	The commenter's concerns will be considered by the County decision makers.
CDW-2	As noted in Final EIR Section V.N. Transportation and Circulation, the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
CDW-3	The wastewater treatment facility would be located near existing equipment storage over one mile from Rim Rock Road. As noted in Final EIR Section A.E. Aesthetics, design measures are proposed to reduce visibility and glare. The treatment facility would be enclosed, and biofiltration of odors would prevent release of offensive odors and emissions outside the structure (refer to Final EIR Sections V.C. Air Quality and V.O. Wastewater). Based on the distance from residences and enclosure of noise-generating equipment, no significant noise impacts would occur (refer to EIR Section V.I. Noise).
CDW-4	As noted in the Final EIR (Section V.E. Biological Resources, see V.E.5.b), and as discussed in Section V.O. Wastewater, there is a potential for accidental spill, mechanical failure, or other unforeseen event that could cause release of raw sewage (from collection pipes) or improperly treated effluent into surface waters, including the storage ponds. In addition to measures proposed by the applicant (i.e., alarms, emergency generators, contained treatment plant) and compliance with existing regulations, mitigation is identified (refer to WW/mm-1), requiring an emergency contingency plan to avoid accidental discharge into surface waters. Implementation of these measures would minimize the likelihood of accidental harm to special-status species potentially within and down-gradient of the reservoirs.
CDW-5	Please refer to response to comment CDW-2, above. The applicant would be required to fund identified improvements to local roads.
CDW-6	The commenter's request is noted.

**DAVID L. RICHARDS**

225 BROKEN ARROW ROAD  
NIPOMO, CA 93444



October 28, 2008

BRIAN PEDROTTI  
Project Manager  
COUNTY PLANNING AND BLDG. DEPT.  
COUNTY GOVERNMENT CENTER  
Room 200  
San Luis Obispo, CA 93408

Re: Environmental Impact Report--Laetitia Winery  
Our Property--225 Broken Arrow Road, Nipomo CA 93444

Dear Mr Pedrotti:

Please be advised that my wife, Linda, and I own the property located at 225 Broken Arrow Road, Nipomo, CA 93444 which is located within approximately 600 feet south of the Latitia property line. I am writing you this letter to comment upon the Draft EIR report concerning the proposed Laetitia project.

DR-1

We purchased our 8.66 acre property in 1989, primarily due to it's rural nature, it's designation as being rural-residential, and the fact that it was surrounded by land zoned agricultural. Now it appears that our reliance upon those designations was subverted by Transfer Development Credits and/or the Agriculture Cluster Ordinance as a proposed 102 house tract project, 77 Cabin Dude Ranch and Sewer Treatment plant with large Effluent Holding Ponds is being contemplated. This project will negatively impact us--and all of our neighbors that pre-date this project --tremendously.

We are beyond concerned about road work for the huge increase in traffic, increased water consumption and new wells, the attendant problems with a large Commercial Enterprise/Dude Ranch, and a Sewage Treatment Plant with large Effluent Holding Ponds. *This project is fatally flawed, and at the least far too large for the infrastructure and the surrounding property.*

DR-2

**TRAFFIC**

The proposed density of this project will simply overwhelm the roads from US 101 to the project site. One-hundred-two houses will generate many hundreds and perhaps a thousand vehicle trips every day. The contemplated roads--Thompson, Sheehy and Dana Foothill cannot handle this increase in traffic. Further, Rim Rock Road connects to Sheehy and Dana foothill and meanders. The "loop" created is used daily by scores of people from the surrounding community to walk, bicycle, etc. The increased traffic and the very nature of Rim Rock Road will make this road extremely dangerous and an absolute tragedy waiting to happen.

DR-3

DR-4

WATER/WELLS

All of the people living in the Foothill/Rim Rock area rely on wells for their domestic and agricultural water. It is generally accepted that our water supply is in an over-draft situation. Many of the existing wells in the area have run dry, and many new potential wells have not produced. The absurd proposal for a 77 cabin Dude Ranch aside, allowing 102, 1 acre parcels to landscape with water gulping lawns and further domestic water use would be irresponsible. DR-5

DUDE RANCH/COMMERCIAL ENTERPRISE

A commercial enterprise and Dude ranch with the density of the instant project is TOTALLY out of character with the surrounding community. Many of our community enjoy being outside during the evening to enjoy the stars and heavens which are enhanced by the attendant darkness. We are thrilled to view the Milky Way and Constellations. Is this to be replaced by 102 parcels with flood lights and a Dude Ranch with travellers with no connection to the land nor appropriate conservation? Will the quiet that we use to recharge our minds and souls be replaced with a blaring rendition of "Cadillac Ranch"? DR-6

The project description indicates that the winery needs to be developed to maintain a "family vineyard". Not so. The owner of the vineyard is, according to Forbes magazine, a billionaire who made his money in Oil and now resides in Beverly Hills/Bel Aire. The proposed project is a money making venture--plain and simple. DR-7

SEWAGE TREATMENT PLANT/EFFLUENT HOLDING PONDS

Please note that there is inconsistency and ambiguity as to where the actual wastewater treatment building/plant is to be located between figures III-12 and III-15. We assume that III-12 is correct, and the building is contemplated to be north of the holding ponds and in proximity to the winery. **FIGURE III-15, IF CORRECT, WOULD BE A DISASTER.** DR-8

BY FAR, the greatest concern that my family has with the proposed project is the treatment of the sewage generated and the effluent holding ponds. **WE ARE ADAMANTLY OPPOSED TO THESE EFFLUENT HOLDING PONDS BEING PLACED WHERE THEY ARE CURRENTLY CONTEMPLATED.** DR-9

We have attached under exhibit A a copy of the actual map existing in the EIR. We have "roughed up" a location of many of the surrounding neighbors houses. *The prevailing wind will blow the smell from the effluent holding ponds directly into these existing houses.* This is unacceptable. DR-10

The proximity to Los Berros Creek is an additional problem with the proposed location of the effluent ponds. In the DEIR at WW 1-4 system failures are described in terms such as "**WHEN THEY OCCUR**", **NOT "IF"**. When a failure of these ponds occur, they will spill directly into the creek and spread, contaminating our groundwater. DR-11

The effluent holding ponds pose other dangers as well. Clearly, mosquitos will be drawn to the water, and the County of San Luis Obispo has reported the presence on the West Nile Virus. Additional potential risks from the water include, without limitation, 1. Pathogens 2. Viruses 3. Bacteria 4. Protozoa 5. Helminths (tape worms) 6.Trace organics and Heavy Metals 7. Endocrine disrupting Chemicals and 8. Pharmaceutically-Active Compounds.

DR-12

DR-13

We have attached as exhibit B photographs of the location of the proposed effluent holding ponds in respect to the proximity to our home. We have worked hard to make this property attractive, with gardens and orchards. We spend a great deal of time outside enjoying the work and the fruits of our labor. To view these holding ponds and more importantly and significantly to smell them will constitute a nuisance and undermine our well-being. We believe that our property value along with the property values of our neighbors in the vicinity will be negatively impacted.

DR-14

We have attached as exhibit C the California Supreme Court Case styled Michael C. Varjabedian v. City of Madera, 20 Cal 3d 285. Plaintiffs sued alleging that their property values had been diminished by the construction and operation of a waste water treatment plant. Specifically, the Varjabedians noticed septic smells which were significant emanating from the waste water some 600 feet away. (The plant emitted odors which were blown onto the plaintiff's property by the prevailing winds.) Recovery was sought for permanent diminution in the value of their property caused by the nuisance, as well as compensation for personal discomfort. **THE CALIFORNIA SUPREME COURT FOUND FOR PLAINTIFF.** This case is solid precedent for the State of California, and incredibly on point with the Laetitia project. Liability herein could attach to many defendants including the Developers, Proposed Homeowners Association and to the homeowners personally. It should be noted that the houses in the proximity of Laetitia's proposed effluent holding ponds are all up-scale million dollar + homes.

DR-15

We are not suggesting litigation, nor threatening it, but merely point out it's potential.

It is clear that the developers have placed these holding ponds as far away from their homes as possible. This, in order to obviate any problems **for them** regarding sight and smell. Clearly, if a burden arises from the placement of the sewage treatment plant and effluent holding ponds, the burden should be shouldered by the development and not placed on innocent third parties. We believe that if this project is allowed at all, an alternative site for the effluent ponds should be located somewhere else on this 1,900+ acre parcel.

DR-16

CONCLUSION

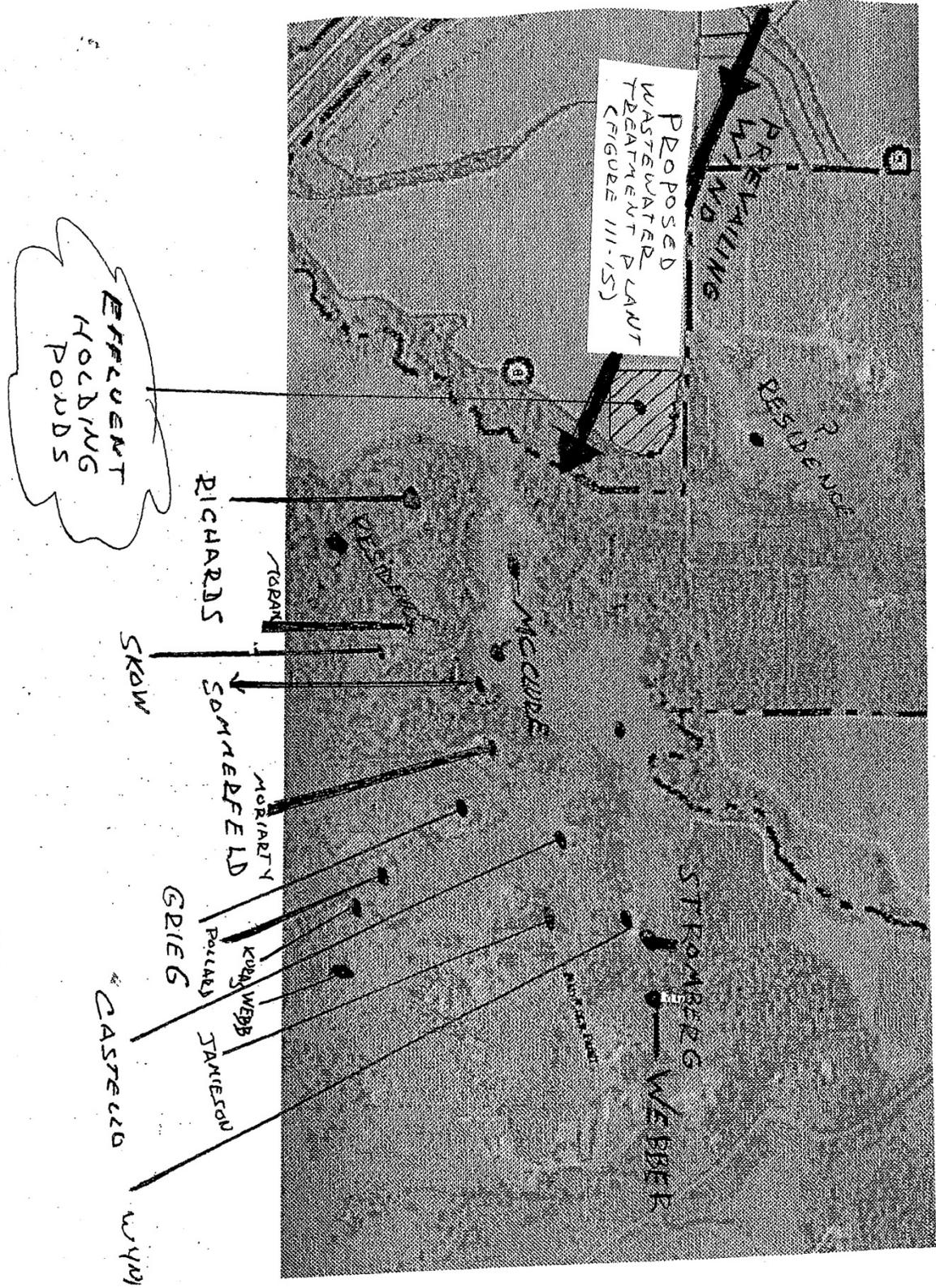
In conclusion, we believe that the Laetitia project should be denied in total. The many aggravating factors are simply too great to mitigate. Assuming arguendo that some portion is allowed to proceed, the project as proposed should not be approved. It is far too large and out of character with it's surroundings. Additionally, the sewage treatment and effluent ponds --if allowed at all--should be relocated. Rather, any prospective plan for this project should be *significantly* scaled back and require individual septic tanks. That action would mitigate traffic and water concerns as well.

DR-17

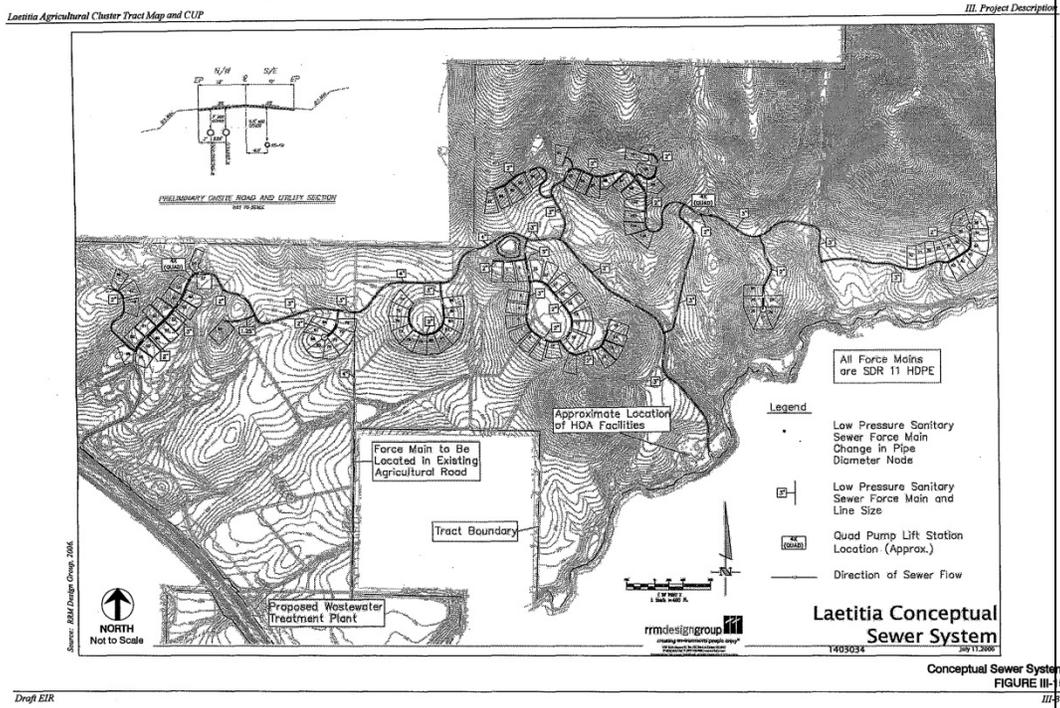
very truly yours, DAVID L. RICHARDS

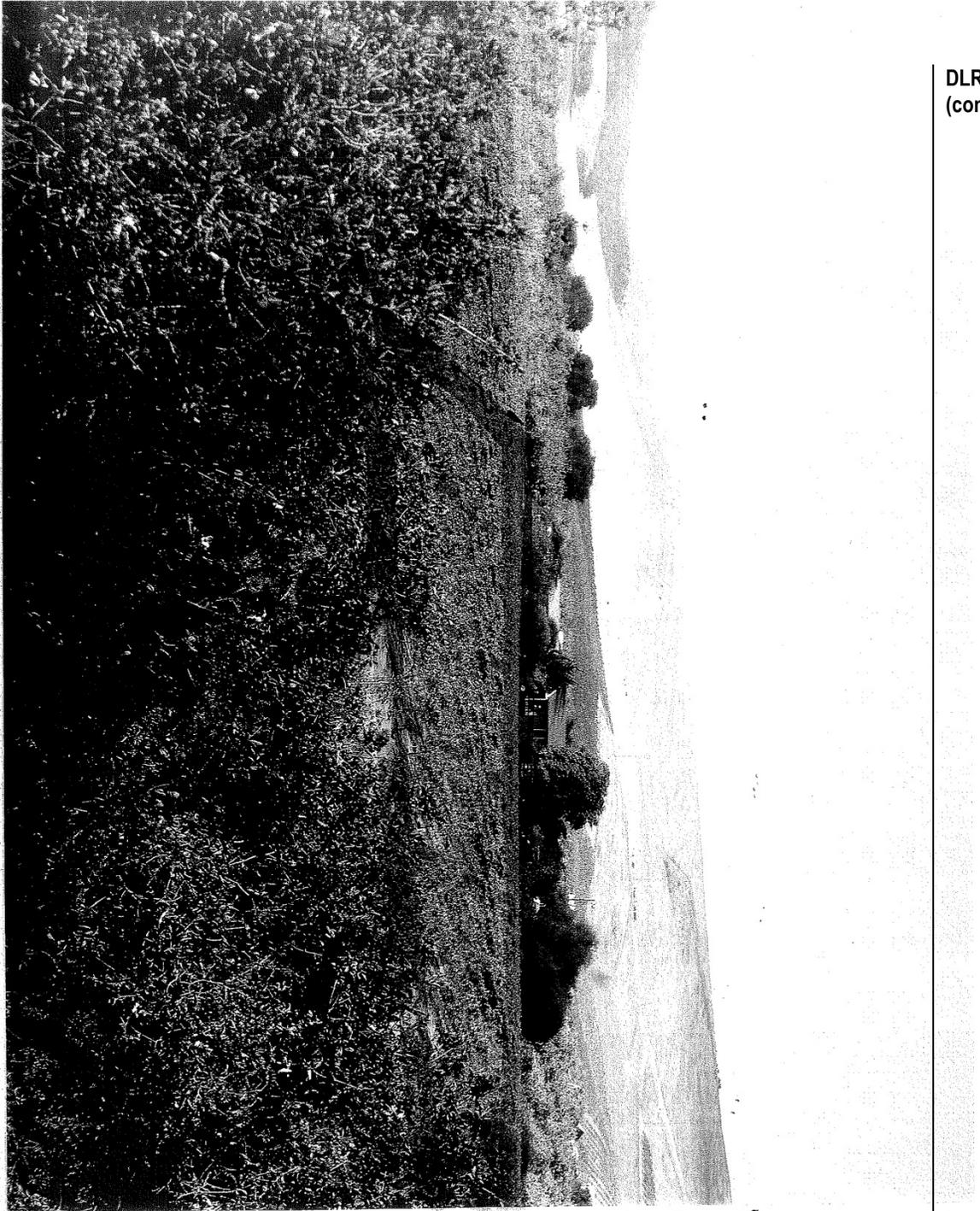


DLR-18



DLR-18  
(continued)

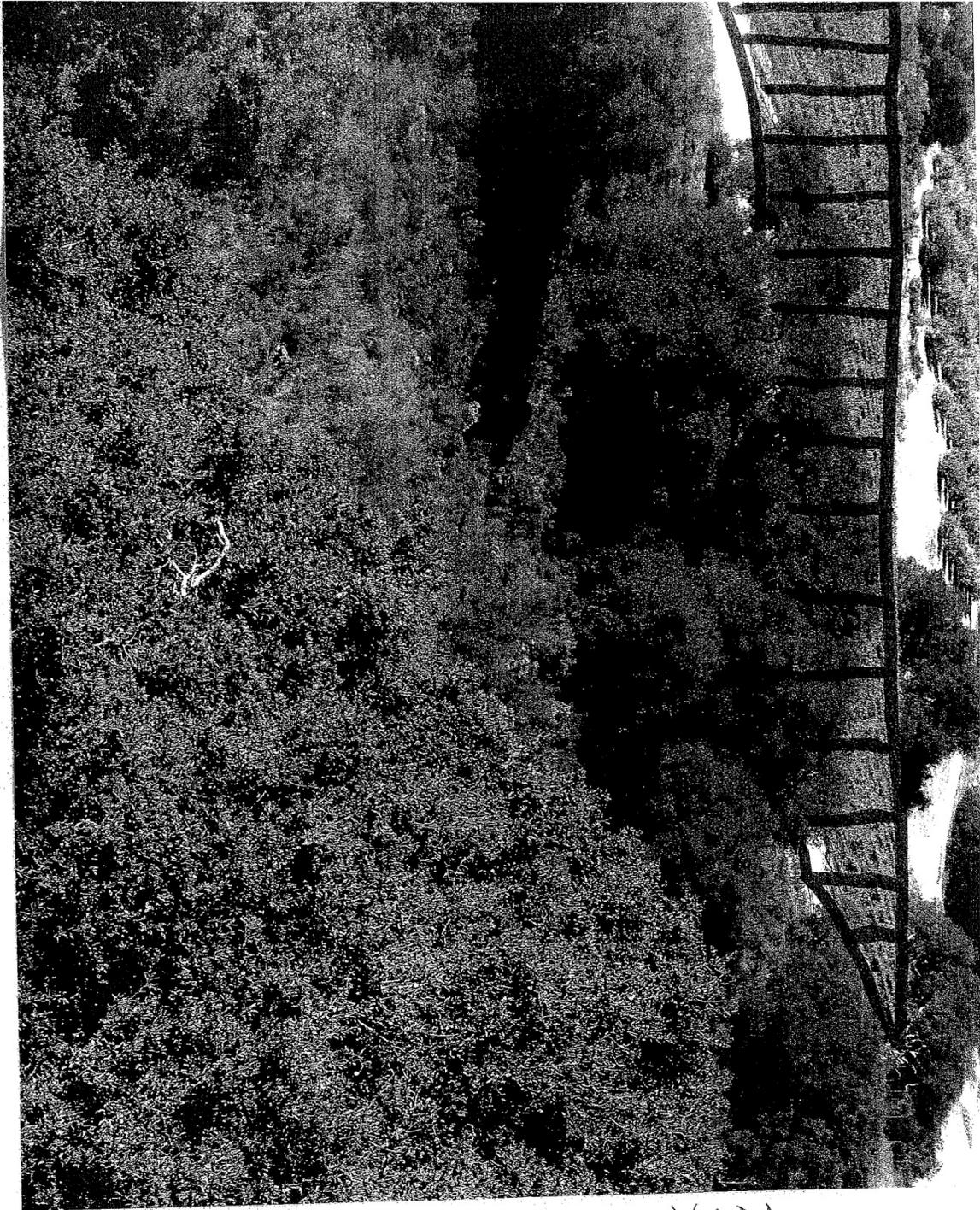




DLR-18  
(continued)

VIEW FROM OUR PORCH  
EFFLUENT HOLDING PONDS

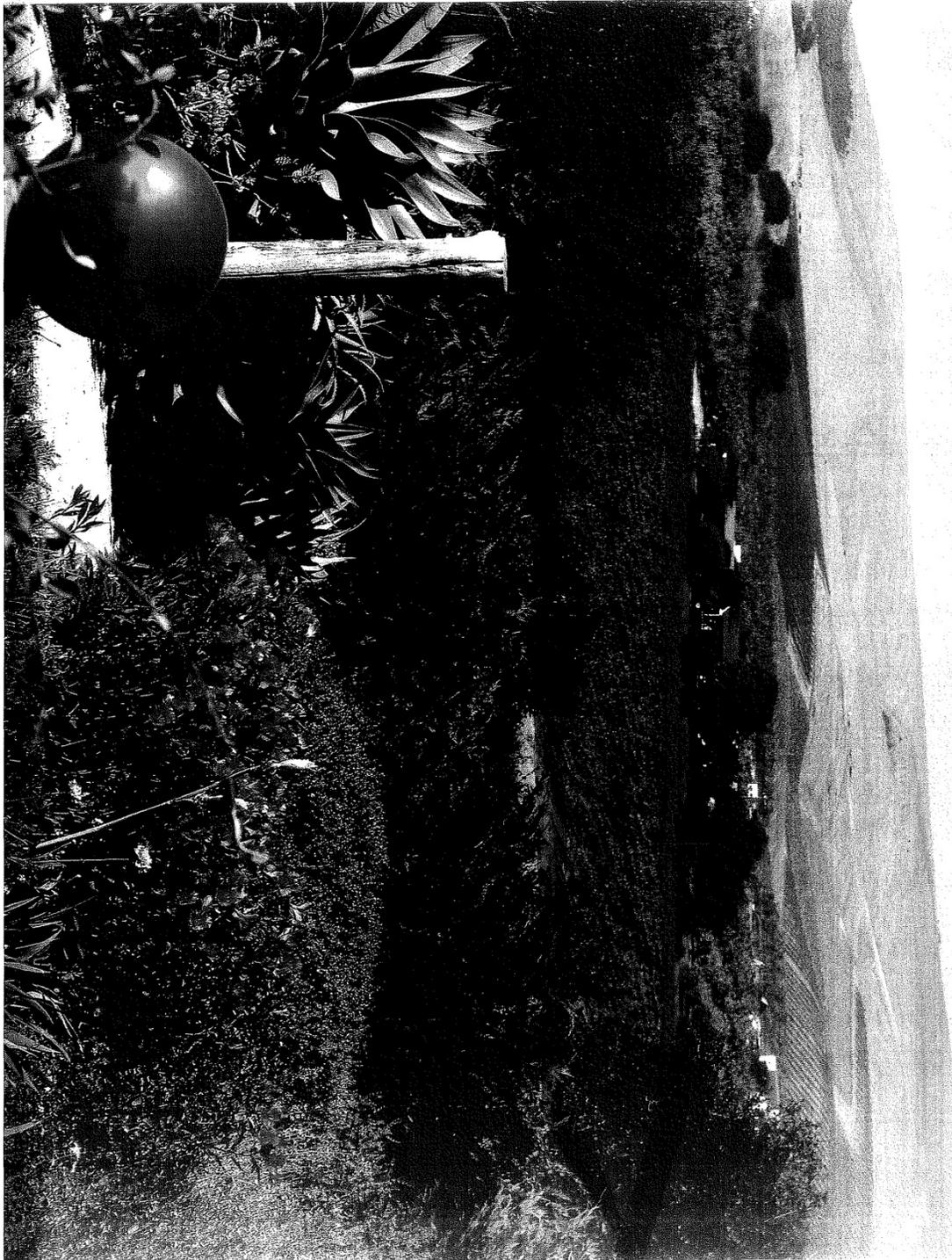
DLR-18  
(continued)



VIEW FROM SIDE YARD  
EFFLUENT HOLDING POND

VIEW FROM OUR BACK YARD  
EFFLUENT HOLDING PONDS

DLR-18  
(continued)

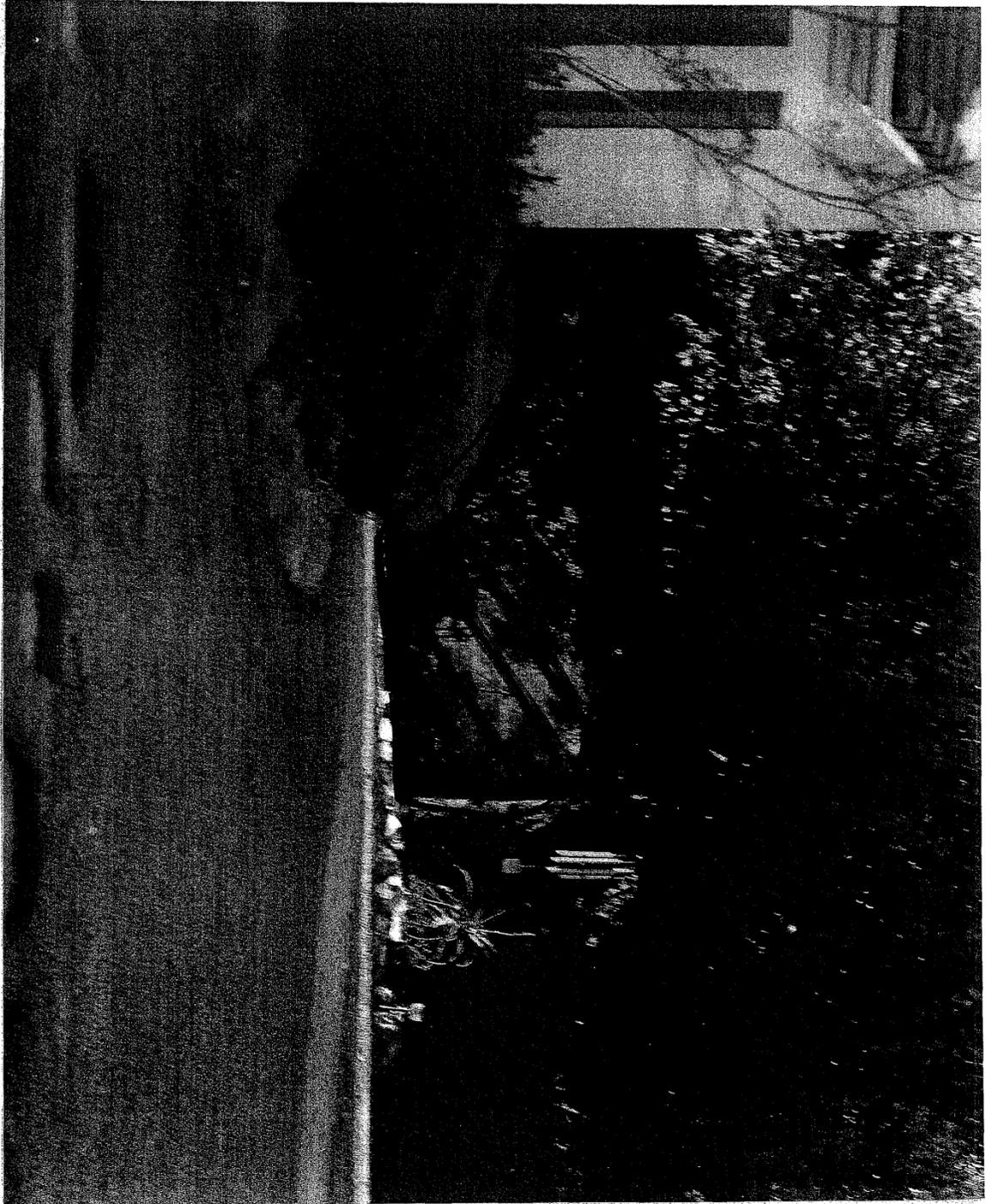


DLR-18  
(continued)



VIEW FROM OUR BEDROOM WINDOW  
EFFLUENT HOLDING POND

DLR-18  
(continued)



VIEW FROM FRONT YARD  
EFFLUENT PONDS THROUGH TREES

20 Cal.3d 285, 23592, Varjabedian v. City of Madera

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**20 Cal.3d 285, 23592, Varjabedian v. City of Madera**

**CheckMate Case History**

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**20 Cal.3d 285**

**142 Cal.Rptr. 429**

**Michael C. VARJABEDIAN et al., Plaintiffs and Appellants,**

**v.**

**CITY OF MADERA, Defendant and Appellant.**

**S.F. 23592.**

**Supreme Court of California**

**Dec. 9, 1977.**

In Bank

Rehearing Denied Jan. 5, 1978.

Superior Court of Madera County, No. 18659, Dean C. Lauritzen, Judge. [\*]

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[Copyrighted Material Omitted]

Page 287

[Copyrighted Material Omitted]

Page 288

Sherwood, Denslow & Green, Madera, for plaintiffs and appellants.

Axel E. Christiansen, City Atty., Parichan, Krebs, Renberg & Eldridge, Parichan, Renberg & Crossman, Fresno, and Bartow & Christiansen, Madera, for defendant and appellant.

MOSK, Justice.

Defendant City of Madera appeals from a judgment awarding plaintiffs approximately \$73,000 for damages caused by the city's operation of a sewage treatment plant near plaintiffs' property. Recovery was on a nuisance theory. Plaintiffs cross-appeal from a

<http://www.jurisearch.com/newroot/Case.asp?prmt=1&>

10/27/2008

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judgment on the pleadings for defendant on plaintiffs' cause of action in inverse condemnation.

We conclude that the court erred in its instructions on the measure of nuisance damages, but the error was not prejudicial. Defendant's other allegations of error are not meritorious, and thus the judgment on the nuisance theory must be affirmed. However, defendant's motion for judgment on the pleadings on the inverse condemnation claim should have been denied, and therefore the judgment on that count must be reversed. [1]

Plaintiffs Michael and Judith Ann Varjabedian acquired a vineyard of approximately 80 acres in Madera County, and in 1971 moved onto the property with their three children. In 1972 defendant city began operation of a new waste water treatment plant on land located some 600 feet from plaintiffs' residence. The plant emits odors which are blown onto plaintiffs' property by the prevailing winds.

The Varjabedians noticed septic smells on their property as soon as sewage was delivered to the new plant in June 1972. There followed a lengthy period during which they repeatedly complained of the odors to city officials and were told that corrective efforts were being made and assured that the plant would eventually be odor-free. On advice of counsel, Michael Varjabedian began to keep a log of the occurrence and intensity of the smells, and of his attempts to persuade the city to remedy the situation. Finally, in July 1973 the instant lawsuit was filed against the city by all five family members.

In their complaint, plaintiffs set forth four theories of recovery: negligence in the design, construction and operation of the plant; maintenance of a nuisance; maintenance of a dangerous and defective condition; and inverse condemnation. When the case came to trial in June 1974, plaintiffs voluntarily dismissed the causes of action for

Page 290

negligence and maintenance of a defective condition. [2] The remaining two counts were the object of defendant's motion for judgment on the pleadings. The trial judge granted the motion as to the inverse condemnation theory, stating his belief that recovery on that cause required "physical damage to the property."

As to the nuisance cause of action the motion was denied, and the case went to trial on that theory. Plaintiffs sought recovery for permanent diminution in the value of their property caused by the nuisance, as well as compensation for personal discomfort. (Kornoff v. Kingsburg Cotton Oil Co. (1955) 45 Cal.2d 265, 271-275.) They further sought special damages for the anticipated loss of a Cal-Vet loan (Mil. & Vet. Code, § 984 et seq.) which financed the purchase of the bulk of the vineyard. In support of this claim, plaintiffs contended they would be compelled to move off the property and would therefore forfeit their loan under Military and Veterans Code section 987.2. [3] Damages were requested to cover the cost of refinancing the land purchase at a higher rate.

The jury returned a verdict for plaintiffs awarding damages as follows: \$32,000 to the Varjabedians for the loss in value of their real property; \$30,000 special damages for loss of the Cal-Vet loan; and \$11,000 other damages distributed among the five named plaintiffs.

I

Defendant relies upon alleged error in the instructions to the jury regarding the measure of property

<http://www.jurisearch.com/newroot/Case.asp?prnt=1&>

10/27/2008

20 Cal.3d 285, 23592, Varjabedian v. City of Madera

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DLR-19  
(continued)

damage for which the city could be liable in nuisance. <sup>[4]</sup> The challenged instruction read: "In determining the compensation, if any, to be awarded Plaintiffs for damage to their property proximately caused by a permanent nuisance, in addition to

Page 291

other damage as to which I have instructed you or will instruct you, they are entitled to recover the difference, if any, in the present fair market value of the property as the same would have been without the construction of the sewage treatment plant by the City of Madera, and the present fair market value after said plant was constructed and put into operation."

This instruction, defendant urges, allowed the jury to include in its calculation of damages a loss of real property value caused by city operations which by statute do not constitute a nuisance. Civil Code section 3482 provides that "Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance," and the construction of sewage treatment plants by cities such as Madera is admittedly authorized by statute. (See Gov. Code, §§ 39040, <sup>[5]</sup> 40404, 43601, 43602, 54301, 54309, 54309.1, and 54341.)

However, the exculpatory effect of Civil Code section 3482 has been circumscribed by decisions of this court. In *Hassell v. San Francisco* (1938) 11 Cal.2d 168, 171, 1022, we said: "A statutory sanction cannot be pleaded in justification of acts which by the general rules of law constitute a nuisance, unless the acts complained of are authorized by the express terms of the statute under which the justification is made, or by the plainest and most necessary implication from the powers expressly conferred, so that it can be fairly stated that the legislature contemplated the doing of the very act which occasions the injury." This interpretation was reiterated in *Nestle v. City of Santa Monica* (1972) 6 Cal.3d 920, 938, 101 Cal.Rptr. 568, and we adhere to it in the case at bar. A requirement of "express" authorization embodied in the statute itself insures that an unequivocal legislative intent to sanction a nuisance will be effectuated, while avoiding the uncertainty that would result were every generally worded statute a source of undetermined immunity from nuisance liability. <sup>[6]</sup>

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Applying the foregoing standard, we reject defendant's theory that the general authorization of municipal construction of sewage plants "expressly" sanctions the production of any particular level of odors within the meaning of section 3482. None of the Government Code statutes under which the city claims to act mentions the possibility of noxious emanations from such facilities. Nor can we find that such odors were authorized by the "plainest and most necessary implication" from the general powers there conferred, or that it can be fairly said that the Legislature contemplated, to any extent, the creation of a malodorous nuisance when it authorized sewage plant construction. Indeed, one object of such plants is to remove harmful and obnoxious effluents from the environment.

Defendant argues, however, that the instruction also allowed the jury to consider effects of the sewage plant on the market value of the Varjabedians' property caused by aspects of the plant other than its production of odors. It is true that under the instruction, which simply calls for a comparison of the market value of the Varjabedians' land before and after the construction of the plant, the jury could have considered decreases in market value provoked by such considerations as the unappealing aesthetic qualities of the sewer plant or anxiety caused by mere knowledge of its proximity. Undoubtedly, not all of such factors fall within the definition of nuisance (fn. 4, ante); in those respects, therefore, the instruction failed to satisfy the requirements of the law of nuisance quite apart from any issue of statutory authorization under Civil Code section 3482. <sup>[7]</sup> To the extent that any of the factors did

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constitute a nuisance but were expressly authorized by statute, the instruction erred in allowing their inclusion in the measure of damages.

We decline to speculate, however, on which of the potentially depressive effects of sewer plant construction on property values other than odors constitute nuisances, or if nuisances, which are expressly authorized, because of our belief that any error in the instruction in this case was not prejudicial to defendant. (Cal.Const., art. VI, § 13; Code Civ.Proc., § 475.) There was no evidence of negative impact on plaintiffs' property value, to which the jury was exposed, which did not

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relate directly to the odors. The only testimony regarding the nonolfactory impact of the sewer plant was that of defendant's expert, one Freeman, who estimated that in the absence of constant foul odors there was no depreciation of the farmland. The testimony of plaintiff's expert, one Salaberry, that the sewage plant had caused a depreciation of \$56,000 was based solely on the existence of the smells. Indeed, the court kept Salaberry's written report from the jury because it contained language which might have misled the jury into estimating damages before and after the construction of the plant rather than before and after the emission of odors. And although the challenged instruction gave some sanction to the jury's consideration of precisely the same erroneous comparison, this tendency was minimized by other instructions which tied damages to those proximately caused by a permanent nuisance. [8] In the light of the evidence and the totality of the court's instructions, the potential for prejudice contained in the erroneous instruction on damages was minimal. We do not believe the error was "likely to mislead the jury and thus to become a factor in its verdict." (Henderson v. Harnischfeger Corp. (1974) 12 Cal.3d 663, 670, 117 Cal.Rptr. 1, 5, 357.)

## II

Defendant further contends that the awards of damages for loss in value of the Varjabedians' real property and for the personal discomfort of the individual plaintiffs were unsupported by the evidence. To the contrary, the record reveals substantial evidence to sustain the verdict in this regard. (Crawford v. Southern Pacific Co. (1935) 3 Cal.2d 427, 429.) The testimony of each of the plaintiffs as to the discomfort caused by the smells was corroborated by several witnesses, while the continuing occurrence of the stench was documented in tedious detail by Michael Varjabedian's recollection fortified by his log. The intensity of the odors found reflection in log notations ranging from "smell" to "very bad" to "horrible." Even when classified as mere "smell," plaintiff testified that the aroma was offensive enough to destroy the comfort and enjoyment of his home and property. At other times "it

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was about as much as a person could stand, you could not be in it too long. You would have to go somewhere for relief." [9] Physical reactions of plaintiffs included burning of the eyes and nausea. From this evidence the jury could have concluded that a nuisance existed which was permanent in nature. (Kornoff v. Kingsburg Cotton Oil Co. (1952) supra, 45 Cal.2d 265, 268-271.)

As for the depreciation in the value of the land, plaintiffs' expert estimated the decline at \$56,000, nearly twice the jury's ultimate award. While defendant objects to the inclusion in this figure of the loss incurred if the premises were uninhabitable and hence salable only to an absentee farmer, it appears this factor would appropriately be considered by a prospective purchaser and could properly be included in the estimated decline in market value.

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Defendant accompanies its claim of evidentiary insufficiency with an allegation of excessive damages. This contention was initially presented to the trial court and rejected, in connection with defendant's motion for a new trial. The judge's decision in this respect is entitled to great weight. (Bertero v. National General Corp. (1974) 13 Cal.3d 43, 64, 118 Cal.Rptr. 184.) Upon review of the record, we do not find the awards for either the loss of real property value or the personal discomfort of plaintiffs to be excessive.

### III

Defendant next asserts that plaintiffs' recovery for the anticipated loss of their Cal-Vet loan was speculative and therefore improper (Civ.Code, § 3283).<sup>[10]</sup> The trial court treated the certainty of the future loss of the loan as a question of fact for the jury, and instructed as follows: "If, under the evidence you should find that there is a permanent nuisance,

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and if you further find that it is reasonably certain that plaintiffs' Michael E. and Judith Ann Varjabedian will by reason thereof move from their property, then you may consider any damages that it is reasonably certain they will suffer from the loss of their Cal Vet loan." The submission of the issue to the jury as a question of fact was proper (Zerbo v. Electrical Products Corp. (1931) 212 Cal. 733, 735-736), and the instruction requirement of "reasonable certainty" satisfied Civil Code section 3283. (Cf. Bellman v. San Francisco H.S. Dist. (1938) 11 Cal.2d 576, 588.)

The evidence supported the jury's conclusion as to the certainty of the future damages. Michael Varjabedian testified there was "no way" his family could stay on the farm, and the unsuitability of the premises for human habitation was confirmed by the testimony of Salaberry and at least one other witness. Furthermore, Military and Veterans Code section 987.2 (fn. 3, ante) was properly introduced as evidence that, if forced to move, the Varjabedians would lose the Cal-Vet loan. For the first time on its motion for new trial defendant offered an affidavit from an official of the Department of Veterans Affairs, which, while affirming that the Varjabedians would forfeit their loan if forced to move, also stated in part that "it is possible that a veteran's application for a new and different loan upon a different property would be favorably considered and granted." Whatever the probative value of this evidence on the issue of future damages, it should have been presented at trial.

The total amount of damages awarded for loss of the loan was adequately supported by testimony of plaintiff's expert, a banker, that this was the present value of the additional obligations the Varjabedians would incur if forced to refinance their farm. We do not find the amount excessive.<sup>[11]</sup>

For the above reasons, we affirm in its entirety that portion of the judgment which awards plaintiffs damages in nuisance.

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### IV

We turn now to plaintiffs' appeal from the judgment on the pleadings entered against their claim in inverse condemnation. Despite plaintiffs' successful nuisance recovery, we cannot say on the basis of the record before us that the challenged ruling, if erroneous, was necessarily harmless. (See, e.g., Holtz v. San Francisco Bay Area Rapid Transit Dist. (1976) 17 Cal.3d 648, 657, 131 Cal.Rptr. 646 (prejudgment interest); see also id. at pp. 651-656, 131 Cal.Rptr. 646, and Code Civ.Proc., § 1036 (formerly § 1246.3)

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(recovery of certain litigation expenses.) We therefore reach the issue whether the court erred in denying plaintiffs' claim in inverse condemnation.

Article I, section 19 (formerly art. I, § 14) of the California Constitution requires that "just compensation" be paid when "private property" is "taken or damaged for public use." In this case, the trial judge gave as his reason for denying compensation under this provision plaintiffs' failure to allege "physical damage to the property" or a "trespass." Defendant urges no other grounds in support of the judgment, and we consider none.

In assessing whether plaintiffs' allegations may serve as a basis for inverse liability, we note that physical damage to property is not invariably a prerequisite to compensation. (See *Breidert v. Southern Pac. Co.* (1964) 61 Cal.2d 659, 39 Cal.Rptr. 903; *Southern Cal. Edison Co. v. Bourgerie* (1973) 9 Cal.3d 169, 107 Cal.Rptr. 76.) Rather, the determination of the scope of the just compensation clause rests on its construction "as a matter of interpretation and policy." (*Holtz v. Superior Court* (1970) 3 Cal.3d 296, 303, 90 Cal.Rptr. 345, 349, 445 (hereinafter *Holtz I*)). The contending policies which guide that construction have often been described as follows: "on the one hand the policy underlying the eminent domain provision in the Constitution is to distribute throughout the community the loss inflicted upon the individual by the making of the public improvements. . . . On the other hand, fears have been expressed that compensation allowed too liberally will seriously impede, if not stop, beneficial public improvements because of the greatly increased cost." (*Albers v. County of Los Angeles* (1965) 62 Cal.2d 250, 263, 42 Cal.Rptr. 89, 96, 136, quoting from *Bacich v. Board of Control* (1943) 23 Cal.2d 343, 350.)

Several factors present militate in favor of a distribution throughout the relevant community of the type of loss involved here.

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Plaintiffs' claim stems from the recurring violation of their property by a gaseous effluent. As such, the injury is not far removed from those core cases of direct physical invasion which indisputably require compensation. (See, e.g., *Frustuck v. City of Fairfax* (1963) *supra*, 212 Cal.App.2d 345, 369-370, 28 Cal.Rptr. 357; *Podesta v. Linden Irr. Dist.* (1956) 141 Cal.App.2d 38; *United States v. Causby* (1946) 328 U.S. 256, 66 S.Ct. 1062, 90 L.Ed. 1206; *Michelman, Property, Utility, and Fairness: Comments on the Ethical Foundations of "Just Compensation" Law* (1967) 80 Harv.L.Rev. 1165, 1226-1229.) Thus, damage from invasions of water or other liquid effluents often provides the basis for inverse liability. (See, e.g., *Bauer v. County of Ventura* (1955) 45 Cal.2d 276; *Clement v. State Reclamation Board* (1950) 35 Cal.2d 628; *Sheffet v. County of Los Angeles* (1970) 3 Cal.App.3d 720, 84 Cal.Rptr. 11; *Ambrosini v. Alisal Sanitary Dist.* (1957) 154 Cal.App.2d 720.)<sup>[12]</sup> Moreover, plaintiffs' complaint which includes, inter alia, the claim that their land was made "untenantable for residential purposes" is clearly sufficient to depict a permanent and "substantial impairment" in their use of the land. (Cf. *Breidert v. Southern Pac. Co.* (1964) *supra*, 61 Cal.2d 659, 39 Cal.Rptr. 903.)

At the same time, fears that "compensation . . . will seriously impede, if not stop" the beneficial construction of sewage treatment plants might be realized if courts were to award compensation for every objectionable odor, however insubstantial or widely dispersed, produced by such facilities. But the problem of reconciling this consideration with the competing policy of loss-distribution is not presented in its most difficult form by the appeal of the present judgment, since it appears from the Varjabedians' allegations that their property may have been peculiarly burdened by the odors so as to bring the case within the doctrine of *Richards v. Washington Terminal Co.* (1914) 233 U.S. 546, 34 S.Ct. 654, 58 L.Ed. 1088. In *Richards* the plaintiff complained of "inconvenience . . . in the occupation of his

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property" caused by "gases and smoke" emanating from a nearby railroad. (Id. at p. 549, 34 S.Ct. at p. 655.) The United States Supreme Court ruled that under the "taking" clause of the Fifth Amendment to the federal Constitution, the plaintiff could not recover for "those consequential damages that are necessarily incident to proximity to the railroad . . . ." (Id. at p. 554, 34 S.Ct. at p. 657.)

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Yet the landowner was entitled to compensation for "gases and smoke emitted from locomotive engines while in (a) tunnel, and forced out of it by means of (a) fanning system through a portal located so near to plaintiff's property that these gases and smoke materially contribute to injure the furniture and to render the house less habitable than otherwise . . . ." (Id. at p. 551, 34 S.Ct. at p. 656.) Construing federal statutes immunizing the railroad from nuisance liability "in light of the Fifth Amendment" the court concluded "they do not authorize the imposition of so direct and peculiar and substantial a burden upon plaintiff's property without compensation to him." (Id. at p. 557, 34 S.Ct. at p. 658; see generally Stoebe, Nontrespassory Takings in Eminent Domain (1977) pp. 156-158.)

Of course, Richards may be distinguished from this case with respect to the nature of the public facility involved, or on the ground that there is no device here which directs the noxious gases onto plaintiffs' property. However, such factual differences do not render the underlying principle of Richards inapplicable to the problem at hand, particularly when it is considered together with the California Constitution, which protects a somewhat broader range of property values from government destruction than does the analogous federal provision. (See *Reardon v. San Francisco* (1885) 66 Cal. 492, 501; *Bacich, supra*, 23 Cal.2d at p. 350; *Van Alstyne, Statutory Modification of Inverse Condemnation: The Scope of Legislative Power* (1967) 19 Stan.L.Rev. 727, 768-776.) If a plaintiff can establish that his property has suffered a "direct and peculiar and substantial" burden as a result of recurring odors produced by a sewage facility that he has, as in Richards, been in effect "singled out" to suffer the detrimental environmental effects of the enterprise then the policy favoring distribution of the resulting loss of market value is strong (*Holtz I, supra*, 3 Cal.3d at pp. 303-304, 90 Cal.Rptr. 345) and the likelihood that compensation will impede necessary public construction is relatively slight. In these circumstances, the necessity of breathing noxious sewage fumes may be a burden unfairly and unconstitutionally imposed on the individual landowner. <sup>[13]</sup>

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Here plaintiffs allege their farm was directly in the path of the odors as they were blown from defendant's facility by the prevailing winds. Plaintiffs should have been given the opportunity through amendment of their pleadings if necessary (cf. *MacIsaac v. Pozzo* (1945) 26 Cal.2d 809, 815) to demonstrate that the burden on their farm was sufficiently direct, substantial, and peculiar to come within the principle of Richards, as applied above. On that showing the Varjabedians can base a claim in inverse condemnation. <sup>[14]</sup> It follows that the trial court's judgment on that count must be reversed. (See *Dragna v. White* (1955) 45 Cal.2d 469, 470; *Chas. L. Harney, Inc. v. Contractors' Bd.* (1952) 39 Cal.2d 561, 565.)

The judgment is amended by adding thereto a paragraph dismissing the fourth cause of action of the complaint (inverse condemnation) and awarding judgment thereon to defendant. The portion of the judgment thus added is reversed. The remainder of the judgment is affirmed. Plaintiffs shall recover their costs on appeal.

BIRD, C. J., and TOBRINER, CLARK, RICHARDSON, MANUEL and THOMPSON (HOMER B.) (Assigned by the Chairperson of the Judicial Council), JJ., concur.

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Rehearing denied; BIRD, C.J., did not participate.

NOTES:

<sup>[2]</sup>Assigned by Chairman of the Judicial Council.

<sup>[1]</sup>The motion for judgment on the pleadings was orally granted at the outset of trial. A minute order to this effect was entered, but the ruling was not carried over into the formal judgment recorded in the judgment book. Although the minute order was not appealable (*Old Town Dev. Corp. v. Urban Renewal Agency* (1967) 249 Cal.App.2d 313, 317, 57 Cal.Rptr. 426), the court's failure to include a dismissal of the cause of action in inverse condemnation in the judgment on the verdict was inadvertent. In addition, the issues presented by the challenged ruling are briefed and ready for decision. In these circumstances it is appropriate to preserve the appeal by amending the judgment to reflect the manifest intent of the trial court, and we shall so order. (*Tenhet v. Boswell* (1976) 18 Cal.3d 150, 153-155, 133 Cal.Rptr. 10, and cases cited.)

<sup>[2]</sup>A cross-complaint by the city against the designers and builders of the plant, as well as cross-complaints between those cross-defendants, were severed for purposes of trial and are not before us on this appeal.

<sup>[3]</sup>Military and Veterans Code section 987.2 reads, in relevant part, "The contract made between the department and purchaser shall provide that the purchaser maintain the farm or home as his place of residence . . ." A waiver of the occupancy requirement "for a period not to exceed four years on a showing of good cause" is provided in section 986.35.

<sup>[4]</sup>Civil Code section 3479 provides in pertinent part, "Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . is a nuisance."

<sup>[5]</sup>Section 39040 of the Government Code was repealed by Statutes 1974, chapter 426, section 3, page 1023. (See Cal. Law Revision Com. com. to Gov. Code, §§ 39040-39374, 35 West's Annot. Gov. Code (1977 Supp.) p. 69.)

<sup>[6]</sup>In support of its interpretation of section 3482, the city relies on *Lombardy v. Peter Kiewit Sons' Co.* (1968) 266 Cal.App.2d 599, 605, 72 Cal.Rptr. 240. In *Lombardy*, the plaintiff complained inter alia of the fumes from a nearby freeway, for which he sought nuisance damages. The court sustained a judgment on demurrer for the defendants, citing section 3482. However, the test of authorization stated in *Hassell* requires a particularized assessment of each authorizing statute in relation to the act which constitutes the nuisance. Accordingly, generalizations drawn from statutes authorizing highway construction may not be applicable to municipal waste water treatment operations. We need not determine here whether *Lombardy* errs in applying the standard adopted in *Hassell*.

<sup>[7]</sup>To avoid this error, the instruction should have directed a comparison of the market value of the property before and after the creation of the nuisance, rather than before and after the construction of the plant.

<sup>[8]</sup>Thus the general instructions read to the jury on the issue of damages contained the statement, "If, under the Court's instructions you find that Plaintiffs, or any of them, are entitled to a verdict against Defendant, City of Madera, you must award such Plaintiff damages in an amount that will reasonably compensate him or her for each of the following elements of claimed loss or harm, provided that you find that it was, or will be suffered by him or her and proximately caused by the Defendant by the maintenance of a permanent nuisance as hereinbefore defined." (Italics added.)

<sup>[9]</sup>The testimony is reminiscent of Shakespeare's description in *The Merry Wives of Windsor*: "The rankest compound of villanous smell that ever offended nostril."

<sup>[10]</sup>Defendant relies on *Frustuck v. City of Fairfax* (1963) 212 Cal.App.2d 345, 367-368, 28 Cal.Rptr. 357, and *Engle v. City of Oroville* (1965) 238 Cal.App.2d 266, 47 Cal.Rptr. 630. *Frustuck* indeed states the rule on speculative damages, but presents an inapposite factual situation in that the appellate court found no evidence of damage to the plaintiff's property resulting from increased flowage of water across that property. In *Engle*, the plaintiffs claimed damages for loss of prospective profits from a motel which had yet to be built and for which they had no contractual arrangement or financial backing damages considerably more speculative than those the Varjabedians face regarding loss of their loan.

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[11] Defendant, for the first time in its reply brief, raises the argument that plaintiffs should have been required to minimize the damages involved in refinancing the Cal-Vet loan, either by selling their farm and purchasing another on which a Cal-Vet loan could be obtained, or by applying for a temporary waiver of the residency requirement as provided in Military and Veterans Code section 986.35. Obvious reasons of fairness militate against consideration of an issue raised initially in the reply brief of an appellant. (*Hibernia Sav. and Loan Soc. v. Farnham* (1908) 153 Cal. 578, 584; *Kahn v. Wilson* (1898) 120 Cal. 643, 644.) We therefore do not consider the issue here.

[12] While many of these cases involve permanent changes in the physical contours of land or physical damage to crops not present here these factors have not been regarded as indispensable in other cases in which recurring invasions of waters impair the use and thereby the value of property. (See *Dunbar v. Humboldt Bay Mun. Wat. Dist.* (1967) 254 Cal.App.2d 480, 62 Cal.Rptr. 358.)

[13] Defendant relies on two cases in which inverse compensation was denied landowners who claimed damage from the construction of nearby freeways, including damage from fumes: *People v. Symons* (1960) 54 Cal.2d 855, 9 Cal.Rptr. 363, and *Lombardy v. Peter Kiewit Sons' Co.* (1968) supra, 266 Cal.App.2d 599, 72 Cal.Rptr. 240. (Lombardy was disapproved in *Southern Cal. Edison Co. v. Bourgerie* (1973) supra, 9 Cal.3d 169, 175, 107 Cal.Rptr. 76, to the extent inconsistent with that opinion.) However, in neither *Symons* nor *Lombardy* did the landowners' allegations reveal the possibility of "direct and peculiar and substantial" damage from fumes within the meaning of *Richards*. (See *Symons*, supra, at p. 860, 9 Cal.Rptr. 363, discussed in *Breidert v. Southern Pac. Co.* (1964) supra, 61 Cal.2d at p. 666, 39 Cal.Rptr. 903; *Lombardy*, supra, at pp. 602-603, 605, 72 Cal.Rptr. 240.) *Symons* (at p. 860, 9 Cal.Rptr. at p. 366) specifically denied recovery for "the general diminished property values due to the construction of the freeway . . . ." (Italics added.)

[14] Indeed, we note that evidence was taken at the trial on the nuisance theory which tended to show that the stench of which the Varjabedians complain did not affect other surrounding properties.

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### Responses to David Richards's Comments

Comment No.	Comment
DR-1	The commenter's concerns and statements will be considered by the County decision makers.
DR-2	Please refer to responses to specific comments below, or as noted, references to responses to comment letter DLR (2013) presented in EIR Section XI.D. Responses to Comments – Public – 2013 RDEIR.
DR-3	Please refer to response to comment DLR-2 (2013).
DR-4	Please refer to response to comment DLR-2 (2013).
DR-5	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, and responses to comments DLR-3, DLR-4, DLR-5, and DLR-6 (2013).
DR-6	Please refer to response to comment DLR-7 (2013).
DR-7	Please refer to response to comment DLR-8 (2013).
DR-8	Please note that Figure III-12 correctly shows the wastewater treatment facility near the existing storage area (refer to Final EIR Chapter III Project Description).
DR-9	The commenter's concerns will be considered by the County decision makers.
DR-10	Please refer to response to comment DLR-10 (2013).
DR-11	Please refer to responses to comments DLR-9 (2013) and DLR-11 (2013).
DR-12	Please refer to response to comment DLR-12 (2013).
DR-13	Please refer to response to comment DLR-12 (2013).
DR-14	Please refer to responses to comments DLR-10 (2013) and DLR-13 (2013).
DR-15	Please refer to responses to comment DLR-10 and DLR-14 (2013).
DR-16	Please refer to responses to comments DLR-10 (2013) and DLR-13 (2013) regarding odor and aesthetics. The commenter's concerns will be considered by the County decision makers.
DR-17	Please refer to responses to specific comments DLR-2 (2013) through DLR-15 (2013). Please also refer to EIR Chapter VI Alternatives Analysis, which includes reduced project alternatives. The commenter's recommendations regarding the project will be considered by the County decision makers.
DR-18	The commenter's attachments referenced and responded to under comments DR-10 and DR-14 (DLR-10 and DLR-13) above will be considered by the County decision makers.
DLR-19	The commenter's submitted attachments referenced and responded to under comment DLR-15 (DLR-10 and DLR-14) above will be considered by the County decision makers.

Vern and Carol Garcia  
545 Camino Encanto  
Nipomo, Ca 93444

October 29, 2008

Brian Pedrotti, Project Manager  
County Planning and Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

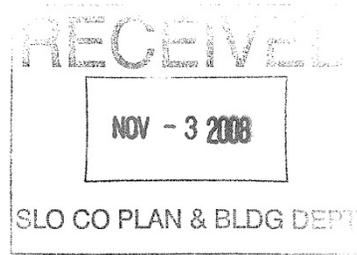
I have studied the EIR for the Laetitia Subdivision proposal, and as a resident on Dana Foothill Road, I must voice some very serious concerns about this project.

VCG-1

1. **Traffic:** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill contains a very dangerous “S” turn as it approaches the bridge over Los Berros Creek. There have been many very serious accidents at this “S” curve. I drive farm equipment up and down that road to work on neighbors land and more speeding cars would make it even more dangerous. The project would create hundreds more trips on this narrow road, thus endangering all the current residents as well as the new ones. With residents, housekeepers, gardeners, and visitors, I would estimate over 800 trips being made on our roads (coming and going) every day. Considering the design and narrowness of these roads, this is just unacceptable.

2. **Water, Water, Water:** Nipomo has experienced many problems with wells drying up over the past few years. The water level on our well has dropped 40 feet since we purchased our property in 1988. This project would only make matters worse for the current residents of our community. I am also concerned for the sensitive environment surrounding Los Berros Creek. When we moved onto our property, the creek flowed the majority of the months each year; and for several years the creek flowed all year round. However, as soon as Laetitia planted their hundreds of acres of vineyards, there is only flow in the creek during a heavy rain. They have reduced this once beautiful creek and habitat to nothing more than a storm drain. The creek was once home to the Steelhead Trout, California Red Legged Frog, Western Pond Turtle, and other endangered species. I am also concerned the viability of the hundred year old Sycamore trees along the creek

VCG-2



banks that would be endangered by the future draw on the ground water that this project would entail. A large project of this nature can only do further harm to a very sensitive and beautiful environment that is irreplaceable.

VCG-2 (cont'd)

3. **Odors:** Several current residents live directly across from the proposed equestrian center. The smells and flies would definitely affect their quality of life. In addition, many residents in the Rimrock area live downwind of the proposed sewage effluent treatment ponds, which obviously would have a negative effect on their property values as well as being unsightly and offensive.

VCG-3

4. **Fire:** The increased traffic would also increase the likelihood of a fire in the heavily wooded canyon areas. In addition, emergency egress from the fire would be very difficult on the narrow roads leading out of the project (Dana Foothill).

VCG-4

5. **Trees:** The plan calls for cutting down 300 mature oak trees. This is a loss to the environment that we and future generations will regret.

VCG-5

6. **Why?:** Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community.

VCG-6

For the above reasons, I, and my neighbors, would strongly urge you and the County Planning Department to reject this unneeded subdivision that would do irreparable damage to our environment and degrade our community.

Sincerely,

*Vern David*  
*Carol Garcia*  
Vern and Carol Garcia

CC:Supervisor Katcho Achadjian  
Eugene Mehlschau

### Responses to Vern and Carol Garcia's Comments

Comment No.	Comment
VCG-1	As noted in Final EIR Section V.N. Transportation and Circulation, the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
VCG-2	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
VCG-3	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
VCG-4	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns.
VCG-5	Please refer to Final EIR Section V.E. Biological Resources, which assesses potential impacts to oak trees.
VCG-6	The commenter's statements and concerns will be considered by the County decision makers.

October 29, 2008

Mark and Stephanie Fugate  
620 Spring Canyon Lane  
Nipomo, CA 93444

Mr. Brian Pedrotti, Project Manager  
County Planning and Building Dept.  
County Government Center Rm. 200  
San Luis Obispo, CA 93408-2040

Re: Laetitia Subdivision Draft EIR

Dear Mr. Pedrotti:

We live in Upper Los Berros Canyon adjacent to the proposed Laetitia subdivision. It appears from the materials and maps we have read concerning the proposed project, that our home sits approximately 50 yards from the equestrian center as well as one of the clusters of homesites. For this reason and others, we are concerned about the project and its impacts.

MSF-1

Fire, Traffic:

The access to the proposed project significantly impacts Upper Los Berros Road, North Dana Foothill Road and Sheehy Road, and Thompson Avenue to a lesser degree. At present, the only access into and out of Upper Los Berros Canyon is Upper Los Berros Road, an unpaved, winding and narrow road. It is unsafe all year long and is even more hazardous in winter. If a fire or other emergency occurs, egress from the canyon will be negatively impacted by the added traffic on this local road. Even if improved, Upper Los Berros Road will continue to be the only road into and out of the canyon, yet this project will utilize the road for primary access. The Laetitia project only adds to the pressure of emergency use of this road. We are also concerned that county required road improvements might not be completed by the applicant at all even though the project is allowed to proceed (if approved).

MSF-2

Odors, Flies, Dust:

Living as close to the proposed equestrian center as we do, the odors and flies that always accompany horses and other large animals will impact us on a daily basis. We anticipate dust becoming an issue as well with horse trailers and trucks coming and going. The equestrian center is ill-conceived and poorly sited, and the amenities it ostensibly provides homeowners in the Laetitia subdivision come at the expense of residents already living in the area who happen to reside downwind. This is certainly a case of existing residents being burdened with all the negatives and receiving absolutely none of the benefits of the proposed use.

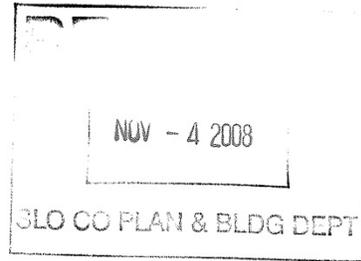
MSF-3

Light and Noise Pollution:

Upper Los Berros Canyon is a rural area with virtually no street or other lighting and relatively few sources of noise, with the exception of occasional car and truck traffic. The proposed project would introduce multiple sources of lighting and noise, the impact of which will be felt by existing residents of the canyon daily, and nightly, from now on. With respect to light pollution, other noted negative impacts of this proposal have been subjected to field studies (traffic, for example); I doubt that anyone has taken the time or effort to carry out a field study of light pollution at night. Yet the DEIR suggests

MSF-4

MSF-5



Laetitia Subdivision Draft EIR,  
Page Two

various measures which purport to mitigate the negative impacts of light pollution. These measures are, in my opinion, totally ineffective. In fact there are no effective ways to mitigate light pollution. The same is true of the noise pollution which will be the result of adding multiple new families, vehicle trips, and equestrian activities in the canyon. Residing as close to the proposed project as we do, we will have the misfortune of bearing the brunt of this noise and light pollution.

MSF-5 (cont'd)

MSF-6

Water:

It is quite well known that water is already in dangerously short supply in Nipomo and in Upper Los Berros Canyon, yet this project is being seriously considered even though, as proposed, the density exceeds normally accepted levels for this type of housing. Pumping of ground water by Laetitia has already killed most of the seasonal flow of water in Los Berros Creek with direct harm being done to animal and bird species living in the area. Residential wells have been impacted negatively as well, and this will only deteriorate further if Laetitia proceeds. If what we read in the local press is in fact true, the level of water shortage is nearing a very severe level. The proposed project should not be allowed to proceed any further simply on this basis alone.

MSF-7

We would also like to express dissatisfaction with the noticing of just the property owners within 300 feet of the Laetitia boundaries. This would leave many impacted property owners out of the process given the rural nature and size of properties in the area. I believe a more appropriate set of criteria should be used to determine which property owners will receive notice of the meetings in which the project will be considered.

MSF-8

Sincerely,



Mark and Stephanie Fugate

Cc:

Mr. Katcho Achadjian, San Luis Obispo County Board of Supervisors  
Mr. Eugene Mehlschau, San Luis Obispo County Planning Commission  
Mr. Richard Wright, Chairman South County Advisory Council

PO Box 5019

### Responses to Mark and Stephanie Fugate's Comments

Comment No.	Comment
MSF-1	As noted in Final EIR Section V.N. Transportation and Circulation, the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads. Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns regarding fire hazards.
MSF-2	Improvements to local roads would be required to be completed by the applicant prior to final inspection of tract improvements, which is required prior to lot development.
MSF-3	Please note in Chapter III Project Description, the applicant is no longer requesting approval of an equestrian center.
MSF-4	Please refer to Final EIR Sections V.A. Aesthetics and V.I. Noise, which address the commenter's concerns.
MSF-5	The EIR analysis (Section V.A. Aesthetics) considers the existing conditions of the area. The EIR notes potential impacts resulting from additional lighting, and identifies standard, accepted, and effective measures to reduce the effects of exterior lighting (refer to AES/mm-7 and AES/mm-8).
MSF-6	Please refer to Final EIR Section V.I. Noise, which addresses the commenter's concerns. Please note the applicant is no longer requesting approval of an equestrian center.
MSF-7	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
MSF-8	The commenter's concern and request is noted.

OCT-30-2008 09:11 From:MORIARTY

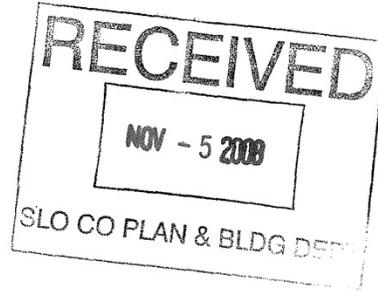
8054731263

To:8054817779

P.1/2

From: Joanna Kearns  
333 Broken Arrow Rd.  
Nipomo, Cal. 93444

To: Mr. Brian Pedrotti  
Project Manager  
County Planning & Building Department  
County Government Center  
Room 200  
San Luis Obispo, Cal. 93408



Dear Mr. Pedrotti,

October 29, 2008

I am a resident living in Nipomo located southeast of the proposed Laetitia Winery Housing Development. I'm writing this letter on my behalf as well as the property owners behalf, Mr. and Mrs. Al Moriarty, my family. We are appalled, greatly horrified and adamantly opposed to such a proposal for this area.

JK-1

My Number One concern is water. We are running out. I currently have had many issues with the "contents" of my water from our well which I share with 2 other families. I am at the lowest point on this hill of the 3 of us. I have sand, sediment and sulfur that I have many problems with on an ongoing basis. I am praying for rain this winter and Lord help us if we don't get any, for I fear this time next year we may all be drinking "sand".

JK-2

My Second concern is the sewer treatment plant. Not only is the proposed location right under my nose but the wind blows off the ocean in this direction. It is also right above our Los Berros Creek. In a wet winter, it can overflow and seep into the creek and our water sources below the ground.  
**UNACCEPTABLE!**

JK-3

JK-4

In addition to the above, we have the emergency evacuation problem due to "one way in and one way out" of this area, Sheehy Rd. Emergency response from local law enforcement agencies would be a joke. They couldn't get in and we couldn't get out. A "dude ranch" on top of this scenario, I can't even imagine.

JK-5

I'm also concerned about the word usage "inclusionary" that I heard one of board members mention when speaking of this housing development. I had to look that one up in the dictionary and I found that it refers to "low to moderate" income housing. "IF" this is the case, the crime impact on our upscale community, with large expensive beautiful homes will surely come to light in no time at all. Our property values will also sink. **NO THANK YOU!**

JK-6

OCT-30-2008 09:12 From: MORIARTY

8054731263

To: 8054817779

P. 2/2

In summation, other concerns of mine are environmental such as our red legged frogs, the 300 oak trees they intend to eliminate, our steelhead trout habitat, our archacological burial grounds which are located on and around property we own known as the "raspberries fields" at the beginning of Upper Los Berros Rd. An equestrian center we do not need as most people out here already have horses. A loss of our farmland would be tragedy and our "open spaces" as "I" interpret them will be eliminated.

JK-7

JK-8

I moved to this area for the beauty of a rural life. I see from my home all the way to Avila Beach. I walk, ride my bike, chat with neighbors doing the same and just plain "enjoy" living here. The thought of this proposed project is deplorable. None of us moved here to be "sucked up" by urban development nor have our resources, we all need to survive, sucked up also.

JK-9

Respectfully, Mr. Pedrotti, please help us preserve the reason we all came to live here. I appreciate your time, consideration and attention to our concerns.

Sincerely,

\_\_\_\_\_  
Joanna Kearns

\_\_\_\_\_  
Al Moriarty

\_\_\_\_\_  
Patricia Moriarty

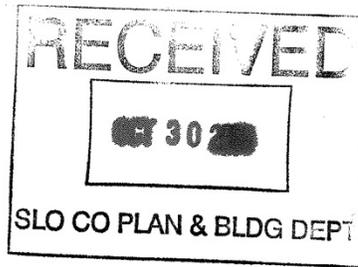
CC: Katcho Achadjian, 4<sup>th</sup> District Supervisor  
South County Advisory Committee

cc: Eugene Mehlschaw  
Planning Commission

cc: Richard Wright, Chairman  
South County Advisory Council

### Responses to Joanna Kearns's Comments

Comment No.	Comment
JK-1	The commenter's concerns will be considered by the County decision makers.
JK-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
JK-3	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
JK-4	As noted in Final EIR Section V.O. Wastewater, the applicant is required to comply with water quality regulations mandated by the County and Regional Water Quality Control Board. In addition, mitigation is required to prevent incidental release of effluent that does not meet standards, including ongoing inspection and maintenance, provisions for a back-up energy source, automatic shut-off valve, and other protections (WW/mm-1). Implementation of these measures would mitigate potential impacts to the maximum extent feasible to protect ground and surface water quality.
JK-5	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns.
JK-6	The proposed project would not include inclusionary or affordable housing, as proposed.
JK-7	Please refer to Final EIR Sections V.E. Biological Resources and V.D. Archaeological Resources, which address noted concerns.
JK-8	Please note the applicant is no longer requesting approval of an equestrian center.
JK-9	The commenter's concerns will be considered by the County decision makers.



Gerald and Julie Kuras  
 427 Rim Rock Rd.  
 Nipomo, Ca 93444  
 805-473-3398

Dear Project Manager,

This letter is in regards to the Laetitia Winery 102 tract housing project. First off I would like to express that as a neighbor to the winery and one that will be greatly affected by this project we are adamantly opposed to it. The many items that are of great concern to us are bulleted below.

- Traffic routed through a peaceful neighborhood.
- Location of the sewage treatment and effluent ponds right above an environmentally sensitive creek and upwind of many homes.
- Over taxing of the ground water, already a major concern in Nipomo.
- Noise and light pollution created by the additional housing, increased special events at the winery and planned dude ranch.
- Losing agriculture and open space property to upscale housing and a dude ranch.
- Increasing demands on our already over taxed fire and law enforcement depts.
- Stressing an already overburdened infrastructure.

In order for this project to be approved I feel that all traffic should be routed by way of a new overpass at the entrance to Laetitia, sewage treatment and effluent ponds moved to the north side of the project, water should be obtained through the state water project, housing should be limited to a quarter of requested amount, eliminate the dude ranch and a limit put on the amount of events allowed each year at the winery. We also feel that the staffing at the Cal Fire SLO County Fire station in Nipomo be increased to 4 full time members per shift and the Sheriff's office should receive one additional deputy for patrol. All these items should be at the expense of the developer as requirements of this project.

Thank you, Gerald and Julie Kuras

*Gerald R. Kuras*  
*Julie Q. Kuras*

GJK-1

GJK-2

GJK-3

GJK-4

GJK-5

GJK-6

GJK-7

GJK-8

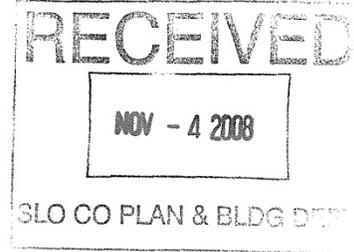
GJK-9

GJK-10

### Responses to Gerald and Julie Kraus's Comments

Comment No.	Comment
GJK-1	Please refer to responses to specific comments and references to applicable EIR sections below.
GJK-2	Please refer to Final EIR Section V.N. Transportation and Circulation.
GJK-3	Please refer to Final EIR Sections V.E. Biological Resources, V.O. Wastewater, and V.P. Water Resources.
GJK-4	Please refer to Final EIR Section V.P. Water Resources.
GJK-5	Please refer to Final EIR Sections V.A. Aesthetics and V.I. Noise. Please note the applicant's proposal does not include special events at the winery.
GJK-6	The commenter's concern will be considered by the County decision makers.
GJK-7	Please refer to Final EIR Section V.L. Public Services and Utilities.
GJK-8	Please refer to Final EIR Sections V.L. Public Services and Utilities and V.N. Transportation and Circulation.
GJK-9	Please refer to EIR Chapter VI Alternatives Analysis. Consideration of a new overpass at Laetitia Vineyard Drive and use of state water are not considered feasible due to jurisdictional approvals outside of the County's control. The applicant's proposal does not include special events at the winery.
GJK-10	Please refer to Final EIR Section V.L. Public Services and Utilities. The commenter's statement will be considered by the County decision makers.

James T. Toomey  
161 Jovita Place  
Nipomo, CA 93444



November 1, 2008

Mr. Brian Pedrotti, Project Manager  
County Planning & Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

Re: Laetitia Draft Environmental Impact Report

Dear Mr. Pedrotti:

Los Berros in Spanish means the watercress, which, in my childhood, was once abundant in Los Berros Creek as were Trout and occasionally South Central Coast Steelhead. Now, as acknowledged in the Laetitia Draft EIR, agricultural pumping, principally from Laetitia, has greatly reduced and/or eliminated stream flow. To propose the extraction of an additional 160 AFY for this project only exacerbates an existing problem.

JT[b]-1

It should be noted that Cleath & Associates was retained by the developer and that their work has not been peer reviewed by a competent licensed Hydrogeologist. I do not mean to imply their work is deliberately misleading, but they have a history of being unrealistically optimistic in their conclusions of adequate water. For example, the Local Agency Formation Commission (LAFCO) rejected the proposed annexation of the Los Robles Del Mar Project by the City of Pismo Beach principally due to water concerns. Cleath & Associates had represented there was adequate water. After concerns were raised by the Oak Park Community Group, a supplemental DEIR was prepared. Mr. Derrik Williams, a California Professional Geologist (#6044) and California Certified Hydrologist (#35) with HydroMetics LLC. stated, "It appears as though the previous reports (Cleath and others) have underestimated the amount of pumping from the deep aquifer, and ignored the impacts on streams, springs, and wetlands. These issues should be resolved prior to final approval of this project." In another letter on the same subject he concluded, "we believe that the data presented in the SEIR clearly demonstrates that insufficient groundwater exists to supply the LRDM project."

JT[b]-2

JT[b]-3

Groundwater basins are finite, there are limits on the amount of water that any one user can extract without effectively stealing water from other users. There is little margin of

JT[b]-4

Page 2

Mr. Brian Pedrotti

November 1, 2008

safety in the calculation of water supply and demand for this project, particularly in drought years, for example 175.3 AFY versus 197 AFY. If drought conditions persist longer than the three year drought scenario, available resources could be in question. Most of the new wells intended to support this project are of the “slow recovery” type and, apparently, were drilled and tested in the spring or early summer part of the year. They should be tested again in late September or early October. As local residents will testify, hard rock drilling is a gamble. Even if you hit water, there is no guarantee your well will continue to produce at the tested levels.

JT[b]-4  
(cont'd)

For these reasons an abundance of caution utilizing the “trust but verify” methodology should be utilized. I strongly recommend the county conduct a supplemental EIR solely addressing the water question in depth including retaining another certified hydrogeologist to confirm the findings of Cleath and Associates.

JT[b]-5

This DEIR also alludes to purchasing water if the wells fail but lacks specificity as to their potential source. Although the pipeline for the Central Coast Section of the State Water Project runs through this property, my understanding is it would not be available for this project. The next EIR should elaborate on this potential source of purchased water.

JT[b]-6

Although my main concern is the water situation, there are other issues as well. The benefits of this project accrue to Laetitia, while the detriments associated with it have to be assimilated by the neighbors, who gain nothing in return except, perhaps, an improved roadway no longer suitable for walking along with 3 times the volume of traffic.

JT[b]-7

Contrary to what is stated in the DEIR (V-212 g. 1), Sheehy Road does not have striping at the edge of the pavement. This oversight needs to be corrected by addition to the local road improvements. It appears as if the traffic count was done in January, which is not indicative of peak summer traffic patterns. For example, most of the workers at the winery and the vineyard use the “agricultural” roads on Laetitia to leave work via Upper Los Berros, North Dana Foothill and Sheehy roads to avoid the dangerous freeway crossing at Laetitia drive. This peaks in the summer and fall timeframes. Has adequate allowance, both traffic count and noise, been made for the additional traffic on North Thompson once it becomes the access road for the North Bound Freeway on-ramp with the extension of Willow Road?

JT[b]-8

JT[b]-9

JT[b]-10

The proposed sewer treatment plant is located in close proximity to the creek and residences and should be moved to its alternate location north of the winery.

JT[b]-11

One of the stated goals of the project is to preserve the families’ ability to continue to farm this property. It should be noted this is not the “traditional” family farm where the owners work on and reside on site. Rather, my understanding is no family members live on site

JT[b]-12

Page 3  
Mr. Brian Pedrotti  
November 1, 2008

and the owner lives in a mansion in Bel Aire.

JT[b]-12 (cont'd)

The owner is entitled to some home sites if the available water supports them. My recommendation would be to minimize the Class I impacts by going to the single cluster alternative preferably in conjunction with the Effluent Disposal alternative. If the cluster concept is selected, consideration should be given to capturing rainwater from rooftops (and possibly hardscape) into cisterns for landscape irrigation.

JT[b]-13

JT[b]-14

Thank you for your consideration of this matter.  
Sincerely,



James T. Toomey

Copy: Supervisor Katcho Achadjian  
Planning Commissioner Eugene Mehlschau

### Responses to James Toomey's Comments [b]

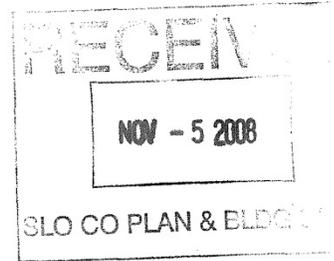
Comment No.	Comment
JT[b]-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, and responses to comment letter JTT (2013) presented in EIR Section XI.D. Response to Comments – Public – 2013 RDEIR.
JT[B]-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, and responses to comment letter JTT (2013) presented in EIR Section XI.D. Response to Comments – Public – 2013 RDEIR.
JT[B]-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, and responses to comment letter JTT (2013) presented in EIR Section XI.D. Response to Comments – Public – 2013 RDEIR.
JT[B]-4	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, and responses to comment letter JTT (2013) presented in EIR Section XI.D. Response to Comments – Public – 2013 RDEIR.
JT[B]-5	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, and responses to comment letter JTT (2013) presented in EIR Section XI.D. Response to Comments – Public – 2013 RDEIR.
JT[B]-6	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, and responses to comment letter JTT (2013) presented in EIR Section XI.D. Response to Comments – Public – 2013 RDEIR.
JT[B]-7	The commenter's concerns will be considered by the County decision makers.
JT[B]-8	The EIR has been corrected to note that Sheehy Road has no edge of road striping (refer to TR Impact 7). Mitigation measure TR/mm-8, which requires the road to be improved to meet County road standards, remains the same. The clarification does not change the analysis or impact determination.
JT[B]-9	The traffic analysis considers a reasonable worst case scenario, and identified deficient road conditions along all affected roadways. The mitigation measures would require improvements meeting County road standards, which would address any supplemental trips generated during the vineyard's picking and crushing season.
JT[B]-10	Based on consultation with County Public Works, the operation of the Willow Road interchange would not have a substantial effect on the results of the traffic study.
JT[b]-11	The proposed wastewater treatment facility would be located near the existing maintenance and storage area, approximately one mile from Los Berros Creek. The treated effluent storage ponds near the creek would store tertiary treated water prior to application within the vineyards.
JT[b]-12	The commenter's concern will be considered by the County decision makers.
JT[b]-13	The commenter's statement will be considered by the County decision makers.
JT[b]-14	Please refer to mitigation measure WAT/mm-10, which identifies several low impact development and stormwater runoff reduction measures, including capturing roof runoff for landscape irrigation and use of rain barrels and cisterns, as noted by the commenter.

**RICHARDS RED ROCK RANCH**

225 Broken Arrow Road  
Nipomo, CA 93444

November 3, 2008

BRIAN PEDROTTI  
SAN LUIS OBISPO COUNTY  
PLANNING DEPARTMENT  
COUNTY GOVERNMENT CENTER  
ROOM 200  
SAN LUIS OBISPO, CA



RE: Proposed Laetitia Agricultural Cluster Tract

Dear Mr. Pedrotti:

It was a pleasure meeting you last Thursday, October 30, 2008. I appreciate that you took the time to discuss the above proposed project with me at the Counter. As I indicated in our conversation, my husband, Dave, and I own the property at 225 Broken Arrow Road in Nipomo. We are one of the closest properties to the Laetitia development and are within 600 yards of the proposed sewage treatment plant and effluent ponds in a downwind location. Thus, we are within sight and smell of the largest effluent pond, in particular.

RRRR-1

We are adamantly opposed to the proposed development in any form. Any further development of the Laetitia property will negatively impact the quality and way of life of the individuals living near the Laetitia property. Our health, safety and well-being is severely threatened by the proposed development. And certainly, the development as proposed will greatly reduce the monetary value of our property and that of our neighbors, especially due to the sewage treatment plant.

RRRR-2

The proposed development is out of character with the way we want to present our county. The Laetitia vineyards are one of the first things a traveler sees upon entering our County from the south. If the proposal is accepted as drafted, the vineyards near the 101 freeway will be largely replaced with three effluent ponds, containing odorous sewage liquids; pump trucks carrying the "liquid solid" waste will regularly enter the 101 freeway from dangerous access points. McMansions will dot the hillsides.

RRRR-3

RRRR-4

RRRR-5

BRIAN PEDROTTI  
November 3, 2008  
Page Two

WATER CONCERNS:

Water is a precious commodity in the South County, and particularly on the east side of the freeway due to the geology of the land. We witnessed firsthand the frightening scenario of a well going dry when our neighbors at 255 Broken Arrow Road experienced just that: Approximately seven years ago, the well servicing their parcel just ran dry--they had no water for their home or beautiful gardens. We hooked them up to our well until they were able to drill another well. Would Laetitia be such a good neighbor if our well ran dry? And would we feel comfortable using water from the Laetitia well that is closest to our property and a mere 100 feet away from the largest effluent pond?

RRRR-6

There are many existing homes, some that have been here for over 100 years, that would be at risk of losing water if the Laetitia development is approved. There is no way to mitigate this risk. The only reasonable solution is no development at all.

RRRR-7

TRAFFIC/SAFETY CONCERNS:

There is only one access road from Thompson Road into our residences, which is Sheehy, a two lane country road. We noticed an increased difficulty in turning into and out of Sheehy when the Nipomo High School opened and traffic along Thompson Road increased. With this experience, we can clearly see that the increased traffic caused by ONE-HUNDRED-TWO MORE RESIDENCES AND SEVENTY-SEVEN CABINS at the Dude Ranch will create an intolerable situation.

RRRR-8

We are not just talking about inconvenience here. This is a safety issue. Even now, the Fire Department has voiced concerns about the difficulty of evacuating the residents of the existing homes in the event of a fire or other natural disaster. Another safety concern is the inevitable use of Rim Rock Road as a shortcut from Sheehy to Dana Foothill Road. Rim Rock Road is a narrow, winding road with many blind turns. This road is routinely used by adults and children alike to walk, jog, ride bicycles and occasionally to ride horses. We're familiar with just about everybody who drives on the road now; with increased traffic of tourists on their way to the dude ranch and residents in a hurry to get to Laetitia, this road will become a deadly accident just waiting to happen.

RRRR-9

RRRR-10

BRIAN PEDROTTI  
November 3, 2008  
Page Three

There is no way to come close to mitigating these negative impacts. Any attempt would completely change the feel and character of our neighborhood. Again, the only reasonable solution is no development at all.

RRRR-11

HEALTH CONCERNS

The proposed "domestic wastewater treatment and disposal system", or sewage treatment plant and effluent ponds, raises a myriad of worries. One of the greatest worries is the location of the largest effluent pond adjacent to the Los Berros Creek, which runs directly to the ocean. The DEIR seems to anticipate that the pond WILL overflow into the creek. This is not an acceptable risk and given the proposed location of the ponds, there is no way to mitigate this risk.

RRRR-12

The open ponds will create a perfect breeding ground for mosquitos, noted carriers of the West Nile Virus, which was recently reported to have appeared on the Central Coast.

RRRR-13

Furthermore, the proposal is very unrealistic regarding the maintenance and management of the sewage treatment plant. The developer proposes washing his hands of it immediately and turning responsibility over to a "mutual water company" who would "execute a contract with a licensed wastewater system operations company". Who will pay for this? Who will be ultimately responsible when the groundwater (the little that there is) is contaminated with sewage-when the sewage runs into the ocean, etc., etc.?

RRRR-14

There is simply no way to mitigate these risks. The only reasonable alternative is no project at all.

RRRR-15

NOISE/LIGHT CONCERNS

A large part of the appeal of our neighborhood is it's peaceful, rural character. This is one of the main reasons we sought out and purchased land in an area with five acre minimum parcels surrounded by agriculturally zoned land. This peace and solitude and the nighttime darkness would be replaced by the industrial sounds and lights of a sewage treatment plant and the vehicle and household noises and lights of 102 more houses, 77 cabins and the people who work for and visit them. There is no way to mitigate this irrevocable damage. The only reasonable solution is no development at all.

RRRR-16

BRIAN PEDROTTI  
November 3, 2008  
Page 4

MISPLACED PRIORITIES

For several years, San Luis Obispo County worked to get on the map as "wine country", a testimonial to the importance of vineyards and wineries to our County's well-being. The Laetitia property has been used as a vineyard and winery since 1983. There are beautiful views of the Laetitia vineyards, both from the 101 freeway and the surrounding area. The Laetitia winery is accessible directly from the 101 freeway, and is the first San Luis Obispo County Winery encountered by visitors from the South. This is an appropriate and financially feasible use of the land. *None of the agricultural cluster objectives would be met by this development.*

RRRR-17

The proposed development would overbuild the area, creating urban sprawl and obviating the open space between Nipomo and Arroyo Grande.

RRRR-18

According to the Agricultural Cluster Guidelines, the property could potentially be subdivided to support 41 homes. This project proposes a total of 179 habitable buildings (102 homes and 77 guest cabins), not to mention many "support buildings" to be built on the alleged open space. One-hundred-thirteen acres of vineyards will be removed to accommodate this build-out. How does this protect and preserve agricultural land?

RRRR-19

The DEIR claims that the project will protect the existing rural character of the land by placing 95 percent of the property "within the agricultural land use category and 90 percent of the property within the Rural Lands land use category in permanent agricultural/open space easements." But protecting the existing rural character is more than percentages and numbers. It is the way the property looks and feels when there are 102 more houses, a 77 cabin dude ranch and homeowner's association buildings and sewage treatment plants jammed onto ten percent of the land--with all of the industrial, unpleasant and just plain stinky portions of the development absolutely destroying the existing rural character of the neighboring landowners.

RRRR-20

The DEIR claims the project will provide for the expansion of the existing winery operations and continuation of the vineyard operation. I respectfully submit that the owner does not need to build 102 houses and a dude ranch and sewage treatment plant to expand his winery operations. Certainly, the

RRRR-21

BRIAN PEDROTTI  
November 3, 2008  
Page Five

monies that have been expended trying to develop the land could have been used to expand the winery operations if that was what the owner really wanted.

RRRR-21  
(cont'd)

The DEIR claims that the project will "create places to live and enjoy [in] a scenic rural setting". Quite to the contrary, as stated above, the project will absolutely destroy our ability, and that of our neighbors, to enjoy the scenic rural settings we have labored to preserve over the past many, many years.

RRRR-22

The DEIR claims that the project will "create a financially feasibly project". Financially feasible to whom? And at what cost to the many other people impacted when their wells go dry and their land values plummet; when they can't sell their homes due to the industrial sewage plant in their backyard, etc., etc.???

RRRR-23

The DEIR claims that the project will "enhance long-term agriculture viability". Removing vineyards to build McMansions does not agricultural viability make.

RRRR-24

*What is the priority here?* Is it to allow the owner of Laetitia to make as much money as possible-or is it truly the preservation of our peaceful, rural, agriculturally based lifestyle?

RRRR-25

*Who is the priority here?* An investor from Beverly Hills/ Belaire or the many property owners who were here first and who actually LIVE here and have invested time, money and heart into building and improving homes and a community for their families in reliance on the county's agricultural, rural and other zoning restrictions?

RRRR-26

Please don't forget the people of Nipomo. Please do not allow this project to proceed. It will irrevocably change our community in a terribly negative way.

RRRR-27

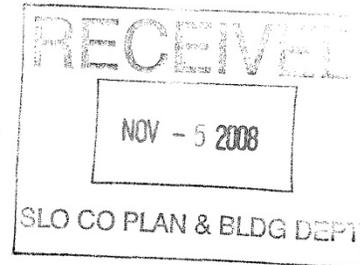
Sincerely yours,

**Responses to Richards Red Rock Ranch’s Comments**

Comment No.	Comment
RRRR-1	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
RRRR-2	The commenter’s concerns will be considered by the County decision makers.
RRRR-3	Please refer to Final EIR Section V.A. Aesthetics, which addresses the commenter’s concern regarding visual character.
RRRR-4	Please refer to response to RRRR-1 above regarding the effluent storage ponds. Please refer to Final EIR Section V.N. Transportation and Circulation regarding traffic impacts.
RRRR-5	Please refer to Final EIR Section V.A. Aesthetics, which addresses the commenter’s concern regarding visual character.
RRRR-6	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RRRR-7	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RRRR-8	Please refer to Final EIR Section V.N. Transportation and Circulation, which identifies deficient road conditions along affected roadways, and includes recommended mitigation measures to address the project’s adverse impacts. Based on the traffic analysis, implementation of the project would not result in significant impacts to the roadway segment of North Thompson Road. Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities. This improvement is anticipated to address the commenter’s concerns.
RRRR-9	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response. The EIR identifies a significant impact due to lack of feasible secondary access.
RRRR-10	The traffic analysis includes the reasonable assumption that project-related traffic would use Sheehy and North Dana Foothill Road to access North Thompson and Highway 101. Road improvements are identified for these roadways in order to bring local roads up to County standards. These improvements would facilitate safe access for vehicles, bicyclists, and pedestrians by providing shoulders and roadway striping.
RRRR-11	As noted in Final EIR Section V.N. Transportation and Circulation, road improvements would be required to bring affected roadways up to County standards, based on the estimated total amount of daily traffic. The Final EIR includes a significant adverse impact due to the lack of feasible and safe secondary access. The commenter’s concerns will be considered by the County decision makers.
RRRR-12	Please note the water that would be stored in the ponds would be treated to a tertiary level, suitable for agricultural irrigation. As noted in the Final EIR (Section V.E. Biological Resources, see V.E.5.b), and as discussed in Section V.O. Wastewater, there is a potential for accidental spill, mechanical failure, or other unforeseen event that could cause release of raw sewage (from collection pipes) or improperly treated effluent into surface waters, including the storage ponds. In addition to measures proposed by the applicant (i.e., alarms, emergency generators, contained treatment plant) and compliance with existing regulations, mitigation is identified (refer to WW/mm-1), requiring an emergency contingency plan to avoid accidental discharge into surface waters.
RRRR-13	Aside from standing water, the effluent holding ponds would not present other characteristics, such as emergent vegetation or sediments that would attract and feed mosquito larvae. Any additional

Comment No.	Comment
	risk of West Nile Virus would not be substantially greater than existing conditions, and use of existing agricultural ponds. Regarding other risks identified by the commenter, the water in the ponds would meet Regional Water Quality Control Board and Department of Water Resources standards of safety for tertiary treated water, and would therefore not pose a substantial health risk.
RRRR-14	Payment for a licensed wastewater system operations company would be the responsibility of the homeowners association and property owners. The commenter's concerns will be considered by the County decision makers.
RRRR-15	The commenter's concerns will be considered by the County decision makers.
RRRR-16	The wastewater treatment facility would be located within an enclosed structure near the existing maintenance and storage area, approximately 0.5 mile from the closest property boundary to the southeast; therefore, noise generated by the facility would not be discernible offsite (refer to Figure III-12). Mitigation is identified to reduce the effects of exterior lighting (refer to AES/mm-7 and AES/mm-8). Potential noise impacts as a result of increased traffic are addressed in EIR Section V.I. Noise. Please note the applicant is not requesting approval of the dude ranch at this time.
RRRR-17	The commenter's concerns will be considered by the County decision makers.
RRRR-18	The commenter's concern regarding changes to visual character is addressed in Final EIR Section V.A. Aesthetics.
RRRR-19	The commenter's concern is addressed in Final EIR Section V.B. Agricultural Resources. The applicant proposes to replace removed vineyards onsite; however, the EIR identifies a significant impact due to farmland conversion and potential land use incompatibilities.
RRRR-20	The commenter's concerns regarding the project's significant effects to visual character are addressed in Final EIR Section V.A. Aesthetics. The treatment facility would appear similar to existing structures near the maintenance area onsite, and the storage ponds would be similar to agricultural reservoirs onsite. Please refer to response to comments RRRR-1 and RRRR-12 regarding the wastewater treatment facility.
RRRR-21	The project applicant identified this statement as a project objective. The commenter's statements will be considered by the County decision makers.
RRRR-22	The project applicant identified this statement as a project objective. The commenter's concern regarding visual character is addressed in EIR Section V.A. Aesthetics.
RRRR-23	The project applicant identified this statement as a project objective. Please refer to Final EIR Section V.P. Water Resources and responses to comments RRRR-1 and RRRR-12 regarding the wastewater treatment facility.
RRRR-24	The project applicant identified this statement as a project objective. The commenter's statement is addressed in EIR Section V.B. Agricultural Resources, which identifies significant impacts to farmland.
RRRR-25	The commenter's statement will be considered by the County decision makers.
RRRR-26	The commenter's statement will be considered by the County decision makers.
RRRR-27	The commenter's concern will be considered by the County decision makers.

Patricia A. Rogers  
1235 Ramal Lane  
Nipomo, CA 93444



November 3, 2008

Eugene Mehlschau  
Planning Commission  
County Government Center  
San Luis Obispo, CA 93408

RE: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

I have recently been made aware of the Laetitia Subdivision proposal and am quite alarmed by what is proposed because I believe that these 100 or so homes will have an incredibly negative impact on this rural environment.

PR-1

Has anyone actually driven out on these roads, e.i., Sheehy, Dana Foothill, Upper Los Berros and realized what kind of impact 200 cars or more will make? At present, residents must move off to the side of the road into the mud and clay when walking. God forbid their dogs should have a long leash or that a bicyclist is on the road at the same time. Two cars can barely pass along the bridge abutments let alone pedestrians and bicyclists.

Years ago when the Nipomo High School was proposed for Thompson Road, I attended the town meeting and stated that a stoplight or four way stop is necessary at the Los Berros/Thompson Road interchange. This interchange is *extremely dangerous* particularly in the morning when high school traffic is driving through from the Mesa and in the evening when Mesa traffic is headed onto the freeway. Try looking into the sunset when you get off the southbound 101 and need to turn left onto Thompson/Los Berros. Also try turning left onto the southbound at 7:30 in the morning when all the traffic is coming from the Mesa.

PR-2

Where are the equestrians going to ride? Are you proposing/including a horse trail along these roads?

PR-3

What about water? At a time when there is so much controversy over water are we really in need of more houses that will eat up our once beautiful rural environment and take the place of cattle, lemon groves and oak habitat???? Isn't a glut of wine grapes enough?

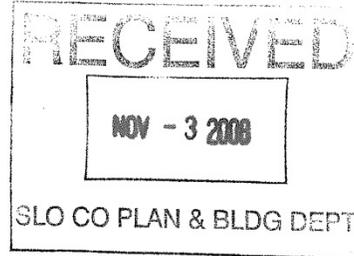
PR-4

Sincerely,  
  
Patty Rogers

### Responses to Patricia Rogers's Comments

Comment No.	Comment
PR-1	Please refer to Final EIR Section V.N. Transportation and Circulation, which addresses potential impacts to local roadways and Highway 101.
PR-2	Please refer to Final EIR Sections V.N.6.b.2(b) and V.N.6.b.2(c), which provide a summary of potential impacts resulting from the proposed project at the Los Berros Road/Thompson Road/Highway 101 intersection. Please refer to mitigation measures TR/mm-1 and TR/mm-2, which require implementation of improvements including signalization and turn pockets at this intersection. Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities. No changes to the EIR are necessary.
PR-3	The applicant is not proposing off-site equestrian trails. As discussed in Section V.M.5.a in the Final EIR, and mitigation measures REC/mm-1, the County Parks Division requested a multi-use trail onsite, west of Highway 101. No changes to the EIR are necessary.
PR-4	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources. The County decision makers will consider the commenter's concerns.

Brian Pedrotti  
Project Manager  
County Planning and Building Dept.  
County Government Center  
Room 200  
San Luis Obispo, CA 93408



Dear Mr. Pedrotti,

For the last 19 years of my life, I have watched my parents pour their heart and soul into their property, their home at 225 Broken Arrow Road. Since the day they purchased their land when I was two years old, not a day has gone by in which they did not work to make the property as beautiful and as much like their dream home as they possibly could. As a child, I loved to wander aimlessly through the trees, breathing the clean air, enjoying the true beauty of untainted nature their nine acres held for me. Our home means everything to my family. There is absolutely no where I can turn without having beautiful memories flood through my head, causing me to pause and thank my lucky stars to have been so lucky to enjoy such a pure and untainted childhood.

CR-1

Allowing a sewage treatment plant to be placed directly in front of their home, where the prevailing winds lead, is not only inhumane and selfish, it is a danger to the health of my family and the families surrounding their property who have also worked tirelessly to keep the land pure and beautiful. I hardly believe a sewage treatment plant fits into the purity and tranquility of nature these properties provide. It will inhibit and destroy the clean air, the rural nature, and the escape from city life these beautiful properties once offered. My parents purchased the home in 1989 for the very reasons I speak of; the clean air, the beautiful nature, the lack of traffic and development around them, and the rural area in general. Allowing a housing complex with its own sewage treatment center will ruin the rural

CR-2

CR-3

CR-4

nature and pure air, as well as create a danger to the numerous people who walk the “loop” as we like to call it, daily.

CR-4 (cont'd)

The road that would be used as access to this new housing development is dangerous already with the few cars that travel through every day. Adding a housing complex with dozens of new cars driving these roads daily is reckless and a disaster waiting to happen. The argument for this complex to be allowed is that it is a “family” complex. This is entirely false; it is a profitable project and that is all that it is desired to be.

CR-5

The properties throughout the foothills run primarily on private wells. Adding this housing complex will not only run the land dry, but cause a water crisis as well. It is entirely irresponsible and thoughtless to allow such a large housing complex with a health hazard such as the sewage treatment center and affluent ponds to be allowed in this rural of an area. If the affluent ponds spill, they will pour directly into Los Berros creek and be swept away into the ocean, contaminating not only our water supply, but the ocean and beach as well.

CR-6

CR-7

My parents are the most honest, generous, and hard working people I have ever met. They have worked to achieve their dreams, building their dream house from scratch, designing every aspect of it, pouring their lives into it. They deserve to have the home they dreamt of and have worked so hard to establish. Placing this housing complex and ESPECIALLY the treatment plant in such a near proximity of their home destroys the beauty of nature, as well as their dreams they have continued to strive for every day.

CR-8

One of the most wonderful things about living in the back of the hills where my parents live is the purity of the air and the crisp, clean smell of trees, land, everything good and pure. I hope it will stay this way so when I have children of my own, they will have the privilege of growing up in as beautiful, untainted area as I did. Placing this plant in the location planned, or anywhere in the vicinity of the area,

CR-9

will ruin my parent's property. They will no longer be able to go out onto their back porch and Bar-B-Q, nor take my young cousins when they come out to visit into the yards to play. The air will be polluted, and the land will be ruined.

CR-9  
(cont'd)

I have spent my life watching the progress made on Richards Red Rock Ranch, and as a young girl, I often pictured myself possibly even getting married at my family's home, as the area holds such special, peaceful memories and the beauty of nature is so serene and peaceful. This will be impossible if this plant and the affluent ponds are placed into the proximity of the area.

CR-10

Please do not ruin our dreams. If those are taken away, there is not much that can get a person through the hardest times. Please do not ruin the serenity and wholesomeness of the land by allowing the treatment plant to be put in. It is a health risk, a violation of rights, and the destroyer of a dream well deserved.

Sincerely,

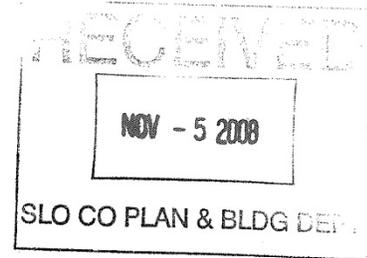


Christina Richards

### Responses to Christina Richards's Comments

Comment No.	Comment
CR-1	Comment noted. No changes to the EIR are necessary.
CR-2	Please refer to Section III.C.6 (Project Description) and Section V.O. (Wastewater) of the Final EIR. The proposed treatment facilities would be located within a structure, within the existing maintenance area, approximately 0.5 mile from the southeast property boundary. As described in Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
CR-3	Comment noted. No changes to the EIR are necessary.
CR-4	Please refer to Final EIR Sections V.A. Aesthetics and V.C. Air Quality, which address visual character, air emissions, and odors resulting from the proposed project.
CR-5	Please refer to Final EIR Section V.N. Transportation and Circulation, which includes an analysis of road conditions, the project's effect on the existing road system, and identification of mitigation measures to improve the roads consistent with County standards.
CR-6	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
CR-7	As described in Final EIR Section V.O. Wastewater, the effluent storage ponds would store tertiary treated water, which is required to meet Regional Water Quality Board and Department of Water Resources standards for use as crop irrigation. As noted in the EIR (Section V.E. Biological Resources, see V.E.5.b), and as discussed in Section V.O. Wastewater, there is a potential for accidental spill, mechanical failure, or other unforeseen event that could cause release of raw sewage (from collection pipes) or improperly treated effluent into surface waters, including the storage ponds. In addition to measures proposed by the applicant (i.e., alarms, emergency generators, contained treatment plant) and compliance with existing regulations, mitigation is identified (refer to WW/mm-1), requiring an emergency contingency plan to avoid accidental discharge into surface waters. Implementation of these measures would minimize potential hazards.
CR-8	Please refer to response to comment CR-2, above. The County decision makers will consider the commenter's concerns.
CR-9	Please refer to response to comment CR-2, above. The County decision makers will consider the commenter's concerns.
CR-10	Please refer to response to comment CR-2, above. The County decision makers will consider the commenter's concerns.

Tina Grietens  
P.O. Box 12  
Nipomo, CA 93444



November 3, 2008

Brian Pedrotti, Project Manager  
County Building and Planning  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

I have been a landowner and resident of Upper Los Berros Canyon for nearly twenty years. I have some serious concerns regarding the proposed Laetitia Subdivion which is planned to have access from Sheehy and Dana Foothill Roads.

TG-1

1. **Traffic:** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. These are small, rural, country roads. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill contains a very dangerous “S” turn as it approaches the bridge over Los Berros Creek. There have been many very serious accidents at this “S” curve due to oncoming vehicles “cutting the corner”. Many people have driven off the road, or have been run off the road at this corner and along the creek a mile or so up the canyon.

With residents, housekeepers, gardeners, farm workers, and visitors, the traffic will be significantly increased. It is estimated that this development will create approximately 1,000 more trips on these narrow roads, thus endangering all the current residents as well as the new ones. Considering the design and narrowness of these roads, this is just unacceptable.

I understand that a traffic study was performed during the month of January, when there was no traffic from the current farm workers, nor the high school students at the Nipomo High School. I suggest a follow up traffic study be performed during the height of harvest, and when school is in session so you can see how much traffic there already is. When the farm workers arrive and leave the area, it already causes congestion.

TG-2

I also respectfully request that if the project is allowed to move forward, that this access through our neighborhood be eliminated as an option, and the project residents be allowed access through the Highway 101 entrance which was established many years ago when the winery was named Maison Deutz. Prior to the land purchase along Upper Los Berros Road from the Campodonico

TG-3

family, there was no access to the winery from Upper Los Berros Road. These improvements have been made since the purchase of the land by the current owner of the Laetitia Winery.

TG-3 (cont'd)

2. **Water:** Nipomo has experienced many problems with wells drying up over the past few years. This project would only make matters worse for the current residents of our community. Prior to the land purchase along Upper Los Berros Road, the fields were dry land farmed with garbanzo beans, and used as pasture land. The change in land use to vineyards along the canyon hillsides has generated more water requirements, and has given the current land owner an opportunity to exploit the ground water of the neighboring properties.

TG-4

Some of my neighbors have expressed concern that their well pumping levels have decreased considerably since the Laetitia vineyard was planted. The levels will decrease even further, perhaps even resulting in dry wells and costly redrilling.

There is no aquifer in this area. The proposed wells would be located over fractured shale, which provides an unpredictable source of water, and one that potentially dry up wells that are located further up Los Berros Canyon.

Local agencies are being mandated to reduce groundwater pumping due to the decrease of groundwater recharge in recent years. How could you justify more pumping when we already are facing a critical water shortage?

I am also concerned for the sensitive environment surrounding Los Berros Creek. Water used to flow in Los Berros Creek year round. The last few years I have noticed that there are many dry areas and virtually no flow near the vineyard. Laetitia has already reduced this once beautiful creek and habitat to nothing more than a storm drain. The creek is home to the Steelhead Trout, California Red Legged Frog, Western Pond Turtle, and other endangered species. Many of my neighbors remember fishing in the creek as children. I am also concerned about the viability of the hundred year old sycamore trees along the creek banks which would be endangered by the future draw on the ground water that this project would entail. A large project of this nature can only do further harm to a very sensitive and beautiful environment that is irreplaceable.

3. **Odors:** Several current residents live directly across from the proposed equestrian center. The smells and flies would definitely affect their quality of life. In addition, many residents in the Rim Rock Road area live downwind of the three proposed sewage effluent treatment ponds, which obviously would have a negative effect on their property values as well as being unsightly and offensive.

TG-5

TG-6

4. **“Open Space”:** The plan calls for four rural lots to be “**buildable** open space” which isn’t really open space. This plan would allow development of communal buildings, farm buildings, worker residences, “accessory structures”, and who knows what. Some of the plans for the open space are a Recreation Center, tennis courts, swimming pool. This project will undoubtedly result in far more than the 102 residences initially proposed. In addition, the idea of a future 75 room hotel, for which Laetitia has created the euphemism “dude ranch”, is more than inappropriate for this area; it is appalling!

TG-7

- 5. **Lights/Dust:** There is a problem with air pollution and light pollution that cannot be ignored. The dust from the horses at the proposed horse arena, and the lights from evening events would adversely affect the air quality and quality of life of the current residents. In addition, lights from the open space buildings, the Recreation Center for example would also affect the character of the region. | TG-8
- 6. **Fire/Safety:** The increased traffic would also increase the likelihood of a fire in the heavily wooded canyon areas. In addition, emergency egress via Dana Foothill from the fire would be very difficult if not impossible on the narrow roads leading out of the project, thus endangering the lives of all canyon residents and their livestock. We also have concerns for our safety due to the increased number of people traveling up and down the canyon. Crime would undoubtedly increase, and many of us would be dealing with more trespassers on our land, in our homes... Response time from the local Sheriff must be addressed. | TG-9  
| TG-10  
| TG-11
- 7. **Trees:** The plan calls for cutting down 300 mature oak trees. This is a loss to the environment that we and future generations will regret. | TG-12
- 8. **Water Quality:** The effluent from the wastewater treatment may adversely affect the quality of the groundwater. Will there be restrictions implemented to control the salts, nitrates and other polluting constituents from entering the groundwater? | TG-13
- 9. **Why?:** Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community. | TG-14

For the above reasons, I join my neighbors in strongly urging you and the County Planning Department to reject this unneeded subdivision that would do irreparable damage to our environment and degrade our community.

Sincerely,

*Tina Grietens*  
Tina Grietens

**Responses to Tina Grietens’s Comments**

Comment No.	Comment
TG-1	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project’s effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
TG-2	The traffic analysis considers a reasonable worst case scenario, and identified deficient road conditions along all affected roadways. The mitigation measures would require improvements meeting County road standards, which would address any supplemental trips generated during the vineyard’s picking and crushing season. Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities.
TG-3	Based on consultation with Caltrans, consideration of access via Laetitia Vineyard Drive / Highway 101 is not a feasible option due to significant traffic safety concerns and the lack of an encroachment permit granting access for residential land uses (aside from the existing estate residence).
TG-4	Please refer to Recirculated and Final EIR Sections V.E. Biological Resources and V.P. Water Resources.
TG-5	Please note the equestrian facility is no longer proposed by the project applicant.
TG-6	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
TG-7	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
TG-8	Please refer to Final EIR Section V.A. Aesthetics. Mitigation is identified to reduce the effects of exterior lighting (refer to AES/mm-7 and AES/mm-8). Please note the applicant is no longer requesting approval of an equestrian center.
TG-9	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response.
TG-10	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response, which identifies a significant impact related to feasible secondary access. Regarding local roadways including North Dana Foothill, road widening and striping would be required as mitigation for the increased traffic on local roadways, which would improve circulation and safe access in the area (refer to TR/mm-4, TR/mm-8, TR/mm-9, and TR/mm-10).
TG-11	Please refer to Final EIR Section V.L. Public Services and Utilities regarding emergency responders. The applicant would be required to pay fees that would go towards public service facilities.
TG-12	Please refer to Final EIR Section V.E. Biological Resources, which assesses potential impacts to oak trees, and identifies mitigation measures. The loss of existing oak woodland is identified as a

<b>Comment No.</b>	<b>Comment</b>
	significant impact.
TG-13	As noted in the Final EIR (Section V.E. Biological Resources, see V.E.5.b), and as discussed in Section V.O. Wastewater, there is a potential for accidental spill, mechanical failure, or other unforeseen event that could cause release of raw sewage (from collection pipes) or improperly treated effluent into surface waters, including the storage ponds. In addition to measures proposed by the applicant (i.e., alarms, emergency generators, contained treatment plant) and compliance with existing regulations, mitigation is identified (refer to WW/mm-1), requiring an emergency contingency plan to avoid accidental discharge into surface waters.
TG-14	The commenter's concerns will be considered by the County decision makers.

Aldo and Bonni Pellicciotti  
530 Sycamore Creek LN 93444  
Nipomo, CA

Nov.3 2008

Brian Pedrotti, Project Manager, *KATCHO Achadjin*  
County Planning and Building Dept. *EUGENE Mehischau*  
County Government Center, Rm 200 *Richard Wright*  
San Luis Obispo, CA 93408-2040

Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

I have studied the EIR for the Laetitia Subdivision proposal, and as a resident in the area accessed by Sheehy and Dana Foothill Roads, I must voice some very serious concerns about this project.

ABP-1

1. **Traffic:** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. These are small, rural, country roads. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill contains a very dangerous "S" turn as it approaches the bridge over Los Berros Creek. There have been many very serious accidents at this "S" curve due to oncoming vehicles "cutting the corner".

With residents, housekeepers, gardeners, farm workers, and visitors, the traffic will be significantly increased. It is estimated that this development will create approximately 1,000 more trips on these narrow roads, thus endangering all the current residents as well as the new ones. Considering the design and narrowness of these roads, this is just unacceptable.

2. **Water:** Nipomo has experienced many problems with wells drying up over the past few years. This project would only make matters worse for the current residents of our community.

ABP-2

There is no aquifer in this area. The proposed wells would be located over fractured shale, which provides an unpredictable source of water, and one that potentially dry up wells that are located further up Los Berros Canyon.

I am also concerned for the sensitive environment surrounding Los Berros Creek. For the majority of year, water flows in Los Berros creek, that is, until it reaches the Laetitia Vineyard area; then the water ceases to flow unless there is a very heavy rain. Laetitia has already reduced this once beautiful creek and habitat to

ABP-3

nothing more than a storm drain. The creek was once home to the Steelhead Trout, California Red Legged Frog, Western Pond Turtle, and other endangered species. I am also concerned about the viability of the hundred year old sycamore trees along the creek banks which would be endangered by the future draw on the ground water that this project would entail. A large project of this nature can only do further harm to a very sensitive and beautiful environment that is irreplaceable.

ABP-4

3. **Odors:** Several current residents live directly across from the proposed equestrian center. The smells and flies would definitely affect their quality of life. In addition, many residents in the Rim Rock Road area live downwind of the three proposed sewage effluent treatment ponds, which obviously would have a negative effect on their property values as well as being unsightly and offensive.

ABP-5

ABP-6

4. **“Open Space”:** The plan calls for four rural lots to be “**buildable open space**” an oxymoron that will allow future development of communal buildings, farm buildings, worker residences, “accessory structures”, and who knows what. This project will undoubtedly result in far more than the 102 residences initially proposed. In addition, the idea of a future 75 room hotel, for which Laetitia has created the euphemism “dude ranch”, is more than inappropriate for this area; it is appalling!

ABP-7

5. **Fire:** The increased traffic would also increase the likelihood of a fire in the heavily wooded canyon areas. In addition, emergency egress via Dana Foothill from the fire would be very difficult if not impossible on the narrow roads leading out of the project, thus endangering the lives of all canyon residents.

ABP-8

ABP-9

6. **Trees:** The plan calls for cutting down 300 mature oak trees. This is a loss to the environment that we and future generations will regret.

ABP-10

7. **Why?:** Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community.

ABP-11

8. **Air Pollution: We live just across the creek from the development, this is a small valley where pollutants could add up quickly with an increase in vehicle traffic that is estimated for this project.**

ABP-12

9. **If this development is approved, it will soon become evident that the small country road it is using for access will not be able to handle it. The county will then have to look at huge costs of widening these roads and be liable for the cost, not to mention the legal issues of eminent domain. There are literally no ways to**

ABP-13

widen without having to take individual property at who knows what cost. The courts have decided that the government cannot take property for improvements that are for the benefit of private development. This situation could tie up the county in litigation for years.

ABP-13  
(cont'd)

For the above reasons, I join my neighbors in strongly urging you and the County Planning Department to reject this unneeded subdivision that would do irreparable damage to our environment and degrade our community.

Sincerely,



Aldo And Bonni Pellicciotti

CC.Land Watch Environmental San Luis Obispo

### Responses to Aldo and Bonnie Pellicciotti's Comments

Comment No.	Comment
ABP-1	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
ABP-2	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
ABP-3	Please refer to Recirculated and Final EIR Sections V.P. Water Resources and V.E. Biological Resources, which address potential impacts to water supply and water quality.
ABP-4	Please refer to Recirculated and Final EIR Sections V.P. Water Resources and V.E. Biological Resources, which address potential impacts to water supply, water quality, aquatic habitat, and special-status species.
ABP-5	Please note the equestrian facility is no longer proposed by the project applicant.
ABP-6	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
ABP-7	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
ABP-8	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response.
ABP-9	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response, which identifies a significant impact related to feasible secondary access. Regarding local roadways including North Dana Foothill, road widening and striping would be required as mitigation for the increased traffic on local roadways, which would improve circulation and safe access in the area (refer to TR/mm-4, TR/mm-8, TR/mm-9, and TR/mm-10).
ABP-10	Please refer to Final EIR Section V.E. Biological Resources, which assesses potential impacts to oak trees, and identifies the loss as a significant impact.
ABP-11	The commenter's concerns will be considered by the County decision makers.
ABP-12	Please refer to Final EIR Section V.C. Air Quality, which assesses operational emissions due to increased vehicle trips.
ABP-13	Please refer to response to ABP-1. The applicant would be required to improve affected local roads consistent with County standards, and within the County road right-of-way.

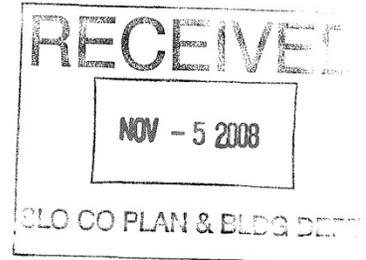
Donald & Roberta Gehring  
540 Sycamore Creek Lane  
Nipomo, CA 93444

November 4, 2008

Brian Pedrotti, Project Manager  
County Planning and Building Department  
County Government Center, Room 200  
San Luis Obispo, CA 93408-2040

Subject: DEIR – Laetitia Cluster Subdivision, SUB2003-0001

Dear Sir:



We have familiarized ourselves with the Laetitia Subdivision proposal. We are residents of the area accessed by Sheehy and Dana Foothill Roads. The purpose of this letter is to voice some serious concerns about the magnitude of this project.

DRG-1

1. **Traffic:** We have had first-hand experience of being run off the Dana Foothill Road into a ditch (complete with a resulting blown out tire) in the area of the road where it curves and snakes down past a 15 mph sign near Sycamore Creek Lane and Upper Los Berros. This road is “blind” in this area and even with the current population, there are frequent near misses, blaring horns, and while knuckles. We cannot even conceive of adding more and more cars. Traffic has already picked up with the Laetitia farm workers. These roads are narrow, no lights, no dotted lines, and no warning signs other than the “15 mph sign.” Please – this absolutely should not be the route developed for the Laetitia Subdivision proposal. It is dangerous now!

2. **Water:** For several years, prior to Laetitia Vineyards, the Los Berros Creek would have water trickling through it almost year round. Wildlife was abundant including endangered species such as the red-legged frog, steelhead, etc. Once Laetitia went full steam with planting the grape vines, the creek literally dried up; it only runs now when there is a major storm. It’s character has been forever changed. The vineyards are affecting the availability of water and our pleasant, trickling stream and the wildlife who visited there are no more. This has concerned the neighbors who enjoyed this benefit of country living. Now we are talking a lot more water to be pulled from the ground! There is no aquifer in this area. The proposed wells would be located over fractured shale, which provides an unpredictable source of water, and one that potentially could dry up wells that are located further up Los Berros Canyon. This seems like madness. Why risk this by pulling more precious water from the ground?

DRG-2

DRG-3

3. **Trees:** This area is ideal for mature oak trees. Additionally, there are many majestic sycamore trees. What a tragedy to even consider removal of 300 mature oaks.

DRG-4

4. **Why do this?** Our community opposes this project in view of its magnitude (e.g., 102 estates valued at approximately \$2 million each). This project is too ambitious for this time in history and for the available resources (roads, water, etc.). Laetitia had already affected many homeowners. To even think that they will continue to “hog” the water and roads in these beautiful rural areas is very distressing.

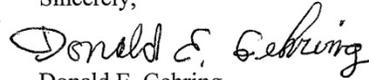
DRG-5

Page 2 – November 4, 2008  
Brian Pedrotti, Project Manager – Laetitia Cluster Subdivision

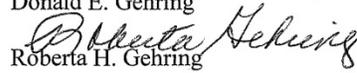
We join our neighbors in strongly urging you and the County Planning Department to reject this subdivision. We feel it would do irreparable damage to our environment and degrade our community.

DRG-5 (cont'd)

Sincerely,



Donald E. Gehring



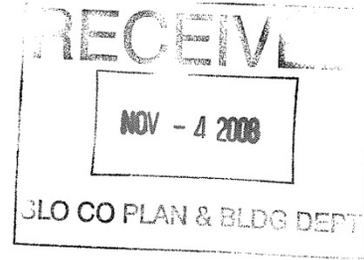
Roberta H. Gehring

### Responses to Donald and Roberta Gehring's Comments

Comment No.	Comment
DRG-1	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
DRG-2	Please refer to Recirculated and Final EIR Sections V.P. Water Resources and V.E. Biological Resources, which address potential impacts to water supply and water quality, and aquatic habitat and special-status species.
DRG-3	Please refer to Recirculated and Final EIR Sections V.P. Water Resources and V.E. Biological Resources, which address potential impacts to water supply and water quality, and aquatic habitat and special-status species.
DRG-4	Please refer to Final EIR Section V.E. Biological Resources, which assesses potential impacts to oak trees, and identifies the loss as a significant impact.
DRG-5	The commenter's concerns will be considered by the County decision makers.

From John and Vickie Dicus  
1175 Jackrabbit Road  
Nipomo CA 93444

Attn. Brian Pedrotti, Project Manager  
County Planning and Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040



Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

We are residents of the canyon, and initially felt that we would have no say in the development proposed. Actually, we are well against it, but enclose the letter John wrote when first hearing of the development. At that time, a sense of resignation made John write the letter pleading that our concerns be met. But after the meeting last week with the NCSB and seeing all of the neighbors assembled, a sense of our strength came over me... and I wish to let you know that I stand with the neighbors in opposition to the development in any incarnation. But if the council sees fit to ignore the wishes of the people, I ask that the provisions in my original paper which accompany this be considered.

JVD-1

My main consideration in the denial of the project is water. We simply do not wish to risk losing our own water, so that a group of several times our number comes in, with no idea of what kind of water system they have, the availability etc. We who live here know what the water supply is like, these city folks won't know or care. For all their lives they have been able to turn on the tap and get water... they have never had the fear of seeing their tank go dry, and not knowing if it's a busted pipe, a burned pump, or perhaps they have a dry hole.

JVD-2

Second is the traffic.... If they brought in their own water, and if they were to increase the road as proposed, I'd not be so opposed to it.... But I'd want the roads built before a single lot is graded... and pipes laid with water for them to come from somewhere other than our ground.

JVD-3

Third is just the 'lookie-lou's and such who'd be buying or staying at the dude ranch. Teenagers staying with their folks tramping through the oak woods, smoking, starting fires, riding dirt bikes, making sparks etc. This is a fragile environment, and those folks won't know how to walk on the ground here without causing damage. This is a safety issue big-time. We have a small population in this canyon, we know the land and the seasons here, but these folks won't know.

JVD-4

Please beat this down for us... if we lose our water we lose it all. And these are not little 'vacation cottages' back in the canyon....these are real homes that might be destroyed by the Laetitia development.

JVD-5

I know that you are getting letters from other folks here... they are giving valid arguments such as environmental, odor, Native American artifacts, the 'Buildable Open Space' (what an Orwellian concept), and various safety concerns (some of which we've enumerated). Please stop this project!

JVD-6

On the impending population pressures

We must realize that the pressures of population expansion being what they are, and the natural inclination of some people to live in the country, it is inevitable that we will see more people in the local area, using more of the local resources and increasing non-desirable effects such as increased traffic, night-time light pollution, and the risks of aquifer and stream pollution from runoff and infiltration both through landscape fertilization and septic systems. JVD-7

It must also be acknowledged that it is common for established people to have the ‘Not In My Back Yard’ (NIMBY) syndrome.... It is a natural desire for people to enter a remote area, and then desire the remote rural character be preserved... and the addition of numerous house lots will likely lead to a profound shift in the character of the canyon. JVD-8

The trick now is to reconcile the two desires... that of an expanding population wishing a ‘Country Feel’, and that of the entrenched inhabitants, desiring not so much to close the area off to newcomers, but eager to keep their neighborhood character from being modified. JVD-9

Perhaps it is time that we reconcile the idea of canyon living with the realities of modern population pressures... but it does not mean that we have to lose our rural character, our beautiful night skies we love so much, or the clean and limited water supply we have both on the ground, and in it. JVD-10

Perhaps rather than fight the inevitable intrusion into this area, it might be better to promote the proposed housing developments be encouraged to work to preserve the local character and all the items we have enumerated here, as well as others that might be added in the coming days. JVD-11

A Proposal: That the developers be pressured by the locals and the planning commission to require concrete steps be taken to address these concerns:

1. Any public lighting for streets and roads and the recreation areas and other areas be required to be the type lighting that will reduce the bleed-off into the nighttime sky... there are hooded appliances with special fittings that will reduce the amount of light reflection off of the ground.... [http://science.nasa.gov/headlines/y2001/ast01nov\\_1.htm](http://science.nasa.gov/headlines/y2001/ast01nov_1.htm) JVD-12
2. Require or encourage the plantings by the association be maintained in an environmentally friendly fashion, with organics and drought tolerant natives or Mediterranean plants being encouraged or required. JVD-13
3. Require the homeowners plantings be watered efficiently with micro sprinklers or drip irrigation or hand watering.... No sprinklers to be installed in anything other than turf. That waterings be accomplished within the modern standards of water conservation (nighttime waterings). JVD-14
4. Issue standards prohibiting water-wasting cleaning methods for driveways and other hardscapes. New developments should be approached as if they are going

- into an area that has a scarcity of water... because they ARE entering into an area with chronic water issues. | JVD-14 (cont'd)
- 5. Require turf areas that will be watered be kept to a minimum.... Lawn irrigation is the single biggest water user for the normal house. | JVD-15
- 6. Encourage the homeowners to use organic methods when fertilizing or maintaining their plantings. This could even include classes held on the association grounds to provide guidance to persons who might not know what to do organically. Homeowners use many times more fertilizers and pesticides per acre than the common agricultural area.... So having these homes will increase soil and environmental pollution many times over what the original vineyards would have... this should be mitigated by regulation requiring organic practices in general. | JVD-16
- 7. Encourage the association to use local labor and resources when possible... using only licensed contractors and local legal labor. | JVD-17
- 8. That the county road be improved to the point of the last gate with proper widening, drainage, and paving. | JVD-18
- 9. That the rainwater-runoff from the paved and roofed areas on the developments be diverted to infiltration ponds, catchments basins or French Drains to encourage ground water entrapment and reduce the ground water overdraft issues. | JVD-19

Many of the above demands could be fulfilled by the developer.. the rest would have to be included in the 'Covenants, Codes and Restrictions' (CC&R) language when the homeowner joins the Association and purchases a property. | JVD-20

John Dicus  
[info@rivenrock.com](mailto:info@rivenrock.com)

### Responses to John and Vickie Dicus's Comments

Comment No.	Comment
JVD-1	The County decision makers will consider the commenter's concerns when reviewing the project.
JVD-2	Please refer to Recirculated and Final EIR Section V.P. Water Resources.
JVD-3	As noted in the Final EIR (Section V.N. Transportation and Circulation), mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads. The applicant would be required to implement the road improvements prior to finalization of tract improvements and lot development. The applicant proposes to use onsite wells (refer to EIR Section V.P. Water Resources).
JVD-4	The commenter's concerns regarding the dude ranch will be considered by the County decision makers. Please note the applicant is not requesting approval of the dude ranch at this time.
JVD-5	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
JVD-6	Please refer to responses to specific comments. The County decision makers will consider noted concerns upon review of the project.
JVD-7	Please refer to Final EIR Sections V.N. Transportation and Circulation regarding traffic, V.A. Aesthetics regarding increased lighting, V.P. Water Resources regarding water supply and water quality, and V.O. Wastewater regarding wastewater treatment and disposal.
JVD-8	Please refer to Final EIR Section V.A. Aesthetics regarding visual character.
JVD-9	Please refer to Final EIR Chapter VI Alternatives Analysis, which presents conceptual reduced project designs that address concerns regarding visual character.
JVD-10	Please refer to Final EIR Chapter VI Alternatives Analysis, which presents conceptual reduced project designs that address concerns regarding visual character and water supply.
JVD-11	Please refer to Final EIR Chapter VI Alternatives Analysis. Please refer to EIR Section V.A. Aesthetics. Mitigation is identified to reduce the effects of exterior lighting (refer to AES/mm-7 and AES/mm-8).
JVD-12	The applicant proposes to limit landscape species to drought-tolerant plants, which is reinforced by compliance with mitigation measures WAT/mm-1, WAT/mm-6, and WAT/mm-11 (refer to Final EIR Section V.P. Water Resources).
JVD-13	Please refer to mitigation measures WAT/mm-1 and WAT/mm-6, which require the use of drip irrigation and drought tolerant species to conserve water.
JVD-14	Please refer to WAT/mm-1, which requires preparation of a Water Master Plan and Drought Water Management Program. This plan would include water conservation measures and sets limits on water use.
JVD-15	Please refer to WAT/mm-1, which limits turf areas to 300 square feet per lot, maximum, to reduce water consumption.
JVD-16	The commenter's recommendation regarding organic methods would not be feasible to monitor; however, this recommendation may be considered by the applicant for inclusion in the CC&Rs.
JVD-17	The commenter's recommendation regarding use of local labor and resources may be considered by the applicant.
JVD-18	Please refer to response to comment JVD-3, above.
JVD-19	Please refer to mitigation measures WAT/mm-9 and WAT/mm-10, which include low impact development (LID) and groundwater recharge standards, consistent with the commenter's recommendations.

<b>Comment No.</b>	<b>Comment</b>
JVD-20	Please refer to responses to specific comments above. Mitigation measures would either be implemented by the applicant or future landowners through compliance with noted CC&Rs.

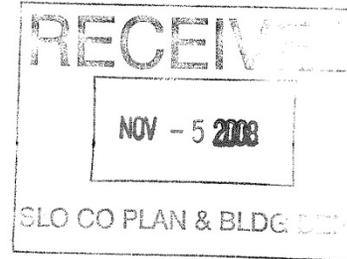
BARBARA T. ANDERSON  
JOHN M. ANDERSON

P.O. Box 240  
Arroyo Grande, CA 93421-0240  
805-481-8319  
anderson\_0681@msn.com

November 4, 2008

Brian Pedrotti, Project Manager  
County Planning & Building Dept.  
County Government Center Rm. 200  
San Luis Obispo, CA 93408

Brian Pedrotti, Project Manager



Re: The Laetitia Agricultural Cluster Subdivision.

We strongly oppose the Laetitia Subdivision for the following reasons.

The inadequate road access, Upper Los Berros, is a county road that was granted in the early 1900's and has never been improved enough to handle the newer, heavier and wider cars. The road is still a dirt road that was never paved with the Federal money, which was offered during the late 1930's, The Federal Rural Unification Act. The road is also subject to erosion from the creek, during periods of heavy water flow. North Dana foothills and Shehee Rd. are also narrow and not able to handle the heavy volume of traffic, because of the poor road base. The County's Section 4-road maintenance crew is continually repairing all three of the roads. The road also has a blind curve which has been fraught with near misses, and the first bridge entering the canyon is an accident waiting to happen.

BJA-1

The proposed Equestrian Center will have a high concentration of horse excretions next to the endangered Los Berros Creek. The water treatment plant and ponds would also be dumping their runoff directly into the adjacent creek, the area has bad soil percolating qualities. Strangers who visit the canyon may not be as diligent about fire safety. Upper Los Berros is a box canyon, with many human and animal lives at stake.

BJA-2

BJA-3

The area has an unreliable water quality source: a low water table, a drying up creek, with endangered steel head, unable to spawn and the west pond turtle, which is also endangered. The Open Space Lots are not, true open spaces, as they can still build structures on these parcels. This whole project seems absurd, when Laetitia could easily put an overpass and with better placement would remove all of these problems. All landowners should have rights to do what they propose with their properties, but not at the expense of so many neighbors.

BJA-4

BJA-5

BJA-6

BJA-7

BJA-8

BJA-9

BJA-10

Sincerely,

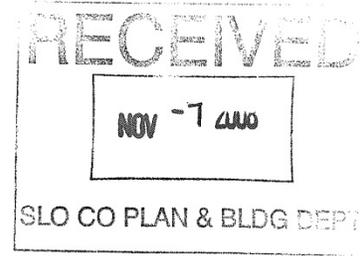
*Barbara T. Anderson*  
*John M. Anderson*

### Responses to Barbara and John Anderson's Comments

Comment No.	Comment
BJA-1	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
BJA-2	Please refer to mitigation measure TR/mm-10, which identifies improvements to Upper Los Berros Road (refer to EIR Section V.N. Transportation and Circulation). Permanent stabilization of disturbed soils is required under mitigation measures WAT/mm-11, WAT/mm-12, and WAT/mm-13 (refer to EIR Section V.P. Water Resources).
BJA-3	Please refer to response to comment BJA-1, above.
BJA-4	Please note that the applicant is no longer proposing to develop an equestrian center.
BJA-5	The proposal does not include direct discharge into Los Berros Creek or its tributaries; the tertiary-treated wastewater would be stored in irrigation ponds prior to use in the vineyards (refer to Final EIR Section V.O. Wastewater).
BJA-6	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials. Development would be required to comply with the Uniform Building Code and CAL FIRE requirements including vegetation management to reduce the potential for wildfire.
BJA-7	Please refer to Recirculated and Final EIR Sections V.P. Water Resources and V.E. Biological Resources, which address potential impacts to water supply and water quality, and aquatic habitat and special-status species.
BJA-8	Please refer to Recirculated and Final EIR Sections V.P. Water Resources and V.E. Biological Resources, which address potential impacts to water supply and water quality, and aquatic habitat and special-status species.
BJA-9	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
BJA-10	The commenter's concern will be considered by the County decision makers.

November 4, 2008

BRIAN PEDROTTI  
Project manager  
COUNTY PLANNING AND BLDG. DEPT.  
COUNTY GOVERNMENT CENTER  
Room 200  
San Luis Obispo, CA 93408



RE: Proposed Laetitia Agriculture Cluster Subdivision

Dear Mr. Pedrotti:

My wife and my family are native Californians and have been privileged to live on the Central California Coast for the past ten years. We are residents living on Broken Arrow Road, located just southeast of the above proposed Laetitia Agriculture Cluster Subdivision. We decided to live in this location due to its country location and undeveloped surrounding vineyards, pasture grazing and farming lands. We also felt that the clean air, lack of traffic congestion, and low crime of this area were ideal for raising a family. We feel that this project will negatively impact all of these quality of life aspects and our property values. Hence, I am writing this letter to officially outline the reasons we believe that this project is detrimental to surrounding neighborhoods, the Nipomo community, the local environment, and to the way of life we have come to know and love in a rural setting. I believe this project is nothing more than a lucrative development scheme that has no regard or care for the local community or its impact on the quality of life of its residents.

PC-1

I have had the opportunity to briefly review the Draft Environmental Impact Report (DEIR) of the proposed development. I can tell you that I was shockd by the unmitigated "number of Class 1 impacts" that cannot be avoided by allowing the project to come to fruition. I am curious as to how removing 300 oak trees and sacrificing 14.35 acres of woodland habitat will be allowed as I could not even get approval to remove 1 oak tree from my lot during the building of my home. I am also very interested in the current water table in the Los Berros Creek, as the DEIR indicates the quantity and quality of the water basin will be "significantly impacted." California has just endured three consecutive below-average rainfall years, and the state has already issued water rationing mandates to compensate for our dwindling water stores. Knowing that rainfall in this area is inconsistent and water tables are continually at risk, this type of development is not sustainable and jeopardizes the water supply for the surrounding community.

PC-2

PC-3

PC-4

I have been very encouraged by the efforts of the San Luis Obispo to rekindle and protect the critical habitats of the steelhead trout. I am alarmed by this project's seemingly glib acceptance of inevitable destruction of potential steelhead trout habitat in the adjacent Los Berros Creek. These fish are becoming more at risk and endangered as a direct result of this type of destruction of their critical spawning creeks. I am looking forward to the input and response from the Department of Fish and Game to the unmitigated destruction of the Los Berros Creek.

PC-5

I was also dumbfounded by the casual listing of the traffic impacts resulting from this project and its plan to allow the exit and effluent of the development to pass through the Upper Los Berros, North Dana Foothill and Sheehy roads. "Off-site improvements" to these roads would have to be completed as indicated in the DEIR. Who pays for these "improvements?"

PC-6

Will the county's taxpayers be responsible for the cost and the maintenance of these roads after the development is completed. I look forward to hearing input and estimates from Caltrans of the specific changes once they are more accurately detailed. I do not feel that the estimate of the impact of the traffic passing along these routes can be predicted accurately. Nipomo is now dealing with similarly poorly planned development just west of 101 and south of Tefft Street.

PC-6 (cont'd)

PC-7

I feel that the congested intersection of South Frontage Road and Tefft Road is a representation of what would happen at Sheehy and Thompson Road if this development is built as planned. Currently, Sheehy at Thompson presents considerable risk during morning and afternoon commute times. The dangers are exacerbated due to the large number of teenage drivers on Thompson Road traveling at high rates of speed to and from Nipomo High School. The DEIR acknowledges the undeniable increase in traffic danger associated with this project. Further, Nipomo High School students are currently advised to neither walk nor ride bikes to school along Thompson Road due to the vehicular traffic danger. The lack of pedestrian options to and from school (i.e. designated pedestrian/bicycle pathways) and the lack of any solutions to this problem in the DEIR, put serious doubt in my mind as to the wisdom of this type of significant growth and development in the area.

PC-8

PC-9

Additionally, I am very concerned about the emergency exit strategy for this area. Although the plan acknowledges the potential problems associated with the increase in traffic and current limited access to Highway 101 should an emergency situation arise, the plan presents no solutions, cost-benefit analysis, or subsequent possible required tax revenues of adapting the roads, pedestrian and bicycle pathways and freeway access to support the project. As taxpayers, we are aghast to consider this out-of-town developer profiting from a project whose negative effects will be borne by current residents. If the development owners, the County and/or Cal Trans find that it is not currently cost-effective to fund this required transportation infrastructure, the development plan as a whole should be denied. I am adamantly opposed to development which does not consider long-term problems, thus putting the burden of solving the problems on local tax payers once the developer has reaped the short-term benefits.

PC-10

Finally, I am distressed at the prospect of the above ground sewage treatment facility with effluent holding ponds on what now is a scenic bluff with wine grapes. This sewage and its stench are directly upwind from our home and neighborhood. I am a physician and I am very concerned about the potential for providing a vector environment for mosquito-borne illnesses such as the West Nile virus and the potential bacterial contamination of the adjacent Los Berros Creek and its water supply. Currently, I look forward to ocean breezes that cleanse the air through the arroyo and Los Berros Creak basin. I shudder to think of the sulfuric cloud and stench that would be coming our way should this project be allowed to be built. I am convinced that this would make our property and home so undesirable that I could not sell our home for its true market value. Under those circumstances, I would have no choice but to consider litigation to recover lost property value damages and undetermined emotional distress damages.

PC-11

PC-12

PC-13

I am sure that Mr. Zilkha, the owner of Laetitia Winery and the man who stands to profit from your planned development, would not tolerate a sewage treatment facility to be built within his view and upwind from his mansion in Bel Air. Please tell Mr. Zilkha that when he agrees to smell his own effluent pond from his home that I will reconsider the placement of his project's effluent pond next to mine! I feel that the development should be required to build underground septic systems as all of us had to do when we build our homes. At the very

PC-14

least, any plan for a project of this magnitude should emphasize minimizing the impact of sewage treatment on existing neighborhoods and residences, specifically, if effluent ponds are necessary, any negative impact resulting from their presence should be carried by those who benefit from the project: the project homeowners. These effluent ponds should be placed on the backside of the development where they are out of sight and smell of the surrounding community.

PC-14  
(cont'd)

In closing, I am not opposed to thoughtful and well-planned development. The Laetitia project clearly does not meet that criteria and will directly negatively impact the local environment and the quality of life of the current residents of the adjacent neighborhoods and the community of Nipomo. I cannot and will not stand for this proposed development. I will start a grass roots movement at the community level that will soon expand to involve state and federal agencies to challenge this plan to build this project as I feel it is a direct threat to our way of life, quality of life, and to our local environment. I will make sure that the Nipomo Community Services District, Katcho Achadjian, and the media are well aware of what is at stake and how their constituents feel about this project.

PC-15

Sincerely,

  
Paul H. Castello, M.D.

**Responses to Paul Castello, M.D.’s Comments**

Comment No.	Comment
PC-1	Please refer to responses to specific comments below.
PC-2	The commenter’s statements are noted.
PC-3	Please refer to EIR Section V.E. Biological Resources, which assesses potential impacts to oak trees, and identifies the loss as a significant impact.
PC-4	Please refer to Recirculated and Final EIR Section V.P. Water Resources.
PC-5	Please refer to Recirculated and Final EIR Sections V.P. Water Resources and V.E. Biological Resources. Please refer to the CDFG comment letter and responses.
PC-6	The applicant would be required to fund the off-site improvements as noted in Final EIR Section V.N. Transportation and Circulation, and continued maintenance would be implemented by the County Public Works Department.
PC-7	Please refer to the Caltrans comment letter and responses regarding proposed improvements.
PC-8	Please refer to Final EIR Section V.N. Transportation and Circulation, mitigation measure TR/mm-3, which requires construction of a left-turn channelization lane at the North Thompson Road/Sheehy Road intersection.
PC-9	Based on the traffic analysis, implementation of the project would not result in significant impacts to the roadway segment of North Thompson Road. Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities. This improvement is anticipated to address the commenter’s concerns.
PC-10	The EIR identifies a significant, unavoidable, adverse impact related to the potential infeasibility of constructing identified improvements at the Highway 101/Los Berros Road/North Thompson Interchange, based on expense and jurisdictional constraints (refer to TR Impact 4, TR Impact 14, and TR Impact 15).
PC-11	The wastewater treatment facility would be located near existing equipment storage area, approximately 0.5 mile from the nearest property boundary to the southeast (refer to Figure III-12). Storage ponds would be located approximately 200 feet from the closest adjacent landowner. While the pond would be visible, its appearance would be similar to an agricultural reservoir or irrigation storage pond, and would function as such.
PC-12	Aside from standing water, the effluent holding ponds would not present other characteristics, such as emergent vegetation or sediments that would attract and feed mosquito larvae. Any additional risk of West Nile Virus would not be substantially greater than existing conditions, and use of existing agricultural ponds. Regarding other risks identified by the commenter, the water in the ponds would meet RWQCB and DWR standards of safety for tertiary treated water, and would therefore not pose a substantial health risk. As noted in Final EIR Section V.O. Wastewater, the applicant is required to comply with water quality regulations mandated by the County and Regional Water Quality Control Board. In addition, mitigation is required to prevent incidental release of effluent that does not meet standards, including ongoing inspection and maintenance, provisions for a back-up energy source, automatic shut-off valve, and other protections (WW/mm-1). Implementation of these measures would mitigate potential impacts to the maximum extent feasible to protect ground and surface water quality.
PC-13	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided

<b>Comment No.</b>	<b>Comment</b>
	the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
PC-14	The applicant's original proposal included the use of on-site septic systems; however, based on the shallow depth to bedrock, engineered leach fields with the capacity to serve the project would not meet existing regulations identified in the County Code and the Central Coast Basin Plan (Regional Water Quality Control Board regulations). Please refer to responses to comments PC-12 and PC-13 above regarding noted concerns related to visual impacts and odor.
PC-15	The commenter's concerns and statements will be considered by the County decision makers.

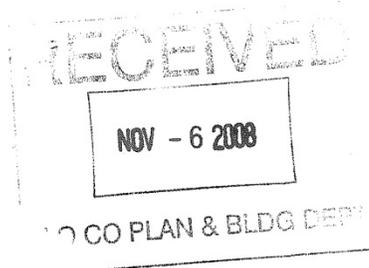
LORENE MURPHY

P.O. Box 1997  
Nipomo, CA 93444

Phone: (805) 474-8494 Fax: (805) 474-9675  
E-mail: foreveryoung@gotsky.com

November 4, 2008

Brian Pedrotti, Project Manager  
County Planning & Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93428-2040



Re: Laetitia Project

Dear Mr. Pedrotti:

It is with great concern that I am writing to you regarding the Laetitia Project. First and foremost is the water. I live on the adjoining property, 1261 Haven Hill Way, and Laetitia has already tapped into our alternate water source. In the event we were to have problems with our current water source the next best well has already been taken by Laetitia.

LM-1

I have had the opportunity to be raised here and to also raise our children in Upper Los Berros. I have seen the canyon grow from five families, of which we were one of the original families over 51 years ago, to many. The people in this canyon are here for the peace and quiet, the star lit nights, the wild life. There was a time when herds of 25+ deer would come 30' from our home and with growth and development that has changed. We have chosen to stay away from the city lights, the noise, and the close neighbors. By allowing this project it will change our quality of life. Our property will be right up against the Dude Ranch or should I say hotel. Safety and security is a concern. The residents of Upper Los Berros have already dealt with the Bull Riding School for many years. When I was a teenager coming home from a football game a van full of intoxicated bull riders ran me off the road and they proceeded to get out of their van. Thankfully, I was able to drive away. We do not need to invite any more rif raf in this canyon.

LM-2

There are over 230 vehicles that go in and out of this canyon a day. To add 102 homes, additional field workers, hotel maids etc. would be insane. There are many accidents already. Even though the County has been making improvements over the years it still is a dangerous road especially in the winter. Understand, the residents of Upper Los Berros Canyon choose to take that risk and endure the additional cost for the wear and tear on our vehicles to live with the quality of life that we so enjoy and hold dear.

LM-3

Here are my concerns:

1. Water! Water! Water!
2. Road conditions & safety
3. Noise, air, dust pollution
4. Quality of life that we have chosen

LM-4

LM-5

LM-6

LM-7

The owner of Laetitia mentioned in the EIR that he wanted to develop something for his family. Well, my grandfather, Richard Penny, purchased this ranch so his family could have a place to live. My dad, my two brothers families, and my family have benefited in the ranch but our children can not because no more homes can be built on our property. My brother about 13 years ago

LM-8

went to the County to get permission to put a Christian camp on our property and he was denied. So whose families are more important to our elected representatives.

LM-8 (cont'd)

In closing, my family and the residents of Upper Los Berros Canyon have made many sacrifices over the years in order to maintain our way of life. This project is not compatible with current land use. I oppose the Laetitia Project getting started.

LM-9

Sincerely,



Lorene Murphy

CC:Eugene Melschau  
Supervisor Katcho Achadjian

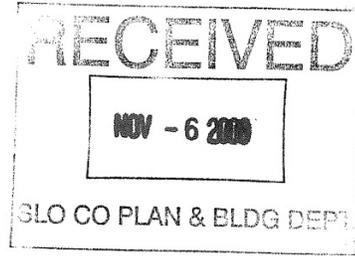
### Responses to Lorene Murphy's Comments

Comment No.	Comment
LM-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes an assessment of potential water supply and water quality impacts.
LM-2	The commenter's concerns and statements will be considered by the County decision makers.
LM-3	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
LM-4	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes an assessment of potential water supply and water quality impacts.
LM-5	Please refer to response to comment LM-3, above.
LM-6	Please refer to Final EIR Sections V.C. Air Quality and V.I. Noise, which address air, dust, and noise pollution.
LM-7	The commenter's concerns will be considered by the County decision makers.
LM-8	The commenter's concerns and statements will be considered by the County decision makers.
LM-9	Please refer to EIR Chapter IV Existing Setting, which includes an assessment of the project's consistency with land use policies.

**MICHAEL J. MURPHY**  
 P.O. Box 1997, Nipomo, CA 93444 Phone: (805) 474-8494 Fax: (805) 474-9675  
 E-mail: sosintl@aol.com

November 4, 2008

Brian Pedrotti, Project Manager  
 County Planning & Building Dept.  
 County Government Center, Rm. 200  
 San Luis Obispo, CA 93408-2040



Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti:

Having spent many hours reviewing the EIR for the Laetitia Subdivision I am astounded at the complexity and scope of this proposal. Not only is it ill timed considering the water shortage in our area but to consider a project in this area of this scope is presumptions.

MiMu-1

It is my understanding that even a Draft EIR is supposed to fairly consider the impacts on surrounding property owners. What I see though is the mere hint of the inherent water issue and a downplay of the other challenges this project creates.

MiMu-2

Following is a list of problems described in the Laetitia DEIR and I want to assure you that the surrounding residents feel very strongly opposed to this project and the impacts that will severely impact their property values and quality of life.

**Challenge #1 - Water**

Here are the challenges with the Cleaf and Associates water summary. The County knows and has performed a study that refutes Cleaf Woodland EIR. The study or comparables shown in the DEIR for Laetitia do not show independent reports that confirm supply. The well tests conducted by Cleaf and Associates confirm that there is not adequate recharge. A proposed developer has the burden of proof to show that their project will not adversely effect the neighboring property owners water needs. That is considered fair and reasonable. The Laetitia DEIR does not make any attempt to address that. In fact Cleaf and Associate's reports substantiate the lack of water. I would submit that considering the number of wells adjacent to the Laetitia property that have drastically dropped or gone dry, would suggest that adverse affects have already been felt. To ignore the obvious would most likely invite litigation and very possibly may already be in progress. This may happen as a result of action taken by individual property owner (s) or possibly a representative association of residents and homeowners. A workable and fair solution can be achieved (in my opinion) by the following:

MiMu-3

1. Have an Independent study performed that tests the water availability both on Laetitia's property and selected property owners in the surrounding area. This is to be accomplished over a three year period.
2. A moratorium on new permits on wells for new construction, with the exception of new drilling to replace a once existing supply or public service i.e. fire department.
3. A study tying in the future supply of State Water, timetable, and estimated costs, and where and who State Water may be supplied too.
4. A freeze on new irrigation or development of new vineyards at Laetitia until it can be proved that their growth will not adversely affect the supply to existing property owners in the surrounding area. Essen-

tially until the study is completed and the general public is allowed to review it.

MiMu-3 (cont'd)

There are many other issues listed in the DEIR that are as significant, adverse, and considered unavoidable. While it is true these impacts are significant and adverse, it is also true that they are wholly avoidable. This DEIR shows:

MiMu-9

Property values which normally increase with reasonable development, will decrease because of the following:

- 1. Reduction or total loss of available water for existing property owners.
- 2. Unsafe and excess traffic, over 1,000 trips a day.
- 3. Rural setting, open space lost forever.
- 4. Fire! increase for potentially devastating fires.
- 5. Over population with a dramatic increase in responsibility for oversight by fire, police, sheriff. Local crime will go up.
- 6. Noise pollution, light pollution, air pollution. None of these things can be possibly mitigated.
- 7. Environmental impacts, loss of trees, wetlands, sensitive creek habitat, Indian artifacts, etc.

MiMu-10

MiMu-11

MiMu-12

MiMu-13

MiMu-14

MiMu-15

In summary this DEIR would suggest that appropriate mitigation would justify existing property owners to living with these adverse impacts in exchange for Laetitia giving money to programs and agencies to improve other peoples quality of life or lack of it.

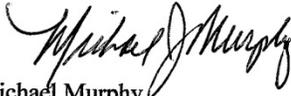
MiMu-16

I would suggest that the loss of property values and quality of life is worth far more than the profit by the owner(s) and family of Laetitia Winery. It is one thing to share our quality of life with a new neighbor. It is quite another for us to sacrifice potentially all we've invested. In addition, I doubt very seriously that the local residents are going to sacrifice the potential for their families to grow!

MiMu-17

At this present time and these present conditions, both economic and environmental, this venture is unfortunately a non-starter. There is no amount of tax revenue that can justify moving ahead with this project.

Sincerely,



Michael Murphy  
Los Berros Canyon Association

P.S. Part of our personal experience with the county is a family member being denied the ability to develop a Christian Camp/Retreat area because it "didn't meet land use rules." We planned on approximately 7 cabins with a common center. We were denied. How does Laetitia's Project serve the greater good of the existing residents and property owners. In comparison the 77 cabin Dude Ranch (hotel) certainly does nothing for the quality of life for the surrounding homeowners. Laetitia doesn't want some property or some water, he wants it all. How does that serve the public good? I'll stick my neck out and suggest you would be hard pressed to find anyone who disagrees. Thanks for listening.

MiMu-18

CC:Eugene Mehlschau  
Supervisor Katcho Achadjian

### Responses to Michael Murphy's Comments

Comment No.	Comment
MiMu-1	The commenter's concerns will be considered by the County decision makers.
MiMu-2	Please refer to responses to specific comments below.
MiMu-3	Please refer to Recirculated and Final EIR Section V.P. Water Resources. At this time, the County has not initiated a moratorium on new vineyards in the South County.
MiMu-4	Please refer to Recirculated and Final EIR Section V.P. Water Resources and responses to specific comments below.
MiMu-5	Please refer to Final EIR Section V.N. Transportation and Circulation, which addresses potential traffic impacts.
MiMu-6	Please refer to Final EIR Section V.A. Aesthetics, which addresses potential impacts related to visual character.
MiMu-7	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials, which addresses potential impacts related to fire hazards.
MiMu-8	Please refer to Final EIR Section V.L. Public Services and Utilities, which addresses potential impacts related to emergency responders.
MiMu-9	Please refer to Final EIR Sections V.A. Aesthetics, V.C. Air Quality, and V.I. Noise, which address potential impacts related to noise generation, lighting, and air emissions.
MiMu-10	Please refer to Final EIR Sections V.E. Biological Resources and V.D. Archaeological Resources, which address potential impacts related to oak trees, wetlands, riparian/creek habitat, and Native American resources.
MiMu-11	Mitigation is identified in the EIR in response to identified significant effects on the environment. The commenter's concerns will be reviewed by the County decision makers upon consideration of findings associated with a final decision regarding the project.
MiMu-12	The commenter's concerns and statements will be considered by the County decision makers.
MiMu-13	Please note the applicant is not currently requesting approval of the dude ranch. Upon submittal of an application for this use, the County would conduct a project-specific assessment of the use. The commenter's statements will be considered by the County decision makers.



sosintl@aol.com  
11/04/2008 08:06 PM

To bpedrotti@co.slo.ca.us  
cc  
bcc  
Subject Fwd: AGAINST LATITIA PROJECT AND DEVELOPMENT

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

From: Charles Andree <chazmo49@gotsky.com>  
To: sosintl@aol.com  
Sent: Tue, 4 Nov 2008 10:28 am  
Subject: AGAINST LATITIA PROJECT AND DEVELOPMENT

Aloha;

We're, Charles A. Andree & Laurie L. Laughlin, away from our home, 1012 Upper Los Berros Rd. We both are against the further development of the Latitia project. Reasons? First and most important is--Water, Water, Water. This development of homes and vineyards has already affected the water levels of our wells and the projected amount of homes, Vineyards, and dude ranch will stretch the underground levels beyond the limits of use for the now existing homes in the area.

CALL-1

Second, the increase travel and safety of vechicals that would be using the roads going to and from the Upper Los Berros area.

CALL-2

Thirdly, upsetting the peace and quit of the area that we and most everyone whom live here. This was the main reason why we live in this remote area.

CALL-3

For these reason we are strongly against this development project. 'e'mail me for any help to stop this over development of our area.

Aloha & Mahalo  
Charles Andree & Laurie Laughlin  
[chazmo49@gotsky.com](mailto:chazmo49@gotsky.com)  
[lauralee@gotsky.com](mailto:lauralee@gotsky.com)

=

McCain or Obama? Stay up to date on the latest from the campaign trail with [AOL News](#).

**Responses to Charles Andree and Laurie Laughlin’s Comments [a]**

<b>Comment No.</b>	<b>Comment</b>
CALL[a]-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
CALL[a]-2	Please refer to Final EIR Section V.N. Transportation and Circulation regarding potential traffic impacts.
CALL[a]-3	Please refer to Final EIR Section V.I. Noise regarding noise impacts. The commenter’s concerns will be considered by the County decision makers.

November 5, 2008

Mr. Brian Pedrotti, Project Manager  
County Planning and Building Dept  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

RE: Draft EIR, Laetitia Agricultural Cluster Subdivision Project

Dear Mr. Pedrotti:

My husband and I have read the EIR for the Laetitia Subdivision proposal and feel the need to raise several serious objections. We live on Sheehy Road, on property that has been in my family for five generations. A couple of our many concerns are:

MOC-1

- **Water:** This is an area of finite water supply. In 1992 when we built our home, the original well on the property had already gone dry. It was therefore necessary to drill three wells before we were able to get water. We obtained water at 250 feet and drilled to 327ft. Due to the decreasing supply of the water table, just last month we had to drop our pump to the bottom of the well to get water. This well has been for domestic use only. The neighboring development of cluster houses being built on Sheehy has recently drilled a new well in excess of 700ft. The Rancho Nipomo Development was also forced to drill a new well this summer after existing wells went dry. The water troubles in the Nipomo area are long withstanding, increased development is bound to adversely affect the water table. We are concerned that you would consider such an extensive development based on one water study, done by a firm paid for by the developer. This substantial increased drain on our water table is unacceptable and could leave many of us living here with tentative water supplies to say the least. Is the county willing to allow such a project without considering the affects on the current residents and not just those interested in developing?

MOC-2

- **Traffic:** Rural county roads, such as Sheehy and Dana Foothill, are not built to withstand a high volume of traffic. I walk three miles of these roads five days a week and the traffic over the years has become increasingly heavy. The roads are narrow country roads that in places do not provide clearance for two large vehicles. The traffic study was conducted during a time when local schools were out for a three week winter break. A lot of families could have been out of town on vacation and not making their normal trips to school and work. It is also a time when most agricultural work is at a standstill because of winter season. Therefore the study evaded the large volume of traffic from agriculture workers. The roads are stressed with the current traffic flow. It is already extremely difficult to make a left hand turn off Sheehy onto Thompson at 7:30 in the morning when school is in session; this is without the unknown effects of the proposed Willow Road extension traffic filtering onto Thompson for northbound freeway access. Another pertinent issue is the minimal emergency access to the canyon in a dangerous situation. This is a very wooded canyon with only one way in or out. The potential for fire would only increase with the growth and so would the chance of an accident that could block the only exit route, thereby endangering the lives of the canyon's longtime residents. Laetitia's existing vineyards are not in full production yet and that too will increase traffic flow. The Laetitia property has several options for freeway access but is wanting to over use roads not

MOC-3

MOC-4

MOC-5

MOC-6

built to stand this excess traffic. My understanding is that the county has restricted Laetitia Winery having large functions at the winery because of the dangerous freeway access. Why not confront these issues before allowing any more development and avoid another problem such as the Tefft Road situation in Nipomo? This could be an extremely expensive option, but if the developer wants such a large project why not bear some of the financial responsibility? The existing rural roads do not support the proposed increase in traffic

MOC-6  
(cont'd)

In the EIR “the applicants stated objective is to---- ----enable future generations of the landowners’ families to continue to farm these lands Neither the landowner nor any of the family reside on the property or do any of the farming. I think it was the intent of the landowner at time of purchase of the Campodonico property to develop the property in this manner. The dates of some of the preliminary data support this theory. They do not reside in this area. Those of us who live here would like to protect our rural lifestyle for our future generations. This project is simply too big and would cause too many detrimental effects on the rural lifestyle of the area. Growth must come but it should not come at the expense of the neighbors already living here. I strongly urge you to reject a plan that could potentially have so many adverse effects on the area.

MOC-7

Sincerely



Mary O'Connor

156 Sheehy Rd.  
Nipomo CA 93444

### Responses to Mary O'Connor's Comments

Comment No.	Comment
MOC-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
MOC-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
MOC-3	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
MOC-4	The traffic analysis considers a reasonable worst case scenario, and identified deficient road conditions along all affected roadways. The mitigation measures would require improvements meeting County road standards, which would address any supplemental trips generated during the vineyard's picking and crushing season. The mitigation identified in Final EIR Section V.N. Transportation and Circulation is based on traffic model calculations and traffic control warrants, which include the creation of additional trips under daily and peak conditions. Please refer to mitigation measure TR/mm-3, which requires construction of a left turn channelization lane at the North Thompson Road/Sheehy Road intersection. Based on the traffic analysis, implementation of the project would not result in significant impacts to the roadway segment of North Thompson Road. Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities. This improvement is anticipated to address the commenter's concerns.
MOC-5	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response. The EIR identifies a significant impact due to lack of feasible secondary access.
MOC-6	Based on consultation with Caltrans, additional trips would not be permitted at the Laetitia Vineyard Drive/Highway 101 intersection due to safety concerns and the lack of an encroachment permit that allows for residential use; therefore, this option is not considered feasible.
MOC-7	The commenter's concerns will be considered by the County decision makers.

Dear Brian Pedrotti,

As a neighbor of the Laetitia Vineyard and resident of Los Berros Canyon,  
I am very concerned with the proposed developments.

MoMa-1

I understand property rights and understand that some property values may rise due to this project, just as others may fall. But we all have common cause for concern with the protection of Los Berros creek, of our water tables & wells, and of our very lives when it comes to additional traffic on the road and lack of fire egress. These issues need to be determined, addressed and resolved with Fish & Game, CDF, etc before any such project commences. The developer must bear the burden of proof for every aspect before any aspect commences.

MoMa-2

MoMa-3

[And in this economy, it would be politically prudent & advisable to ensure that the developers bear 100% of the costs, so that taxpayers aren't stuck for anything else when most of us are already overburdened.]

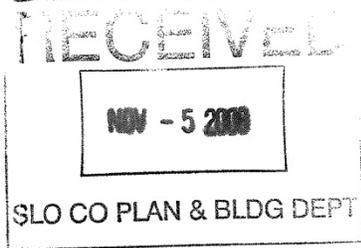
MoMa-4

Respectfully,

Molly Martin

1190 Upper Los Berros Rd

Nipomo CA 93444



**Responses to Molly Martin's Comments**

<b>Comment No.</b>	<b>Comment</b>
MoMa-1	Please refer to EIR Sections V.E. Biological Resources and V.P. Water Resources, which assess potential impacts to special-status species and habitat, water supply, and water quality.
MoMa-2	Please refer to EIR Sections V.E. Biological Resources and V.G. Hazards and Hazardous Materials. Implementation of the project would require issuance of permits, authorizations, and approvals from CALFIRE, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the Regional Water Quality Control Board.
MoMa-3	The commenter's concerns will be considered by the County decision makers.
MoMa-4	The commenter's concerns will be considered by the County decision makers. The applicant is responsible for implementing identified mitigation, which would be verified by the County.



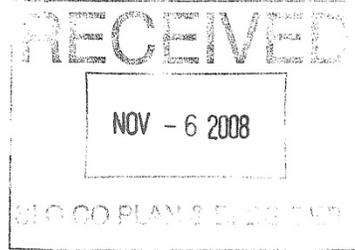
**Ernie & Nancy Penny**

1255 Haven Hill Way  
Nipomo, CA 93444

Phone: (805) 489-8333  
E-mail: [enpenny@aol.com](mailto:enpenny@aol.com)

November 5, 2008

Brian Pedrotti, Project Manager  
County Planning & Building Dept  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040



Re: Laetitia Project

Dear Mr. Pedrotti;

After attending the NCSD meeting, my wife and I felt the review of the Laetitia Project was very incomplete. The representatives could not answer the asked, <sup>questions</sup> by the committee and audience. The representative admitted not being aware of the questions asked.

ENP-1

With Rancho Nipomo wells going dry and the neighbors well going down 40 feet, I think there needs to be an independent study on the availability of water in Upper Los Berros Canyon and the surrounding areas i.e. Rancho Nipomo, Rim Rock, and Lower Los Berros during peak and off peak usage. It should include the measurement of **all** the existing area wells for a minimum of two years. When we moved up here over 50 years ago, there were five families living in the canyon. For many years there was running water and fish in the creeks year around. Then when 10 acre parcels were sold east of us and consequently wells were drilled, that lowered the water table and since Laetitia put in the vineyards there has been a substantial decrease in water. Reviewing the EIR and the amount of existing wells that Laetitia has (11) along with the proposed six (6) additional wells, we do not see how the water will last for years to come. This is a major concern on our property value and quality of life.

ENP-2

ENP-3

The increase in traffic is another major concern. To think of that Laetitia may be able to improve the road either in phases or after the completion of the project is unacceptable. If this project is approve in the current EIR report of using Thompson, Sheehy, Dana Foothill, and Upper Los Berros, the traffic will be increased over 1,000 cars per day. I am suggesting that Laetitia put in a separate onramp to Hwy 101.

ENP-4

The proposed Dude Ranch is adjacent to our property. We consider this to be a hotel accommodations. We live in the country for our peace and quiet and with the Dude Ranch next door to us would invade our privacy.

ENP-5

As I mentioned before, we have lived here over 50 years and have seen new neighbors move in the canyon to be able to enjoy the same quality of life that we enjoy. But this project is over the edge.

ENP-6

Thank you for taking our concerns into consideration. We will be following this project very closely.

Sincerely,

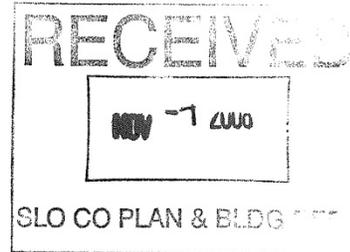
Ernie & Nancy Penny

Cc: Supervisor Katcho Achadjian  
Eugene Mehlschau

### Responses to Ernie and Nancy Penny's Comments

Comment No.	Comment
ENP-1	The commenter's statement is noted.
ENP-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential water supply impacts within the scope of the project, and is based on long-term testing conducted in compliance with state regulations and standards. At this time, a regional study was not completed; however, this may be considered by the decision makers.
ENP-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
ENP-4	As noted in identified mitigation measures, the applicant would be required to implement road improvements prior to final inspection of tract improvements, which would occur prior to lot development. The EIR notes a significant impact due to potential funding and jurisdictional constraints related to interchange improvements on Highway 101.
ENP-5	The commenter's concerns regarding the dude ranch will be considered by the County decision makers. At this time, the applicant is not requesting approval of the dude ranch.
ENP-6	The commenter's concerns and statements will be considered by the County decision makers.

Tom and Linda Shea  
494 Rim Rock Road  
Nipomo, CA 93444



November 5, 2008

Brian Pedrotti, Project Manager  
County Planning and Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

Dear Mr. Pedrotti,

I have studied the EIR for the Laetitia Subdivision proposal, and as a resident in the area accessed by Sheehy and Dana Foothill Roads, I must voice some very serious concerns about this project.

TLS-1

1. **Traffic:** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. These are small, rural, country roads. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill contains a very dangerous "S" turn as it approaches the bridge over Los Berros Creek. There have been many very serious accidents at this "S" curve due to oncoming vehicles "cutting the corner".

With residents, housekeepers, gardeners, farm workers, and visitors, the traffic will be significantly increased. It is estimated that this development will create approximately 1,000 more trips on these narrow roads, thus endangering all the current residents as well as the new ones. Considering the design and narrowness of these roads, this is just unacceptable.

2. **Water:** Nipomo has experienced many problems with wells drying up over the past few years. This project would only make matters worse for the current residents of our community.

TLS-2

There is no aquifer in this area. The proposed wells would be located over fractured shale, which provides an unpredictable source of water, and one that potentially dry up wells that are located further up Los Berros Canyon.

TLS-3

I am also concerned for the sensitive environment surrounding Los Berros Creek. For most of the year, water flows in Los Berros creek, that is, until it reaches the Laetitia Vineyard area; then the water ceases to flow unless there is a very heavy

TLS-4

- |  |                         |
|--|-------------------------|
| <p>rain. Laetitia has already reduced this once beautiful creek and habitat to nothing more than a storm drain. The creek was once home to the Steelhead Trout, California Red Legged Frog, Western Pond Turtle, and other endangered species. I am also concerned about the viability of the hundred year old sycamore trees along the creek banks which would be endangered by the future draw on the ground water that this project would entail. A large project of this nature can only do further harm to a very sensitive and beautiful environment that is irreplaceable.</p>  | <p>TLS-4<br/>TLS-5</p>  |
| <p>3. <b>Odors:</b> Several current residents live directly across from the proposed equestrian center. The smells and flies would definitely affect their quality of life. In addition, many residents in the Rim Rock Road area live downwind of the three proposed sewage effluent treatment ponds, which obviously would have a negative effect on their property values as well as being unsightly and offensive.</p>   | <p>TLS-6<br/>TLS-7</p>  |
| <p>4. <b>“Open Space”:</b> The plan calls for four rural lots to be <b>“buildable open space”</b> an oxymoron that will allow future development of communal buildings, farm buildings, worker residences, “accessory structures”, and who knows what. This project will undoubtedly result in far more than the 102 residences initially proposed. In addition, the idea of a future 75 room hotel, for which Laetitia has created the euphemism “dude ranch”, is more than inappropriate for this area; it is appalling!</p>   | <p>TLS-8</p>            |
| <p>5. <b>Fire:</b> The increased traffic would also increase the likelihood of a fire in the heavily wooded canyon areas. In addition, emergency access via Dana Foothill from the fire would be very difficult if not impossible on the narrow roads leading out of the project, thus endangering the lives of all canyon residents.</p>  | <p>TLS-9<br/>TLS-10</p> |
| <p>6. <b>Trees:</b> The plan calls for cutting down 300 mature oak trees. This is a loss to the environment that we and future generations will regret.</p>  | <p>TLS-11</p>           |
| <p>7. <b>Why?:</b> Our community is simply not in need of a project that consists of 102 approximately \$2 million estates. With our overall economy being in state of recession, which is predicted to continue for years, there is a very good chance of this overly ambitious project failing, being abandoned, or going into bankruptcy. Laetitia is already utilizing their property to the fullest for financial gain. To exploit the environment further with this extravagant and exclusive resort can only be motivated by greed and a lack of concern for our rural surroundings and the residents of our community.</p> | <p>TLS-12</p>           |

For the above reasons, I join my neighbors in strongly urging you and the County Planning Department to reject this unneeded subdivision that would do irreparable damage to our environment and negatively impact our natural resources.

Sincerely,

Tom and Linda Shea

### Responses to Tom and Linda Shea's Comments

Comment No.	Comment
TLS-1	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
TLS-2	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
TLS-3	Please refer to Recirculated and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
TLS-4	Please refer to Recirculated and Final EIR Sections V.E. Biological Resources and V.P. Water Resources, which assess potential impacts to water resources, aquatic habitat, and aquatic species.
TLS-5	Please refer to Recirculated and Final EIR Sections V.E. Biological Resources and V.P. Water Resources, which assess potential impacts to water resources, aquatic habitat, and aquatic species.
TLS-6	Please note the applicant is no longer proposing an equestrian center.
TLS-7	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
TLS-8	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses this ordinance requirement.
TLS-9	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns regarding fire hazards and emergency response.
TLS-10	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns regarding fire hazards and emergency response. Mitigation is identified that would require improvements to local roadways, which would improve safety by widening and striping roads to meet County and CALFIRE standards.
TLS-11	Please refer to Final EIR Section V.E. Biological Resources, which addresses the commenter's concern regarding oak trees, and identifies a significant impact due to the loss of oak woodland and individual trees.
TLS-12	The commenter's concerns and statements will be considered by the County decision makers.

November 6, 2008

Mr. Brian Petrotti, Project Manager  
County Planning and Building Dept.  
County Government Center, Rm 200  
San Luis Obispo, CA 93408-2040

RE: Draft EIR, Laetitia Agricultural Cluster Subdivision Project

Dear Mr. Pedrotti:

I am a fifth-generation native of Nipomo residing on property that has been in my family since the Nipomo Land Grant. Our home is near the intersection of Thompson Avenue and Sheehy Road. My brothers and sister own adjacent parcels to my property. I am extremely concerned about the adverse consequences to our area if this major development is allowed to continue as proposed. The project appears to be intended to maximize the developer’s profit at the expense of our rural way of life in the northeast Nipomo and Upper Los Berros areas.

RT-1

I grew up enjoying the benefits of recreation in Los Berros canyon – from the Campodonico’s (Campy’s) and Barden’s to the Martin’s ranches – hunting, fishing, riding bikes, and riding horses on both sides of the canyon. I was related to many of the landowners back then and knew most the rest. I even worked for Campy during a couple of my high school summers. I have a unique knowledge and understanding of this location and I plead for better consideration of this unique and irreplaceable area.

This DEIR and the proposed project’s irreversible consequences have not been examined sufficiently. This massive development project represents a major slide toward the destruction of our rural way of life and the “citification” of NE Nipomo. The neighbors surrounding the proposed project site neither support nor want this type of growth-inducing development under the guise of preserving agricultural lands. The applicant, Janneck Limited, is the same developer who brought Nipomo the troubles at the Woodlands and we do not want such a problem here.

RT-2

My major concerns are regarding the long-term availability of water and increased traffic congestion at the intersection of Thompson Avenue and Sheehy Road. However, I’ve attached additional observations, comments, and concerns regarding several sections of the DEIR.

RT-3

The water table east of Highway 101 has been dropping for many years. For example, until the late 1940s, a 45 foot well was able to supply two family homes at Thompson and Sheehy with excellent quality soft water. That well which resides on my parcel became unreliable in the late 1940s and went dry in the 1950s. My grandfather had a small dairy on this property during the 1940s and 1950s. He drilled another 150 foot well in the late 1940s to sprinkle permanent pasture; that well went dry in the 1980s. During the 1970s my brother-in-law drilled several wells to support his 100+ acre lemon orchard that still exists adjacent and south of Sheehy. Since that time more wells have been drilled due to lack of sufficient water since he sold the property. Well failures are common in the local area. This problem is a known characteristic of wells in the fractured shale of the Nipomo region. Continued water availability in this area is uncertain at best.

RT-4

Five years ago, I had to drill beyond 550 feet to get a domestic well for our new home. Recent wells in the area have been drilled to over 700 feet. Recently both my brother and sister, on parcels adjacent to mine, have had problems with the dropping water table and are near the bottom of their existing wells. My sister’s initial well went dry while her home was under construction. I provide this historical

information as proof that there has been and continues to be a severe water problem in the fractured shale of the NE Nipomo. I understand that my neighbors in Ranch Nipomo also have water issues. This development project with its high number of homes and associated water demand can only make a bad situation worse. The County cannot allow more demands on a diminishing resource without major adverse ramifications to all.

RT-4  
(cont'd)

I am very concerned that the entire project relies on various water studies paid for by the applicant and performed over many years by one firm Cleave and Associates; the same firm involved with the Woodlands project. Without independent validation of a firm's findings a firm hired by the proponent can simply go out of business when its findings are found to be invalid and leave the County with adjudication problems; similar to what the firm, San Luis Engineering, did when oil contamination was found beneath homes in Nipomo. The County might expect similar repercussions if nearby properties lose their water based on the invalidity of the project's available water assessment. For this reason I believe the County must obtain an independent assessment of the proposed project's water issues; to do any less would not be prudent.

RT-5

In regards to the traffic impacts of the proposed project, I have serious concerns about the reliability and validity of the traffic data. I have been involved with the corner of Thompson and Sheehy for over 70 years and seriously question that the proposed mitigation measures will even begin to resolve the problems resulting from this project. The project relies on traffic counts that were taken in the dead of winter during the first week of January 2006 when Laetitia staffing is at a minimum (most use the proposed route), when schools were not in session, and when traffic would be at a minimum due to the holidays. The traffic data in the DEIR also does not include traffic count adjustments for the eventual rerouting of traffic from the Willow Road Extension onto Thompson since there are no proposed Northbound on or off ramps at Highway 101 and Willow Road. The traffic from the Willow Road extension will be using Thompson Avenue thus adding more burdens to the roadway. My family and I use this roadway 365 days a year and have experienced traffic delays and hazards going both north and south on Thompson. I simply do not believe the traffic count data are representative of current traffic loads, even without the coming Willow Road impact on Thompson. The 3-year old data needs verification during a better representative period of usage. Once a revised traffic count is compiled only then can the traffic impact of the proposed project and road capacities of Thompson and Sheehy be analyzed.

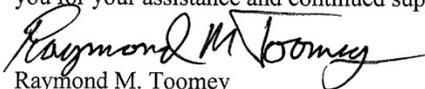
RT-6

RT-7

RT-8

I strongly urge the County Planning Department to reject this unnecessary development because it will cause significant, adverse, and irreversible residual impact to the environment and to our way of life in this slice of heaven. As President Reagan used to say about his property in Santa Barbara County, "it may not be heaven, but it's in the same ZIP code"; I strongly feel the same about Nipomo and Los Berros Canyon. Please protect the quality of our rural way of life and allow me to leave my grandchildren, who will be the seventh generation on this property, an area to treasure without additional traffic and noise from this project that does not fit the rural character of the area. Thank you for your assistance and continued support.

RT-9

  
Raymond M. Toomey 489-8288  
1150 North Thompson Avenue  
Nipomo, CA 93444

cc: Supervisor Katcho Achadjian; Eugene Mehlschau; South County Advisory Committee

LAETITIA DEIR  
OBSERVATIONS, COMMENTS & CONCERNS

While I believe in private property rights and free enterprise, these initiatives should not be at the expense of the overall environment or the existing quality of life of others. This DEIR and the proposed project are fatally flawed in several ways as illustrated by the following observations, comments and concerns. As is so typical of DEIRs paid for by the proponent, this DEIR does not adequately address issues that should not be left unresolved before the proposed project is allowed to proceed.

RT-10

This DEIR is uniquely, perhaps confusingly, organized – containing Sections I – IX, with interwoven numbered portions 0 – 24, plus Appendices A - G. Given this complex structure, I've chosen to provide comments on selected portions of the document and have included the appropriate section identifiers. The section and page number is provided with each comment. But in general the comments apply where appropriate throughout the DEIR wherever the basic material is repeated.

RT-11

1. I-1, ¶A, 2<sup>nd</sup> & 6<sup>th</sup> lines: First mention of “four build-able open space lots” totaling 1787 acres of the 1910 total acres. Using the phrase “open space” is misleading since most of the project infrastructure will be built on these lots. These common usage areas include the HOA facility, community center, recreation center (“ranch headquarters”), and an equestrian facility. Later, the dude ranch will go on an “open space lot.” This does not sound like true “open space” to me but rather essential parts of the project that will impact the more appropriate usage of open space. Further, referring to the mentioned facilities for use by the residents as the “ranch headquarters” is preposterous, perhaps intended to hide their true purpose and avoid property tax. Clearly these facilities have nothing to do with the agricultural production of the property. Little true open space will remain after the project is built out.

RT-12

RT-13

2. I-1, ¶A, 4<sup>th</sup> & 5<sup>th</sup> lines: Mentions the replacement of existing 113 acres with new planting of 140 acres of vineyard. It fails to mention that the new planting will be on less desirable and marginally productive steep terrain while the better areas are used for the 1-acre clustered home lots. May not be a fair trade of agricultural land for development land.

RT-14

3. I-1, ¶B: Only mentions Deutz property activities but ignores subsequent purchase of Campodonico Ranch Los Berros property in 1998 than makes the major portion of this development. Refer to V-147 ¶1.b & .c. Laetitia consolidated these two parcels for this project.

RT-15

4. I-3, Environmental Impacts & Mitigation Measures – last 2 bullets: Could not locate specific sections dealing with “Growth Inducing Impacts” and “Irreversible Changes.” If these sections were requested during the NOP (as implied), then the DEIR should include these specific items.

RT-16

5. II-2, ¶B, 5<sup>th</sup> – 8<sup>th</sup> lines: “The applicants stated objective is to --- enable future generations of the landowners’ families to continue to farm these lands ---” does not sound legitimate. The project applicant is only a spokesman for the landowner. Who are these families that want to farm these lands? First of all the absentee landowner does not reside on the property; nor do members of his family. Second, I believe this is just a ploy to take advantage of the real intent of the Agricultural Cluster ordinance. This owner has always intended to develop these properties as evidenced to the early dates of the initial planning documents. We do not want to line the pockets of an “out-of-towner” who never planned to keep the land in agricultural usage and sustain the rural character of Los Berros. See comment 33.

RT-17

6. II-2, ¶C, bottom of page dealing with “road improvements.” For generations, young and older members of my extended family have exercised, walked, rode bicycles, and/or rode horses on Sheehy, North Dana, and Los Berros roads. Even with current traffic levels this has often become increasingly unsafe. Granted the road surface and shoulders might be improved but where is one to recreate? We are taking away the very worthwhile attributes that make living in Nipomo such a pleasure; growth in rural areas is not always the answer. Require the applicant to develop needed on/off ramps at Highway 101 and Laetitia Winery if he insists on the proposed development – and leave us alone to enjoy the rural environment which is why we live in Nipomo.

RT-18

RT-19

7. II-4 to II-77 summary info: (a) Table II-1, Class I Impacts: consists of 21 items with 17 pages of discussion, all with *Residual Impacts* deemed “Significant, adverse, unavoidable” - my comments 8 through 19 apply to these Class I Impacts, (b) Table II-2, Class II Impacts: consists of 73 items with 48 pages of discussion, all with *Residual Impacts* deemed “Less than Significant with Mitigation.” (c) Table II-3, Class III Impacts: consists of 3 items with 2 pages of discussion, all with *Residual Impacts* deemed “Less than Significant.” And finally (d), Table II-4, Secondary Impacts: consists of 19 items with 4 pages of discussion, 9 items with *Residual Impacts* deemed “Less than Significant With Mitigation” and 10 items deemed “Significant, adverse, unavoidable.” Obviously any project with about 116 items of impact requiring 77 pages of summary discussion cannot be taken lightly. Such a project warrants careful attention and close scrutiny by all the affected government agencies.

RT-20

8. II-4 to II-8, BIO Impact 3, deals with impacts on 300 existing oak trees: Mitigation Measures BIO/mm-15 requires replacements at 4:1 ratio for removed and 2:1 ratio for impacted trees. That sounds reasonable but the top of pg II-7 appears to allow a “conservation easement or monetary contribution” instead of replacing 50% of the trees. Further, at the top of pg II-9 under Mitigation Measure Summary, funding for each tree is established at \$972 per tree. Bottom line allowing the County to accept less than true market value per mature tree should be unacceptable given the time and mortality rate typically involved to establish a mature Coastal Oak Tree. Allowing the Project Applicant to simply buy out the removal of 150 oak trees seems unacceptable to me; especially at that dollar value to likely be spent off project property. Where is the enforceable Oak Tree Ordinance when it applies to a project of this size?

RT-21

- |  |              |
|--|--------------|
| <p>9. II-7 &amp; 8, item a.2 – requires monitoring and maintenance by a qualified arborist/botanist for at least 7 years, along with annual reports to the County. Who will be responsible for complying with this mitigation? Is it the responsibility of the Applicant/developer (who may be long gone), the Laetitia property owner, or the Home Owners Association (HOA). Just trying to cover this mitigation compliance by including then in a non-enforceable CC&amp;Rs could prove futile. I would like clarification of accountability for compliance with this mitigation.</p>   | <p>RT-22</p> |
| <p>10. II-9, BIO Impact 7 – decrease in water quality and quantity within Los Berros Creek. The decrease in water quality and quantity should not be taken lightly – as a youth, my brothers and I used to fish for native trout in the creek anywhere above the sulfur springs near the Campodonico’s house. Now the natives are gone as probably are the periodic winter steelhead runs that frequently occurred to replenish the creek and resident fish. Los Berros creek has become just another dry reminder of better times long lost – but we can and should do better for future generations.</p>                             | <p>RT-23</p> |
| <p>11. II-10, AG Impact 1 – permanent loss of 178.5 acres of agricultural lands that includes 113 acres of productive vineyards and 61.9 acres of grazing land – “would set an adverse precedent in the County ---”: Note that “No feasible mitigation measures are available that would mitigate impacts due to loss of farmland and productive vineyard.” This impact by itself should be enough to void the project.</p>  | <p>RT-24</p> |
| <p>12. II-10, AG Impact 2 – “non-contiguous nature of the project ---”: This finding supports the adoption of Alternative 4, <i>Redesign Project – Single Cluster Alternative</i>, as described on pages VI-19 to 21. The diverse cluster concept is not the preferred alternative and should be abandoned if the project proceeds.</p>  | <p>RT-25</p> |
| <p>13. II-11, AG Impact 4 – “significantly contribute to the cumulative loss of productive Farmland.” The mitigation measures listed (AG/mm-1 through –3) do nothing to minimize the impacts. I would like clarification or restatement of the facts contributing to the mitigation of this impact.</p>  | <p>RT-26</p> |
| <p>14. II-11, TR Impact 4 – non-use of Laetitia Drive at HW101: Suggest the best solution to most if not all the objectionable traffic issues could be solved by the installation of an over crossing with on/off ramps from Highway 101 onto Laetitia Drive. If the development is worth doing, then do it right; make the developer pay for the interchange and mitigate the neighbors’ traffic impact concerns. It really is the only correct long-term way to minimize traffic impacts from this project. Besides, with the current dangerous Laetitia intersection, it is just a matter of time before someone gets killed.</p>   | <p>RT-27</p> |
| <p>15. II-12, AQ Impact 6, AO/mm-12: Mentions applicant’s submittal of CC&amp;Rs. The whole concept of CC&amp;Rs for this project is as flawed as the concept of a Home Owners Association (HOA) to operate and maintain the development. Either the applicant or the property owner or both must be required to have some long-term obligation to this project – both for environmental compliance and accountability to the County but also to the prospective buyers of the 1-acre parcels. We have all seen what happens with the erosion of CC&amp;R and HOA requirements once the developers have cashed the checks and gone</p> | <p>RT-28</p> |

over the horizon. The following is a direct quote from the 20 Oct 08 minutes of the South County Advisory Council, Land Use Committee, made by the Vice Chair in reference to concern over care of open space for another project – “---a HOA is only as good as its members.” Let’s not make those mistakes again with Laetitia – instead find a way to require the existing owner into long-term responsibility for the entire project. After all, his stated objective is to keep the entire parcel in long-term agricultural production; help ensure that is his true objective.

RT-28  
(cont’d)

16. II-13 & 14, AQ/mm-13 – talks about “annual off-site mitigation amount” and “off-site emission reduction measures.” First, do not let the applicant buy-off excess emissions – that does nothing for the local environment. Second, the list (items a to u) makes interesting reading but is impractical for local implementation. For example, what is or who determines the locations included in “existing homes in the project area”? Most of these mitigation items will do little, if anything, to help air quality in NE Nipomo or Los Berros Canyon.

RT-29

17. II-15, AQ 9 & AQ 10 – Project inconsistent with “the general land use and planning polices identified in the Clean Air Plan ---, resulting in a long-term, significant, adverse, and unavoidable impact.” This finding sums up my concerns about “long-term, significant, adverse, and unavoidable impacts”. But AQ/mm-12 & -13 (on pg II-12 to 15) may really do little to control excess emissions. Plus, is the project committed to both mitigation measures in their entirety or just in part? If so, which parts? Please clarify.

RT-30

18. II-15 & 16, NS Impact 2 & 5, addresses the “significant amounts of new vehicle traffic on Thompson, which would exacerbate the current exceedance of 60 dBA noise threshold --- --- results in a direct long-term noise impact.” Please note the finding that “there are no feasible measures to mitigate the impact.” However, an interchange at Laetita Drive solves these problems and keeps our neighborhoods quieter.

RT-31

19. II-19, PSU Impact 4 & PSU/mm-6: discusses need for fire protection and need for the proponent to dedicate land for future construction for a future CAL FIRE station. I’d suggest this is not sufficient mitigation and the project should also be required to provide a significant monetary contribution toward the near-term construction of the station.

RT-32

20. II-31, WAT Impact 8 & 9 dealing with cumulative reductions on watershed and downstream flow: Implementation of WAT/mm-1 to -10 contributes unquantified water savings that have not been shown to be adequate to meet prolonged drought conditions.

RT-33

21. II-51, TR Impact 2 discusses need for southbound left turn lane on Thompson at Sheehy: Granted this left turn pocket would help but does nothing to assist with (1) the slowing of northbound Thompson traffic attempting to turn right onto Sheehy or (2) the traffic on Sheehy attempting to turn either left or right onto Thompson. Both situations are already dangerous and will only become worse with increased traffic on Sheehy resulting from this project and increased traffic on Thompson due to Willow Road extension.

RT-34

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| <p>22. II-52, TR Impact 7 and TR/mm-8, deals with improving shoulders on Sheehy: Just installing paved shoulders will not correct the risks to local citizens who recreate by walking, riding bikes, or horses adjacent to the roadway. Installation of a designated recreation path that parallels the roadway should also be required. Only these provisions will allow the continued safe use of these long established forms of recreation in NE Nipomo. Improve existing conditions; do not take away the things that make our area a great place to live.</p>   | <p>RT-35</p> |
| <p>23. II-52, TR Impact 8 and TR/mm-9: Same comment as #22 but applied to North Dana Foothill Road.</p>   | <p>RT-36</p> |
| <p>24. II-52, TR Impact 9 and TR/mm-10: Same comment as #22 but applied to Upper Los Berros Road.</p>   | <p>RT-37</p> |
| <p>25. II-64, AES Impact 3 and AES/mm-7, deal with visibility of light sources and glow degrading nighttime view quality and adversely affect rural visual character: There are few places left where one can go to enjoy viewing the night sky without the distraction of human development; Los Berros Canyon is such a place. But it is doubtful the identified mitigation measures will retain that favorable condition and maintain the rural character of our neighborhood. Keep large housing developments near city and town centers.</p>   | <p>RT-38</p> |
| <p>26. II-68 &amp; 69, REC Impact 1 and REC/mm-1, discusses increased demand for recreation opportunities: The mitigation measure that calls for a multi-use trail corridor easement along Los Berros Road is a great idea. But I disagree that with the finding that “trail construction is not required” – see comments 22 and 24 above. Even a 10-ft trail would provide the source of recreation area residents have enjoyed for many years. We need the trail NOW, not at some further distant time long after the project is fully developed. Actual implementation of this easement and trail should become an integral part of approving the development.</p> | <p>RT-39</p> |
| <p>27. II-69, PSU Impact 1 and PSU/mm-1, discusses need for “security lighting in common areas.” See comment 25 above dealing with loss of darkness within the Los Berros area.</p>   | <p>RT-40</p> |
| <p>28. II-70, PSU Impact 2, deals with estimated 44 children that must be transported to various schools: Were these twice daily trips included in the traffic estimates for the corridor leading to the Sheehy and Thompson intersection?</p>  | <p>RT-41</p> |
| <p>29. II-70, PSU Impact 3, deals with 94 tons of solid waste per year: Again, was garbage truck and other service vehicle traffic included in the traffic estimates for the corridor leading to the Sheehy and Thompson intersection?</p>  | <p>RT-42</p> |
| <p>30. II-72, AES Impact 1, discusses inherent loss of rural character caused by changing from the existing working ranch into an architecturally designed recreation facility ranch headquarters. I disagree that this is only a Class III Impact. This loss of rural character</p>  | <p>RT-43</p> |

<p>should be at least a Class II if not Class I impact. I am concerned about replacing the rural way for life with undesirable city attributes</p>	<p>RT-43 (cont'd)</p>
<p>31. II-76, Secondary Impact to REC/mm-1, deals with location of trail easement: See comment 26.</p>	<p>RT-44</p>
<p>32. II-77, Secondary Impact to HM/mm-2, deals with Laetitia Drive and HW101: Note statement “--- the existing at-grade intersection at Laetitia Vineyard Drive and HW101 operates LOS (level of service) F, and has a documented history of traffic collisions.” See comment 14 – an interchange is needed to solve that and other traffic problems associated with the project.</p>	<p>RT-45</p>
<p>33. II-78, Section E, Summary of Alternatives, 3<sup>rd</sup> ¶, discussion on Alternative 1, the “No Project Alternative:” Note the statement “---but this alternative failed to meet the project’s objective to create places to live.” Well there it is, the objective is to create more homes; this is the <u>true objective</u> of the project, not the stated one of preserving agriculture. Also see comment that points out the clear conflict in the stated objective for the project.</p>	<p>RT-46</p>
<p>34. II-78, 4<sup>th</sup> ¶, discusses the finding that Alternative 4, the “Redesigned Project: Single Cluster Alternative” is the “Environmental Superior Alternative.” I agree with this finding and suggest that Alternative 4 should be pursued if the project is developed.</p>	<p>RT-47</p>
<p>35. III-1, <i>Project Description</i>, 2<sup>nd</sup> ¶, last sentence: Indicates that only 660 acres of the 1,787 “open-space” areas would remain in agricultural production; what is proposed for the remaining 1,127 acres?</p>	<p>RT-48</p>
<p>36. III-1, 3<sup>rd</sup> ¶, describes the three phases for project: What are the planned or estimated start and completion target dates (month &amp; year) for each of the three phases? What is the estimated development timeframe for the “dude ranch”? If the development schedule is not yet established, what criteria will the County establish for obtaining these dates from the applicant? When will the anticipated/estimated development schedule be provided to the public?</p>	<p>RT-49</p>
<p>37. III-2, <i>General Background</i>, Property Owner: Note listed as Laetitia Vineyard and Winery, Inc. Interesting that the true identity of the owner and his family are not revealed in spite of the stated objective to allow families to continue to farm these lands. Again, see comments 5 and 33.</p>	<p>RT-50</p>
<p>38. III-3, <i>Project Objectives</i>, 2<sup>nd</sup> ¶, “--- to enable future generations of the landowner’s families to continue to farm the project site ---.” Why has the identity of the owner not been revealed to the public– especially if they plan to continue to live on and operate the developed property? The public knows who is behind the Santa Margarita Ranch development – why not Laetitia?</p>	<p>RT-51</p>

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| <p>39. III-3, <i>Project Site History</i>: Fails to mention that the Campodonico Ranch was purchased to add to the Deutz property in the late 1990s. These had been long-standing separate properties. See page V-146 for correct info on Campodonico Ranch.</p>  | <p>RT-52</p> |
| <p>40. III-6, <i>Existing Permitted Uses and Permit Application History</i>, 1<sup>st</sup> ¶: Note mention of “11 wells” – a variety on the number of wells has been seen throughout the DEIR.</p>   | <p>RT-53</p> |
| <p>41. III-9, <i>Table III-1, Proposed Phasing Plan</i>. While general development phasing is indicated, there is no time or schedule for development. See comment 36.</p>  | <p>RT-54</p> |
| <p>42. III-10, <i>Open Space Lots</i>, discusses use of 4 open space lots (723, 477.89, 205.63, and 380.33) totaling 1786.85 acres: Mentions that the open space lots would go under Williamson Act contracts and County ag/open space easements. New proposed uses “would include re-located vineyards and orchards, an equestrian facility, and ranch headquarters, including a recreation facility, community center and homeowner’s association facility.” Except for the re-located vineyards and orchards, trying to identify the other facilities for support of the ag component seems flawed. Clearly development of these facilities is for the use and enjoyment of the families occupying the homes on the 1-acre house lots, not to support production ag activities. A glance at Figures III-5 through III-9 supports this point. Note tennis courts, pool, pool house, gym, HOA Rec Center, etc.) The “ranch headquarters” appears to have nothing related to production ag use and should be placed on the full-value property tax role and not protected under the Williamson Act– pay your fair share, others have to also!</p> | <p>RT-55</p> |
| <p>43. III-25, next to last ¶, and III-29, last ¶, discusses mutual water company to provide wastewater treatment and disposal, and provide domestic water: The project applicant indicates that this water company is to be owned by the individual lot owners but operated by a licensed operator. The County should view this arrangement with some concern since the domestic water will be drawn basically from the same sources as the agricultural water. Further, based on recent problems between NCSD and the residents at Black Lake, mutual water companies owned by a HOA have potential severe problems. It would seem safer to insist on a mutual operating arrangement involving the operator of the farming operation and the HOA. The issues related to water resources will be discussed further under Section V-B DEIR pg V-33.</p>   | <p>RT-56</p> |
| <p>44. III-26, sub ¶ 4, dealing with liquid solids: Sewage sludge has become more difficult and expensive to dispose; as anyone on a septic system should know. It is reported in the Santa Maria Times that the City of Santa Maria facility will soon no longer accept these materials from outside the immediate northern Santa Barbara County area. What alternate sites, besides the 2 mentioned, are available to this new producer of sludge?</p>  | <p>RT-57</p> |
| <p>45. III-27, last ¶, last 2 sentences: Was the sewage sludge pumper truck one trip per week included in the traffic estimate? The flow of service vehicles is often under estimated with housing clusters in rural areas.</p>   | <p>RT-58</p> |

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| <p>46. III-30, 1<sup>st</sup> ¶ on <i>Water Infrastructure</i>: Note discussion of 13 existing wells (versus 11 mentioned on pg III-6 (comment 40). Also note that only 11 wells are shown on Figure V.B-2 (pg V-37) where are the two wells identified as #3 &amp; #6 on this figure and are they the active? Are they project or vineyard wells?</p>  | <p>RT-59</p> |
| <p>47. III-30, last ¶ on <i>Mutual Water Company</i>, applicants proposed priority (8) for mandatory water conservation measures: Note that the first 6 of the 8 have impact on residential and HOA facilities, the reduction or cessation of agricultural irrigation is last to be used. Interesting unless you are a resident and part owner of the HOA. Also implying (7) that water could be purchased from an off-site party seems unreasonable given the status of NCSO efforts to obtain supplemental water – there is none reasonably available. The DEIR should identify the source or delete the item as a mitigation factor.</p>   | <p>RT-60</p> |
| <p>48. III-48, <i>Homeowners and Ag Operator Communications</i>, lists functions of the HOA but does not mention Mutual Water Company: Why is this not included, it is probably the key element that must be integrated between the HOA and AO. Also last sentence mentions CC&amp;Rs but does not discuss the usual and typical erosion of CC&amp;R provisions and enforcement. Again, the County should not allow the owner and applicant to divorce themselves from the potential adverse impacts WHEN (not IF) the effectiveness of the CC&amp;Rs diminishes over time.</p>   | <p>RT-61</p> |
| <p>49. V-33, <i>Water Resources</i>, 1<sup>st</sup> ¶: Note reference to a “number of recent groundwater studies and/or reports conducted in the area by private consultants ---.” The vast majority of these consultant reports were produced by Cleath and Associates, and were paid for by the applicant. Further, note that the reports were “peer reviewed by the EIR consultant” also paid by the applicant (and neither the County nor I should be willing to agree this is true peer review unless they have documented and demonstrate valid (acknowledged) experience and expertise performing peer reviews of critical hydrology studies).</p>   | <p>RT-62</p> |
| <p>50. V-33, 1<sup>st</sup> ¶, mentions 4 individual and specific studies by Cleath (1<sup>st</sup> - 2004, 2<sup>nd</sup> - 2005, 3<sup>rd</sup> - 2005, 4<sup>th</sup> - 2005). Yet pg V-39, 1<sup>st</sup> &amp; 3<sup>rd</sup> ¶s mention another untitled study completed in 2008. The details of this study needs to be added to the list on pg V-33.</p>   | <p>RT-63</p> |
| <p>51. V-33, 1<sup>st</sup> ¶: Clearly the work performed by Cleath and Associates for the applicant are vital components of this proposed development. Cleath and the applicant worked together on the Woodlands development in Nipomo. As mentioned previously, it is essential the County obtain either independent studies or at least professional peer review by an independent hydrology firm. The example of demise of San Luis Engineering as a business when oil sludge was found under new homes is a shining of what happens when engineering studies are improper performed. It is understood that Cleath has had problems in the past. The County and affected neighbors can not afford to have anything less than the best technical data on water resources involved with this project. To do otherwise neglects the County’s responsibilities for reviewing the project. Lack of sufficient water is a Single Point Of Failure; systems that provide public services and safety to the community must be designed to eliminate SPOFs. We deserve nothing less on this issue since water is the key to our continued existence in Nipomo.</p> | <p>RT-64</p> |

52. V-33, 1<sup>st</sup> ¶, list of Cleath studies (4 but should be 5): Apparently these reports are on file with the County. Are electronic copies of these studies available to the public for use? Are hard copies available for loan? Trying to review the DEIR without the key source data is unsatisfactory. "Trust but verify" is an established public policy principle and should be applied on these critical issues. Better yet, would be true review of the situation by a team of independent experts approved by the County, not the applicant.

RT-65

53. V-33, last ¶, *Water Supply and Infrastructure*: An independent verification is needed to confirm that the project is in fact located within the Ocean Hydrologic Sub-area. This may be controversial since lines on a surface map seldom truly represent the underlying geology and hydrology. For example water in lower Los Berros will clearly be influenced by this project.

RT-66

54. V-33 & 34, *Water Supply & Infrastructure*, states that the project can be supported by on-site groundwater resources that are "independent of existing residential or ag operations." This conclusion is suspect since even the Cleath data indicates adverse impacts on Los Berros creek and downstream areas. Did the DEIR really mean "independent of existing residential or agricultural operations" on the Laetitia property? Our concerns are for others that may be impacted. Again, this statement and supporting data exemplifies the need for independent verification.

RT-67

55, V-34, *Groundwater Rights*, References Summit Station FEIR, 2004) and basically says a property owner can pump groundwater for domestic use "as long as it does not have a significant affect on neighboring domestic wells of private property owners." A couple of thoughts on this: 1<sup>st</sup> - A FEIR is not law and its use in this instance could be challenged since the circumstances are vastly different. 2<sup>nd</sup> - It is not just the adjacent neighbors that may be impacted by the proposed water use but all of those in the surrounding area that rely on independent wells. 3<sup>rd</sup> - the Laetitia project included both agricultural and domestic use - which well is used for which purpose is a moot point, it is the total usage that will have the adverse off-property impact. All the water comes from the same groundwater basin.

RT-68

56. V-34, *Geologic Conditions*, 1<sup>st</sup> ¶, 4<sup>th</sup> & 5<sup>th</sup> lines: indicates the 4 "new" wells are in "fractured beds of siliceous shales and chert." This is identical or very similar to the unreliable water bearing structures that have caused so many well failures throughout the east side of Nipomo. These wells may produce for a week, a month, a year - and then fail. This has been demonstrated many times in the Nipomo area. What makes Cleath believe these wells are different - they were each only pumped for a short period of time, and during winter at that. At least the pump tests should be repeated at the end of summer. This entire subject needs independent verification.

RT-69

57. V-34, *Geologic Conditions*, 1<sup>st</sup> ¶, refers to Figure V.B.-1: Reference to this figure provides no information on where the various formations are located. Also note statement: "Each well taps into a separate aquifer." Where are the supporting data for

RT-70

<p>this assertion? In fact the aquifers may be linked and probably are not independent; this has been the case in Nipomo.</p>	<p>RT-70 (cont'd)</p>
<p>58. V-34, <i>Water Supply Conditions</i>, 3<sup>rd</sup> line, mentions “historic use of groundwater resources (vineyards)”: Use of the phrase “historic use” seems inappropriate when that use started in 1982. Prior to that the “historic use” had been dry land farming and cattle grazing for over 150 years. Also note 168 AFY current usage.</p>	<p>RT-71</p>
<p>59. V-36, <i>Domestic Water Supply Infrastructure</i>, 3<sup>rd</sup> ¶, mentions applicant intend to develop a mutual water company using a certified operator. The DEIR indicates that the mutual water company will be a responsibility of the HOA. The County needs to get involved with the agreements between the AO and HOA on this matter.</p>	<p>RT-72</p>
<p>60. V-36 to V-39, <i>Well Pumping Tests</i>, 2<sup>nd</sup> ¶, mentions “three-day demand period” and “30-day source capabilities:” What is the basis for these calculations since pages V-38 &amp; V-39 only discuss 41, 71, &amp; 72 hour “constant discharge tests” for well 13, 12 &amp; 11, and a 72-hour “various rate discharge test” for well 10. Also note that only well 11 was tested during the summer. Yet wells 13, 12, &amp; 10 “indicate a slow recovery time.” Also well 11 recovered to within 14 feet after dropping 37 feet – this too represents slow recovery. However, missing in the data is any information on the status of recovery at weekly periods until the wells fully recovered, if they did. And finally, one cycle of well testing is inadequate upon which to base long-term aquifer storage and annual yield. An independent audit would likely insist on additional testing for a project of this magnitude. “Trust but Verify.” Also note two references to Cleath work in 2008 – interesting.</p>	<p>RT-73</p>
<p>61. V-39, <i>Aquifer Storage and Annual Yield</i>, 7<sup>th</sup> line: “Groundwater recharge at the project wells occurs from stream flow in Los Berros Creek, ---.” While clearly a true statement, it directly conflicts with earlier statements in the DEIR. The applicant can not have it both ways, and the truth needs to come out. The project will adversely impact the creek and downstream water users.</p>	<p>RT-74</p>
<p>62. V-41, 1<sup>st</sup> ¶, “Prior to 1981, ---and the flow (in Los Berros Creek) was perennial.” You bet it was and I fished the creek as a youth. Interesting that Laetitia vineyard plantings were established at about that same time.</p>	<p>RT-75</p>
<p>63. V-41, 3<sup>rd</sup> ¶, 4<sup>th</sup> line, discusses “the amount of annual recharge occurring during the drought periods.” Please provide the basis, method and data used to establish this “annual recharge” amount. Having valid estimates of recharge potential is a key parameter. While Table V.B.-1 provides estimates of storage, recharge and estimated annual yield, the supporting methodology and data is not provided. “Trust but verify.”</p>	<p>RT-76</p>
<p>64. V-46, <i>Local Policies and Regulations</i>, indicates that “---the County determines a project’s water demand and the availability of water for allocation to the project.” This clearly makes the case for an independent assessment of key info provided by a contractor (Cleath) to the applicant. It is the final responsibility of the County to establish the viability of the project and assess the consequences of the adverse impacts.</p>	<p>RT-77</p>

<p>It is extremely difficult to mitigate running out of water – other sources are virtually non-existent.</p>	<p>RT-77 (cont'd)</p>
<p>65. V-50, 1<sup>st</sup> ¶, states that “The County typically utilizes a figure of 1.26 AFY of water consumption for primary residences as a guideline to estimate water demand from residential uses on one acre lots.” For 102 homes, that equates to 128.52 AFY. And that does not include water usage for the equestrian facility, “ranch headquarters,” recreation facility, community center, HOA facility with pool, entrance gate, common area landscaping, etc. etc. Yet Table V.B.-1, <i>Aquifer Storage and Yield</i>, indicates an estimated annual yield (AFY) on only 197AFY using suspect and unverified data. Considering the problems with the data, the unaccounted for uses and consequences of a fatal error; an estimated margin of 68 AFY seems inadequate. Clearly, as had repeatedly pointed out, an independent assessment is essential to protect the County’s and general community’s interests.</p>	<p>RT-78</p>
<p>66. V-56, 4<sup>th</sup> ¶, 3<sup>rd</sup> line, states that “The water demand for the project is anticipated to be 143 AFY.” That brings the margin discussed in comment 65 of 68 AFY down to 54 AFY. The other portions of comment 65 apply here as well.</p>	<p>RT-79</p>
<p>67. V-62, <i>Water Quality</i>, 2<sup>nd</sup> ¶, 5<sup>th</sup> &amp; 6<sup>th</sup> lines, states “Los Berros Creek has been designated as having multiple beneficial uses in the RWQCB’s Central Coast Basin Plan.” Since the DEIR documents (Pg V-56 &amp; 57) the adverse impact to and earlier “drying up” of the creek due to project pumping, will the applicant or County need to obtain RWQCB concurrence on the project? Same for WAT Impact 8 on page V-63.</p>	<p>RT-80</p>
<p>68. V-63, <i>Water Supply</i>, 3<sup>rd</sup> line, states “wells proposed for use tap into individual aquifers.” Again what is the basis for this unsubstantiated opinion? Historically this has not been the case in other areas with wells into fractured shale.</p>	<p>RT-81</p>
<p>69. V-123, <i>Paleontological Resources</i>: Interesting information but no comment.</p>	<p>RT-82</p>
<p>70. V-145, <i>Historic Resources</i>. Interesting; but no comment other than support for saving Campy’s ranch complex.</p>	<p>RT-83</p>
<p>71. V- 199, discussion of traffic alternatives: Why was there no mention in Section H, <i>Transportation and Circulation</i>, of the very desirable attributes of the Alternative Access Option 1, Extension of Cimmaron Way, page VI-30? Implementation of this alternative would negate all the negative features of the proposed route and appears to have minimal environment consequences. Data should be provided to the County that allows a valid tradeoff assessment of the Cimmaron Way option.</p>	<p>RT-84</p>
<p>72. V-159, <i>Agricultural Resources</i>, ¶b, <i>Local Setting</i>, last sentence: DEIR states that “The project site is located within the Upper Los Berros Canyon, which supports a variety of agricultural uses including vineyards, orchards, and livestock grazing.” I believe this is incorrect and misleading. The historical use of the Campodonico ranch was dryland farming and cattle grazing. A small avocado orchard (Del Sights) has been</p>	<p>RT-85</p>

<p>located adjacent to the northern boundary of the ranch since the late 1950s. The remainder of Los Berros Canyon was use for grazing with some dryland farming where terrain permitted. In fact, the Deutz planting of grapes in the early 1980s was the first commercial vineyard anywhere in the area. I suggest that the statement needs to be reworded to downplay support of orchards and vineyards, and instead reflect the predominant uses of the general area, i.e., dryland farming and cattle grazing.</p>	<p><b>RT-85 (cont'd)</b></p>
<p>73. V-160, 1<sup>st</sup> ¶, 3<sup>rd</sup> line, states “An additional 694 acres (non-contiguous) is undeveloped and is used for livestock grazing.” I believe the phrase “non-contiguous” is misleading and requires clarification. If the grazing land is not contiguous, where is it? About all that separates the grapes from the pasture are barbed wire fences. Please clarify.</p>	<p><b>RT-86</b></p>
<p>74. V-160, 1<sup>st</sup> ¶, 5<sup>th</sup> line, states “---seven well for agricultural and winery use,---:” This is inconsistent with Figure V.B.-2, pg V-37, that only shows 5 “vineyard wells” - wells #1, 2, 4, 5, &amp; 7 (what happened to #3 &amp; #6?). Please clarify actual number and location vineyard wells, and status of wells #3 and #6.</p>	<p><b>RT-87</b></p>
<p>75. V-160, 1<sup>st</sup> ¶, last line: Please provide the date that any of the parcels were removed from the Agricultural Preserve or Williamson Act Contracts, if any were afforded these protections or status.</p>	<p><b>RT-88</b></p>
<p>76. V-160, last ¶, 1<sup>st</sup> line: indicates 13 existing wells but Figure V.B.-2 only shows 11, Again, the DEIR is inconsistent . Please clarify the correct number of wells.</p>	<p><b>RT-89</b></p>
<p>77. V-161, 1<sup>st</sup> ¶, last sentence: states “Yield from agricultural wells range from 260 to 500 gpm.” Detailed data for each well (whatever the actual number of wells) should be included in this DEIR to substantiate this key statement. It is curious that the others “project” wells do not have equivalent production rates.</p>	<p><b>RT-90</b></p>
<p>78. V-168, 1<sup>st</sup> ¶, 1<sup>st</sup> line, states: “none of the site’s parcels are currently located within an agricultural preserve and none are under land conservation contracts.” Note use of “currently.” Comment 75 applies – what is the history of the parcel’s agricultural preserve or land conservation contracts, if previously protected when were they removed?</p>	<p><b>RT-91</b></p>
<p>79. V-168, 2<sup>nd</sup> ¶, indicates that 4 lots totaling 1787.34 acres of the 1910 acres under Williamson Act contracts. See next comment.</p>	<p><b>RT-92</b></p>
<p>80, V- 168, last ¶, 2<sup>nd</sup>, 3<sup>rd</sup> &amp; 4<sup>th</sup> lines: DEIR indicates lots containing the equestrian facility and ranch headquarters including a recreation facility, community center, HOA facility, and eventually the dude ranch are on the open space/agricultural lots. These facilities (and others) are for the express use of future residents and guests, and have absolutely nothing to do with or contribute to production agriculture. These facilities are inconsistent with the intent of the laws to protect and support agricultural. Putting these facilities under Williams Act and/or LOU protection just to save property taxes is misleading and requires careful review by the appropriate agencies before approval.</p>	<p><b>RT-93</b></p>

- 81. V-180, *Water Usage*: This controversial topic has been discussed elsewhere and I have numerous specific comments. However, the need for an independent assessment is critical which justifies being mentioned here again. “Trust but Verify.”

RT-94
- 82. V-183, AG Impact 4. Please take note of this “significant and unavoidable Class 1” impact.

RT-95
- 83. V-186, *Transportation & Circulation*, ¶b. *Pedestrian & Bicycle Facilities*, 8<sup>th</sup> line: states “There are no existing bicycle facilities in the study area.” Also note: “Bike routes are generally located on low traffic volume streets that provide alternative routes for recreational, and in some cases, commuter and school-age cyclists. These facilities are designated Class III and are signed for bike use, but do not necessarily have any separated bike right-of-way or lane stripping.” The fact is many residents and visitors use Sheehy and North Dana Foothill for riding horses, biking, and exercise walking – and have for several generations. The fact that the County has not kept up with signage has not stopped us from using the benefits of the rural nature of our area. Roadways in many other agricultural area of the County are used in the same manner. We do not want to lose these desirable activities in our area due to significantly increased traffic from this development.

RT-96
- 84. V-187, last ¶, 5<sup>th</sup> & 6<sup>th</sup> lines: Note that traffic counts were conducted in January 2006. The data sheets indicate data was collected on the 2<sup>nd</sup> and 3<sup>rd</sup> of January. The dead of winter is the worst time to complete traffic surveys. For example, most Laetitia workers routinely use the Sheehy/Thompson intersection but the workforce is at a minimum in January. Even worse, the local schools were not in session. The traffic on Thompson associated with Nipomo High School is horrendous around the start of school and for most of the afternoon. And even worse than that, the traffic data does not account for the eventual traffic on Thompson from the Willow Road extension (no northbound on or off ramps planned; funneling traffic onto Thompson). And finally, the 12<sup>th</sup> line, states that traffic count data is provided in Appendix E. Wrong, data is in Appendix D. If these observations are correct, the traffic count data is either not trustworthy or totally incorrect. In either case, the data collection and adjustments must be redone.

RT-97
- 85. V-193, table V.H.-3, *Existing Intersection Levels of Service*: Data in this table is suspect for Thompson in general and for Sheehy/Thompson. “Trust but Verify.”

RT-98
- 86. V-109, 2<sup>nd</sup> ¶ & 110, Table V.H.-9. Information is noted but does it include typical service vehicles – resident traffic to service the housing and “ranch headquarters” needs (UPS, home cleaning & maintenance, sheriff patrols, deliveries etc.)? In a large developed area as remote as Laetitia, this supporting traffic could be significant.

RT-99
- 87. V-204, Table V.H.-10, *Existing and Existing with Project Intersections LOS*: Again, this table and related text is suspect if the basic traffic count and other factors are invalid.

RT-100
- 88. V-201, Figure V.H.-4: Figure reflects 5% will proceed south of Thompson. I live there, your indicated sources do not. I believe that estimate is much too low; perhaps 15

RT-101

<p>or 20% would be more reasonable. Further, the figure shows that 60% of the traffic proceeds north and 40% heads south. I'd bet the truth is more like the reverse - 60% south and 40% north. Many current residents of the area work in the Santa Maria area. Also, why does this info not match the actual traffic count data sheets?</p>	<p>RT-103 (cont'd)</p>
<p>89. V-206, ¶(d) <i>Sheehy/ North Thompson Road</i>: Establishing a left turn on southbound Thompson does not help those trying to make either left or right turns from Sheehy onto Thompson. Even with current traffic (without Laetitia and Willow Road impacts) this is a dangerous intersection.</p>	<p>RT-104</p>
<p>90. V-211, ¶d., <i>Bicycle Impacts</i>, 2nd ¶, indicates the County Parks and Recreation Element shows existing and proposed parks and trail facilities in areas throughout the County.--Multi-use trails are proposed along North Thompson Road, Sheehy Road, North Dana Foothill Road, and along the Los Berros Creek ---." See comment 84. We need to maintain the current and future recreational usage in the unpaved areas of these roadways.</p>	<p>RT-105</p>
<p>91. V-219, 1<sup>st</sup> ¶, last line: Indicates a total growth estimate for the next 20 years of 74% over current levels. Clearly resources can not support this continued growth, especially in the rural areas. Availability of water will become the limiting factor, we are reaching critical capacity now. If this estimate is near correct, the last 73 years will have been much better than the next 73. Good luck to all.</p>	<p>RT-106</p>
<p>92. V-427, ¶P.1.a. <i>Population and Housing</i>, 2<sup>nd</sup> ¶, "This dramatic growth within the South County Planning Area is placing strains on infrastructure, including road capabilities, schools, and water availability." Also, 4<sup>th</sup> ¶, last line: "---growth has not been evenly distributed throughout the County, and certain communities have provided a disproportionate share of dwelling unit increase (e.g., Nipomo). Seems to me that as these two statements are in direct conflict the underlying project objective of building houses on Laetitia. Just adds justification to down-sizing or disapproving the project.</p>	<p>RT-107</p>
<p>93. V-429, 4<sup>th</sup> ¶, indicates that the 254 expected population of the project will at 17.4% of the population projected for the South County planning area from 2010 to 2020. I suggest we do not need this population growth in an isolated rural area. Growth can best be accommodated within or near existing city and town boundaries.</p>	<p>RT-108</p>
<p>94. VI-1, ¶A, last 2 lines, pg VI-5 &amp; 6, &amp; pg VI-7, ¶3: The number and identification of the alternatives do not match on these 3 lists. The DEIR should be consistent throughout Section VI <i>Alternatives Analysis</i>.</p>	<p>RT-109</p>
<p>95. VI-19, <i>Reduced Project – Single Cluster Alternative</i>: In my view, this alternative is second only to the <i>No Project Alternative</i> and is preferable to the proposed multi-cluster alternative. However given that a project will occur, an even better solution is the combination of the <i>Single Cluster Alternative</i> with the <i>Reduced Project – Ordinance and General Plan Consistency Alternative</i> (pg VI-8). This combination would follow all the criteria of the latter alternative but would grant only a single cluster rather than the several</p>	<p>RT-110</p>

as proposed. The desirable features of this approach would be that it adheres to the current policy guidance and General Plan, reduces the scope and density of the project, and minimizes environmental impacts via the single cluster concept. The two methods to handle the Rural Land issue will be left for the policy makers to decide.

RT-110  
(cont'd)

96. VI-30, ¶8, *Alternate Access*: Option 1 (extend Cimmaron Way) is an extremely attractive alternative to the proposed access approach. This approach avoids the kludge that would result from using the proposed traffic route that is objectionable to all current residents of the area who have reviewed the approach. If the applicant really wants the project, let them undertake the process described for the Cimmaron Way extension in the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs. Should be much less costly than an overcrossing at Laetitia Drive and Highway 101. It is clearly preferable to those of us impacted by the current undesirable routing. It is interesting that the DEIR makes no mention of the possible use of the existing HW101 intersection into Laetitia property approximately 0.5 miles to the south of the Laetitia Drive intersection. This intersection services traffic on the Laetitia easement to the Tremper ranch property that is surrounded three sides by project land.

RT-111

97. Appendix D, Traffic Counts worksheets site code 00000002, 2PMFINAL, 1/3/06, 2AMFINAL, 1/4/06; and site code 01 1PMFINAL; 1/3/06, 1AMFINAL, 1/4/06 all dealing with several intersections including Thompson and Sheehy. Also *Existing Level of Service Calculation Worksheets*, Thompson and Sheehy, Existing AM, page 4, and Existing PM, page 4 (2<sup>nd</sup> page 4?). Also *Detailed Trip Generation Table, Table 1, Existing With Project Level of Service (LOS) Calculations Worksheets*, Existing + Project AM, 2/2/06; *Cumulative LOS Calculation Worksheets*, Thompson and Sheehy, Cumulative AM and Cumulative PM, 2/1/06; *Cumulative with Project LOS Calculation Worksheets*, Thompson & Sheehy, Cumulative + Project AM and Cumulative + Project PM, 2/1/06.

RT-112

This long list of worksheets may be impacted by previous comments regarding (1) counts low due to being taken in winter, (2) does not include Nipomo High School traffic, and (3) does not include anticipated traffic due to Willow Road (without on/off northbound ramps) extension to Thompson. Until these issues are addressed, the entire traffic and circulation findings very suspect; not a solid basis for decisions. "Trust but Verify."

RT-113

98. The eventual development of the 75-unit dude ranch is mentioned several times throughout the DEIR. Does the applicant propose that this DEIR includes the environmental impacts for the dude ranch or will subsequent DEIR or FEIR amendment of supplement address the dude ranch impacts? Clearly significant adverse impacts can be expected to result from this additional development, especially for water usage and increased traffic leading to the Sheehy/Thompson intersection. If the dude ranch included in this DEIR, several sections of the document may need to be modified to include the detailed assessments of these additional impacts.

RT-114

### Responses to Raymond Toomey's Comments

Comment No.	Comment
RT-1	Please refer to responses to specific comments below.
RT-2	The commenter's statements and concerns will be considered by the County decision makers.
RT-3	Please refer to responses to specific comments below.
RT-4	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
RT-5	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply and water quality.
RT-6	As noted in the Final EIR (Section V.N. Transportation and Circulation), mitigation is identified that would ensure the roads are constructed to meet County Road Standard A1f (1001 to 3000 Future ADT-Flat and Rolling) and would include intersection controls and improvements (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). This mitigation would address additional trips not captured during the baseline traffic counts. Regarding school-related traffic, the recently completed Willow Road interchange provides improved access to Nipomo High School.
RT-7	Based on the U.S. 101 South County Corridor Transportation Study (2013), 4,400 average daily trips are generated on North Thompson Avenue, and the roadway operates at LOS A. Traffic resulting from the Willow Road extension was not included in the traffic analysis for the proposed project; however, the County Department of Public Works was consulted to determine if the Willow Road project would substantially affect the analysis conducted for the Draft EIR. The Department concluded that the Willow Road extension would not have a substantial effect on the US 101/Los Berros Road/N. Thompson Road interchange under peak hour conditions (personal communication, 2011).
RT-8	In addition to baseline conditions, cumulative impacts based on traffic modeling out to the year 2025 is presented in the EIR. Under future conditions, Sheehy Road and the Sheehy Road/North Thompson Road intersection would operate under acceptable levels of service (refer to Final EIR Tables V.N.-14 and V.N.-15). Mitigation is identified at this intersection, including construction of a left turn channelization land (TR/mm-3).
RT-9	The commenter's statements and concerns will be considered by the County decision makers.
RT-10	Please refer to responses to specific comments below.
RT-11	Please refer to responses to specific comments below.
RT-12	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
RT-13	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
RT-14	Based on review by the County Agricultural Commissioner's Office, the proposed vineyard replacement would partially, but not completely, offset the loss of productive vineyards because the long-term success and productivity of these replacement areas is unknown, while the permanent loss of currently productive areas is certain. The loss of productive farmland is considered a significant impact (AG Impact 1).
RT-15	Please refer to Final EIR Section III.D.1 (Project Description, Project Site History, Historic Uses), which has been revised to include the following: " <i>The Campodonico Ranch, which comprises the eastern portion of the project site, was purchased 1998.</i> "

Comment No.	Comment
RT-16	Please refer to EIR Chapter VII Environmental Analysis for a discussion of growth inducing impacts and irreversible changes.
RT-17	The commenter's concerns and statements will be considered by the County decision makers.
RT-18	Road improvements would be constructed consistent with County road standards, which would require widening and shoulders within the County right-of-way. These improvements would not include designated recreational trails or paths.
RT-19	Construction of a new interchange at the Laetitia Vineyard Drive/Highway 101 intersections is not considered feasible due to funding and jurisdictional constraints associated with improvements on Highway 101. The commenter's concerns will be considered by the County decision makers.
RT-20	The commenter's concerns and statements will be considered by the County decision makers.
RT-21	Mitigation measure BIO/mm-15 is based on the language in the Kuehl Bill, which states that planting trees "shall not fulfill more than one-half of the mitigation requirement for the project." The conservation requirement is identified to provide protection of oak woodland in perpetuity. The County does not currently have an adopted Oak Tree Ordinance.
RT-22	Identified mitigation is tied to the land. The developer will be responsible for providing funding for the monitoring requirements to the County prior to approval of subdivision public improvement plans or grading permit issuance (refer to BIO/mm-2). The monitor would be under contract to the County.
RT-23	Please refer to Recirculated (2013) and Final EIR Sections V.E. Biological Resources and V.P. Water Resources, which include an assessment of impacts to water resources, aquatic habitat, and aquatic species.
RT-24	The commenter's statement will be considered by the County decision makers.
RT-25	The commenter's statement will be considered by the County decision makers.
RT-26	Implementation of mitigation measures AG/mm-1 through AG/mm-3 would reduce potential land use conflicts that could reduce crop production. As noted, these measures would not mitigate the loss of farmland to a less than significant level.
RT-27	Construction of a new interchange at the Laetitia Vineyard Drive/Highway 101 intersections is not considered feasible due to funding and jurisdictional constraints associated with improvements on Highway 101. The commenter's concerns will be considered by the County decision makers.
RT-28	Adoption of CC&Rs is a standard, accepted, and legally binding measure to implement mitigation measures in the event the developer would not be constructing individual lots. Verification of compliance would be implemented by the County.
RT-29	The SLOAPCD identifies off-site mitigation as an acceptable measure to mitigate for long-term impacts. The SLOAPCD will identify suitable options within the County, consistent with the current SLOAPCD CEQA Handbook.
RT-30	Pursuant to the SLOAPCD CEQA Handbook (2012), compliance with all measures is required. The measures listed are identified by the APCD to reduce operational emissions.
RT-31	Please refer to RT-19, in addition to EIR Chapter VI Alternatives Analysis, which identifies reduced projects that would minimize potential noise impacts.
RT-32	Please note the identified impact is classified as significant, and mitigation presented was recommended by CALFIRE, the affected agency.
RT-33	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes updated impact statements and mitigation measures.
RT-34	Based on the traffic analysis conducted for the project, and reviewed and approved by Public Works, construction of a left turn lane would address potential traffic impacts created by the project at the Thompson/Sheehy Road intersection. The Willow Road interchange redistributes trips from the Los Berros and Tefft Street interchanges. Based on the Final Traffic Operations Report (2004) for the US 101/Willow Road Interchange Project, traffic volumes on North Thompson are reduced as

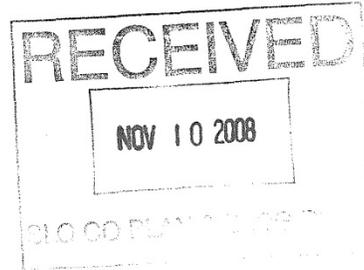
Comment No.	Comment
	a result of the extension. Estimates show daily traffic volumes in 2030 at 5,400 with the project and 7,300 without the project.
RT-35	Based on review of the project by County Parks, identification of a recreational trail along Sheehy Road was not recommended to address potential impacts to recreational resources. Road widening and creation of shoulders would provide additional space for equestrians, pedestrians, and bicyclists; however, the County acknowledges that this additional space would not equate to a designated trail.
RT-36	Based on review of the project by County Parks, identification of a recreational trail along North Dana Foothill Road was not recommended to address potential impacts to recreational resources. Road widening and creation of shoulders would provide additional space for equestrians, pedestrians, and bicyclists; however, the County acknowledges that this additional space would not equate to a designated trail.
RT-37	As noted in Final EIR Section V.M. Recreation, identification of a trail easement along Upper Los Berros Road is recommended by County Parks. The trail would not be constructed in the near future, and would depend on funding. Road widening and creation of shoulders would provide additional space for equestrians, pedestrians, and bicyclists; however, the County acknowledges that this additional space would not equate to a designated trail.
RT-38	Implementation of AES/mm-7 would not eliminate new sources of light, but would reduce the effects of exterior lighting by shielding sources from shining into the sky and towards offsite locations. The commenter's concerns will be considered by the County decision makers.
RT-39	Referenced mitigation measure REC/mm-1 was identified by County Parks during review of the proposed project, including the provision that trail construction is not required at this time.
RT-40	Please note all lighting, including security lighting, would be shielded pursuant to mitigation measure AES/mm-7.
RT-41	The traffic estimates are based on Institute of Transportation Engineers (ITE) rates for residential uses, which include approximately 10 daily trips per lot. This estimate would include transport of children to school.
RT-42	Collection of solid waste would occur on a weekly basis, which would not significantly contribute to additional daily trips.
RT-43	The proposed ranch headquarters would result in a change in visual character; however, due to the presence of existing mature trees and proposed landscaping, visibility of the proposed facility would be limited, and effects would be less than significant.
RT-44	Please refer to response to comment RT-39, above.
RT-45	Please refer to response to comment RT-27, above.
RT-46	The commenter's statement will be considered by the County decision makers.
RT-47	The commenter's statement will be considered by the County decision makers.
RT-48	The remaining 1,127 acres would remain undeveloped, except where noted. This statement does not preclude agricultural uses in the future.
RT-49	The applicant has not identified a specific timeframe for phased development. Development of a dude ranch would first require submittal of an use permit application, and subsequent project and environmental review.
RT-50	The commenter's statement is noted.
RT-51	The project applicant is noted as identified on permit applications.
RT-52	The EIR Project Description, Project History, has been clarified to note the purchase of the Campodonico Ranch.

Comment No.	Comment
RT-53	The EIR Project Description, Existing Permitted Uses and Permit Application History section has been updated to reflect the current number of wells onsite (15).
RT-54	The applicant has not proposed a timeframe for phased development.
RT-55	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels and the interpretation of ranch headquarters.
RT-56	The commenter’s concerns regarding the mutual water company will be considered by the County decision makers.
RT-57	Biosolids generated by the wastewater treatment facility may be disposed of at Engel & Gray, Inc. in Santa Maria.
RT-58	The generation of one trip per week during operation of the wastewater treatment facility was reviewed by the EIR traffic consultant, and the additional trip would not affect the results of the traffic analysis.
RT-59	Please refer to Final EIR Section V.P. Water Resources, Wells and Infrastructure (page V.P.-5) for a summary of existing wells onsite. In addition, EIR Chapter III Project Description, 7. Water Infrastructure has been clarified by identifying the number and type of wells onsite.
RT-60	The applicant has not identified a potential option for purchase of water. The EIR analysis is not contingent on this measure to address drought conditions.
RT-61	The applicant proposes the mutual water company to be separate from the agricultural operator; the commenter’s concerns regarding this issue will be considered by the County decision makers. CC&Rs are a commonly applied and legally-binding document to ensure long-term compliance with mitigation measures.
RT-62	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-63	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-64	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-65	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-66	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-67	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-68	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-69	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-70	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-71	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-72	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-73	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-74	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-75	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-76	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-77	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-78	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-79	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.

Comment No.	Comment
RT-80	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-81	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-82	The commenter's statement is noted.
RT-83	The commenter's statement is noted.
RT-84	The EIR assesses access routes based on existing roadways. Potential Alternatives to the project are identified in the Alternatives Analysis.
RT-85	Final EIR Section V.B. Agricultural Resources, 1. Existing Conditions, b. Local Setting has been clarified to include dryland farming.
RT-86	The use of the term non-contiguous applies to the areas of the site that are separated by vineyard blocks, such as the western and eastern portions of the project site.
RT-87	Final EIR Section V.B. Agricultural Resources (see Agricultural Water Supply, page V.B.-2) has been clarified to describe the existing agricultural wells as follows: "Additional existing agricultural facilities on the project site include two farm support quarters, two irrigation ponds, composting areas, seven wells for agricultural and winery use ( <i>and four additional wells that may be used for agricultural use</i> ), barns, agricultural roads, signage, and pipelines".
RT-88	Upon initiation of the EIR, no parcels onsite were under Williamson Act Contract.
RT-89	The description of the agricultural water supply has been updated to describe the 15 wells onsite.
RT-90	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources and Final EIR Appendix H which includes additional information regarding the onsite wells.
RT-91	Upon initiation of the EIR, no parcels onsite were under Williamson Act Contract.
RT-92	The referenced paragraph notes that the identified four parcels would be put under Williamson Act contracts and County agricultural/open space easements. This would be a requirement for approval of the Agricultural Cluster Subdivision.
RT-93	Please refer to EIR Chapter IV Environmental Setting, Table IV-2 Consistency with Land Use Ordinance 22.22.150 – Agricultural Lands Clustering, which addresses the ordinance requirements for development within identified open space parcels.
RT-94	The referenced Water Usage discussion has been updated based on the results of the supplemental water testing documented in Recirculated (2013) and Final EIR Section V.P. Water Resources.
RT-95	The commenter's statement is noted.
RT-96	The commenter's concerns will be considered by the County decision makers.
RT-97	Please refer to response to comment RT-6, above.
RT-98	Please refer to response to comment RT-34, above.
RT-99	The Final EIR has been corrected to note that traffic data counts are documented in Appendix G.
RT-100	The traffic analysis was reviewed and approved by County Public Works.
RT-101	The traffic analysis considers average daily trips of approximately 10 per residence. This trip count provides a reasonable assessment of residential trips based on Institute of Transportation Engineers (ITE) standards.
RT-102	The traffic analysis was reviewed and approved by County Public Works. Please note mitigation is identified that would bring the affected roadways to County Road Standard A1f (1001 to 3000 Future ADT-Flat and Rolling) and would include intersection controls and improvements.
RT-103	The traffic analysis assumptions were reviewed and approved by County Public Works. The assessment provides a reasonable assumption that a majority of traffic generated by the project

Comment No.	Comment
	would exit the site and enter US Highway 101 at the Los Berros/North Thompson interchange.
RT-104	In addition to baseline conditions, cumulative impacts based on traffic modeling out to the year 2025 is presented in the EIR. Under future conditions, Sheehy Road and the Sheehy Road/North Thompson Road intersection would operate under acceptable levels of service (refer to Tables V.N.-14 and V.N.-15). Additional traffic controls are not necessary based on the warrant calculations.
RT-105	Typically trail improvements occur on the property proposed for development, due to constraints related to private property easements. It is not feasible to require the applicant to obtain easements on private properties along noted roadways for trail development.
RT-106	The commenter's statement is noted.
RT-107	The commenter's statement is noted.
RT-108	The commenter's statement is noted.
RT-109	Please refer to Recirculated (2013) and Final EIR Chapter VI Alternatives Analysis, which has been updated and revised since the 2008 Draft EIR.
RT-110	The commenter's statements will be considered by the County decision makers.
RT-111	The commenter's statements will be considered by the County decision makers. Based on consultation with Caltrans, use of existing at-grade intersections on Highway 101 is not permitted due to safety concerns.
RT-112	The commenter's reference is noted.
RT-113	The traffic analysis was reviewed and approved by County Public Works. Please note the recent Willow Road improvements, and the U.S. 101 South County Corridor Transportation Study (2013) designate Thompson Road operating at an acceptable level of service. These factors support the conclusions in the EIR.
RT-114	The dude ranch is assessed in the EIR as a future development proposal. Upon submittal of a land use permit application, subsequent environmental review would be required, based on project-specific details.

Marc and Linda Sommerfeld  
255 Broken Arrow Road  
Nipomo, CA 93444



November 6, 2008

Eugene Mehlschau  
County of San Luis Obispo  
Planning & Building Dept.  
Attn: Planning Commission Secretary  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

Dear Mr. Mehlschau:

This letter is to express our deep concern and adamant objection to the proposed Laetitia project. Our greatest fear is the impact to existing homeowners if an ill-conceived development begins sucking out 1,000 gallons of water per minute from an already-threatened groundwater supply. MLS-1

Our second major concern is the plan to place a sewage treatment facility with effluent holding ponds within sight and smell of existing upscale homes, thereby destroying their property values. MLS-2

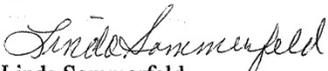
A third issue is the very real threat to everyone's safety when 1,000 more cars per day begin using roads designed for rural (not city) use. The developer chooses to sacrifice safety by refusing to create a separate entrance and exit off 101. What about emergency vehicles and evacuations? MLS-3

Another disturbing issue is that considerable environmental impacts cannot be avoided. The developer (who never lives here) would remove 300 live oak trees, which would negatively affect steelhead trout habitat, would disturb archaeological sites, and would reduce productive farmland. Surely, this cannot be acceptable. MLS-4

We ask you to help us preserve this beautiful county by rejecting this ill-advised development, and we thank you for your consideration.

Sincerely,

  
Marc Sommerfeld

  
Linda Sommerfeld

### Responses to Marc and Linda Sommerfeld's Comments

Comment No.	Comment
MLS-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.
MLS-2	The wastewater treatment facility would be located near existing equipment storage area, approximately 0.5 mile from the nearest property boundary to the southeast (refer to Figure III-12). Storage ponds would be located approximately 200 feet from the closest adjacent landowner. While the pond would be visible, its appearance would be similar to an agricultural reservoir or irrigation storage pond, and would function as such. As described in Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
MLS-3	Based on consultation with Caltrans, consideration of access via Laetitia Vineyard Drive / Highway 101 is not a feasible option due to significant traffic safety concerns. The EIR notes a significant impact due to potential funding and jurisdictional constraints related to interchange improvements on Highway 101.
MLS-4	Please refer to EIR Chapter VI Alternatives Analysis, which considers alternatives that would avoid or reduce identified significant impacts.



Vince McCarthy  
<vincemcc@netzero.net>

11/07/2008 03:42 PM

Please respond to  
vincemcc@netzero.net

To Brian Pedrotti <bpedrotti@co.slo.ca.us>

cc

bcc

Subject Laetitia Project DEIR

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<http://thirdpartyoffers.netzero.net/TGL2241/fc/Ioyw6i4uIzrPuURm8njiJqVy9PKsBKoegRyCCHFpXdXLURLV2rupgV/>  
Vincent McCarthy

194 E. Dana St  
Nipomo, Ca 93444  
E-mail: vincemcc@netzero.net  
7 November, 2008

Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Mr. Brian Pedrotti,

Below are a few questions and comments regarding the Laetitia Agricultural project I would like placed in then final EIR as a matter of record.

- o. Nipomo has been in a drought since 2001 and has not a good rainy season since then. Many wells have dropped substantially over these years. Overpumping by this project could cause a loss of water to many residents. VMC-1
- o. Lack of water. Cleath and Accociates tested the Laetitia's wells and found they had a very poor recovery time. Without any water backup source. Wouldn't it seem a risky project for any buyer into this project? VMC-2
- o. Since these wells have shown a slow recovery and this area experiencing a prolonged drought what happens to the residents of this project if the wells do go dry, Does the project designers they have plans to bring in supplemental water from some other source? If so what is the source and where will the source be and when? Is that source to be included in the final plans, before construction? VMC-3
- o. There was nothing mentioned in the well checks about private wells in the surrounding area being affected by these well pumping tests. Is there plans to retest the wells and check the surrounding private wells for an affect the Laetitia project pumping will have on them? VMC-4
- o. What will the project designer do for the peoples whose private wells that are destroyed due to the heavy water pumping from the Laetitia project? VMC-5
- o. Impact on traffic safety, circulation:  
The windy road leading into the canyon was not made to carry the amount of traffic that this project will create. Has the developer though about rerouting the roads main road 1 and main road 2 to meet up with Cimarron Way? This would avoid a lot of traffic problems through the canyon. VMC-6
- o. The reason that area from Sheehy road through the canyon has a LOS of "A" is because there is not that much traffic generated by the residents that use these roads. That will change if this project is allowed, I doubt the projected roads will actually handle all the traffic generated by this project. This can be borne out by the congestion of the main roads that are presently in Nipomo at this time. VMC-7
- o. The Draft EIR says the all the so-called improvements must be in before any of the lots are sold. Since the County of San Luis Obispo Building and VMC-8

Planning Dept. is supposed enforce these mitigations, are they going to renegotiate the mitigations if the Developer says "It won't pencil out" ?

VMC-8 (cont'd)

o. If the mitigations are renegotated, will the public have a voice in these proceedings? Will these proceeding be held here in Nipomo?

VMC-9

o. How really firm are these mitigations in this DEIR?

VMC-10

o. At present the closest bus stop is 2 miles away, Is there going to be any public transportation or bike lanes going into this project?

VMC-11

o. In January 2006 the San Luis Obispo Planning Commission had a long discussion with PG&E about spent fuel rods storage at the Diablo Canyon Power plant. In that discussion one of the topics brought up by PG&E was emergency evacuation. PG&E said they had dropped all their emergency evacuation procedures and that in case of a nuclear disaster, and it would be up to people to find their way to a safe area on their own. There are only 3 exits out of Nipomo in case of an evacuation of any sort. Allowing building in areas that will create congestion if a evacuation is necessary. Yet neither the County or any developers have looked at this situation. I think the burden of responsibility lies with of County and the Developers to look at this problem before it becomes a reality. Also the final decision is both the responsibility of the Planning Commission and the Board of Supervisors toward it constituency. This case of the Laetitia project is one more case in point with its traffic congestion it will generate at Los Berros Canyon entrance at Highway 101.

VMC-12

o. Due to the vagueness of this DEIR and all the faults with it which I have pointed out only a very few of them It is suggested that this DEIR on the Laetitia project not be accepted at all.

VMC-13

Thank you Mr. Pedrotti for your time and consideration.

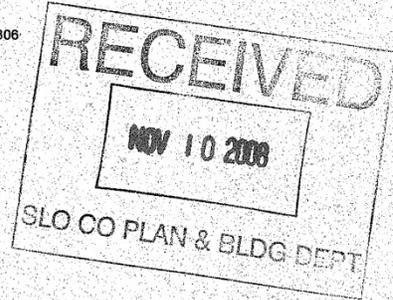
Sincerely, yours  
Vincent McCarthy

### Responses to Vince McCarthy's Comments

Comment No.	Comment
VMC-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.
VMC-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
VMC-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
VMC-4	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
VMC-5	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
VMC-6	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
VMC-7	Please refer to response to comment VMC-6 above.
VMC-8	Mitigation measures approved by the County decision makers cannot be modified without additional public review and analysis, pursuant to CEQA.
VMC-9	Modifications to adopted mitigation measures would require public review and approval by the County decision makers, which would include a public hearing, pursuant to CEQA.
VMC-10	Mitigation measures identified in the EIR will be considered by the County decision makers. Replacement or amendment of identified mitigation can occur at the project hearing, provided the substituted measures are more effective than the originally proposed measure.
VMC-11	The project does not include transit or bike lane improvements.
VMC-12	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns. In an emergency, future residents may use the Laetitia Vineyard Drive/Highway 101 intersection to evacuate.
VMC-13	Please refer to responses to specific comments above.

**Billita Corporation**

Billita Corporation  
2480 Brady Lane  
Arroyo Grande, CA 93420-5201  
(805) 474-4152; FAX: (805) 474-4306  
Email: brady2480@hughes.net



November 7, 2008

Brian Pedrotti, Project Manager  
Count Planning & Building Dept.  
County Government Center, Rm. 200  
San Luis Obispo, CA 93408-2040

Re: Comments on Draft EIR for the Laetitia Agricultural Cluster Subdivision (SUB2003-00001)

Dear Mr. Pedrotti:

We are a family corporation with partial ownership (28.5%) of the property adjacent (Northside) to the proposed Laetitia Agricultural Cluster Subdivision. We have reviewed the Draft EIR and have the following questions/concerns/requests for further information. These questions/comments primarily concern the impact of the Laetitia Project on our present and future ability to generate income from our property.

MMBC-1

- 1. Traffic impact; cumulative effect on 101 access and surface roads;
  - a. potential closing of El Campo Road and other median crossovers on 101 between Los Berros and Traffic Way;
  - b. funding for interchange construction along 101;
  - c. Page VI-30 8. Alternative Access: "Caltrans has suggested construction of a frontage road parallel to the northbound lanes of Highway 101..... Implementation of this alternative would require the applicant to obtain easements from adjacent property owners, or purchase land for roadway construction. The willingness of these outside parties directly affects the feasibility of this alternative." In addition to the property adjacent to Laetitia on the North on 101 we also have property that would be affected by this frontage road alternative.
  - d. potential for increased traffic south on Los Berros to El Campo east to access 101.

MMBC-2

MMBC-3

MMBC-4

- 2. Scenic views
  - a. All altered views appear to be from 101 and other surface roads. What rights do we as private property owners have regarding our views which will be altered by the project?

MMBC-5

- 3. Communication/cell Towers. What affect will the proposed residential cluster have on our right to maintain and/or add and/or retrofit additional communication towers on the adjacent property?

MMBC-6

- 4. Increased fire danger as a result of additional population and traffic activity

MMBC-7

- 5. Water treatment plant (odor, other environmental issues?)

MMBC-8

- 6. Potential infringement of property rights to continue current and future agricultural/cattle operations.

MMBC-9

- 7. Trespassing/liability: Current fencing between the properties is barbed wire cattle fencing with wire gates and/or 6 or 8 foot high field fencing to keep deer out of the vineyards. What are the development's plans to provide property separation? Who is liable for damages/injuries that occur on our property due to trespassing ?

MMBC-10

- 8. Impact on current/future recreational use by current owners (hunting, dirt-bike riding, horse back riding, camping etc.)

MMBC-11

- 9. Noise impact by development on our property values and owners' enjoyment of the property

MMBC-12

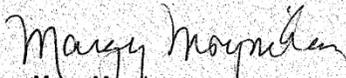
● Page 2

November 7, 2008

- 10. Environmental impact: grading, tree removal, wildlife, water runoff | MMBC-13
- 11. What will be the impact on ground water supply to our property and that of neighboring property owners? | MMBC-14
- 12. Impact on revenue generated by Picacho (towers, cattle, avocados, other future business opportunities). | MMBC-15
- 13. Tax implications for neighboring landowners resulting from county and/or other services that will be needed for/by the development? | MMBC-16

Thank you for this opportunity to comment on the Draft EIR.

Sincerely,

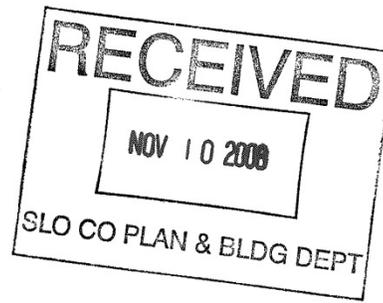
  
Margy Moynihan  
President, Billlta Corporation

### Responses to Margy Moynihan, Bilita Corporation's Comments

Comment No.	Comment
MMBC-1	Please refer to responses to specific comments below.
MMBC-2	Caltrans has indicated that median closures may occur in the future, which is independent of this project. The EIR notes feasibility constraints related to improvements on the Highway 101 corridor.
MMBC-3	As noted, there are constraints associated with the Alternative Access alternative, including acquisition of private land.
MMBC-4	Based on the traffic analysis, project-specific impacts would occur on access roads from the project site to Highway 101, and would be limited to roadways east of Highway 101.
MMBC-5	CEQA requires analysis of visual impacts from public roadways and areas, and does not require analysis of impacts to private views.
MMBC-6	Development of the project would not affect maintenance and/or retrofit of the noted communications towers.
MMBC-7	Please refer to Final EIR Sections V.G. Hazards and Hazardous Materials and V.L. Public Services and Utilities, which address the commenter's concerns regarding fire hazards. Compliance with CALFIRE standards and regulations would be required.
MMBC-8	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
MMBC-9	Development of the project would infringe adjacent and proximate uses and associated property rights.
MMBC-10	The applicant is not proposing additional fencing. Informational materials, including the County's Right to Farm Ordinance, would be provided to future landowners to discourage trespass. Liability would be based on current regulations in effect at the time of the incident.
MMBC-11	Development of the project would not have a direct impact on current private property uses.
MMBC-12	Please refer to Final EIR Section V.I. Noise, which assesses potential impacts on the ambient noise level in the area.
MMBC-13	Potential impacts resulting from grading, tree removal, and impacts to wildlife and water quality are addressed in the EIR. Please refer to relevant resource sections (Section V.E. Biological Resources and Section V.P. Water Resources).
MMBC-14	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.
MMBC-15	Implementation of the project is not anticipated to impact revenue generated by uses of the commenter's property.
MMBC-16	Future tax implications are currently unknown.

November 7, 2008

Susan Wies  
Homeowners  
1260 Hawthorne Lane  
Nipomo, CA 93444



Brian Pedrotti  
Project Manager  
County Planning & Building Department  
County Government Center, Room 200  
San Luis Obispo, CA 93408-2040

Dear Mr. Pedrotti:

I have reviewed the DEIR for the Laetitia Agricultural Cluster Subdivision located in the Arroyo Grande Public Library and am writing here to express my concerns regarding the project. We moved here to San Luis Obispo County largely because of the rural culture and laid-back lifestyle offered here. We are pleased to see that Laetitia wants to maintain the rural ambience and character of this beautiful area. We would hope that the County Planning & Building Department would strive to put stronger land trust protections in place on the lands which Laetitia states that they want to "preclude future development of agricultural lands".

SW-1

My specific concerns on this proposal are outlined below:

SW-2

1) Road infrastructure and access to project site:

-Road network in the report failed to cite use of and impacts to Rim Rock Road, which is an obvious 1.5 – 2 mile shortcut to Upper Los Berros Road. This road is not engineered or constructed to handle the traffic which would be generated by this project or a significantly similar project. Improved study and mitigation of impact would need to be put in place.

-Access to the 1,834 acre project site addressed Upper Los Berros Creek Road as the only option. Other options need to be considered and outlined.

SW-3

-Wouldn't there be other viable access options for such a large acreage? Including but not limited to several other possible access locations: access along Highway 101 frontage where current Laetitia Winery gates are located; access via purchase of (currently for sale) vacant lots and unimproved roads on Cimarron Way; access from other points on northern and western fringe of Laetitia property.

SW-4

SW

- The DEIR for the Laetitia Agricultural Cluster Subdivision states that Figure III-4 includes a listing of stated 18 recorded easements for the property. Since these easements were excluded from the DEIR, it is my assertion that workers and/or construction vehicles do not have legal access from Upper Los Berros Road to Laetitia properties.

SW-5
- 2) Lack of benefits to the community as a whole to offset negative impacts:

-The spirit of the project includes an objective that “precludes future development of agricultural lands”. Precludes only means it is something that comes before. This statement leaves the whole future development of Laetitia agricultural lands an open option.

-While the spirit of “maintaining rural character” is well-intentioned, it is not truly demonstrated by any land protections put forth in this documents. Why not place these agricultural lands and/or open space lands in a land trust which permanently protects them from future development?

-Why not have Laetitia donate portions of the agricultural lands and or proposed Open Space lots for uses which could benefit the community at-large? How do the residents of San Luis Obispo County besides just increased traffic, air pollution, huge development potential of 1,834 acres??

SW-6

SW-7

SW-8
- 3) Project as proposed provides inadequate assessment of and access to recreational facilities to the community as a whole:

-Access to open space and recreation facilities was unclearly stated and/or limited only to the residents of the development. In such a large development, why not find ways that it will benefit the community as a whole?

-For example, if a large site with frontage to Highway 101 were donated to San Luis Obispo for sports/recreation facilities maybe the county and state would be able to assist with a better plan for improved site and/or freeway access.

-Portions of this concerns are also outlined in #2 above.

SW-9

SW-10

SW-11
- 4) Water availability and management of this vital resource:

-Although current law allows for agricultural use of water on the site, the law does not include a provision for development of an Agricultural Cluster Subdivision and subsequent transfer of water rights to the new homeowners and/or new Mutual Water Company.

-Current DEIR did not address options for water availability other than using the Laetitia wells on site. A new Cluster Subdivision should be required to be access the other options to hook up to NCSD or other named South County Water Board. In our current time of limited water availability, this critical resource should be managed for the benefit of the entire community not just the developers of the Laetitia project.

SW-12

SW-13

-If Laetitia wells provide water for the Laetitia Agricultural Cluster Subdivision, it will put water supply at risk for Rim Rock Water Company residents (of which my husband and I are members) and other surrounding residents with private wells. | SW-14

5) Treatment of sewage, wastewater and runoff with the Effluent Ponds and Upper Los Berros Creek: | SW-15

-It would seem reasonable that a more desirable location for the 4.7 acre effluent pond and water treatment could be found on a 1,834 acre project site. In its current location, the effluent pond and water treatment is a public nuisance for adjacent homeowners on Rim Rock Road.

-The project proposes wastewater and storm runoff be allowed to run into Upper Los Berros Creek. While this is not legal, it also damages the creek habitat for many animals including steelhead trout. Any water or runoff issues will be sent downstream for someone else to own and mitigate. Laetitia needs to find better ways and better locations for dealing with these issues than to send the issues down-wind and down-stream. | SW-16

Best Regards,



Susan Wies



### Responses to Susan Wies's Comments

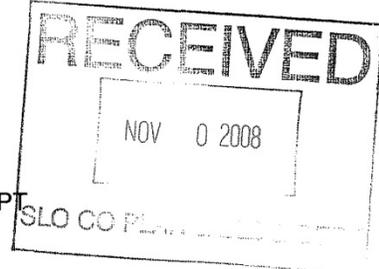
Comment No.	Comment
SW-1	Please refer to responses to specific comments below.
SW-2	Based on the traffic analysis, anticipated traffic would use improved roadways. Roadway and intersection improvements would address identified safety concerns. The traffic analysis includes the reasonable assumption that project-related traffic would use Sheehy and North Dana Foothill Road to access North Thompson and Highway 101.
SW-3	Please refer to EIR Chapter VI Alternatives Analysis, Alternative Access Alternative, which addresses potential options for new access routes to the project site.
SW-4	Please refer to response to SW-3 above.
SW-5	Upper Los Berros Road is a County road, and does not require an easement for public use.
SW-6	Establishing an agricultural or open space easement on the property would restrict future development within the easement area.
SW-7	Please refer to response to SW-6 above.
SW-8	The commenter's concerns will be considered by the County decision makers.
SW-9	The EIR considers potential impacts to recreational facilities as a result of the project. Aside from a trail easement identified by County Parks, provision of public facilities is not required.
SW-10	The commenter's statements will be considered by the County decision makers.
SW-11	Please refer to responses to specific comments above.
SW-12	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.
SW-13	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
SW-14	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
SW-15	Please refer to Final EIR Sections V.C. Air Quality and V.O. Wastewater, which address potential impacts related to the effluent ponds. As described in Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
SW-16	Please refer to Recirculated (2013) and Final EIR Sections V.P. Water Resources and V.E. Biological Resources, which assess potential impacts to water resources, aquatic habitat, and aquatic species.



General, Breast, Vascular and Thoracic Surgeons

November 7, 2008

BRIAN PEDROTTI  
Project Manager  
COUNTY PLANNING AND BLDG. DEPT.  
COUNTY GOVERNMENT CENTER  
Room 200  
San Luis Obispo, CA 93408



RE: Proposed Laetitia Agriculture Cluster Subdivision

Dear Mr. Pedrotti;

Thomas Bosshardt, M.D., F.A.C.S.  
220 S. Palisades Dr., Suite 202  
Santa Maria, CA 93454  
ph. 805-348-3700  
fax 805-348-3730

Joseph Centeno, M.D., F.A.C.S.  
525 E. Plaza Dr., Suite 204  
Santa Maria, CA 93454  
ph. 805-925-3030  
fax 805-925-6453

Robert Moss, M.D., F.A.C.S.  
525 E. Plaza Dr., Suite 204  
Santa Maria, CA 93454  
ph. 805-925-3030  
fax 805-925-6453

Monica Rocco, M.D., F.A.C.S.  
220 S. Palisades Dr., Suite 202  
Santa Maria, CA 93454  
ph. 805-348-3700  
fax 805-348-3730

I just recently had the opportunity to read over the Environmental Impact study and a letter from Dr. Castillo and others regarding the Laetitia Agriculture Cluster Subdivision and Dude Ranch project I have enclosed a copy of Dr. Castillo's letter so I don't need to reiterate all the findings that are there. Needless to say I agree with him completely. Of most concern to me is I really don't particularly want to have a sewage plant created upwind from my house which resides on Sheehey Road. I moved to this area to have some peace and quiet, therefore I am, also, appalled that there would be a subdivision access through Sheehey and Dana Foothill Roads, when access to Laetitia vineyards is already well established right off the 101. It seems to me that they should use their own entrance to their project and not mine.

RM-1

RM-2

RM-3

Thank you for your consideration.

Sincerely,

Robert Moss, M.D., F.A.C.S.

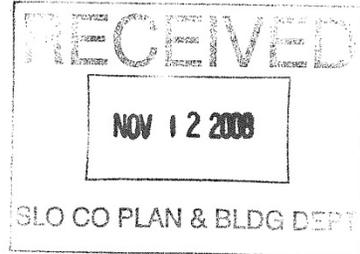
**Responses to Robert Moss, M.D., F.A.C.S.'s Comments**

<b>Comment No.</b>	<b>Comment</b>
RM-1	Please refer to responses to Dr. Castillo's letter above.
RM-2	The commenter's concern will be considered by the County decision makers.
RM-3	Please refer to EIR Chapter VI Alternatives Analysis, Alternative Access. Based on consultation with Caltrans, consideration of access via Laetitia Vineyard Drive / Highway 101 is not a feasible option due to significant traffic safety concerns and lack of an encroachment permit that allows for residential uses (aside from the existing estate residence).

Mr. & Mrs. Bailey Hudson  
1032 East Orange Street  
Santa Maria, CA 93454  
Phone: (805) 922-2204  
Fax: (805) 349-9933  
Email: unceuchudson@utech.net

November 8, 2008

County of San Luis Obispo  
Planning and Building Dept  
County Government Center, Room 200  
San Luis Obispo, CA 93408-2040



Attention: Brian Pedrotti, Project Manager

SUBJECT: Comments on Draft EIR for Laetitia Agricultural Cluster, Tract 2606

Dear Mr. Pedrotti:

We are owners of property located on Rim Rock Road as well as shareholders in the Rim Rock Water Company in an area adjacent to the subject proposed development. We are adamantly opposed to this proposed development and approval of the Draft EIR for the following reasons: BCH-1

- Placement of a sewer treatment plant and three new sewage effluent holding ponds in close proximity to Los Berros Creek that will cause unfavorable views from Rim Rock properties on the other side of the creek, undesirable odors for all existing properties in the area, decreased property values and possibly creek contamination.

- The water resources in this area are inadequate. The analysis done in the EIR is insufficient and does not address potential negative impacts on existing water supplies in the surrounding areas. BCH-2

- Development of 102 homes on one-acre parcels is nothing more than an urbanized residential subdivision that will destroy the rural character of the area. Residential parcels in this area should be no smaller than 5 acres. BCH-3

- Development of a "dude ranch" with 75 rooms is nothing more than a hotel and a commercial venture that is not related to any agricultural use in the area. BCH-4

We respectfully request notification of any further action concerning this development.

*Bailey O. Hudson*  
Bailey O. Hudson

*Celeste A. Coelho-Hudson*  
Celeste A. Coelho-Hudson

**Responses to Bailey and Celeste Hudson’s Comments**

Comment No.	Comment
BCH-1	<p>As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations. While the pond would be visible, its appearance would be similar to an agricultural reservoir or irrigation storage pond, and would function as such. As noted in the EIR (Section V.E. Biological Resources, see V.E.5.b), and as discussed in Section V.O. Wastewater, there is a potential for accidental spill, mechanical failure, or other unforeseen event that could cause release of raw sewage (from collection pipes) or improperly treated effluent into surface waters, including the storage ponds. In addition to measures proposed by the applicant (i.e., alarms, emergency generators, contained treatment plant) and compliance with existing regulations, mitigation is identified (refer to WW/mm-1), requiring an emergency contingency plan to avoid accidental discharge into surface waters. Implementation of these measures would minimize the likelihood of accidental harm to the creek.</p>
BCH-2	<p>Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which has been expanded and revised to include supplemental testing and analysis.</p>
BCH-3	<p>The commenter’s concern and statement will be considered by the County decision makers.</p>
BCH-4	<p>The commenter’s statement will be considered by the County decision makers.</p>



Nancy McIntosh  
<lindenmc@earthlink.net>  
11/08/2008 06:43 PM

To "bpedrotti@co.slo.ca.us" <bpedrotti@co.slo.ca.us>  
cc  
bcc  
Subject Laetitia water project

Dear Sir,

I am writing in strong opposition to this expansion. My property is  
191 Rim Rock Road  
Nipomo, CA.

NMI-1

Please do not destroy our lovely way of life and our wonderful  
neighborhood!

Sincerely,  
Nancy McIntosh  
lindenmc@earthlink.net

Sent from my iPhone

### Responses to Nancy McIntosh's Comments

Comment No.	Comment
NMI-1	The commenter's concerns will be considered by the County decision makers.



"Don Montano"  
<montanosmile@hughes.net  
>  
11/08/2008 11:17 AM

To <bpedrotti@co.slo.ca.us>  
cc  
bcc  
Subject Laetitia EIR comments on Proposed Development

Dear Mr. Brian Pedrotti,

I am writing to express my opposition to the proposed Laetitia Development. I have serious concerns regarding the quality and quantity of water in the Los Berros water basin. Our neighborhood has seen significant loss in water level over the past 2 decades. A doubling of the current number of residences depending on this water will certainly have serious negative impact on the current water situation. I believe the EIR is a conservative estimate and that the real impact will be much more serious. I would like to see confirmation of the water analysis report by at least 2 other qualified engineering firms. It is my understanding that the Laetitia winery will plant new vineyards to replace those removed for the housing project. As such, the water requirements are not shifted, they are in addition to the current water needs of Laetitia Winery. Additionally, new vineyards require significantly more water than mature vines.

DMM-1

DMM-2

I also have very serious concerns about the placement of the sewage effluent ponds in close proximity to our homes and water supply. Potential for water contamination and odors are some of our concerns that need to be addressed. I think this is very problematic.

DMM-3

The addition of approximately 1000 vehicle trips on our small rural roads is a final concern. This is at least double the current traffic. Shouldn't access to this development be with an off ramp near the entrance to the Laetitia winery? Why is our quiet neighborhood to be burdened and endangered by the increased traffic flow that only benefits Laetitia?

DMM-4

Please consider your neighbor's concerns seriously. We have continuously supported the vineyard operations at Laetitia. This diversion into housing development is not consistent with the surrounding area and neighborhoods. If a housing development is to be pursued, why not a lower density development that is consistent with Laetitia's neighbors?

DMM-5

Sincerely,

Dr. Donald R. Montano  
Melinda S. Montano  
240 White Dove Ct., Nipomo, CA 93444

### Responses to Dr. Donald and Melinda Montano's Comments

Comment No.	Comment
DMM-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which was revised to include the results of supplemental water supply tests and peer reviews of existing and prepared documentation.
DMM-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources. The County decision makers will consider the commenter's concerns.
DMM-3	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations. As noted in the EIR (Section V.E. Biological Resources, see V.E.5.b), and as discussed in Section V.O. Wastewater, there is a potential for accidental spill, mechanical failure, or other unforeseen event that could cause release of raw sewage (from collection pipes) or improperly treated effluent into surface waters, including the storage ponds. In addition to measures proposed by the applicant (i.e., alarms, emergency generators, contained treatment plant) and compliance with existing regulations, mitigation is identified (refer to WW/mm-1), requiring an emergency contingency plan to avoid accidental discharge into surface waters. Implementation of these measures would minimize the likelihood of accidental harm to special-status species potentially within and down-gradient of the reservoirs.
DMM-4	Please refer to EIR Chapter VI Alternatives Analysis, Alternative Access. Based on consultation with Caltrans, consideration of access via Laetitia Vineyard Drive / Highway 101 is not a feasible option due to significant traffic safety concerns.
DMM-5	Please refer to EIR Chapter VI Alternatives Analysis, which considers alternatives consistent with the Land Use Ordinance and that would avoid or reduce identified significant impacts. The commenter's statements will be considered by the County decision makers.



cher fitz-gerald  
<cherfitzgerald@yahoo.com>

11/08/2008 04:33 PM

To bpedrotti@co.slo.ca.us  
cc  
bcc  
Subject Laetitia Winery

Dear Brian,

My family has owned property on the corner of Sheehy/Rim Rock and Sheehy/Dana Foothill for well over 35 years. We have seen improvement in the road conditions since then but not enough improvement to allow for a project the size of the Laetitia Project. This is rural Nipomo, some properties are still in Ag preserve and depend on well water to maintain their crops.

ACF-1

This project is too large for the water and road capacities of the area besides the damage to a rural creek that is unique to Los Berros Canyon. In these times of economic crisis; to approve a project of this size would not be a wise decision. There are many partially developed tracks much smaller than this sitting empty due to the critical nature of the economy. I know Laetitia looks at the tourist as its target but as times get tighter the tourist will be staying at home.

ACF-2

Currently the winery causes a dangerous traffic condition on 101 due to the cars attempting to cross the freeway. I have personally observed several hazardous crossings at this location. Laetitia Winery should provide an overpass just to support their current operations, let alone the additional impact of their proposed development.

ACF-3

Thank you for reviewing this matter.  
Albert S. & Cherie FitzGerald  
380 Rim Rock  
Nipomo, CA

**Responses to Albert and Cherie FitzGerald’s Comments**

<b>Comment No.</b>	<b>Comment</b>
ACF-1	Please refer to Final EIR Section T.N. Transportation and Circulation, which includes mitigation to improve locally affected roadways and intersections. Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water resources.
ACF-2	The commenter’s concerns will be considered by the County decision makers.
ACF-3	Consideration of a new overpass at the Laetitia Vineyard Drive/Highway 101 intersection is not considered feasible mitigation due to funding and jurisdictional constraints associated with improvements on Highway 101.



Constance Chun  
<cjchun250@aol.com>  
11/08/2008 03:48 PM

To <bpedrotti@co.slo.ca.us>  
cc  
bcc  
Subject Laetitia Project

Hello;

We are homeowners in the Rim Rock Area, and are very concerned with the proposed new project at the Laetitia Vineyard. This area is zoned rural, and this project will be detrimental to our neighborhood. First, Our Rim Rock Water Company has been monitoring our well and finding that our water table is decreasing. We believe this proposed Laetitia Project will further stress and strain our already fragile water supply. We know that the Rancho Nipomo homeowners' water company also recently had serious well problems with their well running dry and had to drill a new one. Water is a serious issue these days, and has been shown to be especially fragile in this area. Why tax it even more?

KCC-1

Secondly, we are also seriously concerned with the dramatic increase in local traffic that this Laetitia project would bring. These are rural roads not set up for handling such large amounts of traffic. We believe this would take away from our rural atmosphere here. Since the building of the Nipomo High School, traffic on Thompson road has increased dramatically in the morning, and we have trouble turning from Sheehy onto Thompson around 7:30am, and also from Thompson onto the 101 freeway. Adding this Laetitia Project would make traffic jams like Los Angeles in the morning!

KCC-2

Third, we are concerned about the effluent ponds.

KCC-3

Fourth, we have recently driven through the Trilogy Development, and see that the destruction of local forest and country roads and neighborhoods to build this millions of dollars project has come to no good. Homes and lots are not being built; the project looks bankrupt. Why, during this recession, would planners choose to build another development in this same area, when Trilogy is not doing well?

KCC-4

In the end let me just ask you to vote your conscience; would you want to live next door to this project?

Sincerely,  
Dr. and Mrs. Kalfred G.S. Chun  
250 White Dove Ct.  
Nipomo

### Responses to Dr. Kalred and Constance Chun's Comments

Comment No.	Comment
KCC-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.
KCC-2	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads. The mitigation identified in EIR Section V.N. Transportation and Circulation is based on traffic model calculations and traffic control warrants, which include the creation of additional trips under daily and peak conditions. Please refer to mitigation measure TR/mm-3, which requires construction of a left turn channelization lane at the North Thompson Road/Sheehy Road intersection. Based on the traffic analysis, implementation of the project would not result in significant impacts to the roadway segment of North Thompson Road. Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities. This improvement is anticipated to address the commenter's concerns.
KCC-3	Please refer to Final EIR Sections V.C. Air Quality and V.O. Wastewater, which address potential impacts related to the proposed tertiary-treated effluent storage ponds.
KCC-4	The commenter's concerns will be considered by the County decision makers.



"Internet Webmaster"  
 <webmaster@co.slo.ca.us>  
 11/08/2008 04:33 PM

To "planning@co.slo.ca.us" <planning@co.slo.ca.us>  
 cc  
 bcc  
 Subject: Planning Department Contact Form (response #644)

Planning Department Contact Form (response #644)  
 Survey Information

Site:	County of SLO
Page Title:	Planning Department Contact Form
URL:	<a href="http://www.slocounty.ca.gov/CM/WebUI/PageTypes/Survey/Survey.aspx?PageID=8469">http://www.slocounty.ca.gov/CM/WebUI/PageTypes/Survey/Survey.aspx?PageID=8469</a>
Submission Time/Date:	11/8/2008 4:32:32 PM

Survey Response

Name:	Julie Johnson
Telephone number:	805-474-4393
Email address:	<a href="mailto:dijohnson6@juno.com">dijohnson6@juno.com</a>
Subject:	Growth Management

Comments or questions:	<p>Dear Mr. Mehlschau, I live in an area that will be very effected by the Laetitia Cluster housing proposal. The biggest worry we all have is the WATER. Our wells have dropped severely since the vineyard went in. I know that agriculture has priority over residential for water use but how can we support a project of this magnitude? Too many houses, too much water drain, traffic, noise, impact on the very thing we need to survive also, WATER! I beg of you to vote NO on this project. If you cannot do that, please recommend an independent (of Laetitia) water expert study the advisability of this drain of limited water supply. Unlike the Nipomo Mesa or Santa Maria, we do not have an aquafer, we draw water from fractured shale. An unreliable source at best. PLEASE VOTE NO ON THIS PROJECT. Thank you for you time, Julie and David Johnson</p>
------------------------	--

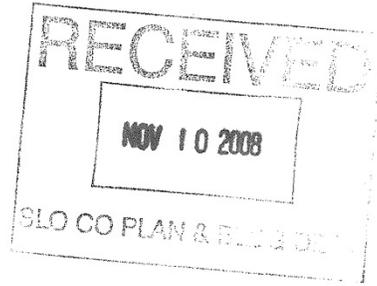
JJ-1  
 JJ-2

**Responses to Julie Johnson’s Comments**

<b>Comment No.</b>	<b>Comment</b>
JJ-1	Please refer to Final EIR Sections V.P. Water Resources, V.N. Transportation and Circulation, and V.I. Noise related to identified concerns.
JJ-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources regarding impacts to water resources.

November 8, 2008

Kem Weber  
Robin C. Weber  
445 Rim Rock Road  
Nipomo, CA 93444



Brian Pedrotti, Project Manager  
County Planning & Building Dept.  
976 Osos St., Rm. 300  
San Luis Obispo, CA 93408-2040

Re: Laetitia Agricultural Cluster Subdivision  
Tentative Tract Map and Conditional Use Permit  
SUB2003-00001 (Tract 2606)  
SCH#2005041094

Dear Mr. Pedrotti:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) concerning the above referenced Laetitia Agricultural Cluster Subdivision (Tract 2606).

KRW-1

In your letter of September 22, 2008, Subject: Notice of Availability of Draft EIR (Tact 2606), you stated the DEIR focuses on the issues of agricultural resources, visual resources, biological resources, transportation and circulation, cultural resources, paleontological resources, wastewater disposal, water resources, air quality, geologic hazards, drainage/erosion and sedimentation, public services, population and housing, recreation, noise, and growth inducing impacts. The DEIR also considers seven alternatives in addition to the “No Project” alternative.

Taken in total, once begun, the proposed project in any form will have irreparable and irreversible damage committed to not only the “Laetitia Vineyard” property itself but more importantly the surrounding community and environment. Without exception, save the “No Project” alternative, the DEIR serves to confirm beyond ambiguity the entire burden of all Class I impacts are placed squarely and for all time on the surrounding community and environment at the exclusive and sole financial benefit of Laetitia’s absentee property owner, Mr. Salim Zilkha.

I was born and raised in San Luis Obispo and have lived in Nipomo for almost 30

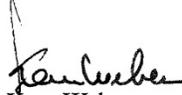
KRW-2

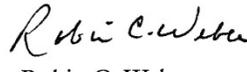
years. As a real estate broker and appraiser for 35 years I have had the opportunity to witness first hand numerous real estate projects and developments throughout San Luis Obispo County. This proposed "Laetitia Agricultural Cluster Subdivision" is the most egregious attack on the common good I have ever encountered. The DEIR once in its final form will memorialize for all to realize this project is contrary to "pubic policy" not only in letter but in spirit. This proposed project must be rejected as it is without merit and remanded back to the applicant to work within the existing South County Inland (Rural) General Plan absent any consideration of the subsequent Agricultural Cluster Ordinance.

KRW-2  
(cont'd)

My wife and I place are names in total opposition to the "Laetitia Agricultural Cluster Subdivision" for all of the reasons addressed in the DEIR concerning this proposed project.

Best Regards,

  
Kem Weber

  
Robin C. Weber

### Responses to Kem and Robin Weber's Comments

<b>Comment No.</b>	<b>Comment</b>
KRW-1	The commenter's concerns and statements will be considered by the County decision makers.
KRW-2	The commenter's concerns and statements will be considered by the County decision makers.



"Amy Henry"  
<amy@amyhenrydesign.com>  
>

11/08/2008 04:00 PM

To <bpedrotti@co.slo.ca.us>  
cc  
bcc  
Subject STOP LAETICIA!

**Amy and John Henry  
Clyde and Julie Johnston**  
480 & 482 Rim Rock Road  
Nipomo, CA 93444  
(805) 481-0634

**San Luis Obispo Planning Department:**

**RE: Laetitia Proposal**

Dear Brian,

I'm writing you as a concerned neighbor about the proposed Laetitia project. I see no benefits to anyone in the community other than the business owner and developer. I have lived on Rim Rock since 1978. We have always enjoyed living out in "the country". What Laetitia proposes takes the country feel away and replaces it with an unnecessary development.

H&J-1

My biggest issue is that this is a highly rural area. Parcels are large, large open spaces of mountains and rolling hills predominate the area. This is on the outermost eastern part of Nipomo, and it seems unreasonable to be pushing large development on the outskirts of Nipomo when projects within the downtown Nipomo area have not been dealt with yet. Traffic snarls, storm runoff, and damaged roads plague most of the area of Nipomo; however this project will possibly delay the fixing of those more pressing issues. Any new development should be working it's way inward towards Nipomo downtown rather than extending into pristine rural areas.

1. Traffic: the proposed traffic will most likely triple the amount of cars going up and down Dana Foothill Road, which has no outlet. From Sheehy at Thompson, all cars are directed up and that means all construction traffic, employee traffic, "dude ranch" visitors, and future homeowners will be using a poorly maintained, narrow road. Even if Laetician were to offer to improve the roads of Sheehy and Dana Foothill, that in itself would lose the rural atmosphere we enjoy and create dangerous conditions. There are no stop signs from Sheehy all the way, and traffic now gets quite fast as they come out of the canyon. Add to that the huge amount of increased traffic and you will have created a free for all highway. Additionally, there are several blind corners on Dana Foothill, no speed signs. CDF has said it would be problematic to reach this new area, and it's in a High Fire Danger area. With no outlet except Sheehy, it's setting up a bottleneck that is dangerous as well as poorly planned.

H&J-2

H&J-3

Traffic leading out of the canyon onto Thompson Avenue will create a dangerous situation as mornings and afternoons high schoolers dominate the road to access the high school, which is made worse since the Willow Extension project to create a bridge never was accomplished. It seems that the County needs to worry about the infrastructure to help Nipomo grow reasonably as it is now, without burdening it with an entire new subdivision. Additionally, we already have the Woodlands project, are new homes a limited resource? No, there are plenty of homes and properties available in Nipomo that could be utilized without spreading out into the beautiful open space that has it's own beautiful character.

H&J-4

H&J-5

2. Oak trees: Come on, can they really say they'll replant to replace what they remove? Sudden oak death has decimated much of the oak trees throughout the County, we do not need to simply remove more for the sake of development. They should be valued as an endangered resource as much as any animal or insect. Why should an ancient oak tree be removed to make way for more pavement and more home?

H&J-6

3. Water: the system they propose already risks the water of our wells. Their proposal puts it even more at risk, to individual homeowners, in a very unnecessary way. We could lose our water supply while

H&J-7

Laetitia continues to water the vineyards as well as provide for it's new homes. Shouldn't the rights of the individuals who live here, and have stayed here for years be respected?

H&J-7 (cont'd)

4. What benefits does this propose for Nipomo? Other than money going into County coffers to spend at will, how will that translate into money for Nipomo? Or will it be earmarked for other, more "relevant" County projects? And this open space, will it be open to the public to enjoy as a park? Or simply a perk for the subdivision home owners. One thing that has troubled me is that I've never seen Laetitia attributed with any credit for donating to the community or to local projects. Are they an asset to Nipomo and it's residents? Hardly.

H&J-8

5. Light pollution: no joke. Bright lights in subdivisions is a very real concern. At night our beautiful evenings will be dulled by the addition of the numerous street lights, homelights, and other lighting involved in this huge project.

H&J-9

6. Do we want to enjoy three new sewage effluent ponds in the Rim Rock area? With wind directions, it won't be affecting the subdivision but rather local homeowners on Rim Rock.

H&J-10

7. And a dude ranch? Really, a hotel? Again how does Nipomo benefit from this? It's simply a matter of more bang for their buck for Laetitia developers. It appears they are asking for just about anything, I'm surprised a 7-11 wasn't proposed so that the new subdivision could pick up snacks.

H&J-11

Please consider our opinion as long time residents.

Sincerely,

Amy and John Henry  
Clyde and Julie Johnston

### Responses to Amy & John Henry and Clyde & Julie Johnston's Comments

Comment No.	Comment
H&J-1	The commenter's concerns and statements will be considered by the County decision makers.
H&J-2	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
H&J-3	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response. As proposed, residents would be allowed to use Laetitia Vineyard Drive for emergency evacuation.
H&J-4	Please note the recent construction and operation of the Willow Road extension provides an alternative route to the High School from Highway 101, north of the school, and this roadway is closer to the school facilities. This improvement is anticipated to address the commenter's concerns.
H&J-5	The commenter's statements will be considered by the County decision makers.
H&J-6	Please refer to Final EIR Section V.E. Biological Resources, which assesses potential impacts to oak trees, and identifies a significant impact due to the loss of oak woodland and individual oak trees.
H&J-7	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources regarding impacts to water resources.
H&J-8	The commenter's concerns and statements will be considered by the County decision makers. The project does not include open space accessible to the public.
H&J-9	Please refer to Final EIR Section V.A. Aesthetics. Mitigation is identified to reduce the effects of exterior lighting (refer to AES/mm-7 and AES/mm-8).
H&J-10	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.
H&J-11	The commenter's statements will be considered by the County decision makers.



"Jay Hardy"  
<hardyj@hardydiagnostics.co  
m>  
11/08/2008 09:32 AM

To <bpedrotti@co.slo.ca.us>, <mwwinn@sbcglobal.net>,  
<zwrights229@aol.com>  
cc  
bcc  
Subject Laetitia Project

**I would like to voice my concern about the Laetitia Subdivision Project (#SUB2003-00001).**

JaH[b]-1

**Our roads (Sheehy, Dana Foothill, and Upper Los Berros Roads) are simply not adequate to handle the additional traffic, which was estimated to be over 1,000 trips per day. In addition, I am very concerned about the excessive water needs that the project would impose upon our limited water supply. There is no aquifer under the Nipomo Hills! This is obviously not an appropriate project for a very environmentally sensitive area (Red legged Frog, Steelhead, Western Pond Turtle, etc).**

JaH[b]-2

JaH[b]-3

**Thank you for taking into consideration the opinions of the people that would be forced to live next to such a project.**

**Jay Hardy  
550 Sycamore Creek Lane  
Nipomo, CA 93444**

**Responses to Jay Hardy's Comments [b]**

<b>Comment No.</b>	<b>Comment</b>
JaH[b]-1	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
JaH[b]-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.
JaH[b]-3	Please refer to Recirculated (2013) and Final EIR Section V.E. Biological Resources, which assesses potential impacts to aquatic habitats and aquatic species. The commenter's concerns will be considered by the County decision makers.



Anne Gill  
<2aeg@sbcglobal.net>

11/08/2008 04:27 PM

Please respond to  
2aeg@sbcglobal.net

To Brian Pedrotti <bpedrotti@co.slo.ca.us>

cc

bcc

Subject Laetitia Subdivision project

Dear Supervisor Achadjian, Planning Commissioner Gene Mehlschau, and County Planner Brian Pedrotti,

In 1988 we purchased our property at 428 Rim Rock Road, Nipomo after a thorough review of the existing zoning in our area and water availability. In 1992 we built our home and have closely watched the development of our area. For the past twenty-two years I have acted as a real estate consultant to the development community. My wife and I object to the proposed Laetitia development. The environmental document is completely inadequate in the following areas:

GAG-1

1. Traffic. Dana Road, Sheehy and Rim Rock Roads were not designed to handle one thousand cars and trucks every day. Access to the proposed Laetitia project should be from Highway 101.

GAG-2

2. The EIR has not adequately shown that there is enough water for the proposed development. Recent water tests done for Rim Rock Water Company show that the water levels in September 2008, during a dry period, are 54 feet lower than water levels recorded in August 1991.

GAG-3

3. Fumes from the proposed three new sewage effluent ponds will be blown into the Rim Rock area and established homes.

GAG-4

Please turn this proposal down.

Sincerely,

Gordon and Anne Gill  
428 Rim Rock Road  
Nipomo, CA 93444

### Responses to Gordon and Ann Gill's Comments

Comment No.	Comment
GAG-1	The commenter's statements will be considered by the County decision makers.
GAG-2	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads. Based on consultation with Caltrans, use of the Laetitia Vineyard Drive/Highway 101 for access is not permitted due to safety concerns.
GAG-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes additional water well testing and peer review of documents provided by the applicant.
GAG-4	As described in Final EIR Section V.O. Wastewater, the residential wastewater would be treated inside an enclosed and partially underground wastewater treatment facility. Winery wastewater would continue to be treated before transfer to the irrigation pond (Pond 3). Any potential anaerobic conditions (resulting in odors) would be limited to the treatment process, inside the enclosed facility. The tertiary-treated effluent stored in the treatment ponds would not emit offensive odors, provided the wastewater is treated as proposed and conditioned, and pursuant to Regional Water Quality Control Board regulations.



"Jay Hardy"  
<hardyj@hardydiagnostics.co  
m>  
11/08/2008 01:01 PM

To "Brian Pedrotti" <bpedrotti@co.slo.ca.us>  
cc  
bcc  
Subject Laetitia Subdivision

To whom it may concern,

We are owners of a home in the Rim Rock Water association. My parents built our home in 1990 when there were very few home on the hillside. We have watched over the years as more people have moved into the area, and have been concerned about the growing number of cars coming into our area. If this project is allowed to move forward we are very concerned about not only the impact of cars but of our very fragile water supply. When my parents built their home they had to wait an extended amount of time to get a building permit due to a moratorium that was in place to protect the growth in the south county. It seems the moratorium has been suspended with all the new homes coming into the area. I'm sure you are aware of the delicate water system we have in this area and we fear if this project goes through we may not have water in the future. Is it fair that a groups ambitions should diminish long standing home owners possibilities for water. This is not right and action needs to be taken.

SGM-1

SGM-2

*Stacey and Geriann McIntosh*  
4717 Ledge Ave.  
Toluca Lake, Ca. 91602  
(818) 769-4931 home  
(818) 535-5118

**Responses to Stacey and Geriann McIntosh's Comments**

<b>Comment No.</b>	<b>Comment</b>
SGM-1	The commenter's concerns will be considered by the County decision makers.
SGM-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.



diane haverty  
<mshav@sbcglobal.net>

11/08/2008 01:46 PM

Please respond to  
mshav@sbcglobal.net

To bpedrotti@co.slo.ca.us

cc

bcc

Subject Laetitia housing development.

Dear Mr. Pedrotti,

As I wait to turn left onto Sheehy Rd. from Thompson Rd. I think about how much traffic has increased in the last ten years! With this new proposed Laetitia housing development that will increase one thousandfold. As I travel up Sheehy Rd. I once again notice how narrow the roads are for the tractors on them, let alone the trucks and cars. But I like the tractors, it's "country" and that's why I moved here. With the increase of 100 homes, not only will the "country feel" disappear but we will be having traffic jams! Please don't pass this development. It's too invasive. It's invasive with traffic, dust from that traffic, fire department needs, sheriff needs, impingement onto existing homeowners, ground water depletion, and lots of noise.

MDH-1

MDH-2

We are most concerned with the water issue, as we've spent the last year dealing with sulfur in our water. Our water out here comes from between layers of shale, not an underground aquifer. The supply is tenuous as times. With 102 new homes and all the outbuildings proposed more water than ever will be used. Since Laetitia Winery has all the water they need for agricultural needs, their new housing development would fall under their jurisdiction and we ( and all the people from Rim Rock & Sheehy to Upper Los Berros) could lose their water to Laetitia's water pumping rights.

MDH-3

Please don't pass this development, it's too much for our area.

Sincerely,  
Dr. & Mrs. Michael Haverty

### Responses to Dr. Michael and Diane Haverty's Comments

Comment No.	Comment
MDH-1	The mitigation identified in Final EIR Section V.N. Transportation and Circulation is based on traffic model calculations and traffic control warrants, which include the creation of additional trips under daily and peak conditions. Please refer to mitigation measure TR/mm-3, which requires construction of a left turn channelization lane at the North Thompson Road/Sheehy Road intersection.
MDH-2	Please refer to Final EIR Sections V.N. Transportation and Circulation, V.C. Air Quality, V.L. Public Services and Utilities, V.P. Water Resources, and V.I. Noise, which address the commenter's concerns.
MDH-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes an expanded analysis of water supply and water quality.



"Jon Hergert"  
<jon@tlcunderground.com>  
11/08/2008 09:53 AM

To <bpedrotti@co.slo.ca.us>  
cc  
bcc  
Subject laetitia subdivision.

I am a property owner and one day to be a homeowner in the Rancho.

As you are aware, there is a active campaign to stop Laetitia from doing a subdivision on their land.

I am of a different opinion.

Laetitia own the land, and as long as they can address the traffic/resource concerns like any subdivision has to, it should be their right to do so. The personal desire of homeowners around them should never be taken into consideration.

Jon Hergert

JoH-1

### Responses to Jon Hergert's Comments

Comment No.	Comment
JoH-1	The commenter's statements will be considered by the County decision makers.



Richard Sachen  
<richard@rsachen.com>  
11/08/2008 09:56 AM

To bpedrotti@co.slo.ca.us  
cc  
bcc  
Subject Laetitia project

Mr. Pedrotti,

As a land owner in Los Berros canyon I am greatly concerned with any increased development in our area.

RS[b]-1

The EIR on this project brings up MANY reasons to deny it and none, except personal greed, to let it move forward.

Water is my first concern, right after that is our road. Almost impassable for most of the winter and a dust bowl in summer.

RS[b]-2

RS[b]-3

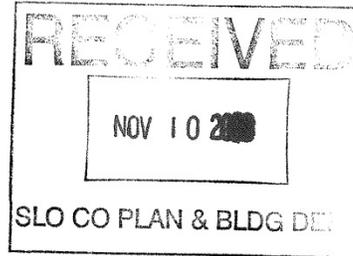
Please just say no to the Laetitia project in Nipomo.

Richard W. Sachen  
1190 Upper Los Berros Rd.  
Nipomo, CA. 93444

**Responses to Richard Sachen’s Comments [b]**

<b>Comment No.</b>	<b>Comment</b>
RS[b]-1	The commenter’s concerns and statements will be considered by the County decision makers.
RS[b]-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources.
RS[b]-3	Please refer to EIR Section V.N. Transportation and Circulation; please note mitigation measure TR/mm-10, which would require improvements to Upper Los Berros Road, including paving. Implementation of these improvements would address dust along this road.

Brian Pedrotti  
Project Manager  
County Planning & Building Dept.  
County Government Center, Rm. 200  
San Luis Obispo, Ca. 93408-2040



Dear Mr. Pedrotti,

My name is Debbie Ryder. My husband Richard Ryder and I are property owners in Upper Los Berros Canyon, Nipomo, California. Yesterday, we were made aware of a development proposed by the owners of the Laetitia Winery, to build one hundred two homes, an equestrian center, and a water and sewage treatment facility. I am writing to lodge my concerns, and those of my husband, about the development, and the drastic affect a development of this kind will have on the families who currently live in the canyon, their quality of life, and ability to meet the basic requirements of health and safety.

DRR-1

First, I am astonished that a proposal such as this could even be considered in a period of severe drought which according to everything posted on the Net for San Luis Obispo County, and California statewide, is profound, and may require that already existing residents be placed into a program of water rationing in the near future. The affect that the current water use of the vineyard facility has imposed on all of us , is more than what should have been approved to begin with, let alone the eleven new wells proposed, which I understand will be pumping 1000 gallons per minute each! All of us have experienced a decrease in flow since the vineyard has been pumping water for their grapes. I am afraid of the eventual consequences of the effect the development will have on the already low water table and the issue of fire safety in a box canyon. The inability to protect ones home from fire and the probability that not being able to provide those same grounds with adequate water to keep them green, will greatly increase the probability for loss of life should there be another wild fire. Please, think about this. Remember, there is no access to city water at the proposed location.

DRR-2

DRR-3

Second, I am concerned about the dramatic increase in traffic that will result from the development. We are subjected to almost intolerable dust from the traffic levels now. The topping on the existing road is a mystery to me, but not the perpetual cough that many of us have due to the constant stirring up of that material under current conditions. The increase of more than one thousand additional vehicles from the construction process alone will be intolerable. There will also be an increase in the number of accidents caused by the inadequate amount of space for the increased number of vehicles that will come along with one hundred two additional homeowners and the new traffic generated by the proposed equestrian center.

DRR-4

DRR-5

DRR-6

Thirdly, I am very concerned about the fact that this entire proposal, all the reports and studies were generated without even one mention to any of the current tax paying community members who should have had a voice in the meetings, hearings and agendas concerned with this. Why was this "snuck" through the way it was? We have been looked over. It is difficult to describe how it feels to have such a

DRR-7

short time to prepare to fight something that was not made public, and under such short notice. I have only been given the opportunity to construct this letter. I do not believe that the process has been handled properly, nor do I feel that my property rights or those of my neighbors have been considered. I have already requested a copy of the Environmental Impact Survey to see whether it intelligently addresses the environmental consequences. I have also requested transcripts of any "public" meetings or hearings and whether they were adequately posted.

DRR-7 (cont'd)

DRR-8

Please keep us informed of anything that is scheduled in the future. I have included my Email address so that someone in your Department can send me maps, plans, minutes, and anything else that has been made public on this project. We would appreciate the opportunity to be present and for our voices to be heard. We strongly oppose the project proposed by the Laetitia Winery owners, and have joined the local Los Berros Canyon Association to fight it.

DRR-9

Sincerely,



Richard W. Ryder Sr.  
Debbie Ryder  
805-748-3049

bejebra@AOL.com

### Responses to Debbie and Richard Ryder's Comments

Comment No.	Comment
DRR-1	Please refer to responses to specific comments below.
DRR-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes additional information obtained through a long-term well testing program. Also, please note that identified mitigation (WAT/mm-1) includes yield restrictions on proposed domestic wells.
DRR-3	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes expanded analysis of potential impacts to water supply.
DRR-4	Please refer to Final EIR Section V.N. Transportation and Circulation; please note mitigation measure TR/mm-10, which would require improvements to Upper Los Berros Road, including paving. Implementation of these improvements would address dust along this road.
DRR-5	Please refer to Final EIR Section V.C. Air Quality, mitigation measures AQ/mm-11 and AQ/mm-13, which requires preparation and implementation of a Dust Control Plan. Compliance with this measure would address the commenter's concerns regarding generation of dust on Upper Los Berros Road.
DRR-6	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
DRR-7	The County complied with all noticing requirements for the project. Further opportunity for public review and comment is available through the public hearings.
DRR-8	The commenter's statements are noted. Information is available at the County Planning and Building Department upon request.
DRR-9	The commenter's statements are noted.



"Teresa Alarcio"  
<talarcio@unitedparadyne.com>  
11/11/2008 09:09 AM

To <bpedrotti@co.slo.ca.us>  
cc <mwwinn@sbcglobal.net>  
bcc

Subject Please consider....

Re: DEIR for the Laetitia Cluster Subdivision, SUB2003-00001

We are homeowners that live in the Los Berros foothills and have serious concerns regarding the proposed Laetitia Subdivision. While we understand we can't stop progress, however, we also understand we all have the responsibility to ensure progress is handled responsibly. This project, as proposed, is not "responsible" progress and thus we must voice some very serious concerns:

CTA-1

**Water.** Nipomo has experienced many problems with wells drying up over the past few years. This project, as submitted, would only make matters worse for the current residents of our community. Further, prior to the current Laetitia development Los Berros Creek flowed almost year around – it no longer does!!!! So, what will happen to our water supply when Laetitia pumps an extra 33,000 gallons of water from the ground every day? (That is their estimate, and probably a low one.)

CTA-2

**Traffic.** Sheehy, Dana Foothill, and Upper Los Berros Roads were not designed to carry the kind of heavy traffic that this project will bring about. These are small, rural, country roads. According to the proposal, the residents will be required to use Dana Foothill as their primary access road to their homes and will not be allowed to use the Highway 101 entrance. Dana Foothill Road contains some very dangerous turn as it approaches the bridge over Los Berros Creek. Both Sheehy and Dana Foothill Roads are very narrow and contain culverts/creek bridges that are even narrower than the existing roads. Emergency egress via Dana Foothill from a fire would be very difficult if not impossible on the narrow roads leading out of the project, thus endangering the lives of all canyon residents. Considering the design and narrowness of these roads, utilizing Dana Foothill and Sheehy roads as project ingress and egress is just unacceptable.

CTA-3

CTA-4

Those associated with Laetitia should enter and egress elsewhere and not via Dana Foothill and Sheehy. The current Highway 101 access, with extended on and off ramps is the best solution and the one which Laetitia, state and local government agencies had approved for them.

CTA-5

For the above reasons, we join our neighbors in strongly urging you and the County Planning Department to reject this plan as submitted.

CTA-6

Sincerely,

Camillo and Teresa Alarcio  
875 Riata Lane  
Nipomo, CA 93444

Cc:

Katcho Eug  
Achadji ene  
an Mehl  
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### Responses to Camilio and Teresa Alarcio's Comments

Comment No.	Comment
CTA-1	Please refer to responses to specific comments below.
CTA-2	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which includes a revised and expanded analysis of potential water supply impacts. Please note mitigation measures WAT/mm-1, which would require yield limitations on domestic wells.
CTA-3	As noted in the Final EIR (Section V.N. Transportation and Circulation), the project would generate 1,049 new trips (residential development). The EIR includes an analysis of the project's effect on local roads and Highway 101, and mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads.
CTA-4	Please refer to Final EIR Section V.G. Hazards and Hazardous Materials regarding fire hazards and emergency evacuation and response. Please note a significant impact is identified due to the lack of feasible secondary access. The applicant would be required to improve local roadways to meet County standards, which would improve traffic safety.
CTA-5	Based on consultation with Caltrans, consideration of access via Laetitia Vineyard Drive / Highway 101 is not a feasible option due to significant traffic safety concerns, and the lack of an encroachment permit that allows for residential uses (aside from the existing estate residence). The EIR notes a significant impact due to potential funding and jurisdictional constraints related to interchange improvements on Highway 101.
CTA-6	The commenter's statement will be considered by the County decision makers.



Charles Andree  
<chazmo49@gotsky.com>  
12/13/2008 09:46 AM

To bpedrotti@co.slo.ca.us. ; > Michael Winn  
<mwinn@sbcglobal.net.; > Richard  
Wright<zwrights229@aol.com>, Brain Pedrotti <  
cc  
bcc  
Subject STOP Laetitia Development Project

Sirs;

We live at 1012 Upper Los Berros Road Nipomo, California, 93444.

Our

mailing address is P.O. Bx.#1089 Arroyo Grande, California, 93421-1089.

We both ADAMANTLY oppose this Laetitia development project. Water usage By this development is our greatest concern. the use of the amount of water from this project would deplete the water table from being able to use our small wells as well that of our neighbors. The traffic affecting Dana Foothill Rd. and Upper Los Berros Rd. would be a serious liability to the county and all that already use these roads. We support any opposition to this project.

Think seriously of the consequences of the costs to the county of allowing this development to continue. We feel any said revenue from county fees and taxes would not be near enough to make this worthwhile.

Charles A. Andree  
chazmo49@gotsky.com  
Laurie L. Laughlin  
laurallee@gotsky.com

CALL[b]-1

CALL[b]-2

CALL[b]-3

**Responses to Charles Andree and Laurie Laughlin’s Comments [b]**

<b>Comment No.</b>	<b>Comment</b>
CALL[b]-1	Please refer to Recirculated (2013) and Final EIR Section V.P. Water Resources, which assesses potential impacts to water supply.
CALL[b]-2	Please refer to Final EIR Section V.N. Transportation and Circulation, which assesses potential traffic impacts and identifies roadway and intersection improvements consistent with County Road Standards.
CALL[b]-3	The commenter’s concerns will be considered by the County decision makers.