August 22, 2013

Brian Pedrotti
County Planning Dept.
976 Osos Street, Rm 300
San Luis Obispo, CA 93408-2040

Re: Laetitia Housing Project

Dear Mr. Pedrotti,

I do not envy your position, within the County Planning Department, when it comes to deciding growth and development management issues. Seems to me that the complications of balancing the property rights of the individual with the environmental impacts on the rest of us has become so political and divisive that the truth of the matter tends to get lost in the scuffle.

Growing up in the San Fernando Valley in the early 1950's was an enchanting time with the clear blue skies, vast open fields and orange groves. By the time I started visiting the Central Coast during the 1970's the quality of life, meaning things like air, water and traffic had started to deteriorate. By the time my family acquired our Nipomo residence in 1989, I thought the San Fernando Valley couldn't get too much more congested, but of course it has.

Over the years I've had opportunities for possible economic successes by taking advantage of developing the open spaces in our area. I resisted the temptation because of my love for nature.

Being a realist and a creature of comfort, I accept the need for progress and development. I also understand that within the opposition to the Laetitia Housing Project, there are those of us, whom, if the shoe were on the other foot, may have a different opinion on this matter.

Nevertheless, I pray that our area remains an example for future generations, of what true, fair and honest sustainability looks like in our ongoing partnership with nature and the environment.

As I live nearby Laetitia and am a member of the Highland Hills Homeowners Association, we together represent 25 ten acre parcels. More than half of these parcels have homes and all of them are water well dependent. We are all very concerned about loosing access to our affordable water supply, which was primarily responsible for our investing our lives in this area.

No one knows whether or not this current drought will get worse, but in any event, local development should not be allow to increase beyond our collective ability to maintain sufficient waters table levels throughout the severest of conditions, no matter what the new developers may say.

Additionally, since making Nipomo my permanent residence in 1993, I have seen the traffic increase beyond our ability to mange it effectively in various parts of San Luis Obispo County. I am also very concerned about the traffic impact on Sheehy and Dana Foothill from the Laetitia Housing Project.

Please remember that we local homeowners will be living with the dreams of the Laetitia Housing Project developers, long after they are gone.

With that, I fully support the position of the Nipomo Hills Alliance and have attached their, "What's not to like about the Laetitia housing project," for your review.

Sincerely,

Rick London
707 Highland Hills Road
Nipomo, CA 93444

What's not to like about the Laetitia housing project? . . . Plenty!

1. **INCREASED TRAFFIC** - The number of vehicle trips to the housing project are estimated to be about **1,000 per day**. The access to the houses will be from Thompson, to Sheehy, to Dana Foothill, to Upper Los Berros Road. Our small country roads are simply not designed, nor are they capable of, handling this heavy traffic. This overuse of our narrow curving roads will present many **dangerous safety issues**, putting all the residents of our community at risk.

2. **UNRELIABILITY OF FRACTURED SHALE** - All of the water needed for the Laetitia project would be provided from wells located on the property. Well water in the Nipomo Hills comes from the fractured shale rock formations, *not* a sandy aquifer as is found on the Nipomo Mesa. Fractured shale is noted for being a very **unpredictable and unreliable source** of water. Many wells in the Nipomo Hills have suddenly gone dry. Laetitia cannot adequately guarantee that it has a reliable water source, nor can it guarantee that it will not dry up the surrounding wells of its neighbors. The Central Coast is listed by NOAA as currently being in a "severe drought." Laetitia will only aggravate this dire situation.

3. **WELLS GOING DRY** – There have already been documented cases of numerous wells surrounding Laetitia that have either gone dry or had to be dug deeper due to reduced output. This is typical of wells located above fractured shale.

4. **WHO WILL ENFORCE?** - The new DEIR offers several "solutions" to mitigating the water problem, like restricting the residents from planting lawns over a certain size and engineered water saving devices. That may be fine, but who will enforce these regulations? The developer (Laetitia) will be absolved of any and all responsibility once the lots are sold. Laetitia has not provided any answers on what agency will effectively be policing these water conservation methods by the new residents. Laetitia proposes to enforce thru CC&R's, the Homeowners' Association and/or Mutual Water Company. **None of**

these vested interests are interested in protecting our rights.

5. **BIOLOGICAL DAMAGE** - Due to Laetitia's increased pumping of ground water for its vineyards, Los Berros Creek has all but dried up. This winter (2012-13) the creek did not flow at all next to the Laetitia property, even though there was flow in the creek upstream of Laetitia. Los Berros creek was once teeming with wildlife, including distressed species such as steelhead trout, southwestern pond turtles, coast range newt, and red legged frogs. Laetitia has now rendered it a dry wasteland in comparison. The Santa Lucia chapter of the Sierra Club in its letter has stated, *"The real possibility that the expansion of irrigated ag has resulted in the de-watering of Los Berros Creek, as evidenced by substantially less flow, demonstrates that* ***there is no "excess water" for residential use*** *and the project represents a violation of Ag Policy 11 and the Ag Cluster ordinance"* Laetitia, by it reckless and insensitive disregard for our ecosystem, has historically proven themselves to be of great danger to our environment in Nipomo. The Department of Fish and Game has stated in their 2009 letter that "*The Department* ***strongly discourages approving projects*** *which would reduce Los Berros Creek surface flows.*" This proposed project is just one more way in which they intend to do more damage to biological diversity of this beautiful riparian watershed.

6. **NEW DUDE RANCH** - The new DEIR mentions the building of a seven acre Dude Ranch that will require at least 13 acre feet of water per year. However, no details are provided. Is this Laetitia's sly way of slipping in the Dude Ranch without having to go through the required CEQA environmental approval process?

7. **LACK OF RETENTION** - Laetitia has not proposed any retention basin to capture water runoff; another example of their reckless disregard for our environment.

8. **TESTING IN A WET YEAR** - Most of the well testing performed by the hydrogeology consulting companies was done during a relatively wet winter (2011). In fact the rainfall was **138% above the average** (Geosyntec report Oct., 2011). It is presumed that their studies would have been substantially different had they been done in dryer years that are the norm in Nipomo.

9. **LACK OF RESPONSIBILITY** - The plan calls for Laetitia divesting itself of liability once the lots are sold. **Liability would then be transferred to the homeowners' association.** This means that Laetitia can do as much damage as they like to the environment (including ground water depletion) and the residents, as owners of the HOA, will be left holding the bag. Laetitia must be required to maintain ownership and responsibility for the project for at least 20 years, if not in perpetuity as recommended by the WRAC.

10. **FAILURE OF SMALL WATER DISTRICTS** - The Laetitia development project calls for the creation of a small water district and wastewater disposal system. These small water companies have posed many problems in the past for the County and often times require a bail-out or merger with a larger system (as with Cypress Ridge). **Small water companies do not have the knowledge and expertise that it takes to run a successful water operation.** Let's not repeat past mistakes!

11. **CLASS ONE IMPACT** - The consumption of water should be a Class 1 Impact, which means that it cannot be mitigated if this project should come to fruition. The original EIR listed water consumption as a Class 1, but the new Recirculated DEIR of 2013 does not. An attorney who is an expert on land and water use matters concluded in his letter to the County that "*It is our legal opinion that the RDEIR is presently inadequate, lacks the required transparency, and cannot be used to support a finding that water supply impacts of the proposed project are Class II.*" Is Laetitia attempting to fool us into thinking that water is not an important issue anymore?

12. **MANY APPOVED LOTS** - There are already many vacant lots in the immediate area to the south of Laetitia. These lots have already been approved for building. For example; there are about 20 unimproved lots in the Rancho Nipomo tract, 10 lots within the Fitz-Gerald Ranch, 3 lots in the Wittsrom minor ag cluster, and about 3 lots on Rim Rock Road. All of these approved lots, when homes are built, will be obtaining their water from the same fractured shale that Laetitia is proposing for their water source. Additionally, most of these lots are approved for two home sites. There will simply **not be enough water to go around for everyone** as additional houses are built in this area on approved lots.

13. **THE WELL SHELL GAME -** Laetitia's new DEIR claims to solve the problem of depleting the water in Los Berros Creek by not using wells number 12 and 13 for the housing project, due to their close proximity to the creek. **However, these two wells would still be used for the irrigation of the vineyard**, which will be increased by 27 acres according to the plan. Laetitia's water "shell game" is making a mockery of the CEQA process!

14. **AFFORDABLE HOUSING? -** The proposed 102 one acre lots will be turned into million dollar estates. Is this needed in Nipomo? Isn't affordable housing for the working class more important to SLO County at this time?

15. **WASTING OUR TIME AND MONEY** - The first Laetitia DEIR was presented to the County in 2008. It was not acceptable then, and it is still not acceptable now. **Why is the County allowing this to go on for five years,** while wasting the time and resources of the planning department and ultimately wasting taxpayer dollars?

16. **CAUTION FROM THE EXPERTS** – The developer hired and paid CCH (Cleath Harris Consultants) to do the initial hydrogeological study for Laetitia. Because of our concerns to the initial DEIR 3 peer reviews have been performed of CCH's work, all of which differed significantly with many of CCH's conclusions. The hydrogeology company Geosyntec states in their October 2011 letter, "*This indicates that the long term capacities of the fractured bedrock aquifers to transmit groundwater are* ***lower than previously estimated*** *and sustainable production potential of the Project Site wells based on the short term tests were* ***unrealistically high****. Initial yields from wells in fractured bedrock aquifers often are not representative of longer term yields, which are typically lower.*"

17. **WATER STORAGE IN SHALE?** - Cleath and Associates (the hydrogeology company hired by Laetitia) proposes to utilize water in storage within the fractured shale as a component of "safe yield". Two of the peer reviews indicate that this is a **violation of CEQA and should not be allowed**. Fractured shale does not typically "store water." The Fugro hydrogeology report states that *"It should be noted also that the annual recharge estimates provided by Cleath are* ***misleading*** *in that they imply a component of available aquifer storage as recharge during a critical drought. The volume of* ***groundwater in storage is very***

***small** given the limited extent of available the bedrock aquifers and that the amount cannot be used as a component of sustainable supply"*

18. **CAN YOU TRUST THE NUMBERS?** - As the protests against this project mount, Laetitia continually reduces the estimated amount of the water that the housing project will use.
    a. 143 acre feet/yr (Cleath and Morro report, 2008)
    b. 73.7 acre feet/yr (Cleath, Nov. 2008)
    c. 46.3 acre feet/yr (Cleath, 2010)

    Is the County so gullible that they will believe *any* of these numbers?

    The hydrogeologist, Paul Sorenson of Fugro West, Inc. after thoroughly studying the Laetitia-Cleath report, stated in his letter to the County that "A worst case total project water demand estimate on the order of **168.6 acre ft/yr to 175.3 acre ft/yr is considered reasonable**."

    Laetitia now claims that each one acre lot will use 0.44 acre ft/yr of water. The WRAC brings up the point that The Woodlands and Varian Ranch were estimated to use 1.50 acre ft/yr per residence. Laetitia's numbers are maybe more appropriate for an apartment?

19. **DRY WELLS DOWNSTREAM** - Los Berros Creek is critical to charging the aquifer which supplies Oceano (within the Northern Cities Management Area) with its water. **The County is responsible for ensuring the reliability of this water source.** Already, the wells close to Los Berros Creek that Falcon Ridge (El Campo area) once used are not adequate, and other sources had to be implemented.

Prepared by the Nipomo Hills Alliance

www.StopLaetitia.com

July, 2013

Note: The deadline for comments to be submitted to the County is August 25, 2013.

Mail your letters to:

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