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Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE AND DE NOVO

LOCAL GOVERNMENT: San Luis Obispo County
DECISION: Approval with conditions
APPEAL NUMBER: A-3-SLO-95-69
APPLICANT: CAMBRIA COMMUNITY SERVICES DISTRICT
APPELLANTS: Commissioners Giacomini and Glickfeld; James and Hollie Stotter, Arlie and Nancy Green; and the Cambria Legal Defense Fund
PROJECT LOCATION: Plant site: East of San Simeon State Park campground, south of San Simeon Creek Road. Pipelines: State/County road rights-of-way between plant site and Pacific Ocean. two miles north of Cambria, San Luis Obispo County
PROJECT DESCRIPTION: Sea water desalination plant and associated seawater intake and brine disposal pipelines
SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County LCP, Final EIR and Addendum for Desal Facility, SLO County permit D940095D, Coastal Commission coastal development permits 131-20 and 132-18.

SUMMARY OF STAFF RECOMMENDATION

On November 15, 1995, the Commission opened and continued this appeal due to the facts that the entire record from the County was not available in time to prepare a staff report on the substantial issue determination and that the applicant submitted a written waiver of the requirement to hear the appeal within 49 days.

Staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. If the Commission so finds, staff further recommends that a de novo public hearing on this project

immediately follow with a recommendation for **approval with conditions** requiring 1) that the number of residential water hookups be limited to 125 annually, 2) that lateral access be provided on the sandy beach under which the intake and discharge pipelines will pass, and 3) that the applicant request that the County process an LCP amendment to redesignate the plant site from the agricultural land use category to the public facilities category.

Appeal Issues

The primary issues raised by this appeal regard the project's consistency with the policies of the San Luis Obispo County LCP on sizing of public works facilities and growth inducement, requirement for lateral access, and protection on agricultural land.

Project Description

The applicant, Cambria Community services District (CCSD), proposes to construct a reverse osmosis (RO) seawater desalination facility including a structure to house the RO units and associated pipes, tanks, etc., and seawater intake and brine discharge pipelines. All of the structures included in this appeal are located landward of the mean high tide line where the County of San Luis Obispo has permit authority and where the Commission has appellate authority. San Luis Obispo County approved a permit for the portions of the desalination facility landward of the mean high tide line. That County permit has been appealed to the Commission and is the subject of this staff report..

The reverse osmosis (RO) type desalination plant is proposed to be built about one-half mile inland from the ocean and just inland from San Simeon State Park on land the Cambria Community Services District now utilizes for well fields and percolation ponds. From the plant site, intake and discharge lines are proposed to be placed in County and State road rights-of-way and along an easement on a bluff-top parcel. Near the westerly edge of the bluff-top parcel, the applicant proposes to excavate a caisson a minimum of 6 feet in diameter and approximately 80 feet deep. From the caisson, the intake and discharge pipes would run out under the beach and seafloor to an intake structure and diffuser line, respectively. Pumps at the top of the caisson would pump the seawater to the desalination plant.

Project as Proposed Inconsistent with the Certified LCP

While policies and ordinances of the certified LCP applicable to the subject site require that a public works project be sized to serve only that growth which is consistent with that provided for in the LCP, the County approval did not condition the project to limit its use to any particular population figure, either annually or cumulatively. The project was approved by the County as proposed, i.e., in three phases with varying potable water production capacities and with a total cumulative potable water production capacity of 1.15 million gallons per day. Closely related to that is the fact that the County, in its approval, relied in part on the its growth management ordinance to maintain the rate of growth in Cambria. Unfortunately, that ordinance has never been certified by the Commission as part of the County's LCP and cannot be relied upon to control growth in the coastal zone.

The project also raises coastal access issues do to the fact that 1) part of the project is proposed to be constructed on a coastal bluff with seawater intake and brine discharge lines

being placed into a tunnel drilled beneath the beach, and 2) the increased water supply will allow for further growth which will in turn bring more people to the Cambria area, many of whom will use the beach for walking, fishing, surfing, etc. The LCP clearly mandates lateral access, but this was not required (vertical access exists about one-quarter mile to the south).

The site of the proposed desalination plant is designated as agricultural, but over one-third of the site is occupied by other existing CCSD developments (e.g., well fields, sewage disposal percolation ponds, etc.). This additional development would not protect the potential agricultural use of the site and the County did not require an agricultural easement over the site per the Coastal Zone Land Use Ordinance (CZLUO); nor did the County alternatively redesignate the parcel to a more suitable land use category that would recognize the predominate development on and use of the parcel.

Approvable Project

While the project as approved by San Luis Obispo County cannot be found consistent with the growth inducing, access, and land use designation policies and ordinances of the certified LCP, there are feasible measures that can be taken to make the proposal consistent with the LCP. Major points of inconsistency can be resolved by imposing the following conditions:

1. Requiring a limit on the total number of residential water connections that CCSD may provide, yearly.
2. Requiring CCSD to offer to dedicate an easement for later access along the beach.
3. Requiring CCSD to request that the County redesignate the site from the Agriculture land use category to the Public Facilities land use category.

List of Exhibits

Exhibit 1 - Appeals Received
Exhibit 2 - San Luis Obispo County Findings and Conditions
Exhibit 3 - Vicinity and Site Maps
Exhibit 4 - Project Plans
Exhibit 5 - Correspondence

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I. SUMMARY OF APPELLANTS' CONTENTIONS

The Commission received three appeals on this proposal. The entire text of the appeals is found at Exhibits 1. Each appeal is paraphrased below.

A. James Stotter II and Hollie M. Stotter and Arlie Green and Nancy Green, received October 3, 1995. This appeal contends that the proposal is inconsistent with the LCP because

- No provision is made for Agricultural Easement(s) over the undeveloped remainder of the involved parcel, as required by the LCP;
- The project is growth inducing;
- The project does not provide for lateral access.

B. Cambria Legal Defense Fund, received October 3, 1995. This appeal contends that the proposal is inconsistent with the LCP because:

- It violates Coastal Plan Policies document Public Works policy #8 in that the capitalization of the proposal would require the sale of domestic water meters to such an extent that there would not be enough water to serve visitor-serving facilities;.

Cambria Legal Defense Fund also raises two other issues:

- The proposal is inconsistent with coastal development permit 132-18 issued by the Commission in 1977 to the Cambria Community Services District, limiting the number of water hookups allowed;
- The proposal is inconsistent with Coastal Act section 30254 because it would allow for an expanded public works facility that would induce new development.

These latter two contentions, while they may have merit, do not address an inconsistency with the LCP, and so are not to be considered further in a substantial issue determination.

C. Commissioners Giacomini and Glickfeld, received October 3, 1995. These two appeals share the same grounds for appeal, as follows:

- The proposal is growth inducing, contrary to LCP Coastal Plan Policies document document Public Works Policy 2.
- The proposal does not provide lateral access as required by subsection 23.04.420(d)(3) of the County's Coastal Zone Land Use Ordinance and by Shoreline Access Policy 2 of the County's Coastal Plan Policies document.
- The proposal is inconsistent with Coastal Zone Land Use Ordinance subsection 23.04.050(b)(7) which requires an agricultural easement over the remainder of the parcel not utilized for non-agricultural purposes.

II. LOCAL GOVERNMENT ACTION

The proposal was originally approved by the San Luis Obispo County Planning Commission on March 23, 1995. That decision was appealed to the Board of Supervisors by James Stotter II, one of the appellants here, raising questions about the potential for the desalination plant to be growth inducing, about potential inconsistencies with various environmental regulations, and about the financing of the proposal. On July 18, 1995 the Board of Supervisors heard Mr. Stotter's appeal and denied it, thus approving the project. A notice of final local action was received in the Commission's Central Coast Area Office on July 31, 1995. That notice was determined to be deficient because it lacked an access finding. The County was so notified by letter dated August 3, 1995. Subsequently, the County adopted revised findings that included an access finding. An adequate final local action notice was received in the Central Coast Area Office on September 20, 1995. The 10 working day appeal period began on September 21 and concluded at 5:00 P.M. on October 4, 1995.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county (Coastal Act Section 30603(a)).

For projects not located between the sea and the first public road paralleling the sea, the grounds for an appeal shall be limited to an allegation that the development does not conform to the certified LCP (Coastal Act Section 30603(b)(1)). Since part of this project is appealed on the basis of its location between the sea and the first public road paralleling the sea, the

grounds for an appeal to the Coastal Commission include not only the allegation that the development does not conform to the standards set forth in the certified local coastal program but also the allegation that the development does not conform to the public access policies of the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue," and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Coastal Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **substantial issue** exists with respect to the grounds on which the appeal has been filed. Staff recommends a NO vote on the following motion:

MOTION:

I move that the Commission determine that Appeal No. A-3-SLO-95-69 raises no substantial issue with respect to the grounds on which the appeal has been filed.

Staff recommends a NO vote which would result in a finding of substantial issue and bring the project under the jurisdiction of the Commission for hearing and action. To pass the motion, a majority of the Commissioners present is required.

V. STAFF RECOMMENDATION ON COASTAL PERMIT

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the project, subject to the recommended conditions below and adopt the following resolution:

Approval with conditions

The Commission hereby **grants**, subject to the conditions below, a permit for the proposed development as modified, on the grounds that the modified development, as conditioned, will be consistent with the certified San Luis Obispo County Local Coastal Program, will be consistent with the public access and recreation policies of Chapter 3 of the Coastal Act, and will not have any adverse impacts on the environment within the meaning of the California Environmental Quality Act.

VI. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

VII. Special Conditions

1. Permit Authorization

This permit authorizes the Cambria Community Services District (CCSD) to construct the desalination plant and intake and discharge structures and pipelines appurtenant to the desalination plant that lie landward of the mean high tide line, as described in this staff report, the permit approved by San Luis Obispo County, and the Final EIR and Addendum prepared for the project. The total potable water production capability of this facility is 1.15 million gallons per day when all three phases of the facility are in operation. However, CCSD is restricted to using a maximum of 1.08 million gallons per day (the amount CCSD requested), unless a larger amount is approved as part of an amendment to this permit. No more than 1.08 million gallons per day may be produced by the plant unless an application to amend this permit is approved by the Commission to allow CCSD or the San Simeon Community Services District (which has indicated an interest in obtaining water from the desalination plant) to use the additional amount, up to a maximum of 1.15 million gallons per day. Further, no amendment of this permit is guaranteed by this language. Total seawater intake is limited to a maximum of 2.88 million gallons per day. Total brine discharge to the Pacific Ocean is limited to 1.73 million gallons per day.

2. Limit on Number of Residential Water Hookups No more than 125 residential water hookups may be issued yearly by CCSD.

3. Lateral Access

PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT the permittee shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the mean high tide line to the toe of the bluff. The recorded document shall include legal

descriptions of both the applicant's entire parcel and the easement area. The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. San Luis Obispo County Permit D940095D Conditions

Conditions 5, 6, 8, 10 through 15, 19 through 30, 37 through 39, 46, and 47 of the County's permit are hereby incorporated into this permit. Conditions 1 through 4, 7, 9, 16 through 18, 31 through 36, and 40 through 45 are deleted. Please refer to Exhibit 2 for the complete text of those conditions.

5. Conjunctive Water Management

WITHIN 60 DAYS OF COMMISSION ACTION on this permit, permittee shall submit to the Executive Director for review and approval an outline of a proposed comprehensive conjunctive use water management plan.

WITHIN 180 DAYS OF COMMISSION ACTION on this permit (120 days after submittal of the outline), permittee shall submit the proposed comprehensive conjunctive use water management plan to the Executive Director for review and approval. Such plan shall include, but not necessarily be limited to, maps, charts, graphs, text, and other information which depicts and describes:

- 1) The location of each of the District's wells and the historical production of each well.
- 2) Retrofit ordinances and conservation programs
- 3) Timing of phasing of desalination plant reverse osmosis trains.
- 4) How the desalination plant will be used in conjunction with the groundwater.
- 5) Future water supply to serve buildout
- 6) Measures to ensure that the groundwater production will not adversely affect environmentally sensitive habitats.

BY JANUARY 31 OF EACH YEAR FOLLOWING SUBMITTAL OF THE WATER MANAGEMENT PLAN, the permittee shall submit a letter report to the Executive Director for review and update which shall include:

- 1) Any changes in the water supply system during the previous year.
- 2) Date of installation of additional reverse osmosis trains (if applicable).
- 3) Water produced by groundwater wells and by the desalination plant, separately and together, during the previous year, by month and in total.
- 4) Any adverse changes noted in environmentally sensitive habitats that are attributable to groundwater production and action taken/to be taken to reverse/repair adverse conditions.
- 5) Number of hookups issued, by type, i.e., residential, commercial, etc.

6. Land Use Category Redesignation Request

PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT the permittee shall submit to the Executive Director for review a copy of a letter to San Luis Obispo County requesting that the previous CCSD request to redesignate the desalination plant site from the Agriculture land use category to the Public Facilities land use category as part of the North Coast Area Plan be reconsidered in light of this permit.

7. Final Engineering and Construction Drawings

PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT the permittee shall submit to the Executive Director for review and approval **two** copies of the final engineering and construction drawings. The drawings shall bear the stamp of the engineer and shall include location of staging areas, equipment work areas, and method(s) for ensuring protection of bluff top and face from destabilization during excavation and tunneling.

VIII. FINDINGS AND DECLARATIONS

The commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

1. Description. The applicant proposes to construct a reverse osmosis (RO) seawater desalination facility including a structure to house the RO units and associated pipes, tanks, etc., and seawater intake and brine discharge pipelines and structures. All of the structures included in this appeal are located landward of the mean high tide line where the County of San Luis Obispo has permit authority and where the Commission has appellate authority. San Luis Obispo County approved a permit for the portions of the desalination facility landward of the mean high tide line. That County permit has been appealed to the Commission and is the subject of this staff report. Please see permit number 3-95-75 for information about the seaward portion of the facility.

The reverse osmosis (RO) type desalination plant is proposed to be built about one-half mile inland from the ocean and just inland from San Simeon State Park on land the Cambria Community Services District now utilizes for well fields and percolation ponds. From the plant site, intake and discharge lines are proposed to be placed in County and State road rights-of-way and along an easement on a private bluff-top parcel. Near the westerly edge of the bluff-top parcel, the applicant proposes to excavate a 15 foot diameter caisson approximately 60 feet deep. From the caisson, the intake and discharge pipes would run out under the beach and seafloor to the intake structure and the diffuser line, respectively. Pumps at the top of the caisson would pump the seawater to the desalination plant.

To get the pipes from the caisson to the desired site off-shore, the applicant proposes to utilize directional drilling to create a tunnel 30 inches in diameter. The tunnel would contain two 10 inch seawater intake pipes, one 10 inch brine discharge pipe, and a 2 inch air line to be used to backflush the intake structure screens as necessary. The directional drilling equipment would be located and would drill from near the site of the proposed caisson.

The desalination plant itself would consist of a metal building in the style of an agricultural barn, between 15,000 and 20,00 square feet in size, and no more than 35 feet high. The exterior of the structure would have the appearance of wood siding and a corrugated metal roof, similar to existing agricultural barns in the area. The barn-like structure would house the RO "trains" which produce potable water from seawater and appurtenant filters, pumps, electrical generators, and chemicals, in addition to an office, restroom, lab, and storage area.

Adjacent to that structure would be a clear well, or stilling well, which is basically a concrete water tank partially buried in the ground. The clear well is proposed to be approximately 120 feet long, 15 feet wide, and 15 feet deep. It would be housed in a smaller barn-like structure, approximately 3600 square feet in size. Water produced from the RO process would go to the clear well where chlorine would be mixed with the water to disinfect it. Well water from the District's nearby well field could also be blended with the desalinated water in the clear well. From the clear well, the water would be introduced into the District's domestic water supply lines. The plant buildings are proposed to be partially hidden from view from Highway One and parts of San Simeon State Park by landscaping including sycamore, willow, black cottonwood, and elderberry.

The potable water production of the desalination facility would be phased in three phases over approximately a ten to twenty year period. The phasing would occur when additional RO trains are added. Other than the additional RO trains, the entire facility would be constructed at one time. According to the Final EIR and the County staff report, the desalination facility would initially contain two RO trains each capable of producing 144,000 gallons per day (gpd) of potable water for a total of 288,000 gpd. Approximately five years after that, an additional train would be added with a capacity of 360,000 gpd. Approximately five years later, a fourth train of 360,000 gpd capacity would be added, for a total capacity of 1,008,000 gpd 10 years after initial construction. However, subsequent to the date of the County staff report, public hearing, and approval of the project, CCSD prepared an Addendum to the FEIR which laid out a somewhat different time frame and larger potable water production total. The Addendum stated that initially, the facility would contain RO trains capable of producing 430,000 gallons of potable water per day. Approximately ten years later another RO train would be added with a capacity of 360,000 gallons per day, and ten years after that the final RO train would be added, also with a capacity of 360,000 gallons per day. Thus, according to the Addendum approximately twenty years after construction, the desalination facility would be capable of producing approximately 1,150,000 gallons of potable water per day. In any event, CCSD has stated that it plans to use only 1,008,000 gallons of water per day. The larger total capacity is proposed since the San Simeon Community Services District (SSCSD) has indicated an interest in participating in the project in the future. According to CCSD, the intake and discharge structures would not have to be enlarged if SSCSD did participate. There would be a "small incremental increase in the volume of plankton and fish larvae entrained into the open water intake . . ." but "This will result in a Class III, less than significant environmental effect." Although the total amount of the

discharge would increase and there would be a slight increase in chemical additives used in the RO process, the dilution ratio would remain the same.

2. Background. The community of Cambria, like most along the central California coast, relies on groundwater. Historically, Cambria pumped water from wells in the Santa Rosa Creek basin and, more recently, in the San Simeon Creek basin..

In 1977, the Commission, in permit 132-18, limited groundwater deliveries from the San Simeon Creek groundwater basin to certain assessment districts and subdivision tracts until certification of a Local Coastal Program for the area. Additionally, that permit limited the number of water connections to a total of 3800 dwelling units and limited the number of annual hookups initially to 84 per year "Unless and until a Local Coastal Program is certified specifically approving an increase in water supply beyond that provided by this permit."

Subsequently, the Commission issued permit 428-10, in 1981, to allow for hookups to 5200 dwelling units, at 125 permits per year. The Commission found that such an amendment could be approved based on a decreased per capita water consumption from 140 gallons per day to 105 gallons per day and that the consumption would not be increased nor would the long term growth period be decreased. That permit stated "One of the major concerns of the Commission is that the community have adequate time to develop additional water resources in an environmentally sensitive manner and to allow the community sufficient time to implement a resource based land use plan." The staff report went on to say "The growth management system in the original permit was based on the need to mitigate the impacts of growth accommodated by the water system over a sufficient time period, based on assumptions of known water supplies available to the community."

Those pre-LCP certification actions by the Commission limiting hookups were based on protecting the groundwater basins by pacing growth at a rate which would not deplete the then known available water supplies. Those actions were not meant to limit the number of hookups or buildout population of Cambria after certification of an LCP for the area or if additional water supplies were developed. The limit of 125 residential water hookups per year applied only to the water service provided by groundwater wells, the only water source then existing. Commission approval of this permit for the desalination plant thus will not automatically carry with it the yearly residential limit of 125 hookups.

Over the years, CCSD has investigated various potential additional water supplies, including importing water from Nacimiento Reservoir on the east side of the Santa Lucia Mountains east of Cambria, building dams on coastal streams in the Cambria vicinity, and utilizing groundwater recharge. All of these were rejected, due to environmental, financial, or engineering concerns. In 1993, the district began investigating the possibility of desalination of seawater.

B. ISSUE DISCUSSION

1. Sizing of Public Works Facilities and Growth Inducing Aspects

There are two aspects of growth inducement that are of concern, overall growth (i.e., growth to build out), and the pace of growth (i.e., the yearly rate of growth). Both will be discussed in the following paragraphs.

The Cambria Legal Defense Fund appeal raises the issue of conformity of the proposal with Public works Policy 8 of the County's LCP Coastal Plan Policies document. That policy states:

Where existing or planned public works facilities can accommodate only a limited amount of new development, the following land uses shall have priority for services in accordance with the Coastal Act and be provided for in the allocation of services in proportion to their recommended land use within the service area.

- a. *Uses which require location adjacent to the coast (coastal-dependent uses).*
- b. *Essential public services and basic industries vital to the economic health of the region, state or nation including agriculture, visitor-serving facilities and recreation.*

The North Coast Area Plan contains a communitywide standard applicable to the entire urban area of Cambria relative to water service to priority uses. Standard 2 states:

Reservation of Service Capacity. *To allow for continued growth of visitor-serving facilities, 20% of the water and sewer capacity shall be reserved for visitor-serving and commercial uses.*

Cambria Legal Defense Fund contends that the proposal will not be able to serve the projected population of Cambria as well as the priority uses listed in Public Works Policy 8 and that the funding for the project is based on the sale of a number of residential water meters such that there will be no water available to serve the priority uses. According to that appeal "The project is capitalized by sale of water meters to 3250 new houses" but that to serve the priority uses "The capitalization of this project must be funded by water meter sales to fewer homes than 3,250" (emphasis added). Thus, according to that appeal, either the project will be funded and built at the expense of serving priority uses, or the project will be underfunded. Not clearly articulated is a third possibility - that residential water rates will dramatically increase.

However, the ***Reservation of Service Capacity*** communitywide standard ensures that water service will be available to serve priority uses. That standard is based on any and all water sources CCSD may have at its disposal. There was controversy at the County hearings about the funding of this project and whether water rates would rise dramatically and if the cost of the desalination facility would be borne equally by all.

It is the understanding of staff that the CCSD bases its connection fees on a dwelling unit equivalency structure, where the fee is based on how many dwelling units the water use of a particular development could serve. This funding issue, while it is important to the residents of Cambria, is not an LCP issue, since the LCP has a clear, unambiguous requirement for reservation of water capacity for priority uses. Funding of the project is an issue appropriately dealt with by either the CCSD Board of Directors or the County Board of Supervisors. The Commission does not have authority to determine water rates or settle issues around project capitalization in an area where there is a certified LCP that provides for reservation of capacity for priority uses.

Nevertheless, currently there is no overview provided of the amount of water available and how it is in fact allocated. In order to ensure that 20 percent of the water supply is reserved for visitor-serving and commercial uses, it is appropriate to require that CCSD provide information to the Executive Director yearly on the water supply and its actual allocation. This can be accomplished as part of a water management plan with yearly updates in the form of a letter on the water allocation for the previous year. This will additionally allow CCSD, the Commission, and interested parties easy access to information about the water supply in Cambria.

The appeal filed by the Stotters and the Greens, as well as the appeal by Commissioners Giacomini and Glickfeld, raise the issue of growth inducement. Those appeals contend that this is so because the project would remove a barrier to growth, that is, it would allow CCSD to issue an essentially unlimited number of water connections, restricted only by the ability of the desal plant to provide water at any given time. The County's LCP Coastal Plan Policies document Public Works Policy 2 states, in part:

New or expanded public works facilities shall be designed to accommodate but not exceed the needs generated by projected development within the designated urban reserve lines

The North Coast Area Plan of the LCP contains a mandatory standard that applies community wide in Cambria, which states:

Limitation on Residential Construction. *In accordance with the Environmental Protection Agency's concern for environmental protection (as expressed in the condition on the sewer treatment facility expansion permit), the maximum number of residential permits shall not exceed 125 per year. This shall remain in effect as long as the EPA requires this condition. To implement this, the final building inspection shall be issued upon receipt of a water permit from the Cambria Community Services District. Such letters shall be issued by the district on the following basis:*

- a. Seventy (70) percent of the 125 permits shall be reserved for single family residential uses .*
- b. Thirty (30) percent shall be reserved for multiple family residential uses.*
- c. At the end of each quarter, those permits for single family or multiple family units which are not issued in one quarter may be reallocated to either single family or multiple family residential use based on demand.*

This language from the LCP clearly limits annual residential growth. A condition limiting service to new residential development to 125 units per year is, therefore, necessary to ensure consistency with the LCP standard quoted above. It does not appear that there is any limit on the number on non-residential hookups, and therefore the restriction is limited only to residential projects.

The County staff report acknowledges that the proposal will be growth inducing. According to that staff report:

The EIR concludes that the proposed project will not have a growth inducing effect on the community of Cambria. The document indicates that the desalination facility is reducing a "barrier to growth," meaning a limited water supply, but that there will not really be any effect due to other restrictions currently in existence. Staff does not concur. It is the opinion of the

County that the project will definitely be growth inducing, however, due to the number of existing undeveloped lots in Cambria, and the limitations contained in the growth management ordinance that the growth resulting from the proposed project will be in significant. No mitigation measures are recommended.

The referenced growth management ordinance has never been certified by the Commission and so is not legally effective in the coastal zone to limit growth. The Commission-instituted 125 per year limit on water hookups from Permit 132-18, discussed above in the **Background** section, is not applicable to hookups made possible by water supplied from the desalination plant, because Permit 132-18 set that limit relative to groundwater production only; the intent of that permit was to protect the groundwater basin from overdrafting and not prejudice LCP planning, by limiting the rate of water extraction. The proposed project is growth inducing, but the overall growth allowed by the desalination water source is consistent with the LCP projected population figures for Cambria. The rate of that growth is what the County's permit did not address.

In the proposed North Coast Area Plan update, which is in draft form and undergoing hearings at the County, the 2.3 percent growth rate contained in the currently uncertified growth management ordinance is proposed to be added as a standard applicable community-wide in Cambria. Additionally, the words "and California Coastal Commission" are proposed to be added to the **Limitation on Residential Construction** after "EPA." If the growth management ordinance and the proposed changes to the North Coast Area Plan were to be certified by the Commission, then there would be a clear limit on the rate of growth in Cambria.

In addition to the permits the Commission issued for water supply, the Commission also issued permits for CCSD's sewage treatment plant prior to LCP certification. Permit 131-20, issued in 1977 at the same time as Permit 132-18, to upgrade the sewage treatment plant and to develop new land outfall sewer and disposal facilities contained the same restriction on number of sewer hookups as Permit 132-18 did on water hookups. Both permits, 131-20 for the sewer plant upgrade and 132-18 for the water system upgrade and new well drilling, were discussed and conditions developed in terms of protecting the existing groundwater supply by reducing water usage and ensuring that development prior to certification would not take place at such a pace that the LCP planning process would be jeopardized. The rate of hookups was based on a 30 year time frame. According to the staff report for 132-18,

There could be adverse impacts on coastal resources as a result of the development generated which is an increase of 2.9 times the existing population. The impact on the community's ability to plan for the growth and its ability to accommodate the development within the policies of the Coastal Act as required by the Local Coastal Program would be mitigated if the rate of development were extended over the 30 year period required to meet the repayment plan of the Davis-Grunsky Loan (project funding).

The 1976 population of Cambria was estimated at 2667. The population capable of being served by the available groundwater was estimated at 7600, approximately 2.9 times the 1976 population. Subsequently, both permits were amended by Permit 428-10, to allow for an increase in both water and sewer hookups from 3800 to 5250 dwelling units, but still at 125 per year, based on a decreased per capita water consumption from 140 gallons per day to 105 gallons per day. The thought was that the water consumption would not be increased nor

would the long term growth period be decreased; only the total number of persons served would be increased.

The draft update of the North Coast Area Plan puts Cambria's current population at about 5600. The desalination plant EIR estimates it at about 5900. Water production from 1987 through 1993 averaged 711 acre feet per year (afy). Assuming that the average production equals demand and that the 1995 production was 711 afy and that the population equals 5750, the average of the EIR and the draft North Coast Area Plan update estimates, then the per capita water use equals 0.12 afy, or 39,102 gallons per year. Those yearly figures translate into a per capita use of 107 gallons per day.

CCSD estimates water demand to be 1556 afy by 2015. Assuming the daily per capita rate is still 107 gallons at that time, the population that could be supplied by 1556 afy would be 12,982. The desalination plant EIR projects population in 2015, with a limit of 125 hookups per year, to be 11,550. That population figure at that usage equates to approximately 120 gallons per capita per day. The recent average groundwater pumping equals 711 afy. The difference in demand in 2015 over recent average production is then 845 afy. The desalination plant at full capacity operating 365 days per year would supply 1129 afy. Recent average groundwater supply plus full-time desalination plant capacity would therefore equal 1840 afy, or approximately 284 afy more than required in 2015. If CCSD pumped the San Simeon Creek basin to its full legal limit, production could equal 1230 afy. That plus the full time desalination operation would equal 2359 afy, significantly more than the 1556 project to be needed in the year 2015. It is unlikely, however, from a purely economic standpoint, that CCSD would operate the desalination plant at full capacity, year-round, since water produced by the desalination plant is significantly more expensive than well water. Also, it is unlikely that CCSD could produce up to its legal limit from the wells, every year, unless every year had at least "average" rainfall. Historically, that has not been the case.

According to CCSD, the intent is to operate the desalination facility only when necessary, typically during the late summer through early winter, when groundwater supplies are lowest. If extended drought conditions return, the District proposes to operate the desalination plant as necessary, which could be year-round.

Looking to the longer-range picture, the low estimate for population at the buildout approved by the LCP, estimated to occur around the year 2042-43, is approximately 18,000. Assuming a daily per capita demand of 120 gallons, the water demand at buildout would be approximately 2420 afy. Again, if both the desalination plant and the wells were producing at their maximum capability, year-round, the production would equal 2359 afy, or some 61 acre feet less than needed by the low-estimated buildout population. Again, it is unlikely that either the desalination plant or the groundwater wells could produce that amount of water year in and year out.

The desalination facility and groundwater pumping could, conceivably, produce more water than is necessary in the short to medium term. The desalination facility, by itself or in conjunction with groundwater, will not provide more water than is necessary in the long term, at the buildout figures arrived at through the LCP planning process. However, to ensure that the pace of development is consistent among the groundwater utilization, the sewage treatment plant utilization, and the desalination plant utilization, it is appropriate to place a condition on this permit that limits the number of residential water hookups to 125 annually as required by

the North Coast Area Plan ***Limitation on Residential Construction*** standard cited on page 14 of this report. After certification of the County's growth management ordinance, if CCSD wishes, it may come back to the Commission with an amendment request to remove the annual limits currently in place, since there would then be an overall management tool regulating the rate of growth.

2. Lateral Access Issues

The proposed project raises the issue of coastal access because it 1) involves physical development on a coastal bluff and under the beach and, 2) would provide for an increased water supply which would contribute to additional growth, which would in turn result in more people developing residences in Cambria, thus over the life of the project adding significantly to the number of people using the beach for recreational activities. It should be noted that, as of the date of this staff report, according to CCSD, the bluff top parcel was not yet owned by the District, but that CCSD was in escrow to purchase the bluff top lot.

Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first public road and the sea, indicating that the development is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act. The proposed intake and discharge pipes are located partly and the intake pump caisson is located wholly between the first through public road and the sea. Therefore, public access concerns must be analyzed in terms of both the certified LCP and the Coastal Act.

Coastal Act Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act section 30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) *it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources*
- (2) *adequate access exists nearby, or,*
- (3) *agriculture would be adversely affected.*

CZLUO section 23.04.420(b). *Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where such rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sandy and rocky beaches to the first line of terrestrial vegetation.*

CZLUO section 23.04.420(c). *When new access is required. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) *Access would be inconsistent with public safety, military security needs or the protection of fragile coastal resources; or*
- (2) *the site already satisfies the provisions of subsection d of this section: or*

- (3) *Agriculture would be adversely affected; or*
- (4) *The proposed new development is any of the following:*
 - (i) *Replacement*
 - (ii) *The demolition and reconstruction*
 - (iii) *Improvements to any structure*
 - (iv) *The reconstruction or repair*
 - (v) *Any repair or maintenance activity*
 - (vi) *Nothing in this section shall restrict public access*

CZLUO section 23.04.420(c)(3). Lateral access dedication: *All new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide line to the toe of the bluff.*

The beach area in question lies about one-eighth mile north of San Simeon State Park and is not a part of the holdings of the Department of Parks and Recreation. Access to the beach is from either the State Park Campground or from a highway turnout just south of San Simeon Creek. From the State Park boundary to the north for about one-half mile to where a rocky headland effectively ends the sandy beach, the beach is physically passable, except during extreme high tides. The sandy beach extends about one mile south of the subject beach area, to where another rocky headland ends the beach.

CCSD proposes to excavate a caisson on the blufftop and drill a tunnel from the caisson to the site of the off-shore intake structure. The tunnel would pass beneath the beach. Although there would be no physical work done on the beach and the bluff top caisson would not interfere with access to or along the beach, the result of the project would be to increase the population of Cambria by increasing the available water supplies. The project will, over the next 20 to 30 years, allow the population of Cambria to double, from just under 6000 today to about 12,000. Past planning experience and studies indicate that residents of beach communities such as Cambria often use the beach for a variety of recreational activities. It can thus be anticipated that resident beach use will increase approximately 100 percent due to the additional residential construction facilitated by the project. Non-residential development allowed by the desalination plant can also be expected to increase beach use - particularly visitor-serving development such as hotels, bed and breakfast inns, etc. When staff was on the subject beach on a weekday mid-morning in mid-October, there were at least seven other people using the beach.

The County found that there was no need for vertical or lateral access. Staff agrees that there is no need for vertical access in this case because of the existing access provided at San Simeon State Park Campground and the highway turnout. Staff disagrees with the County's reasoning in not requiring lateral access, because in staff's opinion, based on a site visit, there is sufficient dry sand and area between the mean high tide line and the toe of the bluff for people to safely traverse the beach at the site. The County lateral access finding states:

Section 23.04.420 requires that all new development provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide line to the toe of the bluff. It does not appear that there is sufficient dry sand or area between the mean

high tide line and the toe of the bluff for lateral access to be used by the public in a safe manner as there does not appear to be any dry sand between the mean high tide line and the toe of the bluff. Therefore, lateral access is not being required at this time and the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because it will not inhibit access to coastal waters and recreation areas.

When Commission staff was on that beach in mid-October 1995, the tide was going out and was at approximately the mid-range between the previous high tide and the subsequent low tide. There was approximately 15 feet of dry sandy beach between the toe of the bluff and the previous high tide line. Reference to tide tables showed that the morning high tide on the day staff was at the beach was just over four feet and had occurred about three hours before staff was there. The subsequent low tide occurred about two and one-half hours after staff left the site. Within a week's time, the high tides ranged from four feet to six feet. It appears that there is in fact adequate beach for people to safely traverse most of the time and so lateral access ought to be secured. Based on the Coastal Act, the CZLUO, and the significant increase in beach use which will occur as a result of this project, it is necessary to require a lateral access dedication from CCSD for this section of the beach.

3. Agricultural/Open Space Easement and Land Use Category Designation

The proposal raises the issue of 1) the need for an agricultural or open space easement over the non-public facilities portion of the parcel and/or 2), the propriety of the land use designation and the integrity of the LCP relative to the site because, although the parcel where the desalination plant is proposed to be located is designated Agriculture, it contains CCSD facilities already, and it is unlikely that the establishment of agricultural activities on the remnants of land not being used for water and sewer facilities or ESH (creek corridor) is feasible. The existing non-agricultural development includes sewage disposal percolation ponds, spray fields, a reservoir, and groundwater wells. Approximately 35 percent of the 104 acre parcel is already developed with these various facilities. Another 24 percent of the parcel is ESH (riparian habitat along San Simeon and Van Gordon Creeks. The County's Coastal Zone Land Use Ordinance (CZLUO) section 23.04.050(b)(7) requires an agricultural easement over the remainder of a parcel not utilized for non-agricultural purposes, stating, in part:

As a condition of approval of a supplemental non-agricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agriculture, and if appropriate, open space use by the following methods: (i) Agricultural easement (ii) Open space easement"

The County findings include the following:

The proposed project or use is consistent with the Local Coastal Program and the LUE of the general plan because the proposed desalination plant is an allowed use with special standards within the Agriculture Land Use Category. The project is consistent with other elements of the general plan.

The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is a public utility facility

The County neither included a finding addressing the issue of protection of continued agricultural use on the remainder of the site nor conditioned the permit to protect agricultural use. Essentially, the parcel is being de facto "redesignated" to the Public Facilities land use category by allowing additional public facility uses without following the procedures for protecting agricultural lands. The LCP does allow public facility uses on agriculturally designated lands. However, until the land use category is legally redesignated by the County and certified by the Commission, the integrity of the LCP relative to this site is being eroded.

The subject parcel totals approximately 104 acres. About 30 acres are riparian habitat and archeological sites. CCSD water supply and sewage disposal functions on the site occupy approximately 40 acres. Some 34 acres are potentially available for agricultural use. However, the present non-agricultural uses are not clustered altogether, but are spread unevenly over the site. The largest single vacant portion of the parcel is approximately 17 acres. According to the CZLUO, that area ought to be in an agricultural easement.

An alternative to the current situation may be to redesignate the parcel to the Public Facilities land use category. Given the small size of the vacant area of the parcel relative to the total size of the parcel and the fact that the site has been essentially devoted to public facilities, it may be more appropriate to redesignate the site to the Public Facilities land use category. In fact, CCSD has requested the County to do just that as part of the update to the North Coast Area Plan, which is undergoing hearings at the County. At least initially, the County staff is recommending that the site *not* be redesignated from Agriculture to Public Facilities, because of the much more intense uses that are allowed in the Public Facilities category. It would be possible, however for the County to include standards in the North Coast Area Plan that would apply only to the subject parcel which could, for example, limit public facilities development to only water and sewage disposal uses.

All things considered, it is more appropriate to redesignate the parcel, with appropriate limitations, than to require an agricultural or open space easement. Given this, it is appropriate to condition this permit to require CCSD to request that the County reconsider the redesignation request and that evidence of that reconsideration request be submitted to the Executive Director for review, prior to transmittal of the permit. If the County elects not to redesignate the parcel, the Commission could suggest that as a modification to the North Coast Area Plan when it comes to the Commission for certification, probably in mid-1996.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. CCSD, the lead agency under CEQA, circulated and certified an Environmental Impact Report for the proposed desalination facility. The Commission staff responded to that EIR with a number of concerns. The Commission finds that, only as modified and conditioned

by this permit, the proposed project will not have any significant adverse impacts on the environment and can be found consistent with CEQA

RECEIVED
OCT 03 1995

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

726 FRONT STREET, STE. 300

SANTA CRUZ, CA 95060

(408) 437-4845

HEARING IMPAIRED: (415) 904-8200

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

JAMES STOTTER II & HOLLIE M. STOTTER 1595 Cardiff Drive

~~Cambria, CA 93420 Tel # (805) 927 5319~~~~ARLIE GREEN & NANCY GREEN 5051 Sunkharet Drive~~~~Cambria, CA 93424~~

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS

2. Brief description of development being appealed: Cambria Community Service District's Project to construct a Desalination Plant

3. Development's location (street address, assessor's parcel no., cross street, etc.): Cambria, California

4. Description of decision being appealed:

a. Approval; no special conditions: x

b. Approval with special conditions: _____

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. It is such. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-95-69DATE FILED: 10/3/95DISTRICT: CEN COAST

H5: 4/88

EXHIBIT NO. 1

APPLICATION NO.

A-3-SLO-95-69

- 2 -

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. Planning Director/Zoning Administrator c. Planning Commissionb. X City Council/Board of Supervisors d. Other6. Date of local government's decision: September 5th, 1995.7. Local government's file number (if any): D940094DSECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Cambria Community Service District
Post Office Box 55
Cambria, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Cambria Legal Defense Fund, P.O. Box 516, Cambria, CA 93428(2) Greenspace, The Cambria Land Trust, P.O. Box 1505, Cambria, CA 93428

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

EXHIBIT I**A-3-Slo-95-6**

-3-

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

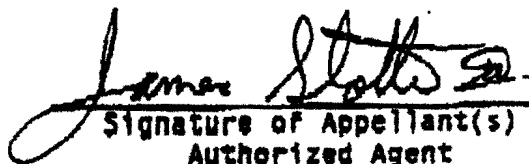
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached Sheet (page 4)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

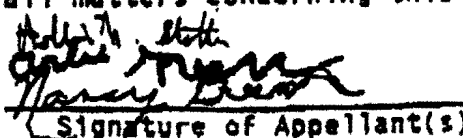

Signature of Appellant(s) or
Authorized Agent

Date October 3rd, 1995

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize James Stotter II to act as my/our representative and to bind me/us in all matters concerning this appeal.


Signature of Appellant(s)

Date 10/3/95

EXHIBIT I
A-3-slo-9
69

-4-

A-3-SLO-95-69. CAMBRIA COMMUNITY SERVICES DISTRICT

(continuation) Appeal of approval of the CCS's plan to allow construction of a desalination plant.

The construction and operation of the desalination plant is inconsistent with a number of the LOCAL COASTAL PLAN's (LCP) policies which are to protect off-shore marine and on-shore resources. These inconsistencies include, but are not limited to:

- a) no provision is made for Agricultural Easement(s) over the undeveloped remainder of the involved parcel;
- b) the project is growth inducing contrary to the LCP provision(s) which expressly limit growth in Cambria;
- c) the project does not provide for lateral access to the coast.

The Enviromental Impact Report (EIR) and its Amendment do not contain adequate information to ascertain whether it is consistent with the LCP (e.g.- a), b), c) above, and the policies which require protection of environmentally sensitive coastal resources and habitat.)

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/

EXHIBIT I
A-3-SLO-95-69

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, STE. 300

SANTA CRUZ, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-3200

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENTPlease Review Attached Appeal Information Sheet Prior To Completing
This Form.SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Cambria Legal Defense FundP O Box 516Cambria CA 93428(805) 927-5800

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed1. Name of local/port
government: Cambria Community Services District via SLO County Bd. of Spvrs.2. Brief description of development being
appealed: Construction and Operation of a Desalination Plant for Municipal use3. Development's location (street address, assessor's parcel
no., cross street, etc.): San Simeon Creek Road approximately one mile
East of State Highway #1 in the County of San Luis Obispo, State of California.

4. Description of decision being appealed:

a. Approval; no special conditions: A-3-SLO-95-69

b. Approval with special conditions: _____

c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-SLO-95-69DATE FILED: 10/3/95DISTRICT: CEN COAST

EXHIBIT I

A-3-SLO-95-69

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of Supervisors

d. ☐ Other _____

6. Date of local government's decision: 9/20/95

Coastal Development Permit

7. Local government's file number (if any): D940095D

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Cambria Community Services District

2284 Center Street

Cambria CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Vern Kalshan Esq. 805/927-1222

440 Kerwin

Cambria CA 93428

(2) _____

(3) _____

(4) _____

EXHIBIT 1

A-3-SLO-95-69

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

1. The proposed capitalization for this project violates Coastal Development Permit Number 132-18 as amended 5/29/91. (please see page 1 attached)
 2. The project violates Coastal Act Section 30254. (please see page 2 attached)
 3. The project violates Coastal Plan Policy #8 for Public Works. (please see page 3 attached)
-
-
-
-

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Vern Kalshan
Vern Kalshan, Attorney for
Cambria Legal Defense Fund
Signature of Appellant(s) or
Authorized Agent

Date 10/2/95

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Vern Kalshan, Attorney to act as my/our representative and to bind me/us in all matters concerning this appeal.

Cambria Legal Defense Fund
by Sue L. Fisher
Signature of Appellant(s)

Date 10/2/95

EXHIBIT I

A-3-SLO-95-69

PROJECT VIOLATES COASTAL DEVELOPMENT PERMIT #132-18

Approval of this project violates the 5/29/81 amendment to the Cambria Community Services District Coastal Development Permit Nos. 132-18 and conditions 2 and 4 respectively which state in part as follows:

"Unless and until a Local Coastal Program is certified specifically approving an increase in water supply beyond that provided by this permit:

a. No more than a total of 5,250 dwelling units shall be permitted to receive water connections (including existing and new units)."

In Cambria, there are 3,430 houses (letter by a Director of the District, Peter Chaldecot to local newspaper published 3/23/95). The project proposes to provide water for 3,250 new residential units (letter by the General Manager of the District, David J. Andres dated 3/2/95 written to the SLO County Planning Commission) for a total of 6,680.

This exceeds the permit by 1,570 houses.

EXHIBIT I

A-3-SLO-95-69

PROJECT VIOLATES COASTAL ACT §30254

California Coastal Act §30254 provides in part as follows:

"New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special Districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division....."

This section requires that rural highway #1 remain a two-lane road. Within the last year Cal-Trans has requested that the San Luis Obispo County Board of Supervisors allow the expansion of this highway through Cambria to a four-lane road because of increased traffic. Increasing the number of dwelling units in Cambria from 3430 to 6680 will require that the two lane highway become a four lane highway. This is contrary to the intent of the Legislature.

Since the desalination plant is to be capitalized by the issuance of water meters to 3250 new dwelling units, this is a Special District expansion that is not "consistent with the provisions of this division" of the Coastal Act because it results in the widening of Highway #1.

The project causes growth that is not "consistent with the provisions of this division" because the Coastal Act requires that the kinds, intensities and locations of land uses must be correlated with the availability of resources and services. This planned capitalization does not guaranty coordination and affordability with other necessary infrastructure including, but not limited to roads, fire protection, law enforcement protection, emergency medical services, and school district expansion.

Miles of the residential roads in Cambria are too narrow. Standard size cars cannot park on opposite sides of the street because there is not enough room between them to allow a standard size car to pass. Thousands of houses will be required to surrender the ten foot right-of-way in their front yards to widen the roads. Within the last year the grammar school district demanded new school facilities because of over-crowding. In the last election, the voters allowed the hospital district to increase its tax assessment. Main Street is not wide enough for the current population.

PROJECT VIOLATES COASTAL PLAN POLICY #8 FOR PUBLIC WORKS

Policy #8 of the Coastal Plan Policies for Public Works provides in part as follows:

"Where existing or planned public works facilities can accommodate only a limited amount of new development, the following land uses shall have priority for services in accordance with the Coastal Act and be provided for in the allocation of services in proportion to their recommended land use within the service area.

- a. Uses which require location adjacent to the coast.
- b. Essential public services and basic industries vital to the economic health of the region, state or nation including agriculture, visitor-serving facilities and recreation."

The projected domestic water demand set forth in the EIR on page 3-9 is calculated by using 135 gallons of water per day per person and allowing two persons per household. This means that 6,680 houses will shelter 13,360 people using an average of 1,803,600 gallons of water per day for normal living conditions. The desalination plant can only provide 1,000,000 gallons per day. The wells must be relied upon every day of the year to make up this difference.

To this demand must be added 25% for current and proposed commercial use (visitor-serving) and 150,000 gallons per day that is allocated to the San Simeon Community Services District.

The project is capitalized by sale of water meters to 3,250 new houses. The demand generated by these houses exceeds the capacity of the desalination plant and the wells to supply water to them. The capitalization of this project must be funded by water meter sales to fewer homes than 3,250 so that water will also be available to visitor-serving development.

All of funds and space needed to support the growing residential population will deplete the availability of these items for visitor serving uses.

In drought conditions where 50 gallons of water per day is allocated to each person, the 6,680 houses with an average of two persons each require 668,000 gallons per day. San Simeon is still entitled to its 150,000 per day for a total of 815,800 gallons per day leaving only 182,000 gallons of water per day for all commercial uses.

Between May 1, and October 31, the total district (residential and commercial) demand now averages about 634,300 gallons per day.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT



HEARING IMPAIRED: (415) 904-5200

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Commissioner Gary GiacominiCalifornia Coastal Commission, 45 Fremont Street, Suite 2000San Francisco, CA 94105-2219(415) 904-5200ZipArea CodePhone No.SECTION II. Decision Being Appealed1. Name of local/port government: San Luis Obispo County

2. Brief description of development being appealed: Cambria Community
Services District Desalination Plant and Associated Seawater Intake and Brine
Disposal Lines.

3. Development's location (street address, assessor's parcel no., cross
street, etc.): Desalination Plant: East of San Simeon State Park Campground,
South of San Simeon Creek Road, Two Miles North of Cambria. Transmission
Lines: State/County Road Rights-of-Way.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: D940095 D

c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

EXHIBIT I
A-3-SLO-95-

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-SLO-95-69DATE FILED: 10/3/95DISTRICT: CENTRAL COAST

H5: 4/88

RECEIVED
OCT 3 1995

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

5. Decision being appealed was made by (check one):

a. Planning Director/Zoning Administrator c. Planning Commission

b. X Board of Supervisors d. Other

6. Date of local government's decision: September 5, 1995

7. Local government's file number (if any): D9400950

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Cambria Community Services District-David Andres, Gen. Man.
P.O. Box 65
Cambria, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) County of San Luis Obispo
Department of Planning & Building - Alex Hinds, Director
County Government Center, San Luis Obispo, CA 93408

(2) James Stotter II
1595 Cardiff Drive, 2nd Floor
Cambria, CA 93428

(3) Terry Watt
1757 Union Street
San Francisco, CA 94123

(4) Helen May
2127 Andover Place
Cambria, CA 93428

EXHIBIT I
A-7-SLO-95-69

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

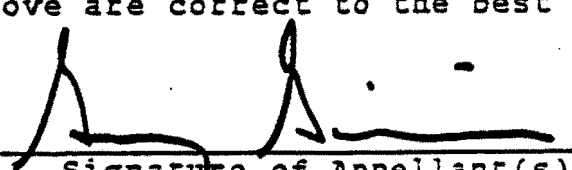
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached sheets

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

Date October 3, 1995

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____, to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

A-3-SLO-95-69. Cambria Community Services District

Reasons for Appeal (Section IV of Appeal Form)

This Coastal Development Permit is appealable because:

- 1) It is partly located between the sea and the first public road paralleling the sea. The sea water intake and brine disposal transmission lines are partly located between State Highway One and the Pacific Ocean two miles north of the community of Cambria in San Luis Obispo County (PRC 30603(a)(1)).
- 2) It is partly located within 300 feet of the top of the seaward face of a coastal bluff. The sea water intake and brine disposal transmission lines are partly located within 50 feet of the top of the seaward face of the coastal bluff (PRC 30603(a)(2)).
- 3) The entire desalination plant and its seawater and brine disposal transmission lines are not designated a principal permitted use in the County's Coastal Zone Land Use Ordinance (PRC 30603(a)(4)).
- 4) The proposed project constitutes a major public works project (PRC 30603(a)(5)).

The grounds for the appeal are that the development does not conform to the standards set forth in the certified local coastal program nor to the public access policies set forth in the Coastal Act, as follows:

- 1) The proposed development is growth inducing, contrary to County Public Works Policy 2, which states, in part, that "New or expanded public works facilities shall be designed to accommodate but not exceed the needs generated by projected development within the designated urban reserve lines." The project, as approved by the County, allows for a three phased development with no specific timing of the phases. The desalination plant at full capacity plus existing ground water supplies could provide more water than needed to serve the projected development within the urban reserve line. The County approval does not tie phasing to population increase or to reduction of ground water pumping. This in turn could lead to pressure to amend the LCP to allow for additional growth beyond that currently allowed by the LCP.
- 2) The proposed development does not provide lateral access as required by subsection 23.04.420(d)((3) of the County's Coastal Zone Land Use Ordinance and by Shoreline Access Policy 2 of the County's Coastal Plan Policies document. The County's initial Notice of Final Local Action was determined to be deficient in that there was no access finding as required by Coastal Zone Land Use Ordinance section 23.02.036(c). The County subsequently took action to revise its findings to include a coastal access finding. Although the Notice is no longer deficient in that respect, the development is inconsistent with the LCP and with the Coastal Act access provisions because the County did not require lateral access, even though lateral access appears feasible.

EXHIBIT I

A-3-SLO-95-69

3. The proposed development is inconsistent with Coastal Zone Land Use Ordinance subsection 23.04..050(b)(7), which requires an agricultural easement over the remainder of the parcel not utilized for non-agricultural purposes. Section 23.04.050 deals with non-agricultural uses in the Agriculture Land Use Category. The proposed use is a non-agricultural use in the Agriculture Land Use Category. Subsection 23.04.050(b)(7) states that "As a condition of approval of a supplemental non-agricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agriculture, and if appropriate, open space use by the following methods: (i) Agricultural easement.... (ii) Open space easement...." The long term use of agricultural land and the feasibility of maintaining agriculture was not assured by not applying subsection 23.04.050(b)(7).

1712P

EXHIBIT 1

A-3-SLO-95-69

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT



HEARING IMPAIRED: (415) 904-5200

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Commissioner Madelyn GlickfeldCalifornia Coastal Commission, 45 Fremont Street, Suite 2000San Francisco, CA 94105-2219(415) 904-5200

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed1. Name of local/port government: San Luis Obispo County

2. Brief description of development being appealed: Cambria Community
Services District Desalination Plant and Associated Seawater Intake and Brine
Disposal Lines.

3. Development's location (street address, assessor's parcel no., cross
street, etc.): Desalination Plant: East of San Simeon State Park Campground,
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Lines: State/County Road Rights-of-Way.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: D940095 D

c. Denial: _____

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the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-SLO-95-69DATE FILED: 10/3/95DISTRICT: CENTRAL COAST

H5: 4/88

RECEIVED
OCT 3 1995

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXHIBIT I
A-3-SLO-95-69

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
b. ☒ Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: September 5, 1995

7. Local government's file number (if any): D940095D

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

- a. Name and mailing address of permit applicant:
Cambria Community Services District-David Andres, Gen. Man.
P.O. Box 65
Cambria, CA 93428
- b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.
- (1) County of San Luis Obispo
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County Government Center, San Luis Obispo, CA 93408
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1595 Cardiff Drive, 2nd Floor
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1757 Union Street
San Francisco, CA 94123
- (4) Helen May
2127 Andover Place
Cambria, CA 93428

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EXHIBIT I

A-3-SLO-95-69

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

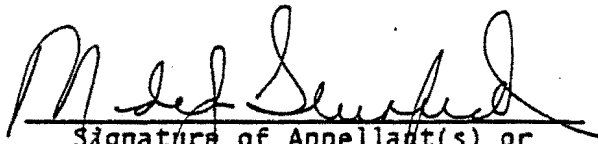
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached sheets

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

Date October 3, 1995

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

EXHIBIT I

A-3-SL-95-69

A-3-SLO-95-69. Cambria Community Services District

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This Coastal Development Permit is appealable because:

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- 4) The proposed project constitutes a major public works project (PRC 30603(a)(5)).

The grounds for the appeal are that the development does not conform to the standards set forth in the certified local coastal program nor to the public access policies set forth in the Coastal Act, as follows:

- 1) The proposed development is growth inducing, contrary to County Public Works Policy 2, which states, in part, that "New or expanded public works facilities shall be designed to accommodate but not exceed the needs generated by projected development within the designated urban reserve lines." The project, as approved by the County, allows for a three phased development with no specific timing of the phases. The desalination plant at full capacity plus existing ground water supplies could provide more water than needed to serve the projected development within the urban reserve line. The County approval does not tie phasing to population increase or to reduction of ground water pumping. This in turn could lead to pressure to amend the LCP to allow for additional growth beyond that currently allowed by the LCP.
- 2) The proposed development does not provide lateral access as required by subsection 23.04.420(d)((3) of the County's Coastal Zone Land Use Ordinance and by Shoreline Access Policy 2 of the County's Coastal Plan Policies document. The County's initial Notice of Final Local Action was determined to be deficient in that there was no access finding as required by Coastal Zone Land Use Ordinance section 23.02.036(c). The County subsequently took action to revise its findings to include a coastal access finding. Although the Notice is no longer deficient in that respect, the development is inconsistent with the LCP and with the Coastal Act access provisions because the County did not require lateral access, even though lateral access appears feasible.

EXHIBIT I

A-3-SLO-95-69

3. The proposed development is inconsistent with Coastal Zone Land Use Ordinance subsection 23.04..050(b)(7), which requires an agricultural easement over the remainder of the parcel not utilized for non-agricultural purposes. Section 23.04.050 deals with non-agricultural uses in the Agriculture Land Use Category. The proposed use is a non-agricultural use in the Agriculture Land Use Category. Subsection 23.04.050(b)(7) states that "As a condition of approval of a supplemental non-agricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agriculture, and if appropriate, open space use by the following methods: (i) Agricultural easement.... (ii) Open space easement...." The long term use of agricultural land and the feasibility of maintaining agriculture was not assured by not applying subsection 23.04.050(b)(7).

1712P

EXHIBIT I

A-3-SLO-95-69



Department of Planning and Building San Luis Obispo County

Alex Hinds, Director
Bryce Tingle, Assistant Director
Barney McCay, Chief Building Official
Norma Salisbury, Administrative Services Officer

9.5.95

NOTICE OF FINAL COUNTY ACTION

SUBJECT: D9400951 - CCS (Desal Plant)

The Administrative Hearing Officer approved the above-referenced application. Two copies of a Land Use Permit are enclosed. The conditions of approval adopted by the Hearing Officer are attached to the Land Use Permit. The conditions of approval must be completed as set forth in this document.

Please sign and return one copy of the Land Use Permit to this office. Your signature will acknowledge your acceptance of all the attached conditions and applicable Land Use Ordinance, Coastal Zone Land Use Ordinance and Building and Construction Ordinance standards.

If you are dissatisfied with any aspect of this approval, you have the right to appeal the decision to the Planning Commission. The appeal must be filed within 14 days of the date of the Administrative Hearing decision using the form provided by the Planning Department. There is no fee for appeal to the county.

This action is also appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. We strongly recommend that you contact the county Department of Planning and Building to obtain the appeal form and information handout explaining the rights of appeal.

Exhaustion of appeals at the county is required prior to appealing the matter to the California Coastal Commission. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (408) 479-3511 for further information on appeal procedures. If you have any questions regarding these procedures, please contact me at (805) 781-5600.

Sincerely,

Jessica Kahn

Development Review Section

D-55 [395K/3288k2] - MUP Items - (In Coastal Zone - Appealable)
03/31/89 Development
c:\wpdocs\forms\cnn92000.0

FINAL LOCAL	
ACTION NOTICE	
RECEIVED	9/20/95
REFERENCE #	3-SLO-95-124
APPEAL PERIOD	9/21 - 10/4/95

RECEIVED
SEP 20 1995

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXHIBIT 2

A-3-SLO-95-69

RECEIVED
SEP 20 1995
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day September 5 19 95

PRESENT: Supervisors Harry L. Ovitt, Laurence L. Laurent, Evelyn Delany, Ruth E. Brackett, and Chairperson David Blakely

ABSENT: None

RESOLUTION NO. 95-347

RESOLUTION TO INCLUDE ADDITIONAL FINDINGS REGARDING COASTAL ACCESS
IN YOUR BOARD'S JULY 18, 1995 DECISION TO AFFIRM THE DECISION OF
THE PLANNING COMMISSION TO CONDITIONALLY APPROVE THE APPLICATION OF
CAMBRIA COMMUNITY SERVICES DISTRICT (CCSD) FOR DEVELOPMENT
PLAN/COASTAL DEVELOPMENT PERMIT D940095D

The following resolution is now offered and read:

WHEREAS, on March 23, 1995, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and approved the application of CCSD for Development Plan/Coastal Development Permit D940095D; and

WHEREAS, Mr. James Stotter II appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code;

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on July 18, 1995, and determination and decision was made on July 18, 1995; and

WHEREAS, at said hearings, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, on July 18, 1995, the Board of Supervisors duly adopted Resolution No. 95-293 (a copy of which is on file in the office of the Clerk of the Board of Supervisors and is incorporated by reference herein as though set forth in full), wherein the Board duly considered the appeal and found that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth therein; and

WHEREAS, on August 3, 1995, the California Coastal Commission suspended the effective date of Resolution No. 95-293 pending the adoption of additional findings; and

WHEREAS, on September 5, 1995, the Board of Supervisors duly considered the addition of findings "P and Q" regarding coastal access to "Exhibit A-D940095D-findings", of Resolution No. 95-293.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

EXHIBIT 2

A-3-SLO-95-69

2. That the Board of Supervisors does hereby amend Resolution No. 95-293 by adding to Exhibit A the "Exhibit A Addendum D940095D-Additional coastal access findings", which are attached hereto and incorporated by reference herein as though set forth in full, including additional Findings P and Q for coastal access as required by the California Coastal Act.

Upon motion of Supervisor Laurent, seconded by Supervisor Brackett, and on the following roll call vote, to wit:

AYES: Supervisors Laurent, Brackett, Ovitt, Delany, Chairperson Blakely

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

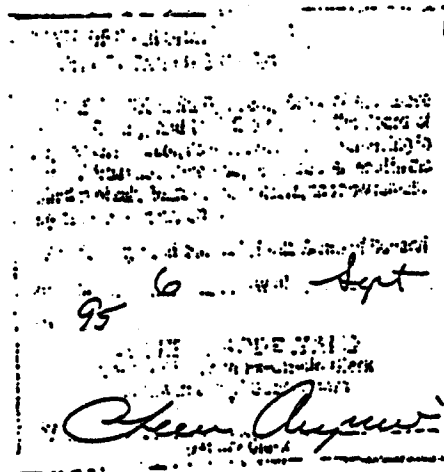
Julie L. Rodewald
Clerk of the Board of Supervisors
BY: (Julie Rodewald) Deputy Clerk
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Date: AUGUST 27, 1995



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EXHIBIT 2

A-3-SLO-95-69

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September 5, 1995
Board of Supervisors

Exhibit A Addendum
D940095D - Additional coastal access findings

- P. Section 23.04.420 requires vertical access be dedicated in rural areas where no dedicated or public access exists within one mile. San Simeon State Beach (013-381-007), approximately 1,000 feet south of the subject blufftop lot, provides adequate vertical access to the beach. Therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because it will not inhibit access to coastal waters and recreation areas.
- Q. Section 23.04.420 requires that all new development provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff. It does not appear that there is sufficient dry sand or area between the mean high tide line and the toe of the bluff for lateral access to be used by the public in a safe manner as there does not appear to be any dry sand between the mean high tide line and the toe of the bluff. Therefore, lateral access is not being required at this time and the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because it will not inhibit access to coastal waters and recreation areas.

EXHIBIT 2

A-3-56-95-69

8-41
32

Exhibit A

D940095D - Findings

- A. The proposed project or use is consistent with the Local Coastal Program and the LUE of the general plan because the proposed desalination plant is an allowed use with special standards within the Agriculture Land Use Category. The project is consistent with other elements of the general plan.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code, including standards regarding public utility facilities, sensitive resource areas and environmentally sensitive habitats.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project will consist of a public utility facility in an agriculture land use category. In addition, as conditioned, impacts will be reduced to a level of insignificance. The project is also subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is a public utility facility, additional landscaping will be planted to enhance screening from surrounding public view areas, and outdoor lighting will be directed away from surrounding properties and uses to ensure the compatibility with the surrounding uses.
- E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because there will be no significant increase in traffic as a result of this project. The traffic that currently occurs with the use on site is handled by San Simeon Creek Road, a local street capable of dealing with the traffic associated with the project.

SRA Findings

- F. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the sensitive resource area designation, and will preserve and protect such features through the site design.
- G. Natural features and topography have been considered in the design and siting of all proposed physical improvements.

B-4-8

- H. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- I. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because mitigation measures are incorporated into the project that reduce the impacts associated with soils, erosion and sedimentation to a level of insignificance. The measures include proper grading techniques, erosion and sedimentation controls.

Environmentally Sensitive Habitat Findings

- J. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat. In addition, as conditioned, the project's impacts to biological resources will be reduced to a level of insignificance, according to the Environmental Impact Report.
- K. The proposed use will not significantly disrupt the habitat because, as conditioned, the project's impacts to biological resources will be reduced to a level of insignificance according to the Environmental Impact Report.

Finding for Location within a Sensitive Environmental Area

- L. There is no other feasible location for this project on or off-site because the EIR considered the selection of alternative sites and concluded that complications could occur in locating another suitable site due to economic, environmental and feasibility considerations.

Finding for Pipeline and Transmission Lines within an Environmentally Sensitive Habitat

- M. The development will be consistent with Energy and Industrial Development Policies 7 through 12 of the Local Coastal Program Policies Document.
- N. The pipeline near the coastal bluff is designed to insure stability considering wave action and bluff erosion.
- O. The Planning Commission reviewed and considered the information contained in the final EIR prior to approving the project. The Planning Commission adopted the recommendations and findings of the Environmental Specialist set forth in the March 9, 1995 memorandum which is attached hereto and incorporated herein by this reference.

EXHIBIT 2

41
B-9

Required CEQA findings for Cambria Community Services District
Development Plan (Desalination Facility): ED94-255

I. PROJECT DESCRIPTION

As the Lead Agency, the Cambria Community Services District (CCSD) prepared and certified in 1994, an EIR to construct a desalination plant, transmission lines, and intake and disposal facilities in order to obtain additional capacity of approximately 1,008,000 gallons per day of potable water. The project site is in the vicinity of CCSD's effluent disposal ponds and east of San Simeon State Park campground.

As a Responsible Agency, the County of San Luis Obispo is required under CEQA Section 15095 (h) to make the standard findings for an EIR, without certifying the document.

II. THE RECORD

For the purposes of CEQA and the Finding identified in Sections III - V, the record of the Planning Commission relating to the application includes:

- A. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearing on the project.
- B. The Final Environmental Impact Report prepared for the Cambria Desalination Facility, which is comprised of the Environmental Impact Report prepared and circulated in 1994, including the appendices. The Final Environmental Impact Report was certified on December 19, 1994.
- C. Matters of common knowledge to the Commission which it considers, such as:
 - a. The County General Plan, land use maps and elements thereof.
 - b. The text of the Land Use Element.
 - c. The County Code of San Luis Obispo.
 - d. The County and State Environmental Quality Act Guidelines.
 - e. Other formally adopted policies and ordinances.

III. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT

A. HYDROLOGY, DRAINAGE AND GROUNDWATER

- 1. Impacts - Refer to Final EIR pages 5.2-1 through 5.2-7.
- 2. Mitigation - No significant impacts would result, therefore no mitigations are necessary.
- 3. Finding - Insignificant

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4. Supportive evidence - No significant impacts related to Hydrology or Groundwater were identified primarily due to the fact that the project transmission lines will be placed in the roadway fill outside of the 100 year flood area, and because there are no anticipated discharges at the desalination plant.

B. LAND USE AND RELEVANT PLANNING

1. Impacts - Refer to Final EIR pages 5.6-1 through 5.6-19.
2. Mitigation - No significant impacts would result, therefore no mitigations are necessary.
3. Finding - Insignificant
4. Supportive Evidence - No significant inconsistencies were identified with surrounding land uses or designations, and the project is subject to local permits and approvals.

C. AIR QUALITY

1. Impacts - Refer to Final EIR pages 5.9-1 through 5.9-21.
2. Mitigation - Though no significant impacts were identified, the EIR recommended mitigation measures to further reduce impacts. Refer to Conditions of Approval number 42 (a-g).
3. Finding - Insignificant
4. Supportive Evidence - The following is a brief description of the impacts identified:
 - a. Climate -- the project was determined not to have the potential to impact the local or regional climate.
 - b. Short-term Impacts -- dust (particulate matter) will be generated during grading and construction activities would result in short-term air quality impacts.

Though the particulate emissions were not identified as being potentially significant, implementation of construction mitigation measures such as watering graded areas during site disturbance activities, stabilizing all disturbed areas not subject to immediate revegetation, and reduction of construction vehicle speed will further reduce the short-term impacts.
 - c. Motor Vehicle Emissions (plant operation) -- the long term operation of the proposed project will result in minimal increase in motor vehicle use and would not be significant.

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D. HUMAN HEALTH/RISK F. UPSET

1. Impacts - Refer to Final EIR pages 5.10-1 through 5.10-5.
2. Mitigation - No significant impacts would result, therefore no mitigations are necessary.
3. Finding - Insignificant
4. Supportive Evidence - No significant impacts related to human health or risk of upset were identified because of required compliance with all applicable existing laws regarding the handling transport or storage of chemicals or hazardous materials.

E. TRAFFIC (Long-Term Operations)

1. Impacts - Refer to Final EIR pages 5.11-1 through 5.11-6.
2. Mitigation - No significant impacts would result, therefore no mitigations are necessary.
3. Finding - Insignificant
4. Supportive Evidence - No significant impacts related long term operations related traffic because of the small increase in traffic volume the project will generate.

F. UTILITIES

1. Impacts - Refer to Final EIR pages 5.11-1 through 5.11-6.
2. Mitigation - No significant impacts would result, therefore no mitigations are necessary.
3. Finding - Insignificant
4. Supportive Evidence - No significant impacts related to the project would occur because the project will not require any additional electrical or natural gas facilities to be added to serve the project demands.

G. PUBLIC SERVICES (Parks and Recreation)

1. Impacts - Refer to Final EIR pages 5.12-1 through 5.12-4.
2. Mitigation - No significant impacts would result, therefore no mitigations are necessary.
3. Finding - Insignificant
4. Supportive Evidence - No significant impacts related parks and recreation

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services have been identified in regards to the long term operation of the facility because of the location and design of the project.

H. GROWTH INDUCEMENT

1. Impacts - Refer to Final EIR pages 6-1 through 6-13.
2. Mitigation - No significant impacts would result, therefore no mitigations are necessary.
3. Finding - Insignificant
4. Supportive Evidence - Creation of a new water source is often regarded as growth-inducing in terms of removing an obstacle to existing growth rates. It could also be seen as a reactive measure to provide service to existing development potential within a service boundary, and would not remove obstacles to growth because CCSD is limited by its coastal permit and further by the Growth Management Ordinance for the number of residential permits issued each year. Though the EIR concludes that the proposed project would not be growth inducing, it is clear that the project will allow for growth beyond what could be served with existing water supplies. The limitations present with the coastal permit and Growth Management Ordinance make this increase in growth potential insignificant.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE

A. GEOLOGY, SOILS AND SEISMICITY

1. Impacts - Refer to Final EIR pages 5.1-1 through 5.1-10.
2. Mitigation - Refer to Conditions of Approval numbers 4 through 9.
3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

- a. Soils (Desalination Plant and Transmission Facilities) -- grading and excavation activities would expose soils to short-term erosion impacts by wind and water.

In order to reduce impacts to a level of insignificance, mitigation measures will be implemented which include implementation of sedimentation and erosion control measures, preparation and implementation of a sedimentation and erosion control plan if grading is to occur during the wet season, the design of the facilities shall

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accommodate soil limitations, and proper grading techniques, per the Uniform Building Code.

- b. Bluff Stability (Transmission Lines) -- construction activities on the bluff top may result in short term erosional impacts.

In order to reduce impacts to a level of insignificance, mitigation measures will be implemented which include implementation of sedimentation and erosion control measures, and a minimum setback from the bluff edge of 50 feet.

- c. Seismicity (Desalination Plant and Transmission Facilities) -- earthquakes on the San Andreas fault, the Nacimiento fault or other faults in the Central Coast region could produce ground shaking in the project vicinity which could cause damage to the facilities. Standards set forth for earthquake safety in the Uniform Building Code for grading and quality of materials used will be implemented to minimize the potential for seismic damage to the facilities to a level of insignificance.

B. HYDROLOGY, DRAINAGE AND GROUNDWATER

1. Impacts - Refer to Final EIR pages 5.2-1 through 5.2-7.
2. Mitigation - Refer to Conditions of Approval numbers 10 through 12.
3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

- a. Drainage (Desalination Plant and Transmission Facilities) -- the proposed project could increase sediment loads in Van Gordan Creek and alter areawide drainage patterns.

In order to reduce impacts to a level of insignificance, mitigation measures will be implemented which include implementation of sedimentation and erosion control measures, preparation and implementation of a sedimentation and erosion control plan if grading is to occur during the wet season, and submittal of a drainage plan.

C. BIOLOGICAL RESOURCES

1. Impacts - Refer to Final EIR pages 5.3-1 through 5.3-17.

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2. Mitigation - Refer to Conditions of Approval numbers 13 through 19.
3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

- a. Vegetation and Wildlife (Desalination Plant) -- the construction and implementation of the desalination plant may impact vegetation and wildlife habitat.

Impacts will be reduced to levels of insignificance through installation of native landscaping, and pre-construction surveys for sensitive species including: American badger, red-legged frogs and southwestern pond turtles.

- b. Vegetation and Wildlife (Transmission Lines) -- the construction and implementation of transmission facilities may impact vegetation and wildlife habitat.

Impacts will be reduced to levels of insignificance through installation of facilities in existing roadways to the greatest extent feasible, careful excavation and soil handling, revegetation with native species, and preparation and implementation of a mitigation plan for the compact cobwebby thistle.

D. CULTURAL RESOURCES (Effluent Disposal Field)

1. Impacts - Refer to Final EIR pages 5.5-1 through 5.5-14.
2. Mitigation - Refer to Conditions of Approval numbers 28 through 32.
3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

- a. Desalination Plant and Transmission Lines -- project implementation will require construction in or near areas of known prehistoric and historic resources.

In order to reduce impacts to these cultural resources to a level of insignificance, mitigation will be implemented requiring that the final access road design and transmission line alignment shall be reviewed

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and approved by the project archaeologist to minimize potential impacts, a Data Recovery Program shall be prepared and implemented for areas where cultural resource deposits cannot be avoided, and all construction activities in the area of cultural resources shall be monitored by a qualified archaeologist. The archaeological monitor will have the authority to temporarily halt construction if archaeological or human remains are discovered, until a qualified archaeologist determines if a find is significant.

E. AESTHETICS/LIGHT AND GLARE

1. Impacts - Refer to Final EIR pages 5.7-1 through 5.7-10.
2. Mitigation - Refer to Conditions of Approval numbers 33 through 38.
3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

- a. Short-term Impacts (Desalination Plant and Transmission Lines) -- grading and disturbance of the natural terrain as well as the presence of construction equipment will create a temporary aesthetic impact.

In order to reduce short-term impacts to a level of insignificance, the CCSD will monitor the construction site and construction activities to ensure construction equipment is kept within established storage areas and construction site areas.

- b. Long-term Impacts (Desalination Plant and Transmission Lines) -- the ultimate development of the desalination plant building and facilities will alter the natural landscape and be visible from public roads, as will the bluff-top well and caisson structure.

In order to reduce long-term aesthetic impacts to a level of insignificance, the desalination plant will be housed in a "barn like" building consistent with the agricultural buildings in the area and shall use shielded low-level lighting, a detailed landscaping plan will be developed to provide screening along the desalination plant area perimeter, and the well and caisson structures will be placed at or near ground level.

F. NOISE

1. Impacts - Refer to Final EIR pages 5.8-1 through 5.8-11.
2. Mitigation - Refer to Conditions of Approval numbers 39 through 41.

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3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

a. Short-Term Construction (Desalination Plant and Transmission Lines) -- noise impacts to sensitive noise receptors will be realized as a result of the project construction activities.

In order to reduce short-term impacts to a level of insignificance, equipment shall be properly muffled, on-shore construction hours shall be limited to 8 a.m. to 7 p.m. (Monday to Friday), and construction storage and staging areas shall be away from the nearby campground.

b. Long-Term Operations (Desalination Plant) -- daily operational activities may expose individuals to high noise impacts within the plant, and will raise the ambient noise levels potentially affecting surrounding properties including the state park campground.

In order to reduce impacts to a level of insignificance, the EIR identified that internal noise monitoring shall be conducted to assure compliance with County and Cal OSHA standards, the containment structure shall be designed and operated so as to meet County noise standards in regards to adjacent property owners. County staff has recommended an additional monitoring requirement that an acoustical analysis be conducted to verify that the noise attenuation design features are adequate to meet County standards, prior to actual construction.

G. AIR QUALITY

1. Impacts - Refer to Final EIR pages 5.9-1 through 5.9-21.

2. Mitigation - Refer to Conditions of Approval numbers 43 and 44.

3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

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- a. Long-Term Impacts -- the project would result in a significant overall increase in the local and regional pollutant load due to direct impacts from the stationary source gas emissions generated by the desalination plant and power emissions generated by electrical power plants.

In order to reduce impacts to a level of insignificance, engines should use catalytic converters as well as other BACT and RACT measures.

H. TRAFFIC

1. Impacts - Refer to Final EIR pages 5.11-1 through 5.11-6.
2. Mitigation - Refer to Conditions of Approval numbers 45 through 47.
3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:
 - a. Short-Term -- construction of the proposed desalination plant and transmission lines will result in a temporary increase in traffic volumes in the project vicinity and a disruption of traffic flow in the area of transmission line construction.

In order to reduce impacts to a level of insignificance, mitigation measures will be implemented which include no construction on weekends or holidays, clear delineation of construction storage, staging and turn-around areas, and implementation of appropriate signage and safety measures such as flagmen. The signage and safety measures will have to be approved by Caltrans, County Engineering, or State Parks depending on the affected roadway.

I. PUBLIC SERVICES AND UTILITIES

1. Impacts - Refer to Final EIR pages 5.11-1 through 5.12-4.
2. Mitigation - Refer to Conditions of Approval numbers 48 through 51.
3. Finding - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - The following is a brief description of the impacts identified as significant and the mitigation which will reduce the identified impacts to a level of insignificance:

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- a. Fire -- the development of the desalination plant may result in an increased potential for fire at that site.

In order to reduce impacts to a level of insignificance, the proposed development will be required to meet all the standards of the Uniform Fire Code.

- b. Police -- the construction activities and presence of the construction site and permanent facility may present an increased opportunity for criminal activity.

In order to reduce impacts to a level of insignificance, the applicant will submit an Access Plan for review and approval of the County Sheriff's Department.

- c. Solid Waste -- a small amount of solid waste material will be generated during the construction phase of the project.

In order to reduce impacts to a level of insignificance, the applicant shall recycle appropriate materials during the construction phase.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE

The proposed project will not result in impacts identified as significant and unavoidable. All significant impacts identified as resulting from the proposed project can be mitigated to levels of insignificance (see Section IV).

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The proposed project will not result in significant unavoidable impacts, therefore a statement of overriding considerations is not necessary.

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Exhibit C

D940095D - Conditions

Approved use

1. This development plan approval authorizes the construction of the portion of the desalination plant, transmission lines, and intake and disposal facilities above the mean high tide line in three phases.
2. Site development shall be consistent with the approved site plan.
3. Implementation of the following conditions of approval shall be consistent with the mitigation and monitoring program in Chapter 13 of the EIR. The conditions and milestones in the mitigation and monitoring program shall be consistent with the following conditions. Prior to final inspection, the applicant shall provide letters from CCSD, SLO APCD, Department of Fish and Game, the archaeological monitor and any other parties responsible for monitoring indicating that the conditions they are to monitor have been completed.

GEOLOGY, SOILS AND SEISMICITY

Soils - Desalination Plant and Transmission Facilities

4. All grading shall be carried out under the guidelines set forth in Chapter 70 of the Uniform Building Code, 1991 Edition.
5. According to Section 23.05.036 of the County Coastal Zone Land Use Ordinance, if project construction occurs during the period of October 15 through April 15, a Sedimentation and Erosion Control Plan shall be prepared and approved by the County Engineer.
6. In accordance with Section 23.05.036(d) of the County Coastal Zone Land Use Ordinance, the control of sedimentation and erosion shall include but is not limited to the following methods:

A. Slope Surface Stabilization:

- Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas during the construction period.
- Earth or paved interceptors (berms) and diversions (sand bags) shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.

B. Erosion and sedimentation control devices: In order to prevent polluting sedimentation discharges, erosion and sediment control devices shall be installed as required by the County Engineer for all grading and filling. Control devices and measures that may be required include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water.

C. Final Erosion Control Measures: Within 30 days after completion of grading, all surfaces disturbed by vegetation removal, grading, haul roads, and/or other construction activity that alters natural vegetative cover, are to be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measures.

7. The design of project facilities shall accommodate soil limitations including, but not limited to, shrink-swell potential.

Geology - Transmission Facilities

Bluff Stability

The control of sedimentation and erosion through the implementation of controls discussed in condition 6 will reduce potential impacts to bluff stability.

8. Pursuant to Section 23.04.118 of the Coastal Zone Land Use Ordinance, San Luis Obispo General Plan, revised November 2, 1993, the vertical caisson associated with the seawater intake system shall be set back a minimum of 50 feet from the edge of the bluff top.

Seismicity - Desalination Plant and Transmission Facilities

9. Due to the potential for ground shaking in a seismic event, the proposed project components shall comply with the standards set forth in the Uniform Building Code (UBC, 1991 Edition) to assure seismic safety to the satisfaction of the CCSD.

HYDROLOGY, DRAINAGE AND GROUNDWATER

Hydrology - Desalination Plant and Transmission Facilities

Due to the fact that the transmission facilities will be located within the existing fill material traversing Van Gordon Creek and will not modify the geometry of Van Gordon Creek, no mitigation measures are recommended.

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Drainage - Desalination Plant and Transmission Facilities

10. Sedimentation and erosion control measures shall be implemented during project construction in accordance with Section 23.05.036(d) of the County Coastal Zone Land Use Ordinance. These measures include slope surface stabilization and erosion and sedimentation control devices. Sedimentation loads to Van Gordon and San Simeon Creeks shall not increase more than 50 nephelometric turbidity units above background levels as a result of construction activities.
11. If project construction occurs during the period from October 15 through April 15, a Sedimentation and Erosion Control Plan shall be prepared in accordance with Section 23.05.036 of the County Coastal Zone Lane Use Ordinance.
12. Prior to construction, the CCSD shall submit to the County Engineering Department for review and approval a drainage plan showing the collection and control of all waters developed from the proposed Desalination Plant and transmission facilities.

Groundwater - Desalination Plant

Due to the fact that the CCSD would be required to adhere to applicable waste discharge permit procedures, mitigation measures are not recommended.

TERRESTRIAL BIOLOGICAL RESOURCES

Desalination Plant

13. The District shall install landscaping consisting of native trees and shrubs consistent with the area for the Desalination Plant site. These species should be similar to those found in adjacent communities in order to blend the site into the natural surroundings.
14. Prior to construction, a biologist shall determine whether the American badger is present on the Desalination Plant construction site. If an active burrow is found within the construction zone, in coordination with the California Department of Fish and Game, the burrow shall be excavated by hand during grading activities to ensure that no American badgers are buried or otherwise harmed by construction equipment. If an American badger is found, it should be allowed to escape to other tunnels it is likely to have outside the disturbance area.
15. Prior to construction, a qualified wildlife biologist shall search the Desalination Plant site and construction area for red-legged frogs and southwestern pond turtles to confirm that no individuals of these species occur on the site. If any individuals of these species are found they will be relocated to nearby habitat.

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after consultation with a Department of Fish and Game Biologist.

Transmission Facilities

16. Pipeline alignments which follow existing roadways shall be installed so as to deviate as little as possible from the road right-of-way. This will minimize the amount of adverse impacts on biotic resources of the area.
17. Soil removed for excavation of the pipeline alignments shall be replaced at the same location. Excavation operation shall adhere to County construction standards and specifications.
18. Any graded areas within or immediately adjacent to riparian areas shall be landscaped as soon after construction as feasible with appropriate native species. This activity will lessen the potential for erosion and siltation problems to occur. Grading and construction activities shall be carried out in such a manner that sediments and debris does not enter Van Gordon Creek.
19. If compact cobwebb thistle is removed as a result of the proposed project, the species shall be reestablished, in accordance with standard mitigation measures to be determined by a qualified Botanist, in coordination with the CCSD and San Luis Obispo County, which is to include revegetation sites and ratios.

CULTURAL RESOURCES

20. Archaeological monitoring shall be conducted during Phase I of construction in archaeologically sensitive areas. Monitoring shall be conducted by a qualified archaeologist familiar with Chumash and San Luis Obispo County Prehistory and Archaeology. In the event that any buried archaeological materials, historic features, ovens or human remains are unearthed during construction, activity in the vicinity of the resource shall cease until they are evaluated and appropriate recommendations are made by the archaeologist and carried out for preservation of the site(s).
21. The final route shall be selected by carefully monitoring the vegetation and fill removal along the route tested. Should any concentrations of cultural materials be noted, construction shall be temporarily stopped and the corridor redesigned to the east or west to avoid materials.
22. A Data Recovery Program consisting of excavation of the upper 150 cm of soil (5 feet) within the caisson shall occur prior to drilling activities. Excavation activities shall be monitored by a qualified archaeologist familiar with Chumash and San Luis Obispo County Prehistory and Archaeology. A research design shall involve determining the antiquity, range of cultural activities, relationship to

other parts of the site (SLO-383) and the vertical and horizontal patterning of cultural materials.

23. Road design shall be reviewed and approved by the project archaeologist to minimize impacts to cultural materials.
24. Should a retaining wall be required along the access road, a Data Recovery Program shall be developed, implemented and monitored by a qualified archaeologist familiar with Chumash and San Luis Obispo County Prehistory and Archaeology prior to grading permit issuance.

LAND USE AND RELEVANT PLANNING

Land Use - Desalination Plant and Transmission Facilities

As significant land use compatibility impacts would not occur, mitigation measures are not recommended. For mitigation measures relating to short- and long-term impacts for air quality, noise, recreation, aesthetics/light and glare, and transportation, please refer to the respective sections of this document.

Relevant Planning Policies

The CCSD would be required to adhere to applicable permit procedures and policies as identified above and in Section 3.5, AGREEMENTS, PERMITS, AND APPROVALS. Adherence to these policies and conditions identified during the permit process would reduce impacts to a less than significant level.

AESTHETICS/LIGHT AND GLARE

Short-Term Construction - Desalination Plant

25. During grading operations, a representative from the CCSD shall monitor the construction area to ensure that construction equipment is kept within the established boundary of the construction area.

Short-Term Construction - Transmission Facilities

26. Construction staging and storage areas shall be delineated on construction plans, and where possible, located in limited visibility areas on CCSD property.

Long-Term Operations - Desalination Plant

27. Prior to grading activities, a detailed landscaping plan shall be developed by the CCSD for the Desalination Plant site. Native riparian trees and shrubs such as willows, sycamore, black cottonwood, twinberry, blue elderberry and blackberry

indigenous to the area shall be planted along the site's perimeter in order to soften visual impacts of parking and facility operation areas.

28. The proposed structures shall be of a color and architectural style similar to rural structures.
29. In accordance with Section 23.040.320 of the Coastal Land Use Ordinance, outdoor lighting shall be arranged so as not to direct light onto any street or abutting property. Low intensity light fixtures shall be designed and adjusted to direct light away from any road or street, campground area, creeks, trail and/or dwelling outside the ownership of the CCSD.

Long-Term Operations - Transmission Facilities

30. Mechanical and electrical control facilities for the pumps in the caisson, located on the bluff top, shall be installed near or below ground level.

NOISE

Short-Term Construction - Desalination Plant and Transmission Facilities

31. Prior to construction, the contractors shall produce evidence acceptable to the CCSD, that:
 - a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a sensitive noise receptor shall be equipped with properly operating and maintained mufflers.
 - b. On-shore construction hours shall be limited from 8 a.m. to 7 p.m., Monday through Friday and shall not occur on weekends or holidays.
 - c. All operations shall comply with applicable County Noise Standards.
 - d. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings and the State Park.

Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.

Long-Term Operations - Desalination Plant and Transmission Facilities

32. Internal Noise monitoring should be conducted during facility operation to evaluate actual operational noise levels, and determine mitigation required to

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comply with County thresholds and Cal OSHA regulations. Should interior noise levels be found to exceed Cal OSHA thresholds, a hearing conservation program for exposed facility workers should be developed and implemented per Cal OSHA requirements.

33. a. Prior to construction, an analysis prepared by a qualified acoustical consultant that analyzes the potential noise level at the property boundary, as well as the nearest campsite. The analysis shall use noise generation data from similar facilities, and shall incorporate reduction factors as appropriate to the proposed construction and insulation of the structure. Reasonable worst case considered in the analysis shall be during nighttime with light off-shore winds. If the results of the analysis indicate that the proposed construction and insulation of the building would not reduce the noise levels to a point below the levels specified in the County Noise Element, building design or construction noise attenuation measures shall be incorporated to the point that the noise levels will be reduced to a level in compliance with the County Noise Element. A copy of the analysis shall be submitted to the Department of Planning & Building.
- b. The containment structure and noise attenuation equipment associated with the project shall be designed and operated so that noise levels at the nearest property line shall not exceed the noise levels specified in the Noise Element of the County General Plan.
- c. Additional noise monitoring shall be conducted after construction of each module to insure that the accumulated noise impacts shall not exceed the noise levels specified in the Noise Element of the County General Plan.

AIR QUALITY

Short-Term Construction

PM-10. Although no mitigation measures are required, the following APCD measures should be considered to further reduce the potential for construction impacts:

34. a. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- b. All dirt stock-pile areas should be sprayed daily as needed.
- c. Permanent dust control measures identified in the approved project

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revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.

- d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- e. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute nettings, or other methods approved in advance by the APCD.
- f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Vehicle speed for all construction vehicles shall not exceed 25 mph on any unpaved surface at the construction site.

Long-term Operational Emissions

- 35. Use of catalytic converter with natural gas engines will significantly reduce NO_x emissions (a BACT measure).
- 36. The CCSO will consider additional RACT and BACT measures where feasible, including:
 - a. Use of Caterpillar pre-chamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of oxides of nitrogen (NO_x).
 - b. Injection timing retard of 2 degrees.
 - c. Electrify equipment where feasible.
 - d. Installation of high pressure injectors.
 - e. Maintain equipment in tune per manufacturer's specifications, except as otherwise required above.

Motor Vehicle Emissions

As significant impacts would not occur, no mitigation measures are recommended.

Consistency with Regional Plans and Policies

As significant impacts would not occur, no mitigation measures are recommended.

HUMAN HEALTH/RISK OF UPSET

Human Health

The CCSD would be required to adhere to applicable permit procedures and regulations identified above. Adherence to these conditions identified during the permit process would reduce impacts to a less than significant level, thus mitigation measures are not recommended.

TRANSPORTATION AND UTILITIES

Traffic - Short-Term Construction

37. Project construction along San Simeon Creek Road and beneath Highway 1 shall be prohibited on weekends and holidays recognized by the County of San Luis Obispo.
38. Construction-related impacts along San Simeon Creek Road and near Highway 1 (including prior to and during pipeline installation) shall be minimized by the placement of proper detour and directional signs. The San Simeon State Park access point shall be properly signed and bicyclists, pedestrians and vehicles directed by a flagman during truck/equipment travel in the vicinity. The location and size of the signs shall be approved by the County of San Luis Obispo and/or Caltrans prior to construction. This measure is subject to periodic field inspections by the County Engineer and daily compliance by the Construction Manager. At least one lane for traffic flow access along San Simeon Creek Road and Lone Palm Drive shall be maintained at all times. Complete access along Highway 1 shall be maintained at all times during project construction.
39. The limits of construction shall be clearly marked as would construction vehicle storage areas and vehicle turn-arounds. The Construction Manager shall ensure the daily compliance with this measure.

Traffic - Long-Term Operations

As significant impacts would not occur, mitigation measures are not recommended.

Utilities

Electrical Service

As significant impacts would not occur, mitigation measures are not recommended.

Gas Service

As significant impacts would not occur, mitigation measures are not recommended.

PUBLIC SERVICES

Fire

40. The proposed Desalination Plant shall comply with the Uniform Fire Code (1991) edition where applicable. Specific areas of the UFC that apply to the proposed project include, Hazardous Materials, Fire Safety During Construction, Fire Extinguishing System, Fire Alarm System and Potable Fire Extinguisher.
41. The proposed Desalination Plant shall comply with Public Resource Code 4290 and 4291 regarding Building Setbacks and Vegetation Clearance.

Parks and Recreation

For mitigation measures relating to short- and long-term impacts for air quality, noise, aesthetics/light and glare, and transportation, please refer to the respective sections of this document.

Police

42. Prior to construction, the applicant shall submit an Access Plan to the San Luis Obispo County Sheriff's Office Crime Prevention Unit. Approval of the Access Plan shall indicate compliance with this measure.

Solid Waste

43. In order to reduce the amount of waste accumulated during the construction phase, recycling of appropriate materials shall occur to the satisfaction of the construction manager.

Agriculture protection

44. If the pipeline is moved onto the agricultural cropland the CCSD will coordinate installation of the transmission lines with the adjacent grower and the mitigation measures outlined in the Agricultural Commissioner's letter of November 22, 1994, will be satisfied.

Transmission Lines

45. An encroachment permit must be obtained before any work can be conducted

B-41
29

within the Caltrans right-of-way.

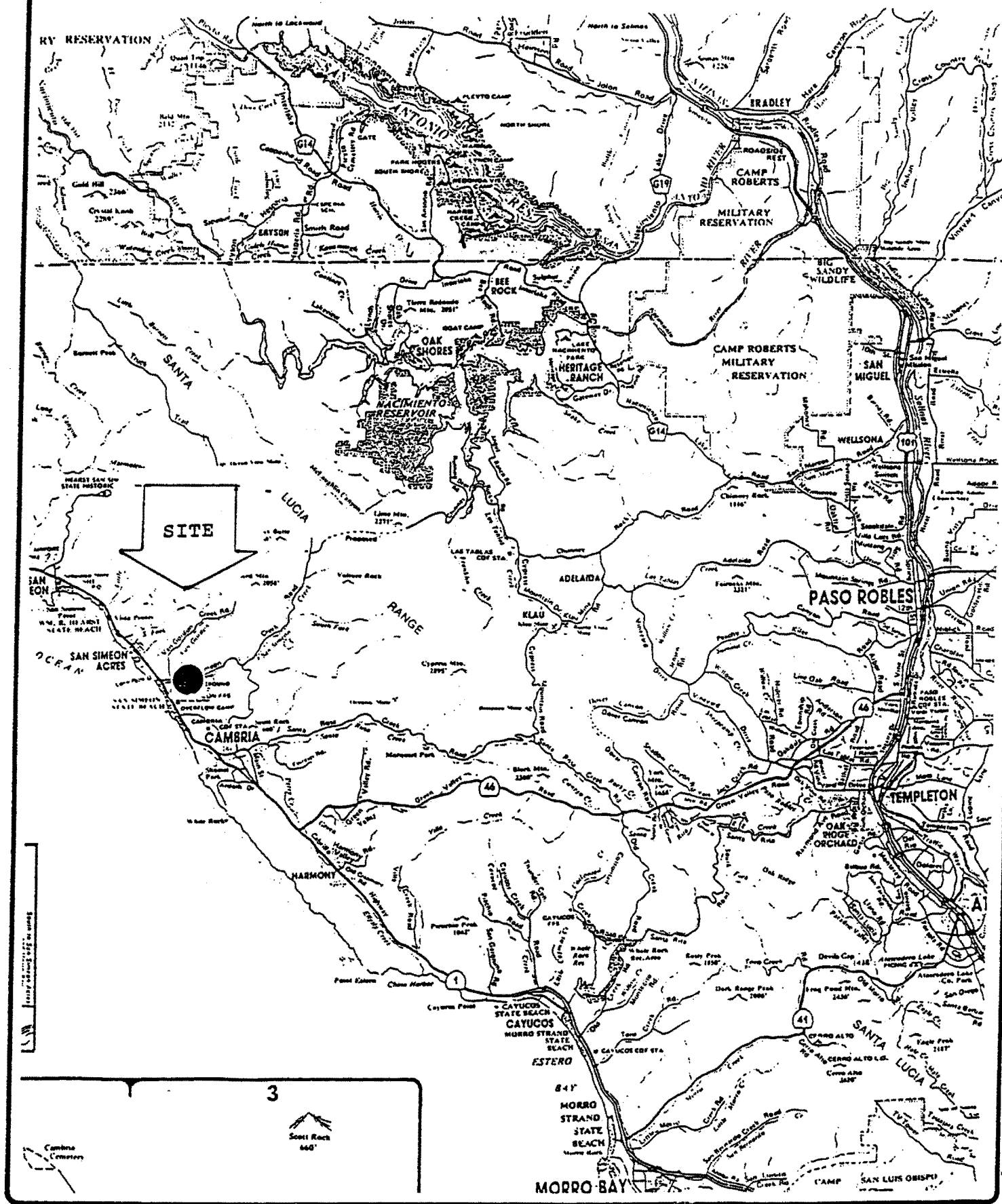
46. Prior to construction, CCSD will obtain the Consent of Landowner from the property owners of 013-051-016 (Geiling) and 013-051-017 (Newcomer), if required.
47. Prior to construction, CCSD will record an easement for pipeline purposes as needed for placement of the transmission lines on 013-051-016 (Geiling) and 013-051-017 (Newcomer), if required.

EXHIBIT 2

A-3-SLO-95-69

B-111
30

5-40



PROJECT
CCSD (DESAL. FACILITY)
D940095D



EXHIBIT
VICINITY MAP **EXHIBIT 3**
A-3-Slo-95-69

NCE

STATE PARK

0 150' 300' 600'

SCALE: 1"=300'

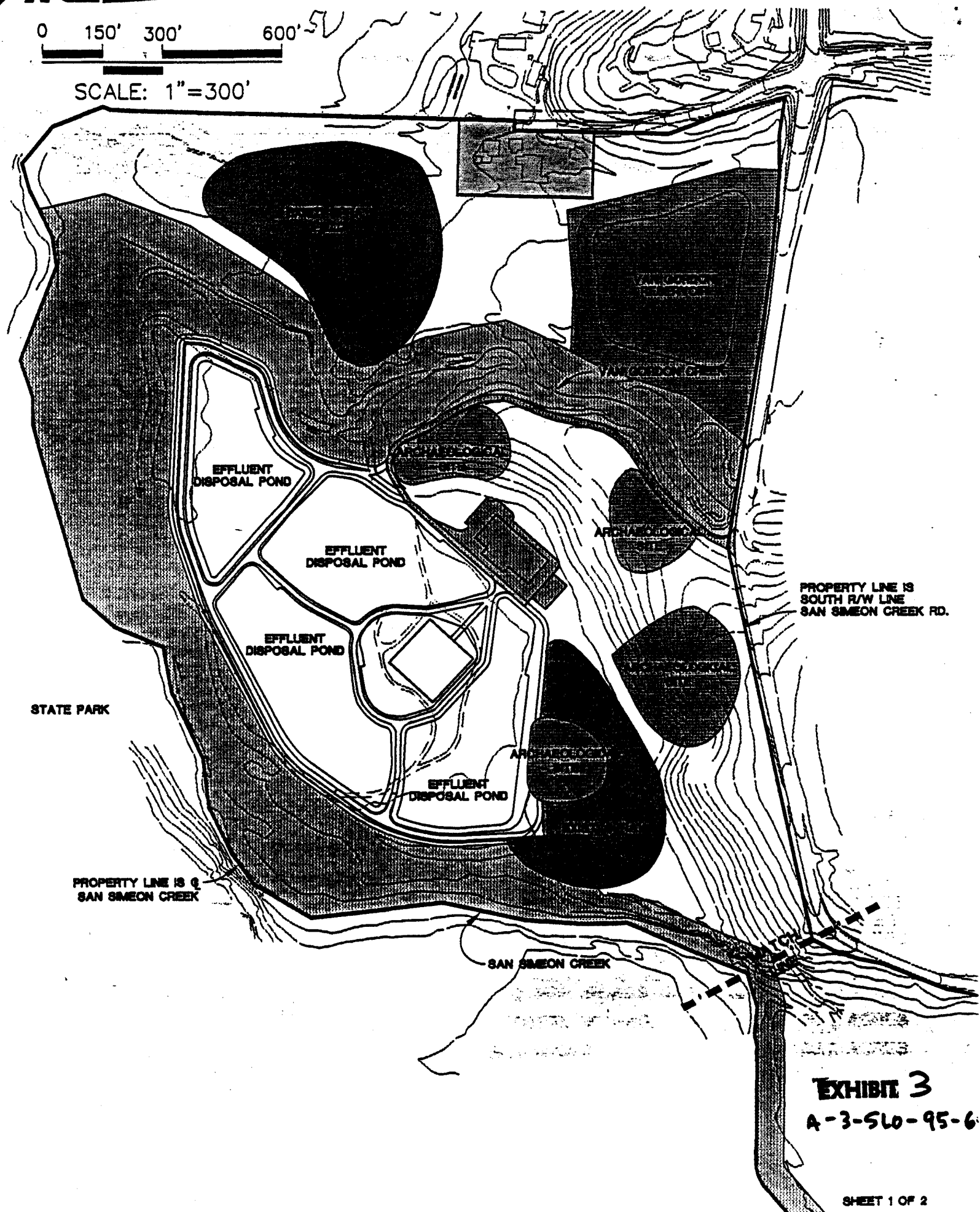
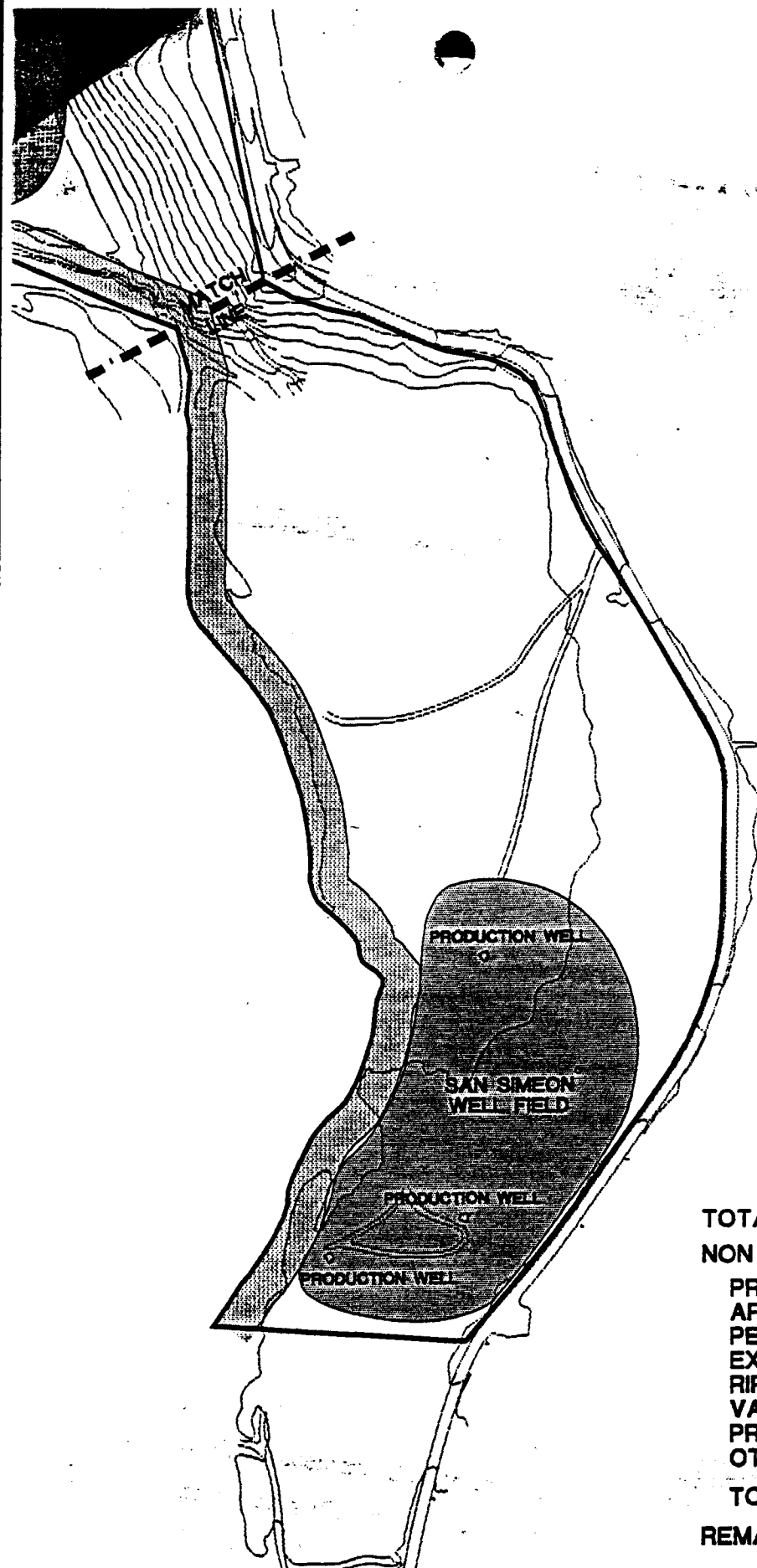


EXHIBIT 3
A-3-SLO-95-6

NCE

0 150' 300' 600'

SCALE: 1"=300'



SITE DATA

TOTAL SITE ACREAGE	104 ACRES
NON AGRICULTURE USE	
PROPOSED DESAL	1.3 ACRES
ARCHAEOLOGICAL	4.3 ACRES
PERCOLATION PONDS	18.7 ACRES
EXIST. SPRAY FIELDS	8.2 ACRES
RIPARIAN STREAM HABITAT	24.8 ACRES
VAN GORDON RESERVOIR	5.8 ACRES
PRODUCTION WELLS	7.2 ACRES
OTHER (ROADS, RESIDENCE)	2.0 ACRES
TOTAL NON-AG.	70.3 ACRES
REMAINDER	33.7 ACRES

EXHIBIT 3

A-3-SLO-95-69

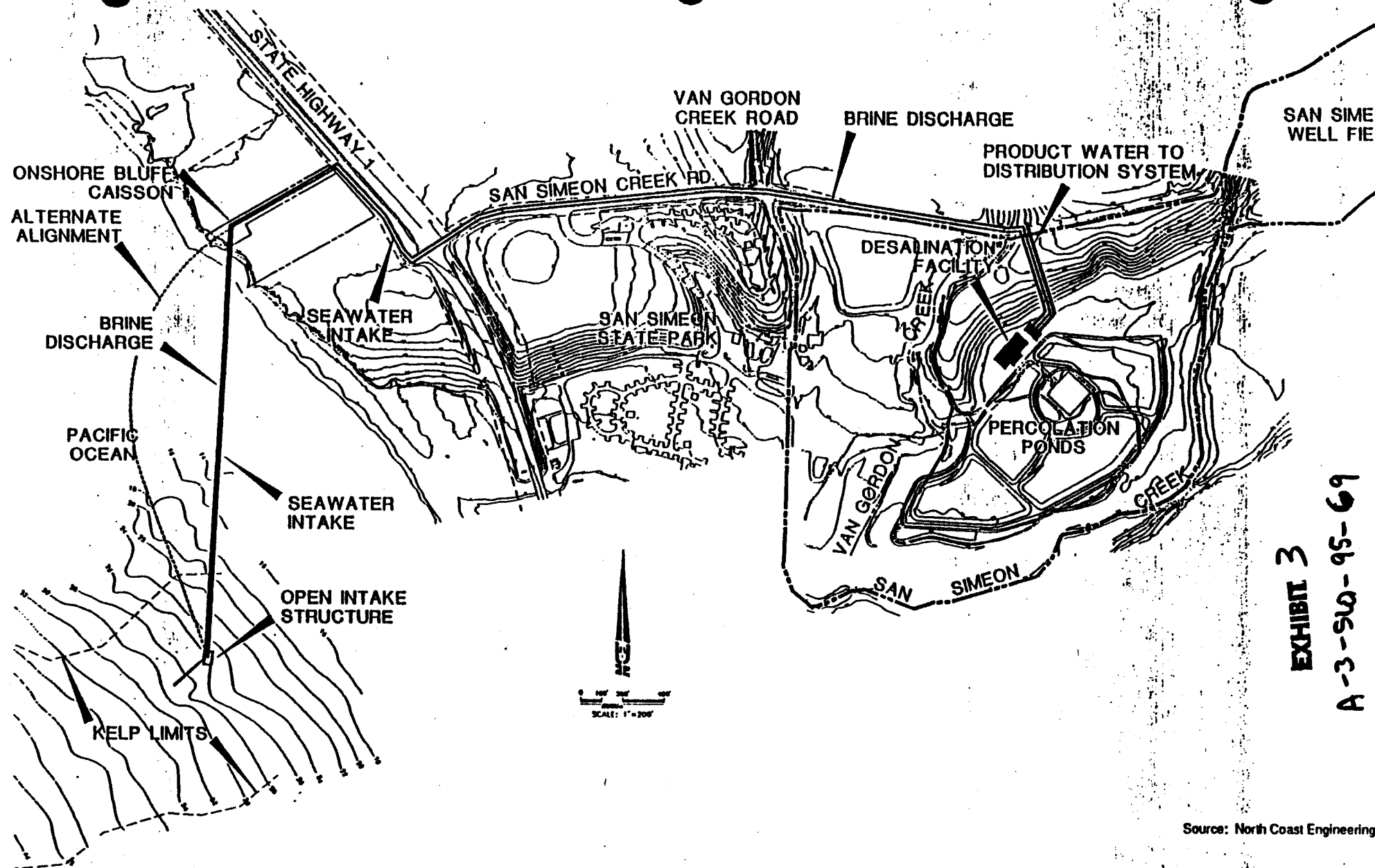


EXHIBIT 3
A-3-90-95-69

Source: North Coast Engineering

CAMBRIA DESALINATION FACILITY Project Schematic

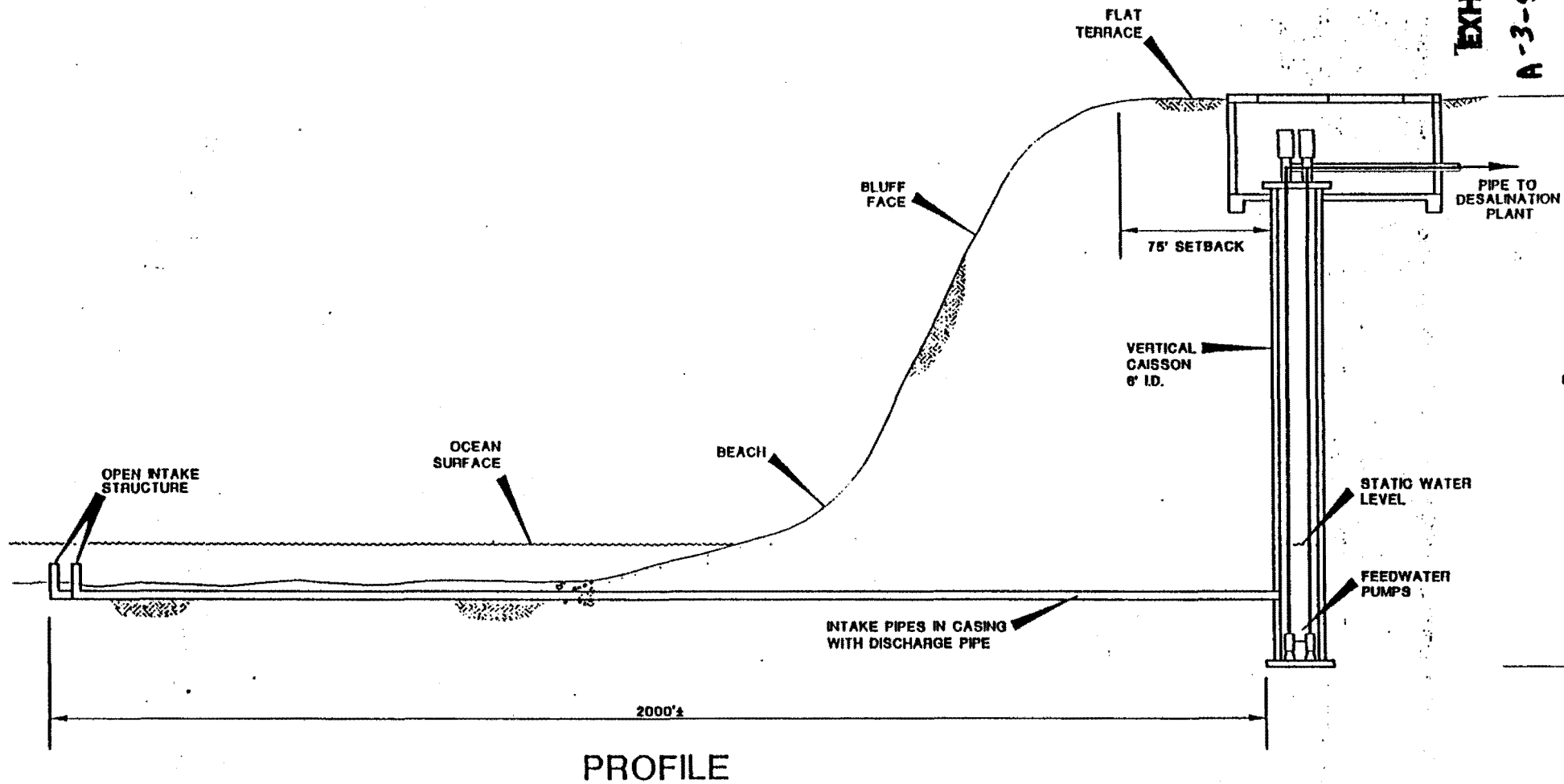


RB
W F

Robert Bein, William Frost & Associates

8-93

JN 32087



Source: North Coast Engineering

Not to scale.

CAMBRIA DESALINATION FACILITY
Bluff Caisson Profile

FLOOR PLAN

EXHIBIT



CCSD (DESAL. FACILITY)
D940095D

PROJECT

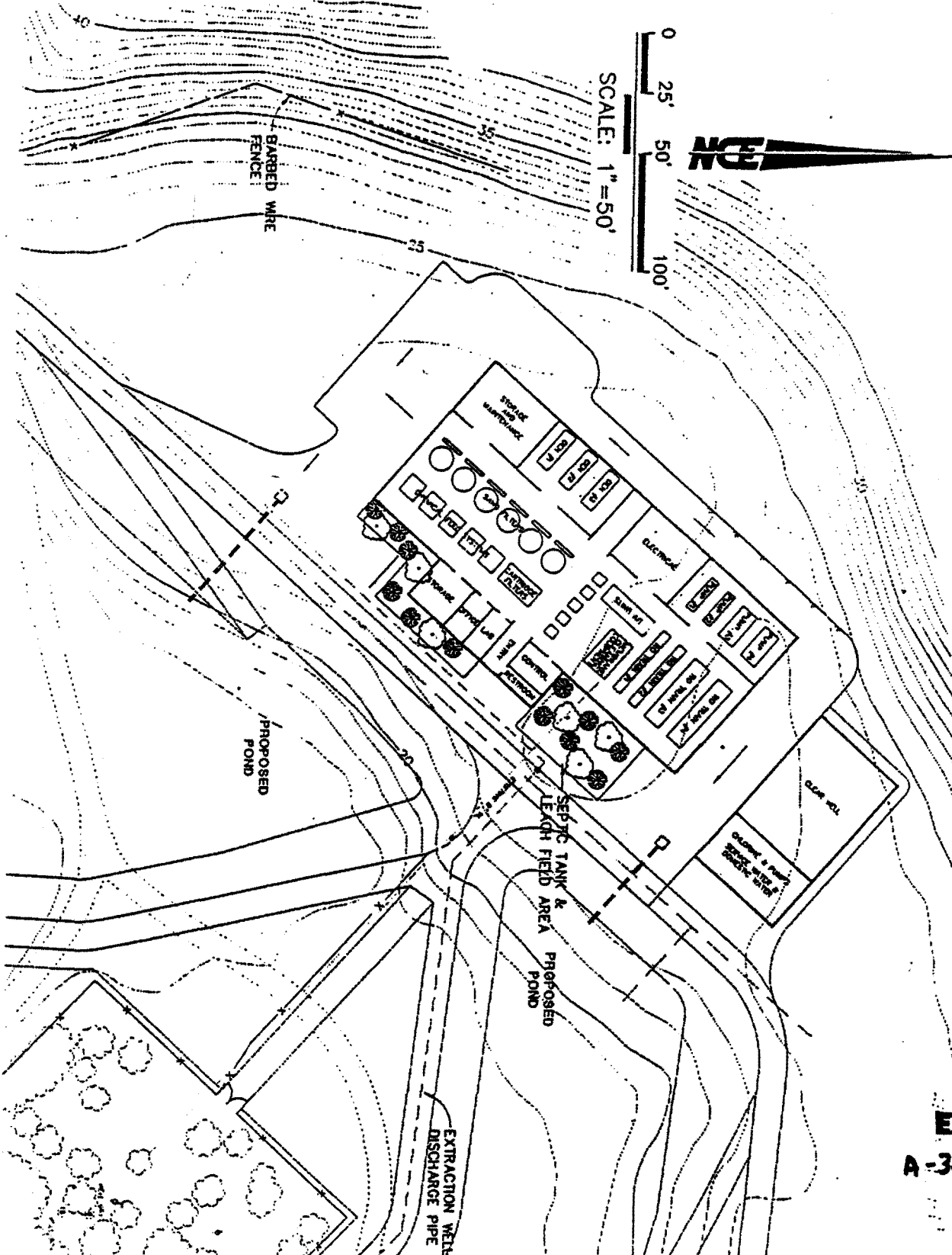
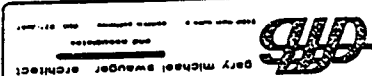


EXHIBIT 4

A-3-50-95-69

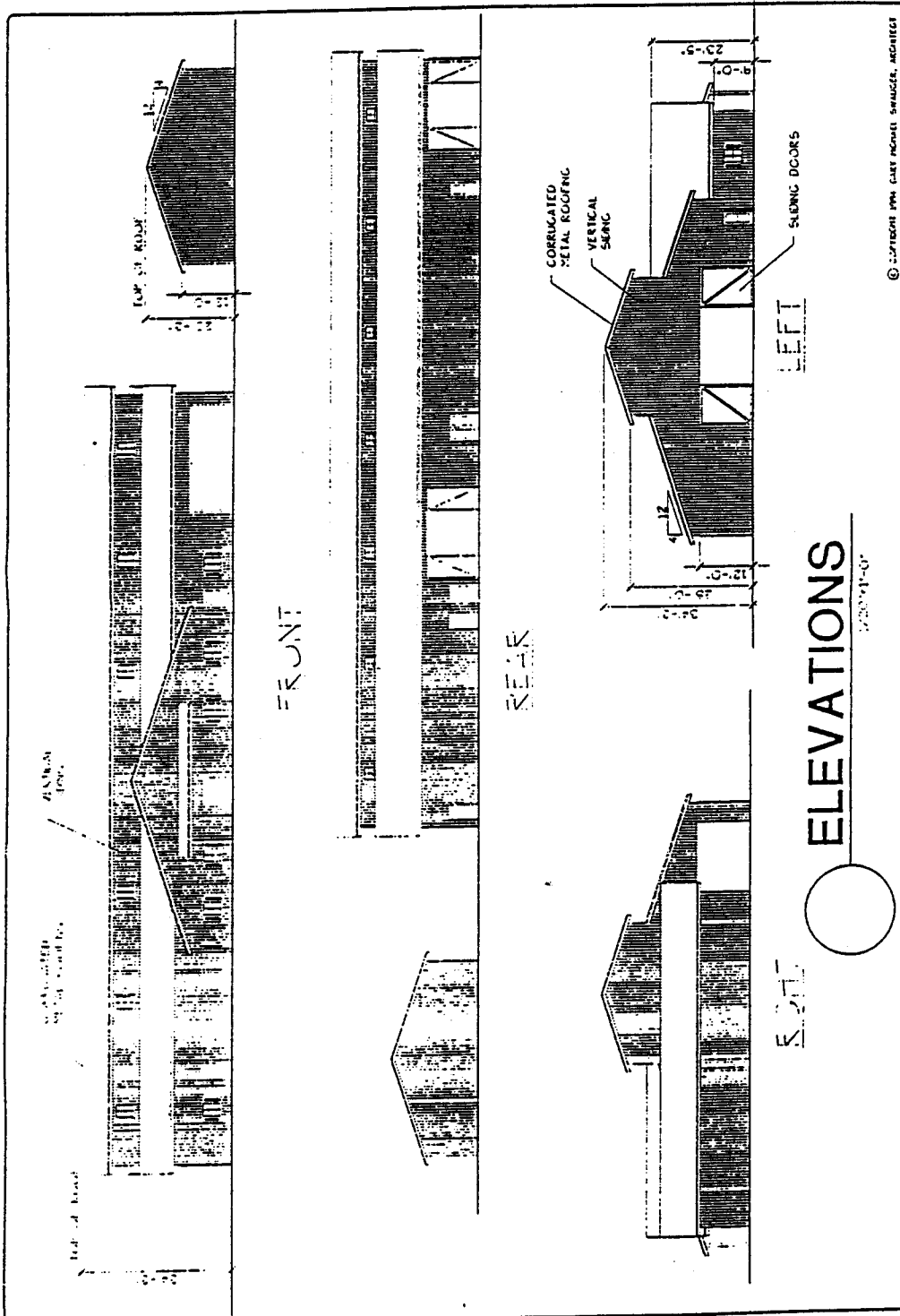
5-47

REVISION	BY	DATE



RECORD MARK LOG
CAMBRIA C.S.D.
PHASE 2 TECHNICAL STUDIES
SAN SIMON CREEK ROAD
DATE: 07-11-2007
DRAWN BY: GMS

DATE	07-11-2007
BY	GMS
CHECKED BY	
DATE	
SCALE	1" = 10'-0"
SHEET NO.	7



PROJECT

CCSD (DESAL. FACILITY)
D940095D



EXHIBIT

ELEVATION

EXHIBIT 4

A-3-SLO-95-69

November 21, 1995

RECEIVED
NOV 29 1995

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Dave Loomis
Deputy Director
California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA 95060

RE: APPROVAL OF CAMBRIA DESAL FACILITY

Dear Mr. Loomis:

As tax-paying property owners in Cambria, we are writing to recommend approval of the proposed Desalination Facility which we believe is the best approach to solving Cambria's chronic water supply problems.

Construction of the Desal Plant will provide a reliable source of water to meet the needs of the existing population of Cambria during the drought months (May through October). This source will also serve to provide for the needs of new residents and commercial construction which, as you know, are currently limited by the San Luis Obispo County Growth Management Ordinance and the Coastal Commission.

Besides providing a water supply for the community, the Desal Plant will also provide a benefit by leaving more water available for agricultural needs during drought periods; water which would normally be used for residential or commercial requirements.

Additionally, and one of the most significant benefits, is that the Desal Plant will utilize sea water thus having the least impact on the environment. This solution to Cambria's water shortage makes the most sense.

We respectfully request that you authorize the Cambria Community Services District (CCSD) to proceed with the construction of the Cambria Desalination Facility.

Sincerely,



Paul and Irma Mudge
14 Sun creek
Irvine, CA 92714

EXHIBIT 5

A-3-SW-95-69

November 21, 1995

Mr. Dave Loomis
Deputy Director
California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA 95060

RECEIVED
NOV 27 1995
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: APPROVAL OF CAMBRIA DESAL FACILITY

Dear Mr. Loomis:

As tax-paying property owners in Cambria, we are writing to recommend approval of the proposed Desalination Facility which we believe is the best approach to solving Cambria's chronic water supply problems.

Construction of the Desal Plant will provide a reliable source of water to meet the needs of the existing population of Cambria during the drought months (May through October). This source will also serve to provide for the needs of new residents and commercial construction which, as you know, are currently limited by the San Luis Obispo County Growth Management Ordinance and the Coastal Commission.

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Additionally, and one of the most significant benefits, is that the Desal Plant will utilize sea water thus having the least impact on the environment. This solution to Cambria's water shortage makes the most sense.

We respectfully request that you authorize the Cambria Community Services District (CCSD) to proceed with the construction of the Cambria Desalination Facility.

Sincerely,

James Morrison

Louise Morrison

James and Louise Morrison
2387 Shadow Hill Drive
Riverside, CA 92506

EXHIBIT 5

A-3-SL-95-69

November 20, 1995

Mr. Dave Loomis
Deputy Director
California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA 95060

RECEIVED
NOV 27 1995
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: APPROVAL OF CAMBRIA DESAL FACILITY

Dear Mr. Loomis:

As tax-paying property owners in Cambria, Ms. Hidy and I are writing to recommend approval of the proposed Desalination Facility which we believe is the best approach to solving Cambria's chronic water supply problems.

Construction of the Desal Plant will provide a reliable source of water to meet the needs of the existing population of Cambria during the drought months (May through October). This source will also serve to provide for the needs of new residents and commercial construction which, as you know, are currently limited by the San Luis Obispo County Growth Management Ordinance and the Coastal Commission.

Besides providing a water supply for the community, the Desal Plant will also provide a benefit by leaving more water available for agricultural needs during drought periods; water which would normally be used for residential or commercial requirements.

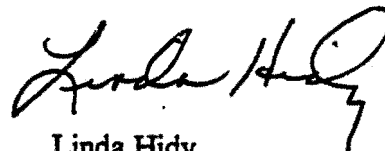
Additionally, and one of the most significant benefits, is that the Desal Plant will utilize sea water thus having the least impact on the environment. This solution to Cambria's water shortage makes the most sense.

We respectfully request that you authorize the Cambria Community Services District (CCSD) to proceed with the construction of the Cambria Desalination Facility.

Sincerely,



Susan M. Simpson
3748 E. La Veta Ave.
Orange, CA 92669



Linda Hidy

EXHIBIT 5

A-3- SLO-95-69

November 21, 1995

RECEIVED
NOV 27 1995
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Dave Loomis
Deputy Director
California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA 95060

RE: APPROVAL OF CAMBRIA DESAL FACILITY

Dear Mr. Loomis:

As tax-paying property owners in Cambria, we are writing to recommend approval of the proposed Desalination Facility which we believe is the best approach to solving Cambria's chronic water supply problems.

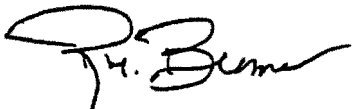
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Besides providing a water supply for the community, the Desal Plant will also provide a benefit by leaving more water available for agricultural needs during drought periods; water which would normally be used for residential or commercial requirements.

Additionally, and one of the most significant benefits, is that the Desal Plant will utilize sea water thus having the least impact on the environment. This solution to Cambria's water shortage makes the most sense.

We respectfully request that you authorize the Cambria Community Services District (CCSD) to proceed with the construction of the Cambria Desalination Facility.

Sincerely,



Robert and Frances Brome
10912 Hunting Horn Drive
Santa Ana, CA 92705-2407

EXHIBIT 5

A-3-SLO-95-69

5G
RECEIVED
NOV 17 1995

November 16, 1995

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dave Loomis Deputy Director
California Coastal Commission
725 Front Street sw 300
Santa Cruz, Ca 95060

Dear Sir,

It is my understanding that the issue of the Cambria Community Services District (CCSD) intent to obtain approval to build and maintain a Desalination (Desal) facility in the City of Cambria will come before The Coastal Commission soon. As a Cambrian property owner and an on and off again resident since 1969, I would like to recommend approval of this request.

The water provided by the Desal facility will go to people currently living in Cambria and to new homes on already developed property. Cambria was divided up into lot parcels in 1925. My lot has gas, electricity and water running right by, beneath an asphalt road placed there by the County (SLO) about 5 years ago.

In addition the water for the Desal Plant will obviously not come from sources currently utilized by agriculture. As you may be aware, Cambria has had a "water problem" for many years. It wasn't that we didn't have enough water, we just didn't have anywhere to place excess water for the dry seasons of the year. The CCSD conducted many "studies" over the years on various reservoir plans but all were deemed too expensive or harmful to the environment.

Cambria has followed several other communities along the coast in selecting the desalination approach to solving their water problem. The expense in this day and age of trying to build a community and do so without harming the environment are staggering. The Desalination solution to Cambria's water problem is an excellent example of providing public access to coastal resources for the betterment of the people of California.



Phillip R. Taves
720 Menker Ave
San Jose, Ca 95128

EXHIBIT 5

A-3-SLO-95-69