

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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SANTA CRUZ, CA 95060
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W17a

A-3-SLO-20-0072 (CENTRAL COAST BLUE TEST WELLS) JANUARY 13, 2021 HEARING EXHIBITS

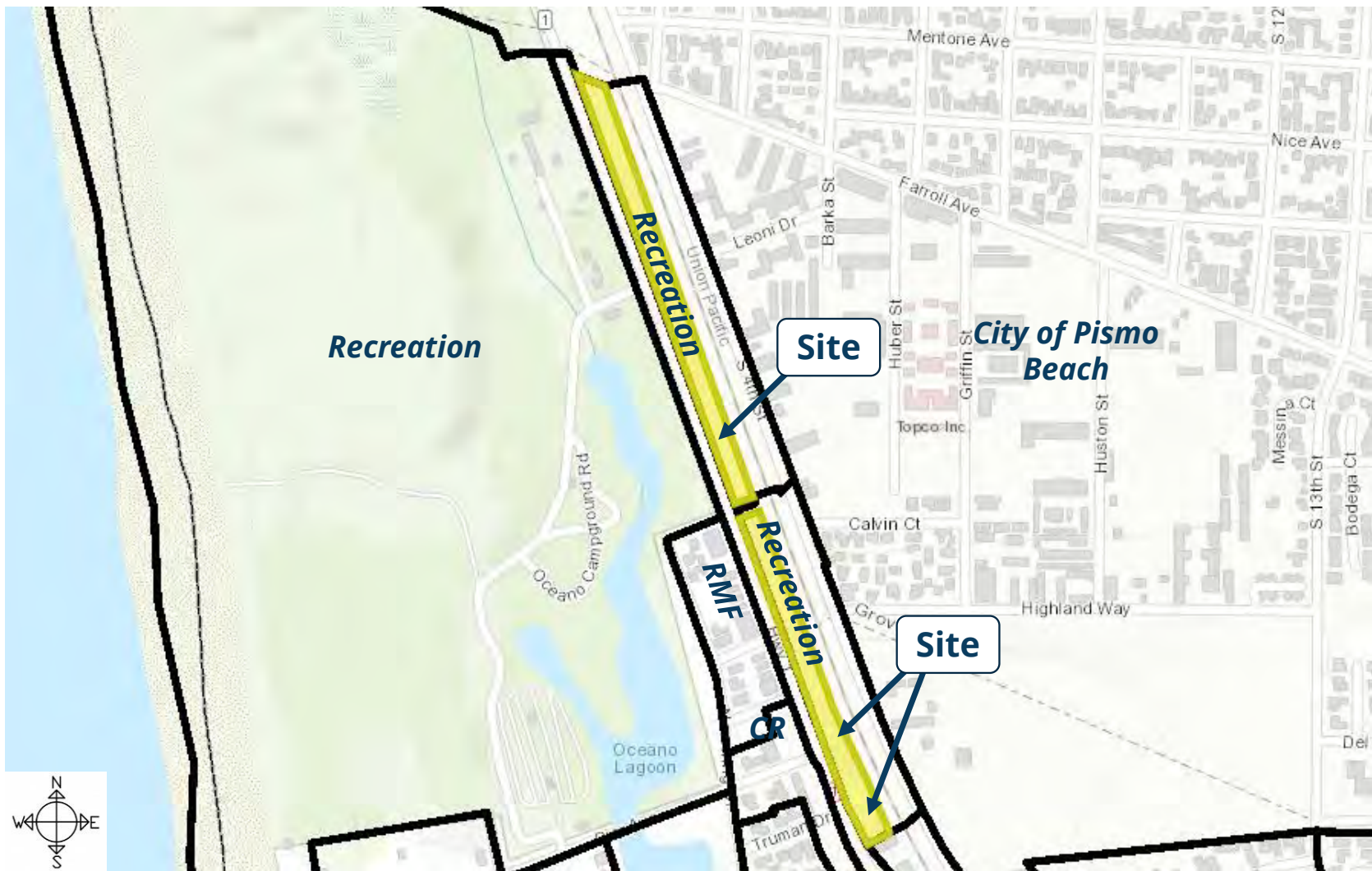
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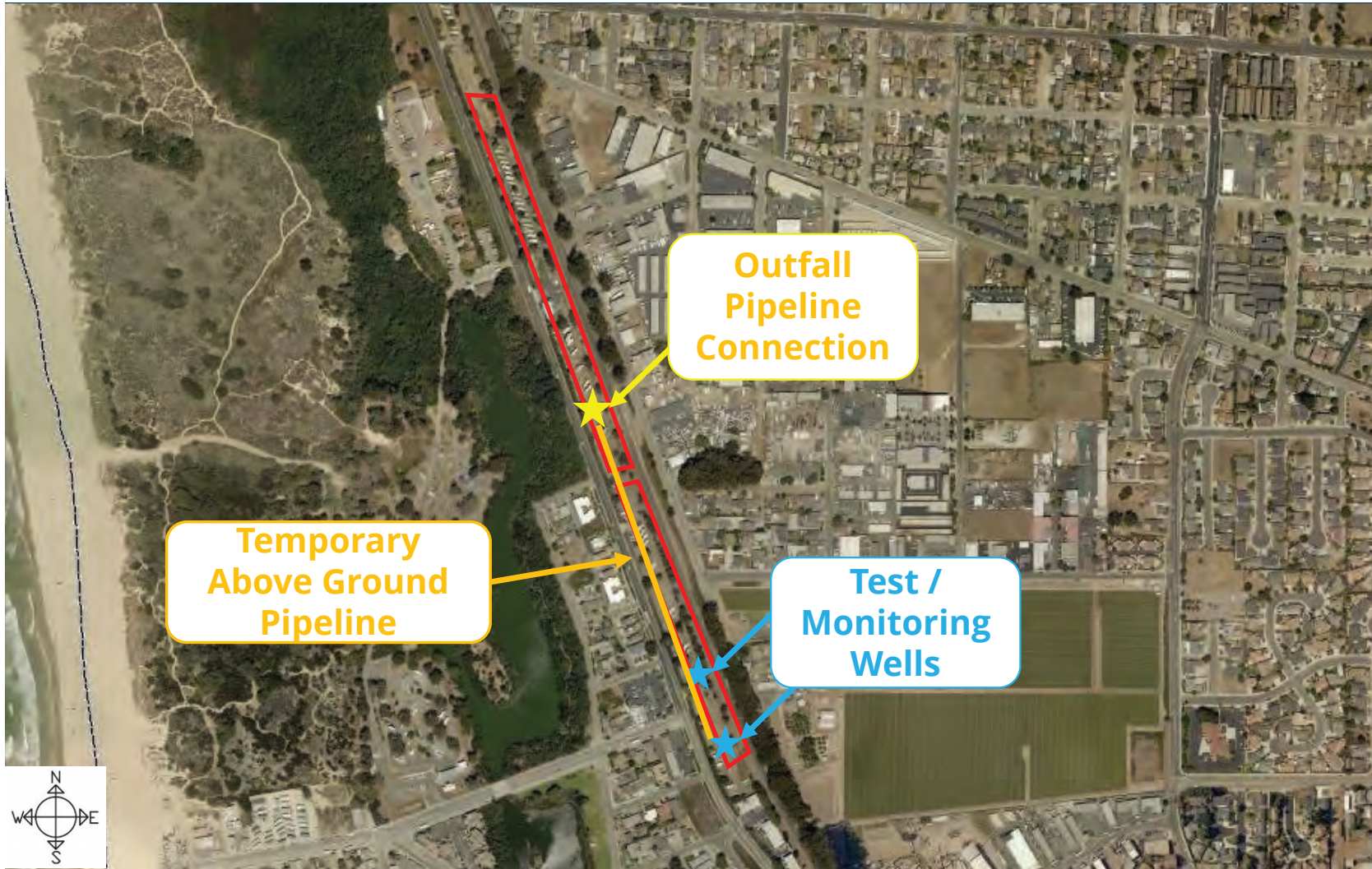
COUNTY OF SAN LUIS OBISPO

Vicinity Map
DRC2020-00050



COUNTY OF SAN LUIS OBISPO

Land Use Category Map DRC2020-00050



COUNTY OF SAN LUIS OBISPO

Aerial
DRC2020-00050





Visual Simulation of Temporary Well Construction Features

Northern Monitoring Well



COUNTY OF SAN LUIS OBISPO

Visual Simulation
DRC2020-00050

Visual Simulation of Temporary Well Construction Features

Southern Well



COUNTY OF SAN LUIS OBISPO

Visual Simulation
DRC2020-00050

Examples of Permanent Well Features

Southern Well



Northern Well



COUNTY OF SAN LUIS OBISPO

Examples
DRC2020-00050



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

November 6, 2020

Water Systems Consulting
805 Aerovista Lane Ste 201
San Luis Obispo, CA 93401

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-SLO-20-0932

APPEAL PERIOD 11/17/20-12/02/20

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: October 20, 2020
SUBJECT: **County File Number: DRC2020-00050**
City of Pismo Beach

RECEIVED

NOV 16 2020

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

LOCATED WITHIN COASTAL ZONE: YES
COASTAL APPEALABLE: Yes

On October 20, 2020, the Board of Supervisors denied the appeal of the City of Pismo Beach proposal, and the decision of the Planning Department Hearing Officer stands, and the application of the City of Pismo Beach for a Minor Use Permit / Coastal Development Permit (DRC2020-00050) is approved subject to the findings and conditions set forth by the Board of Supervisors Resolution Number 2020-234 which are enclosed for your records.

This Notice of Final Action is being mailed to you pursuant to the Land Use Ordinance Section 23.02.036(a).

This action is appealable to the California Coastal Commission, pursuant to regulations contain in Coastal Act Section 30603 and the 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. The appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commissions Santa Cruz Office at (831) 427-4863.

Additionally, county Coastal Zone Land Use Ordinance Section 23.01-043 and applicable sections of the Coastal Act provide the California Coastal Commission ten (10) working days to appeal the County's Final Action. This means the Applicant and County cannot act on this decision, including but not limited to, the request or issuance of a building permit, until the Coastal Commission Appeal period has expired without an appeal being filed.

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, October 20, 2020

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Debbie Arnold and
Chairperson Lynn Compton

ABSENT: None

RESOLUTION NO. 2020-234

RESOLUTION DENYING THE APPEAL OF JEFF EDWARDS, AFFIRMING THE DECISION
OF THE PLANNING DEPARTMENT HEARING OFFICER, AND CONDITIONALLY
APPROVING THE APPLICATION OF THE CITY OF PISMO BEACH FOR A MINOR USE
PERMIT DRC2020-00050.

The following resolution is now offered and read:

WHEREAS, on September 4, 2020, the Planning Department Hearing Officer of the
County of San Luis Obispo duly considered the application of the City of Pismo Beach for Minor
Use Permit DRC2020-00050 and conditionally approved the application on September 4, 2020;
and

WHEREAS, Jeff Edwards has appealed the Planning Department Hearing Officer'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; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of
Supervisors on October 6, 2020 and determination and decision was made on October 6, 2020;
and

WHEREAS, at said hearing, 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, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission be affirmed and that the application should be approved subject to the findings and conditions set forth below.

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.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A attached hereto and incorporated by reference herein as though set forth in full.
3. That the appeal filed by Jeff Edwards is hereby denied, that the decision of the Planning Department Hearing Officer is affirmed, and that the application of the City of Pismo Beach for Minor Use Permit DRC2020-00050 is hereby approved subject to the conditions of approval set forth in Exhibits B attached hereto and incorporated by reference herein as though set forth in full.
4. That the project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15306, Information Collection. The Board of Supervisors hereby determines that the exceptions to the exemptions (14 CCR § 15300.2) do not apply because the project (1) will have no impact on any precisely mapped and officially adopted environmental resource of hazardous or critical concern; (2) there is no evidence of any cumulative impact because there are no known or anticipated other similar projects within the area; (3) there are no unusual circumstances associated with this project; (4) there will be no impacts to scenic highways or historical resources; and (5) the project is not located on a listed hazardous waste site. The applicant's April 21, 2020 Notice of Exemption which was filed with the County Clerk Recorder on April 14, 2020 as Document No. 40-04142020-048 is hereby incorporated in its entirety by this reference.

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

AYES: Chairperson Compton, Supervisors Gibson, Peschong and Arnold

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Lynn Compton
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: T'Ana Christiansen
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Jon Ansolabehere
Chief Deputy County Counsel

Dated: November 2, 2020

STATE OF CALIFORNIA,)
) ss.
COUNTY OF SAN LUIS OBISPO,)

I, **WADE HORTON**, Ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this
3rd day of November, 2020.

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: 
Deputy Clerk

EXHIBIT A - FINDINGS
CITY OF PISMO BEACH (DRC2020-00050)

CEQA Exemption

- A. The County, as a Responsible Agency, has reviewed the Notice of Exemption previously prepared by the City of Pismo Beach (April 2020) and finds that this determination is appropriate (pursuant to Public Resources Code Section 221000 et seq., and CA Code of Regulations Section 15000 et seq.). Avoidance and minimization measures were approved by the CEQA determination of the City of Pismo Beach, and proposed as part of the project description. Those avoidance and minimization measures have been carried forward and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and, as conditioned, is consistent with all of the General Plan and Local Coastal Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. 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 addition does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the test wells and pipeline connection are small in nature and will be mostly underground and should therefore not conflict with the surrounding lands and uses.
- F. 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 the project is located on State Route 1 (Highway 1), an arterial road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project will occur atop previously disturbed land and the drilling for the wells will disturb a minimal

EXHIBIT B - CONDITIONS OF APPROVAL
DRC2020-00050 / CITY OF PISMO BEACH MINOR USE PERMIT

Approved Development

1. This approval authorizes
 - a. Construction, testing, and monitoring of two full-scale groundwater wells and a connection pipeline to the existing City of Pismo Beach ocean outfall pipeline.
 - b. Temporary water tanks, a 24-foot-tall sound wall, a 35-foot-tall drilling rig, and a 1,800-foot above-ground pipeline.
 - c. maximum height is 35 feet from average natural grade.
 - d. Site disturbance of approximately 1.4 acres.
2. All site disturbance related to any well drilling activities shall be restored to previous site conditions upon completion of the well. This includes disturbance associated with wells drilled, but not utilized.
3. This approval authorizes the construction of two groundwater wells for the purpose of temporary groundwater extraction, testing, and monitoring. This does not authorize the use of these wells for any other purposes such as injection. Any change of use would require additional discretionary permits.
4. The project shall comply with all avoidance and minimization measures (AMM-1 through AMM-5) as outlined in Attachment 4 – Environmental Determination.
5. Project construction and testing shall be limited to a duration of 6 months from the initiation of construction activities. Additional time may be granted through a request for extension of project duration submitted to and approved by the County's Planning and Building Department Director.

Conditions required to be completed at the time of application for construction permits

Site Development

6. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan and elevations.
7. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. Additionally, if lighting is installed, design shall in accordance with FAA standards, to minimize their impacts on aviation safety.
8. **At the time of application for construction permits**, if applicable, the applicant shall provide Engineering for the temporary shoring and construction of the sound walls including plans and calculations for the design.

9. **At the time of application for construction permits**, if applicable, the applicant shall provide proof that an OSHA permit was obtained for the walls.

Fire Safety

10. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

FAA

11. **At the time of application for construction permits**, the construction plans for the Project shall be submitted to the Air Traffic Division of the FAA regional office having jurisdiction over San Luis Obispo County to determine compliance with the provisions of FAR Part 77. In addition, applicable construction activities must be reported via FAA Form 7460-1 at least 45 days before proposed construction or application for a building permit.

Conditions to be completed prior to issuance of a construction permit County Parks

12. **Prior to issuance of a construction permit**, the applicant is required to obtain a Right- of- Entry Permit (ROE) from the County Parks and Recreation Department (County Parks). The fee to County Parks from the City of Pismo Beach for the ROE will be a one-time fee of \$10,118.00.

Environmental Health

13. **Prior to issuance of a construction permit**, the applicant shall coordinate with the County's Environmental Health Department to obtain all necessary well permits and variances that may be required by that Department.

Conditions to be completed during project construction

Building Height

14. The maximum height of the project is 35 feet from average natural grade.
15. No structure, landscaping, apparatus, or other feature, whether temporary or permanent in nature shall constitute an obstruction to air navigation or a hazard to air navigation, as defined by the ALUP.
16. Any use of the Project site is prohibited that may entail characteristics which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the Airport, including:
- a. creation of electrical interference with navigation signals or radio communication between the aircraft and Airport;
 - b. lighting which is difficult to distinguish from Airport lighting;
 - c. glare in the eyes of pilots using the Airport;
 - d. uses which attract birds and create bird strike hazards;
 - e. uses which produce visually significant quantities of smoke; and
 - f. uses which entail a risk of physical injury to operators or passengers of aircraft (e.g., exterior laser light demonstrations or shows).

Archeologic Resources

17. In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

APCD

18. Equipment exceeding 50 horsepower shall not be operated without first receiving required registration or permits as required by the California Air Resources Board) or APCD and as outlined in the CEQA Air Quality Handbook.

Caltrans

19. The applicant shall obtain an encroachment permit for work within the Caltrans right-of-way.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

20. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
21. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
22. The facility shall not be operated until all conditions of approval have been met and all required building permits have received final inspection.
23. Title 8, Section 8.40.065 water well monitoring requirements established by the Department of Public Works will be required prior to issuance of the Environmental Health Department's water well permit.

Conditions to be completed following well testing

24. Any permanent facilities related to the well construction (e.g. wellheads, filters, pumps) shall be limited to the minimum necessary and shall be limited to the least visible low lying facilities possible. In addition, any permanent facility shall be dark colored, and incorporate natural materials (e.g. untreated wood, rock) to screen them from Highway 1.

On-going conditions of approval (valid for the life of the project)

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

County Parks and Recreation Fees

27. The ground water injection well will incur an annual fee of \$2,500 due to County Parks on September 1, 2021 and again on September 1, 2022. Beginning September 1, 2023, the annual fee will be \$10,560 per year thereafter. This rate will be adjusted annually as per the CPI rate for Los Angeles (Southern California).
28. The test well site will incur an annual cost of \$300/year and the outfall connection will incur an annual cost \$500/year. Both of these fees will also be subject to annual CPI adjustments for Los Angeles (Southern California).

Indemnification Clause

29. The applicant shall, as a condition of approval of this use permit, defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents or employees, by a third party challenging either its decision to approve this use permit or the manner in which the County is interpreting or enforcing the conditions of this use permit, or any other action by a third party relating to approval or implementation of this use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 10/20/2020	(3) CONTACT/PHONE Emi Sugiyama, Planner / (805) 788-9470 Daniela Chavez, Clerk / (805) 781-4848	
(4) SUBJECT Hearing to 1) consider an appeal (APPL2020-00012) by Jeff Edwards of the Planning Department Hearing's approval of a request by the City of Pismo Beach for a Minor Use Permit/Coastal Development Permit (DRC2020-00050) to allow for the construction and testing of two full-scale groundwater wells and a connection pipeline to the existing City of Pismo Beach ocean outfall pipeline and 2) to consider the environmental determination that this project is categorically exempt from the California Environmental Quality Act, per CEQA Guidelines §15306, Information Collection. A Notice of Exemption was prepared and certified by the City of Pismo Beach on April 14, 2020. The proposed project is within the Recreation land use category and is located in the Coastal Dunes RV Park and Campground on State Route 1 at 1001 Pacific Boulevard, in the community of Oceano. The project is within the San Luis Bay Coastal Planning Area. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution to 1) uphold the decision of the Planning Department Hearing Officer to approve the application of the City of Pismo Beach for a Minor Use Permit / Coastal Development Permit (DRC2020-00050) allowing the construction of one groundwater monitoring well, one test groundwater extraction well, and an outfall connection pipeline; and 2) consider and rely on the previously prepared Notice of Exemption dated April 14, 2020, certified by the City of Pismo Beach acting as Lead Agency.			
(6) FUNDING SOURCE(S) Planning and Building Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation {X} Hearing (Time Est. 45) { } Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS {X} Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required {X} N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT?	(16) AGENDA ITEM HISTORY {X} N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 4			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Emi Sugiyama, Planner

VIA: Xzandrea Fowler, Environmental Coordinator

DATE: October 20, 2020

SUBJECT: Hearing to 1) consider an appeal (APPL2020-00012) by Jeff Edwards of the Planning Department Hearing's approval of a request by the City of Pismo Beach for a Minor Use Permit/Coastal Development Permit (DRC2020-00050) to allow for the construction and testing of two full-scale groundwater wells and a connection pipeline to the existing City of Pismo Beach ocean outfall pipeline and 2) to consider the environmental determination that this project is categorically exempt from the California Environmental Quality Act, per CEQA Guidelines §15306, Information Collection. A Notice of Exemption was prepared and certified by the City of Pismo Beach on April 14, 2020. The proposed project is within the Recreation land use category and is located in the Coastal Dunes RV Park and Campground on State Route 1 at 1001 Pacific Boulevard, in the community of Oceano. The project is within the San Luis Bay Coastal Planning Area. District 4.

RECOMMENDATION

It is recommended that the Board adopt the resolution to 1) uphold the decision of the Planning Department Hearing Officer to approve the application of the City of Pismo Beach for a Minor Use Permit / Coastal Development Permit (DRC2020-00050) allowing the construction of one groundwater monitoring well, one test groundwater extraction well, and an outfall connection pipeline; and 2) consider and rely on the previously prepared Notice of Exemption dated April 14, 2020, certified by the City of Pismo Beach acting as Lead Agency.

DISCUSSION

Background

The Central Coast Blue ("CCB") project is a multi-agency collaboration between the City of Pismo Beach, the South San Luis Obispo County Sanitation District ("SSLOCSD"), and the other Northern Cities Management Area agencies, including the Cities of Grover Beach and Arroyo Grande, and the Oceano Community Services District. The CCB project will involve the construction of an advanced treatment facility to treat secondary effluent from the City of Pismo Beach and SSLOCSD Wastewater Treatment Plants, and the injection of purified water into the groundwater basin to supplement the natural groundwater supply.

The CCB project is required to obtain a Coastal Development Permit as it is within an area which is appealable to the California Coastal Commission (Section 23.01.043 C). The CCB project is within an unincorporated area of the County and the County typically has permitting authority. In accordance with the San Luis Obispo County Local Coastal Program and the California Coastal Act, County approval of a land use permit, such as a Minor Use Permit, also constitutes approval of a Coastal Development Permit (Section 23.01.031).

Minor Use Permit / Coastal Development Permit DRC2020-00050 proposes the construction of one groundwater monitoring well, and one test groundwater extraction well to inform the engineering feasibility and design of the Central Coast Blue ("CCB") project. These facilities will allow the City of Pismo Beach and the other CCB agencies to investigate the subsurface hydrogeologic conditions within the project area, and to generate information that may further define the physical and technological constraints associated with implementation of the larger CCB project. This permit does not authorize the use of these wells for the injection of treated wastewater into groundwater or any other facilities related to the larger CCB project.

The City of Pismo Beach published a Draft Environmental Impact Report for the CCB project on July 20, 2020, and the public comment period concluded on September 3, 2020. The Final Environmental Impact Report (FEIR) has not yet been published; and therefore, the CCB project has not yet been approved. Following the publication of the FEIR, and collection of necessary feasibility information, project design, permitting, and construction will commence. The next steps on the larger CCB project are unknown at this time until the results of the test well are known. Should the CCB project move forward in the future, it will be subject to standard public hearing requirements and environmental determinations.

Project Overview

Minor Use Permit / Coastal Development Permit DRC2020-00050 is limited to the construction of one groundwater monitoring well, one test groundwater extraction well, and a pipeline connection to the existing City of Pismo Beach ocean outfall pipeline. This permit also includes temporary project features, including water storage tanks, a 24-foot tall sound wall, a 35-foot tall drilling rig, and an 1,800-foot above-ground pipeline.

Minor Use Permit / Coastal Development Permit DRC2020-00050 was heard and approved by the Planning Department Hearing Officer on September 4, 2020. During the public comment period, the following concerns were raised and addressed by planning staff, County Counsel, and the applicant's representatives.

1. **Project Description**

Clarification was requested regarding what development will be approved by this permit. The applicant's representative explained that the City of Pismo Beach is partnering with other regulatory agencies to implement a groundwater sustainability project, which includes the construction of a wastewater treatment plant, groundwater wells, and various pipelines. This portion of the project only includes the construction of groundwater wells to collect data that will inform the feasibility and design of the larger project.

2. **Sound Wall Dimensions**

Clarification was requested regarding what the dimensions of the sound wall would be. The applicant's representative explained that the sound wall would be 80-foot wide parallel to Highway 1, and 100-foot wide perpendicular to Highway 1.

3. **Project Duration**

Clarification was requested regarding the duration of the project, including the construction, testing, and demolition phase for each proposed well. The applicant's representative explained that construction estimated to take approximately two months for each well from drilling rig mobilization to post-construction clean-up. Each well would be drilled sequentially, so construction is estimated to take a total of four months.

To ensure construction is conducted timely, planning staff added Condition #5, which states:

Project construction and testing shall be limited to a duration of 6 months from the initiation of construction activities. Additional time may be granted through a request for extension of project duration submitted to and approved by the County's Planning and Building Department Director.

4. CEQA Review

Clarification was requested regarding why this portion of the project was not analyzed as part of the Environmental Impact Report prepared for the larger project. The applicant's representative explained that this project has independent utility because the information gained from this project will be useful regardless of whether or not the larger CCB project moves forward and therefore, this project is not being piecemealed from the larger CCB project. The applicant's representative also explained that this project would not predispose the City of Pismo Beach and other partner agencies from approving or denying the larger project. County Counsel also explained that because the project is limited to information gathering, the project is categorically exempt per CEQA Guidelines §15306 which excludes from environmental review basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

5. Potential Utility Conflicts

Clarification was requested regarding how the setback required between a groundwater well and a sewer line would be achieved, given the project location within a Recreational Vehicle park. The applicant's representative indicated that a standard variance was issued by the State Water Resources Control Board.

6. Applicability of a General Plan Conformity Report

Clarification was requested regarding whether or not a General Plan Conformity Report was required for the development of this project on land owned by the San Luis Obispo County Parks Department. County Counsel explained that a General Plan Conformity Report is required by Government Code §65402 when the County acquires or disposes of land, and that this section does not apply when the County temporarily licenses a portion of land.

7. Applicability of a Storm Water Pollution Prevention Plan

Clarification regarding why the Conditions of Approval do not require the preparation of a Storm Water Pollution Prevention Plan due to the overall site disturbance of 1.4 acres. The applicant's representative indicated that the overall project area is 1.4 acres, but this does not necessarily represent site disturbance. County Counsel explained that if a Storm Water Pollution Prevention Plan is required, the absence of a Condition of Approval reinforcing that requirement does not relieve the applicant of that responsibility.

8. Safety of an 1,800-foot Long Aboveground Pipeline

Clarification was requested regarding safety measures that will be implemented to prevent accidents as a result of the 1,800-foot long aboveground pipeline. The applicant's representative explained that the 1,800-foot long aboveground pipeline will be installed along the fence that is parallel to Highway 1, and outside of the active campground area.

9. Temporary Elimination of Campsites and Reduction of Public Beach Access

Concerns were raised regarding the fact that approximately 40 campsites will be temporarily unavailable during construction, and how that might reduce beach access. The applicant's representative explained that construction will take place during the off-season for the campground, and the campsites that will be unavailable would not have been rented during this time regardless of this project.

Appeal

On September 16, 2020, an appeal of the Planning Department Hearing Officer's approval of Minor Use Permit / Coastal Development Permit DRC2020-00050 was submitted. The appeal contends the project is incompatible with public access policies because it would result in the "loss of forty campsites near beach access at Pier Avenue, Oceano."

Staff Response

Project construction will temporarily restrict access to 37 campsites within the Coastal Dunes RV Park and Campground ("RV Park"). The RV Park spans two rectangular lots and is located between Highway 1 and the Southern Pacific rail line. Attachment 6, Figure 4 shows the configuration of the RV Park. The RV Park is comprised of a total of 194 campsites, some of which have electricity, sewer, and water RV connections, while others are only accessible by foot or bicycle.

The project will be located in the southernmost portion of the RV Park, temporarily restricting access to 37 walk-in / bike-in campsites. To limit potential impacts to the San Luis Obispo County Parks Department revenue and prospective campers, construction was scheduled during the off-season, which is from October 1 through March 31. According to the San Luis Obispo County Parks Department, only thirty percent of the RV Park is typically occupied during the off-season. If 37 campsites are temporarily closed during project construction, 92 campsites would still be available in the RV Park, which would mean that approximately fifty percent of the RV Park is still available to campers. As such, there is no anticipated impact to the availability of camping spots.

In addition, Condition #5 ensures that the duration of construction is restricted to the extent necessary to complete well drilling and testing activities, thereby ensuring that the temporary restriction of access to these campsites is minimized.

Furthermore, the temporary restriction of access to these 37 campsites will not disproportionately impact campers within disadvantaged groups because the fees at the RV Park are the same for each campsite, and the RV Park is expected to continue to have vacancy throughout construction.

Alternative campsites and coastal access points exist within the areas directly adjacent to the RV Park. The Oceano Campground at Pismo State Beach is located directly west of the RV Park and offers campsites with RV connectivity or tent camping. The Oceano Campground connects directly to the beachfront. Additionally, the Oceano Dunes State Vehicle Recreation Area is located approximately 1 mile south of the RV Park, and offers campsites located directly on the beach. The Oceano Dunes State Vehicle Recreation Area is currently closed due to COVID-19. By comparison, the RV Park is located approximately one-half mile from the beachfront and the connection to the beachfront is intercepted by Highway 1 which runs parallel to the entirety of the RV Park.

As previously stated, the groundwater monitoring well, test groundwater extraction well, and pipeline connection to the existing City of Pismo Beach ocean outfall pipeline would be used to gather information that is needed to inform the engineering feasibility and design of the CCB project. The CCB project will develop a sustainable water supply that will be used to enhance the Santa Maria River Valley Groundwater Basin and protect it from future seawater intrusion. This project will deliver the critical information that is needed to determine the feasibility of the CCB project.

Therefore, the temporary reduction of twenty percent of the available campsites at an RV Park where coastal access is inhibited by Highway 1, and at a time when the campsites would not otherwise be utilized does not inhibit coastal access in any way. The proposed project is not incompatible with public access policies of the California Coastal Act.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to the Oceano / Halcyon Advisory Group, Public Works Department, Environmental Health Department, Parks and Recreation Department, Oceano Community Services District, Airport Land Use Commission, Building Division, Air Pollution Control District, State Parks, City of Grover Beach, Water Resources Advisory Committee, Caltrans, and the California Coastal Commission. The Oceano / Halcyon Advisory Group has "no concerns, except that one Councilmember would prefer another location that doesn't impact recreation and is outside the Coastal Zone." The Public Works Department had no comment. The Environmental Health Department indicated that the proximity of wells to a sewer line may necessitate a variance granted by the State Water Resources Control Board. The Parks and Recreation Department suggested conditions to align the project with their drafted Right of Entry agreement and associated Use Permit. Oceano Community Services District indicated that they had no concerns and the Airport Land Use Commission determined that the project was consistent with the Airport Land Use Plan. The Building Division indicated that a building permit was required for the construction of the temporary sound walls. The Air Pollution Control District suggested conditions for construction dust and exhaust mitigations. No response was received from State Parks, City of Grover Beach, Water Resources Advisory Committee, Caltrans, and the California Coastal Commission.

The attached resolution upholding the Planning Department Hearing Officer's approval of this project (Attachment 2) was approved by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

The appeal is not subject to an appeal fee as it is located in the Coastal Zone and raises a coastal resource issue. This appeal was processed using the Department's allocated General Fund support.

RESULTS

Upholding the appeal would affirm the Planning Department Hearing Officer's approval of the project. This action would be consistent with the San Luis Obispo County General Plan and satisfies all applicable provisions of Title 23 of the County Code. This is consistent with the County's goal to promote a safe and livable community.



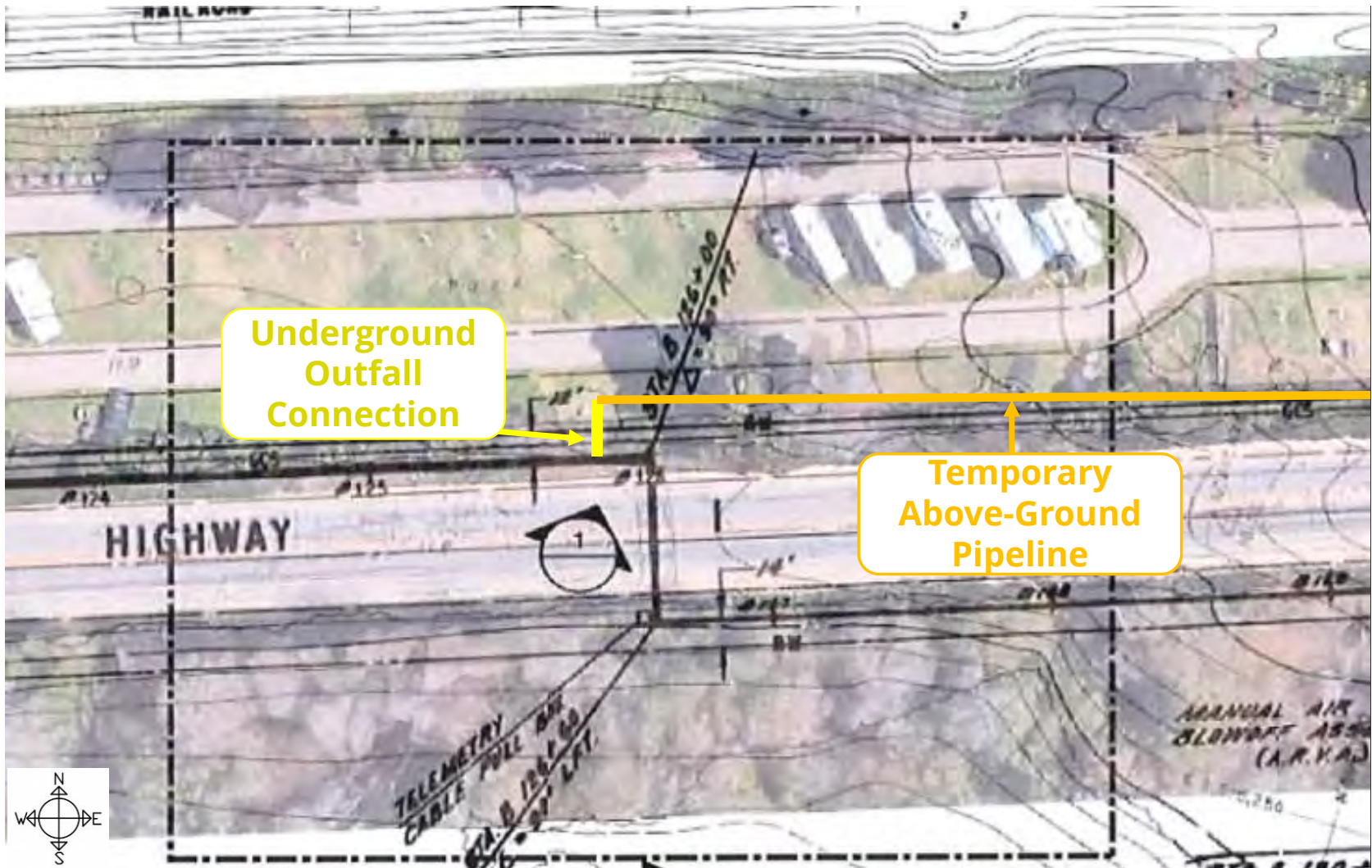
**Approximate Area of
Construction of
Monitoring Well**

**Approximate Area of
Construction of Test Well**



COUNTY OF SAN LUIS OBISPO

**RV Park Layout
DRC2020-00050**



COUNTY OF SAN LUIS OBISPO

Outfall Connection Site Map DRC2020-00050



Explanation

Well Location

- Nester Monitoring Well (Approximately 5 x 5 feet of ground disturbance)

Drilling Equipment

- Drilling Fluid Tank
- Drilling Rig (Approximately 60 x 10 feet)
- Pipe Trailer (Approximately 40 x 8 feet)
- Tool House and Generator
- Sound Wall (Height = 24 feet)
- Water Tank (10,000 gallon capacity per tank)

Boundaries

- Temporary Construction Area
- San Luis Obispo County Parks APN = 061-111-017

Ground Surface Elevation

- GSE Contour (Feet above mean sea level)



COUNTY OF SAN LUIS OBISPO

Northern Test Well Site Map DRC2020-00050



Explanation

Well Location

- Test Well (Approximate 5 x 5 foot of ground disturbance)

Drilling Equipment

- Drilling Fluid Tank
- Drilling Rig (Approximate 60 x 10 foot)
- Pipe Trailer (Approximate 40 x 8 foot)
- Tool House and Generator
- Sound Wall (Height = 24 foot)
- Water Tank (10,000 gallon capacity per tank)

Boundaries

- Temporary Construction Area
- San Luis Obispo County Parks APN = 061-111-017

Ground Surface Elevation

- GSE Contour (feet above mean sea level)

Existing Water Source

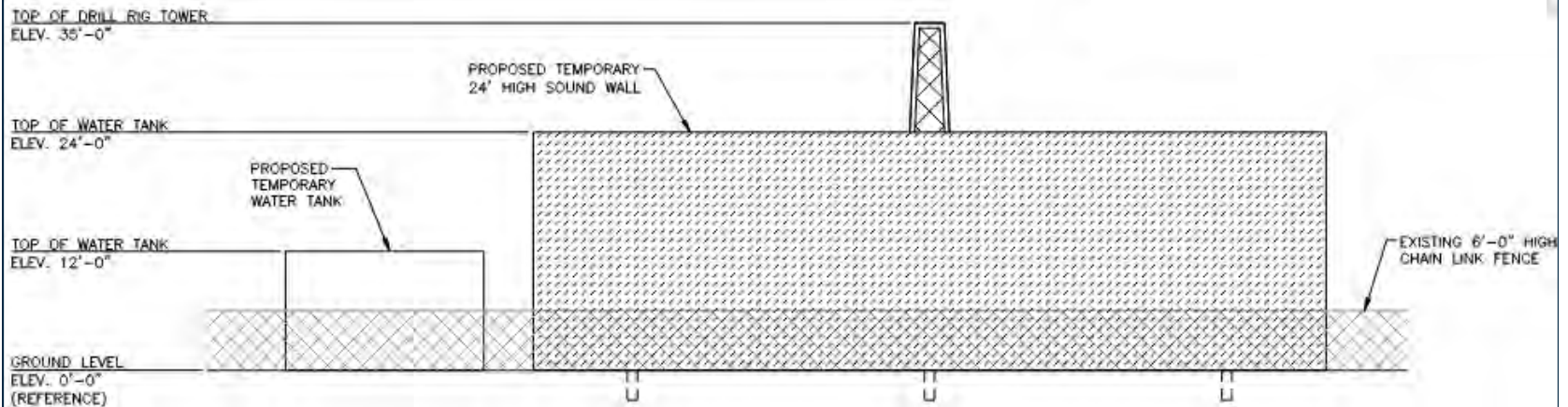
- Fire Hydrant



COUNTY OF SAN LUIS OBISPO

Southern Test Well Site Map DRC2020-00050

Elevation of Temporary Wells Construction Features (as viewed from Highway 1)



COUNTY OF SAN LUIS OBISPO

Elevation
DRC2020-00050

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Jeff Edwards

Mailing address: PO Box 6070, Los Osos, CA 93412

Phone number: 805-235-0873

Email address: jhedwardscompany@gmial.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Please see attached correspondence.

Letter dated, October 13, 2020

Addendum dated October 16, 2020

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Participated in the Administrative Hearing process on September 4, 2020
and appealed the Hearing Officers decision to approve the project
to the County Board of Supervisors (BOS). The BOS heard
the appeal on October 20, 2020 and upheld the approval.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: San Luis Obispo County

Local government approval body: Board of Supervisors

Local government CDP application number: DRC2020-00050

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: October 20, 2020

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 1001 Pacific Blvd. Oceano, CA, 93445, San Luis Obispo County
APN061-111-017 & 061-111-018

Allow for the construction and testing of two full-scale groundwater wells and a connection
pipeline to the existing City of Pismo Beach ocean outfall pipeline.

The project consists of the construction of two permanent groundwater wells (injection well IW-4 / MW-4A/4B)
and an underground 35-foot long pipeline connection. Temporary project
features include mobile water tanks, a 24-foot-tall sound wall, a
35-foot-tall drilling rig, and an 1,800-foot-long, above-ground
pipeline connecting the well locations to the outfall connection
point. The project will result in the disturbance of approximately
1.4 acres, which includes approximately 60,000 square feet of temporary
disturbance and 200 square feet of permanent disturbance
surrounding the wells.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 4

3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Please see attached letter dated December 1, 2020

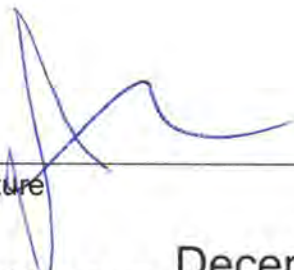
⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Jeff Edwards


Signature _____

Date of Signature December 1, 2020

5. Representative authorization⁵

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

December 1, 2020

Grounds for Appeal

This writing details the grounds for appeal as requested under paragraph 4. of the Appeal Form.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the Certified LCP or to the Public Access policies of the Coastal Act. In the instant case, the proposed project fails to conform to the San Luis Obispo County Certified Local Coastal Plan for the San Luis Bay Coastal Planning Area. Furthermore, the proposed project fails to comport with the public access and public recreation policies of Chapter 3 (commencing 30200) of the Coastal Act.

A. LCP Inconsistencies

Appeal Contention 1. Coastal Table “O” provides definitions of proposed uses in specific use groups. The proposed project is mischaracterized as a use that falls within the definition of Water Wells and Impoundments [F5]. Water Wells and Impoundments are defined in Table “O” as, **“Water extraction uses or structures for small scale domestic or agricultural use including wells, ponds, water tanks and distribution facilities.”** More precisely, the proposed project falls within an entirely different use group, and definition for Public Utility Facilities [I5]. Public Utility Facilities is defined in Table “O” as these uses include any of the following facilities:...; public water system wells. The proposed project lies within the Recreation Land Use category and Public Utility Facilities are not an allowed use in the Recreation Land Use category in Coastal Table “O” of the LCP. Clearly, the City of Pismo Beach is not proposing small-scale domestic or agricultural use for water extractions. Please see the attached Addendum to October 13, 2020 CCB Appeal letter, dated October 16, 2020 for greater detail.

Appeal Contention 2. Recreation Land Use Standards. Limitation on use “allowable uses in the area between HWY 1 and railroad right-of-way are limited to recreational vehicle (RV) parks in accordance with Ordinance 1215” (attached). The project is proposed to be located within the County owned Coastal Dunes RV Park & Campground. The subject property lies within the area referenced in Ordinance 1215 and is therefore limited to urban destination recreational vehicle park ONLY. Consequently, even if the proposed project were allowable under Coastal Table “O”, it could not proceed because of the limitation on use provided in Ordinance 1215 and is, therefore, inconsistent with the LCP.

Appeal Contention 3. The proposed project fails to conform with Section 23.06.040 of the San Luis Obispo County Coastal Zone Land Use Ordinance (CZLUO) Noise standards.

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ACQUISITION MARKETING LAND USE REDEVELOPMENT

A-3-SLO-20-0072 (Central Coast Blue Test Wells)

Exhibit 5

Page 5 of 21

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SAN LUIS OBISPO COUNTY CODE - TITLE 23, LAND USE ORDINANCE

Operational Standards

23.06.046

EXTERIOR NOISE LEVEL STANDARDS		
	Daytime (7 a.m. to 10 p.m.)	Nighttime ¹ (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level (Leq, dB)	50	45
Maximum level, dB	70	65

Notes:

1. Applies only to uses that operate or are occupied during nighttime hours

The proposed project includes well drilling that requires 24/7 construction until each well is complete. It is anticipated well construction will require a minimum of two-weeks per well. Noise from the well drilling is expected to exceed 85 dBA. The project proposes to deploy sound walls to attenuate the sound. However, even after attenuation, noise thresholds are to exceed the nighttime Hourly Equivalent Sound Level of 45 dBA. It is likely nighttime operations will exceed the exterior noise level standards provided in the CZLUO and is therefore further inconsistent with the LCP.

Appeal Contention 4. The proposed project includes groundwater extractions from injection well IW-4 for an indeterminate amount of time. It fails to conform to Coastal Watersheds Policy 1, Preservation of Groundwater Basins. While the parent project CCB intends to inject water into the basin, the proposed project is intending to extract water. However, the location of the proposed project, particularly IW-4 is in very close proximity to the primary production well (Well No. 8) for the community of Oceano. Please see the attached Figure 7-1 from the CCB DEIR which reflects the location of the proposed project and the other four injection wells in relation to Services District (OCSD) wells, shown as red dots. Based upon the project description in the Categorical Exemption, groundwater extractions are expected up to 1,500 gallons per minute. In just two-weeks, the project will have extracted and discharged to the ocean some 92.8 acre-feet. If the pumping continues for one-month, the total amount of groundwater wasted to the ocean will approach 185 acre-feet. For context, the entire community of Oceano, including approximately 7,600 residents uses about 55 acre-feet per month from all sources. Most recently, the OCSD pumped 147 acre feet in a one-year period, for comparison. Moreover, the Disadvantaged Community (DAC) of Oceano, possesses a 900 acre-foot groundwater entitlement (as adjudicated for the Santa Maria Groundwater Basin (SMGB), shown in Figure 4.8-3 attached). The Oceano Community Services District (OCSD) has reduced pumping to approximately sixteen percent (16%) or 147 acre-feet annually. Therefore, in just one-month, the proposed project may pump, with no beneficial use, over one hundred percent (100%+) of Oceano's most recent groundwater extractions indicated in the Northern Cities Management Area

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Exhibit 5

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2019 Annual Monitoring Report. The OCSD primary groundwater extraction well, Well No. 8, is located less than one-half mile from IW-4, the key component of the proposed project. The proposed project may impact OCSD's Well No. 8, given its close proximity. Well No. 8 was the OCSD's only groundwater well in production during the 2019 reporting period.

The long-term integrity of the groundwater basins within the Coastal Zone shall be protected. The proposed project could have a significant adverse impact on the groundwater basin, notwithstanding the projects limited duration. These short-term impacts to the groundwater basin and Oceano's groundwater entitlement are significant; however, the potential long-term impacts from the parent project, Central Coast Blue (CCB), may have longer-lasting adverse effects upon the entire DAC of Oceano with Environmental Justice (EJ) implications. The County-approved project included no analysis of the potential short or long-term impacts nor did it include any mitigation or compensation to the OCSD for potential impacts to Well No. 8 and/or their adjudicated groundwater entitlement.

While the City of Pismo Beach considers the current efforts a regional collaboration, with a Memorandum of Agreement (MOA) with only the cities of Arroyo Grande and Grover Beach. The MOA has numerous "opt-out clauses". In fact, the OCSD has declared they are not participating in the project at all. The dilemma facing the City of Pismo Beach is the concern that, non-participating agencies be **PROHIBITED** from pumping groundwater that may include CCB treated water injected into the groundwater basin. As a result, the City of Pismo Beach has made it clear that the OCSD may be limited to recent groundwater extractions of just 147 acre-feet. This could have the effect of confiscating over 700 acre-feet of groundwater entitlement for the DAC community. This alone, smacks of Environmental Injustice given that the communities most valuable asset is their 900 acre-foot groundwater entitlement. In fact, the County-approved project has completely failed to consider or analyze any EJ factors thus failing to conform to Section 30604(h) of the California Public Resources Code. "When acting on a Coastal Development Permit, the issuing agency, or the commission on appeal, may consider Environmental Justice, or the equitable distribution of environmental benefits throughout the state."

Ironically, the impetus for the subject proposal and the parent project, CCB, relates to representations that seawater intrusion (SWI) is impacting the groundwater basin in the area. This is patently false. The fiction of SWI surfaced in 2009 and involves the Northern Cities Management Area (NCMA) members. The members are the cities of Pismo Beach, Arroyo Grande and Grover Beach plus OCSD who is often the "odd man out". The community of Oceano, through the OCSD, has a diversified water portfolio, including State Project Water, Lopez Lake and groundwater entitlements. Currently, the OCSD is using approximately one-third of their combined entitlements.

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By way of background, the SMGB was adjudicated in 2008. The City of Pismo Beach's premise for CCB is the incursion of seawater into the groundwater basin. In fact, the City of Pismo Beach presents a revisionist view of local water history. They assert the County of San Luis Obispo constructed the Lopez Dam in 1969 because of seawater intrusion in Oceano. More accurately, the County built Lopez Dam fundamentally as a flood control project to protect the downstream properties and farms from flooding. A letter dated February 8, 2012 from the OCSD Board of Directors to the then, Board of Supervisors, refutes erroneous assertions regarding the historical presence of seawater intrusion. The letter speaks to data collected in 2009 and states, "The Oceano groundwater supply is not threatened with seawater intrusion." The OCSD's primary groundwater drinking supply Well No. 8 is in close proximity to two proposed CCB injection wells including the proposed CCB (IW-4).

B. Coastal Act Public Recreational Access Policy inconsistencies

Appeal Contention 5. The Coastal Act requires public recreational access to be maximized and lower-cost facilities to be protected and provided as a way to maximize access for all segments of the population, including those unable to afford expensive accommodations and facilities. Overnight accommodations are a necessary part of providing public access and recreational opportunities for the many visitors that live further from the coast, including those from inland areas, such as the California Central Valley, where a coastal trip requires a lengthy car ride. In fact, many campers travel hundreds of miles to their destination so they may enjoy the coast without having to drive back to their home the same day. The issue of coastal access is not so much that visitors stay on or at the beach, but about being able to spend time on the coast without the extended travel by having access to lower-cost accommodations. The County-approved project included no analysis of potential impacts upon the availability of lower-cost accommodations. It is not enough to simply provide public recreational access to and along the coast, nor is it enough to simply protect public recreational access; rather such public recreational access must also be **MAXIMIZED**.

Lower cost visitor-serving accommodations are presently in high demand across the county and their availability locally is in short supply presently. The County-approved project lacks an adequate analysis of impacts to this class of visitors. It is common knowledge, that the lowest cost camping at the nearby Oceano Dunes State Vehicular Riding Area (ODSVRA) is closed indefinitely. When the ODSVRA does reopen for camping, it will be limited to just 500 of the 1,000 campsites. Camping during Covid-19 is in high demand, as this is one of the few activities where social distancing is easier and safer. Moreover, given its moderate climate with seventy-degree weather, camping demand is extremely high in Oceano because of its proximity to the beach. Options for camping are extremely limited. The Pismo Coast Village, a popular resort on Highway One does not allow tent camping (RV camping only). The County-approved project impacts to lower cost visitor-serving accommodations are significant. It is estimated; approximately 40-camp sites at the Oceano Dunes RV Park and Campground will be displaced during the project.

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Additionally, other campsites within the 230-space campground may be affected due to noise and construction activity, making them less desirable. Likewise, the affordable (\$59.00 per night King bed) at the eighteen-room Oceano Inn, across the street from the project site, is also likely to experience impacts from the project, including noise, lighting and traffic, making it a less desirable place to stay, further reducing quality and affordable places to stay. Based upon the above discussion, the proposed project clearly fails to conform to Section 30213 of the Coastal Act as it relates to the protection of lower cost visitor-serving accommodations in the community of Oceano.

C. No Project Purpose

Appeal Contention 6. The County-approved project failed to adequately express a need or purpose for the project. The applicant states the proposed project would be a preliminary investigation of the physical and technological constraints and opportunities in the project area. The project would expand the knowledge of subsurface conditions in the area. It is unclear if the proposed project is necessary; please see a copy of Section 8. References from the NCMA 2019 Annual Monitoring Report (attached) with over fifty references to various studies, monitoring reports and other documentation prepared by both the public and private sector, making the subject groundwater basin one of the most studied on the Central Coast. It is highly likely the information sought from the proposed project is already contained in the numerous groundwater basin analyses.

Substantial Issue Determination

Historically, the Commission has been guided by five factors in its determination of whether, or not, a given appeal raises significant question with respect to a decision made by a local agency on a given Coastal Development Permit application.

Factor (1) the degree of factual and legal support for local approval and consistency determination with the LCP and public access policies.

On its “face”, the proposed project as a Public Utility Facility is inconsistent with the LCP because it is not an allowable use. Likewise, no analysis of impacts or mitigation measures related to public access policies was made by the County of San Luis Obispo relative to the protection of lower cost visitor-serving accommodations at the subject campground and the nearby Oceano Inn.

Factor (2) the extent and scope of the development approved.

The \$750,000 project includes a permanent municipal groundwater well reaching a depth of approximately 400 ft. within a 12 in. diameter casing. If pumped at the expected maximum capacity of 1,500 gallons per minute is the equivalent to 2,160,000 per day or 92.8 acre feet during the two-week projected duration. One month of pumping at that rate, is 186 acre feet,

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which exceeds the entire annual groundwater extractions for the community of Oceano in 2019.

Factor (3) the significance of coastal resources affected by the approval.

Impacts to the groundwater basin from the County-approved project were not adequately analyzed regarding the short or long-term impacts to the groundwater basin from IW-4, especially to the EJ community of Oceano and the adjudicated groundwater basin. The proposed project may dispose up to 92.8 acre-feet of groundwater into the ocean with unknown impacts to the OCSD primary drinking supply well.

Another Coastal Resource includes Public Recreational Access; the County-approved project displaces forty camping spaces, at a minimum, and likely will affect additional camping spaces within the campground. The affordable Oceano Inn will likely be affected.

Factor (4) the precedential value of the counties approval for future interpretation of its LCP.

An approval of uses that are not allowed by the LCP of any jurisdiction sets a bad precedent. Coastal Table O is part of the San Luis Obispo County LCP. Many uses within the respective Use Groups in the Table "O" matrix are blank. "A blank space in a land use category column means the corresponding use on the left side of the chart is not allowable in that land use category." Any differing interpretation would throw the entire Coastal Table "O" into chaos. Likewise, if San Luis Obispo County is enabled to make broad interpretations or misinterpretations, it could be duplicated throughout the Coastal Zone raising serious questions for local agencies with Certified LCP's.

Factor (5) whether the appeal raises only local issues, or those of regional or statewide significance.

The County-approved project raises state-wide issues regarding groundwater management in an era of the Sustainable Groundwater Act. The inability of the OCSD to participate in the parent project CCB, including the potential short-term threats to its primary groundwater production well and the long-term confiscation of their groundwater entitlement raises significant EJ concerns.

CONCLUSION

The proposed project is not a "small domestic or agricultural use" as defined in Coastal Table "O" for Water Wells and Impoundments. The proposed project is not an allowable use on the subject property, because the County-owned campground is in the Recreation land use category. The proposed project is a \$750,000 project

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including a municipal (public) well that is intended to be one of five permanent injection wells. As a Special Use, a Public Utility Facility is allowed in all land use categories except Recreation and Open Space. Even if the proposed project were an allowable use, it is precluded by the codified limitation of use standard. As such, the project as proposed is inconsistent with the San Luis Obispo County Certified LCP.

Likewise, the proposed project does not conform to the public access and recreation policies of the Coastal Act because of the displacement of low-cost camping in a community already experiencing limited availability of lower cost visitor-serving accommodations. Coastal Act Section 30213 specifically requires lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. While the displacement of low-cost camping may be temporary, the county approval failed to include any analysis of likely impacts or consider appropriate mitigation measures. The proposed project fails to ensure maximum public access for members of the public with low or moderate incomes that wish to access and recreate at the coast. Consequently, I respectfully request that a Substantial Issue exists with respect to the County-approved projects conformance with the provisions of the Certified San Luis Obispo County LCP and with the public recreational access policies of the Coastal Act necessitating the Commission asserting jurisdiction over the CDP application for the proposed project.

Please feel free to contact me with any questions you may have.

Sincerely,

Jeff Edwards

Jeff Edwards

Attachments

Addendum dated October 16, CCB SLO BOS Appeal

SLO Co. Limitation of Use Ordinance 1215

Figure 7-1 CCB DEIR

Figure 4.8-3 CCB DEIR

Section 8. References from the NCMA 2019 Annual Monitoring Report

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October 16, 2020

RE: Addendum to October 13, 2020 CCB Appeal Letter

To: Xzandrea Fowler, SLO Co. Planning Supervisor
Emi Sugiyama, Project Planner

Good morning Ladies,

It appears there is another major General Plan/Local Coastal Plan land use inconsistency associated with the above referenced project. This is a fatal flaw and the application never should have been taken in or accepted for processing, let alone be considered for approval. As you know, there is a limitation on use affecting the Coastal Dunes RV Park & Campground "TO URBAN DESTINATION RECREATIONAL VEHICLE PARK..." pursuant to Ordinance 1215.

However, based upon allowable uses in Coastal Table O, the proposed project does not qualify as an allowable use and is therefore, not permitable at the proposed location. At present, staff has considered the proposed project under Water Wells & Impoundments.

Please see the use group below and note it is allowed as an S-9-P subject to provisions in Coastal Zone Land Use Ordinance Section 23.08.178. Unfortunately, the proposed permanent facility (not to be abandoned following completion) does not fit the definition of Water Wells & Impoundments, also shown below. This use group is confined "for small scale domestic or agricultural use..." The CCB test injection well is not small scale, it is not private and is not for domestic of agricultural purposes. Clearly, this is misplaced.

Excerpt from Table O, page 21 of 46

LAND USE CATEGORY

CZ FRAMEWORK FOR PLANNING REVISED OCTOBER 2018	PAGE NUMBER OF USE	USE GROUP	F) RESOURCE EXTRACTION	Fisheries & Game Preserves	1	6-46		A	A	A	A									S-14		
				Forestry	2	6-46		A	A	A		A	A									
				Mining	3	6-51		S-9	S-9												S-9	S-14
				Petroleum Extraction	4	6-54		S-9	S-9			S-9	S-9					S-9	S-9		S-9	
				Water Wells & Impoundments	5	6-61	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P

Water Wells and Impoundments [F5] Water extraction uses or structures for small scale domestic or agricultural use including wells, ponds, water tanks and distribution facilities. (page 46 of 46, Table O) Alternatively, the appropriate use group for the subject proposal is Public Utility Facilities, as shown below:

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Specializing in Water Neutral Development

Public Utility Facilities [J5] Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields. Nothing in this definition is intended to require a land use permit where Government Code Section 53091 would exempt local agencies from permit requirements, except in the coastal zone where permitting requirements are as set forth in the Local Coastal Plan. (page 41 of 46, Table O)

The proposed Public Utility Facility use in a Recreation land use category, as in the instant case, is not allowed. "A blank space in a land use category column means the corresponding use on the left side of the chart is not allowable in that land use category." (page 15 of 46, Table O)

Excerpt from Table O, page 23 of 46

LAND USE CATEGORY

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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S-13	S-13	S-13	S-13	S-13				S-13		S-13	S-13	S-13-P	
												S-1-P	
			S-5								S-5	S-5-P	
S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-14
S-13	S-13	S-13		S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	P	
			S-2					S-2	S-2	S-2	A	A	
											A	A	
											A	A	
			S-13					S-13	S-13	P	A	A	

PAGE NUMBER
OF USE

USE GROUP

J) TRANSPORTATION

Airfields & Landing Strips	1
Harbors	2
Marine Terminals & Piers	3
Pipelines & Transmission Lines	4
Public Utility Facilities	5
Transit Stations & Terminals	6
Truck Stops	7
Vehicle & Freight Terminals	8
Vehicle Storage	9

CZ FRAMEWORK FOR PLANNING

REVISED OCTOBER 2018

6-31

In summary, the proposed project should never have been filed in the first place, let alone be considered for approval. The recommended approval includes Finding B which suggests the project is an allowable use and consistent with the San Luis Obispo County General Plan and Local Coastal Plan. Nothing could be further from the truth and as a result Finding B cannot be made. It is my belief; Coastal Commission staff would roundly reject any such interpretation of Coastal Table O as that being advanced presently by your department.

Consequently, the City of Pismo Beach should be advised their project cannot be considered and as a result, the application should be withdrawn and the hearing cancelled.

Please let me know if you have any questions.

Thanks,
Jeff

Figure 7-1 Alternative 3 - Water Distribution Pipeline Alignments and ATF Complex Location



ORDINANCE NO. 1215

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

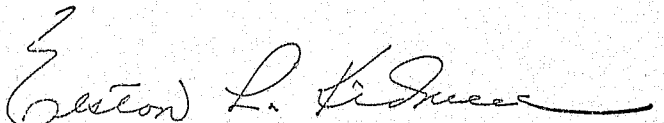
SECTION 1: That Section 22.06.060 of the Ordinance Code of the County of San Luis Obispo, State of California, be amended as follows:

- (a) That the Official Zoning Map 12-DD-35, of the County of San Luis Obispo, State of California, be amended as appears on the attached Exhibit "A", which is expressly referred to and incorporated herein as though fully set forth.

SECTION 2: This Ordinance shall take effect and be in full force and effect 30 days after its passage, and before the expiration of fifteen days after the passage of this ordinance it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Five Cities Times-Press-Recorder, a newspaper of general circulation published in the County of San Luis Obispo, State of California.


Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, this 6 day of March, 1972, by the following roll call vote, to-wit:

AYES: Supervisors Howard D. Mankins, Hans Heilmann, M. Roland Gates,
John V. Freeman, and Chairman Elston L. Kidwell
NOES: None
ABSENT: None



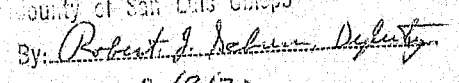
Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California.

ATTEST:


County Clerk and Ex-Officio Clerk,
Board of Supervisors, County of San
Luis Obispo, State of California.

(SEAL)

Planning
DH: lg

Ordinance Code Revised as Approved as to
Form and Codification"
ROBERT H. TAYLOR, District Attorney
County of San Luis Obispo
By: 
Date: 2/8/72

1215

The undersigned Deputy Clerk of the Board of Supervisors certifies that pursuant to Section 25103 of the Government Code delivery of this document has been made on March 9, 1972.

RUTH WARNKEN
County Clerk and Ex-Officio Clerk
of the Board of Supervisors

By Lillian L. Stewart
Deputy Clerk.

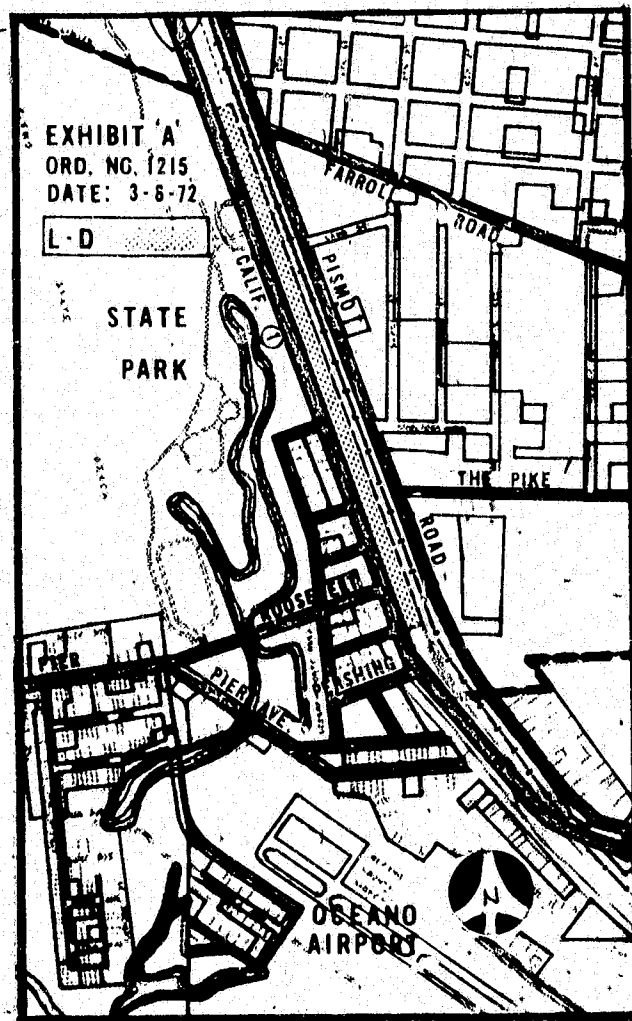


EXHIBIT "A"

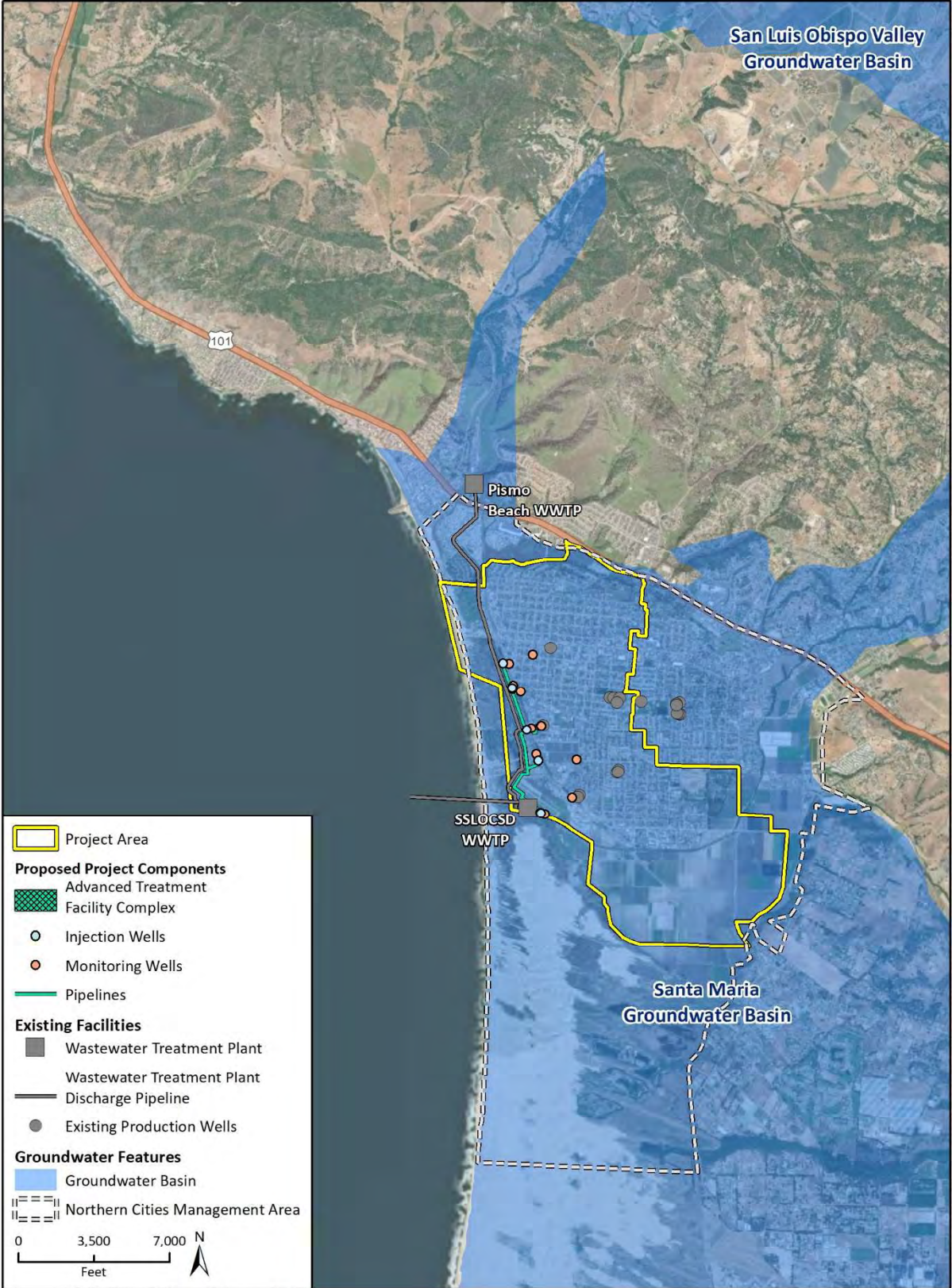
INITIATING A PRECISE ZONING AS SHOWN ON
OFFICIAL ZONING MAP 12-DD-35 ON FILE IN THE
COUNTY PLANNING OFFICE.

THE "D" TO PROVIDE LIMITATION TO URBAN DESTI-
NATION RECREATION VEHICLE PARK TO BE ESTABLISHED
IN CONFORMANCE WITH THE COUNTY POLICY ADOPTED
4-21-71, TO BE ADMINISTERED BY THE SUBDIVISION
REVIEW BOARD AND ANY CONFLICT BROUGHT TO THE
COMMISSION FOR DETERMINATION.

ORD. 1215

3-6-72

Figure 4.8-3 Groundwater Basins



SECTION 8: References

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SAN LUIS OBISPO COUNTY
COASTAL ALLOWABLE USE TABLE & DEFINITIONS

Framework For Planning Excerpts - Coastal Zone

County Government Center * San Luis Obispo * California 93408 * (805)781-5600 * 1-800-834-4636

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: www.sloplanning.org

Ordinance as requiring no permit, in most cases the "A" means a use can be established with a plot plan approval as part of a building permit (or more intensive permit process if required by the CZLUO based on the size of the use), subject to the Coastal Zone Land Use Ordinance standards that must be considered in planning and developing a use.

The letter "S" means that a use is allowable in a particular land use category only when special standards or permit procedures are followed. The number after the "S" refers to the key following the charts, which explains where to look in the Coastal Zone Land Use Ordinance to find the special standards. A "P" means that the use is principally permitted and encouraged over non-principally permitted uses. A "PP" means the same as a "P" where found in the text. A blank space in a land use category column means the corresponding use on the left side of the chart is not allowable in that land use category.

KEY TO COASTAL TABLE O

USE STATUS DEFINITION

- | | |
|---|--|
| A | Allowed use, unless otherwise limited by a specific planning area standard. Coastal Zone Land Use Ordinance Chapter 23.03 ("Required Level of Processing") determines the permit necessary to establish an "A" use, and Chapters 23.04 through 23.06 determine the site design, site development, and operational standards that affect the use. See also the "Planning Area Standards" sections of the Land Use Element Area Plans and the LCP Policy Document to find any standards that may apply to a project in a particular community or area. |
| S | Special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The following list shows where in the Coastal Zone Land Use Ordinance to find the special standards that apply to particular uses. |
| P | Principally permitted use, a use to be encouraged and that has priority over non-principally permitted uses, but not over agriculture or coastal dependent uses. |

"S" NUMBER APPLICABLE COASTAL ZONE LAND USE ORDINANCE SECTION AND/OR LAND USE ELEMENT REQUIREMENT

- | | | |
|---|-------------|---|
| 1 | 23.08.120 b | MISCELLANEOUS USES |
| 2 | 23.08.120 a | MISCELLANEOUS USES |
| 3 | 23.08.040 | AGRICULTURAL USES |
| 4 | 23.08.060 | CULTURAL, EDUCATIONAL & RECREATIONAL USES |

LAND USE CATEGORY

PAGE NUMBER
OF USE

Open Space														
Public Facilities														
Industrial														
Commercial Service														
Commercial Retail														
Office & Professional														
Residential Multi-Family														
Residential Single-Family														
Residential Suburban														
Residential Rural														
Recreation														
Rural Lands														
Agriculture - Non-Prime Soils														
Agriculture - Prime Soils														

USE GROUP

F) RESOURCE EXTRACTION	
Fisheries & Game Preserves	1
Forestry	2
Mining	3
Petroleum Extraction	4
Water Wells & Impoundments	5

6-46
6-46
6-51
6-54
6-61

	A	A	A	A										S-14
	A	A	A	A	A									
	S-9	S-9										S-9	S-14	
	S-9	S-9		S-9	S-9					S-9	S-9	S-9		
S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P

G) RETAIL TRADE	
Auto, Mobilehome & Vehicle Dealers & Supplies	1
Building Materials & Hardware	2
Eating & Drinking Places	3
Food & Beverage Retail Sales	4
Fuel & Ice Dealers	5
Furniture, Home Furnishings & Equipment	6
General Merchandise Stores	7
Mail Order & Vending	8
Outdoor Retail Sales	9
Roadside Stands	10
Service Stations	11

6-40
6-41
6-44
6-46
6-46
6-47
6-47
6-50
6-53
6-56
6-57

									S-10	S-7	S-7			
									S-10-P	P	A			
	S-10		S-10-P	S-10	S-10			A	P	A	S-2			
			S-10-P	S-10	S-10	S-10	S-10	S-10	P	A	S-2			
										S-5	S-5-P			
									P	A				
			S-1-P						P	A				
									P	P	A			
	S-7	S-7	S-7	S-7				S-7	S-7	S-7	S-7	S-7		
	S-3	S-3	S-3	S-3	S-3									
			S-10						S-10-P	S-10-P	S-10			

LAND USE CATEGORY

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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PAGE NUMBER
OF USE

USE GROUP

J) TRANSPORTATION

Airfields & Landing Strips	1
Harbors	2
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Pipelines & Transmission Lines	4
Public Utility Facilities	5
Transit Stations & Terminals	6
Truck Stops	7
Vehicle & Freight Terminals	8
Vehicle Storage	9

S-13	S-13	S-13	S-13	S-13				S-13		S-13	S-13	S-13-P	
												S-1-P	
			S-5								S-5	S-5	S-5-P
S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-14
S-13	S-13	S-13		S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	P	
			S-2					S-2	S-2	S-2	A	A	
										A	A		
										A	A		
			S-13					S-13	S-13	P	A	A	

K) WHOLESALE TRADE

Warehousing	1
Wholesaling & Distribution	2

	S-19	S-19								P	A	A	
	S-19	S-19								P	A		

L) CANNABIS USES

Cannabis Cultivation	1
Cannabis Nurseries	2
Cannabis Manufacturing	3
Cannabis Testing Facilities	4
Cannabis Dispensaries	5
Cannabis Distribution Facilities	6

S-21	S-21	S-21		S-21							S-21		
S-21	S-21	S-21		S-21							S-21		
	S-21									S-21	S-21		
										S-21	S-21		
	S-21	S-21		S-21						S-21	S-21		
										S-21	S-21		

Public Safety Facilities [H12]

Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities (not including jails, which are defined under "Correctional Institutions").

Public Utility Facilities [J5]

Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields. Nothing in this definition is intended to require a land use permit where Government Code Section 53091 would exempt local agencies from permit requirements, except in the coastal zone where permitting requirements are as set forth in the Local Coastal Plan. These uses do not include those uses that are not directly and immediately used for the production, generation, storage, or transmission of water, wastewater or electrical power such as office or customer service centers (classified in "Offices"), or equipment and material storage yards (classified in Storage Yards and Sales Lots"). [Amended 1995, Ord. 2740]

Recreational Vehicle Parks [I3]

Transient lodging establishments primarily engaged in renting, leasing or otherwise providing overnight or short-term sites for motorhomes, trailers, campers or tents, with or without individual utility hookups, but with other facilities such as public restrooms. May include accessory food and beverage retail sales where such sales are clearly incidental and intended to serve RV park patrons only. Does not include incidental camping areas, which are included under "Rural Recreation and Camping."

Recycling Collection Stations [D19]

Facilities for temporary accumulation and storage of recyclable discarded materials, which are subsequently transported to recycling centers or solid waste disposal sites for further processing. Includes sites for implementing the California Beverage Container Recycling Act (AB 2020). (Does not include automobile wrecking yards or any recycling processing facilities, which are listed under Recycling and Scrap; does not include temporary storage of toxic or radio-active waste materials).

Recycling and Scrap [D20]

Establishments primarily engaged in assembling, breaking up, sorting, temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Also includes any storage of such materials in an area larger than 200 square feet or higher than six feet. Does not include terminal waste disposal sites, which are separately defined. Does not include temporary storage of toxic or radioactive waste materials.

Residential Accessory Uses [E9]

Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property, and accessory structures including swimming pools, workshops, studios, greenhouses, garages, and guesthouses (without cooking or kitchen facilities). Includes non-commercial TV and radio broadcasting and receiving antennas, including equipment for satellite broadcast reception.

Vehicle and Freight Terminals [J8]

Transportation establishments furnishing services incidental to transportation including: freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Includes rail, air and motor freight transportation. This definition does not include sites for the storage or transfer of hazardous waste materials. (SIC: Groups 40, 42)

Vehicle Storage [J9]

Service establishments primarily engaged in the business of storing operative cars, buses and other motor vehicles. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Does not include wrecking yards (classified in "Recycling and Scrap") or farm equipment storage (classified in "Storage Yards and Sales Lots"). (SIC: Group 752)

Warehousing [K1]

Establishments primarily engaged in the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesale distribution. Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals"). Also includes warehouse, storage or mini-storage facilities offered for rent or lease to the general public.

Waste Disposal Sites [H16]

County-approved or operated refuse dumps, sanitary landfills and other solid waste disposal facilities of a terminal nature, where garbage, trash or other unwanted materials are abandoned, buried or otherwise discarded with no intention of re-use. This definition does not include disposal sites for hazardous waste materials.

Water Wells and Impoundments [F5]

Water extraction uses or structures for small scale domestic or agricultural use including wells, ponds, water tanks and distribution facilities.

Wholesaling and Distribution [K2]

Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products. (SIC: Group 50, 511-516, 518, 519)