5.6 Land Use and LCP Compliance

5.6 LAND USE AND LCP COMPLIANCE

This section describes the existing onsite and surroundings land uses, and analyzes the Project within the context of the applicable land use plans, policies, and regulations of agencies with jurisdiction over the Project.

5.6.1 ENVIRONMENTAL SETTING

Cambria is located in central California's coastal region, in the northwest portion of San Luis Obispo County (SLO County); refer to Exhibit 3-1, *Regional Context*. Cambria lies within the Santa Rosa Creek Valley, south of San Simeon. The Project site is located in unincorporated SLO County, north of Cambria, north and east of the Hearst San Simeon State Park (State Park). The Project site is more specifically located southeast of the San Simeon Monterey Creek Road/Van Gordon Creek Road intersection, at 990 San Simeon Monterey Creek Road, Cambria; refer to Exhibit 3-2, *Local Context*.

The approximately 96-acre Project site involves two parcels of land (APNs 013-051-024 and 013-051-008) owned by the Cambria Community Services District (CCSD), and used as their existing San Simeon well field and effluent percolation pond disposal system site. Access to the Project site is provided along the northern site boundary, via San Simeon Monterey Creek Road.

ONSITE LAND USES

The Project site contains various water and wastewater facilities including a potable water well field (San Simeon well field), a potable water supply pipeline, extraction and monitoring wells, a discharge structure, and a treated wastewater effluent percolation pond disposal system; see Exhibit 3-3, *Existing Site Conditions*.

San Simeon Well Field and Potable Water Supply Pipeline

The San Simeon Well Field (well field) is located at the eastern portion of the Project site, approximately one mile inland from the ocean. A gravel road that traverses this area provides access to the wells. The well field contains three municipal water wells (CCSD Wells SS-1, SS-2, and SS-3) used to extract potable water from the San Simeon Aquifer.

An underground potable water supply pipeline, which generally parallels the northern and western site boundaries, is used to transport the potable water from the well field to Cambria, approximately 2.5 miles to the south.

Pumping and Monitoring Wells

A total of 11 wells are located on the Project site. The state identification numbers for these wells uses the township number, followed by the range, which is then followed by an alphanumeric tract number and state assigned well number. For the wells identified within the Project site, the township 27S and range 8E applies from the state's Mount Diablo baseline and meridian. For purposes of abbreviation, the 27S 8E is not being repeated within the discussion that follows for the wells that have an assigned state identifier. For example, well 27S 8E 9P7, is simply called well 9P7. Wells that have yet to receive a state identifier, such as those proposed by the Project, are simply referred to by the identifier used on the drawings.

The onsite wells include the following: CCSD municipal pumping wells 9J4 (CCSD Well SS-1), 9J5 (CCSD Well SS-2), and 9K3 (CCSD Well SS-3); Well 9P1, a ranch house supply well that is no longer in use (the house no longer exists); Well 9P2, which supplies a riparian irrigator via an agreement with the CCSD that replaced the use of Well 9K1; and, Well 9P7, a former gradient control well (repurposed as part of the Project). Existing monitoring wells include Wells 16D1 and 9N2); and, abandoned irrigation wells 9K2 and 9L1. Historic monitoring well 9P5 (CCSD Well SS-4) is located offsite and south of San Simeon Creek on the State Park's property. The closest privately owned riparian irrigation well on the San Simeon aquifer is well 9J3, a prior irrigation well that was converted to domestic use, which is approximately 0.25 miles up-gradient from CCSD Well SS-1. Other neighboring property wells include two wells off of the Van Gordon Creek (M1 and M2) to the north, which are approximately 0.5 miles up-gradient from the confluence of Van Gordon and San Simeon Creeks. Wells 9P7, MW-16D1, and MW-4 are particularly relevant to the Project, thus, are further discussed below.

Well 9P7 was previously used as a groundwater gradient control well, and is located within the southwestern portion of the Project site. Well 9P7 is manually controlled and includes a 20 horsepower pump with a capacity of approximately 650 gallons per minute (gpm). Past gradient control relied upon pumping Well 9P7 into a buried eight-inch diameter PVC (Polyvinyl chloride) pipeline that discharged into Van Gordon Creek.

Monitoring Well 16D1 is located at the southwest corner of the Project site and used to monitor groundwater quality down-gradient of the percolation ponds.

Treated Wastewater Effluent Percolation Pond Disposal System

The treated wastewater effluent percolation pond disposal system is located at the southwestern portion of the Project site. The system, which operates under RWQCB Waste Discharge Requirements Order No. 01-100 (December 7, 2001), includes four percolation ponds and associated treated wastewater effluent pipelines.

Cambria's Wastewater Treatment Plant (WWTP) is located approximately 2.5 miles to the south, at 5500 Heath Lane, in Cambria. After secondary treatment, wastewater effluent is pumped to the Project site's percolation ponds. Prior to about 1994, treated wastewater effluent from the WWTP was pumped to a land disposal system that utilizing overhead spraying. The earlier system relied upon the final effluent being evaporated or infiltrated through the soil into the groundwater. The CCSD's Van Gordon Reservoir was originally used to store the treated effluent prior to surface spraying. The surface spray operation was stopped following the 1994 construction of the percolation ponds. The percolation ponds are each designed with perimeter berms, which contain treated effluent that infiltrates slowly through the soil into the groundwater (i.e., the lower San Simeon Creek aquifer). In more recent times, the Van Gordon Reservoir was used as an intermediate storage basin prior to discharge into the percolation ponds. Piping was reconfigured by the CCSD operators in 2005 to allow direct discharge of the treated effluent into the percolation ponds without using the Van Gordon Reservoir, which is the current operating practice being followed.

Treated effluent is allowed to percolate/recharge the aquifer through the percolation ponds, in order to maintain a hydraulic mound/barrier and slow the creek underflow, which reduces potable groundwater losses at the San Simeon Creek aquifer/ocean interface. This practice is also important in preventing saltwater intrusion into the freshwater aquifer.

As noted above, the Van Gordon Reservoir was originally constructed to store treated effluent from the WWTP prior to spraying over the surface of the spray disposal areas. The Van Gordon Reservoir has not been in use since about 2005. The Van Gordon Reservoir is an earthen trapezoidal pond with a length and width of approximately 300 feet and a surface area of between 105,000 square feet to 137,000 square feet, depending on the evaporation pond's water level. The berm elevation is approximately 47 feet with an interior slope of 4:1, an exterior slope of 3:1, and an overall depth varying from 8 to 10 feet.[1]

SURROUNDING LAND USES

The land uses surrounding the Project site are illustrated on Exhibit 3-2 and summarized, as follows:

- *North:* San Simeon Monterey Creek Road (aka San Simeon Creek Road) forms the Project site's northern boundary. San Simeon Creek Road is used as an access route to the agricultural, residential, and industrial uses located to the east. A northern reach of Van Gordon Creek Road, which is north of San Simeon Creek Road, also serves agricultural, residential, and industrial uses located north of the Project site.

[1] CDM Smith, *Project Description Revised Final*, Page 2-25, October 2014.

- *South:* San Simeon Creek both traverses and is located immediately south of the Project site. When present, seasonal surface water in San Simeon Creek flows to the west approximately one mile to the Pacific Ocean. The Washburn Primitive Campground is located approximately 2,000 feet to the southwest, and is situated on a ridgeline that overlooks the valley floor.

- *East:* Agricultural, residential, and industrial uses, including the Cambria Rock Quarry are located to the east.

- *West:* A southern reach of Van Gordon Creek Road forms the Project site's western boundary. When present, seasonal surface water in Van Gordon Creek flows south to the confluence with San Simeon Creek near the southwestern corner of the Project site. The southern reach of Van Gordon Creek Road, (which extends south from its intersection with San Simeon Creek Road), serves as a western boundary divide between the San Simeon Creek Campground, which is approximately 200 feet to the west of the Project site. The San Simeon Creek Campground fence is west of, and parallel to, the west side of Van Gordon Creek Road. Two single-family dwellings located within the San Simeon Campground provide housing for State Park personnel (State Park camp hosts). The dwellings are located further west beyond Van Gordon Creek Road, approximately 750 feet south of San Simeon Monterey Creek Road.

5.6.2 REGULATORY SETTING

FEDERAL AND STATE

There are no federal or state plans or policies relevant to the Project.

LOCAL

County of San Luis Obispo General Plan Land Use and Combining Designations

The Project site is located in the North Coast (NC) Planning Area, within the Rural North Coast (RNC) community. The NC Planning Area is addressed in the North Coast Area Plan (NCAP), which constitutes the County's General Plan Land Use and Circulation Elements for the NC Planning Area. The NC Planning Area is entirely within California's Coastal Zone. The *Coastal Zone North Coast Planning Area Rural Land Use Category Map*[2] separates the NC Planning Area into land use categories, which define regulations for land uses, density, and intensity of use. As shown on the Land Use Category Map, the Project site is designated Agriculture. The *Coastal*

[2] County of San Luis Obispo Website, http://www.slocounty.ca.gov/planning/zoning/Map_Image_Download_Center/Land_Use_ Maps.htm, Accessed February 23, 2015.

Zone North Coast Planning Area Rural Combining Designation Map[3] assigns Combining Designations to NC areas containing hazards, sensitive resource areas, environmentally sensitive habitat areas, historic and archaeologically sensitive areas, and public facilities. As shown on the Combining Designation Map, portions of the Project site are assigned the following Combining Designations:

- Geologic Study Area (GSA);
- San Simeon Creek Flood Hazard (FH);
- Sensitive Resource Area (SRA);
- Environmentally Sensitive Habitat Area, Terrestrial Habitat (ESHA-TH); and
- Environmentally Sensitive Habitat Area, Coastal Creek (ESHA-CC).

Additionally, the Project site (and all of the NC Planning Area) is assigned Local Coastal Program (LCP) Combining Designation.

North Coast Area Plan (NCAP)

Key provisions found in Area Plans are land use maps, programs, and standards guiding development. The County's Coastal Zone is divided into four planning areas. The Project site is located in the NC Planning Area, within the Rural North Coast (RNC) community. The NC Planning Area is addressed in the North Coast Area Plan (NCAP).

COMBINING DESIGNATIONS AND STANDARDS

NCAP Chapter 6 addresses Combining Designations, which are special overlay land use categories applied in County areas with potentially hazardous conditions or significant natural resources. In these areas, more detailed project review is needed, in order to avoid or minimize adverse environmental impacts, or effects of hazardous conditions on proposed projects. NCAP Chapter 7 contains Planning Area Standards for the NC Planning Area that are mandatory requirements for development. Planning Area Standards apply to the planning and development of new land uses, and must be satisfied before a new land use permit is approved.

Refer to Appendix B, *NCAP Combining Designations and Standards*, for a list of NCAP Combining Designations and standards relevant to the Project. NCAP Combining Designations GSA, FH, SRA, ESHA-TH, ESHA-CC), and LCP, and NCAP Standard Areawide 6 and Cambria Urban Area Community-Wide Standard 4D pertain to Land Use and Planning.

Cambria Urban Area Community-Wide Standard 4D

On May 15, 2014, the County issued an Emergency Coastal Development Permit (E-CDP) which authorized construction and operation of the Cambria Emergency Water Supply Project, subject

[3] Ibid.

to certain conditions. Specifically, E-CDP Condition 6 specifies that the "regular permit will be subject to all applicable provisions of the California Coastal Act and the Local Coastal Program, including the specific requirements for desalination facilities in the North Coast Area Plan Community Wide Policy 4D…." It is assumed Condition 6 is referring to Cambria Urban Area (Community Wide) Standard 4D, *Desalination Standards*; refer to Appendix B.

It is noted that CW Standard 4D is found in NCAP Chapter 7 Section B, *Cambria Urban Area Standards*; refer to Appendix B. NCAP Chapter 7 Section B contains "standards that apply only to land within the unincorporated urban area of Cambria."[4] The Project site is located within the NCAP's rural area, which "includes all those lands outside the Cambria Urban Reserve Line [URL] and the San Simeon Acres village reserve line."[5] The Planning Area Standards relevant to NCAP's rural area, and thus the Project site, are found in NCAP Chapter 7 Section A, *Rural Area Standards*. NCAP Chapter 7 Section A contains "standards that apply only to land within the unincorporated urban area of Cambria."[6] In addition to being located outside the Cambria URL, the Project is a groundwater replenishment project – not a desalination facility. Notwithstanding, in an effort to address E-CDP Condition 6, the Project is analyzed for consistency with CW Standard 4D in Section 5.6.3 below.

Local Coastal Program (LCP) Policy Document

The LCP Policy Document is part of the LCP and Land Use Element. The LCP provides a more detailed level of policies, programs, and standards to address Coastal Act issues. The following land use-related LCP policies are relevant to the Project:

ENVIRONMENTALLY SENSITIVE HABITATS

Environmentally Sensitive Habitat Areas (ESHA) are settings in which plant or animal life (or their habitats) are rare or especially valuable due to their special role in an ecosystem. The Coastal Act provides protection for these areas and permits only resource-dependent uses within the habitat area. Development adjacent must be sited to avoid impacts. Refer to the *Combining Designations* Section above for a description of the ESHA that are present on the Project site. Refer also to Section 5.3.

Policy 1 *Land Uses Within or Adjacent to Environmentally Sensitive Habitats*. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

[4] Ibid., Page 7-2.
[5] Ibid., Page 4-4.
[6] Ibid., Page 7-2.

Policy 2 *Permit Requirement*. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

WETLANDS

Wetlands help improve the quality and quantity of water, as well as providing important wildlife habitats. Several rare and/or endangered species are found within local coastal wetlands. The Project site contains two intermittent creeks (San Simeon Creek and Van Gordon Creek) and one wetland (San Simeon Creek Lagoon). San Simeon Creek traverses the site's southern portion and continues along its southern boundary, while Van Gordon Creek traverses the site's western portion. San Simeon Creek Lagoon begins in San Simeon Creek approximately 230 feet upstream of Van Gordon Creek Road and extends west to San Simeon State Beach, where it seasonally switches between a lagoon and an estuary. Refer to Section 5.3.

Policy 16 *Adjacent Development*. Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site.

COASTAL STREAMS

Coastal streams directly affect the coastal environment. They significantly influence flooding, natural ecosystems, sediment transport, agricultural water supply and groundwater recharge within the coastal zone. San Simeon Creek and Van Gordon Creek traverse the southeastern and western portions of the Project site, respectively; refer to Section 5.3.

Policy 21 *Development in or Adjacent to a Coastal Stream*. Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.

Policy 28 *Buffer Zone for Riparian Habitats*. In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the

periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational, or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated.

TERRESTRIAL ENVIRONMENTS

Terrestrial environments within the County's coastal zone include unique plant habitats and rare and endangered animal habitats. Refer to the *Combining Designations* Section above for a discussion concerning the ESHA-TH that are present on/adjacent to the Project site. Refer also to Section 5.3.

Policy 29 *Protection of Terrestrial Habitats*. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

VISUAL AND SCENIC RESOURCES

The identification and protection of visual resources within the coastal zone is a critical aspect of planning for long-term change and development within highly scenic coastal regions. The Project site's features that are considered visual resources involve the San Simeon Creek and Van Gordon Creek corridors that traverse the southeastern and western portions of the site, respectively. Additional visual resources in the Project's vicinity involve the Monterey pine forest and State Park foot trail situated south of the site, between the San Simeon Creek corridor and Washburn Primitive Campground. The foot trail is approximately 1,600 feet south from the SWF project's AWTP, while the Washburn Primitive Campground area is approximately 2,000 feet south from the AWTP. A minimal portion of the site's southwestern corner is designated SRA and ESHA-

TH to recognize these visual resources, although, the forest and trail do not extend onto the site's southwestern corner. Refer to Section 5.1, *Aesthetics*.

Policy 1 *Protection of Visual and Scenic Resources*. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.

Policy 2 *Site Selection for New Development*. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

Policy 4 *New Development in Rural Areas*. New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited.

Policy 7 *Preservation of Trees and Native Vegetation*. The location and design of new development shall minimize the need for tree removal.

The Project is subject to compliance with these aforementioned land use-related LCP Policies. Compliance with these LCP Policies would be achieved through compliance with the CZLUO; see below.

Coastal Zone Land Use Ordinance (CZLUO)

As previously noted, the site is located in the County's Coastal Zone. Therefore, the provisions of Title 23 of the San Luis Obispo County Code, *Coastal Zone Land Use Ordinance*, apply to all land use and development activities associated with the Project.

CZLUO Section 23.01.031 (Land Use and Coastal Development Permits Required). Pursuant to this Section, no person shall establish, construct, alter, or replace any use of land, structure, or building without first obtaining all permits required by CZLUO Chapter 23.03 or other applicable Title 23 section, except as otherwise provided by Section 23.01.031. Approval of a land use permit pursuant to Title 23 also constitutes approval of a Coastal Development Permit (CDP) in compliance with the County's LCP and California Coastal Act. As discussed in Section 3.2,

Background and History, the County issued an E-CDP on May 15, 2014, authorizing construction and operation of the emergency Project, subject to certain conditions. Specifically, E-CDP Condition 6 specifies the following:

> *Within 30 days of the date of issuance of this emergency permit, the permittee shall apply for a regular Coastal Development Permit to authorize the emergency project…..*

See related discussion on Impact 5.6-4, which is further discussed in a subsequent subsection of this SEIR Section. In summary, the CCSD submitted an application for a regular CDP on June 13, 2014. The timeline for completing follow up information to support this original application has been extended by the County to allow additional time for completion of the supporting environmental analyses described within this SEIR.

CZLUO Section 23.01.033 (Consistency With the Land Use Element and Local Coastal Plan Required). This Section specifies that no new use of land, buildings, division of land, or other development shall be established, and no application for such use, land division, or other permit required pursuant to Title 23 shall be approved, unless the proposed use is determined to be allowable in the land use category where the proposed site is located. When an application is accepted for processing, such application shall not be approved unless:

a. The proposed use is identified as an "A", "S" or "P" use by Table O, Part I of the Land Use Element in the land use category where the site for the proposed use is located;

b. The proposed use or division satisfies the standards of the Land Use Element (Part II) applicable to the specific planning area in which the site is located, including any standards may limit the type of land uses or parcel sizes normally allowable in a given land use category;

c. The proposed use or division satisfies any combining designation planning area standards applied to the site by the Land Use Element (Part II), including any such standards that may limit the type of land uses or parcel sizes normally allowable in a given land use category;

d. The proposed use or division satisfies any policies, programs, and standards contained in the Local Coastal Plan Policy Document; and

e. The proposed use or division satisfies the terms, conditions and other requirements of all implementing regulations adopted as part of the Local Coastal Program including but not limited to any categorical exclusion.

CZLUO Section 23.01.034 (Compliance With Standards Required). This Section specifies that no use of land, buildings, or division of land shall be established and no application for a use of

land, buildings, or land division pursuant to County Code Title 21 shall be approved unless the proposed land use, building, or parcels satisfy all applicable requirements of this Code.

CZLUO Chapter 23.04 (Site Design Standards). This Chapter establishes standards for the design and layout of sites for land uses, new developments, and divisions of land, where allowed by the Land Use Element. The purpose of these standards is to support, through site evaluation and design, the establishment of land uses in a manner that is compatible with existing land uses and neighborhoods; the natural environment; and the health and safety of County residents. Standards are provided for various site development features (parcel size; minimum site area; setbacks; heights; fencing and screening; and outdoor lights, among others).

CZLUO Section 23.04.050 (Non-Agricultural Uses in the Agriculture Land Use Category). The Project site is designated AG Land Use Category. This section establishes permit requirements and standards for non-agricultural uses in the AG category.

b. Supplemental Non-Agricultural Uses.

(1) Supplemental non-agricultural uses defined: Uses allowed by Coastal Table "O" in the Agriculture category that are not directly related to the principal agricultural use on the site.

(3) Permit requirement: Minor use permit approval, unless Development Plan approval is otherwise required by another provision of this title or planning area standard of the Land Use Element.

(4) Required findings: Supplemental non-agricultural uses may be established only if the following findings are made by the applicable approval body:

(i) For prime soils, it has been demonstrated that no alternative project site exists except on prime soils; and
(ii) The least amount of prime soils possible will be converted; and
(iii) The proposed use will not conflict with surrounding agricultural lands and uses.

CZLUO Chapter 23.06 (Operational Standards). This Chapter establishes standards to be applied to the operation and conduct of land uses after their establishment, and on a continuing basis. These standards are established to protect from the adverse effects of excessive or objectionable emissions of noise or air contaminants that may be generated by land uses, activities, processes, or equipment.

CZLUO Chapter 23.07 (Combining Designation Standards). The purpose of Combining Designation standards is to require project design that will give careful consideration to the land features, structures, and activities identified by the Combining Designations. The Project would

be subject to compliance with the relevant Combining Designation standards specified in CZLUO Chapter 23.07. The site is designated with various Combining Designations, as outlined above. Accordingly, the Project would be subject to compliance with the following CZLUO sections:

- San Simeon Creek Flood Hazard (FH): Sections 23.07.060 through 23.07.066;
- Geologic Study Area (GSA): Sections 23.07.080 through 23.07.086;
- Sensitive Resource Area (SRA): Sections 23.07.160 through 23.07.166;
- Environmentally Sensitive Habitat Area, Terrestrial Habitat (ESHA-TH): Section 23.07.176;
- Environmentally Sensitive Habitat Area, Coastal Creek (ESHA-CC): Sections 23.07.170 and 23.07.174; and
- Local Coastal Program (LCP): Section 23.07.120.

CZLUO Chapter 23.08 (Special (S) Uses). The purpose of this Chapter is to establish special additional standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if the uniform standards of Chapter 23.04 and all other standards of Title 23 are met. Such uses are defined as "S" and "S-P" uses by Coastal Table O, Chapter 7, Part I of the Land Use Element. This Chapter establishes appropriate standards for permit processing, and the location, design, and operation of special uses, to avoid unanticipated problems or hazards, and to assure they will be consistent with the County General Plan. As noted above, the Project site is consistent with the "Public Utility Facilities [J5]" land use definition. Per Table O of the *Coastal Zone Framework for Planning*, Public Utility Facilities on sites designated for the agricultural land use categories are "S-13" status. The S-13 status indicates the land use is a special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard.

CZLUO Section 23.08.280 (Transportation, Utilities, and Communication (S-13)). Transportation and Public Utility Facilities identified as allowable, S-13 uses by the Land Use Element (see Coastal Table 0, Part I of the Land Use Element) are subject to CZLUO Section 23.08.288, *Public Utility Facilities*.

CZLUO Section 23.08.288 (Public Utility Facilities). The requirements of this section apply to Public Utility Facilities where designated as S-13 uses by Coastal Table "O." Public Utility Facilities (other than electric and communications transmission and natural gas regulation and distribution) require Development Plan approval pursuant to Section 23.02.034, *Development Plan*.

(a) Permit Requirements. In addition to the emergency repair and the general permit requirements of Section 23.08.286 (a) and (b), development plan approval is required for any new facility or modification of any existing facility in the agriculture, rural lands, residential, office and professional, and commercial land use categories. Development plan approval is required for any new facility or modification to any existing facility which would increase the structure

heights above those specified in Section 23.04.124 or modify any operational standards causing an increase in any of the categories specified in Chapter 23.06 of this title.

(b) Application Contents. In addition to the application materials required by Chapter 23.02, permit applications shall also include descriptions of:

(1) The proposed design capacity of the facility; the operating schedule; and how the proposed facility interacts with incoming and outgoing utility services.

(2) Plans for any overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities.

(3) Proposed erosion control measures, revegetation, screening and landscaping during construction and operation.

(4) An oil and hazardous material spill contingency plan, including a demonstration that all materials can be contained on-site.

(5) For electric and telephone centers, estimates of the non-ionizing radiation generated and/or received by the facility. These will include estimates of the maximum electric and magnetic field strengths at the edge of the facility site, the extent that measurable fields extend in all directions from the facility.

(6) The number and identification by trades of estimated construction and operation forces. If construction is estimated to take over six months, the construction workforce shall be estimated for each six-month period. The estimates shall include numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools and traffic.

(c) Development Standards. The following standards apply in addition to any that may be established as conditions of approval:

(1) Environmental Quality Assurance. An environmental quality assurance program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the development plan. Specific requirements of this environmental quality assurance program will be determined during the environmental review process and development plan review and approval process.

(2) Clearing and Revegetation. The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil

will be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil and replanted during the next appropriate season.

(3) Fencing and Screening. Public utility facilities shall be screened on all sides. An effective visual barrier will be established through the use of a solid wall, fencing and/or landscaping. The adequacy of the proposed screening will be determined during the land use permitting process.

(d) Limitation on Use, Sensitive Environmental Areas. Uses shall not be allowed in sensitive areas such as on prime agricultural soils, sensitive resource areas, environmentally sensitive habitats, or hazard areas, unless a finding is made by the applicable approval body that there is no other feasible location on or off-site the property. Applications for public utility facilities in the above sensitive areas shall include a feasibility study, prepared by a qualified professional approved by the environmental coordinator. The feasibility study shall include a constraints analysis, and analyze alternative locations.

The Project would be subject to compliance with the land use-related CZLUO standards specified above.

Emergency Coastal Development Permit (E-CDP) Conditions

Refer to Appendix C, *E-CDP Conditions of Approval*, for a list of E-CDP Conditions. E-CDP Conditions 1, 2, 4, 5 and 6 pertain to Land Use and Planning.

5.6.3 SUMMARY OF WATER MASTER PLAN PEIR CONCLUSIONS

WMP PEIR Section 5.1, *Land Use and Planning*, analyzes consistency with planning policies, as summarized below:

San Luis Obispo County General Plan. The WMP analyzed the potential for conflicts with San Luis Obispo County General Plan land use plan, policies and regulations. Future improvements would be subject to the County's review through established procedures. Analysis concluded that impacts would be less than significant following compliance with San Luis Obispo County's regulatory requirements.

Coastal Zone Land Use Ordinance. The WMP analyzed the potential for conflicts with the CZLUO land use plan, policies, and regulations. Future WMP improvements within the coastal zone would be subject to the County's review through established permit procedures. Analysis concluded that impacts would be less than significant following compliance with the State and San Luis Obispo County regulatory framework.

5.6.4 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist Form, which includes questions relating to land use and relevant planning. The criteria presented in the Environmental Checklist have been utilized as thresholds of significance in this section. Accordingly, a project may create a significant environmental impact relative to land use and planning if it would:

- Physically divide an established community (refer to Section 8.0, *Effects Found Not To Be Significant*);

- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (refer to Impact Statements 5.6-1, 5.6-2, 5.6-3, and 5.6-4); and/or

- Conflict with any applicable habitat conservation plan or natural community conservation plans (refer to Section 8.0).

For purposes of this impact analysis, a significant impact would occur if Project implementation would result in inconsistencies or conflicts with the land use policies discussed above. Based on these standards, the Project's effects have been categorized as either a "no impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to less than significant through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.6.5 IMPACTS AND MITIGATION MEASURES

As discussed in detail in Section 5.0, *Environmental Analysis*, for purposes of the following impact analyses, "Sustainable Water Facility" (SWF) involves the built and operational Project components, whereas "Mitigation Measures (Project modifications)" involve proposed Project modifications in compliance various SWF mitigation measures.

IMPACT 5.6-1 COMPLIANCE WITH CALIFORNIA COASTAL ACT

- **WOULD THE PROJECT CONFLICT WITH THE CALIFORNIA COASTAL ACT POLICIES ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?**

Impact Analysis: The California Coastal Act mandates that local governments prepare a land use plan and schedule of implementing actions to carry out the policies of the Coastal Act. These Coastal Act policies address specific issues of shoreline access for the public, visitor-serving facilities, coastal-dependent industrial and energy-related facilities and activities, protection of sensitive habitats, protection and preservation of visual and scenic resources. The LCP Policy Document represents the County's commitment to implement the Coastal Act through both general plan policies and identification of detailed land use recommendations. LCP polices are implemented through the Land Use Element and CZLUO. The LCP was certified by the Coastal Commission in April 1984. Table 5.6-1, *Coastal Act and Local Coastal Plan Policy Consistency*, identifies the Costal Act policies relevant to the Project and the associated LCP policies that have been adopted by the County to comply with the Coastal Act policies.

Table 5.6-3, *LCP Consistency Analysis*, provides an analysis of the SWF and Mitigation Measures' (Project modifications) consistency with the relevant LCP policies identified in Table 5.6-1. As demonstrated in Table 5.6-3, the SWF and Mitigation Measures (Project modifications) are consistent with the relevant LCP policies. Because the SWF and Mitigation Measures (Project modifications) would be consistent with the LCP policies, which have been adopted to address the Coastal Act policies (refer to Table 5.6-1), they would inherently comply with the Coastal Act.

Existing Plans and Programs: Refer to the North Coast Area Plan, Local Coastal Program Policies, Coastal Zone Land Use Ordinance Standards identified above.

Mitigation Measures: Refer to Mitigation Measures AES-2, AES-3, AES-4, BIO-2 through BIO-19, CUL-1 through CUL-4.

Level of Significance: Less Than Significant With Mitigation Incorporated.

Table 5.6-1
Coastal Act and Local Coastal Plan Consistency

Coastal Act Policy	LCP Policy
Marine Environment	
Section 30231 Biological Productivity; water quality: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.	LCP 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. LCP 2: Permit Requirement. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. LCP 16: Adjacent Development. Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site. LCP 21: Development in or Adjacent to a Coastal Stream. Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. LCP 28: Buffer Zone for Riparian Habitats. In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and
Section 30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.	

Table 5.6-1 [continued]
Coastal Act and Local Coastal Plan Consistency

Coastal Act Policy	LCP Policy
	flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated. LCP 29: Protection of Terrestrial Habitats. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.
Land Resources	
Section 30244 Archaeological or paleontological resources: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	LCP 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. LCP 3: Identification of Archaeological Sites. Development within an archaeological sensitive areas shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented. LCP 5: Mitigation Techniques for Preliminary Site Survey Before Construction. Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

Table 5.6-1 [continued]
Coastal Act and Local Coastal Plan Consistency

Coastal Act Policy	LCP Policy
	a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities. b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil. c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture. d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas. LCP 6: Archaeological Resources Discovered During Construction or Through Other Activities. Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.
Development	
Section 30251 Scenic and visual qualities: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded	LCP 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

Table 5.6-1 [continued]
Coastal Act and Local Coastal Plan Consistency

Coastal Act Policy	LCP Policy
areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. **Section 30253 Minimization of adverse impacts:** ….new development shall: **(5)** Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. The Coastal Act defines these special communities and neighborhoods as follows: I. Areas characterized by a particular cultural, historical or architectural heritage that is distinctive in the coastal zone; 2. Areas presently recognized as important visitor destination centers on the coastline; 3. Areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast; 4. Areas that add to the visual attractiveness of the coast.	LCP 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion. LCP 4: New Development in Rural Areas. New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited. LCP 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal.
Section 30254 Public works facilities: 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. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.	LCP 2: New or Expanded Public Works Facilities. 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. Other special contractual agreements to serve public facilities and public recreation areas beyond the urban reserve line may be found appropriate.

Sources: Public Resources Code, California Coastal Act of 1976.
County of San Luis Obispo, Local Coastal Program Policy Document A Portion of the San Luis Obispo County Land Use Element of the General Plan, Coastal Plan Policies, Adopted by the San Luis Obispo County Board of Supervisors March 1, 1988, Program Certified by the California Coastal Commission February 25, 1988, Revised April 2007.

IMPACT 5.6-2 COMPLIANCE WITH THE NORTH COAST AREA PLAN

- **WOULD THE PROJECT CONFLICT WITH THE NORTH COAST AREA PLAN STANDARDS ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?**

Impact Analysis:

SUSTAINABLE WATER FACILITY AND MITIGATION MEASURES (PROJECT MODIFICATIONS)

The Project site is located in the NC Planning Area, within the RNC community. The NC Planning Area is addressed in the NCAP, which constitutes the County's General Plan Land Use and Circulation Elements for the NC Planning Area. NCAP Chapter 7 contains Planning Area Standards for the NC Planning Area that are mandatory requirements for development. Planning Area Standards apply to the planning and development of new land uses, and must be satisfied before a new land use permit is approved. Table 5.6-2, *NCAP Consistency Analysis*, analyzes the SWF and Mitigation Measures (Project modifications') consistency with the relevant Land Use Standards. As indicated in Table 5.6-2, the SWF and Mitigation Measures (Project modifications) are compliant with the NCAP Land Use Standards adopted for the purpose of avoiding or mitigating an environmental effect. A less than significant impact would occur in this regard.

Table 5.6-2
NCAP Consistency Analysis

Standard #	Standard	Determination of Consistency
Site Design and Building Construction		
AW-6	Primary site selection for new development shall be locations not visible from Highway 1 as follows: a. Sites shall be selected where hills and slopes would shield development unless no alternative location exists of the new development provides visitor-serving facilities. b. New development shall be located so that no portion of a structure extends above the horizon line of ridgelines as seen from Highway 1.	**Sustainable Water Facility** Consistent: As discussed in Section 5.1, *Aesthetics*, the mechanical spray evaporators/sound enclosures are visible from SR-1 (Highway 1), although briefly. Standard AW-6 requires that sites be selected where hills and slopes would shield development "unless no alternative location exists." The evaporators/enclosures were sited atop the berm, in order to "reuse" the Van Gordon Reservoir and ensure the necessary RO concentrate evaporation is achieved. There was no feasible, alternative, non-visible location for siting the evaporators/enclosures. Although, the evaporators/enclosures have been color-treated, such that they blend in with the surrounding landscape, they are visible from SR-1. Mitigation Measure AES-2 requires that the evaporators/enclosures be removed, thus, avoiding the view impact. Therefore, with implementation of AES-2, the SWF would avoid visual impacts associated with SR-1. Thus, the SWF would be consistent with AW-6.

Table 5.6-2 [continued]
NCAP Consistency Analysis

Standard #	Standard	Determination of Consistency
		Mitigation Measures (Project Modifications) Consistent: As discussed above, Mitigation Measure AES-2 requires that the evaporators/enclosures be removed, thus, avoiding the view impacts associated with SR-1. Upon removal of the evaporators/enclosures, the Project modifications, including the SWTP, would not be visible from SR-1 and would be consistent with AW-6.
Desalination Standards		
CW-4D	Desalination facilities must: 1. Be public; 2. Avoid or fully mitigate any adverse environmental impacts to coastal resources; 3. Be consistent with all LCP and Coastal Act policies, including those for concentrating development, supporting priority coastal uses, and protecting significant scenic and habitat resources; 4. Be designed and sized based upon adopted community planning documents, which may include General Plans, Urban Water Management Plans, Regional Water Supply Plans, Local Coastal Programs, and other approved plans that integrate local or regional planning, growth, and water supply/demand projections; 5. Use technologies that are energy-efficient. Estimates of the projected annual energy use and the environmental impacts that will result from this energy production, and evidence of compliance with air pollution control laws for emissions from the electricity generation, shall be submitted with permit applications;	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: The Project treats brackish groundwater at an inland location and does not involve a seawater desalination facility, which was under consideration when the CW-4D was developed. Regardless, mitigation measures have been developed as part of this SEIR to minimize adverse environmental impacts to coastal resources. The Project is designed to be consistent with all LCP policies, Coastal Act policies, and NCAP standards. The SWF is designed to minimize discharge of hazardous constituents into the San Simeon Creek Lagoon, thereby limiting potential impacts to the ocean; see Section 5.5, *Hydrology and Water Quality*. The Project is designed to provide a reliable water supply system that can accommodate the water demands for visitor serving demands and a maximum buildout within the existing CCSD service boundary at 4,650 existing and future (CCSD wait list) residential dwelling units, pursuant to the NCAP and mitigation set forth in the CCSD's certified WMP PEIR; see Section 6.35, *Growth-Inducing Impacts*.

Table 5.6-2 [continued]
NCAP Consistency Analysis

Standard #	Standard	Determination of Consistency
	6. Use, where feasible, sub-surface feedwater intakes (e.g., beach wells) instead of open pipelines from the ocean, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies; 7. Use technologies and processes that eliminate or minimize the discharges of hazardous constituents into the ocean and ensure that the least environmentally damaging options for feedwater treatment and cleaning of plant components are selected. Opportunities for combining brine discharges with other discharges (e.g., from a sewage treatment facility or power plant) should be considered and the least environmentally damaging alternative pursued. Applicants should provide information necessary to determine the potential impacts to marine resources from the proposed intake and discharge. Obtaining this information may require new or updated engineering, modeling and biological studies, or in some cases may be obtained from pre-operational monitoring, monitoring results from other desalination facilities, and pilot studies conducted before building a full-scale facility;	

Table 5.6-2 [continued]
NCAP Consistency Analysis

Standard #	Standard	Determination of Consistency
	8. Be designed and limited to assure that any water supplies made available as a direct or indirect result of the project will accommodate needs generated by development or uses consistent with the kinds, location and densities specified in the LCP and Coastal Act, including priority uses as required by PRC 30254, and; 9. Be an element (where economically and environmentally appropriate) of a balanced water supply portfolio that also includes conservation and water recycling to the maximum extent practicable.	

Source: County of San Luis Obispo, *North Coast Area Plan*, Revised August 24, 2008.

Existing Plans and Programs: Refer to the North Coast Area Plan, Local Coastal Program Policies, Coastal Zone Land Use Ordinance Standards identified above.

Mitigation Measures: Refer to Mitigation Measure AES-2.

Level of Significance: Less Than Significant With Mitigation Incorporated.

IMPACT 5.6-3 COMPLIANCE WITH THE LOCAL COASTAL PROGRAM POLICY DOCUMENT

- **WOULD THE PROJECT CONFLICT WITH LOCAL COASTAL PROGRAM POLICY DOCUMENT POLICIES ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?**

Impact Analysis:

SUSTAINABLE WATER FACILITY AND MITIGATION MEASURES (PROJECT MODIFICATIONS)

The LCP Policy Document is part of the Local Coastal Program and Land Use Element. The LCP provides a more detailed level of policies, programs, and standards to address Coastal Act issues

pertaining to sensitive habitats, wetlands, coastal streams, terrestrial environments, and visual and scenic resources. Table 5.6-3, *LCP Consistency Analysis*, provides an analysis of the SWF and Mitigation Measures (Project modifications') consistency with the relevant LCP policies pertaining to land use. Compliance with these LCP Policies would be achieved through compliance with the CZLUO, see also Impact 5.6-4, below. As indicated in Table 5.6-3, the SWF and Mitigation Measures (Project modifications) would be consistent with applicable LCP policies.

Table 5.6-3
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
Sensitive Habitats		
LCP 1	Land Uses Within or Adjacent to Environmentally Sensitive Habitats. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: The SWF's product water, water filtrate, and RO concentrate disposal pipelines, and MW-4 are within 100 feet of an ESHA. The Project modifications, including potable water pipeline 2 and the surface water pipeline, as well as the filtrate pipeline extension and surface discharge would also be within 100 feet of an ESHA. As discussed in Section 5.3, *Biological Resources*, to minimize impacts to ESHA wetlands, streams, and riparian vegetation, the Project is subject to compliance with Mitigation Measures BIO-4, BIO-5, BIO-6, and BIO-8. Mitigation Measure BIO-3 requires that the filtrate pipeline be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. Mitigation Measure BIO-18 requires that the filtrate pipeline extension and surface discharge structure be designed to avoid impacts to riparian habitat to the greatest extent feasible, and that the CCSD comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including CWA Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Finally, Mitigation Measure BIO-19 requires that the CCSD minimize the disturbance and removal of riparian vegetation, to the extent possible. Thus, implementation of the identified Mitigation Measures would reduce impacts to ESHA to less than significant. The pipeline alignments were determined based on the shortest distance between the two points that avoided both the riparian tree line to the maximum extent practicable, and avoided the existing cultural resources, as discussed in detail in Section 5.4, *Cultural Resources*. The vast majority (approximately 90 percent) of the SWF conveyance piping was installed above grade to minimize disturbance. Additionally, horizontal directional drilling construction was used to install SWF pipeline reaches under Van Gordon Creek without disturbing the ground surface, with entrance and exit pits located outside of the tree drip line. Thus, the SWF was designed

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		and located to avoid significant disruption degradation of ESHA. The Project modifications include five new pipelines. However, with implementation of the Mitigation Measures identified above, Project impacts to ESHA would be less than significant. Further, circumstances in which a development project would be allowable within an ESHA include essential incidental public services and utilities pursuant to ESHA Policy 13 and CZLUO Section 23.07.172.e. The SWF's product water, filtrate, and RO concentrate disposal pipelines, and MW-4 are allowable within the ESHA, since they involve water supply, an essential incidental public utility. Similarly, the Project modifications would also be allowed within the ESHA since they involve water supply. Thus, the Project is consistent with Policy LCP 1.
LCP 2	Permit Requirements. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.	**Sustainable Water Facility** Consistent: Refer to Response to Sensitive Habitats Policy LCP 1, above. Qualified professionals with Michael Baker International conducted an evaluation of the site, including preparation of the *Cambria Emergency Water Supply Project Delineation of State and Federal Jurisdictional Waters* (JD) and subsequent focused surveys (Appendix E, *Biological Resources Reports*). As discussed in Section 5.3, *Biological Resources*, sensitive habitats would be impacted by the SWF. In addition to compliance with regulatory requirements, mitigation measures have been identified in order to reduce potential impacts to less than significant levels. Mitigation Measure BIO-3 requires that the filtrate pipeline be extended to relocate the discharge point further south to the northern San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels in the San Simeon Creek Lagoon. The Groundwater Modeling Report (GMR) included detailed hydrogeological modeling and found that the 100 gpm of mitigation water would maintain water levels in the creeks/lagoon, thereby avoiding potential impacts to sensitive habitats. Further, the Technical Memorandum concluded that under normal climatic conditions, flows of 50 gpm (or one-half of the proposed 100 gpm mitigation flow) would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, the 100 gpm mitigation flow to the lagoon would maintain water levels in the lagoon, and by extension the sensitive habitats. Notwithstanding, Mitigation Measure BIO-7 requires development and implementation of an AMP for post construction operations. The AMP is intended to monitor and protect the lagoon, creek, and riparian habitats adjacent to the site and, by extension, protect the species that inhabit it. The AMP's primary goal is to monitor the response of the lagoon, creek, and riparian habitats to SWF operations. Based on the results of the biological monitoring and any noted adverse changes in these habitats, SWF operations would be adjusted such that the amount of treated water that is injected or discharged back into the system, is either increased or

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		decreased to restore affected habitat features. Thus, the SWF is consistent with Policy LCP 2. **Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Sensitive Habitats Policy LCP 1, above. As discussed in Section 5.3, *Biological Resources*, the Project modifications involve a discharge point at the San Simeon Creek bank (Mitigation Measure BIO-3). Construction would occur within the terrestrial extent of the riparian vegetation. Vegetation disturbance would be limited to the minimum amount necessary to extend the pipeline to the creek bank and construct the discharge structure. The filtrate pipeline would be routed/placed by hand to protect the riparian habitat. Standard BMPs would be implemented to prevent sedimentation into the lagoon during this construction. Mitigation Measure BIO-18 requires that the lagoon surface discharge extension be designed to avoid impacts to riparian habitat to the greatest extent feasible, and that the CCSD comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including Clean Water Act (CWA) Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Finally, Mitigation Measure BIO-19 requires that the CCSD minimize the disturbance and removal of riparian vegetation, to the extent possible. Thus, the Project modifications are consistent with Policy LCP 2.
Wetlands		
LCP 16	Adjacent Development. Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site.	**Sustainable Water Facility** Consistent: Refer to Response to Sensitive Habitats Policy LCP 1, above. As discussed in Section 5.3, *Biological Resources*, coastal streams, riparian areas, and wetlands, such as are present on the site, are ESHA, which are protected through compliance with CZLUO Sections 23.07.170, 23.07.172, and 23.07.174. The site contains one wetland (San Simeon Creek Lagoon). According to CZLUO, new development is required to be located a minimum of 100 feet from the upland extent of all wetlands. The SWF's product water, filtrate, and RO concentrate disposal pipelines, and MW-4 are within the wetland setback. However, permitted uses within wetland setbacks include utility lines/pipelines, provided it can be demonstrated that: alternative routes are infeasible/more environmentally damaging; and adverse environmental effects are mitigated to the maximum extent feasible. The SWF's product water, filtrate, and RO concentrate disposal pipelines, and MW-4 are limited to utility lines/pipelines, thus, are permitted within the required wetland setback. Further, compliance with construction-related measures/standards occurred before/during the SWF's construction phase. Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), BIO-8 (E-CDP Condition 12), and BIO-6 (E-CDP Condition 20) were implemented during construction/ground disturbing activities. As discussed in Response to Policy LCP 1, the adverse environmental effects to wetlands are mitigated to the

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		maximum extent feasible. The GMR included detailed hydrogeological modeling and found that the 100 gpm of mitigation water would maintain water levels in the creeks/lagoon, thereby avoiding potential impacts to sensitive habitats (e.g., wetlands). Further, the Technical Memorandum concluded that under normal climatic conditions, flows of 50 gpm (or one-half of the proposed 100 gpm mitigation flow) would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, the 100 gpm mitigation flow to the lagoon would maintain water levels in the lagoon, and by extension the sensitive habitats (e.g., wetlands). Also, the AMP, as described above in Response to Policy LCP 1 is proposed to avoid potential adverse impacts to riparian vegetation and wetlands. Further, as noted in Section 5.3, construction-related noise impacts at the lagoon are negligible, since they would be short-term and on the surface, out of the water and generally out of the immediate creek/lagoon's vicinity. Thus, the SWF would be consistent with LCP 16. **Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Sensitive Habitats Policy LCP 1, above. As discussed in Section 5.3, *Biological Resources*, potentially significant indirect impacts could occur as a result of SWF implementation and groundwater loss. Mitigation Measure BIO-3 requires that the filtrate pipeline be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. Mitigation Measure BIO-18 requires that the surface discharge extension be designed to avoid impacts to riparian habitat to the greatest extent feasible, and that the CCSD comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including CWA Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Mitigation Measure BIO-19 requires that the CCSD minimize the disturbance and removal of riparian vegetation, to the extent possible. Overall, the Project modifications' direct impacts to wetlands and jurisdictional waters would be considered a significant impact unless mitigated. To minimize impacts to wetlands and jurisdictional waters, the Project modifications would be subject to compliance with Mitigation Measures BIO-4, BIO-5, BIO-6, and BIO-8, as described above. Further, construction-related noise impacts at the creek are expected to be negligible, since they would be short-term and on the surface, out of the water.
Coastal Streams		
LCP 21	Development in or Adjacent to a Coastal Stream. Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Sensitive Habitats Policy LCP 1, above. As discussed in Section 5.3, *Biological Resources*, the Project is subject to compliance with CZLUO Section 23.07.174, which implements LCP 21 and is intended to preserve and protect

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
	degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.	streams and riparian vegetation. According to CZLUO Section 23.07.174.b, alteration of stream channels are limited to necessary water supply projects and construction of improvements to fish and wildlife habitat (as well as flood control projects). The proposed Project modification surface discharge structure, which involves a discharge point at the San Simeon Creek bank, requires streambed alteration. This surface discharge structure involves both a water supply project and construction of improvements to fish and wildlife habitat, thus, would be a permitted alteration. The CZLUO further notes that alteration of stream channels are limited to necessary water supply projects, "provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes."[7] The GMR included detailed hydrogeological modeling and found that the 100 gpm of mitigation water would likely maintain water levels in the creeks/lagoon, thereby avoiding potential impacts to sensitive habitats (e.g., wetlands). Further, the Technical Memorandum concluded that under normal climatic conditions, flows of 50 gpm (or one-half of the proposed 100 gpm mitigation flow) would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, the 100 gpm mitigation flow to the lagoon would maintain water levels in the lagoon, and by extension the sensitive habitats (e.g., wetlands). Also, Mitigation Measure BIO-7 requires implementation of an AMP, which is intended to monitor and protect the creeks and lagoon, as well as the riparian habitats. Thus, in compliance with CZLUO Section 23.07.174.b, Mitigation Measure BIO-7 would ensure the functional capacity of San Simeon and Van Gordon Creeks, and the San Simeon Creek Lagoon. As discussed in Response to Sensitive Habitats Policy LCP 1, the SWF's product water, filtrate, and RO concentrate disposal pipelines, and MW-4, the Project modifications' potable water pipeline 2 and the surface water pipeline, and filtrate pipeline extension and surface discharge, as well as the construction laydown areas, are within the riparian setback. CZLUO Section 23.07.174.d.1 specifies that permitted uses within the required setback are as specified in CZLUO Section 23.07.172d.1.i, which include utility lines and pipelines, provided it can be demonstrated that: alternative routes are infeasible or more environmentally damaging; and adverse environmental effects are mitigated to the maximum extent feasible. The SWF's product water, filtrate water, RO concentrate disposal pipelines, the Project modifications' potable water pipeline 2 and the surface water pipeline, and filtrate pipeline extension and surface discharge, as well as the construction laydown areas are limited to utility lines/pipelines, thus, are permitted within the required setback.

[7] A "necessary" water project is a project that is essential to protecting and/or maintaining public drinking water supplies (CZLUO Section 23.07.174.b(1)).

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		As discussed in Response to Policy LCP 1, the adverse environmental effects to riparian vegetation are mitigated to the maximum extent feasible. Overall, the Project was designed and located in a manner which avoids any significant disruption or degradation of ESHA, including riparian habitat. Thus, the Project would be consistent with LCP 21.
LCP 28	Buffer Zone for Riparian Habitats. In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational, or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated.	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Sensitive Habitats Policy LCP 1, above. As discussed in Section 5.3, *Biological Resources*, the SWF's product water, filtrate, and RO concentrate disposal pipelines, and MW-4, the Project modifications' potable water pipeline 2 and the surface water pipeline, and filtrate pipeline extension and surface discharge, as well as the construction laydown areas, are within the riparian setback. Permitted uses within the required setback include utility lines and pipelines, provided it can be demonstrated that: alternative routes are infeasible or more environmentally damaging; and adverse environmental effects are mitigated to the maximum extent feasible. The SWF's product water, filtrate, RO concentrate disposal pipelines, and MW-4, the Project modifications' potable water pipeline 2 and the surface water pipeline, and filtrate pipeline extension and surface discharge, as well as the construction laydown areas, are limited to utility lines/pipelines, thus, are permitted within the required setback. Alternative pipeline routes would be more environmentally damaging, given the alignments were determined based on the shortest distance between the two points that avoided both the riparian tree line to the maximum extent practicable, and avoided the existing cultural resources. The vast majority (approximately 90 percent) of the SWF conveyance piping was installed above grade, in order to minimize disturbance. Additionally, horizontal directional drilling construction was used to install pipeline reaches under Van Gordon Creek without disturbing the ground surface, with entrance and exit pits located outside of the tree drip line. The adverse environmental effects to riparian vegetation are mitigated to the maximum extent feasible. The Project was designed and located in a manner which avoids any significant disruption or degradation of riparian habitat. Impacts to riparian habitat would be reduced to less than significant following compliance with CZLUO Sections 23.07.170 and 23.07.174, and implementation of Mitigation Measures BIO-2 through BIO-19. Thus the Project would comply with Policy LCP 28.

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
Terrestrial Environments		
LCP 29	Protection of Terrestrial Habitats. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Sensitive Habitats Policy LCP 1, above. As noted in Section 5.3, *Biological Resources*, terrestrial and marine habitat ESHA would not be impacted by the SWF and Mitigation Measures (Project modifications).
Visual and Scenic Resources		
LCP 1	Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.	**Sustainable Water Facility** Consistent: As discussed in Section 5.1, *Aesthetics*, views of naturally vegetated open space within the San Simeon Creek and Van Gordon Creek corridors are not disturbed by the SWF components. The AWTP was constructed on a site containing ruderal vegetation and the evaporation pond, which also contains ruderal vegetation, was sited in the same location and footprint occupied by the Van Gordon Reservoir. However, these Project components, as well as the mechanical spray evaporators, are within the scenic vistas afforded from the San Simeon Trail, Washburn Primitive Campground, and San Simeon Creek Campground. The SWF components (i.e., AWTP, evaporation pond, and mechanical spray evaporators) are intermittently visible from portions of the San Simeon Trail. The Monterey pine which grow along the ridgeline buffer the campers' (Washburn Primitive Campground) southerly views of the SWF components. The lighter-colored AWTP contrasts with the surrounding open spaces depending upon the season of the year and varying natural background colors. Mitigation Measure AES-3 requires that the AWTP be color treated such that it more uniformly blends in with the surrounding landscape. With implementation of AES-3, the SWF would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. Views of the evaporation pond and mechanical spray evaporators are also afforded from this vantage point. However, they are located more than 1,600 feet away from the Washburn Primitive Campground and are darker color such that they blend into their surroundings. The evaporation pond and mechanical

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		spray evaporators would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. However, it is noted that with implementation of Mitigation Measure AES-2, the mechanical spray evaporators with their enclosures would be removed, avoiding these view impacts, as these features would no longer be present/visible. SWF implementation resulted in the disturbance of onsite vegetation, which also contributed to this scenic vista. Mitigation Measure AES-4 requires that all areas where native vegetation was removed and where water facilities were not located, be re-vegetated with indigenous plants. With implementation of AES-3 and AES-4, the SWF would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. Campers (San Simeon Creek Campground) experience views of the Project site in the foreground (Van Gordon Reservoir) and middle-ground, and agricultural and natural lands in the background. The SWF components (i.e., evaporation pond and evaporators/ enclosures) are directly visible from a limited number of the lower campground sites. The evaporation pond would not have a substantial adverse effect on this scenic vista, since it was sited in the same location and footprint occupied by the Van Gordon Reservoir, and the evaporation pond is not dissimilar to the original Van Gordon Reservoir. Due to their proximity to the campground, the evaporators/enclosures would have a substantial adverse effect on this scenic vista unless mitigated. AES-2 would require removal of the evaporators/enclosures, which would avoid all visual impacts pertaining to these features. Further, AES-2 and AES-3 would ensure that the SWF components blend in with the surrounding area and that the area is re-vegetated with indigenous plants. With implementation of AES-2 through AES-4, the SWF would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. Thus, the SWF would be consistent with Visual and Scenic Resources Policy LCP 1. **Mitigation Measures (Project Modifications)** Consistent: Implementation of Mitigation Measure AES-2 would result in Project modifications that require the construction of additional on-site facilities in order to accommodate removal of the spray evaporators. Visible features associated with the Project modifications would include the potable water supply storage basin, a SWTP (sited adjacent/east of the AWTP), and Baker tanks. The mechanical spray evaporators/enclosures would no longer be visible, since they would be removed. Additionally, the articulating concrete block (ACB) lining that would be installed at the San Simeon Creek channel bank could also be visible. As discussed in Section 5.1, *Aesthetics*, notable Project components, including the SWTP, repurposed evaporation pond (potable water supply storage basin), and Baker tanks, would not impact scenic views of ridgelines, coastal

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		beaches, or the Pacific Ocean. The proposed ACB would not impact views of naturally vegetated open space within the San Simeon Creek corridor, since it would be installed at the creek bank and the existing riparian vegetation would buffer views. Additionally, the proposed ACB would allow for the continued growth of riparian vegetation, which would minimize visual impacts. The Project modifications (the SWTP and potable water supply storage basin) would be intermittently visible from portions of the San Simeon Trail. The Monterey pine which grow along the ridgeline would buffer the campers' (Washburn Primitive Campground) southerly views of the SWTP and potable water supply storage basin. Mitigation Measure AES-3 requires that the AWTP and SWTP be color treated such that it more uniformly blends in with the surrounding landscape. With implementation of AES-3, the SWTP would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. Views of the potable water supply storage basin would also be afforded from this vantage point. However, the potable water supply storage basin feature is located more than 1,600 feet away. Further, the potable water supply storage basin would operate in place of the evaporation pond, which was sited in the same location and footprint as the Van Gordon Reservoir. The potable water supply storage basin would not be dissimilar to the evaporation pond or original Van Gordon Reservoir. Therefore, the potable water supply storage basin would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. Implementation of the Project modifications may result in disturbance of onsite vegetation, which also contributed to this scenic vista. Mitigation Measure AES-4 requires that all areas where native vegetation would be removed and where water facilities would not be located, be re-vegetated with indigenous plants. With implementation of Mitigation Measures AES-3 and AES-4, the Project modifications would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. The Project modifications (i.e., potable water supply storage basin) would be visible from the San Simeon Creek Campground; however, the potable water supply storage basin would operate in place of the evaporation pond, which was sited in the same location and footprint as the Van Gordon Reservoir. The potable water supply storage basin would not be dissimilar to the evaporation pond or original Van Gordon Reservoir. Therefore, the potable water supply storage basin would not result in a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard.

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		Thus, with implementation of the specified Mitigation Measures, the Project would be consistent with Visual and Scenic Resources Policy LCP 1.
LCP 2	Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Visual and Scenic Resources Policy LCP 1, above.
LCP 4	New Development in Rural Areas. New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited.	**Sustainable Water Facility** Consistent: Refer to Response to Visual and Scenic Resources Policy LCP 1, above. Further, as discussed in Section 5.1, *Aesthetics*, pursuant to Conservation and Open Space Element Table VR-2, there are no scenic corridors located within the Project site's viewshed, thus, the SWF would not be visible from any such corridor. Although, the evaporators/enclosures have been color-treated, such that they blend in with the surrounding landscape, they are sited atop the evaporation pond's manufactured berm, along its western boundary. Therefore, they appear more dominant in character compared to the existing water facilities, particularly for the San Simeon Campground to the west. Additionally, vegetation that had overgrown the Van Gordon Reservoir was replaced with RO concentrate. In order to ensure that significant impacts regarding the degradation of the character of the area do not result, implementation of Mitigation Measure AES-2, which requires removal of the evaporators/enclosures would be required. With implementation of Mitigation Measure AES-2, impacts pertaining to the degradation of character as a result of the evaporators/enclosures would be avoided, as these components would no longer be present/visible. The AWTP is sited in lower-lying elevation such that its features do not rise above the visible skyline, as seen from public vantage points. However, its features are lighter in color and contrast with the surrounding vegetation depending upon the season. Mitigation Measure AES-3 requires that the AWTP be color-treated such that it blends in better with the surrounding landscape or screened. With implementation of Mitigation Measure AES-3, impacts pertaining to the degradation of character as a result of the AWTP would be reduced to less than significant. Further, in order to ensure that the existing character/quality is maintained, the SWF is required to comply with Mitigation Measure AES-4, which requires that all areas

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		where native vegetation was removed and where water facilities were not located, be re-vegetated with indigenous plants to minimize changes in visual character. With implementation of Mitigation Measure AES-4, impacts pertaining to the degradation of character/quality as a result of the disturbance of onsite vegetation would be reduced to less than significant. Thus, the SWF would be consistent with LCP 4. **Mitigation Measures (Project Modifications)** Consistent: Implementation of Mitigation Measure AES-2 would result in Project modifications, which require the construction of additional on-site facilities. As discussed in Section 5.1, *Aesthetics*, visible features associated with the Project modifications would include the potable water supply storage basin, a SWTP (sited adjacent and immediately east of the AWTP), and Baker tanks (each tank would be approximately 8 feet by 46.5 feet, and approximately 13 feet in height). The mechanical spray evaporators/enclosures would no longer be visible, since they would be removed. Additionally, the ACB lining or similar erosion prevention measures that would be installed at the San Simeon Creek channel bank could also be visible. ACB would allow for the continued growth of riparian vegetation, further protecting the channel from any potential erosion. The Project modifications would appear generally similar in nature and character to the existing onsite water and wastewater facilities (that is pre-SWF construction), and the surrounding agricultural facilities, as well as the SWF. The Project modifications would not substantially change the Project site's character, such that it becomes visually incompatible or visually unexpected when viewed in the context of the existing CCSD public utility site and the SWF, following compliance with the recommended Mitigation Measures AES-3 and AES-4. Thus, the Project modifications would be consistent with LCP 4.
LCP 7	Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal.	**Sustainable Water Facility** Consistent: As discussed in Section 5.1, *Aesthetics,* no trees were removed in association with SWF construction. Further, no Monterey pine trees were disturbed, as a result of any SWF improvements. SWF implementation did result in the disturbance of onsite vegetation, since it was obstructing improvements that could not be reasonably designed to avoid their removal; see Section 5.3, *Biological Resources*. The SWF is required to comply with Mitigation Measure AES-4, which requires that all areas where native vegetation was removed and where water facilities were not located, be re-vegetated with indigenous plants to minimize changes in visual character Thus, the SWF would be consistent with LCP 7. **Mitigation Measures (Project Modifications)** Consistent: All Project modifications would be required to comply with Mitigation Measure AES-4, which requires all areas of the site

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		where native vegetation is removed and where water facilities are not located, to be re-vegetated with indigenous plants to minimize changes in visual character. Thus, the Project modifications would be consistent with LCP 7.
Public Works Facilities		
LCP 2	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. Other special contractual agreements to serve public facilities and public recreation areas beyond the urban reserve line may be found appropriate.	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: The Project will not exceed the needs of projected development within the existing urban reserve line and as contracted (via an historic 1977 agreement) with the San Simeon Creek State Campground area.
Archaeology		
LCP 1	The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.	**Sustainable Water Facility** Consistent: As discussed in Section 5.4, *Cultural Resources*, SWF construction-related activities could adversely impact archaeological resources. However, the SWF would be subject to CZLUO Sections 23.05.140 and 23.07.104, and E-CDP Conditions 10 and 11 (Mitigation Measures CUL-1 and CUL-2, respectively), which address protection of archaeological resources. Additionally, prior to the start of construction, earthmoving personnel would receive cultural sensitivity training (see Mitigation Measure CUL-3) and a qualified archaeologist and Native American monitor would be present during construction (see Mitigation Measure CUL-4). Compliance with LCP Policies (implemented through CZLUO standards), and Mitigation Measures CUL-1 through CUL-4 would ensure Project impacts to archaeological resources are reduced to less than significant. Compliance with construction-related measures/standards occurred before/during the Project's SWF construction phase; refer to Section 5.4. **Mitigation Measures (Project Modifications)** Consistent: As discussed in Section 5.4, *Cultural Resources*, the Project modifications would require limited grading, trenching, and excavation for the SWTP and associated tanks/pumps in addition to numerous pipelines. A total of 5,400 linear feet of new pipeline would be implemented through trenching activities as part of the Project modifications. Trenching depths would be approximately two feet wide and five feet deep, which is similar to the construction specifications for trenched pipelines for the SWF. The Project modifications could adversely impact archaeological resources. Similar to construction of the SWF, Project modifications are subject to compliance with LCP Policies 3, 5, and 6 (implemented through compliance with CZLUO Sections 23.05.140 and 23.07.104), which address protection of archaeological resources. Additionally, compliance with recommended Mitigation Measures CUL-1 and

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
		CUL-2 would ensure impacts to archaeological resources associated with the Project modifications are reduced to less than significant. Thus, the Project modifications would be consistent with LCP 1.
LCP 3	Development within an archaeological sensitive areas shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented.	**Sustainable Water Facility** Consistent: As discussed in Section 5.4, *Cultural Resources*, the Project site is considered an Archaeologically Sensitive Area. A preliminary survey of the Project site was conducted by a qualified archaeologist, as described in the Section 5.4. A mitigation plan was prepared by a qualified archaeologist; see Mitigation Measures CUL-1 through CUL-4. In compliance with CUL-3, earthmoving personnel received cultural and paleontological sensitivity training prior to SWF construction. In compliance with E-CDP Condition 10 (CUL-1) and CUL-4, an archaeological monitor and a Native American monitor were present onsite during all SWF ground disturbing activities whence monitoring for the presence of prehistoric and historic cultural resources took place; see CRMS Report in Appendix F. Prior to SWF construction the archaeological monitors performed surveys to identify archaeological deposits. The archaeological monitor observed all ground disturbing activities performed by tractor equipment and other vehicles, inspecting the soil and spoils piles for artifacts, ecofacts, and any other evidence of prehistoric or historic cultural resources. In addition, sidewalls were examined following soil and materials removal. The monitors performed regular site walks multiple times daily in search of cultural resources within the Project area, as new layers were continually being exposed. Also, in compliance with E-CDP Condition 11 (CUL-2) (and CZLUO Sections 23.05.140), when encountered, artifacts were mapped, photographed, and collected for reburial; see CRMS Report in Appendix F. **Mitigation Measures (Project Modifications)** Consistent: As discussed above, a preliminary survey of the Project site was conducted by a qualified archaeologist, as described in the Section 5.4. Construction of Project modifications (grading, trenching, and excavations) could adversely impact archaeological resources. However, as described in the Section 5.4, the Project modifications are subject to compliance with LCP Policies 3, 5, and 6 (implemented through compliance with CZLUO Sections 23.05.140 and 23.07.104), which address protection of archaeological resources. Additionally, the Project modifications would be subject to compliance with Mitigation Measures CUL-1 through CUL-4. Compliance with LCP Policies (implemented through CZLUO standards) and Mitigation Measures CUL-1 through CUL-4 would ensure Project impacts to archaeological resources are reduced to less than significant.
LCP 5	Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Archaeology Policies LCP 1 and LCP 3, above.

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
	a mitigation plan to protect the site. Some examples of specific mitigation techniques include: a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities. b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil. c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist	

Table 5.6-3 [continued]
LCP Consistency Analysis

Policy #	Policy	Determination of Consistency
	knowledgeable in the Chumash culture. d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.	
LCP 6	Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.	**Sustainable Water Facility and Mitigation Measures (Project Modifications)** Consistent: Refer to Response to Archaeology Policy LCP 3, above.
Source: County of San Luis Obispo, *Coastal Plan Policies*, Revised April 2007.		

Existing Plans and Programs: Refer to the North Coast Area Plan, Local Coastal Program Policies, Coastal Zone Land Use Ordinance Standards identified above.

Mitigation Measures: Refer to Mitigation Measures AES-2, AES-3, AES-4, BIO-2 through BIO-19, and CUL-1 through CUL-4.

Level of Significance: Less Than Significant With Mitigation Incorporated.

IMPACT 5.6-4 COMPLIANCE WITH THE COASTAL ZONE LAND USE ORDINANCE

- **WOULD THE PROJECT CONFLICT WITH THE COASTAL ZONE LAND USE ORDINANCE ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?**

Impact Analysis:

SUSTAINABLE WATER FACILITY AND MITIGATION MEASURES (PROJECT MODIFICATIONS)

The Project site is located in the County's Coastal Zone. Therefore, the provisions of Title 23 of the San Luis Obispo County Code, *Coastal Zone Land Use Ordinance*, apply to all land use and development activities associated with the Project.

CZLUO Section 23.01.031 (Land Use and Coastal Development Permits Required). This section requires all permits to be obtained prior to construction. On May 15, 2014, the County issued an E-CDP (ZON2013-00589), authorizing construction and operation of the emergency Project (SWF), subject to various conditions that addressed SWF construction/operations and general land use entitlement matters, as well as hydrology/water quality, light/glare, noise, air quality, cultural resources, and biological resources. E-CDP Condition 6 required that the CCSD apply for a regular Coastal Development Permit (R-CDP) to authorize the emergency work as permanent. On June 13, 2014, the CCSD submitted their application for a R-CDP, complying with this condition. The CCSD will submit a revised application for a R-CDP to incorporate the proposed Project modifications. The timeline for completing follow up information to support this original application has been extended by the County to allow additional time for completion of the supporting environmental analyses described within this SEIR. Issuance of the R-CDP would ensure compliance with CZLUO Section 23.01.031.

CZLUO Section 23.01.033 (Consistency With the Land Use Element and Local Coastal Plan Required). This Section requires a determination that the proposed use is allowable in the land use category where the proposed site is located prior to issuance of any permits. As previously noted, the Project site is designated AG. The Project site contains CCSD water facilities, thus, is consistent with the "Public Utility Facilities [J5]" land use definition, as follows:

> *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.*

Per Table O of the *Coastal Zone Framework for Planning*, Public Utility Facilities on sites designated AG category are "S-13" status. The S-13 status indicates the land use is a special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The special standards that apply to Public Utility Facilities are outlined CZLUO Section 23.08.280, *Transportation, Utilities, and Communication*; refer to the *CZLUO Chapter 23.08, Special (S) Uses* Section below. Additionally, CZLUO Section 23.04.050, *Non-Agricultural Uses in the Agriculture Land Use Category*, establishes permit requirements and

standards for non-agricultural uses in the Agriculture category; refer to the *CZLUO Section 23.04.050, Non-Agricultural Uses in the Agriculture Land Use Category*, Section below.

CZLUO Section 23.01.034 (Compliance With Standards Required). This Section requires development comply with all applicable CZLUO requirements. Specific standards applicable to the SWF and Project modifications have been addressed within each analysis section of this SEIR. The SWF and Project modifications would be required to comply with all applicable standards prior to approval and issuance of the R-CDP. Consistency with the applicable standards would be confirmed through the R-CDP application process.

CZLUO Chapter 23.04 (Site Design Standards). This Chapter requires compliance with various site development features (parcel size; minimum site area; setbacks; heights; fencing and screening; and outdoor lights, among others). The SWF and Project modifications would be required to comply with all applicable site design standards prior to approval and issuance of the R-CDP. Consistency with the applicable site design standards would be confirmed through the R-CDP application process.

CZLUO Section 23.04.050 (Non-Agricultural Uses in the Agriculture Land Use Category). The Project site is designated AG. This section establishes permit requirements and standards for non-agricultural uses in the AG category. The SWF and Project modifications would be required to comply with all applicable standards for non-agricultural uses in the AG category prior to approval and issuance of the R-CDP. Consistency with the applicable requirements would be confirmed through the R-CDP application process.

CZLUO Chapter 23.06 (Operational Standards). This Chapter establishes standards to be applied to the operation and conduct of land uses after their establishment associated with noise, air quality, water quality, and hazardous materials. The SWF and Project modifications would be subject to compliance with the relevant operational standards specified in CZLUO Chapter 23.06. Refer to Section 5.2, *Air Quality*, Section 5.5, *Hydrology and Water Quality*, Section 5.7, *Noise*, and Section 8.0, *Effects Found Not To Be Significant*, concerning the SWF and Project modifications' compliance with these standards.

CZLUO Chapter 23.07 (Combining Designation Standards). The purpose of Combining Designation standards is to require project design that will give careful consideration to the land features, structures, and activities identified by the Combining Designations. The Project site is designated with various Combining Designations, as outlined above. Accordingly, the SWF and Project modifications would be subject to compliance with the following CZLUO sections:

- San Simeon Creek Flood Hazard (FH): Sections 23.07.060 through 23.07.066; refer to Section 5.5, *Hydrology and Water Quality*;

- Geologic Study Area (GSA): Sections 23.07.080 through 23.07.086; refer to Section 8.0, *Effects Found Not To Be Significant*;

- Sensitive Resource Area (SRA): Sections 23.07.160 through 23.07.166; refer to Section 5.1, *Aesthetics/Light and Glare*, and Section 5.3, *Biological Resources*;

- Environmentally Sensitive Habitat Area, Terrestrial Habitat (ESHA-TH): Section 23.07.176; refer to Section 5.1, *Aesthetics/Light and Glare*, and Section 5.3, *Biological Resources*;

- Environmentally Sensitive Habitat, Coastal Creek (ESH-CC): Sections 23.07.170 and 23.07.174; refer to Section 5.1, *Aesthetics/Light and Glare*, Section 5.3, *Biological Resources*, and Section 5.5, *Hydrology and Water Quality*; and

- Local Coastal Program (LCP): Section 23.07.120; refer to Impact Statement 5.6-3, above.

CZLUO Chapter 23.08 (Special (S) Uses). The purpose of this Chapter is to establish special additional standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if the uniform standards of Chapter 23.04 and all other standards of Title 23 are met. As noted above, the Project site is consistent with the "Public Utility Facilities [J5]" land use definition. Per Table O of the *Coastal Zone Framework for Planning*, Public Utility Facilities on sites designated RSF category are "S-13" status. The S-13 status indicates the land use is a special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The special standards that apply to Public Utility Facilities are outlined CZLUO Section 23.08.280; refer to CZLUO Section 23.08.280, *Public Utility Facilities*, below.

CZLUO Section 23.08.280 (Transportation, Utilities, and Communication (S-13)). Transportation and Public Utility Facilities identified as allowable, S-13 uses by the Land Use Element (see Coastal Table 0, Part I of the Land Use Element) are subject to CZLUO Section 23.08.288, *Public Utility Facilities*, see below.

CZLUO Section 23.08.288 (Public Utility Facilities). The requirements of this section apply to Public Utility Facilities where designated as S-13 uses by Coastal Table "O." Public Utility Facilities (other than electric and communications transmission and natural gas regulation and distribution) require Development Plan approval pursuant to Section 23.02.034, *Development Plan*. Consistency with the applicable requirements would be confirmed through the R-CDP application process.

As stated, the SWF and Project modifications would be subject to compliance with the land use-related CZLUO standards specified above, as well as the standards identified throughout Section 5.0, including implementation of mitigation measures identified to reduce the significance of

potential impacts. Consistency with the CZLUO requirements would be confirmed through the R-CDP application process. Thus, upon issuance of the R-CDP, the SWF and Project modifications would be consistent with the CZLUO.

Existing Plans and Programs: Refer to the North Coast Area Plan, Local Coastal Program Policies, Coastal Zone Land Use Ordinance Standards identified above.

Mitigation Measures: No additional mitigation measures beyond those identified in Sections 5.1 through 5.7 would be required.

Level of Significance: Less Than Significant With Mitigation Incorporated.

5.6.6 CUMULATIVE IMPACTS

- **WOULD THE PROPOSED PROJECT, COMBINED WITH OTHER CUMULATIVE DEVELOPMENT CAUSING RELATED IMPACTS, RESULT IN SIGNIFICANT CUMULATIVE LAND USE AND PLANNING IMPACTS?**

Impact Analysis: For purposes of land use and LCP compliance analysis, cumulative impacts are considered for related projects proposed throughout the North Coast Planning Area, and according to the WMP; see Section 4.0, *Basis of Cumulative Analysis*.

As summarized above, the WMP analyzed the potential for conflicts with the San Luis Obispo County General Plan and the CZLUO. However, analysis concluded that impacts would be less than significant following compliance with the state and San Luis Obispo County's regulatory requirements.

As concluded above, Project implementation would not conflict with the California Coastal Act, NCAP, LCP, and CZLUO with implementation of the specified mitigation measures.

As discussed in Section 4.0, of the 270 relevant projects, the vast majority (217) involved interior building modifications, minor exterior building alterations/additions, and interior/exterior utility modifications, that were not considered capable of producing related or cumulative impacts. As with the Project's anticipated development, the remaining 51 related County projects would undergo environmental and design review on a project-by-project basis pursuant to CEQA, in order to evaluate potential land use and planning impacts. Each cumulative project would be analyzed independent of other projects, within the context of their respective land use and regulatory setting. As part of the review process, each project would be required to demonstrate compliance with the Coastal Act, North Coast Area Plan, LCP, and CZLUO, as applicable. Each project would be analyzed in order to ensure consistency with the applicable land use plans and policies to ensure the regulations and guidelines are consistently upheld. Thus, the SWF and

Project modifications combined with other development within the North Coast Planning Area would not result in cumulatively considerable land use and planning impacts.

Existing Plans and Programs: Refer to the North Coast Area Plan, Local Coastal Program Policies, Coastal Zone Land Use Ordinance Standards identified above.

Mitigation Measures: No additional mitigation measures beyond those identified above are required.

Level of Significance: Less Than Significant With Mitigation Incorporated.

5.6.7 SIGNIFICANT UNAVOIDABLE IMPACTS

Following compliance with the established regulatory framework and identified mitigation measures, Project implementation would result in less than significant land use and planning impacts.

5.6.8 SOURCES CITED

CDM Smith, *Project Description Revised Final*, Page 2-25, October 2014.

County of San Luis Obispo, *Coastal Plan Policies, Local Coastal Program Policy Document, A Portion of the San Luis Obispo County Land Use Element of the General Plan*, Revised April 2007.

County of San Luis Obispo, *Coastal Zone Land Use Ordinance*, Revised November 2013.

County of San Luis Obispo, *General Plan*, 1992-2010.

County of San Luis Obispo, *Framework for Planning Coastal Zone,* Revised November 2011.

County of San Luis Obispo, *Municipal Code,* Codified through Ordinance No. 3235, Passed November 20, 2012.

County of San Luis Obispo, *Natural Hazard Maps*.

County of San Luis Obispo, *North Coast Area Plan*, Revised August 24, 2008.

County of San Luis Obispo Website, http://www.slocounty.ca.gov/planning/zoning/Map_Image_Download_Center/Land_Use_ Maps.htm, Accessed February 23, 2015.

USGS Report 98-4061, *Hydrogeology, Water Quality, Water Budgets, and Simulated Responses to Hydrologic Changes in Santa Rosa and San Simeon Creek Ground-Water Basins*, San Luis Obispo County, California, p. 82.

This page intentionally left blank.