



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

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**APPLICATION FOR VARIANCE
REGARDING WATER CONNECTION PERMITS**

APPLICANT INFORMATION

Applicant's Full Name: Santa Lucia Community Services District (SLCSD)
Mailing Address: 1 Rancho San Carlos Road
City: Carmel State: California Zip: 93923
Phone Numbers(s): Work (831) 620 6791 Home: ()
Name of Agent(s) to Represent Applicant: Denise Duffy, DD&A
Mailing Address: 947 Cass Street, Suite 5
City: Monterey State: California Zip: 93940
Phone Numbers(s): Work (831) 373 4341 Fax: (831) 373 1417

PROPERTY INFORMATION

Full Name of Property Owner: Santa Lucia Community Services District
Mailing Address: 1 Rancho San Carlos Road
City: Carmel State: California Zip: 93923
Phone Numbers(s): (831) 620 6791 Home: ()
Property Address: 1 Wild Boar Run, the Potrero Area of Carmel Valley
City: Carmel State: California Zip: 93923
Assessor's Parcel Number: 239-102-001-000 & 239-102-003-000
Property Area: Acres: _____ Square Feet: _____ Other: _____
Past Land Use: _____
Present Land Use: Approved for Residential
Proposed Land Use: Residential
Existing buildings? Yes X No _____
Types of uses and square footage: _____

(PLEASE PROVIDE 5 YEARS OF WATER RECORDS)

STATEMENT OF VARIANCE REQUEST

**If additional space is needed for response to any question, please continue on a separate piece of paper and attach to the back of this application.*

1. From which rule(s) are you requesting a variance?

Rule 22. D. 1. ii. , specifically, one of the standard conditions of granting a permit under Rule 22, as stated below.

Minimum Standards for Granting a Permit for a Water Distribution System, the Rules states: "If the Board approves the permit, it shall establish an expansion capacity limit, *the system capacity and municipal unit allocation* for that water distribution system." (emphasis added).

SLCSD requests a variance from the requirements for a) system capacity, and b) municipal unit allocation. No variance is requested from the requirement for an expansion capacity limit.

2. Please state the special circumstances which distinguish your application from all others which are subject to enforcement of this process.

The circumstances of this request are unique, and unlikely to occur in other cases:

1. **The applicant is a public entity.** Santa Lucia Community Services District (CSD) is an independent district with an independent elected board of directors. It provides a number of municipal services (water, sewer, road maintenance, security) within its boundaries.

2. **The system already exists.** The CSD's water system exists and provides domestic, irrigation and fire flow water within its boundaries. The system consists of a series of over 50 existing wells and 50 miles of existing distribution pipelines. The water system includes multiple pressure zones with four storage tanks with a combined capacity of 1.925 million gallons.

3. **None of the system's water is produced from within the MPWMD or CalAm boundaries.** All of the CSD's wells and storage facilities are located outside of the boundaries of the WMPWMD.

4. **Permit is for a pipeline only.** The permit is for an extension of the CSD's distribution pipelines to serve 14 connections. No wells or other water sources or facilities are proposed within the MPWMD.

5. **Extension is to serve CSD's existing established service area.** All of the connections to be served by the pipeline are within the established boundaries and service area of the CSD as established by LAFCO. Unlike the remainder of the CSD's system, these 14 connections are also located within the boundaries of the MPWMD.

6. **Proposed expansion is minor in scope.** The permit will allow water connections representing only $\pm 5\%$ of the CSD's total service.

The following definitions from the Rules and Regulations of the MPWMD and discussion are provided to facilitate analysis for this request.

Expansion Capacity Limit: "Expansion Capacity Limit" means the maximum number of connections beyond which a water distribution system is not authorized to expand. **Discussion:** SLCSD agrees that the permit shall have an Expansion Capacity Limit fixing the number of connections at 14.

System Capacity: "System Capacity" is the amount of water in gallons, cubic feet or acre feet that can be produced for annual delivery to a water distribution system based on the cumulative sustained yield of wells adjusted for periodic lowering of the water table and the projected yield of other sources of supply. **Discussion:** This permit would not cover any production facilities. All of SLCSD's production facilities are outside of the boundaries of the MPWMD and outside of the CalAm service area. Thus there is no production within the jurisdiction of the MPWMD on which to base a "System Capacity."

Municipal Unit: "Municipal Unit" means the Cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Sand City and Seaside and the portion of the County of Monterey and the City of Marina inside the District. **Discussion:** The entirety of the SLCSD is located in the unincorporated area of the County of Monterey. None of SLCSD's water is produced within the portion of the County of Monterey inside the District. All production wells are located outside of the District boundaries and outside the CalAm service area.

Municipal Unit Allotments: "Municipal Unit Allotments" means the maximum quantity of water that can be delivered by a particular water distribution system within a municipal unit in one water year beyond which permits for creation or establishment and permits for expansion of a water distribution system are not authorized for approval in that municipal unit. **Discussion:** Because none of SLCSD's production occurs within a "Municipal Unit" (i.e., within the portion of the County of Monterey inside the District) there is no way that its production could be charged to the MPWMD allocation to a Municipal Unit.

For the reasons set forth herein, the establishment of a system capacity limit or a municipal unit allocation is not applicable to this application.

The applicant believes that the following conditions which will be imposed on these applications more than adequately protect the community and environment as well as the integrity of MPWMD Rules & Regulations. Examples include:

- SLCSD will continue to provide annual reporting to the Monterey County Environmental Health, Monterey County Water Resources Agency and State Department of Health Services, as required for their entire system, including this permit boundary request area.
- Low water using fixtures are required. Drip irrigation, where reasonable (best management practices), and other means to conserve water will also be required.
- Any expansion of the permit will be subject to MPWMD rules.

- The applicant shall indemnify MPWMD against all third party claims and lawsuits.

3. What difficulties or hardships would result if your variance request was denied?

“System Capacity” is defined as the amount of water in gallons, cubic feet or acre feet that can be produced for annual delivery to a water distribution system based on the cumulative sustained yield of wells adjusted for periodic lowering of the water table and the projected yield of other sources of supply. In this case, system capacity is not applicable because the entire system is not a part of this application and overall system capacity for the SLCSD is not subject to the rules and regulations of the MPWMD. (Also refer to Findings Section for Findings and Evidence of System Capacity as made by the Monterey County Board of Supervisors as part of their approval process and a decade of study of this system, attached at the end of this variance form).

Unlike most WDS applications, technical issues relating to the ability of SLCSD to serve the parcels are not the controlling factors in this permit expansion decision. The SLCSD (“CSD”) operates the Santa Lucia Preserve Water System which is permitted by Monterey County Health Department, I.S. No. 270-2521. SLCSD has been adequately serving the area of the permit expansion as well as the subject parcels and surrounding project of the Santa Lucia Preserve (SLP) for over 7 years. The documentation for such service and proof of overall system capacity for the SLCSD has undergone an extensive proof system through both the Monterey County entitlements process as well as the court system. The definition of system capacity for the distribution pipeline system of water from another source outside the MPWMD boundaries is not applicable in this case. No changes in service area, water source or water production of the SLCSD are needed to support the Goodrich future homes to be served by the Water Distribution Line WDS permit. To have a portion of the SLCSD arbitrarily limited to a system capacity is contrary to the intent of the operation of the CSD and provide difficulties in reporting and management of the overall system. The system has and will continue to be operated as an integrated system. The entire system includes over 50 miles of completed water mains, including a water main that runs throughout the Potrero Area. The water system includes multiple pressure zones with four storage tanks with a combined capacity of 1.925 million gallons. The entire system also include over 50 production wells all outside of the MPWMD boundaries and serving an area the size of the Monterey Peninsula, almost 20,000 acres. Annual reporting can still be provided to the entities described above, without the imposition of a condition that has not bearing on the resources of the MPWMD in this case.

The application meets the criteria and minimum standards required by District Rule 22. Pertinent information including application materials, zoning and existing land use, as well as background material on the previously approved application of the SLP project support this position.

4. What specific action are you requesting that the Board take?

Minimum Standards for Granting a Permit for a Water Distribution System, the Rules states:

“ If the Board approves the permit, it shall establish an expansion capacity limit, *the system capacity* and municipal unit allocation for that water distribution system.” In this case, the expansion capacity limit is not a part of this variance request, and the municipal unit allocation is not considered applicable. (emphasis added). **In this case, we are requesting granting of a variance for the approval of the**

permit to expand an existing water distribution system with the rules and regulations and findings in Rule 22 with the exception of 22. D. 1. ii requiring a system capacity limit and municipal unit allocation.

5. Please indicate if you intend to make a statement at the variance hearing, and list the names of any other individuals who may speak on your behalf. Brian Finegan and Denise Duffy

VARIANCE APPLICATION

EXHIBIT 2

PROJECT INFORMATION

*If additional space is needed for response to any questions, please continue on a separate piece of paper and attach it to the back of this application.

1. Type of Project: _____ New Construction _____ Remodel/Addition X PIPELINE EXPANSION

2. Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)

_____ Residential No. Dwellings _____ Total No. Fixture Units (Residential Only) _____

_____ Commercial/Industrial/Governmental

Type of Use: _____ Square Footage: _____

_____ Other (Specify): X PIPELINE EXPANSION TO SERVE 14 EXISTING HOMESITES/PARCELS

3. Current Zoning Classification:

The area is located within the Carmel Valley Master Plan Area and zoned RG (Rural Grazing)

4. Name of water company which services the property:

Santa Lucia Community Services District (SLCSD) _____

5. Do you feel this project will use less water than that calculated by the District? If so, please explain how much you believe the project will use, and the basis on which you make this assumption.

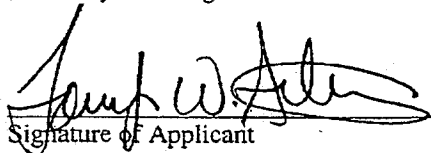
6. Has this project been approved by the local jurisdiction? If so, please list or attach a copy of all conditions which have been imposed on the project. (Attach a copy of these conditions and approvals received).

Yes, please reference permit application for the numerous approvals for this property. In early 2005, the Monterey County Board of Supervisors certified the the Final Supplemental EIR for the Potrero Project and approved the entire project, consisting of a Combined Development Permit (PLN010001, Rancho San Carlos Partnership) for a Vesting Tentative Map to allow the division of a 1,286 acre property into 29 lots ranging in size from 14.47 to 67.21 acres, grading of approximately 29,600 cubic yards, a Use Permit to allow for the removal of approximately 295 protected trees and a Use Permit to allow for development on slopes 30 percent or greater.

7. Does the applicant intend to obtain a municipal or county building permit for the project within ninety (90) days following the granting of a water connection permit? If not, when will water be needed at the site?

The proposed homesites will not require water until May 2006. The applicant intends to obtain a grading permit around April 2006 in order to the necessary infrastructure to supply water to the homesites. _____

.....
I declare under penalty of perjury that the information in the application and on accompanying attachments is correct to the best of my knowledge and belief.


Signature of Applicant

October 27, 2005 Monterey, CA
Date/Location

NOTE TO APPLICANT: You may attach written findings for the Board to review and consider in support of the action you have requested.

Findings:

The Goodrich Water Distribution Line WDS permit does not require any new water production from any new or existing wells in the MPWMD to serve the 14 proposed connections located within the boundaries of the MPWMD. This is a proposal for extending distribution via importation from a permitted water system (to import water via existing and extended distribution lines from existing SLCSO to serve 14 single-family residential lots within MPWMD boundary. The SLCSO ("CSD") operates the Santa Lucia Preserve Water System which is permitted by Monterey County Health Department, I.S. No. 270-2521).

The system capacity (water production) limit for the Cal-Am WDS shall not change as a result of this approval. The Cal-Am production limit under the MPWMD water allocation Program is 17,641 acre-feet per year (AFY). The MPWMD production limit is superseded by Carmel River diversion limits imposed by State Water Resources Control Board (SWRCB) Order WR 95-10. No municipal unit (jurisdiction) allocation is associated with this permit as it represents an ongoing use since approximately 1947. No other system capacity limit is affected or required by this permit approval and granting of this variance.

Additional Findings and Evidence of System Capacity as made by the Monterey County Board of Supervisors as part of their approval process, partially identified below, support the request:

- " 16. **FINDING:** Resolutions 93-115; 96-059; and 97-360 required the applicant to submit with its application a comprehensive hydrological study meeting specific criteria.
- EVIDENCE:** The Santa Lucia Preserve Combined Development Permit Application included a Comprehensive Hydrological Study (Application, Section 4.6 and Technical Appendices Section 6.9 through 6.16 inclusive) containing all required components, which was subsequently supplemented by three supplements dealing with specific technical details and two technical memoranda regarding proposed water system design. The Comprehensive Hydrological Study ("CHS") as so supplemented was reviewed by the Environmental Health Division of the Monterey County Health Department, the Monterey County Water Resources Agency, the Monterey Peninsula Water Management District, and Ogden Environmental and Energy Services, the independent third-party hydrologic consultant selected and engaged by the County to review the CHS. In addition, the CHS as supplemented was reviewed by the staff hydrologist for Jones & Stokes and by Ken Schmidt and Associates, the third-party geohydrological consultant engaged by Jones & Stokes in connection with the project EIR. The

CHS as supplemented complies with the requirements of Resolutions 93-115; 96-059; and 97-360.

EVIDENCE: File #PC94067, Monterey County Planning and Building Inspection Department; Letter report dated December 19, 1994, from Ogden Environmental and Energy Services to Walter Wong, Monterey County Environmental Health Division.

EVIDENCE: Chapter 8 of the DSEIR and response to comments within the FSEIR, including the *Review of Hydrologic and Wastewater Studies for Potrero Area Subdivision of the Santa Lucia Preserve*, Weber, Hayes & Associates, May, 2002 (DSEIR Technical Appendices).

17. **FINDING:** Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360 provides that development shall be permitted on Rancho San Carlos to a level consistent with safe yield of the proven water resources, provided that the level of development has no adverse impacts on offsite water uses.

EVIDENCE: The CHS concludes that the entire Rancho San Carlos project net demands of 400 acre-feet/year at build out represent about two percent of the annual available water of 22,200 acre-feet/year and about six percent of the annual groundwater recharge of 6,800 acre-feet/year, and that the project annual demands can be satisfied on a sustainable long-term basis by the available recharge at Rancho San Carlos (CHS, Section 8.5). Average annual recharge at Rancho San Carlos is 20 times greater than the project's net water demand at build out; and usable groundwater storage is 22 times greater than the amount needed to supply the project throughout a 10-year drought (SLP EIR #94-005; Potrero FSEIR Chapter 8). The EIRs conclude that the total amounts of groundwater recharge and storage greatly exceed the amounts needed to ensure a reliable and sustainable water supply for the project. Ogden Environmental and Energy Services, the County's independent third-party hydrological consultant, concluded that the 51 wells drilled to date at Rancho San Carlos demonstrate that sufficient developable water resources occur at the ranch. The level of development proposed by the Santa Lucia Preserve Combined Development Permit Application is consistent with the safe yield of the proven water resources.

EVIDENCE: File #PC94067, Monterey County Planning and Building Inspection Department; Comprehensive Hydrological Study (Camp, Dresser & McKee et al. in Preserve Application, Section 4.6; Letter report dated December 19, 1994, from Ogden Environmental and Energy Services to Walter Wong, Monterey County Environmental Health Division; Final EIR #94-005;

EVIDENCE: Chapter 8 of the DSEIR and response to comments within the FSEIR, including the *Review of Hydrologic and Wastewater Studies for Potrero Area Subdivision of the Santa Lucia Preserve*, Weber, Hayes & Associates, May, 2002 (DSEIR Technical Appendices).

18. **FINDING:** As required by Resolution 93-115, the CHS quantifies, within the accuracy limits of standard Hydrogeologic practices, development impacts to off-site basins and aquifers, including an order-of-magnitude evaluation of the impact of a drought of record, and to on-and off-site vegetation.

- EVIDENCE:** The CHS concluded that such impacts would be minimal and not measurable within the accuracy limits of standard hydrologic practice (CHS, Section 9). With the imposition of the conditions of approval recommended by the EIR, the project will not result in any significant impacts to off-site basins or aquifers or to on- or off-site vegetation.
- EVIDENCE:** File #PC94067, Monterey County Planning and Building Inspection Department; Comprehensive Hydrological Study (Camp, Dresser & McKee et al.) in Preserve Application, Section 9; Final EIR #94-005;
- EVIDENCE:** Chapter 8 of the DSEIR and response to comments within the FSEIR, including the *Review of Hydrologic and Wastewater Studies for Potrero Area Subdivision of the Santa Lucia Preserve*, Weber, Hayes & Associates, May, 2002 (DSEIR Technical Appendices).
- EVIDENCE:** Testimony by Joseph Hayes of Weber Hayes and Associates at the May 26, 2004 Planning Commission and January 25, 2005 Board of Supervisors public hearings. Memorandum from Joseph Hayes to Mike Novo, Tad Stearns, and Michael McCormick dated January 12, 2005.
- EVIDENCE:** Administrative Record; materials and correspondence in file PLN010001 found at the Monterey County Planning and Building Inspection Department.”