



President's Letter

Many Successes... But Many Challenges Remain

by *Pris Walton*



Priscilla Walton

I knew we were in trouble when a year ago, the *New York Times* travel section featured Carmel Valley as a hidden jewel. If it hadn't been clear to all of us before, it was now. Carmel

Valley has become a significant tourist destination. As a result, our sleepy country road has become a long ribbon of heavy traffic and parking congestion, especially on the weekends. Formerly quiet neighborhoods have turned into commercial party centers. Topsy tourists now navigate the some 27 tasting rooms near and in Carmel Valley Village and then try with varying degrees of success to navigate Carmel Valley Road and Laureles Grade.

Our residents rightly worry about the impact on the quality of life resulting from both short-term rentals and the special event centers that are popping up around them. Though the tourist activity has given a welcome boost to

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WHAT'S GOING ON WITH THE NEW WATER SUPPLY?

by *Roger Dolan*

The latest search for a water supply to replace most of the water now taken from the Carmel River aquifer began five years ago. Because there is so much history and confusing information, this report is intended to provide up-to-date facts and figures. CalAm's plan is to produce 6.4 million gallons per day (mgd) or 7170 acre feet per year (afy) of water by desalinating brackish water pumped from slant wells drilled on the Cemex sand plant in Marina. Some of this water must be used within the Salinas Valley, leaving 6250 afy for the Peninsula. A test well has indicated that the brackish water will be 8 to 10% freshwater. CalAm believes that the freshwater component will be less in the future. The current water supply plan also includes 3.1 mgd or 3500 afy of recycled water that will be produced by advanced technologies capable of removing all contaminants, including almost of the dissolved salts, thus rendering the water cleaner than nearly all of the municipal waters served in the country. This water will then be put into the Seaside groundwater basin, from which it will later be pumped, disinfected, and put into the water distribution system. The recycled water, known as PureWaterMonterey (PWM), is being produced under an agreement between Monterey One Water (M1W), formally known at the Monterey Regional Water Pollution Control Agency, and the Monterey Peninsula Water Management District.

At the hearing for the project's Draft Environmental Impact Report, a number of questions were raised about the desal project that are now being reviewed by the

lead agency, the California Public Utility Commission (CPUC). A draft final decision on the project is expected next spring with the final go/no-go next summer. Here is a quick overview of a few of the major questions.

WOULD THE SLANT WELLS HARM THE SALINAS VALLEY AQUIFER?

CalAm says no and that it has studies to back up that position. The slant wells will remove almost 20 mgd of water, which will depress the water table near the wells. Of the slant well water, one to two mgd would be freshwater. To avoid the ban on exporting Salinas Valley groundwater from the basin, CalAm has agreed to sell an equivalent volume of the costly desalinated water to the Castroville Community Services District at a heavily subsidized price. The Marina Coast Water District (Marina Coast) says that it will be harmed by the wells and that selling the water to Castroville will not mitigate its damage, and it says that it has studies that back up that position. The slant wells' extractions might accelerate seawater intrusion and damage other existing public and private well water users.

DOES CAL AM HAVE WATER RIGHTS?

CalAm doesn't have water rights for this

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Carmel River view

Photo by Mibs McCarthy

HIDDEN VALLEY MUSIC SEMINARS



2018 Masters Festival Concerts

Saturday, May 26

Ali Ryerson Jazz Flute Club
International teaching/performing artist

Monday, June 4

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Monday, June 11

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Monday, June 25

Judith LeClair Bassoon
Principal Bassoon, NY Philharmonic
and

Robert Walters English Horn
Solo English Horn, The Cleveland Orchestra

Monday, July 2

Emil Khudiyev Clarinet
Associate Principal Clarinet, Seattle Symphony

Monday, August 13

Mark Kosower Cello
Principal Cello, The Cleveland Orchestra

TICKETS

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hiddenvalleymusic.org
104 W. Carmel Valley Road

local businesses, it also has generated a host of issues we had not had to confront before.

Like you, we are concerned about the future of this incredibly beautiful special place we all call home.

We at CVA are most grateful for our members' support and dedication to our shared CVA mission. We value your determination to help us protect Carmel Valley's natural beauty and the character of the quintessential rural living place our predecessors preserved and have left to us as stewards for future generations.

With your help, we've had many major accomplishments over the past two years. We challenged the totally inappropriate Val Verde project at the mouth of Carmel Valley and have fought to ensure that all proposed projects in Carmel Valley conform to county rules and the Carmel Valley Master Plan, including the proposed Rancho Canada development.

We also successfully fought against the development of special event centers in residentially-zoned neighborhoods, and we launched our advocacy project on our website to ensure that Carmel Valley residents' concerns are brought to the attention of the proper county officials for action.

I am pleased to report that we are also developing a new spirit of transparency and cooperation with the county. We maintain ongoing positive contact with our supervisor, Mary Adams, and have an excellent working relationship with her. Together we try to resolve issues that arise. We also meet regularly with county personnel to help resolve the problems that you report to us.

We are also actively involved in organizations that are working on issues and ordinances that affect us. Issues include short terms rentals and special events. We work with organizations such as Carmel Valley Road Committee and the Monterey County Regional Park District (regarding use of Rancho Canada lands). We are also working to find a way to save the Carmel Valley Airport property as open space and as a potential staging area for future emergency operations.

It is a very big agenda but a vital one. Many significant challenges lie ahead. But, if we fail as stewards for our valley now, there is no going back... there are no second chances.

Yet, with your continued help, I know we can meet the challenges, and continue to preserve and protect our precious valley for generations to come. And, like you, I know we must.

NEW REQUIREMENTS FOR SEPTIC SYSTEMS

By Barbara Buikema., General Manager Carmel Area Wastewater District



Local tank reconstruction, with a worker from Peninsula Septic Tank Service Inc. Photo by Mibs McCarthy

It is estimated that there are more than 1.2 million Onsite Wastewater Treatment Systems (OWTS), also known as septic tanks, in California. As California continues to grow, there is a need to be proactive about the potential risks of OWTS. In response, the State of California has established a policy for the management of OWTS installations and replacements with the goal to protect water quality and public health. Monterey County is in the process of amending its Local Agency Management Plan (LAMP) to manage the installation of new and replacement OWTS under the program and hopes to have final approval by October 2017.

In Carmel Valley, and elsewhere in the county, that means that new, replacement, or expansion of OWTS

Water, continued from Pg. 1

extraction of groundwater. However, its position is that the brackish water is too salty to be usable for municipal or agricultural use, so it is not really groundwater needing a water right. Critics point out the project will take one to two mgd per day of freshwater from the Salinas Valley groundwater basin, which is seriously overdrafted. Does the high level of salinity make a water right unnecessary? How long will it take to get a final decision on this question?

WHAT IF THE CAL AM PROJECT CANNOT PROCEED?

The desal questions may take time and costly litigation to resolve. But, there is an alternative water supply that can be considered. The Pure Water Monterey (PWM) project that is already underway can be expanded by taking advantage of currently uncommitted wastewater. With the expansion the PWM project, these flows can be added to the supplies processed by the ultra-high-quality treatment system and stored underground. Furthermore, Marina Coast is willing to sell some of the water that it has rights to, but

“. . .whether by further recycling or desalination, the Peninsula will need more water.”

is not currently using, to the Peninsula for a period of six to ten years. Additional water from storm flows and food processors can be developed. The source water allocations for the proposed expansion have already been agreed to in concept by the County Water Resources Agency. The recycled water takes no groundwater, it has no direct ocean intake, and the cost will be less than desalinated seawater.

HOW MUCH WATER IS REALLY NEEDED AND WHEN??

As a result of all the conservation efforts, CalAm’s average production for the past three years was about 9600 acre feet. PWM has defined recycled water expansion scenarios based on incremental development of sources of water and capacities. Improvements now underway will bring the supply to about 9050 afy. Near-term use of Marina Coast water will help meet the demand, although full use of potential recyclable source waters might make Marina Coast water unnecessary. The agencies are now working on obtaining approvals needed for this water. The most pressing deadline is the State Water Board’s requirement that an incremental supply of 1000 afy must be secured by this fall for them to consider

extending the drastic supply reduction deadline. The Marina Coast water could cover this requirement.

The near-term purchase of Marina Coast water should provide time to identify added reliable water for recycling, and it will afford time for the threats to CalAm’s project to be better understood. But ultimately, whether by further recycling or desalination, the Peninsula will need more water. The decision faced by CPUC this June will be whether to proceed with the 6.4 mgd desal project or to expand the recycled water project while postponing decisions on desal. So, when we consider the time limit on the Marina Coast water, the decisions that will come down in 2018 could be a bit like the end of a Star Wars movie where the conflict is settled for one happy moment, but then, just as the antagonist goes spinning off into space, we become quite aware that it’s not over yet. But then, it never is, at least in the water business.

To learn that we are not alone in our water plight and see how the strategies that CVA has supported are now being recognized, see the Ted-Talk at https://www.ted.com/talks/david_sedlak_4_ways_we_can_avoid_a_catastrophic_drought#t-803706

To find out where we go from here, read the rest of this article on our website www.CarmelValleyAssociation.org.

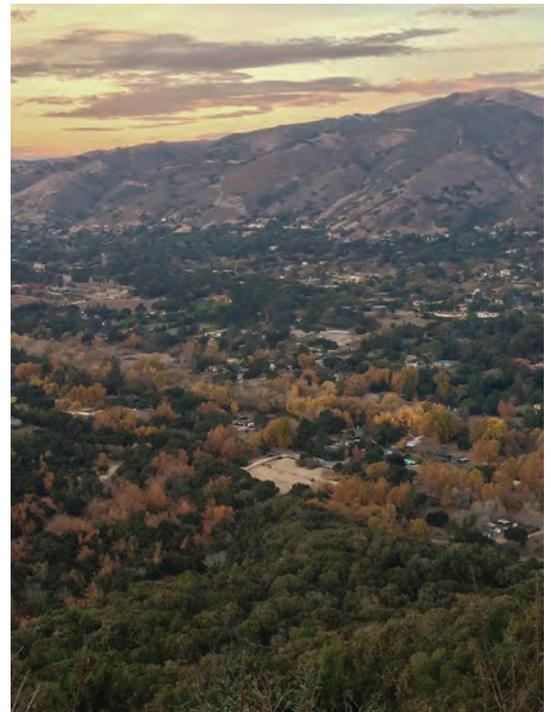
EM UPGRADES

will be permitted only if they are in accordance with the County’s Lamp. Because of the variable site conditions in the Valley, each individual OWTS will be considered on a site-specific basis by County Environmental Health as to viability or whether alternatives must be evaluated, the goal being to address proper OWTS management, public health, and water quality.

The proposed LAMP does not require changes to existing, properly functioning OWTS. However, new OWTS and repairs, expansions or replacement of existing OWTS will need to meet the LAMP requirements. While the policy will not contain a routine maintenance requirement, it will require liquid waste haulers to provide a status report for each septic tank pumped in the County that will serve to notify Environmental

Health. Minor repairs will not require a permit. Major repairs will require that the system be brought up to current standards.

When repairs are required, the OWTS should be upgraded to the standards in effect in the County LAMP. It is not always possible to make repairs that meet current standards. The County has indicated an intent to work with the property owner; however, this approach may result in a requirement to install an OWTS that is considerably better than the original installation. The cost of such a system means that this may be the optimal time to consider and evaluate sewerage the Valley because of the benefit to all in terms of water quality and public health. The availability of public wastewater service should not be used as a land use tool. The Carmel Valley Land Use Element and Master Plan already exist to serve that purpose.



Garzas Creek and Carmel Valley River Intersect
Photo by Don Gruber

CA SUPREME COURT AFFIRMS POWER OF GENERAL PLANS: A TIMELY LESSON FOR CARMEL VALLEY

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In December 2016, the California Supreme Court issued its decision in *Orange Citizens for Parks and Recreation v. Superior Court*, a case litigated on behalf of Orange Park Association and Orange Citizens for Parks and Recreation (Orange Citizens). The unanimous decision reaffirms the critical role of the public in adopting and amending general plans, as well as the right of voters to challenge local land use decisions via referendum.



The case concerns a proposed luxury estate development project in the Orange Park Acres area of the City of Orange. The City has

less park land per resident than New York City. Recreational open space is at a premium. For decades, residents enjoyed a neighborhood swim and tennis club with an inexpensive 9-hole golf course perfect for beginners and seniors. The club was located on a 51-acre property called Ridgeline. The City's general plan for decades has designated the land as open space and a specific plan for the area calls for permanent protection of the site for recreational purposes.

In 2006, developers bought the Ridgeline property and applied for a general plan amendment to develop it with luxury estates. Orange Citizens encouraged the City Council to develop a comprehensive plan to provide sufficient recreational open space before allowing development on the Ridgeline property. The City Council rejected these pleas and instead adopted the general plan amendment requested by the developer.

On behalf of Orange Citizens, legal counsel prepared a referendum petition against the general plan amendment. The Ridgeline developer immediately went into high gear to thwart the referendum, harassing the volunteer signature gatherers, inundating residents with hit pieces, and circulating a bogus counter-petition. Despite these

aggressive tactics, a host of committed volunteers collected 12,000 signatures (in just 27 days), far more than the 7,100 signatures necessary to qualify the referendum for the ballot.

In the meantime, the developer sued the City and Orange Citizens, trying to force the referendum off the ballot on procedural grounds. After attorneys defeated that tactic, the developer switched gears. It now argued that the referendum was irrelevant based on a 40-year old planning commission

resolution it had recently "discovered" in the City files. The document, the developer claimed, offered the City an "elegant solution" to the "problem" posed by the referendum. Why? Because it showed that the City had decided to allow residential development on the property back in 1973.

The four-decade old resolution, the developer claimed, superseded the Open Space designation for the property that the City had reaffirmed in its subsequent comprehensive general plan amendment that the developer had just spent four years persuading the City to approve was meaningless, as was the referendum.

Despite overwhelming evidence that the general plan amendment was in fact necessary for the project, the Orange County trial court agreed with the developer. It ruled that the development could proceed and ordered the referendum removed from the ballot. Legal counsel promptly petitioned the Court of Appeal to intervene. The Court of Appeal stopped enforcement of the

trial court order just in time to allow the parties to prepare the ballot arguments for the November 2012 ballot.

At the ensuing election, City voters overwhelmingly rejected the general plan amendment. But even this was not enough

to deter the developer, who had spent over \$1.3 million to defeat the referendum. Aided by the City, it persuaded the Court of Appeal that the Open Space designation in the City's current General Plan should be ignored because the planning commission's 1973 resolution showed that the City's "subjective" intent was to permit

residential development on the Ridgeline Property.

The Supreme Court minced no words in unanimously reversing this decision. The plain language of the City's current general plan - which had undergone an extensive public review process - unambiguously designated the property solely for Open Space. Accordingly, the Court held, "no reasonable person could conclude that the Property could be developed without a general plan amendment changing its land use designation."

The Supreme Court concluded its opinion by emphasizing that city councils are prohibited from taking action "with intent to evade the effect of [a] referendum." Instead, city officials and property owners alike must comply with the general plan, and City residents are entitled to rely on it.

"Californians are passionate about how land is used in their communities," said Don Bradley, president of the Orange Park Association. "The Supreme Court's decision reaffirms the rights of community members to have their say when developers try to flout an established general plan."

"no reasonable person could conclude that the Property could be developed without a general plan amendment"

FOOD, FUN, AND FRIENDS AT CVA HOLIDAY PARTY

Our 2017 Christmas party was a big hit again this year. Thanks to Peter Meckel for the use of the Hidden Valley theater, Jerome Viel for a wonderful paella dinner, Hubert and Doris Fabre for donating the wine, and Andrea's Fault for music that made us get up and dance.

Below right: A good party includes dancing!
 Below left: Bob Kane, Regina Gage, Mibs McCarthy, and Pris Walton.
 Photos by Ed Lake



Christmas party paella

Photo by Paola Berthoin



CV ANGEL PROJECT WORKS YEAR ROUND



Annual Thanksgiving feast hosted by the Angel Project Photo by Marilyn Rose

The Carmel Valley Angel Project works all year to provide food, toys, clothing, books, and more at the Angel Store to our deserving families every Christmas season. Donations can be made securely online here: www.thecvap.org/



Angel Store toy and food bank photos by Christine Williams

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CVA ANNUAL MEETING
Sunday, March 25 ~ 2-4 pm
Del Mesa Carmel Redwood Room

SLATE OF NOMINEES FOR BOARD MEMBERSHIP FOR 2018

In keeping with our bylaws, the slate listed below is member notification of the Carmel Valley Association board nominees for the next term. Any CVA member in good standing may nominate other candidates by gathering 15 member signatures and submitting them by February 21st. If other candidates are submitted, ballots will be sent out by e-mail (or mailed, on request) by March 1st, with votes due back by March 15th. If there are no new petition candidates, the slate presented here will be automatically appointed. The new board and board-designated officers will be introduced at the annual meeting.

Current board members nominated for a new three-year term are **Rick Manning, Marlene Martin, Mibs McCarthy, and Pris Walton.**

The new board nominee is **Bob Tasner.** Bob lives at Carmel Valley Ranch with his wife, Sue. He fully supports the mission of the CVA and anticipates helping the board in its efforts to guarantee county adherence to the terms of the CV Master Plan, to monitor traffic safety on CV Road, and to protect out natural resources.

Members will vote at the meeting on changing the by-laws to add a **Natural Resources Committee** to the list of standing committees.



November's Natural Resources Committee outing with Linda Yamane

Photo by Paola Berthoin

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Joining or renewing at the \$100 level or above will greatly help our efforts to preserve Carmel Valley. Have a voice in Valley affairs and help sustain our mission!

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