

RESOLUTION NO. 20-81A RESOLUTION ACCEPTING COASTAL COMMISSION PERMIT  
NO. P-80-419 ON BEHALF OF S.A.M. AND ITS  
MEMBER AGENCIES SUBJECT TO THE ENTERING  
INTO OF A STIPULATION RELATED THERETO

## SEWER AUTHORITY MID-COASTSIDE

RESOLVED, by the Board of Directors of the Sewer Authority  
Mid-Coastside, San Mateo County, California, that

WHEREAS, this Authority has made application to the Central  
Coast Regional Coastal Commission for a permit for the construction of  
a consolidated wastewater treatment plant;

WHEREAS, after consideration of said application the Central  
Coast Regional Coastal Commission has issued its Permit No. P-80-419  
for said wastewater treatment plant, with a condition attached to the  
permit requiring S.A.M., plus each of its member agencies, to accept  
said permit prior to commencement of construction;

WHEREAS, through said permit, the Coastal Commission has also  
imposed additional conditions which this Board believes to be unlawful  
and against the best interest of this Authority to accept;

WHEREAS, as a result of the imposition of such conditions this  
Authority has filed a petition for writ of mandate against the Coastal  
Commission related thereto;

WHEREAS, it is the desire of this Authority, and in its best public interest, to proceed with the construction of said treatment plant so long as it is not prejudiced in the pursuit of its legal remedies with respect to said Permit and the conditions thereof; and

WHEREAS, there has been presented to this Board a proposed stipulation, dated December 1, 1981, a copy of which is attached hereto, related to the hereinabove described litigation;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED as follows:

1. All of the above recitals are true and correct.
2. The stipulation attached hereto is hereby approved subject to the reference to the Permit number on line 24, page 1, being corrected from P-30-419 to P-80-419.
3. Permit No. P-80-419 is hereby accepted for this Authority and each of its member agencies subject to the entering into by the Coastal Commission and this Authority of said stipulation and subject to the above correction thereto.
4. The Manager shall transmit a copy of this resolution to the Executive Director of the Central Coast Regional Coastal Commission.

\* \* \* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted by the Board of Directors of the Sewer Authority Mid-Coastside at a meeting thereof held on the 28th day of December, 19 81, by the following vote of the members thereof:

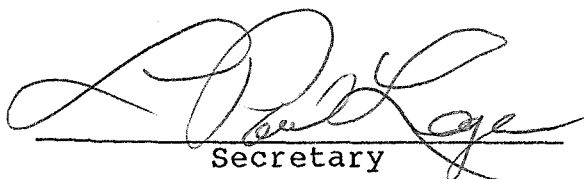
AYES, and in favor thereof, Directors: Chanslor, Shaw, Leger, Foster, Bishop, Shapira.

NOES, Directors: None.

ABSENT, Directors: None.

  
Chairman

COUNTERSIGNED:

  
Secretary

1 GEORGE DEUKMEJIAN, Attorney General  
of the State of California  
2 N. GREGORY TAYLOR  
Assistant Attorney General  
3 DENNIS M. EAGAN  
JOSEPH C. RUSCONI  
4 Deputy Attorneys General  
6000 State Building  
5 San Francisco, CA 94102  
Telephone: (415) 557-2274

6 Attorneys for Defendant  
7 California Coastal Commission

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN MATEO

11 SEWER AUTHORITY MID-COASTSIDE, )  
12 )  
Plaintiff, )  
13 )  
v. )  
14 CALIFORNIA COASTAL COMMISSION, )  
et al., )  
15 )  
Defendant. )  
16 \_\_\_\_\_

NO. 255712  
STIPULATION

17 WHEREAS, on March 16, 1981, the Central Coast Regional  
18 Commission approved the application of Sewer Authority Mid-Coastside,  
19 hereinafter called "SAM", for a two million gallon per day waste-  
20 water treatment plant subject to certain conditions including  
21 capacity allocation, service area limitations, and public access  
22 requirements; and

23 WHEREAS, SAM appealed the Central Coast Regional Commis-  
24 sion permit decision in File No. P-30-419 with respect to the  
25 conditions as to capacity allocation, service area limitations, and  
26 public access requirements therein imposed to the California  
27 Coastal Commission, which on June 2, 1981, determined that SAM's

1 appeal raised no substantial issue within the meaning of section  
2 30625(b) of the Public Resources Code; and

3 WHEREAS, on July 15, 1981, SAM filed the present action  
4 for a Writ of Mandate, challenging the aforesaid conditions as to  
5 capacity allocation, service area limitations and public access  
6 requirements imposed as conditions to the permit approved for said  
7 wastewater treatment plant project among other issues raised  
8 therein; and

9 WHEREAS, all of the parties to this action recognize the  
10 need for SAM to begin construction as soon as possible to assure  
11 proper wastewater treatment and to assure financing for the project,  
12 so long as the rights of all parties in this action are not preju-  
13 diced:

14 NOW, THEREFORE, in recognition and in furtherance of the  
15 above, during the pendency of this action, it is hereby stipulated  
16 by and between counsel for the parties hereto as follows:

17 1. PUBLIC ACCESS REQUIREMENT. SAM shall deposit in an  
18 escrow to be mutually agreed upon an executed deed dedicating an  
19 area for use as a bluff top access trail in accordance with the  
20 public access requirement set forth in Condition 3(b) of the coastal  
21 permit issued to SAM. The deed shall not contain a parcel descrip-  
22 tion but shall state that the location of the dedication shall be  
23 determined and established at a location which is mutually agreeable  
24 to both the County of San Mateo in accordance with its Local Coastal  
25 Program, hereinafter called "LCP", and the California Coastal  
26 Commission. When the location of the dedication has been agreed  
27 upon as hereinabove provided, a description of the dedication shall

1 he entered into escrow and a new deed containing the description  
2 shall be deposited in escrow by SAM.

3 In the event that Condition 3(b) of the coastal permit  
4 issued to SAM with respect to public access is subsequently deter-  
5 mined to be a validly and properly imposed condition of said  
6 permit, the deed containing the description shall be recorded and  
7 SAM shall build the trail in the location therein described in  
8 accordance with the standards and specifications outlined in the  
9 LCP of the County of San Mateo. However, in the event that  
10 Condition 3(b) of the coastal permit issued to SAM with respect to  
11 public access is subsequently determined to be an unlawfully or  
12 improperly imposed condition, the deed of dedication shall be  
13 returned to SAM and SAM shall have no obligation to build the trail  
14 hereinabove provided for.

15 As security to guarantee construction of the trail should  
16 the condition be upheld, SAM shall deposit a \$ 6,500.00, bond in  
17 the escrow to be used for construction should SAM fail to do so.

18 2. SERVICE AREA LIMITATION. During the pendency of  
19 this action, SAM shall not guarantee or issue, nor shall SAM cause  
20 the County of San Mateo to guarantee or issue, any sewer permits  
21 outside of the service area defined in Condition 1(b) of the  
22 Coastal Permit issued to SAM, except as is therein permitted by  
23 the terms of the permit itself, or applicable provisions of the LCP  
24 of the County of San Mateo.

25 3. CAPACITY ALLOCATION. During the pendency of this  
26 action, all parties agree to be bound by the capacity allocations  
27 of the capacity of the treatment plant authorized by the Coastal

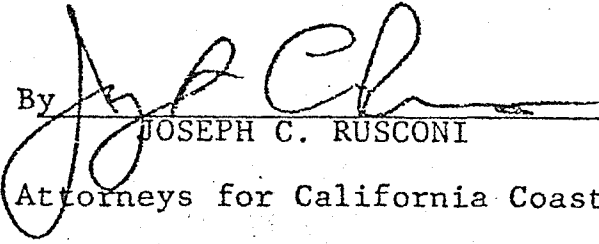
1 Permit issued to SAM and as contained in the applicable Local Coastal  
2 Programs of the County of San Mateo and of the City of Half Moon Bay  
3 in force at the time that the wastewater treatment plant of SAM is  
4 to begin operation.

5 4. NO HALT OF CONSTRUCTION. The California Coastal Com-  
6 mission shall not bring any action whatsoever to halt construction  
7 of the proposed wastewater treatment plant on the basis of the fail-  
8 ure of SAM to meet the conditions contained in the Coastal Permit  
9 issued to SAM, so long as the provisions of this stipulation have  
10 been complied with by SAM. It is expressly understood that all of  
11 the other conditions of said permit shall be complied with by SAM  
12 as outlined therein.

13 5. RESERVATION OF RIGHTS. An acceptance of the Coastal  
14 Permit for the proposed waterwater treatment facility pursuant to  
15 this stipulation shall not be deemed or treated as a waiver by any  
16 party to this stipulation of the right to litigate any and all of  
17 the issues raised in the above entitled action.

18 DATED: 12/1/81

GEORGE DEUKMEJIAN, Attorney General  
of the State of California  
N. GREGORY TAYLOR, Assistant Attorney General  
DENNIS M. EAGAN  
JOSEPH C. RUSCONI  
Deputy Attorneys General

21  
22  
23 By  \_\_\_\_\_  
JOSEPH C. RUSCONI  
Attorneys for California Coastal Commission

1 DATED: December 2, 1981 WILSON MORTON ASSAF & McELIGOTT

2  
3 By James M. Parmelee  
4 JAMES M. PARMELEE  
5 Attorneys for Sewer Authority  
6 Mid-Coastside and Montara Sanitary District

7 DATED: \_\_\_\_\_  
8 WILLIAM ESSELSTEIN  
9 Attorney for Granada Sanitary District

10 DATED: \_\_\_\_\_  
11 JAMES FOX  
12 Attorney for City of Half Moon Bay

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