

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

F15c



Prepared September 20, 2007 (for October 12, 2007 hearing)

To: Commissioners and Interested Persons

From: Charles Lester, Senior Deputy Director
Dan Carl, Principal Coastal Planner
Susan Craig, Coastal Planner

Subject: Santa Cruz County LCP Major Amendment Number 2-07 Part 1 (Primary Groundwater Recharge Areas Map). Executive Director's determination that the amendment is de minimis, to be reported to the California Coastal Commission at its October 12, 2007 meeting at the Crowne Plaza Los Angeles Harbor Hotel at 601 S. Palos Verdes Street in San Pedro.

Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to amend its certified Primary Groundwater Recharge Areas (PGWRA) Map. The PGWRA map is a component of the certified Local Coastal Program's (LCP) Land Use Plan (LUP). The map shows the areas in the County where soil and geological conditions are appropriate and conducive to infiltration and percolation of rainfall and runoff into County groundwater basins. The LCP protects such areas against development that would significantly interfere with such function, including generally limiting residential densities to one unit per 10 acres. The original version of the PGWRA map was hand-drawn in the late 1970s based on mapping of soil types and geological features. This hand-drawn version was certified as part of the LCP. Over the years, site specific evaluations have shown that the currently certified map contains a number of inaccuracies with respect to hydrological features and related technical and other criteria that affect groundwater recharge. The proposed amended map, while based on the same technical criteria as the original map, has been created using more accurate and current (and now digitized) base information and, therefore, more precisely defines appropriate primary groundwater recharge areas than the currently certified hand-drawn map. The proposed amendment is thus based on more current resource information and will enable the County (and the Commission) to better define and protect the County's groundwater recharge areas. Please see Exhibit #1 for proposed map changes.

The purpose of this notice is to advise interested parties of the Executive Director's determination that this proposed LCP amendment is de minimis.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:



California Coastal Commission

October 2007 Meeting in San Pedro

Staff: Susan Craig Approved by:

F15c-10-2007

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3 of the Coastal Act;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis determination, the amendment shall be set for public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting, in this case, on October 22, 2007.

Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The proposed amendment updates and refines the PGWRA map to more accurately describe the primary groundwater recharge areas within Santa Cruz County. The primary effect of this proposed change will be to update the LCP with the most current information with respect to groundwater recharge. Because it results in some areas no longer being mapped for groundwater recharge, and because some other areas that weren't previously mapped are being added to the primary groundwater recharge area, the LCP's groundwater protection policies specific to mapped areas will become applicable for some new areas, and will no longer apply to some others. Under the LUP's groundwater protection policies and restrictions (which are not proposed to be amended), specific siting and design criteria apply to promote onsite percolation and to avoid pollutant loading in groundwater (although specific to areas mapped for groundwater recharge, these same types of requirements typically are applied more generally to proposed development in the County). Perhaps the most specific additional layer of LCP protection afforded the areas mapped for groundwater recharge is that these mapped properties are generally limited to residential densities not to exceed one unit per ten acres (parcels within the LCP's Urban Services Line or Rural Services Line can have greater densities, if otherwise consistent with their underlying LUP designation and zoning and if they are served by an adequate public sewage disposal system).

Under the amended and corrected PGWRA map, the vast majority of the PGWRA would remain the same, but approximately 41 acres in the coastal zone would be added to the PGWRA map and about 63 acres in the coastal zone would be removed from the PGWRA map (see Exhibit #1). The areas added to the map would now be subject to the specific LCP PGWRA map requirements, including the 10-acre density limitation; the areas removed from the map would no longer be subject to these

criteria. If the underlying LCP land use designations and zoning, as well as the properties' resource constraints (e.g., agricultural land, sensitive habitats, steep slopes, etc.) didn't already so limit the 41 acres of properties being added to the map, they would now have the additional 10-acre density limitation applied to them. This could serve to further restrict these properties in terms of potential subdivision and residential development. Conversely, the 63 acres being removed from the map would no longer have this additional 10-acre density limitation, but would continue to be protected against inappropriate development by all other LCP requirements that would continue to apply, including their base LCP land use designation and the applicable LCP resource protection policies. That said, these areas would have slightly fewer constraints in terms of density because the specific PGWRA density limitation would not apply. Holding all else constant and just removing the PGWRA map 10-acre density limitation could be seen as allowing intensification of development on these properties. However, the vast majority of the areas in the coastal zone that would be removed from the PGWRA map due to the proposed amendment are designated residential, as opposed to being designated for commercial agriculture, parks, recreation and open space, or other similar resource protection designations of the LCP. Additionally, any proposed development, including potential subdivision, would be subject to the resource protection policies of the LCP (including agricultural protection policies, biological resource protection policies, viewshed policies, etc.). In other words, these properties are already protected against inappropriate development by the LCP's resource protection policies, and the removal of the PGWRA's 10-acre density limitation will not significantly affect the manner in which they might be developed consistent with the LCP over time. Thus, the proposed amendment will not have an impact on coastal resources, and is consistent with the policies of Chapter 3 of the Coastal Act.

- 2. Provision of public notice:** The County provided public notice in advance of both the Planning Commission hearing (held on April 25, 2007) and the Board of Supervisors hearing (held on June 5, 2007). For the Planning Commission hearing, a newspaper publication notice was printed on April 12, 2007. For the Board hearing, a newspaper publication notice was printed on May 26, 2007. In addition, the County staff reports and proposed mapping changes were also made available on the County's website in advance of the Planning Commission and Board of Supervisors hearings. The amendment submittal was subsequently received by Commission staff on July 9, 2007, thus satisfying the 21-day requirement.
- 3. No change in use of land or allowable use of property:** No change in use or allowable use of property is proposed by this amendment.

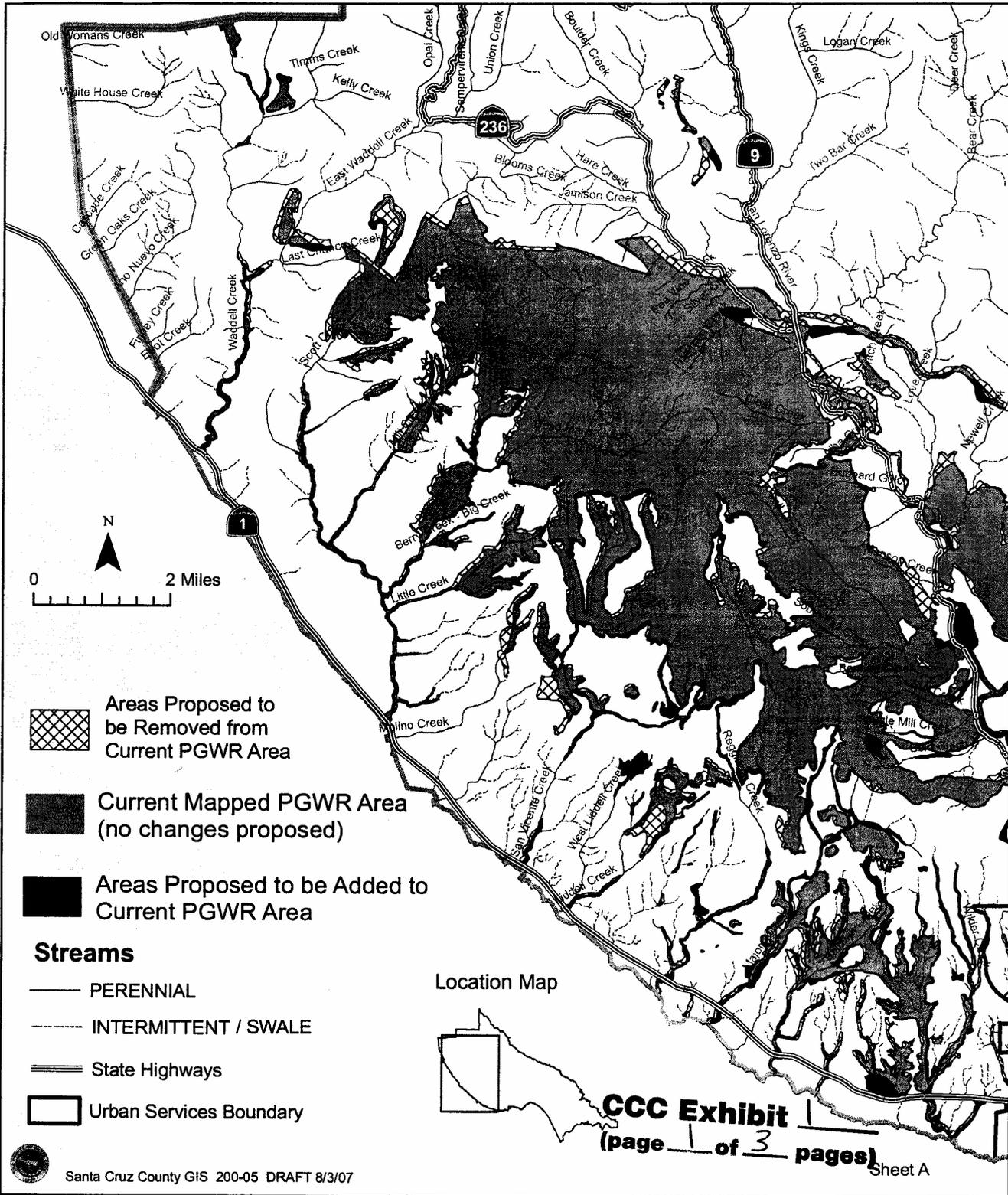
The Executive Director will report this de minimis determination, and any comments received regarding it, to the Coastal Commission at its October 12, 2007 meeting at the Crowne Plaza Los Angeles Harbor Hotel at 601 S. Palos Verdes Street in San Pedro. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Susan Craig at the Central Coast District Office in Santa Cruz. If you wish to comment in writing on the proposed de minimis amendment determination, please do so by October 5, 2007.

Exhibits:

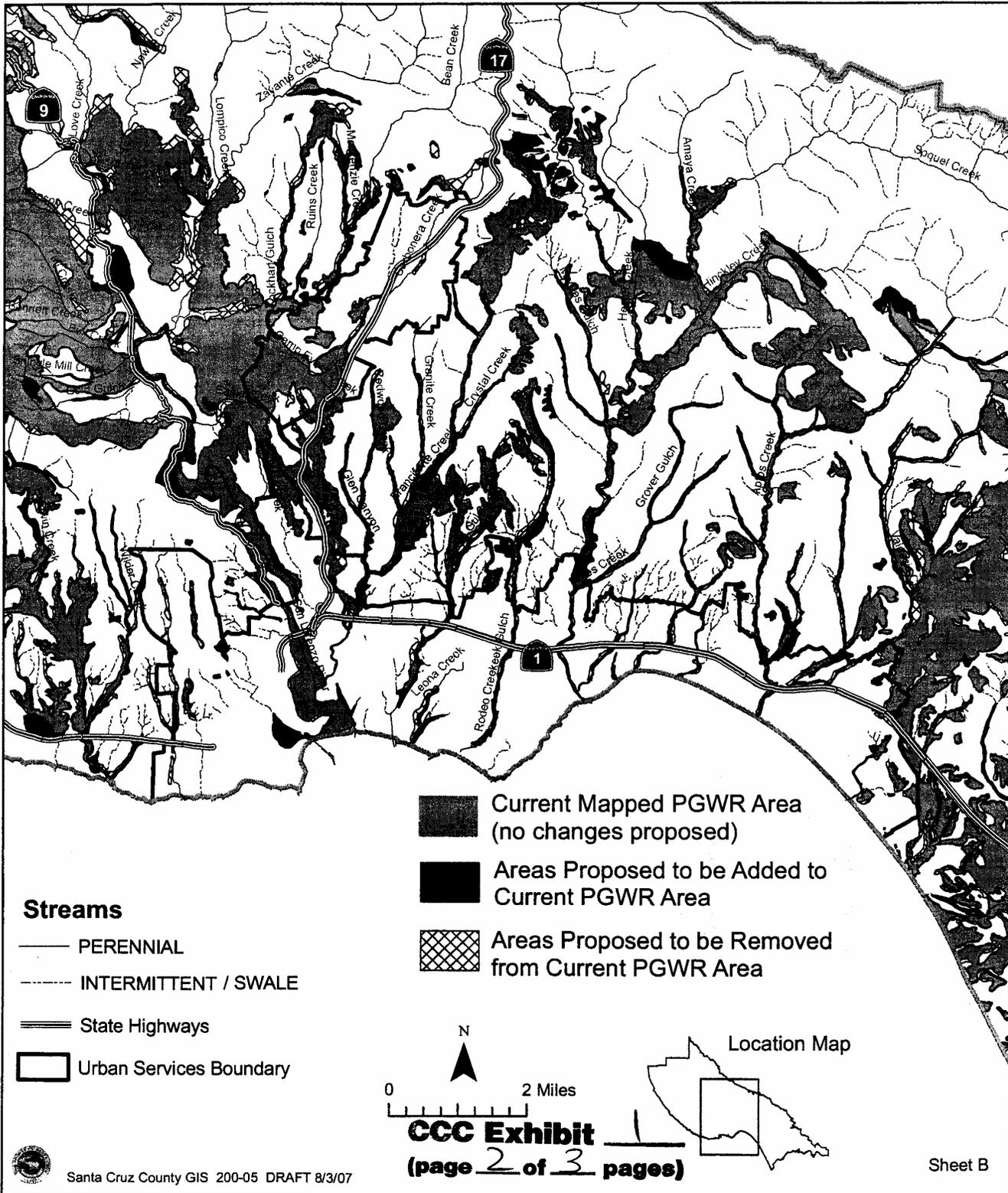
Exhibit 1: Proposed LUP PGWRA Map Changes

Exhibit 2: Santa Cruz County Resolution Adopting Revised PGWRA Map

Primary Groundwater Recharge (PGWR) Area Map Corrections

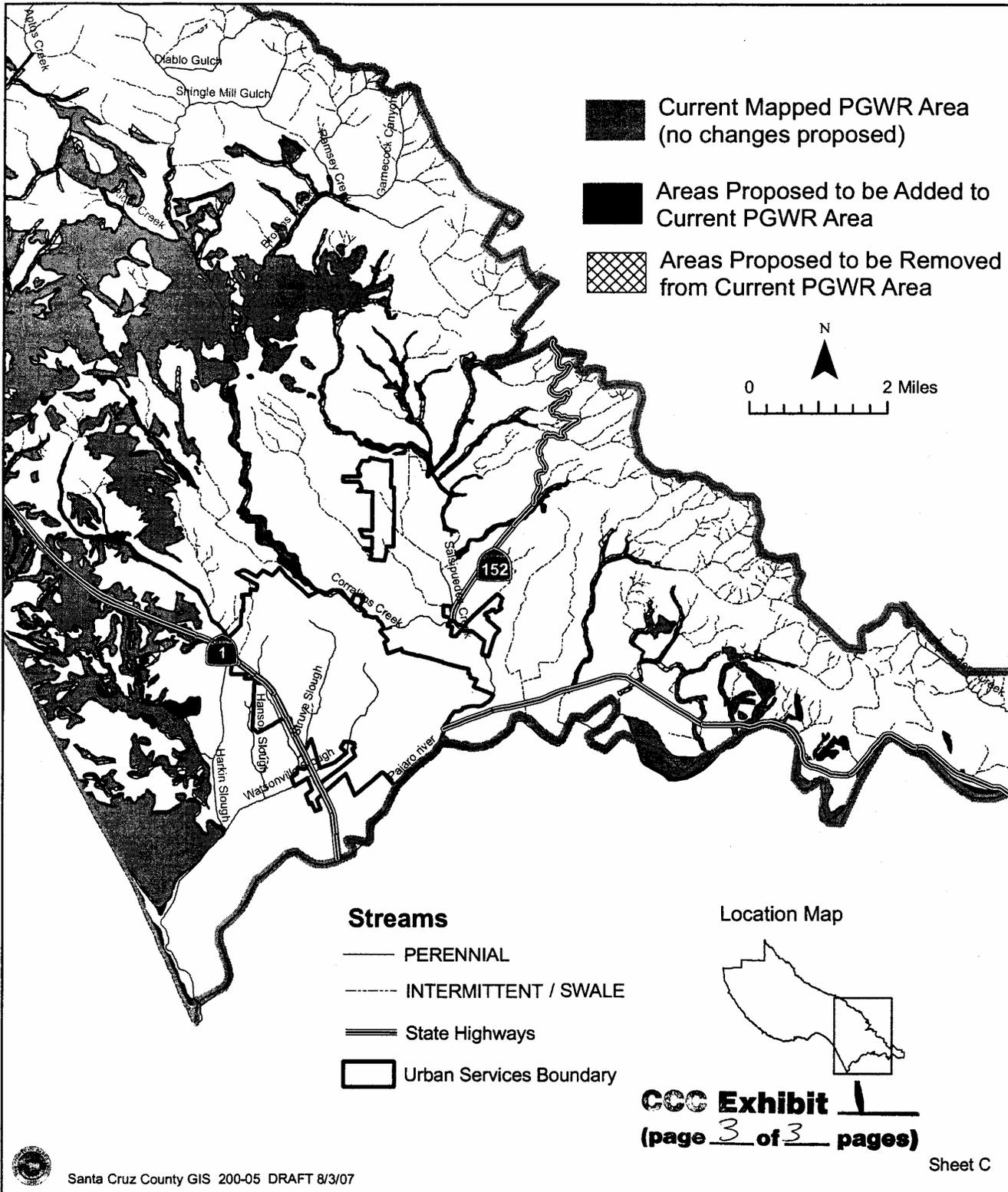


Primary Groundwater Recharge (PGWR) Area Map Corrections



ATTACHMENT 1

Primary Groundwater Recharge (PGWR) Area Map Corrections



ATTACHMENT 1

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 178-2007

On the motion of Supervisor Stone
duly seconded by Supervisor Pirie
the following Resolution is adopted:

**RESOLUTION ADOPTING A GENERAL PLAN/LOCAL COASTAL PROGRAM
AMENDMENT CORRECTING THE COUNTY'S PRIMARY GROUNDWATER
RECHARGE AREAS MAP**

WHEREAS, Primary Groundwater Recharge (PGWR) Areas were defined in the late 1970s as part of the County's Growth Management Program implementation, as those areas "important for capturing and storing water"; and

WHEREAS, because over 80 percent of the potable water used in the County comes from groundwater sources, a number of County land use regulations and policies call for the protection of the recharge areas for our groundwater aquifers, including the County General Plan/Local Coastal Program (LCP); and

WHEREAS, in the 1980s the Board of Supervisors adopted the current PGWR Areas Map as part of the County General Plan/LCP; and

WHEREAS, it was recognized at that time that the PGWR Areas Map was general in nature, and as a result, provisions were made to allow landowners to provide more technical information to update parcel-specific information; and

WHEREAS, it was recognized that, as more accurate information became available, it would be appropriate to adopt whole-sale revisions to the PGWR Areas Map as part of that effort; and

WHEREAS, the original version of the recharge map was hand-drawn based on soil types and underlying geologic rock types, which were later digitized for inclusion in the County's GIS system; and

WHEREAS, in the intervening years, as staff has dealt with technical reports prepared to address parcel-specific conditions, it has become clear that there are a number of general map inaccuracies due to incorrect parcel boundaries and other map features; and

CCC Exhibit 2
(page 1 of 3 pages)

ATTACHMENT 1

WHEREAS, as a result, the County Hydrologist has developed a revised/corrected PGWR Areas Map to reflect more accurate information, which continues to be based on the same technical criteria as the original map, but with more precise, digitally-based soils and geologic information, current information about aquifers, and more accurate topographic information; and

WHEREAS, while no changes are being proposed to the existing PGWR area protection regulations contained in the General Plan/LCP and County ordinances (e.g., the 10-acre minimum lot size in PGWR areas outside the Urban Services Line), the proposed map revisions will result in some areas that are currently designated as PGWR being removed from that designation, and other areas to be newly designated as PGWR that are not currently so designated, resulting in some parcels becoming dividable that currently are not so (or dividable into more parcels), and some parcels that will no longer be able to be subdivided (or subdivided into as many parcels as before); and

WHEREAS, while this could have localized growth-inducing impacts, where some parcels may become dividable into multiple lots of less than 10-acres in size, based upon a detailed analysis staff estimates that on a Countywide basis there will be a slight growth-reducing effect from the proposed PGWR Areas Map correction/update; and

WHEREAS, this proposed General Plan/LCP amendment to adopt the revised/corrected PGWR Areas Map has undergone environmental review and has been found by staff to have no negative environmental impacts, including no growth-inducing impacts and, therefore, a CEQA Negative Declaration is proposed; and

WHEREAS, this proposed General Plan/LCP amendment is consistent with the Santa Cruz County General Plan/LCP, the California Environmental Quality Act and the California Coastal Act; and

WHEREAS, on April 25, 2007, after a duly noticed public hearing, the Planning Commission unanimously voted to recommend Board of Supervisors approval of the proposed General Plan/LCP amendment to adopt the revised PGWR Areas Map, and certification of the proposed CEQA Negative Declaration for this action.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors:

1. Approves the proposed General Plan/LCP amendment to adopt the revised/corrected Primary Groundwater Recharge Areas Map (Exhibit A-1); and
2. Certifies the proposed CEQA Negative Declaration based upon the Initial Study for this project that concludes that the proposed PGWR Areas Map changes will not have a significant impact on the environment; and

ATTACHMENT 1

- 3. Directs the Planning Department to forward this General Plan Amendment to the California Coastal Commission for their consideration of it as a proposed Local Coastal Program – Land Use Plan amendment, with the mapping corrections to become effective upon certification by the Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 5th day of June 2007, by the following vote:

AYES: SUPERVISORS Pirie, Coonerty, Campos, Stone and Beautz
 NOES: SUPERVISORS None
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

ATTEST: GAIL T. BORKOWSKI
 Clerk of the Board

JANET K. BEAUTZ
 Chairperson

APPROVED AS TO FORM: [Signature]
 County Counsel

EXHIBIT:

A-1: Updated Primary Ground Water Recharge Areas Map (reduced scale)

STATE OF CALIFORNIA
 COUNTY OF SANTA CRUZ)
 I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on _____ 20____
 SUSAN A. MAURIELLO, County Administrative Officer
 By: [Signature] Deputy

3

63

CCC Exhibit 2
(page 3 of 3 pages)