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COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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RECEIVED

April 13, 2015

APR 13 2015

California Coastal Commission
Attn: Susan Craig
725 Front Street, Suite 300
Santa Cruz, CA, 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**Subject: Appeal Number A-3-SCO-12-046
R.J. Fambrini and Company, Inc. Replacement Agricultural Well**

Dear Ms. Craig:

This letter is a follow-up to a discussion with Kevin Kahn of your staff earlier today, and provides clarification about the County's Riparian Corridor Protection Ordinance and Policies that are referenced in the staff report prepared for appeal number A-3-SCO-12-046.

The County's Riparian Corridor and Wetlands Protection ordinance is found in Chapter 16.30 of the County Code. Section 16.30.040 describes what areas are to be afforded protection:

No person shall undertake any development activities other than those allowed through exemptions and exceptions as defined below within the following areas:

- (A) Riparian corridors.
- (B) Areas within the urban services line or rural services line which are within a buffer zone as measured from the top of the arroyo. All projects located on properties abutting an arroyo shall be subject to review by the Planning Director. The width of the buffer shall be determined according to the following criteria:

The subject parcel for which the replacement well is proposed is not located within the urban or rural services line, therefore only sub-section (A) of 16.30.040 applies. For a perennial stream such as Liddell Creek, the riparian corridor is defined in Section 16.30.030 (definition 2) as:

Lands extending 50 feet (measured horizontally) out from each side of a perennial stream. Distance shall be measured from the mean rainy season (bankfull) flowline;

Consequently, all development on the subject parcel must be located at least 50 feet from the bankfull flowline. Additional buffers and 10 foot structure setbacks only apply for areas afforded protection under Section 16.30.040(B), which does not apply in this case due to the parcel's location outside of the USL and RSL. Because the replacement well is not proposed to be located within 50 feet of Liddell Creek, the County determined that the development met the requirements of the Riparian Corridor Protection Ordinance and that no Riparian Exception was required.

Finally, we believe that some additional clarification may be needed regarding this matter related to General Plan/LCP Policy 5.2.4. This policy requires buffer setbacks to be identified in the ordinance and to be established based on stream characteristics, vegetation and slopes. These buffer setbacks

are identified in the ordinance under 16.30.040(B). However as previously noted, sub-section (B) does not apply to this project.

In summary, staff did not require a Riparian Exception for this project since the replacement well is located greater than 50 feet from Liddell Creek, and is therefore not located within an area protected by ordinance.

If you have any questions or need additional information, feel free to contact us via email as follows: Ken.Hart@santacruzcounty.us or Kent.Edler@santacruzcounty.us.

Sincerely,



Ken Hart, Principal Planner
Development Review



Kent Edler, Senior Civil Engineer
Environmental Planning

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David S. Kossack, Ph.D.
P. O. Box 268
Davenport, CA 95017

APR 13 2015

Monday, April 13, 2015
dkossack@cruzio.com
831.419.8307

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300

Re: Appeal Number A-3-SCO-12-046

Chair Kinsey and Commissioners:

I want to thank your staff for their work on Appeal Number A-3-SCO-12-046 and for recommending a substantial issue for this appeal. This is an important project, if natural stream flows are to ever be restored, which is necessary for the recovery of in-stream and riparian ecosystems, then existing anthropogenic impacts need to be removed from the watersheds when the opportunity presents itself... and with this project's original well at 'end of life' this was a critical opportunity to move this well to a non-riparian location. I do have three concerns raised in this appeal that I believe were not fully recognized in the staff report that I would like the Commission to address:

1. Use of Emergency Coastal Permit. If an "emergency" permit is to address unforeseeable events then this project did not qualify for an emergency permit. As stated in the County's Staff Report to the Zoning Administrator, "In recent years this well had started to deteriorate due to casing collapse, causing sanding and also recurring blockages of the water supply thereby requiring increasingly frequent maintenance to allow for continued irrigation to prevent crop damage." There was no surprise that this well needed replacement.

Emergency Permits are too often used to make an end run on environmental review, inserting project impacts into the environment that cannot be undone whether or not a formal permit is applied for subsequently. I believe that the Coastal Commission has its own back log of emergency permits to be mitigated. In the present case the emergency permit resulted in a fragmentation of the project (in CEQA terms) allowing the County's LDP to be broken into pieces perceived as insignificant in themselves avoiding the environmental review the project required. I would like the Commission to establish specific guidelines for the application of "Emergency Coastal Permit" that limit these permits to unforeseeable events.

2. The County's failure to notify the owner of the 'real' property where the project is located. Not only did this frustrate the public notice in the review process but it frustrates the due diligence required of a public charity to provide the stewardship these lands deserve, and was clearly needed in the discussion of this project, and it potentially limited the ability of damaged parties (e.g., the appellant and/or the Commission) to address injuries to public trust resources. This LDP should have been denied as incomplete. I would like the Commission to return LDPs that do not include all necessary parties.

3. Section II. F. SUBSTANTIAL ISSUE CONCLUSION, **Information Needed for De Novo Review of Application**


Prior to bringing this matter back for Coastal Commission review at a de novo CDP hearing, the Applicant will need to provide the information necessary to evaluate the project for consistency with the LCP. Absent a biological assessment, including one that describes the well's effect on Liddell Creek streamflow, habitat, and resource values, and one that evaluates alternatives to avoid siting the well in the Liddell Creek riparian corridor (and to avoid any adverse impacts identified in the evaluation) as required by the LCP, the Commission will not be in a position to evaluate the proposed project against these requirements, and does not intend to schedule a hearing until the County and/or the Applicant has developed and provided further information to bridge the analytic gaps that are currently present and associated with the proposed project.

This section speaks to the process that follows the Commission's acceptance of a substantial issue. However neither Section II. F. nor the Staff Report in general discuss the status or operation of the underlying water well that is the subject of this appeal subsequent to the CDP application coming under the jurisdiction of the Commission for *de novo* hearing and action.

The issues raised in this appeal are cumulative impacts: not responding or delaying a response exasperates these on going impacts to public trust resources that the LCP and Coastal Act are intended to protect. In addition to the project's on going dewatering of Liddell Creek and impacts to riparian and in-stream habitats the present phase of California's Climate has striped all resilience from these watersheds.

This appeal was filed in November 2012, almost 2.5 years ago, the applicant was able to waive a timely hearing (49 days) but as appellant I was not able to request a timely hearing; 2.5 years is not a timely hearing for water issues in California. Given that the water well is currently in operation there is nothing to motivate the applicant or the County of Santa Cruz to "develop and provide further information" for a *De Novo* Review. In the absence implicit conditions in the substantial issue/*de novo* hearing process requiring the applicant to discontinue use of this well pending a *de novo* CDP hearing I ask that the Commission and/or its staff issue an explicit Cease and Desist Order barring the operation of the water well identified in Appeal Number A-3-SCO-12-046 (Fambrini Well) until the applicant satisfies the conditions consistent with the Coastal Act.

Thank you for addressing Appeal Number A-3-SCO-12-046.


David Kossack

CALIFORNIA COASTAL COMMISSION

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IMPORTANT NOTE: The Commission will not take public testimony during this phase of the appeal hearing unless at least three Commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

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Appeal Filed: 8/3/2011
 49th Day: Waived
 Staff: Andrew Kim - SC
 Staff Report: 3/26/2015
 Hearing Date: 5/16/2015

**APPEAL STAFF REPORT: SUBSTANTIAL ISSUE
 DETERMINATION ONLY**

Appeal Number: A-3-SCO-12-046

Applicant: R. J. Fambrini and Company, Inc.

Appellant: David Kossack

Local Decision: Approved by the Santa Cruz County Zoning Administrator on October 19, 2012 (Coastal Development Permit (CDP) Application Number 121185)

Project Location: Adjacent to Liddell Creek on property located at 7200-7226 Highway 1 (southeast of Bonny Doon Road about 0.2 miles northeast of its intersection with Highway 1) in the unincorporated north coast area of Santa Cruz County (APN 058-122-13)

Project Description: Replacement agricultural well located about 60 feet from Liddell Creek.

Staff Recommendation: Substantial Issue Exists

SUMMARY OF STAFF RECOMMENDATION

The certified Santa Cruz County Local Coastal Program (LCP) categorically identifies riparian corridors as environmentally sensitive habitat area (ESHA) as that term is understood in the Coastal Act, and does not allow development within 50 feet of a riparian corridor, plus an additional 10-foot buffer, absent approval of an exception subject to strict limiting criteria (akin to a variance).

The County-approved project is located approximately 60 feet from Liddell Creek proper, and within the vegetated riparian corridor surrounding the Creek. Thus, not only is this project not setback from the riparian corridor as required, it is actually located within the protected resource area itself. The County did not grant a riparian exception and did not make the associated required findings to allow for development in the riparian corridor, primarily based on the assertion that a similar well previously existed adjacent to this location.

The Appellant contends that the County's decision is inconsistent with LCP requirements that do not allow developments in the riparian corridor, especially developments which have the potential to disrupt stream flows and potentially harm sensitive and listed species. **Staff believes that the appeal raises a substantial LCP conformance issue related to core LCP coastal resource protection requirements, and recommends that the Commission take jurisdiction over the CDP application for this project.**

The County-approved project allows a well within an LCP-defined riparian corridor ESHA and Sensitive Habitat absent LCP-required findings, and absent information to support such required findings. The County allowed such development by interpreting the well to be a "continuation of pre-existing development" due to the previous presence of a well adjacent to this location. However, the LCP does not allow for a new well to be installed based on such an interpretation. Again, the LCP is very protective of streams and related habitats, and the project has not been shown to be appropriate at this location. In addition, Liddell Creek is an LCP-designated critical water supply stream that is "currently utilized at full capacity" where the LCP prohibits new or expanded water diversions, and it is also designated as critical habitat for the Coho salmon and Steelhead where in-stream flows are to be maintained and, if possible, restored. Thus, the resource issues in question are even more significant in this case. There is no evidence in the County record identifying the potential impacts of the well in these respects.

Thus, Staff recommends that the Commission find a substantial issue and take jurisdiction over the CDP for this project. Prior to bringing the matter back for the de novo portion of the hearing, Staff further recommends that the Applicant be directed to provide a report documenting the impacts of the proposed well on the Liddell Creek and its habitats. The motion and resolution to effect this recommendation are found on page 4 below.

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EXHIBITS

- Exhibit 1: Project Location Map
- Exhibit 2: Project Site Photographs
- Exhibit 3: Santa Cruz County’s Notice of Final CDP Action
- Exhibit 4: Appeal Contentions
- Exhibit 5: Applicable LCP Policies
- Exhibit 6: Coast Dairies & Land Co. Correspondence

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **YES** vote on the following motion. This motion will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SCO-12-046 raises a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a yes vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number 3-SCO-12-046 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION, BACKGROUND AND DESCRIPTION

The County-approved project consists of a replacement agricultural well located immediately adjacent to the original well. The replacement well is located approximately 40 feet southeast of Bonny Doon Road and 0.2 miles from Bonny Doon Road's intersection with Highway 1. The well is approximately 60 feet from Liddell Creek, within an area that is surrounded by dense woodland characterized by willow scrub and oaks with dense underbrush. See **Exhibit 1** for a project location map. See **Exhibit 2** for photos of the project site.

The original well was installed in 1977 pursuant to Coastal Commission CDP A-77-75 (and County Well Permit 19553). The well supplied water for agricultural irrigation to support production on farmland that lies to the southeast on this parcel (APN 058-122-13) and on adjacent parcels (APNs 059-011-10, 11 and 13 and 059-012-02), currently farmed by R.J. Fambrini and Company, Inc.¹ In recent years the original well had started to deteriorate due to casing collapse, causing sand to enter the well water. This resulted in recurring blockages of the water supply, which required increasingly frequent maintenance to allow for continued irrigation to prevent crop damage.

In March of 2012, Landino Drilling Company (acting as the representative for the Applicant) applied to the Santa Cruz County Environmental Health Services Agency to drill a new well to replace the existing failing well so there would be no disruption to water supply. Per previously adopted Categorical Exclusion Orders (as referenced in LCP Implementation Plan (IP) Section 13.20.073 (see **Exhibit 5**)), certain agriculturally-related development, including the installation of water wells for irrigation purposes, is excluded from CDP requirements, including provided that such facilities are located farther than 100 feet from a stream or other coastal body of water. Therefore an alternate location over 100 feet from Liddell Creek was selected for the replacement well and the County issued Well Permits 12-083 and 12-084 (for drilling of a new well and destruction of the failing well, respectively). Because it was farther than 100 feet from Liddell Creek and met the terms of the County's Categorical Exclusion, no CDP was required.

However, that new well came up dry and was abandoned pursuant to County Well Permit 12-344. Therefore, in July of 2012, to prevent further damage to crops, Landino Drilling Company proposed drilling a replacement well immediately adjacent to the original failed well, where a known water supply was available. Although the location of the original well was initially over 100 feet from Liddell Creek when it was installed in 1977, over time the stream migrated in such a way as to be located within 60 feet of the original well site. Therefore, in order to drill a replacement well adjacent to the original well, the Categorical Exclusion did not apply and a CDP was required.

Although the parcel in question is over a thousand acres in size and would likely contain feasible alternate locations where a replacement well might be installed, the Applicant stated to the

¹ The property is owned by Coast Dairies and Land Company, which leases the property to the Applicant.

County that the time and expense required for exploration to find an alternate well site would likely result in the loss of crops due to lack of irrigation. Therefore, the County issued an Emergency CDP on July 19, 2012 to allow for the drilling of a replacement well immediately adjacent to the original failed well and about 60 feet from Liddell Creek. The well was installed shortly thereafter.

See **Exhibit 3** for the following: Coastal Commission CDP A-77-75; County Well Permits 19553, 12-083, 12-084, and 12-344; and the County's 2012 Emergency CDP.

B. SANTA CRUZ COUNTY CDP APPROVAL

On October 19, 2012 the Santa Cruz County Zoning Administrator approved follow-up regular CDP 121185 to recognize the well drilled pursuant to the County's July 2012 Emergency CDP. Notice of the County's final CDP action was received in the Coastal Commission's Central Coast District Office on November 6, 2012. The Coastal Commission's ten-working-day appeal period for this action began on Wednesday November 7, 2012 and concluded at 5pm on Wednesday November 21, 2012. One valid appeal was received during the appeal period (see below). See **Exhibit 3** for the County's Notice of Final Local Action.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it involves development that is located within 100 feet of a stream.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct the de novo portion of the hearing on an appealed project unless a majority of the Commission finds that "no substantial

issue” is raised by such allegations.² Under Section 30604(b), if the Commission considers the CDP de novo and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus this additional finding would not need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicants (or their representatives), persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

In general, the Appellant contends that the County-approved project raises LCP consistency questions relating to protection of sensitive riparian habitat, as well as Liddell Creek streamflow. The Appellant indicates that Liddell Creek is critical habitat for the endangered California Coho salmon and other threatened species, and that the County’s approval did not evaluate the well’s potential impact on these species. In addition, the Appellant also contends that the CDP is not valid because the property owner was wrongly identified by the County, and that because the original well was failing for years, the County’s issuance of an Emergency CDP was not appropriate. See **Exhibit 4** for the complete appeal document.

E. SUBSTANTIAL ISSUE DETERMINATION³

Riparian Habitat/ESHA

The Appellant contends that the drilling of the replacement well will have harmful impacts on the Liddell Creek riparian corridor. The LCP designates Liddell Creek and the area surrounding it both as a Sensitive Habitat and an environmentally sensitive habitat area (ESHA) as that term is understood within a Coastal Act context (LCP Land Use Plan (LUP) Policies 5.1.2(j) and 5.1.3, and LCP Implementation Plan (IP) Chapter 16.32). The area surrounding Liddell Creek is considered ESHA as a riparian corridor (LUP Policies 5.1.2 (j) and 5.2.1 (a)). The riparian

² The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. The Commission’s regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

³ See **Exhibit 5** for cited LCP policies and standards.

corridor includes all areas of riparian vegetation (LUP Policy 5.2.1) to which an additional 50-foot buffer and 10-foot setback are required (LUP Policy 5.2.4 and IP Section 16.30.040). In this case, the County-approved project is located approximately 60-feet from Liddell Creek proper, and it is located within the Liddell Creek riparian corridor itself. Thus, not only is this project not setback from the riparian corridor as required, it is actually located within the protected resource area.

Development within riparian corridors is prohibited absent a Riparian Exception (LUP Policy 5.2.3 and IP Section 16.30.040). Riparian Exceptions are only allowed under very limited circumstances, and are subject to making specific exception findings (IP Section 16.30.060 and IP Chapter 16.32). As a condition of a Riparian Exception, LCP Policy 5.2.3 also requires evidence of approval for development from the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Wildlife (CDFW), and any other federal or state agencies that may have regulatory authority over activities within riparian corridors. In addition, ESHA and Sensitive Habitat are to be preserved, restored, protected against significant disruptions, and any development authorized in or adjacent to them must maintain or enhance the habitat (LCP Objectives and Policies 5.1 et seq. and 5.2 et seq., IP Chapters 16.30 and 16.32). In fact, development in ESHA is limited to resource-dependent development that maintains or enhances the functional capacity of the habitat (LUP Policy 5.1.6), and can only be authorized via a Sensitive Habitat Exception that itself is only allowed if “the exception is necessary for restoration of a sensitive habitat; or it can be demonstrated by biotic assessment, biotic report, or other technical information that the exception is necessary to protect public health, safety, or welfare” (IP Section 16.32.100).

In this case, the County did not authorize a Riparian Exception and did not authorize a Sensitive Habitat Exception. There was also no evidence of approval from the any other federal or state agencies as required. And although LUP Policies 5.1.9 and 5.2.8 require environmental review and a biotic assessment, including preparation of a biotic report for projects that may have significant effects on such resource areas, the project did not include any environmental or biotic assessments, and thus it is unclear what impacts the well may have on the riparian corridor ESHA area.

The LCP also does not allow development within ESHA unless it is determined that there is no feasible less-damaging alternative (LUP Policy 5.1.3(b)). Any development within a Sensitive Habitat may only be allowed if no other alternative exists (LUP Policy 5.1.6) and must be placed as far away from the Sensitive Habitat as possible (LUP Policy 5.1.7). Here, only one alternate location was examined outside of the creek setback, and therefore a full range of options for a feasible less-damaging alternative well location were not explored.

In short, the County approved a well in a riparian corridor ESHA where such development is not allowed unless it can meet exacting Riparian/Sensitive Habitat Exception. The County did not make the LCP-required findings, and approved the project without any information about the effect of the well on the protected habitat areas of Liddell Creek and its riparian corridor. The County-approved project is inconsistent with the LCP on these points, and the appeal raises a substantial LCP consistency issue as a result.

Streamflow/Listed Species

The Appellant contends that the approved replacement well will divert the streamflow of Liddell Creek, with potential harm to listed fish species such as the Coho salmon. A primary objective of the LCP with respect to habitat is to protect and maintain stream flows for the benefit of stream and riparian habitats and the species that are dependent upon these habitats (LUP Objective 5.6). Liddell Creek is designated by the LCP as a Critical Water Supply Stream where new or expanded water diversions are prohibited and where in-stream flows are to be maintained and, if possible, restored (LUP Policy 5.6.2). Liddell Creek is also designated as critical habitat for several listed species (Coho salmon and steelhead) and is also habitat for the California red-legged frog, which is federally listed as threatened. The LCP also requires the protection of individual rare, endangered and threatened species (LUP Policy 5.1.10). Again, see **Exhibit 5** for the identified LCP policies.

The approved project did not include an analysis of the impact of the new well on the streamflow of Liddell Creek, nor was there an assessment of the intensity of the use of the new well and the potential impact on sensitive species in this area. The County justified not requiring an environmental review of the new well because of its location directly adjacent to the failed well, concluding that the new well would have little or no potential to cause an environmental impact due to the limited scale of the project. Furthermore, the County stated that the replacement well will not increase or materially change the output quantity or quality of the water produced (see page 4 of **Exhibit 3**). However, no hydrology or biotic reports were conducted, so it is unclear whether the water from the well is drawing from Liddell Creek or the aquifer and whether the replacement well has increased the intensity of use, or in fact what affect it has on protected resources. In fact, absent evaluation, including the lack of the required environmental analysis/biotic assessment or biotic report, it is unclear whether the replacement well will harm listed species and their habitat.

In short, the County-approved project did not include any assessment of its impact on streamflow and listed species habitat, and the effect of the project on these resources is unclear. The County-approved project is inconsistent with the LCP on these points, and the appeal raises a substantial LCP consistency issue as a result.

Other Contentions

The Appellant contends that the County's CDP is invalid because Coast Dairies and Land Company (CDLC) is the property owner and yet the signatures on the County's CDP application appear to be Mr. Fambrini's. It appears that although the County was aware that CDLC owns the property, that CDLC staff did not give written authorization for the project during the well application or Emergency CDP application processes. However, CDLC staff gave permission, retroactively, to Mr. Fambrini and the well drilling contractor to enter the property for the stated purposes of destroying the original well and drilling a replacement well under County CDP 121185 (see **Exhibit 6**). Thus, this contention does not raise an LCP consistency issue and therefore no substantial issue exists with respect to this contention.

Lastly, the Appellant contends that the issuance of an Emergency CDP for the drilling of the replacement well was not appropriate because the original well had been failing for years and thus there was a sufficient amount of time in which the Applicant could have found another location for the replacement well located outside of the riparian corridor without the need for an

Emergency CDP. However, there is no evidence in the record that clearly shows that an Emergency CDP was improper. The County issued an Emergency CDP in response to what it considered an emergency. The Emergency CDP was for temporary development only, and a follow-up Regular CDP was required to authorize the work done under the Emergency CDP, which is the CDP approval that is the subject of this appeal. Thus, this contention raises no substantial issue.

F. SUBSTANTIAL ISSUE CONCLUSION

Appeal Raises a Substantial Issue

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over the CDP and review the project under the de novo standard. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As described above, the Commission is guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project raises a substantial issue of LCP conformance.

While the extent and the scope of the development are relatively minor, the other four factors are overwhelming. First, the County lacked factual and legal support for its decision. The development is located approximately 60 feet away from Liddell Creek and is entirely within its protected riparian corridor. The County approved the project without the required Riparian/Sensitive Habitat Exception findings, and without the evidence necessary to make the findings. In short, there was clearly inadequate information to make a CDP decision in a location such as this.

Second, the decision was made without a proper assessment of the well’s impact on coastal resources. The County’s approval did not include evaluation of a hydrology or biotic assessment/report to determine if the well would adversely affect creek and riparian habitat and the sensitive and listed species that are known to inhabit the Liddell Creek area. Thus, the project’s effect on the Liddell Creek’s streamflow and associated habitat is unclear.

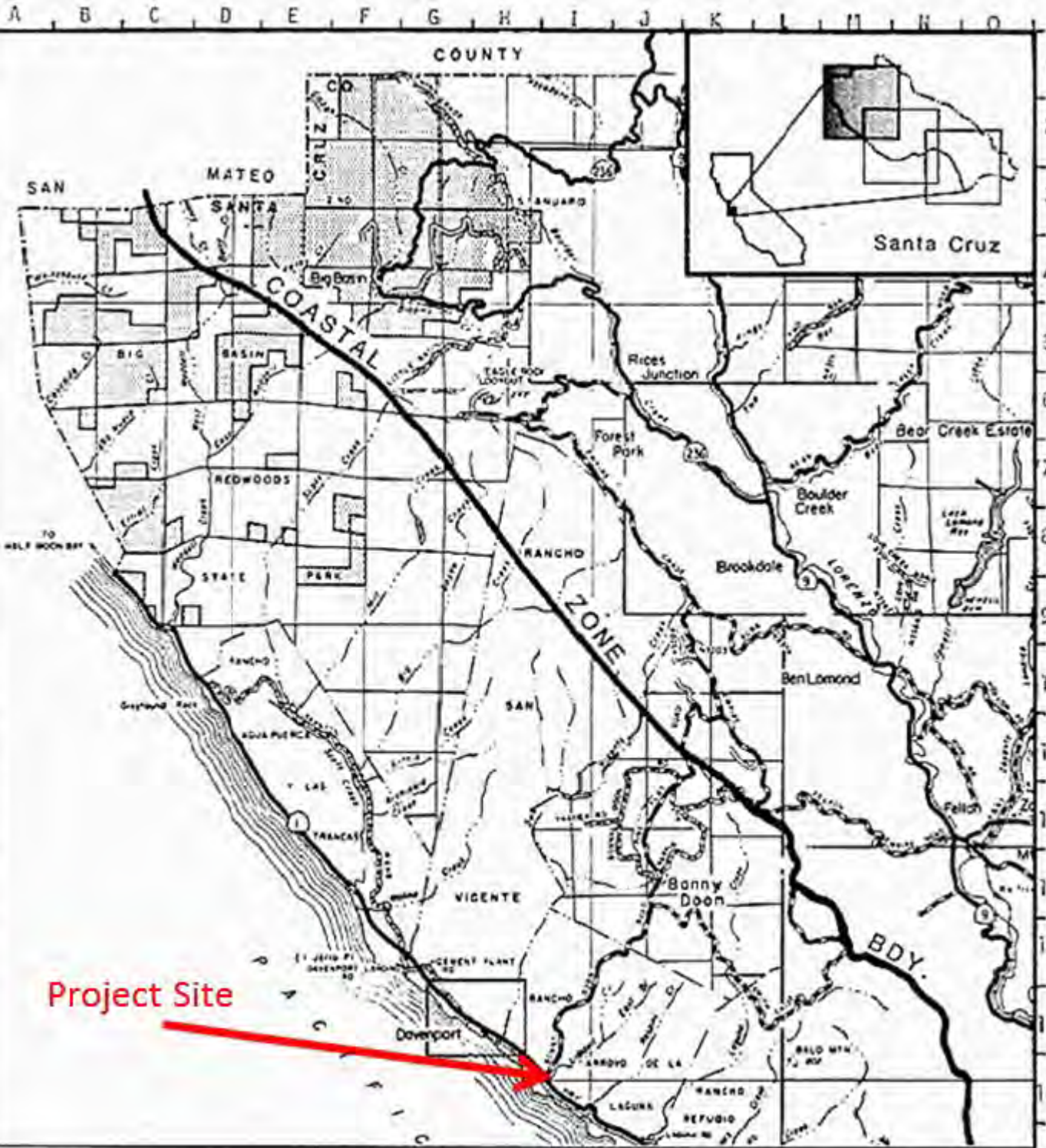
Third, there is considerable precedential danger associated with the County’s decision for future interpretations of its LCP. The County acknowledges that this large parcel would likely contain feasible alternate locations where a replacement well might be drilled outside of the riparian setback, but justifies the approval because of the time and expense required for exploration to find an alternate site. This opens the door for the approval of projects located in ESHAs without the necessary environmental review, LCP-required setbacks, or the use of an exceptions process (if warranted), solely due to economic concerns.

Lastly, development in riparian corridors is an issue of statewide significance. Stream buffers are of particular importance within the Commission's jurisdiction because they are coastal resources. This is evidenced by several protective sections in the Coastal Act (e.g., Sections 30231 (quality shall be maintained), 30240 (protection of ESHA), and 30603 (appealability of local actions)).

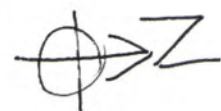
For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-12-046 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Information Needed for De Novo Review of Application

Prior to bringing this matter back for Coastal Commission review at a de novo CDP hearing, the Applicant will need to provide the information necessary to evaluate the project for consistency with the LCP. Absent a biological assessment, including one that describes the well's effect on Liddell Creek streamflow, habitat, and resource values, and one that evaluates alternatives to avoid siting the well in the Liddell Creek riparian corridor (and to avoid any adverse impacts identified in the evaluation) as required by the LCP, the Commission will not be in a position to evaluate the proposed project against these requirements, and does not intend to schedule a hearing until the County and/or the Applicant has developed and provided further information to bridge the analytic gaps that are currently present and associated with the proposed project.



Project Site



INITIAL WELL DRILLED ON WELL PERMIT R-083 THAT CAME UP DRY (NOW REMOVED)



SUBJECT WELL WITH ORIGINAL WELL (CAPPED and now removed)



NEW TOWARDS SUBJECT WELL FROM WEST GATE ON BONNY DOON ROAD



EXISTING WELL THAT LIES EAST OF 'EAST GATE' ADJACENT TO ACCESS ROAD.



ACCESS ROAD THAT IS PARALLEL WITH BONNY DOON ROAD. (DRY WELL ON RIGHT)



ACCESS ROAD

SUBJECT WELL

TD EAST GATE



EAST
GATE



BONNY DOON ROAD



WEST
GATE





WEST GATE

BONNY DOON ROAD

EAST GATE

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: November 5, 2012

Notice Sent (via certified mail) to:

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

FINAL LOCAL ACTION NOTICE
REFERENCE # 0-SCO-12-237
APPEAL PERIOD 11/7-11/21/12

RECEIVED

NOV 06 2012

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Please note the following **Final Santa Cruz County Action** on a coastal permit, coastal permit amendment or coastal permit extension application (all local appeals have been exhausted for this matter):

Project Information

Application No.: 1 21185
Project Applicant: **Lessee:** R. J. Fambrini Inc. **Owner:** Coast Dairies and Land, Attn Tily Shue
Address: PO Box 357 101 Montgomery Street, Ste 900
Davenport, CA 95017 San Francisco, CA 94104
Phone/E-mail: (831) 423 5891 (415) 279 5465
Applicant's Representative: David Landino
Address: PO Box 419
Davenport, CA 95017
Phone/E-mail: (831) 426 4129
Project Location: Property located on the northwest side of Highway 1 (7200-7226 Highway 1) northeast and southwest of Bonny Doon Road

Project Description: Proposal to drill a replacement agricultural well immediately adjacent to the original well (Coastal Development Permit A-77-75), Well Permit #19553 issued March 21, 1978) and within 100 feet of Liddell Creek. Requires a Coastal Development Permit to recognize an Emergency Coastal Development Permit issued July 19, 2012.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:

- Zoning Administrator
- Planning Commission
- Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously sent (date)
Staff Report	X	
Adopted Findings	X	
Adopted Conditions	X	
Site Plans		
Elevations		

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	X	
Geotechnical Reports		
Biotic Reports		
Other:		
Other:		

Coastal Commission Appeal Information

This Final Action is appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast Area Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast Area Office at the address listed above, or by phone at (831) 427-4863.

Copies of this notice have also been sent via first-class mail to:

- Applicant

NOV 08 2012



Staff Report to the Zoning Administrator

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA Application Number: 121185

Applicant: David Landino
Owner: Coast Dairies and Land Co.
Lessee: R. J. Fambrini Inc.
APN: 058-122-13

Agenda Date: October 19, 2012
Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to drill a replacement agricultural well immediately adjacent to the original well (Coastal Development Permit A-77-75, Well Permit #19553 issued March 21, 1978) and within 100 feet of Liddell Creek. Requires a Coastal Development Permit.

Location: Property located on the northwest side of Highway 1 (7200-7226 Highway 1) northeast and southeast of the intersection with Bonny Doon Road.

Supervisory District: 3rd District (District Supervisor: Neal Coonerty)

Permits Required: Coastal Development Permit
Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
• Approval of Application 121185, based on the attached findings and conditions.

Exhibits

- A. Project plans
B. Findings
C. Conditions
D. Categorical Exemption (CEQA determination)
E. Assessor's, Location, Zoning and General Plan Maps
F. Emergency Coastal Permit issued 7/19/12, Well Permits and Reports
G. Agricultural Lease

Parcel Information

Parcel Size: 1,470 acres (approx.)
Existing Land Use - Parcel: Agriculture/undeveloped land.
Existing Land Use - Surrounding: Agriculture/undeveloped land, quarry, timberland and Residential/Commercial (Davenport)
Project Access: Bonny Doon Road
Planning Area: Bonny Doon

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Land Use Designation: A (Agriculture)
Zone District: CA-P (Commercial Agriculture with Agricultural Preserve zone district)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence at project site
Soils: N/A
Fire Hazard: N/A
Slopes: N/A
Env. Sen. Habitat: Mapped Biotic, within 100 feet of Liddell Creek, riparian vegetation present.
Grading: No grading proposed
Tree Removal: No trees proposed to be removed, branches cut for access
Scenic: Mapped resource but no impact on scenic viewshed
Drainage: No change to existing drainage patterns
Archeology: No physical evidence on site

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: N/A
Sewage Disposal: N/A
Fire District: Santa Cruz County Fire Protection District
Drainage District: Outside

Project Setting

The replacement well is located approximately 40 feet southeast of Bonny Doon Road and approximately 60 feet from Liddell Creek, within a previously cleared area that is surrounded by dense woodland characterized by willow scrub and oaks with dense underbrush. The site is accessed by a dirt road that parallels Bonny Doon Road and that runs between two gated access points. This road was established in the 1970's for the maintenance of the wells in this location.

History

The original well in this location was installed in 1977 following the issuance of Coastal Development Permit A-77-75 by the California Coastal Zone Conservation Commission, and subject to Well Permit 19553, issued by the County Environmental Health Services Agency. The well supplied water for agricultural irrigation to support production on farmland that lies to the southeast on this parcel and on adjacent parcels 059-011-10, 11 and 13 and 059-012-02, currently farmed by R.J. Fambrini Inc. In recent years this well had started to deteriorate due to casing collapse, causing sanding and also recurring blockages of the water supply thereby requiring increasingly frequent maintenance to allow for continued irrigation to prevent crop damage.

In March of this year Landino Drilling Company applied to the Environmental Health Services Agency to drill a new well to replace the existing well so that there would be no disruption to the water supply. Agriculturally related development, including the installation of water wells for irrigation purposes, is excluded from Coastal Development Permit requirements, except where such facilities are located within 100 feet of a stream or other coastal body of water. Although the original location of the well was over 100 feet from Liddell Creek, because of the migration of the stream to within 60 feet of the well a well permit could not be issued to drill in this same location without prior approval of a Coastal Development Permit. Therefore an alternate location that was over 100 feet from Liddell Creek was selected, some 30 feet northeast of the original location, and Well Permit 12-083 was issued subject to a Notice of Coastal Exclusion. The new well came up dry and therefore, in July of this year, to prevent further damage to the crops, Landino Drilling Company proposed drilling a replacement well immediately adjacent well in a location where a known water supply was available.

Although this parcel is over a thousand acres in size and would likely contain feasible alternate locations where a replacement well might be dug, the time and expense required for exploration to find an alternate site would likely have resulted in the loss of crops on the adjacent farmland. Therefore, an Emergency Coastal Development Permit was issued on July 19, 2012 to allow for the drilling of a replacement well within 100 feet of Liddell Creek, immediately adjacent to the original failing well. The well was installed shortly thereafter under original Well Permit 12-083 and the original well was abandoned under Well Permit 12-084 in compliance with County Code section 7.70.100. Subsequently Well Permit 12-344 was issued for the abandonment of the new well that proved to be unproductive.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 1,470 acres, located in the CA-P (Commercial Agriculture with Agricultural Preserve) zone district, a designation which allows Agricultural uses. The proposed agricultural well is a principal permitted use within the zone district and the zoning is consistent with the site's (A) Agriculture General Plan designation.

The proposed agricultural well will not adversely impact minimum stream flows along Liddell Creek in that the well replaces an existing permitted well that that is located immediately adjacent to the new well. The original failed well has now been de-commissioned. The replacement well will not materially change the impact of the original permitted well on the Liddell Creek watershed in that the delivered water from the new well originates from the same source as the original well and does not increase or materially change the output quantity or quality of the water produced.

The replacement agricultural well will not impact visual resources in the area, change public vistas or destroy the aesthetic value of existing agricultural vistas in that the replacement well is located within an area surrounded by dense vegetation where it is only minimally visible from Bonny Doon Road and cannot be seen from any scenic road turnout, rest stop or vista point.

Local Coastal Program Consistency

As previously noted, agriculturally related development, including the installation of water wells for irrigation purposes, is excluded from Coastal Development Permit requirements, except

where such facilities are located within 100 feet of a stream or other coastal body of water. The original well in this location was legally developed and at the time that it was installed was over 100 feet from Liddell Creek. However, because of the migration of the stream over time, the well is no longer outside this setback area.

Although the new well, which was installed immediately adjacent to the original permitted well that was failing, is located within 100 feet of Liddell Creek, it is sited in a manner that ensures that it is integrated with the character of the surrounding rural area in that the well is almost completely screened from view by existing dense vegetation. Further the replacement well will not significantly impact biotic resources in the area in that only minimal clearing was required along the existing maintenance road to allow for access by drilling equipment and the disturbed area is expected to re-vegetate naturally in a short period of time.

The replacement well will not materially change the impact of the original permitted well on the Liddell Creek watershed in that the delivered water from the new well originates from the same source as the original well and does not increase or materially change the output quantity or quality of the water produced.

The replacement well is required in conjunction with an established agricultural use and supplies farmland on the subject parcel and on adjacent parcels. Agricultural uses are Principal Permitted uses in the CA-P (Commercial Agriculture with Agricultural Preserve zone district) zone district, as well as the General Plan and Local Coastal Program land use designation.

Environmental Review

Environmental Review has not been required for the proposed project since, as proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines in Section 15302: Replacement or Reconstruction of Existing Facilities, in that the replacement of the existing well in the same location has little or no potential to cause environmental impact due to the limited scale of the project. Although minor clearing and cutting of existing vegetation was required to permit access by drilling equipment, no sustainable damage occurred and vegetation is expected to regenerate naturally within a short period of time.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **121185**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

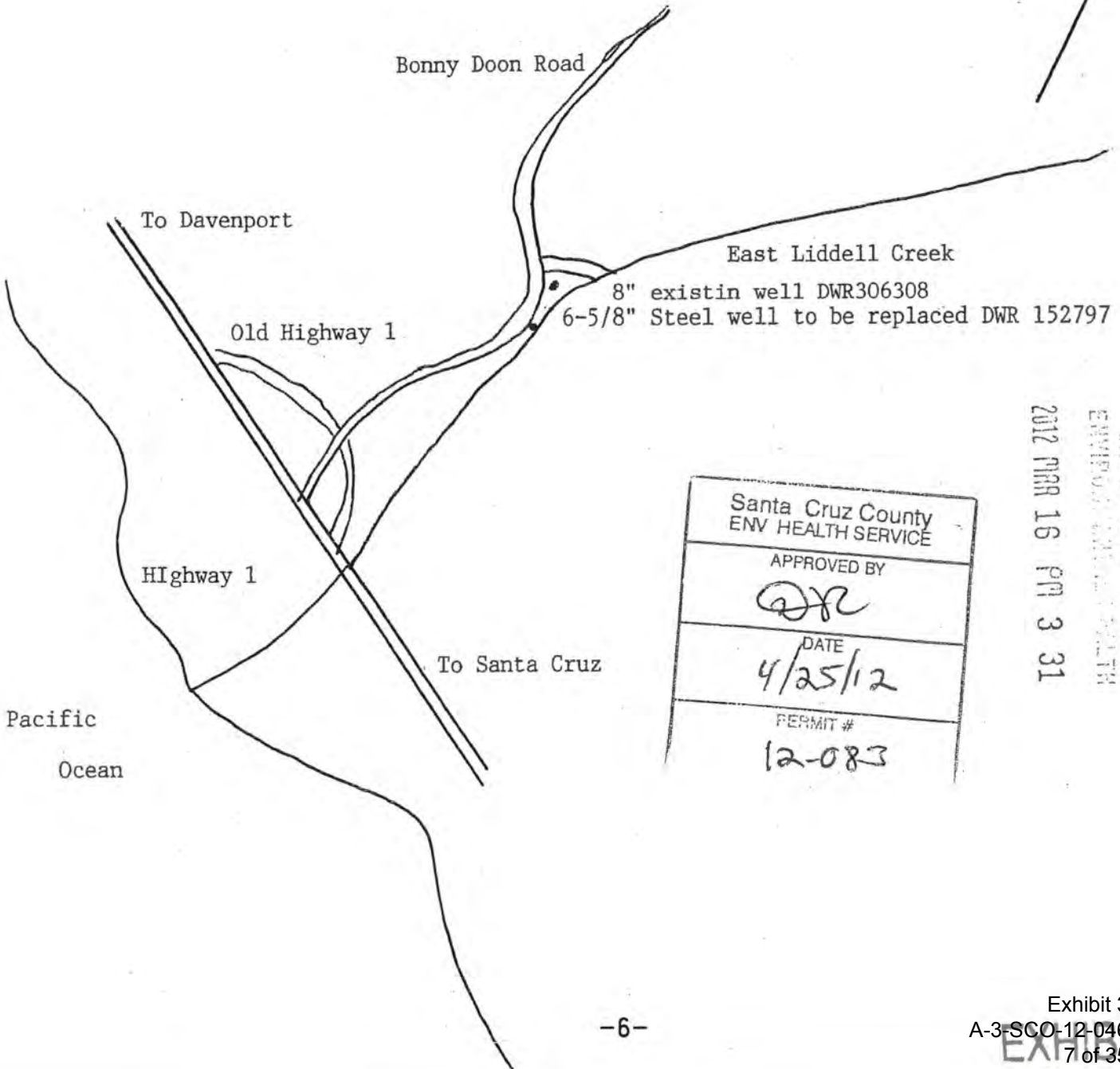
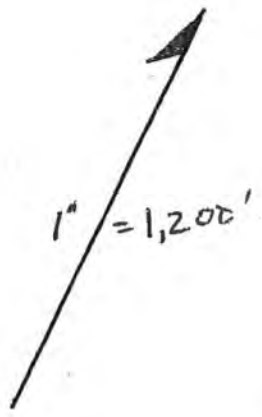
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Lezanne Jeffs
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2480
E-mail: lezanne.jeffs@co.santa-cruz.ca.us

LANDINO DRILLING COMPANY

P.O. Box 419, Davenport, CA 95017
500 Dimeo Lane, Santa Cruz, CA 95060
831-426-4129 Fax 831-426-0525
dave@landinodrilling.com

Coast Dairies & Land Co.
APN 058-122-1013 D.L.S.R 3/23/12
A Portion of.
March 16, 2012



Santa Cruz County ENV HEALTH SERVICE
APPROVED BY <i>[Signature]</i>
DATE 4/25/12
PERMIT # 12-083

2012 APR 16 PM 3 31
SANTA CRUZ COUNTY
ENVIRONMENTAL HEALTH
ROBERTSON

Coastal Development Permit Findings

1. **That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.**

This finding can be made, in that the property is zoned CA-P (Commercial Agriculture with Agricultural Preserve zone district), a designation which allows Agricultural uses. The replacement agricultural well is required to serve existing agricultural production and agricultural uses are a principal permitted use within the zone district. The zoning is consistent with the site's (A) Agriculture General Plan designation.

2. **That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.**

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as no such easements or restrictions are known to encumber this portion of the project site.

3. **That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.**

This finding can be made in that the replacement well is located within an area surrounded by dense vegetation where it is only minimally visible from Bonny Doon Road and cannot be seen from any scenic road turnout, rest stop or vista point. Access to the site is via an existing gate located northeast of the well site and by a dirt road that runs behind a stand of existing vegetation. No trees were removed to access the well site although some willows were trimmed to allow access by drilling machinery. All cut trees and disturbed areas of vegetation alongside of the existing road, which is required to be maintained for the ongoing maintenance of the well, are expected to regenerate naturally within a short period of time.

4. **That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.**

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the agricultural well will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that agriculturally related development, including the installation of water wells for irrigation purposes, is excluded from Coastal Development Permit requirements, except where such facilities are located within 100 feet of a stream or other coastal body of water. An original well had been installed in this location following the issuance of Coastal Development Permit A-77-75 by the California Coastal Zone Conservation Commission and Well Permit 19553 issued by the County Environmental Health Services Agency. At the time that it was installed the well was over 100 feet from Liddell Creek, but because of the migration of the stream over time, the well was no longer outside this setback area.

Although the new well, which was installed immediately adjacent to the original permitted well that was failing, is located within 100 feet of Liddell Creek, it is sited in a manner that ensures that it is integrated with the character of the surrounding rural area in that the well is almost completely screened from view by existing dense vegetation. Further the replacement well will not significantly impact biotic resources in the area in that only minimal clearing was required along the existing maintenance road to allow for access by drilling equipment and the disturbed area is expected to re-vegetate naturally in a short period of time.

The replacement well will not materially change the impact of the original permitted well on the Liddell Creek watershed in that the delivered water from the new well originates from the same source as the original well and does not increase or materially change the output quantity or quality of the water produced.

The subject well is required in conjunction with an established agricultural use and supplies farmland on the subject parcel and on adjacent parcels. Agricultural uses are Principal Permitted uses in the CA-P (Commercial Agriculture with Agricultural Preserve zone district) zone district, as well as the General Plan and Local Coastal Program land use designation.

Development Permit Findings

1. **That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.**

This finding can be made in that the agricultural well is located in an area designated for Agricultural uses and is not encumbered by physical constraints to development. The installation of the well complied with all prevailing technology, the Water Code of the State and any other State or Federal reporting regulations, and Chapter 7.70 of the County Code that regulates the installation of Water Wells to ensure the optimum in safety and the conservation of energy and water resources.

2. **That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.**

This finding can be made, in that the proposed location of the agricultural well and the conditions under which it would be operated or maintained will be consistent with Chapter 7.70 of the County Code that regulates the installation of Water Wells and will be consistent with the purpose of the CA-P (Commercial Agriculture with Agricultural Preserve zone district) zone district in that the primary use of the property is Agricultural and the well is required to serve this use and to prevent crop failure.

3. **That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.**

This finding can be made, in that the replacement agricultural well is required to serve an established agricultural use that is consistent with the use requirements specified for the Agriculture (A) land use designation in the County General Plan.

The proposed agricultural well will not adversely impact minimum stream flows along Liddell Creek as specified in Policy 5.6.1 (Minimum Stream Flows for Anadromous Fish Runs) in that the well replaces an existing permitted well that that is located immediately adjacent to the new well. The original failed well has now been de-commissioned. The replacement well will not materially change the impact of the original permitted well on the Liddell Creek watershed in that the delivered water from the new well originates from the same source as the original well and does not increase or materially change the output quantity or quality of the water produced.

The replacement agricultural well will not impact visual resources in the area as specified in Policy 5.10.2, (Development Within Visual Resource Areas); change public vistas as specified in Policy 5.10. (Protection of Public Vistas) or destroy the aesthetic value of existing agricultural vistas as specified in Policy 5.10.5 (Preserving Agricultural Vistas) in that the replacement well is located within an area surrounded by dense vegetation where it is only minimally visible from Bonny Doon Road and cannot be seen from any scenic road turnout, rest stop or vista point. No trees were removed to access the well site although some willows were trimmed to allow access

by drilling machinery. All cut trees and disturbed areas of vegetation alongside of the existing road, which is required to be maintained for the ongoing maintenance of the well, are expected to regenerate naturally within a short period of time.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the agricultural well was installed to replace an existing well in the same location. The new well is connected to the same power source and will not change the energy requirements that previously existed. The original well has been disconnected from all utilities and de-commissioned in accordance with all County Requirements. No additional traffic will be generated by the well.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made in that the replacement well is located in an area designated for agricultural uses and will serve an existing agricultural operation in the area. The installation of the replacement well will not change the visual character of the rural scenic area in that it is small in size and will almost completely be screened from public viewpoints by dense vegetation.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed Agricultural well will be of a small scale and so will not impact the aesthetic qualities of the surrounding rural scenic area and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Location map prepared by Landino Drilling Company dated March 16, 2012.

- I. This permit recognizes the installation of an agricultural well. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. As a condition of approval of this permit the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. The installed well shall comply with all State and Federal reporting regulations and with chapter 7.70 of the County Code "Water Wells" and as otherwise required by the Environmental Health Services Agency.
 - A. After work has been completed, the person performing the work shall file with the Health Officer a notice of completed work or a copy of the California Department of Water Resources well report. The Health Officer shall make final inspection of the completed work to determine compliance with the well standards.
- III. Both the original failing well and the dry well installed under the original Well Permit 12-083 shall be destroyed under permit methods described in Bulletin No's 74-81 and 74-90 and as set out in section 7.70.100 of the County Code "Well abandonment and destruction—Inactive well".
 - A. The well shall be capped with a fixed cover until the well is properly destroyed.
 - B. The well shall be completely sealed with acceptable sealing material from the true bottom of the well up to five feet of the surface. The casing should be cut off five feet below the surface, with the excavation backfilled by compacted native material.
 - C. No person shall knowingly permit on premises in his or her ownership or possession or control the existence of any abandoned well that constitutes a known or probable pathway for the vertical movement of contaminants.
 - D. Before final inspection of well abandonment permits the well drilling site shall be cleared of all debris and all concrete and slurry residue from well drilling and abandonment operations shall be removed.
 - E. No additional vegetation shall be removed from within the riparian corridor.
- IV. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately

cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100 shall be observed.

V. Operational Conditions

A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
2. COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: October 19, 2012
 Effective Date: November 2, 2012 (plus Coastal Appeal Period)
 Expiration Date: November 2, 2015 " " " "

Wanda Williams Lezanne Jeffs
 Wanda Williams, AICP Lezanne Jeffs
 Deputy Zoning Administrator Planner Project

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number 121185 (APN 058-122-13) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 058-122-13) must sign this form.

Signature of Owner	Print Name	Date

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION**

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 121185
Assessor Parcel Number: 058-122-13
Project Location: No situs at project site

Project Description: Proposal to recognize a replacement agricultural well immediately adjacent to an existing legally constructed well, now de-commissioned, that is within 100 feet of Liddell Creek.

Person or Agency Proposing Project: David Landino, Landino Drilling Co.

Contact Phone Number: (831) 426 4129

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E. **Categorical Exemption**

Specify type: Class 2 - Replacement or Reconstruction of existing facilities (Section 15302)

F. Reasons why the project is exempt:

Construction of a new agricultural well to replace an existing agricultural that is failing and where the original well will be de-commissioned.

In addition, none of the conditions described in Section 15300.2 apply to this project.

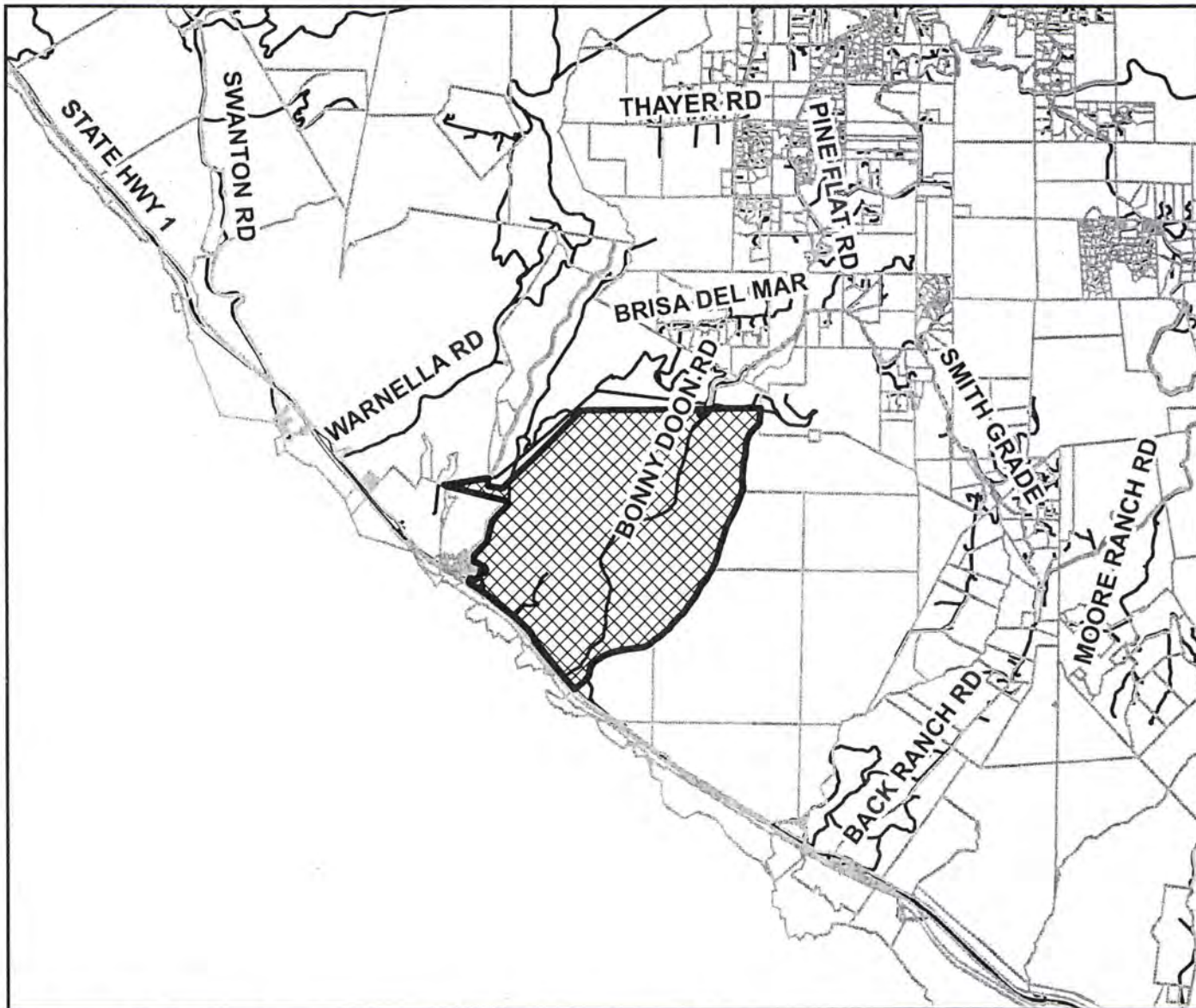


Lezanne Jeffs, Project Planner

Date: October 19, 2012



Location Map



LEGEND

-  APN: 058-122-13
-  Assessors Parcels
-  Streets
-  State Highways

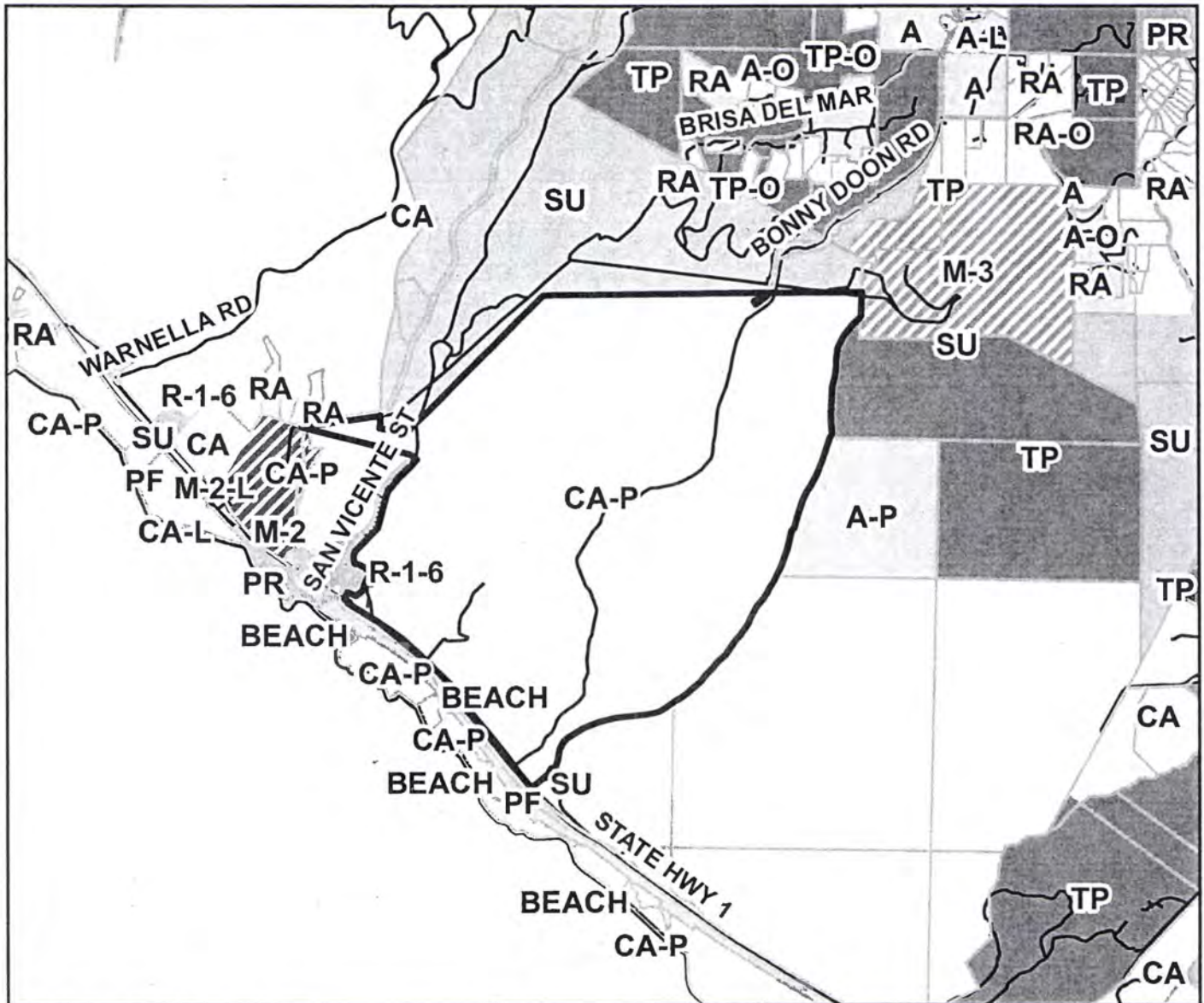


Map Created by
County of Santa Cruz
Planning Department
August 2012

EXHIBIT A
Exhibit 3
A-3-SCO-12-046



Zoning Map



LEGEND

- APN: 056-122-13
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- AGRICULTURE COMMERCIAL
- AGRICULTURE
- AGRICULTURE RESIDENTIAL
- COMMERCIAL-SERVICE
- HEAVY INDUSTRIAL
- MINERAL EXTRACTION
- PARK
- PUBLIC FACILITY
- SPECIAL USE
- TIMBER PRODUCTION
- BEACH

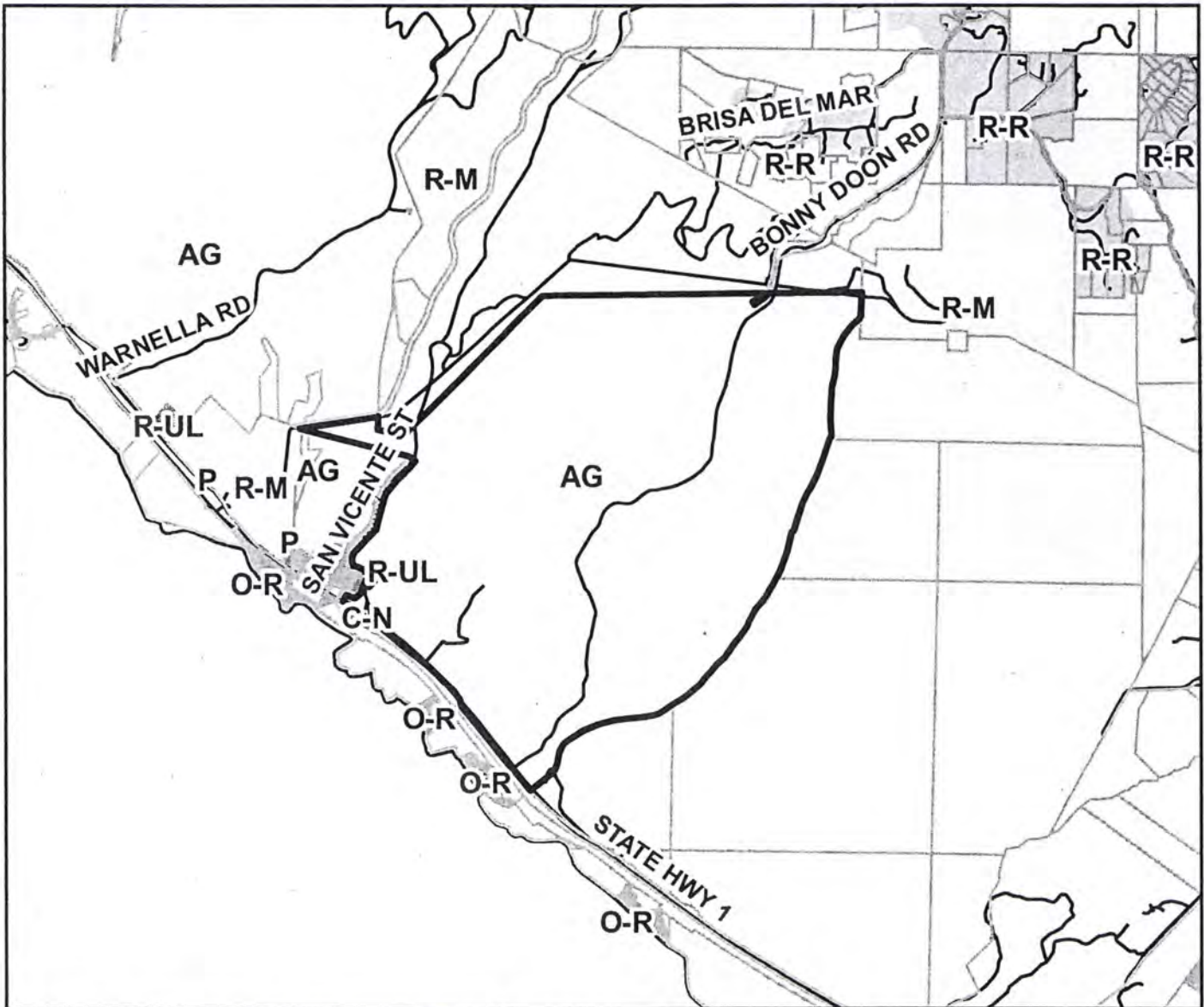


Map Created by
 County of Santa Cruz
 Planning Department
 August 2012

EXHIBIT E
 Exhibit 3
 A-3-SC0-12-046



General Plan Designation Map



LEGEND

	APN: 058-122-13
	Assessor's Parcels
	Streets
	State Highways
	County Boundary
	Agriculture
	Commercial-Neighborhood
	Parks and Recreation
	Public Facilities
	Residential-Mountain
	Residential-Rural
	Residential - Urban Low Density

Map Created by
 County of Santa Cruz
 Planning Department
 August 2012

EMERGENCY COASTAL PERMIT

See 121185.

County of Santa Cruz Planning Department
701 Ocean Street Santa Cruz, CA 95060

Telephone: (408) 454-2260
Fax: (408) 454-2131

COAST DAIRIES PROPERTY, SANTA CRUZ 058-122-13
Owner's Name Assessor's Parcel Number
David Landino Sr For R.J. Fambirni Inc (831) 426 4129
Applicant's Name (lessee) Telephone Number
P.O. Box 419, Davenport CA 95017
Address

Location of Emergency Work: Adjacent to existing well (A-77-75 Coastal Development Permit) on S.E. side of Bonny Doon Rd at about 0.2 miles from Highway 1.
Emergency Caused By: Existing well is failing - casing is disintegrating Replacement well further from creek (Permit 12-083 issued 3/16/12 was dry.
Emergency Status Verified By: Joanna Jeffs / Steve Guiney

Work Authorized: Drill a replacement agricultural well immediately adjacent to the original well and within 100 feet of Liddell creek (Coastal Permit for well A-77-75, well permit # 19553 3/21/78).

IN ACCORDANCE WITH SECTION 13.20.090 OF THE COUNTY CODE, AN EMERGENCY COASTAL ZONE PERMIT MAY BE ISSUED FOR PROJECTS UNDERTAKEN TO PREVENT LOSS OF, OR DAMAGE TO LIFE, HEALTH, OR PROPERTY; OR TO RESTORE, REPAIR, OR MAINTAIN PUBLIC WORKS, UTILITIES, AND SERVICES DURING AND IMMEDIATELY FOLLOWING A NATURAL DISASTER OR SERIOUS ACCIDENT. THE PLANNING DIRECTOR MAY REQUEST, AT THE APPLICANT'S EXPENSE, VERIFICATION BY A QUALIFIED PROFESSIONAL OF THE NATURE OF, AND SOLUTIONS TO, THE EMERGENCY SITUATION.

CONDITIONS OF ISSUANCE:

1. Only the work specifically described above is authorized. Any additional work requires separate authorization. If the scope of work authorized by this permit is exceeded, a notice of violation resulting in civil penalties may be issued.
2. At the time of issuance of this permit, the applicant shall submit a completed application, including the appropriate fees, for a regular permit. Within **90 days of this permit issuance**, all required technical reports and project plans must be submitted unless the Planning Director grants a time extension. Failure to submit the required information will **void** this permit.
3. The work authorized by this permit **must begin within 15 days** of issuance or the permit will be voided.
4. This permit shall **expire 60 days** after issuance.
5. Other Conditions: IF required by Environmental Health

APPLICATION FOR WELL PERMIT

NEW [X] REPLACEMENT [] SUPPLEMENTAL [] DESTRUCTION [] OTHER [] MONITORING WELL []

58-122-13 D.L. 22 (ASSESSOR'S PARCEL NUMBER) 1.000 (PARCEL SIZE) 12-083 8122 (PERMIT #) (ENVISION #) 4669 PROGRAM ELEMENT
SITE ADDRESS Hiway 1 at Bonny Doon Road 1/4 mile from Intersection on Bonny Doon Road
OWNER Coast Dairies & Land Co ADDRESS C/O John Fambrini PO BOX 357 Davenport, CA 95017
DRILLING CONTRACTOR Landino Drilling Co LICENSE # 334499 PHONE 831-426-4129
DIRECTIONS TO SITE From SC turn right on Bonny Doon Road 1st well on right 1/4 mile from Jct.

DESIGN SPECIFICATIONS:

INTENDED USE

DOMESTIC: []
#Homes Served []
WATER SYSTEM WELL: []
Name of Water System []

DISTANCE FROM WELL SITE TO:

SEPTIC SYSTEMS 1 mile
SEWER []
NEAREST PROPERTY LINE 1 mile+
CASING SINGLE [X] DOUBLE []
MATERIAL PVC
TYPE OF JOINT bell
GRAVEL PACK [X]

TYPE OF WELL CONSTRUCTION

ROTARY [X]
CABLE []
DUG []
OTHER []

03/16 CASH REGISTER VALIDATION 0001
#9958 3:24PM E-Beth 0008
PE # 4669 CHECK1 \$1150.00
\$1150.00

ESTIMATED WORK DATES: START w/c COMPLETION

IRRIGATION [X]

COMMERCIAL/INDUSTRIAL []

MONITORING: []

GRDWTR [] VADOSE []

OTHER: (SPECIFY)

WITHIN WATER DISTRICT SERVICE AREA [X] NO YES NAME: (FORM HSA-579-REQUIRED)

CONSTRUCTION DEPTH (FT.) 140 DIAMETER (IN.) 10 DEPTH OF SEAL (FT.) 30 WIDTH OF SEAL (IN.) 3"

EXISTING WELLS ON PROPERTY:

- 1. OTHER WELLS ON PROPERTY: NUMBER: 2 TYPES: DOMESTIC [] IRRIGATION [X] COMMERCIAL USE [] OTHER []
2. CONDITION OF OTHER WELLS ON PROPERTY: IN USE [X] TO BE DESTROYED []
3. IF NEW WELL REPLACES AN EXISTING WELL, INDICATE INTENTIONS FOR USE OF REPLACED WELL:
TO SUPPLEMENT NEW WELL [] TO BE DESTROYED [] OTHER Note Pump/tools in bottom of water well.

WELL DESTRUCTION:

DEPTH OF WELL 105 DEPTH OF SEAL: 30 NUMBER OF WATER FORMATIONS PENETRATED 1
CLEANING OF WELL REQUIRED YES: [] NO: [X] SEALING MATERIAL cement grout DWR 152797

PLOT PLAN: ATTACH 2 COPIES OF PLOT PLAN (SEE REVERSE FOR REQUIREMENTS)

I HEREBY AGREE TO COMPLY WITH ALL LAWS AND REGULATIONS OF THE COUNTY OF SANTA CRUZ AND STATE OF CALIFORNIA PERTAINING TO WELL CONSTRUCTION, AND DECLARE UNDER PENALTY OF PERJURY THE INFORMATION SUBMITTED ON THIS APPLICATION IS TRUE AND CORRECT. I WILL CONTACT THE ENVIRONMENTAL HEALTH SERVICE WHEN I COMMENCE THE WORK. WITHIN 15 DAYS AFTER COMPLETION OF WORK I WILL FURNISH THE ENVIRONMENTAL HEALTH SERVICE A REPORT OF THE WORK PERFORMED AND NOTIFY THEM BEFORE PUTTING THE WELL INTO USE. I UNDERSTAND THAT THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUANCE. I UNDERSTAND APPROVAL OF THE WELL PERMIT DOES NOT INDICATE WHETHER THIS PROPERTY IS SUITABLE FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM OR THAT A PERMIT TO INSTALL SUCH SYSTEM WILL BE GRANTED.

WORKER'S COMPENSATION CERTIFICATE

[X] A CURRENTLY EFFECTIVE CERTIFICATION OF WORKERS COMPENSATION INSURANCE IS ON FILE WITH THIS OFFICE.
INSURANCE CARRIER State Fund POLICY #
I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THIS PERMIT IS ISSUED I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE WORKER'S COMPENSATION LAWS OF CALIFORNIA

PROPERTY OWNER [Signature] DRILLING CONTRACTOR David A. Landino 3/12/12

FOR OFFICE USE ONLY:

ENVIRONMENTAL ASSESSMENT REQUIRED YES [] NO []

METER REQUIRED YES [] NO [] METER INSTALLED [] DATE [] READING []

Table with columns: DATE, EHS SPECIALIST, ANNULAR WELL SEAL WITNESSED: YES DATE, NO DEPTH, SEAL MATERIAL, # SACKS CEMENT/YARD. Includes rows for SITE INSPECTION, APPLICATION APPROVAL, PAD INSPECTION, RECEIPT OF WELL LOG, FINAL.

COMMENTS:

DISTRIBUTION: WHITE - EHS /YELLOW - WELL DRILLER /PINK - FISCAL CONTROL /GOLDENROD - RECEIPT

APPLICATION FOR WELL PERMIT

NEW REPLACEMENT SUPPLEMENTAL DESTRUCTION OTHER MONITORING WELL

058-122-1013 D.L. SR 3/23/12 1,000 12-084 872315 4608
(ASSESSOR'S PARCEL NUMBER) (PARCEL SIZE) (PERMIT #) (ENVISION #) PROGRAM ELEMENT-
SITE ADDRESS Hiway 1 at Bonny Doon Road 1/4 Mile from intersection of Bonny Doon Rd/Hiway 1
OWNER Coast Dairies & Land Co. ADDRESS C/O John Fambrini PO BOX 357 Davenport, CA 95017
DRILLING CONTRACTOR Landino Drilling Co LICENSE #334499 PHONE 831-426-4129
DIRECTIONS TO SITE

DESIGN SPECIFICATIONS:

INTENDED USE

DOMESTIC:
#Homes Served
WATER SYSTEM WELL:
Name of Water System
IRRIGATION
COMMERCIAL/INDUSTRIAL
MONITORING:
GRDWTR
VADOSE
OTHER: (SPECIFY)

DISTANCE FROM WELL SITE TO:

SEPTIC SYSTEMS
SEWER
NEAREST PROPERTY LINE
CASING
SINGLE DOUBLE
MATERIAL
TYPE OF JOINT
GRAVEL PACK

TYPE OF WELL CONSTRUCTION

ROTARY
CABLE
DUG
OTHER

CASH REGISTER VALIDATION

12-083- Replacement well
Done at same time no fee.

ESTIMATED WORK DATES: START w/c COMPLETION

WITHIN WATER DISTRICT SERVICE AREA NO YES NAME: (FORM HSA-579-REQUIRED)
CONSTRUCTION DEPTH (FT.) 185 DIAMETER (IN.) 6-5/8" DEPTH OF SEAL (FT.) 30 WIDTH OF SEAL (IN.) 2

EXISTING WELLS ON PROPERTY:

- 1. OTHER WELLS ON PROPERTY: NUMBER: ? TYPES: DOMESTIC IRRIGATION COMMERCIAL USE OTHER
2. CONDITION OF OTHER WELLS ON PROPERTY: IN USE TO BE DESTROYED
3. IF NEW WELL REPLACES AN EXISTING WELL, INDICATE INTENTIONS FOR USE OF REPLACED WELL:
TO SUPPLEMENT NEW WELL TO BE DESTROYED OTHER

WELL DESTRUCTION: DEPTH OF WELL 185 DEPTH OF SEAL: 30 NUMBER OF WATER FORMATIONS PENETRATED 1
CLEANING OF WELL REQUIRED YES: NO: SEALING MATERIAL cement grout/bentonite chips

PLOT PLAN: ATTACH 2 COPIES OF PLOT PLAN (SEE REVERSE FOR REQUIREMENTS)

I HEREBY AGREE TO COMPLY WITH ALL LAWS AND REGULATIONS OF THE COUNTY OF SANTA CRUZ AND STATE OF CALIFORNIA PERTAINING TO WELL CONSTRUCTION, AND DECLARE UNDER PENALTY OF PERJURY THE INFORMATION SUBMITTED ON THIS APPLICATION IS TRUE AND CORRECT. I WILL CONTACT THE ENVIRONMENTAL HEALTH SERVICE WHEN I COMMENCE THE WORK. WITHIN 15 DAYS AFTER COMPLETION OF WORK I WILL FURNISH THE ENVIRONMENTAL HEALTH SERVICE A REPORT OF THE WORK PERFORMED AND NOTIFY THEM BEFORE PUTTING THE WELL INTO USE. I UNDERSTAND THAT THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUANCE. I UNDERSTAND APPROVAL OF THE WELL PERMIT DOES NOT INDICATE WHETHER THIS PROPERTY IS SUITABLE FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM OR THAT A PERMIT TO INSTALL SUCH SYSTEM WILL BE GRANTED.

WORKER'S COMPENSATION CERTIFICATE

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INSURANCE CARRIER State Fund POLICY #
I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THIS PERMIT IS ISSUED I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE WORKER'S COMPENSATION LAWS OF CALIFORNIA

PROPERTY OWNER John M. Bank DRILLING CONTRACTOR David K. ... 3/16/12

FOR OFFICE USE ONLY:

ENVIRONMENTAL ASSESSMENT REQUIRED YES NO
METER REQUIRED YES NO METER INSTALLED DATE READING
SITE INSPECTION DATE 4/25/12 EHS SPECIALIST ANNULAR WELL SEAL WITNESSED:
APPLICATION APPROVAL DATE 4/25/12 YES DATE
PAD INSPECTION NO DEPTH
RECEIPT OF WELL LOG SEAL MATERIAL
FINAL # SACKS CEMENT/YARD

COMMENTS:

APPLICATION FOR WELL PERMIT

NEW REPLACEMENT SUPPLEMENTAL DESTRUCTION OTHER MONITORING W

0580122-13 (ASSESSOR'S PARCEL NUMBER) 1,000 (PARCEL SIZE) 12-345⁵⁰⁸ 9058 (PERMIT #) (ENVISION #) 4668 PROGRAM ELEMENT
SITE ADDRESS None Near Intersection of Hiway 1 and Bonny Doon Road 1/4 mile on Bonny Doon Rd.
OWNER Coast Dairies & Land Co ADDRESS C/O John Fambrini PO BOX 357 Davenport, CA 95017
DRILLING CONTRACTOR Landino Drilling Co LICENSE # 334499 PHONE 831-426-4129
DIRECTIONS TO SITE _____

DESIGN SPECIFICATIONS:

INTENDED USE

DOMESTIC: _____
#Homes Served _____
WATER SYSTEM WELL: _____
Name of Water System _____
IRRIGATION _____
COMMERCIAL/INDUSTRIAL _____
MONITORING: _____
GRDWTR _____ VADOSE _____
OTHER: _____ (SPECIFY)

DISTANCE FROM WELL SITE TO:

SEPTIC SYSTEMS none
SEWER _____
NEAREST PROPERTY LINE 50'+
CASING _____
SINGLE _____ DOUBLE _____
MATERIAL _____
TYPE OF JOINT _____
GRAVEL PACK _____

TYPE OF WELL CONSTRUCTION

ROTARY
CABLE _____
DUG _____
OTHER _____

ESTIMATED WORK DATES: START _____ COMPLETION _____

CASH REGISTER VALIDATION

no fee
paid
3/16/12
(# 12-083)

WITHIN WATER DISTRICT SERVICE AREA NO YES NAME: _____ (FORM HSA-579-REQUIRED)
CONSTRUCTION DEPTH (FT.) 115 DIAMETER (IN.) 10" DEPTH OF SEAL (FT.) 30 WIDTH OF SEAL (IN.) 2

EXISTING WELLS ON PROPERTY:

- 1. OTHER WELLS ON PROPERTY: NUMBER: ? TYPES: DOMESTIC _____ IRRIGATION COMMERCIAL USE _____ OTHER _____
- 2. CONDITION OF OTHER WELLS ON PROPERTY: IN USE TO BE DESTROYED _____
- 3. IF NEW WELL REPLACES AN EXISTING WELL, INDICATE INTENTIONS FOR USE OF REPLACED WELL:
____ TO SUPPLEMENT NEW WELL ____ TO BE DESTROYED ____ OTHER _____

WELL DESTRUCTION: DEPTH OF WELL 115 DEPTH OF SEAL 30 NUMBER OF WATER FORMATIONS PENETRATED 1
CLEANING OF WELL REQUIRED YES: NO: SEALING MATERIAL _____

PLOT PLAN: ATTACH 2 COPIES OF PLOT PLAN (SEE REVERSE FOR REQUIREMENTS)

I HEREBY AGREE TO COMPLY WITH ALL LAWS AND REGULATIONS OF THE COUNTY OF SANTA CRUZ AND STATE OF CALIFORNIA PERTAINING TO CONSTRUCTION, AND DECLARE UNDER PENALTY OF PERJURY THE INFORMATION SUBMITTED ON THIS APPLICATION IS TRUE AND CORRECT. I WILL COI THE ENVIRONMENTAL HEALTH SERVICE WHEN I COMMENCE THE WORK. WITHIN 15 DAYS AFTER COMPLETION OF WORK I WILL FURNISH THE ENVIRONMI HEALTH SERVICE A REPORT OF THE WORK PERFORMED AND NOTIFY THEM BEFORE PUTTING THE WELL INTO USE. I UNDERSTAND THAT THIS P EXPIRES ONE YEAR FROM DATE OF ISSUANCE. I UNDERSTAND APPROVAL OF THE WELL PERMIT DOES NOT INDICATE WHETHER THIS PROPEI SUITABLE FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM OR THAT A PERMIT TO INSTALL SUCH SYSTEM WILL BE GRANTED.

WORKER'S COMPENSATION CERTIFICATE

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INSURANCE CARRIER _____ POLICY # _____

I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THIS PERMIT IS ISSUED I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE WORKER'S COMPENSATION LAWS OF CALIFORNIA

PROPERTY OWNER John McDaniel DRILLING CONTRACTOR David A. Landino sr 8/22/12

FOR OFFICE USE ONLY:

ENVIRONMENTAL ASSESSMENT REQUIRED YES _____ NO _____

METER REQUIRED YES _____ NO _____ METER INSTALLED _____ DATE _____ READING _____
SITE INSPECTION DATE 8/23/12 EHS SPECIALIST [Signature] ANNULAR WELL SEAL WITNESSED: RECEIVE
APPLICATION APPROVAL DATE 8/23/12 [Signature] well filled w cement (bestonitel type)
PAD INSPECTION [Signature] YES DATE 8/23/12 AUG 28 20
RECEIPT OF WELL LOG [Signature] NO DEPTH 115 ENVIRONME
FINAL DATE 9/6/12 [Signature] SEAL MATERIAL Cement + Flyash HEALTH SFRI
SACKS CEMENT/YARD _____

COMMENTS: _____

DISTRIBUTION: WHITE - EHS /YELLOW - WELL DRILLER /PINK - FISCAL CONTROL /GOLDENROD - RECEIPT



COUNTY OF SANTA CRUZ - PLANNING DEPARTMENT

701 OCEAN STREET, 4th FLOOR - SANTA CRUZ, CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123 PHONE (831) 454-2580

NOTICE OF COASTAL EXCLUSION - COASTAL ZONE
(NO COASTAL DEVELOPMENT PERMIT REQUIRED)

Notice of Coastal Exclusion No. 12-01

Assessor's Parcel Number 058-122-13

Type of Exclusion: Residential Commercial Agriculturally-related (excluding wells)
 Agricultural Well ¹ Land Clearing Lot Line Adjustments Significant Trees Grading

Applicant's Name Coast Service and Land/John Fambriani
Landino Drilling Co

Street Address Bonny Doon Rd, 1/4 mile from Hwy 1

Project Description Replacement Agricultural Well

Other Permits or Approvals	Application Date & Number
Well Permit	3/16/12 - 12-083

NOTE: THIS IS NOT A PERMIT. THIS NOTICE OF EXCLUSION WILL NOT BECOME EFFECTIVE UNTIL ALL OTHER PERMITS AND APPROVALS REQUIRED FOR THE PROJECT HAVE BEEN OBTAINED

The County's determination to issue a Notice of Exclusion may be challenged. If challenged, the Executive Director of the Coastal Commission will review the determination; if he disagrees with the County (i.e., believes that a Coastal Development Permit should be obtained), the Coastal Commission will decide whether a Coastal Development is required.

Date Issued 5/3/12 By: John A. Ri
Planning Department Staff Env. Health
County of Santa Cruz

cc: Applicant
Coastal Commission

¹See reverse side for additional well information.

Agricultural Water Conservation Questionnaire

*It is intended for the growers(s) to fill in this questionnaire.
Please check all that apply, fill in the acreage blanks and sign below.*

I farm the property that will utilize water from the proposed new well; the information included in this Agricultural Water Conservation Questionnaire is correct; I am engaged in the business of raising crops for commercial purposes; and I will implement the irrigation management practices selected in this plan during the growing season.

I am the Landowner-Grower; Lessee-Grower; Other: _____

The amount of acreage that I will farm/operate

- ... will not change after installation of the new well.
- ... will increase after installation of the new well.
- ... will decrease after installation of the new well.
- ... will undergo a crop change after installation of the new well.

- ① **Gross Acres** (All acreage including farm roads, buildings, etc.)
- ② **Net Acres** (Physical field acres, Nurseries, excluding farm roads, buildings, etc.)
- ③ **Crop Acres** (Net Acres multiplied by number of crops per year)
- ④ **Number of Irrigation Wells** (State reason for change in number of wells in box below, i.e., abandoned, newly drilled, well went inactive, well re-activated, added or lost adjacent ranch lands:

Existing	After New Well
50+	50+
40	40
40	40
2	2

John M. Fambrini
Signature

John M. Fambrini
Print Name

4/2/20 831-423-5891
Date Phone No.

COMPANY: R.J.Fambrini & Co
 CONTACT: John Fambrini
 ADDRESS: PO BOX 357
 CITY, STATE ZIP: Davenport, CA 95017

Comments:

I would like my raw data kept confidential.

**Well Application Supplemental Information Sheet
Water Use and Water Conservation Measures**

For well permit application # 12-084, on APN 058-122-13

The Santa Cruz County Well Ordinance (Section 7.70.110) specifies that all well permit applications must specify the parcels proposed to be served, the type of land uses to be served, the estimated annual water use, and the presence of any existing wells which also serve those uses. The Health Officer may require documentation to support the water use estimates provided. For wells which will serve more than four residential connections or which will serve nonresidential uses which can be expected to utilize more than 2 acre-feet of water per year, measures must be taken to ensure that groundwater is put to beneficial use and is not wasted. These may include completion and implementation of a water use efficiency audit, and/or installation of water conservation measures (see attached).

The applicant must provide in writing the following information:

The proposed well is a (circle one): replacement supplemental new

Water will be used for: Residential: Number of Units _____
(Indicate all that apply) Commercial or Industrial (Describe) _____
Irrigation: acreage and crop type: _____
Other: _____

Water will be used on the following parcels: 059-012-02 059-011-10-11-13
State of Calif.

Reasons for Needing Proposed Well (circle all that apply):
New Use Declining Production Declining Water Quality Sanding Casing Collapse Other

Number of other wells on property or serving the property: _____

For each well provide the following information:

Location/Description/APN: Depth: Diameter: Pump Size: Metered Water Usage: Status:

- 1.
- 2.
- 3.

Estimated annual water use from new well will be: _____

Briefly describe how use was estimated (attach back up information as necessary)

List water conservation measures:

1. See following pages
- 2.
- 3.
- 4.
- 5.

in place: to be installed:

Provide a plot plan showing all existing wells on the properties to be served by existing and proposed wells. Provide well logs for existing wells or other information on depth and perforations of existing wells. If the existing well(s) are metered, submit water meter readings from the past two years. Provide estimates for water use, back up calculations and detailed description and documentation of water conservation measures.

John M. Fambkini
Name of Person Preparing Checklist

John M. Fambkini
Signature

4-19-2012
Date

Agricultural Water Conservation Questionnaire

Irrigation Best Management Practices (BMPs)

For Current Condition: please indicate whether or not the management practice was implemented and how many acres (*net acres*) were affected by the practice.

For After Installation: Please indicate whether or not you intend to implement the management practice and how many acres would be affected by the practice.

For guidelines and definitions of terms, please refer to the attached appendix.

<u>Irrigation Management Practices</u>	Current Condition				After Installation			
	Yes	No	N/A	Net Acres	Yes	No	N/A	Net Acres
Water Flowmeter(s)	<input type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<u>40</u>
Time-clock on pump and/or pressure switch on booster	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	<u>40</u>
Use of Soil Moisture Sensors (tensiometer or neutron probe) and/or ET Data (CIMIS)	<input type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	<u>40</u>
Pre-irrigation Reduction	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	_____	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	<u>40</u>
Agricultural Mobile Irrigation Lab	<input type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	_____
Irrigation Efficiency Audit	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	_____
Transplants (for crops not normally transplanted)	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	_____	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	<u>40</u>
Educational Sessions (Applies to all Net Acres. List sessions attended below.)	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	_____	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	<u>40</u>
Conservation Program	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	<u>40</u>
Reuse of Tailwater or Run-off	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<u>40</u>
Recycled Water (PVWMA Recycled Water Project)	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<u>40</u>
Summer Fallow (90 days between Apr.1 and Sep.30) or Other Fallow (210 consecutive days)	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	_____	<input checked="" type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>	<u>40</u>
12-month Set-aside	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<u>40</u>

List other BMPs or innovative ideas that you incorporate on your ranches not listed above (i.e., PAM, drip germination, variety selection, furrow dikes, etc.):

Agricultural Water Conservation Questionnaire

Please complete the chart below listing the number of acres associated with the general crop types and irrigation methods. Record the sum of all listed acres on the Total Acres line below the chart (do not multiply by number of crops per year).

		IRRIGATION METHOD (NET ACRES)								
		Average number of crops per acre	Furrow Only	Sprinkler/Furrow combination	Hand-move sprinkler only	Solid-set or permanent sprinkler	Sprinkler/Drip Combination	Drip Only	Micro-spray/Micro-sprinklers	Linear-Move (overhead)
The Total NET Acres below, must equal your Net Acres from page 1										
Vegetables			30			25	5			
Field Crops (beans, grain, etc.)										
Berries	1.0									
Grapes	1.0									
Tree Crops	1.0									
Forage Crops (alfalfa, pasture, etc.)										
Others:										
Set-aside (fallow)										
		Total Net Acres: 40								

Results of this irrigation method survey provide valuable and unique information regarding the status of irrigation practices in the various watersheds in Santa Cruz County. The intent is that results from this survey will substantiate that adequate measures have or will be implemented to mitigate the potential impacts of the new or replacement well as required in lieu of environmental review for individual well permits.

SANTA CRUZ COUNTY HEALTH SERVICES AGENCY
ENVIRONMENTAL HEALTH SERVICE

19553
Pd

701 Ocean Street - Room 400
Santa Cruz - 425-2341

1430 Freedom Boulevard
Watsonville - 728-2206

APPLICATION TO CONSTRUCT, REPAIR OR DESTRICT A

WATER WELL

Permit No. _____

Fee Paid

Application Date 3/21/77

D 58-122-10
Assessor's Parcel Number

Site Location Santa Cruz County

Directions Corner of Highway 1 and Bonny Boone Rd.

Owner Coast Dairies & Land Co. Address 2611 Mission St. Santa Cruz, Ca.

Drilling Contractor Landino Construction & Well Drilling License # 201380

DESIGN SPECIFICATIONS: Construction Repair Destruction

Intended Use

Domestic, priv.

Domestic, pub.

Irrigation

Industrial

Other _____

Distance from Well Site to:

Septic Tank Systems (ft.) _____

_____ none with in 100 _____

Sewer (ft.) none

Casing

Single Double

Material plastic steel

Type of Joint collared

Gravel Pack

Type of Well

Rotary

Cable

Dug

Other _____

Construction

Depth (ft.) 800

Diameter (in.) 8

Depth of Seal (ft.) 50

Estimated Work Dates

Start will call

Completion _____

REMARKS

As to provide alternate Water Source

I hereby agree to comply with all laws and regulations of the County of Santa Cruz and State of California pertaining to water well construction. I will contact the County Environmental Health Service when I commence the work. Within fifteen days after completion of work I will furnish the Santa Cruz Environmental Health Service a report of the work performed and notify them before putting the well into use.

I understand approval of the Water Well Permit does not indicate whether this property is suitable for an individual sewage disposal system or that a permit to install such system will be granted.

Property Owner [Signature] Drilling Contractor Tony Landino

FOR OFFICE USE ONLY

Approved [Signature]
(signature)

Date 3/21/77

PHD-133 (Rev., 9/75)

Also see well log.

Inspections

Site (initial) _____ (Date) _____

Final (initial) _____ (Date) _____

SANTA CRUZ COUNTY HEALTH SERVICES AGENCY
ENVIRONMENTAL HEALTH SERVICE

701 Ocean Street - Room 400
Santa Cruz - 425-2341

1430 Freedom Boulevard
Watsonville - 728-2206

APPLICATION TO CONSTRUCT, REPAIR OR DESTROY A

WATER WELL

Permit No. _____

Fee Paid

Assessor's Parcel Number _____

Application Date _____

Site Location _____

Directions _____

Owner _____ Address _____

Drilling Contractor _____ License # _____

DESIGN SPECIFICATIONS: Construction Repair Destruction

<u>Intended Use</u>	<u>Distance from Well Site to:</u>	<u>Type of Well</u>
Domestic, priv. <input type="checkbox"/>	Septic Tank Systems (ft.) _____	Rotary <input type="checkbox"/>
Domestic, pub. <input type="checkbox"/>	Sewer (ft.) _____	Cable <input type="checkbox"/>
Irrigation <input type="checkbox"/>	<u>Casing</u>	Dug <input type="checkbox"/>
Industrial <input type="checkbox"/>	Single <input type="checkbox"/> Double <input type="checkbox"/>	Other _____
Other _____		

<u>Construction</u>	<u>Material</u> _____	<u>Estimated Work Dates</u>
Depth (ft.) _____	Type of Joint _____	Start _____
Diameter (in.) _____	Gravel Pack <input type="checkbox"/>	Completion _____
Depth of Seal (ft.) _____		

REMARKS

Sealed to 30' to permit use of shallow water. OK. [Signature] 4/26/78

I hereby agree to comply with all laws and regulations of the County of Santa Cruz and State of California pertaining to water well construction. I will contact the County Environmental Health Service when I commence the work. Within fifteen days after completion of work I will furnish the Santa Cruz Environmental Health Service a report of the work performed and notify them before putting the well into use.

I understand approval of the Water Well Permit does not indicate whether this property is suitable for an individual sewage disposal system or that a permit to install such system will be granted.

Property Owner _____ Drilling Contractor _____

FOR OFFICE USE ONLY

Approved _____
(signature)

Date _____

Inspections
Site (initial) _____ (Date) _____

Final (initial) _____ (Date) _____

CENTRAL COAST
REGIONAL COASTAL ZONE CONSERVATION COMMISSION701 OCEAN STREET, ROOM 310
SANTA CRUZ, CALIFORNIA 95060
PHONE: (408) 426-7390

PERMIT EFFECTIVE

April 11, 1977

Coast Dairies and Land Co.
c/o Robert E. Bosso
323 Church Street
Santa Cruz, CA 95060

Dear Applicant:

Subject: Central Coast Regional
Commission Administrative
Permit No. A-77- 75

The above referenced permit has been reviewed by the Regional Commission at their meeting of April 11, 1977 and a signed copy of the approved permit is in your file. The permit is now effective.

Please note the requirements and conditions of the permit as approved:

- (1) The development under this permit must be commenced within one year of issuance.
- (2) That upon completion of the development authorized by this permit you are required to notify the Regional Commission of such completion on the enclosed form provided for that purpose.
- (3) Additional conditions attached, as sent to you earlier.

Very truly yours,

Edward Y. Brown
Executive Director

HEALTH PERMIT

No. 19553

For WATER WELL expires March 21, 1978

Located at Corner of Highway 1 and Bonny Doone Rd.

Name Coast Dairies & Land Co.

DBA, or APN 58-122-10

Add. c/o Landino Construction
5360 Coast Road
Santa Cruz, California

This permit is to be prominently displayed at place of business, and may be suspended or revoked for cause.

Santa Cruz County HEALTH SERVICES AGENCY

ENVIRONMENTAL HEALTH SERVICE

701 Ocean St., Rm. 400
Santa Cruz, CA 95060

1430 Freedom Blvd.
Watsonville, CA 95076

HEALTH OFFICER

By DANIEL CLAYDON PETERSON

Date March 21, 1977

APN 58-122-10

c/o Landino Construction
5360 Coast Road
Santa Cruz, California

RECEIPT THIS IS NOT A PERMIT

ENVIRONMENTAL HEALTH SERVICE
Ocean Street, Rm. 400, Santa Cruz, CA 95060
1430 Freedom Blvd., Watsonville, CA 95076

***027.00
***027.00
No. 19553

SERVICE	FEE PAID
<input type="checkbox"/> FOOD SERVICE	_____
<input type="checkbox"/> FOOD VENDING	_____
<input type="checkbox"/> FOOD - ITINERANT	_____
<input type="checkbox"/> FOOD - PROCESSING	_____
<input type="checkbox"/> KENNEL	_____
<input type="checkbox"/> PET SHOP	_____
<input type="checkbox"/> ORGANIZED CAMP	_____
<input type="checkbox"/> SWIMMING POOL	_____
<input type="checkbox"/> TRANSFER OF PERMIT	_____
<input type="checkbox"/> PLAN CHECK	_____
Time _____	
<input type="checkbox"/> PENALTY	_____
<input type="checkbox"/> OTHER	_____

SERVICE	FEE PAID
<input type="checkbox"/> DAIRY FARM	_____
<input type="checkbox"/> MILK PLANT	_____
SEWAGE DISPOSAL	
<input type="checkbox"/> INSTALLATION	_____
<input type="checkbox"/> LOT INSPECTION	_____
<input type="checkbox"/> CLEANING	_____
WATER	
<input checked="" type="checkbox"/> WELL CONSTRUCTION <u>check</u>	<u>\$27.00</u>
<input type="checkbox"/> WELL DESTRUCTION	_____
<input type="checkbox"/> PUBLIC WATER SUPPLY	_____
<input type="checkbox"/> INDIVIDUAL WATER SUPPLY	_____

TOTAL AMOUNT RECEIVED \$27.00

Fee Collected By Ralaine Gangloff

Date March 21, 1977

ORIGINAL
File with owner

APN 058-122-10

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

Do Not Fill In

No. 152797

State Well No.

Other Well No.

(1) OWNER:
Name Crest Drilling & Excavation Co.
Address 2611 Mission St. Santa Cruz, Ca.

(11) WELL LOG:
Total depth 205 ft. Depth of completed well 185 ft.
Formations: Describe by color, character, size of material, and structure
ft. or ft. or

(2) LOCATION OF WELL:
County Santa Cruz Owner's number, if any:
Township, Range, and Section T7N R12E S9-122-10
Distances from ditches, creeks, railroads, etc. Close to Highway 1 and
Bearing Drive

0-3 top soil
3-25 sand + gravel
25-65 large gravel
65-205 shale - brown

(3) TYPE OF WORK (check):
New Well Deepening Reconditioning Destroying
If destruction, describe material and procedure in item 11.

(4) PROPOSED USE (check):
Domestic Industrial Municipal
Irrigation Test Well Other

(5) EQUIPMENT:
Rotary
Cable
Other

(6) CASING INSTALLED:
STEEL: OTHER:
SINGLE DOUBLE
If gravel packed:

From ft.	To ft.	Diem.	Gage or Wall	Diameter of Bore	From ft.	To ft.
0	185	6 3/4"	156	10	30	185

Shale - brown
7

Size of shoe or well head: Caf Size of casing: 14"
Describe joint: Call and Seal Butt welded

(7) PERFORATIONS OR SCREEN:
Type of perforation or name of screen

From ft.	To ft.	Perf. per row	Rows per ft.	Size in. x in.
30	50	3	3	
70	90	3	3	
118	125	3	3	
165	185	3	3	

This report made without warranty and subject to contract with owner

(8) CONSTRUCTION:
Was a surface capacity test provided? Yes No To what depth 30 ft.
Were any struts used against pollution? Yes No If yes, note depth of struts

From _____ ft. to _____ ft.
From _____ ft. to _____ ft.
Method of setting _____

Work started 4/18/77 Completed 4/19/77
WELL DRILLER'S STATEMENT:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
NAME Landon Crest Well Drilling
(Firm, firm, or corporation) (Typed or printed)
Address 5360 Crest Rd
San Jose, Ca
[Signed] Tony Landon
(Typed name)
License No. 201380 Dated 4/27/77

(9) WATER LEVELS:
Depth at which water was first found, if known _____ ft.
Standing level before perforating, if known _____ ft.
Standing level after perforating and aerating _____ 3 ft.

(10) WELL TESTS:
Was pump and water? Yes No If yes, by whom _____
Yield _____ gal./min. with _____ ft. drawdown at _____ in.
Temperature of water _____ Was a chemical analysis made? Yes No
Was electric log made of well? Yes No If yes, attach copy _____

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SKETCH LOCATION OF WELL ON REVERSE SIDE

DWR 130 (REV. 3-6-61)

APR 29 1977

SANTA CRUZ COUNTY
ENVIRONMENTAL HEALTH

AGENCY: Department of Parks and Recreation
PROJECT: Coast Dairies property (Wilder Ranch State Park)
LEASE # 715-000-326
LESSEE: John Fambrini

**STATE OF CALIFORNIA – THE RESOURCES AGENCY
DEPARTMENT OF PARKS AND RECREATION**

AGRICULTURAL LEASE

LEASE # 715-000-326

**COAST DAIRIES PROPERTY, SANTA CRUZ COUNTY
(WILDER RANCH STATE PARK)**

THIS LEASE is entered into this 13th day of October 2009, by and between the State of California, acting by and through the Department of Parks and Recreation, hereinafter called STATE, and John Fambrini, hereinafter called LESSEE. The Parties hereto agree to the terms and conditions of this Lease as follows:

TERMS AND CONDITIONS:

1. DESCRIPTION OF THE PREMISES:

STATE hereby leases to LESSEE, and LESSEE hereby hires from STATE approximately 32.1 acres of property located in the County of Santa Cruz, State of California more particularly described as follows:

that certain property used for the production of Brussels sprouts and other vegetable row crops sited within Wilder Ranch State Park on a portion of property known as the Coast Dairies property, which is a portion APN. 059-012-02, situated in the County of Santa Cruz, State of California, and consisting of approximately 32.1 acres as shown on Exhibit A attached hereto and by this reference made a part hereof.

The approximately 32.1 acres shown on Exhibit A, along with any and all existing structures, appurtenances and improvements on such property, and any structures, appurtenances and improvements that may be later constructed on, installed or affixed to the Property during the term of the Lease, any extension thereof or any holdover period shall hereinafter be referred to as the Premises.

Commission Lots (ACL's) designated by the Santa Cruz County Agricultural Commissioner:

ACL 020013 (9 acres); ACL 020014 (13 acres); ACL 010004 (16 acres); ACL 010005 (2 acres);
ACL 010006 (3 acres); and ACL 010003 (4 acres).

2. **Disclaimer of Warranty--Soil Suitability.** Lessor makes no warranty of the soil's suitability for growing the crops Lessee is authorized to grow under this Lease. Lessee shall take all reasonable measures to minimize erosion, protect and conserve top soils and follow all other best soil conservation practices utilized in the area with respect to Lessee's treatment and use of the soils on the Premises.

3. **Lease Subject to Existing Rights of Others.** This Lease is subject to: (a) all existing easements, servitudes, licenses, and rights-of-way for canals, ditches, levees, roads, highways, and telegraph, telephone, and electric power lines, railroads, pipelines, and other purposes, whether recorded or not; and (b) the rights of other lessees under any existing or future oil, gas, and mineral lease or leases from Lessor affecting the entire or any portion of the Premises, whether recorded or not.

4. **Structures.** All structures on the Premises including without limitation, all residential structures and structures incidental thereto, fences, storage structures, barns, and accessory buildings are owned by Lessee. Lessee shall be obligated to perform all necessary repairs, maintenance and replacement of said structures and shall pay for all services and utilities provided thereto. Lessee shall cooperate with the appropriate regulatory agencies to provide access for inspection of all habitable structures on the Premises to ensure compliance with applicable laws. At Lessee's cost and expense, Lessee agrees to take all actions necessary to comply with applicable laws pursuant to said inspections. Lessor shall have no obligation with respect to said structures in any manner, including but not limited to, structural or other repairs, maintenance, or any liability on any ground whatsoever. Lessee shall remove all of said structures, at its sole cost and expense, within thirty (30) calendar days of termination of this

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: November 14, 2012
TO: Kathy M. Previsich, Planning Director
County of Santa Cruz, Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
FROM: Madeline Cavalieri, District Manager
RE: **Commission Appeal No. A-3-SCO-12-046**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: 121185
Applicant(s): R. J. Fambrini Inc.
Description: Proposal to drill a replacement agricultural well immediately adjacent to the original well.
Location: 7200-7226 Highway 1 (Northwest side of Highway 1, northeast and southwest of Bonny Doan Road.), Bonny Doon (Santa Cruz County) (APN(s) 058-122-13)
Local Decision: Approved w/ Conditions
Appellant(s): David Kossack
Date Appeal Filed: 11/13/2012

The Commission appeal number assigned to this appeal is A-3-SCO-12-046. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Santa Cruz's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Daniel Robinson at the Central Coast District office.

Cc: Coast Dairies & Land Company
David Landino

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: David Kossack

Mailing Address: P. O. Box 268

City: Davenport

Zip Code: CA

Phone: 95017

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Cruz

2. Brief description of development being appealed:

Listed as a proposal to drill a replacement agricultural well immediately adjacent to the original well (Coastal Development Permit A-77-75 the well has actually already been drilled. Well Permit #19553 issued March 21, 1978) and within 100 feet of Liddell Creek. Requires a Coastal Development Permit to recognize the Emergency Coastal Development Permit issued on July 17, 2012, but there was no emergency.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

APN: 058-122-13. Property located on the northwest side of Highway 1 (7200-7226 Highway 1) northeast and southeast of the intersection with Bonny Doon Road.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

RECEIVED

NOV 13 2012

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-12-046

DATE FILED: _____

DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 10/19/2012

7. Local government's file number (if any): 121185

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

David Landino, Applicant,
P. O. Box 419
Davenport, CA 95017

however Coast Dairies & Land Co. c/o Tily Shue, TPL actual owner.

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) not known

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

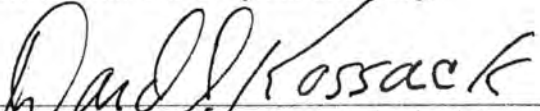
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attached

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 11/10/12

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

David S. Kossack, Ph. D.
P. O. Box 268
Davenport, CA 95017

Thursday, October 18, 2012
(831) 419-8307
dkossack@cruzio.com

Zoning Administrator
County of Santa Cruz

Re: Application # 121185

Commissioner:

Property owner, Coast Dairies and Land, Co. (CDL), is not the applicant, Dave Landino is the contractor. There are signatures on Application 121185's pages 20, 21, 22 identified as Property Owner but it appears to be John Fambrini's signature, CDL's leasee not an officer of CDL. I believe that neither the 2012 well permits nor the present application are valid; the County needs to abandon this application and revoke the 2012 well permits.

There is no mention that the well listed in this application has already been drilled until the very end of the Application. Base upon the failure described it is clear that the 1977 well had been failing for years and that a new water source would have to be found; there was no need for an Emergency Permit. That the first well came up dry should be no surprise, as anyone in rural Santa Cruz County knows 'you pay your money and take your chances'. The application/environmental review did not address the conditions leading up to the well replacement including the considerable length of time available to make 'other arrangements'. The application/environmental review did not discuss the is an opportunity to move a well that is in the riparian zone most likely drawing riparian water to a location out of the floodplain and the opportunity lost by needlessly issuing an emergency permit.


The property owner informed me that CDL was not notified of the application, either by the applicant or the County. I find it, at best, negligent that the County did not inform/confirm the application with CDL. This is of particular concern given the history of CDL's acquisition by Trust for Public Lands (TPL) and the County's continuing involvement in CDL land use. It also says that this document was not properly circulated for public comment. I must say that I also feel that CDL/TPL's "I didn't know" response is simply a failure to carry out their own 'due diligence' including a duty as a public charity receiving millions of state funding and private donations to protect and restore coastal habitat.

Liddell Creek is Critical Habitat for Central California coho, federally listed as endangered. No mention was made about these species or others that depend upon this watershed. The application/environmental document needs to discuss the impacts of this well on riparian species, including loss of riparian habitat due to removal of trees and other vegetation and the demonstrating that water is not riparian such as well logs, draw down and water sampling. The need for a 1600 permit from Dept. of Fish and Game/Wildlife was not addressed in this document.

To disregard the Local Coastal Program (LCP) for 'Ag' when there an opportunity to protect and restore coastal environment only frustrates the intent of the Coastal Commission and duty that the County assumed when approving their LCP. Ag is one of the biggest polluters in California; Ag is one of the biggest water users in California; Ag is a cash cow in sacred cow clothing. Failure to remove this well from the floodplain when the opportunity presents itself is a *cumulative impact* affecting the recovery

salmonids and other species that depend upon coastal watersheds in Santa Cruz County and the Central Coast that was not discussed in this application.

I ask that Application 121185 be rejected and the applicant, who ever that might be, be instructed to remove its well from the Liddell Creek floodplain, and if it is to be replaced any future application instruct that applicant to eliminate riparian water drawn these coastal watersheds.

Sincerely

David Kossack

BIOLOGICAL RESOURCES

Objective 5.1 Biological Diversity

(LCP) To maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.

Policies

5.1.1 Sensitive Habitat Designation

(LCP) Designate the following areas as sensitive habitats: (a) areas shown on the County General Plan and LCP Resources and Constraints Maps; (b) any undesignated areas which meet the criteria (policy 5.1.2) and which are identified through the biotic review process or other means; and (c) areas of biotic concern as shown on the Resources and Constraints Maps which contain concentrations of rare, endangered, threatened or unique species.

5.1.2 Definition of Sensitive Habitat

(LCP) An area is defined as a sensitive habitat if it meets one or more of the following criteria:

- (a) Areas of special biological significance as identified by the State Water Resources Control Board.
- (b) Areas which provide habitat for locally unique biotic species/communities, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests.
- (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f) below.
- (d) Areas which provide habitat for Species of Special Concern as listed by the California Department of Fish and Game in the Special Animals list, Natural Diversity Database.
- (e) Areas which provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines.
- (f) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society.
- (g) Nearshore reefs, rocky intertidal areas, seacaves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves.
- (h) Dune plant habitats.
- (i) All lakes, wetlands, estuaries, lagoons, streams and rivers.
- (j) Riparian corridors.

(See Appendix B for a list of specific habitats and/or species.)

5.1.3 Environmentally Sensitive Habitats

(LCP) Designate the areas described in 5.1.2 (d) through (j) as Environmentally Sensitive Habitats per the California Coastal Act and allow only uses dependent on such resources in these habitats within the Coastal Zone unless other uses are:

- (a) consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public;
- (b) it is determined through environmental review that any adverse impacts on the resource will be completely mitigated and that there is no feasible less-damaging alternative; and
- (c) legally necessary to allow a reasonable economic use of the land, and there is no feasible less-damaging alternative.

5.1.4 Sensitive Habitat Protection Ordinance

(LCP) Implement the protection of sensitive habitats by maintaining the existing Sensitive Habitat Protection ordinance. The ordinance identifies sensitive habitats, determines the uses which are allowed in and adjacent to sensitive habitats, and specifies required performance standards for land in or adjacent to these areas. Any amendments to this ordinance shall require a finding that sensitive habitats shall be afforded equal or greater protection by the amended language.

5.1.5 Land Division and Density Requirements in Sensitive Habitats

(LCP) Allow land divisions in sensitive habitats only when the density and design of the subdivision are compatible with protection of these resources as determined by environmental assessment and applicable County land use and zoning standards. Apply the following land division and density standards to the habitats listed:

- (a) Grasslands - Prohibit land division of native and mixed native grassland habitat mapped in the Coastal Zone unless the area to be divided is removed from the mapped grassland habitat area by General Plan-Local Coastal Program amendment. On parcels with existing mapped native and mixed native grasslands and which contain developable land outside those habitats, allow development at the lowest density of the land use designation and require that development be clustered and located outside the habitat areas. Allow one single family dwelling unit per existing parcel of record. Where property owners upgrade grasslands on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced.
- (b) Special Forests - Prohibit land divisions within designated Special Forests unless the area to be divided is removed from the mapped special forests habitat area by General Plan-Local Coastal Plan amendment. On parcels with existing mapped special forest areas which contain developable land outside that habitat, allow development at the lowest density of the land use designation and require that development be clustered and located outside the habitat areas. Allow one single family dwelling unit per existing parcel of record. Where property owners upgrade special forest areas on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced.

5.1.6 Development Within Sensitive Habitats

(LCP) Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.

5.1.7 Site Design and Use Regulations

(LCP) Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations:

- (a) Structures shall be placed as far from the habitat as feasible.
- (b) Delineate development envelopes to specify location of development in minor land divisions and subdivisions.
- (c) Require easements, deed restrictions, or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels.
- (d) Prohibit domestic animals where they threaten sensitive habitats.
- (e) Limit removal of native vegetation to the minimum amount necessary for structures, landscaping, driveways, septic systems and gardens;
- (f) Prohibit landscaping with invasive or exotic species and encourage the use of characteristic native species.

5.1.8 Chemicals Within Sensitive Habitats

(LCP) Prohibit the use of insecticides, herbicides, or any toxic chemical substance in sensitive habitats, except when an emergency has been declared, when the habitat itself is threatened, when a substantial risk to public health and safety exists, including maintenance for flood control by Public Works, or when such use is authorized pursuant to a permit issued by the Agricultural Commissioner.

5.1.9 Biotic Assessments

(LCP) Within the following areas, require a biotic assessment as part of normal project review to determine whether a full biotic report should be prepared by a qualified biologist:

- (a) Areas of biotic concern, mapped;
- (b) Sensitive habitats, mapped & unmapped.

5.1.10 Species Protection

(LCP) Recognize that habitat protection is only one aspect of maintaining biodiversity and that certain wildlife species, such as migratory birds, may not utilize specific habitats. Require protection of these individual rare, endangered and threatened species and continue to update policies as new information becomes available.

5.1.11 Wildlife Resources Beyond Sensitive Habitats

(LCP) For areas which may not meet the definition of sensitive habitat contained in policy 5.1.2, yet contain valuable wildlife resources (such as migration corridors or exceptional species diversity), protect these wildlife habitat values and species using the techniques outlined in policies 5.1.5 and 5.1.7 and use other mitigation measures identified through the environmental review process.

Programs

- (LCP) a. Maintain, as Appendix B, current plant and animal habitats and species lists as a reference for the General Plan/LCP. Sources for species classification include, but are not limited to: State Water Resources Control Board, Section 15380 of the California Environmental Quality Act, California State Fish and Game Commission and the Special Animals List, Natural Diversity Data Base, United States Fish and Wildlife Service and California Native Plant Society. (Responsibility: Planning Department)
- (LCP) b. Work with State Department of Fish and Game, United States Fish and Wildlife Service and other relevant agencies to ensure adequate protection of biological resources in the County. (Responsibility: Planning Department, Board of Supervisors)
- (LCP) c. Establish a mapping program to determine the boundaries of sensitive habitats based on field mapping of parcel specific conditions: including but not limited to: lakes, lagoons, wetlands, urban riparian corridors and trail routes, rare, endangered or threatened species and unique biotic communities and surrounding areas necessary to protect them. (Responsibility: Planning Department, Fish and Game Commission, Parks, Planning Commission, Board of Supervisors)
- (LCP) d. Once baseline data are computerized, periodically update County maps when biotic and environmental reports are accepted by the County on individual parcels, areas or development projects, or when updated confirmed biotic information is received from any source. (Responsibility: Planning Department, Information Services, Board of Supervisors)
- (LCP) e. Identify and seek funding sources to acquire special sensitive habitats. (Responsibility: Planning Department, Board of Supervisors)

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- (LCP) f. Maintain a Sensitive Habitat Protection ordinance which describes: habitat types, permitted and conditional uses within the habitats, and development standards, consistent with all General Plan, Local Coastal Program and California Coastal Act Sensitive Habitat protection policies. Any amendments to this ordinance shall require a finding that sensitive habitats shall be afforded equal or greater protection by the amended language. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)
- (LCP) g. Determine minimum area requirements for the protection of rare, endangered and threatened species. Integrate biotic review into the timber harvest regulations. Develop a program to enforce performance standards protecting rare, endangered, threatened and unique species. Develop Memoranda of Understanding and similar agreements with state and federal agencies to assist with enforcement of performance standards. (Responsibility: Planning Department, Board of Supervisors)
- (LCP) h. Evaluate those Sensitive Habitats which are affected by agricultural activities to determine their biological importance relative to the importance of the agricultural use and develop programs to resolve conflicts between resource use and protection. (Responsibility: Planning Department, Agricultural Commissioner)
- i. Utilize a prescribed burning program or other means of removing slash to mimic the effects of natural fires in order to reduce the fire hazard to human residents and to enhance the health of biotic communities. (Responsibility: County Fire Marshal, California Department of Forestry)
- j. Prepare a countywide grassland management plan. Develop education programs, grazing management plans, or other solutions where there is evidence of over-grazing in cooperation with Soil Conservation Service, and the Santa Cruz County Resource Conservation District. Develop prescribed burning, grazing, or other measures to preserve grassland, except where an area is being replanted with native trees and a timber management plan has been approved. (Responsibility: Planning Department, Board of Supervisors)
- k. Continue to ensure survival of the endangered Santa Cruz Long-Toed Salamander (SCLTS) through County programs including:
- (1) Maintain the existing salamander protection development criteria in the Sensitive Habitat Protection ordinance.
 - (2) Support of state and federal efforts for habitat preservation at Valencia Lagoon, Ellicott Pond, Seascape Uplands, other known habitat locations, and habitat locations that may be discovered in the future through information obtained in environmental review or other professionally recognized sources.
 - (3) Seek funding for acquisition of lots and development of Habitat Conservation Plans for all known SCLTS habitats.
 - (4) Establish a procedure whereby, upon receiving a development application for an undeveloped parcel within the essential habitat, the County shall notify the California Coastal Commission, Coastal Conservancy, California Department of Fish and Game, U.S. Fish and Wildlife Service and other interested organizations. The County or other agency shall have one year to decide whether to acquire the parcel. If the County and other agencies decide not to acquire the parcel, and if development potential in the essential habitat has not been otherwise eliminated and development cannot be accommodated on the parcel outside the essential habitat, development may proceed consistent with the standards for the area adjacent to the salamander essential habitat and other LCP policies. A security deposit shall be required to ensure compliance with those standards.
 - (5) Delineate SCLTS habitat on County maps and utilize a salamander habitat combining zone district to identify parcels which contain such habitat.
 - (6) Establish inter-agency communication between Planning, Fish and Game, and Fish and Wildlife to determine the success of the current policies in protecting the SCLTS. If current policies are inadequate, implement additional actions as recommended by inter-agency consultation.
- (Responsibility: Planning Department, California Fish and Game Department, County Fish and Game Commission, Board of Supervisors)

1. Establish an education and monitoring program cooperatively with the Department of Fish and Game and other interested agencies to prevent substantial lot disturbance and removal of native vegetation on lots which are currently built out in or adjacent to essential salamander habitat. (Responsibility: Planning Department)

RESTORATION OF DAMAGED SENSITIVE HABITATS

Policies

5.1.12 Habitat Restoration With Development Approval

- (LCP) Require as a condition of development approval, restoration of any area of the subject property which is an identified degraded sensitive habitat, with the magnitude of restoration to be commensurate with the scope of the project. Such conditions may include erosion control measures, removal of non-native or invasive species, planting with characteristic native species, diversion of polluting run-off, water impoundment, and other appropriate means. The object of habitat restoration activities shall be to enhance the functional capacity and biological productivity of the habitat(s) and whenever feasible, to restore them to a condition which can be sustained by natural occurrences, such as tidal flushing of lagoons.

5.1.13 Habitats Damaged From Code Violations

- (LCP) In all cases where a sensitive habitat has been damaged as a result of a code violation, require that restoration of damaged areas be undertaken in compliance with all necessary permits and that the size of the restored area be in compliance with Department of Fish and Game requirements. Such restoration shall include monitoring over time to ensure the success of the restoration effort.

5.1.14 Removal of Invasive Plant Species

- (LCP) Encourage the removal of invasive species and their replacement with characteristic native plants, except where such invasive species provide significant habitat value and where removal of such species would severely degrade the existing habitat. In such cases, develop long-term plans for gradual conversion to native species providing equal or better habitat values.

5.1.15 Priorities for Restoration Funding

- (LCP) Use the following criteria for establishing funding priorities among restoration projects:
- (a) Biological significance of the habitat, including productivity, diversity, uniqueness of area, presence of rare, endangered or unique species, or regional importance (e.g., waterfowl resting areas, etc.).
 - (b) Degree of endangerment from development or other activities, and vulnerability to overuse or misuse.

Programs

- (LCP)
- a. Identify key restoration sites and seek funding to supplement private restoration. (Responsibility: Planning Department, Flood Control Zone 4, POSCS, Public Works)
 - b. Encourage enhancement and restoration of Sensitive Habitats on private lands by providing technical assistance and available resource information to property owners. Work to develop incentives for habitat restoration. (Responsibility: Planning Department, Board of Supervisors, Resource Conservation District)
 - c. Develop a program for control and eradication of feral pigs throughout the County. (Responsibility: Board of Supervisors, State Fish and Game, Fish and Game Commission)

- (LCP) d. Support the City of Santa Cruz and Harbor District in efforts to restore wetland habitat in Lower Arana Gulch and facilitate by encouraging and reviewing any portion of a restoration project under County jurisdiction, consistent with other applicable policies. (Responsibility: Board of Supervisors, Planning Department, Flood Control Zone 4)
- e. Cooperate with AMBAG, Monterey County, San Benito County, and State Department of Fish and Game in the implementation of the Pajaro River Corridor Management Plan and forthcoming Lagoon Management Plan for the lower Pajaro River including specific habitat restoration projects for the Pajaro River and tributaries. (Responsibility: Fish and Game Commission, Public Works, Flood Control Zone 7 and Zone 4)
- f. Work with the City of Watsonville to develop a comprehensive management plan for South County sloughs and wetlands. (Responsibility: Planning Department, Board of Supervisors)
- g. Develop a coordinated review procedure and criteria which protect sensitive habitats as well as meet standards for fire protection. (Responsibility: Fire Agencies, County Fire Marshal, California Department of Forestry, Planning Department)
- h. Encourage the attraction of private capital for purposes of restoration and stewardship of natural resources including vegetation, wildlife, water and soil resources. Assemble an ecological enhancement group to include: land owners, professionals in the fields of planning, natural resources and development for the purpose of creating a resource protection incentives program for consideration by the Board of Supervisors. Recommend to the Board of Supervisors a system of density bonuses, cost savings, or other resource protection incentives based upon:
- (1) The quality and extent of preservation and/or restoration of natural habitat; and
 - (2) Permanent measures for ongoing stewardship of natural resources.
- (Responsibility: Board of Supervisors, Planning Department, Resource Conservation District, Native Plant Society)

Objective 5.2 Riparian Corridors and Wetlands

(LCP) To preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

Policies

5.2.1 Designation of Riparian Corridors and Wetlands

(LCP) Designate and define the following areas as Riparian Corridors:

- (a) 50' from the top of a distinct channel or physical evidence of high water mark of a perennial stream;
- (b) 30' from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams;
- (c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water;
- (d) The landward limit of a riparian woodland plant community;
- (e) Wooded arroyos within urban areas.

Designate and define the following areas as Wetlands:

Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water periodically or permanently. Examples of wetlands are saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The US Army Corps of Engineers, and other federal agencies utilize a "unified methodology" which defines wetlands as "those areas meeting certain criteria for hydrology, vegetation, and soils."

5.2.2 Riparian Corridor and Wetland Protection Ordinance

(LCP) Implement the protection of Riparian Corridors and Wetlands through the Riparian Corridor and Wetland Protection ordinance to ensure no net loss of riparian corridors and riparian wetlands. The ordinance identifies and defines riparian corridors and wetlands, determines the uses which are allowed in and adjacent to these habitats, and specifies required buffer setbacks and performance standards for land in and adjacent to these areas. Any amendments to this ordinance shall require a finding that riparian corridors and wetlands shall be afforded equal or greater protection by the amended language.

5.2.3 Activities Within Riparian Corridors and Wetlands

(LCP) Development activities, land alteration and vegetation disturbance within riparian corridors and wetlands and required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance. As a condition of riparian exception, require evidence of approval for development from the US Army Corps of Engineers, California Department of Fish and Game, and other federal or state agencies that may have regulatory authority over activities within riparian corridors and wetlands.

5.2.4 Riparian Corridor Buffer Setback

(LCP) Require a buffer setback from riparian corridors in addition to the specified distances found in the definition of riparian corridor. This setback shall be identified in the Riparian Corridor and Wetland Protection ordinance and established based on stream characteristics, vegetation and slope. Allow reductions to the buffer setback only upon approval of a riparian exception. Require a 10 foot separation from the edge of the riparian corridor buffer to any structure.

5.2.5 Setbacks From Wetlands

(LCP) Prohibit development within the 100 foot riparian corridor of all wetlands. Allow exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands. Require measures to prevent water quality degradation from adjacent land uses, as outlined in the Water Resources section.

5.2.6 Riparian Corridors and Development Density

(LCP) Exclude land within riparian corridors in the calculation of development density or net parcel size. Grant full density credit for the portion of the property outside the riparian corridor which is within the required buffer setback, excluding areas over 30% slope, up to a maximum of 50% of the total area of the property which is outside the riparian corridor. (See policy 5.11.2.)

5.2.7 Compatible Uses With Riparian Corridors

(LCP) Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception.

5.2.8 Environmental Review for Riparian Corridor and Wetland Protection

(LCP) Require environmental review of all proposed development projects affecting riparian corridors or wetlands and preparation of an Environmental Impact Report or Biotic Report for projects which may have a significant effect on the corridors or wetlands.

5.2.9 Management Plans for Wetland Protection

(LCP) Require development in or adjacent to wetlands to incorporate the recommendations of a management plan which evaluates: migratory waterfowl use December 1 to April 30; compatibility of agricultural use and biotic and water quality protection; maintenance of biologic productivity and diversity; and the permanent protection of adjoining uplands.

5.2.10 Development in Wetland Drainage Basins

(LCP) Require development projects in wetland drainage basins to include drainage facilities or Best Management Practices (BMPs) which will maintain surface runoff patterns and water quality, unless a wetland management plan specifies otherwise, and minimize erosion, sedimentation, and introduction of pollutants.

5.2.11 Breaching of Lagoon, River, Stream or Creek Sandbars

(LCP) Do not permit breaching of lagoon sandbars unless the breaching is consistent with an approved management plan for that wetland, river, stream, or creek system.

Programs

(Also see programs for Maintaining Surface Water Quality in section 5.8. and programs for Biological Diversity and Restoration of Damaged Sensitive Habitats in section 5.1.)

- (LCP) a. Maintain and enforce a Riparian and Wetland Protection ordinance to protect riparian corridors, wetlands, lagoons and inland lakes by avoiding to the greatest extent allowed by law the development in these areas. Maintain a resource management program (Flood Control Zone 4 or similar) to fund protection and restoration of these areas and seek to increase riparian corridor and wetland acreage over the long-term. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)
- b. Establish a program in cooperation with the California Department of Fish and Game to identify and revegetate disturbed areas in riparian corridors with appropriate native species. (Responsibility: Planning Department, Flood Control Zone 4)
- (LCP) c. Cooperate with the City of Santa Cruz and the Harbor District in the evaluation of the Arana Creek Marsh and evaluate other appropriate marsh areas for rare and endangered plants and devise a Biotic Management Plan for their preservation. Investigate ways to return the marshes to their natural state. (Responsibility: Public Works, Port Commission, Flood Control Zone 4)
- (LCP) d. In conjunction with AMBAG, the City of Watsonville, and the State Water Resources Control Board, develop and implement a coordinated resource management plan for the Watsonville Slough system and surrounding wetlands to improve water quality and biological habitat. (Responsibility: Flood Control, Public Works, AMBAG, City of Watsonville, and/or other appropriate agencies)
- (LCP) e. Follow the guidelines in the Pajaro River Corridor and Lagoon Management Plans to improve environmental quality of the riparian corridor and to reduce the risk of flooding to Watsonville and surrounding areas. (Responsibility: Pajaro River Task Force, Public Works, Flood Control Zone 7, Army Corps of Engineers, City of Watsonville, Board of Supervisors, Monterey County, and/or other appropriate agencies)
- f. Review site-specific recommendations in Urban Watersheds Study in connection with the design of drainage and other improvements and the review of development projects in or adjacent to riparian corridors within the Urban Services Line. Incorporate suggested restoration and enhancement measures where practical. Develop long-term plans to implement other suggested measures. (Responsibility: Planning Department, Public Works, Redevelopment Agency, and/or other appropriate agencies)
- (LCP) g. Prepare a map of all wetlands and wetland drainage basins in the County. Seek funding and support for development of management plans for wetlands from state and federal agencies and explore the possibility of establishing a development-funded wetland management program to prepare wetland management plans.

Objective 5.6 Maintaining Adequate Streamflows

To protect and restore in-stream flows to ensure a full range of beneficial uses including recreation, fish and wildlife habitat and visual amenities as part of an ecosystem-based approach to watershed management.

Policies

5.6.1 Minimum Stream Flows for Anadromous Fish Runs

(LCP) Pending a determination based on a biologic assessment, preserve perennial stream flows at 95% of normal levels during summer months, and at 70% of the normal winter baseflow levels. Oppose new water rights applications and time extensions, change petitions, or transfer of existing water rights which would individually diminish or cumulatively contribute to the diminishment of the instream flows necessary to maintain anadromous fish runs and riparian vegetation below the 95%/70% standard.

5.6.2 Designation of Critical Water Supply Streams

(LCP) Designate the following streams, currently utilized at full capacity, as Critical Water Supply Streams: Laguna, Majors, Liddell, San Vicente, Mill and Reggiardo Creeks; San Lorenzo River and its tributaries above the City of Santa Cruz; Soquel Creek and its tributaries; Corralitos Creek and Browns Valley Creek and their tributaries upstream of the City of Watsonville diversion points. Oppose or prohibit as legal authority allows, new or expanded water diversion from Critical Water Supply Streams. Prohibit new riparian or off stream development, or increases in the intensity of use, which require an increase in water diversions from Critical Water Supply Streams. Seek to restore in-stream flows where full allocation may harm the full range of beneficial uses.

5.6.3 New Major Water Supply Projects

(LCP) Ensure the development of new major water supply projects are adequately conditioned to protect beneficial instream uses and riparian habitat. For new major water supply projects located in the Coastal Zone, ensure that no development proceeds unless such projects are adequately conditioned to protect beneficial instream uses and riparian habitat with minimal reliance on technologically-based mitigation measures (e.g., relying on hatchery-raised fish instead of maintaining spawning grounds).

5.6.4 Onstream Storage Reservoirs

(LCP) Prohibit the designation of Scott Creek, Waddell Creek, San Lorenzo River and its tributaries, and Aptos Creek as onstream storage reservoirs.

Programs

- a. Monitor existing and proposed, public and private, stream diversions and applications for water rights. Work with water users to minimize existing impacts where possible and to protect adequate instream flows based on the following considerations:
 - (1) Normal summer and fall streamflows should be preserved and enhanced, where feasible;
 - (2) Adequate winter and spring baseflows should be preserved for fish migration and spawning;
 - (3) Storm flows should be maintained at adequate levels for sediment transport to preserve or enhance downstream habitat, to maintain County beaches, and to allow for natural, seasonal lagoon sand berm breaching.
 - (4) Groundwater recharge areas should be protected.
(Responsibility: State Water Resources Board, Department of Fish and Game)

- b. Protest water right applications that are inconsistent with policies for streamflow protection. (Responsibility: Planning Department, Flood Control Zone 4, Board of Supervisors)

- (LCP) c. Develop a monitoring program to ensure that Statements of Diversion and Water Use are filed by all water users as required by the State Water Resources Control Board, Division of Water Rights. (Responsibility: Planning Department, Flood Control Zone 4, Environmental Health)

- d. Develop a program to enforce the terms and conditions of the Soquel Creek adjudication decree and any other stream adjudications which may occur. (Responsibility: Flood Control Zone 4)

- e. Investigate stream conditions during low flow periods to ensure perennial flow throughout Soquel Creek and the San Lorenzo River. (Responsibility: Planning Department)

- f. Request the intervention of the State Water Resources Control Board, the California Department of Fish and Game, and other interested agencies to evaluate and act on unauthorized surface water diversions and underflow extractions. (Responsibility: County Fish and Game Commission, Planning Department, Flood Control Zone 4, Board of Supervisors)

- (LCP) g. Develop more detailed information on streamflow characteristics, water use, sediment transport, plant and soil moisture requirements, and habitat needs of Critical Water Supply Streams and streams located in the Coastal Zone. Use this information to formulate a more detailed strategy for maintenance and enhancement of streamflows on Critical Water Supply Streams and to better understand the role of streamflows in watershed ecosystems and provide a basis for cooperative management of watershed ecosystems. (Responsibility: Planning Department, Flood Control Zone 4)

- (LCP) h. Coordinate with Environmental Health on the issuance of water well permits in stream sediments to avoid adverse impacts on in-stream flows. (Responsibility: Planning Department, Flood Control Zone 4, Environmental Health)

- i. Coordinate with the Pajaro Valley Water Management Agency to carry out projects that enhance or restore to the maximum extent possible in-stream flows on Corralitos and Browns Creeks. (Responsibility: Planning Department, Board of Supervisors, Flood Control Zone 4)

Title 13

PLANNING AND ZONING REGULATIONS Amended Ord. 5151 Ord. 5152 Ord. 5160 Ord. 5172 Ord. 5181 Ord. 5182

13.20 Coastal Zone Regulations Amended Ord. 5160 Ord. 5182

13.20.073 Agriculturally related development exclusion. Amended Ord. 5160 Ord. 5182

Agriculturally related development as listed below is excluded, on all lands designated agriculture on the General Plan and Local Coastal Program Land Use Plan maps, except within 100 feet of any coastal body of water, stream, wetland, estuary, or lake; within areas between the sea and the first public through road paralleling the sea; or on parcels less than 10 acres in size:

(A) Greenhouses, Soil Dependent. The construction, improvement or expansion of soil dependent greenhouses which comply with the requirements of SCCC 13.10.313(A) and 13.10.636 and are not located on natural slopes of greater than 25 percent nor on sensitive habitat areas as defined in SCCC 16.32.040.

(B) Agricultural Support Facilities. The construction, improvement, or expansion of barns, storage buildings, equipment buildings and other buildings necessary for agricultural support purposes, including facilities for the processing, packing, drying, storage and refrigeration of produce generated on-site; provided, that such buildings will not exceed 40 feet in height; will not cover more than a total of 10,000 square feet of ground area including paving; and will not include agricultural processing plants, greenhouses or mushroom farms. Building construction or expansions of more than 2,000 square feet of ground area in rural scenic corridors shall comply with SCCC 13.20.130(C)(4).

(C) Greenhouses and Mushroom Farms. Improvement and expansion of existing mushroom farms and greenhouses; provided, that such improvements will not exceed 40 feet in height, and will not increase ground coverage by more than 25 percent or 10,000 square feet, whichever is less. Building expansions of more than 2,000 square feet in rural scenic corridors shall comply with SCCC 13.20.130(C)(4). This type of development may be excluded only one time per recorded parcel of land. If improvement or expansion is proposed after such development pursuant to this exclusion has been carried out, then a Coastal Zone approval must be obtained for the subsequent development.

(D) Paving. Paving in association with development listed in subsections (A), (B) and (C) of this section, provided it will not exceed 10 percent of the ground area covered by the development.

(E) Fencing. Fences for farm or ranch purposes, except any fences which would block existing equestrian and/or pedestrian trails.

(F) Water Supply Facilities. Water wells, well covers, pump houses, water storage tanks of less than 10,000 gallons' capacity and water distribution lines, including up to 50 cubic yards of associated grading; provided, that such water facilities are not in a groundwater emergency area as designated pursuant to SCCC 11.90.130 pertaining to groundwater emergencies and will be used for on-site agriculturally related purposes only.

(G) Water Impoundments. Water impoundments in conformance with the grading ordinance (Chapter 16.20 SCCC); provided, that no portion of the body of water will inundate either temporarily or permanently any drainage areas defined as riparian corridors in Chapter 16.30 SCCC (Riparian Corridor and Wetlands Protection); provided, that such impoundments will not exceed 25 acre-feet in capacity and will not be in a designated water shortage area.

(H) Water Pollution Control Facilities. Water Pollution control facilities for agricultural purposes if constructed to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board.

(I) Biomedical Livestock Operations Not Excluded. Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the biomedical livestock operations are not excluded from coastal permit requirements. [Ord. 5061 § 24, 2010; Ord. 4836 §§ 112, 113, 2006;* Ord. 4474-C § 4, 1998; Ord. 4471 § 2, 1997; Ord. 4369 § 2, 1995; Ord. 4346 § 53, 1994; Ord. 3487 § 2, 1983].

* Code reviser's note: Ord. 4836 had two sections numbered "112" and "113."

Chapter 16.30

RIPARIAN CORRIDOR AND WETLANDS PROTECTION

Sections:

- 16.30.010 Purpose.
- 16.30.020 Scope.
- 16.30.025 Amendment.
- 16.30.030 Definitions.
- 16.30.040 Protection.
- 16.30.050 Exemptions.
- 16.30.060 Exceptions.
- 16.30.070 Inspection and compliance.
- 16.30.080 Violations.
- 16.30.081 *Repealed.*
- 16.30.090 *Repealed.*
- 16.30.100 *Repealed.*
- 16.30.103 *Repealed.*
- 16.30.107 *Repealed.*
- 16.30.110 Appeals.

16.30.010 Purpose.

The purpose of this chapter is to minimize and to eliminate any development activities in the riparian corridor, preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat; protection of open space, cultural, historical, archaeological and paleontological, and aesthetic values; transportation and storage of floodwaters; prevention of erosion; and to implement the policies of the General Plan and the Local Coastal Program Land Use Plan. [Ord. 3335 § 1, 1982; Ord. 2460, 1977].

16.30.020 Scope.

This chapter sets forth rules and regulations to limit development activities in riparian corridors; establishes the administrative procedure for the granting of exceptions from such limitations; and establishes a procedure for dealing with violations of this chapter. This chapter shall apply to both private and public activities including those of the County and other such government agencies as are not exempted therefrom by State or Federal law. Any person doing work in nonconformance with this chapter must also abide by all other pertinent local, State and Federal laws and regulations. [Ord. 4166 § 3, 1991; Ord. 4027 § 5, 1989; Ord. 3335 § 1, 1982; Ord. 2460, 1977].

16.30.025 Amendment.

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 SCCC and shall be subject to approval by the California Coastal Commission. [Ord. 3335 § 1, 1982].

16.30.030 Definitions.

All definitions shall be as defined in the General Plan or Local Coastal Plan glossaries, except as noted below:

“Agricultural use” means routine annual agricultural activities such as clearing, planting, harvesting, plowing, harrowing, disking, ridging, listing, land planning and similar operations to prepare a field for a crop.

“Arroyo” means a gully, ravine or canyon created by a perennial, intermittent or ephemeral stream, with characteristic steep slopes frequently covered with vegetation. An arroyo includes the area between the top of the arroyo banks defined by a discernible break in the slope rising from the arroyo bottom. Where there is no break in slope, the extent of the arroyo may be defined as the edge of the 100-year floodplain.

“Body of standing water” means any area designated as standing water on the largest scale U.S. Geological Survey topographic map most recently published, including, but not limited to, wetlands, estuaries, lakes, marshes, lagoons, and manmade ponds which now support riparian biota.

“Buffer” means the area abutting an arroyo where development is limited in order to protect riparian corridor or wetland. The width of the buffer is defined in SCCC 16.30.040(B).

“Development activities” shall include:

- (1) “Grading” means excavating or filling or a combination thereof; dredging or disposal of dredge material; mining; installation of riprap.
- (2) “Land clearing” means the removal of vegetation down to bare soil.
- (3) “Building and paving” means the construction or alteration of any structure or part thereof, including access to and construction of parking areas, such as to require a building permit.
- (4) “Tree and shrub removal” means the topping or felling of any standing vegetation greater than eight feet in height.
- (5) The deposition of refuse or debris.
- (6) The use of herbicides, pesticides, or any toxic chemical substances.
- (7) Any other activities determined by the Planning Director to have significant impacts on the riparian corridor.

“Disturbed area” means an area determined by the Planning Director to have experienced significant alteration from its natural condition. Such disturbance may typically consist of clearing, grading, paving, landscaping, construction, etc.

“Director” means the Planning Director or his or her designee.

“Emergency” means a sudden unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services.

“Ephemeral stream” means a natural watercourse or portion thereof which flows only in direct response to precipitation, as identified through field investigations.

“Intermittent stream” means any watercourse designated by a dash-and-dots symbol on the largest scale U.S. Geological Survey topographic map most recently published, or when it has been field determined that a watercourse either:

- (1) Has a significant waterflow 30 days after the last significant storm; or
- (2) Has a well-defined channel, free of soil and debris.

“Minor proposal” means building remodels or additions less than 500 square feet or grading less than 100 cubic yards which takes place within a previously developed or disturbed area; tree removal or trimming for the purpose of mitigating hazardous conditions or allowing solar access; drainage structures (e.g., culverts, downdrains, etc.); erosion control structures (e.g., retaining walls, riprap, checkdams, etc.); emergency measures requiring prompt action; resource management programs carried out under the auspices of a government agency; development activities within buffer which do not require a discretionary permit; other projects of similar nature determined by the Planning Director to cause minimal land disturbance and/or benefit the riparian corridor.

“Perennial stream” means any watercourse designated by a solid line symbol on the largest scale U.S. Geological Survey topographic map most recently published or verified by field investigation as a stream that normally flows throughout the year.

“Riparian corridor” means any of the following:

- (1) Lands within a stream channel, including the stream and the area between the mean rainy season (bankfull) flowlines;
- (2) Lands extending 50 feet (measured horizontally) out from each side of a perennial stream. Distance shall be measured from the mean rainy season (bankfull) flowline;
- (3) Lands extending 30 feet (measured horizontally) out from each side of an intermittent stream. Distance shall be measured from the mean rainy season (bankfull) flowline;
- (4) Lands extending 100 feet (measured horizontally) from the high water mark of a lake, wetland, estuary, lagoon or natural body of standing water;
- (5) Lands within an arroyo located within the urban services line, or the rural services line;
- (6) Lands containing a riparian woodland.

“Riparian vegetation/woodland” means those plant species that typically occur in wet areas along streams or marshes. A woodland is a plant community that includes these woody plant species that typically occur in wet areas along streams or marshes. Characteristic species are: Black Cottonwood (*Populus trichocarpa*), Red Alder (*Alnus oregona*), White Alder (*Alnus rhombifolia*), Sycamore (*Plantanus racemosa*), Box Elder (*Acer negundo*), Creek Dogwood (*Cornus californica*), Willow (*Salix*).

“Vegetation” means any species of plant. [Ord. 4346 § 69, 1994; Ord. 3601 § 1, 1984; Ord. 3441 § 1, 1983; Ord. 3335 § 1, 1982; Ord. 2800, 1979; Ord. 2536, 1978; Ord. 2535, 1978].

16.30.040 Protection.

No person shall undertake any development activities other than those allowed through exemptions and exceptions as defined below within the following areas:

- (A) Riparian corridors.
- (B) Areas within the urban services line or rural services line which are within a buffer zone as measured from the top of the arroyo. All projects located on properties abutting an arroyo shall be subject to review by the Planning Director. The width of the buffer shall be determined according to the following criteria:

CRITERIA FOR DETERMINING BUFFER FROM ARROYOS

Character of Vegetation in Buffer						
	Riparian Vegetation			Live Oak or Other Woodland		
Average slope within 30 feet of edge	20—30%	10—20%	0—10%	20—30%	10—20%	0—10%
Buffer distance (feet) from: perennial streams	50	50	50	50	40	30
Buffer distance (feet) from: intermittent streams	50	40	30	30	30	20
Buffer distance (feet) from: ephemeral streams	30	30	20	20	20	20

The buffer shall always extend 50 feet from the edge of riparian woodland and 20 feet beyond the edge of other woody vegetation as determined by the drip-line, except as provided for in SCCC 16.30.060. Once the buffer is determined, a 10-foot setback from the edge of the buffer is required for all structures, to allow for construction equipment and use of yard area. See allowable density credits within the General Plan.

CRITERIA FOR DETERMINING BUFFER FROM ARROYOS

Character of Vegetation in Buffer						
	Grassland or Other			Buffer Area Is Developed or Otherwise Disturbed (does not include recent clearing)		
Average slope within 30 feet of edge	20—30%	10—20%	0—10%	20—30%	10—20%	0—10%
Buffer distance (feet) from: perennial streams, bodies of water	50	30	20	30	20	20
Buffer distance (feet) from: intermittent streams	30	20	10	20	10	10

Character of Vegetation in Buffer						
	Grassland or Other			Buffer Area Is Developed or Otherwise Disturbed (does not include recent clearing)		
Buffer distance (feet) from: ephemeral streams	20	10	10	20	10	10

The buffer shall always extend 50 feet from the edge of riparian woodland and 20 feet beyond the edge of other woody vegetation as determined by the drip-line, except as provided for in SCCC 16.30.060. Once the buffer is determined, a 10-foot setback from the edge of the buffer is required for all structures, to allow for construction equipment and use of yard area. See allowable density credits within the General Plan. [Ord. 4346 § 70, 1994; Ord. 3335 § 1, 1982; Ord. 2460, 1977].

16.30.050 Exemptions.

The following activities shall be exempt from the provisions of this chapter.

(A) The continuance of any preexisting nonagricultural use, provided such use has not lapsed for a period of one year or more. This shall include change of uses which do not significantly increase the degree of encroachment into or impact on the riparian corridor as determined by the Planning Director.

(B) The continuance of any pre-existing agricultural use, provided such use has been exercised within the last five years.

(C) All activities listed in the California Food and Agriculture Code pursuant to the control and eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner.

(D) Drainage, erosion control, or habitat restoration measures required as a condition of County approval of a permitted project. Plans for such measures shall be reviewed and approved by the Planning Director.

(E) In areas outside of the Coastal Zone, the operation, repair, and maintenance of the Pajaro River and Salsipuedes Creek levees and the areas within the levees, for the purpose of restoring flood conveyance capacity, including bench excavation, sediment removal, and similar projects, if all of the following conditions are met:

- (1) The work is conducted by or under the direction of the Department of Public Works;
- (2) The work is in accordance with a streambed alteration agreement approved by the California Department of Fish and Game, to the extent that such an agreement is required; and
- (3) The project has been subjected to environmental review with the County of Santa Cruz serving as the lead agency. [Ord. 4790 § 2, 2005; Ord. 4577 § 12, 1999; Ord. 4474-C § 5, 1998; Ord. 4374 § 2, 1995; Ord. 3335 § 1, 1982; Ord. 2537, 1978; Ord. 2460, 1977].

16.30.060 Exceptions.

Exceptions and conditioned exceptions to the provisions of this chapter may be authorized in accordance with the following procedures:

(A) Application. Application for an exception granted pursuant to this chapter shall be made in accordance with the requirements of Chapter 18.10 SCCC, Level III or V, and shall include the following:

- (1) Applicant's name, address, and telephone number.
- (2) Property description. The Assessor's parcel number, the location of the property and the street address if any.
- (3) Project description. A full statement of the activities to be undertaken, mitigation measures which shall be taken, the reasons for granting such an exception, and any other information pertinent to the findings prerequisite to the granting of an exception pursuant to this section.
- (4) Two sets of plans indicating the nature and extent of the work proposed. The plans shall depict property lines, landmarks and distance to existing watercourse; proposed development activities, alterations to topography and drainage channels; mitigation measures, including details of erosion control or drainage structures, and the extent of areas to be revegetated. Plans shall be a minimum size of 18 inches by 24 inches, except that plans for minor proposals may be a minimum size of eight and one-half inches by 11 inches.
- (5) Applicant's property interest or written permission of the owner to make application. (6)
Requested information. Such further information as the Planning Director may require.
- (7) Fees. The required filing fee, set by resolution of the Board of Supervisors, shall accompany the application.

(B) Notice. Notices of all actions taken pursuant to this chapter shall be in accordance with the requirements of Chapter 18.10 SCCC.

(C) Proposals for minor riparian exceptions may be acted upon at Level III and proposals for major riparian exceptions may be acted upon at Level V pursuant to Chapter 18.10 SCCC.

(D) Findings. Prior to the approval of any exception, the Zoning Administrator shall make the following findings:

- (1) That there are special circumstances or conditions affecting the property;
- (2) That the exception is necessary for the proper design and function of some permitted or existing activity on the property;
- (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;
- (4) That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and
- (5) That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.

(E) Conditions. The granting of an exception may be conditioned by the requirement of certain measures to ensure compliance with the purpose of this chapter. Required measures may include, but are not limited to:

- (1) Maintenance of a protective strip of vegetation between the activity and a stream, or body of standing water.

The strip should have sufficient filter capacity to prevent significant degradation of water quality, and sufficient width to provide value for wildlife habitat, as determined by the Zoning Administrator.

- (2) Installation and maintenance of water breaks.
- (3) Surface treatment to prevent erosion or slope instabilities.
- (4) Installation and maintenance of drainage facilities.
- (5) Seeding or planting of bare soil.
- (6) Installation and maintenance of a structure between toe of the fill and the high water mark.
- (7) Installation and maintenance of sediment catch basins.

(F) Concurrent Processing of Related Permits. An application for exception may be processed concurrently with applications for discretionary permits required for the activity in question. No ministerial permit(s) for the activities in question shall be issued until an exception has been authorized. All discretionary permits for the activity in question shall include all conditions included in the exception.

Where associated discretionary permits are authorized by the Planning Commission or Board of Supervisors, that body shall be authorized to act in place of the Zoning Administrator in considering an application for an exception if the applications are considered concurrently.

(G) Expiration. Unless otherwise specified, exceptions issued pursuant to this chapter shall expire one year from the date of issuance if not exercised. Where an exception has been issued in conjunction with a development permit granted pursuant to Chapter 18.10 SCCC, the exception shall expire in accordance with the provisions of Chapter 18.10 SCCC. [Ord. 3441 § 2, 1983; Ord. 3335 § 1, 1982; Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2460, 1977].

16.30.070 Inspection and compliance.

The Planning Director may conduct inspections to ensure compliance with this chapter.

- (A) Inspection. The following inspections may be performed by the Director:
 - (1) A pre-site inspection to determine the suitability of the proposed activity and to develop necessary conditions for an exception.
 - (2) A final inspection to determine compliance with conditions, plans and specifications.

These inspections may take place concurrent with inspections required by any permits necessary for the activities in question.

(B) Notification. The permittee shall notify the Director 24 hours prior to start of the authorized work and also 24 hours prior to the time he or she desires a required inspection.

(C) Right of Entry. The application for exception constitutes a grant of permission for the County to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of any erosion control maintenance period. If necessary, the Director shall be supplied with a key or lock combination or be permitted to install a County lock. [Ord. 3335 § 1, 1982; Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2460, 1977].

16.30.080 Violations.

(A) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a riparian corridor as defined in SCCC 16.30.030 unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of SCCC 16.30.050.

(B) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a buffer zone of an arroyo as defined in SCCC 16.30.030 and as prescribed by the provisions of SCCC 16.30.040(B) unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of SCCC 16.30.050.

(C) It shall be unlawful for any person to exercise a development permit authorizing development activity as an exception without complying with all of the conditions of such permit.

(D) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Planning Director. [Ord. 3451-A § 18, 1983; Ord. 3335 § 1, 1982; Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2460, 1977].

16.30.081 Right of entry.

Repealed by Ord. 4392A. [Ord. 3451-A § 19, 1983].

16.30.090 Recording notice of violation.

Repealed by Ord. 4392A. [Ord. 3335 § 1, 1982].

16.30.100 Removal of notice of violation.

Repealed by Ord. 4392A. [Ord. 3335 § 1, 1982].

16.30.103 Penalties.

Repealed by Ord. 4392A. [Ord. 3335 § 1, 1982].

16.30.107 Enforcement.

Repealed by Ord. 4392A. [Ord. 3335 § 1, 1982].

16.30.110 Appeals.

All appeals of actions taken pursuant to the provisions of this chapter shall be made in conformance to the procedures of Chapter 18.10 SCCC. [Ord. 3441 § 3, 1983; Ord. 3335 § 1, 1982; Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2460, 1977].

Chapter 16.32

SENSITIVE HABITAT PROTECTION

Sections:

- 16.32.010 Purposes.
- 16.32.020 Scope.
- 16.32.030 Amendment.
- 16.32.040 Definitions.
- 16.32.050 General provisions.
- 16.32.060 Approval required.
- 16.32.070 Assessments and reports required.
- 16.32.080 Report preparation and review.
- 16.32.090 Approval conditions.
- 16.32.095 Project density limitations.
- 16.32.100 Exceptions.
- 16.32.105 Exemption.
- 16.32.110 *Repealed.*
- 16.32.120 Appeals.
- 16.32.130 Violations.
- 16.32.131 *Repealed.*
- 16.32.132 *Repealed.*
- 16.32.134 *Repealed.*
- 16.32.140 Fees.

16.32.010 Purposes.

The purposes of this chapter are to minimize the disturbance of biotic communities which are rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activity; to protect and preserve these biotic resources for their genetic, scientific, and educational values; and to implement policies of the General Plan and the Local Coastal Program Land Use Plan. [Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.020 Scope.

This chapter sets forth rules and regulations for evaluating the impacts of development activities on sensitive habitats; establishes the administrative procedures for determining whether and what type of limitations to development activities are necessary to protect sensitive habitats; and establishes a procedure for dealing with violations of this chapter. This chapter shall apply to both private and public activities including those of the County and other such government agencies where not exempted therefrom by State or Federal law. Any person doing work in conformance with this chapter must also abide by all other pertinent local, State and Federal laws and regulations. [Ord. 4166 § 4, 1991; Ord. 4027 § 6, 1989; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.030 Amendment.

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program such revisions shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 SCCC and shall be subject to approval by the California Coastal Commission. [Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.040 Definitions.

All terms used in this chapter shall be as defined in the General Plan and Local Coastal Program Land Use Plan and as follows:

“Area of biotic concern” means any area in which development may affect a sensitive habitat, as identified on the Local Coastal Program sensitive habitats maps, the General Plan resources and constraints maps and other biotic

resources maps on file in the Planning Department, or as identified during inspection of a site by Planning Department staff.

“Biotic assessment” means a brief review of the biotic resources present at a project site prepared by the County biologist.

“Biotic permit” means a permit for development in an area of biotic concern issued pursuant to the provisions of this chapter.

“Biotic report” means a complete biotic investigation conducted by an approved biologist from a list maintained by the County, including but not limited to the following:

- (1) Identification of the rare, endangered, threatened and unique species on the site;
- (2) Identification of the essential habitats of such species;
- (3) Recommendations to protect species and sensitive habitats. When a project is found to have a significant effect on the environment under the provisions of Section 602 of the environmental impact guidelines, the biotic report shall be made a part of the environmental impact report.

“Building envelope” means a designation on a site plan or parcel map indicating where structures and paving are to be located.

“Decision-Making Body” means the Zoning Administrator, Planning Commission, or Board of Supervisors, whichever body is considering the development permit, when biotic review is concurrent with review of a development permit. When a biotic permit is required, the Decision-Making Body shall be the Planning Director.

“Development/development activity” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; reconstruction, demolition, alteration or improvement of any structure in excess of 50 percent of the existing structure’s fair market value, including any facility of any private, public or municipal utility; the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973; the disturbance of any rare, endangered, or locally unique plant or animal or its habitat.

“Disturbance” means any activity which may adversely affect the long-term viability of a rare, endangered, threatened, or locally unique species or any part of a sensitive habitat.

“Environmental Coordinator” means the Planning Department staff person assigned to review applications and make determinations based upon the County environmental review guidelines adopted pursuant to Chapter 16.01 SCCC.

Environmentally Sensitive Habitat Area. See “sensitive habitat.”

Essential Habitat. See “sensitive habitat.”

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors, as determined by the County.

“Impervious surface” means any nonpermeable surface, including roofs and nonporous paving materials such as asphalt or concrete, but not including directly permeable surfaces such as decks that allow the passage of water or gravel driveways less than five inches thick.

“Person” means any individual, firm, association, corporation, partnership, business, trust company, a public agency as specified in Section 53090 of the California Government Code, or the State or a State agency.

“Rare and endangered species” means a plant or animal species designated as rare, endangered or threatened by the State Fish and Game Commission, the United States Department of the Interior Fish and Wildlife Service, or the California Native Plant Society.

“Resource dependent use” means any development or use which requires utilization of a natural resource and must be sited within a sensitive habitat in order to be able to function at all, such as a fish hatchery.

“Restoration” means restoring native vegetation, natural drainage, and water quality, including but not limited to replanting native vegetation, removing garbage, and protecting the habitat from the inflow of polluted water or excessive sedimentation.

Sensitive Habitat. An area is defined as a “sensitive habitat” if it meets one or more of the following criteria:

- (1) Areas of special biological significance as identified by the State Water Resources Control Board.
- (2) Areas which provide habitat for locally unique biotic species/communities including but not limited to: oak woodlands, coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, indigenous Ponderosa Pine, indigenous Monterey Pine, mapped grassland in the Coastal Zone and sand parkland; and special forests including San Andreas Oak Woodlands, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests.
- (3) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in subsections (5) and (6) of this definition.
- (4) Areas which provide habitat for species of special concern as listed by the California Department of Fish and Game in the special animals list, natural diversity database.
- (5) Areas which provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines.
- (6) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society.
- (7) Nearshore reefs, rocky intertidal areas, seacaves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves.
- (8) Dune plant habitats.
- (9) All lakes, wetlands, estuaries, lagoons, streams and rivers.
- (10) Riparian corridors.

“Structure” means anything constructed or erected which requires a location on the ground or in the water, including but not limited to any building, retaining wall, driveway, telephone line, electrical power transmission or distribution line, water line, road or wharf.

“Toxic chemical substance” means:

- (1) Any chemical used for killing insects, fungi, rodents, etc., including insecticides, acaricides, fungicides, herbicides, rodenticides, and nematocides.
- (2) Any chemical which would be deleterious to a sensitive habitat.

“Water purveyor” means any agency or entity supplying water to five or more connections. [Ord. 4346 § 71, 1994; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.050 General provisions.

(A) No toxic chemical substance shall be used in a sensitive habitat in such a way as to have deleterious effects on the habitat unless an emergency has been declared by a Federal, State, or County agency, or such use has been deemed necessary by the California Department of Fish and Game to eliminate or reduce a threat to the habitat itself, or a substantial risk to public health will exist if the toxic chemical substance is not used.

(B) Pursuant to California Administrative Code Section 2452, the Agricultural Commissioner, in reviewing an application to use a restricted material, shall consider the potential effects of the material on a sensitive habitat, and mitigation measures shall be required as necessary to protect the sensitive habitat. No approval shall be issued if adverse impacts cannot be mitigated. [Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.060 Approval required.

(A) Except as provided in subsection (B) of this section, no person shall commence any development activity within an area of biotic concern until a biotic approval has been issued unless such activity has been reviewed for biotic concerns concurrently with the review of a development or land-division application pursuant to Chapter 18.10 SCCC, Level III.

(B) A biotic assessment shall not be required for repair or reconstruction of a structure damaged or destroyed as a result of a natural disaster for which a local emergency has been declared by the Board of Supervisors, when:

- (1) The structure, after repair or reconstruction, will not exceed the floor area, height or bulk of the damaged or destroyed structure by 10 percent; and
- (2) The new structure will be located in substantially the same location. [Ord. 4160 § 8, 1991; Ord. 4030 § 4, 1989; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.070 Assessments and reports required.

A biotic assessment shall be required for all development activities and applications in areas of biotic concern, as identified on maps on file in the Planning Department or as identified during inspection of the site by Planning Department staff. A biotic report shall be required if the Environmental Coordinator determines on the basis of the biotic assessment that further information is required to ensure protection of the sensitive habitat consistent with General Plan and Local Coastal Program Land Use Plan policies. If the Environmental Coordinator determines that the project will have a significant effect on the environment under the provisions of Section 602 of the environmental impact guidelines, the biotic report shall be part of the environmental impact report. [Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.080 Report preparation and review.

(A) Submittals Required. When a biotic assessment or biotic report is required, the applicant shall submit an accurate plot plan showing the property lines and the location and type of existing and proposed development and other features such as roads, gullies, and significant vegetation. Any other information deemed necessary by the Planning Director shall be submitted upon request.

(B) Report Preparation. The biotic assessment shall be conducted by the County biologist. The biotic report shall be prepared by a biologist from a list maintained by the Planning Department, at applicant's expense, and shall be subject to acceptance as specified in this section. All biotic assessments and reports shall conform to County report guidelines established by the Planning Director.

(C) Report Acceptance and Review. All biotic assessments and reports shall be found to conform to County report guidelines by the Environmental Coordinator. When technical issues are complex, the report may be reviewed and found adequate by a biologist retained by the County. All biotic reports shall be referred to the California Department of Fish and Game for review and comment, and shall be available for review by other interested parties.

(D) Report Expiration. A biotic assessment shall be valid for one year and a biotic report shall be valid for five years following acceptance of the assessment or report, except where a change in site conditions, development proposal, technical information, or County policy significantly affects and thus may invalidate the technical data, analysis, conclusions, or recommendations of the report. [Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.090 Approval conditions.

(A) Conditions of approval shall be determined by the Environmental Coordinator through the environmental review process. These conditions may be based on the recommendations of the biotic assessment or biotic report and shall become conditions of any subsequent approval issued for the property. Such conditions shall also apply to all development activities engaged in on the property. Any additional measures deemed necessary by the Decision-Making Body shall also become development permit conditions. Exceptions may be granted by the Decision-Making Body subject to the provisions of SCCC 16.32.100.

(B) The following conditions shall be applied to all development within any sensitive habitat area:

- (1) All development shall mitigate significant environmental impacts, as determined by the Environmental Coordinator.
- (2) Dedication of an open space or conservation easement or an equivalent measure shall be required as necessary to protect the portion of a sensitive habitat which is undisturbed by the proposed development activity or to protect a sensitive habitat on an adjacent parcel.
- (3) Restoration of any area which is a degraded sensitive habitat or has caused or is causing the degradation of a sensitive habitat shall be required; provided, that any restoration required shall be commensurate with the scale of the proposed development.

(C) All development activities in or adjacent to a sensitive habitat area shall conform to the following types of permitted uses, and the following conditions for specific habitats shall become minimum permit conditions unless the approving body pursuant to Chapter 18.10 SCCC finds that the development will not affect the habitat based on a recommendation of the Environmental Coordinator following a biotic review pursuant to SCCC 16.32.070:

Sensitive Habitats Standards

- (1) Environmentally Sensitive Habitat Areas. Only resource-dependent uses shall be allowed within any environmentally sensitive habitat area.

TYPE OF SENSITIVE AREA	PERMITTED OR DISCRETIONARY USES	CONDITIONS
(a) All Essential Habitats	Nature study and research, hunting, fishing and equestrian trails that have no adverse impacts on the species or habitat; timber harvest as a conditional use	Preservation of essential habitats shall be required
(b) Kelp Beds	Nature observation, mariculture, scuba diving	No development shall be allowed which might result in a discharge to the marine environment, whether within or without the sensitive habitat, which might adversely affect this habitat type
(c) Rocky Intertidal Areas	Nature observation, scientific research, educational instruction, take of marine organisms consistent with Department of Fish and Game regulations	
(d) Marine Mammal Hauling Grounds	Scientific research	
(e) Shorebird Nesting Areas	Scientific research	
(f) Davenport Pier Rock Cliffs and Rock Outcrops Offshore Which Are Seabird/Shorebird Resting Areas and Roosting Sites	Scientific research	
(g) Sandy Beaches Which Are Seabird/Shorebird Resting Areas and Roosting Sites	Seasonal beach recreation	
(h) Dunes and Coastal Strand	Scientific research, educational instruction	Wooden boardwalks for trails through dunes shall be required
(i) Cliff Nesting Areas	Scientific research	50-foot buffer from bluff top at or above nesting area shall be required
(j) Coastal Scrub	Bluff top viewing, hiking, nature observation	Land clearing shall be minimized
(k) Wetlands Conditions	Any Harkins Slough Road improvements that (1) expand the roadway prism outside of the existing paved area; or (2) constitute a major public works project; or (3) are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C shall provide enhanced habitat connectivity: (1) for Hanson Slough, if the Hanson Slough portion of the road is improved (e.g., by replacing the existing culvert with an alternative	100-foot buffer measured from the high water mark shall be required. Distance between structures and wetland shall be maximized.

TYPE OF SENSITIVE AREA	PERMITTED OR DISCRETIONARY USES	CONDITIONS
	<p>structure, such as a box culvert, that better connects slough resources on either side of Harkins Slough Road); and (2) between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road by replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all-night period. Any improvements made to Harkins Slough road pursuant to this policy shall also be consistent with SCCC 17.02.081. Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.</p>	
(l) Rivers and Streams (Includes Anadromous Fish Spawning Areas)	Scientific research, educational instruction, aquaculture	
(m) Intermittent Wetlands	Limited grazing, including limited grazing associated with soil-dependent biomedical livestock operations, uses within wetlands (above), existing agriculture	
(n) Reservoirs and Ponds	Water storage and diversion, aquaculture	

No new development shall be allowed adjacent to marshes, streams, and bodies of water if such development would cause adverse impacts on water quality which cannot be mitigated or will not be fully mitigated by the project proponent.

(2) Areas Adjacent to the Essential Habitats of Rare and Endangered Species.

TYPE OF HABITAT		PERMITTED OR DISCRETIONARY USES	CONDITIONS
(a)	Santa Cruz Long-toed Salamander (SP District) Also see SCCC 16.32.100(B)	Nature study and research, residential uses at urban low densities as conditioned, where designated on LCP Land Use Maps, existing agriculture	Site disturbance before revegetation shall not exceed 25% of lot.
			Site disturbance after revegetation (i.e., total site coverage) shall not exceed 15% of lot. Impervious surface shall not exceed 10% of lot. The objective of this requirement is to reduce the amount of erosion and siltation impacts; therefore, it does not apply to sites lying outside the drainage basin.
			Conservation easement over undisturbed portion of site shall be dedicated to the Department of Fish and Game.
			Step or pole foundations shall be required on slopes over 15%. Pole foundations shall be required on slopes over 30%.
			All curbs and gutters shall be rounded.
			Seepage pits shall be required where feasible.
			No grading shall be allowed between October 15th and April 15th.
			Grading and removal of vegetation shall be minimal and shall be restricted to areas where it is necessary to maintain existing agricultural use and for the construction of buildings, driveways and septic systems.
			Grading or filling within drip line of 24 inches or larger diameter trees shall be avoided.
			A landscape plan consisting of native shrubs and/or trees shall be submitted with building plans for areas of vegetation removal.
			Native trees shall be retained to the maximum extent possible.
			Disturbed areas shall be revegetated promptly with native or approved species.
			For the purposes of calculating site disturbance and impervious surface coverage, when the project is an addition to an existing development, the existing development and the addition shall be considered as a new development.
			Except for new foundations which may not feasibly be constructed according to the standards, additions to existing developments shall conform to other Local Coastal Plan performance standards.
(b)	Santa Cruz Cypress Groves	Scientific research/ educational instruction	A minimum 50-foot buffer between cypress communities and location of development shall be required.

(3) Habitats of Locally Unique Species.

TYPE OF HABITAT		PERMITTED OR DISCRETIONARY USES	CONDITIONS
(a)	Special Forests (San Andreas, Live Oak, Woodland/Maritime Chaparral, Indigenous	Forest preserve, nature observation, educational instruction, residential uses meeting performance criteria.	Structures shall be clustered, and/or located near to any existing structure.

TYPE OF HABITAT	PERMITTED OR DISCRETIONARY USES	CONDITIONS
Ponderosa Pine Forest, and Indigenous Monterey Pine Forest)		
		Landscaping plan shall include characteristic species.
		Applicants shall enter into a "declaration of restriction" allowing the development and utilization of a prescribed burning program or other means to mimic the effects of natural fires.
		For residential development, site disturbance shall not exceed 1/4 acre per unit, or 25% of the parcel, whichever is less.
(b) Grassland in the Coastal Zone	Nature observation, educational instruction, grazing, soil dependent biomedical livestock operations, viticulture consistent with Local Coastal Plan policies; residential uses meeting performance criteria.	Structures shall be clustered and located outside the grassland where feasible.

[Ord. 4750 § 3, 2003; Ord. 4656C § 3, 2002; Ord. 4609A § 3, 2001; Ord. 4609 § 3, 2001; Ord. 4496-C § 90, 1998; Ord. 4474-C §§ 6, 7, 1998; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.095 Project density limitations.

The following requirements shall apply to density calculations for new building sites created in habitats of locally unique species through minor land divisions, subdivisions, or residential development permits:

(A) Special Forests. Prohibit land divisions within designated special forests unless the area to be divided is removed from the mapped special forests habitat area by General Plan/Local Coastal Program amendment. On parcels with existing mapped special forest areas which contain developable land outside those areas, allow development at the lowest density of the land use designation and require that development be clustered and located outside the habitat areas. Allow one single-family dwelling unit per existing parcel of record. Where property owners upgrade special forest areas on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced.

(B) Grasslands. Prohibit land divisions of native and mixed native grassland habitat mapped in the Coastal Zone unless the area to be divided is removed from the mapped grassland habitat area by General Plan/Local Coastal Program amendment. On parcels with existing mapped native and mixed native grasslands and which contain developable land outside those habitats, allow development at the lowest density of the land use designation and require that development be clustered and located outside the habitat areas. Allow one single-family dwelling unit per existing parcel of record. Where property owners upgrade grasslands on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced. [Ord. 4496-C § 91, 1998; Ord. 4346 § 72, 1994; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.100 Exceptions.

Exceptions to the provisions of SCCC 16.32.090 may be approved by the Decision-Making Body.

(A) In granting an exception, the Decision-Making Body shall make the following findings:

(1) That adequate measures will be taken to ensure consistency with the purpose of this chapter to minimize the disturbance of sensitive habitats; and

(2) One of the following situations exists:

(a) The exception is necessary for restoration of a sensitive habitat; or

(b) It can be demonstrated by biotic assessment, biotic report, or other technical information that the exception is necessary to protect public health, safety, or welfare.

(B) Notwithstanding the above, the Decision-Making Body may grant an exception for development within the essential habitat of the Santa Cruz Long-Toed Salamander as follows:

(1) Upon receiving a development application for an undeveloped parcel within the essential habitat, the County shall notify the California Coastal Commission, the Coastal Conservancy, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. The County or other agency shall have one year to decide whether acquisition of the parcel is to proceed. If the County and other agencies decide not to acquire the parcel and development potential in the essential habitat has not been otherwise permanently eliminated by resubdivision, easement, or other recorded means, the Decision-Making Body may grant an exception to allow the development to proceed; provided, that it finds that the proposed development cannot be accommodated on the parcel outside the essential habitat, and that it will be consistent with the standards for the area adjacent to the essential habitat and other LCP policies.

(2) The permittee shall provide a cash deposit, time certificate of deposit, or equivalent security, acceptable to the County. This security shall be payable to the County, in an amount not less than \$5,000 or greater than \$10,000, to be determined by the County on a case-by-case basis, depending on site-specific circumstances. The purpose of this security shall be to ensure compliance with the development standards for the area adjacent to the essential habitat, and shall not be returned unless and until all required standards and improvements are met. All expenditures by the County for corrective work necessary because of the permittee's failure to comply with the provisions of the permit and this chapter shall be charged against the security deposit. [Ord. 3483 § 1, 1983; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.105 Exemption.

Existing commercial agricultural operations and related activities, but not establishment or expansion of any biomedical livestock operation, shall be exempt from the provisions of SCCC 16.32.060. Any development activity which has received a riparian exception approved according to the provisions of Chapter 16.30 SCCC (Riparian Corridors and Wetlands Protection) may be exempted from the provisions of this chapter if the Planning Director determines that such development activity has received a review, in connection with the granting of the riparian exception, equivalent to the review that would be required by this chapter. [Ord. 4474-C § 8, 1998; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.110 Inspection.

Repealed by Ord. 4392A. [Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.120 Appeals.

All appeals of actions taken pursuant to the provisions of this chapter shall be made in conformance with the procedures in Chapter 18.10 SCCC; provided, however that code enforcement actions and decisions are not subject to administrative appeal except for appeals of revocation of permits pursuant to SCCC 18.10.136(C). [Ord. 4392A § 10, 1996; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.130 Violations.

(A) It shall be unlawful for any person at any time to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within an area of biotic concern as defined in SCCC 16.32.040 unless: (1) a development permit has been obtained and is in effect which authorizes such development activity; or (2) the development activity has been reviewed for biotic concerns concurrently with the discretionary review of an approved permit required by SCCC Title 13 or 14, and a permit is in effect which authorizes the development activity within such area; or (3) the activity is exempt from the requirement for a development permit by the provisions of SCCC 16.32.105 and from the requirements for a coastal permit by the provisions of Chapter 13.20 SCCC.

(B) It shall be unlawful for any person to exercise a development permit which authorizes development activity within an area of biotic concern without complying with all of the conditions of such permit.

(C) It shall be unlawful for any person to use, cause, permit, aid, abet, suffer or furnish equipment or labor to use any toxic chemical substance in a sensitive habitat in such a way as to have a deleterious effect on the habitat unless: (1) an emergency has been declared by a Federal, State, or County agency, or (2) such use has been deemed necessary by the California Department of Fish and Game to eliminate or reduce a threat to the habitat itself; or (3) a substantial risk to public health will exist if the toxic chemical substance is not used.

(D) It shall be unlawful for any person to refuse or fail to carry out measures as required by a notice of violation issued by the Planning Director under the provisions of SCCC 16.32.131.

(E) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Planning Director. [Ord. 3451-A § 20, 1983; Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

16.32.131 Notification of violation.

Repealed by Ord. 4392A. [Ord. 3451-A § 21, 1983].

16.32.132 Stop work notice.

Repealed by Ord. 4392A. [Ord. 3451-A § 22, 1983].

16.32.134 Penalties.

Repealed by Ord. 4392A. [Ord. 3451-A § 23, 1983].

16.32.140 Fees.

Fees for biotic assessments, biotic reports, and review of technical reports shall be set by resolution by the Board of Supervisors. [Ord. 3442 § 1, 1983; Ord. 3342 § 1, 1982].

COAST DAIRIES & LAND CO.

101 Montgomery Street, 9th Floor
San Francisco, CA 94104
Phone: (415) 495-5660
Fax: (415) 442-0487

As of October 19, 2012

PERMIT TO ENTER; TEMPORARY LICENSE

John Fambrini
R.J. Fambrini & Co., Inc.
Davenport, CA 95017
Ph: (831) 423-5891

Dear Mr. Fambrini:

We refer to the Application Number 121185 for a Coastal Development Permit (the "Permit Application"), filed by David Landino of Landino Drilling Company ("Landino"), acting as your agent, with County of Santa Cruz Planning Department. The Permit Application identifies the subject property as "APN 058-122-13", the Lessee as "R.J. Fambrini Inc." and the Owner as "Coast Dairies and Land Co."

You have asked Coast Dairies & Land Co. for permission, retroactively, for you and Landino, as your contractor and agent, to enter Coast Dairies property, specifically, the portion of land within APN 058-122-13, located on the northwest side of Highway 1, approximately ¼ mile southeast and northeast of the intersection with Bonny Doon Road (the "Property"), for the purpose of destroying an existing well and drilling a replacement well on the Property within 100 feet of Liddell Creek, such activities being the subject matter of the Permit Application.

You are hereby, retroactively, granted permission to enter the Property for this purpose, and a temporary license to enter the Property to complete clean-up/restoration of the site and to maintain the well, subject to the following terms and conditions.

In exchange for this retroactive permission to enter the Property for the stated purpose, and the temporary license, Coast Dairies & Land Co. ("Landowner") requires that you, on behalf of yourself and R.J. Fambrini & Co., Inc., agree to and shall:

11-15-12 PUL:24 RLVU
(a) Release, protect, defend, indemnify, and hold harmless Landowner and The Trust for Public Land, their successors and assigns, their respective directors, officers, employees, partners, and consultants from and against any and all liability, loss, damage, claims, demands, governmental penalties, governmental fines, cost and expense of whatsoever nature (including, without limitation, court costs and attorneys' fees) arising out of your entering the Property, or any work performed by you or your agents in connection with the well permits issued by Santa Cruz County Environmental Health Services.

(b) Be liable for any and all damage to the Property, including any personal property or fixtures belonging to Landowner or Landowner's tenants, arising out of, or in connection with your entering of the Property; be responsible for restoring the Property to its condition prior to your entering the

Property, by removing all debris or trash resulting from your entering the Property or from the activity of your agents/contractors on the Property.

(c) Comply with all applicable laws, rules, ordinances and regulations, including but not limited to any conditions imposed in connection with the issuance of the well permits or the coastal development permit pursuant to the Permit Application.

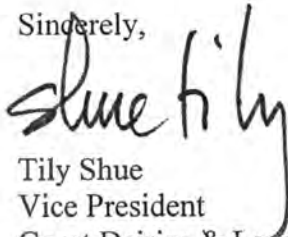
You acknowledge on behalf of yourself, R.J. Fambrini & Co., Inc. and its representatives, employees and contractors, that (i) in entering upon the Property, it and they may have been, and may be, exposed to site conditions which are dangerous; and (ii) it and they assumed, and assume, any and all risks in entering, and while upon, the Property.

Attached hereto is a copy of an email dated September 28, 2012, from Ezekiel Bean, Senior Environmental Projects Analyst for the City of Santa Cruz Water Resources Management (the "City"), notifying us of "Trash from well drilling on PN 05812213" and attaching photos taken at the site. According to the City, the trash was left on the Property by your contractor's work crew. Please ensure that the trash/debris identified are removed by your contractor and the site is properly restored.

We refer to that certain Agricultural Lease dated June 12, 2006 between Coast Dairies & Land Co. and John Fambrini, for certain portion of Coast Dairies land, east of Highway 1. As you know, the Lease's initial term has expired and you are holding over on a month-to-month tenancy. Please note the provisions of Section 22 of the Lease. Water taken from the well on the Property may be used only on Coast Dairies land (the leased premises) and not otherwise.

Please have all persons entering the Property (you and your agents, employees or contractors) sign and print their names in the space below, agreeing to the above terms. (Please make as many counterparts of the signature block as needed).

This Permit to Enter/Temporary License shall not be valid unless and until it is signed by all parties, with a signed copy returned (via fax or U.S mail) to Coast Dairies & Land Co.

Sincerely,

Tily Shue
Vice President
Coast Dairies & Land Co.

The undersigned agrees to the above terms:

By: David A. Landino Sr

Name: DAVID A. LANDINO SR

(Return signed form to Coast Dairies & Land Co.)