

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

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SANTA CRUZ, CA 95060

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HEARING IMPAIRED: (415) 904-5200

W106



December 27, 1995

TO: Commissioners and Interested Persons

FROM: Tami Grove, District Director  
Rick Hyman, Coastal Planner

SUBJECT: PROPOSED MINOR AMENDMENT (#3-95) TO THE  
SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM

Santa Cruz County is requesting that its certified Local Coastal Program be amended to revise several Implementing ordinances. This amendment request was filed on December 27, 1995, pursuant to Section 30514 of the Coastal Act and Section 13553 of the Commission's Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive Director pursuant to Section 13555 of Commission Regulations that the filed amendment is "minor" as defined in Section 13554. Minor amendments include several types of changes which do not affect permitted land uses. This minor amendment revises various sewage disposal requirements and adds a definition of "bedroom." It is consistent with the Santa Cruz County Land Use Plan. A fuller description is shown on the reverse. Complete text is available upon request.

Pursuant to Section 13555, the Executive Director will report in writing this determination to the Coastal Commission at its January 10, 1996 hearing at Crowne Plaza-Holiday Inn-LAX in Los Angeles. He will also report any objections to the determination received within ten days of posting of this notice. This proposed minor amendment will be deemed approved unless one-third of the appointed members of the Commission request that it be processed as a major amendment (pursuant to Section 13555(b)), and will then take immediate effect.

If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rick Hyman (408) 427-4863 at the Central Coast District Office in Santa Cruz. Please also contact Mr. Hyman, Senior Coastal Analyst, by January 9, 1996 if you wish to register an objection to the proposed "Minor Amendment" determination.

TG/RH/cm

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*Powers and procedures necessary to provide immediate abatement of violations of this Chapter are provided in Chapter 1.14 of the County Code and are incorporated in Chapter 7.38 by reference. It is not necessary to maintain a separate but similar procedure.*

## SECTION II:

Section 7.38.040, Individual Sewage Disposal System - Permits, is hereby amended to delete Subsection C.4:

- C. Where Prohibited. Except as may otherwise be provided in this Chapter, an individual sewage disposal system may not be permitted in any of the following circumstances:

4. ~~Where the property is in an area of the San Lorenzo Valley described in Regional Water Quality Control Board Resolution No. 82-10 as a Class I Area. Additional waste discharges in the Class I Areas are prohibited by the Regional Water Quality Control Board, Central Coast Region. This Section shall become null and void upon amendment of the Basin Plan to rescind Resolution No. 82-10.~~

*In April, 1995 the Regional Board amended the Basin Plan to remove the wastewater discharge prohibitions contained in Resolution No. 82-10.*

## SECTION III:

Subsection (D) is hereby added to Section 7.38.080, Existing System - Building Alterations, to read as follows:

- D. Any proposed new use or proposed expansion of an existing use on a developed parcel served by one or more individual sewage disposal systems can only be approved if all existing and proposed uses on the parcel can be served by a sewage disposal system or systems which meet the requirements for a standard system or alternative system as specified in Sections 7.38.095 through 7.38.182.

*This provision will ensure adequate sewage disposal for all existing and proposed uses on a parcel as a condition of approval for any new or expanded use on the parcel. It will not require that the systems serving existing uses be upgraded, unless they are found to be failing.*

## SECTION IV:

Subsection A of Section 7.38.090 Application and Fees, is hereby amended as follows:

- A. An application for a permit to construct, reconstruct or make any repair (other than minor repair) to an individual sewage disposal system shall be made to the health services agency on forms provided for that purpose, and each such application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable, except as herein provided for an application for a new system.

SECTION VI:

Subsections A, B.1, C, and D of Section 7.38.095, Repair Permits, are hereby amended to read as follows:

- A. Notwithstanding the provisions of Section 7.38.093 (A), and the other provisions of this Chapter, permits for the repair of malfunctioning individual sewage disposal systems may be issued by the Health Officer upon proper application therefor; and, once issued, shall be valid and exercisable for a period of ~~six months~~ two years.

*The increase from 6 months to 2 years for approved septic repair permits will be consistent with the expiration period of new septic permits. This will allow adequate time for completion of building permit applications, which may also be associated with a septic system repair.*

- B. Repairs to failing systems shall be made in conformance with the requirements specified in Sections 7.38.130 through 7.38.180 of this Chapter except that the following allowances for repairs of systems serving development that was first approved prior to September 16, 1983, may be permitted:

1. ~~The minimum separation between the bottom of a leaching device and seasonally high groundwater for a minimum of ninety percent of the year shall be:~~  
~~Five feet where the leaching device is between fifty and one hundred feet from a waterbody.~~  
~~Three feet where the device is between one hundred and one hundred fifty feet from a waterbody.~~  
~~One foot where the device is more than one hundred fifty feet from a waterbody.~~  
The minimum separation between the bottom of any leaching device and seasonally high groundwater shall be:

Five feet where the leaching device is between fifty and one hundred feet from a stream, spring, or other waterbody.

Three feet where the device is over one hundred feet from a waterbody.

At distances greater than two hundred fifty feet from a waterbody, a system with groundwater separation below the leachfield less than three feet may be approved as a nonconforming system provided however that a separation of at least one foot must be maintained for at least ninety percent of the year.

*The changes to this section were contained in the San Lorenzo Wastewater Management Plan, which was adopted by the Board of Supervisors on May 2, 1995, and by the Regional Water Quality Control Board on April 14, 1995. These provisions are proposed to be applied county wide for consistency and greater protection of public health and water quality:*

*A clause has been added at the direction of the Regional Board to specify that the allowances for repairs are only applicable to septic systems serving parcels that were first developed prior to September 16, 1983, when the Regional Board adopted the specific septic system requirements that are currently contained in their Basin Plan. County standards must comply with those standards. Any parcel which was developed pursuant to those requirements is*

## SECTION VII:

Subsection Q of Section 7.38.130, General Installation Requirements, is hereby amended to read as follows:

- Q. The use of a haulaway system is prohibited, except in the case of a repair, when no other alternative is available: following circumstances:
1. The repair of an existing system when no other alternative is available: and
  2. The installation of a system for a water treatment facility constructed by a public utility under a compliance order from the California Department of Health Services pursuant to the Safe Drinking Water Act, Surface Water Treatment Rule, which facility is located outside of the Coastal Zone, provided that this exception shall expire on January 1, 1996.
  3. For publicly owned and operated County park facilities where conventional facilities cannot be installed due to lack of water supply or unacceptable site conditions, and where such a haulaway system is necessary to prevent a public health hazard.

*Subsections 1 and 2 were revised and added by the Board of Supervisors on August 8, 1995. An additional clause (3) is recommended to address conditions at some County parks and beaches where unsanitary conditions have been created due to lack of toilet facilities. Haulaway systems would improve sanitation at County parks where alternatives presently do not exist for proper liquid waste disposal. Haulaway systems are already proposed for use in the North Coast Beaches Plan.*

## SECTION VIII:

Section 7.38.150, Sewage Leaching Requirements, is hereby amended to add Subsection A.7. and modify Subsection D, as follows:

### A. General

7. Systems in soils with percolation rates between one and five minutes per inch shall utilize enhanced treatment systems as specified in Section 7.38.152.

*See explanation under Section IX.*

### D. Distribution of Effluent to Multiple Trenches

1. Where multiple trenches are installed on sloping or level ground, effluent distribution shall only be made through a distribution box or other approved device such that effluent is effectively equal volumes of effluent (or proportional volumes where the trenches are unequal) are delivered to each trench. The Health Officer shall promulgate guidelines for the approval and installation of distribution devices.

required a 50% reduction in nitrogen for any large system or any new or expanded system in sandy soils. We have modified the language to provide the Health Officer more leeway in establishing requirements for nitrogen removal as this is an area with very rapidly evolving technology. This section will provide for the protection of surface and groundwater quality, particularly in groundwater recharge areas (predominantly sandy soils).

#### SECTION X:

Section 7.38.155, Curtain Drains - Installation Requirements, is to be deleted and rewritten in its entirety as follows:

##### ~~7.38.155 CURTAIN DRAINS - INSTALLATION REQUIREMENTS~~

~~Permits shall be required for the installation of any curtain drain proposed for use within one hundred feet of a leaching device or expansion area where an on-site wastewater disposal system is used or proposed to be used for sewage disposal. The Health Officer shall establish criteria for the installation of curtain drains, including the provision that the minimum distance between a curtain drain and a leachfield or other leaching device shall be at least ten feet, provided that the soil percolation rate is not faster than one minute per inch. If the percolation rate is faster than one minute per inch, the minimum distance shall be twenty feet.~~

A permit shall be required for any curtain drain proposed for use within one hundred feet of a leaching device. Curtain drains located down gradient from a leachfield must be at least twenty-five feet from the leachfield. If an impermeable layer is present or soils percolate faster than one minute per inch, curtain drains must be located at least fifty feet away. Curtain drains located up gradient of a leachfield must be installed with the bottom of the drain higher in elevation than the top of the leachfield, or must be located at least twenty-five feet away. Curtain drains shall not be installed in locations which would preclude the use of an area necessary for installation of a replacement sewage disposal system which meets the standards of this code on the same parcel or any adjacent parcel.

*The increased horizontal separation from 10 to 25 feet will provide necessary protection to prevent curtain drains from discharging untreated effluent if they are located too close from a sewage disposal device.*

#### SECTION XI:

Section 7.38.160, Standards for Systems to Serve Commercial and Industrial Establishments, Institutions and Recreational Areas, is hereby amended to combine subsection B under subsection A, and add a new subsection B, as follows:

- A. For all such uses the sewage application rate shall not exceed 0.43, .036 or 0.24 gallons per square foot of effective leaching area per day per drainfield for soils percolating in the ranges of one to five, six to thirty, and thirty-one to sixty minutes per inch respectively.
- B- For all such uses, sewage flows shall be based on the health officer's estimate of daily peak flow.

the Nuisance Abatement Appeals Commission orally, and shall thereafter transmit to them a copy of the order and the Health Officer's written report concerning the condition. The Health Officer shall schedule a hearing before the Commission to be held within 12 business hours after the expiration of the period for appeal provided for in Section 7.38.240 (A) of this chapter, which hearing shall be held as scheduled if an appeal is filed; and canceled if an appeal is not filed.

#### 7.38.240 APPEALS OF ABATEMENT ORDERS.

- A. Any person served with a written order of abatement made pursuant to section 7.38.230 may appeal to the Nuisance Abatement Appeals Commission within 48 consecutive hours after receipt of the order of abatement. The right of appeal may be exercised by notifying the Health Officer, either verbally or in writing, that a hearing is desired. Such appeal shall stay the effect of such order until said Commission hears and decides the appeal, but such stay of the order of abatement shall not relieve any person from liability and responsibility, both criminal and civil, and shall not stay or prevent the filing or prosecution of a criminal complaint, for the maintenance of a nuisance.
- B. Whenever the Health Officer receives notice, either oral or written, that the person maintaining the emergency sewage condition, or occupying the premises whereon said condition exists, desires to exercise his or her right to appeal to the Nuisance Abatement Appeals Commission, the Health Officer shall notify said person of the time and place of the hearing scheduled on this matter before the Commission and of said person's right to be present, and to present evidence to said Commission.
- C. If an appeal is taken, the Commission shall meet pursuant to a notice given by the Health Officer, who shall have scheduled a hearing before the Commission as provided in Section 7.38.230 (C) of this chapter. The Commission shall review the evidence presented by the Health Officer, and any evidence presented by the appellant, and shall thereafter affirm, modify, or vacate the order. In addition, the Commission shall determine whether to authorize the Health Officer to abate the existing emergency sewage condition in the event that the order, as affirmed or modified, is not complied with.

#### 7.38.250 SERVICES OF NOTICES AND ORDERS REGARDING ABATEMENTS.

Each notice or order given or made under this Chapter relating to the abatement of a sewage nuisance shall be served upon the person occupying the premises upon which the sewage nuisance exists, and if no person occupies the premises, or if a person cannot be found who occupies the premises, the notice or order shall be posted upon said premises in a conspicuous place. In addition, a copy of the notice or order shall be mailed to the property owners as their names and addresses appear from the last equalized assessment roll.

#### 7.38.260 ABATEMENT BY THE COUNTY.

In the event that an emergency sewage condition is not abated in accordance with the Health Officer's order as affirmed or modified by the Nuisance Abatement Appeals Commission, the Health Officer may proceed to abate the emergency sewage condition in accordance with the provisions of Chapter 1.14 of this Code, but the right of appeal given by Section 7.38.240 shall be deemed to be the appeal provided for by Section 1.14.020 of this Code.

## ② "Bedroom" Definition

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTIONS 7.38.030, 13.10.700-B,  
15.01.060, 15.04.040, 15.04.050, 15.10.030 AND 15.12.030  
OF THE SANTA CRUZ COUNTY CODE  
RELATING TO THE DEFINITION OF A BEDROOM

Deletions are shown as strikeouts  
Additions are underlined

The Board of Supervisors of the County of Santa Cruz, State of California,  
does ordain as follows:

### SECTION I

Subsection (3) of Section 7.38.030 is hereby amended to read:

3. ~~Bedroom. Any space in the conditioned (heated) area of a dwelling unit shall be counted as a bedroom unless it is one of the following:~~

- ~~-----a.---Hall;~~
- ~~-----b.---Kitchen;~~
- ~~-----c.---Bathroom;~~
- ~~-----d.---Living room (maximum of one per dwelling unit;~~
- ~~-----e.---Dining room/family room (opening off of the kitchen or living room; maximum of one per dwelling unit;~~
- ~~-----f.---Laundry room; or~~
- ~~-----g.---Closet/dressing room (less than seventy square feet or opening off of the bedroom);~~
- ~~-----Sewing rooms, dens, offices, studies, lofts, game rooms, etc., shall be counted as bedrooms regardless of whether they are entered through a doorway.~~

See Section 13.10.700-B of the Santa Cruz County Code, Bedroom.

Fees shall be adopted by resolution of the Board of Supervisors.

#### SECTION IV

Subsections (b) and (c) of Section 15.04.040 of the Santa Cruz County Code is hereby amended to read:

- (b) New Residential Dwelling Unit or Parcels. The fee or exaction for a new residential dwelling unit or parcel shall be imposed on a per bedroom basis as established by Chapter-7-38-030 Section 13.10.700-B of the County Code and established by resolution of the Board of Supervisors.
- (c) New Residential Additions. The fee or exaction for a residential addition which will create additional bedrooms as defined by Chapter-7-38-030 Section 13.10.700-B of the County Code shall be charged a fee as established by resolution of the Board of Supervisors.

#### SECTION V

Subsection (e) of Section 15.04.050 of the Santa Cruz County Code is hereby amended to read:

- (e) Residential Addition or Accessory Structure. Any addition of less than 70 square feet to an existing, legally-established residential dwelling unit or construction which does not result in the creation of additional bedroom(s) as defined in Chapter 7-38-030 Section 13.10.700-B of the County Code.

#### SECTION VI

Section 15.10.030 of the Santa Cruz County Code is hereby amended to read:

APPLICABILITY. The requirements of this chapter shall apply as a condition of approval of any permit to build or place a structure or mobile home, or to divide land, on an arterial, or collector or local street, within a Transportation Improvement Area or within the Urban Services Line, where street width and roadside improvements meeting current County Design Criteria do not already exist. Parcels with roadside improvement constructed using monies from trust funds, created according to Section 15.10.080, shall be required to pay for improvements along their property frontage either at the time such improvements are made or as a condition of a subsequent permit to build or place a structure or mobile home, change the use, or to divide land. This section shall not apply to permits for accessory structures or for modifications or improvements of less than 70 square feet to existing structures or which do not result in the creation of additional bedrooms as defined by Chapter-7-38-030 Section 13.10.700-B of the County Code. Notwithstanding any other provision of the section, equivalent improvements may be required as a condition of a discre-