

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863

HEARING IMPAIRED: (415) 904-5200



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January 15, 1997

TO: Commissioners and Interested Persons

DML
1/15/97FROM: Tami Grove, Deputy Director
Diane Landry, District Legal Counsel
Rick Hyman, Coastal Program Analyst
Steven Guiney, Coastal Program AnalystSUBJECT: COUNTY OF SANTA CRUZ: LOCAL COASTAL PROGRAM
MAJOR AMENDMENT NO. 3-96. For public hearing and Commission action at its meeting of February 4 - 7, 1997, to be held at the Princess Resort, 1404 West Vacation Road, San Diego, tel. (619) 581-5914.

SYNOPSIS

The County of Santa Cruz is proposing to amend 1) both its Implementation Plan (zoning ordinance) and its Land use Plan by adding veterinary clinics in the C-2 and C-4 zoning districts; car washes in gas stations as permitted uses in the CT, C-2, and C-4 zoning districts; and revising the minimum parcel size requirements in water quality constraint areas and water supply watersheds; and 2) modifying the agricultural exclusion and the level of review for greenhouses and agricultural support facilities. This staff report addresses the substance of only the amendments proposed in 1). For convenience, those amendments are being processed as Local Coastal Program Amendment #3-96A. The amendments proposed in 2) are being processed as Local Coastal Program Amendment #3-96B which is recommended to be heard at a later meeting.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed changes of amendment #3-96A as submitted and waive the time limits for processing the proposed changes of amendment #3-96B, for the reasons given in this report.

Proposed Major Amendment #3-96A

Amendment Component	Recommendation
<ul style="list-style-type: none"> Land Use Plan (LUP) policies 5.5.4, Minimum Size for Existing Parcels in Water Quality Constraint Areas, and 5.5.5, Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds: change basis of minimum parcel sizes of existing lots from net acreage to gross acreage. 	Approval as submitted
<ul style="list-style-type: none"> Implementation Plan section 13.10.332, Commercial Uses Chart: add veterinary clinics as permitted uses in the C-2 and C-4 zone districts; add car washes in gas stations as permitted uses in the CT, C-2, and C-4 zone districts. 	Approval as submitted.
<ul style="list-style-type: none"> Implementation Plan sections 7.38.030, 7.38.050, 7.38.080, 7.38.090, 7.38.120G and H, 7.38.150A and B, 7.38.152, 7.38.155, 7.38.160, and 7.38.182, sewage disposal: modify to implement proposed changes to LUP policies 5.5.4 and 5.5.5, and to make other, technical, changes which do not conflict with any LUP policies and, on their own, would be considered "minor" amendments. 	Approval as submitted

Proposed Major Amendment #3-96B

Amendment Component	Recommendation
<ul style="list-style-type: none"> Implementation Plan sections 13.10.312 Agricultural Uses Chart, greenhouse and agricultural support facility level of review and 13.20.073, codification of exclusion from coastal development permit requirements: modify these two sections to reduce the level of review and make greenhouses and ag support facilities principal permitted uses, exclude greenhouses and ag support facilities from coastal development permit requirements. 	<p><u>Waive the time limit for processing of these Implementation Plan amendments.</u> Changes to section 13.10.312 would change permit processing in a manner that the Commission previously denied. Changes to section 13.20.073 require amendment to the County's agricultural exclusion. Exclusion requests are considered under different standards of review and procedures than amendment requests and involve preparation and circulation of environmental documents required by CEQA, which is not possible to do prior to the Commission's February 1997 meeting. Waiver of the time limit will allow proposed changes to section 13.20.073 to be heard concurrently as an exclusion request. Further, because of their close relationship, the changes proposed to sections 13.10.312 and to 13.20.073 should be heard together.</p>

ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy. The Coastal Act sets generally broad statewide policies. The Land Use Plan (LUP) portion of an LCP incorporates and refines Coastal Act policies, giving local guidance as to kinds, locations, and intensities of development. The Implementation Plan (IP), or zoning, portion of an LCP sets out the zone districts and site regulations which are the final refinement specifying how development is to proceed on a particular parcel. The IP must be consistent with and adequate to carry out the policies of the LUP and the LUP must be consistent with the Coastal Act.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Rick Hyman, Steven Guiney, or Diane Landry, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

I. STAFF RECOMMENDATION

Staff recommends approval of the changes proposed by amendment #3-96A as follows: Land Use Plan amendment revising minimum parcel sizes in water quality constraint and water supply watershed areas as submitted; Implementation Plan amendments adding vet clinics and car washes and modifying sewage disposal regulations, as submitted. Staff further recommends a waiver of time for processing of Implementation Plan amendments concerning greenhouse and ag support facilities so that the proposed amendments can be heard together and so that the proposed amendment to the agricultural exclusion, as codified in the Implementation Plan, may be considered concurrently as an exclusion request.

A. MOTIONS AND RESOLUTIONS

1. APPROVAL OF LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION 1:

"I move that the Commission certify amendment # 3-96A to the County of Santa Cruz Land Use Plan as submitted by the County."

Staff recommends a **YES** vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION 1:

The Commission hereby certifies the amendment to the Land Use Plan of the County of Santa Cruz as submitted for the specific reasons discussed in the recommended findings on the grounds that, as submitted, the amendment and the LUP as thereby amended meet the requirements of the coastal act.

The amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

**2. APPROVAL OF IMPLEMENTATION PLAN AMENDMENTS
AS SUBMITTED**

MOTION 2:

"I move that the Commission reject Amendment #3-96A to the Implementation Plan of the Santa Cruz County LCP as submitted by the County."

Staff recommends a **NO** vote which would result in approval of this amendment as submitted. Only an affirmative vote by a majority of the appointed Commissioners present can result in rejection of the amendment.

RESOLUTION 2:

The Commission hereby certifies the amendment to the Implementation Plan of the County of Santa Cruz LCP for the specific reasons discussed in the following findings, on the grounds that the amendments conform with and are adequate to carry out the provisions of the certified Land Use Plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of these implementation measures will have on the environment.

**3. APPROVAL OF REQUEST TO WAIVE TIME LIMITS FOR PROCESSING
OF LCP AMENDMENT #3-96B**

MOTION 3:

"I move that the Commission waive the time limit for processing of LCP Amendment #3-96B to the Implementation Plan of the Santa Cruz County LCP."

Staff recommends a **YES** vote which would result in a waiver of time for processing the amendment. Only an affirmative vote by a majority of the appointed Commissioners present can result in waiver of time.

RESOLUTION 3:

The Commission hereby waives the time limit for processing LCP Amendment #3-96B to the Implementation Plan of the County of Santa Cruz LCP so that the proposed amendment to the agricultural exclusion as codified in the Implementation Plan may be considered concurrently as an exclusion request, at a later meeting..

II. RECOMMENDED FINDINGS

The Commission finds and declares for each of the following amendment parts:

1. Adds veterinary clinics as permitted uses in the C-2 and C-4 zone districts and adds car washes in gas stations as permitted uses in the CT, C-2, and C-4 zone districts (Section 13.10.332 Chart).

This proposed amendment to the implementation portion of the Local Coastal Program would expand the permitted uses in the C-2, C-4, and C-T zone districts. These are commercial districts which already allow a wide range of uses. They implement the Community Commercial, Service Commercial and Light Industrial, and Visitor Accommodations designations of the certified Land Use Plan. The Land Use Plan states that the following uses are permitted under those designations:

Policy 2.14.2 Allowed Uses in the Community Commercial Designation: Allow a wide variety of retail and service facilities, including retail sales, personal services, offices, restaurants, community facilities including child care facilities, schools and studios, hotels and recreational rental housing units, rental services, and similar types of retail and service activities.

Policy 2.17.3 Allowed Uses in Service Commercial and Light Industrial Designations. Allow light industrial facilities such as assembly and manufacturing; commercial services facilities such as auto repair, contractors' yards, and warehousing; and outdoor sales facilities, such as nurseries, lumber yards, and boat and auto sales in the Commercial Services/Light Industry land use designation.

Policy 2.16.3 Allowed Uses in the Visitor Accommodations Designation. Allow a variety of visitor-serving uses in the Visitor Accommodations Designation, including motels, hotels, inns, lodges, recreational vehicle parks, hostels, commercial camping, and, where appropriate, limited appurtenant public restaurants, visitor services and retail shops.

Car washes within gas stations and veterinary clinics can be considered as specific uses falling under the general categories of the Community Commercial Designation and the Service Commercial and Light Industrial Designations. Car washes within gas stations can be considered as a specific use falling under the general category of the Visitor Accommodations Designation. Therefore the amendment is approved as being consistent with and carrying out the related Land Use Plan provisions.

2. Revises minimum parcel size requirements for developing existing lots of record in water quality constraint areas and water supply watersheds (a. Land Use Plan policies 5.5.4 and 5.5.5, and b. Implementation Plan sections 7.38.030, 7.38.050, 7.38.080, 7.38.090, 7.38.120G and H, 7.38.150A and B, 7.38.152, 7.38.155, 7.38.160, and 7.38.182).

a. These proposed Land Use Plan revision to policies 5.5.4 and 5.5.5 slightly alter the minimum parcel size requirements needed to develop in certain areas.

Currently under the certified Land Use Plan, a lot must be 2 1/2 net acres within water quality constraint areas in order to be considered developable. These constrained areas are composed of parcels located within one mile of specified surface water intakes used for public water supplies and which are also located within the watershed of those intakes.

In water supply watersheds, a lot must be at least one acre net in order to be developable. Watershed supply watersheds are identified as mapped areas in the County which contribute surface runoff to an existing or proposed reservoir or intake used for public water supply.

Both of these classifications occur in rural areas where there are no public sewers; septic systems are utilized for wastewater disposal purposes. These regulations serve to prevent water quality problems by ensuring that there is sufficient land for septic systems and that permitted development will not pollute public water supplies.

The proposed amendment changes the net acre standard to a gross acre standard. In other words, for example, if someone owned a one acre parcel that included some non-developable land (e.g., a steep slope) within a water supply watershed, then he or she may be able to build a house on it under the proposed regulations; whereas under the current regulations he or she could not because there would be less than one acre net.

The amendment also includes one exception. A road right-of-way can not be included within the new gross acreage threshold if the presence of the road would adversely affect the functioning of the sewage disposal system. For example, if someone owned a 2 1/2 acre parcel within a water quality constraint area or a one acre parcel in a water supply watershed and a portion of that parcel contained a road right-of-way, the owner may not be able to develop that parcel. In order for the parcel to be considered developable, a determination would have to be made that a road constructed over that right-of-way would not adversely affect the functioning of a sewage disposal system on the property. In practical terms this would mean that there would have to be adequate land area not covered by the road on which to build a house and install a septic system.

Section 30231 of the Coastal Act addresses water quality protection.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

This policy requires the minimization of adverse effects of waste water discharges, which includes discharges from septic systems. Malfunctioning septic systems can adversely affect the biological productivity and quality of coastal waters by, for example, altering the chemical and organismal nature of surface water and groundwater, making the water unsuitable for human consumption and detrimental to wildlife. Septic systems can malfunction for a variety of reasons. High groundwater can inhibit the filtering effects of the soil and lead to contamination of groundwater. Impervious rock too near the surface can cause the liquid from the leachfield to come to the surface. In the event of septic system failure, it may be necessary to relocate the system. Thus the requirement that parcels utilizing septic systems have enough area to allow for the relocation of the septic system should that become

necessary. The County's proposal slightly relaxes the minimum parcel size requirement in water quality constraint areas and water supply watersheds by allowing gross acreage to be the minimum standard, rather than the currently used net acreage standard.

The County estimates that at most 20 parcels (countywide -- in and out of the coastal zone) would be affected by the one acre change for Water Supply Watersheds. In the water quality constraint areas, the County does not believe any additional parcels will become developable because of the change from net acreage to gross acreage. This is because the parcels in those constrained areas are either already developed or are much larger than 2 1/2 acres.

Further, the County notes that "parcels must meet all other technical standards such as installation on slopes not exceeding 30 percent, maintenance of 100 foot setback between streams and the septic system, 50 foot setback from slopes greater than 67 percent, etc." in order to have a septic system approved. Additionally, it should be noted that this amendment applies only to existing lots of record; newly created lots must meet more stringent density standards.

The State and Regional Water Quality Control Boards are the agencies which set water quality standards. Section 30412(b) of the Coastal Act states:

The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.

This amendment is consistent with the Central Coast Regional Water Quality Plan. The proposed amendment would allow perhaps 20 parcels County-wide which are currently considered unbuildable to be allowed to develop. Given the extremely small number of parcels potentially affected and their very limited potential to adversely affect coastal waters, the amendment is approved as being consistent with sections 30231 and 30412(b) of the Coastal Act.

b. The corresponding proposed Implementation Plan amendment revises the definition of "Lot or Parcel Size" in the Sewage Disposal chapter of the County Code (Section 7.38.030(10)). The revised definition reflects the above-described Land Use Plan policy change to use gross rather than net acreage, with the qualifier for road rights-of-way.

Additionally, the proposed Code amendments address the following topics related to sewage disposal: definition of "soil," review of geotechnical reports, residential additions, reapplication fees, chambered leachfields, nitrogen reduction treatment, and dewatering substandard sites. These are all detailed, technical changes that do not conflict with any Land Use Plan policies and by themselves would be considered "minor" amendments. Therefore, the proposed sewage disposal amendments to the Implementation Plan are approved as being consistent with and adequate to carry out the certified Land Use Plan, as amended.

3. California Environmental Quality Act (CEQA)

The proposed veterinary clinic and car wash additions were found by the County to be exempt from CEQA. The proposed sewage disposal revisions were issued a Negative Declaration under CEQA on October 17, 1996 by the County. The amendments pose no significant environmental impacts within the meaning of CEQA for the reasons discussed in the above findings.

Full Text of Santa Cruz County Local
Coastal Program Major Amendment
#3-96

Proposed additions are underlined.
Proposed deletions are crossed-out.

Clean, signed copy of the proposed amendments are on file with the
Commission.

Major
1

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS COUNTY CODE SECTIONS INCLUDING LOCAL COASTAL PROGRAM IMPLEMENTING ORDINANCES FOR CONSISTENCY WITH THE 1994 GENERAL PLAN AND LOCAL COASTAL PROGRAM: AMENDING SECTIONS 13.10.332, 13.10.700-D, 16.10.080, 16.22.030 and 17.04.050.

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 13.10.332 of the County Code is hereby amended to add the following to the use chart:

USE	PA	VA	CT	C-1	C-2	C-4
<u>Veterinary Clinics or offices with no overnight boarding of animals.</u>	--	--	--	--	4/5/6	4/5/6

SECTION II

The portion of Section 13.10.332 of the County Code headed Automobile Service Stations is hereby amended to read as follows:

USE	PA	VA	CT	C-1	C-2	C-4
Automobile Service Stations; subject to the provisions of Sections 13.10.656 and 13.10.357.						
Gas Stations with <u>car washes</u> , service bays and/or vehicle repair services.	--	--	5/6*	--	5/6*	5/6*
Gas stations or gas pumps with no service bays nor vehicle repair service.	--	--	5/6*	5/6*	5/6*	5/6*

Major
2

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7.38,
SEWAGE DISPOSAL, RELATING TO GEOLOGIC REPORTS,
SOIL DEFINITION, BUILDING ADDITIONS, ENHANCED
TREATMENT, AND OTHER MINOR CHANGES

Deletions are shown as strikeouts

Additions are underlined

Explanations for changes are presented in italics

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

SECTION I:

A. Subsection (12) of Section 7.38.030, Definitions, is hereby amended to read as follows:

12. Lot or Building Site Parcel Size means the parcel or parcels total horizontal area included within the property lines of the lot(s) or parcel(s) upon which an individual sewage disposal system is installed; or is proposed to be installed, the size of which is the total horizontal area included within the property lines of the site, excluding provided that the area of any rights-of-way for vehicular access may be deducted for purposes of determining the size of any lot(s) or parcel(s) having a gross area less than one acre, where the Health Officer has determined that the vehicular access would have an adverse impact on the individual sewage disposal system.

On December 14, 1993 the Board of Supervisors directed that this amendment be included in amendments to Chapter 7.38. This amendment was proposed in 1995, but it was discovered that a General Plan amendment was also needed. This amendment would allow parcels that had a full acre of gross area to be considered for compliance with the technical standards for onsite sewage disposal. Currently, if such lots have 1 gross acre, but less than 1 net area (excluding vehicular right-of-ways) they cannot be considered for installation of sewage systems in areas that have a one acre minimum parcel size: the San Lorenzo and North Coast Water Supply Watersheds. This amendment is expected to only affect at most about 20 parcels.

SECTION II:

B. Section 7.38.030, Definitions, is hereby amended to add a definition and renumber existing definition #17 as #18:

17. Soil Soil consists of the natural organic and inorganic material near the earth's surface which, in contrast to the underlying rock material, has been formed over time by the interactions between climate, relief, parent materials, and living organisms.

1718. Water Quality Constraint Area.

This definition is needed to provide a definition of soil as the basis for interpretation of the proposed revision to Section 7.38.150.B.2.

SECTION III:

Section 7.38.050, Changes to Constraint Areas, is hereby amended to read as follows:

7.38.050 CHANGES TO CONSTRAINT AREAS. Exceptions to Constraint Area maps as defined in Section 7.38.030 (15) and ~~(17)~~ (18) may be made according to the following process:

A. Septic Constraint Areas.

1. Changes to Septic Constraint Areas Designated As Primary Groundwater Recharge Areas.
 - a. Any applicant may seek removal from a Septic Constraint Area designated as a primary groundwater recharge area by employing, at the applicant's expense, a California licensed geohydrologist, geologist, or engineering geologist satisfactory to the Santa Cruz County Planning Department, to prepare a study demonstrating that the property is not in a groundwater recharge area. The study must be prepared according to guidelines adopted by the Director of the Santa Cruz County Planning Department, and demonstrate that the property is not within a primary groundwater recharge area as defined in the Santa Cruz County General Plan.
 - b. The study shall be submitted to the County ~~Consultant~~ Geologist for geologic review with payment of a fee as determined by the Board of Supervisors by resolution.
 - c. The County ~~Consultant~~ Geologist shall make a finding and recommendation to the Health Officer for retaining or excluding the property from the constraint area.
 - d. If the Health Officer, in exercising his or her discretion, determines that the property should be properly excluded based upon the foregoing procedures from the groundwater recharge constraint area, the property shall be excluded.
 - e. Decisions of the Health Officer shall be final and shall not be appealable.

This section is being updated as all Geologic reports prepared for the County are now reviewed by the County Geologist, rather than an outside consultant.

SECTION IV:

Subsections B. and C. of Section 7.38.080, Existing System - Building Alterations; are hereby amended to read as follows:

B. Additions, Remodels, Replacements and Repairs:

1. A one-time addition per parcel to any residential building of up to ~~250~~ 500 square feet of habitable space with no increase in bedrooms and/or a structural remodel which significantly extends the life of a structure may be approved provided the conditions listed below are met. Those structural improvements that significantly extend the life of a structure are the installation of a foundation or change in foundation type, installation of a partial or complete new plumbing or electrical system, installation of new exterior walls, or similar major structural changes which require a building permit.
 - a. The addition does not encroach on the existing sewage disposal system or expansion area.
 - b. Adequate information exists as to the location, construction and proper function of the existing sewage disposal system.
 - c. The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date.
2. Additions of more than ~~250~~ 500 square feet of habitable space and/or increases in the numbers of bedrooms and/or the creation of an accessory dwelling unit pursuant to Section 13.10 of this Code may be approved, provided the sewage disposal system meets (or is upgraded to meet) the requirements for a standard system or alternative system as specified in Sections 7.38.095 - 7.38.182 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units.)
3. Replacement of a dwelling unit with an equivalent structure may be approved, provided that the sewage disposal system meets the standards in Sections ~~7.38.130-7.38.150 or~~ 7.38.095- 7.38.182.
4. The Environmental Health Service shall review and provide approval of all residential building permit applications that propose an increase in or relocation of any building footprint on a parcel served by an individual sewage disposal system. The conditions stated in 7.38.080.B.1.a. and b. shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, replumbing, reroofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Service.

C. Reconstruction of Residences Destroyed by Fire or Calamity.

When a residential structure is partially or wholly destroyed by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such residence, either the sewage disposal system to serve the reconstruction must be upgraded to meet the standards as provided in Sections ~~7.38.130-7.38.150 or~~ 7.38.095- 7.38.182; or, the existing sewage disposal system may be used if all of the following conditions are met:

1. The Health Officer determines the system to be in safe working condition.

2. Any improvements to the system which the Health Officer specifies as needed shall be done in accord with Sections ~~7.38.130 - 7.38.150~~ 7.38.095 or 7.38.182 of this chapter.
3. The ownership has remained the same, and permit for rebuilding the structure is applied for within 24 months of the date of the damage, or within 36 months of the date of the damage if the damage is due to a natural calamity for which the Board of Supervisors has declared a local emergency.
4. The square footage of the original structure is not increased more than ~~250~~ 500 square feet of habitable space and no new bedrooms are added.
5. Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.
6. The existing sewage disposal system and any needed improvements must be at least 50 feet from any waterway. If the 50 feet setback cannot be maintained, an alternative system may be allowed upon approval of the Health Officer pursuant to Section 7.38.182.

The current thresholds for upgrading existing functioning septic systems when residential additions are proposed are: increases in number of bedrooms, or increases in other habitable space greater than 250 square feet. No change in the current wording in the case of the bedroom increase is proposed since the number of bedrooms affects the wastewater flows. However, the current threshold of proposed increases of more than 250 square feet of habitable space as a criterion for the requirement of a septic system upgrade, is overly restrictive. An example of a popular project that increases habitable space more than 250 square feet is conversion of a garage into a family room. Most garages are on the order of 400 - 500 square feet and their remodel into a family room does not affect wastewater flows. The proposed change from 250 to 500 square feet will make the EHS policy consistent with the policy applied by the Planning Department with respect to definition of major and minor projects.

The deletion of a portion of the language in B.1 regarding structural improvements is done to achieve clarity in that section. The last revision of this Section combined wording that resulted in the current confusing language. With the existing language of Section 7.38.080 B., clearances have been denied for projects that propose to replace existing foundations under the Brace-for-the-Quake program, due to substandard in size, but functioning septic tanks. Under current regulations, if the owner cannot afford to replace the septic tank at the time of foundation replacement, neither project is done.

The improvement of existing developed parcels should not be unduly hindered by overly restrictive implementation of septic system upgrades where the existing septic system is functioning properly and there is room to replace the system. The County has a strong Onsite Wastewater Management Program county-wide. Inspection, complaint resolution and water quality monitoring programs will detect and abate the majority of failures. A dividend of this long-term investment in the Onsite Wastewater Management Program should allow for the requirement of septic system upgrades for only major projects.

Section 7.38.080 C. would allow reconstructions to be done if the system can be upgraded to meet repair standards, just as additions are allowed under 7.38.080 B., thereby providing consistency.

SECTION V:

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

7.38.090 APPLICATION AND FEES.

- 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.
1. The Director of Environmental Health may authorize credit of not more than 80 percent of the filing fee paid toward reapplication for an application which has expired pursuant to Section ~~7.38.091.C~~: 7.38.092.C, subject to the following conditions:
 - a. The original applicant reapplies within 180 days of the date of expiration of the original application.
 - b. No installation or construction of any portion of the individual sewage disposal system has taken place and the technical design and site plan are unchanged from the original application. If changes in the original application are required pursuant to Section 7.38.093.C., or because of site conditions or redesign of the original proposal, full filing fees are required upon reapplication.
- B. Supporting documents as required by the Health Officer, including but not necessarily limited to plot plan(s) and floor plan(s), shall be submitted with the application for a permit. The requirements for such supporting documents shall be as established by policy of the Health Officer.

This amendment will correct a typographical error made in the last amendment of the sewage ordinance.

SECTION VI:

- A. Subsection G of Section 7.38.120, Soil Percolation Tests and Other Required Information, is hereby amended to read:
- G. The Health Officer may also require any other information necessary to evaluate the proposed system. If, in the opinion of the Health Officer, the land proposed for individual sewage disposal has severe soil limitations, or introduction of sewage effluent into the soil may create slope instability, submission of a technical report prepared at the applicant's expense by a California licensed soils scientist, engineering geologist, registered geologist, or similarly qualified soils expert shall be required. The Planning Department technical review staff shall review and provide comment on all such required technical reports which address potential impacts on slope stability from proposed septic systems to serve new or existing development. The applicant shall pay a fee for such review as established by the Board of Supervisors.

SECTION VII:

B. Subsection (H) is hereby added to Section 7.38.120, to read as follows:

H. Any geologic or geotechnical report prepared and submitted to the County Planning Department which includes a slope stability analysis for development where onsite wastewater disposal is proposed, shall include review and comment on the specific onsite wastewater disposal system proposal which has been submitted to the Environmental Health Service. This report shall evaluate the effect of the proposed system on the potential for slope instability and may designate other areas on the site where a sewage disposal system which meets County standards will not adversely affect slope stability.

There is a need to improve coordination between EHS and the Planning Department with respect to geologic and geotechnical reports and septic systems. During the development process, the Planning Department may require a geotechnical report on the parcel to determine any geological hazards (landslides, seismic activity, etc.). There is no requirement that this report analyze the specific septic system proposal with respect to slope stability issues. On occasion, EHS will learn that a geotechnical report has been prepared with some negative results. EHS will then require that the report be amended to include review of the septic system and the possible effects on slope stability. The applicant is angered that this was not required initially since the consultant will need to be rehired to complete the job. The proposed language will require that the geotechnical report be prepared to consider the specific septic system proposal.

SECTION VIII:

Subsection (7) of Subsection (A) of Section 7.38.150, Sewage Leaching Requirements, is hereby amended as follows:

A. General

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

Refer to revision (following) in Section 7.38.152 A.

SECTION IX:

Subsections (1) and (2) of Subsection (B) of Section 7.38.150, Sewage Leaching Requirements, are hereby amended as follows:

B. Trench Leaching Device

1. The Health Officer may approve the use of a trench as a leaching device. Any such trench shall be 18 inches to 36 inches in width, contain a perforated sewage conductor pipe, and shall be filled with rock. The trench depth required will be dependent on soil conditions, and the trench length required will be dependent on sewage loading. The use of gravelless leachfields may be permitted by the Health Officer. The Health Officer shall develop and promulgate regulations for their use. All sections of this Chapter regarding the location and placement of leaching devices shall apply to the graveless method of effluent disposal.

Gravelless leachfield technology uses curved sections of molded polyethylene placed in leaching

trenches without the use of gravel. Septic tank effluent is dispersed into these chambers which are open on the bottom. They provide superior storage volume per lineal foot compared to gravel filled trenches. These chambers have been widely used throughout the nation with positive results reported from regulatory agencies. The quarry industry in the County has difficulty supplying clean, washed drain rock for conventional leachfields, and this technology will provide a viable alternative.

2. Trenches shall be placed in natural earth and in an unobstructed area an area where the soil has not been removed, altered, or filled.

Natural soil which has not been graded is required for the appropriate treatment and disposal of septic tank effluent. Well developed, natural soil supports a rich mixture of micro-organisms that provide treatment of the septic tank effluent in leachfields. Areas of grading may leave a virtually sterile soil environment for wastewater treatment and disposal purposes. It is a generally accepted basic design criterion (supported by the scientific literature) that leachfields must be located in ungraded, naturally developed soil. The existing language is vague, resulting in confusion for applicants and permit processing personnel. This proposed revision seeks to clearly establish the original intent that soil be undisturbed if it is to be used for wastewater leachfields. In practice, a standard disposal system will not be allowed if more than 6 inches of soil has been removed or more than 12 inches of fill has been placed on the natural soil. Where alteration has been greater, an alternative system which provides for enhanced treatment may be approved if it can be demonstrated by the applicant that the system can be expected to function properly.

SECTION X:

Section 7.38.152, Enhanced Treatment Systems, is hereby amended to read as follows:

A. Systems in Sandy Soils with Fast Percolation Rates of 1-5 MPI.

Enhanced treatment devices providing for reduction of nitrogen in the effluent prior to discharge to the underlying soil will be required for any system which is located in sandy soils. Sandy soils are those soils which either, 1) can be classified as Zavante Series or Baywood Series, as described in the Soil Survey of Santa Cruz County (USDA, 1980), or 2) have with a percolation rate of one-five minutes per inch. Based upon an evaluation of the effectiveness and cost of available technology, the Health Officer shall determine the amount of nitrogen removal required and may waive this requirement for upgrade of existing systems where there will be no bedroom addition, remodel adding more than two hundred fifty five hundred square feet, or other expansion of use which will result in an increase in volume or strength of wastewater flow. Enhanced treatment systems shall be considered alternative systems, subject to the requirements of Sections 7.38.182 through 186.

B. Large Systems.

Enhanced treatment devices approved by the Health Officer which provide a reduction in nitrogen, Total Suspended Solids and Biological Oxygen Demand in the sewage effluent prior to discharge to the underlying soil shall be required for all new systems and upgraded systems serving more than five residential units or serving uses which generate a peak daily discharge of more than two thousand five hundred (2500) gallons per day. Such systems shall be considered alternative systems, subject to the requirements of Sections 7.38.182 through 186.

C. Waiver of Requirement

The Health Officer may waive the requirement for enhanced treatment in areas where the Health Officer has determined that there is no expectation of significant cumulative contamination of water resources by nitrate or other contaminants from septic systems.

This section was added to the sewage disposal ordinance in 1995, pursuant to the San Lorenzo

Nitrate Management Plan. Linking the requirement for enhanced treatment to specific soil types is consistent with the conclusions and intent of the Plan and is more straightforward to implement since soil classifications are now available on EMIS. Authority to waive the requirement is being added as there is currently inadequate benefit to justify the cost of enhanced treatment outside of critical water resource areas. It is currently intended to only require enhanced treatment in the San Lorenzo Watershed and in other watersheds presently used for municipal water supply, Laguna, Majors, San Vicente, Mill, Liddell, Corralitos, and Browns Valley creeks.

The definition of large systems is being changed from 2000 to 2500 gallons per day, for greater consistency with Regional Board guidelines.

SECTION XI:

Section 7.38.155, Curtain Drains, is hereby amended by adding the following paragraph at the end of the existing section:

Curtain drains shall not be permitted for the purposes of attempting to lower groundwater levels to meet the required setback to groundwater from leaching devices for new development or expansion of existing development.

The use of curtain drains to attempt to dewater soils to meet the required setback between a proposed leaching device and groundwater should not be allowed for new or upgraded development. Owners of parcels that have severe groundwater problems currently apply to install curtain drains in an attempt to obtain a sewage disposal permit. Many thousands of dollars may be expended in this effort. Generally, negative results are obtained in this effort. Cases exist where curtain drains have been allowed and septic systems installed; the curtain drains begin to flow with septic effluent over time. There is no guarantee that curtain drains will continue to function as they age, and new or expanded development that will exist in perpetuity should not be allowed to depend on their function.

SECTION XII:

Section 7.38.160, Standards for Systems to Serve Commercial and Industrial Establishments, Institutions and Recreational Areas, is hereby amended as follows:

- B. For all large systems serving more than five residential units or having peak daily flows greater than two thousand five hundred (2500) gallons per day, enhanced treatment systems as specified in Section 7.38.152 will be required.

The definition of large systems is being changed from 2000 to 2500 gallons per day, for greater consistency with Regional Board guidelines.

SECTION XIII:

Section 7.38.182, Alternative Systems for New or Expanded Development, is hereby amended as follows:

- A. The Health Officer may accept sewage disposal permit applications utilizing alternative system designs for the upgrade of existing systems to allow building additions or remodels, and for the construction of new systems on lots of record in existence on November 8, 1988. Alternative systems may also be proposed to provide enhanced treatment and/or mitigate environmental impacts on parcels created after November 8, 1988, if those parcels can meet

the requirements for a standard conventional system as set forth in Sections 7.38.094-7.38.180. Enhanced Treatment Systems may be utilized on parcels which were created between November 8, 1988, and January 20, 1996, if enhanced treatment is required pursuant to Section 7.38.152. Alternative system designs for new systems must be in conformance with Section 7.38.040 C, Prohibitions; Section 7.38.045, Lot Size Requirements for Existing Lots of Record; and subsections (F), (H), and (I) of Section 7.38.130, General Installation Requirements.

This change will clarify that parcels which were created after November 8, 1988, but before January 20, 1996 (when the new requirements for enhanced treatment systems went into effect) may be developed using enhanced treatment systems, if site conditions now require the use of such systems.

SECTION XIV:

This ordinance shall take effect on the 31st day after the date of adoption or immediately upon certification by the State Coastal Commission whichever occurs later.

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Harry A. Oberhelmanitt
County Counsel

DISTRIBUTION:

CAO
County Counsel
Environmental Health
Planning Department
Regional Water Quality Control Board

**Proposed Amendments to Sections 5.5.4 and 5.5.5 of the
Santa Cruz County General Plan**

- 5.5.4** **Minimum Size for Existing parcels in Water Quality Constraint Areas**
(LCP) Require 2 ½ net gross acre minimum parcel sizes for development of existing lots of record within Water Quality Constraint Areas. Allow exceptions to the 2 ½ net gross acre minimum parcel size only where consistent with the existing Sewage Disposal ordinance, except that land areas for road rights-of-way may not be included in determining net parcel size if the presence of the road will adversely affect the functioning of the sewage disposal system.
- 5.5.5** **Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds**
(LCP) Require one net gross acre minimum parcel sizes for development of existing lots of record in Water Supply Watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance, except that land areas for road rights-of-way may not be included in determining net parcel size if the presence of the road will adversely affect the functioning of the sewage disposal system. and Incorporate as General Plan and LCP Land Use Plan requirements the provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. (See policy 5.5.6.)

On December 14, 1993 the Board of Supervisors directed that this amendment be included in amendments to Chapter 7.38. This amendment was proposed in 1995, but it was discovered that a General Plan amendment was also needed. This amendment would allow parcels that had a full acre of gross area to be considered for compliance with the technical standards for onsite sewage disposal. Currently, if such lots have 1 gross acre, but less than 1 net area (excluding vehicular right-of-ways) they cannot be considered for installation of sewage systems in areas that have a one acre minimum parcel size: the San Lorenzo and North Coast Water Supply Watersheds. This amendment is expected to only affect at most about 20 parcels