

**CALIFORNIA COASTAL COMMISSION**

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**W7a**

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Applicant postponement request (to 9/99)	7/21/99
Staff:	D. Carl
Staff report:	8/25/99
Hearing date:	9/15/99

**PERMIT AMENDMENT**

**Application number** ..... 3-83-076-A14, UCSC-Long Marine Laboratory/California Department of Fish & Game Sewer Line

**Applicant** ..... University of California at Santa Cruz (UCSC)  
Agent: Steve Davenport, Long Marine Laboratory

**Project location** ..... McAllister Way between the California Department of Fish and Game Marine Wildlife Veterinary Care and Research Center and the National Marine Fisheries Service Research Laboratory adjacent to UCSC Long Marine Laboratory and the Marine Discovery Center in the Terrace Point area of the City of Santa Cruz (at the western Santa Cruz City limits) (APN 003-321-03).

**Project description** ..... Amend previously approved coastal development permit (for the construction of the Long Marine Laboratory facilities and the California Department of Fish and Game Marine Wildlife Veterinary Care and Research Center) to connect the Fish and Game facility to the Long Marine Lab/National Marine Fisheries Service private sewer system by installing approximately 666 feet of 8 inch diameter gravity flow sewer line and 208 feet of 6 inch diameter gravity flow sewer line extending from the Fish and Game facility to a connection point under McAllister Way adjacent to the National Marine Fisheries Service Research Laboratory.

**File documents** ..... Coastal development permit files P-1859 and 3-83-76 and subsequent amendments (for UCSC Long Marine Laboratory), including 3-83-076-A5 for the CDFG facility); coastal development permit file 3-97-050 and subsequent amendments (for the Marine Discovery Center); consistency determination CD-50-98 (for the National Marine Fisheries Service Research Laboratory); Long Marine Laboratory Master Plan FEIR (1993).

**Staff recommendation** ... Approval with Conditions



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September 1999 Meeting in Eureka

Staff: D. Carl Approved by: C.F.X. 8/26/99

3-83-076-A14 (UCSC-LML-CDFG Infrastructure) Staff Report for September Hearing.doc (8/25/99)

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**Summary:** The Applicant proposes to connect the California Department of Fish and Game Marine Wildlife Veterinary Care and Research Center (MWVCRC) to the private Long Marine Laboratory (LML)/National Marine Fisheries Service (NMFS) sewer system. MWVCRC serves as the State's primary oil spill center when significant numbers of wildlife are impacted from such spill events. Between oil spills, MWVCRC staff conduct research on marine ecosystem health issues including the causes of sea otter and marine bird mortality. Currently, MWVCRC disposes of wastewater in underground tanks which are emptied on a regular basis. Waste is disposed of at the City of Santa Cruz wastewater treatment facility at Neary Lagoon. In non-oil-spill periods, these wastes are removed on a weekly basis; during oil spill response, waste water must be pumped and disposed of three times per day.

The proposed project would allow for more efficient and cost effective wastewater treatment for the MWVCRC. The project does not propose any alterations that affect existing wastewater quantity or quality. The proposed connection would simply result in a different delivery mechanism for MWVCRC wastewater (i.e., change from pumper truck to sewer line). The sewer line connection means that pumper truck traffic along Delaware Avenue and McAllister Way will be discontinued. The proposed utility connection would accommodate the existing needs of a high-Coastal Act priority coastal-dependent use (CDFG's MWVCRC).

However, because the proposed project is located on the western outskirts of the City of Santa Cruz at Terrace Point, a number of issues do arise. Terrace Point, an area primarily made up of fallow agricultural fields now home to mostly vacant coastal meadows and wetland areas, separates LML and the CDFG facility from City services and has historically delineated the urban/rural boundary on the City of Santa Cruz's west side. The approximately 55 acre Terrace Point site was recently purchased by UCSC earlier this year.

The Terrace Point area has been the center of ongoing development planning and public controversy for many years. Terrace Point development proposals have raised issues regarding the appropriate type and intensity of development, the loss of open space lands, and appropriate agricultural buffers. Likewise, there have been public concerns that, in addition to direct impacts from proposed development, LML development may affect the pattern and intensity of development on the adjacent undeveloped Terrace Point property to the east and prejudice the Coastal Commission's future decisions there. Although the Commission has certified the majority of the City of Santa Cruz Local Coastal Program (LCP), the majority of the Terrace Point area remains within the Westside Lands Area of Deferred Certification. Likewise, the Commission has not certified a Long Range Development Plan (LRDP) for any of the University's holdings at Terrace Point.

Lacking this LCP/LRDP planning context, the Commission's previous authorizations for development and expansion on the Applicant's property have included extensive conditions designed to assure that infrastructure improvements serving these facilities would not prejudice planning for the greater LML/Terrace Point area. More recently, in 1998, NMFS modified their project for the Commission's consistency determination to insure that future planning efforts would not be frustrated at the site by the



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NMFS facility and its utility infrastructure needs. The Marine Discovery Center approval (CDP 3-97-050, August 13, 1997) and the subsequent sewer line modification (amendment 3-97-050-A1, July 14, 1999; providing for connection to NMFS sewer line) strictly limit the sewer system to serve only permitted development on the Long Marine Laboratory site. The intent of this previous condition was, and is, to insure that the sewer utilities approved for the site are limited to accommodate only the permitted site needs and not any future development that may eventually be pursued for the mostly vacant Terrace Point property.

In this case, the proposed utility connection would more efficiently and cost-effectively accommodate the needs of permitted LML site development consistent with the sewer system provisions approved by the Commission in 1997. The limitation on any other use of the sewer line remains in effect. As such, approval of the proposed utility improvements will not be growth inducing, will not prejudice Commission action on future decisions regarding development of LML/Terrace Point lands, and will not prejudice coastal planning for the westside lands. The sewer line would be underground and no new conflicts will occur between the coastal-dependent CDFG use and continued agricultural use as a result of the sewer line extension. The MWVCRC is a high-priority coastal-dependent use for which the proposed sewer connection to serve this use is consistent with, and carries out the goals of, the Coastal Act.

Staff recommends approval with conditions.

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- A. Project Location
- B. Proposed Sewer Line Location
- C. Correspondence Received from David Jessup, Director CDFG MWVCRC
- D. Terrace Point Agricultural Buffer Distances
- E. Agricultural Buffer Survey
- F. Correspondence Received from Bob and Helen Goode, Younger Ranch
- G. Correspondence Received from DeWayne Johnston, Regional Manager, CDFG Marine Region

### **1. Staff Recommendation on Coastal Development Permit**

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Amendment Number 3-83-076-A14 subject to the conditions below and that the Commission adopt the following resolution:*

***Approval with Conditions.** The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice local coastal planning, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

### **2. Conditions of Approval**

#### **A. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.



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3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

#### **B. Special Conditions**

1. **Previous Conditions.** Unless specifically altered by this amendment, all previous conditions of approval attached to the previously approved Long Marine Laboratory permits for this property (Coastal Development Permits P-1859, 3-83-076, and 3-97-050) and subsequent amendments (Coastal Development Permit Amendments 3-83-076-A1 through 3-83-076-A13, 3-97-050-A1) remain in effect.
2. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit final plans to the Executive Director for review and approval. The final plans shall substantially conform with the plans submitted to the Commission titled *Infrastructure Improvements at University of California, Santa Cruz Institute of Marine Sciences Long Marine Laboratory* dated April 14, 1999. The plans shall provide for:
  - (a) The installation of approximately 666 feet of 8 inch diameter gravity flow sewer line and 208 feet of 6 inch diameter gravity flow sewer line extending from the California Department of Fish and Game Marine Wildlife Veterinary Care and Research Center wastewater storage tanks to a location under McAllister Way where the Long Marine Laboratory sewer line connects to the east to the National Marine Fisheries Service sewage pump station; and
  - (b) The connection of the 666 feet of 8 inch diameter gravity flow sewer line and 208 feet of 6 inch diameter gravity flow sewer line to the Department of Fish and Game Marine Wildlife Veterinary Care and Research Center wastewater storage tanks; and
  - (c) The plans shall not show any stub-out connections for future development not already permitted on the Permittee's property.



The Permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Any other development, including any future connection to the gravity sewer line authorized by this permit, will require a separate Coastal Commission-approved coastal development permit or a separate Coastal Commission-approved amendment to Coastal Development Permit 3-83-076. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit amendment unless the Executive Director determines that no amendment is necessary.

### **3. Recommended Findings and Declarations**

The Commission finds and declares as follows:

#### **A. General Project Location & Background**

The project site is located on a coastal terrace located just within the western boundary of the City of Santa Cruz in Santa Cruz County. The Applicant (the University of California) has for years owned and managed approximately 43 acres of this area located on the extreme western boundary of the City. Of this 43 acres, approximately 28 acres make up the Younger Lagoon Reserve (a wetland system which is part of the University's Natural Reserve System) and the 15 remaining acres contain: the LML campus and related facilities (approximately 7 acres), the CDFG MWVCRC (approximately 2 acres), the nearly finished Marine Discovery Center (approximately 3 acres), and approximately 3 acres of undeveloped land (portions previously used for experimental farming). The property was annexed to the City in the early 1980's.

More recently, the Applicant has acquired the majority of property lying between the 15 acre Long Marine Laboratory holding and the De Anza Mobile Home Estates located to the east (not counting 2.5 acres of NMFS lands). This approximate 55 acre parcel, known locally as the Terrace Point property, had been the subject of recent planning efforts by ATC Realty Sixteen, Inc., a wholly-owned subsidiary of Wells Fargo Bank, for many years. Terrace Point, an area primarily made up of fallow agricultural fields now home to mostly vacant coastal meadows and wetland areas, separates LML and the CDFG facility from City services and has historically delineated the urban/rural boundary on the City of Santa Cruz's west side. When the Local Coastal Program for the City of Santa Cruz was certified in 1981, this key undeveloped oceanfront site was not certified, but was designated as part of the Westside Lands Area of Deferred Certification because the City declined to accept Commission modifications limiting development. The main undeveloped Terrace Point property remains within the Area of Deferred Certification today.

The Terrace Point site has been the center of ongoing development planning and public controversy for many years. Terrace Point development proposals have raised issues regarding the appropriate type and intensity of development, and the loss of open space lands and agricultural potential. Likewise, there have been public concerns that, in addition to direct impacts from proposed development, LML



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development may effect the pattern and intensity of development on the Terrace Point property and prejudice the Coastal Commission's future decisions there.

In the general LML/Terrace Point vicinity, agricultural land extends to the west beyond Younger Lagoon along the coast, and to the north to the Southern Pacific Railroad tracks and beyond to Highway 1. The Raytek industrial facility is located directly north of the Terrace Point property across the railroad tracks. South of the Terrace Point site lies Monterey Bay and the Pacific Ocean. To the east are the De Anza Mobile Estates (residential) and Natural Bridges State Park.

See Exhibit A for project location.

### **B. Previously Approved Project & Related Commission Actions**

#### **1. General Site Development History**

In 1976 the Commission approved the original Phase I development of the Long Marine Laboratory facility through CDP P-1859. In authorizing construction of LML, the Commission found: that the lab was a coastal-dependent use which needed to be located in a remote, semi-rural area; that the facility would not adversely affect adjacent agricultural operations; and that limited public access was necessary in order to protect the environmentally sensitive lagoon and beach habitats. CDP P-1859 authorized the construction of multiple lab buildings, educational facilities, tanks, sheds and associated infrastructure including the McAllister Way access road from Delaware Avenue, a saltwater exchange system, underground electric and telephone extensions, and a 10,000 gallon sewage holding tank. Through Commission-approved condition compliance for CDP P-1859, public access to Younger Lagoon and the beach environs was generally closed off to the public in 1981 to allow for wetland research and study in a controlled setting.

Subsequently, in 1983 the Commission approved Phase II expansion of the Lab through CDP 3-83-076. This 1983 expansion effectively doubled the size of the original facility and included a new aquarium and museum, as well as additional research facilities, tanks, service buildings, and parking. Several amendments followed from 1985 through 1987 which allowed for modifications to the dolphin tank (3-83-076-A1), an additional LML building (3-83-076-A2), and an aquaculture operation with buildings, tanks, and associated facilities (3-83-076-A3, A4 and a 1987 immaterial amendment).

The next major expansion on the LML site occurred in 1994 when the Commission approved the CDFG MWVCRC on the blufftop plateau above Younger Lagoon inland from the main assemblage of LML buildings (3-83-076-A5). The CDFG facility provides rescue and rehabilitation services for oiled wildlife and includes two major buildings along with pens, mammal pools, bird holding areas, cage cleaning areas, and parking and storage area (see below for project specifics). This CDFG development was followed in 1995 and 1996 by several projects associated with the same upper terrace (inland) site including slope restoration along Younger Lagoon (also numbered 3-83-076-A5), partial change from greenhouse aquaculture use to organic plant propagation (3-83-076-A6), partial change from greenhouse aquaculture use to bioassay operation (3-83-076-A7), and the installation of an equipment storage shed



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for the CDFG facility (3-83-076-A9 & A10). In 1996 the Commission also authorized chain link and mesh fencing along the eastern property boundary of the Lab (3-83-076-A8).

In 1997, the Commission authorized a private water line extension to serve the LML site through amendment 3-83-076-A11. The line was constructed to public water line specifications and connected to the municipal system at Delaware Avenue. The Commission conditioned the water line approval to limit use of the line to permitted development on the LML site. Accordingly, the Commission found that the private water line extension would not prejudice future planning or Coastal Commission decisions for the undeveloped Area of Deferred Certification at Terrace Point.

Later in 1997, the Commission authorized the construction of the Long Marine Lab Marine Discovery Center (CDP 3-97-050) on the coastal bluff immediately to the east to the Long Marine Lab campus. The Marine Discovery Center (currently nearing completion) consists of the Education/Visitor Center and Teaching Laboratory (approximately 19,000 gross square feet) and a public parking lot for 53 cars. While not processed as an amendment to the base permit, the Discovery Center is a component of the overall LML campus. This is clearly evident in the Commission's Discovery Center authorization which included the conversion of the LML 10,000 gallon concrete septic vault to a sewage pump station and the connection of this system to the City's wastewater system at the intersection of Delaware Avenue and Shaffer Road. Use of this sewer line was, and is, limited to existing permitted development at the LML site.

In a related 1998 action, the Commission concurred with the consistency determination of the National Marine Fisheries Service (NMFS) for the development of a fisheries research laboratory on a 2.5 acre parcel of land directly east of LML property and McAllister Way on the Terrace Point parcel (CD-50-98). The NMFS facility (currently under construction) involves a 53,400 square foot, 2-story, 36 foot high laboratory building, with 53 parking spaces, site landscaping, and utilities, and a seawater intake station on the adjacent LML site. Although clearly interrelated, the NMFS facility is not part of the LML campus.

More recently, the Commission approved a slight modification to the 1997-authorized sewer line in July 1999 (3-97-050-A1). This modification allows the University to connect the LML sewer system to the system to be constructed by NMFS instead of constructing a second redundant sewer line connection to the municipal system at Delaware Avenue and Shaffer Road. The proposed sewer connection to the MWVCRC would connect into this line.

The most recent Commission action at the LML property came in August 1999 when the Commission approved the expansion of the main LML campus through authorization of the Center for Ocean Health. The Center for Ocean Health replaces LML's temporary trailers and effectively doubles the amount of marine research space available at the LML campus. The Commission was concerned about the mass and scale of the Ocean Health project as it may relate to future development at Terrace Point, but ultimately approved the project finding that:

*By allowing such a mass, scale, and density of development at the LML campus site, the*



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*Commission expects that large undeveloped open space areas which separate developed areas of the property will be observed should other development be contemplated for the overall vacant Terrace Point parcel....For example, it is unlikely that additional development should or could take place seaward of Wetland Site 1 as lands not committed to the LML campus and the Discovery Center are constrained by the presence of the wetland and the coastal bluff. Development potential appears to be concentrated to the north and east of the NMFS/CDFG "node" in the swath between wetlands and Shaffer Road....*

The above-described permits and amendments have been extensively conditioned by the Commission. Other than conditions specifically altered by this amendment, all of these previous conditions of approval remain in effect (see Special Condition 1).

### **2. CDFG MWVCRC Facility**

On January 12, 1994 the Commission approved the CDFG MWVCRC on the blufftop plateau above Younger Lagoon (CDP Amendment 3-83-076-A5). The purpose of this CDFG facility is the rescue and rehabilitation of oiled wildlife, with an emphasis on sea otters. MWVCRC serves as the State's primary oil spill center when significant numbers of wildlife are impacted by spill events. Between oil spills, MWVCRC staff conduct research on marine ecosystem health issues including the causes of sea otter and marine bird mortality. Facilities to clean and stabilize oiled seabirds and other marine mammals are provided and the facility includes two mobile triage units for emergency medical care to be administered close to the site of spills. The Center also includes research facilities for CDFG and LML staff. More specifically this previously approved development included:

- Two major buildings totaling approximately 15,800 square feet: an administrative and service building with a connecting breezeway to a treatment and rehabilitation building.
- Outdoor facilities of approximately 43,500 square feet including an estimated 35 otter pens, mammal pools, bird holding areas, cage cleaning areas, and parking and storage areas.
- Approximately 4,400 cubic yards of grading and infiltration swales to process site drainage.
- An 8 foot wall inside of a 40 to 50 foot buffer separating the development from the Younger Lagoon Reserve boundary.
- A 20,000 gallon, 25 foot high seawater tank connected to the LML seawater system.
- Three underground holding tanks: one for human waste (5,000 gallons), one for wastewater generated from sea otter cleaning (10,000 gallons), and a 1,000 gallon tank for liquid waste from the veterinary lab.

### **C. Proposed Amendment**

The Applicant proposes to connect the CDFG MWVCRC to the private LML/NMFS sewer system. This



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previously approved LML/NMFS sewer system utilizes a pump station at the main LML campus (to the south of CDFG near the coastal bluff) connected by force main and gravity line to a pump station at NMFS. From NMFS, the system subsequently connects by force main and gravity line to the City's sewer system at the intersection of Delaware Avenue and Shaffer Road. The Applicant proposes to install approximately 666 feet of 8 inch diameter gravity flow sewer line and 208 feet of 6 inch diameter gravity flow sewer line extending from the CDFG wastewater storage tanks (at the southwest of the CDFG site) to a location under McAllister Way where the LML/NMFS line extends to the NMFS pump station.

Currently, MWVCRC holds wastewater in underground tanks which are emptied on a regular basis with wastes disposed of at the City of Santa Cruz wastewater treatment facility at Neary Lagoon. In non-oil-spill periods, these wastes are removed on a weekly basis; during oil spill response, waste water must be pumped and disposed of three times per day.

See Exhibit B for the proposed location of these utilities and the LML/NMFS sewer line. See Exhibit C for correspondence from the Director of CDFG MWVCRC.

#### **D. Standard of Review**

The proposed development would take place on University of California property within the City of Santa Cruz. As discussed above, the adjacent Terrace Point property (to the east) is in an area of deferred certification. The City annexed the LML property (including Younger Lagoon) into the City after the Terrace Point property was left uncertified. However, like the Terrace Point property, there is no LCP for the LML site. Likewise, the University does not have a certified LRDP for either the LML or Terrace Point sites. In any case, University development is not subject to local government review. Accordingly, the standard of review for the proposed development, and for all proposed development at Terrace Point/LML, is the Coastal Act.

#### **E. Issues Discussion**

##### **1. Public Services**

Coastal Act Section 30250(a) states:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*



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Coastal Act Section 30254 states:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

The site is located on the perimeter of Santa Cruz City, and though within the City limits, no public services (i.e., water, sewer, roads) reach the site. The mostly vacant Terrace Point property itself separates the CDFG site from City services and has historically delineated the urban/rural boundary. LML was found by the Commission (in CDPs P-1859 and 3-83-076) to be a coastal dependent use, which needed to be located in a remote, semi-rural area. Because urban services were not being extended to the facility, it was found that it would not adversely affect adjacent agricultural uses and would maintain the urban-rural boundary.

Since the original LML approval, several urban services have been extended through privately owned and maintained (by the Applicant) connections to the Applicant's site. The site is currently served and/or has been previously authorized by the Commission to install the following utilities: water, sanitary sewer, electricity, phone, and natural gas. These utilities are private utilities designed to serve the needs of permitted development at the LML site. The Commission previously approved the following improvements on the site: private access road extending from the intersection of Delaware and Shaffer (pursuant to CDP P-1859), electric and phone utilities (pursuant to CDP P-1859), private water line (pursuant to CDP amendment 3-83-076-A11), private sewer system (permitted for the LML campus pursuant to CDP 3-97-050), and natural gas (pursuant to CD-50-98 and CDP amendment 3-97-050-A1).

The Commission has been careful to insure that permitted utility infrastructure at the site would not be growth inducing and would not frustrate any future LCP/LRDP planning efforts for the LML site and Terrace Point. Towards this end, the Commission has been careful to limit public services to those necessary to serve the coastal-dependent facilities authorized. Specifically, special conditions have been imposed which do not allow for non-LML users to utilize these facilities. These conditions on the use of utilities remain in effect. In terms of the LML sewer system, Commission-imposed conditions in CDP Number 3-97-050 included Special Condition 4:

*4. The sewer line approved by this project is strictly limited to serve only permitted development on the Long Marine Laboratory site. No other development or site may use this line or any appurtenant facilities for sewage disposal.*



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In this case, the proposed sewer connection is meant to accommodate the needs of permitted LML development (i.e., CDFG MWVCRC) consistent with the sewer system requirements approved by the Commission in 1997 through CDP 3-97-050. Currently, MWVCRC holds wastewater in underground tanks which are emptied on a regular basis with wastes disposed of at the City of Santa Cruz wastewater treatment facility at Neary Lagoon. In non-oil-spill periods, these wastes are removed on a weekly basis; during oil spills, waste water must be pumped and disposed of three times per day. The proposed project would allow for more efficient and cost effective wastewater treatment for the MWVCRC. The project does not propose any alterations that would affect existing wastewater quantity or quality. The proposed connection would simply result in a different delivery mechanism for MWVCRC wastewater (i.e., change from pumper truck to sewer line). In this way, truck traffic along Delaware Avenue and McAllister Way would also correspondingly decline.

The previously approved project (LML/CDFG facility) represents a type of land use which, in the event of limited public works capacities, is a high priority for service. However, the project does not alter the amount of wastewater treated at the City's wastewater treatment plant. Rather than overall capacity issues, the public services issue raised by the proposed amendment is whether the proposed configuration of the sewer line to the facility would be growth-inducing, or whether it would frustrate future planning efforts.

The proposed sewer line extension and CDFG connection would be a private line, owned and maintained by the Applicant, and wholly located on lands owned by the Applicant. The line is sized to serve existing CDFG MWVCRC facility wastewater needs. In order to ensure that the proposed sewer line is not growth-inducing, would not frustrate future planning efforts, and will be consistent with the limitation on use established by the Commission in approving the sewer system serving the site in 1997 (CDP 3-97-050 Special Condition 4), this approval is conditioned to require an separate amendment to the base permit (CDP 3-83-076), or a separate coastal development permit to authorize any additional connection into the gravity sewer line authorized by this amendment (i.e., 3-83-076-A14); see Special Condition 2 of this approval.

Finally, the plans submitted by the Applicant show a stub-end connection meant to accommodate future growth south of the CDFG site. The Applicant has submitted a separate application for this southerly site to accommodate an adjunct facility to the CDFG MWVCRC (CDP amendment application number 3-83-076-A12, unfiled). So as not to prejudice the planning process for pending development at this adjacent site, this approval does not allow the proposed stub-end connection; see Special Condition 2 of this approval.

The proposed utility connection would more efficiently and cost-effectively accommodate the needs of permitted LML development consistent with the sewer system requirements approved by the Commission in 1997. The limitation on any other use of the sewer line remains in effect. As such, approval of the proposed utility improvements will not be growth inducing and will not prejudice future planning efforts regarding development of the Long Marine Lab/Terrace Point lands. The MWVCRC is a high-priority coastal-dependent use for which the proposed sewer connection to serve this use is



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consistent with, and carries out the goals of, the Coastal Act.

As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30250 and 30254 in terms of sewer utilities.

### 2. Agricultural Buffers

Coastal Act Section 30241 provides:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

During the public hearing for CDP amendment 3-97-050-A1 in July 1999, the issue of adequate agricultural buffers was raised. Specifically, the Commission raised concerns about how the proposed utilities related to previous Commission actions at this location which have defined agricultural buffer distances between development on the urban fringe of the City at LML and the existing agricultural lands to the west and north of the site on the far side of Younger Lagoon (i.e., Younger Ranch). Notwithstanding the fact that 3-97-050-A1 (approved by the Commission) and this amendment request are for *underground* utilities meant to serve existing permitted development at the LML site, the issue of appropriate buffer distance at the City's western fringe remains an issue.

Adequate buffers are necessary to ensure that continued agricultural cultivation is not threatened by the proximity of non-agricultural uses should standard agricultural practices (such as chemical spraying and



fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations – cultivating, spraying, harvesting, et al) be seen as incompatible and/or a threat to the non-agricultural uses. Appropriate buffers are particularly relevant for the Terrace Point area because of the high prevailing westerly winds which typically sweep across this relatively treeless area bringing noise, dust, and odors from adjacent farming operations to this site.

Commission findings on the Westside Lands Area of Deferred Certification identified the eastern boundary, not the western boundary, of Terrace Point as the urban-rural boundary. At that time, LML was identified as an intentionally isolated resource dependent facility. The LML campus (now 23 years old) and the related CDFG and NMFS facilities have since become, by location and co-use of seawater facilities, an enclave of coastal dependent marine research facilities separated from the residential and industrial uses of the urbanized areas of Santa Cruz to the east. Appropriate siting for these specialized and public-serving coastal-dependent uses are rare, and the Terrace Point site provides an important opportunity to pursue other integrated coastal-dependent research facilities.

Agricultural operations exist to the west of the subject site directly along the City of Santa Cruz city limit line. These row crop agricultural operations have, for many years, produced primarily brussel sprouts. Brussel sprouts are a one crop per year growing operation with an approximate 8 month growing cycle. Dust generating activities (for field preparation) usually occur a few times per year with fertilizer application taking place over the course of the growing season and pesticide application taking place every few weeks. Such operations have coexisted with LML operations for over twenty years and approximately 5 years with the CDFG operation. The existing minimum buffer distance between the LML campus and Younger Ranch to the west is approximately 400 feet. The buffer distance for CDFG is approximately 150 feet. Both LML and CDFG are separated to varying degrees from agricultural uses by Younger Lagoon itself. The LML campus is also buffered with a 12 foot berm along the western aside of the site which acts as a wind barrier. See Exhibit D.

More recently, the NMFS facility authorized by the Commission in May 1998 is separated from agricultural lands by approximately 700 feet. During the public hearing on the project, NMFS further agreed to modify the project to relocate the utility easement to be outside of a 500 foot buffer from Younger Ranch to the west of the Terrace Point property. The 500 foot buffer width was (and is) the distance recommended by the owners of Younger Ranch. The Commission's action on the consistency determination was not meant to define a 500 foot buffer as the appropriate buffer distance for the Terrace Point property. Rather, by moving the utilities outside of a 500 foot buffer distance, the Commission held open the *possibility* of a 500 foot agricultural buffer, subject to further analysis through the coastal planning process, for future development on Terrace Point. Notwithstanding the buffer question, NMFS committed, through CD-50-98, to relocating their utilities across the Terrace Point property in the event that a future coastal planning process indicates that an alternative location is appropriate.

The appropriate width of agricultural buffers for the west side of the City of Santa Cruz remains undecided. The Coastal Act does not provide for specific buffer distances; these are appropriately



### **Amendment 3-83-076-A14 Staff Report**

UCSC-Long Marine Laboratory/CDFG Marine Wildlife Veterinary Care and Research Center Sewer Line

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determined through localized planning processes such as LCPs. The City of Santa Cruz LCP, although not the standard of review in this case, could provide some guidance for this uncertified portion of the City. The City's LCP, however, provides little specificity in terms of required buffer distances. Rather, buffers are required to be "appropriate" to the case at hand. Santa Cruz City LUP Policy LU 3.1.3 does state support for "County policies and programs aimed at preservation of agricultural/grazing uses on the North Coast." Within Santa Cruz County jurisdiction (Younger Ranch is located within the County directly abutting the City limits) the required agricultural buffer distance is 200 feet. This 200 foot buffer can be reduced if site specific analyses support a lesser buffer.

Also recently (the latter part of 1998), during the planning process that was underway for the Terrace Point property by the previous landowner (Wells Fargo/ATC Realty), staff of the City of Santa Cruz was recommending that a agricultural buffer zone ranging from 200 to 300 feet be established for the Terrace Point site. Although the City of Santa Cruz staff recommendation for the then-proposed residential uses would have provided a 500 foot buffer distance from agricultural uses, coastal-dependent buildings would have been set back 300 feet, while outdoor parking and storage for coastal-dependent uses would have been set back 200 feet.

As part of the City's 1998 research, a survey was conducted of 16 counties and 4 cities in the State to determine agricultural buffer policies. As expected, the results of this survey were all across the board. For those jurisdictions where a specific buffer distance was specified, row crop (e.g., brussel sprout) buffers ranged from 25 feet to 500 feet. In almost every case, buffer distance requirements could vary from the specified distance (both increase and decrease) depending upon site specific conditions. See Exhibit E for the survey results.

At about the same time in 1998, the City approved expansion of the Raytek industrial facility just north of the railroad (north of the main Terrace Point site) adjacent to Shaffer Road. The Raytek development was previously authorized by the Commission in 1981. The original Commission approval was for the rehabilitation of a pre-Coastal Act building and parking lot already located within a 200 foot buffer area (approximately 20 feet from agricultural lands to the north). The 1998 City-approved expansion allowed for expanded parking (approximately 10 feet from Younger Ranch agriculture) and a new structure with a minimum 200 foot buffer relying upon the County's agricultural buffer requirements. Raytek has coexisted with agricultural operations for nearly 20 years at this location. Raytek has recorded a hold harmless/indemnification agreement with Younger Ranch.

#### **Approximate Distance Between Coastal Commission-Approved Development and Agricultural Operations at the LML/Terrace Point Site\***

LML (1976 - 1999).....	400 feet
CDFG (1994 & 1996) .....	150 feet
NMFS (1998) .....	700 feet
Raytek (1981).....	20 feet

#### **LCP Requirements**

City of Santa Cruz LCP .....	No specific distance; reference to County LCP policy
Santa Cruz County LCP .....	200 feet

\* Above-ground structures; see also Exhibit D.



California Coastal Commission

The proposed sewer line connection would not alter any existing buffer distances between LML/CDFG uses and Younger Ranch agricultural uses. The sewer line itself would be constructed underground, and further from agricultural operations than the CDFG facility itself. The sewer line connection to the CDFG wastewater tanks would be approximately 300 feet from agriculture at its closest point. Although prevailing winds sweep west to east (from Younger Ranch farming operations towards the LML/Terrace Point site), LML/CDFG uses have coexisted with agricultural operations for years with the same buffer. The Applicant has indicated that they have had no problems with the adjacent agricultural operations and that no complaints have ever been registered (Steve Davenport, personal communication). There is little reason to believe that new conflicts will occur between the coastal-dependent CDFG use and continued farming as a result of the proposed underground sewer line extension.

Even with the existing buffer, however, some LML/CDFG employees, visitors, and other users may find agricultural operations (e.g., spraying, odors, noise, etc.) a nuisance. In order to absolutely minimize the potential for future conflict that could potentially jeopardize continued agricultural production to the west, the Commission required a recorded hold-harmless agreement as a condition of approval of the Ocean Health project in August 1999 (CDP amendment 3-83-076-A13).

As conditioned, the Commission finds that the proposed project serves a high priority coastal-dependent facility for which sites available to accommodate such uses are limited; that the project would not affect current nearby agricultural uses, is adequately buffered to prevent conflicts with these agricultural operations, and will not alter the relationship between agriculture and urban land uses; and that, as such, the project is consistent with Coastal Act Section 30241.

### **3. LCP/LRDP Planning Process**

Coastal Act Section 30604(a) states:

*Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.*

Development at LML and Terrace Point has raised major planning issues for the Commission and the City for a number of years. The Commission has carefully reviewed coastal development permits on Terrace Point and adjacent lands to assure that development occurring prior to completion of a LCP and/or a LRDP does not frustrate planning efforts or prejudice preparation of such plans, as required by Coastal Act Section 30604(a). Accordingly, in reviewing development proposals by the Applicant for the expansion of LML, by the Applicant and CDFG for MWVCR, and by NMFS for their research facility, the Commission imposed extensive conditions designed to assure that the infrastructure





### **Amendment 3-83-076-A14 Staff Report**

UCSC-Long Marine Laboratory/CDFG Marine Wildlife Veterinary Care and Research Center Sewer Line

Page 17

improvements serving these facilities would not prejudice planning for the Terrace Point property. As a result of Commission conditions, which remain in effect, the Applicant's private sewer and water utilities are limited to serving permitted uses on the LML site.

For the reasons discussed in this report, the Commission finds that, as conditioned: the proposed sewer line project would not prejudice Commission action on future coastal planning decisions regarding development of the LML/Terrace Point lands; and is consistent with Coastal Act requirements that development not prejudice coastal planning efforts that conform to the Coastal Act.

#### **4. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



California Coastal Commission

**Amendment 3-83-076-A14 Staff Report**

UCSC-Long Marine Laboratory/CDFG Marine Wildlife Veterinary Care and Research Center Sewer Line

Page 18

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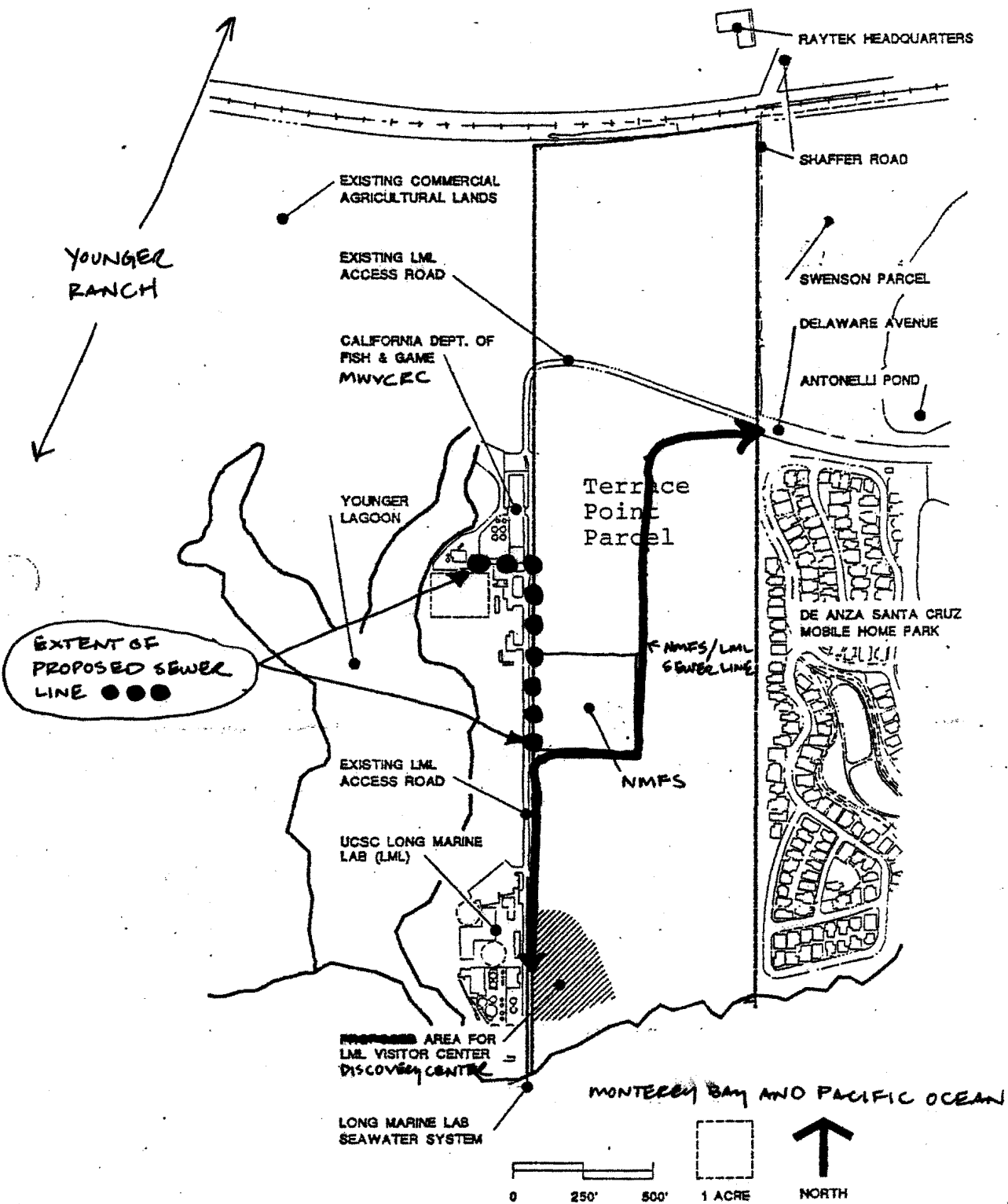


California Coastal Commission









**EXHIBIT B - PROPOSED SEWER LINE  
(1001) LOCATION**

## DEPARTMENT OF FISH AND GAME

Marine Wildlife Veterinary Care and Research Center  
1000 Laffer Road  
Santa Cruz, CA 95060  
Telephone (831) 469-1719  
Fax (831) 469-1723

  
**RECEIVED**

JUL 26 1999

July 20, 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dan Carl, Coastal Planner  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Mr. Carl:

The California Department of Fish and Game (CDFG)-Office of Oil Spill Prevention and Response (OSPR) has invested nearly \$6 million in the construction and development of the Marine Wildlife Veterinary Care and Research Center, (MWVCRC) which serves as the States primary oil spill center when significant numbers of wildlife are impacted. Between oil spills this facility and its staff conduct research on marine ecosystem health issues including the causes of sea otter and marine bird mortality. This was made possible by the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990.

This facility is located adjacent to Long Marine Laboratory (LML) on property owned by the University of California, Santa Cruz. It was enabled by Coastal Commission Permit # 3-83-76-A5 adopted by the Coastal Commission on January 12, 1994.

Like LML the MWVCRC holds domestic waste water in underground tanks for periodic pump out and removal by truck. Connection to sewer service will make the operation of our facility more efficient and cost effective. It would also allow conversion of an existing underground waste water tank to receive oiled waste water, thus increasing our capacity during a potential catastrophic oil spill event.

Under current conditions we must have waste water hauled off every week when only a skeleton staff is working here. During oil spills, when the staff increases by ten fold or more, we have to have waste water hauled as often as three times a day. The hookup of this facility to sewer would thus decrease our contribution to large truck traffic along Delaware Ave. to our site and the noise, exhaust and dust they create.

As the director of the MWVCRC I can see many advantages to completing utility connections. Thus, I fully support the extension and connection of the CDFG-MWVCRC to the private sewer line of LML under Permit Amendment Application #3-97-50-42-A2, Sewer Connection for CDFG now under the Commissions consideration. This activity has long been envisioned and will improve, not diminish, coastal environmental quality.

Further, the development of the Center for Ocean Health at the adjacent LML site, with its potential for synergistic research on marine ecosystem health issues would bring many

**EXHIBIT C - CDFG CORRESPONDENCE  
(10P2)**

Mr. Dan Carl  
July 20, 1999  
Page 2

benefits to the people of the State as well as our immediate marine research community. For those reasons I support the approval of Permit # 3-83-76-A13 also before the Commission.

If you have any questions I can be reached at the above letter head address and telephone numbers.

Sincerely,

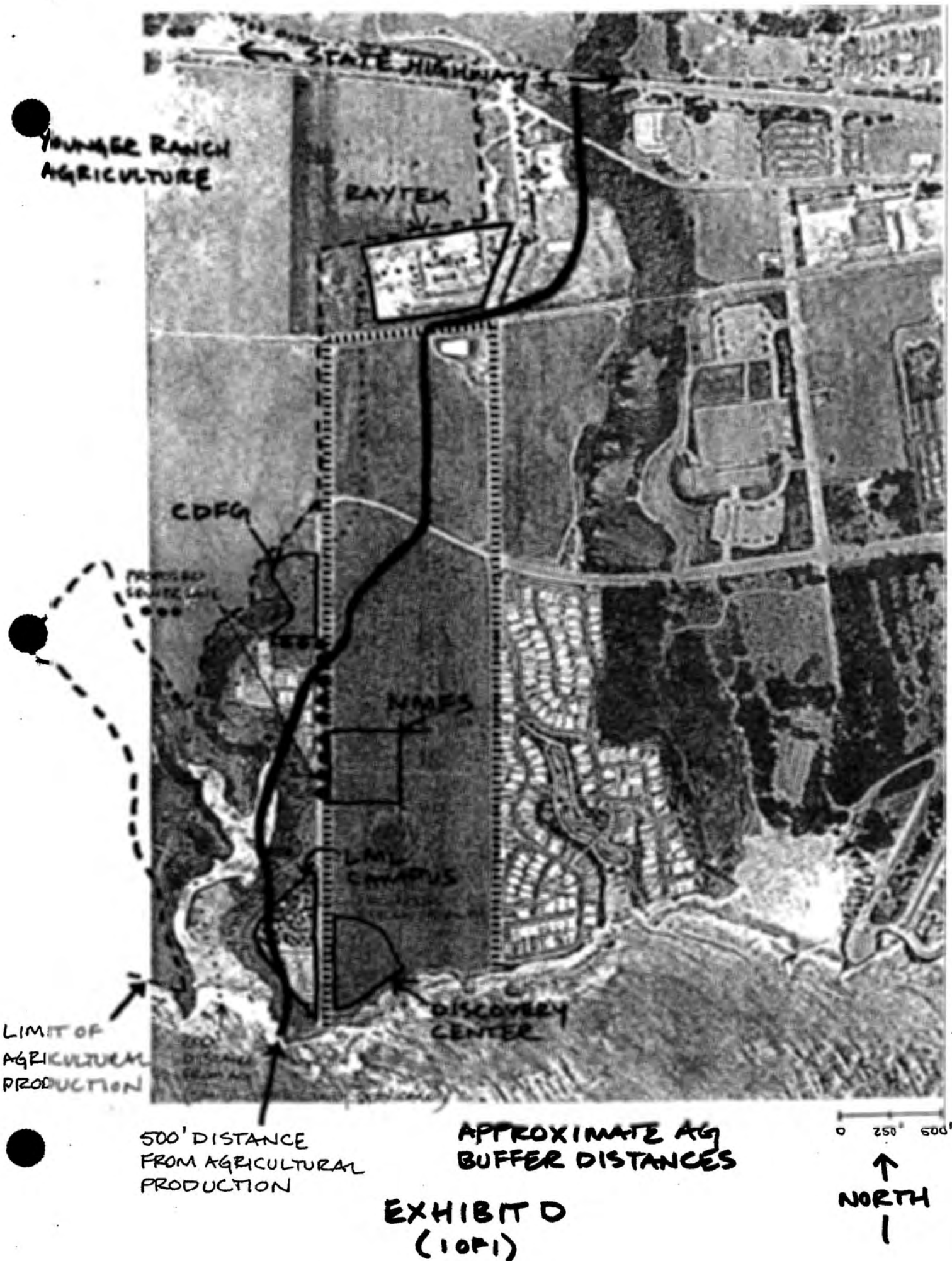


David A. Jessup  
Senior Wildlife Veterinarian

cc: Ken Mayer  
Al Petrovich  
Gary Griggs  
Steve Davenport

EXHIBIT C  
(2072)





YOUNGER RANCH  
AGRICULTURE

RAYTEX

CDFG

PROPOSED  
SEWAGE LAKE

NAMES

LML  
CAMPUS

DISCOVERY  
CENTER

LIMIT OF  
AGRICULTURAL  
PRODUCTION

500' DISTANCE  
FROM AGRICULTURAL  
PRODUCTION

APPROXIMATE AG  
BUFFER DISTANCES

EXHIBIT D  
(10/1)

0 250 500'  
↑  
NORTH  
1



1415 20<sup>th</sup> STREET  
SACRAMENTO, CALIFORNIA 95814

(916) 446-0522  
FAX (916) 446-7520

## MEMORANDUM

DATE: July 14, 1998

TO: Ken Thomas/Juliana Rebagliati, City of Santa Cruz

FROM: Derek DiManno, Mintier & Associates

SUBJECT: Terrace Point - Agricultural Buffer Survey

---

The following is a summary of findings from a survey regarding agricultural buffers conducted by Mintier & Associates. This survey was requested by City of Santa Cruz Staff in connection with the City's consideration of the Terrace Point Specific Plan.

Originally, Mintier & Associates contacted 16 counties from the Central Coast, Bay Area, and Central Valley. In addition, we contacted four cities after they were referred to us by county staff. When we contacted the jurisdictions, we asked the following questions:

- Does your city/county have an agricultural buffer policy?
- If so, what are your setbacks for urban development adjacent to existing agricultural operations? Do you have different setback criteria (i.e., vegetable crops such as brussel sprouts)?
- Is the agricultural buffer required by the general plan, an ordinance, or an EIR?
- Have there been any problems that have emerged in recent times over this issue? If so, what are the examples?
- Do you have any additional information on this subject such as studies, staff reports, newspaper articles, or survey work?

Of the 20 jurisdictions surveyed, 13 do not have a citywide/countywide policy for agricultural buffers. Seven jurisdictions (Napa County, San Mateo County, Marin County, Stanislaus County, and the Cities of Greenfield, Buellton, and Half Moon Bay) do not have any setback requirements, while the other six counties (San Joaquin, Ventura, Sonoma, Santa Barbara, San Luis Obispo, and City of Lompoc) require setbacks as a condition of approval or a mitigation measure during the discretionary review process. Only seven jurisdictions (Santa Cruz, Yolo, Sacramento, Santa Clara, San Benito, Contra Costa, and Monterey) have a formal general plan

**EXHIBITE**  
**(1 OF 6)**

policy or an ordinance that requires a setback.

Although nine of the respondents said that their setback requirements are variable depending on several conditions such type of urban development, crop type, pesticide use, and intensity of agricultural production, seven counties said that their setbacks for row and vegetable crops are in the 100 to 400 foot range. These include the following:

- San Joaquin - 100 feet
- Ventura - 100 feet
- Yolo - 100 feet
- Sonoma - 100 to 200 feet
- Santa Cruz - 200 feet
- Santa Clara - 25 to 100
- San Luis Obispo - 200 to 400 feet

Three counties have required relatively large setbacks: Yolo County (up to 500 feet), San Luis Obispo (up to 800 feet), and Sacramento County (up to 500 feet). In the first two cases, the maximum setback has been required for aerial spraying of vineyards or orchards. For Sacramento County, the buffer is generally from 300 to 500 feet, but may be narrowed depending on the type of crop application methods, natural features, and applicable specific plan policies.

We received several supporting documents from jurisdictions including copies of their agricultural buffer policy or ordinance, newspaper articles, survey work, and studies. In addition, the County of San Benito and Santa Clara referred us to articles and Internet sites, but we were unable to locate those sources. Those sources include the following:

- American Farmland Trust homepage (agricultural buffer information);
- State Department of Health homepage (pesticide study);
- articles regarding the Aromas San Joaquin Unified School District in the City of Green field (pesticide drifting); and
- articles regarding the Pajaro Unified School District in Watsonville (pesticide drifting).

We have enclosed copies of all the supporting documents we received.

If you have any questions regarding the research, feel free to contact me at (916)446-0522.

**EXHIBITE**  
**(20FG)**

# ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998  
(Revised July 14, 1998)

Jurisdiction	Contact person	Title	Contact Date	Phone #	Row /Veg. Crop Setbacks	Setback Required By:	Discussion	Studies/ Attachments*
<b>COUNTIES</b>								
Napa	Ed Colby	Planner	6-12-98	770/253-4416	None	N/A	Napa has a Right-to-Farm policy that requires residents adjacent to ag. lands to sign a statement of understanding regarding nuisances such as pesticide use. If the County receives a complaint, the land owner (farmer) is contacted and asked to voluntarily change their spraying to non-windy days.	No
San Mateo	???	Planner	6-16-98	650/363-1825	None	N/A	Any ag. land converted to residential use requires signing a deed restriction. The only setback requirement the County has for res/ag lands is for greenhouses, but this setback is for purely aesthetic reasons.	No
Marin	Neil Osborne	Planner	6-17-98	415/499-6269	None	N/A	The County has a Right-to-Farm policy that requires residents to sign disclosure statements.	No
Stanislaus	Darrell	Planner	6-16-98	209/525-6330	None	N/A	Stanislaus County has a Right-to-Farm policy but no countywide policy for agricultural buffers.	No
San Joaquin	Chandler Martling	Planner	6-16-98	209/468-3121	100 ft.	Discretionary review - condition of approval	The County has a Right-to-Farm policy but no setbacks requirements. The County has required setbacks up to 100 feet during the discretionary review process	No
Ventura	Steve Alery, Malada Allen	Planner Planner (Ag. Specialist)	6-16-98	805/654-2488	100 ft.	Discretionary Review - condition of approval	There is no county-wide buffer policy. There are two subdivision tracts that have required setbacks of 100 feet. Both were conditions of approval. The County also has a Right-to-Farm policy to protect grazing and citrus farms.	No
Yolo	Dave Flores	Planner	6-16-98	916/666-8020	100 ft.	General Plan policy	For some projects (e.g., those requiring use permits), the Ag. Commissioner may be contacted to give a recommendation for the proper setback given unique circumstances. Setbacks vary depending on type of operation and chemicals used for spraying. Row crops with ground application require 100 ft. setbacks, while aerial spraying requires 500 ft. setbacks.	Yes

EXHIBIT E  
(3046)

# ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998  
(Revised July 14, 1998)

Jurisdiction	Contact person	Title	Contact Date	Phone #	Row /Veg. Crop Setbacks	Setback Required By:	Discussion	Studies/ Attachments*
Sonoma	Tracy Tesconi	Ag. Specialist	6-16-98	707/527-1909 707/527-1900 (main line)	100 ft. - 200 ft.	CEQA (mitigation measure)	The County does not have a formal requirement but instead requires a setback during the environmental review process. Setbacks for field grown crops such as brussel sprouts in Sonoma County would be 200 ft. There hasn't been any contention between developers and farmers regarding setbacks. Staff informs applicants of possible nuisances ahead of time and projects are designed to reduce impacts. In addition, Sonoma County has a Right-to-Farm policy.	No
Santa Cruz	Bob Stakum, Sheryl Mitchell	Ag. Resource Planner	6-16-98	408/454-2580	200 ft.	Ordinance	The 200 foot setback is for habitable residential structures adjacent to ag. lands. The Ordinance is 16.50.059.	Yes
Santa Barbara	Rita Bright, Pamela Grant	Planner	6-12-98	805/568-2000 805/568-2044	Variable	Discretionary Review - condition of approval (community Plans)	The County does not have a countywide policy for ag. buffers. The County does require setbacks on a case-by-case basis during their discretionary review process. The setbacks are determined according to farm use and crop type. Currently, the County is testing ag. clusters using a 150 to 200 foot setback from grazing areas.	Yes
San Benito	Mary Paxton	Planner	6-16-98	408/637-5313	Variable	General Plan policy (Land Use Element)	The General Plan states that any res. development adjacent to ag. lands with row crops on Grade 1 soils have a "non-development buffer." However, it doesn't specify the width.	No
Monterey	Delinda Robinson	Planner	6-17-98	408/755-5025	Variable	General Plan and Zoning Ordinance	Both the General Plan and the Zoning Ordinance require a buffer between new subdivisions and adjacent farmland or grazing land. The Zoning Ordinance requires a setback of 200 feet or greater. The setback is determined during the discretionary review process.	Yes

EXHIBIT E  
(4056)

# ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998  
(Revised July 14, 1998)

Jurisdiction	Contact person	Title	Contact Date	Phone #	Row /Veg. Crop Setbacks	Setback Required By:	Discussion	Studies/ Attachments*
Contra Costa	Bob Drake	Planner	6-16-98	925/335-1214	Variable	General Plan policy	The Conservation Element requires buffers for all non-agricultural development adjacent to existing agricultural operations, but does not set specific guidelines. All setbacks are established on a case-by-case basis. The County also has a Right-to-Farm Ordinance that requires all adjacent inhabitants to sign disclosure statements.	Yes
San Luis Obispo	Robert Hopkins	Ag. Commissioner	6-15-98 6-16-98	805/781-5753 805/781-5600 Planning Dept.	200-400 ft.	Discretionary review process - mitigation measures	The Agricultural Commissions Office established a policy that the Board has officially adopted. The setbacks are variable depending on the type of development being built and adjacent ag. use. Intensive farming such as vegetable crops requires a setback of 200 to 400 ft. The buffer setback ranges from 50 to 800 ft. Vineyards and orchards have the largest setbacks at 300 to 800 ft.	Yes
Sacramento	Peter Morse	Planner	6-16-98	440-6141	300-500 ft.	General Plan policy	Buffers generally consists of a physical separation 300-500 feet wide including roadways. Narrower buffers may be approved depending on the natural features of the buffer, applicable specific plan policies, and on the relative intensities of the proposed urban use and the adjacent agricultural use. The County also has a Right-to-Farm Ordinance.	Yes
Santa Clara	Andrea Boyd-Ball	Planner	N/A	408/299-2521	25- 100 ft.	1995 General Plan policy	The width of the buffer will vary depending on the type of use and orientation of the buildings. For non-residential projects that "turn their back" on the agricultural use, a 25-foot buffer is probably sufficient. For all residential projects, a buffer of 200 feet provides sufficient space for aerial spraying. A 100-foot buffer may be sufficient for other uses (South County Agricultural Preserve Study).	Yes

EXHIBIT E  
(50-F-6)

# ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998

(Revised July 14, 1998)

Jurisdiction	Contact person	Title	Contact Date	Phone #	Row /Veg. Crop Setbacks	Setback Required By:	Discussion	Studies/ Attachments*
CITIES**								
Greenfield	Mark McClain	Planner	6-17-98	408/674-5592	None	N/A	Greenfield does not have a setback policy but instead uses street trees (two for every residential lot bordering a farm) as a buffer. This buffer is tied into a development agreement. In some cases, a house may be as close as 60 to 70 feet from an active farming operation.	No
Lompoc	Diana Deltadillo	Planner	6-17-98	805/736-1261 ext. 272	200 feet	General Plan EIR	N/A	No
Buellton	Charlotte Wilson	Planner	6-17-98	805/688/7474	None	N/A	The City has a policy in their Conservation and Open Space Element that states that the City should support the County's Right-to-Farm ordinance and other methods to mitigate potential impacts caused by urban development. These additional measures may include establishing a buffer on land to be developed between new urban development and surrounding ag. lands.	Yes
Half Moon Bay	Sigrid White	Planning Secretary	6-30-98	650/726-8250	None	N/A	The only urban-agricultural conflict to occur in the last five to ten years occurred at the Main Street Affordable Housing complex. The site is adjacent to ag. land in San Mateo County. Since there was no room for setbacks, the apartments were designed with carports abutting the ag. property to serve as a buffer.	No
<p>* Background materials such as staff reports, studies, surveys, ordinances, and newspaper articles will be made available upon request.</p> <p>** Cities were included in the survey after county staff identified them as a possible source for information about agricultural buffers.</p>								

EXHIBITE (book)

7 June 1999

**RECEIVED**

JUN 07 1999

Members of the California Coastal Commission  
Mrs. Sara J. Wan, Chairperson  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Attention: Peter Douglas Executive Director

Re: Approval of Permit 3-97-050-A1, UCSC Sewer Extension, Terrace Point.

We, the Younger Ranch owners, were not at the Santa Cruz address to which the Notice was sent between May 22 and June 3. We could not visit the Central Coast Office until June 4, at 4:45 P.M. The sewer line looked innocuous enough, but with further thought, we respectfully request that:

1. This letter request be effected, even though received past the June 3<sup>rd</sup> closing date.
2. Final Commission approval be rescinded and revisited with a schedule for a later review when the University's plans for purchase of Terrace Point are settled.

Our experience is that seemingly innocuous sewer and water infrastructure approvals for the University are a part of a two stage approval process ending with buildings being developed. Approvals from Commission staff seem to predispose approvals of University buildings.

The purpose of the sewer line extension must be for intensive development of the northern area of the Long Marine Lab site. The Executive Director's approval does not tell us.

From 1976 when UCSC took the gift of the site from the Youngers, we have felt obliged by the intentions of the gift to support the build-out of the land for academic, marine research buildings (which we thought by the 1976 agreement were to be limited to about 15 feet in height). There was no other location for the University to build.

It is no longer possible for us to support such development within 500 feet of our boundary.

Now that the University will have 55 more acres to build upon, there is no need for a build-out of the northern LML site. Our loyalty now goes to our farmers whose livelihood is being threatened by the next stage.

Please rescind or suspend the approval of this sewer extension until later.

**EXHIBIT F - YOUNGER RANCH CORRESPONDENCE  
(1002)**



NEXT STAGE.

A build-out proposal will follow this proposed extension, or the extension will be a part of the build out proposal.

We respectfully request the Commissioners to expect Central Coast Commission staff to confer with us when the application from UCSC is received.

We are discouraged by recent experience in which Younger Ranch owners have lacked sufficient time to respond with well thought out, written letters to the Commissioners. Most recently, we only had time enough to organize thoughts on the drive from Santa Cruz to Monterey.

Coastal Commission staff have continued to position themselves as the representatives of agriculture's values and needs. The staff review system does not appear to think about incorporating representations from affected neighbors like us.

In our opinion, your staff have not been equipped to stand in for the Younger Ranch before the Commissioners. We ask for the respect which allows us the time and the background information to represent ourselves, within the Commission's Rules, to our satisfaction.

The Commissioners consistently dramatize their support for continuation of agriculture. Commissioner support can only be given substance if staff gives Younger Ranch adequate time to prepare letters and presentations when its agricultural interests are affected.

Very truly yours,

*Bob and Helen Goode*

Bob and Helen Goode  
Younger Ranch  
Santa Cruz, California

cc: Tami Grove Executive Director Central Coast Area  
Dan Carl, Central Coast Area

EXHIBIT F  
(20F2)

**DEPARTMENT OF FISH AND GAME**<http://www.dfg.ca.gov>

Marine Region

20 Lower Ragsdale Drive, Suite 100

Monterey, California 93940

(831) 649-2870

**RECEIVED**

AUG 13 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

August 10, 1999

Mr. Dan Carl  
Coastal Planner  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, California 95060

Dear Mr. Carl:

The purpose of this letter is to inform the California Coastal Commission that the California Department of Fish and Game (CDFG) Marine Region supports the extension and connection of the CDFG Marine Wildlife Veterinary Care and Research Center (MWVCRC) to the private sewer line of Long Marine Laboratory (LML) under Permit Amendment Application Number 3-97-50-42-A2, Sewer Connection, now under the Commissions consideration. The CDFG's Office of Oil Spill Prevention and Response (OSPR) has invested nearly \$6,000,000 in the construction and development of the MWVCRC, that serves as the States primary oil spill center when significant numbers of wildlife are effected. Between oil spill events, this facility and its staff conduct research on marine ecosystem health issues including the causes of sea otter and marine bird mortality. This program and facility were made possible by the Lempert-Keene -Seastrand Oil Spill Prevention and Response Act of 1990.

The MWVCRC facility is located adjacent to LML on property owned by the University of California, Santa Cruz. It was originally enabled by Coastal Commission Permit Number 3-83-76-A5, adopted by the Coastal Commission on January 12, 1994. Like LML, the MWVCRC holds domestic waste water in underground tanks for periodic pump-out and removal by truck. Connection to sewer service will make the operation of the facility more efficient and cost effective. Moreover, it would allow conversion of an existing underground waste water tank to receive oiled waste water, thus increasing our capacity during a potential catastrophic oil spill event.

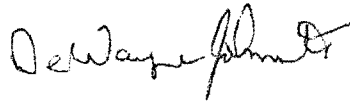
Under current conditions, the facility must have waste water hauled off every week. During oil spills, when the staff increases by ten fold or more, the waste water is hauled as often as three times a day. The hookup of this facility to sewer would thus decrease the CDFG's large truck traffic along Delaware Avenue, which contributes to the noise, exhaust and dust pollution of the area. Therefore, reducing this truck activity will improve coastal environmental quality.

**EXHIBIT G - CDFG CORRESPONDENCE  
(1 OF 2)***Conserving California's Wildlife Since 1870*

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If you have any questions regarding this issue I can be reached at the letterhead address. If you have specific questions regarding the operation of the MWVCRC, please contact Dr. David Jessup, Director of the facility by telephone at (831) 469-1726.

Sincerely,



DeWayne Johnston  
Regional Manager  
Marine Region

cc: Department of Fish and Game

Mr. Ken Mayer, Marine Region  
Mr. Al Petrovich, OSPR  
Mr. Gary Gregory, OSPR  
Mr. David Jessup, Marine Region  
Mr. Don Lollock, OSPR  
Mr. Steve Davenport, OSPR

EXHIBIT 4  
(2 of 2)