

CALIFORNIA COASTAL COMMISSION

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

Th3a**RECORD PACKET COPY****PUBLIC NOTICE**

Prepared January 24, 2001 (for February 15, 2001 Hearing)

To: Commissioners and Interested Persons

From: Charles Lester, District Manager
Dan Carl, Coastal Planner

RLH

Subject: Santa Cruz County LCP Minor Amendment Number 2-00 (Wells and Sewage Disposal)
Proposed minor amendment to the Santa Cruz County certified Local Coastal Program to be heard at the Coastal Commission's February 15, 2001 meeting at the Embassy Suites Hotel (333 Madonna Road) in San Luis Obispo.

The County of Santa Cruz is requesting that its certified Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) Zoning Code be amended. This amendment request was filed on December 29, 2000 pursuant to Coastal Act Section 30510(b) and California Code of Regulations (CCR) Sections 13553 and 13555. The proposed amendment would:

- (1) Modify the water well ordinance (IP Chapter 7.70) to bring the County Code into compliance with State standards and to strengthen requirements for well abandonment and destruction to better protect water quality (see Exhibit A);
- (2) Modify the sewage disposal ordinance (IP Chapter 7.38) to strengthen septic system maintenance requirements, facilitate development clustering in new subdivisions, and refine technical requirements (see Exhibit B); and
- (3) Modify one policy in the water resources component of the land use plan (LUP Policy 5.5.5) to reduce minimum parcel size in extremely limited circumstances for commercial development within water supply watersheds subject to water quality criteria (note: because of the limited criteria, such reduced minimum parcel size would not affect coastal zone properties) (see Exhibit C).

The proposed amendment is attached in strikethrough and underline format (to highlight the proposed changes) as Exhibits A, B, and C; note that the County's explanations for the proposed changes are shown in italics in the Exhibits. The full amendment request is available for review at the Coastal Commission's Central Coast District Office in Santa Cruz.

The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554 (CCR Section 13554(a) for the proposed IP changes and CCR



California Coastal Commission
February 2001 Meeting in San Luis Obispo

Staff: D. Carl Approved by:

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Santa Cruz County LCP Amendment 2-00 Public Notice

Water Wells and Sewage Disposal

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Section 13554(d)(3) for the proposed LUP Policy change). The proposed amendment would strengthen the LCP to better address water quality issues associated with wells and sewage disposal systems; the change to LUP Policy 5.5.5 would not affect coastal zone properties.

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its February 15, 2001 meeting at the Embassy Suites Hotel located at 333 Madonna Road in San Luis Obispo. The Executive Director will also report any objections to the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, please contact Dan Carl in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. If you wish to register an objection to the proposed minor LCP amendment, please do so by Monday February 12, 2001.

Attachments:

Exhibit A: Proposed Amendment to Water Well Ordinance (IP Chapter 7.70)

Exhibit B: Proposed Amendment to Sewage Disposal Ordinance (IP Chapter 7.38)

Exhibit C: Proposed Amendment to LUP Policy 5.5.5



California Coastal Commission

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA CRUZ AMENDING AND ENACTING CHAPTER 7.70 OF THE
SANTA CRUZ COUNTY CODE RELATING TO WATER WELLS

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

SECTION I

CHAPTER 7.70
WATER WELLS

Sections:

- 7.70.010 Purpose of provisions.
- 7.70.020 Definitions.
- 7.70.030 Permit--Required--Issuance.
- 7.70.040 Permit--Expiration
- 7.70.050 Permit--Suspension or revocation.
- 7.70.060 Licensed contractor required.
- 7.70.070 State reporting.
- 7.70.080 Inspections.
- 7.70.090 Technical Standards.
- 7.70.100 ~~Special groundwater protection~~ Well Abandonment and Destruction: Inactive Well.
- 7.70.110 ~~Pajaro~~ Groundwater Protection-zone.
- 7.70.120 Soquel Creek service area restrictions.
- 7.70.130 Groundwater emergencies.
- 7.70.140 Abatement--Investigation.
- 7.70.150 Abatement generally.
- 7.70.160 Nuisance--Abatement of safety hazard.
- ~~7.70.170 Variances~~
- ~~7.70.180~~ 170 Amendments.

7.70.010 Purpose of provisions.

It is the purpose of this chapter to provide for the construction, repair, and reconstruction of all wells, including geothermal heat exchange wells, cathodic protection wells, test wells and monitoring wells, to the end that the groundwater of this county will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this county. It is also the purpose of this chapter to provide for the destruction of abandoned wells, monitoring wells, test wells, geothermal heat exchange wells, and cathodic protection wells found to be public nuisances, or when otherwise appropriate, to the end that all such wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety or welfare of the people, of this county. It is also the purpose of this chapter to implement policies of the County General Plan and the Local Coastal Program Land Use Plan.

Staff Analysis: The proposed amendment adds the category of geothermal heat exchange wells to those wells subject to regulation under County Code. The California Water Code was amended in 1996 to require regulation of such wells by local agencies.

7.70.020 Definitions.

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As used in this chapter, the following words shall have the meaning provided in this section:

A. "Abandoned Well" means any well whose original purpose and use has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its original purpose. A well is considered abandoned when it has not been used for a period of one year, unless the owner demonstrates his intent to use the well again for supplying water or other associated purposes and the well is considered an inactive well.

B. "Abatement" means the construction, reconstruction, repair or destruction of a well so as to eliminate the possibility that such well could pollute or contaminate groundwater.

C. "Agricultural wells" means water wells used to supply water for irrigation or other agricultural purposes, including so-called "livestock wells."

D. "Cathodic protection well" means any artificial excavation in excess of fifty feet in depth constructed by any method for the purpose of installing equipment or facilities for the protection electronically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

E. "Community water supply well" means a water well used to supply water for domestic purposes in systems subject to Chapter 7 of Part 1 of Division 5 of the California Health and Safety Code (commencing with Section 4010).

F. "Contamination" means an impairment of the quality of water to a degree which creates a hazard to the public, and shall include any effect which results from the disposal of wastes, whether or not waters of the state are affected.

G. "Geothermal heat exchange well" means any uncased artificial excavation, by any method, that uses the heat exchange capacity of the earth for heating and cooling, and in which excavation the ambient ground temperature is 30 degrees Celsius (86 degrees Fahrenheit) or less, and which excavation uses a closed loop fluid system to prevent the discharge or escape of its fluid into surrounding aquifers or other geologic formations. Geothermal heat exchange wells include ground source heat pump wells. Such wells or boreholes are not intended to produce water or steam.

Staff Analysis: The proposed amendment adds a definition of geothermal heat exchange well to this section. The definition is the same as that contained in the California Water Code, Section 13800 et seq.

G.H. "Health Officer" means the County Health Officer or his/her authorized representative.

H.I. "Individual domestic well" means a water well used to supply water for domestic needs of an individual residence or commercial establishment.

I.J. "Industrial well" means a water well used to supply industry on an individual basis.

J.K. "Inactive well" means a well not routinely operated but capable of being made an operating well with a minimum of effort.

K.L. "Observation or Monitoring Well" means a well constructed for the purpose of observing or monitoring groundwater conditions.

L.M. "Order of abatement" means both mandatory and prohibitory orders requiring or prohibiting one or more acts; the term also includes those orders effective for a limited as well as an indefinite period of time, and includes modifications or restatements of any order.

M.N. "Pajaro groundwater protection zone" means that area in the Pajaro Groundwater Basin in the vicinity of San Andreas Road and Beach Road, as shown on the map of the Pajaro groundwater protection zone on file with the Director of Environmental Health.

N.O. "Person" means any person, firm, corporation or governmental agency.

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P. "Pollution" means an alteration of the quality of water to a degree which unreasonably affects:

1. Such waters for beneficial uses; or
2. Facilities which serve such beneficial uses.

"Pollution" may include "contamination."

P.Q. "Safe yield" means the annual draft of water that can be withdrawn from an aquifer without producing some undesirable result such as reducing the total amount of water available or allowing the ingress of low-quality water.

Q.R. "Test well" means a well constructed for the purpose of obtaining information needed to design a well prior to its construction. Test wells are cased and can be converted to observation or monitoring wells and under certain circumstances to production wells

R.S. "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground. "Well" or "water well" does not include:

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or
2. Wells or bores used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments.

S.T. "Well reconstruction" means certain work done to an existing well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include the cleaning out of sediments or surging, or maintenance to the pump or appurtenances where the integrity of the annular seal or water bearing strata are not violated.

7.70.030 Permit--Required--Issuance,

A. No person shall, within the unincorporated area of the county, construct, repair, reconstruct or destroy any well, abandoned well, cathodic protection well, geothermal heat exchange well, monitoring well, or test well unless a written permit has first been obtained from the Health Officer of the county as provided in this chapter, and the work conforms to the conditions of such permit and this chapter. Applications for such permits shall be made on the forms provided for that purpose and in accordance with procedures established by the County Health Officer.

Staff analysis: The amendment adds the category of geothermal heat exchange wells to those wells requiring a permit from the Health Officer.

B. In the coastal zone, where a well is to be drilled on an undeveloped parcel for any purpose other than to serve one proposed single family dwelling, meeting the requirements of Section 13.20.078 of Chapter 13.20, a coastal zone permit shall be required pursuant to the provisions of Chapter 13.20.

C. Well permit applications shall be consistent with Chapter 16 of Santa Cruz County Code pertaining to Environmental and Resource Protection prior to issuance.

D. 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.

E. Within ten business days after receipt of a complete application including all studies or additional information requested by the Health Officer, the County Health Officer shall either grant, conditionally grant or deny the permit. A permit shall not be issued if, in the judgment of the Health Officer, the well may jeopardize the health, safety or welfare of the people of the county.

F. Any person who shall commence any work for which a permit is required by this Chapter without having obtained a permit therefore, shall, if subsequently granted a permit, pay double the permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Health Officer that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work. In all cases in which emergency work is necessary, a permit shall be applied for within three working days after commencement of the work. The applicant for a permit for any such emergency work shall demonstrate that all work performed is in compliance with the technical standards of Section 7.70.090 of this Chapter.

7.70.040 Permit--Expiration.

A. Each permit issued pursuant to this chapter shall expire and become null and void if the work authorized thereby has not been completed within one year following the issuance of the permit.

B. Upon expiration of any permit issued pursuant thereto, no further work may be done in connection with construction, repair, reconstruction or destruction of a well, monitoring well, test well, geothermal heat exchange well, or cathodic protection well unless and until a new permit for such purpose is secured in accordance with the provisions of this chapter.

Staff analysis: The amendment adds geothermal heat exchange wells to the category of wells regulated under the Section.

7.70.050 Permit--Suspension or revocation.

A. A permit issued under this chapter may be revoked or suspended by the Health Officer as provided in this section if he/she determines that a violation of this chapter exists, that written notice has been directed to the permittee specifying the violation and that the permittee has failed or neglected to make necessary adjustments within thirty days after receiving such notice.

B. A permit may be revoked or suspended by the Health Officer if he/she determines at a hearing held by the Health Officer for such purpose that the person to whom any permit was issued pursuant to this chapter has obtained the same by fraud or misrepresentation; provided that notice of the time, place and purpose of such hearing is given to the permittee at least five days prior thereto.

C. The suspension or revocation of any permit shall not be effective until notice thereof in writing is mailed to the permittee.

7.70.060 Licensed contractor required.

&Construction, reconstruction, repair and destruction of all wells, including cathodic protection wells, geothermal heat exchange wells, test wells and monitoring wells, shall be performed by a contractor with a C-57 contracting license, or an equivalent license issued by the Department of Professional and Vocational Standards; ~~reconstruct, repair or destruct a well on his own property, which well serves or will serve the property that is neither being offered for sale nor intended to be so offered.~~

~~B. Construction, reconstruction, repair and destruction of cathodic protection wells shall be performed by a contractor holding a C-57 license, or an equivalent license issued by the State Department of Professional and Vocational Standards.~~

Staff analysis: Subsections A. and B. are combined and revised to require that all well construction, re-construction, repair and abandonment be performed by a licensed C-57 contractor. The amendment brings the ordinance into consistency with the California Water Code and opinion of the State Attorney General that prohibits unlicensed property owners from drilling wells on their property.

7.70.070 State and Federal Reporting Regulations

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Nothing contained in this chapter shall be deemed to release any person from compliance with the provisions of Article 3, Chapter 10, Division 7 of the Water Code of the state or any other State or Federal reporting regulations.

7.70.080 Inspections.

A. Upon receipt of an application, an inspection of the location of the well, test well, geothermal heat exchange well, or cathodic protection well shall be made by the Health Officer prior to issuance of a well permit. Inspection of monitoring well locations prior to permit issuance may be made at the discretion of the Health Officer.

Staff analysis: The proposed amendment would add geothermal heat exchange wells to the category of wells subject to a site inspection by the Health Officer prior to permit issuance.

B. The person responsible for construction, reconstruction or destruction of any well shall notify the Health Officer when work commences. All work shall be subject to inspection by the Health Officer to insure compliance with all the requirements of this Chapter.

~~C. Whenever any well is constructed by an unlicensed property owner, or his unlicensed employee or agent, he shall notify the Health Officer when the well seal is to be poured. The seal shall not be poured until an on-site inspection of the well construction is made or express permission is granted by the Health Officer to proceed with the well construction.~~

Staff analysis: See the staff analysis under Section 7.70.060. Since unlicensed property owners would not be allowed to drill wells, this subsection relative to the construction of well seals by property owners is superfluous and is proposed for deletion.

~~D.C.~~ After work has been completed, the person performing the work shall file with the Health Officer a notice of completed work or a copy of the California Department of Water Resources well driller's report (Form 188). The Health Officer shall make final inspection of the completed work to determine compliance with the well standards.

Staff analysis: The proposed amendment deletes reference to a specific State form number, as the State may change the number of the form.

7.70.090 Technical Standards

Standards for the construction, repair, reconstruction of or destruction of wells, abandoned wells, monitoring wells, test wells, geothermal heat exchange wells, and cathodic protection wells shall be as set forth in Chapter II of the Department of Water Resources Bulletin No. 74-8 1, "Water Well Standards" (December, 1981) and Chapter II of the Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Well Standards" (March, 1973), or as subsequently revised or supplemented, which are incorporated by reference in this Chapter, with the following modifications:

A. The minimum distance between all wells and subsurface sewage leaching fields or septic tanks shall be one hundred feet.

B. No well shall be constructed within fifty feet from the property line of the property owner authorizing construction of the well. This setback may be reduced to not less than 5 feet if the owner of the adjacent property authorizes a reduction in setback, or if the Health Officer determines that area on the adjacent property within 100 feet of the proposed well is unsuitable for installation of an onsite sewage disposal system.

This modification reflects current practice of allowing a reduction in setback if authorized by the adjacent property owner. The separation may also be reduced if there is no chance that a septic system would ever be installed in the affected area of the adjacent property.

C. All wells shall be constructed so that the well seal shall be a minimum of fifty feet below the surface of the ground.

D. Drilling fluids and other drilling materials used in connection with well construction shall not be allowed to discharge onto streets or into waterways; and shall not be allowed to discharge off the parcel on which the well is constructed onto adjacent properties; provided, that adjacent property may be used temporarily for the discharge of such fluids and materials pursuant to a written agreement with the owner(s) of the adjacent property and provided that such fluids and materials are removed and cleaned up within thirty days of completion of the well drilling.

E. Water generated during test pumping of wells shall be dispersed or disposed of in a manner which will not cause excessive erosion.

F. Paragraphs A, B, And C.

~~Modifications a, b, and c~~ do not apply to monitoring wells.

Staff analysis: The proposed amendment is strictly editorial in nature.

G. The Health Officer shall have the power to allow minor variances from the standards set forth in this section so as to prevent unnecessary hardship or injustice and at the same time accomplish the general purpose and intent of the standards and the resource protection policies of the County's General Plan and Local Coastal Program Land Use Plan. In no case may a variance be granted that constitutes a special privilege.

Staff analysis: The proposed amendment would insert the language found in the present variance section, 7.70.170.

7.70.100 Special groundwater protection Well Abandonment and Destruction: Inactive Well.

~~In areas where groundwater quality problems are known to exist by the Health Officer, the Health Officer shall impose a requirement for new wells which penetrate more than one aquifer that an electric log device measuring spontaneous potential and resistivity be run in the uncased well bore hole by a registered hydrologist, geohydrologist or other qualified person. Based on the data obtained from the electric log and the geologic log of the well, the hydrologist, geohydrologist or other qualified person approved by the Health Officer shall identify strata containing poor water quality and recommend to the well driller the location and specifications of the seal or seals needed to prevent the entrance of poor quality water or its migration into other aquifers.~~

~~The well shall be completed with the seal or seals specified by the hydrologist, geohydrologist or other such qualified person. The person performing and evaluating the electric log shall submit a written report to the Health Officer.~~

The above wording has been moved and added to Section 7.70.110. Section 7.70.100 has been rewritten to address provisions for water quality protection during the destruction of abandoned wells.

A. A well is considered abandoned when it has not been used for a period of one year. If the well owner demonstrates to the satisfaction of the Health Officer an intent to use the well again for supplying water or other associated purposes, the well is considered an Inactive Well.

B. The owner of an Inactive Well shall properly maintain the well in such a way that:

1. The well is covered such that the cover is watertight and cannot be removed, except with the aid of equipment or the use of a tool.
2. The well is marked so it can clearly be seen.
3. The area surrounding the well is kept clear of brush or debris.
4. The pump shall be maintained in the well, with an approved power supply, except for temporary removal for repair or replacement.

C. On abandonment of a well, or on the order of the Health Officer, a well shall be destroyed under permit by methods described in bulletin 74-8 1, which are incorporated into this Chapter by reference with the following amendments:

1. All open wells shall be immediately capped with a fixed cover until the well is properly destroyed.
2. The well shall be completely sealed with acceptable sealing material from the true bottom of the well up to the surface. The casing should be cut off 5 feet below the surface, with the

excavation backfilled by compacted native material.

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3. Acceptable sealing materials are 27 sack neat cement, 10 sack cement grout, hydrated high solids 20 percent bentonite slurry, or any other compound approved by the Health Officer.

4. A tremie pipe or other method approved by the Health Officer shall be used to pump the sealing material into the well under pressure if the well is over 30 feet deep or more than 3 feet of standing water is present in the well. In some cases the well casing may be required to be perforated by the Health Officer, prior to sealing.

D. A well which has any defects which will allow the impairment of quality of water in the well or in the water-bearing formations penetrated shall be destroyed and may not be designated Inactive. In areas where groundwater problems are known to exist, abandoned wells that penetrate and/or are performed in two or more aquifers shall be destroyed and may not be designated Inactive.

Staff Analysis: These section provides for the proper destruction of abandoned or unused wells. Such wells can provide a direct conduit for contaminants to migrate from the surface or between underlying groundwater layers. It is critical that they be properly plugged and sealed to limit any vertical movement of contaminants. Wording has been compiled from Monterey County and Santa Clara Valley Water District.

7.70.110 Pajaro Groundwater protection zone.

Within the Pajaro groundwater protection zone, and in other areas where groundwater quality problems are known to exist by the Health Officer, all new wells shall be constructed in such a manner that the well screen or perforations are located solely in one aquifer. All other aquifers shall be sealed by installing a cement or cement grout seal in the annular space between the well casing and the borehole to prevent present and future inter-aquifer movement of water

In areas where groundwater quality problems are known to exist by the Health Officer, the Health Officer shall impose a requirement for new wells which penetrate more than one aquifer that an electric log device measuring spontaneous potential and resistivity be run in the uncased well bore hole by a registered hydrologist, geohydrologist or other qualified person. Based on the data obtained from the electric log and the geologic log of the well, the hydrologist, geohydrologist or other qualified person approved by the Health Officer shall identify strata containing poor water quality and recommend to the well driller the location and specifications of the seal or seals needed to prevent the entrance of poor-quality water or its migration into other aquifers.

The well shall be completed with the seal or seals specified by the hydrologist, geohydrologist or other such qualified person. The person performing and evaluating the electric log shall submit a written report to the Health Officer.

Staff Analysis: Wording that was previously contained in Section 7.70.100 was moved to this section and expanded to ensure that new wells are constructed in a manner that they will not cause cross contamination between aquifer layers, particularly in the Pajaro Valley and other areas experiencing seawater intrusion. Proper well construction also allows effective sealing and abandonment of the well when it has reached the end of its useful life.

7.70.120 Soquel Creek service area restrictions.

A. Findings. The Board of Supervisors finds and determines that:

1. Several reports have been prepared which indicate the potential for seawater intrusion into the Purisima Formations of the Soquel-Aptos groundwater basin; and
2. There is need for careful monitoring and management of the groundwater basin; and
3. Careful management is greatly facilitated by restricting the number of new wells and requiring that new development be supplied by Soquel Creek County Water District, a public agency empowered to carry out monitoring and management efforts; and
4. Construction of new wells within the water district service area increases the potential public health hazard of cross-connection between public and private water systems;
5. Current County General Plan policies require that new development within the urban services line be served by a public water system.

B. Well Construction Within the Soquel Creek County Water District Service Area. The construction of new wells shall be prohibited on parcels that are both within the area designated as the "Soquel-Aptos groundwater basin" (as adopted by separate Board Resolution 233-81) and within two hundred feet of a water distribution line of the Soquel Creek County Water District,

C. New Well Construction--Exceptions. The following new well construction shall not be subject to the prohibition of this section:

1. Replacement of existing wells;
2. Construction of a well for agricultural use, monitoring and observation purposes, geothermal heat exchange or cathodic protection; and
3. Well construction on parcels which cannot be served by the Soquel Creek County Water District, as determined by the Environmental Health Director based on a written statement from the District clearly demonstrating their inability to provide service.
4. Construction of a well by any public water purveyor.

Staff Analysis: Previous versions of the proposed well ordinance amendments included provisions to expand the limitation on new wells to the service area of the Central Water District, at the request of that District. However, recent correspondence from the California Groundwater Association suggest that there may be legal constraints on such prohibitions. Staff has discussed this matter with the water districts and with the CGA, and there seems to be consensus to leave the existing wording intact for now, without any expansion, pending further development of recommendations for management of the Purisima groundwater basin.

7.70.130 Groundwater emergencies

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the safe yield in order to prevent further depletion and degradation of water resources where such degradation threatens the public health, safety and welfare of the community. The emergency shall have no effect on drilling of monitoring, geothermal heat exchange or cathodic protection wells.

Staff analysis: This proposed amendment would add geothermal heat exchange wells to the category of wells whose drilling is not subject to groundwater emergency provisions. Geothermal heat exchange wells do not remove water from groundwater basins and therefore do not contribute to overdraft.

A. Declaration. A declaration of a groundwater emergency shall be made by the Board of Supervisors only after a public hearing. Such an emergency shall be declared by resolution of the Board after the public hearing to consider all relevant information such as, but not limited to, the most current groundwater study, recommendations of water purveyors and the Water Advisory Commission and only after the following findings can be made:

1. The designated area is experiencing a groundwater overdraft exceeding the long-term average annual recharge of groundwater resource;
2. The creation of new wells or the expansion of existing wells will significantly increase the demand on the affected aquifer and thereby increase the overdraft; and
3. The continuation of the overdraft will result in further depletion and degradation of the water resource that can lead to, but is not limited to, impairment of the aquifer or allowing the ingress of low-quality or saline waters.

B. Immediate Measure to Alleviate. In areas where a groundwater emergency is declared, the Board of Supervisors shall take action to establish water conservation measures, to limit construction of new wells, to regulate pumping from or expansion of existing wells, and in order to prevent further depletion and degradation of the affected aquifer. In taking these actions, the Board shall give consideration to the seasonal needs of agriculture including, but not limited to, the following factors.

1. Agriculture's need to repair, maintain and replace existing wells serving existing agricultural use acreage;
2. Well construction for agricultural use to serve existing agricultural acreage when new parcels are created due to change in legal ownership, split parcels or parcels created by change in zoning laws or other governmental regulations; and
3. The different water requirements of agricultural crops.

C. Long-term Measures to Alleviate. The Board shall initiate actions such as, but not limited to, joint power agreements with other agencies with the goal of finding permanent solutions to the groundwater problem.

D. Duration. A groundwater emergency and the measures enacted to alleviate the emergency shall remain in effect until rescinded as established in Subsection F of this Section.

E. Annual Review. The establishment of a groundwater emergency and all actions to alleviate the emergency shall be reviewed by the Board of Supervisors within one year of the date of enactment of the measures at a public hearing to decide whether the declaration of emergency shall remain in effect.

F. Rescinding. A groundwater emergency shall be rescinded by resolution of the Board of Supervisors after a public hearing when one of the following findings are made:

1. Alternative water sources which compensate for the existing overdraft and supply the affected area are developed;
2. A groundwater management program is implemented which will allow for additional development without contribution to groundwater overdraft; or
3. The Board of Supervisors determines that new information is available which indicates that the technical data upon which the original findings were based is no longer valid.

7.70.140 Abatement--Investigation.

The Health Officer may, upon reasonable cause to believe that an abandoned well, a cathodic protection well, or any other well, may potentially either contaminate or pollute groundwater, investigate the situation to determine whether such potential threat to groundwater quality or present nuisance, does, in fact exist. The Health Officer shall have the power upon presenting identification to any person apparently in control of the premises to enter upon any such premises between the hours of 8:00 a.m. and 6:00 p.m., to discover or inspect any thing or condition which may indicate such a nuisance or threat to groundwater quality. The Health Officer may examine such premises, things or conditions, take such samples and make such tests as needed and take other steps reasonably necessary for the proper investigation and determination of whether a nuisance or threat to groundwater quality exists.

7.70.150 Abatement generally.

Whenever the Health Officer determines that an abandoned well, a cathodic protection well, or any other well or is presently polluting or contaminating groundwater, or poses a substantial threat to groundwater quality, or is otherwise not in compliance with the provisions of this Chapter,

the Health Officer may abate the well as a nuisance in accordance with the provisions of Chapter 1.14 of this Code.

7.70.160 Nuisance--Abatement of safety hazard.

This chapter shall not affect the right of the county to abate as a public nuisance pursuant to Article 9, Chapter 1, Division 1, Title 5, of the Government Code (commencing with Section 50230) any abandoned well, or cathodic protection well, or other well which presents a safety hazard.

7.70.170 Variances.

~~The Health Officer shall have the power to allow minor variances from the standards referred to in Section 7.70.090 so as to prevent unnecessary hardship or injustice and at the same time accomplish the general purpose and intent of the standards and the resource protection policies of the County's General Plan and the Local Coastal Program Land Use Plan. In no case may a variance be granted that constitutes a special privilege.~~

Staff analysis: This Section is relocated to Section 7.70.090 as subsection G.

7.70.1870 Amendments

Any revision to this chapter which applies to the coastal zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 of the Santa Cruz County Code, and shall be subject to approval by the California Coastal Commission.

SECTION II

This ordinance shall take effect upon certification by the State Coastal Commission, or after 30 days, whichever is greater.

PASSED AND ADOPTED this day of _____, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

CHAIRPERSON OF THE BOARD OF SUPERVISORS

ATTEST: _____
CLERK OF SAID BOARD

APPROVED AS TO FORM:

Maria Costa
COUNTY COUNSEL

DISTRIBUTION: CAO
County Counsel
Coastal Commission
Planning Department
Environmental Health
Soquel Creek Water District
Central Water District

Draft: August 31, 2000

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7.38, SEWAGE DISPOSAL, RELATING TO PARCEL SIZE, EASEMENTS, LEACHFIELD DEPTH, NONSTANDARD SYSTEM MAINTENANCE, AND OTHER MINOR CHANGES

Deletions are shown as strikeouts

Additions are underlined*Explanations for changes are presented in italics*

SECTION 1:	7.38.045	LOT SIZE REQUIREMENTS FOR EXISTING LOTS OF RECORD
SECTION 2:	7.38.060	EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
SECTION 3:	7.38.095	REPAIR PERMITS
SECTION 4:	7.38.130	GENERAL INSTALLATION REQUIREMENTS
SECTION 5:	7.38.150	SEWAGE LEACHING REQUIREMENTS
SECTION 7:	7.38.184	NONSTANDARD SYSTEMS

SECTION 1

- A. County Code Section 7.38.045. Lot Size Requirements for Existing Lots of Record is hereby amended by adding Subsection D.6:

6. Within water supply watersheds, existing parcels of record less than one acre in size may be approved for development utilizing a sewage disposal system for commercial use if the parcel meets all of the following criteria:
- = the parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24, 1994,
 - = it is to be developed for commercial use,
 - = it is within the Rural Services Line,
 - = the sewage disposal system will meet all of the standards contained in Sections 7.38.120 through 7.38.186 and the sewage disposal system utilizes the enhanced treatment provided for in Section 7.38.152.

This modification would potentially allow commercial development on approximately 20 parcels in the downtown areas San Lorenzo Valley, to allow infill and promote vitality of the community commercial district. Water quality impacts of this limited amount of development would be mitigated by the requirement for enhanced treatment. This amendment also requires an amendment of the General Plan, which is presented at the end of this document.

- B. County Code Section 7.38.045 is hereby amended by adding Subsection E, as follows:

- E. Parcels less than one acre in size may be approved for development if they are created through subdivision after the effective date of this ordinance and meet all of the following requirements:
- 1. The average parcel size of the subdivision, excluding roadways, is greater than one acre.
 - 2. The parcel is not located in a water supply watershed;
 - 3. The proposed subdivision utilizes clustering of development, with reservation of common open space.

4. The Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.

This change is made to complement the following change to allow clustering of development to maintain open space, viewsheds, biotic resources, etc.

SECTION 2:

County Code Section 7.38.060 is hereby amended as follows:

7.38.060 EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

- A. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for repair of an individual sewage disposal system under the following circumstances:
- A1. The Health Officer determines that a satisfactory repair of existing sewage disposal system cannot be obtained on the property upon which it is located.
 - B2. The Health Officer determines that the property to be used for sewage disposal can provide satisfactory sewage disposal without creating a health hazard or nuisance condition.
 - C3. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed with prior approval of the Health Officer.
- B. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for installation of a new individual sewage disposal system for parcels created through subdivision after [the effective date of this ordinance], under the following circumstances:
1. The average parcel size of the subdivision, excluding roadways, will be greater than one acre.
 2. The parcels are not located within a water supply watershed.
 3. The proposed subdivision utilizes clustering of development, with reservation of common open space.
 4. The Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.
 5. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed or modified with prior approval of the Health Officer.

This change would facilitate the use of clustered develop for new subdivisions to maintain open space, viewsheds, biotic resources, etc. Individual parcels would continue to be served by individual sewage disposal systems, but the parcel configuration would not be limited by the need to include the sewage disposal system in the parcel boundaries.

SECTION 3

Section 7.38.095, Repair Permits, is hereby amended as follows:

- A. Notwithstanding the provisions of Section 7.38.093 (A), and the other provisions of this Chapter, permits for the repair of ~~malfunctioning~~ existing individual sewage disposal systems may be issued by the Health Officer upon proper application therefore; and, once issued, shall be valid and exercisable for a period of two years.
- B. Repairs to ~~failing~~ existing systems shall be made in conformance with the requirements specified in Sections 7.38.130 - 7.38.180 of this Chapter except that the following allowances for repairs of systems serving development that was first approved prior to September 16, 1983, may be permitted:
 6. The minimum separation between the bottom of any leaching device and seasonally high groundwater shall be:
 - Five feet where the leaching device is between fifty and one hundred feet from a stream, spring, or other waterbody.
 - Three feet where the device is over one hundred feet from a waterbody.
 - At distances greater than two hundred fifty feet from a waterbody, a system with groundwater separation below the leachfield less than three feet may be approved as a nonconforming system provided however that a separation of at least one foot must be maintained for at least ninety percent of the year.
 2. Setback to a stream shall be at least 50 feet.
 3. Setback to a seasonal drainage way shall be at least 25 feet.
 4. If soils are at least 7 feet deep and conditions are otherwise suitable to prevent lateral surfacing of effluent, installation on steeper slopes, above 30% up to 50% may be allowed if:
 - the distribution pipe is installed at least 2 feet below the surface (vertical depth)
 - A minimum separation of 5 feet is maintained between the leaching system and bedrock or other impermeable layer.
 5. Other requirements specified in Sections 7.38.130 - 7.38.180 of this Chapter shall be met to the greatest extent possible as necessary to protect public health and water quality, and shall comply with standards for system repairs established by the Health Officer pursuant to Section 7.38.095.E.
 6. When an alternative system is used for a repair pursuant to Sections 7.38.182-184, the setbacks from streams and groundwater as specified above may be reduced according to the standards for alternative systems and repairs established by the Health Officer pursuant to Section 7.38.095.E.

These modification recognizes that repairs to existing sewage disposal systems are frequently made before a system malfunctions, and that such repairs may not be able to fully meet all standards contained in Chapter 7.38 for new systems. These change clarifies and codifies long term practice.

- C. All existing, developed parcels that have repaired, replaced or upgraded sewage disposal systems to meet the standards in Sections 7.38.130 - 7.38.180 including allowances described in B. above and any system that was approved between November 2, 1992 and May 2, 1995 to comply with standards in effect at that time, shall be regarded as a standard system and shall be deemed to be in compliance with this code and may be eligible for building alterations as described in Section 7.38.080.B.2.
- D. When repairing, replacing or upgrading an existing individual sewage disposal system, on an existing, developed parcel that is unable to accommodate a standard sewage disposal system that meets the standards in Sections 7.38.130 - 7.38.180 including allowances described in B. above, the system shall be deemed a Nonstandard sewage disposal system design which must meet the requirements of Sections 7.38.182-7.38.186. The size of a building addition or change in use that will be allowed will depend on the type of system used:
1. No residential additions beyond the ~~250~~ 500 square feet described in Section 7.38.080.B.1 or changes in use which will result in an increase in wastewater discharge shall be approved for parcels utilizing a haulaway or non-conforming sewage disposal system.
 2. When an alternative sewage disposal system is used, the Health Officer may permit bedroom additions and additions beyond the ~~250~~ 500 square feet described in Section 7.38.080.B.1 provided the design specifications for the alternative technology can safely treat and dispose of the projected peak wastewater flows and suitable expansion area exists on the property to replace the alternative sewage disposal system.
 3. No building additions shall be approved which will encroach on the septic system or any area of the property needed to install a replacement system which meets the requirements for a standard or alternative system to the greatest extent possible.

These changes are made to be in conformance with the definition of a minor building addition that was approved previously by the Board of Supervisors and is contained in other sections of Chapter 7.38.

- E. Procedures and standards for the repair of individual sewage disposal systems, including guidelines for the design and use of alternative systems for repairs shall be established by policy of the Health Officer.

SECTION 4

Subsection H. of County Code Section 7.38.130, General Installation Requirements, is hereby amended as follows:

- H. Leaching areas shall not be located in low lying areas receiving storm water drainage, or within 100 year flood zones, except for the repair of an existing septic system, which cannot be located outside the floodplain. If the septic system is located within the floodplain, no bedroom additions or building additions greater than 500 square feet are allowed. Leaching areas shall be separated by a minimum of 25 feet from seasonal drainage ways which flow no more than one week after significant rainfall.

This section is amended to reflect changes regarding floodplains within Chapter 16.10, Geologic Hazards, previously adopted by the Board of Supervisors.

SECTION 5

Amend Subsection B.6 of Section 7.38.150, Sewage Leaching Requirements, as follows:

6. The following construction standards shall be used in connection with the construction of any trench leaching system:

Construction Detail	Required Standard
Width of trench	18 - 36 inches
Standard trench depth	Maximum of 4 feet (2 ½ feet effective depth)*
Maximum length of trench	100 feet
Slope of leach line	3 inches per 100 feet maximum
Rock under pipe	Determined by Health Officer, based on soil conditions (min. 12")
Rock over pipe	2 inches
Size of rock	½ to 2 ½ inches
Spacing of trenches edge to edge	Twice the effective depth to a maximum of 10 feet

*Parcels with soils that percolate in the range 6-60 minutes per inch may use a deeper trench ~~(to a maximum of 6 ½ feet (5 feet flow depth))~~, if space on the parcel prevents the use of the standard trench depth. However, in all such instances, the trench shall be as shallow as possible using the maximum lineal feet that can fit on the parcel while still reserving the required expansion area.

This change would allow deeper trenches, primarily in the mid county area, where surface soils are often unsuitable for sewage disposal, and can contribute to surfacing of untreated effluent. It is not believed that a case by case allowance for deeper disposal will significantly affect groundwater quality, as effluent disposal is already allowed at depths of 6 ½ feet, which is well below the zone of maximum biological activity in the soil. Other provisions for groundwater separation will be maintained, and shallow disposal will still be required in sandy, fast percolating soils.

SECTION 6

Amend Section 7.38.184, Nonstandard Systems, by adding subsection G, as follows:

- G. Ongoing Maintenance and Monitoring.** The Health Officer shall establish specifications and requirements for the ongoing maintenance and monitoring to ensure proper functioning of nonstandard sewage disposal systems that have been installed pursuant to this section. These specifications and requirements may include, but are not limited to: requirement of regular monitoring, maintenance and service by a treatment system operator approved by the Health Officer; site specific monitoring and maintenance requirements; effluent testing; and, new technology upgrade necessary to meet the requirements of Sections 7.38.152, 7.38.182 and 7.38.184.

This section would tighten up provisions for ensuring adequate maintenance on nonstandard systems. Many systems use proprietary treatment devices that require regular monitoring and specialized maintenance to ensure that they operate properly and produce the desired effluent quality.

Draft: August 31, 2000

SECTION 7

This ordinance shall take effect within the Coastal Zone ten days after certification by the State Coastal Commission. This ordinance shall take effect in areas outside the Coastal Zone 30 days after approval by the Board of Supervisors.

PASSED AND ADOPTED this _____ day of _____, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

SUPERVISORS
SUPERVISORS
SUPERVISORS
SUPERVISORS

Chairperson of Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

County Counsel

DISTRIBUTION:
CAO
County Counsel
Environmental Health
Environmental Planning

EXHIBIT ⁶
B-6

Implementation of the Sewage Ordinance Amendment will also require amendment to General Plan policy 5.5.5 as follows:

5.5.5 Minimum Parcel Size for Developing Existing Parcels of Record in Water Supply Watersheds

(LCP) Require one 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 Valley, in accordance with the existing Sewage Disposal ordinance, except that land areas for rights-of-ways may not be included in determining parcel size, if the presence of the road will adversely affect the functioning of the sewage disposal system. 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) Allow an exception to the one acre minimum parcel size only for an existing parcel of record that meets all of the following criteria:

- the parcel has a designation of Community Commercial, Neighborhood Commercial, Office or Service Commercial, in the General Plan that was adopted on May 24, 1994,
- it is developed for commercial use,
- it is within the Rural Services Line,
- the proposed sewage disposal system will meet the technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the Sewage Disposal Ordinance.

This modification would potentially allow commercial development on 20 parcels in the downtown areas of the San Lorenzo Valley, that are currently designated for commercial use. Such uses have the potential to provide various community services.

