

CALIFORNIA COASTAL COMMISSION

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

W17a

Prepared August 30, 2001 (for September 12, 2001 Hearing)

To: Commissioners and Interested Persons

RECORD PACKET COPY

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

Subject: Santa Cruz County LCP Major Amendment Number 1-01 (PVUSD High School MOU and Park Site Designations) Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's Wednesday, September 12, 2001 meeting to take place at the Eureka Inn, 518 Seventh Street, in Eureka.

Summary

Santa Cruz County is proposing to change its certified Local Coastal Program (LCP) in two parts: (Part 1) to designate two parcels as potential park sites (APN 028-302-04 in Live Oak, commonly known as the Yates parcel; and APN 038-081-36 in Seacliff Village, commonly known as the McGregor site); and (Part 2) to designate a utility prohibition district and related measures at the City of Watsonville city limits within the County's coastal zone to implement the Memorandum of Understanding (MOU) between the County, the City, and the Coastal Commission related to the development of the proposed New Millennium High School in Watsonville. [Note that these two parts are components of a larger proposed LCP amendment package that was filed on June 18, 2001. The other components, involving density calculation requirements and the definition of development, have been deemed "minor" and are addressed in a companion staff report for this meeting (item number W15a).]

Part 1 (Park Sites)

Part 1 of the proposed amendment would designate the two parcels as future park sites in the LCP Land Use Plan (LUP) and would rezone both parcels to add the "Designated Park Site" combining zone district (designated with a "D") in the LCP Implementation Plan (IP), otherwise known as the County Code. The Yates parcel is an undeveloped roughly one-acre site covered with a eucalyptus grove that connects with similar tree canopy within Moran Lake County Park; it is currently zoned residential. The McGregor site is an undeveloped roughly three-acre site located within Seacliff Village in unincorporated south Santa Cruz County; it is currently zoned commercial. The primary effect of the proposed designation is that should future applications for development be filed on either of the subject sites (pursuant to the underlying zoning), the County's formal park site acquisition process would commence whereby the sites were evaluated for acquisition in whole or in part at that time, such review to conclude prior to continued processing of any development application. Of course, the County could pursue acquisition at any time in advance of development proposals.



California Coastal Commission
September Meeting in Eureka

Staff: D. Carl Approved by:

SCO Major LCPA 1-01 (PVUSD High School MOU and Park Sites) staff report 9.12.2001.doc

The proposed park designations would serve to protect upland areas for maximum public access and recreation potential as directed by the Coastal Act. Furthermore, in the case of the Yates parcel, Moran Lake habitat resources can be better protected by preserving the remaining tree and open space canopy on the Yates parcel that contributes to the continuation of those Moran Lake resources. In both cases, the community character and overall public viewshed is better protected by designating the subject properties for parks. As such and as submitted, staff recommends that the Commission find that Part 1 of the proposed amendment regarding the Yates and McGregor parcels is consistent with the Coastal Act.

Part 2 (PVUSD High School MOU)

Part 2 of the proposed amendment would put in place a series of policies designed to prevent urban development in the farmlands, wetlands and other environmentally sensitive areas west of the City of Watsonville. This area is primarily agricultural, mostly zoned for commercial agriculture (CA), and the proposed policies would provide an additional level of protection to further safeguard the rolling agricultural landscape from non-compatible development. The main way that this would be accomplished is through a new utility prohibition zoning district that would apply to the boundary of the County and the City of Watsonville on the west side of Highway One in south Santa Cruz County. The new district would be designed to implement a series of new LUP policies geared towards maintaining the stable urban-rural boundary at Highway One in south County. Sewer and potable water utilities would be prohibited across the new district.

In addition, Part 2 of the proposed LCP amendment would put in place LUP and IP policies that describe the necessary parameters for any improvements to Harkins Slough Road. These specifications are designed to protect the environmentally sensitive habitats of both West Branch of Struve Slough and Hanson Slough that both cross under Harkins Slough Road in the event that the road is improved to serve development (for example, for access to the new proposed high school).

Part 2 of the proposed LCP amendment fulfills the County's obligations under the MOU between the City, County, and Coastal Commission. The MOU emanates from the City LCP amendment (certified by the Commission in October of last year) that allowed the Pajaro Unified School District (PVUSD) to propose a high school on Area C of the City of Watsonville coastal zone.¹

In general, the LUP and IP policies proposed provide for an additional level of protection as required by the MOU. However, there are several areas of potential confusion that must be modified to ensure that the policies function as intended to more fully protect the agricultural and wetland areas of south Santa Cruz County west of the City of Watsonville. With these minor modifications, staff recommends that the Commission find that the proposed LCP amendment to implement the MOU can be found consistent with the Coastal Act.

As so modified, staff recommends that the Commission approve the LCP amendment.

¹ The high school has since been approved by the City of Watsonville and the CDP decision appealed to the Commission by 9 separate appellants (appeal number A-3-WAT-01-070). The high school appeal has not yet been scheduled for Commission review.



Staff Report Contents

	page
Summary	1
I. Staff Recommendation – Motions and Resolutions.....	3
A. LCP Amendment Part 1 (Park Site Designations).....	3
B. LCP Amendment Part 2 (PVUSD High School MOU).....	4
II. Suggested Modifications.....	7
III. Findings and Declarations.....	9
A. Standard of Review.....	9
B. Proposed LCP Amendment Part 1: Park Site Designations.....	9
C. Proposed LCP Amendment Part 2: PVUSD High School MOU.....	13
D. California Environmental Quality Act (CEQA).....	27
IV. Exhibits	exhibit page
Exhibit A: Part 1 Locations (Yates and McGregor Parcels).....	1
Exhibit B: Part 1 Board Resolution and Ordinance for Yates Park Site Designation.....	7
Exhibit C: Part 1 Board Resolution and Ordinance for McGregor Park Site Designation.....	12
Exhibit D: Part 2 MOU between City, County, and Coastal Commission.....	18
Exhibit E: Part 2 Legislation Related to MOU (AB 2144).....	37
Exhibit F: Part 2 City of Watsonville Utility Prohibition Overlay District.....	39
Exhibit G: Part 2 Board Resolution.....	40
Exhibit H: Part 2 Proposed LUP Text.....	43
Exhibit I: Part 2 Proposed IP Text.....	48
Exhibit J: Part 2 Proposed Re-Zoning for “W” District.....	53

I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve as submitted Part 1 of the proposed amendment, and approve only if modified Part 2 of the proposed amendment. The Commission needs to make 6 separate motions in order to act on this recommendation.

A. LCP Amendment Part 1 (Park Site Designations)

Staff recommends that the Commission, after public hearing, **approve as submitted Part 1 of the proposed amendment** regarding park site designations. The Commission needs to make 2 separate motions in order to act on this portion of the recommendation.

1. Approval of Land Use Plan Major Amendment # 1-01 Part 1 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the LUP portion of Part 1 of the amendment as submitted and adoption of the following resolution and the findings in this staff report. The motion to certify as submitted passes only upon an affirmative



vote of the majority of the appointed Commissioners.

Motion (1 of 6). I move that the Commission **certify** Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by the County of Santa Cruz.

Resolution to Certify As Submitted. The Commission hereby **certifies** Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted and adopts the findings set forth in this staff report on the grounds that Part 1 of the Land Use Plan amendment as submitted will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of Part 1 of the Land Use Plan amendment as submitted complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which Part 1 of the Land Use Plan Amendment may have on the environment.

2. Approval of Implementation Plan Major Amendment # 1-01 Part 1 as Submitted

Staff recommends a YES vote on the motion below. Passage of this motion will result in certification of the IP portion of Part 1 of the amendment as submitted and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (2 of 6). I move that the Commission **certify** Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by the County of Santa Cruz.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted and adopts the findings set forth in this staff report on the grounds that Part 1 of the Implementation Plan amendment as submitted is consistent with and adequate to carry out the certified Land Use Plan. Certification of Part 1 of the Implementation Plan amendment as submitted complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which Part 1 of the Implementation Plan Amendment may have on the environment.

B. LCP Amendment Part 2 (PVUSD High School MOU)

Staff recommends that the Commission, after public hearing, **approve only if modified Part 2 of the proposed amendment.** The Commission needs to make 4 separate motions in order to act on this



portion of the recommendation.

1. Denial of Land Use Plan Major Amendment # 1-01 Part 2 as Submitted

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of the LUP portion of Part 2 of the amendment as submitted and adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion (3 of 6). I move that the Commission **certify** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by County of Santa Cruz.

Resolution to Deny. The Commission hereby **denies** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by County of Santa Cruz and adopts the findings set forth in this staff report on the grounds that Part 2 of the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of Part 2 of the Local Coastal Program Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which Part 2 of the Local Coastal Program Land Use Plan Amendment may have on the environment.

2. Denial of Implementation Plan Major Amendment # 1-01 Part 2 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the IP portion of Part 2 of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (4 of 6). I move that the Commission **reject** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by County of Santa Cruz.

Resolution to Deny. The Commission hereby **denies** certification of Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by County of Santa Cruz and adopts the findings set forth in this staff report on the grounds that, as submitted, Part 2 of the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of Part 2 of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which Part 2 of the Implementation Plan Amendment may have on the environment.



3. Approval of Land Use Plan Major Amendment # 1-01 Part 2 if Modified

Staff recommends a YES vote on the motion below. Passage of the motion will result in the certification of the LUP portion of Part 2 of the amendment with suggested modifications and adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion (5 of 6). I move that the Commission **certify** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that Part 2 of the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of Part 2 of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which Part 2 of the Land Use Plan Amendment may have on the environment.

4. Approval of Implementation Plan Major Amendment # 1-01 Part 2 if Modified

Staff recommends a YES vote on the motion below. Passage of this motion will result in certification of the IP portion of Part 2 of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (6 of 6). I move that the Commission **certify** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Part 2 of the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of Part 2 of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which Part 2 of the Implementation Plan Amendment may have on the environment.



II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act and Land Use Plan consistency findings. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action, by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

1. **Reference to City of Watsonville LCP Amendment 1-99 and/or MOU.** All references to City of Watsonville LCP Amendment 1-99 and/or the Memorandum of Understanding (MOU) between the City of Watsonville, the County of Santa Cruz, and the Coastal Commission shall be deleted in proposed policy titles and text. This applies to proposed Land Use Plan Policies 2.1.12, 2.1.13, 2.1.15, 2.1.16, and 5.1.16 in the titles, and to proposed Implementation Plan section 13.10.491 in the text. In the case of proposed Implementation Plan section 13.10.491, the portion of the first full sentence that states “, and in compliance with the Memorandum of Understanding (MOU), between the County of Santa Cruz, the City of Watsonville, and the California Coastal Commission (entered into on March 14, 2000),” shall be deleted.
2. **LUP Policy 2.1.12.** The “and/or” in proposed Land Use Plan Policy 2.1.12 shall be replaced by “and.”
3. **One-Foot Pipeline Non-Access Strips.** The text of proposed Land Use Plan Policy 2.1.15 and proposed Land Use Plan program e that reads “...along both sides of any existing or new...” shall be modified to read “...along all sides of any existing or new... .”
4. **References to the Edwards Site.** All references to “the Edwards site (APN 018-281-19)” shall be changed to “City of Watsonville Coastal Zone Area C” in proposed Land Use Plan Policies 2.1.16 and 5.1.16, and in proposed Implementation Plan section 17.02.081.
5. **Modifications to the Utility Prohibition Zone in Cases of Future Annexation.**
 - (a) **Proposed LUP Program F.** The sentence in proposed Land Use Plan Program F that begins “if additional County land...” shall be replaced in its entirety with the following text: “If additional County land is annexed into the City of Watsonville, extend the utility prohibition district to abut and surround the new City area as necessary to maintain a continuous utility prohibition zone along the western edge of all new City lands and/or Highway One so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive habitat areas in the Coastal Zone west of the City.”
 - (b) **Proposed LUP Program F.** Subsection 6 of proposed Land Use Plan Program F shall be deleted.
6. **Proposed IP Sections 13.10.491 and 13.10.492 (Affected Properties).**



- (a) **IP Section 13.10.491.** The two sentences in proposed Implementation Plan section 13.10.491 that begins “the utility prohibition strip shall extend north...” and ends “...of the Highway One right-of-way, as applicable” shall be inserted as the first two sentences of proposed Implementation Plan section 13.10.492.
- (b) **IP Section 13.10.492(b).** Proposed Implementation Plan section 13.10.492(b) shall begin with the following sentence “Where the city limit of Watsonville is coterminous with the western edge of the Highway One highway right of way, or where the city limit of Watsonville is east of Highway One,” inserted before “Those... .”
- (c) **IP Section 13.10.492(c).** Proposed Implementation Plan section 13.10.492(c) shall be replaced in its entirety with the following text: “Where the city limit of Watsonville is modified subsequent to the effective date of this section through annexation to include either of County lands located west of Highway One, or county lands located east of Highway One and abutting the Highway One right of way, those properties and/or public road right of ways on the County side of the so annexed area. In the event of such an annexation, the annexation shall be conditioned for the affected County properties on the County side of the so annexed area to be rezoned with the “W” combining zone district.”
- (d) **IP Section 13.10.492(d).** Proposed Implementation Plan section 13.10.492(d) shall be deleted.

7. Harkins Slough Road Improvements.

- (a) **Road Improvements.** The text in proposed Land Use Plan Policy 5.1.16 and proposed Implementation Plan section 16.32.090(c)(A)(11) that states “any major Harkins Slough Road improvements...” shall be replaced by “any Harkins Slough Road improvements... .” The text in proposed Land Use Plan Policy 5.1.16 that states “any such major road improvements...” shall be replaced by “any such road improvements... .”
- (b) **Hanson Slough.** The text in proposed Land Use Plan Policy 5.1.16 and proposed Implementation Plan section 16.32.090(c)(A)(11) that states “...shall provide enhanced habitat connectivity between the west branch of Struve Slough...” shall be changed to read “...shall provide enhanced habitat connectivity: 1) for Hanson Slough; and 2) between the west branch of Struve Slough...”
- (c) **West Branch Struve Slough Bridge.** The text in proposed Land Use Plan Policy 5.1.16 and proposed Implementation Plan section 16.32.090(c)(A)(11) that states “...between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road. Replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side off Harkins Slough Road is the preferred alternative, unless an alternative that is environmentally equivalent or superior to a bridge is identified” shall be changed to read “...between the west branch of Struve Slough north of Harkins Slough Road and



the Department of Fish and Game reserve south of Harkins Slough Road by replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side off Harkins Slough Road, unless an alternative that is environmentally equivalent or superior to a bridge is identified.”

8. Utility Prohibition Zone Exceptions (LUP Program f and IP Section 13.10.493).

- (a) **Exception 2.** The text in proposed Land Use Plan Program f subsection 2 and proposed Implementation Plan section 13.10.493(b) that reads “, or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses” shall be deleted.
- (b) **Exception 3.** The text in proposed Land Use Plan Program f subsection 3 and proposed Implementation Plan section 13.10.493(c) that reads “, or for agricultural uses” shall be deleted.
- (c) **Exception 6.** Proposed Land Use Plan Program f subsection 6 and proposed Implementation Plan section 13.10.493(f) shall be deleted.

9. IP Section 13.10.491. The text of proposed Implementation Plan section 13.10.491 that reads “In order to implement General Plan/Local Coastal Program Land Use Policy 2.1.13,” shall be deleted.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The standard of review for the proposed modifications to the County’s LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the County’s IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance on a parcel by parcel level.

B. Proposed LCP Amendment Part 1: Park Site Designations

1. Description of LCP Amendment Part 1

Part 1 of the proposed amendment would designate two parcels (APN 028-302-04 in Live Oak, commonly known as the Yates parcel; and APN 038-081-36 in Seacliff Village, commonly known as the McGregor site) as future park sites in the LUP and would rezone both parcels to add the “Designated Park Site” combining zone district (designated with a “D”) in the IP. See exhibit A for project location.



The LUP would specifically be modified in two ways: (1) the Yates and McGregor sites would be added as potential park sites to LUP Figure 7-2 (Santa Cruz County Public Parks and Recreation Facilities); and (2) a neighborhood park symbol would be added to the Yates and McGregor parcels in the Land Use Maps for the Aptos and Live Oak planning areas.

The IP would be specifically modified in two ways: (1) the Yates parcel would be rezoned from R-1-5 (single-family residential, 5,000 square feet per dwelling) to R-1-5-D single-family residential, 5,000 square feet per dwelling, designated park site overlay) and (2) the McGregor parcel would be rezoned from C-2 (Community Commercial) to C-2-D (Community Commercial, designated park site overlay).

See exhibits B and C for the resolutions and ordinances defining the proposed LCP text.

Yates Parcel

The Yates parcel is located in the Pleasure Point area of Live Oak adjacent to Moran Lake County Park (again, see exhibit A). The Park provides a developed parking lot and related beach-going facilities (restroom, shower, etc.) serving the highly used beaches in and around the 26th Avenue area. Moran Lake proper is an estuarine lagoon that has long been mostly blocked from the Monterey Bay due to the presence of East Cliff Drive itself which acts as a dam. The box culvert there allows for some interaction between the Lake and the ocean, but only during periods of high tides and surf. As a result of this disconnect; encroaching urbanization and its attendant impacts (i.e., increased polluted runoff and sedimentation; increased noise, lights, activities, floatable pollutants and debris; domestic animal predators; vegetation removal; etc.); rapidly expanding invasive exotics (such as iceplant); and lack of funding with which to manage, restore and enhance the Park, the Moran Lake wetland habitat is severely degraded.

Moran Lake County Park provides habitat for monarch butterflies in several groves of eucalyptus on the Park property and in the area surrounding the County wastewater treatment facility.² This butterfly habitat area is on the inland finger of the riparian corridor feeding Moran Lake snaking inland from the ocean. The monarch habitat at Moran Lake has been estimated to be the second largest overwintering habitat in Santa Cruz County, and a significant proportion of the western migratory monarch population (roughly 5% of the total).³

The Yates parcel is an undeveloped roughly one-acre site covered with a eucalyptus grove that connects with similar tree canopy within Moran Lake County Park and that acts primarily as a wind screen to the more inland butterfly habitat areas. The parcel is currently zoned residential. Although originally listed as a park site when the LCP was first certified in 1983, the park site designation at this location was removed during the last major update of the LCP in 1994 because at that time the County had issued a coastal development permit for a single family dwelling in the parcel. The permit has since expired and there are no pending applications on the site.

² See exhibit A for a site plan of the Moran Lake area with habitat areas identified.

³ Dayton, 2000.



McGregor Parcel

The McGregor site is located in the unincorporated Seacliff Village area of south Santa Cruz County (see exhibit A). Seacliff Village is a small informal village area centered around a small shopping district and roughly framed inland by Highway One and seaward by Seacliff State Beach. The County is currently in the process of preparing a Seacliff Village Plan for inclusion into the LCP. The Plan found its genesis in the controversy over development plans (then for a commercial retail use) on the subject McGregor parcel beginning roughly in 1998. Since that time, the County has been considering options for the McGregor parcel, including potentially rezoning it to VA (Visitor Accommodations) or potentially designating the site for a park. A County imposed development moratorium has been in effect in Seacliff Village pending completion of the Seacliff Village Plan since 1999. Following several public hearings, and a recommendation from the County Parks and Recreation Commission, the County ultimately designated the site as a park site; thus the current LCP amendment proposed.

2. Effect of Changes Proposed

The primary effect of re-designating and re-zoning the Yates and McGregor parcels is that should future applications for development be filed on either of the subject sites (pursuant to the underlying zoning), the County's formal park site acquisition process would commence whereby the sites were evaluated for acquisition in whole or in part at that time, such review to conclude prior to continued processing of any development application.⁴ Of course, the County could pursue acquisition at any time in advance of development proposals.

3. Coastal Act and LUP Consistency

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the

⁴ Per IP Section 13.10.418 describing the standards of the park site overlay district.



coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214(a): The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case...

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Coastal Act likewise protects the character and scenic quality of the Live Oak beach area and Seacliff Village. Section 30251 states as follows:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The habitat and recreational area at Moran Lake (adjacent to the Yates parcel) also involves areas that are considered ESHA under the Coastal Act. As such, Coastal Act Section 30240 also applies:

Section 30240. (a) Environmentally sensitive habitat area shall be protected against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed LUP changes would designate two undeveloped sites within urbanized Santa Cruz County as potential park sites. Such a designation would serve to protect upland areas for maximum public access and recreation potential as directed by the Act. Furthermore, in the case of the Yates parcel, Moran Lake habitat resources can be better protected by preserving the remaining tree and open space canopy on the Yates parcel that contributes to the continuation of those Moran Lake resources. In both



cases, the community character and overall public viewshed is better protected by designating the subject properties for parks. As submitted, the Commission finds that Part 1 of the proposed land use plan amendment regarding the Yates and McGregor parcels is consistent with the Coastal Act.

Similarly, the IP changes that would implement the new LUP designations would further the protection of the subject parcels for public access, recreation, viewshed, community character, and habitat. This is likewise consistent with existing LUP policies that further these Coastal Act objectives.⁵ As submitted, the Commission finds that Part 1 of the proposed IP amendment regarding the Yates and McGregor parcels is consistent with and adequate to carry out the LUP as amended.

C. Proposed LCP Amendment Part 2: PVUSD High School MOU

1. Description of LCP Amendment Part 2

MOU Background

At the March 16, 2000 hearing in Carmel, the Commission approved, with suggested modifications, City of Watsonville LCP Major Amendment Number 1-99. This amendment was designed to modify the City's LCP to allow for the Pajaro Valley Unified School District to pursue a high school on property west of Highway One along Harkins Slough Road between Hanson and West Branch Struve Sloughs. Because of the concern that the LCP amendment would, among other things, inappropriately induce future growth in a predominantly agricultural and sensitive habitat region west of the highway, the Commission adopted a range of suggested modifications. One of these suggested modifications included the requirement for adoption of an MOU designed to help address these concerns.

The City (by unanimous vote of the City Council on March 14, 2000), the County (by unanimous vote of the Board of Supervisors on March 14, 2000), and the Commission (by 10-1 vote of the Commission on June 14, 2001) agreed to execute the MOU (see executed MOU attached as exhibit D). Separately, legislation has been passed at the state level to make the MOU more legally enforceable (AB 2144; see exhibit E).

The primary intent of the MOU is to strictly limit future City of Watsonville annexations, and to strictly limit the provision of potable water and sewer services west of Highway One. The MOU also requires "right-to-farm" provisions to protect agricultural uses west of the Highway, and requires protection of environmentally sensitive habitat areas; for any school use, buffers and site design must adequately buffer habitat and agricultural resources to avoid disruption of these adjacent resources. In other words, the MOU is intended to implement many of the Commission's suggested modifications that have since been certified into the City of Watsonville LCP to add another layer of protection to coastal resources here.

⁵ These include, but are not limited to, current LUP access, recreation, viewshed and character policies such as 2.22.1, 2.22.2, chapter 5 et seq, chapter 7 et seq, and habitat policies including chapter 5 et seq.



Required MOU Actions

The MOU requires specific actions for each party as follows:⁶

For the City of Watsonville, this includes consideration of amendments to the LCP and the City's General Plan to: (1) provide a "right-to-farm" ordinance; (2) establish a one-foot wide utility prohibition district along the western boundaries of Coastal Zone Areas A, B, and C; (3) not pursue annexations (other than Green Farm) west of Highway One; and (4) for the LCP only, policies and standards to ensure protection of agricultural and environmentally sensitive habitat lands, including adequate buffer provisions.

For Santa Cruz County, this includes consideration of amendments to the LCP and the County's General Plan to: (1) establish a one-foot wide utility prohibition district along the City of Watsonville boundaries west of Highway One; (2) limit the width of any improvements to Harkins Slough Road and encourage that all Harkins Slough Road improvements provide West Branch Struve Slough habitat connectivity; and (3) place a one-foot non-access strip around any wastewater or potable water utility easements granted to the City.

For the Commission, an agreement to hold a public hearing to consider approval of any LCP amendment(s) developed by the City and County pursuant to the MOU.

As part of the LCP certification process, the City incorporated the requisite changes into their LCP as directed by the Commission's suggested modifications. The Commission certified the amended City LCP on October 12, 2000.

The County amendment that is the subject of Part 2 of this amendment report is the culmination of the County's efforts to date to complete their portion of MOU tasks.

Proposed Policies

Part 2 of the proposed amendment would put in place a series of policies designed to prevent urban development in the farmlands, wetlands and other environmentally sensitive areas west of Highway One and the City of Watsonville in rural south Santa Cruz County. This several thousand acre area, located roughly between Highway One and the Monterey Bay, is primarily agricultural and zoned almost exclusively for commercial agriculture (CA).⁷ The proposed policies would provide an additional level of protection to further safeguard the rolling agricultural landscape from non-compatible development. The main way that this would be accomplished is through a new utility prohibition zoning district that would be located along the boundary between the County and the City of Watsonville on the west side of Highway One in south Santa Cruz County. The new district would be designed to implement a series of new LUP policies geared towards maintaining the stable urban-rural boundary at Highway One in south County. Sewer and potable water utilities would be prohibited across the new district.

⁶ Again, see exhibit D for the executed MOU.

⁷ The LCP's CA zoning district is perhaps the LCP's most protective of coastal resources.



In addition, Part 2 of the proposed LCP amendment would put in place LUP and IP policies that describe the necessary parameters for any improvements to Harkins Slough Road. These specifications are designed to protect the environmentally sensitive habitats of both West Branch of Struve Slough and Hanson Slough that both cross under Harkins Slough Road should the road be improved in the future.⁸

The LUP would specifically be modified to:

- 1) Add new LUP Policies 2.1.12, 2.1.13, 2.1.14, 2.1.15, 2.1.16, and new LUP Programs e, f, and g to LUP Section 2.1 (Land Use and Development Framework; Urban/Rural Distinction); and
- 2) Add new LUP Policy 5.1.16 to LUP Section 5.1 (Biological Resources; Restoration of Damaged Sensitive Habitats).

The IP would be specifically modified in four ways:

- 1) Add new combining zoning district (the "W" Watsonville Utility Prohibition Combining District) as new IP Sections 13.10.490, 13.10.491, 13.10.492, and 13.10.493 to IP Chapter 13.10 (Zoning Regulations);
- 2) Rezone 36 affected properties to add the new "W" combining zone district;⁹
- 3) Add new IP Section 17.02.081 (Harkins Slough Road) to IP Chapter 17.02 (Urban Service Line and Rural Service Line); and
- 4) Add new condition specific to Harkins Slough Road to IP Section 16.32.090(c)(A)(11) (Environmentally Sensitive Habitat Areas; Wetlands, Estuaries, and Lagoons; Conditions)

See exhibit G for the Board resolution, exhibit H for the proposed LUP text, exhibit I for the proposed IP text, and exhibit J for the proposed rezone and "W" district map.

2. Effect of Changes Proposed

The primary effect of the new policies would be to generally restrict the extension of sewer and potable water utilities from crossing the City of Watsonville city limits and extending on into the mostly agricultural areas west of the City of Watsonville, except in very limited circumstances.¹⁰ This would be

⁸ For example, as is currently proposed to serve the proposed New Millennium High School that is currently on appeal to the Commission (A-3-WAT-01-070).

⁹ The 36 affected properties are currently zoned as follows: 25 "CA" (Commercial Agriculture) parcels, 6 "A" (Agriculture) parcels, 2 "PR" (Parks, Recreation and Open Space) parcels, 1 "SU" (Special Use), 1 "CT" (Tourist Commercial), and 1 "CA-L" (Commercial Agriculture, Historic Landmark Combining Zone). See exhibit j.

¹⁰ These exceptions were nearly all provided for in the MOU and allow crossing of the prohibition zone (with wastewater and/or potable water services) for: (1) the City-owned Gilbertson parcel; (2) to allow for distribution of water for environmental restoration, maintenance or enhancement purposes; and (3) leachate lines between the City and County Landfill to the City wastewater treatment plant. Note that the County added several additional exceptions not previously identified in the MOU; see following Coastal Act consistency section.



accomplished through a one-foot wide utility prohibition "strip" running along the City-County border. Any utilities that met the exception requirements would themselves be required to be minimized in size, and surrounded by one-foot non access easements. Note that the County prohibition zone would match up with the City's utility prohibition zone established around City Areas A, B, and C by virtue of the LCP amendment approved by the Commission in March of last year and certified by the Commission last October; the City's prohibition zone likewise designed to strictly limit the extension of utilities to areas outside of the City.¹¹

Such a prohibition zone and LUP policies should generally help to assure that County agricultural lands and ESHA areas west of the City of Watsonville and Highway One are not unduly threatened with conversion by urban uses dependent on such urban infrastructure. The new policies and the implementing combining zone district would generally make these County properties instead reliant on on-site systems (wells and septic) more likely to be adequate to support small-scale agriculturally-related development.

The Harkins Slough Road specific policies proposed would generally ensure that any Harkins Slough Road improvements necessary to support development of City of Watsonville coastal zone Area C (such as those proposed to serve the proposed New Millennium High School on Area C), or other coastal zone properties along Harkins Slough Road, would be designed in such a manner as to protect West Branch Struve Slough and Hanson Slough ESHA areas that currently cross under Harkins Slough Road in confined culverts. The main way that this would be accomplished would be for any such road improvements to require installation of a bridge over the West Branch Struve Slough. The bridge requirement is a reiteration of the City of Watsonville certified LCP policy requiring the same type of road improvement specifications for Harkins Slough Road. In addition, the new policies would require road improvements be generally sited and designed to minimize the extent of any road improvements (e.g., limit widening), and to limit the amount of noise, lights, glare and activity visible and/or audible within the sloughs.

3. Coastal Act and LUP Consistency

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

Applicable Coastal Act Policies

General development siting and public service issues are mainly the purview of Coastal Act Sections 30241(a), 30250, 30252 and 30254. Coastal Act Section 30250 states:

Section 30250(a). 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

¹¹ City LCP IP section 9-5.706 (Utility Prohibition Zone District); see exhibit F.



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.

Section 30250(b). Where feasible, new hazardous industrial development shall be located away from existing developed areas.

Section 30250(c). Visitor-serving facilities that cannot be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Coastal Act Section 30252 states:

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act Section 30254 states:

Section 30254. 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.

Protection of agricultural land is also a fundamental Coastal Act policy. The Act speaks to the need to maintain stable urban-rural boundaries to minimize conflicts between agricultural uses and urban uses, and requires the preservation of both prime and non-prime agricultural lands. In particular, the Act sets a high standard for the conversion of any agricultural lands to non-agricultural uses. Significantly, Coastal Act Section 30241 requires the maintenance of the maximum amount of prime agricultural land, to assure the protection of agricultural economies:



Section 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's 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.

Section 30242 establishes a general standard for the conversion of agricultural lands:

Section 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The next section addresses protection of the soil resource itself:

Section 30243: The long-term productivity of soils ... shall be protected....

As to the Harkins Slough Road Policies, the Coastal Act is very protective of sensitive resource systems such as wetlands, riparian corridors and other environmentally sensitive habitat areas (ESHAs). The Coastal Act defines environmentally sensitive areas as follows:

Section 30107.5. "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and



developments.

Almost all development within ESHAs is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

Section 30240(a). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Article 4 of Chapter 3 of the Coastal Act also describes protective policies for the marine environment and specifically calls out wetland resources. Coastal Act Sections 30230 and 30231 provide:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Coastal Act Section 30233(a), 30233(c) and 30233(d) specifically address wetlands protection. In particular, Coastal Act Section 30233 limits development in wetlands to a few limited categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects:

Section 30233(a). The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:



- (1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) *In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
- (4) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (5) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) *Restoration purposes.*
- (8) *Nature study, aquaculture, or similar resource dependent activities.*

Section 30233(c). *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division....*

Section 30233(d). *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are **the** method of placement, time of year of placement, and sensitivity of the placement area.*

In general, Chapter 3 of the Coastal Act establishes clear parameters for the location, intensity, type, and



design of new development in the coastal zone. First and foremost, Section 30250(a) requires that new development be concentrated in and around existing developed areas with adequate development capacities. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or cumulatively, on coastal resources. Generally, public works such as water, roads and sewer systems, must be sized to serve planned development. Highway 1, though, must remain a two lane scenic road in rural areas under section 30254.

The Coastal Act also establishes a set of priority uses that operate within the locational and resource constraints for new coastal development. For example, if public services are adequate to support only a limited amount of urban growth, land use potential must be first allocated to coastal dependent uses, essential public services and vital industry, public and commercial recreation, and visitor serving development (Section 30254). The Coastal Act also requires that public recreational uses take precedence over private residential and general industrial or commercial development, but not at the expense of agriculture or coastal-dependent industry (Section 30222).

There are only limited exceptions to the general development requirements of the Coastal Act. Hazardous industrial development may be located away from developed areas (Section 30250(b)); and coastal-dependent industry may be permitted outside developed areas if other locations are infeasible or environmentally damaging, and the effects of such development are mitigated (Section 30260). Under Section 30250(c), visitor-serving facilities may also be located outside of urbanized areas, but only if urban locations are infeasible for such development. Visitor-serving facilities must also be located in existing isolated development nodes or at select points of attraction for visitors.

Adequate separation between agricultural and urban uses is required. Overall, these requirements reflect a fundamental goal of the Coastal Act: to protect coastal resources by limiting new development to existing developed areas. Within this context, too, the ESHA protective policies of the Act strictly limit development within ESHA and require that adjacent development not disrupt these resources.

Consistency Analysis

The main objective of Part 2 of the LCP amendment is to strengthen the urban-rural boundary in south Santa Cruz County west of the City of Watsonville, and to direct urban development away from rural areas west of Highway One and instead into existing urbanized areas east of the Highway. In so doing, the predominantly agricultural lands between Highway One and the Monterey Bay are better protected.

The secondary objective is to protect the West Branch of Struve Slough and Hanson Slough Resources should Harkins Slough Road be improved.

For the most part, the proposed LCP amendment is mostly consistent with the policy requirements of the Coastal Act. Directing urban services and development into already developed areas and away from agricultural lands is a fundamental Coastal Act objective, as described above. Likewise, enhancing and protecting ESHA, in this case West Branch Struve Slough and Hanson Slough resources adjacent to Harkins Slough Road, is a core Coastal Act goal. As such, the new LUP policies are mostly well written



and generally consistent with the Coastal Act. The new IP Sections are likewise basically consistent with and adequate to carry out the new LUP policies proposed. However, in both cases there are a number of areas where clarification can either better protect coastal zone resources, and/or avoid confusion in the future implementation of the proposed policies so that the primary objective of the amendment is not compromised.

1. Reference to City of Watsonville LCP Amendment 1-99 and/or MOU

In several locations the proposed LUP policies refer to the MOU and/or City of Watsonville LCP Amendment 1-99.¹² The inference is that somehow the new policies must be read in tandem with, or can be modified by changes to, the MOU and/or the City LCP Amendment (since certified based upon changes suggested by the Commission). If unrelated components of the MOU and/or the City LCP Amendment 1-99 were to somehow form the basis for future arguments against using these policies, their effectiveness, and thereby the overall effectiveness of the series of amendments proposed here, could be lessened. Fortunately, this issue can be easily addressed by removing such references from the proposed policies (see suggested modification 1). In this way, the LCP policies stand on their own, as intended by the MOU.

2. LUP Policy 2.1.12

Proposed LUP Policy 2.1.12 begins by stating: "Maintain a stable urban rural boundary and protect agricultural land, wetlands, and/or other environmentally sensitive habitat areas by..." (see exhibit H). At first review, such a statement seems Coastal Act consistent. However, and as defined in the purpose of the MOU from which the policy text emanates,¹³ the "and/or" should actually be an "and" only. The reason for this is to avoid a reading of the policy that limits its application to protecting one of the three resources identified, but not the others (e.g., if it is argued that the "or" implies one must or can pick between the three resources to apply the policy). Such an interpretation would mean that a project that involves all three resource types may be only able to protect one. Fortunately, this issue can be easily addressed by removing the "or" from the proposed LUP Policy 2.1.12 (see suggested modification 2).

3. One-Foot Pipeline Non-Access Strips

Proposed LUP Policy 2.1.15 and program e contain internal inconsistencies referring in part of the text to non-access strips being applied along "both sides" of any pipelines allowed, and in another part of the same text asserting that the strips shall thus "completely surround" such pipelines (see exhibit H for proposed text). Any such easements that do not completely surround the pipelines may allow for a connection that otherwise would not be allowed because there is a virtual "gap" in the non-access strip. Fortunately, and consistent with the overall intent of the LCP amendment package, this issue can be easily addressed by ensuring that all such references refer to non-access easements that completely surround any such pipelines (see suggested modification 3).

¹² Proposed Land Use Plan Policies 2.1.12, 2.1.13, 2.1.15, 2.1.16, and 5.1.16 in the titles (see exhibit H), and proposed Implementation Plan section 13.10.491 in the text (see exhibit I).

¹³ See exhibit D for the MOU.



4. References to the Edwards Site

In several locations relating to required Harkins Slough Road improvements, proposed policies are tied to “permitted development of the Edwards site (APN 018-281-19).”¹⁴ There are three problems with such a stipulation: (1) APN 018-281-19 is but one of 6 Edwards-owned parcels within City of Watsonville Area C (located west of Harkins Slough Road), and one of 7 overall parcels making up Area C;¹⁵ (2) APN 018-281-19 is one of 3 current Edwards-owned parcels within Area C that front on the County border;¹⁶ and (3) PVUSD is in the midst of eminent domain proceedings to acquire all of four Edwards-owned parcels and a portion of a fifth for the development of their proposed high school on City Area C; the resultant parcelization – and parcel numbers – is unclear.¹⁷ Since parcel numbers may change, the requisite “trigger” for the affected policies may not be activated. Fortunately, since the intent is to tie such required Harkins Slough Road improvements to development of Area C consistent with the same parameters already certified into the City’s LCP, this issue can be easily addressed by ensuring that all such references refer instead to “permitted development within City of Watsonville coastal zone Area C”¹⁸ (see suggested modification 4).

5. Modifications to the Utility Prohibition Zone in Cases of Future Annexation

The proposed policies struggle somewhat with the issue of handling any potential future annexations that would serve to convert unincorporated County lands to City lands. The idea is that a mechanism needs to be established to ensure that the utility prohibition zone is not in some way “outflanked” by annexation. The main way that this is proposed to be addressed is through language requiring extension of the utility prohibition zone in the event of such annexation. There are three problems with this language: (1) it describes such an extension as applying to the western edge of the Highway One right-of-way; since it is unknown if any future annexation may or may not follow the Highway, such a requirement may be unenforceable if a newly annexed area may be west of the Highway;¹⁹ (2) it limits the upcoast edge of any such utility prohibition zone extension artificially to Mar Monte Avenue; the effect being that should an annexation extend further upcoast, the prohibition zone would be outflanked; and (3) there is not a policy requirement that is tied to any future annexation; as a result, it is not clear how such a modified prohibition zone would be in fact effectuated. Fortunately, this issue can be easily addressed by crafting the policy language in such a way as to direct the utility prohibition zone to be extended around any future annexation area in and/or adjacent to the coastal zone, and to require that any future annexations

¹⁴ In proposed Land Use Plan Policies 2.1.16 and 5.1.16 (see exhibit H), and in proposed Implementation Plan section 17.02.081 (see exhibit I).

¹⁵ The other owned by the City of Watsonville.

¹⁶ APNs 018-281-08 and 018-281-12 are the other two.

¹⁷ Again, the City’s approval of PVUSD’s proposed high school is the subject of a pending appeal at the Commission (appeal A-3-WAT-01-070) not yet scheduled for Commission review.

¹⁸ City Area C includes all property within the City limits that fronts on Harkins Slough Road.

¹⁹ It should be noted that the City of Watsonville’s LCP includes a policy prohibiting the City from pursuing annexation west of the Highway except for the “Green Farm” parcel. Given this policy, it is unlikely that an annexation would involve lands west of the Highway necessitating a change to the utility prohibition zone. However, a third-party request (i.e., not a City request) could conceivably result in such an annexation, and thus needs proper policies to address such a possibility.



involving the coastal zone be conditioned upon the affected properties being rezoned as applicable with the combining zone district. Explicit text proposed (e.g., proposed program (f) subsection 6) is superfluous in such a case and should be deleted to ensure maximum clarity (see suggested modifications 5 and 6).

6. Proposed IP Sections 13.10.491 and 13.10.492 (Affected Properties)

In tandem with the clarification intended to address future annexations (see above), proposed Section 13.10.492 establishes an pattern for defining the affected properties and their relation to the Highway One right-of-way, but is missing explicit text in subsection (b) to continue the pattern established in subsection (a) (see proposed text in exhibit I). Such an omission could lead to confusion and lack of clarity as to what properties and/or areas are affected by the utility prohibition zone. Fortunately, this issue can be easily addressed by inserting text defining how properties are affected when they are coterminous with the Highway. In addition, proposed section 13.10.491 includes verbiage on affected properties that could lead to confusion since this text is in the "purposes" section (13.10.491) as opposed to the section defining where the strip is applicable (13.10.492). Fortunately, this issue can be easily addressed by combining this text with the modifications to section 13.10.491 inserting text defining how properties are affected when they are coterminous with the Highway (see suggested modification 6).

7. Harkins Slough Road Improvements (LUP policy 5.1.16 and IP section 16.32.090(c)(A)(11))

Proposed LUP policy 5.1.16 and IP section 16.32.090(c)(A)(11) both are based upon the qualifier that the road improvement requirements (to enhance and protect habitat) are triggered by "major" road improvements only (see exhibits H and I respectively). This is inconsistent with the City LCP policy in this regard and the Commission's direction that these habitat measures be implemented in the case of any Harkins Slough Road improvements so as to be the most protective of the significant slough resources found here. "Major" as opposed to other road improvements is undefined in the LCP and would set up a future scenario whereby arguments are created that one project or another does not trigger the need for the required habitat measures on Harkins Slough Road. Were this the case, significant slough resources could be adversely affected inconsistent with the protection required for them by the Coastal Act. Fortunately, this issue can be easily addressed by removing the qualifier "major" from the proposed policy.

In addition, while these policies reflect protection of West Branch Struve Slough Resources, they are silent on the potential protection for Hanson Slough resources. Like the West Branch Struve Slough, Hanson Slough flows under the Harkins Slough Road fill in culverts. Since Hanson Slough hydrology and size is much different than West Branch Struve Slough (i.e., smaller area, less flow), a bridge for Hanson Slough, as is required here for West Branch Struve Slough, may prove unnecessary. That said, however, the LCP needs to adequately identify habitat enhancement as a goal for Hanson Slough should it be so-affected by Harkins Slough Road improvements in the future. Fortunately, this issue can be easily addressed by adding an affirmative statement in this regard.

Finally, the bridge over West Branch of Struve Slough needs to clearly be identified as the solution should road improvements take place on Harkins Slough Road. The current proposed text is written in



such a way as to imply that this the "preferred alternative." However, consistent with the Commission's previous direction (in City of Watsonville LCP Amendment 1-99) and consistent with the certified LCP text for the City, it needs to be clear that the bridge is required, unless there is an alternative shown to be environmentally equivalent or superior to a bridge. Fortunately, this issue can be easily addressed by minor text changes in the policy.

See suggested modification 7.

8. Utility Prohibition Zone Exceptions

The MOU established three exceptions to the prohibition of wastewater and/or potable water services: (1) for the City-owned Gilbertson parcel located off of Airport Boulevard west of the Highway and south of City Area A; (2) for the distribution of water for environmental restoration, maintenance or enhancement purposes; and (3) for leachate lines between the City and County Landfill to the City wastewater treatment plant.²⁰ The County slightly massaged the MOU exceptions and added three additional exceptions (see proposed County program f, subsections 1 – 6, in exhibit H, and proposed IP Section 13.10.493 in Exhibit I).

The first exception (for the Gilbertson parcel) includes additional text (i.e., additional to that contained in the MOU) to limit capacities. This is consistent with the general intent of the MOU, and provides an additional layer of protection should any such services be extended to the Gilbertson site per the exception. As such, exception 1 raises no additional issues.

Exception 2 (leachate lines) adds text to allow "pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses." Since any such water to be delivered from the wastewater treatment plant for agricultural purposes would not be potable water, it would not need an exception to the policy. So as to avoid confusion, this additional text needs to be deleted. It is noted that there has arisen a concern on the part of an interested member of the public that the exception for leachate lines somehow involves a project to install said leachate lines at this time. To be clear, the exception to allow leachate lines (technically, wastewater lines) establishes a planning *policy*, it does not however authorize any such *project* at this time. The intent is to state that such wastewater lines are allowed to cross the prohibition zone, as established by the MOU. Any future project for such lines, and none is contemplated as far as the Commission understands, would necessarily involve a coastal permitting and CEQA process at that time, and would need to be found consistent with all applicable LCP policies and any other regularity requirements for such lines.

Exception 3 (for environmental restoration/enhancement purposes) has been amended by the County to add a caveat "for agricultural purposes." The County LCP contains a great number of things that may be construed as "for agricultural purposes." Since non-potable water (e.g., for irrigation purposes) is already excepted, there seems little reason to open up the exceptions to something that may be used to allow for urban services for any number of additional uses contrary to the MOU. This can be remedied by deleting

²⁰ See MOU attached as exhibit D.



the reference.

Exception 4 was not part of the MOU and would allow an exception for the expansion of the main wastewater utility line from the City's sewer treatment plant to serve development east of Highway One and outside of the coastal zone. This exception does not relate to coastal zone resources and thus, needs no modification.

Exception 5 was also added and would allow an exception for utility services to Areas B and C of the City's coastal zone. Since any so-excepted lines would be surrounded by a non-access easement, since any such lines would be sized only to serve permitted development in Areas B and C, since the City LCP already contemplates such services as possible for Areas B and C, since any such services would need to meet the applicable City LCP tests for providing of services to these sites, and since the MOU was specifically crafted to allow for high school to be pursued on Area C and the high school may involve utilities through County lands,²¹ exception 5 is consistent with the Commission's previous actions and the MOU and, thus, needs no modification.

Exception 6 relates to the "green farm" parcel. It defines what might happen if this parcel were annexed into the City (i.e., the need to re-apply the utility prohibition zone district). However, it is not itself an exception. Moreover, the annexation contingencies in the other proposed LCP policies, as amended, will account for such a future event should it occur. Since it is not an exception to the prohibition zone, its reference is unnecessary and should be deleted for clarity.

See suggested modification 8.

9. Land Use Plan Policies Being Implemented

Proposed IP Section 13.10.491 implies that the "W" combining district implements LUP policy 2.1.13 only (see exhibit I). However, the "W" combining district implements a large number of land use, agricultural, and ESHA LUP policies; a number that is too large to reference in the IP section. Such a singular reference (i.e., to 2.1.13 only), may also form the basis for a future argument that if 2.1.13 somehow does not apply to a particular situation, then the "W" combining District likewise may not apply. Fortunately, since the intent of the "W" district is clearly identified in the proposed text, and the IP by definition implements the LUP, this issue can be easily addressed by deleting the reference to the LUP (see suggested modification 9).

²¹ Note that the City's high school approval that has been appealed would place the water and sewer lines under Harkins Slough Road. Such a location is south of the area to which the Commission directed the one line crossing in their adopted findings for LCP Major Amendment 1-99. In Amendment 1-99, the Commission found as follows: "If there is only one line, then it will be the City's responsibility to site it appropriately. The candidate area appears to be an extension from the intersection of Westgate Drive and Anna Street. This will then require a line paralleling the Highway One right-of-way for a few hundred feet. Caltrans only allows such line placement under limited circumstances. It appears that such findings can be made, but the final decision will rest with Caltrans. If, for some reason, a Caltrans right-of-way cannot be approved, an exception can be made to place a line on County lands, but only if appropriately restricted to prohibit future tie-ins." The intent being to place utility lines in such a way that they could be used to serve both Area C and Area B, provided applicable LCP policy tests could be made to allow conversion of agriculture, and provided on-site systems were not possible.



Conclusion

The Commission must determine whether the LUP with proposed amendment Part 2 is consistent with the Coastal Act. As submitted by the County, Part 2 of the proposed amendment to the LUP would not clearly define the MOU protections being put in place and, therefore, consistency with the various policies of Chapter 3 of the Coastal Act is not guaranteed. As such, proposed LUP amendment Part 2 must be denied as submitted. Since proposed IP amendment Part 2 amendment generally mimics the proposed LUP Part 2 changes, and since the LUP Part 2 amendment must be denied, so too must the IP Part 2 amendment. Otherwise, it could allow for adverse impacts to habitat and agricultural lands not allowed by the currently certified land use plan, and not envisioned by the MOU.

Fortunately, there are a number of minor modifications that can be made to address the identified issues and thereby fully implement the objective of the MOU; namely to maintain a stable urban rural boundary and protect rural agricultural land, wetlands such as West Branch Strive Slough and Hanson Slough adjacent to Harkins Slough Road, and other environmentally sensitive habitat areas by ensuring that there will be no additional urban development outside the western boundary of the City of Watsonville and by providing for concentrated urban development within the City of Watsonville city limits.

In conclusion, if so modified in all of the ways outlined here according to the cited modification texts, then the LUP as amended by the proposed Part 2 amendment, and as further modified as suggested above and in the cited modification texts, is approved as satisfying Coastal Act Chapter 3 policies as discussed in this finding. Similarly, if so modified in all of the ways outlined here according to the cited modification texts, then the IP as amended by the proposed Part 2 amendment, and as further modified as suggested above and in the cited modification texts, is approved as being consistent with and adequate to carry out the certified LUP as amended.

D. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

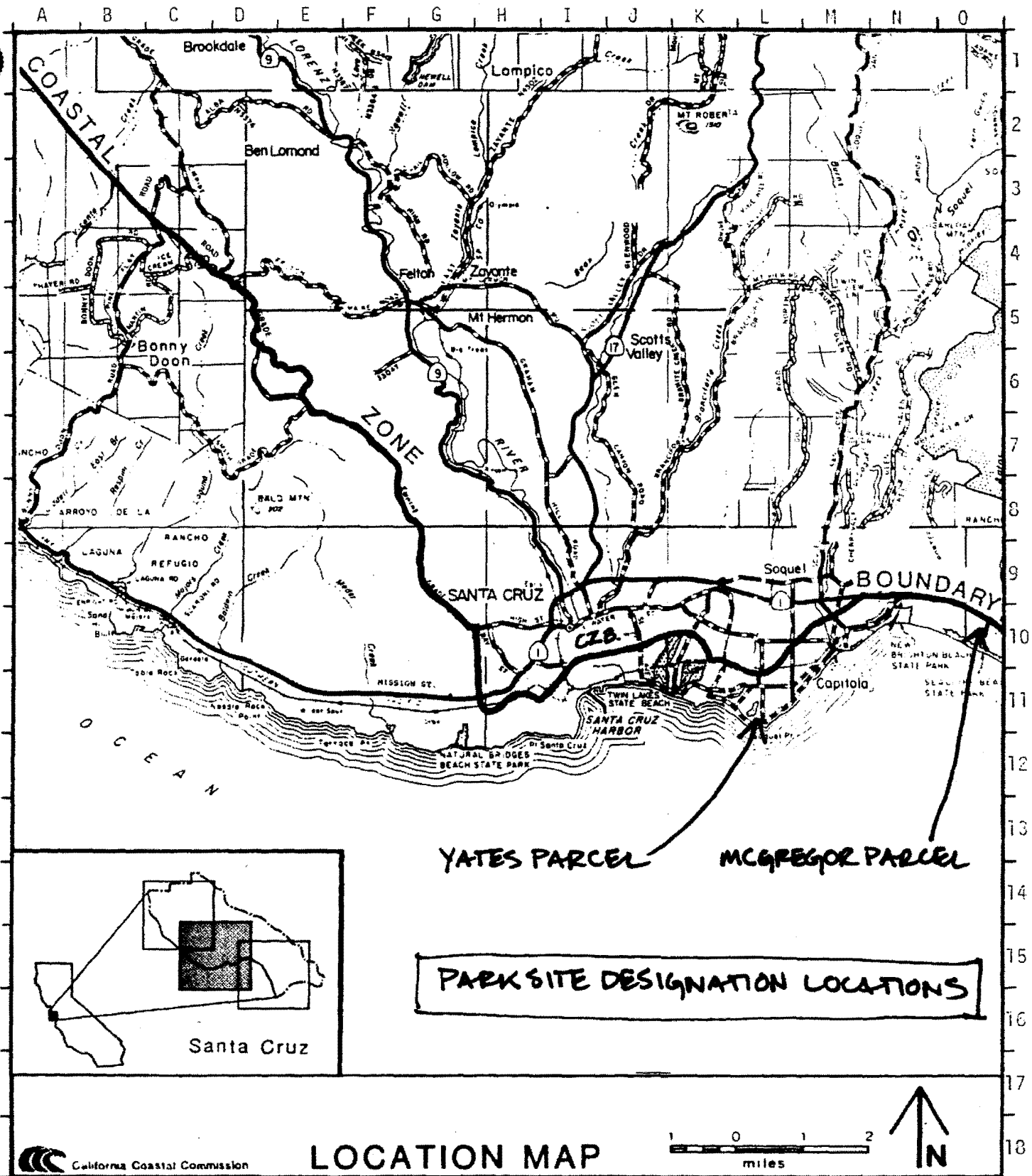
The County in this case exempted the proposed amendments under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the



amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

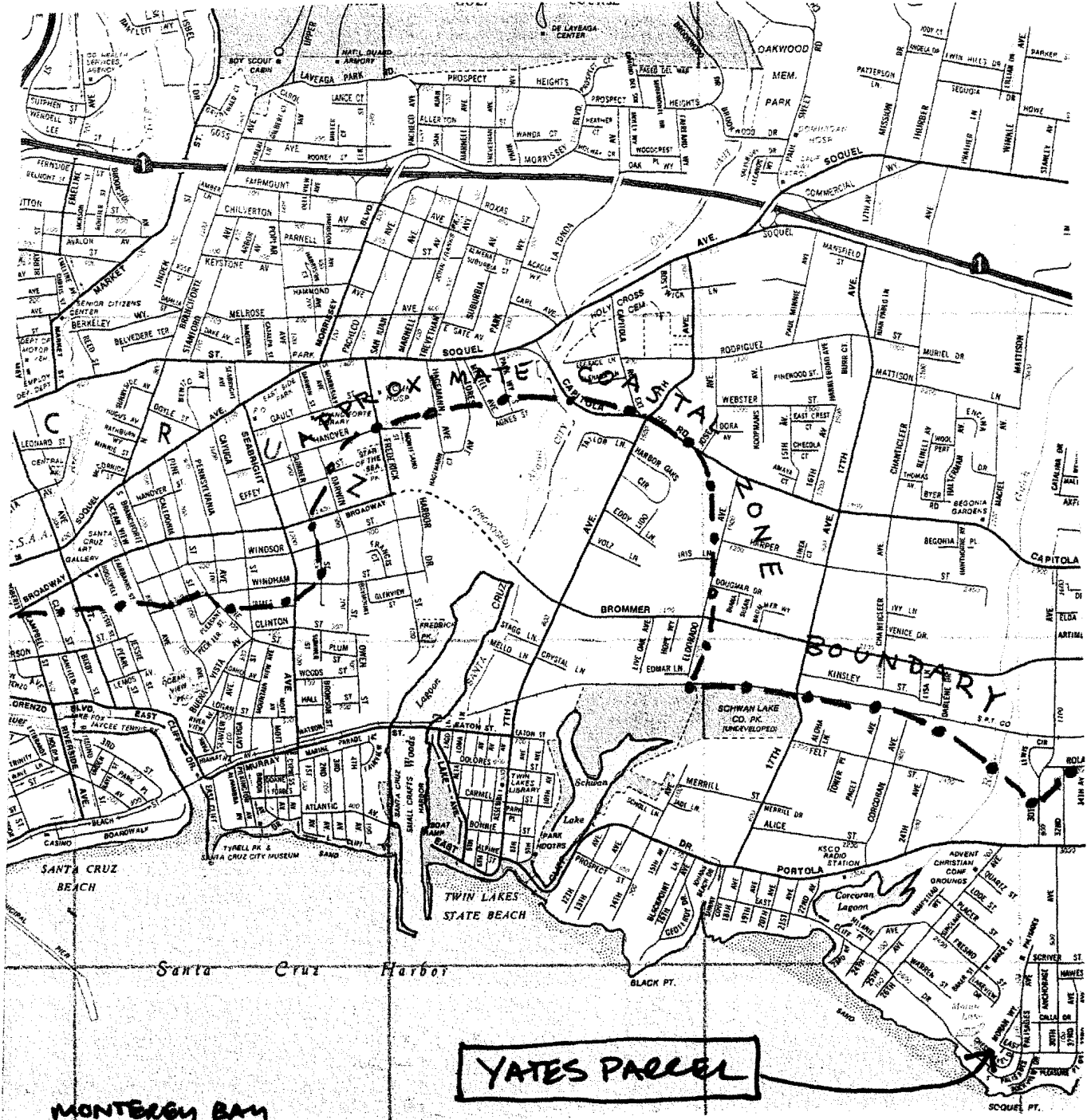




County of Santa Cruz

Sheet 2 of 3

EXHIBIT A PART 1 LOCATIONS



YATES PARCEL

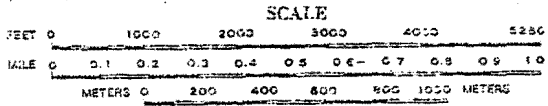



EXHIBIT NO.
APPLICATION NO.
 California Coastal Commission

EXHIBIT A

SANTA CRUZ - EAST / YACHT HARBOR

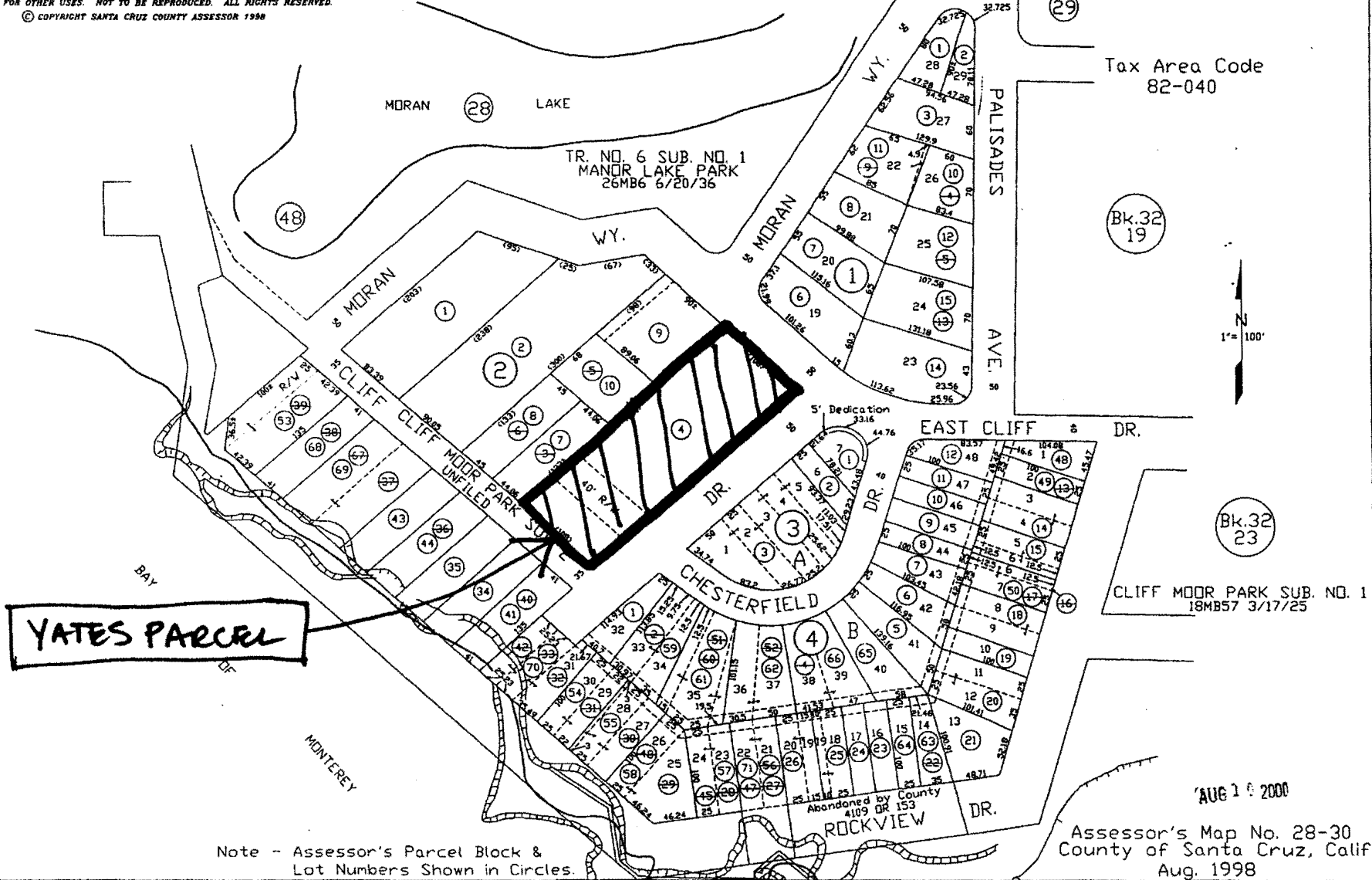
FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

RANCHO ARROYO DEL RODEO
POR. S.W. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

28-30

Tax Area Code
82-040



YATES PARCEL

Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

AUG 16 2000
Assessor's Map No. 28-30
County of Santa Cruz, Calif.
Aug. 1998

EXHIBIT A

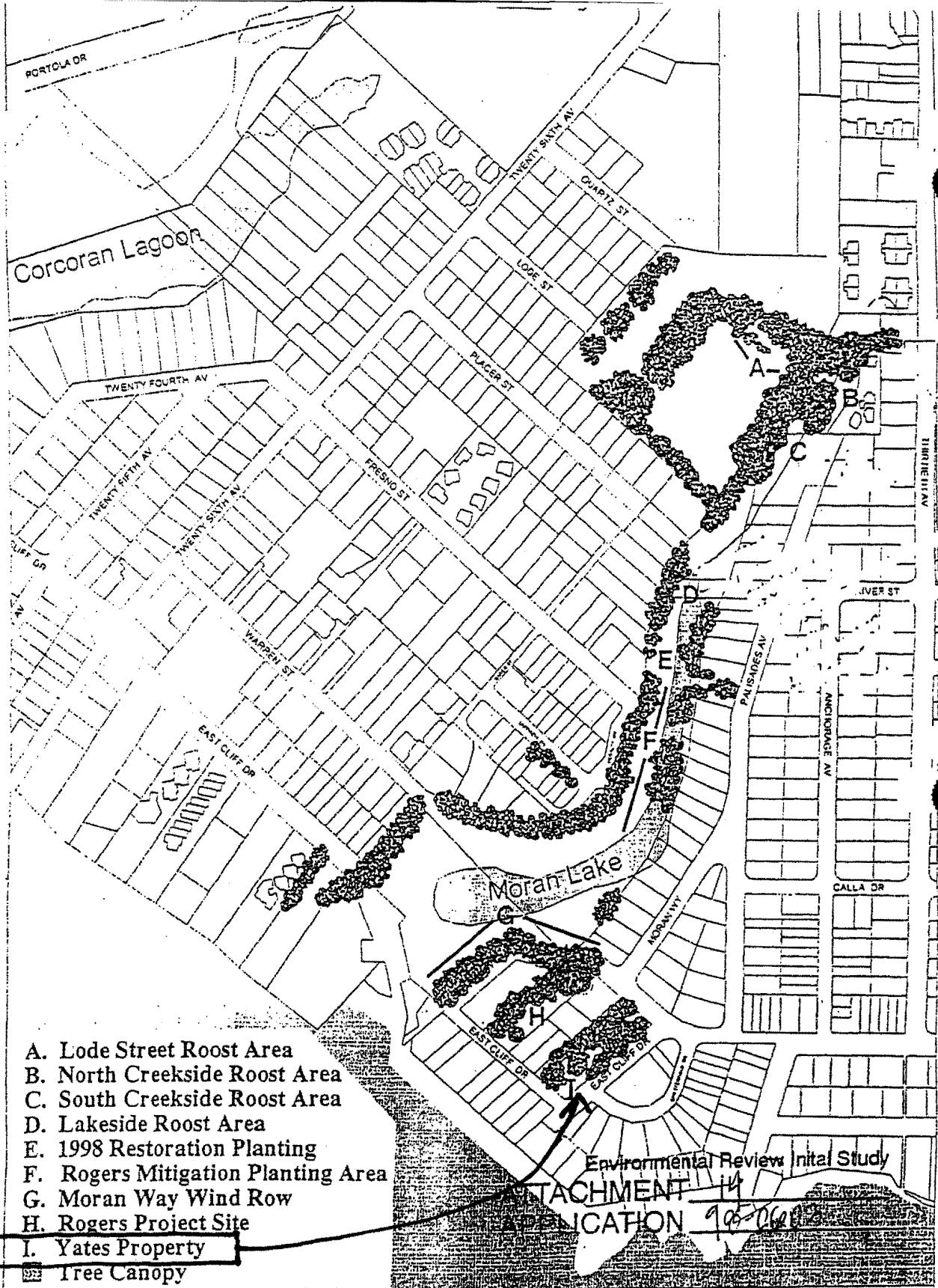


EXHIBIT A

108

Figure 1
EXHIBIT D
4

MCGREGOR PARCEL

MONTENEGRO BAY

APPROXIMATE COASTLINE

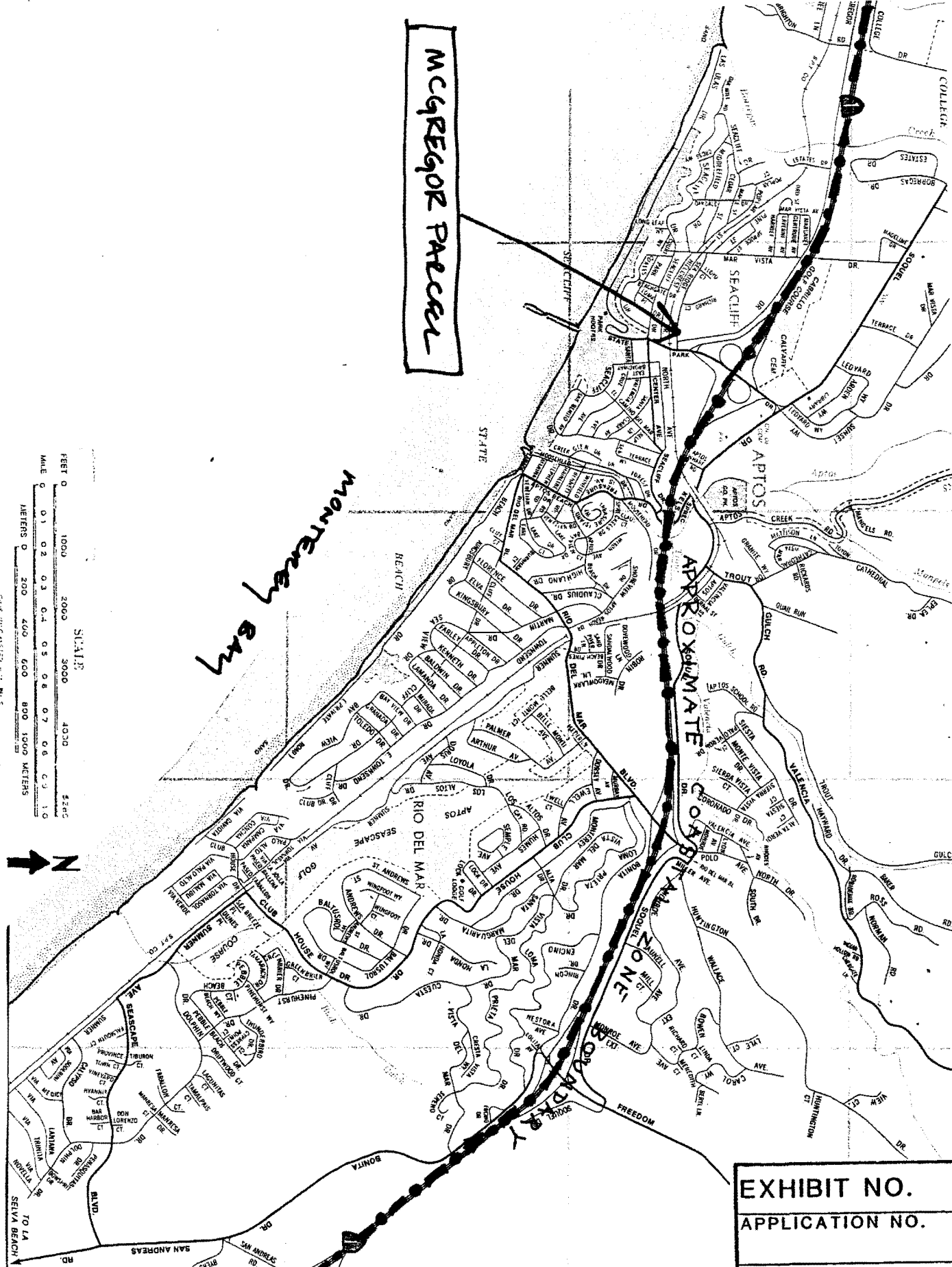
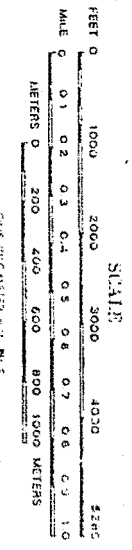
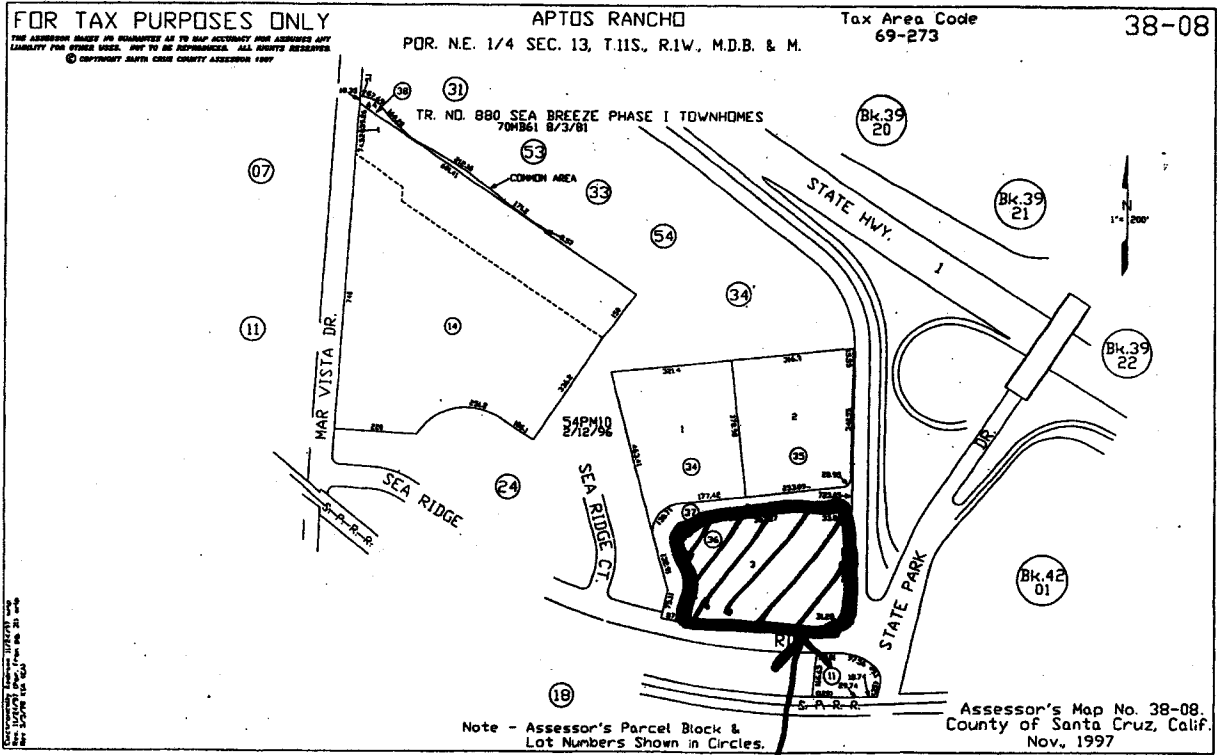
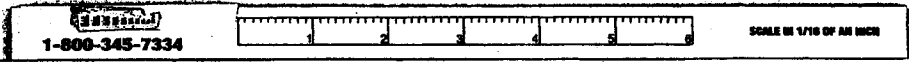


EXHIBIT A
SEACLIFF-RIO DEL MAR

EXHIBIT NO.
APPLICATION NO.
California Coastal Commission



MCGREGOR PARCEL

EXHIBIT A

ATTACHMENT 1

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 121-2001

On the Motion of Supervisor Beautz
duly seconded by Supervisor Wormhoudt
the following Resolution is adopted:

RESOLUTION TO AMEND THE GENERAL PLAN/LOCAL COASTAL PROGRAM LAND
USE PLAN AND IMPLEMENTATION PLAN RELATING TO THE DESIGNATION OF
PROPERTY AS A FUTURE COUNTY PARK SITE

WHEREAS, the Board of Supervisors, on May 24, 1994, adopted the County General Plan/Local Coastal Program Land Use Plan (GP/LCP) which designated certain properties as future County park sites and on December 19, 1994, the County General Plan/Local Coastal Program was certified by the California Coastal Commission; and

WHEREAS, on February 6, 2001, the Board of Supervisors considered a report regarding the process for designating APN 028-302-04 as a future park site as a means to preserve portions of the habitat necessary for the winter roosting of the Monarch butterfly; and

WHEREAS, on February 6, 2001, the Board of Supervisors directed that APN 028-302-04 be designated as a future County neighborhood park site in the County General Plan/Local Coastal Program Land Use Plan and by adding the "D" Designated Park Site Combining District to the zoning designation of the property; and

WHEREAS, on April 11, 2001, the Planning Commission held a duly noticed public hearing to consider the amendments to the General Plan/Local Coastal Program Land Use Plan relating to the designation of the property as a future park site, the staff report and all testimony and evidence at the public hearing; and

WHEREAS, on April 11, 2001, the Planning Commission adopted a Resolution recommending that the Board of Supervisors adopt an amendment to the General Plan/ Local Coastal Program Land Use Plan and an ordinance to designate APN 028-302-04 as a future local park site and to rezone the property from the R-1-5 (Single-family residential, 5,000 square feet per dwelling) to the R-1-5-D (Single-family residential, 5,000 square feet per dwelling, designated park site); and

WHEREAS, the Board of Supervisors, on April 17, 2001, held a duly noticed public hearing to consider the amendments to the General Plan/Local Coastal Program Land Use Plan relating to the designation of the property as a future park site, the staff report and all testimony and evidence at the public hearing; and

82
EXHIBIT B

YATES PARCEL

ATTACHMENT 1

WHEREAS, the Board of Supervisors finds that the proposed General Plan/Local Coastal Program Land Use Plan amendment and rezoning of the property to add the "D" designation will be consistent with the policies of the General Plan and Local Coastal Program Land Use Plan, and will be consistent with the objectives and land-use designations of the adopted General Plan/Local Coastal Program Land Use Plan; and

WHEREAS, the proposed amendments to the General Plan/Local Coastal Program Land Use Plan have been found to be categorical exempt, consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act.

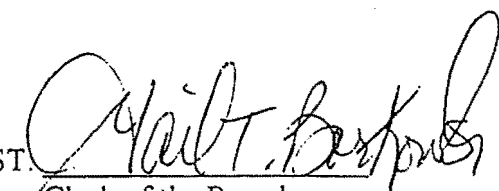
NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of Santa Cruz adopts the amendments to the County General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Exhibits A and B.

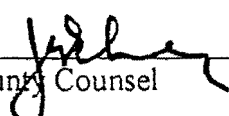
BE IT FURTHER RESOLVED AND ORDERED that these amendments to the General Plan and County Code shall become effective following California Coastal Commission review and certification.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 17th day of April, 2001, by the following vote:

AYES:	SUPERVISORS	Beautz, Pirie, Wormhoudt, Almquist, Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None


Chairperson of the Board of Supervisors

ATTEST: 
Clerk of the Board

APPROVED AS TO FORM: 
County Counsel

DISTRIBUTION: County Counsel
Planning

ORDINANCE NO. 4614

ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE CHANGING PROPERTIES FROM ONE ZONE DISTRICT TO ANOTHER

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the parcels listed below in Section III; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan and the Local Coastal Program; and finds and certifies that the proposed action is categorically exempt from the California Environmental Quality Act .

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General plan; and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. The proposed rezoning is necessary to provide for a community-related use which was not anticipated when the Zoning Plan was adopted.

SECTION III

Chapter 13.10, Zoning Regulations, of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following property from the existing zone district to a new zone district as follows:

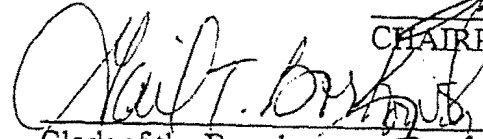
<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
028-302-04	R-1-5 (Single-family residential, 5,000 square feet per dwelling)	R-1-5-D (Single-family residential, 5,000 square feet per dwelling, designated park site)

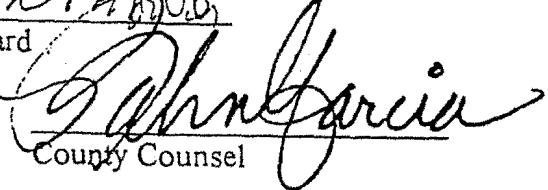
This ordinance shall take effect on the 31st day following Board approval or following certification of the amendment by the California Coastal Commission, which ever occurs later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 17th day of April, 2001, by the following vote:

AYES:	SUPERVISORS	Beautz, Wormhoudt, Pirie, Almquist, Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None


 CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: 
 Clerk of the Board

APPROVED AS TO FORM: 
 County Counsel

Copies to: Planning
County Counsel

Figure 7-2 (page 2 of 5)
 Santa Cruz County Public Parks and Recreation Facilities

Planning Area	Park Site	APN	Park Type	Status	Gross Acreage*	
					Existing	Proposed
CARBONERA	Brook Knoll Elementary School	067-351-14	N	E/S	4.5	
EUREKA CANYON	Aldridge Lane Park	108-071-26 108-081-24	L	E	2.9	
	Bert Scott Estate	108-161-04,-05	L	A	31.5	
	Bradley Elementary School	108-171-07	L	E/S	4.0	
	Corralitos Community Center	107-211-10	L	E/C	5.0	
	Grizzly Flat Reservoir	106-111-01,-02	R	P/C		N/A
LA SELVA	Arbolado Drive Linear Park	045-163-02; 045-121-24; 045-122-01; 045-123-19	L	E/RD	1.4	
	Beaches		R	B		
	La Selva Community Center	045-171-30	L	E/RD	1.0	
	Place de Me	046-212-33,-40	L	A	2.7	
	Playa Boulevard	045-182-01	L	E/RD	0.3	
	Vista Drive Overlook/Bluffs	045-195-13; 045-201-11	L	E/P/RD	0.3	6.3
LIVE OAK	Beaches		R	B		
	Brommer Maintenance Yard	029-213-19	C	P		8.3
	Brommer Park	031-091-25	N	E	7.5	
	Cabrillo Avenue	102-121-64	N	P		4.0
	Chaminade Uplands	102-061-08	C	P		74.5
	Chanticleer	029-071-08,-22,-23,-38	N	P		5.5
	Coastview Drive - Parking	028-173-05,-07,-08 028-174-02	R	P		1.3
	Coffee Lane	031-031-54,-09,-15,-32	N	E/P	2.5	2.7
	Corcoran Beach	028-225-11,-12 028-231-01	R	E/P/B	2.4	4.7
	Del Mar School	028-041-13,-14,-36,-39 028-052-60; 028-053-60	N	E/S	6.0	
	East Cliff Drive/37th Avenue Overlook	032-251-02,-06,-07,-10	R	P		1.5
East Cliff Drive/Moran Lake	028-302-04	N	P		0.8	

* The acreages associated with school sites are expressed in net usable acreage. All other acreage is expressed as gross acres.



BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 122-2001

On the motion of Supervisor Almquist
duly seconded by Supervisor Wormhoudt
the following Resolution is adopted:

BOARD OF SUPERVISORS RESOLUTION AMENDING
THE GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN AND
IMPLEMENTATION PLAN RELATING TO THE DESIGNATION OF PROPERTY
AS A FUTURE COUNTY PARK SITE

WHEREAS, the Board of Supervisors, on May 24, 1994, adopted the County General Plan/Local Coastal Program Land Use Plan (GP/LCP) which designated certain properties as future County park sites and on December 19, 1994, the County General Plan/Local Coastal Program was certified by the California Coastal Commission; and

WHEREAS, on December 8 and December 15, 1998, the Board of Supervisors considered a report regarding the GP/LCP designation and zoning of the 'McGregor' property and referred the matter to the Planning Commission for a public hearing regarding the appropriate zoning for the property; and

WHEREAS, on April 28, 1999, the Planning Commission conducted a public hearing regarding the appropriate uses and zoning of the property and significant public testimony requested that the site be acquired for a park to serve the Seacliff community; and

WHEREAS, on May 25, 1999, the Board of Supervisors considered the recommendations of the Planning Commission and directed that 1) a community plan be prepared for the Seacliff Special Coastal Community and 2) that an Interim Ordinance be drafted to create a development moratorium while the community plan was being developed; and

WHEREAS, on April 4, 2000, the Board of Supervisors considered the proposed Seacliff Village Plan and continued the item to November 21, 2000 to allow the County's Housing Advisory and Parks and Recreation Commissions to review the Village Plan and provide recommendations to the Board on these issues. and

WHEREAS, on September 11, 2000, the Parks and Recreation Commission completed its review, recommending that the Board direct that the 2.9 acre McGregor property be designated as a potential park site and that the Board seek funding for the purchase of the McGregor property to be used as a County park; and

83

EXHIBIT C

WHEREAS, on February 13, 2001, the Board of Supervisors accepted a status report on the Draft Seacliff Village Plan and directed the Planning Department to move forward with the appropriate zoning and land use document changes to add the "D" Designated Park Site Combining District to the existing Community Commercial (C-2) zoning on the McGregor parcel; and

WHEREAS, the Planning Commission, on March 28, 2001, following a duly noticed public hearing, recommended that the amendments to the General Plan/Local Coastal Program Land Use Plan and Implementation Plan relating to the designation of the property as a future park site, as set forth in Exhibits A and B, and the CEQA Categorical Exemption, incorporated herein by reference, the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

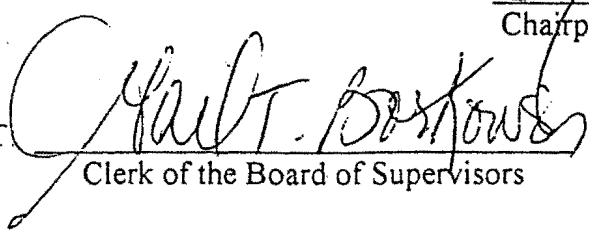
WHEREAS, the proposed amendments to the General Plan/Local Coastal Program Land Use Plan and Implementation Plan have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with applicable provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors approves the amendment to the General Plan/Local Coastal Program Land Use Plan and the rezoning to the designate APN 038-081-36 as a future County park site as set forth in Attachment 1, Exhibits A and B, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 17th day of April, 2001 by the following vote:

AYES:	SUPERVISORS	Beautz, Pirie, Wormhoudt, Almquist, Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None


Chairperson of the Board of Supervisors

ATTEST 
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

83
EXHIBIT C

ORDINANCE NO. 4615

ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE BY ADDING THE "D" DESIGNATED PARK SITE COMBINING DISTRICT TO THE EXISTING ZONING ON A PROPERTY

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning Plan to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the parcel listed below in Section III; finds that the zoning designated herein is consistent with all elements of the Santa Cruz County General Plan and the Local Coastal Program; and finds and certifies that the proposed action is categorically exempt from the California Environmental Quality Act .

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed addition of the combining zone district to the existing zoning will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General plan; and
2. The proposed addition of the combining zone district to the existing zoning is appropriate for the level of utilities and community services available to the land.

SECTION III

The County Zoning Plan is hereby amended by adding the "D" Designated Park Site Combining District to the following property to result in the property being zoned as follows:

<u>Assessor's Parcel #</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
038-081-36	C-2 (Community Commercial)	C-2-D (Community Commercial with Designated Park Site Combining District)

83
EXHIBIT C

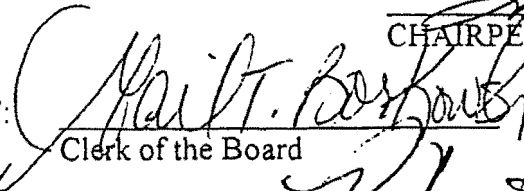
This ordinance shall take effect immediately upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 17th day of April, 2001, by the following vote:

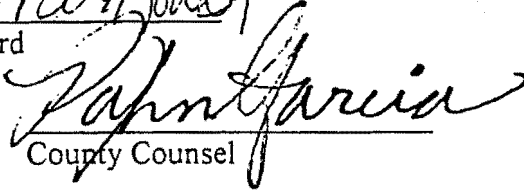
AYES: SUPERVISORS	Almquist, Wormhoudt, Beautz, Pirie, Campos
NOES: SUPERVISORS	None
ABSENT: SUPERVISORS	None
ABSTAIN: SUPERVISORS	None



 CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: 

 Clerk of the Board

APPROVED AS TO FORM: 

 County Counsel

Copies to: Planning
County Counsel

83

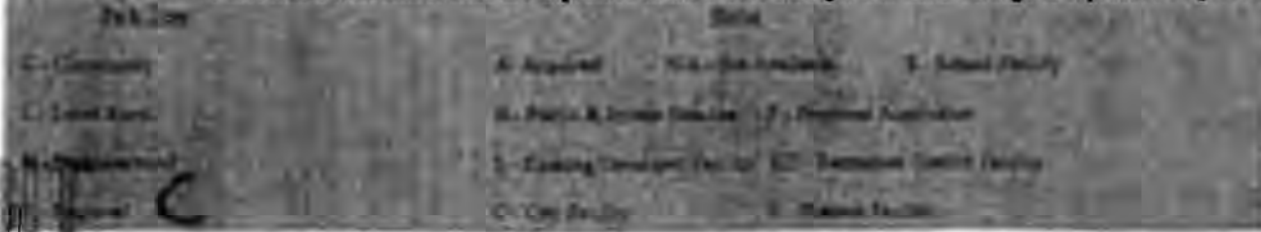
EXHIBIT C

**Figure 7-2 (page 1 of 5)
Santa Cruz County Public Parks and Recreation Facilities**

Attachment 2

Planning Area	Park Site	APN	Park Type	Status	Gross Acreage*	
					Existing	Proposed
APTOS * →	Aptos Jr. High School	041-221-01	N	E/S	4.0	
	Aptos Village Park	039-241-02 041-042-17 039-311-58	N/C	E	12.5	
	Beaches		R	B		
	Jennifer/Haas Drives	040-081-06	N	P		6.0
	Hidden Beach	043-131-39,-40,-41,-34 054-191-31,-57	N	E/P	6.1	5.5
	Mar Vista Elementary School/Park	039-181-15 039-191-65	N N	E/S E	5.0 1.8	
	McGregor/Sea Ridge Drives	038-081-38	C	P		3.0
	Rio Del Mar Elementary School	053-011-11	N	E/S	5.0	
	Polo Grounds	041-201-04	N/C/R	A	61.5	
	Porter Sesnon	038-051-03 038-041-04	C	P		15.0
	Seascape Benchlands	054-261-10,-21	N	E	10.1	
	Valencia Elementary School	041-061-01,-02	N	E/S	3.5	
APTOS HILLS	Aptos High School	041-291-37 041-281-48	L	E/S	6.0	
	Freedom Boulevard	041-291-39	L	P		6.0
	Freedom Lake	049-071-23,-39	L/R	E	34.0	
	Scott Park	049-051-08,-09,-20	L	E	4.2	
	Valencia Hall	105-171-05 105-211-06	L	E/H	1.4	
BONNY DOON	Beaches		R	B		
	Bonny Doon Area	site to be determined	L	P		5.0
	Bonny Doon Elementary School	080-352-01,-02	L	E/S	3.0	
CARBONERA	Graham Hill Showgrounds	061-321-39	R	P		14.8
	M. Grey Memorial Field	061-371-16	L	E	3.0	
	Happy Valley Elementary School	101-161-12	L	E/S	3.0	

* The acreages associated with school sites are expressed in net usable acreage. All other acreage is expressed as gross acres.



EXH

**MEMORANDUM OF UNDERSTANDING REGARDING CITY
OF WATSONVILLE LCP AMENDMENT 1-99**

This Memorandum of Understanding is by and between the City of Watsonville (hereinafter, the "City"), the County of Santa Cruz (hereinafter, the "County"), and the California Coastal Commission (hereinafter, the "Commission").

Whereas, the City has submitted an amendment to its certified Local Coastal Program (LCP) to modify performance standards and add "public school" as a conditional use in order to provide for the development of a public school on the west side of Highway One north of Harkins Slough Road on land currently designated for agriculture and other low intensity uses (hereinafter, the "site"); and

Whereas, the City has accepted a final EIR for the development of a public high school on the site; and

Whereas, Andrew Mills of Santa Barbara, California on behalf of the Pajaro Valley Unified School District (hereafter "PVUSD") performed an agricultural viability study, dated August 20, 1997, as part of the Third High School Environmental Impact Report, Revised Final version dated September 1998. This study concluded that there is a reasonable likelihood that the land within the project boundaries will fall out of agricultural use within the not too distant future as increasing production costs, declining marginal profitability, and pressures to convert marginal land to non-farm uses converge; and

Whereas, Section 30241 of the Coastal Act provides as follows:

RECEIVED

SEP 15 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXHIBIT D EXHIBIT B (3-1)

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 area's 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.

EXHIBIT D

B-2

- (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; and

Whereas, under Section 30007.5 of the Coastal Act the Legislature found and recognized that conflicts may occur between one or more policies of the Act and therefore declared that in carrying out the Act such conflicts are to be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declared that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies; and,

Whereas, an evaluation of the site by Coastal Commission staff concludes the site contains prime agricultural land, as defined in Section 30113 of the Coastal Act, that it has historically been farmed and it currently produces commercial strawberry crops; and

Whereas, the site is immediately adjacent to productive prime agricultural land; and

Whereas, development of the high school will result in the conversion of all agricultural land on the site to a public facilities use and extend urban uses into an agricultural area; and

EXHIBIT D

D-3

Whereas, Section 30242 of the Coastal Act requires that non prime agricultural land shall not be converted to non agricultural use unless continued or renewed farming is not feasible or the conversion would preserve prime agricultural land or concentrate development consistent with 30250 of the Coastal Act; and

Whereas, Section 30243 of the Coastal Act requires that the long term productivity of soils and timberlands be protected, and

Whereas, the site is outside the current developed area of the City of Watsonville, and development of the high school, which includes the extension of sewer and water utilities and substantial improvements to Harkins Slough Road, may result in an incentive for future urban development on rural agricultural lands within Santa Cruz County, west of Highway One outside the current boundaries of the City; and

Whereas, Section 30250 of the Coastal Act requires that new urban development be located within existing developed areas able to accommodate such development, except as otherwise provided in the Coastal Act; and

Whereas, the site selected for the high school contains environmentally sensitive habitat areas as defined in Section 30107.5 of the Coastal Act and wetlands, as defined in Section 30121 of the Coastal Act; and

Whereas, Section 30240 of the Coastal Act protects environmentally sensitive habitats from significant disruptions of habitat values, permits only

EXHIBIT D

D-4

development dependant on the habitat to be placed in these areas and requires that new development located adjacent to environmentally sensitive habitats be sited to prevent impacts that would significantly degrade those areas and shall be compatible with the continuation of the habitat; and

Whereas, Section 30233 of the Coastal Act requires the protection of wetlands and limits the development of non-resource-dependent uses within them; and

Whereas, The City, the County and the Commission desire to (1) maintain a stable urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City of Watsonville (See Exhibit A), and (2) protect rural agricultural lands and wetlands and other environmentally sensitive habitats while providing for concentrated urban development in the City of Watsonville and

Whereas, Notwithstanding the policy stated above, the parties understand that the City reserves the right, consistent with all applicable requirements, to pursue the potential annexation of only one additional parcel, identified as " Green Farm ", (APN 052-271-04); and

Now, therefore, the City, the County and the Commission agree as follows:

1. **EFFECT OF ABANDONMENT**. Except as provided in this paragraph, City, County and Commission agree that this MOU, the certification of the Watsonville LCP Amendment 1-99, and any associated ordinances and resolutions shall, by their own terms, be rescinded, and be of no further

EXHIBIT D

D-5

force and effect, upon notice by PVUSD to the Executive Director of the Coastal Commission that it has irrevocably abandoned any project to construct a public school on the site, except as follows. The City agrees that, in this event, it will submit, within one year of PVUSD's notice of abandonment, a comprehensive update of the City's LCP for review and action by the Coastal Commission.

2. **CITY ACTION** Within six months of the Commission's adoption of suggested modifications on the City's 1999 LCP submittal, the City shall act in good faith to hold a public hearing to consider adoption and submission for certification by the Commission of amendments to the City's LCP and will similarly consider the adoption of amendments to the City's General Plan for non-Coastal Zone areas of the City west of Highway One, that include the following elements:

- a. A "right-to farm" ordinance that provides protections to agricultural uses adjacent to the City of Watsonville, west of Highway One;
- b. Establishment of a (1) one foot wide utility prohibition overlay district along the boundary of existing Coastal Zone Areas A, B, and C (see Exhibit A) across which the placement of wastewater utility pipeline and potable water utility pipelines is prohibited, except that the parties agree that certain exceptions to this policy may be pursued through normal and required legal processes without need for amendment to this MOU and

EXHIBIT D

notwithstanding Section 11 of this MOU.¹ The limitations of this subparagraph (b) shall not however restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as necessary to maintain existing capacity of said existing lines as of the date of this MOU (in other words, no physical expansion of existing lines).

- c. A policy and/or standard as may be applicable stating that, except for the "Green Farm" parcel (Santa Cruz County Tax Assessor's Parcel Number 052-271-04) as provided in the recitals to this Memorandum above, the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the City from third parties in that geographic area, unless both of the following findings can be made:
 - i. The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-

¹ Acknowledged exceptions include: (1) potable water and wastewater service to the Gilbertson parcel (APN 052-011-46), and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including Agricultural worker housing; (2) Leachate lines to and from the City and County landfill and the City Wastewater Treatment Plant; and (3) pipelines to distribute water for environmental restoration, maintenance or enhancement. Acknowledgement of these possible exceptions in no way binds any of the parties in future legal decision-making processes.

designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and

ii. The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's LCP or in Sections 30107.5 or 30121 of the Coastal Act.

d. A policy and/or standard as may be applicable stating that if a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land and (b) any subdivisions of the annexed land except those required for agricultural lease purposes

3. **CITY ACTION** Within six months of the Commission's adoption of suggested modifications to the City's 1999 LCP amendment submittal, the City shall act in good faith to hold a public hearing to consider the adoption and submission for certification by the Commission of amendments to its LCP, that include the following elements:

EXHIBIT D

-
- a. Policies and/or standards as may be applicable that i) prohibit nonresource-dependent development in ESHAs/wetlands except, that in wetlands, incidental public service purposes including, but not limited to, burying cables and pipelines, may also be allowed; ii) protect ESHAs/wetlands against any significant disruption of habitat values; iii) provide for adequate buffers between the school use and ESHA/wetlands, through siting and design, to prevent impacts that would significantly degrade these areas; iv) ensure that the site development is compatible with the continuance of these ESHAs/wetlands; and
 - b. Policies and/or standards as may be applicable that provide adequate buffers to minimize conflicts between agricultural uses and the high school;
4. **SUPER MAJORITY VOTE.** Any of the amendments to the LCP or General Plan identified in Sections 2 and 3 approved by the City for submission to the Commission as LCP amendments or as amendments to the City's General Plan for areas outside the Coastal Zone West of Highway One shall include a requirement that future amendments to or revocation of these provisions shall require approval by a super majority of the City Council. (Five votes to amend or revoke.)
5. **COUNTY ACTION** Within one year of the Commission's adoption of suggested modifications on the City's 1999 LCP submittal, the County will

act in good faith and hold a public hearing to consider the adoption and submission for certification by the Commission of amendments to the County's LCP and similar amendments to its General Plan, that include the following elements:

- a. Establishment of a (1) one foot wide utility prohibition overlay district along and immediately adjacent to the City's boundaries west of Highway One (City limits) (as shown on Exhibit A²) across which the placement of wastewater utility pipelines and potable water utility pipelines is prohibited, except that the parties agree the certain exceptions to this policy may be pursued through normal and required legal processes without need to amendment to this MOU and notwithstanding section 11 of this MOU.³ The limitations of this subparagraph (a) shall not however restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as necessary to maintain existing capacity of

² All parties agree that no amendment to this MOU is necessary to extend the utility prohibition overlay district around APN# 052-271-04 if it is annexed, subject to all planning and regulatory processes.

³ Acknowledged exceptions include: (1) potable water and wastewater service to the Gilbertson parcel (APN 052-011-46), and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including Agricultural worker housing; (2) Leachate lines to and from the City and County landfill and the City Wastewater Treatment Plant; and (3) pipelines to distribute water for environmental restoration, maintenance or enhancement. Acknowledgement of these possible exceptions in no way binds any of the parties in future legal decision-making processes.

EXHIBIT D

said existing lines as of the date of this MOU (in other words, no physical expansion of existing lines)⁴.

- b. A policy and/or standard as may be applicable that limits the width of Harkins Slough Road to the minimum width of roadway, bikeway and pedestrian ways necessary to serve the High School or as otherwise needed to meet minimum County or Cal Trans design standards as applicable; and, that encourages other improvements needed to provide habitat connectivity between the west branch of Struve Slough on Area "C" and the California Department of Fish and Game Reserve on the south side of Harkins Slough Road adjacent to the school site.
- c. A policy and/or standard as may be applicable that requires the County to reserve a one-foot non-access strip around any easements granted to the City for wastewater utility pipelines and potable water utility pipelines so as to limit future utility extensions inconsistent with this agreement.

6. SUPER-MAJORITY VOTE. Any of the amendments to the LCP or General Plan identified in Section 5 approved by the County for submission to the Commission as LCP amendments or as amendments to the County's General Plan shall include a requirement that future amendments to, or

⁴ Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.

revocation of, these provisions shall require approval by a super majority of the County Board of Supervisors. (Four votes to amend or revoke.)

7. COASTAL COMMISSION ACTION Within the statutory time limits, the Coastal Commission shall, in good faith, hold a public hearing to consider the approval of amendments submitted to the Commission pursuant to this agreement by the City or the County

8. HARKINS SLOUGH INTERCHANGE. The City, County and Commission agree to consider the effects of the execution of this Memorandum on limiting growth inducing impacts that might otherwise result from any future City project proposals for improving the Highway 1 Harkins Slough Interchange.

9. SUPER-MAJORITY VOTE. A super-majority vote to amend or revoke amendments to the City and County LCP's and General Plans as provided by Sections 3 and 5 of this Memorandum shall be required.

10. REFERENDUM. Any legislative action taken by the City or the County pursuant to this agreement is subject to referendum under Article 2, Section 11 of the Constitution of the State of California, or the City Charter.

11. AMENDMENTS. This Memorandum may only be amended by the agreement of all parties hereto, i.e., the City Council, Board of Supervisors and the Coastal Commission. An amendment means a change in this Memorandum that deletes, modifies, explains or adds a provision (or a portion thereof) to this Memorandum. All amendments must be written to be

EXHIBIT D

effective. If any party to this Memorandum requests an amendment to this Memorandum, such party shall promptly notify the other parties in writing. Such written notice shall be directed to the executive officer of the parties to whom the request is made, and to the PVUSD, The Santa Cruz group of the Sierra Club, Santa Cruz Chapter of the Community Alliance with Family Farmers, and the Watsonville Wetlands Watch. For each such proposed amendment, such notice shall specify with particularity: the general nature of the proposed amendment, all factual, technical or legal bases for the proposed amendment, the identity of the persons within each agency or elsewhere who propose and who have personal knowledge of the reasons and bases for such proposed amendment, and the proposed language of the amendment. Within 30 days of receiving such written notice, appointed or elected representatives of each of the parties with meaningful authority to recommend amendments shall diligently meet and in good faith discuss such request. Such meetings will require public notification. Public notification will, at a minimum, consist of an advisory notification on the public agendas of the three signatory parties. Such meetings shall continue to be held diligently until the amendment is either accepted or rejected.

12. INTERPRETATION AND RESOLUTION OF AMBIGUITIES. If any party deems any provision of this Memorandum vague or ambiguous, such party shall follow the process described for amendments in Section 11. Interpretations and resolution of ambiguities must be agreed to by the City

EXHIBIT D

D-13

Council, Board of Supervisors and the Coastal Commission in order to be effective.

13. LEGISLATION. The City and County shall support legislation relative to this Memorandum that shall permit any person to petition a court of competent jurisdiction to require the City, the County and/or the Commission to comply with the terms of this Memorandum, including any amendments hereto. Such legislation shall not become enforceable until (1) the County and City both have Housing Elements in their respective General Plans certified by the California Department of Housing and Community Development and (2) either the County or City commence any official action to rescind the "supermajority" voting requirements contained herein.

14. EFFECTIVE DATE. This Memorandum of Understanding will become effective upon its duly authorized execution by the Mayor of the City, Chairperson of the County Board and the Executive Director of the Commission.

//

//

//

//

//

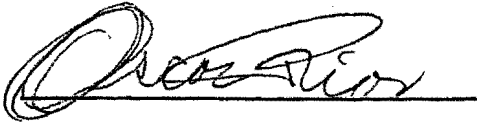
//

EXHIBIT D

MEMORANDUM OF UNDERSTANDING REGARDING CITY OF WATSONVILLE LCP
AMENDMENT 1-99

Page 15

City of Watsonville



Mayor

9-12-00

Date

County of Santa Cruz

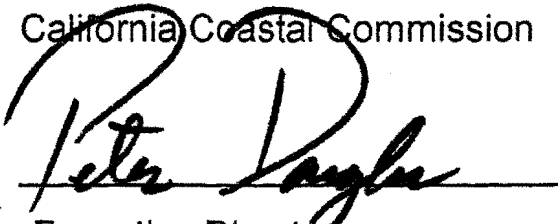


Chair of the Board of Supervisors

9/13/00

Date

California Coastal Commission



Executive Director

9/8/00

Date

EXHIBIT D

Exhibit A

To Memorandum of Understanding
Regarding City of Watsonville
LCP Amendment 1-99

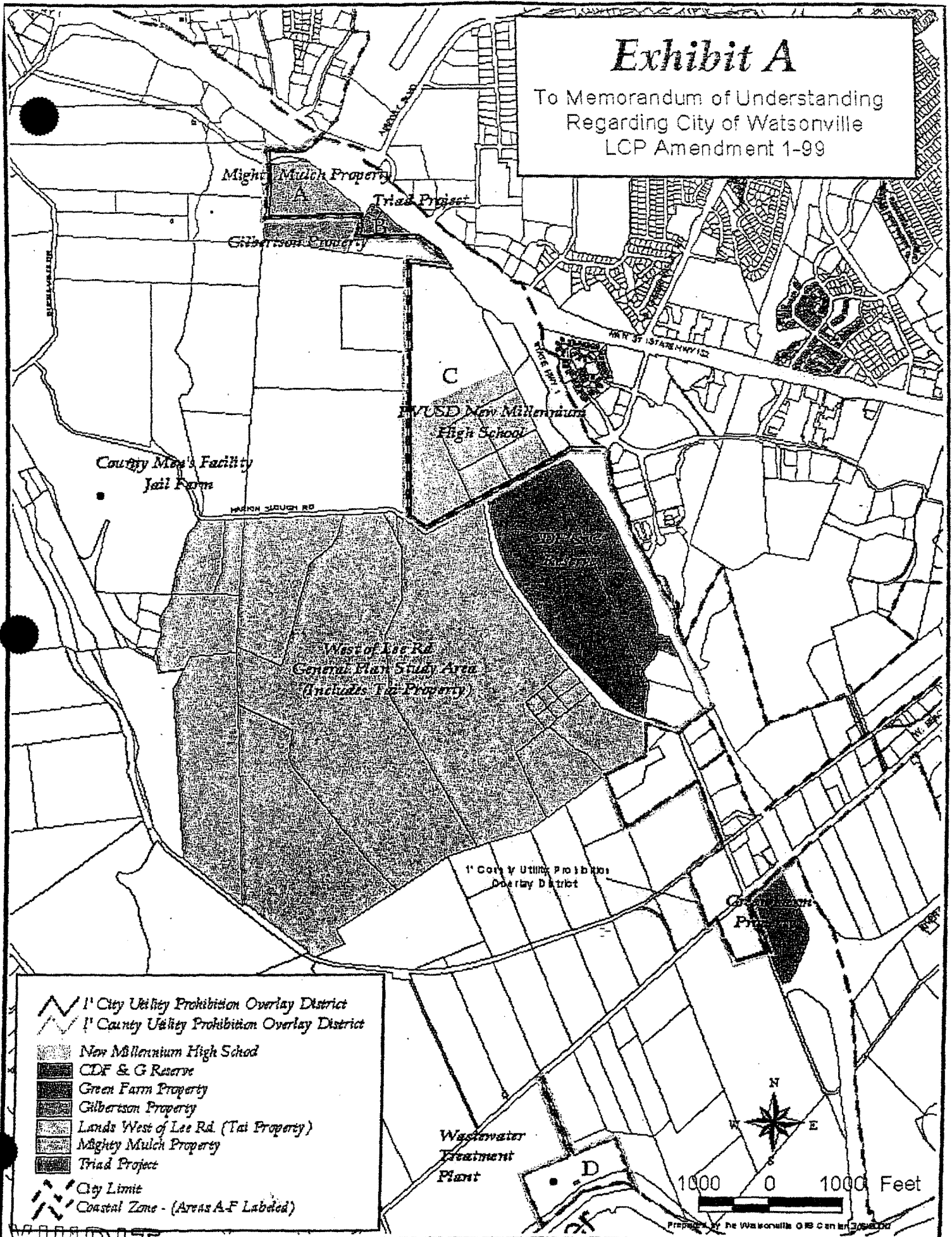


EXHIBIT D

D-16

Q-11 33

RECEIVED

SEP 15 2000

MOU Regarding Affordable Housing

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Whereas, the City of Watsonville (City) is considering entering into a Memorandum of Understanding between the City, the County of Santa Cruz (County) and the California Coastal Commission (Commission) relative to proposed modifications to the City's certified Local Coastal Program (LCP) adding public schools as a conditional use to accommodate the development of a public high school on the west side of Highway One, north of Harkins Slough Road; and

Whereas, the County's Housing Element has not been certified by the California Department of Housing and Community Development (HCD); and

Whereas, the failure to have a certified Housing Element precludes the County from competing for available State and Federal funding for much needed affordable housing and community development funds; and

Whereas, it is mutually acknowledged that there is a substantial lack of affordable housing in Santa Cruz County and that the creation of new affordable units to serve all segments of the community is a critical issue for the County and the region; and

Whereas, it is mutually agreed that the preservation of prime agricultural land and environmentally sensitive areas is a common goal; and

Whereas, the City has been asked to provide assurances that there will be no additional urban development or annexation west of Highway One inconsistent with the MOU signed by the City, County and Coastal Commission; and

Whereas, the City and County agree that each share responsibility to facilitate adequate affordable housing for low income people, particularly the agricultural labor force; and

Whereas, the City desires to work cooperatively with the County to identify potential projects and programs that will address the critical lack of affordable housing including agricultural workers housing throughout the County; and

Whereas, and equitable distribution of affordable housing throughout the County is of benefit to all residents; and

Whereas, the City and County agree that housing development should utilize, to the extent possible, existing utilities and transportation networks incorporated in developed areas throughout the County.

Now, therefore, the City and the County Agree as follow:

1. The County within six months of the date of this Memorandum of Understanding shall act in good faith to hold a public hearing to consider the adoption and submission for certification by HCD modifications to the County's Housing Element that includes as a minimum the consideration of the following elements:
 - a. Increase quality, affordable housing for all segments of the community, with particular emphasis on agricultural workers, families with children, and first-time home buyers; and
 - b. Increase affordable housing through rehabilitation of existing housing and creative purchasing opportunities for affordable housing in general; and
 - c. Create new incentives for the development of new affordable housing units such as fee reductions and priority processing; and
 - d. Geographically disperse affordable single and multi family housing throughout the County, particularly such housing for agricultural workers in the North and South County;

2. Said agreement shall be executed as a condition for the City of Watsonville considering entering into a Memorandum of Understanding between the City of Watsonville, the County of Santa Cruz and the California Coastal Commission relative to modifications of the City's certified Local Coastal Program (LCP) adding public schools as a conditional use in order to accommodate the development of a public high school on the west side of Highway One, north of Harkins Slough Road.

///

///

///

///

///

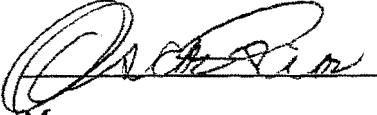
///

///

///


///

City of Watsonville


Mayor

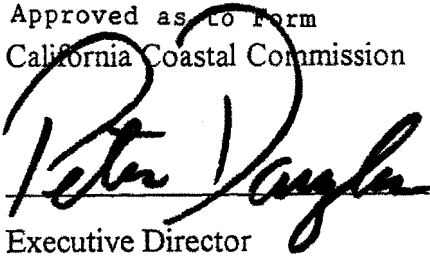
9-12-00
Date

County of Santa Cruz


Chair of the Board of Supervisors

9/13/00
Date

Approved as to Form
California Coastal Commission


Executive Director

9/8/00
Date

BILL NUMBER: AB 2144 CHAPTERED
BILL TEXT

CHAPTER 407
FILED WITH SECRETARY OF STATE SEPTEMBER 12, 2000
APPROVED BY GOVERNOR SEPTEMBER 11, 2000
PASSED THE ASSEMBLY AUGUST 18, 2000
PASSED THE SENATE AUGUST 10, 2000
AMENDED IN SENATE JULY 6, 2000
AMENDED IN ASSEMBLY APRIL 26, 2000

INTRODUCED BY Assembly Member Keeley

FEBRUARY 23, 2000

An act relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, Keeley. Land use.

Existing law contains numerous provisions relating to the regulation of land use.

This bill would require the City of Watsonville, the County of Santa Cruz, and the California Coastal Commission to comply with the terms and conditions of the Memorandum of Understanding entered into between those 3 entities and dated June 14, 2000.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The City of Watsonville continues to experience levels of unemployment that are greater than surrounding communities, and is undertaking extensive efforts to increase employment opportunities and improve educational opportunities for a growing and diversifying population.

(b) The County of Santa Cruz contains some of the most productive agricultural lands in California, and some of the most significant wetlands and other important environmental resources.

(c) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission have voluntarily entered into a Memorandum of Understanding, dated June 14, 2000, relating to both of the following:

(1) The preservation of agricultural lands, wetlands, environmentally sensitive habitat areas, and other undeveloped lands westerly of the city's incorporated boundaries and within the coastal zone.

(2) The development of a high school on property commonly known as the Edwards Property within the westerly incorporated boundaries of the city.

(d) The Memorandum of Understanding by and between these governmental entities provides for a series of actions to be taken by each entity that will place policies in the city's and county's local ordinances and local coastal plans that will have the effect of deterring future annexations or other nonagricultural development westerly of the city's incorporated boundaries.

EXHIBIT E

MOU LEGISLATION

37

(e) In signing the Memorandum of Understanding, each governmental entity retains all of its independent authorities and powers, while also agreeing to adhere to the terms and conditions of the Memorandum of Understanding.

(f) The Memorandum of Understanding contains provisions for amending the Memorandum of Understanding, and by signing the Memorandum of Understanding, the parties agree to adhere to the procedures contained therein for any such amendments.

(g) The Memorandum of Understanding provides that the city shall require a supermajority of city council members to amend certain local coastal plan and general plan provisions related to the Memorandum of Understanding and that the county shall require a supermajority of members of the board of supervisors to amend local coastal plan and general plan provisions related to the Memorandum of Understanding.

(h) The Memorandum of Understanding specifies that the city and the county will support legislation relative to the Memorandum of Understanding that will permit any person to petition a court of competent jurisdiction to compel the signatory parties to the Memorandum of Understanding to comply with the terms of the Memorandum of Understanding, but that such legislation would not become operative unless certain actions have occurred.

SEC. 2. (a) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission shall comply with the terms and conditions of the Memorandum of Understanding dated June 14, 2000, including, but not limited to, the procedures for amending the Memorandum of Understanding.

(b) Any person may petition a court of competent jurisdiction to require the City of Watsonville, the County of Santa Cruz, or the California Coastal Commission to comply with the terms of the Memorandum of Understanding, including any amendments thereto.

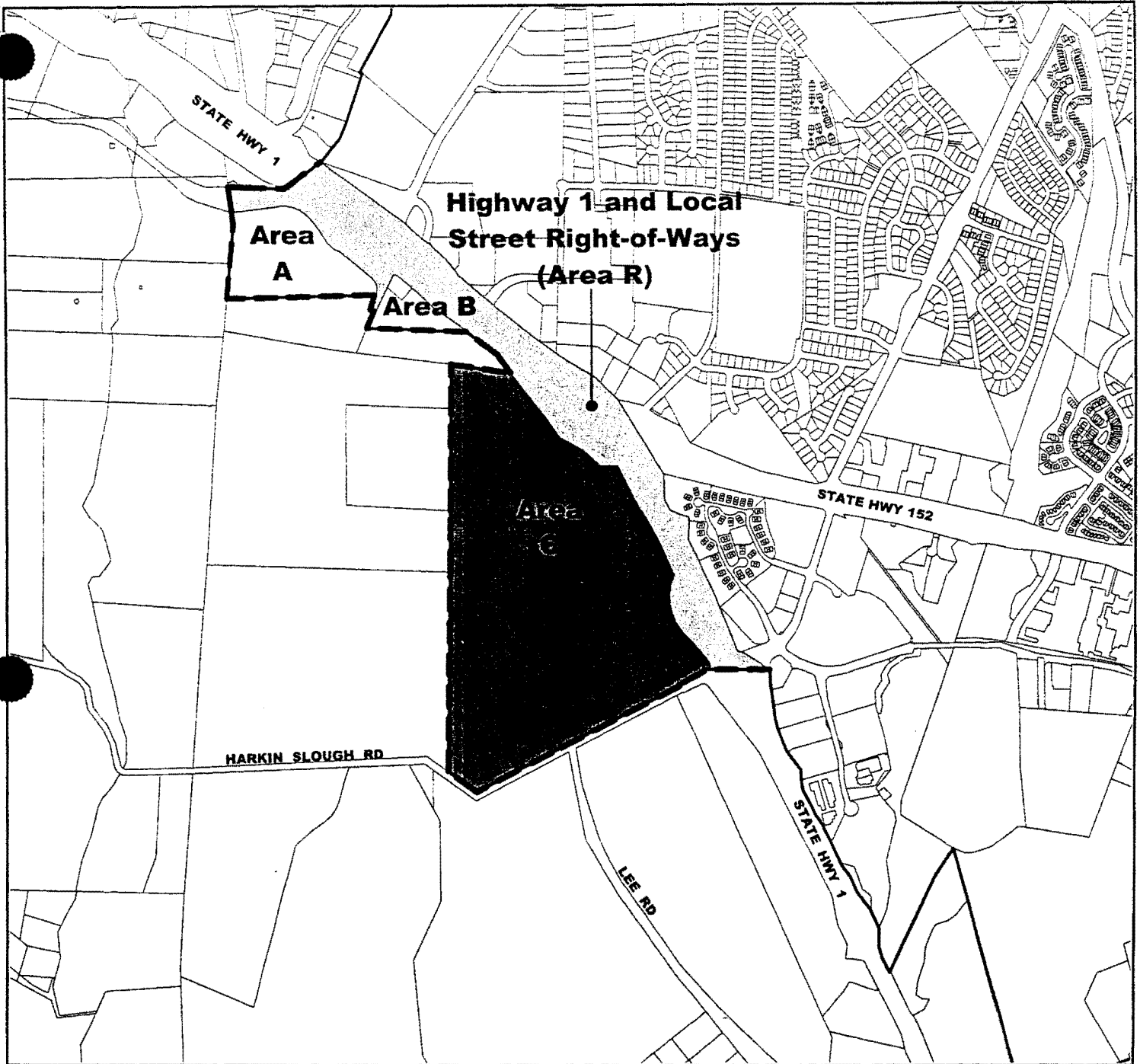
(c) Nothing in this act interferes with the right to pursue any other legal remedy that any person may have under any other provision of law.

(d) This section shall not be operative until (1) the City of Watsonville and the County of Santa Cruz both have housing elements in their respective general plans certified by the Department of Housing and Community Development and unless (2) either the City of Watsonville or the County of Santa Cruz takes any official action to amend or repeal the supermajority voting requirements as contained in the Memorandum of Understanding.






EXHIBIT E

38

Figure 1A: COASTAL ZONE AREA R - UTILITY PROHIBITION DISTRICT



Legend

-  *Special Study Area*
-  *Highway 1 and Local Street Right-of-Ways (Area R)*
-  *Utility Prohibition Overlay District*
-  *City Limit*
-  *Parcels*

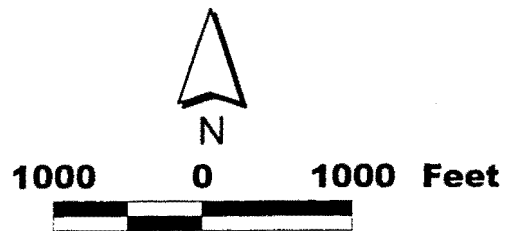


EXHIBIT F

CITY'S UPO

This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: 1993 USGS ORTHOPHOTO

Attachment 1

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 89A-2001

On the motion of Supervisor Wormhoudt
duly seconded by Supervisor Almquist
the following Resolution is adopted:

RESOLUTION AMENDING THE GENERAL PLAN/ LOCAL COASTAL PROGRAM LAND
USE PLAN AND IMPLEMENTING ORDINANCES RELATING TO NEW MILLENNIUM HIGH
SCHOOL MEMORANDUM OF UNDERSTANDING

WHEREAS, the County of Santa Cruz, the City of Watsonville and the California Coastal Commission came to an agreement regarding the proposed west of Highway One (Edwards property) location of the Pajaro Valley Unified School District's (PVUSD's) proposed New Millennium High School, provided that the City of Watsonville agreed not to pursue major additional annexations in the environmentally sensitive lands west of Highway One; and

WHEREAS, the Board of Supervisors, on March 14, 2000, entered into a Memorandum of Understanding (MOU) with the City of Watsonville and the California Coastal Commission, codifying the agreement through restrictions on the extension of wastewater and potable water supply pipelines from the City of Watsonville to lands west of Highway One, thereby minimizing the likelihood of urban expansion in that area; and

WHEREAS, the City of Watsonville, by vote of the City Council on March 14, 2000, agreed to execute the MOU; and

WHEREAS, on March 16, 2000, the California Coastal Commission considered and certified, with suggested modifications, the City of Watsonville's Local Coastal Program (LCP) Major Amendment Number 1-99 designed to modify the City's LCP to allow the PVUSD to pursue a high school on the Edwards property north of Harkins Slough Road and west of Highway One; and

WHEREAS, the MOU included three major proposed actions for which the County was to be responsible for holding a public hearing to consider implementing, no later than March 16, 2001; and

WHEREAS, the County's responsibilities under the MOU included:

- a. Establishment of a one-foot wide wastewater and potable water supply utility prohibition overlay district that would run along, and immediately adjacent to, the City of Watsonville's city limits west of Highway 1; and
- b. Establishing a policy/standard that limits the width of Harkins Slough Road to the minimum necessary to serve the new high school (assuming this and not Airport Blvd. is the primary access route selected), and which encourages improvements that would enhance habitat connectivity under the roadway (e.g., a new bridge span over West Struve Slough, or at least larger culverts); and

72

EXHIBIT 1 9

PART 2 RESOLUTION

40

- c. Establishing a policy/standard that requires the County to reserve a one-foot non-access strip around any wastewater or potable water supply easements granted to the City over or through County-owned land (including County rights-of-way) west of Highway One; and

WHEREAS, the County also agreed in the MOU to require a super-majority vote of the County Board of Supervisors to make any amendment, including revocation, to the General Plan/LCP Land Use Plan policies that fulfill the requirements of the MOU; and

WHEREAS, the County intends to fulfill the requirements of the MOU through the attached proposed amendments to County General Plan/LCP Land Use Plan and the County Zoning Ordinance/LCP Implementation Plan (Exhibits 1-A and 1-B); and

WHEREAS, the Planning Commission, on February 28, 2001, following a duly noticed public meeting recommended that the amendments to the General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Exhibits 1-A and 1-B, and the CEQA Categorical Exemption, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update.

WHEREAS, the Board of Supervisors, on March 27, 2001, following a duly noticed public meeting, considered the amendments to the General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Exhibits 1-A and 1-B, and the CEQA Categorical Exemption, incorporated herein by reference, the staff report, and all testimony and evidence received at the public hearing; and

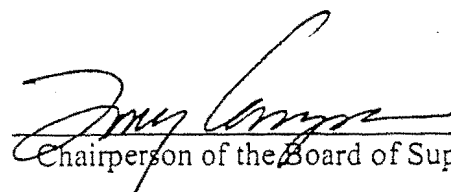
WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the proposed amendments to the General Plan/LCP Land Use Plan and to the Zoning Ordinance/LCP Implementation Plan have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to the General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Attachments 1, Exhibit 1-A and 1-B, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of Amendments.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 27th day of March, 2001 by the following vote:

AYES:	SUPERVISORS	Beautz, Pirie, Wormhoudt, Almquist, Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None



 Chairperson of the Board of Supervisors

EXHIBIT 4

41

ATTEST: *Sally Borkowski*
Clerk of the Board of Supervisors

APPROVED AS TO FORM: *JRL*
County Counsel

cc: County Counsel
Planning Department

STATE OF CALIFORNIA
 COUNTY OF SANTA CRUZ

I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said board on 2/3 192001

SUSAN A. MAURIELLO, County Administrative Officer
Sharon Mitchell Deputy

72
EXHIBIT 9

42

General Plan/LCP Amendments
To Implement New Watsonville High School MOU

LAND USE ELEMENT

OBJECTIVE 2.1 URBAN/RURAL DISTINCTION

Policy 2.1.12 (LCP) Urban/Rural Boundary - San Andreas Planning Area (per MOU/City of Watsonville Amendment 1-99)

Maintain a stable urban rural boundary and protect rural agricultural land, wetlands, and/or other environmentally sensitive habitat areas by ensuring that there will be no additional urban development outside the western boundary of the City of Watsonville, and by providing for concentrated urban development within City of Watsonville city limits. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Policy 2.1.13 (LCP) Prohibition On Utility Extensions - San Andreas Planning Area (per MOU/City of Watsonville LCP Amendment 1-99)

Prohibit the extension of new wastewater and/or potable water utilities, emanating from within the City of Watsonville into the San Andreas Planning Area, by establishing a Utility Prohibition Strip along and immediately adjacent to the City's boundaries west of Highway One, so as to discourage additional urban development in the Coastal Zone west of the City of Watsonville. Exceptions to this policy are listed below in Program f (1-6). Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Policy 2.1.14 (LCP) Minimize Utility Sizing - San Andreas Planning Area

Any new wastewater or potable water supply pipelines emanating from within the City of Watsonville City limits, as allowed for in Program f (1-6) below, shall be limited in size to the minimum capacity necessary to serve the intended existing and/or proposed development so as to discourage additional urban development in the coastal zone west of the City of Watsonville. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

**Policy 2.1.15
(LCP)**

Watsonville Utility Pipeline Non-Access Strips - San Andreas Planning Area (per MOU/City of Watsonville LCP Amendment 1-99)

In the San Andreas Planning Area, designate one-foot wide Pipeline Non-Access Strips along both sides of any existing or new: 1) wastewater or potable water supply pipeline easements granted to the City of Watsonville by the County; and/or 2) wastewater or potable water supply pipelines emanating from the City of Watsonville and crossing County right-of-way or other County land. The one-foot wide Pipeline Non-Access Strips shall completely surround any such pipelines and/or pipeline easements, and will prohibit any future pipeline attachments and/or extensions to the affected pipeline, thus discouraging additional urban development in the Coastal Zone west of the City of Watsonville. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

**Policy 2.1.16
(LCP)**

Harkins Slough Road Improvements (per MOU/City of Watsonville LCP Amendment 1-99)

Harkins Slough Road (including the proposed Highway One overpass/interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on the Edwards site (APN 018-281-19), and/or 2) as needed to meet minimum County or Caltrans design standards. Any such road improvements shall be designed in tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. Any such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with Policy 5.1.16. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Programs

- e. Establish and maintain, upon County-owned lands in the San Andreas Planning Area (including County rights-of-way), a one-foot wide Pipeline Non-Access Strip along both sides of any existing or future: 1) wastewater or potable water supply pipeline easements granted to the City of Watsonville by the County; and/or 2) wastewater or potable water supply pipelines emanating from the City of Watsonville and crossing County right-of-way or other County land. The one-foot wide Pipeline Non-Access Strips shall completely surround any such pipelines and/or pipeline easements. New pipeline connections to the existing wastewater or potable

water pipeline will be prohibited through, over, or under the Pipeline Non-Access Strips.

- f. Create a Utility Prohibition Combining Zone overlay district that establishes and maintains a one-foot wide wastewater and potable water supply Utility Prohibition Strip, across, over, or under which wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted. The Utility Prohibition Combining Zone overlay district will be applied to parcels located to the west of and abutting the western edge of the Highway One right-of-way. Where the Watsonville City limits encompass parcels west of Highway One, the combining zone overlay district shall apply to all parcels directly abutting the Watsonville City limits (and to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One). The Utility Prohibition Strip will be located along the parcel boundaries that directly abut either the Highway One right-of-way or the Watsonville City limits, as applicable. The Utility Prohibition Strip shall extend north of Watsonville to Buena Vista Drive and south to the Monterey County line, to the points where Buena Vista Drive and the County line each intersect the western edge of the Highway One right-of-way. If additional County land in the "Buena Vista" area northwest of Watsonville is annexed into the City of Watsonville, the Utility Prohibition Strip shall be extended northward along the western edge of the Highway One right-of-way to Mar Monte Avenue.

The Utility Prohibition Combining Zone District shall initially be applied to the parcels with the following Assessor Parcel Numbers:

052-011-46, 052-011-57, 052-011-66, 052-011-67, 052-011-77, 052-511-01, 052-511-05, 052-511-06, 052-511-08, 052-511-10, 052-511-11, 052-511-12, 052-511-13, 052-021-15, 052-021-21, 052-021-30, 052-021-31, 052-081-37, 052-081-38, 052-081-39, 052-091-41, 052-091-42, 052-103-13, 052-103-14, 052-221-14, 052-221-15, 052-221-17, 052-222-10, 052-222-22, 052-581-09, 052-581-10, 052-581-11, 052-271-03, 052-271-04, 052-272-01, and 052-272-02.

New wastewater and potable water supply utility pipelines/easements from the City of Watsonville shall also be prohibited from crossing or otherwise occupying any and all County rights-of-way (including those on Harkins Slough Road, Lee Road, and Ranport Road) where they border or contact the Watsonville City limits west of Highway One. Wastewater and/or potable water utility pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with the following exceptions:

- 1) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the

present County Commercial Agricultural Zoning district, including agricultural worker housing.

- 2) Leachate lines to and from the City and County landfills and the City wastewater treatment plant, or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses;
 - 3) Pipelines to distribute water for environmental restoration, maintenance or enhancement, or for agricultural uses;
 - 4) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
 - 5) Wastewater and potable water supply utility pipelines/easements necessary to serve areas B and C as designated by the City of Watsonville's LCP, with the condition that the pipeline sizes be limited to the minimum capacity required to serve the allowed uses.
 - 6) If APN 052-271-04 (Green Farm) is annexed into the City of Watsonville, the Utility Prohibition Combining Zoning District designation shall be applied to any and all parcels surrounding it, as necessary to maintain a continuous Utility Prohibition Strip around the City boundaries west of Highway One.
- g. Endeavor to acquire, or to encourage other appropriate third parties (e.g., land trusts or other non-profit organizations) to acquire, the one-foot wide Utility Prohibition Strip, as described above in Program f, as permanently held easements on each affected parcel.

CONSERVATION AND OPEN SPACE ELEMENT

OBJECTIVE 5.1 BIOLOGICAL DIVERSITY

Restoration of Damaged Sensitive Habitats

Policy 5.1.16 (LCP)

Harkins Slough Road Improvements (per MOU/City of Watsonville Amendment 1-99)

Any major Harkins Slough Road improvements (e.g., improvements related to the Highway One overpass/interchange and/or permitted development on the Edwards site, APN 018-281-19) shall provide enhanced habitat connectivity between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of

Harkins Slough Road. Replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road is the preferred alternative, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such major road improvements to Harkins Slough Road shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any such major improvements made to Harkins Slough road pursuant to this policy shall also be consistent with Policy 2.1.16. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

ORDINANCE NO. 4609A

AN ORDINANCE ADDING COUNTY CODE SECTION 13.10.490, 13.10.491, 13.10.492 AND 13.10.493 ESTABLISHING A WATSONVILLE UTILITY PROHIBITION COMBINING DISTRICT; AND ADDING SECTIONS 17.02.081 AND 16.32.090(c)(A)(11), RELATING TO IMPROVEMENTS TO HARKIN SLOUGH ROAD, TO THE SANTA CRUZ COUNTY CODE

SECTION I

The Santa Cruz County Code is hereby amended by adding Sections 13.10.490, 13.10.491, 13.10.492 and 13.10.493 to read as follows:

13.10.490 "W" Watsonville Utility Prohibition Combining District

13.10.491 Purposes of the Watsonville Utility Prohibition "W" Combining District.

In order to implement General Plan/Local Coastal Program Land Use Plan Policy 2.1.13, and in compliance with the Memorandum of Understanding (MOU), between the County of Santa Cruz, the City of Watsonville, and the California Coastal Commission (entered into on March 14, 2000), the "W" Watsonville Utility Prohibition Combining District is established. The purpose of the Watsonville Utility Prohibition or "W" Combining District is to prevent the provision of urban services to undeveloped/rural areas west of the City of Watsonville, so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive areas in the Coastal Zone west of Watsonville. The Watsonville Utility Prohibition or "W" Combining District establishes a one-foot wide wastewater and potable water Utility Prohibition Strip upon parcels and public road rights-of way to the west of, and abutting, the western edge of the Highway One right-of-way, and the Watsonville City limits where the City extends west of Highway One. The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. Wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with certain exceptions as set forth in Section 13.10.493. Any amendments to this and the following sections, including revocation, require a super-majority vote of the Board of Supervisors.

13.10.492 Designation of the Watsonville Utility Prohibition "W" Combining District.

The Watsonville Utility Prohibition "W" Combining District designation, establishing the one-foot wide Utility Prohibition Strip, shall be applied to:

- (a) Where the city limits of Watsonville lie west of State Highway One, those properties and public road rights-of-way directly bordering the City limits of

Watsonville (and also to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One);

- (b) Those properties and public road rights-of-way bordering the western edge of the Highway One right-of-way, along the stretch of Highway One between Buena Vista Drive to the north and the Monterey County line to the south;
- (c) Where the city limits of Watsonville are modified through annexation, subsequent to the effective date of this section, to include either county lands located west of Highway One, those properties and/or public road rights-of-way on the County side of the so annexed area;
- (d) If and when the "Buena Vista" area northwest of Watsonville is annexed into the City of Watsonville, those properties along the western edge of the Highway One right-of-way between Buena Vista Drive and Mar Monte Avenue.

13.10.493

Use and Development Standards in the Watsonville Utility Prohibition "W" Combining District

In addition to the regulations for development and use imposed by the basic zone district, all properties with a "W" combining zone designation, as set forth in Section 13.10.492, shall contain a one-foot wide wastewater and potable water Utility Prohibition Strip. The Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Watsonville City limits west of Highway 1. For parcels abutting the Highway One right-of-way, the Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Highway One right-of-way. The Utility Prohibition Strip shall extend north of Watsonville to Buena Vista Drive and south to the Monterey County line, to the points where Buena Vista Drive and the County line each intersect the western edge of the Highway One right-of-way. For the applicable County road right-of-way areas, the one-foot wide Utility Prohibition Strip shall run parallel to the City limits and/or along the edge of the right-of-way closest to the City limits. Placement of wastewater or potable water utility pipelines will not be permitted through, over, or under the Utility Prohibition Strip, except for:

- (a) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including agricultural worker housing.
- (b) Leachate lines to and from the City and County landfills and the City wastewater treatment plant, or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses;

- (c) Pipelines to distribute water for environmental restoration, maintenance or enhancement, or for agricultural uses;
- (d) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
- (e) Wastewater and potable water supply utility pipelines/easements necessary to serve areas B and C as designated by the City of Watsonville's LCP, with the condition that the pipeline sizes be limited to the minimum capacity required to serve the allowed uses.
- (f) If APN 052-271-04 (Green Farm) is annexed into the City of Watsonville, the Utility Prohibition Combining Zoning District designation shall be applied to any and all parcels surrounding it, as necessary to maintain a continuous Utility Prohibition Strip around the City boundaries west of Highway One.

Any such wastewater or potable water supply pipeline(s) allowed by exception in the "W" combining zone district shall be limited in size to the minimum capacity necessary to serve the so excepted use. The limitations in the "W" combining zone district shall not restrict the repair, replacement, maintenance, refurbishment, or functional improvements of existing water and sewer pipelines insofar as necessary to maintain existing capacity without physical expansion of such existing pipelines.

SECTION II

The Santa Cruz County Code is hereby amended by adding Section 17.02.081 to read as follows:

17.02.081 Harkin Slough Road

Harkins Slough Road (including the proposed Highway One overpass/interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on the Edwards site (APN 018-281-19), and/or 2) as needed to meet minimum County or Caltrans design standards. Any such road improvements shall be designed in tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. Any such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with County Code Section 16.32.090(c)(A)(11). Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

EXHIBIT I

72
50

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 16.32.090(c)(A)(11) to read as follows:

16.32.090(c)(A)(11) Wetlands Conditions

Any major Harkins Slough Road improvements (e.g., improvements related to the Highway One overpass/interchange and/or development on the Edwards site - APN 018-281-19) shall provide enhanced habitat connectivity between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road. Replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road is the preferred alternative, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any major improvements made to Harkins Slough road pursuant to this policy shall also be consistent with County Code Section 17.02.081. Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION IV

This Ordinance shall take effect upon certification by the California Coastal Commission.

PASSED AND ADOPTED this 27th day of March, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS Wormhoudt, Almquist, Beautz, Pirie, Campos
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None
ABSTAIN: SUPERVISORS None



CHAIRPERSON, BOARD OF SUPERVISORS

EXHIBIT I

ATTEST *Mait. Borhouse*
Clerk of the Board

APPROVED AS TO FORM: *JSE*
County Counsel

Copies to: Planning Department
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT
IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE
OFFICE ATTEST MY HAND AND SEAL THIS *3rd* DAY
OF *May* 19*2001*
SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER
AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
BY *Sharon Mitchell* DEPUTY

EXHIBIT I

82
52

ORDINANCE NO. 4610A

ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE CHANGING PROPERTIES FROM ONE (OR SEVERAL) ZONE DISTRICT(S) TO ANOTHER (OR OTHERS)

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the parcels listed below in Section III; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan and the Local Coastal Program; and finds and certifies that the proposed action is categorically exempt from the California Environmental Quality Act .

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General plan; and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land;

SECTION III

Chapter 13.10, Zoning Regulations, of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from their existing zone districts to new zone districts as follows:

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	CA (Commercial Agriculture)	CA-W (Commercial Agriculture, Watsonville Utility Prohibition Combining Zone)
052-011-46		
052-011-57		

72 EXHIBIT J PART 2 RE-ZONING 53

March 15, 2001 1

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	CA (Commercial Agriculture)	CA-W (Commercial Agriculture, Watsonville Utility Prohibition Combining Zone)
052-011-67		
052-011-77		
052-021-15		
052-021-21		
052-021-30		
052-021-31		
052-081-37		
052-081-38		
052-081-39		
052-103-13		
052-103-14		
052-221-14		
052-221-15		
052-221-17		
052-222-10		
052-222-22		
052-272-01		
052-272-02		
052-511-01		
052-511-11		
052-581-09		
052-581-10		
052-581-11		

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	A (Agriculture)	A-W (Agriculture, Watsonville Utility Prohibition Combining Zone)
052-511-05		
052-511-06		
052-511-08		
052-511-10		
052-511-12		
052-511-13		

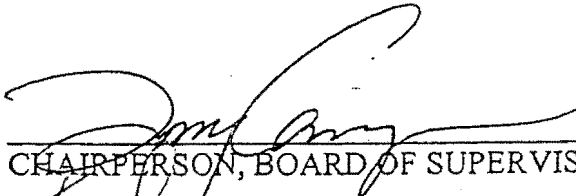
EXHIBIT J

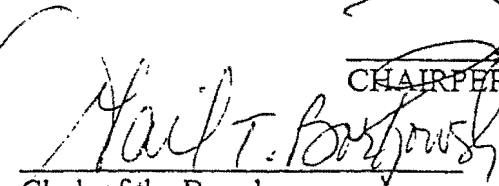
<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	PR (Parks, Recreation and Open Space)	PR-W (Parks, Recreation and Open Space, Watsonville Utility Prohibition Combining Zone)
052-091-41		
052-091-42		
<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
052-011-66	SU (Special Use District)	SU-W (Special Use, Watsonville Utility Prohibition Combining Zone)
052-271-03	CT (Tourist Commercial)	CT-W (Tourist Commercial, Watsonville Utility Prohibition Combining Zone)
052-271-04	CA-L (Commercial Agriculture, Historic Landmark Combining Zone)	CA-L-W (Commercial Agriculture, Historic Landmark, Watsonville Utility Prohibition Combining Zone)


This ordinance shall take effect on the 31st day after the date that the ordinance creating the "W" Watsonville Utility Prohibition Combining District becomes effective.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 27th day of March, 2001, by the following vote:

AYES: SUPERVISORS Wormhoudt, Almquist, Beautz, Pirie, Campos
 NOES: SUPERVISORS None
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

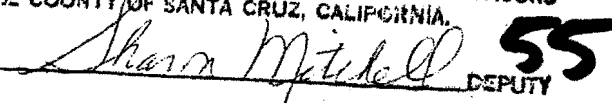

 CHAIRPERSON, BOARD OF SUPERVISORS

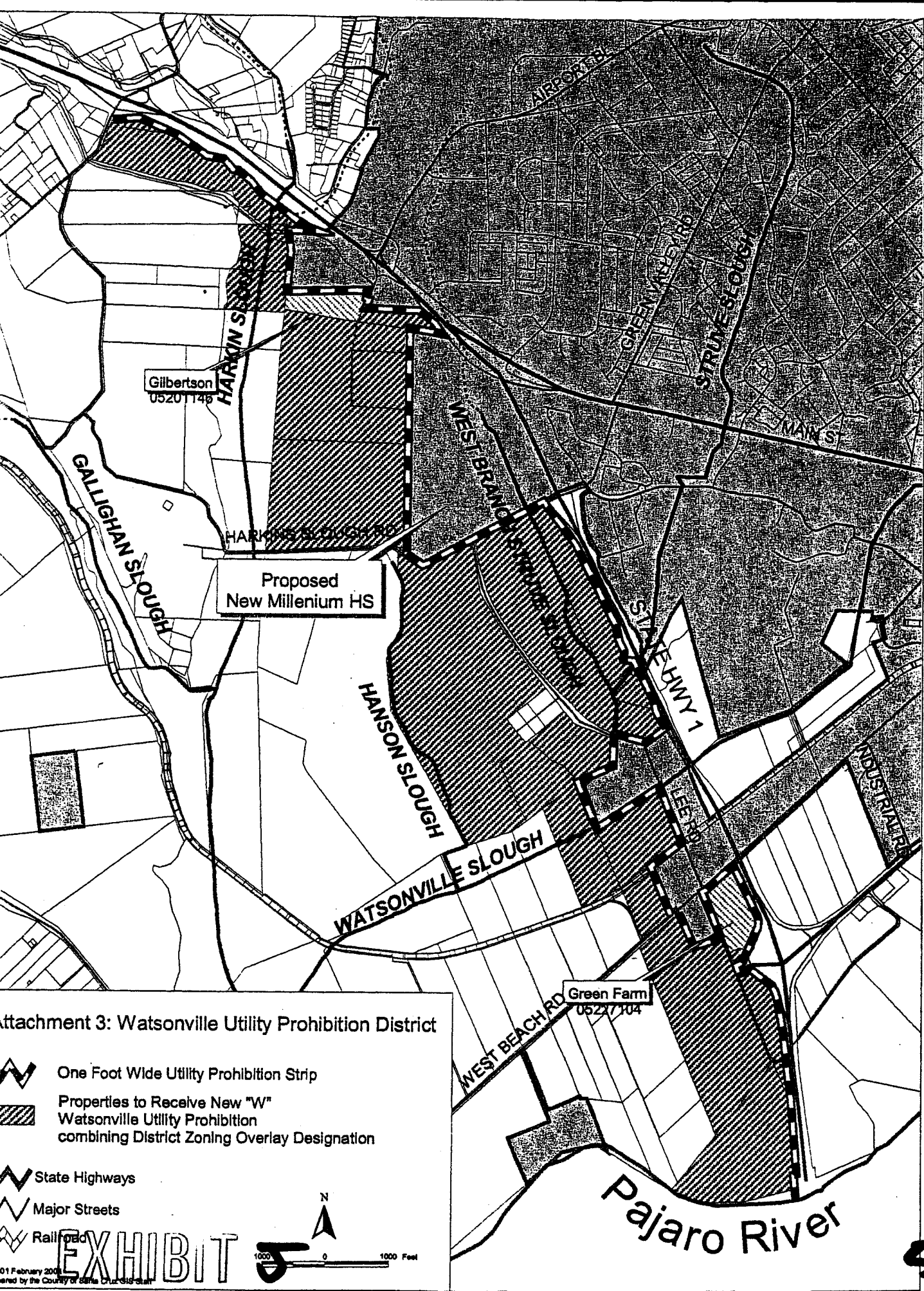
ATTEST: 
 Clerk of the Board

APPROVED AS TO FORM: 
 County Counsel



Copies to: Planning
 County Counsel




EXHIBIT 5

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 27th DAY OF May 2001
 SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
 BY  DEPUTY



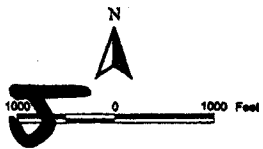
Attachment 3: Watsonville Utility Prohibition District

-  One Foot Wide Utility Prohibition Strip
-  Properties to Receive New "W" Watsonville Utility Prohibition combining District Zoning Overlay Designation

-  State Highways
-  Major Streets
-  Railroad

01 February 2001
 owned by the County of Santa Cruz. All rights reserved.

EXHIBIT



56