

**CALIFORNIA COASTAL COMMISSION**

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**Th6a**

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**APPEAL STAFF REPORT - SUBSTANTIAL ISSUE DETERMINATION**

**Appeal number**.....A-3-SCO-02-095, Corrigan SFD  
**Applicant**.....Patrick & Jill Corrigan  
**Appellant**.....John Chapin  
**Local government**.....Santa Cruz County  
**Local decision** .....Approved with Conditions (October 4, 2002)  
**Project location**.....462 Quail Drive in the Bonny Doon area of north Santa Cruz County.  
**Project description** .....Construct a two-story, 2,391 square foot single family residence with a garage, septic system and water tank on a 1.35 acre parcel designated and zoned for rural residential use.  
**File documents**.....Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County Application File 01-0074.  
**Staff recommendation** ...**No Substantial Issue**

**Summary of staff recommendation:** Santa Cruz County approved a proposal to construct a 2-story, approximately 2,400 square foot single-family residence on a 1.35 acre parcel located along Quail Drive roughly 4 miles inland from the shoreline in the mountainous Bonny Doon area of north Santa Cruz County. The Appellant alleges that the County decision was inconsistent with the LCP because it does not adequately protect the wetland and stream resources that exist on the subject property, and that are part of a larger natural stream system extending off-site.

Although not fully articulated by the County in their approval, the fundamental reason that residential development was approved at this site was to avoid a takings of private property. Clearly, as the Appellant correctly indicates, this site is constrained for development by the presence of an on-site stream and wetland system within which development is prohibited. When the wetland buffer required by the LCP is also applied, the entire site is either wetland, stream, or wetland buffer area that would otherwise preclude development. Instead of denying the development, the County minimized its impact by siting the development as far away from the sensitive resources as possible. Ultimately, the proposed development is not located within the wetland or the stream, is not located within the required stream buffer, but would be located within the required 100 foot wetland buffer (with the house roughly 30 feet from the delineated edge of the wetland itself). The County LCP allows lesser wetland buffers subject to certain findings and criteria that apply to this type of situation.

**California Coastal Commission****March 2003 Meeting in San Luis Obispo**

Staff: D.Carl Approved by: DSL

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Staff believes that the Appellant raises valid issues. And Staff further believes the County's exception findings in this case raise other procedural issues. However, those issues do not rise to the level of substantial issues in terms of this project's conformance with the LCP. The project that would be the most protective of resources on and off-site in this instance is no project at all. However, a denial cannot be sustained because of the property owner's constitutional rights to a reasonable use of their property. In such instances, the LCP requires that a balance be struck. The approved project has avoided the sensitive resources on site, and has been sited to ensure that the resources are buffered to a reasonable degree by tucking the development envelope near the road and in the corner of the property furthest away from the site's sensitive resources. The approved residence is of average size compared to others in the same general vicinity, including the Appellant's residence on the neighboring property. Although a smaller residence, pushed even further towards Quail Drive would somewhat increase the wetland buffer, it would require removal of additional significant trees, potentially increase grading due to slope differences at the road edge, and push the development further into the Quail Drive viewshed. It does not appear that the minor additional wetland buffer distance that could be gained in such a scenario would balance out those impacts, and wouldn't be as respective of the LCP's takings policies.

In sum, the County-approved project has struck a reasonable balance between competing LCP policies designed to both protect resources and to respect constitutional private property rights. This is a minor residential project with minor impacts in relation to existing overall impacts from existing development in this area, for which the County's decision was adequately supported by the facts of the case. By definition, the exception made in this case is not precedential because it was based upon the site specific set of facts and a potential takings. Staff does not believe that there would be a significantly different outcome were the Commission to take jurisdiction over this permit. Thus, Staff recommends that the Commission find that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP and decline to take jurisdiction over the coastal development permit for the project.

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## 1. Appeal of Santa Cruz County Decision

### A. Santa Cruz County Action

On October 4, 2002, the Santa Cruz County Zoning Administrator approved the project subject to multiple conditions (see exhibit D for the County's adopted staff report, findings and conditions on the project). The Zoning Administrator's approval was not appealed locally (i.e., to the Planning Commission or to the Board of Supervisors).<sup>1</sup> Notice of the Zoning Administrator's action on the coastal development permit (CDP) was received in the Coastal Commission's Central Coast District Office on October 30, 2002. The Coastal Commission's ten-working day appeal period for this action began on October 31, 2002 and concluded at 5pm on November 14, 2002. One valid appeal (see below) was received during the appeal period.

### B. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because of the presence of the on-site wetland and stream.

<sup>1</sup> Normally local appeals must be exhausted before an appeal can be made to the Coastal Commission. In Santa Cruz County's case, the appeals process is that Zoning Administrator decisions can be appealed to the Planning Commission, and Planning Commission decisions can be appealed to the Board of Supervisors (and the Board can also independently elevate an item to the Board for consideration). However, because Santa Cruz County charges a fee for local coastal permit appeals, aggrieved parties can appeal such decisions directly to the Commission and circumvent the local appeal process. Since the appeal in this case is of a Zoning Administrator decision, the Appellant has availed himself of the direct appeal route.



The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not so located and thus this additional finding need not be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

### **C. Appellant's Contentions**

The Appellant generally contends that the County's approval is inconsistent with the LCP because it does not adequately protect the wetland and stream resources on the subject site for habitat and, in the case of the stream, water supply purposes. The Appellant generally concludes that development should not be allowed on the subject site and asks the Commission to take jurisdiction over the CDP and deny development at this site. Please see exhibit E for the Appellant's complete appeal document.<sup>2</sup>

### **D. 49-Day Hearing Requirement**

Pursuant to Section 30621 of the Coastal Act, an appeal must be set for hearing no later than 49 days after the date on which the appeal is filed with the Commission (since this appeal was filed on November 14, 2002, the 49<sup>th</sup> day was January 2, 2003). In this case, and at Commission staff's request, the Applicant (on November 20, 2002) waived his right to a hearing within 49 days to allow the County to prepare its administrative record, to allow the Appellant to better organize his appeal allegations, and to allow for Commission staff to prepare a staff recommendation based on that information.

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<sup>2</sup> Note that, after submitting his original appeal, the Appellant subsequently reorganized his reasons for appeal into a summary document with attachments that was received by the Commission December 23, 2002; the Appellant's summary document represents his reasons for appeal and is shown in exhibit E. Please note that, other than selected relevant map and petition attachments, the Appellant's attached materials have not been duplicated here due to the large number of pages submitted. These additional materials are available for review at the Commission's Central Coast District Office and will be available for review at the Commission's March 6, 2003 meeting (i.e., the day that this item is scheduled to be heard).



## 2. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County's decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

***Motion.** I move that the Commission determine that Appeal Number A-3-SCO-02-095 raises no substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

***Staff Recommendation of No Substantial Issue.** Staff recommends a yes vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.*

***Resolution To Find No Substantial Issue.** The Commission hereby finds that Appeal Number A-3-SCO-02-095 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.*

## Recommended Findings and Declarations

The Commission finds and declares as follows:

### 3. Project Description

#### A. Project Location

The proposed project is located in the mountainous Bonny Doon area that is inland of Santa Cruz County's rugged north coast. See exhibit A for illustrative project location information.

#### Santa Cruz County Regional Setting

Santa Cruz County is located on California's central coast and is bordered to the north and south by San Mateo and Monterey Counties (see exhibit A). The County's shoreline includes the northern half of the Monterey Bay and the rugged north coast extending to the San Mateo County line along the Pacific Ocean. The County includes a wealth of natural resource systems within the coastal zone ranging from mountains and forests to beaches and lagoons and the Monterey Bay itself. The Bay has long been a focal point for area residents and visitors alike providing opportunities for surfers, fishermen, divers, marine researchers, kayakers, and boaters, among others. The unique grandeur of the region and its



national significance was formally recognized in 1992 when the area offshore of the County became part of the Monterey Bay National Marine Sanctuary – the largest of the 12 such federally protected marine sanctuaries in the nation.

Santa Cruz County's rugged mountain and coastal setting, its generally mild climate, and its well-honed cultural identity combine to make the area a desirable place to both live and visit. As a result, the County has seen extensive development and regional growth over the years that the California Coastal Management Program has been in place. In fact, Santa Cruz County's population has more than doubled since 1970 alone with current census estimates indicating that the County is currently home to over one-quarter of a million persons.<sup>3</sup> This level of growth not only increases the regional need for housing, jobs, roads, urban services, infrastructure, and community services, but also the need for parks and recreational areas. For coastal counties such as Santa Cruz where the vast majority of residents live within a half-hour of the coast, and many closer than that, coastal zone recreational resources are a critical element in helping to meet these needs. Furthermore, with coastal parks and beaches themselves attracting visitors into the region, an even greater pressure is felt at coastal recreational areas and visitor destinations. With Santa Cruz County beaches providing arguably the warmest and most accessible ocean waters in all of Northern California, and with the vast population centers of the San Francisco Bay area and the Silicon Valley nearby, this type of resource pressure is particularly evident in coastal Santa Cruz County.

#### **Bonny Doon Area**

The proposed development is located in Bonny Doon. Bonny Doon is a mountainous rural area on Santa Cruz County's north coast located inland of the shoreline. Much of the greater Bonny Doon area remains relatively undeveloped, and relatively undisturbed. There are, however, pockets of development, some more isolated than others, that are developed at low rural residential densities. The subject site is in the midst of one such rural residential subdivision.

#### **Proposed Development Site**

The project is located on Quail Drive in Bonny Doon, roughly 4 miles inland and northwest from the shoreline at Davenport. Quail Drive is a rural country road that loops between Martin Road and Pine Flat Road, and is developed on either side with residences on large-lot (generally an acre or so) properties heavily framed by mature trees and other vegetation. It is a very low intensity, rural residential community.

The vacant 1.35 acre (roughly 60,000 square foot) site is undeveloped, heavily vegetated, and is mostly covered by a riparian woodland community that includes an unnamed feeder stream that is a tributary to a larger tributary that ultimately connects into the main stem of Mill Creek (that parallels Pine Flat Road roughly half a mile to the west). The site slopes gently away from Quail Drive, with the more sensitive habitat portions of the property located on that portion of the site that are furthest from Quail Drive. The

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<sup>3</sup> Census data from 1970 shows Santa Cruz County with 123,790 persons; California Department of Finance estimates for the 2000 census indicate that over 255,000 persons reside in Santa Cruz County.



site, like those surrounding it that are developed with residences, is both designated in the LUP and zoned Rural Residential (RR).

See exhibit A for project location, including parcelization in the immediate vicinity. See exhibit B for the approved site plan showing the stream and wetland in relation to the subject parcel, and exhibit C for an annotated site plan with buffer distances identified.

## **B. County Approved Project**

The County approved a two-story, 2,391 square foot residence on that portion of the 1.35 acre site nearest to Quail Drive. The house would be constructed on an engineered slope incorporating a curtain drain system nearest to Quail Drive to address loose soils encountered on the site. Water to serve the site would be via an existing shared well on the property opposite Quail Drive, with a water storage tank constructed on the subject property. Wastewater would be discharged via a septic system.

The County approval includes a series of protections for the identified wetland/riparian area on the site. These include requirements for removal of non-native and invasive plant species on the entire site (both initially and over the long-term), vegetating disturbed area with appropriate native species, installing split-rail fencing at the habitat boundary (to allow wildlife through passage but to otherwise preclude disturbance), BMPs to protect habitat resources during construction, and a deed restriction prohibiting disturbance within the demarked habitat area.

The County approval also includes requirements for the applicant to acknowledge and take responsibility for the geologic hazards on the site.

See exhibit B for County-approved site plans, and exhibit D for the adopted County staff report, findings, and conditions approving the project.

## **4. Substantial Issue Findings**

### **A. Policies Cited by Appeal**

The Appellant's contentions generally raise questions regarding whether the approved project adequately addresses LCP policies relating to the protection of wetland and stream resources on the subject site for habitat and, in the case of the stream, water supply purposes. The Appellant's summary appeal document includes the text of the LCP policies that he claims are not adequately addressed by the County's action (see exhibit E).<sup>4</sup>

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<sup>4</sup> Note that some of the policies cited in the Appellant's document are not LCP policies, but rather are General Plan policies (i.e., General Plan Policies 7.23.1, 8.1.3, 8.2.2, 8.6.1, 8.6.2, and 8.6.5). That said, the LCP generally includes policies similar in intent to the cited General Plan policies.



In general, and in addition to the policies cited by the Appellant, the County's LCP includes a large number of policies that could be read to apply to the proposed project site. Part of the reason for this is because the range of coastal resources involved (i.e., wetland, stream, water supply, etc.), and part of the reason is because of the way the certified LCP is constructed where there are a significant number of policies within each identified issue area, and then other policies in different LCP issue areas that also involve still other issue areas (e.g., habitat policies that include water supply requirements, and vis versa). In terms of habitat resources, there are also two zoning chapters that include requirements for protecting streams, riparian corridors, and ESHA. Each of these policies is not cited verbatim here as to do so would involve replicating a large body of the LCP itself. These LCP policies generally require that these resources be avoided, and that adequate buffers from them are maintained. The LCP also includes an exception mechanism to allow for reduced buffers, and includes policies for balancing resource protection against private property rights when takings issues are engendered.

In sum, the LCP designates the on-site wetland and stream resources as both Sensitive Habitat and ESHA as that term is understood within a Coastal Act context (LUP Policy 5.1.2(i) and 5.1.3, IP Chapter 16.32). The LCP requires that development be set back a minimum of 100 feet from the wetland (IP Section 16.32.090(A)(11)) and designates this 100 foot setback area itself as a riparian corridor (LUP Policy 5.2.1 and IP Chapter 16.30) to which an additional 10 foot setback is required (LUP Policy 5.2.4); a total required minimum setback area of 110 feet. The LCP protects the water quality (LUP Objectives and Policies 5.4, 5.5, 5.6, and 5.7 et seq) of the on-site unnamed tributary stream (that ultimately flows to Mill Creek) and requires a 50 foot development setback from it (IP Section 16.30.030 and 16.30.040) to which an additional 10 foot setback is required (LUP Policy 5.2.4); a total required minimum setback area of 60 feet. For septic systems specifically, a 100 foot setback from the stream is required (IP Chapter 7.38). Exceptions to riparian and sensitive habitat requirements are via specific findings (IP Section 16.30.060 and 16.32.100). In addition to the specific exception policies, the LCP also directly acknowledges the balancing necessary where takings are an issue (LUP Chapter 1, Policies 5.1.3(c), and 5.1.6). See exhibit F for selected relevant LCP policies.

## **B. Analysis of Consistency with Cited Policies**

The Appellant's contentions can be broadly categorized as stream and wetland protection contentions, with a subset related to the integrity of stream water supply. The first section below (i.e., "1. By General Issue Area") is focused on these general appeal issue areas. The second section below (i.e., "2. By Appeal Summary") builds upon the first section and includes additional response directly to the points as raised in the Appellant's summary appeal document, and in the same order (see appeal document in exhibit E); the headings correspond to the LCP objectives and policies cited in the Appellant's summary appeal document.<sup>5</sup>

As detailed below, the appeal does not raise a substantial issue with respect to the project's conformance

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<sup>5</sup> Note that the Appellant's summary appeal document is not generally structured to show how the project is inconsistent with the cited policies, but rather is more observational in nature with a more limited link specifically to the policy text (and the requirements of it). Thus, the analysis in the second section is generally more limited to issues raised by the observations.





with the Santa Cruz County LCP.

## 1. By General Issue Area

### Stream Setback

All development is sited outside of the LCP-required 60 foot stream setback. Septic system development is sited outside of the LCP-required 100 foot stream setback. The development thus maintains the LCP-required stream buffers and the Appellant's contentions do not raise a substantial issue on this point. See annotated site plan in exhibit C.

### Wetland Setback

The approved residence would be located within about 30 feet of the wetland, with the proposed building pad extending to the wetland's edge. See annotated site plan in exhibit C.

As stated above, the LCP required wetland setback is 110 feet. The LCP allows for exceptions to be made to wetland setback requirements pursuant to IP Section 16.32.100. Because the first 100 feet of the wetland setback is defined as riparian corridor, additional riparian exception findings must also be made pursuant to IP Section 16.30.060.

The County made the findings required pursuant to IP Section 16.30.060 (riparian exception), but they did not explicitly make the exception findings pursuant to IP Section 16.32.100 (sensitive habitat exception) (see County findings in exhibit D). The sensitive habitat exception findings implicitly address the question of takings of private property (implementing the more explicit takings references in the LUP cited above). Though implied in the riparian exception and other coastal permit findings, the County didn't include a classic takings analysis as such analysis is generally understood by the Commission.

That said, the findings made by the County effectively constitute the necessary exception findings in this case, particularly when the issue of takings is also considered. All of the site is either wetland, or wetland buffer/setback (see exhibits B and C). The approved development is for a modest, roughly 2,400 square foot single family residence on a legal lot that is designated and zoned for residential use. The approved residence is of an average size compared to others in the same general vicinity (that is similarly developed), including the Appellant's residence on the neighboring property. The development envelope has been located as far from the on-site sensitive resources (wetland and stream) as reasonably possible, tucked up towards the corner of the site nearest to Quail Drive itself. Although a smaller residence, pushed even further towards Quail Drive would increase the wetland buffer, it would require removal of additional significant trees, potentially increase grading due to slope differences at the road edge, and push the development further into the Quail Drive viewshed. It does not appear that the minor additional wetland buffer distance that could be gained in such a scenario would balance out those impacts, and wouldn't be as respectful of the LCP's takings policies.

Thus, although the lack of explicit LCP required sensitive habitat exception findings raises a procedural issue, the riparian exception findings that were made by the County effectively constitute the required



sensitive habitat exception findings when the issue of takings is also considered, and the lack of a separate set of additional findings does not change the project that was approved. Clearly, the same types of findings, and the takings considerations, would have led to the same project being approved by the County. This does not raise a substantial LCP conformance issue.

**Site Wastewater and Runoff**

LCP policies protect the on-site stream, and the downstream resources that it flows into, from polluted runoff and wastewater, including both sewage effluent and general site runoff. The residence approved would generate the same types of runoff and wastewater that are typically associated with rural development in the County. This includes subsurface percolation of septic effluent (because sewer services don't exist in this rural area of the County), runoff from driveways, and runoff from ornamental landscaping.

In terms of the septic system approved, and as with all such proposed development in rural Santa Cruz County that includes septic systems, the County Environmental Health Department assessed the septic system proposed. Based on the site specific issues and constraints, including those associated with the sandy soils and the watercourse here, Environmental Health ultimately recommended a septic system that included enhanced treatment (i.e., one that would result in cleaner effluent than would be expected from a standard septic system). The approved project includes the recommended septic system. The Regional Water Quality Control Board (RWQCB), in response to a letter of concern from the Appellant regarding the septic system, likewise approved the septic system for this site. RWQCB concluded that "the proposed system will be as (or more) protective of water quality than a conventional septic/mound system." See exhibit G for the Environmental Health and RWQCB letters to the Appellant on this issue. The septic leach field has been located as far from the wetland riparian area as possible, and nearest to Quail Drive (see site plan in exhibits B and C).

In terms of the runoff from the impervious areas of the site, all site drainage in this case is to be collected, and would be filtered through two percolation pits prior to discharge to reduce the potential for any downstream sedimentation or water quality degradation (see exhibit B).

In terms of the runoff from pervious areas of the site, there would be one small patio area with ornamental plantings, and the remainder of the site would be either left undisturbed (other than the required removal of invasive plant species) or, if disturbed (e.g., the building pad itself), vegetated with drought tolerant native species. Any adverse runoff and/or infiltration at the small ornamental planting area at the patio (due to fertilizers, herbicides, etc.) would be extremely minor and would be expected to have a less than significant effect on water quality. The revegetated areas should likewise have an insignificant effect on water quality. And finally, the vast majority of the site, 90% or so, would be left alone, and thus its effect on water quality would be unchanged.

Standard measures would be taken during construction to protect the stream and wetland from runoff.

In sum, the proposed project does not result in adverse runoff and wastewater more than any other similarly sized residential development, of which there are many in the immediate vicinity (including the



Appellant's neighboring residence). This includes general runoff and subsurface septic percolation. In terms of the septic system, the County approved system was evaluated and approved by both County Environmental Health (the entity to which the RWQCB has generally delegated authority for making decisions on residential septic systems in the County) and the RWQCB; both of these agencies determining that the approved system would likely be more protective of downstream resources than a standard septic system.

The Appellant's contentions in this area do not raise a substantial issue.

## **2. By Appeal Summary<sup>6</sup>**

Note that the Appellant's summary appeal document is not generally structured to show how the project is inconsistent with the cited policies, but rather is more observational in nature with a more limited link specifically to the policy text (and the requirements of it) that he cites. Thus, and by extension, the analysis in this section is generally more limited to issues raised by the observations.

### **5.8.a**

The Appellant is correct that the site is within a designated primary groundwater recharge area. However, this designation is hardly unique inasmuch as most all of the mountain Bonny Doon area is within the mapped groundwater recharge area. Likewise, as the Appellant indicates, Mill Creek is designated as a critical water supply stream per the LCP. The main stem of Mill Creek is located roughly one-half mile west of this site, and the unnamed stream on the site is a tributary to a larger tributary that ultimately connects into the main stem of Mill Creek. More importantly, however, these designations inform but do not alter the fundamental balance being struck with this project (related to resource protection versus private property rights; see also discussion above).

### **5.6.2**

Note that the Appellant indicates that a well would be constructed on the Applicant's parcel. This is incorrect. The County approval allowed for the construction of a water tank on the Applicant's parcel. The existing shared well on the opposite side of Quail Drive from this site would be the water source (see site plan in exhibit B).

Note too that the cited LCP policy addresses water diversion. The approved project does not include a "water diversion" as that term is typically understood. Rather, the water source for the project would be the existing shared well on the opposite side of Quail Drive.

### **5.7.1**

Policy 5.7.1 prohibits development adjacent to wetlands and streams where impacts cannot be fully mitigated. Note that development adjacent to streams and wetlands is addressed by an interwoven series

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<sup>6</sup> Again, this section builds upon the previous findings and includes additional response directly to the points as raised in the Appellant's summary appeal document, and in the same order (see appeal document in exhibit E); the headings correspond to the LCP objectives and policies cited in the Appellant's summary appeal document.



of LCP policies that establish required setbacks and appropriate water quality control measures for development sites, as discussed above. Such policies, and others cited in this report, need to be read together. Thus, the outright development prohibition in Policy 5.7.1 must be understood in this context.

The Appellant cites subdivision density requirements. Note that this is not a subdivision. This is an existing parcel from a pre-Coastal Act subdivision. Thus, the cited land division density requirements do not apply.

### **5.7.2**

Policy 5.7.2 describes the requirement for a 100 foot septic system setback from streams. The approved project's septic system is located over 100 feet away from the stream on this site (see site plan in exhibits B and C). Further, per the LCP, development must be kept at least 60 feet from the on-site stream (a 50 foot buffer plus a ten foot setback from the buffer). In this case, the closest proposed development is the water tank that would be just over 60 feet from the stream. The septic system would be about 100 feet away, and the house itself would be about 150 feet away from the stream. These setbacks all meet the LCP's minimum setback requirements.

The Appellant contends that an "intermittent" stream exists at the property line between his property and the subject site (i.e., along the southern boundary of the subject site; see exhibit B for site plan). Other than the Appellant's assertion, there is no evidence in the file to indicate that a separate intermittent stream exists on the Appellant's neighboring property to which the proposed project must also be set back from. Commission staff field investigation did not identify stream indicators in this area.

The LCP defines an "intermittent" stream as those: (1) so identified by USGS mapping (not the case here); or (2) field determined to have either significant waterflow 30 days after the last significant storm, or having a well-defined channel free of soil and debris (IP Section 16.30.030). County and Commission staff field investigation did not identify indicators of an intermittent stream where so identified by the Appellant. The LCP defines an "ephemeral" stream as a watercourse that flows only in direct response to precipitation. Staff field work likewise did not identify ephemeral stream indicators along the property line either.

In any case, the LCP required setback from an intermittent stream, were there to be an intermittent stream, is 30 feet. The LCP required setback from an ephemeral stream, were there to be an ephemeral stream, is 20 feet. The approved project is set back 20 feet from the neighboring property line in the corner of the site nearest to Quail Drive and furthest from the clearly identified stream and wetland on the northern side of the site. Even were there to be a stream at this location as alleged, the approved residence would either be set back as far as required by the LCP (if ephemeral), or would be just within that setback (if it were deemed an intermittent stream). In either case, in light of the fact that there doesn't appear to be any kind of watercourse in this location, and also because of the takings balance that applies to this site, this would not raise a substantial LCP conformance issue in this case.



**5.7.3, 5.7.4, and 5.7.5**

The Appellant argues that site drainage would not be controlled. However, contrary to the Appellant's assertion, all site drainage in this case is to be collected, and would be filtered through two percolation pits prior to discharge to reduce the potential for any downstream sedimentation. In addition, as detailed above, runoff impacts would not be expected to be greater than those from the surrounding, largely built-out, rural residential neighborhood.

**Programs a, b, f, g and i**

The cited LCP programs define important concepts for protecting resources. However, they are also directed more towards overall watershed planning and analysis as opposed to individual project analysis. As such, their relevance in this individual application review, other than their contribution to the overall intent of the LCP as read as a whole, is more limited.

**5.8.3**

Policy 5.8.3 prohibits any land use in a primary groundwater recharge area that allows the percolation of pollutants into groundwater. When read in a vacuum, Policy 5.8.3 would essentially prohibit development in all of north Santa Cruz County, because most all of the mountainous Bonny Doon area is mapped as "primary groundwater recharge" and almost all development allows for some infiltration of runoff that could contain pollutants, including through percolation of septic effluent. Again, however, the applicable LCP policies must be read together. As stated previously, the most protective project from a strictly coastal resource protection standpoint would be no project. However, there are also takings considerations. In addition, there are also project design and buffering considerations for resource protection that apply, and were applied. It should be noted again that the subject site is within a developed rural residential neighborhood, for which the LCP designates and generally allows similar development, albeit at a low-intensity, at this location.

**5.8.4**

The Appellant contends that the project does not include provisions for on-site detention of runoff. Again, as stated above, all site drainage in this case is to be collected, and would be filtered through two percolation pits prior to discharge to reduce the potential for any downstream sedimentation. Other runoff impacts would be expected to be less than significant.

**5.8.5**

Policy 5.8.5 is directed toward projects that are "developing groundwater resources;" that is not the situation in this case. Further, the water system to be used as a water source in this case was evaluated and deemed adequate by the County Environmental Health Department to ensure a reliable water supply as required by the LCP.

**5.11**

Objective 5.11 identifies preservation of open space as an LCP objective. Again, the LCP must be read as a whole. While denying development in this case would be most protective of open space resources,



such potential action must be balanced against takings considerations (see previous discussion above)

### **7.21**

The Appellant indicates that the septic effluent that will be discharged will not be clean.<sup>7</sup> As a general rule, septic effluent is not "clean." Rather, it is filtered and treated through engineered means and then allowed to percolate (subsurface) into soils, where additional biofiltration is expected. As detailed above, County Environmental Health and RWQCB both approved the septic system in this case as a system more protective of resources than would be a standard septic system.

#### **7.21.1**

The Appellant observes that there may potentially be three alternative septic systems in this general area serving residential development, and that impacts from them could be severe. This contention does not raise a substantial issue for several reasons. First, the LCP allows for the use of "alternative septic systems." Second, and by definition, an alternative system "means an individual sewage disposal system which uses nonconventional technology for enhanced effluent treatment and/or disposal" (LCP Chapter 7.38). In other words, these "alternative" systems are meant to be more protective of coastal resources rather than less. Third, the County required the "alternative" septic system in this case in response to the site's sandy soils (and correspondingly fast percolation rates). Because of the soils, and to more fully protect the stream and wetland, the County required a septic system with enhanced treatment capabilities (i.e., an alternative system). And fourth, any alternative septic system, including that approved here and those to which the Appellant refers in the near vicinity, must be approved by County Environmental Health and RWQCB. The RWQCB and County Environmental Health both approved this system, indicating that it would likely be more protective of resources than would be a standard system.

Again, the site is designated and zoned for rural-level residential development. It is outside of the reach of urban sewage services, in part by LCP design to maintain stable urban-rural boundaries. Such rural residential development, by definition, requires septic systems. Further, almost all of Bonny Doon is in the primary groundwater recharge area, and is on septic systems. The approved project is residential development, on an existing rural residential property, in an existing residentially developed neighborhood. The County approved septic system would be more, rather than less, protective of resources, and has been approved by both of the required water quality and environmental health agencies. The Appellant's contentions in this regard do not raise a substantial issue.

#### **6.2.1 & 6.2.2**

The Appellant observes that the site has geotechnical constraints, and contends that the County approval did not include a hazards assessment related to these. He indicates that there are no provisions for secondary containment on the septic system. As required, the approved project included a geologic hazards assessment. The parameters of the development, and its final design and structural dimension, were heavily influenced by this assessment. This geologic hazards assessment did not identify the need

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<sup>7</sup> Note that septic systems do not "discharge" effluent, as that term is typically understood in a water quality sense. Rather, the effluent is leached into the ground where it percolates.



for some type of secondary containment in the case of liquefaction associated with the septic system, and it doesn't appear from the file that this septic system, or more particularly the holding tank, is any more susceptible to rupture during an earthquake event than others in this vicinity or in the County.

#### **6.2.4**

The Appellant contends that there is no evidence that the 300 cubic yards of fill to be imported to the site will not be contaminated, and the effect of the fill's permeability in relation to the site soils is not understood and could have an adverse impact on the larger Primary Groundwater Recharge that occupies most all of mountainous north Santa Cruz County. Although the approved project was not conditioned for same, it is generally accepted engineering practice for fill material to be "clean" materials free of contamination. As to the fill soils' relative permeability, it is unlikely that the composition of the fill material would have a significant impact on the Primary Groundwater Recharge area given the Recharge area's enormous size in relation to the area of grading on the project site.

#### **6.2.6**

The Appellant contends that the entire site is unstable. Clearly, the site has stability issues, but there is no evidence that the portion of the site in which development would take place is more unstable than elsewhere on the site. In addition, engineering measures have been designed into the project to address those issues. With geologic hazard conditions being relatively the same across the site, the decision on where best to site development (if development must be contemplated to avoid a takings) is driven more by the resource concerns than the geotechnical concerns (and thus the approved site disturbance area has been located as far from on-site resources as possible). The County required the Applicant to record a deed restriction recognizing the geologic hazards and assuming the risk for choosing to develop in the face of them.

#### **6.2.7**

Policy 6.2.7 prohibits leach fields in areas subject to landsliding unless it is demonstrated that such placement will not affect slope stability. Other than the identified risk should an earthquake affect this site, the underlying geotechnical reports do not identify the leach field area as subject to landsliding.

#### **6.3.2**

The Appellant contends that the grading associated with the project does not contain adequate measures to protect soil and water resources. However, grading operations will be controlled by normally accepted construction BMPs.

#### **6.3.11**

The Appellant contends that the Applicant is being rewarded for clearing of the site that took place in the mid-1990s that was red-tagged by the County. The County subsequently resolved the red-tag issues in early 1996. Although the red-tag background provides context in this case, it does not alter the basic reason that development was approved here. The balance being struck is resource protection versus a private property owner's right to develop property. It is this fundamental balance that allows for



development on a constrained site such as this, notwithstanding any previous vegetation removal that may have occurred historically. In addition, the County's consulting biologist visited the site in early 2002 and delineated the applicable wetland and riparian resources at that time (as opposed to relying on a delineation from the mid-1990s after some amount of vegetation was apparently removed).

**6.6, 7.18b, 7.18.3**

The Appellant alleges that water will be taken away from Mill Creek and "replaced with septic effluent and urban runoff." Again, see previous discussions on LCP balancing. Moreover, it is noted again that this is an existing developed rural residential area. Ultimately, and based on current case law, it must be assumed that existing private property is going to be developed to densities similar to that that exists in the surrounding areas. The subject parcel is not different in this regard than others similarly located relevant to Mill Creek. The percolated effluent and other runoff from it likewise should be similar to surrounding developed residential properties (see also runoff discussion above), and the project will not divert water from Mill Creek.

**7.23.1**

Policy 7.23.1, directed to drainage improvements, is not an LCP policy (although other similar LCP policies exist and apply to this site). The Appellant alleges that on-site retention and percolation of runoff is not part of the project. As detailed above, all site drainage in the approved project is to be collected, and would be filtered through two percolation pits prior to discharge to reduce the potential for any downstream sedimentation.

**8.1.3**

Policy 8.1.3, generally directed to residential site development standards such as setbacks, is not an LCP policy (although other similar LCP policies exist and apply to this site). The Appellant contends that the approved project is excessive. However, the roughly 2,400 square foot residence and associated development is not excessive when compared relative to existing surrounding development in the Quail Drive rural residential subdivision, including the Appellant's existing residence adjacent to the site.

**8.2.2**

Policy 8.2.2, requiring compliance with environmental ordinances, is not an LCP policy (although other similar LCP policies exist and apply to this site). The Appellant alleges that there has not been a proper wetland delineation. The Appellant is correct that the Applicant did not submit a thorough wetland delineation with his application. That said, the County's consulting biologist subsequently delineated the wetland on the subject site and the County's approval was based on this delineation.

**8.6.1**

Policy 8.6.1, generally directed to the relationship of a parcel to the scale of structures it can support, is not an LCP policy (although other similar LCP policies exist and apply to this site). Again, the size and scale of the proposed development is not excessive when compared relative to existing surrounding development.





**8.6.2**

Policy 8.6.2, generally directed to residential site development standards such as setbacks, is not an LCP policy (although other similar LCP policies exist and apply to this site). The Appellant again alleges the existence of an intermittent stream on the property line between his property and the subject site. Again, other than the Appellant's assertion, there is no evidence in the file or in the field to indicate that a separate intermittent stream exists on the Appellant's neighboring property from which the proposed project must also be set back (see previous discussion in this point).

**8.6.5**

Policy 8.6.5, relating to the relationship of a structure to the natural landform, is not an LCP policy (although other similar LCP policies exist and apply to this site). The Appellant alleges that the approved residence is "gargantuan" compared to the "postage stamp" area that is developable in this case. Again, the size and scale of the proposed development is not excessive when compared relative to existing surrounding development (see also above).

**Page 10**

The "Alternative Septic System Ordinance" to which the Appellant refers is actually a subsection of LCP Zoning Code Chapter 7.38 regarding sewage disposal. As such, it is a part of the LCP, and not separate from it.

**C. Substantial Issue Conclusion**

The LCP clearly protects the wetland and stream resources associated with this project, through, among other things, requiring that resource areas be avoided, that development be set back from them, and that project design minimize impacts to them. In cases of special circumstances, and explicitly in cases where Constitutional takings issues are involved, the LCP dictates that an appropriate balance be struck between resource protection and private property rights.

Although not fully articulated by the County in their approval, the reason that residential development was approved at this site was to avoid a takings of private property. Clearly, as the Appellant correctly indicates, this site is constrained for development by the presence of an on-site stream and wetland system within which development is prohibited. When the wetland buffer required by the LCP is applied, the entire site is either wetland, stream, or wetland buffer area that would otherwise preclude development. Instead of denying the development, the County attempted to minimize its impact by siting the development as far away from the sensitive resources as possible. Ultimately, the proposed development is not located within the wetland or the stream, is not located within the required stream buffer, but would be located within the required 100 foot wetland buffer (with the house roughly 30 feet from the wetland itself). The County LCP allows lesser wetland buffers subject to certain findings and criteria that apply to this type of situation.

Although the Appellant's appeal contentions are valid concerns, they do not raise substantial issues in terms of this project's conformance with the LCP. Clearly, the project that would be the most protective

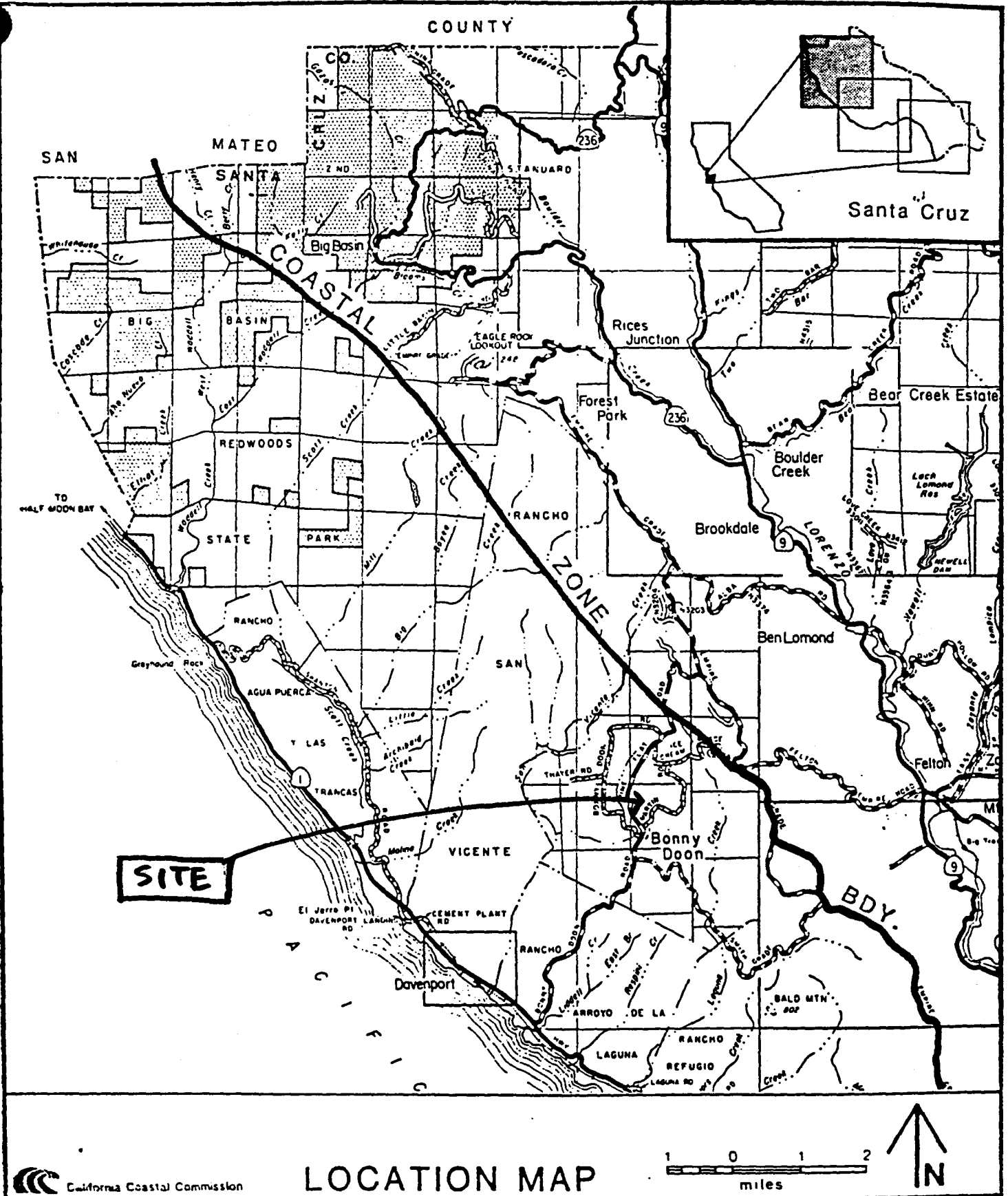


of resources on and off-site in this instance is no project at all. However, a denial cannot be sustained against the property owner's constitutional rights to a reasonable use of their property. In such instances, the LCP requires that a balance be struck. The approved project has avoided the sensitive resources on site, and has been sited to ensure that the resources are buffered to a reasonable degree by tucking the development envelope near the road and in the corner of the property furthest away from the site's sensitive resources. The approved residence is of an average size compared to others in the same general vicinity, including the Appellant's residence on the neighboring property. Although a smaller residence, pushed even further towards Quail Drive would increase the wetland buffer, it would require removal of additional significant trees, potentially increase grading due to slope differences at the road edge, and push the development further into the Quail Drive viewshed. It does not appear that the minor additional wetland buffer distance that could be gained in such a scenario would balance out those impacts, and wouldn't be as respectful of the LCP's takings policies.

In sum, the County-approved project has struck a reasonable balance between competing LCP policies designed to both protect resources and to respect constitutional private property rights. This is a minor residential project with minor impacts in relation to existing overall impacts from existing development in this area, for which the County's decision was adequately supported by the facts of the case. By definition, the exception made in this case is not precedential because it was based upon the site specific set of facts and a potential takings. The Commission does not believe that there would be a significantly different outcome were the Commission to take jurisdiction over this permit.

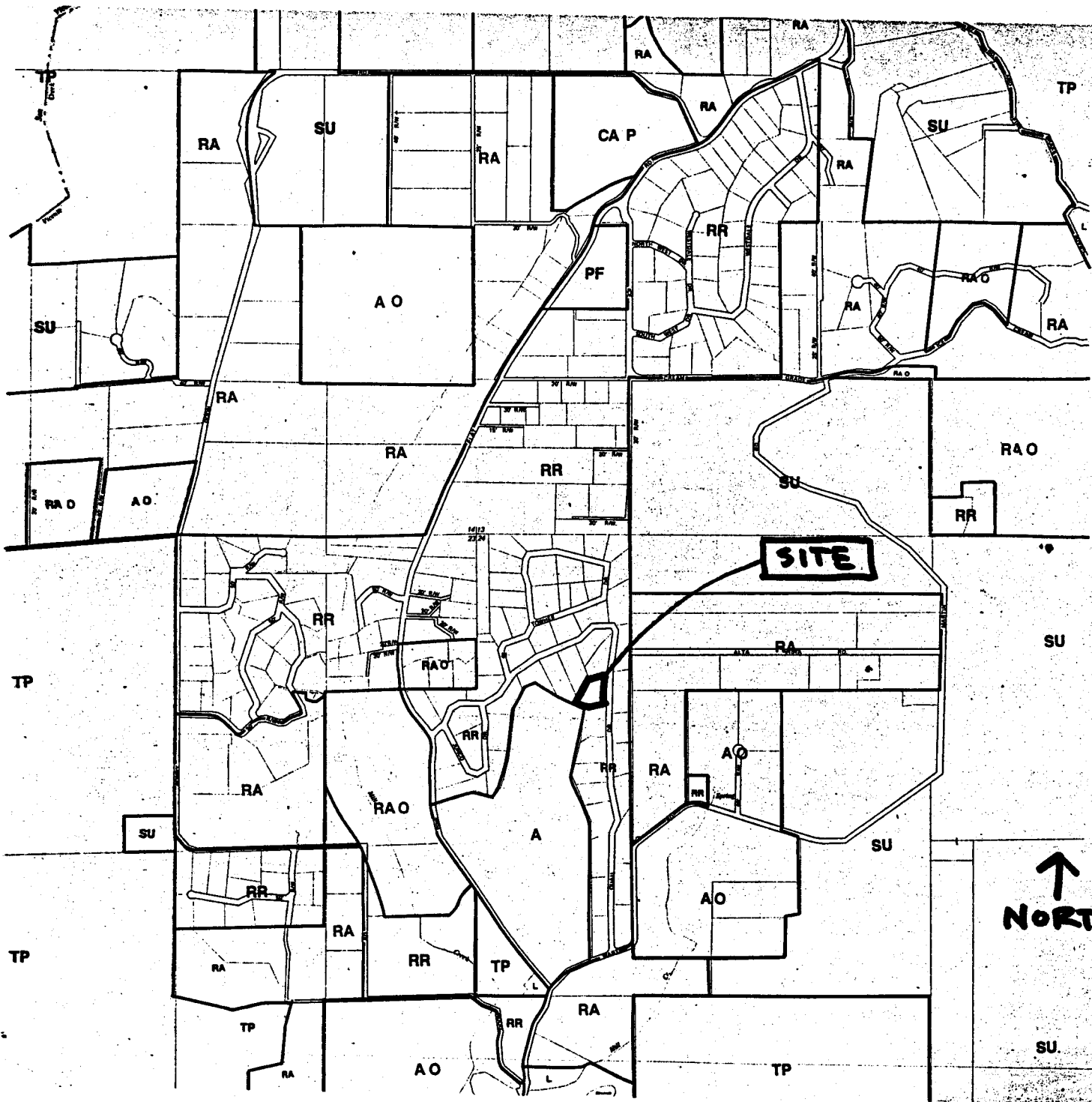
Thus, the Commission finds that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP and declines to take jurisdiction over the coastal development permit for the project.





California Coastal Commission

LOCATION MAP



**CCC Exhibit A**  
 (page 2 of 3 pages)



Santa Cruz County Data - Copyright (C) 2001 - AirPhotoUSA (c) 2000 All Rights Reserved

1766ft

CCC Exhibit  
 (page 1 of 5 pages)

**EROSION CONTROL NOTES**

- DISTANCE TO TYP SHALL BE MAINTAINED TO THE ACTUAL AREA OF THE CONSTRUCTION WORK SHOWN HEREON. NO VEGETATION OR SOIL SHALL BE DISTURBED BEYOND THE MINIMUM REQUIRED TO COMPLETE CONSTRUCTION.
- 1.5% SLOPE PLANTING OF 1 TO 2 GARDEN BLOOMING AND SOIL CLOVER WITH A 2" STRAIN MESH TO BE IN PLACE PRIOR TO OCTOBER 15.
- PERMANENT PLANTING OF NATIVE OR NATURALIZED DECLINING RESISTANT SPECIES OF GRASSES, TREES ETC. WHEN PROJECT IS COMPLETED.
- SOIL CHECKS, FERTILIZING, WATERING OR OTHER METHODS MAY BE REQUIRED TO ESTABLISH NEW VEGETATION ON SLOPES LESS THAN 5% PITCH, 10% SLOPES SHOULD BE STOCKPILED AND REAPPLIED.
- PROTECTION SHALL BE INSTALLED PRIOR TO FINAL APPROVAL OF PROJECT AND AT ALL TIMES THEREAFTER, TO AND AFTER, TO WHICH PROTECTION SHALL BE MAINTAINED FOR AT LEAST ONE YEAR UNTIL PERMANENT PROTECTION IS ESTABLISHED.
- VEGETATION REMOVAL BETWEEN OCT. 15 AND APRIL 15 SHALL NOT PRECEDE SUBSEQUENT GRADING OR CONSTRUCTION ACTIVITIES BY MORE THAN 10 DAYS.

**SEEDING AND MULCHING SPECIFICATIONS**

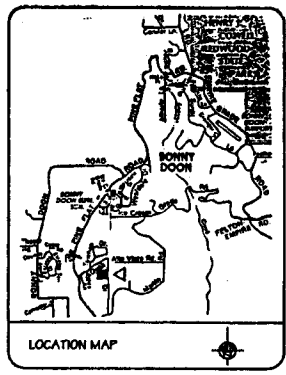
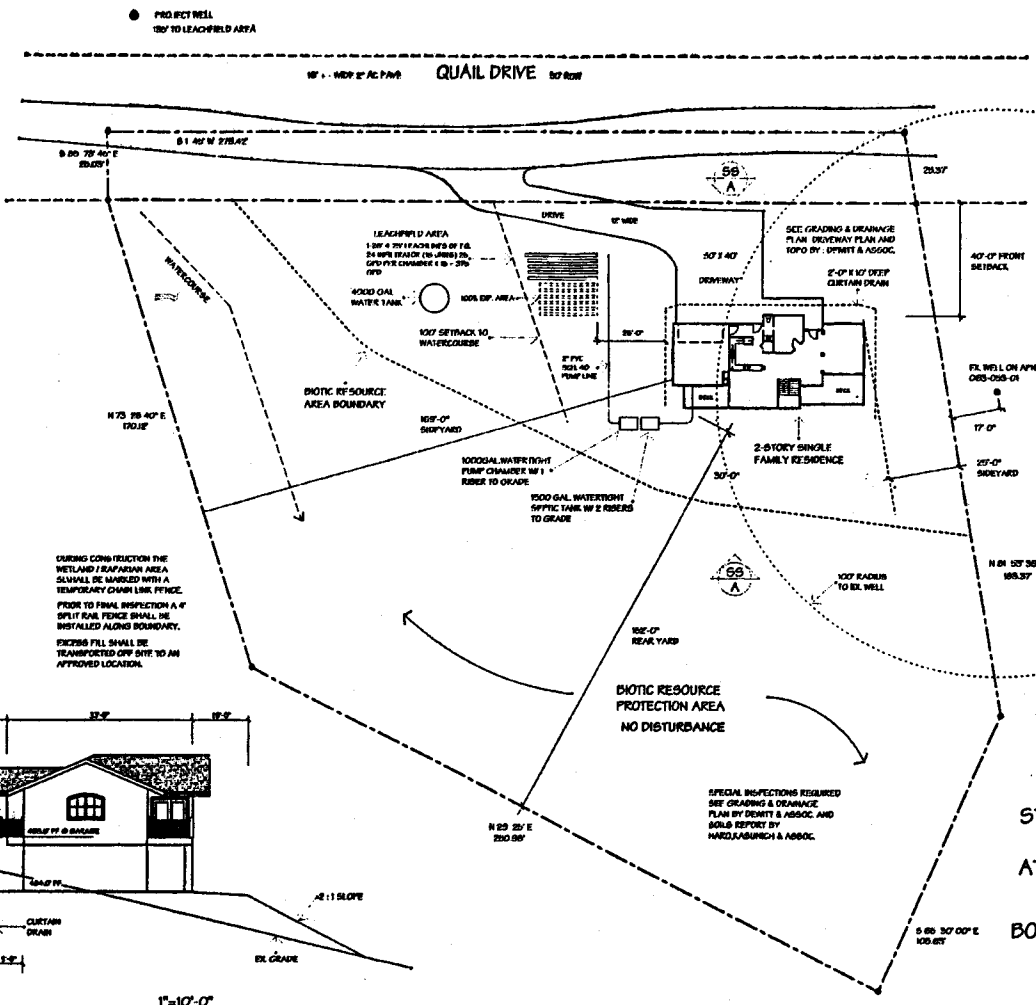
SEEDING TO BE SANTA CRUZ COUNTY EROSION CONTROL MIX BROADCAST BY HANDFIELD BEFORE AT A RATE OF 1.0 LB. PER 1000 SQ. FT.

SEED OF ALL CLOVERS TO BE INOCULATED WITH THE PROPER STRAIN OF NITROGEN-FIXING BACTERIA.

FOR LATE MARCH PLANTING USE CEREAL GRASS (1 DEWLAND VARIETY) AT A RATE OF 5.0 LB. PER 1000 SQ. FT. FOLLOW WITH EROSION CONTROL MIX IN SPRING.

USE AMMONIUM PHOSPHATE FERTILIZER (16-20-000) APPLIED AT A RATE OF 20 LBS. PER 1000 SQ. FT.

WOODY PLANTING FOR LONG TERM EROSION CONTROL TO BE COMPLETED WITH WOODLAND GARDENS ZONE 10 AND IMPACT WESTERN GARDENS BOOK ZONE 17 (COASTAL SANDHARTE ZONE) INCORPORATE NATIVE VEGETATION INTO LANDSCAPE AND SYMBIOTIC SPECIES.



**FIRE SAFETY REQUIREMENTS**

THE RESIDENCE AND ATTACHED GARAGE SHALL BE PROTECTED WITH AUTOMATIC FIRE SUPPRESSION SYSTEM INSTALLATION, APPROVAL, AND MAINTENANCE SHALL BE IN COMPLIANCE WITH N.F.P.A. STANDARD 130 AND LOCAL AMENDMENTS PLANS FOR FIRE SUPPRESSION SYSTEMS. PERMITS BE SUBMITTED AND APPROVED PRIOR TO INSTALLATION. ROUGH-IN INSPECTIONS MUST BE COMPLETED PRIOR TO REQUESTING A FINISHING INSPECTION FROM THE BUILDING INSPECTION DEPT.

FIRE ALARM PULL STATION SHALL BE WIRRED TO KITCHEN REFRIGERATOR CIRCUIT.

ADDRESS NUMBERS SHALL BE POSTED AND MAINTAINED BEFORE CONSTRUCTION AND PERMANENT NUMBERS SHALL BE POSTED PRIOR TO REQUEST OF FINAL INSPECTION. ADDRESS NUMBERS TO BE VISIBLE FROM THE ROAD AND BE 4" MIN. IN HEIGHT "ARABIC" NUMBERS WITH 3/16" STROKE, AND OF CONTRASTING BACKGROUND COLORS TO SIGN ROOFING TO BE CLASS "A" BUILDUP AS DEFINED BY I.B.C. STAND. 15-2 THREE SHALL BE A 20' CLEARANCE MAINTAINED WITH NON-COMBUSTIBLE VEGETATION AROUND ALL STRUCTURES.

THE INSTALLATION OF AN APPROVED SPARK ARRESTOR SHALL BE PLACED ON TOP OF THE CHIMNEY. WIRE MESH NOT TO EXCEED 1/2".

RESIDENCE FOR:  
 STEVE AND BONNIE VENN  
 AT: A.P.N. 063-053-02  
 QUAIL DRIVE  
 BONNY DOON, CALIFORNIA

PROJECT GEOTECHNICAL ENGINEER  
 HARD, KASUNICH & ASSOC. INC.  
 116 EAST LAKE AVENUE  
 WATSONVILLE, CALIFORNIA  
 PROJECT NO. SC4930

PROJECT CONSULTING ENGINEER  
 RONALD DELNAP & ASSOC.  
 P.O. BOX 8189  
 TAHOE CITY, CALIFORNIA

PROJECT CIVIL ENGINEER  
 ROBT. L. DEWITT & ASSOC. INC.  
 1607 OCEAN STREET  
 SANTA CRUZ, CALIFORNIA

PROJECT DESIGNER  
 WA'AWA PACIFIC  
 78-6630 MAMALAHOA HWY.  
 HOLAALOA, HAWAII

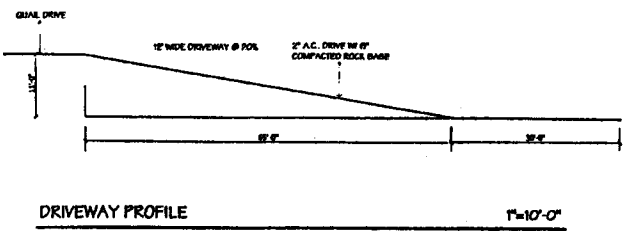
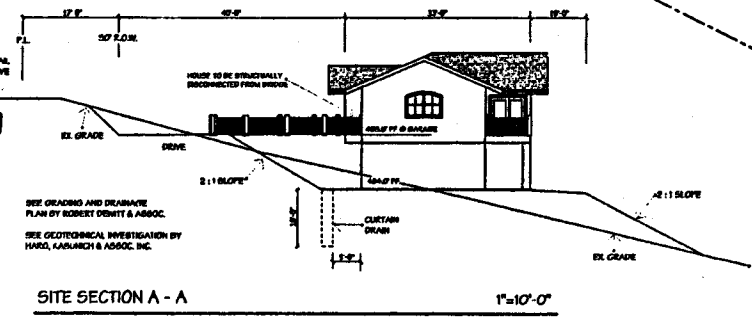
REV. 3-8-82 M.M.  
 REV. 7-8-82 M.M.  
 REV. 9-18-82 M.M.

WA'AWA PACIFIC  
 78-6630 MAMALAHOA HWY.  
 HOLAALOA, HAWAII 96725

RESIDENCE FOR:  
 STEVE AND BONNIE VENN  
 QUAIL DRIVE  
 BONNY DOON, CALIFORNIA

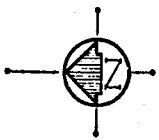
DATE: 8-18-80  
 DES. BY: M.M.  
 JOB NO.: 00-027  
 SCALE: 1"=50'

SHEET  
 1  
 OF 12 SHEETS



**SITE PLAN** 1" = 20'-0"

LOT AREA	67,019 SQ. FT.
ROAD EASEMENT	6,975 SQ. FT.
NET LOT AREA	60,044 SQ. FT.
COVERAGE BY STRUCTURES	2,006 SQ. FT. = 3%





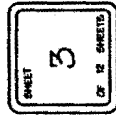


WA 7A PACIFIC  
 78-6630 MAMALAHOA HWY.  
 HOLLUAOLA, HAWAII 96725

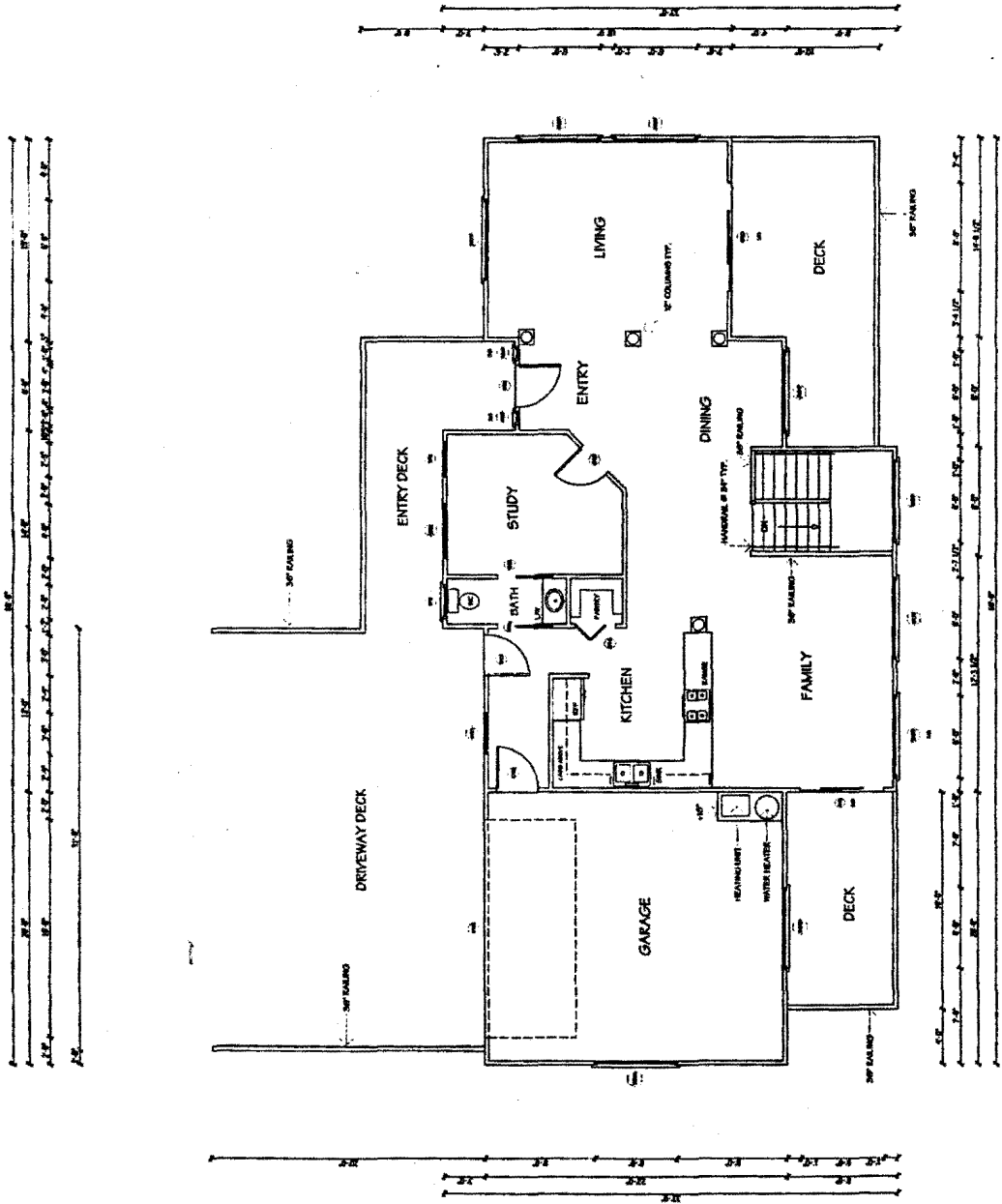
RESIDENCE FOR:  
 STEVE AND BONNIE YENN  
 QUAIL DRIVE  
 BONNY DOON, CALIFORNIA



DATE: 8-16-00  
 JOB NO.: 00-007  
 SCALE: 1/4"=1'-0"



SHEET  
 5  
 OF 12 SHEETS



1/4"=1'-0"

UPPER FLOOR PLAN

1228 SQ. FT.



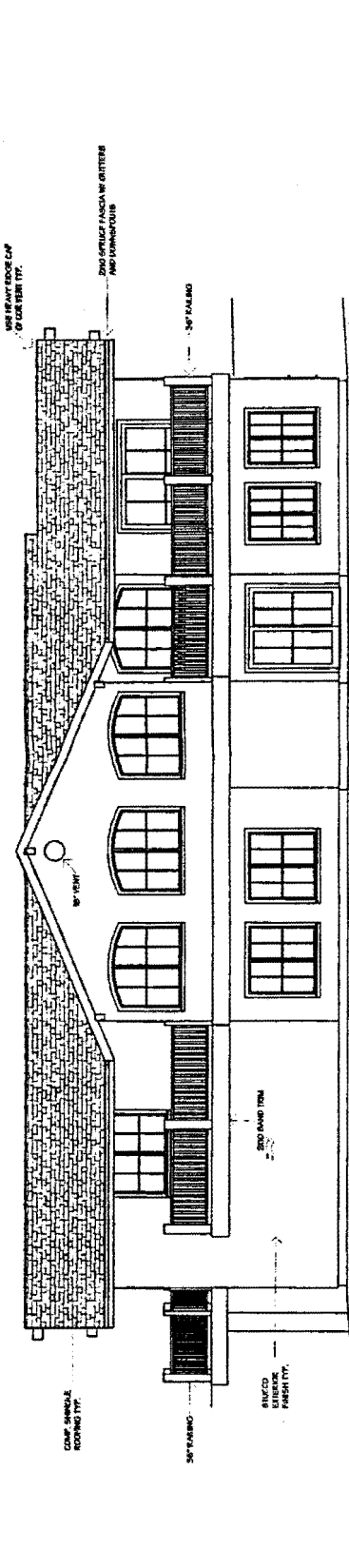
SEE 3-BLOCK WALL  
 DET. 7-20 OF WALL  
 DET. 8-20 OF WALL

WA 'A WA 'A PACIFIC  
 78-6630 MAMALAHOA HWY.  
 HOLELOA, HAWAII 96725

RESIDENCE FOR:  
 STEVE AND BONNIE YENN  
 QUAIL DRIVE  
 BONNY DOON, CALIFORNIA

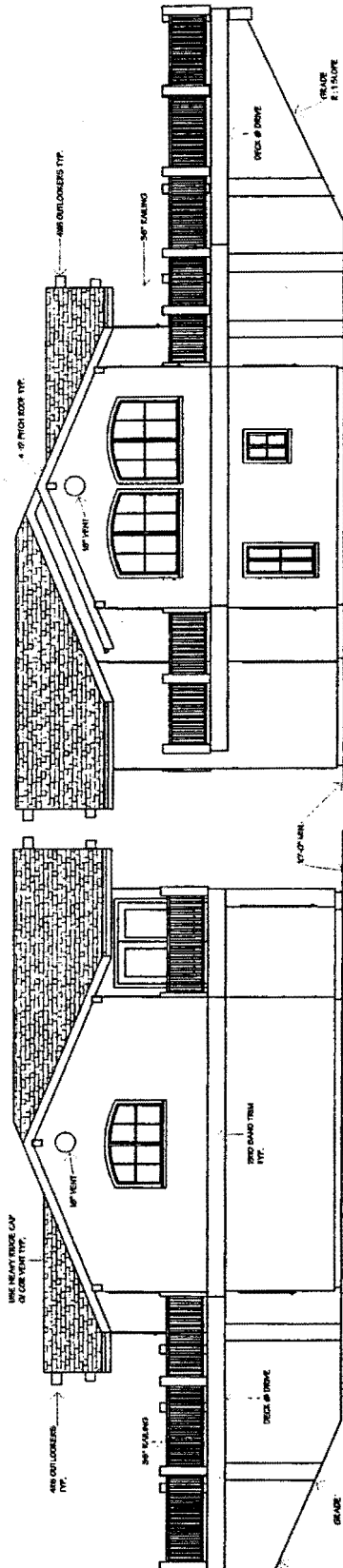
DATE: 8-16-00  
 DWN. BY: MAM  
 JOB NO.: 00-007  
 SCALE: 1/4"=1'-0"

SHEET  
 4  
 OF 12 SHEETS



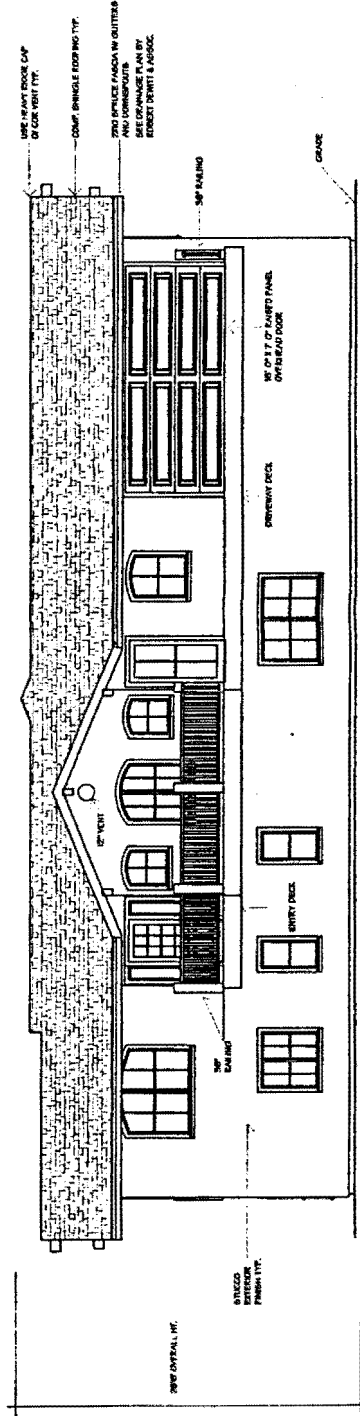
WEST ELEVATION

1/4"=1'-0"



NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION

1/4"=1'-0"

RESIDENCE AND BONNIE V FOR  
STEVE AND BONNIE V  
QUAL DRIVE

DATE	01/27/02
BY	...
SCALE	1" = 10'
SHEET NO.	17

HPK  
PATTEN LANDSCAPE ARCHITECTS  
150 PINE ST. 3RD FL. SAN FRANCISCO, CA 94102  
415.774.8800

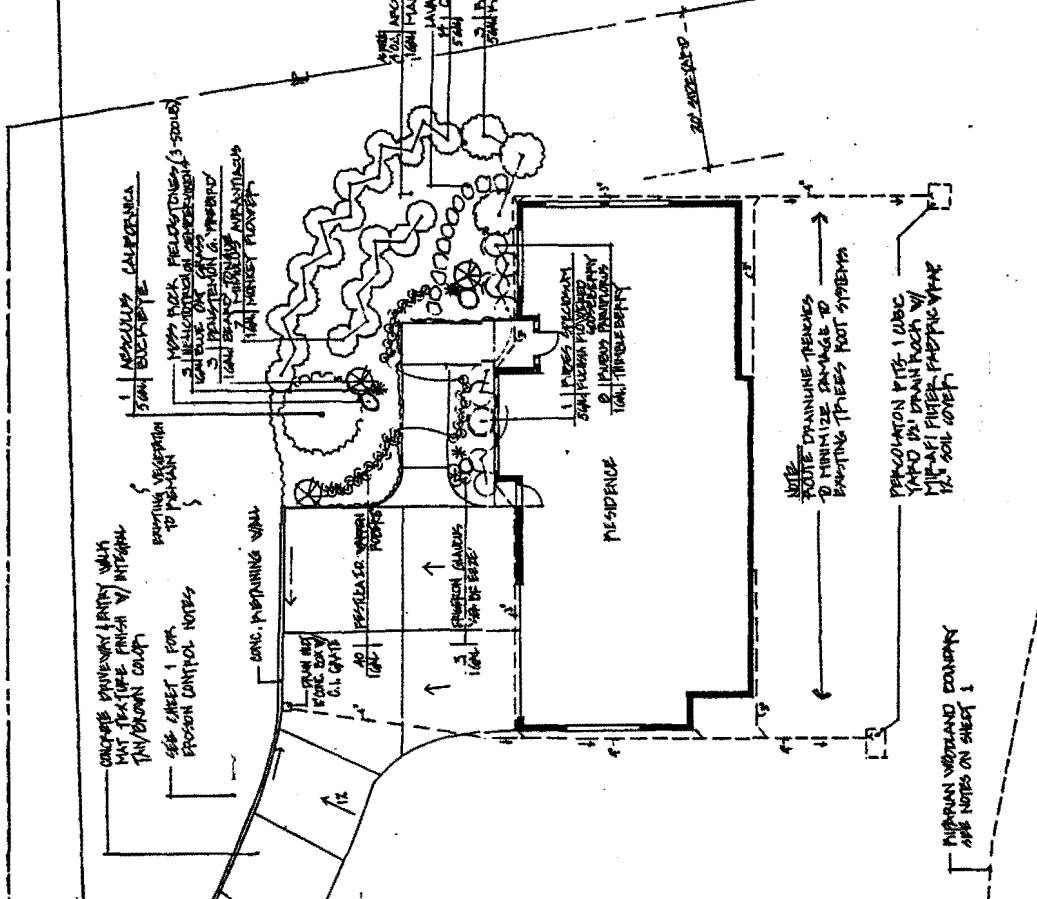
NO.	DATE	REVISIONS

- MAINTENANCE**
- All planting areas shall receive 75% Poly-Dash film and mulch at the time of 4 weeks growth. 1000 square feet, evenly distributed over the site to 1/2 inch depth.
  - All shrub and ground cover planting areas shall be top-dressed with 2" layer of mulch and watered weekly for 4 weeks.
  - All tree material shall be top-dressed with 4" layer of mulch at the following rates: 1" per 1 gallon plant, 2" per 2 gallon plant and 3" per 12 gallon plant.
  - The contractor shall water all trees to wilt, flower and establish with approved watering schedule for 1 year.
  - Plant material locations shown are approximate and may be subject to change in the field by the landscape architect.

**LEGEND**

--- FRANKLINS  
--- SIZE AS INDICATED  
--- SEE NOTES ABOVE

- Drainage Notes**
- All drain pipe shall be single wall type with 12 in. cover.
  - Minimum slope for pipe is 1% with 2% preferred.
  - Lines are all from roof to verify performance prior to backfilling.
  - Transverse shall be backfilled with clean soil and hydrogranular.
  - This plan is diagrammatic. All developments and deck details shall be coordinated with drainage system.



**DRAINAGE & LANDSCAPE PLAN**  
SCALE 1/4" = 1'-0"

NO DISTURBANCE BIOTIC RESOURCE PROTECTION AREA

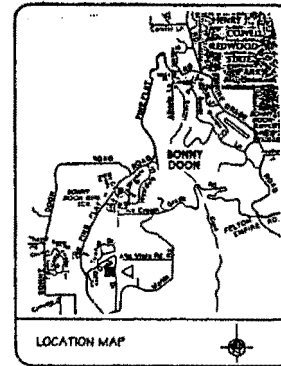
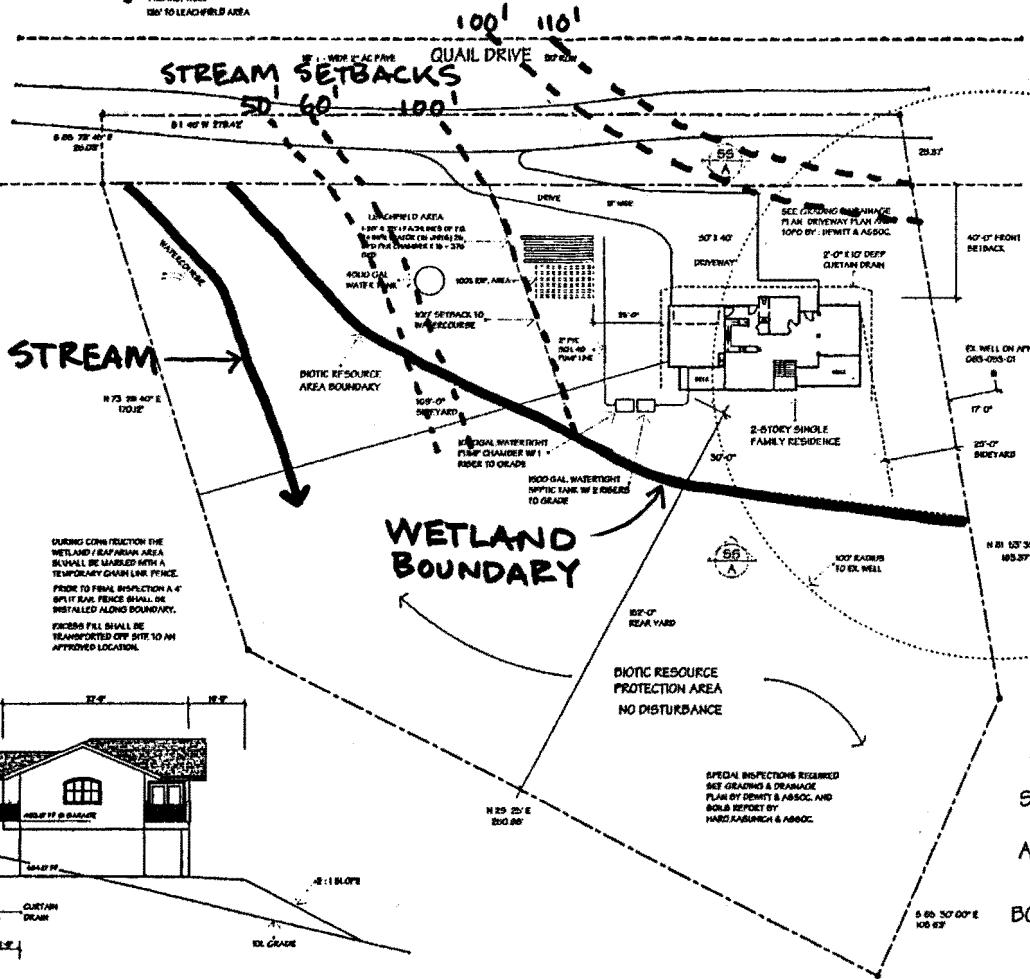
- Notes:**
1. Irrigation system shall be installed in accordance with the local code of the city of San Francisco. The system shall be installed in accordance with the local code of the city of San Francisco.
  2. Areas of concrete to be placed shall be identified by colored ribbon prior to cleanup.
  3. Areas of concrete to be placed shall be identified by colored ribbon prior to cleanup.
  4. Irrigation shall be installed between March 15 and April 15.
  5. Material to be placed shall be identified by colored ribbon. All work and materials of concrete shall be installed and approved at the city of San Francisco. The work shall be installed in accordance with the local code of the city of San Francisco.

(page 1 of 1 pages)  
**CCC Exhibit**

# WETLAND SETBACKS

## EROSION CONTROL NOTES

1. DISTANCE TO T-P SHIP SHALL BE CONTAINED TO THE ACTUAL AREA OF THE CONSTRUCTION WORK SHOWN HEREON.
  2. WHERE EXPOSED SOIL SHALL BE DISTURBED WITHIN MINIMUM REQUIRED TO COMPLETE CONSTRUCTION.
  3. LIVE VEGETATION PLANTED AT 1 TO 2 RATIO BROAD LEAF AND TREE PLANT WITH A 2" SPACING TO BE IN PLACE PRIOR TO OCTOBER 15.
  4. PERMANENT PLANTING OF NATIVE OR NATURALIZED GRASSES, LEGUMES AND OTHER SPECIES, TREES ETC. WHEN PROJECT IS COMPLETED.
  5. MULCHING, FUEL LOGS, BARRIERS OR OTHER METHODS MAY BE REQUIRED TO PREVENT SOIL VEGETATION ON SLOPES (LESS THAN 30 PERCENT, TOPSOIL SHOULD BE RECOVERED AND REAPPLIED).
  6. PROTECTION SHALL BE INSTALLED PRIOR TO FINAL APPROVAL OF PROJECT AND AT ALL TIMES HEREIN OCT. 15 AND APRIL 15. SHOULD PROTECTION SHALL BE MAINTAINED THROUGHOUT THE WINTER UNTIL PERMANENT PROTECTION IS ESTABLISHED.
  7. VEGETATION REMOVAL BE PRIOR OCT. 15 AND APRIL 15 SHALL NOT EXCEED SUBSEQUENT GRADING OR CONSTRUCTION ACTIVITIES BY MORE THAN 15 DAYS.
- SEEDING AND MULCHING SPECIFICATIONS
- SEEDING TO BE SANTA CRUZ COUNTY EROSION CONTROL MIX BROADCAST BY HANDLED BEFORE AT A RATE OF 1.0 LB. PER 1000 SQ. FT.
- SEED OF BLUE CLOVERS TO BE INCULCATED WITH THE PROPER STRAIN OF NITROGEN-FIXING BACTERIA.
- FOR LATE SEASON PLANTING USE SPECIAL BARLEY (WETLAND VARIETY) AT A RATE OF 0.5 LB. PER 1000 SQ. FT. FOLLOW WITH EROSION CONTROL MIX IN SPRING.
- USE MANURE OR PHOSPHATE FERTILIZER (10-20-000) APPLIED AT A RATE OF 0.5 LB. PER 1000 SQ. FT.
- MULCH PLANTING FOR LONG TERM EROSION CONTROL TO BE COMPATIBLE WITH USDA HARDNESS ZONE 9 AND CHERRY REDWOOD GARDEN SOIL ZONE 17 (COASTAL SANDHILL STATE ZONE) INCORPORATE NATIVE VEGETATION INTO LANDSCAPE, AVOID EXOTIC SPECIES.
- DURING CONSTRUCTION THE WETLAND / BUFF AREA SHALL BE MARKED WITH A TEMPORARY CHAIN LINK FENCE.
- PRIOR TO FINAL INSPECTION A 4" SPLIT RAIL FENCE SHALL BE INSTALLED ALONG WETLAND / BUFF AREA BOUNDARY AND PERMANENTLY MAINTAINED IN PLACE.
- EXCESS FILL SHALL BE TRANSPORTED OFF SITE TO AN APPROVED LOCATION.



## FIRE SAFETY REQUIREMENTS

THE RESIDENCE AND ATTACHED GARAGE SHALL BE PROTECTED WITH AUTOMATIC FIRE SUPPRESSOR SYSTEM INSTALLATION, APPROVED, AND MAINTENANCE SHALL BE IN COMPLIANCE WITH NFPA STANDARD 1300 AND LOCAL JURISDICTION. PLANS FOR FIRE SUPPRESSOR SYSTEMS MUST BE SUBMITTED AND APPROVED PRIOR TO INSTALLATION. ROUGH-IN INSPECTIONS MUST BE COMPLETED PRIOR TO RECEIVING A FINAL INSPECTION FROM THE BUILDING INSPECTION DEPT.

FIRE ALARMS WITH BATTERIES SHALL BE INSTALLED TO AUTOMATICALLY SOUND ALARMS.

ADDRESS NUMBERS SHALL BE POSTED AND MAINTAINED BEFORE CONSTRUCTION AND PERMANENT REMOVED SHALL BE POSTED PRIOR TO RECEIVING FINAL INSPECTION. ADDRESS NUMBERS TO BE VISIBLE FROM THE ROAD AND BE 4" HIGH IN HEIGHT. ADDRESS NUMBERS WITH 3/8" STROKE, AND OF CONTRASTING BACKGROUND COLORS TO SIGN ROADS TO BE CLASS "A" BUILDING AS DEFINED BY U.S.C. STAND. 15-2. THESE SHALL BE A 2" CLEARANCE MAINTAINED WITH NON COMBUSTIBLE VEGETATION AROUND ALL STRUCTURES.

THE INSTALLATION OF AN APPROVED SPARK ARRESTOR SHALL BE PLACED ON TOP OF THE CHIMNEY. WIRE MESH NOT TO EXCEED 1/4".

RESIDENCE FOR:  
**STEVE AND BONNIE VENN**  
 AT: A.P.N. 063-053-02  
 QUAIL DRIVE  
 BONNY DOON, CALIFORNIA

PROJECT GEOTECHNICAL ENGINEER  
 HARD, KASUNICH & ASSOC. INC.  
 116 EAST LAKE AVENUE  
 WATSONVILLE, CALIFORNIA  
 PROJECT NO. 504930

PROJECT CONSULTING ENGINEER  
 RONALD DELNAP & ASSOC.  
 P.O. BOX 8189  
 TAHOE CITY, CALIFORNIA

PROJECT CIVIL ENGINEER  
 ROBT. L. DEWITT & ASSOC. INC.  
 1807 OCEAN STREET  
 SANTA CRUZ, CALIFORNIA

PROJECT DESIGNER  
 WA'AWA PACIFIC  
 78-6630 MAMALAHOA HWY.  
 HOLEALOA, HAWAII

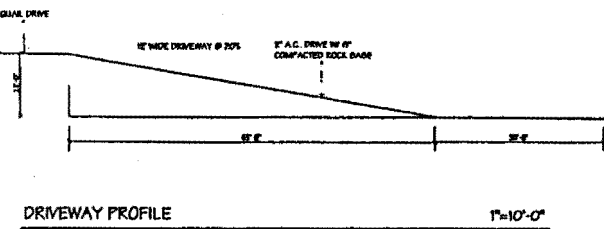
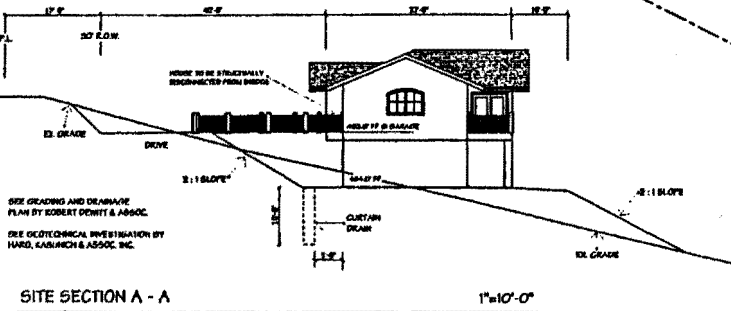
REV. 9-8-08 M.L.A.  
 REV. 8-18-08 M.L.A.  
 REV. 8-18-08 M.L.A.

WA'AWA PACIFIC  
 78-6630 MAMALAHOA HWY.  
 HOLEALOA, HAWAII 96725

RESIDENCE FOR:  
 STEVE AND BONNIE VENN  
 QUAIL DRIVE  
 BONNY DOON, CALIFORNIA

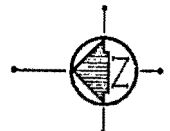
DATE: 05-18-10-00  
 DRAWN BY: M.L.A.  
 JOB NO.: 063-053-007  
 SCALE: 1"=20'

SHEET  
 1  
 OF 12 SHEETS



## SITE PLAN

LOT AREA	67,019 SQ. FT.
ROAD EASEMENT	6,975 SQ. FT.
NET LOT AREA	60,044 SQ. FT.
COVERAGE BY STRUCTURES	2,006 SQ. FT. = 3%



**STAFF REPORT TO THE ZONING ADMINISTRATOR**

APPLICATION NO.: 01-0074                      APN: 063-053-02  
APPLICANT: Patrick & Jill Corrigan  
OWNER: Patrick & Jill Corrigan

**PROJECT DESCRIPTION:** Proposal to construct a single-family dwelling and grade approximately 450 cubic yards of material for driveway and improvements. Requires a Coastal Development Permit, Preliminary Grading Review, Archaeological Site Review, Soils Report Review and Biotic Report Review.

**LOCATION:** Property located on the west side of Quail Drive, about 2,000 feet north of Martin Road in Bonny Doon.

**PERMITS REQUIRED:** Coastal Development Permit  
**ENVIRONMENTAL DETERMINATION:** Categorical Exemption – Type 3  
**COASTAL ZONE:** X Yes \_\_\_ No                      **APPEALABLE TO CCC:** X Yes \_\_\_ No

**PARCEL INFORMATION**

**PARCEL SIZE:**                      1.35 acres  
**EXISTING LAND USE:**  
    **PARCEL:**                      Vacant  
    **SURROUNDING:**              Residential  
**PROJECT ACCESS:**              Quail Drive  
**PLANNING AREA:**              Bonny Doon  
**LAND USE DESIGNATION:**      R-R (Rural Residential)  
**ZONING DISTRICT:**              RR (Rural Residential)  
**SUPERVISORIAL DISTRICT:**      Third District

**ENVIRONMENTAL INFORMATION**

- |                      |    |                                    |
|----------------------|----|------------------------------------|
| a. Geologic Hazards  | a. | Yes, liquefaction, slope stability |
| b. Soils             | b. | NRCS Type 183, Zayante Coarse Sand |
| c. Fire Hazard       | c. | Critical Fire Hazard Area          |
| d. Slopes            | d. | 20% average gradient               |
| e. Env. Sen. Habitat | e. | Riparian Woodland/Wetland          |
| f. Grading           | f. | Approximately 400 cubic yards      |
| g. Tree Removal      | g. | Yes                                |
| h. Scenic            | h. | Scenic Resource Area               |
| i. Drainage          | i. | Drainage plan required             |
| j. Traffic           | j. | N/A                                |
| k. Roads             | k. | N/A                                |
| l. Parks             | l. | N/A                                |

- |                       |   |
|-----------------------|---|
| m. Sewer Availability | m. Individual septic system                               |
| n. Water Availability | n. Shared well  |
| o. Archeology         | o. Archaeological Site Review completed, negative results |

**SERVICES INFORMATION**

Inside Urban/Rural Services Line: \_\_\_ Yes X No

Water Supply: Shared well  
Sewage Disposal: Individual septic system  
Fire District: County Fire/CDF  
Drainage District: No zone

**HISTORY**

At the August 2, 2002 public hearing on this project the Zoning Administrator agreed with the staff recommendation to continue consideration of Application Number 01-0074, until after the following information and plan revision are submitted and evaluated by Planning Department staff:

Septic System & Grading Plans

- A civil engineer must prepare grading plans in conformance with the Minimum Grading Plan Intake checklist.
- The required curtain drain must be accurately located on the grading plans in plan view and cross section and must be located no closer than twenty-five feet, or fifty feet if required by the Department of Environmental Health, from the leachfield. Please note that simply relocating the leach field to achieve the required minimum setback from the curtain drain is problematic because of the requirement to maintain a minimum one hundred foot separation from the stream.
- Grading plans must show the wetland/riparian woodland boundary as modified by the Biotic Report Review and a clearly marked disturbance envelope, beyond which no clearing, grading or other activity shall take place.

Soils Report

- A soil report addendum that includes an engineering analysis and evaluation of lateral displacements and flotation of septic tanks and structures with basements; and an evaluation of the potential for lateral spreading. If necessary, the soil engineer shall provide recommendations for mitigation of lateral spreading and any recommendations shall be incorporated into the grading plans. The soils report addendum must provide recommendations for retaining wall and curtain drain construction, including temporary shoring and dewatering for excavations below the water table in loose sands. The soils engineer shall review and approve the grading plans in writing.

### Zoning

- The site plan must show the proposed location of the water tank required by the fire department. The water tank must meet all required zoning setbacks for structures unless the fire department states in writing that the water tank must be placed in a particular location that does not meet minimum setbacks but is required in order to provide adequate fire protection.
- The plans must be revised so that all portions of the structure, specifically the study room, meet the required minimum forty-foot front yard setback. The roof eave may cantilever into the front yard setback a maximum of six feet.

The applicant has submitted additional information and plan revisions, which are analyzed and discussed below. During the public hearing on August 2, 2002 the Zoning Administrator continued consideration of the project to a date certain, September 20, 2002; therefore, additional public notice is not required.

### **ANALYSIS AND DISCUSSION**

The property is an approximately 1.35 acre lot, located in the RR (Rural Residential) zone district, a designation that allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-R) Rural Residential General Plan designation. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

In general, vegetation on the parcel consists of mixed evergreen forest on the eastern third of the parcel and wetland/riparian woodland habitat and stream corridor on the western two thirds. The property slopes down from east to west with an average slope gradient of approximately twenty percent. Soil on the property consists of Zayante coarse sand, a very deep, excessively drained soil derived from consolidated marine sediments and sandstone. The property possesses several major environmental resources and constraints that may affect, or be affected by, the proposed development because of the soil type, sensitive habitat areas and hydrologic conditions in the area. The particular issues related to the proposed development are discussed below.

### Sewage Disposal Issues

The Department of Environmental Health has approved a new individual sewage disposal permit for the proposed development (Exhibit E). The system has been designed to accommodate a 4-bedroom residence, which has been confirmed by Environmental Health staff. See e-mail correspondence between County of Santa Cruz Environmental Health Service (EHS) staff (Richard Wilson) and California Regional Water Quality Control Board (RWQCB) staff (Todd Stanley) attached as Exhibit F. Because the property is located in an area of sandy soils (Zayante Series) with fast percolation rates the approved sewage disposal system includes enhanced treatment devices providing for reduction of nitrogen in the effluent prior to discharge to the underlying soil. Enhanced treatment systems are considered alternative systems, which must be

in conformance with various sections of the Sewage Disposal ordinance. In addition, the proposed sewage disposal system has been reviewed by RWQCB staff and found to be consistent with the Memorandum of Understanding (MOU) between the County and RWQCB regarding alternative systems (Exhibit F).

The parcel size is in conformance with General Plan policy 5.5.5, which requires one net acre minimum parcel size in the Bonny Doon Planning Area in accordance with the Sewage Disposal ordinance. The parcel size, as defined in the Sewage Disposal ordinance is greater than one acre (approximately 1.35 acres). The proposed septic system will not be located in any of the prohibited areas. The leaching system is not located on a slope exceeding 30% gradient and is not located in a one hundred year flood zone or other low lying area.

The leachfield and expansion area must be setback from the stream by at least 100 feet; from any structure by at least five feet; and from any curtain drain located down gradient, or up gradient but with the bottom of curtain drain located at an elevation below the bottom of the leachfield, by at least 25 feet. In addition, the leachfield and expansion area must be located at or above those contours on which the T1 and T3 winter water test holes are located.

The geotechnical (soils) report (Exhibit K & M) prepared for this project recommends a curtain drain surrounding the upslope perimeter of the building envelope in order to dewater areas upslope of the foundation and lower the water table. The applicant has submitted grading plans prepared by a civil engineer, which show the proposed improvements including location of the leachfield and expansion area, site retaining walls, and curtain drain (Exhibit A). The grading plans show the location of the stream and the designated wetland/riparian woodland boundary line. Typically, retaining walls are constructed with a curtain drain located behind the wall to maintain a "drained" condition behind the wall. Therefore, the leachfield and expansion area must maintain a 25-foot setback from any retaining wall constructed with a curtain drain. Retaining walls may also be designed for "undrained" conditions, which means the retaining wall does not have a curtain drain located behind the wall, in which case the leachfield and expansion area must maintain the 5-foot structural setback only. The grading plans show the leach field and expansion area located in an area that meets the 100-stream setback, 25-foot curtain drain setback, and 5-foot structural setback. The retaining wall that supports the driveway must be designed and constructed for undrained conditions anywhere within 25 feet of the leachfield and where the bottom of the foundation of the wall is below the elevation of the leachfield.

The grading plans show that the leach field and expansion area are located above those contours on which the T1 and T3 winter water test holes are located and outside of the biotic resource area (wetland/riparian woodland boundary line).

In order to ensure that the septic system conforms to all of the setback requirements final grading plans must include plan view and cross sectional details of retaining wall and curtain drain construction sufficient to demonstrate compliance. Final grading plans must include multiple detailed cross sections through all retaining walls, curtain drains and the leachfield area showing relative elevations of curtain drains and leachfield and horizontal setbacks. In addition, permit conditions such as pre-construction surveying, staking, fencing and site meeting are proposed to ensure construction of improvements is in accordance with approved plans.

### Water Supply Issues

The Department of Environmental Health has approved an Individual Water System Permit to connect to an existing system (Exhibit G). The existing water system is a well located on Assessor's Parcel Number 063-052-05, at 467 Quail Drive, across the street from the subject property. A pump test was performed and water samples were obtained to determine the quantity and quality of the well water. Test results indicate that adequate quantity of water is available and water quality meets standards. In addition, Environmental Health staff has indicated that, assuming the existing well met installation standards in effect at the time it was constructed (approximately 1973) it may be approved for new development. The well is located over one hundred feet from the proposed leach fields on the subject property. Any permit issued for the proposed development will contain a condition requiring filing a recorded easement allowing the operation and maintenance of the shared well and filing a recorded easement allowing installation and maintenance of the water line from each legal owner of property that the water line will traverse. In addition, the applicant owner must obtain approval from the Vineyard Road Association for installation and maintenance of the water line across Quail Drive.

### Sensitive Habitat Issues

In general, vegetation on the parcel consists of mixed evergreen forest on the eastern third of the parcel and riparian woodland habitat and stream corridor on the western two thirds. The property slopes down from east to west with an average slope gradient of approximately twenty percent. Soil on the property consists of Zayante coarse sand, a very deep, excessively drained soil derived from consolidated marine sediments and sandstone. The County's consulting biologist completed a review of a Biotic Report prepared by the applicant's consultant for the proposed project. The Biotic Report is attached as Exhibit H and the review by the County's consultant is attached as Exhibit I. The Biotic Report does not provide a formal delineation of wetland and riparian resources; therefore, the review of the report was focused on identifying the proximity of the wetland/riparian woodland boundary to the proposed development and possible significant biotic resources within the development footprint. County staff, in a letter to the applicant, concluded that as long as certain recommendations are implemented, significant impacts to sensitive habitat and special status animals are not expected. See Biotic Report Review letter attached as Exhibit J.

It should be noted that in the absence of formal wetland delineation, County staff and the County's consulting biologist determined that it is appropriate to assume the wetland boundary is coincident with the boundary of the riparian woodland. The reasoning behind this determination is that such delineation represents maximum extent of potential wetland habitat on the site. Consequently, the proposed development is located within the required 100-foot buffer setback from a designated wetland. In order to allow development activities within such a setback a Riparian Exception is required. Riparian Exception findings are found in Exhibit B.

The grading plans show the correct location of the wetland/riparian woodland boundary line. The proposed location of the house footprint will be approximately 25 feet from the boundary; disturbance to construct the fill wedge to support the house pad will extend up to the boundary. The location of the proposed house is setback as far as possible from the wetland/riparian woodland boundary while still maintaining the required minimum 40-foot front yard setback.



The grading for the house pad is required due to the recommendations contained within the soils report, which are based on the soil and groundwater conditions on the site. The proposed grading is the minimum required to construct a level pad large enough to accommodate the proposed structure. A smaller structure would require less grading.

The plans have been revised by reversing the floor plans to relocate the driveway/garage to save a large Ponderosa pine tree, which is a significant tree. A landscape plan has been submitted, which indicates new landscaping utilizing native, drought tolerant species in the immediate vicinity of the southeast corner of the house. Permit conditions will require modification of the landscape plan to include planting of appropriate native, drought tolerant species on the new fill slope. Any permit issued for this project will contain conditions restricting site disturbance and limiting disturbance of native vegetation to the minimum amount necessary to construct the project. Any project approval will also include conditions regarding removal and disposal of noxious, invasive weeds such as French broom and pampas grass, including ongoing follow-up monitoring measures. Other recommendations of the Biotic Report Review (Exhibit J), including items 4, 5, 6 and 7, are typically completed at the building permit application stage of the permit process.

#### Geotechnical Issues

A soil report, attached as Exhibit K, was prepared for the proposed project and reviewed by County staff for conformance with County standards and also for completeness regarding site-specific hazards. The Planning Department accepted the report with recommended permit conditions. The County's report review letter is attached as Exhibit L.

The soils investigation found that the site is underlain by very loose, saturated silty sand from near the surface to about 20 feet below existing grades. Consequently, there is a high potential for seismically induced liquefaction and resulting settlement of proposed improvements. The soils engineer's recommended alternative to reduce the liquefaction hazard is a reinforced concrete slab foundation bearing upon a redensified zone of near surface soil. In other words, the building is designed to "float" upon a raft or mat foundation, which bears on an engineered fill soil mat. The soils report recommendations are intended to provide an ordinary level of risk and prevent structural collapse; however, the structure may require extensive cosmetic and structural repairs after a major seismic event. Proposed conditions of approval require that these risks be acknowledged in a document to be recorded on the property deed.

The soils engineer reviewed the project plans and prepared a soil report addendum to address the concerns raised by County staff at the August 2, 2002 Zoning Administrator hearing. As a result, the project plans have been revised and the recommendations of the soils report are now accurately reflected in the preliminary grading plans prepared by a civil engineer. The retaining wall at the upslope perimeter of the house is omitted. The Grading plans show proposed construction of a level building pad by cutting and filling. The cut area, or inboard edge of the building pad, will be supported by a retaining wall, separated from the house, ranging from 0 to 10 feet in height. A wedge of engineered fill will support the outboard edge of the building pad. In order to create a large enough pad area to accommodate the proposed structure the engineer estimates that approximately 300 cubic yards of import fill is required. The driveway will be supported by a retaining wall on the outboard edge ranging from 0 to 5 feet in height.

Proposed permit conditions such as pre-construction surveying, staking, fencing and site meeting are included to ensure construction of improvements is in accordance with approved plans. In addition, due to seasonally high groundwater conditions on the site, proposed permit conditions include a restriction on grading to a certain time of year as determined by the soils engineer when groundwater conditions are favorable to minimize construction difficulties. For example, after June 15<sup>th</sup> of any year groundwater levels are anticipated to drop to a level that will reduce potential cave-in of excavations.

#### Design Criteria for Coastal Zone Development

The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval. Additional design criteria apply to this project due to its location in a designated rural scenic resource area. The proposed development is located on the only part of the site available for development due to the sensitive habitat and sewage disposal area constraints. For this reason the development will be visible from the public view. The proposed location of the house is setback the minimum 40 feet from the front property line, which places the house approximately 60 feet from the paved portion of Quail Drive. The plans show the water tank located north of the leach field area within the front yard setback. The water tank may be approved in the proposed location if the fire department submits a statement in writing that the proposed location of the water tank is appropriate for fire protection purposes. A buffer of existing vegetation and trees will be maintained between the road and the structures. Invasive species will be removed and replaced with native, drought tolerant species appropriate to the site. The landscape plan will be revised accordingly. This development will not block views of the shoreline from scenic road turnouts, rest stops or vista points.

The development is sited and designed to fit the physical setting considering the geotechnical hazards, septic and biotic constraints. Within these constraints the building and grading envelopes are the minimum necessary to accommodate the proposed development. A smaller house would required even less disturbance. The proposed development maintains the natural site features (mature trees and dominant vegetative communities) to the extent possible considering the identified hazards and constraints. A minimum of approximately 9 trees must be removed to accommodate the proposed structure; driveway and septic system and some additional brush must be removed around the proposed structure to provide defensible space for fire hazards. The proposed tree removal will definitely have an immediate impact on public views; however, many trees and other vegetation will remain as a buffer between the road and the structures. The Fire Department defensible space requirements and the conditions of approval of any permit for the proposed development will require that the final plans include details showing compliance with fire department requirements while minimizing removal of native vegetation.

The structures and grading are designed to meet the recommendations of the soils report, which requires modification of the topography of the site. The site design will create the appearance of a one-story building when viewed from Quail Drive. The retaining walls will not be visible from Quail Drive but will be mostly hidden behind or under the driveway, parking deck and house. A portion of the upper end of the driveway retaining wall will probably be visible from Quail Drive. Pitched, rather than flat roofs, are proposed. Any permit approved for the proposed development will contain conditions requiring that roof surfaces and windows be surfaced with

non-reflective materials, except for solar energy devices; and exterior materials and colors blend with the vegetative cover of the site.

### Conclusion

As proposed, the project is consistent with all applicable codes and policies of the County Code and General Plan/LCP.

### RECOMMENDATION

Staff recommends that the Zoning Administrator take the following action:

1. **Approve** Application Number **01-0074**, based on the attached Findings and subject to the attached Conditions;
2. Certify that the project is exempt from further environmental review under the California Environmental Quality Act (CEQA).

### EXHIBITS

- A. Project plans, including Grading Plans, Architectural Plans and Landscape Plans
- B. Findings
- C. Conditions of Approval
- D. Categorical Exemption
- E. Approval of Individual Sewage Disposal Permit
- F. Correspondence between County EHS and RWQCB
- G. Approval of Individual Water System Permit
- H. Biotic Report
- I. County Consultant Review of Biotic Report
- J. Biotic Report Review Letter
- K. Soil Report
- L. Soil Report Review Letter
- M. Soil Report Addendum and Plan Review Letter
- N. Minimum Grading Plan Intake Requirements
- O. Assessor's parcel map
- P. Zoning map
- Q. Comments & Correspondence

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: David Carlson  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3173

**COASTAL DEVELOPMENT PERMIT FINDINGS:**

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

The property is zoned RR (Rural Residential), a designation which allows Residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-R) Rural Residential General Plan designation.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

The proposal is consistent with the design and use standards pursuant to Section 13.20.130 in that:

- The proposed single family dwelling use is consistent with the surrounding neighborhood.
- The proposed landscape plan is appropriate and suitable to the climate, soil, and ecological characteristics of the area.
- The development is sited and designed to fit the physical setting considering the geotechnical hazards, septic and biotic constraints. Within these constraints the building and grading envelopes are the minimum necessary to accommodate the proposed development, which is confined to a portion of the site that is big enough to accommodate the development with little room to spare. Consequently the development will be visible from the public view. A smaller house would be less visible and require even less disturbance. The proposed development maintains the natural site features (mature trees and dominant vegetative communities) to the extent possible considering the identified hazards and constraints. A minimum of approximately 9 trees must be removed to accommodate the proposed structure; driveway and septic system and some additional brush must be removed around the proposed structure to provide defensible space for fire hazards.

- The site design will create the appearance of a one-story building when viewed from Quail Drive. The retaining walls will not be visible from Quail Drive but will be mostly hidden behind or under the driveway, parking deck and house. A portion of the upper end of the driveway retaining wall will probably be visible from Quail Drive. Pitched, rather than flat roofs, are proposed. Any permit approved for the proposed development will contain conditions requiring that roof surfaces and windows be surfaced with non-reflective materials, except for solar energy devices; and exterior materials and colors blend with the vegetative cover of the site.
  - The development not on a prominent ridge, beach, or bluff top and does not block views of the shoreline from scenic road turnouts, rest stops or vista points.
4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is not located between the shoreline and the first public road. Consequently, the development will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed project is in conformity with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, Residential uses are allowed uses in the RR (Rural Residential) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

## DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed Residential and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity in that:

- The project is located in an area designated for residential uses and the design of foundations for structures, earthwork, drainage and sewage disposal incorporate measures to address the identified physical constraints to development.
- Construction will comply with the Uniform Building Code and the County Building ordinance, the County Grading Ordinance and the recommendations of the soils report to insure the optimum in safety and the conservation of energy and resources. The septic system installation will comply with the County Sewage Disposal Ordinance, including recording a document on the property deed regarding alternative septic system requirements, which includes an operations and maintenance program by a certified professional annually.
- The proposed development will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.
- The development is sited to avoid the identified biotic resources (wetland/riparian woodland) and no significant biotic resources occur within the development footprint. County staff, in a letter to the applicant, concluded that as long as certain recommendations are implemented, significant impacts to sensitive habitat and special status animals are not expected.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the RR (Rural Residential) zone district. The proposed location of the development and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RR zone district in that the

primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Rural Residential (R-R) land use designation. The proposed residential use is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective (Rural Residential).

The proposed development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Objective 8.1.3 (Residential Site and Development Standards Ordinance), in that the development will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed development will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Objective 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling will comply with the site standards for the RR zone district (including setbacks, lot coverage, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is a single family dwelling on an existing undeveloped lot and therefore is an expected increase that has been included in current infrastructure plans. The current density levels set by the General Plan are assumed to generate acceptable levels of traffic and utility use. This project is consistent with those densities.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed single-family dwelling will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in the vicinity, in that the proposed structure is two stories, in a mixed neighborhood of one and two story homes and the proposed single-family dwelling is consistent with the land use intensity and density of the



neighborhood.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed Residential will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

### RIPARIAN EXCEPTION FINDINGS:

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

In general, vegetation on the parcel consists of mixed evergreen forest on the eastern third of the parcel and riparian woodland habitat and stream corridor on the western two thirds. Soil on the property consists of Zayante coarse sand, a very deep, excessively drained soil derived from consolidated marine sediments and sandstone. The County's consulting biologist completed a review of a Biotic Report prepared by the applicant's consultant for the proposed project. The Biotic Report does not provide a formal delineation of wetland and riparian resources. In the absence of formal wetland delineation, County staff and the County's consulting biologist determined that it is appropriate to assume the wetland boundary is coincident with the boundary of the riparian woodland. The reasoning behind this determination is that such delineation represents maximum extent of potential wetland habitat on the site. Consequently the balance of the property lies within the required 100-foot buffer setback from a designated wetland and, when subject to the 40-foot minimum front yard setback, the proposed development envelope (building and grading) extends up to the wetland/riparian woodland boundary.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY.

The property is zoned RR (Rural Residential), a designation which allows Residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-R) Rural Residential General Plan designation.

The soils investigation found that the site is underlain by very loose, saturated silty sand from near the surface to about 20 feet below existing grades. Consequently, there is a high potential for seismically induced liquefaction and resulting settlement of proposed improvements. The soils engineer's recommended alternative to reduce the liquefaction hazard is a reinforced concrete slab foundation bearing upon a redensified zone of near surface soil. In other words, the building is designed to "float" upon a raft or mat foundation, which bears on an engineered fill soil mat. The soils report recommendations are intended to provide an ordinary level of risk and prevent structural collapse; however, the structure may require extensive cosmetic and structural repairs after a major seismic event. Proposed conditions of approval require that these risks be acknowledged in a document to be recorded on the property deed.

The proposed development is sited and designed to fit the physical setting considering the geotechnical hazards, septic and biotic constraints. The structures and grading are designed to meet the recommendations of the soils report, which requires modification of the topography of the site. Within these constraints the building and grading envelopes are the minimum necessary to accommodate the proposed development, which is confined to a portion of the site that is big enough to accommodate the development with little room to spare. A smaller house would required even less disturbance. County staff in a letter to the applicant, concluded that as long as

certain recommendations are implemented (conditions of approval), significant impacts to sensitive habitat and special status animals are not expected.

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED.

The proposed development is located outside the sensitive habitat (wetland/riparian woodland); however, the development is located within the required 100-foot buffer setback from a designated wetland. County staff, in a letter to the applicant, concluded that as long as certain recommendations are implemented, significant impacts to sensitive habitat and special status animals are not expected. These recommendations are incorporated into the revised plans and/or conditions of approval. The conditions of approval also include requirements for grading, drainage and erosion control measures and sewage disposal requirements to protect sensitive habitat and water quality. Therefore, subject to the conditions of approval the proposed development authorized by this riparian exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR, AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE.

The proposed development is located outside the sensitive habitat (wetland/riparian woodland); however, the development is located within the required 100-foot buffer setback from a designated wetland. Development activities are prohibited within riparian corridors other than those activities allowed through exceptions. Therefore, by definition the proposed development will reduce and adversely impact the riparian corridor. However, there is no feasible less environmentally damaging alternative unless the size of the building and number of bedrooms is reduced, which would reduce the size of the septic system and volume of earthwork. Subject to the conditions of approval; however, significant impacts to sensitive habitat and special status animals are not expected as a result of the proposed development.

5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF, AND THE LOCAL COASTAL PROGRAM LAND USE PLAN.

The granting of the exception is in accordance with the purpose of the Riparian Corridor and Wetlands Protection Ordinance in that the proposed grading and septic envelopes are the minimum required to accommodate the proposed development activities. It should be noted that the size of the septic system and the volume of earthwork would be further reduced with a reduction in the size of the building and the number of bedrooms. Subject to the conditions of approval; however, significant impacts to sensitive habitat and special status animals are not expected as a result of the proposed development.

Subject to the conditions of approval the proposed development is in conformance with the objectives of the General Plan/LCP to preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

## CONDITIONS OF APPROVAL

Exhibit A: Preliminary Grading and Drainage Plan consisting of one sheet by Robert L. Dewitt & Associates, Inc. dated 8/21/02. Drainage and Landscape Plan consisting of one sheet by Pattern Landscape Architecture dated 6/29/02. Architectural Plans consisting of four sheets by Wa'a Wa'a Pacific dated 5/16/00, revised 3/9/02 and 7/18/02.

- I. This permit authorizes the construction of a single-family dwelling and grading approximately 450 cubic yards of material for driveway and improvements. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days of the approval date on this permit.
  
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    - 1 Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format. Exterior materials and colors shall blend with the vegetative cover of the site.
    - 2 Indicate that all roof surfaces and windows be surfaced with non-reflective materials, except for solar energy devices.
    - 3 Details showing compliance with fire department requirements.
  - B. Submit Final Engineered Grading Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    - 1 The civil engineer must prepare grading plans in conformance with the

Minimum Grading Plan Intake checklist.

- 2 The grading plans shall show the leach field and expansion area located in an area that meets the 100-stream setback, 25-foot curtain drain setback, and 5-foot structural setback. The retaining wall that supports the driveway must be designed and constructed for undrained conditions anywhere within 25 feet of the leachfield and where the bottom of the foundation of the wall is below the elevation of the leachfield.
- 3 In order to ensure that the septic system conforms to all of the setback requirements final grading plans must include plan view and cross sectional details of retaining wall and curtain drain construction sufficient to demonstrate compliance. Final grading plans must include multiple detailed cross sections through all retaining walls, curtain drains and the leachfield area showing relative elevations of curtain drains and leachfield and horizontal setbacks.
- 4 Site disturbance shall limited and disturbance of native vegetation shall be limited to the minimum amount necessary to construct the project.

C. Submit Final Landscape Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:

- 1 A plan for removal and long term management to ensure exclusion of non-native, invasive species on the parcel. The non-native, invasive removal and control plan shall provide details of the areas to be cleared, the timing of the clearing efforts and the method to be used, and the method for monitoring and maintenance.
- 2 During construction, the boundary of the wetland/riparian woodland area shall e marked with a temporary chain link fence. Prior to final inspection of the building permit, an open type fence, such as split rail fence, shall be constructed along the boundary and shall be permanently maintained in place.
- 3 Details of permanent, open type fence.
- 4 Amend the landscape plan to include planting of appropriate native, drought tolerant species on the new fill slope and vegetative screening of the water tank from Quail Drive.
- 5 Site disturbance shall limited and disturbance of native vegetation shall be limited to the minimum amount necessary to construct the project.

D. Obtain an Environmental Health Clearance for this project from the County

Department of Environmental Health Services for a 4 bedroom single family dwelling

- E. Meet all requirements and pay any applicable plan check fee of the County Fire Protection District. The water tank may be approved in the proposed location if the fire department submits a statement in writing that the proposed location of the water tank is appropriate for fire protection purposes. Failure to obtain the approval of the fire agency for this location could require a permit amendment
  - F. Final plans shall comply with all recommendation of the project soils report and recommendations of the County Soil Report Review letter dated January 23, 2002.
  - G. Pay the current fees for Parks and Child Care mitigation for 4 bedrooms. Currently, these fees are, respectively, \$578 and \$109 per bedroom.
  - H. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
  - I. Complete and record a Declaration of Geologic Hazard acknowledging the liquefaction hazard at the site. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record and return the form to the Planning Department.
  - J. Complete and record a Declaration of Restriction acknowledging the conditions regarding the sensitive habitat, including an Exhibit showing the "no disturbance biotic resource area". A copy of the Declaration will be provided to you when the disturbance envelope is finalized and provided in the form of an 8.5" x 11" exhibit for attachment to the Declaration, and after the landscape/invasive plant control plans have been approved. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record and return the form to the Planning Department.
  - K. Prepare an easement allowing the operation and maintenance of the shared well from owner of the property where the shared well is located. The proposed easement shall be reviewed and approved by County staff prior to recording the easement.
  - L. Prepare an easement allowing installation and maintenance of the water line from each legal owner of property that the water line will traverse. The proposed easement shall be reviewed and approved by County staff prior to recording the easement.
  - M. Obtain approval or easement, if required, from the Vineyard Road Association for installation and maintenance of the water line across Quail Drive.
- III. Prior to any site disturbance the applicant/owner shall:

- A. Coordinate a pre-construction site meeting with the owner, general contractor, grading contractor, soils engineer, surveyor and County staff. The purpose of the meeting is to review the plans and permit conditions and to ensure construction of improvements is in accordance with approved plans and permit conditions.
  - B. Critical areas such as biotic resource area boundary, grading limits, septic leach field area, stream, curtain drain and structural setback lines and property lines shall surveyed and staked and/or fenced in the field.
  - C. Have the soils engineer confirm, through actual measurements of groundwater levels at the site, that conditions are favorable to minimize construction difficulties. Groundwater level data shall be submitted to County staff for review prior to any site disturbance. In no case shall site disturbance commence prior to June 15<sup>th</sup> of any year.
- IV. All grading, drainage and erosion control measures shall be completed by October 15<sup>th</sup> of any year.
- V. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- VI. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.



- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
- 1 COUNTY bears its own attorney's fees and costs; and
  - 2 COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

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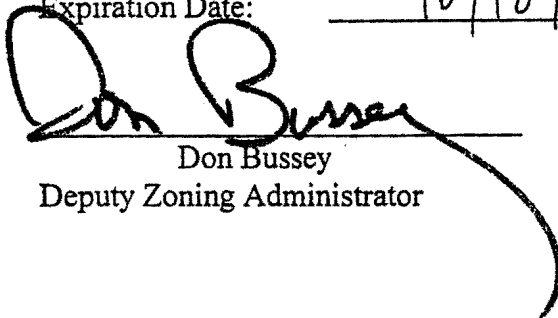
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

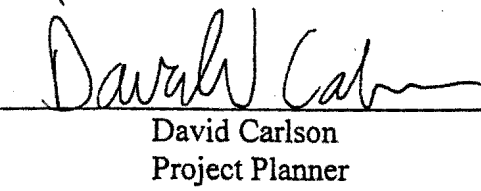
**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.**

Approval Date: 10/4/02

Effective Date: 10/18/02

Expiration Date: 10/18/04

  
Don Bussey  
Deputy Zoning Administrator

  
David Carlson  
Project Planner

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

JOHN C CHAPIN
PO Box 292
Davenport CA
95017 (821) 423-5953
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

SANTA CRUZ COUNTY

2. Brief description of development being appealed:

SINGLE FAMILY RESIDENCE

3. Development's location (street address, assessor's parcel number, cross street, etc.):

QUAIL BRUTE, BONNY DOON, CA

4. Description of decision being appealed:

- a. Approval; no special conditions:
b. Approval with special conditions: X
c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SC0-02-095
DATE FILED: November 14, 2002
DISTRICT: Central

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NOV 14 2002

CCC Exhibit E
(page 1 of 17 pages)

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)**

5. Decision being appealed was made by (check one):

a.  Planning Director/Zoning Administrator

c.  Planning Commission

b.  City Council/Board of Supervisors

d.  Other: \_\_\_\_\_

6. Date of local government's decision: 10/20/02

7. Local government's file number: App. # 01-0074 / APN 063-053-02

**SECTION III Identification of Other Interested Persons**

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

PATRICK T. CORRIGAN  
187 ELDORADO ST. SUITE B  
MONTEREY CA 93940

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) JOHN C. CHAMIN  
PO BOX 292  
DAVENPORT CA 95017

(2) VAL HALEY  
653 QUAIL DRIVE  
SANTA CRUZ, CA 95060

(3) TOM AND EMILY Nowalinski  
94 JUNCO DRIVE  
BONNY DOON CA 95060-0727

(4) SEE ATTACHED PETITION

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)**

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

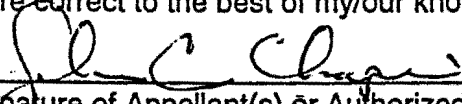
CHAPTER 16, 30.040 BUFFER DISTANCE FROM INTERMITTANT STREAM 0, 20% SLOPE 30 feet COUNTY HAS ALLOWED FOR 20 FOOT SETBACK CLAIMING THERE WAS NO NATIVE HABITAT IN STREAM CHANNEL NOTE LOT WAS RE-TAGGED FOR ILLEGAL CLEARING. AND "ONCE BUFFER IS DETERMINED A 10 FOOT SETBACK FROM EDGE OF BUFFER IS REQUIRED TO ALLOW FOR CONSTRUCTION EQUIPMENT AND USE OF YARD AREA DUE TO NOTE ATTACHED LETTER FROM DAVID CARLSSON 9/24/01 TO APPLICANT LAST PARAGRAPH BOTTOM OF PAGE 1 PLEASE NOTE LETTER FROM BILL DAVILLA 12/11/02 TO PLANNING DEPT. IT'S SENTENCE PARAGRAPH 2 "30 to 50 percent slope by the U.S. Soil Conservation Service Soil Survey of [unclear] 1935"

PLEASE SEE ATTACHMENTS

**Note:** The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
Signature of Appellant(s) or Authorized Agent  
Date 11/14/02

NOTE: If signed by agent, appellant(s) must also sign below.

**SECTION VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

California Coastal Commission  
Attn: Dan Carl  
Central Coast District Office  
725 Front St. Suite 300  
Santa Cruz CA. 95060

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DEC 23<sup>CM</sup> 2002

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

RE: APN 053-063-02, Permit # 01-0074

Dear Mr. Carl

Enclosed is an appeal to the development at Quail Drive in Bonny Doon, A.P.N. 053-063-02.

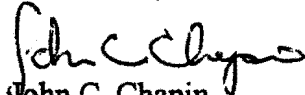
My neighbors and myself feel that this development is directly addressed in the LCP/General Plan. In this complaint you will find petitions and letters from concerned residents. In the counties' effort to appease the developer it has essentially circumvented the context of the LCP by providing the developer with an exception to build within the 100' buffer of a wetlands, exposing a critical water supply stream to pollution, and provided development without adequate geologic/hydrologic assessments. This is not an exception to the LCP but rather an exemption.

If this becomes the new standard to which development can aspire then the entire watersheds and wetlands of the California Coastline will be subjected to degradation.

Were it not for the Alternative Septic System Ordinance accepted by Environmental Health Services this sensitive habitat would remain intact to accommodate the other habitants of the coast – native flora, fauna, and wildlife. This particular application of the Alternative Septic System Ordinance challenges the quality and integrity of our water. The additional ramifications of development/habitation provide no provisions to protect this resource. Please note the efforts since 1989 by neighbors to halt the unnecessary degradation of this watershed. "Exhibit C"

We urge you to stop this irresponsible development.

Thank You,

  
John C. Chapin

CCC Exhibit E  
(page 4 of 17 pages)

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DEC 23 2002

**CALIFORNIA COASTAL COMMISSION**

Appeal to permit #01-0074 – APN 063-053-02

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Objective 5.8a Groundwater Protection**

**“To protect the quantity and quality of the County’s groundwater resources through an integrated program on land use regulation and runoff management in groundwater recharge areas, careful water quality monitoring and management of extraction consistent with long-term sustainable yields.”**

The property is designated Primary Groundwater Recharge and the stream that runs through it is the headwaters to a fork of Mill Creek. Mill Creek is a Critical Water Supply Stream, a protected stream for endangered Steelhead and Cojo Salmon and the source of water for the town of Davenport.

*5.6.2 Designation of a Critical Water Supply Stream... “Oppose or prohibit as legal authority allows new or expanded water diversions from Critical Water Supply Streams. Prohibits new riparian or off stream developments, or increases in the intensity of use, which require an increase in water diversions from Critical Water Supply Streams. Seek to restore in-stream flows where full allocation may harm the full range of beneficial uses.”*

The property, which is so constrained by environmental and hydrologic issues, cannot sustain both a well and a septic system on the same parcel. The well located across Quail Drive (not contiguous) is underwater 12 months out of the year. Myself as well as the owner of the well, Roy Malan, have recognized this. The well sits inside the Riparian Corridor setback (less than 35 feet from the center of Mill Creek). The well is also surrounded with plants that are obligatory wetland species. (As noted by Val Haley a professional botanist) When Roy Malan purchased his property the well tested positive for e-coli. Depending on the amount of yearly rainfall the well will overflow from the casing. As the surrounding water rises the well casing no longer provides a barrier from surface water intrusion, hence contamination. The well log has not been divulged and the assumption by EHS is that the water is drawn from beneath the Riparian Water that surrounds the well casing. Note that riparian water cannot be shared. This well is an inappropriate source of water for sharing with any proposed development.

*5.7.1 Impacts From New Development On Water Quality*

*“Prohibit new development adjacent to marshes, streams and bodies of water if such development would cause adverse impacts on water quality which cannot be fully mitigated.”*

In spite of the accommodations granted by the Alternative Septic Ordinance the parcel which is acknowledged 2/3 wetlands habitat will be exposed to toxins and pollutants from human habitation; i.e. pesticides, gasoline, oil, paints, herbicides, pet feces, etc. Furthermore the proposed septic system will still discharge viruses, bacteria, pharmaceuticals and household chemicals, which will be released into the groundwater through saturation. The EHS inspection records for an adjacent Mound alternative septic

system are attached (Exhibit B). Please note that the system was never checked for performance during a winter season, and the level of examination given to the inspections was penurious at best. There is no guarantee the County will provide adequate performance to insure that these systems are functioning and not failing. This overloading of septic discharge cannot be measured or monitored. There has been no background data of the water quality in this primary groundwater recharge. Another problem is the clustering of the alternative septic systems in this drainage. I have enclosed a map that demonstrated the proximity of these proposed alternative septic systems (Exhibit B). In a radius of less than three acres there will be three alternative septic systems. Were these lots not pre-existing the LCP requires a minimum of ten gross acres per septic system in the primary groundwater recharge area. *5.8.2 Land Division and Density Requirements in Primary Groundwater Recharge Areas*

#### *5.7.2 Minimum Septic System Setback From Natural Waterways*

*"Prohibit installation of septic tanks or leach fields within 100 feet of all natural waterways including perennial or intermittent streams, seasonal water channels and natural bodies of standing water. An exception may be made for the repair of existing systems, if the 100 foot setback cannot be maintained, and adequate provisions have been made for water quality protection."*

The County has failed to observe the intermittent stream that runs between APN 063-053-01 and the project. The setback for structures is 30 feet. The setback for septic systems is 100'. It has not been determined if the septic system falls within the required setback from an intermittent stream. The structure is only twenty feet from the property line which falls just outside the north bank. This is out of compliance with the 30-foot setback for intermittent streams. This stream flows anytime it rains. Previously Pat Gil of EHS noted this was an intermittent stream. Now David Carlson county planner claims there is no native plant species along its banks. However D. Carlson notes; "The original biotic assessment was completed in 1996 after the parcel had been red-tagged for excessive land clearing. The land clearing obliterated many riparian and wetland plant species that are now growing back." (Letter to P. Corrigan dated 9/24/01.) Exhibit C.

#### *5.7.3 Erosion Control For Stream and Lagoon Protection*

*"For all new and existing development and land disturbances, require the installation and maintenance of sediment basins, and/or other strict erosion control measures. As needed to prevent siltation of streams and coastal lagoons."*

There have been no provisions for installation and maintenance of sedimentation basins. It is improbable that there would means of enforcing their upkeep. Siltation of Steelhead and Cojo Salmon streams is a major issue.

#### *5.7.4 Control Surface Runoff*

*"New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control."*



- a) *include curbs and gutters on arterials, collectors and locals consistent with adopted urban street designs, and*
- b) *oil, grease and silt traps for parking lots, land divisions or commercial and industrial developments"*

Please consider the probability that there will never be any means of controlling surface runoff at this site. In the soils report there is a perched water table to within 1 foot of the surface that extends twenty feet to a granite cap. At the surface is Mill Creek. There are highly permeable-fast percolating soils at the parcel. As the rains increase there are springs that appear at grade randomly throughout the site. Oil, gasoline, asphalt, insecticides, herbicides, will have the opportunity to leach into the water table and pollute the groundwater.

#### *5.7.5 Protecting Riparian Corridors and Coastal Lagoons*

*"Require drainage facilities, including curbs and gutters in urban areas, as needed to protect water quality for all new developments within 1000 feet of riparian corridors or coastal lagoons"*

By permitting this project to go ahead the County essentially redefines the LCP. This will be showcased as an example of how far development can deviate from the regulations of the LCP. This project in no manner protects riparian corridors or wetlands habitat. It does open the door to further irresponsible developments with long-term irreversible environmental impacts.

I would ask that the CCC request intervention by the SWRCB and the Dept of Fish and Game as stated in the programs of the LCP.

#### **Programs**

- a) **In coordination with the Regional Water Quality control board, identify and control point and nonpoint sources of water quality contamination. (Responsibility: Flood control Zone 4, Environmental Health, Public Works)**
- b) **Continue to conduct a comprehensive monitoring program to assess long-term trends in surface and groundwater quality and to identify water quality problems arising from point and nonpoint sources of pollution affecting public health and the environment. (Responsibility: Flood Control 4, Environmental Health, Public Works, Regional Water Quality Control Board, PVWMA)**
- f) **Request for the intervention of the State Water Resources Control Board, the California Department of Fish and Game, and other interested agencies to evaluate and act on unauthorized surface water diversions and underflow extractions. (Responsibility County Fish and Game Commission, Planning Department, Flood Control Zone 4, Board of Supervisors.)**

**Formulate a more detailed strategy for maintenance and enhancement of streamflows on Critical Supply Water Streams and to better understand the role of stream flows in the watershed ecosystems and provide a basis for cooperative management of watershed ecosystems. (Responsibility Planning Department, Flood Control Zone 4)**

**g) Develop more detailed information on stream flow characteristics, water use, sediment transport, plant and soil moisture requirements, and habitat needs of Critical Water Supply Streams, and streams located in the Coastal Zone. Use this information to Programs a) 4) Groundwater recharge areas should be protected. (Responsibility of the State Water Resources Board, Department of Fish and Game)**

**i) Implement a periodic program of water quality analysis for wetlands to document trends in water pollution. (Flood Control Zone 4)**

*5.8.3 Uses in Primary Groundwater Recharge Areas*

*"Prohibit any land use in a Primary Groundwater Recharge Area which would allow the percolation of pollutants into groundwater system."*

Common sense dictates the necessity for disapproval of this project based on the regulation 5.8.3. How can the county or the CCC enforce the modified lifestyle necessary to inhabit this site and ensure the undisturbed quality of the groundwater system? The scope of the development alone challenges the integrity of the entire watershed.

*5.8.4 Drainage Design in Primary Groundwater Recharge Areas*

*"Require retention of stormwater runoff from impervious surfaces for all new development in Primary Groundwater recharge Areas through on-site percolation methods so as not to exceed predevelopment runoff levels. Utilize on-site detention methods where percolation methods are not feasible; either system should be designed for a minimum design storm as determined by the County Design Criteria."*

There are no provisions for on-site detention and no studies to determine predevelopment runoff levels.

*5.8.5 Developing Groundwater Resources*

*Allow development of groundwater resources when consistent with sustainable yield, protection of streamflows, and maintenance of groundwater quality. Require water systems serving new development to meet applicable standards for yield to ensure a reliable water supply is provided to its users."*

There are no conditions of approval that protect streamflows or maintenance of groundwater quality.

### **Objective 5.11 Open Space Preservation**

**“To identify and preserve in open space uses those areas which are not suited to development due to the presence of natural resource values or physical development hazards.”**

It is clear that this project is inconsistent with the Objective 5.11 of the LCP. This parcel has always been unbuildable because of high groundwater and complimentary wetlands habitat.

### **Sanitation Facilities in Rural Areas Objective 7.21 Sanitation**

**“To ensure adequate maintenance and operation of rural sanitation facilities based on individual sewage disposal systems to prevent environmental degradation from development not served by public sewage disposal system.”**

As stated earlier the alternative septic system proposed for this site will not discharge a clean effluent. It is an improved version of septic effluent but there are no target levels for bacteria, viruses, chemicals, bleach, or other septic components. Furthermore there are no guarantees that the system will function properly under the best of circumstances, or that the property owner will maintain and monitor the system to optimum standards, in the future after probationary quotas are met. When this system fails it will fail directly into a Primary Groundwater Recharge Area that supplies the neighborhood wells and ultimately the drinking water for the town of Davenport. Please note the dismal effort by EHS to monitor the existing alternative septic system around the corner on Quail Drive. (Exhibit B). Given budget cuts and high personnel turnover at EHS it is likely there will never be a comprehensive monitoring of this septic system. I am basing my feelings on past performances by EHS.

#### *7.21.1 Rural Development on Individual Sewage Disposal Systems*

*“Plan for intensities of use and density of development to be limited to those levels supportable by individual sewage disposal systems where sanitary sewer systems are not available.”*

Included in this appeal is a map showing the proximity of three alternative septic systems in this drainage. One exists and two are slated for development. This is a very high concentration of discharge within a small and valuable watershed. There are no studies regarding the cumulative impacts from multiple septic system discharge(s) into this primary groundwater recharge area. These projects, at least, should require an EIR by the Department of Health Services.

#### *6.2.1 Geologic Hazards Assessments for Development On and Near Slopes*

*“Require a geologic hazards assessment of all development, including grading permits, that is potentially affected by slope instability, regardless of the slope gradient on which the development takes place. Such assessments shall be prepared*

*by the County Staff under supervision of the County Geologist, or a certified geologist may conduct this review at the applicant's choice and expense."*

The biggest oversight about this development is the issue of liquefaction during earthquakes, or landslides. The soils report stated there is a high potential for liquefaction during an earthquake because of the soil profile and high groundwater table. There was a reference to structural damage but no reference to damage to the septic system. (i.e. broken or cracked pipes, tanks, or leaching devices.) There are no provisions for secondary containment of untreated sewage in the event of earthquakes, landslides, flooding, or ground settling for this project. Again this would have a long lasting severe and degrading impact on this environmentally sensitive site. There has been no Hazards Assessment to my knowledge only a geotechnical investigation (Exhibit A).

#### *6.2.2 Engineering Geologic Report*

*"Require an engineering geology report by a certified engineering geologist and/or a soils engineering report when the hazards assessment identifies potentially unsafe geologic conditions in an area of proposed development."*

I have only seen a reference in passing to the issue of liquefaction for this project in the geotechnical investigation. They identified the hazard but there has been no hazard assessment.

#### *6.2.4 Mitigation of Geologic Hazards and Density Considerations*

*"Deny the location of a proposed development or permit for a grading project if it is found that geologic hazards cannot be mitigated to within acceptable risk levels; and approve development proposals only if the project's density reflects consideration of the degree of hazard on the site, as determined by technical information."*

The permit for this project was for 250cu yd of grading. The development calls for 450 cu yd of grading that includes 300 cu yd of imported fill. What assurances are there that the imported fill is not contaminated and won't have a detrimental impact on the Primary Groundwater Recharge Area's capacity to recharge? Also where there is surface water and near surface water throughout the site how can the grading of 450 cu yd not impact the environmental structure of the high groundwater table and wetlands habitat? The nature of the project will divert this water around the building envelope and away from it's natural course which sustains the wetlands habitat on the parcel. Noted in the geotechnical investigation that test bores observed groundwater levels "1 foot below existing grades." These borings were done "on 17 August 1995" the driest time of the year. (Exhibit A)

#### *6.2.6 Location of Structures and Drainage Considerations in Unstable Areas*

*"Require location and/or clustering of structures away from potentially unstable slopes whenever a feasible building site exists away from unstable areas. Require drainage plans that direct runoff and drainage away from unstable slopes."*

The entire site is unstable and sloped. How can the "directed runoff" be diverted away from unstable slope? The plans call for a manufactured soils profile to "stabilize" the unstable slope - in a Primary Groundwater Recharge Area no less!

#### *6.2.7 Location of Septic Leachfields*

*"Prohibit the location of leachfields in areas subject to landsliding, unless investigation by a certified geologist demonstrated that such placement will not adversely affect slope stability."*

I have seen no reference to the leachfield in regards to slope instability. The ground is perpetually saturated. The concentration of septic effluent will only enhance this saturation in the leachfield. There is a vast inconsistency between the geotechnical investigation and the data provided by the hired sanitary engineer. In the geotechnical investigation the borings found water to within 1 foot of the surface. In the data provided by the design consultant for the septic system the water levels were found at 40 inches. Who benefits most from this?

#### *6.3.2 Grading Projects to Address Mitigation Measures*

*"Deny any grading project where a potential danger to soil or water resources has been identified and adequate measures cannot be undertaken."*

The grading plan has not provided adequate measures to safeguard soil and water resources. There is no means of assuring that the fill that will be compacted into the Primary Groundwater Recharge Area will not have an adverse soil profile to what currently exists. In fact the very necessity of soil importation/compaction to provide for the seismic and hydrologic challenges of the site will forever affect the recharge area changing the soil profile and percolation rates.

#### *6.3.11 Sensitive Habitat Considerations for Land Clearing Permits.*

*"Require a permit for any land clearing in a sensitive habitat area and for clearing more than one quarter acre in Water Supply Watershed, Least Disturbed Watershed, very high and high erosion hazard areas no matter what the parcel size, Require that any land clearing be consistent with all General Plan and LCP Land Use policies."*

This lot was illegally cleared by the owner and was subsequently red tagged for the violation. Why should this action be rewarded with an exception to build well inside the 100-foot setback for wetland habitat/biotic resource area?

### **Objective 6.6 Hazardous and Toxic Materials**

**“To eliminate, to the greatest degree possible, the use of hazardous and toxic materials, and where it is not feasible completely to eliminate the use of such materials, then to minimize the reduction in the use of such materials, so as to insure that such materials will not contaminate any portion of the County’s environment, including the land, water, and air resources of the County.”**

**Objective 7.18b Water Supply Limitations**

**“To ensure that the level of development permitted is supportable within the limits of the County’s available water supplies and within the constraints of community wide goals for environmental quality.”**

*7.18.3 Impacts of New Development on Water Purveyors*

*“Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval.”*

Mill Creek is the water supply for Davenport. There are now three approved alternative septic systems at the headwaters (Exhibit B). The Department of Health Services should be notified that this series of projects/development are targeting Mill Creek headwaters. Not only will water be taken away from this resource but also it will be replaced with septic effluent and urban runoff.

*7.23.1 New Development*

*“Require new discretionary development projects to provide both on and off-site improvements to alleviate drainage problems before considering on-site detention of storm water. Require runoff levels to be maintained at predevelopment rates for a minimum design storm as determined by Public Works Design Criteria to reduce downstream flood hazards and analyze potential flood overflow problems, where applicable. Require on-site retention and percolation of increased runoff from new development in Water Supply Watersheds and Primary Groundwater Recharge Areas, and in other areas as feasible.”*

I have seen no provisions for on-site percolation or retention in the county staff report or conditions of approval.

*8.1.3 Residential Site and Development Standards Ordinance*

*Maintain a Residential Site and Development Standards ordinance for the purpose of protecting light, solar opportunities, air and open space for public and private properties; and require all residential projects to comply with standards of maximum structural height, maximum number of stories, minimum setbacks, maximum ratios of building floor area-to-parcel size, and other criteria therein.”*

After the setbacks for the sensitive habitat, wetlands, and riparian corridor(s) and road easements the entire parcel is inconsistent with the provisions in the LCP. Within the

1.34-acre parcel there is 1/3 remaining which is marginally buildable after excessive restructuring of the soil and hydrological features. The size and scope of the building is inappropriate with the "ratio of building floor area to parcel size." There are more issues than septic approval that have kept this lot zoned unbuildable. Septic approval alone is not the only mitigation factor involved for responsible development.

#### *8.2.2 Designing for Environmental Protection*

*"Require new development to comply with all environmental ordinances, to be sited and designed to minimize grading, avoid or provide mitigation for geologic hazards and sensitive habitats, and conform to the physical constraints and topography of the use."*

The owner was asked to provide a wetlands delineation (Exhibit B). It was not provided. The wetlands habitat is subject to fluctuation dependant upon seasonal rainfall. How can protection of this sensitive habitat be justified without a proper delineation? The county staff report speculates the biotic resources boundary is the maximum, and still claims there is "little room to spare". The report was done during the driest months of the year.

#### *8.6.1 Maintaining a Relationship Between Structure and Parcel Sizes*

*"Recognize the potential for significant impacts to community character from residential structures which are not well-proportioned to the site; and require residential structures to have a direct relationship to the parcel size as per the Residential Site and Development Standards ordinance."*

Again the footprint of the structure is well beyond "well-proportioned to the site." In fact after the biotic resource areas were determined by the county the entire balance of the project fall inside the prescribed setbacks in the LCP and overlaps the 40-foot setback from Quail Drive.

#### *8.6.2 Residential Development Standards Ordinance*

*"Require all residential structures to comply with the Residential Development Standards ordinance which includes maximum structural height and minimum structural setbacks. Unnecessary grading for the purpose meeting height restrictions is prohibited."*

The minimum setbacks are not implemented on the southern boundary of the parcel. There is an intermittent stream that flows during every rain event. The county is requiring a 20-foot setback from the property line. It should be thirty foot from the center of the intermittent stream.

#### *8.6.5 Designing with the Environment*

*"Development shall maintain a complementary relationship with the natural environment and shall be low-profile and stepped-down on hillsides."*

The house as it exists in the plans is two stories and not stepped down on the hillsides. It is gargantuan with respect to the postage stamp of the alleged developable portion of the parcel.

In conclusion,

There has been neighborhood and public outcry to prevent this project from happening. Please review the petitions signed by the neighbors and the residents of the coast (Exhibit C). The alternative septic system ordinance has allowed speculative developers the opportunity to buy previously undevelopable parcels and coerce the county planning department to approve building permits. This is a relatively new scheme and has not withstood the test of time. It also challenges the long standing regulations of the LCP/GENERAL PLAN. Clearly there are many issues raised by this project. If approved it will become the new standard which developers will point to and cry: "If he can do it can't I"?

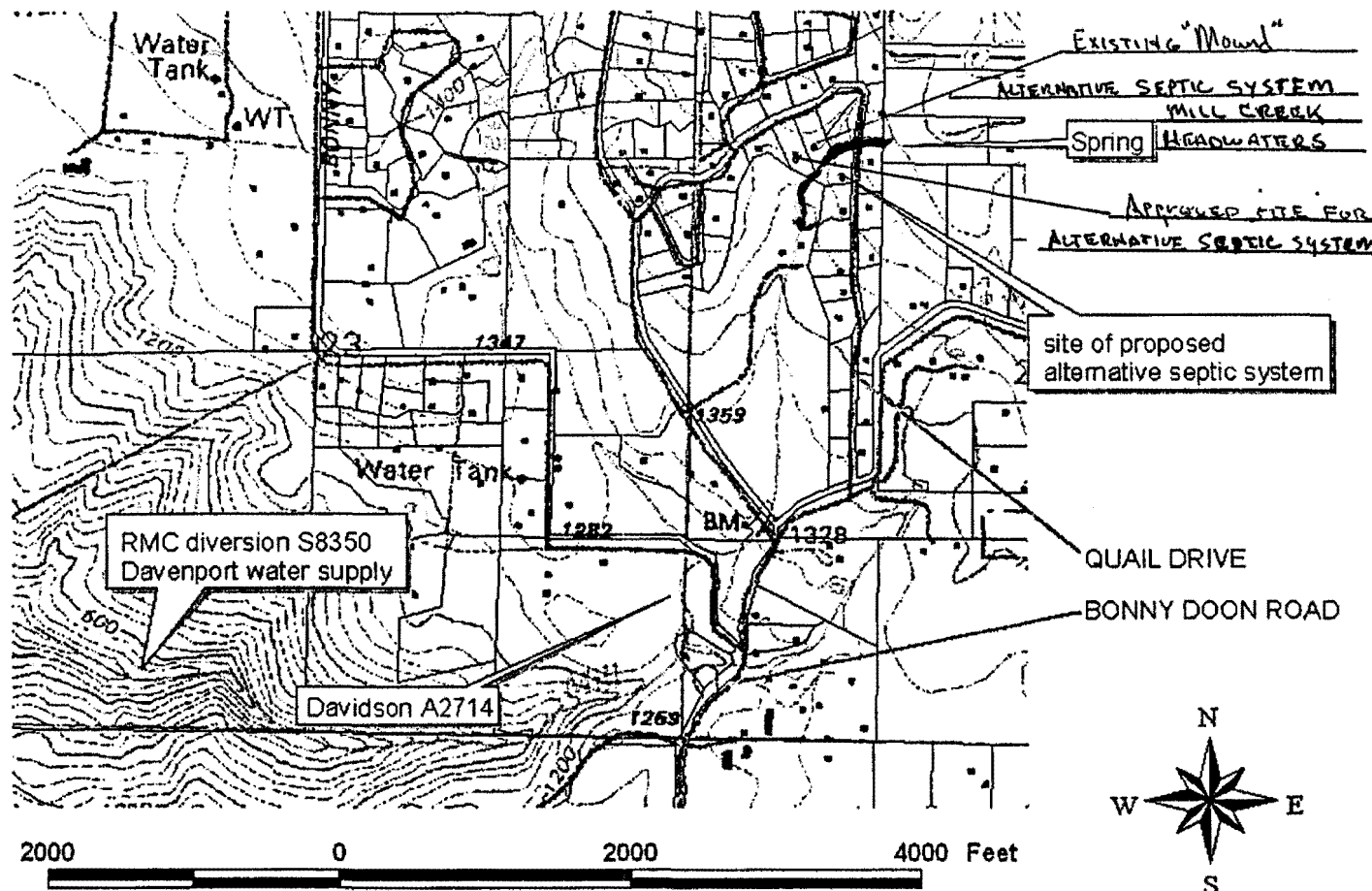
They will cry discrimination and threaten a lawsuit for a "taking". This lot was historically deemed unbuildable. How can there be a "taking" when developers are speculating they can circumvent the LCP/GENERAL PLAN because of the Alternative Septic System Ordinance? The LCP is the bible. It has precedent over the ASSO. It should not be reinterpreted for the sake of making a quick buck at the expense of future generations. In this particular case we are talking about designated:

- Sensitive Habitats
- Wetland Buffers (which don't provide for residential building)
- Primary Ground Water Recharge Areas
- Critical Water Supply Streams
- Riparian Corridor and Intermittent Stream Setbacks
- Wildlife Corridors

In closing there are many issues that have not been addressed by the planning department. This is an ill-conceived plan that has not been thought through. Please give this matter through consideration and send it the canister. Thank You.



Water diversions downstream of proposed Alternative Septic system  
Quail Drive, Bonny Doon



PLEASE NOTE  
THE CLUSTER  
OF ALTERNATIVE  
SEPTIC SYSTEMS  
IN THIS  
DRAINAGE.  
THERE IS NO  
PROVISION FOR  
SECONDARY  
CONTAINMENT  
IN THE EVENT  
OF SYSTEM(S)  
FAILURE.  
THIS IS  
"GROUND ZERO"  
FOR POLLUTION  
INTO A  
CRITICAL  
SUPPLY  
WATER  
STREAM  
MILL CREEK

CCC Exhibit E  
(page 15 of 17 pages)

EXHIBIT B

**\*STAFF NOTE: THIS IS 1 OF 2 SIMILAR PETITION PAGES.**

This petition is being sent to express our objection regarding the development of APN # 053-063-02. We would appreciate your investigation into the development of this parcel which is highly sensitive environmentally. It is a wildlife corridor between the coast and the Bonny Doon Ecological Reserve and beyond. Development is not at all in keeping with the General Plan or our local environment's needs.

We the undersigned oppose the development of APN # 053-063-02.

- | Name                      | Address  |
|---------------------------|--|
| John C. Chapin            | 500 Ramo Drive, Bonny Doon Ca.                     |
| Carol Sue McCall          | 640 Quail Dr. Bonny Doon CA                        |
| <del>William W. ...</del> | <del>...</del>                                     |
| Michael ...               | 50 Towhee Dr, Bonny Doon                           |
| Thomas E. Nawalinski      | THOMAS E. NAWALINSKI 94 JUNCO DR. BONNY DOON 95060 |
| Valerie J. Haley          | 653 Quail Dr Bonny Doon CA                         |
| John F. ...               | 675 Pineflat & owner of Quail Lot # 630530         |
| Herbert ...               | ...  |
| Barbara Low               | 65 Towhee, S.C.                                    |
| Paul Barry                | 179 Towhee Dr. SC 95060                            |
| Dee ...                   | 400 Towhee Dr. S.C. 95060                          |
| Arthur ...                | 400 Towhee Dr Santa Cruz 95060                     |
| Margaret ...              | 440 Towhee Dr Santa Cruz 95060                     |
| Benjamin ...              | 440 Towhee Dr Santa Cruz 95060                     |
| Bonnie ...                | 1240 Happy ... Rd Santa Cruz, CA 95065             |
| Eva ...                   | 270 9  |
| Tom ...                   | 350 Quail Dr. Bonny Doon CA 95060                  |
| Stan ...                  | 270 Quail Dr Bonny Doon CA 95060                   |
| Bill ...                  | 1411 Quail, in Bonny Doon, Ca 95060                |

**\* STAFF NOTE: THIS IS 1 OF 11 SIMILAR PETITION PAGES**

Don't allow the county planners to foul the drinking water for the town of Davenport. There is a proposed development that threatens the Mill Creek Watershed above the water supply intake for Davenport. The Alternative Septic System Ordinance is allowing the parcels in the primary groundwater recharge zone to be developed. These parcels were historically not to be developed by the County of Santa Cruz. Notify MARDI WORMHOUDT with your signature Irresponsible development impacts everyone.

Name Address

- Sharon C P.O. Box 127 Davenport (Last Chance Rd.)
- Joe Doon 600 Swanton Rd CA 95017
- John C. Clary 500 Aureil Drive Bonny Doon
- Kristy Rawlins 454 Swanton Rd Davenport 950
- Sheri Brown 500 Hwy 1 Davenport
- Andrew Ward 411 Mathews Rd Bonny Doon Ca
- Eric Jones 4847 Bonny Doon Rd 9506
- ROBERT DE GENARO 155 Mt Springs Dr BD  
Mike Dalby Ph.D.
- Michael Dalby 415 Regg St. Santa Cruz CA 95060
- Benjamin T Erskem SWANTON
- Dave W. Vollum 4801 Thurber La S.Cruz
- Amy Rawlings 5221 Coast Rd. Santa Cruz
- Suzgy L. Rautij 5721 Coast Rd Santa Cruz
- Fach Dish 109 Ludera dr Santa Cruz
- Kathy Anello 5401 Coast Rd. Santa Cruz
- Jen Bush 240 Daffodil Ln Davenport
- Hap Bush 240 Daffodil Ln Davenport

get me their names)

The LCP is very protective of environmentally sensitive habitat areas (ESHAs). LCP wetland and riparian protection policies include LUP Chapter 5 and Chapter 7 policies, and Zoning Chapters 16.30 (Riparian Corridor and Wetlands Protection) and 16.32 (Sensitive Habitat Protection). In general, these LCP policies define and protect ESHAs, allowing only a very limited amount of development in these areas. These overlap significantly with water resource policies. Relevant LCP policies include:

***LUP Objective 5.1 Biological Diversity.*** To maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.

***LUP Policy 5.1.2 Definition of Sensitive Habitat.*** An area is defined as a sensitive habitat if it meets one or more of the following criteria: (a) Areas of special biological significance as identified by the State Water Resources Control Board. (b) Areas which provide habitat for locally unique biotic species/communities, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests. (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f) below. (d) Areas which provide habitat for Species of Special Concern as listed by the California Department of Fish and Game in the Special Animals list, Natural Diversity Database. (e) Areas which provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines. (f) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society. (g) Nearshore reefs, rocky intertidal areas, seacaves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves. (h) Dune plant habitats. (i) All lakes, wetlands, estuaries, lagoons, streams and rivers. (j) Riparian corridors.

***LUP Policy 5.1.3 Environmentally Sensitive Habitats.*** Designate the areas described in 5.1.2 (d) through (j) as Environmentally Sensitive Habitats per the California Coastal Act and allow only uses dependent on such resources in these habitats within the Coastal Zone unless other uses are: (a) consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public; (b) it is determined through environmental review that any adverse impacts on the resource will be completely mitigated and that there is no feasible less-damaging alternative; and (c) legally necessary to allow a reasonable economic use of the land, and there is no feasible less-damaging alternative.

***LUP Policy 5.1.6 Development Within Sensitive Habitats.*** Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.

***LUP Policy 5.1.7 Site Design and Use Regulations.*** Protect sensitive habitats against any

significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations: (a) Structures shall be placed as far from the habitat as feasible. (b) Delineate development envelopes to specify location of development in minor land divisions and subdivisions. (c) Require easements, deed restrictions, or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels. (d) Prohibit domestic animals where they threaten sensitive habitats. (e) Limit removal of native vegetation to the minimum amount necessary for structures, landscaping, driveways, septic systems and gardens; (f) Prohibit landscaping with invasive or exotic species and encourage the use of characteristic native species.

**LUP Objective 5.2 Riparian Corridors and Wetlands.** To preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

**LUP Policy 5.2.1 Designation of Riparian Corridors and Wetlands.** Designate and define the following areas as Riparian Corridors: (a) 50' from the top of a distinct channel or physical evidence of high water mark of perennial stream; (b) 30' from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams; (c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water; (d) The landward limit of a riparian woodland plant community; (e) Wooded arroyos within urban areas.

**LUP Policy 5.2.4 Riparian Corridor Buffer Setback.** Require a buffer setback from riparian corridors in addition to the specified distances found in the definition of riparian corridor. This setback shall be identified in the Riparian Corridor and Wetlands Protection ordinance and established based on stream characteristics, vegetation and slope. Allow reductions to the buffer setback only upon approval of a riparian exception. Require a 10 foot separation from the edge of the riparian corridor buffer to any structure.

**LUP Policy 5.2.7 Compatible Uses With Riparian Corridors.** Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception.

The LCP protects water resources. Relevant LCP policies include:

**LUP Objective 5.5a Watershed Protection.** To protect and manage the watersheds of existing and future surface water supplies to preserve quality and quantity of water produced and stored in these areas to meet the needs of County residents, local industry, agriculture, and the natural environment.

**LUP Policy 5.5.1 Watershed Designations.** Designate on the General Plan and LCP Resources Maps those Water Supply Watersheds listed in Figure 5-1 [5.1: ...San Vicente Creek, Mill Creek,

...J.

**LUP Objective 5.6 Maintaining Adequate Streamflows.** To protect and restore in-stream flows to ensure a full range of beneficial uses including recreation, fish and wildlife habitat and visual amenities as part of an ecosystem-based approach to watershed management.

**LUP Policy 5.6.1 Minimum Stream Flows for Anadromous Fish Runs.** Pending a determination based on a biologic assessment, preserve perennial stream flows at 95% of normal levels during summer months, and at 70% of the normal winter baseflow levels. Oppose new water rights applications and time extensions, change petitions, or transfer of existing water rights which would individually diminish or cumulatively contribute to the diminishment of the instream flows necessary to maintain anadromous fish runs and riparian vegetation below the 95%/70% standard.

**LUP Policy 5.6.2 Designation of Critical Water Supply Streams.** Designate the following streams, currently utilized at full capacity, as Critical Water Supply Stream: ...Liddell, San Vicente, Mill Creeks...Oppose or prohibit as legal authority allows, new or expanded water diversion from Critical Water Supply Streams. Prohibit new riparian or off stream development, or increases in the intensity of use, which require an increase in water diversions from Critical Water Supply Streams. Seek to restore in-stream flows where full allocation may harm the full range of beneficial uses.

**Program 5.6(g) Maintaining Adequate Streamflows Program.** Develop more detailed information on streamflow characteristics, water use, sediment transport, plant and soil moisture requirements, and habitat needs of Critical Water Supply Streams and streams located in the coastal zone. Use this information to formulate a more detailed strategy for maintenance and enhancement of streamflows on Critical Water Supply Streams and to better understand the role of streamflows in watershed ecosystems and provide a basis for cooperative management of watershed ecosystems.

**Objective 7.18b Water Supply Limitations.** To ensure that the level of development permitted is supportable within the limits of the County's available water supplies and within the constraints of community-wide goals for environmental quality.

**LUP Policy 7.18.1 Linking Growth to Water Supplies.** Coordinate with all water purveyors and water management agencies to ensure that land use and growth management decisions are linked directly to the availability of adequate, sustainable public and private water supplies.

**LUP Policy 7.18.3 Impacts of New Development on Water Purveyors.** Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval.

In addition to the above policies that incorporate water quality protection into them, the LCP also more categorically protects water quality, including its affect on ESHA and water supply. Relevant LCP policies include:

**Objective 5.4 Monterey Bay and Coastal Water Quality.** To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the

best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.

**Objective 5.7 Maintaining Surface Water Quality.** To protect and enhance surface water quality in the County's streams, coastal lagoons and marshes by establishing best management practices on adjacent land uses.

**LUP Policy 5.4.14 Water Pollution from Urban Runoff.** Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

**LUP Policy 5.7.1 Impacts from New Development on Water Quality.** Prohibit new development adjacent to marshes, streams and bodies of water if such development would cause adverse impacts on water quality which cannot be fully mitigated.

**LUP Policy 5.7.4 Control Surface Runoff.** New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors and locals consistent with urban street designs; and (b) oil, grease and silt traps for parking lots, land divisions or commercial and industrial development.

**LUP Policy 5.7.5 Protecting Riparian Corridors and Coastal Lagoons.** Require drainage facilities, including curbs and gutters in urban areas, as needed to protect water quality for all new development within 1000 feet of riparian corridors or coastal lagoons.

**LUP Policy 7.23.1 New Development.** ...Require runoff levels to be maintained at predevelopment rates for a minimum design storm as determined by Public Works Design Criteria to reduce downstream flood hazards and analyze potential flood overflow problems. Require on-site retention and percolation of increased runoff from new development in Water Supply Watersheds and Primary Groundwater Recharge Areas, and in other areas as feasible.

**LUP Policy 7.23.2 Minimizing Impervious Surfaces.** Require new development to limit coverage of lots by parking areas and other impervious surfaces, in order to minimize the amount of post-development surface runoff.

**LUP Policy 7.23.5 Control Surface Runoff.** Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: ... (b) construct oil, grease and silt traps from parking lots, land divisions or commercial and industrial development. Condition development project approvals to provide ongoing maintenance of oil, grease and silt traps.

LCP Zoning Chapters 16.30 (Riparian Corridor and Wetlands Protection) and 16.32 (Sensitive Habitat Protection) have additional requirements mimicking the LUP requirements. These include the following required exception findings:

**IP Section 16.30.060(d) Riparian Exception Findings.** Prior to the approval of any exception,

*the Approving Body shall make the following findings:*

- 1. That there are special circumstances or conditions affecting the property;*
- 2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;*
- 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;*
- 4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and*
- 5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.*

***IP Section 16.32.100(a) Sensitive Habitat Exception Findings.*** *In granting an exception, the decision-making body shall make the following findings:*

- 1. That adequate measures will be taken to ensure consistency with the purpose of this chapter to minimize the disturbance of sensitive habitats; and*
- 2. One of the following situations exists:*
  - (i) The exception is necessary for restoration of a sensitive habitat; or*
  - (ii) It can be demonstrated by biotic assessment, biotic report, or other technical information that the exception is necessary to protect public health, safety, or welfare.*





# California Regional Water Quality Control Board

## Central Coast Region



Justin H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>  
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411  
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis  
Governor

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September 5, 2002

Mr. John Chapin  
P.O. Box 292  
Davenport, CA 95017

Dear Mr. Chapin:

**PROPOSED ONSITE SEWAGE DISPOSAL SYSTEM FOR APN 063-052-02, SANTA CRUZ COUNTY**

You expressed your concerns with the subject project in your letter dated July 22, 2002. In response, Regional Board staff requested the project plans from the County of Santa Cruz. Our review indicates that the plans conform to Santa Cruz County Code 7.38, and the County's approval of the project would be consistent with our Memorandum of Understanding with the County.

As you recognized in your letter, winter groundwater has been detected at 40 inches below the surface at the project site. This exceeds the required groundwater separation of 24 inches for enhanced wastewater treatment systems. This value was derived from the reduced ground water separation allowed for in the design of mound systems, as provided for in the State Water Resources Control Board's *Guidelines for Mound Systems*, 1980 (this document was revised in 1998, and maintained the same minimum ground water separation distance). The proposed enhanced treatment technology (Fixed Activated Sludge Treatment, or FAST) is capable of achieving a higher quality effluent than a typical mound system. It is expected that the proposed treatment system will be as (or more) protective of water quality than a conventional septic/mound system.

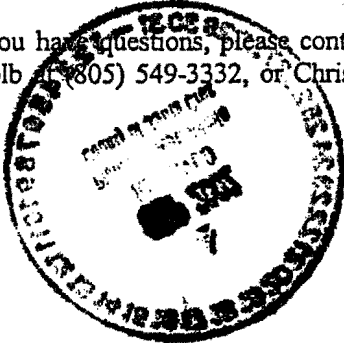
Regional Board Resolution No. 95-04 adopted the County's Wastewater Management Plan for the San Lorenzo River Watershed (Management Plan) into our Basin Plan. Our Basin Plan requires the implementation of the Management Plan by the County, and Santa Cruz County Code 7.38 is consistent with that requirement. Revisions to County Code 7.38 may be solicited from the Santa Cruz County Board of Supervisors.

Staff has reviewed the County's letter dated July 24, 2002, and concurs with their determination.

Thank you for your interest in maintaining water quality. If you have questions, please contact Todd Stanley at (805) 542-4769 or [Tstanley@rb3.swrcb.ca.gov](mailto:Tstanley@rb3.swrcb.ca.gov), Howard Kolb at (805) 549-3332, or Chris Adair at (805) 549-3761.

Sincerely,

Roger W. Briggs  
Executive Officer



cc: John Ricker  
Santa Cruz County Environmental Health Services  
701 Ocean Street, Room 312  
Santa Cruz, CA 95060-4073

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Task Code: 121-50  
File: Santa Cruz County, General

**CCC Exhibit 19**  
**(page 1 of 3 pages)**





# County of Santa Cruz

## HEALTH SERVICES AGENCY

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060-4073  
(831) 454-2022 FAX: (831) 454-3128 TDD: (831) 454-4123

[www.co.santa-cruz.ca.us/eh/ehhome.htm](http://www.co.santa-cruz.ca.us/eh/ehhome.htm)

### ENVIRONMENTAL HEALTH

July 24, 2002

Mr. John Chapin  
P.O. Box 292  
Davenport, CA 95017

Subject: Approval of Sewage Disposal System for APN 063-053-02

Dr. Mr. Chapin:

I am writing in response to your June 22, 2002, letter to Roger Briggs which raises various questions regarding state and county policies for use of alternative systems for new development on the subject parcel.

The parcel has winter groundwater at 40 inches below the surface in the proposed disposal area, rendering the site unsuitable for a conventional septic system. The site could utilize alternative technology, either a mound system or an enhanced treatment system, both of which allow a reduced separation of two feet from the bottom of the leachfield to groundwater. (The two foot separation originally came from the State's adopted 1980 mound guidelines.) These standards allowing reduced groundwater separation with enhanced treatment were established through negotiations between Regional Water Board staff and county staff. They are included in a memorandum of understanding (MOU) that was adopted by the Board of Supervisors in September 2001. Adoption of the MOU by the Regional Board has been delayed pending resolution of another issue related to approval of disposal systems generating more than 2500 gallons per day of sewage. Pending adoption of the MOU, we have worked with Regional Board staff to develop interim guidelines for review and approval of various alternative systems. We will be sending the proposed sewage disposal design for the subject parcel to Regional Board staff for their review and comment.

The provision of County Code Chapter 7.38 that applies in this case is Section 7.38.182, which allows approval of alternative designs for systems which cannot meet conventional standards, provided the parcel was created before 11/8/98, lot size requirements are met, and the general requirements for slope, flood plain and stream setback are met. (Your quote of Section 7.38.182 was incomplete and left out the provisions allowing alternative systems where the general installation requirements are not met.) This application complies with the specifications established for approval of alternative systems, as provided for in 7.38.182.A and G, which are included in Appendix A of the MOU as adopted by the Board of Supervisors. The general provisions for groundwater separation contained in 7.38.150 do not apply to alternative systems.

CCC Exhibit   6    
(page   2   of   3   pages)

EXHIBIT Q

We expect that the alternative system proposed for this parcel will be more protective of water quality than the older conventional systems that already exist in this neighborhood. Additionally, if the new system fails, it will need to be repaired under the new system standards. The less stringent repair standards only apply to systems installed prior to September, 1983. \*

Please feel free to contact me if you have other questions in this matter.

Sincerely,



John A. Ricker  
Land Use and Water Quality Program Coordinator

cc: Howard Kolb, Regional Water Board  
David Carlson, Planning Department  
Ken Mabie, Environmental Concepts

