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Prepared August 20, 2003 (for September 10, 2003 hearing)

To: Commissioners and Interested Persons

From: Diane Landry, District Manager *DSL*
Dan Carl, Coastal Planner

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Subject: Santa Cruz County LCP Major Amendment Number 1-02 Part 3 (PVUSD High School MOU) Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's September 10, 2003 meeting to take place at the Eureka Inn, 518 Seventh Street, in Eureka.

Summary

Santa Cruz County is proposing to change its certified Local Coastal Program (LCP) to designate a utility prohibition district and related measures at the City of Watsonville city limits within the County's coastal zone to implement the Memorandum of Understanding (MOU) between the County, the City, and the Coastal Commission related to the development of the proposed Pajaro Valley Unified School District's (PVUSD's) new high school in Watsonville.

The proposed amendment does two things. First, it puts in place a series of policies designed to prevent urban development in the farmlands, wetlands and other environmentally sensitive areas west of the City of Watsonville. This area is primarily agricultural, mostly zoned for commercial agriculture (CA), and is interlaced with significant habitat within the hills and valleys, including the fingers of the Watsonville Slough system as it wends its way to the Monterey Bay. The proposed policies provide an additional level of protection to further safeguard the rolling agricultural and habitat landscape from non-compatible development. The main way that this is accomplished is through a new utility prohibition zoning district that would apply to the boundary of the County and the City of Watsonville on the west side of Highway One in south Santa Cruz County. The new district is designed to implement a series of new LCP policies geared towards maintaining the stable urban-rural boundary at Highway One in south County. The extension of sewer and potable water utilities is prohibited across the new district.

Second, the amendment provides LUP and IP policies that describe standards for improvements to Harkins Slough Road. These standards are designed to protect the environmentally sensitive habitats of both the West Branch of Struve Slough and Hanson Slough that both cross under Harkins Slough Road in the event that the road is improved to serve development (for example, for access to the currently under construction high school).

The proposed LCP amendment fulfills the County's obligations under the MOU between the City, County, and Coastal Commission. The MOU was a result of the City LCP amendment (certified by the Commission in October 2000) that modified the LCP to allow the high school use on Area C of the City



California Coastal Commission

September Meeting in Eureka

Staff: D. Carl Approved by: *DSL*
SCO LCPA 1-02 Part 3 MOU strpt 9.10.2003.doc

of Watsonville coastal zone.¹

In general, and with some minor modifications to clarify a few areas of confusion that could lead to the proposed policies not functioning as intended, the LUP and IP policies proposed provide for an additional level of protection for the agricultural and wetland areas of south Santa Cruz County west of the City of Watsonville as required by the MOU. However, the proposed prohibition policies also include a series of exceptions that could lead to development inconsistent not only with the MOU but also with the purpose of the submitted policies, the LCP, and the Coastal Act. These exceptions, with a few deviations, derive from a list of *possible* exceptions noted in the MOU itself. The purpose of listing the exceptions in the MOU was to acknowledge certain exceptions that would not require amendment to the MOU. The purpose of the exceptions was not to specify that each would be an LCP-codified exception to the water and sewer prohibition policies. On the contrary, and as stated in the MOU, any such exceptions would need to be pursued through normal processes, and were thus given no more weight than others in an LCP context. In other words, the MOU envisioned an LCP prohibition district without any exceptions. The MOU does, however, anticipate that there may be future projects for which limited exceptions could be appropriate based on detailed analysis of the particular proposal, and thus the possibility of certain exceptions was included in the MOU. Other than the Area C high school project that precipitated the MOU, there are not now any pending projects at the current time, and the County's submittal does not otherwise include such detailed analysis of potential projects.

Modifications are suggested to eliminate the proposed exceptions because to allow them will provide growth incentives for this area west of the Highway, and thus will increase the likelihood that there will be future growth in what is a significant rural agricultural, ESHA, viewshed, and open space resource area on the rural side of the urban-rural boundary inconsistent with Coastal Act. Indeed, preventing such impacts was an overriding and fundamental policy concern addressed by the MOU and the Commission's action on the associated LCP amendment to allow for the PVUSD high school outside of the urban-rural boundary of the City of Watsonville. Allowing such exceptions at this time would be fundamentally inconsistent with this prior Commission action and the intent of the MOU. Consistent with the MOU, though, one exception for the high school is allowed. This is also consistent with the City's complementary prohibition zone, enacted pursuant to the MOU and previously certified by the Commission that is also located on the City-County boundary, albeit a subset of the County's proposed prohibition zone (the portion west of the highway in the coastal zone). It is important to note that the City's prohibition zone does not contain any exceptions other than the one to serve the high school. In other words, even were the County's proposed exceptions to be allowed, sewer and potable water utilities allowed by them would still be prohibited by the City's prohibition zone in most cases. It would require a complementary LCP amendment to weaken the City's prohibition zone for any such project to come to fruition in those locations. In any case, the suggested modifications are without prejudice to future LCP amendments and/or projects that may be pursued as exceptions to the prohibition district, and that would be evaluated on their own Coastal Act/LCP merits.

¹ The high school has since been permitted and is currently under construction. Litigation (against the City, the School District, and the Commission) associated with the coastal permit decision is still pending (*Hernandez and Reader v. City of Watsonville et al.*, Santa Cruz Superior Court No. 142326).



With the identified modifications, staff recommends that the Commission find that the proposed LCP amendment to implement the MOU can be found consistent with the Coastal Act. As so modified, staff recommends that the Commission approve the LCP amendment.

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I. Staff Recommendation – Motions and Resolutions

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

1. Denial of Land Use Plan Major Amendment # 1-02 Part 3 as Submitted

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

Motion (1 of 4). I move that the Commission **certify** Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by the County of Santa Cruz.



Resolution to Deny. The Commission hereby **denies** Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by the County of Santa Cruz and adopts the findings set forth in this staff report on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Local Coastal Program Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Local Coastal Program Land Use Plan Amendment may have on the environment.

2. Denial of Implementation Plan Major Amendment # 1-02 Part 3 as Submitted

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

Motion (2 of 4). I move that the Commission **reject** Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by the County of Santa Cruz.

Resolution to Deny. The Commission hereby **denies** certification of Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by the County of Santa Cruz and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

3. Approval of Land Use Plan Major Amendment # 1-02 Part 3 if Modified

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

Motion (3 of 4). I move that the Commission **certify** Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Land Use Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Land Use Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use



Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

4. Approval of Implementation Plan Major Amendment # 1-02 Part 3 if Modified

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

Motion (4 of 4). I move that the Commission **certify** Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 3 of Major Amendment #1-02 to the County of Santa Cruz Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act and Land Use Plan consistency findings. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action (i.e., by March 10, 2003), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

1. Delete All Proposed Exceptions and Add an Exception for the PVUSD High School.

- (a) LUP Policy 2.1.13. The following text shall be modified as indicated: "...into the San Andreas Planning Area, except for one wastewater and one water line to serve permitted high school development on City Area C, by establishing..."



- (b) LUP Policy 2.1.13. The following sentence shall be deleted: "Exceptions to this policy are listed below in Program f (1-6)."
 - (c) LUP Policy 2.1.14. The following text shall be deleted: "..., as allowed for in Program f (1-6) below, ..."
 - (d) LUP Program F. The following text shall be modified as indicated: "...Utility Prohibition Strip, with the following exceptions: except for one wastewater and one water line to serve permitted high school development on City Area C."
 - (e) LUP Program F. The exceptions numbered as 1, 2, 3, 4, 5, and 6 shall be deleted.
 - (f) IP Section 13.10.493. The following text shall be modified as indicated: "..., except for: one wastewater and one water line to serve permitted high school development on City Area C."
 - (g) IP Section 13.10.493. The exceptions lettered as (a), (b), (c), (d), (e), and (f) shall be deleted.
2. **LUP Policy 2.1.16.** The following text shall be modified as indicated:
- (a) "...(~~including the proposed~~ any Highway One overpass/interchange improvements)... ."
 - (b) "...to serve ~~the new Millennium High School or other~~ permitted high school development... ."
3. **IP Section 17.02.081.** The following text shall be modified as indicated:
- (a) "...(~~including the proposed~~ any Highway One overpass/interchange improvements)... ."
 - (b) "...to serve ~~the new Millennium High School or other~~ permitted high school development on the City of Watsonville... ."
4. **LUP Program E.** The following text shall be modified as indicated: "...a one-foot wide Pipeline Non-Access Strip along ~~both~~ all sides of any existing or future... ."

III. Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

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



typically further refine LUP policies to provide guidance on a parcel by parcel level.

B. Proposed LCP Amendment

1. Description of Proposed LCP Amendment

MOU Background

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

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

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

Required MOU Actions

The MOU requires specific actions for each party as follows:²

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

² Again, see exhibit B for the executed MOU.



adequate buffer provisions.

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

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

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

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

Proposed Policies

The proposed amendment provides a series of policies designed to prevent urban development in the farmlands, wetlands and other environmentally sensitive areas west of Highway One and the City of Watsonville in rural south Santa Cruz County. This several thousand acre area, located roughly between Highway One and the Monterey Bay, is primarily agricultural and zoned almost exclusively for commercial agriculture (CA); a district whose objective is agricultural preservation. The land here is a combination of rolling hills and valleys, with the flatter portions primarily under agricultural cultivation, and with the steeper sections undeveloped. There are some residential uses here, particularly nearest the coast, but this area is predominantly rural, interlaced with significant habitat within the hills and valleys, including the fingers of the Watsonville Slough system as it wends its way to the Monterey Bay. See exhibit A.

The proposed policies provide an additional level of protection to further safeguard the rolling agricultural and habitat landscape from non-compatible development. The main way that this is accomplished is through a new utility prohibition zoning district that is located along the boundary between the County and the City of Watsonville on the west side of Highway One in south Santa Cruz County. The new district is designed to implement a series of new LUP policies geared towards maintaining the stable urban-rural boundary at Highway One in south County. Sewer and potable water utilities, with some proposed exceptions, are prohibited across the new district.

In addition, the proposed LCP amendment provides LUP and IP policies that describe standards for improvements to Harkins Slough Road. These specifications are designed to protect the environmentally sensitive habitats of both West Branch of Struve Slough and Hanson Slough (fingers of the larger Watsonville Slough System) that both cross under Harkins Slough Road should the road be improved in



the future.³

Specifically, the proposed amendment changes the LUP as follows:

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

The proposed amendment changes the IP in four ways:

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

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

2. Effect of Changes Proposed

The primary effect of the new policies is to generally restrict the extension of sewer and potable water utilities from crossing the City of Watsonville city limits and extending on into the mostly agricultural and habitat areas west of the City of Watsonville, except in certain circumstances. This is accomplished by establishing a one-foot wide utility prohibition "strip" running along the City-County border across which sewer and potable water utilities are prohibited, other than for the following proposed exceptions: (1) to serve the City-owned Gilbertson parcel (under the Watsonville Airport flight path); (2) to serve all agricultural uses permitted (principal and conditional) in the CA district; (3) leachate lines to and from landfills; (4) water pipelines for environmental restoration; (5) expansion of wastewater utilities to serve City development east of Highway One (and outside of the Coastal Zone); (6) to serve City of Watsonville Areas B and C. The County prohibition zone would match up geographically with the City's utility prohibition zone established around City Areas A, B, and C and extend both northwest and south

³ For example, as is currently proposed to serve PVUSD's new high school now under construction on City of Watsonville Area C.

⁴ The 36 affected properties are currently zoned as follows: 25 "CA" (Commercial Agriculture) parcels, 6 "A" (Agriculture) parcels, 2 "PR" (Parks, Recreation and Open Space) parcels, 1 "SU" (Special Use), 1 "CT" (Tourist Commercial), and 1 "CA-L" (Commercial Agriculture, Historic Landmark Combining Zone). See exhibit H.



of it (see page 4 of exhibit H for the County's proposed zone, and page 3 of exhibit D for the City's existing zone); the City's prohibition zone likewise designed to strictly limit the extension of utilities to areas outside of the City.⁵

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

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

C. Coastal Act and LUP Consistency

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

1. Applicable Coastal Act Policies

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

Section 30250(a). New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be

⁵ City LCP IP section 9-5.706 (Utility Prohibition Zone District); see exhibit D. The City's complementary zone district was certified by the Commission in October 2000.



permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

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

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

Coastal Act Section 30252 states:

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

Coastal Act Section 30254 states:

Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

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

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



conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

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

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

The next section addresses protection of the soil resource itself:

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

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

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



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

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

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

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

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

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

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

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

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*



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

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

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

In general, Chapter 3 of the Coastal Act establishes clear parameters for the location, intensity, type, and design of new development in the coastal zone. First and foremost, Section 30250(a) requires that new development be concentrated in and around existing developed areas with adequate development



capacities to serve new development. Generally, public works such as water, roads and sewer systems, must be sized to serve planned development. Highway One, though, must remain a two lane scenic road in rural areas under section 30254.

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

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

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

2. Consistency Analysis

The main objective of the LCP amendment is to strengthen the urban-rural boundary in south Santa Cruz County west of the City of Watsonville, and to direct urban development away from rural areas west of Highway One and instead into existing urbanized areas east of the Highway. In so doing, the predominantly agricultural and habitat lands between Highway One and the Monterey Bay are better protected. Given this is a rural area without public services, the Commission has consistently recognized Highway One as the urban-rural boundary; urban on the inland side and rural on the ocean side.

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

The proposed LCP amendment is mostly consistent in principal with the policy requirements of the Coastal Act. Directing urban services and development into already developed areas and away from agricultural and habitat lands is a fundamental Coastal Act objective, as described above. Likewise, enhancing and protecting ESHA, in this case West Branch Struve Slough and Hanson Slough resources adjacent to Harkins Slough Road, is a core Coastal Act goal. However, the proposed policies include a series of exceptions to them, and some areas of potential confusion, that are problematic and affect the



ability of the proposed text to accomplish its intent.

A. Utility Prohibition Zone Exceptions

The proposed prohibition zone policies include a series of identified exceptions to them that could lead to development inconsistent with the purpose of the policies and the LCP. The County proposes to exempt the following from the prohibition, and thus allow water and sewer utilities to cross the prohibition line for: (1) the City-owned Gilbertson parcel (under the flight path of the Watsonville airport); (2) any principal and conditional use in the CA district; (3) leachate lines to and from landfills; (4) water pipelines for environmental restoration; (5) expansion of wastewater utilities to serve City development east of Highway One (and outside of the Coastal Zone); (6) City of Watsonville Area C (see proposed LUP and IP text for exemptions noted in proposed LUP Program F and IP Section 13.10.493). These 6 proposed exceptions derive from a list of 3 possible exceptions noted in the MOU itself.⁶ See exhibit B for the executed MOU, exhibits F (page 4) and G (page 3) for the proposed exceptions, and exhibit I for the County's July 18, 2003 letter discussing the exceptions.

The purpose of listing the exceptions in the MOU was to acknowledge certain exceptions that would not require amendment to the MOU itself. The purpose of the exceptions was not to specify that each would be an LCP-codified exception to the water and sewer prohibition policies. On the contrary, and as stated in the MOU, any such exceptions would need to be pursued through normal processes, and were thus given no more weight than others in an LCP context. In other words, the MOU envisioned an LCP prohibition district without any exceptions. If, in the future, appropriate projects consistent with exceptions identified in the MOU were to be identified that conflicted with the then enacted district requirements, these possible exceptions to the district requirements could be pursued at that time.

With the exception of the high school project that specifically precipitated the MOU, the Commission is not aware of any projects pending at the current time that would require consideration of an exception, either as enumerated in the MOU or otherwise, to the prohibition district. Without such projects, and absent an analysis of their appropriateness in light of the LCP and/or Coastal Act (none has been submitted), it is premature to codify exceptions. This is particularly the case given that the exceptions proposed are broadly worded and lack specificity that could limit their applicability. In particular:

- The first proposed exception allows water and sewer to serve uses on the City-owned (but located in the County) Gilbertson parcel located under the airport flight path. This site is also located west of Highway One (i.e., the recognized urban-rural boundary). As of the date of this staff report, it is unclear what uses may eventually be proposed for this site. To state that urban services would be extended to serve uses on this site is inappropriate when this land is CA-zoned and the principal permitted use is agriculture. An exception to serve this site with water and sewer services is premature at best, and would be inconsistent with Coastal Act Sections 30254, 30241, 30243, and 30250(a) protecting agriculture, directing development to existing developed areas able to accommodate it, and maintaining a firm urban-rural boundary. The exception provides significant

⁶ Note that although not the standard of review, the MOU is the basis for the amendment submittal.



growth incentives for this site, directing its use to urban rather than rural agricultural development, and thus a likelihood that there will be future growth in what is now a rural area, inconsistent with the Coastal Act.

- The second proposed exception allows services to be extended to serve principal and conditional uses on CA-zoned lands. This proposed exception is very broad inasmuch as the uses, particularly the conditional uses, allowed on CA-zoned lands are many, including multi-unit residential. This proposed exception is in direct conflict with the purpose and intent of the MOU and the policy direction of the Coastal Act, particularly relating to strengthening the urban-rural boundary. As with the Gilbertson site, it would provide significant growth incentives. Except whereas the Gilbertson site is one parcel, there are thousands of acres of CA-zoned lands west of the Highway. It is these lands that are protected by the Coastal Act and the County LCP against non-agricultural development; it is the protection of these lands against inappropriate development that is the basis of the MOU. For similar reasons as Gilbertson, but at a much greater magnitude, an exception to serve these areas is inconsistent with Coastal Act Sections listed above. Moreover, these CA-zoned lands also include significant wetland and other ESHA resources, including fingers of the Watsonville Slough System. Growth incentives could lead to development pressure on these lands and compromised protection for the significant ESHA resources present there inconsistent with the protection afforded these resources by Section 30240, 30231, and 30233.

The County states that a primary purpose for this exception is that any delay to getting potable water to existing uses (residential or agriculture) contributes to pressures to convert these agricultural lands to residential uses (see County's July 18, 2003 letter; exhibit I). It isn't clear that this is the case. The prohibition zone does not prohibit non-potable water (such as irrigation water for agricultural fields), and it isn't otherwise clear that the lack of this exception to the prohibition zone contributes to pressure to convert this land to agricultural uses. There are rural lands throughout the County, outside of the urban-rural boundary, and outside of the urban services line, for which on-site systems (wells and septic) are the norm. If a project were to be identified, and its impacts clearly understood through normal project and environmental review, then there would be facts with which to analyze this contention; such is not the case currently. Moreover, it is not clear under what circumstances the extension of urban services to rural residential land uses would be consistent with the fundamental Coastal Act policies to establish stable urban-rural boundaries and protection agricultural rural lands from urban development.

The County also states that such an exception would assist in maintaining the viability of agricultural land, particularly if a groundwater pumping moratorium were instituted. Again, the prohibition zone is directed to potable water, not irrigation water, and sewer service. Even if a groundwater pumping prohibition were to be put in place, non-potable pipelines could deliver agricultural irrigation water. In addition, if a groundwater pumping moratorium were to be put in place because there was inadequate water to support water-intensive agriculture, it may make sense at that point to evaluate other less water intensive forms of agriculture that are more sustainable and responsive to site constraints at these locations. The point is that these are future potential issues, and they have not



been addressed and/or evaluated in any type of systematic way as to clearly support the County's contention and the proposed exceptions. Absent clear evidence indicating that any particular exception would be more protective of coastal zone resources than a strict prohibition zone, it is premature to codify such an exception. Rather, the most conservative approach is warranted in light of the significance of the resources west of the highway, and the effect of weakening the urban-rural boundary in any way. To do otherwise would not be consistent with the Coastal Act Sections listed above.

- The third proposed exception, for leachate lines, is simply premature. There is no project of which the Commission is aware for leachate lines that would cross the City-County boundary and extend to the City and/or County landfills. The effect of this exception on development pressure west of the Highway is unclear. However, given the significant agricultural, ESHA, viewshed, and open space resources west of the Highway, and to err on the conservative side, it seems appropriate to not prejudice consideration of such a future project by excepting it now. There is no environmental analysis of the effect of such a development on coastal zone resources; it may be that there is an effect that could be reduced and/or eliminated by not allowing the lines, or by an alternative project and/or routing. It is premature to make such a determination at this point, and to do so would be contrary to the Coastal Act protection afforded this rural area.
- The fourth proposed exception is for pipelines to distribute water for "environmental restoration, maintenance, or enhancement." At face value, this seems like an exception that may be appropriate. However, it is unclear at the current time as to what type of projects may be argued to so qualify in the future. There is some interpretation that goes into such an assessment. For example, as an example, suppose a project were proposed where a system of sewer lines would be placed seaward of the highway so that existing residences in the area could abandon their septic systems. Such a project could arguably enhance nearby environmental resources (such as the slough system) by eliminating septic system discharge to them. It could be argued that such sewer lines met this proposed exception. However, a consequence would be that there would be significant urban infrastructure in a rural area which would greatly increase development pressure on these lands. Such would be the case even if the proposed legal mechanisms (such as the proposed non-access easements) were put in place surrounding such extensions inasmuch as the physical improvements would be in the ground and would make it that much easier for development to occur; even if it meant modifying the easement, and particularly if there was some community goal at stake (for example, provision for affordable housing). Again, the basis for, and the effect of, the proposed exception at the current time is unclear. It is possible, as shown in the example above, that the exception could provide growth incentives for the area west of the highway, and thus a likelihood that there could be future growth in what is now a rural and ESHA area, inconsistent with Coastal Act Sections described above.
- The fifth proposed exception allows an expansion of a main wastewater utility line between the City of Watsonville east of the Highway and the City's wastewater treatment plant west of the Highway to accommodate future growth inland of Highway One within the City. As with the other exceptions, the Commission is unaware of any such project. Moreover, the impacts of additional growth in the



City east of Highway One on coastal zone resources are unclear. As detailed above, there is no environmental analysis of the effect of such development, and it may be that there is an impact that could be reduced and/or eliminated by not allowing such growth and/or by addressing wastewater differently. It is premature to make such a determination at this point, and to do so would be inconsistent with the Coastal Act protection for the significant coastal zone resources west of the Highway, including the Watsonville Slough system and the Pajaro River adjacent to the City's wastewater treatment plant, the Monterey Bay where treated effluent ultimately makes its way, and the rural agricultural lands seaward of the Highway.

- The sixth proposed exception allows water and sewer service to extend to City Coastal Zone areas B and C. Area C is the PVUSD high school site, and services are to be extended to serve it along Harkins Slough Road, across the City-County boundary. The Commission and City conceptually agreed to this location for the utility extensions when the City approved the coastal permit for the high school, and the Commission declined to take jurisdiction over it at their October 2001 hearing. While these off-site improvements have yet to be permitted by the County, it is clear at this point that an exception to serve the high school under construction is appropriate, consistent with all measures to limit other access to these lines. The proposed exception is vague, however, and doesn't refer specifically to the already permitted and under construction high school project. A modification is suggested to ensure that it is only the high school project that is served (see suggested modification 1). As to Area B, it is entirely premature to presuppose what type of development will eventually be proposed on this undeveloped land. Area B consists of a vacant 4.2 acre site. Though used for agriculture in the past, the site has lain fallow for some time. The City LCP's principal permitted use for the subject site is agriculture. Exceptions for utility extensions would allow for sewer and water service to a vacant agricultural parcel west of Highway One. The subject parcel also supports an unnamed wetland. The City LCP provides strong policy direction to protect ESHA and agricultural lands, and to maintain the rural agrarian character of the small portion of the City, including the subject parcel, that lies west of Highway One. The City LCP identifies Highway One as the urban-rural boundary. The City LCP's public works policies specifically discourage the provision of sewer and water service west of the Highway for these reasons, and require that such services only be provided in conjunction and sized in accordance with the development that they are to serve. It is inappropriate, and contrary to the Coastal Act Sections listed above to allow an exception to serve Area B at this time.

A common theme with the proposed exceptions is that, other than the high school, they are for as yet unknown projects. If, in the future, specific projects are proposed for which an exception to the prohibition zone is necessary, such exception would need to be considered at that time based on the merits of any particular case. To do so now, outside of the normal application review and analysis process, would be premature and inconsistent with the Commission's understanding of the MOU, and could lead to unknown negative impacts to the coastal resources meant to be protected contrary to the LCP and the Coastal Act.

Furthermore, it is important to note that even were the proposed exceptions to be adopted, the same



exceptions are not found in the complementary City prohibition zone (enacted pursuant to the MOU and previously certified by the Commission). The City's prohibition zone does not contain any exceptions other than the one to serve the high school (see exhibit D). In other words, an exception on the County side of the line does not negate the straightforward prohibition zone on the City side of the line. Of course, because the City's prohibition zone extends only along the City-County boundary at Areas A, B, and C in the coastal zone (i.e., a subset of the County's proposed zone – see exhibit D), the County's exceptions could allow for utility extensions through the City that skirted the City's prohibition zone.

In any case, the double growth-inducement protection (of two prohibition zones) and the additional protection afforded by requiring non-access easements surrounding any such urban services allowed, was one of the reasons the Commission allowed the City's LCP to be modified to allow the high school development west of the highway. The coastal zone resources west of the highway are of such import that the Commission found it necessary to provide as many protections as possible against inappropriate development in this area, including severely limiting potential urban service and infrastructure that could provide significant growth incentives. Such growth incentives increase the likelihood that there will be future growth in what is now a significant rural agricultural, ESHA, viewshed, and open space resource area, inconsistent with Coastal Act. In the event one such link in the urban-rural boundary armor were to be breached, backup systems would be in place to reduce the effect of such a breach.

Therefore, modifications are suggested to eliminate the exceptions from the proposed policies. Such modifications are without prejudice to future LCP amendments and/or projects that may be pursued as exceptions to the prohibition district, and that would be evaluated on their own Coastal Act/LCP merits. Consistent with the previously certified City LCP prohibition zone, consistent with the primary intent of the MOU, and consistent with the City's coastal permit authorizing the high school on Area C (under construction), one exception to serve the high school development is allowed. This one exception is worded to match the City LCP and City coastal permit requirements designed to limit such utility line sizing and placement. See suggested modification 1.

B. Clarifications to LUP Policy 2.1.16 and IP Section 17.02.081

Proposed LUP Policy 2.1.16 and IP Section 17.02.081 include wording that could be read to limit their applicability unintentionally. Specifically, these policies refer to "New Millennium High School" and "the proposed Highway One overpass/interchange improvements." The PVUSD high school under construction is no longer named New Millennium High School, but rather is now referred to by PVUSD as Pajaro Valley High School. It is not clear at the present time whether this name will be the name ultimately bestowed on the high school, as there has been controversy over what would be the most appropriate name for the school. Since the name of the school may change, the reference in these policies is modified to ensure that the policies apply, as intended, to the high school development as opposed to a specifically named project. This will ensure that any re-naming does not have the unintended consequence of potentially negating policies designed to provide for development in support of the high school. This is accomplished by simplifying the reference so that it applies to all permitted high school development on Area C irregardless of the name of the school.



Similarly, the intent of these policies is that they be applicable to Highway One improvements that may occur to the overpass at Harkins Slough Road. While there have been conceptual plans, nothing is formally proposed or pending at this time. As written, the policy could be read to apply to the project proposed at the time the policy was written, and not to the a future project. So as to ensure that the policy is applicable to any improvements to the overpass as intended, the policy is modified at accomplish this.

See suggested modifications 2 and 3.

C. One-Foot Pipeline Non-Access Strips

Proposed LUP Program E contains an internal inconsistency where it refers in part of the text to non-access strips being applied along "both sides" of any pipelines allowed. This is different from the text proposed in Policy 2.1.15 and another portion of Program E asserting that the strips shall thus "completely surround" such pipelines (see exhibit F for proposed text). Any such easements that do not completely surround the pipelines may allow for a connection that otherwise would not be allowed because there is a virtual "gap" in the non-access strip. Fortunately, and consistent with the overall intent of the LCP amendment package, this issue can be easily addressed by ensuring that all such references refer to non-access easements that completely surround any such pipelines (see suggested modification 4).

D. Conclusion

The Commission must determine whether the LUP with the proposed amendment is consistent with the Coastal Act. For the most part, the proposed LCP amendment is generally consistent in principal with the policy requirements of the Coastal Act. Directing urban services and development into already developed areas and away from agricultural and habitat lands is a fundamental Coastal Act objective, as described above. Likewise, enhancing and protecting ESHA, in this case West Branch Struve Slough and Hanson Slough resources adjacent to Harkins Slough Road, is a core Coastal Act goal.

Towards this end, the proposed new policies are generally well written and mostly consistent with the Coastal Act. However, the proposed policies include a series of identified exceptions to them that could lead to development inconsistent with the purpose of the policies and the LCP. Specifically, the proposed amendment to the LUP allows for overly broad exceptions absent corresponding understanding of their implication, and lacks clarity in a few places, and therefore consistency with the cited policies of Chapter 3 of the Coastal Act is not guaranteed. It is also not consistent with the Commission's understanding of the MOU. As such, the proposed LUP amendment must be denied as submitted. Since the proposed IP amendment fundamentally mimics the proposed LUP changes, and since the LUP amendment must be denied, so too must the IP amendment. Otherwise, it allows for adverse impacts to habitat and agricultural lands not allowed by the currently certified land use plan, and not envisioned by the MOU.

Fortunately, there are modifications that can be made to address the identified issues and thereby maintain a stable urban rural boundary and protect rural agricultural land, wetlands (such as West Branch Strive Slough and Hanson Slough adjacent to Harkins Slough Road), and other environmentally



sensitive habitat areas by ensuring that there will be no extension of urban services along the western boundary of the City of Watsonville and by providing for concentrated urban development within the City of Watsonville city limits. Such modifications also ensure that the objectives of the MOU are realized.

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

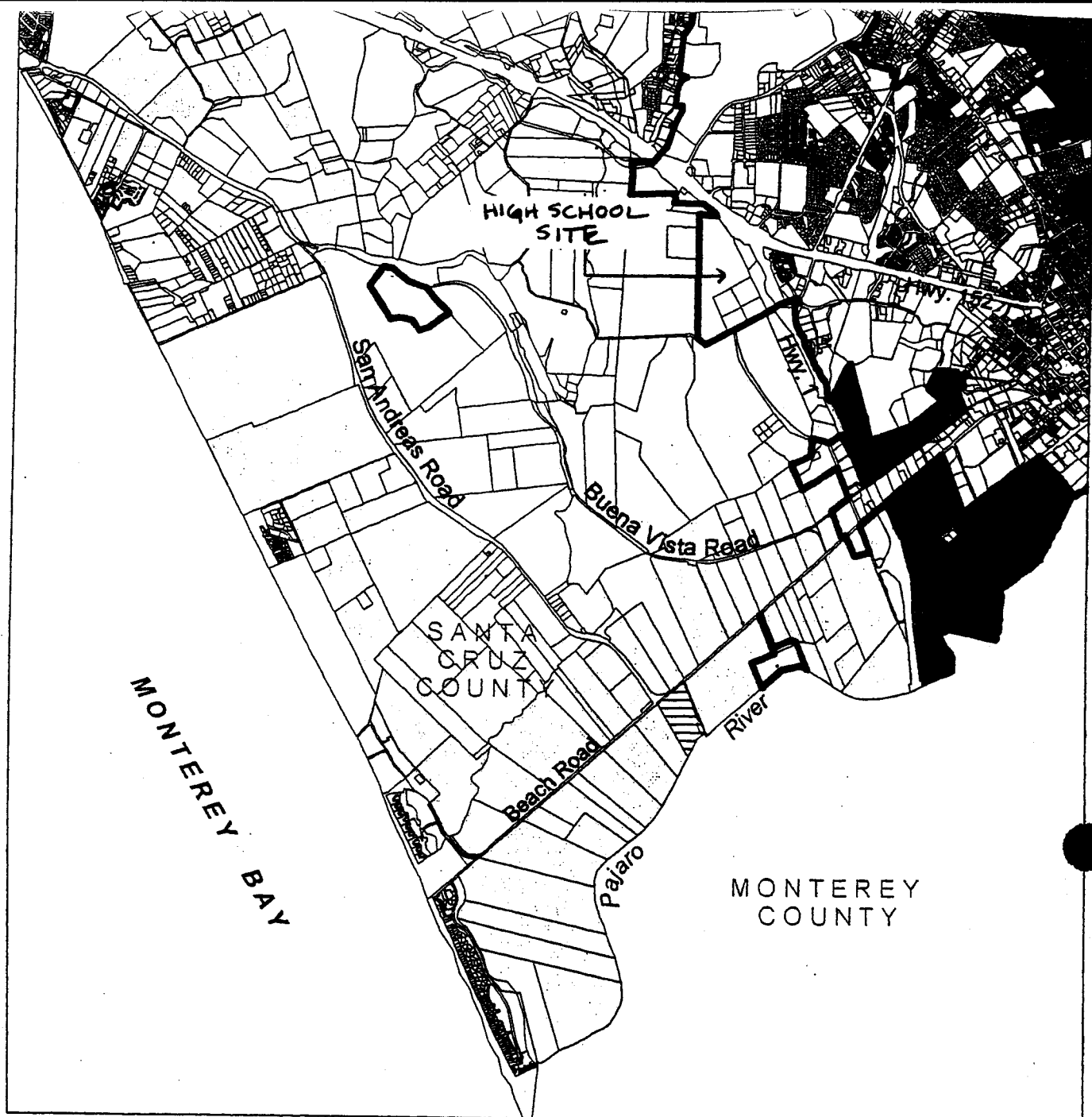
D. California Environmental Quality Act (CEQA)

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

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

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).









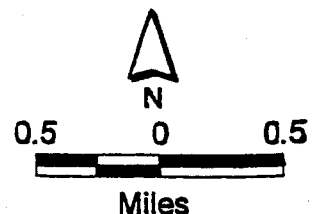


- NOTE -

The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

 Technical Services Division
California Coastal Commission

-  Viable Agricultural Land in Coastal Zone
-  Viable Agricultural Land
-  Agricultural Preservation Zone
-  Limited Agricultural Land-Geographically Isolated
-  City of Watsonville
-  Parcels



Data Source: Santa Cruz County Planning Department, 2/00
County LCP and General Plan
Agricultural Land Classifications.
(City Agricultural Land not shown).

GMB, 2/00

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

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

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

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

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

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

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EXHIBIT B (B-1)

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

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

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- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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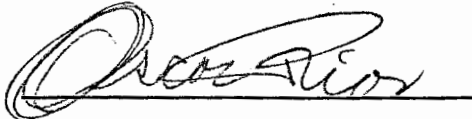
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B-14

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

Page 15

City of Watsonville

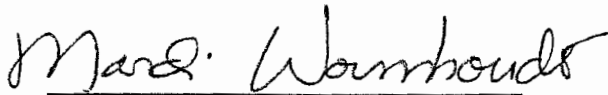


Mayor

9-12-00

Date

County of Santa Cruz

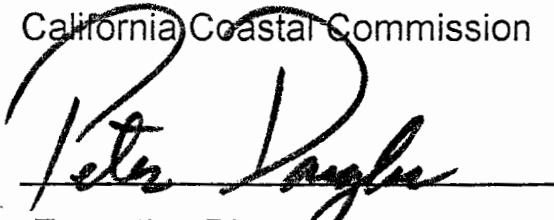


Chair of the Board of Supervisors

9/13/00

Date

California Coastal Commission



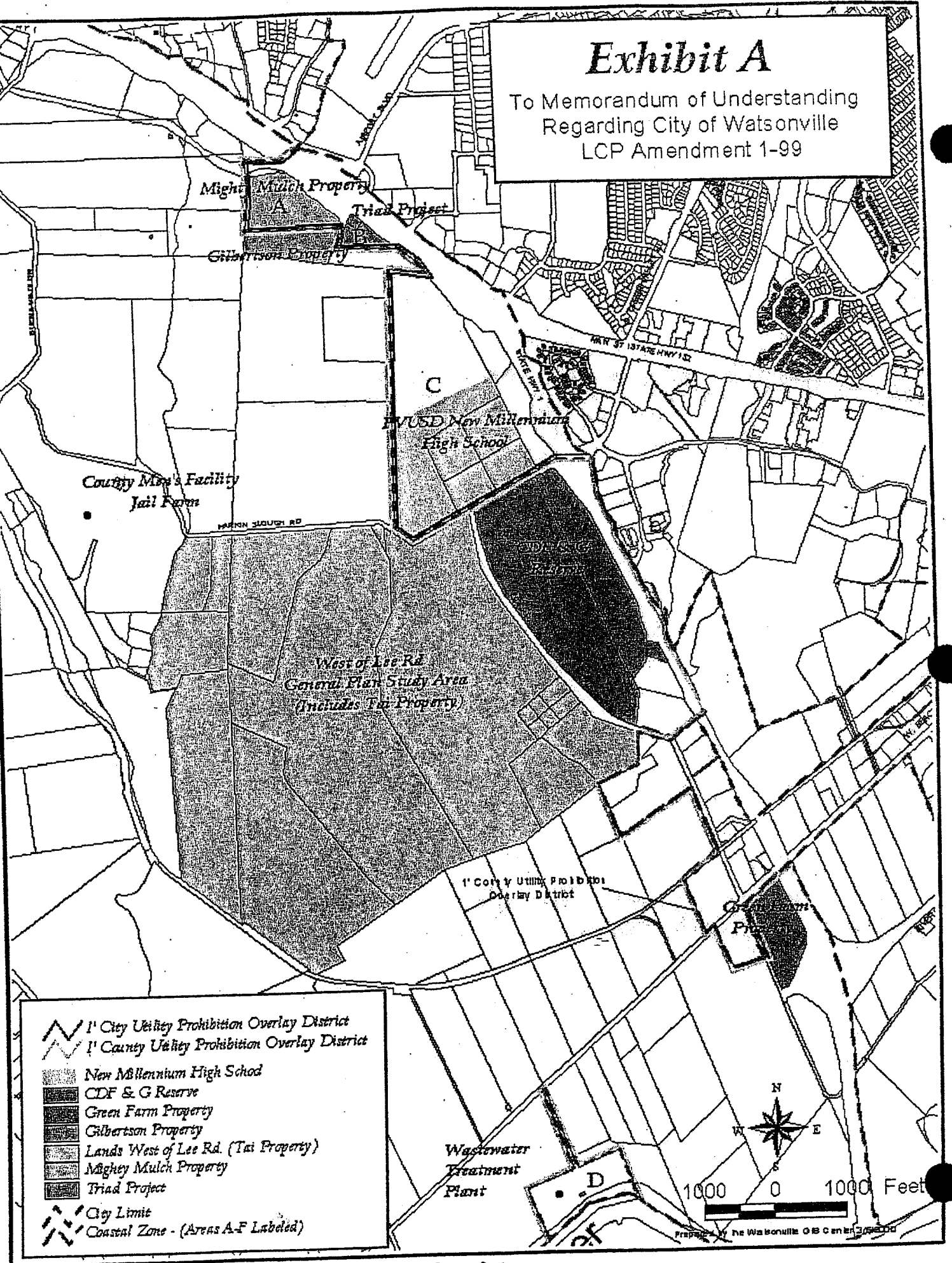
Executive Director

9/8/00

Date

Exhibit A

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



RECEIVED

SEP 15 2000

MOU Regarding Affordable Housing

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

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

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

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

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

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

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

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

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

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

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

1. The County within six months of the date of this Memorandum of Understanding shall act in good faith to hold a public hearing to consider the adoption and submission for certification by HCD modifications to the County's Housing Element that includes as a minimum the consideration of the following elements:
 - a. Increase quality, affordable housing for all segments of the community, with particular emphasis on agricultural workers, families with children, and first-time home buyers; and
 - b. Increase affordable housing through rehabilitation of existing housing and creative purchasing opportunities for affordable housing in general; and
 - c. Create new incentives for the development of new affordable housing units such as fee reductions and priority processing; and
 - d. Geographically disperse affordable single and multi family housing throughout the County, particularly such housing for agricultural workers in the North and South County;
2. Said agreement shall be executed as a condition for the City of Watsonville considering entering into a Memorandum of Understanding between the City of Watsonville, the County of Santa Cruz and the California Coastal Commission relative to modifications of the City's certified Local Coastal Program (LCP) adding public schools as a conditional use in order to accommodate the development of a public high school on the west side of Highway One, north of Harkins Slough Road.

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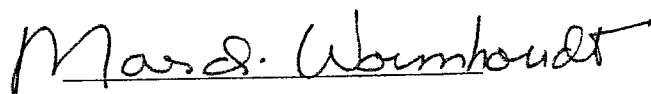
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City of Watsonville


Mayor

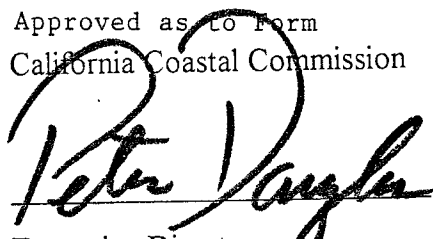
9-12-00
Date

County of Santa Cruz


Chair of the Board of Supervisors

9/13/00
Date

Approved as to Form
California Coastal Commission


Executive Director

9/8/00
Date

BILL NUMBER: AB 2144 CHAPTERED
BILL TEXT

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

INTRODUCED BY Assembly Member Keeley

FEBRUARY 23, 2000

An act relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, Keeley. Land use.

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

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

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

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

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

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

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

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

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

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

CCC Exhibit C
(page 1 **of** 2 **pages)**

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

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

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

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

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

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

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

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

CCC Exhibit C
(page 2 of 2 pages)

(ii) In order to approve any such public wastewater or water line, City staff shall have verified that:

(aa) The facilities are sized no greater than necessary to serve the permitted development; and

(ab) The financial plan is sound and is not predicated on any third party funding that would induce growth inconsistent with this chapter.

(iii) Any permit to approve a public wastewater or water line must be conditioned to prohibit installation to occur prior to the commencement of construction of the development that it is to serve.

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988, as amended by § 1, Ord. 1080-99 C-M, eff. September 23, 1999; and § 1, Ord. 1096-00 C-M, eff. October 12, 2000)

Sec. 9-5.706. Utility Prohibition Overlay District.

(a) This subsection establishes a Utility Prohibition Overlay District (UPO). This is a minimum one-foot wide overlay district that applies to property within the Coastal Zone located along the boundary of Coastal Zone Areas A, B and C. The purpose of the Utility Prohibition Overlay District (UPO) is to maintain a stable urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City within the Coastal Zone, and to protect agricultural lands, environmentally sensitive habitats and wetlands while providing for concentrated urban development in the City.

(b) The regulations of the Utility Prohibition Overlay District (UPO) shall apply to all property identified in this section in addition to the regulations of the underlying zone or district with which the UPO District is overlaid. Where the regulations established in this district are in conflict with other zoning or land use plan regulations, the more restrictive and/or the most protective of coastal zone resources shall apply.

(c) Within the Utility Prohibition Overlay District (UPO), wastewater utility pipelines and potable water utility pipelines are prohibited. However, an exception can be made for one wastewater and one water line to serve a new public school on Area C provided:

(1) Caltrans will not allow such lines to be installed in the Caltrans right-of-way within the City limits;

(2) The City makes a finding that there is a one-foot non-access strip surrounding the pipelines through County land which prohibits any tie-ins to the line and which is dedicated to a nonprofit agency;

(3) The City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99;

(4) The lines through the County are found consistent with the County Local Coastal Program and have received an appealable County coastal permit; and

(5) The connecting lines within the City limits comply with all other applicable provisions of this article.

(d) The prohibitions specified within the UPO shall not restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as to maintain existing capacity of existing lines (or the potential addition of one new line to service the high school). In no case, however, is the physical expansion of these existing lines across the UPO allowed.
(§ 1, Ord. 1096-00 C-M, eff. October 12, 2000)

Article 8. Definitions

Sec. 9-5.800. General.

Unless the context requires otherwise, the definitions set forth in this article and in Chapter 18 of Title 14 of this Code shall be used in the interpretation and construction of this chapter.
(§ 1, Ord. 789-88 C-M, eff. December 8, 1988)

Sec. 9-5.805. Aggrieved person: Appellant of an appealable coastal permit.

"Aggrieved person" or "appellant of an appealable coastal permit" shall mean a person qualified to file an appeal of City action on a coastal permit, as defined in Section 30801 of the Public Resources Code of the State. Qualified persons include:

(a) The applicant; and

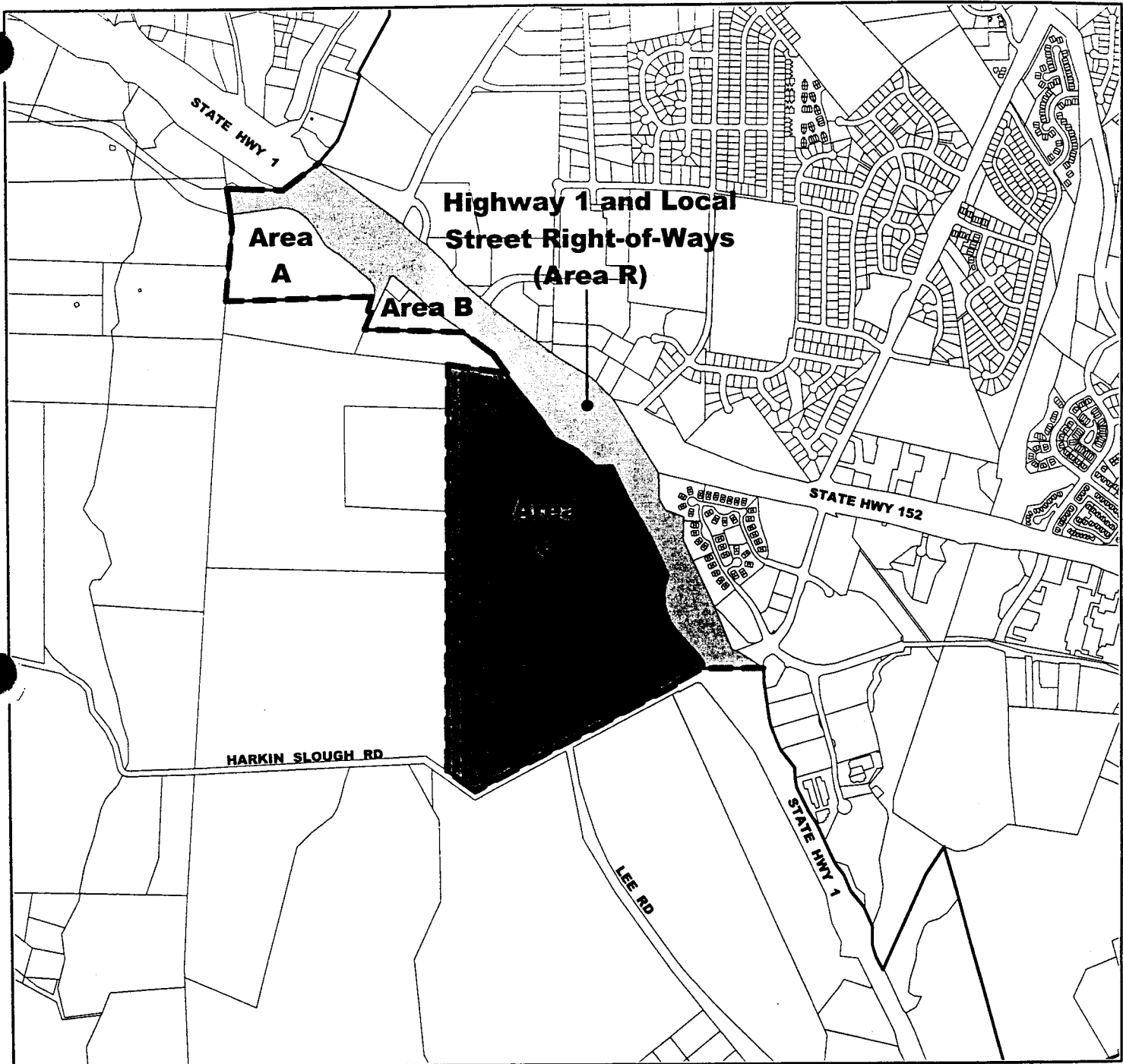
(b) Any other person who, in person or through a representative appeared at a public hearing held in conjunction with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his or her concerns, or for good cause was unable to do either.

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988)






Sec. 9-5.810. Appealable coastal development.

"Appealable coastal development" shall mean a development application for a coastal permit which can be appealed to the Coastal Commission, but only for the types of development identified in Section 30603 of the Public Resources Code of the State, as follows:

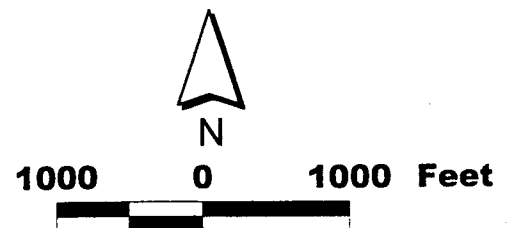
Figure 1A: COASTAL ZONE AREA R - UTILITY PROHIBITION DISTRICT



Legend

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

CCC Exhibit D
(page 3 of 3 pages)



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

Photo Source: 1993 USGS ORTHOPHOTO

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

RESOLUTION NO. 67-2002

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

RESOLUTION ACCEPTING AND REVISING THE CALIFORNIA COASTAL COMMISSION'S
SUGGESTED MODIFICATIONS TO PREVIOUSLY APPROVED GENERAL PLAN/ LOCAL
COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCE
AMENDMENTS RELATED TO NEW MILLENNIUM HIGH SCHOOL MEMORANDUM OF
UNDERSTANDING

WHEREAS, the Board of Supervisors, on March 14, 2000, entered into a Memorandum of Understanding (MOU) representing concurrence regarding the location of the Pajaro Valley Unified School District's proposed New Millennium High School on City of Watsonville's Coastal Zone Area C, provided that the City of Watsonville agreed not to pursue major additional annexations in the environmentally sensitive lands west of Highway One, to be enforced through restrictions on the extension of wastewater and potable water supply pipelines from the City of Watsonville to lands west of Highway One; and

WHEREAS, the County's responsibilities under the MOU included amending the General Plan/Local Coastal Program (LCP) Land Use Plan and County Code/LCP Implementation Plan to provide for:

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

WHEREAS, the Board of Supervisors, on March 27, 2001, following a duly noticed public meeting, approved amendments to the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan which fulfilled the County's obligations under the MOU, and directed staff to forward the amendments to the California Coastal Commission for their certification as required under the Coastal Act, and

WHEREAS, the approved amendments to the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan were found to be categorically exempt from the California

Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, on September 12, 2001, the California Coastal Commission considered and denied as submitted, but then approved with suggested modifications, the proposed General Plan/LCP Land Use Plan and to the County Code/LCP Implementation Plan amendments as Santa Cruz County's LCP Major Amendment 1-01 (Part 2); and

WHEREAS, the Santa Cruz County Board of Supervisors has six (6) months from the date of the Coastal Commission action (i.e., until March 12, 2002) to adopt the Coastal Commission's suggested modifications to LCP Major Amendment 1-01 (Part 2); and

WHEREAS, the Coastal Commission's suggested modifications consist primarily of minor changes that provide clarification, remove redundancies, or strengthen environmental protection provisions in the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan amendments previously approved by the Board of Supervisors; and

WHEREAS, the Board of Supervisors, following a duly noticed public hearing, has considered the modifications suggested by the California Coastal Commission and have addressed the concerns raised at the public hearing regarding the future water service needs of agricultural uses in the Coastal Zone through proposed revisions to the Land Use Plan and Implementing Ordinances.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the Coastal Commission's suggested modifications to the previously approved amendments to the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan, as set forth in Exhibits 1-A and 1-B to this Resolution, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission for their final certification; and

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors adopts revised language to the Coastal Commission's suggested modifications to the previously approved amendments to the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan, as set forth in Exhibits 1-A and 1-B to this Resolution, relating to the provision of potable water pipelines to serve commercial agricultural uses in the San Andreas Planning Area, and authorizes their re-submittal to the California Coastal Commission for certification.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 5th day of March, 2002 by the following vote:

AYES: SUPERVISORS Pirie, Wormhoudt, Campos & Almquist

NOES: SUPERVISORS None

ABSENT: SUPERVISORS Beautz

ABSTAIN: SUPERVISORS None

ELLEN PIRIE

Vice-Chairperson of the Board of Supervisors

ATTEST: **GAIL T. BORKOWSKI**

Clerk of the Board of Supervisors

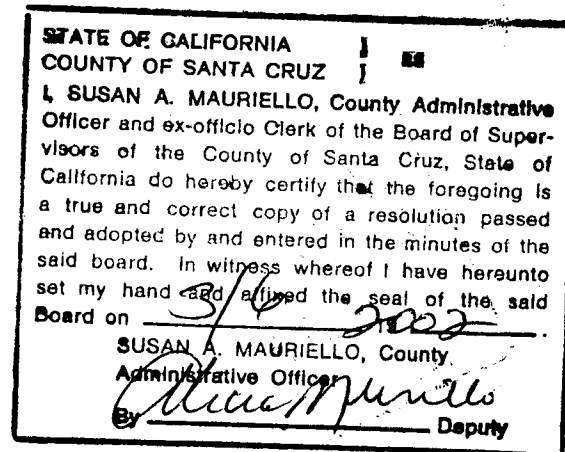
APPROVED AS TO FORM:  3-5-02

County Counsel

2

CCC Exhibit E
(page 2 of 3 pages)

cc: County Counsel
Planning Department
California Coastal Commission



*STAFF NOTE: TEXT IN CROSS-OUT FORMAT IS NOT PROPOSED. ANOTHER TEXT (INCLUDING SHADED AND ITALICIZED TEXT) IS PROPOSED.

LAND USE ELEMENT

OBJECTIVE 2.1 URBAN/RURAL DISTINCTION

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

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

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

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

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

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

**Policy 2.1.15
(LCP)**

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

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

**Policy 2.1.16
(LCP)**

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

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

Programs

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

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

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

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

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

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

- 1) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel. ~~and~~
 - 2) ~~To serve~~ the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including agricultural worker housing, ~~on Type 3 Agricultural Land as designated in the Santa Cruz County Local Coastal Program Land Use Plan~~
 - 32) Leachate lines to and from the City and County landfills and the City wastewater treatment plant, ~~or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses;~~
 - 43) Pipelines to distribute water for environmental restoration, maintenance or enhancement, ~~or for agricultural uses;~~
 - 54) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
 - 65) Wastewater and potable/*domestic* water supply utility pipelines/easements necessary to serve the New Millennium High School or other permitted use on the *City of Watsonville Coastal Zone Area C* Edwards property (APN 018-281-19), with the condition that the pipeline sizes be limited to the minimum capacity required to serve that use only.
 - 6) ~~If APN 052-271-04 (Green Farm) is annexed into the City of Watsonville, the Utility Prohibition Combining Zoning District designation shall be applied to any and all parcels surrounding it, as necessary to maintain a continuous Utility Prohibition Strip around the City boundaries west of Highway One.~~
- g. Endeavor to acquire, or to encourage other appropriate third parties (e.g., land trusts or other non-profit organizations) to acquire, the one-foot wide Utility Prohibition Strip, as described above in Program f, as permanently held easements on each affected parcel.

CONSERVATION AND OPEN SPACE ELEMENT**OBJECTIVE 5.1 BIOLOGICAL DIVERSITY****Restoration of Damaged Sensitive Habitats****Policy 5.1.16
(LCP)****Harkins Slough Road Improvements (~~per MOU/City of Watsonville Amendment 1-99~~)**

Any major Harkins Slough Road improvements (e.g., improvements related to the Highway One overpass/interchange and/or permitted development on the Edwards site, APN 018-281-19) *that (1) expand the roadway prism outside of the existing paved area; or (2) constitute a major public works project; or (3) are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C* shall provide enhanced habitat connectivity: *1) for Hanson Slough, if the Hanson Slough portion of the road is improved (e.g., by replacing the existing culvert with an alternative structure, such as a box culvert, that better connects slough resources on either side of Harkins Slough Road); and 2) between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road* by ~~re-~~ replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road ~~is the preferred alternative~~, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such major road improvements to Harkins Slough Road shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any such major improvements made to Harkins Slough road pursuant to this policy shall also be consistent with Policy 2.1.16. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

* STAFF NOTE : TEXT IN CROSS-OUT FORMAT IS NOT PROPOSED

ORDINANCE NO. 4656C

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

SECTION I

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

13.10.490 **"W" Watsonville Utility Prohibition Combining District**

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

The purpose of the Watsonville Utility Prohibition or "W" Combining District is to prevent the provision of urban services to undeveloped/rural areas west of the City of Watsonville, so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive areas in the Coastal Zone west of Watsonville. The Watsonville Utility Prohibition or "W" Combining District establishes a one-foot wide wastewater and potable water Utility Prohibition Strip upon parcels and public road rights-of way to the west of, and abutting, the western edge of the Highway One right-of-way, and the Watsonville City limits where the City extends west of Highway One. The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. Wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with certain exceptions as set forth in Section 13.10.493. Any amendments to this and the following sections, including revocation, require a super-majority vote of the Board of Supervisors.

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

The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One

right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. The Watsonville Utility Prohibition "W" Combining District designation, establishing the one-foot wide Utility Prohibition Strip, shall be applied to:

- (a) Where the city limits of Watsonville lie west of State Highway One, those properties and public road rights-of-way directly bordering the City limits of Watsonville (and also to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One);
- (b) Where the city limit of Watsonville is coterminous with the western edge of the Highway One right-of-way, or where the city limit of Watsonville is east of Highway One, those properties and public road rights-of-way bordering the western edge of the Highway One right-of-way, along the stretch of Highway One between Buena Vista Drive to the north and the Monterey County line to the south;
- (c) Where the city limit of Watsonville is modified subsequent to the effective date of this section through annexation to include either County lands located west of Highway One, or County lands located east of Highway One and abutting the Highway One right-of-way, those properties and/or public road rights-of-way on the County side of the so annexed area. In the event of such an annexation, the annexation shall be conditioned for the affected County properties on the County side of the so annexed area to be rezoned with the "W" combining zone district;

13.10.493

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

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

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(page 2 of 5 pages)

- (a) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel.
- (b) To serve the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including agricultural worker housing, on Type 3 Agricultural Land as designated by the Santa Cruz County Local Coastal Program Land Use Plan
- (c) Leachate lines to and from the City and County landfills and the City wastewater treatment plant.
- (d) Pipelines to distribute water for environmental restoration, maintenance or enhancement.
- (e) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
- (f) Wastewater and potable water supply utility pipelines/easements necessary to serve areas B and C as designated by the City of Watsonville's LCP, with the condition that the pipeline sizes be limited to the minimum capacity required to serve the allowed uses.

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

SECTION II

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

17.02.081 Harkin Slough Road

Harkins Slough Road (including the proposed Highway One overpass/interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on the City of Watsonville Coastal Zone Area C, and/or 2) as needed to meet minimum County or Caltrans design standards. Any such road improvements shall be designed in

tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. Any such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with County Code Section 16.32.090(c)(A)(11). Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION III

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

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

Any Harkins Slough Road improvements that (1) expand the roadway prism outside of the existing paved area; or (2) constitute a major public works project; or (3) are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C shall provide enhanced habitat connectivity: 1) for Hanson Slough, if the Hanson Slough portion of the road is improved (e.g., by replacing the existing culvert with an alternative structure, such as a box culvert, that better connects slough resources on either side of Harkins Slough Road); and 2) between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road by replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any major improvements made to Harkins Slough road pursuant to this policy shall also be consistent with County Code Section 17.02.081. Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION IV

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

PASSED AND ADOPTED this 5th day of March, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

ELLEN PIRIE

Vice- CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: **GAIL T. BORKOWSKI**

Clerk of the Board

APPROVED AS TO FORM:

[Signature]
County Counsel

Copies to: Planning Department
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 5th DAY OF March 2002

SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

[Signature] DEPUTY

ORDINANCE NO. 4610AORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY
CODE CHANGING PROPERTIES FROM ONE (OR SEVERAL) ZONE DISTRICT(S)
TO ANOTHER (OR OTHERS)

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

SECTION I

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

SECTION II

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

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

SECTION III

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

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

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

~~0500~~

052-011-67
 052-011-77
 052-021-15
 052-021-21
 052-021-30
 052-021-31
 052-081-37
 052-081-38
 052-081-39
 052-103-13
 052-103-14
 052-221-14
 052-221-15
 052-221-17
 052-222-10
 052-222-22
 052-272-01
 052-272-02
 052-511-01
 052-511-11
 052-581-09
 052-581-10
 052-581-11

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

052-511-05
 052-511-06
 052-511-08
 052-511-10
 052-511-12
 052-511-13

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 (page 2 of 4 pages)

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<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	PR (Parks, Recreation and Open Space)	PR-W (Parks, Recreation and Open Space, Watsonville Utility Prohibition Combining Zone)

052-091-41
052-091-42

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
052-011-66	SU (Special Use District)	SU-W (Special Use, Watsonville Utility Prohibition Combining Zone)
052-271-03	CT (Tourist Commercial)	CT-W (Tourist Commercial, Watsonville Utility Prohibition Combining Zone)
052-271-04	CA-L (Commercial Agriculture, Historic Landmark Combining Zone)	CA-L-W (Commercial Agriculture, Historic Landmark, Watsonville Utility Prohibition Combining Zone)

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

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

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

TONY CAMPOS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

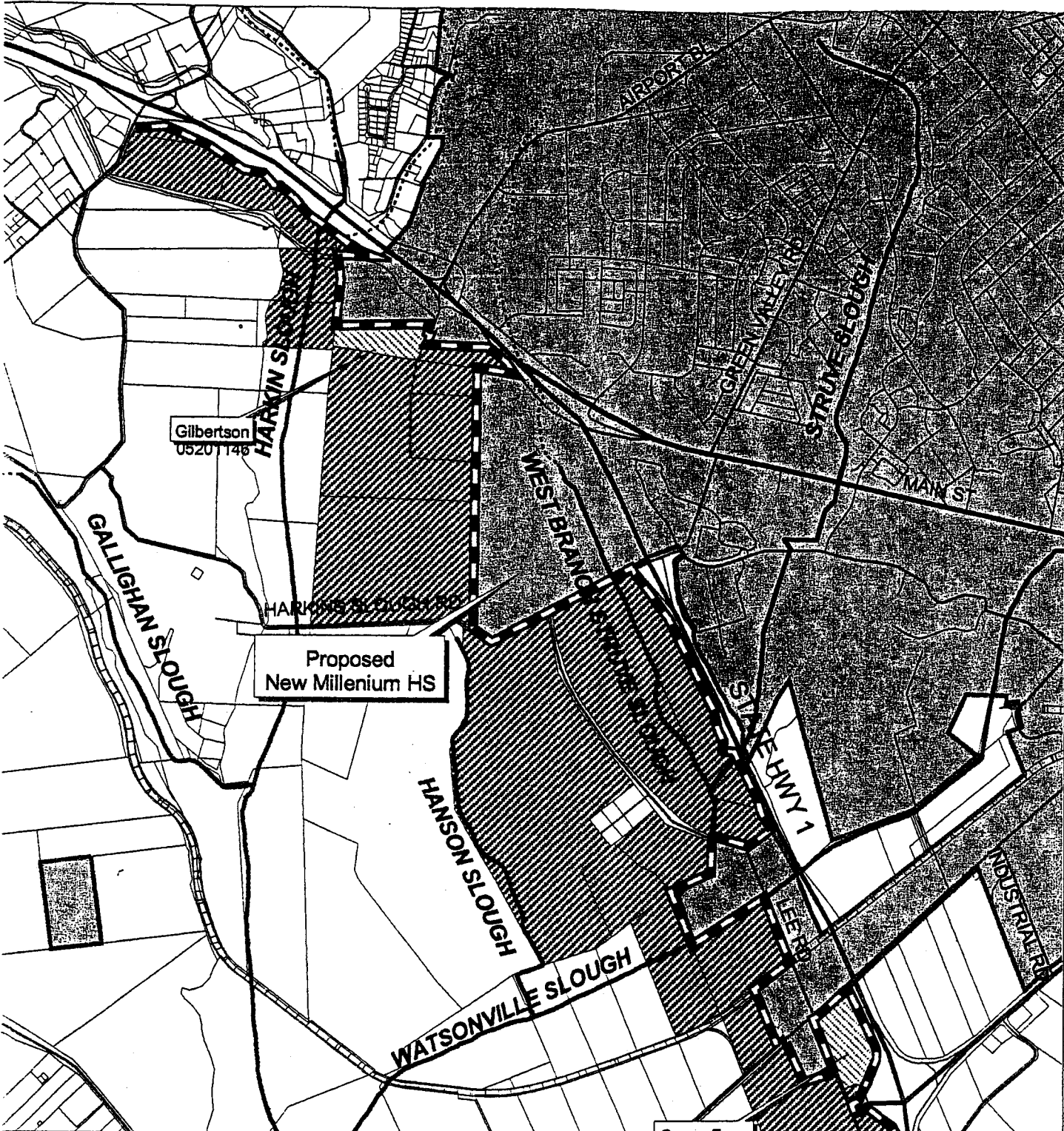
APPROVED AS TO FORM:

WJ
County Counsel



Copies to: Planning
County Counsel




CCC Exhibit H
(page 3 of 14 pages)

STATE OF CALIFORNIA COUNTY OF SANTA CRUZ	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof, I have hereunto set my hand and affixed the seal of the said board on <u>4/11</u> <u>19 2001</u>	
SUSAN A. MAURIELLO, County Administrative Officer	



Attachment 3: Watsonville Utility Prohibition District

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

-  State Highways
-  Major Streets
-  Railroad





COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN JAMES, DIRECTOR

RECEIVED

July 18, 2003

JUL 22 2003

Dr. Charles Lester, Deputy Director
California Coastal Commission - Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**Re: Proposed Watsonville Utility Prohibition Combining Zone Exceptions -
Analysis of Consistency with Coastal Act**

Dear Dr. Lester,

As you recall, on January 24, 2003 you and two members of your staff met with Second District Supervisor Ellen Pirie and County Planning Department staff to discuss Santa Cruz County's proposed Local Coastal Program (LCP) amendments (originally submitted as part of LCP Amendment 1-01, then resubmitted with revisions as part of LCP Amendment 1-02) implementing the third Pajaro Valley Unified School District (PVUSD) high school (a.k.a. "New Millennium High School") Memorandum of Understanding (MOU). This letter addresses some of the key outstanding issues discussed at that meeting.

As you are aware, in order to limit urban expansion in the Coastal Zone area of southern Santa Cruz County, the proposed LCP amendments would establish a Watsonville Utility Prohibition (WUP) Combining Zone district that would generally prohibit the extension of potable water supply and wastewater disposal pipelines between the City of Watsonville and areas within the Coastal Zone west of the City. As you know, the County policies and ordinance amendments include certain exceptions to the prohibition as specified in the MOU. The County acknowledges that these exceptions, as presented in our proposed LCP Amendment (1-02), have raised concern among your staff. We understand that your staff believes that the MOU allows certain exceptions to the utility prohibition, but only following the "normal and legal processes" (read: LCP amendments) to approve the exceptions. However, the County is concerned that, under this interpretation, provision of potable water supply pipelines to existing residential uses in the south County area west of Highway One could be delayed or precluded. The County's primary concern is that any delay in getting potable water to existing uses (residential or agricultural) contributes to the pressures to convert agricultural land to residential uses.

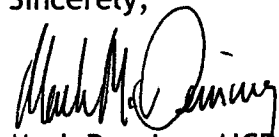
Moreover, we believe that our proposed interpretation of the MOU exception is consistent with the California Coastal Act. The Coastal Act's Agricultural Protection Policies (Article 5, Section 30241, 30241.5 and 30242) focus on maintaining the productivity of agricultural land and protecting agricultural land from development

CCC Exhibit I
(page 1 of 4 pages)

where other options are available. The exceptions to the Watsonville Utility Prohibition Combining Zone do not negatively impact the productivity of agricultural land, but do protect it from future development due to the preclusion of utility extension expansion for non-agriculture related purposes. Neither of the exceptions provides an opportunity for agricultural land to be converted to non-agricultural use. Exception Number (2) from our proposed LCP Amendment (1-02) promotes the continued productivity of agricultural land by providing an opportunity for uses specified in the agricultural uses chart to be developed and maintained on agricultural land. These uses are supportive of agriculture production and assist in maintaining the viability of the land. Moreover, the agricultural viability of the CA parcels west of Highway One could be severely compromised if a groundwater pumping moratorium is instituted without provisions in place for potable water to be supplied via pipeline to agricultural support uses (i.e., agriculture-related residences) on those parcels.

The County urges the Coastal Commission to approve the utility pipeline prohibition exceptions as presented above, and in our proposed LCP Amendment 1-02. Please feel free to contact me, or Frank Barron of the Long Range Planning staff, if you have any questions or would like to discuss this matter further.

Sincerely,



Mark Deming, AICP
Long Range Planning

ATTACHMENT: Article 5 of the California Coastal Act

cc: Supervisor Ellen Pirie

ATTACHMENT:

California Coastal Act - Article 5

Section 30241

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

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

Section 30241.5

- (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

- (1) An analysis of the gross revenue from the agricultural product grown in the area for the five years immediately preceding the date of the filing of a

proposed local coastal program or an amendment to any local coastal program.

- (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means geographic area of sufficient size to provide an accurate evaluation of the economic feasibility or agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

- (b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, but the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242

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