

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



W13a

March 23, 2006

TO: Commissioners and Interested Parties

FROM: Steve Monowitz, District Manager
Rick Hyman, District Chief Planner
Susan Craig, Coastal Planner

SUBJECT: **COUNTY OF SANTA CRUZ LCP AMENDMENT NO. SCO-MAJ-2-05 (Part A) CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of the County of Santa Cruz accepting the Commission's certification of LCP Amendment No. SCO-MAJ-2-05 (Part A) is legally adequate. For Commission review at the meeting of April 12, 2006 in Santa Barbara.

A. BACKGROUND

The Commission acted on County of Santa Cruz LCP Amendment No. SCO-MAJ-2-05 (Part A) on March 9, 2006. The amendment allows for recycled wastewater facilities on agriculturally-designated land as a conditional use, subject to development criteria that would require that such facilities: 1) be located adjacent to an existing wastewater treatment plant; 2) minimize the conversion of cultivated agricultural land, and; 3) restrict use of recycled water to agricultural irrigation.

The Commission rejected the amendment as submitted but certified the proposed amendment to the LCP if modified to: 1) require that wastewater recycling facilities minimize the conversion of all agricultural land, whether or not the land is currently being cultivated; 2) provide mitigation measures to offset the loss of agricultural land due to facility construction, and; 3) minimize potential conflicts with adjacent agricultural uses associated with facility construction and operation.

B. EFFECTIVE CERTIFICATION

On April 4, 2006, the Santa Cruz County Board of Supervisors will hold a public hearing and adopt a resolution that acknowledges receipt of the Commission's resolution of certification, accepts and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the County's LCP (see Exhibit A for a draft copy of the resolution).

Santa Cruz County LCP Amendment SCO-MAJ-2-05 (Part A)
Certification Review
March 23, 2006

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the County of Santa Cruz's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of County of Santa Cruz LCP Amendment No. SCO-MAJ-2-05 (Part A) shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the County of Santa Cruz accepting the Commission's certification of County of Santa Cruz LCP Amendment No. SCO-MAJ-2-05 (Part A) is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.

Draft

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

RESOLUTION NO. _____

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

**RESOLUTION AMENDING GENERAL PLAN/LOCAL COASTAL PROGRAM POLICY
5.13.6 (CONDITIONAL USES ON CA-ZONED LANDS), AND ADOPTING AN
ORDINANCE AMENDING THE ZONING ORDINANCE (COUNTY CODE CHAPTER
13.10), INCORPORATING THE COASTAL COMMISSION'S SUGGESTED
MODIFICATIONS, TO MAKE TERTIARY-LEVEL WASTEWATER TREATMENT
FACILITIES AN ALLOWED USE ON AGRICULTURALLY-ZONED LAND, SUBJECT
TO SPECIFIC CRITERIA**

WHEREAS, the Pajaro Valley Water Management Agency (PVWMA) has been working for some time on appropriate measures to better manage groundwater resources in the Pajaro Valley area for the purpose of reducing contamination of groundwater due to seawater intrusion; and

WHEREAS, as part of that effort, PVWMA has developed, adopted and amended a Basin Management Plan, most recently in 2002; and

WHEREAS, included in that Plan is the concept of recycling wastewater from the existing Watsonville Wastewater Treatment Plant (WWTP) through enhanced treatment, thereby reducing wastewater discharge into the Monterey Bay and providing a new source of water to irrigate coastal farmlands; and

WHEREAS, the City of Watsonville and PVWMA have received grant funding and submitted a proposal to the County for the construction of a Recycled Water Facility (RWF) on County land adjacent to the WWTP; and

WHEREAS, Planning staff has reviewed the RWF proposal for compliance with current land use regulations and believes that approval of the RWF at the proposed location will, in addition to the processing of a coastal permit and lot line adjustment, require amendments in two General Plan/Local Coastal Program (LCP) policies and two sections of the Zoning Ordinance; and

WHEREAS, on November 22, 2005, pursuant to Agricultural Policy Advisory

Commission (APAC) and Planning Commission recommendations for approval, the Board of Supervisors approved General Plan/LCP and Zoning Ordinance amendments to make tertiary-level wastewater treatment facilities an allowed use on agriculturally-zoned land, subject to specific criteria; and

WHEREAS, on March 9, 2006, pursuant to their staff's analysis for consistency with the California Coastal Act, the California Coastal Commission considered and denied as submitted, but then approved with suggested modifications, the Board-approved General Plan/LCP and Zoning Ordinance amendments as LCP Major Amendment 2-05 Part A; and

WHEREAS, the Coastal Commission's suggested modifications generally bolster the agricultural land protection provisions of the County's proposed policy changes and would require mitigation of any conversion of agricultural land to non-cultivated uses; and

WHEREAS, the Coastal Commission modifications would mean that 14 acres of new/restored/preserved agricultural land would have to be provided/secured in exchange for the 14 acres proposed to be converted to non-cultivated uses by the proposed Watsonville RWF; and

WHEREAS, Watsonville City staff and staff from PVWMA do not believe the modifications as proposed by the Coastal Commission, requiring mitigation for the conversion of agricultural land due to construction of the RWF, will cause an undue burden or hinder their proposed RWF project, and they therefore are supportive of the County's approval of the Coastal Commission modifications; and

WHEREAS, Planning staff considers the Coastal Commission modifications, making the proposed policy amendments more protective of agricultural land and ensuring that any loss of cultivated farmland is fully mitigated, to be relatively minor in nature and not to be problematic considering the positive reaction of RWF project proponents; and

WHEREAS, because approval of the Coastal Commission's modifications would result in regulations that are more protective of the environment than the previously approved version, the adoption of the modified version has been found by Planning staff to be Categorically exempt from the California Environmental Quality Act (CEQA) and a CEQA Notice of Exemption has been prepared; and

WHEREAS, the Board of Supervisors has reviewed the proposed policy amendments, and has held a duly noticed public hearing and considered all comments received, and finds: (1) that facilities that recycle wastewater solely for agricultural irrigation use, especially if located in areas experiencing groundwater overdraft, will contribute to the long-term sustainability of agriculture in Santa Cruz County; and (2)

that, therefore, such recycled water facilities constitute an appropriate use, if properly conditioned, on agriculturally-zoned land.

WHEREAS, the Santa Cruz County Board of Supervisors has six (6) months from the date of the Coastal Commission action (i.e., until September 9, 2006) to adopt the Coastal Commission's suggested modifications to LCP Major Amendment 2-05, Part A;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the Coastal Commission's suggested modifications to the previously approved General Plan/LCP and Zoning Ordinance amendments to make tertiary-level wastewater treatment facilities an allowed use on agriculturally-zoned land, subject to specific criteria, as set forth in Exhibits 1-A and 1-B, and approves the CEQA Notice of Exemption incorporated herein by reference, and authorizes their submittal to the California Coastal Commission for final certification.

IT IS FURTHER RESOLVED AND ORDERED THAT this Resolution shall take effect the date of approval of this Resolution for those areas outside the Coastal Zone, and shall take effect on the date of final certification by the Coastal Commission for those areas within the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 4th day of April 2006, by the following vote:

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

ATTEST: _____
Secretary Chairperson

APPROVED AS TO FORM: _____
County Counsel

Exhibits:

1-A: Modified amendment to General Plan/LCP Policy 5.13.6

1-B: Proposed Ordinance modifying previously approved amendments to the Zoning Ordinance to allow recycled water facilities to be located on agriculturally-zoned land, subject to specific criteria

Distribution:

County Counsel
CAO
Planning Department
Public Works Department

DATE

Frank Barron
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: ***Effective Certification of County of Santa Cruz Local Coastal Program
Amendment No. SCO-MAJ-2-05 (Part A)***

Dear Frank,

We have received County of Santa Cruz Resolution Number _____, adopted by the Board of Supervisors on April 4, 2006. By those actions, the County acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 2-05 (Part A), and incorporated the Commission's suggested modifications into the County's LCP.

I have determined, and the Commission has concurred, that the County's action with respect to LCP Major Amendment 2-05 (Part A) is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's April 12, 2006 meeting in Santa Barbara. As a result, the County's LCP, as amended by LCP Major Amendment 2-05 (Part A), was certified as of April 12, 2006 and is now in effect.

If you have any questions, please contact Susan Craig of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Steve Monowitz
District Manager
Central Coast District Office