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W35d

LCP-3-SCO-16-0074-2 (PART A)

(SEWAGE DISPOSAL)

JUNE 7, 2017

EXHIBIT

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Exhibit 1 – LCP Text (Strikethrough and Underline)

County of Santa Cruz General Plan and Local Coastal Program Amendments – Attachment A

The effect of existing General Plan/ LCP Policy 5.5.17(b) shall be modified by the addition of proposed General Plan/ LCP Policies 5.5.18 and 5.5.19:

5.5.17 Sewage Disposal Ordinance.

Continue to enforce the standards of the County's Sewage Disposal ordinance based on the following:

- (a) Do not allow variances to sewage disposal regulations that would permit lots of less than 15,000 square feet to obtain septic permits when a public water supply is not available.
- (b) Permit installation of individual sewage disposal systems within an easement on another lot only to allow repairs of existing system.

The General Plan/ LCP Policy 5.5.18 shall take effect upon approval by the Board of Supervisors

Policy 5.5.18 of the Santa Cruz County General Plan is hereby added to read as follows.

5.5.18 Sewage Disposal for Publicly Owned Facilities outside the Coastal Zone

On parcels outside the Coastal Zone, permit installation of sewage disposal systems within an easement on another lot to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

The General Plan/ LCP Policy 5.5.19 shall take effect upon approval by the Board of Supervisors, or upon certification by the California Coastal Commission, whichever is last.

Policy 5.5.19 of the Santa Cruz County General Plan is hereby added to read as follows.

5.5.19 (LCP) Sewage Disposal for Publicly Owned Facilities inside the Coastal Zone

On parcels inside the Coastal Zone, Permit installation of sewage disposal systems within an easement on another lot to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

Additions and Deletions shown

ORDINANCE NO. _____

**ORDINANCE AMENDING SECTIONS 7.38.060 AND 7.38.080 OF THE SANTA CRUZ
COUNTY CODE RELATING TO EXISTING SEWAGE DISPOSAL SYSTEMS—
BUILDING ALTERATIONS**

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

SECTION I

The Santa Cruz County Code is hereby amended by adding Subdivision (C) to Section 7.38.060 to read as follows:

- C. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for an individual sewage disposal system to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

SECTION II

Section 7.38.080 of the Santa Cruz County Code is hereby amended to read as follows:

7.38.080 Existing system—Building alterations.

(A) General. The sewage disposal system for buildings or structures to which additions, alterations, replacements, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section. No building permit shall be issued for an addition, alteration, replacement, or repair without review and approval of the Health Officer.

(B) Additions, Remodels, Replacements and Repairs.

(1) A one-time addition per parcel to any legal residential structure of up to 500 square feet of habitable space with no increase in bedrooms may be approved with no change required to the existing sewage disposal system provided all the conditions listed below are met.

(a) The addition does not encroach on the existing sewage disposal system or expansion area.

(b) Adequate information exists as to the location, construction and proper function of the existing sewage disposal system.

(c) The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date.

(d) The existing sewage disposal system is functioning without failure.

(2) Additions of more than 500 square feet of habitable space and/or increases in the numbers of bedrooms to any legal residential structure and/or the creation of an accessory

Attachment A-1

Exhibit 1

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dwelling unit pursuant to Chapter 13.10 SCCC may be approved, provided the sewage disposal system meets (or is upgraded to meet) the requirements for a standard system or alternative system as specified in SCCC 7.38.095 through 7.38.182 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units).

(3) Replacement of a legal structure with an equivalent structure may be approved; provided, that: (a) the sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182; (b) during the three-year period prior to application under this subsection the legal structure has been continuously used or fully capable of being continuously used for either residential or commercial use; and (c) during the full three-year period prior to application under this subsection the legal structure has been continuously assessed as an active residential or commercial use by the County Assessor.

(4) For purposes of this subsection, "legal structure" means a structure, including any remodel or addition, which was constructed pursuant to an approved building permit, or constructed at a time prior to the requirement of a building permit.

(5) Any parcel for which an addition, remodel, replacement or repair meets all the provisions of this subsection shall not be required to meet the minimum lot size provisions of this chapter.

(6) The Environmental Health Service shall review and provide approval of all residential building permit applications that propose an increase in or relocation of any building footprint on a parcel served by an individual sewage disposal system. The conditions stated in subsections (B)(1)(a) and (b) of this section shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, replumbing, reroofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Service.

(C) Reconstruction of Occupied Structures Destroyed by Fire or Calamity.

(1) Reconstruction of any structure destroyed prior to November 3, 1992, by natural calamity or other calamity or any other structure which does not meet the provisions of subsection (C)(2) of this section will be considered new development, which must meet all provisions of this chapter, including its minimum lot size provisions.

(2) Reconstruction of any legal structure partially or wholly destroyed on or after November 3, 1992, by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development if all of the following conditions are met:

(a) On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. "Legal structure" as used in this subsection means a structure, including any remodel or addition, which was constructed

under an approved building permit, or constructed at a time prior to the requirements of a building permit.

(b) Application for a permit to reconstruct the structure must be made within ~~36 months~~ ten (10) years of the date of the calamity damage. If more time has elapsed since the date of the calamity damage and all permits and applications for permits to reconstruct the structure have expired, pursuant to 7.38.080 (C) (1), no further application for a permit to reconstruct the structure may be made, and current standards for new construction will apply.

(c) The sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in SCCC 7.38.095 through 7.38.182.

(d) Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.

(D) Any proposed new use or proposed expansion of an existing use on a developed parcel served by one or more individual sewage disposal systems can only be approved if all existing and proposed uses on the parcel can be served by a sewage disposal system or systems which meet the requirements for a standard system or alternative system as specified in SCCC 7.38.095 through 7.38.182.

SECTION III

The Board of Supervisors hereby finds on the basis of the whole record before it, including the initial study and any comments received, that there is no substantial evidence that the adoption of this Ordinance amending County Code sections 7.38.060 and 7.38.080 will have a significant effect on the environment; that a Negative Declaration has been prepared and circulated; and that the Negative Declaration reflects the lead agency's independent judgment and analysis; and hereby adopts the Negative Declaration. The record of proceedings upon which this decision is made is on file with the Clerk of the Board of Supervisors of the County of Santa Cruz. The Environmental Coordinator is hereby directed to file a Notice of Determination within five working days after approval of this Ordinance.