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Prepared May 19, 2017 (for June 7, 2017 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Rainey Graeven, Coastal Planner

**Subject: Santa Cruz County LCP Amendment Number LCO-3-SCO-16-0074-2 Part A
(Sewage Disposal Systems)**

Proposed Amendment

Santa Cruz County proposes to modify the Local Coastal Program (LCP)'s policies and standards related to individual sewage disposal systems (i.e., septic systems). Specifically, the amendment adds a new policy to the Land Use Plan (LUP) to allow a publicly owned facility's sewage disposal system to be located within an easement on another lot if the technical/minimum parcel size requirements for such sewage disposal system cannot be met onsite. The amendment also modifies the Implementation Plan (IP) to extend the timeframe that an applicant can reconstruct a structure damaged by fire/calamity, from three years to 10 years, without requiring conformance with certain sewage disposal system requirements, including those related to minimum parcel size. In all cases, however, the sewage disposal system must be upgraded to meet all currently applicable water quality standards. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part of the LCP immediately (in this case, on June 7, 2017).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LUP amendment would help aid in the construction of public facilities (including fire and police stations, etc.) by allowing their sewage disposal systems to be located on a different lot if minimum parcel size (the LCP currently requires a minimum of one acre for a septic system) or technical requirements protecting water quality cannot be met onsite. Such allowance would not adversely impact coastal resources because all other LCP standards related to sewage disposal (including standards related to the protection of water quality and other coastal resources) would still apply. As such, the amendment will not adversely impact coastal resources, and can be found consistent with the Coastal Act.

Also, as described above, the proposed IP amendment would extend the reconstruction¹ timeframe of structures damaged by fire or other natural disasters from three years to 10 years without triggering compliance with certain sewage disposal system requirements, including those related to minimum parcel size. As stated earlier, the LCP currently requires a minimum lot size of one acre for new sewage disposal systems. This amendment would allow structures served by septic systems on lots less than one acre that were destroyed by natural disaster/calamity to rebuild; otherwise, the one-acre septic requirement would preclude such rebuilding. The County indicates that, in total, the proposed amendment would only affect up to 44 developed parcels in the coastal zone² (28 of which are between 0.9 acres and 0.99 acres in size, and all of which are located within the rural inland community of Bonny Doon). Importantly, because the sewage disposal system would still need to be upgraded to meet all current water quality standards and other LCP requirements (i.e., the amendment still requires the septic system to be upgraded to meet all currently applicable water quality requirements), it is not anticipated that the proposed amendment would adversely impact coastal resources. As such, the proposed amendment can be found consistent with and adequate to carry out the LUP.

The proposed amendments do not change the kind, location, intensity, or density of use of land; they merely modify the timeframe for structure reconstruction, and provide for limited offsite septic systems to serve publicly owned facilities. Thus, the proposed LCP amendment qualifies under the regulatory definition of a minor LCP amendment as “changes in wording which make the use designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the executive director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission” (§ 13554(a)).

California Environmental Quality Act (CEQA)

As part of its local action on the subject LCP amendment, on September 14, 2015, Santa Cruz County prepared a Negative Declaration pursuant to CEQA determining that the proposed project would not have a significant effect on the environment, including because establishing an

¹ Note that the term “reconstruction” in this ordinance is only applicable as it relates to septic system requirements. Other LCP requirements for reconstruction of buildings/structures would continue to apply.

² In total, there are 44 developed parcels within the coastal zone that do not meet the minimum parcel size requirements (i.e.: one acre) for sewage disposal systems. However, because the proposed amendment would only apply to structures damaged by fire or other natural disaster, very few properties would be affected by the proposed amendment.

offsite sewage disposal easement for publicly owned properties and increasing the reconstruction window of a structure damaged by a calamity would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems, nor would they provide substantial additional sources of polluted runoff. On June 14, 2016, the County's Board of Supervisors unanimously adopted Resolution No. 144-2016 approving the Negative Declaration for the proposed LCP amendment. As such, the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its June 7, 2017 meeting in Arcata. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rainey Graeven at the Central Coast District Office in Santa Cruz.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on April 27, 2017. It amends the LUP and the IP and the 90-day action deadline is July 26, 2017. (*See* Pub. Res. Code §§ 30513, 30514(b).) Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Pub. Res. Code § 30517), the Commission has until July 26, 2017 to take a final action on this LCP amendment.

Exhibit:

Exhibit 1: Proposed Amendment Text