

CLERK OF THE  
BOARD OF SUPERVISORS



## COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET - Room 500  
SANTA CRUZ, CALIFORNIA 95060  
(408) 454-2323

September 9, 1998

Board of Supervisors  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

Subject: Resolution Initiating Proceedings for the Formation of the Pajaro Dunes Geologic Hazard Abatement District

Members of the Board:

On August 12, 1998, our office was presented with a petition requesting the formation of a Pajaro Dunes Geologic Hazard Abatement District for the purpose of financing and maintaining improvements necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard.

In accordance with Division 17, of the Public Resources Code for the State of California, our office has verified that the signatures on the petition represent owners of not less than 10 percent of the real property included within the proposed district; and that we have received a legal description and a map of the boundaries of the territory to be included in the proposed district (Exhibits A and B); and a Plan of Control (Exhibit C).

Therefore, as required by Division 17, we submit to your Board a proposed resolution initiating proceedings for the formation of the Pajaro Dunes Geologic Hazard Abatement District. If, after reviewing the "Plan of Control" (a report prepared by an engineering geologist describing in detail the geologic hazard, its location and a plan for its prevention, mitigation, abatement or control), your Board determines that the health, safety, and welfare require formation of the district, you may adopt the attached resolution setting a public hearing on the matter and directing the required notice thereof. Objections to the formation of the district may be filed by any owner of real property within the proposed district at any time up to and including the time of the public hearing. If owners of more than 50 percent of the assessed valuation of the proposed district object to its formation, your Board must direct that the proceedings be abandoned. If this does not occur, your Board may adopt a resolution ordering the formation of the district and appointing the initial board of directors composed of owners of real property within the District, as allowed by State law.

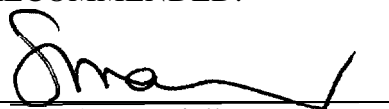
IT IS THEREFORE RECOMMENDED that your Board accept the petition; adopt the resolution of intention setting a public hearing for Tuesday, October 27, 1998 at 9:00 a.m. or thereafter to consider formation of the Pajaro Dunes Geologic Hazard Abatement District; and direct the Clerk of the Board to mail appropriate notices to each owner of real property within the proposed district.

Sincerely,



Susan M. Rozario  
Chief Deputy, Clerk of the Board

RECOMMENDED:



Susan A. Mauriello  
County Administrative Officer

cc: Kay Bowden  
Public Works Department  
Planning Department  
County Counsel

BEFORE THE BOARD OF SUPERVISORS  
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 INITIATING PROCEEDINGS FOR THE FORMATION  
OF THE PAJARO DUNES GEOLOGIC HAZARD ABATEMENT DISTRICT

WHEREAS, Division 17 of the Public Resources Code for the State of California (Sections 26500 through 26654, inclusive) provides for the establishment of geologic hazard abatement districts and this resolution is made pursuant to said statutory scheme; and

WHEREAS, a geologic hazard abatement district may be formed for the purposes of prevention, mitigation, abatement or control of a geologic hazard, and/or mitigation or abatement of structural hazards that are partly or wholly caused by geological hazards; and

WHEREAS, the establishment of a geologic hazard abatement district for territory located in the unincorporated area of the County of Santa Cruz is accomplished by actions of the Board of Supervisors to initiate and conduct proceedings and to order the formation of such district; and

WHEREAS, the Board of Supervisors has adopted Resolution No. \_\_\_\_\_ declaring that it is subject to the provisions of Chapter 2 of Division 17 of the Public Resources Code regarding formation of geologic hazard abatement districts and has forwarded a copy of such resolution to the State Controller; and

WHEREAS, Public Resources Code Section 26550.5 provides that proceedings for the formation of a geologic hazard abatement district may be initiated by a petition signed by owners of not less than 10 percent of the real property to be included within the proposed district; and

WHEREAS, a petition signed by owners of not less than 10 percent of the real property to be included within the proposed Pajaro Dunes Geologic Hazard Abatement District has been presented to the Clerk of the Board of Supervisors; and

WHEREAS, the Clerk of the Board of Supervisors has reviewed said petition and determined that it is substantially in the form described in Sections 26551 and 26552 of the Public Resources Code and the Clerk of the Board has verified that the signatures affixed to said petition represent owners of not less than 10 percent of the real property to be included within said proposed district; and

WHEREAS, the exterior boundaries of the proposed district are described as the composite and consolidated area of all parcels of property more particularly described by a legal description and a map of the boundaries of the territory to be included within the proposed district, copies of which are attached hereto as Exhibits A and B, respectively, and are incorporated herein by reference; and

WHEREAS, the Board of Supervisors has been presented with and has reviewed the Plan of Control submitted as Exhibit C to said petition and hereby determines that the health, safety and welfare require formation of such a district.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that notice is hereby given that on the 27<sup>th</sup> day of October, 1998 at the hour of 9:00 a.m. or thereafter, in the Supervisors' Chambers, County Governmental Center, 701 Ocean Street, Room 525, Santa Cruz, California, is set as the date, time and place of a public hearing before this Board upon the proposed formation of the Pajaro Dunes Geologic Hazard Abatement District at which all interested persons for or against the establishment of the district may appear and present testimony.

BE IT FURTHER RESOLVED AND ORDERED that the Clerk of this Board is hereby directed to mail notice of the hearing by first class, postage prepared, in the United States mail, at least 20 days preceding the date of the public hearing, to each owner of real property within the proposed district as shown on the last equalized County assessment roll, or the State Board of Equalization assessment roll, as the case may be.

The notice shall set forth the time, date, and place of the hearing, briefly describe the purpose thereof, and indicated where the Plan of Control may be reviewed or duplicated, at a cost not to exceed the cost of duplication. The notice shall also specify that objections to the proposed formation may be mailed or otherwise delivered up to and including the time of the hearing to the Office of the Clerk of the Board of Supervisors, County Government Center, 701 Ocean Street, Room 500, Santa Cruz, California.


PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_ day of September, 1998, by the following vote:

AYES:	SUPERVISOR
NOES:	SUPERVISOR
ABSENT:	SUPERVISOR
ABSTAIN:	SUPERVISOR

\_\_\_\_\_  
Chairperson, Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board

Approved as to form:

  
\_\_\_\_\_  
County Counsel

Distribution: County Counsel  
Property owners within the district  
Public Works  
Planning Department

**DESCRIPTION OF ZONE 1**

Situate in the County of **Santa Cruz**, State of California

Being all of Tract 734 Pajaro Dunes Townhouses recorded in Volume 64 of Maps at Page 51, Santa Cruz County Records and also being all of Tract 734 Gatehouse Condominiums recorded in Volume 64 of Maps at Page 15, Santa **Cruz** County Records and also being all of Tract 476 Pajaro Dunes Unit Two recorded in Volume 45 of Maps at Page 7, Santa **Cruz** County Records and also being all of Tract 468 Pajaro Dunes Unit One recorded in Volume 44 of Maps at Page 39, Santa Cruz County Records and also being all of Tract 488 Pajaro Dunes Unit Three recorded in Volume 45 of Maps at Page 67, Santa Cruz County Records and also being all of Tract 505 Pajaro Dunes Unit 4 recorded in Volume 49 of Maps at Page 26, Santa Cruz County Records and also being all of Tract 503 Pajaro Dunes A Condominium Subdivision recorded in Volume 50 of Maps at Page 1, Santa **Cruz** County Records and also being all of the lands conveyed to Triad, a Limited Partnership by deed recorded in Volume 1631 of Official Records at Page 218, and being more particularly described as follows, to wit:

Beginning at the intersection of the western boundary of said lands of Pajaro Dunes Townhouses with the southern line of Beach Road, as shown on said Map;

Thence from said point of beginning, along the western boundary of said Tract 734, South **24°05'50"** East 641.15 feet to the northwestern corner of Parcel "C" as shown on said map of Tract 734 Gatehouse Condominiums; thence along said western **boundary of** Parcels "A", "B", and "C" as shown on said map South **24° 05'50"** East 259.98 feet to the northwestern corner of Lot 60 as shown on said map of Tract 476; thence along the western boundary of said Tract 476 South **24° 05'50"** East 482.85 feet to the northwestern corner of Lot 15 as shown on said map of Tract 468; thence along the **western** boundary of said Tract 468 South **24° 05'50"** East 1168.74 feet to the northwestern corner of Lot 107 as shown on said map of Tract 488; thence along **the** western boundary of said Tract 488 South **24° 05'50"** East 629.22 **feet** to an angle point at the northwestern corner of Lot 98 as shown on said map of Tract 488; thence continuing along **the** western boundary of said Tract 488 South **23° 40'00"** East 626.64 to the northwestern corner of Lot 48 as shown on said map of Tract 468; **thence along** the western boundary of said Tract 468 South **23° 40'00"** East 140.20 to an angle point therein; thence continuing along the western boundary of said Tract **468**, South **25° 58'45"** East 409.50 **feet** to the northwestern corner of Lot 80 as shown on said map of Tract 476; thence along the western boundary of said Tract 476, South **25°58'45"** East 735.28 feet to an angle therein; thence continuing along the western boundary of said Tract 468, South **25°58'00"** East 74.78 to the northwestern corner of Lot 14 as shown on said map of Tract 506; thence along **the** western boundary of said Tract 506 South **25°58'00"** East 123.76 to the northwestern corner of Block 1 as shown on that certain map of Tract 503, Pajaro Dunes A Condominium Subdivision recorded in Volume 50 of Maps at Page 1, Santa Cruz County records;

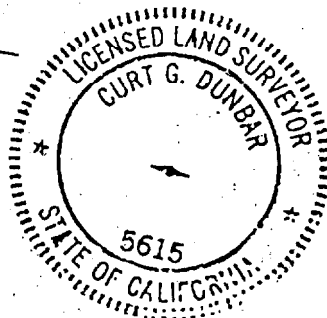
thence along the western boundary of Tract 503, South 25°58'00" East 427.02 feet to the southern boundary of said Tract 503; thence along said southern boundary, North 64°01'50" East 735.09 feet to the eastern boundary Of said Tract 503; thence along the said eastern boundary, North 41°47'52" West 373.88 feet to an angle therein; thence North 16°18'13" West 184.66 feet to the northeastern corner thereof; thence along the eastern boundary of the lands conveyed to Triad, A Limited Partnership by deed recorded in Volume 163 1 of Official Records at Page 218, Santa Cruz County Records, North 16°18'13" West 78.94 feet to an angle therein; thence

North 2°35'03" East 421.43 feet to an angle therein; thence North 3°17'30" West 539.59 feet to an angle therein; thence North 17°57'41" West 191.32 feet to an angle therein; thence North 20°51'16" West 561.81 feet to an angle therein; thence North 42°19'15" West 408.45 feet to an angle therein; thence North 78°41'24" West 33 1.44 feet to an angle therein; thence North 66°32'46" West 206.02 feet to an angle therein; thence North 28°38'45" West 255.66 feet to an angle therein; thence North 12°24'03" West 339.93 feet to an angle therein; thence North 27°26'03" West 735.75 feet to an angle therein; thence North 38°54'41" West 213.34 feet to an angle therein; thence North 62°55'54" West 305.46 feet to an angle therein; thence North 28°09'22" West 161.06 feet to an angle therein; thence North 01°02'30" West 165.03 feet to an angle therein; thence North 34°41'43" East 3 16.23 feet to an angle therein; thence North 10°45'29" East 203.59 feet to an angle therein; thence North 08°24'53" West 170.54 feet to an angle therein; thence North 22°38'06" West 293.62 feet to an angle therein; thence North 07°53'59" West 155.07 feet, more or less, to the southern boundary of said Beach Road as shown on said map of Tract 734; thence along the southern boundary of Beach Road, South 47°58'30" West 994.60 feet, more or less, to the point of beginning.

Compiled in March 1998 by Dunbar and Craig Land Surveys, "&. Job 97335.



Curt G. Dunbar, LS 5615  
License renewal date g-30-98



## DESCRIPTION OF ZONE 2

Situate in the County of Santa Cruz, State of California

Being all of Tract 503 Fajaro Dunes A Condominium Subdivision recorded in Volume 50 of Maps at Page 1, Santa Cruz County Records

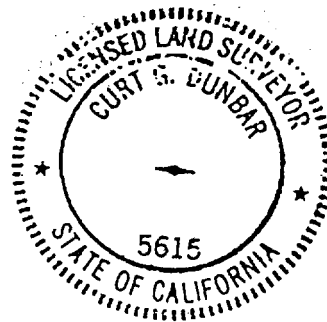
Beginning at the northwestern corner of said Tract 503;

Thence from said point of beginning along the western boundary of Blocks 1 and 6 as shown on said map of Tract 503, North  $72^{\circ}48'20''$  East 220.85 feet to an angle therein, North  $65^{\circ}48'20''$  East 213.23 feet to the terminus of Rio Boca Road, as said Road is shown on said last mentioned map; thence continuing along the western boundary of said Tract 503, along the eastern of said Rio Boca Road, North  $65^{\circ}48'20''$  East 60.01 feet; thence along the northern boundary of said Rio Boca Road, northwesterly, curving to the left from a tangent bearing of North  $23^{\circ}33'07''$  West with a radius of 180.00 feet through a central angle of  $7^{\circ}39'06''$  a distance of 24.04 feet to a point of tangency; thence continuing along the northern line of Rio Boca Road North  $31^{\circ}12'13''$  West 116.50 feet to the most northwestern corner of Block 7 of said Tract 503; thence along the northern boundary of said Block 7 North  $58^{\circ}47'47''$  East 184.69 feet to the northeastern corner thereof; thence along the eastern boundary of Tract 503, South  $16^{\circ}15'13''$  East 184.66 feet to an angle therein; thence South  $41^{\circ}47'52''$  East 373.85 feet to the southeastern corner of said Tract 503; thence along the southern boundary of said Tract South  $64^{\circ}01'50''$  West 735.09 feet to the southwestern corner of said Tract 503; thence along the western boundary of said Tract 503, North  $25^{\circ}58'00''$  West 427.02 feet to the point of beginning.

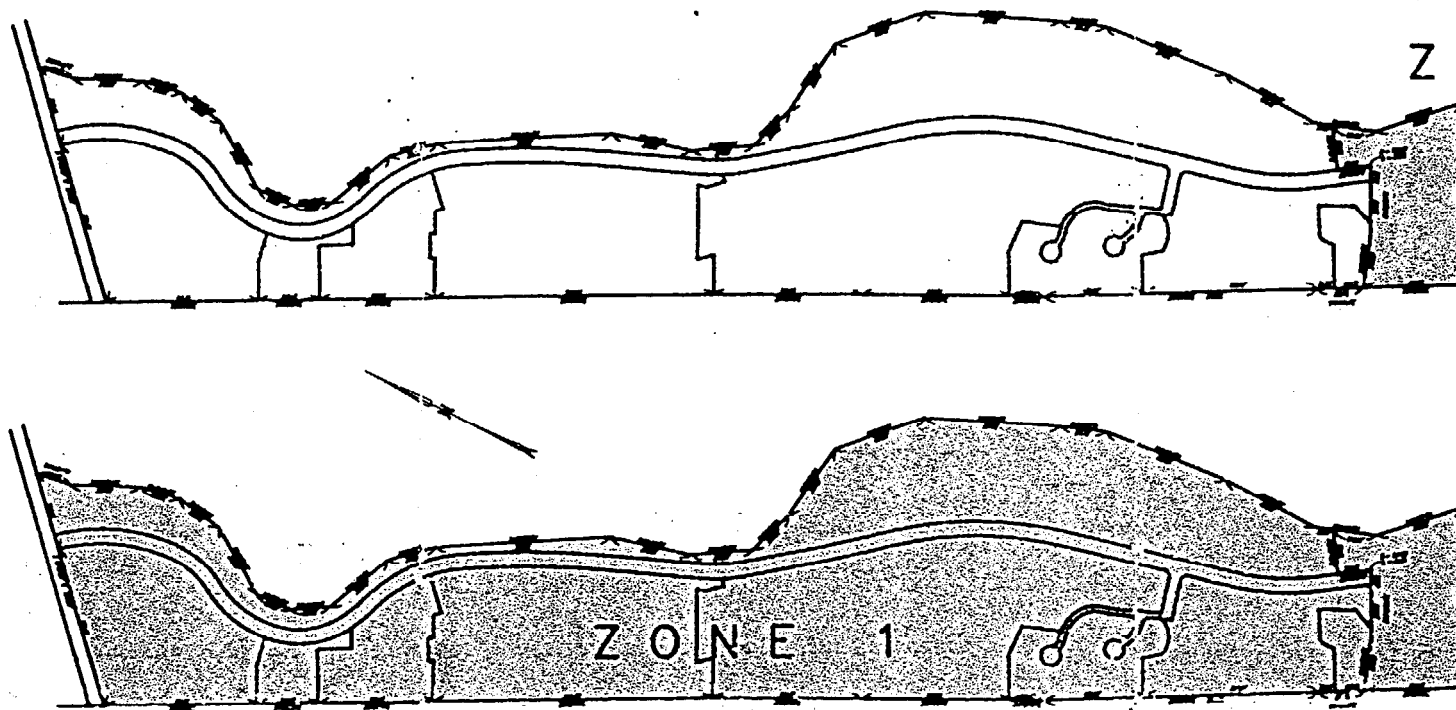
Compiled in March 1998 by Dunbar and Craig Land Surveys, Inc. Job 97335.



Curt G. Dunbar, LS 5615  
License renewal date g-30-98







**DUNBAR and CRAIG**  
**LICENSED LAND SURVEYORS**

1011 CEDAR STREET, SANTA CRUZ, CA 95060  
 P.O. BOX 1018, SANTA CRUZ, 95061  
 (408) 425-7533

*Curt* *Dunbar*

LS NO. 5615 RENEWAL DATE 9/30/98

SCALE: NO SCALE DRAWN: C DUNBAR  
 DATE: DEC 1997 CHECKED  
 FIELDWORK: NONE ACAD NO. 97335.DWG

**SURVEY MAP**  
**PAJARO DUNES SOUTH**  
**COMPILED BOUNDARY**

Situate in

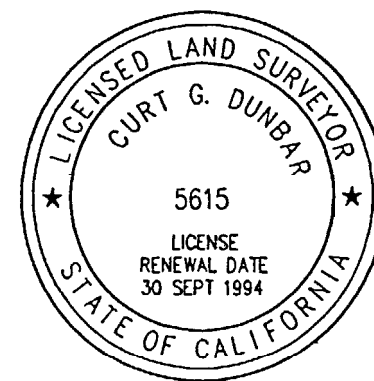
**WATSONVILLE**

County of Santa Cruz, State of California

JOB NO. 97335

INDEX

FILE NO.



September 9, 1998

Board of Supervisors  
701 Ocean Street  
Santa Cruz, CA 95060

Subject: Background Information on Pajaro Dunes GHAD Petition

Members of the Board:

The purpose of this letter is to give you some background information about the proposal to form a Geologic Hazard Abatement District at Pajaro Dunes south of Beach Road to maintain existing erosion control structures.

Description of Existing Seawall and River Wall

***Rock Revetment Seawall***

The 1982 storms caused severe erosion and threatened to undermine homes at Pajaro Dunes. In response to that problem, Pajaro Dunes obtained a permit to construct a rip rap coastal protection structure. The permit was granted after extensive environmental review. The rip rap structure or **seawall** is 6,000 feet long, but not visible to beach visitors because it is covered with sand and planted with dune grass. The **seawall** was designed to reduce coastal erosion hazards, ocean wave **runup**, and coastal flooding. The **seawall** has worked well since it was constructed. Currently the individual front row property owners are responsible for maintaining the **seawall**.

***Wooden River Wall***

An even older structure built in 1968 controls river erosion and flooding. This 640 foot long wooden river wall is adjacent to the Pelican Point condominiums at the mouth of the Pajaro River. The river wall was repaired after the 1989 **Loma Prieta** earthquake. The river wall will need repair again soon.

Board of Supervisors  
 September 9, 1998  
 Page Two

Pm-nose of the Geologic Hazard Abatement District (GHAD)

The dire warnings about El Nino storms served as a wake-up call and spurred the homeowners into action. **They** realized that they needed a plan for maintenance and repair and the ability to implement the plan on behalf of the entire Pajaro Dunes community south of Beach Road. They wanted to have some mechanism in place before a disaster strikes.

The Pajaro Dunes Association (PDA) wants to create an entity that can make regular inspections, develop a long-term maintenance plan and an emergency response plan, provide an equitable way to finance the cost of maintaining and repairing the erosion control structures, and have a mechanism for dealing with other governmental agencies, particularly FEMA.

When a landslide damaged Place de Mer in 1989, the County created a Geologic Hazard Abatement District for the express purpose of applying to FEMA for a grant to fund repairs. **FEMA** refused to accept a grant application from either the homeowners association or the newly created GHAD. FEMA took the position that the grant applicant had to be a governmental agency, which existed prior to the disaster for which the grant was sought. The homeowners at Pajaro Dunes are trying to learn from history so they will not have to repeat it. The homeowners want to have a GHAD in place and active before a crisis occurs.

The Problem Solving Process Used

A task force appointed by the Pajaro Dunes Association Board of Directors spent a year researching options for financing maintenance and emergency repairs of the existing **seawall**. The task force reviewed a number of options and concluded that an independent district known as a Geologic Hazard Abatement District (GHAD) formed under Public Resources Code Section 26500 et seq. best met the community's needs. Task force members telephoned other existing **GHADs** to learn about their experience, researched the statutory requirements, consulted with geologists and engineers, and prepared a **cost-benefit** analysis. The task force discussed alternatives and procedures with County Counsel and the Clerk to the Board of Supervisors and benefited from the experience of Suzanne Rogberg in the Public Works Department in establishing the Place de Mer GHAD. The task force consulted the attorney for the only other GHAD in the County (Place de Mer) for advice on district formation and governance. The task force discussed their plans with Supervisor Symons and received advice from him.

Board of Supervisors  
September 9, 1998  
Page **Three**

### Gathering Community Support

The task force proposal was presented at the December 1997 **semi-annual** homeowners meeting. A majority of the homeowners were in favor of forming the GHAD. A sub-association, Pelican Point Condominiums, has exclusive responsibility for the wooden river wall at the mouth of the Pajaro River. The Pelican Point owners asked that the district include the wooden river wall as well as the rock revetment **seawall**. The task force met again and revised its recommendation to include the river wall as a part of the **GHAD's** responsibility. A geologist wrote a plan of control for the wooden river wall, the petitions were revised, and another cost-benefit analysis was completed. The task force presented their revised recommendation to the May 1998 homeowners meeting. Members supported the idea, and we began circulating petitions.

We have received signed petitions from 175 homeowners. That represents more than 60% of the owners at Pajaro Dunes. The Public Resources Code requires signatures from the owners of 10% of the real property within the proposed district to initiate proceedings for a GHAD.

### Next Steps

We have submitted the completed petitions to the Clerk to the Board of Supervisors as required by the statute. The Clerk has reviewed the petitions and determined that they meet the Public Resources Code requirements.

Public Resources Code Section 26557 states that the Board of Supervisors will set the petition for public hearing if the Clerk **finds** it meets the statutory requirements. The subsequent public hearing before the Board is similar to hearings to form assessment districts. The Board of Supervisors, after hearing any protests, makes the decision on formation. When the district is formed, the Board of Supervisors appoints the initial board of directors. Subsequent directors are elected. Formation of the district does not require LAFCO approval.

Board of Supervisors  
September 9, 1998  
Page Four

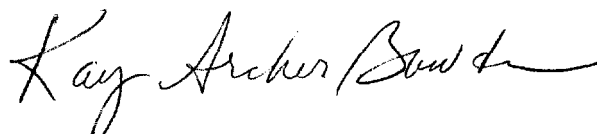
### Conclusion

The task force's research has convinced us that a Geologic Hazard Abatement District will be in the interests of the homeowners at Pajaro Dunes. Their analysis also demonstrated that district formation would be in the County's interest for the following reasons:

- When an emergency occurs as it did in 1982-83, there will be a public entity in place with the legal authority to take the necessary steps to address the emergency. County staff will be freed to deal with emergency repairs in other parts of the community.
- The GHAD will be able to contract with both public and private agencies. This will eliminate the need for County sponsorship of loan or grant applications for remedial work. The GHAD at Place de Mer was formed at the County's insistence for this reason.
- The County will retain land use and other regulatory control because the GHAD has limited and subordinate powers.

We are convinced that a Geologic Hazard Abatement District will enable the community to maintain the rock revetment **seawall** and the wooden river wall at Pajaro Dunes and finance their maintenance and repair in an equitable manner. We are anxious to proceed with the district formation. We ask that you accept the petitions and set the matter for public hearing.

Sincerely,



Kay Archer Bowden

Cc: John Lundell, PDA Board of Directors  
Carol Turley, Manager Pajaro Dunes