



ENVIRONMENTAL HEALTH

County of Santa Cruz

0587

HEALTH SERVICES AGENCY

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August 31, 2000

AGENDA: September 12, 2000

BOARD OF SUPERVISORS

County of Santa Cruz
70 1 Ocean Street
Santa Cruz, CA 95060

SUBJECT: PROPOSED AMENDMENT OF COUNTY CODE CHAPTER 7.38, SEWAGE DISPOSAL, AND RELATED GENERAL PLAN POLICY 5.5.5

Members of the Board:

On May 23, 2000, your Board gave conceptual approval to proposed amendments to the Sewage Disposal Ordinance (Chapter 7.38), and related General Plan Policy 5.5.5. These changes will allow development of a limited number of commercial parcels less than one acre in size in the commercial areas of the San Lorenzo Valley, facilitate cluster development for new subdivisions, allow deeper leachfields in specific circumstances, require ongoing septic system maintenance, and make other refinements of existing provisions. The Environmental Coordinator has issued a negative declaration for the proposed amendments, and the Planning Commission recommended approval, with one change, which has been incorporated. It is now recommended that your Board approve these amendments for inclusion as part of the next Round of the General Plan/Local Coastal Plan amendments.

The proposed amendments to the Sewage Disposal Ordinance and General Plan Policy 5.5.5 are attached (Attachment 1) and are summarized below. Detailed explanations of each change are included in the draft ordinance.

Proposed Amendments

Parcel Size in San Lorenzo Valley Commercial Districts - Since 1983, a minimum parcel size of one acre has been required for new development in the San Lorenzo River Watershed. This precludes development of many vacant parcels, including parcels in the downtown commercial districts of Felton, Ben Lomond and Boulder Creek. Because sewerage of these areas does not appear to be economically feasible, there is no way that additional commercial uses can be developed, unless some allowances are made to allow appropriate development of the vacant parcels. Staff has developed an ordinance amendment to allow commercial

development of vacant parcels that are currently designated for commercial use and that are located in the designated rural services area. This would potentially allow development of only about 14-25 parcels. Water quality impacts would be mitigated by the requirement for enhanced treatment systems. Increased water use from these parcels is projected to be about 12 acre-feet per year, or 0.5% of current water use in the area. It is projected that the development would generate up to 1500 trips per day, including 150 trips during peak hours. These trips would be spread out in the community and do not represent a significant impact in the opinion of the county traffic engineer.

The Board of Supervisors considered reduced parcel size for commercial development in 1997, and directed that this amendment be prepared. The matter was deferred pending further discussion and review with the Regional Water Quality Control Board. Their staff recognizes the appropriateness of the proposed amendment, given its very narrow application. County Counsel has also rendered an opinion that this change would not set a legal precedent for further relaxation of the one acre minimum (Attachment 4). Parallel changes to General Plan Policy 5.5.5 are also proposed. However, it also now appears that further amendment to the Ben Lomond Town Plan will be required before parcels less than one acre could be developed in that area. This will be addressed by the Planning Department in the future, along with some other proposed changes to the Town Plan they are considering.

Easements and Development Clustering - The Sewage Disposal Ordinance currently prohibits the placement of septic systems for new development on an easement off of the parcel served. This has lead to conflicts with clustering of development to meet other land use objectives for new subdivisions. It has also lead to gerrymandered parcel configurations with long extensions through common open space from the homesite to the area most suitable for sewage disposal. The proposed amendment would allow the use of easements for sewage disposal for new subdivisions in order to promote clustered development. To allow tighter clustering, if desired, homesites smaller than one acre would be allowed. However, a one acre minimum average parcel size would still be required, and it is likely that in most cases other planning policies would require much larger average parcel sizes. In order to alleviate any concerns regarding possible water quality impacts from clustered areas, the Planning Commission requested that this provision be modified so that it would not be allowed in water supply watersheds. This change is included in the proposed ordinance.

Repairs - Minor revisions are proposed to clarify and codify the present practice of allowing septic system repairs and upgrades to meet the repair standards, even if the system is not actually malfunctioning. Repair standards have been deemed to be protective of water quality and public health, but are somewhat less stringent than new system standards in order to allow effective repair of systems serving existing development.

Floodplains - The proposed amendment brings the Sewage Disposal Ordinance into compliance with the floodplain regulations recently adopted by the Board of Supervisors in Chapter 16.10. Septic system repairs would be allowed in flood plains if there were no other alternatives, but major additions can not be made to properties where the septic system is in the flood plain.

Leachfield Depth - The proposed amendment would allow deeper trenches on a parcel under specified circumstances where surface soils were unsuitable and/or there was limited room on the parcel, provided all other standards can be met, including groundwater separation. This would primarily affect parcels in the

mid county area, where surface soils are often unsuitable for sewage disposal, and can contribute to surfacing of untreated effluent. It is not believed that a case-by-case allowance for deeper disposal will significantly affect groundwater quality, as effluent disposal is already allowed at depths of 6 ½ feet, which is well below the zone of maximum biological activity in the soil. Other provisions for groundwater separation will be maintained, and shallow disposal will still be required in sandy, fast percolating soils

Maintenance and Monitoring of Nonstandard Svstems - This amendment would tighten up provisions for ensuring adequate maintenance on nonstandard systems. Many systems use proprietary treatment devices that require regular monitoring and specialized maintenance to ensure that they operate properly and produce the desired effluent quality.

Environmental Review, Planning Commission, and Comments Received

The proposed ordinance and policy amendments have been reviewed by the Sewage Disposal Technical Advisory Committee, which concurs with the amendments being proposed. The proposed amendments were reviewed by the Environmental Coordinator on June 19, 2000. Three comment letters expressing reservations or opposition to allowing increased development in the San Lorenzo Watershed were received (attached with initial study). The issues raised had already been addressed in the initial study. Some additional clarifying language was added regarding how the amendment allowing clustering related to other planning policies. A negative declaration without mitigations was issued on July 31, 2000. One additional comment memo was received after the review period, which is also attached. The additional information requested has been included in the staff report. The Planning Commission considered the matter on August 23, 2000. In response to testimony received, the Commission recommended that the changes to promote clustering not be applicable within water supply watersheds. This change has been incorporated into the proposed ordinance for consideration by your Board.

Recommendation

It is therefore RECOMMENDED that your Board:

1. Approve the negative declaration and determination that the proposed amendment of County Code Chapter 7.38, Sewage Disposal and related General Plan Policy 5.5.5 will not have a significant effect on the environment (Attachment 3); and,
2. Adopt the attached resolution (Attachment 2) amending County Code Chapter 7.38, Sewage Disposal (a Coastal implementing ordinance) and related General Plan Policy 5.5.5 (Exhibit A); and,

3. Direct Planning Department staff to submit these amendments to the California Coastal Commission as a part of the next Round of General Plan / Local Coastal Plan amendments.

Sincerely,

Rama Khalsa

Rama Khalsa, Ph.D. *by dh*
Health Services Agency Administrator

Diane Evans

Diane Evans, REHS
Environmental Health Director

RECOMMENDED

Sme

Susan A. Mauriello
County Administrative Officer

- Attachments:
1. Proposed amendments to Chapter 7.38, Sewage Disposal and General Plan Policy 5.5.5
 2. Resolution, with Exhibit A - Proposed Ordinance and Policy Amendment
 3. Initial Study and Negative Declaration with comment letters
 4. Planning Commission Resolution
 5. Memo from County Counsel

cc: CAO
HSA Administration
Environmental Health
Planning Department
County Counsel

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Draft: August 31, 2000

ORDINANCE NO. _____

0591

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7.38, SEWAGE DISPOSAL,
RELATING TO PARCEL SIZE, EASEMENTS, LEACHFIELD DEPTH, NONSTANDARD SYSTEM
MAINTENANCE, AND OTHER MINOR CHANGES

~~Deletions~~ are shown as strikeouts

Additions are underlined

Explanations for changes are presented in italics

SECTION 1:	7.38.045	LOT SIZE REQUIREMENTS FOR EXISTING LOTS OF RECORD
SECTION 2:	7.38.060	EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
SECTION 3:	7.38.095	REPAIR PERMITS
SECTION 4:	7.38.130	GENERAL INSTALLATION REQUIREMENTS
SECTION 5:	7.38.150	SEWAGE LEACHING REQUIREMENTS
SECTION 7:	7.38.184	NONSTANDARD SYSTEMS

SECTION 1

- A. County Code Section 7.38.045.Lot Size Requirements for Existing Lots of Record is hereby amended by adding Subsection D.6:

6. Within water supply watersheds, existing; parcels of record less than one acre in size may be approved for development utilizing a sewage disposal system for commercial use if the parcel meets all of the following criteria:
- = the parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24, 1994,
 - = it is to be developed for commercial use,
 - = it is within the Rural Services Line,
 - = the sewage disposal system will meet all of the standards contained in Sections 7.38.120 through 7.38.186 and the sewage disposal system utilizes the enhanced treatment provided for in Section 7.38.152.

This modification would potentially allow commercial development on approximately 20 parcels in the downtown areas San Lorenzo Valley, to allow infill and promote vitality of the community commercial district. Water quality impacts of this limited amount of development would be mitigated by the requirement for enhanced treatment. This amendment also requires an amendment of the General Plan, which is presented at the end of this document.

- B. County Code Section 7.38.045 is hereby amended by adding Subsection E, as follows:

- E. Parcels less than one acre in size may be approved for development if they are created through subdivision after the effective date of this ordinance and meet all of the following requirements:
1. The average parcel size of the subdivision, excluding roadways, is greater than one acre.
 2. The parcel is not located in a water supply watershed;
 3. The proposed subdivision utilizes clustering of development, with reservation of common open space.

4. The Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.

This change is made to complement the following change to allow clustering of development to maintain open space, viewsheds, biotic resources, etc.

SECTION 2.

County Code Section 7.38.060 is hereby amended as follows:

7.38.060 EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

- A. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for repair of an individual sewage disposal system under the following circumstances:
 - A1. The Health Officer determines that a satisfactory repair of existing sewage disposal system cannot be obtained on the property upon which it is located.
 - B2. The Health Officer determines that the property to be used for sewage disposal can provide satisfactory sewage disposal without creating a health hazard or nuisance condition.
 - C3. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed with prior approval of the Health Officer.
- B. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for installation of a new individual sewage disposal system for parcels created through subdivision after { the effective date of this ordinance), under the following circumstances:
 1. The average parcel size of the subdivision, excluding roadways, will be greater than one acre.
 2. The parcels are not located within a water supply watershed.
 3. The proposed subdivision utilizes clustering of development, with reservation of common open space.
 4. The Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.
 5. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed or modified with prior approval of the Health Officer.

This change would facilitate the use of clustered develop for new subdivisions to maintain open space, viewsheds, biotic resources, etc. Individual parcels would continue to be served by individual sewage disposal systems, but the parcel configuration would not be limited by the need to include the sewage disposal system in the parcel boundaries.

SECTION 3

Section 7.38.095, Repair Permits, is hereby amended as follows:

- A. Notwithstanding the provisions of Section 7.38.093 (A), and the other provisions of this Chapter, permits for the repair of ~~malfunctioning~~ existing individual sewage disposal systems may be issued by the Health Officer upon proper application therefore; and, once issued, shall be valid and exercisable for a period of two years.
- B. Repairs to ~~failing~~ existing systems shall be made in conformance with the requirements specified in Sections 7.38.130 - 7.38.180 of this Chapter except that the following allowances for repairs of systems serving development that was first approved prior to September 16, 1983, may be permitted:
 6. The minimum separation between the bottom of any leaching device and seasonally high groundwater shall be:
 - Five feet where the leaching device is between fifty and one hundred feet from a stream, spring, or other waterbody.
 - Three feet where the device is over one hundred feet from a waterbody.
 - At distances greater than two hundred fifty feet from a waterbody, a system with groundwater separation below the leachfield less than three feet may be approved as a nonconforming system provided however that a separation of at least one foot must be maintained for at least ninety percent of the year.
 2. Setback to a stream shall be at least 50 feet.
 3. Setback to a seasonal drainage way shall be at least 25 feet.
 4. If soils are at least 7 feet deep and conditions are otherwise suitable to prevent lateral surfacing of effluent, installation on steeper slopes, above 30% up to 50% may be allowed if:
 - the distribution pipe is installed at least 2 feet below the surface (vertical depth)
 - A minimum separation of 5 feet is maintained between the leaching system and bedrock or other impermeable layer.
 5. Other requirements specified in Sections 7.38.130 - 7.38.180 of this Chapter shall be met to the greatest extent possible as necessary to protect public health and water quality, and shall comply with standards for system repairs established by the Health Officer pursuant to Section 7.38.095.E.
 6. When an alternative system is used for a repair pursuant to Sections 7.38.182-184, the setbacks from streams and groundwater as specified above may be reduced according to the standards for alternative systems and repairs established by the Health Officer pursuant to Section 7.38.095.E.

These modification recognizes that repairs to existing sewage disposal systems are frequently made before a system malfunctions, and that such repairs may not be able to fully meet all standards contained in Chapter 7.38 for new systems. These change clarifies and codifies long term practice.

- C. All existing, developed parcels that have repaired, replaced or upgraded sewage disposal systems to meet the standards in Sections 7.38.130 - 7.38.180 including allowances described in B. above and any system that was approved between November 2, 1992 and May 2, 1995 to comply with standards in effect at that time, shall be regarded as a standard system and shall be deemed to be in compliance with this code and may be eligible for building alterations as described in Section 7.38.080.B.2. ⁰⁵⁹⁴
- D. When repairing, replacing or upgrading an existing individual sewage disposal system, on an existing, developed parcel that is unable to accommodate a standard sewage disposal system that meets the standards in Sections 7.38.130 - 7.38.180 including allowances described in B. above, the system shall be deemed a Nonstandard sewage disposal system design which must meet the requirements of Sections 7.38.182-7.38.186. The size of a building addition or change in use that will be allowed will depend on the type of system used:
1. No residential additions beyond the ~~250~~ 500 square feet described in Section 7.38.080.B. 1 or changes in use which will result in an increase in wastewater discharge shall be approved for parcels utilizing a haulaway or non-conforming sewage disposal system.
 2. When an alternative sewage disposal system is used, the Health Officer may permit bedroom additions and additions beyond the ~~250~~ 500 square feet described in Section 7.38.080.B. 1 provided the design specifications for the alternative technology can safely treat and dispose of the projected peak wastewater flows and suitable expansion area exists on the property to replace the alternative sewage disposal system.
 3. No building additions shall be approved which will encroach on the septic system or any area of the property needed to install a replacement system which meets the requirements for a standard or alternative system to the greatest extent possible.

These changes are made to be in conformance with the definition of a minor building addition that was approved previously by the Board of Supervisors and is contained in other sections of Chapter 7.38.

- E. Procedures and standards for the repair of individual sewage disposal systems, including guidelines for the design and use of alternative systems for repairs shall be established by policy of the Health Officer.

SECTION 4

Subsection H. of County Code Section 7.38.130, General Installation Requirements, is hereby amended as follows:

- H. Leaching areas shall not be located in low lying areas receiving storm water drainage, or within 100 year flood zones, except for the repair of an existing septic system, which cannot be located outside the floodplain. If the septic system is located within the floodplain, no bedroom additions or building additions greater than 500 square feet are allowed. Leaching areas shall be separated by a minimum of 25 feet from seasonal drainage ways which flow no more than one week after significant rainfall.

This section is amended to reflect changes regarding floodplains within Chapter 16.10, Geologic Hazards, previously adopted by the Board of Supervisors.

SECTION 5

0595

Amend Subsection B.6 of Section 7.38.150, Sewage Leaching Requirements, as follows:

6. The following construction standards shall be used in connection with the construction of any trench leaching system:

Construction Detail	Required Standard
Width of trench	18 - 36 inches
Standard trench depth	Maximum of 4 feet (2 ½ feet effective depth)*
Maximum length of trench	100 feet
Slope of leach line	3 inches per 100 feet maximum
Rock under pipe	Determined by Health Officer, based on soil conditions (min. 12")
Rock over pipe	2 inches
Size of rock	½ to 2 ½ inches
Spacing of trenches edge to edge	Twice the effective depth to a maximum of 10 feet

*Parcels with soils that percolate in the range 6-60 minutes per inch may use a deeper trench ~~(to a maximum of 6 ½ feet (5 feet flow depth))~~ if space on the parcel prevents the use of the standard trench depth. However, in all such instances, the trench shall be as shallow as possible using the maximum lineal feet that can fit on the parcel while still reserving the required expansion area.

This change would allow deeper trenches, primarily in the mid county area, where surface soils are often unsuitable for sewage disposal, and can contribute to surfacing of untreated effluent. It is not believed that a case by case allowance for deeper disposal will significantly affect groundwater quality, as effluent disposal is already allowed at depths of 6 ½ feet, which is well below the zone of maximum biological activity in the soil. Other provisions for groundwater separation will be maintained, and shallow disposal will still be required in sandy, fast percolating soils.

SECTION 6

Amend Section 7.38.184, Nonstandard Systems, by adding subsection G, as follows:

- G. Ongoing Maintenance and Monitoring.** The Health Officer shall establish specifications and requirements for the ongoing maintenance and monitoring to ensure proper functioning of nonstandard sewage disposal systems that have been installed pursuant to this section. These specifications and requirements may include, but are not limited to: requirement of regular monitoring, maintenance and service by a treatment system operator approved by the Health Officer; site specific monitoring and maintenance requirements; effluent testing; and, new technology upgrade necessary to meet the requirements of Sections 7.38.152, 7.38.182 and 7.38.184.

This section would tighten up provisions for ensuring adequate maintenance on nonstandard systems. Many systems use proprietary treatment devices that require regular monitoring and specialized maintenance to ensure that they operate properly and produce the desired effluent quality.

SECTION 7

0596

This ordinance shall take effect within the Coastal Zone ten days after certification by the State Coastal Commission. This ordinance shall take effect in areas outside the Coastal Zone 30 days after approval by the Board of Supervisors.

PASSED AND ADOPTED this _____ day of _____, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Lanya A. Oberhelman III
County Counsel

DISTRIBUTION:

CAO
County Counsel
Environmental Health
Environmental Planning

Draft: August 31, 2000

Implementation of the sewage ordinance amendment will also require amendment of General Plan Policy 5.5.5 as follows:

Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds

Require one ~~net~~ acre minimum parcel sizes for development of existing lots of record in water supply watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance and incorporate as General Plan and LCP Land Use Plan requirements the provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an exception to the one acre minimum parcel size only for an existing parcel of record that meets all of the following criteria:

- = the parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial. in the General Plan that was adopted on May 24, 1994,
- = it is to be developed for commercial use,
- = it is within the Rural Services Line,
- = the proposed sewage disposal system will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the Sewage Disposal Ordinance

This modification would potentially allow commercial development on 20 parcels in the downtown areas of the San Lorenzo Valley, that are currently designated for commercial use. Such uses have the potential to provide various community services.

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

0598

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

**RESOLUTION ADOPTING AMENDMENTS OF CHAPTER 7.38 OF THE SANTA
CRUZ COUNTY CODE REGARDING SEWAGE DISPOSAL
AND RELATED GENERAL PLAN POLICY 5.5.5**

WHEREAS, amendments to Chapter 7.38 of the County Code, Sewage Disposal, a Local Coastal Program implementing ordinance, and related General Plan Policy 5.5.5, have been proposed; and,

WHEREAS, the proposed County Code and General Plan amendments, in compliance with CEQA and County Environmental Review Guidelines, have been determined to have no significant impact on the environment and have been considered by Board of Supervisors; and,

WHEREAS, the County Planning Commission held a public hearing on August 23, 2000, and made recommendations to the Board of Supervisors for approval of the proposed County Code and General Plan amendments; and,

WHEREAS, the Board of Supervisors has conducted a properly noticed public hearing on the proposed County Code and General Plan amendments and has considered the staff and Planning Commission recommendations and public testimony; and,

WHEREAS, the County Code and General Plan amendments are consistent with all other portions of the adopted County General Plan and Local Coastal Program;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby adopts the ordinance amending Chapter 7.38, Sewage Disposal, as shown in Exhibit A; and amends related General Plan Policy, as shown in Exhibit B.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors hereby approves the negative declaration and determination that the amendments of the County Code described herein will not have a significant impact on the environment.

BE IT FURTHER RESOLVED AND ORDERED, that the Planning Department is hereby directed to submit the amendments to the California Coastal Commission for certification as an amendment to the Santa Cruz County Local Coastal Program, and to return with any changes to the Board of Supervisors for further consideration. Within the Coastal Zone, said amendments shall

become effective ten days after certification by the California Coastal Commission. Outside the Coastal Zone, said amendments shall become effective 30 days after adoption of this resolution by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of Santa Cruz County State of California this d a y o f _____, 2000, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson, Board of Supervisors

APPROVED AS TO FORM:

Harry A. Oberhelman III
County Counsel

DISTRIBUTION: County Counsel
 Planning Department
 Environmental Health

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7.38, SEWAGE DISPOSAL,
RELATING TO PARCEL SIZE, EASEMENTS, LEACHFIELD DEPTH, NONSTANDARD SYSTEM
MAINTENANCE, AND OTHER MINOR CHANGES

SECTION 1:	7.38.045	LOT SIZE REQUIREMENTS FOR EXISTING LOTS OF RECORD
SECTION 2:	7.38.060	EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
SECTION 3:	7.38.095	REPAIR PERMITS
SECTION 4:	7.38.130	GENERAL INSTALLATION REQUIREMENTS
SECTION 5:	7.38.150	SEWAGE LEACHING REQUIREMENTS
SECTION 7:	7.38.184	NONSTANDARD SYSTEMS

SECTION 1

A. County Code Section 7.38.045.Lot Size Requirements for Existing Lots of Record is hereby amended by adding Subsection D.6:

6. Within water supply watersheds, existing parcels of record less than one acre in size may be approved for development utilizing a sewage disposal system for commercial use if the parcel meets all of the following criteria:
 - the parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24,1994, it is to be developed for commercial use,
 - it is within the Rural Services Line,
 - the sewage disposal system will meet all of the standards contained in Sections 7.38.120 through 7.38.186 and the sewage disposal system utilizes the enhanced treatment provided for in Section 7.38.152.

B. County Code Section 7.38.045 is hereby amended by adding Subsection E, as follows:

- E. Parcels less than one acre in size may be approved for development if they are created through subdivision after the effective date of this ordinance and meet all of the following requirements:
 1. The average parcel size of the subdivision, excluding roadways, is greater than one acre.
 2. The parcel is not located in a water supply watershed.
 3. The proposed subdivision utilizes clustering of development, with reservation of common open space.
 4. The Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.

County Code Section 7.38.060 is hereby amended to read as follows:

7.38.060 EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

- A. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for repair of an individual sewage disposal system under the following -circumstances:
 - 1. The Health Officer determines that a satisfactory repair of existing sewage disposal system cannot be obtained on the property upon which it is located.
 - 2. The Health Officer determines that the property to be used for sewage disposal can provide satisfactory sewage disposal without creating a health hazard or nuisance condition.
 - 3. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed with prior approval of the Health Officer.
- B. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for installation of a new individual sewage disposal system for parcels created through subdivision after the effective date of this ordinance, under the following circumstances:
 - 1. The average parcel size of the subdivision, excluding roadways, will be greater than one acre.
 - 2. The parcels are not located within a water supply watershed.
 - 3. The proposed subdivision utilizes clustering of development, with reservation of common open space.
 - 4. The Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.
 - 5. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed or modified with prior approval of the Health Officer.

SECTION 3

Section 7.38.095, Repair Permits, is hereby amended as follows:

- A. Notwithstanding the provisions of Section 7.38.093 (A), and the other provisions of this Chapter, permits for the repair of existing individual sewage disposal systems may be issued by the Health Officer upon proper application therefore; and, once issued, shall be valid and exercisable for a period of two years.

- B. Repairs to existing systems shall be made in conformance with the requirements specified in Sections 7.38.130 - 7.38.180 of this Chapter except that the following allowances for repairs of systems serving development that was first approved prior to September 16, 1983, may be permitted: .
6. The minimum separation between the bottom of any leaching device and seasonally high groundwater shall be:
 - Five feet where the leaching device is between fifty and one hundred feet from a stream, spring, or other waterbody.
 - Three feet where the device is over one hundred feet from a waterbody.
 - At distances greater than two hundred fifty feet from a waterbody, a system with groundwater separation below the leachfield less than three feet may be approved as a nonconforming system provided however that a separation of at least one foot must be maintained for at least ninety percent of the year.
 2. Setback to a stream shall be at least 50 feet.
 3. Setback to a seasonal drainage way shall be at least 25 feet.
 4. If soils are at least 7 feet deep and conditions are otherwise suitable to prevent lateral surfacing of effluent, installation on steeper slopes, above 30% up to 50% may be allowed if:
 - the distribution pipe is installed at least 2 feet below the surface (vertical depth)
 - A minimum separation of 5 feet is maintained between the leaching system and bedrock or other impermeable layer.
 5. Other requirements specified in Sections 7.38.130 - 7.38.180 of this Chapter shall be met to the greatest extent possible as necessary to protect public health and water quality, and shall comply with standards for system repairs established by the Health Officer pursuant to Section 7.38.095.E.
 6. When an alternative system is used for a repair pursuant to Sections 7.38.182-184, the setbacks from streams and groundwater as specified above may be reduced according to the standards for alternative systems and repairs established by the Health Officer pursuant to Section 7.38.095.E.
- C. All existing, developed parcels that have repaired, replaced or upgraded sewage disposal systems to meet the standards in Sections 7.38.130 - 7.38.180 including allowances described in B. above and any system that was approved between November 2, 1992 and May 2, 1995 to comply with standards in effect at that time, shall be regarded as a standard system and shall be deemed to be in compliance with this code and may be eligible for building alterations as described in Section 7.38.080.B.2.
- D. When repairing, replacing or upgrading an existing individual sewage disposal system, on an existing, developed parcel that is unable to accommodate a standard sewage disposal system that meets the standards in Sections 7.38.130 - 7.38.180 including allowances described in B. above, the system shall be deemed a Nonstandard sewage disposal system design which must meet the requirements of Sections 7.38.182-7.38.186. The size of a building addition or change in use that will be allowed will depend on the type of system used:
1. No residential additions beyond the 500 square feet described in Section 7.38.080.B. 1 or changes in use which will result in an increase in wastewater discharge shall be approved for parcels utilizing a haulaway or non-conforming sewage disposal system.
 2. When an alternative sewage disposal system is used, the Health Officer may permit bedroom additions and additions beyond the 500 square feet described in Section 7.38.080.B. 1 - provided the design specifications for the alternative technology can safely treat and dispose of the projected peak wastewater flows and suitable expansion area exists on the property to replace the alternative sewage disposal system.
 3. No building additions shall be approved which will encroach on the septic system or any area of the property needed to install a replacement system which meets the requirements for a

standard or alternative system to the greatest extent possible.

- E. Procedures and standards for the repair of individual sewage disposal systems, including guidelines for the design and use of alternative systems for repairs shall be established by policy of the Health Officer.

SECTION 4

Subsection H. of County Code Section 7.38.130, General Installation Requirements, is hereby amended as follows:

- H. Leaching areas shall not be located in low lying areas receiving storm water drainage, or within 100 year flood zones, except for the repair of an existing septic system, which cannot be located outside the floodplain. If the septic system is located within the floodplain, no bedroom additions or building additions greater than 500 square feet are allowed. Leaching areas shall be separated by a minimum of 25 feet from seasonal drainage ways which flow no more than one week after significant rainfall.

SECTION 5

Amend Subsection B.6 of Section 7.38.150, Sewage Leaching Requirements, as follows:

6. The following construction standards shall be used in connection with the construction of any trench leaching system:

Construction Detail	Required Standard
Width of trench	18 - 36 inches
Standard trench depth	Maximum of 4 feet (2 ½ feet effective depth)*
Maximum length of trench	100 feet
Slope of leach line	3 inches per 100 feet maximum
Rock under pipe	Determined by Health Officer, based on soil conditions (min. 12")
Rock over pipe	2 inches
Size of rock	½ to 2 ½ inches
Spacing of trenches edge to edge	Twice the effective depth to a maximum of 10 feet

*Parcels with soils that percolate in the range 6-60 minutes per inch may use a deeper trench, if space on the parcel prevents the use of the standard trench depth. However, in all such instances, the trench shall be as shallow as possible using the maximum lineal feet that can fit on the parcel while still reserving the required expansion area.

SECTION 6

Amend Section 7.38.184, Nonstandard Systems, by adding subsection G, as follows:

- G. **Ongoing Maintenance and Monitoring.** The Health Officer shall establish specifications and requirements for the ongoing maintenance and monitoring to ensure proper functioning of nonstandard sewage disposal systems that have been installed pursuant to this section. These specifications and requirements may include, but are not limited to: requirement of regular

monitoring, maintenance and service by a treatment system operator approved by the Health Officer; site specific monitoring and maintenance requirements; effluent testing; and, new technology upgrade necessary to meet the requirements of Sections 7.38.152, 7.38.182 and 7.38.184.

SECTION 7

This ordinance shall take effect within the Coastal Zone ten days after certification by the State Coastal Commission. This ordinance shall take effect in areas outside the Coastal Zone 30 days after approval by the Board of Supervisors.

PASSED AND ADOPTED this _____ day of _____, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Henry A. Oberhelman
County Counsel

DISTRIBUTION:

CAO
County Counsel
Environmental Health
Environmental Planning

Implementation of the sewage ordinance amendment will also require amendment of General Plan Policy 5.5.5 as follows:

Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds

Require one ~~net~~ acre minimum parcel sizes for development of existing lots of record in water supply watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance and incorporate as General Plan and LCP Land Use Plan requirements the provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an exception to the one acre minimum parcel size only for an existing parcel of record that meets all of the following criteria:

- the parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24, 1994,
 - it is to be developed for commercial use,
 - it is within the Rural Services Line,
 - the proposed sewage disposal system will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the Sewage Disposal Ordinance



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060-4073

(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

COUNTY OF SANTA CRUZ ENVIRONMENTAL HEALTH SERVICES

Proposal to amend the Sewage Disposal Ordinance (Chapter 7.38 of the County Code) and related General Plan policy (5.5.5) to allow commercial development on parcels less than one acre in town plan areas of the San Lorenzo Valley (Felton, Ben Lomond, Boulder Creek), facilitate cluster development for new subdivisions, allow deeper leachfields in specific circumstances, require on-going septic system maintenance and make other refinements of existing provisions.

APN: COUNTY-WIDE JOHN RICKER, ENVIRONMENTAL HEALTH SPECIALIST

ZONE DISTRICT: VARIES

Findings: to divide parcel number 049-061-10 into two lots approximately 5 and 9.8 net developable acres. Property located on the south side of a private road (dusty Trails Road) about 2,275 feet south of the intersection of Dusty Trails Road and Calabazas Road.

This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have significant effect on the environment. The expected environmental impacts of the project are documented in the initial Study on this project attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

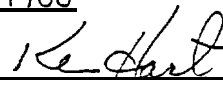
Required Mitigation Measures or Conditions:

X None

Are Attached

Review Period Ends 7/26/00

Date Approved By Environmental Coordinator 7/31/00


 KEN HART
 Environmental Coordinator
 (408) 454-3127

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by _____

on _____. No EIR was prepared under CEQA.

67

THE PROJECT WAS DETERMINED TO NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Date completed notice filed with Clerk of the Board: _____

**ENVIRONMENTAL REVIEW
INITIAL STUDY**

0607

APPLICANT: County Of Santa Cruz/Environmental Health Service APN: County-Wide
OWNER: N/A
Application No: Supervisorial District: All
Site Address:
Location: County-wide

EXISTING SITE CONDITIONS

Parcel Size: N/A (County-wide)
Existing Land Use: Various
Vegetation: Various
Slope: 0-15% __, 16-30% __, 31-50% __, 51% __ acres/sq.ft.
Nearby Watercourse: Various
Distance To: various
Rock/Soil Type: Various

ENVIRONMENTAL CONCERNS

Groundwater Supply:	Varies	Liquefaction	Varies
Water Supply Watershed:	"	Fault Zone:	"
Groundwater Recharge:	"	Floodplain:	"
Timber and Mineral:	"	Riparian Corridor:	"
Biotic Resources:	"	Solar Access:	"
Fire Hazard:	"	Solar Orientation:	"
Archaeology:	"	Scenic Corridor:	"
Noise Constraint:	"	Electric Power Lines:	"
Erosion:	"	Agricultural Resource:	"
Landslide:	"		

SERVICES

Fire Protection:	Varies	Drainage District:	Varies
School District:	"	Project Access:	"
Water Supply:	"		
Sewage Disposal:	"		

PLANNING POLICIES

Zone District:	Varies	Within USL:	No
General Plan:	"	Special Designation:	N/A
Coastal Zone:	"		

PROJECT DESCRIPTION:

Proposal to amend the Sewage Disposal Ordinance (Chapter 7.38 of the County Code) and related General Plan policy 5.5.5 to allow commercial development on parcels less than one acre in commercial areas of the San Lorenzo Valley (Felton, Ben Lomond, and Boulder Creek), facilitate cluster development for new subdivisions, allow deeper leachfields in specific circumstances, require ongoing septic system maintenance and make other refinements of existing provisions.

ENVIRONMENTAL REVIEW CHECKLIST

0608

PROJECT SETTING:

A. GEOLOGIC FACTORS

Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
--	--	---	---------------------

Could the project, or its related activities affect, or be affected by, the following:

- | | | |
|---|---|------------|
| 1. Geologic Hazards: earth-quakes (particularly surface ground rupture, liquefaction, seismic shaking), landslides, mud slides or other slope instability, or similar hazards? | — | <u>X</u> |
| 2. Soil Hazards: soil creep, shrink swell (expansiveness), high erosion potential? | — | <u>X</u> |
| 3. Change in topography or ground surface relief features? | — | <u>X</u> |
| 4. The destruction, covering or modification of any unique geologic or physical feature? | — | <u>X</u> |
| 5. Steep slopes (over 30%)? | — | <u>X</u> |
| 6. Coastal cliff erosion? | — | <u>X</u> |
| 7. Beach sand distribution? | — | Lx- |
| 8. Any increase in wind or water erosion of soils, either on or off site? | — | X |

B. HYDROLOGIC FACTORS

Could the project affect, or be affected by, the following:

- | | |
|---|----------|
| 1. Water related hazards such as flooding or tidal waves? | <u>X</u> |
|---|----------|

The proposed ordinance will bring the septic system regulations into conformance with other County flood plain requirements contained in Chapter 16.10. Repair of existing septic systems in the flood plain will be allowed, but no increase in number of bedrooms or additions greater than 500 square feet' will be allowed for properties served by septic systems located in the flood plains.

- | | Significant:
No or Unknown
<u>Mitigation</u> | Potentially
Significant
Unless
<u>Mitigated</u> | Less Than
Significant
<u>Impact</u> | No
<u>Impact</u> |
|--|--|--|---|---------------------|
| 2. Private or public water supply? | | <u>—</u> | <u>X</u> | |
| <p>The proposal will allow commercial development on approximately 20 vacant parcels in the San Lorenzo River Water Supply Watershed. The water quality impacts of increased sewage disposal will be mitigated by the requirement that septic systems meet all technical standards and that they include enhanced treatment units such as FAST, Biomicrobics, or OSI systems. This additional treatment reduces nitrogen discharge by at least 75% over standard treatment methods. This reduction exceeds requirements for new development contained in the San Lorenzo Nitrate Management Plan, adopted by the Board of Supervisors in 1995.</p> | | | | |
| 3. Septic system functioning
(inadequate percolation, high
watertable, proximity to water
courses)? | | | <u>X</u> | |
| <p>One change would allow deeper trenches, primarily in the mid county area, where surface soils are often unsuitable for sewage disposal, and can contribute to surfacing of untreated effluent. It is not believed that a case by case allowance for deeper disposal will significantly affect groundwater quality, as effluent disposal is already allowed at depths of 6 ½ feet, which is well below the zone of maximum biological activity in the soil. Other provisions for groundwater separation will be maintained, and shallow disposal will still be required in sandy, fast percolating soils. No new parcels would become developable, as these could already be developed using alternative technology.
 Allowances for clustering of development and locating septic systems on easements will help allow septic systems to be located on the most suitable soils.
 The requirement for a higher level of ongoing maintenance will improve long term function of alternative sewage disposal systems.
 Clarified provisions for septic repairs are minor in nature and are consistent with current practice.</p> | | | | |
| 4. Increased siltation rates? | | | | <u>X</u> |
| 5. Surface or ground water quality
(contaminants including
silt-urban runoff, nutrient
enrichment, pesticides, etc.)?
See B.2. above. | | | | <u>X</u> |
| 6. Quantity of ground water
supply, or alteration in the
direction or rate of flow of
ground waters? | | | | <u>X</u> |
| 7. Groundwater recharge? | | | | <u>X</u> |
| 8. Watercourse configuration,
capacity, or hydraulics? | | | | <u>X</u> |
| 9. Changes in drainage patterns or
the rate and amount of runoff? | | | | <u>X</u> |

	Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
10. Cumulative saltwater intrusion?				<u>X</u>
11. Inefficient or unnecessary water consumption?				<u>X</u>
12. Change in the amount of surface water in any water body?				<u>X</u>

C. BIOTIC FACTORS

Could the project affect, or be affected by, the following:

1. Known habitat of any unique, rare or endangered plants or animals (designate species if known)?	<u>—</u>	<u>—</u>	<u>—</u>	<u>X</u>
2. Unique or fragile biotic community (riparian corridor, wetland, coastal grasslands, special forests, intertidal zone, etc)?				<u>X</u>

Provisions to allow clustering of development for new subdivisions will allow better protection of biotic resources.

3. Fire hazard from flammable brush, grass, or trees?		<u>—</u>	<u>X</u>
4. Change in the diversity of species, or number of species of plants or animals?		<u>—</u>	<u>X</u>

D. NOISE

Will the project:

1. Increase the ambient noise level for adjoining areas?		<u>—</u>	<u>X</u>
2. Violate Title 25 noise insulation standards, or General Plan noise standards, as applicable?		<u>—</u>	<u>X</u>
3. Be substantially affected by existing noise levels?	<u>—</u>	<u>—</u>	<u>X</u>

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E. AIR

Will the project:

- | | | | | |
|---|---------------|---------------|---------------|----------------------|
| 1. Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation? | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
| 2. Expose sensitive receptors to substantial pollutant concentrations? | <u> </u> | | | <u> X </u> |
| 3. Release bioengineered organisms or chemicals to the air outside of project buildings? | | <u> </u> | <u> </u> | <u> X </u> |
| 4. Create objectionable odors? | | <u> </u> | <u> </u> | <u> X </u> |
| 5. Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect areas, or change the climate either in the community in the community or region? | | | | <u> X </u> |

F. ENERGY AND NATURAL RESOURCES

Will the project:

- | | | | | |
|---|---------------|---------------|---------------|----------------------|
| 1. Affect or be affected by timber resources? | | | | <u> X </u> |
| 2. Affect or be affected by lands currently utilized for agriculture or designated for agricultural use? | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
| 3. Encourage activities which result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner? | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
| 4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)? | <u> </u> | | | <u> X </u> |

Significant:
No or Unknown
Mitigation

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No
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0612

G. CULTURAL/AESTHETIC FACTORS

Will the project result in:

- | | | | | |
|----|--|--|--|----------|
| 1. | Alteration or destruction of
of historical buildings or
unique cultural features? | | | <u>X</u> |
| 2. | Disturbance of archaeological
or paleontological resources? | | | <u>X</u> |
| 3. | Obstruction or alteration
of views from areas having
important visual/scenic values? | | | <u>X</u> |

Provisions to allow clustering of development for new subdivisions will allow better protection of view sheds.

- | | | | | |
|----|---|----------|----------|----------|
| 4. | Being visible from any adopted
scenic highway or scenic
corridor? | <u>—</u> | | <u>X</u> |
| 5. | Interference with established
recreational, educational,
religious or scientific uses
of the area? | <u>—</u> | <u>—</u> | <u>X</u> |

H. SERVICES AND UTILITIES

Will the project or its related activities result in:

- | | | | | |
|----|---|----------|----------|----------|
| 1. | A breach of national, state,
or local standards relating
to solid waste or litter
management? | <u>—</u> | <u>—</u> | <u>X</u> |
| 2. | Expansion of or creation of
new utility facilities
(e.g., sewage plants, water
storage, mutual water systems,
storm drainage, etc.) including
expansion of service area
boundaries? | | <u>—</u> | <u>X</u> |
| 3. | A need for expanded governmental
services in any of the following
areas: | | | |
| | a. Fire protection? | <u>—</u> | <u>—</u> | <u>X</u> |
| | b. Police protection? | <u>—</u> | <u>—</u> | <u>X</u> |
| | c. Schools? | <u>—</u> | <u>—</u> | <u>X</u> |

Significant:
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Mitigation

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Unless
Mitigated

Less Than
Significant
Impact

No
Impact

d. Parks or other recreational facilities?

X

e. Maintenance of public facilities including roads?

X

f. Other governmental services?

X

4. Inadequate water supply for fire protection?

X

5. Inadequate access for fire protection?

X

I. TRAFFIC AND TRANSPORTATION

Will the project result in:

1. An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?

—

—

X

2. Cause substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?

—

—

X

3. Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?

—

—

-Lx-

4. Alterations to present patterns of circulation or movement of people and/or goods?

—

—

x

5. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

—

—

X

6. Cause preemption of public mass-transportation modes?

—

—

X

J. LAND USE/HOUSING

Will the project result in:

1. Reduction of low/moderate income housing?

—

—

X

2. Demand for additional housing?

—

—

X

Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
--	--	---	---------------------

0614

3. A substantial alteration of the present or planned land use of an area? X

The proposal will facilitate commercial development on properties already designated for commercial development, and is therefore consistent with the planned use potential. This would apply to parcels with a General Plan designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, located within the Rural Services Line.

Within the recommended actions section, the Ben Lomond Town Plan restates the general prohibitions on new development that were in place at the time the Plan was developed: parcels could not be developed that were less than one acre or located in Class 1 areas designated by Regional Water Board Resolution 82-10. Class I prohibitions were removed by the Regional Water Board in 1995, and this project includes an amendment of the General Plan. The inconsistency with the Ben Lomond Town Plan is also resolved.

4. Change in the character of the community in terms of terms of distribution or concentration of income, income, ethnic, housing, or age group? X
5. Land use not in conformance with the character of the surrounding neighborhood? X

K. HAZARDS

Will the project:

1. Involve the use, production or disposal of materials which pose hazard to people, animal or plant populations in the area affected? X
2. Result in transportation of significant amounts of hazardous materials, other than motor fuel? X
3. Involve release of any bioengineered organisms outside of controlled laboratories? X
4. Involve the use of any pathogenic organisms on site? X
5. Require major expansion or special training of police, fire, hospital and/or ambulance services to deal with possible accidents? X

Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
--	--	---	---------------------

6. Create a potential substantial fire hazard? X
7. Expose people to electro-magnetic fields associated with electrical transmission lines? X

L. GENERAL PLANS AND PLANNING POLICY

1. Does the project conflict with any policies in the adopted General Plan or Local Coastal Program?
If so, how? X

The proposed amendment to Chapter 7.38 is consistent with policies and plans to promote commercial infill in the town plan commercial areas. A concurrent amendment of the existing general plan policy that calls for minimum parcel size of one acre in water supply watersheds is also proposed. This latter proposal represents a minimal change that will allow smaller parcel sizes only under a set of very specific circumstances in a very limited geographic portion of the water supply watersheds. The Ben Lomond town plan indicates that new commercial development should only occur if a community sewage disposal system was available. This provision in the Ben Lomond Town Plan should also be considered for revision. A 1997 memo from Glenda Hill to Mark Deming which discusses consistency with General Plan policies is attached.

The proposed general plan policy amendment also includes rewording to allow gross acreage to be used in determining whether or not parcel size is greater than one acre for other new development in water supply watersheds. This will make the policy consistent with wording in Chapter 7.38 that was adopted by the Board of Supervisors in 1997.

2. Does the project conflict with any local, state or federal ordinances?
If so, how? X

The proposed changes will bring the provisions for septic systems in flood plains into conformance with County Code Chapter 16.10 and federal flood regulations.

3. Does the project have potentially growth inducing effect? X

The proposed change would allow the development of approximately 20 parcels that are not currently developable, but which are proposed to be eventually developed under the town plan and General Plan, once adequate sewage disposal facilities become available. A print-out is attached which lists all the undeveloped commercial parcels in the county that meet the specific criteria to be considered for development under the proposed change in the sewage ordinance and related general plan policies (less than one acre, with a commercial designation, within the rural services line, and within a water supply watershed). Thirty parcels are listed, but at least ten likely have limited potential for development due to small size, presence of flood plain designation, or other factors.

Significant:
No or Unknown
Mitigation

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Unless
Mitigated

Less Than
Significant
Impact

No
Impact

- It is not expected that the allowance of deeper leachfields will result in any new development, as these parcels could currently be developed using alternative sewage disposal systems.
 - Provisions to allow reduced lot size for clustered development in new subdivisions is not expected to be growth inducing, given the restrictions on average parcel size and other factors. All other planning policies (including zoning and matrix requirements) regarding overall density of development would remain in effect and would be the overriding determininants of project density and total parcel size. Any future subdivision would be subject to further environmental review, which would include consideration of all impacts, including any possible impact from clustered sewage disposal under specific site conditions.
4. Does the project require approval of regional, state, or federal agencies? Which agencies? **Regional Water Quality Control Board, Coastal Commission.**

0617

Significant:
No or Unknown
MitigationPotentially
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MitigatedLess Than
Significant
ImpactNo
Impact**MANDATORY FINDINGS OF SIGNIFICANCE**

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| 1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history? | <u>—</u> | <u>X</u> |
| 2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts will endure well into the future.) | <u>—</u> | <u>X</u> |
| 3. Does the project have impacts which are individually limited but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant. Analyze in the light of past projects, other current projects, and probable future projects.) | | <u>X</u> |
| 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | <u>X</u> |

0618

TECHNICAL REVIEW CHECKLIST

	<u>REQUIRED</u>	<u>COMPLETED*</u>	<u>N/A</u>
A P A C R E V I E W	_____	_____	_____
ARCHAEOLOGIC REVIEW	_____	_____	
BIOTIC ASSESSMENT	_____	_____	
GEOLOGIC HAZARD ASSESSMENT	_____	_____	
GEOLOGIC REPORT	_____	_____	
RIPARIAN PRE-SITE	_____	_____	
SEPTIC LOT CHECK	_____	_____	
SOILS REPORT	_____	_____	
O T H E R :			
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	

*Attach summary and recommendation from completed reviews

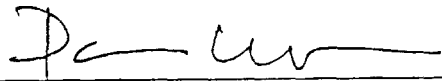
List any other technical reports or information sources used in preparation of this initial study:

ENVIRONMENTAL REVIEW ACTION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described below have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date 7/28/00

Signature 

For:
Environmental Coordinator

Attachments:

1. Annotated proposed ordinance, "strikeout/underline" version
2. Memo from Glenda Hill regarding General Plan policies
3. Listing of parcels likely to be affected by change

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE

Call JR re:
ordinance
amendment

0620

DATE: August 22, 1997
TO: Mark Deming
FROM: Glenda Hill
SUBJECT: GENERAL PLAN **POLICY** REVIEW OF PROPOSED ORDINANCE CHANGE

You have requested a review of General Plan **policies** to determine consistency with a proposed amendment to County Code Section 7.38.045 to permit development of small commercial parcels. In particular, the proposed amendment would allow a relaxation of the current one acre minimum parcel size for septic disposal systems within the San Lorenzo Valley Watershed. The proposed amendment would only affect parcels with a Commercial zoning or **General Plan** designation within the Rural Services Line.

My review of the General Plan found several policies that generally speak to **infill** development and protecting water supply watersheds, such as:

GP page 2-3, paragraph 3

Infill development within Rural Services Line boundaries is allowed at urban densities when community sewage disposal systems become available...:

GP page 2-32, 2.15.6 San Lorenzo Valley

Allow for small scale **office** use in the designated Professional and Administrative Office area on the west side of Highway 9 north of the Boulder Creek Village Center consistent with the Boulder Creek Specific Plan, sanitation limitations of the area (possible septic haul-away required)...

GP page 2-36, 2.17.8 San Lorenzo Valley

Ensure that any Commercial Service/Light Industrial development does not adversely impact the Water Supply Watershed in the San Lorenzo Valley.

GP page 5-21, 5.5.10 Retaining Undeveloped Lands in Watersheds

Encourage property owners in designated watershed areas to sign Open Space Easements or pursue other mechanisms to retain undeveloped lands within **Water** Supply Watersheds.

GP page 7-56, 7.20.1 Community Sewage Disposal Systems, Within the Rural Services Line

Allow new development to occur at designated urban densities within the Rural Services Line (RSL) where served by the community sewage disposal system and

where operated by a public agency or an operator under contract to a public agency...

GP page 7-56, **7.20.1 Rural Services Line Area Without Community Sewage Disposal Systems**

Require new development within the Rural Services Line to meet individual sewage disposal system standards set forth in the Sewage Disposal ordinance unless served by a community sewage disposal system as described in **7.20.1...**

Felton Town Plan “encourages creative **infill** projects” in the commercial areas.

Boulder Creek Specific Plan, page 7 discusses wastewater disposal restrictions as a significant commercial development constraint and **suggest** five alternatives to solve the sewage problem.

If the reference in Policy 7.20.1 to “urban densities” was interpreted to apply to residential uses only, the proposed ordinance change could be found to be consistent with the above policies.

The following policies are not consistent with the proposed ordinance and would require amendments to the General Plan and Ben Lomond Town Plan:

GP page 5-20, **5.5.5 Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds**

Require one net acre minimum parcel size for development of existing lots of record in Water Supply Watersheds in the Coastal Zone and in the North Coast and Bonny **Doon** planning areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance...

GP page 5-21, **5.5.8 Allowed Uses in Water Supply and Least Disturbed Watersheds**
Require uses in Water Supply Watershed and Least Disturbed areas to be compatible with watershed protection policies and limited to open space uses or recreational and residential uses at the specified Watershed densities, unless otherwise exempted.

Ben Lomond Town Plan, page 22 Community Commercial Districts

c) Prohibitions (general): Sewage disposal facilities are prohibited for:

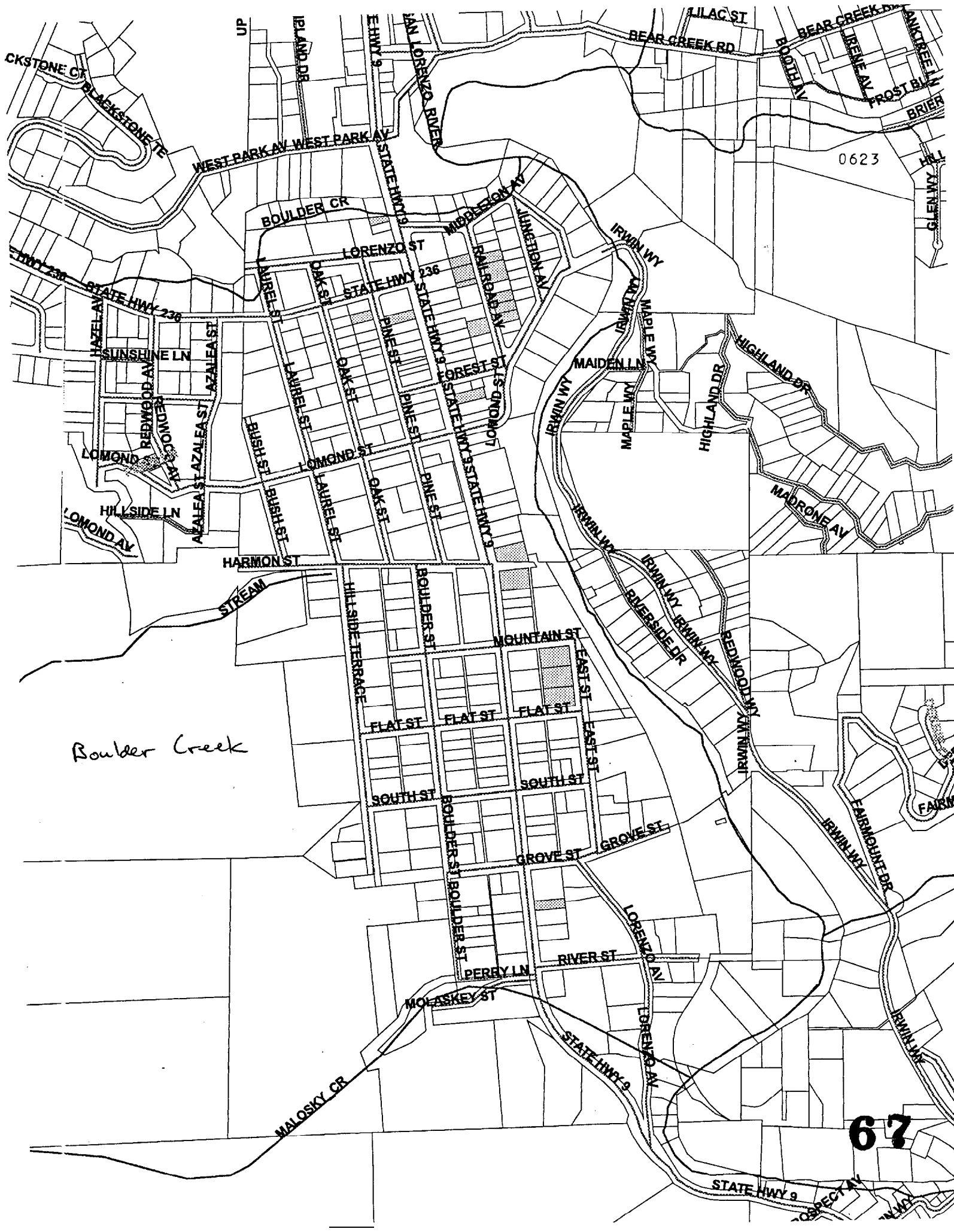
- 1) Parcels less than one acre in size;
- 2) In Class I areas as defined by the Regional Water Quality Control Board resolution no. 82.10;
- 3) In the 100 year flood plan area.

PLAT	BOOK	APN	SQFT	RUCD	LUCD	URB	GP1	ZON1	STREAM	GRNWT	RIP	WOOD	FLOOD	BIORS	SOILS
SL	065	06513111	7318	011	011	RSL	C-S	c-4						0622	SOIL-171
		06513116	6621	110	110	RSL	C-S	c-4							SOIL-171
		06513117	6665	110	110	RSL	C-S	c-4							SOIL-171
		06513118	6621	110	110	RSL	C-S	c-4							SOIL-171
		06513127	8843	011	011	RSL	C-S	c-4			RW				SOIL-171
		5													
	0	7	07708111	20604	050	050	RSL	c-c	RM-10						SOIL-171
			07708113	30405	110	110	RSL	C-C	C-1						SOIL-171
			07710401	15202	115	115	RSL	C-C	C-1	Gw			FLOODPLAIN		SOIL-110
			07715105	9670	192	192	RSL	C-C	C-1	GW			FLOODWAY	BIOTIC	SOIL-158
		4													
	081		08108104	3398	192	192	RSL	C-S	c-2	GW			FLOODPLAIN	BIOTIC	SOIL-110
			08108402	4400	110	110	RSL	C-S	c-4	GW					SOIL-110
			08108403	4835	110	110	RSL	C-S	c-4	GW					SOIL-110
			08112328	5314	011	011	RSL	C-C	c-2	Gw					SOIL-110
			08112402	7231	192	192	RSL	C-C	c-2	GW					SOIL-110
			08113101	5140	050	050	RSL	C-O	PA	GW					SOIL-110
			08113102	7579	015	015	RSL	C-C	c-2	Gw					SOIL-110
			08113103	2614	050	050	RSL	C-C	c-2	Gw					SOIL-110
			06113106	7884	050	050	RSL	C-N	C-1	Gw					SOIL-110
			08113204	7754	110	110	RSL	C-C	c-2	GW					SOIL-110
			08114313	5314	011	011	RSL	C-O	PA	Gw					SOIL-110
			06114315	10411	050	050	RSL	C-O	PA	GW					SOIL-110
			08114316	5314	011	011	RSL	C-O	PA	GW					SOIL-110
			08114322	5140	011	011	RSL	C-O	PA	GW					SOIL-110
			08114323	5097	011	011	RSL	C-O	PA	GW					SOIL-110
			08117409	13068	011	011	RSL	C-C	c-2	GW				BIOTIC	SOIL-110
			08120308	13896	115	115	RSL	C-C	c-2	Gw				BIOTIC	SOIL-110
			08120401	13765	050	050	RSL	C-C	c-2	GW					SOIL-171
			08120406	14505	011	011	RSL	C-C	c-2	GW					SOIL-171
		08120407	14157	050	050	RSL	C-C	c-2	GW						SOIL-171
			08125318	7144	05A	05A	RSL	C-C	c-2	Gw					SOIL-171
		21													
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Report Printed

1 pages sent to 'PRINTER'

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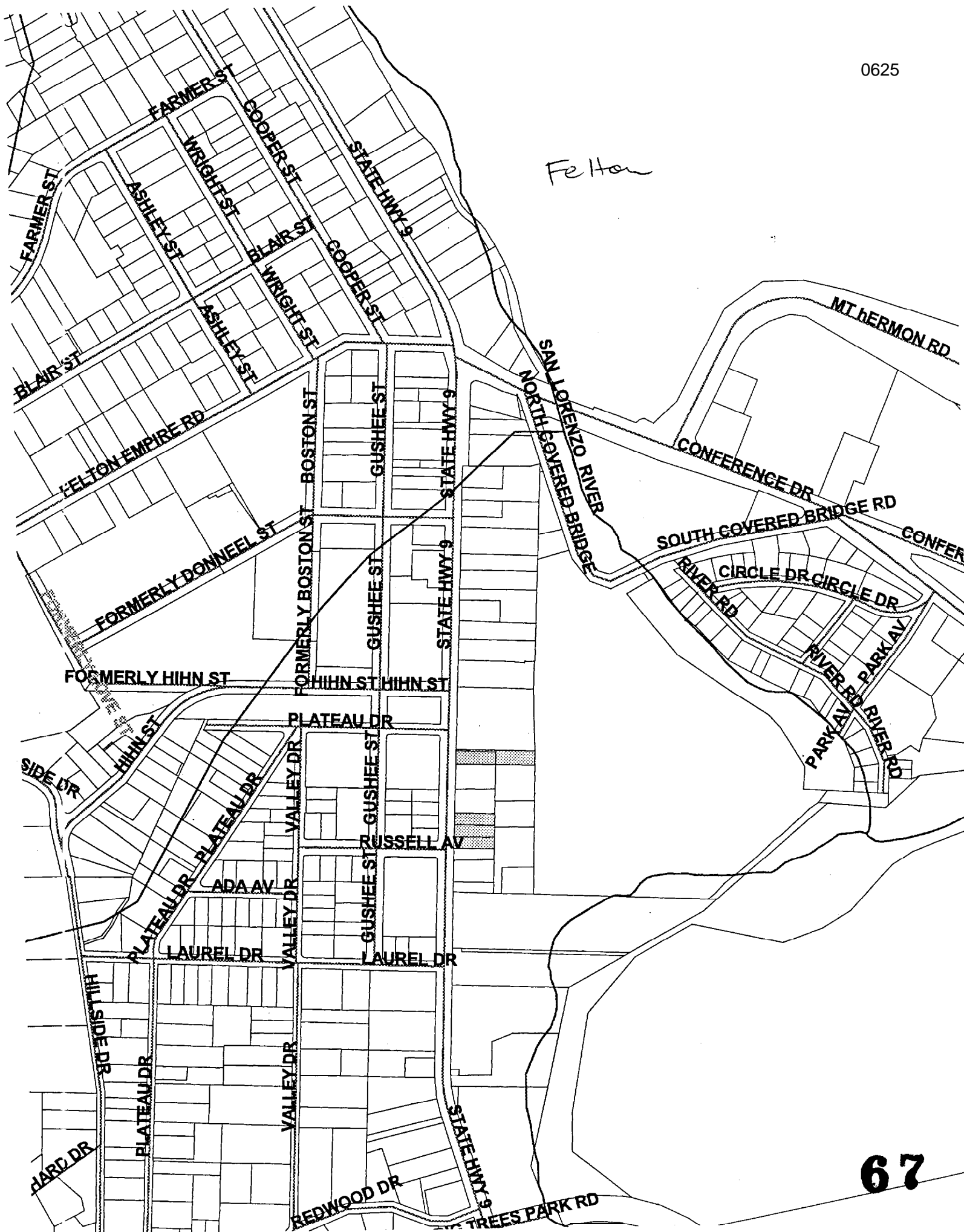


Ben Loward

0624



67



Christina Craig
2 1600 Big Basin Way #3
Boulder Creek, CA 95006

JUL 25 2000

July 21, 2000

John Ricker
Santa Cruz County Planning Department
701 Ocean St.
Santa Cruz, Ca 95060

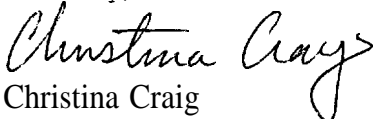
Dear Mr. Ricker:

I am opposed to the proposal to amend the Sewage Disposal Ordinance, which would allow commercial development on parcels of less than one acre in commercial areas of the San Lorenzo Valley. However, I am particularly opposed to the amendment of general plan 5.5.6, which would facilitate higher density housing developments for new subdivisions.

Changing the zoning ordinances to profit developers and small percentage of landowners will in the long run decrease the quality of life for everyone who lives in the San Lorenzo Valley. Although cleaner and healthier than ten years ago, the San Lorenzo River is the backbone of the valley communities. The river and its many tributaries already demonstrate high levels of pollution, silt and gravel from runoff after any **sizeable** rainfall. Erosion from increased land development will further decrease the integrity of the watershed upon which our lives depend

Traffic along the highway 9 corridor is already unbearable between certain hours each morning and evening. Adding a higher density of residents to the San Lorenzo Valley will further deteriorate our quality of life. Preserve our watershed and our open space.

Sincerely,


Christina Craig

Aia Couchois Duncan

0627

21600 Big Basin Way #16 • Boulder Creek, CA 95006 • 831-338-0598 • ajaduncan@surfnetausa.com

Monday, July 24, 2000

John Ricker
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Dear Mr. Ricker and other members of the planning board:

I am writing in response to the proposed amendments to the Sewage Disposal Ordinance and related General Plan policy 5.5.5.

I am very concerned about any potential increase in development in the San Lorenzo Valley. As you probably know, what development already exists in the area is posing a major threat to water quality in the San Lorenzo River and as a result the Monterey Bay Marine sanctuary. Chloral fecal counts in the San Lorenzo river have already eradicated the native trout populations and threaten waterfowl and all the other wildlife not to mention our own health as well.

Following is a description of the valley prior to the devastation of natural resources due to over-logging and poorly planned sewage disposal systems.

Primeval redwood trees tower over the landscape in addition to mixed evergreen, oak woodland and chaparral. The San Lorenzo watershed is host to a wide variety of plant and animal life such as coyotes, mountains lions, gray foxes, skunks, squirrels, chipmunks, shrews, bafs, deer. In addition to the migratory song birds, and years round residents such as robins and scrub jays, raptors soar above the valley; the streams brimming with frogs, salamander and fislz. Western azaleas bloom along the creeks , drawing iridescerzt hummingbirds and butterflies. It is the closest thing to terrestrial paradise.

Now, only the protected areas such as Big Basin State park remain even close to the way they were before 150 years of membership in the United States of America brought the state of California such environmental devastation.

Santa Cruz county is one of the few counties that seems concerned about protecting its natural resources. This is the reason so many people are drawn here. This is the reason that property is so valuable here.

The San Lorenzo Valley was once a summer retreat. Small cabins rested on the rivers banks. Narrow roads snake through the dense woods of second and third growth redwoods. In the last few decades the population the Valley has exploded. The septic systems are insufficient to accommodate the high year round population and sewage runs into the San Lorenzo River and its tributaries. The roads cannot accommodate the traffic. Every few nights a fawn, coyote, skunk loses its life to another high speed vehicle.

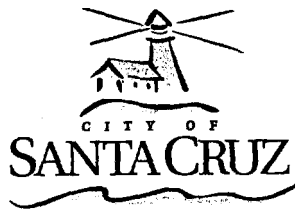
0628

The area is already out of balance; the way of life it supports, a picturesque wooded community unscathed from the poorly planned development of Scotts Valley and other nearby communities carved out of the mountain's side. If you destroy what remains of this area it will have no value. How shorted sided is that? We cannot fix what has already been destroyed, we can only slow our own destructive tendencies, What good will a ruined river system bring? Giardia. Dead animals and birds. A dead child who accidentally swallows the water while taking a summer dip in the river. What about the impact of additional polluted water running into our ocean? Poisoned fish. Loss of otter and seal populations. What about our dependence on summer tourism? What revenue can possibly justify this amendment? Nothing is more valuable than a balanced ecosystem. Nothing can live without clean fresh water. Nothing.

Sincerely,



Aja Couchois Duncan



W A T E R D E P A R T M E N T

0629

July 26, 2000

Mr. Ken Hart
Environmental Coordinator
County of Santa Cruz Planning Department
701 Ocean St.
Santa Cruz, CA 95060

RE: Environmental Review Initial Study – Proposed Septic Ordinance Amendments.

Dear Mr. Hart,

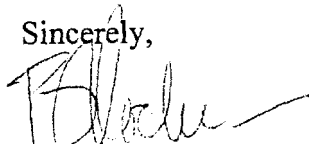
Under the 1996 amendments of the Safe Drinking Water Act water purveyors must increase their involvement in drinking water source protection activities. As you know, drinking water for the City of Santa Cruz is supplied primarily by surface water from the San Lorenzo River. This watershed has experienced water quality problems resulting from urbanization and currently has the highest density of on-site sewage disposal systems in the State of California. As major stakeholders in the San Lorenzo watershed, we are not only concerned with any modifications to existing and effective measures designed to protect water quality, but also encourage taking steps intended to improve the conditions of this community resource.

We are especially concerned that the proposed amendments of the County's Septic Ordinance might set a precedent for future weakening of the Ordinance leading to cumulative negative impacts on the City's drinking water quality. With regard to the specifics of the proposed amendments, we agree that clustering of development allows maintenance of open space, viewsheds, biotic resource, etc. However, impacts of clustered development were discussed under the Hydrologic section of the Initial Study of the amendments, but not under the General Plans and Planning Policy section. Why wasn't reduction of the one-acre minimum lot size for clustering of development analyzed in this section of the Initial Study as the reduction of the one-acre minimum lot size for commercial properties was? Specifically, will these ordinance amendments lead to an increase in clustered development, formalize an existing procedure, or induce growth? We feel that the lack of clarity regarding these issues warrants a more thorough environmental review of the proposed amendments.

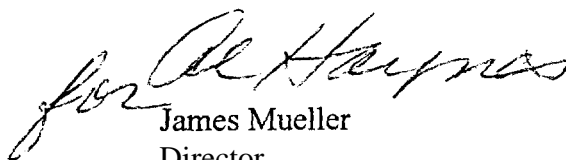
Thank you for consideration of our drinking water source protection concerns and the opportunity to comment on this project. Please feel free to contact the Department's

Watershed Specialist, Chris Berry, at 420-5483 or myself at 420-5200 if you have any questions regarding our position on these matters.

Sincerely,



Bill Kocher
Director,
City of Santa Cruz Water Department



James Mueller
Director,
San Lorenzo Valley Water District

CC: TT,RL,CB,D W,RWQCB

John R

MEMORANDUM

0631

DATE: August 11, 2000 (2:56pm)

TO: KEN HART, ENVIRONMENTAL COORDINATOR

FROM: ANDREW SCHIFFRIN, ADM. ASST., SUPERVISOR
WORKMOUNT

RE: PROPOSED AMENDMENT TO SEWAGE DISPOSAL
ORDINANCE - INITIAL STUDY - COMMENTS

I am sorry to be so late in getting you my comments on this Initial Study. My July vacation didn't end until July 31, 2000 and it has taken me awhile to work through the backlog.

Unfortunately, I do have a number of serious concerns with the Initial Study on the proposed sewage disposal ordinance amendments to allow construction on lots smaller than one acre in the San Lorenzo Valley. My concerns are as follows:

1. PROJECT DESCRIPTION INACCURATE - The project description in the Notice of Determination and the cover page of the Initial Study only includes the amendments to the sewage disposal ordinance. However, from reading the Initial Study it appears that the project includes an amendment to policy 5.56 of the General Plan. This is mentioned in Section J.3 (page 8) and expanded upon in Section L.1 (page 9). In particular, the discussion in Section L.9 seems to add the General Plan amendment to the project. Further, this section refers to an attached 1997 Planning Department memo. Page 2 of this memo cites three 'General Plan policies with which the proposed ordinance is not consistent. From reading the material, then, it isn't clear what the entire project entails. If the project includes amendments to the General Plan, they should be clearly identified in the project description contained in the Notice of Determination and the cover page of the Initial Study. Absent this, members of the public who only read the published description of the project will have an inaccurate understanding of what it is.

2. NO TRANSPORTATION ANALYSIS - As you know, CEQA requires consideration of both direct and indirect project impacts. While it is obvious that adoption of the proposed ordinance will have no direct environmental effects on traffic, by making commercial developable properties that are currently undevelopable, there is the potential for significant traffic impacts.

0632

According to the Initial Study, the proposed ordinance would make possible the development of 20 commercial parcels in the San Lorenzo Valley. Although these properties are each less than one acre in size, cumulatively their development will impact traffic. While a detailed analysis of this impact would be speculative, some investigation of the potential development can and should be carried out. For example, what percentage increase in land area do the parcels represent compared to existing commercial development in their towns? If they are developed with similar types of activities as existing commercial uses, what would be their traffic impact? In other words, while precise knowledge of the future impacts is impossible, reasonable assumptions can and should be made to try to inform the public and decision makers of the potential traffic impacts of the proposed project.

3. NO WATER SUPPLY ANALYSIS - Section 6.2 (Page 3) of the Initial Study identifies as a less than significant impact the effect of the proposed project on "Private and public water supply." While the discussion cites the ability of "approximately 20 commercial vacant parcels" to develop as a result of the project, it only discusses the possibility of water quality, impacts, which seems inappropriate in this section. The analysis should focus on the current water supply situation within the water district or districts serving the parcels and include some generalized estimate of the possible impact of the development on the water supply.

While I understand that this project is relatively minor in nature and should not have significant environmental impacts, it was disappointing that the Initial Study did not provide sufficient useful information to substantiate these conclusions.

I hope the additional information is available when the matter reaches the Planning Commission and Board of Supervisors.

Thank you for your consideration.

0633

Cc: Supervisor Wormhoudt

BEFORE THE PLANKING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

§ Hackman 4

RESOLUTION NO. _____

0634

On the motion of Commissioner
duly seconded by Commissioner
The following resolution is adopted:

**PLANNING COMMISSION RESOLUTION
RECOMMENDING BOARD OF SUPERVISORS APPROVAL OF AN ORDINANCE
TO AMEND SECTIONS OF CHAPTER 7.38 OF THE COUNTY CODE
REGARDING SEWAGE DISPOSAL
AND GENERAL PLAN POLICY 5.5.5**

WHEREAS, the Planning Commission has held a duly noticed public hearing and has considered the proposed amendments, the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, these amendments have been determined to have no significant impact on the environment in compliance with CEQA and State and County environmental guidelines; and

WHEREAS, County Code Chapter 7.38 is an implementing ordinance for the Local Coastal Program (LCP) and General Plan Policy 5.5.5 is a part of the Local Coastal Plan; and

WHEREAS, the proposed amendments are consistent with the California Coastal Act, the LCP, and the County General Plan.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission recommends the proposed amendments to County Code Chapter 7.38, and General Plan Policy 5.5.5, as set forth in Exhibit B, incorporated by reference to be included for final action by the Board of Supervisors and submitted to the Coastal Commission as part of the 2000 Round 2.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2000, by the following vote: .

AYES; COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

ROBERT BREMNER, Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:

Maria Costa
COUNTY COUNSEL

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE

CONFIDENTIAL
ATTORNEY-CLIENT INFORMATION

DATE: October 15, 1997
TO: Tom Burns, Acting Planning Director
FROM: Dwight L. Herr *DLH*
SUBJECT: Minimum Parcel Size for Septic Tanks to Serve Existing
Commercial Parcels in the San Lorenzo Water Supply
Watershed

On August 19, 1997, the Board of Supervisors directed that a review be made by County Counsel of an ordinance amendment to permit development of small existing commercial properties in the San Lorenzo Valley and directed Planning to report back on the issue of whether a General Plan amendment would also be required and with an opinion from County Counsel to address whether this would set a precedent that could be used by owners of other types of properties. (Attached is a copy of the minute order of August 19, 1997 on this item.)

Please find enclosed a proposed ordinance amending Section 7.38.045(D) in response to the direction of the Board of Supervisors. This proposed ordinance has been reviewed with Environmental Health.

It is my opinion that an amendment of Section 5.5.5 of the 1994 County General Plan would also be necessary to authorize the proposed ordinance amendment. I would recommend the following language be added to Section 5.5.5:

"Allow an exception to the one net acre minimum parcel size only for existing parcels of record with a commercial General Plan designation as of August 19, 1997, which are to be developed for commercial use, are between 10,000 square feet and one acre in size, are within the Rural Services Line, will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the Sewage Disposal Ordinance."

John Ricker of Environmental Health has agreed to look at, developing revised language for the existing provisions of Section 5.5.5 since those provisions state that the General Plan and LCP should incorporate the existing Sewage Disposal Ordinance

provisions with respect to the Kristen Park and Water Quality Constraint Areas.

It is my further opinion that the adoption of an exception for development of existing commercial parcels in the San Lorenzo River Watershed would not set a legal precedent for other types of property. Environmental Health has advised that the exception as proposed would affect less than 15 parcels. Both the Board of Supervisors and the Regional Quality Control Board could thus find that this limited exception for existing commercial parcels would not have any significant effect on the watershed, but could reach the opposite conclusion with regard to other types of properties which would include many more parcels.

0636