



County of Santa Cruz 0333

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 4543580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

November 08, 2000

AGENDA: December 05, 2000

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

**SUBJECT: PROPOSED AMENDMENT TO THE BEN LOMOND TOWN PLAN
REGARDING SEWAGE DISPOSAL REGULATIONS FOR
COMMERCIAL PARCELS**

Members of the Board:

BACKGROUND

On August 19, 1997, your Board **directed** that a review be made of a possible ordinance amendment to permit development of small existing commercial properties in the San Lorenzo Valley and directed the Planning Department to report on the issue of whether they would require a General Plan amendment. Staff from County Counsel, Environmental Health, and Planning reviewed the issues and reported back to your Board that such an amendment would be possible and would require amendments to Chapter 7.38 of Volume I of the County Code and Section 5.5.5 of the General Plan.

On May 23, 2000, your Board gave conceptual approval to proposed amendments to the Sewage Disposal Ordinance (Chapter 7.38, Volume I of the County Code) and related General Plan Policy 5.5.5.

On August 23, 2000, the Planning Commission recommended approval of those amendments. The amendments would allow development of a limited number (<20) of commercial parcels less than one acre in size in the commercially zoned 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 on-site sewage disposal provisions.

On September 12, 2000, your Board approved those amendments. At the same time your Board directed the Planning Department to process an amendment to the Ben Lomond Town Plan making

the sewage disposal requirements of the Town Plan consistent with the newly adopted sewage disposal regulations, and to schedule this amendment for the November 8, 2000, Planning Commission agenda, followed by consideration by your Board on December 5, 2000. The Ben Lomond Town Plan currently prohibits sewage disposal facilities on commercial parcels in the Community Commercial District that are "less than 1 acre in size" or are "[i]n Class 1 areas as defined 0 3 3 4 by the Regional Water Quality Control Board resolution no. 82.10." To allow for full implementation of the amendments previously approved by your Board, the Ben Lomond Town Plan must be amended to remove those two prohibitions. On November 8, 2000, the Planning Commission considered an amendment to the Ben Lomond Town Plan to remove those two provisions and recommended that your Board approve the amendment. A third prohibition, applicable to parcels "[i]n the 100 year flood plain area" is not proposed to be amended.

RECOMMENDATION

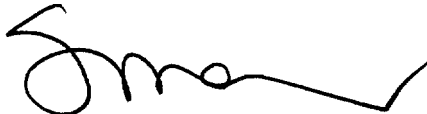
Therefore, it is RECOMMENDED that your Board adopt the attached resolution (Attachment 1) amending the Ben Lomond Town Plan (Attachment 2).

Sincerely,



Alvin James
Planning Director

RECOMMENDED



Susan A. Mauriello
County Administrative Officer

- Attachments:
1. Resolution Approving Proposed Amendment
 2. Proposed Amendment to the Ben Lomond Town Plan
 3. Planning Commission Resolution
 4. Letter to Planning Commission from Planning dated October 17, 2000
 5. Letter to Board of Supervisors from Planning dated September 15, 2000
 6. Letter to Board of Supervisors from Health Services Agency for September 12, 2000 agenda

cc: CAO
HSA Administration
Environmental Health
Planning
County Counsel

0335

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:

BOARD OF SUPERVISORS RESOLUTION APPROVING
AMENDMENT TO THE BEN LOMOND TOWN PLAN

WHEREAS, the Board of Supervisors, in 1990, adopted the Ben Lomond Town Plan to establish design and development guidelines for the Town of Ben Lomond and to guide and coordinate future public and private improvements within the Town Plan boundaries; and

WHEREAS, on September 12, 2000, the Board of Supervisors, upon recommendation of the Director of Environmental Health, approved amendments to County Code Chapter 7.38 and General Plan Policy 5.5.5 regrading minimum parcel size for on-site sewage disposal on commercial parcels within the Rural Services Line in the San Lorenzo Valley; and

WHEREAS, full implementation of those amendments cannot proceed without amending the Sewage Disposal Recommendations contained in the Community Commercial District portion of the Ben Lomond Town Plan; and

WHEREAS, a Mitigated Negative Declaration was issued, with the approval of the amendments to County Code Chapter 7.38 and General Plan Policy 5.5.5, that addresses the potential environmental impacts of the amendments; and

WHEREAS, the potential environmental impacts of this amendment to the Ben Lomond Town Plan are identical to those addressed in the Mitigated Negative Declaration issued for the amendments to County Code Chapter 7.3 8 and General Plan Policy 5.5.5; and

WHEREAS, the Planning Commission has conducted a public hearing to consider the amendments to the Ben Lomond Town Plan to eliminate the prohibition on sewage disposal facilities on commercial parcels less than 1 acre in size in the Community Commercial District and recommended approval to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has conducted a public hearing to consider these amendments to the Ben Lomond Town Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby approves the amendment to the Ben Lomond Town Plan (Exhibit A) and the Negative Declaration, incorporated herein by reference.

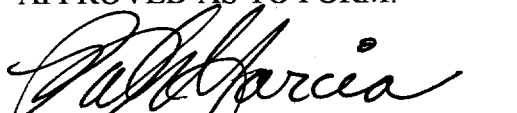
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State ⁰³³⁶
of California, this _____ day of, 2000 by the following vote:

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

Mardi Wormhout, Chairperson

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

Community Commercial District

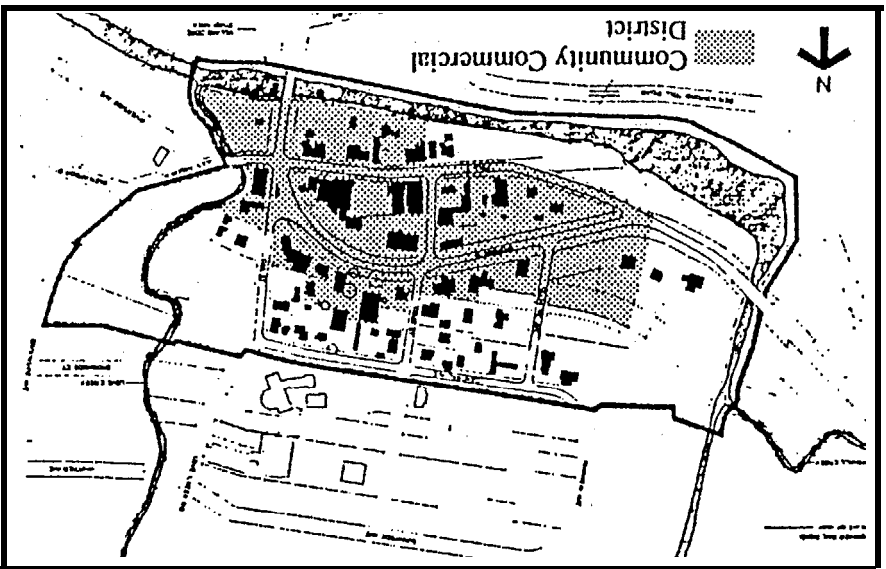
The objective of Community Commercial Centers according to section 6.2.2 of the Santa Cruz County General Plan is:

"to provide Community Commercial areas with definite boundaries such that the concentration of public and private investment and planning effort will result in more viable commercial areas which serve a role as special places for working, shopping and cultural activities and which increase the efficient use of transportation."

District Recommendations

a) Focus development: Future public and private development and revitalization should be focused in the Community Commercial District (illustrated on this page). By focusing the proposed public improvements in the existing commercial area, private investment in this area will be encouraged. This will also reinforce the historic commercial character of Mill Street, Highway 9 to the highway frontage and limit the impacts of this development on the existing residential areas.

b) Expansion: Expansion of the Community Commercial District is allowed under General Plan Policy 6.2.8 but should only be permitted when the Community Commercial District is unable to accommodate additional activity through: (1) redevelopment of existing structures or (2) construction on undeveloped parcels.



Community Commercial District Map

Sewage Disposal Recommendations

- a) New construction: Any new construction including major repair or additions will require the installation of an independent sewage disposal facility (septic tank, leach field, etc.) as approved by the County Health Office.
 - b) Soil conditions: Soil conditions in the Community Commercial District boundaries are primarily alluvial sands (or low clays) and are generally suitable for the installation of septic tanks and leach fields.
- 1) Prohibitions (general): Sewage disposal facilities are prohibited for:
 - 1) Parcels less than 1 acre in size.
 - 2) In Class I areas as defined by the Regional Water Quality Control Board.
 - 3) In the 100 year flood plain area.

Community Commercial District

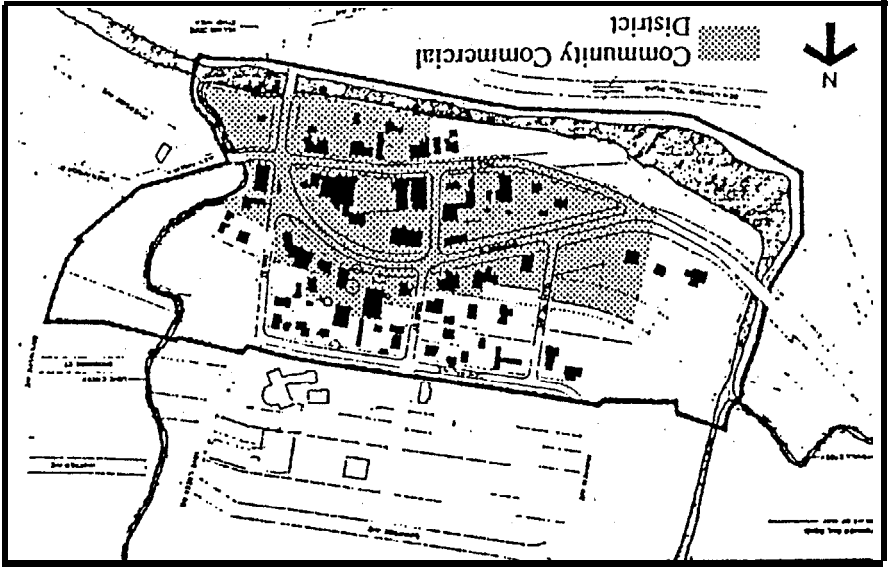
The objective of Community Commercial Centers according to section 6.2.2 of the Santa Cruz County General Plan is:

"to provide Community Commercial areas with definite boundaries such that the concentration of public and private investment and planning effort will result in more viable commercial areas which serve a role as special places for working, shopping and cultural activities and which increase the efficient use of transportation."

Community Commercial District Recommendations

a) Focus development: Future public put private development and revitalization should be focused in the Community Commercial District (illustrated on this page). By focusing the proposed public improvements in the existing commercial area, private sector investment in this area will be encouraged. This will also reinforce the historic commercial character of Mill Street, limit the commercial development north of Highway 9 to the highway frontage and limit the impacts of this development on the existing residential areas.

(1) Expansion: Expansion of the Community Commercial District is allowed under General Plan Policy 6.2.8 but should only be permitted when the Community Commercial District is unable to accommodate additional activity through: (1) redevelopment of existing structures or (2) construction on undeveloped parcels.



Community Commercial District Map

Sewage Disposal Recommendations

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

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

a) New construction: Any new construction including major repair or additions will require the installation of an independent sewage disposal facility (septic tank, leach field, etc.) as approved by the County Health Office.

b) Soil conditions: Soil conditions in the Community Commercial District boundaries and are generally suitable for the installation of septic tanks and leach fields.

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

RESOLUTION NO. 7-00

On the motion of Commissioner SHEPHERD
duly seconded by Commissioner RUTH
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING
AMENDMENT TO THE BEN LOMOND TOWN PLAN

WHEREAS, the Board of Supervisors, in 1990, adopted the Ben Lomond Town Plan to establish design and development guidelines for the Town of Ben Lomond and to guide and coordinate future public and private improvements within the Town Plan boundaries; and

WHEREAS, on September 122000, the Board of Supervisors, upon recommendation of the Director of Environmental Health, approved amendments to County Code Chapter 7.3 8 and General Plan Policy 5.5.5 regrading minimum parcel size for on-site sewage disposal on commercial parcels within the Rural Services Line in the San Lorenzo Valley; and

WHEREAS, full implementation of those amendments cannot proceed without amending the Sewage Disposal Recommendations contained in the Community Commercial District portion of the Ben Lomond Town Plan; and

WHEREAS, a Mitigated Negative Declaration was issued, with the approval of the amendments to County Code Chapter 7.38 and General Plan Policy 5.5.5, that addresses the potential environmental impacts of the amendments; and

WHEREAS, the potential environmental impacts of this amendment to the Ben Lomond Town Plan are identical to those addressed in the Mitigated Negative Declaration issued for the amendments to County Code Chapter 7.38 and General Plan Policy 5.5.5; and

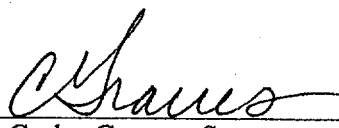
WHEREAS, the Planning Commission has conducted a public hearing to consider the amendments to the Ben Lomond Town Plan to eliminate the prohibition on sewage disposal facilities on commercial parcels less than 1 acre in size in the Community Commercial District;

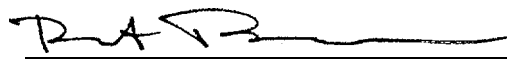
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the amendment to the Ben Lomond Town Plan (Exhibit A) and the Negative Declaration, incorporated herein by reference, be approved by the Board of Supervisors.

PASSED AND ADOPTED by the Planning Commission of the County of Santa **Cruz**, State of California, this 8TH day of NOVEMBER, 2000 by the following vote:

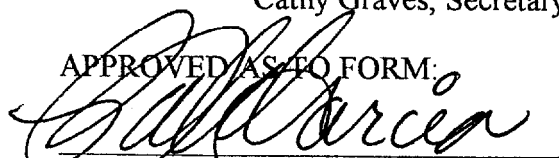
AYES: COMMISSIONERS BREMNER, RUTH, HOLBERT, OSMER, SHEPHERD
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

ATTEST:


Cathy Graves, Secretary


Rob Bremner, Chairperson

APPROVED AS TO FORM:


COUNTY COUNSEL

cc: County Counsel
Planning Department



County of Santa Cruz 0341

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

October 17, 2000

AGENDA: November 8, 2000

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

SUBJECT: PROPOSED AMENDMENT TO THE BEN LOMOND TOWN PLAN
REGARDING SEWAGE DISPOSAL REGULATIONS FOR
COMMERCIAL PARCELS .

Commission Members:

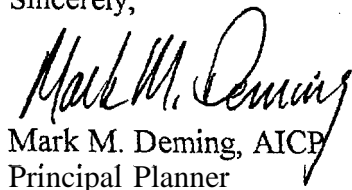
BACKGROUND

On August 23, 2000, your Commission considered amendments to County Code Chapter 7.38 and related General Plan Policy 5.5.5 regarding prohibitions for sewage disposal facilities on commercial parcels within the Rural Services Line in the San Lorenzo Valley. On September 12, 2000, the Board of Supervisors approved those amendments. Not included with those amendments was part of the Ben Lomond Town Plan that prohibits sewage disposal facilities on commercial parcels in the Community Commercial District that are "less than 1 acre in size" or are "[i]n Class 1 areas as defined by the Regional Water Quality Control Board resolution no. 82.10." To allow for full implementation of the amendments, the Ben Lomond Town Plan must be amended to remove those two prohibitions. A third prohibition, applicable to parcels "[i]n the 100 year flood plain area" is **not proposed** to be amended.

RECOMMENDATION

Therefore, it is RECOMMENDED that your Commission adopt the attached resolution (Attachment 1) amending the Ben Lomond Town Plan (Exhibit A).

Sincerely,


Mark M. Deming, AICP
Principal Planner

Attachments:

1. Resolution Amending Ben Lomond Town Plan
2. August 31, 2000 Letter with Attachment 1 to Board of Supervisors **from**
Environmental Health Director

0342



County of Santa Cruz

0343

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454.2123

ALVIN D. JAMES, DIRECTOR

September 15, 2000

AGENDA: September 19, 2000

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: BEN LOMOND TOWN PLAN AMENDMENTS

Members of the Board:

On September 12, 2000, your Board adopted amendments to the Sewage Disposal Regulations which would allow the installation of septic systems on lots less than 1 acre for certain uses within specific areas. One of these areas is the town of Ben Lomond. However, the adopted Ben Lomond Town Plan specifically limits septic system installation for new uses to parcels of 1 acre or greater. This requirement was adopted to implement the septic tank installation requirements in effect at that time.

In order to implement the new Sewage Disposal Regulations within the town of Ben Lomond, an amendment to the Ben Lomond Town Plan is required. This amendment would simply revise the wording of the Town Plan to state that new development in the Town Plan area must comply with current regulations of the County. Staff proposes to schedule this amendment for the November 8, 2000, Planning Commission agenda, followed by consideration by your Board on December 5, 2000.

The Planning Department is currently processing an application for an amendment to the Ben Lomond Town Plan submitted as a part of a Commercial Development Permit (the proposed development is not affected by the new Sewage Disposal regulations). Planning staff is planning to schedule this item for review by the Planning Commission in late October or early November. Planning staff will try to schedule these amendments to the Ben Lomond Town Plan so that they are processed on parallel tracks.

It is, therefore, **RECOMMENDED** that your Board direct the Planning Department to process an amendment to the Ben Lomond Town Plan making the sewage disposal requirements of the Town

Plan consistent with the Sewage Disposal Regulations adopted by the Board on September 12, 2000, and to schedule the public hearings on this amendment as discussed above 0344

Sincerely,

Alvin D. James
Planning Director

RECOMMENDED: _____
Susan A. Mauriello
County Administrative Officer

ADJ/MMD/benlomondsewers.wpd



ENVIRONMENTAL HEALTH

County of Santa Cruz

0345

HEALTH SERVICES AGENCY

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060-4073
 (831) 4562022 FAX: (831) 454-3128 TDD: (831) 454-4123

August

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 3 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

me

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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ORDINANCE NO. _____

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, existine: parcels of record less than one acre in size **may be approved** for develoument **utilizing** a sewage disposal svstem 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 svstem 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 develoument if they are created through subdivision after the effective date of this ordinance and meet all of the following reauirements:
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.

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.

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 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.