



COUNTY OF SANTA CRUZ⁰³⁵³

PLANNING DEPARTMENT

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ALVIN JAMES, DIRECTOR

October 22, 2001

Agenda: November 6, 2001

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

PUBLIC HEARING TO CONSIDER COASTAL COMMISSION MODIFICATIONS TO THE GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENTS AND COUNTY CODE/LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN AMENDMENTS RELATED TO NEW MILLENNIUM HIGH SCHOOL MEMORANDUM OF UNDERSTANDING

Members of the Board:

On March 27, 2001, your Board approved General Plan/Local Coastal Program (LCP) Land Use Plan amendments and County Code/LCP Implementation Plan amendments designating a utility prohibition district and related measures at the City of Watsonville city limits within the County's coastal zone to implement the Memorandum of Understanding (MOU) between the County, the City of Watsonville and the California Coastal Commission related to the development of the proposed New Millennium High School in Watsonville. These amendments would put in place a series of policies designed to prevent urban development in the farmlands, wetlands and other environmentally sensitive areas west of the City of Watsonville.

The LCP amendments were subsequently forwarded to the Coastal Commission for their approval and certification as required under the Coastal Act. At their September 12, 2001 meeting, the Coastal Commission denied the proposed LCP amendments as written, but then approved the amendments with several minor "suggested" modifications that would clarify the amendment language and strengthen some of its environmental protection provisions. The General Plan/LCP and County Code/LCP amendments cannot be certified by the Coastal Commission unless and until the County adopts the suggested modifications. The County has six (6) months from the date of the Commission's action (i.e. until March 12, 2002) in which to adopt the amendments with the suggested modifications.

BACKGROUND

On March 14, 2000, your Board entered into a Memorandum of Understanding (MOU) with the City of Watsonville and the Coastal Commission as part of the agreement to allow the proposed New Millennium High School to be built on the City of Watsonville's Coastal Zone Area C (APN

018-281-19), west of Highway One. As part of the MOU, the County agreed to implement policies that would discourage further westward urban expansion by the City, primarily through limitations on wastewater and potable water pipeline extensions from the City to areas west of Highway One.

The coastal zone area west of Highway One is primarily agricultural and mostly zoned for commercial agriculture (CA), but also contains extensive wetlands and other environmentally sensitive areas. The proposed General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan policies would provide an additional level of protection to further safeguard this rolling agricultural landscape from non-compatible development. The proposed policies would establish a utility prohibition district that would apply to the boundary of County and the City of Watsonville west of Highway One in southern Santa Cruz County. The new utility prohibition district is intended to maintain a stable urban/rural boundary at Highway One by prohibiting the extension of sewer and potable water utilities across the district.

In addition, the proposed General Plan/LCP and County Code/LCP amendments would ensure that any capacity-increasing improvements made to Harkins Slough Road would protect and enhance environmentally sensitive habitats in wetland areas that the road crosses. This would likely include the construction of a bridge where Harkins Slough Road crosses the West Branch of Struve Slough, replacing the existing culverts.

Specifically, the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan amendments that fulfill the County's obligations under the New Millennium High School MOU, and were approved by your Board on March 27, 2001, include the following elements:

1. Establishment of a one-foot wide utility prohibition overlay district that runs along, and immediately adjacent to, the City of Watsonville's city limits west of Highway 1 (with exceptions as explained below);
2. A policy limiting the width of Harkins Slough Road to the minimum necessary to serve the new high school, and encouraging improvements that would enhance habitat connectivity under the roadway; and
3. A policy reserving a non-access strip around all wastewater or potable water supply easements granted to the City of Watsonville over or through County-owned land (including County rights-of-way) west of Highway One.

¹ (a) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including agricultural worker housing;

(b) Leachate lines to and from the City and County landfills and the City wastewater treatment plant;

(c) Pipelines to distribute water for environmental restoration, maintenance or enhancement;

(d) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals; and

(e) Wastewater and potable water supply utility pipelined easements necessary to serve the New Millennium High School or other permitted use on the City of Watsonville Coastal Zone Area C, with the condition that the pipeline sizes be limited to the minimum capacity required to serve that use only

In addition, the MOU also required that any future amendments to these General Plan/LCP Land Use Plan policy changes, including revocation, require a super majority vote of the Board of Supervisors. This provision was incorporated into the previously approved amendments.

As noted above, on March 27, 2001 your Board approved the General Plan/LCP Land Use Plan and County CodeLCP Implementation Plan amendments, which were subsequently forwarded to the California Coastal Commission for their approval and certification as required under the Coastal Act. Also as noted above, on September 12, 2001, the Coastal Commission considered and approved, with minor suggested modifications, the amendments as Santa Cruz County's Local Coastal Program (LCP) Major Amendment 1-01 (Part 2). Again, your Board must approve the Coastal Commission's modifications within six months of the Commission's action for the General Plan/LCP and zoning code amendments to go into effect.

DISCUSSION OF COASTAL COMMISSION MODIFICATIONS

The Coastal Commission's suggested modifications to the General Plan/LCP and County CodeLCP amendments previously approved by your Board primarily consist of minor changes that provide clarification, remove redundancies, or strengthen environmental protection provisions. The most substantive of the Coastal Commission modifications clarify the procedures to be followed by the County in the event of future annexations to the City of Watsonville, and expand the provision of habitat connectivity in the event of improvements to Harkins Slough Road.

Regarding future annexations by the City of Watsonville in or near the Coastal Zone, the previously approved versions of the General Plan/LCP and implementing ordinance amendments had stated that the utility prohibition zone would be extended north to Mar Monte Avenue in the event of annexation of the Buena Vista area north of the City. The suggested modified language simplifies the policy by stating that, in the event of any new annexation by the City in or near the Coastal Zone, the utility prohibition zone would be extended around the outer boundary of the annexed area. This would not only address potential annexations to the north of the City (e.g., the Buena Vista area) but also the "Green Farm" site south west of the Riverside Avenue interchange, thus making the explicit exemption regarding the Green Farm site (Program f, subsection 6) unnecessary.

Regarding habitat connectivity, the Coastal Commission's suggested modifications would expand the intent of the original version of the amendments by including habitat connectivity improvements at the Harkins Slough Road crossing of Hansen Slough, in addition to the crossing at West Struve Slough. The Coastal Commission is proposing that a larger culvert be installed at Hansen Slough thus improving connectivity between the portion of Hansen Slough upstream from Harkins Slough Road with the portion downstream, in the event that that portion of Harkins Slough Road needs improvements related to the New Millennium High School or other development on Watsonville's Coastal Zone Area C. The other suggested modifications are generally minor in nature and either provide clarification or remove redundancies in the previously approved General Plan/LCP and implementing ordinance amendments.

The Coastal Commission's suggested modifications to the General Plan/LCP Land Use Plan amendments that your Board approved on March 27, 2001 are indicated in Exhibit 1-A of Attachment 1 to this letter. The suggested modifications to the County CodeLCP Implementation Plan amendments your Board approved are shown in Exhibit 1-B of Attachment

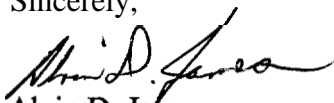
1. The suggested modifications are also described on pages 7 through 9 of the Coastal Commission staff report for Santa Cruz County LCP Major Amendment Number 1-01, which is included as Attachment 4 of this letter. The Coastal Commission's rationale for each of the suggested modifications is given on pages 22 through 27 of the Coastal Commission staff report (Attachment 4).

CONCLUSION AND RECOMMENDATION

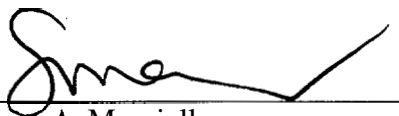
The Coastal Commission's suggested modifications are minor in nature and are intended to clarify the intent and application of the policies and ordinances. City of Watsonville staff has reviewed the suggested modifications. It is, therefore, RECOMMENDED that your Board:

1. Adopt the attached Resolution Approving the California Coastal Commission's Suggested Modifications to Previously Approved General Plan/Local Coastal Program Land Use Plan and Implementing Ordinance Amendments Related to the New Millennium High School Memorandum of Understanding (Attachment 1) approving the Coastal Commission's suggested modifications to the County General Plan/LCP Land Use Plan and County Code LCP Implementation Plan amendments that were approved by your Board on March 27, 2001; and
2. Adopt the revised Ordinance Adding County Code Sections 13.10.490, 13.10.491, 13.10.492 and 13.10.493 Establishing a Watsonville Utility Prohibition Combining District; and Adding Sections 17.02.081 and 16.32.090(c)(a)(11), Relating to Improvements to Harkins Slough Road, to the Santa Cruz County Code (Attachment 2); and
3. Direct Planning Department staff to forward the modified amendments to the Coastal Commission for their final certification.

Sincerely,


Alvin D. James
Planning Director

RECOMMENDED


Susan A. Mauriello
County Administrative Officer

Attachments:

1. Resolution Approving the Coastal Commission's Suggested Modifications to the General Plan/LCP Land Use Plan and County Code LCP Implementation Plan Amendments Previously Approved by the Board of Supervisors on March 27, 2001
- Exhibit 1-A: Coastal Commission Suggested Modifications to the County General Plan/LCP Land Use Plan Amendment

Exhibit 1-B: Coastal Commission Suggested Modifications to the County Code/LCP Implementation Plan Amendments (County Code Sections 13.10.490 through 13.10.493, 17.02.081, and 16.32.090(c)(A)(11))

2. Ordinance amending County Code LCP Implementation Plan (County Code Sections 13.10.490 through 13.10.493, 17.02.081, and 16.32.090(c)(A)(11))
3. Ordinance amending County Code Chapter 13.10 by changing the zoning of certain parcels west of Watsonville City limits (adopted March 27, 2001)
4. Adopted California Coastal Commission Staff Report for Santa Cruz County Major LCP Amendment #1-01, approved at September 12, 2001 Coastal Commission meeting
5. Board of Supervisors Resolution Amending the General Plan/Local Coastal Program Land Use Plan and Implementing Ordinances Relating to New Millennium High School Memorandum of Understanding, adopted March 27, 2001

cc: County Counsel
 California Coastal Commission, Central Coast District
 Assembly Member Fred Keeley
 Pajaro Valley Unified School District
 City of Watsonville
 Department of Public Works

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

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION APPROVING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED
MODIFICATIONS TO PREVIOUSLY APPROVED GENERAL PLAN/ LOCAL COASTAL
PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCE AMENDMENTS
RELATED TO NEW MILLENNIUM HIGH SCHOOL MEMORANDUM OF UNDERSTANDING

WHEREAS, the Board of Supervisors, on March 14, 2000, entered into a Memorandum of Understanding (MOU) representing concurrence regarding the location of the Pajaro Valley Unified School District's proposed New Millennium High School on City of Watsonville's Coastal Zone Area C, provided that the City of Watsonville agreed not to pursue major additional annexations in the environmentally sensitive lands west of Highway One, to be enforced through restrictions on the extension of wastewater and potable water supply pipelines from the City of Watsonville to lands west of Highway One; and

WHEREAS, the County's responsibilities under the MOU included amending the General Plan/Local Coastal Program (LCP) Land Use Plan and County Code/LCP Implementation Plan to provide for:

- a. Establishment of a one-foot wide wastewater and potable water supply utility prohibition overlay district that would run along, and immediately adjacent to, the City of Watsonville's city limits west of Highway 1; and
- b. Establishment of a policy/standard that limits the width of Harkins Slough Road to the minimum necessary to serve the new high school (assuming this and not Airport Blvd. is the primary access route selected), and which encourages improvements that would enhance habitat connectivity under the roadway (e.g., a new bridge span over West Struve Slough, or at least larger culverts); and
- c. Establishment of a policy/standard that requires the County to reserve a one-foot non-access strip around any wastewater or potable water supply easements granted to the City over or through County-owned land (including County rights-of-way) west of Highway One; and

WHEREAS, the Board of Supervisors, on March 27, 2001, following a duly noticed public meeting, approved amendments to the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan which fulfilled the County's obligations under the MOU, and directed staff to forward the amendments to the California Coastal Commission for their certification as required under the Coastal Act, and

WHEREAS, the approved amendments to the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan were found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, on September 12, 2001, the California Coastal Commission considered and denied as submitted, but then approved with suggested modifications, the proposed General Plan/LCP Land Use Plan and to the County Code/LCP Implementation Plan amendments as Santa Cruz County's LCP Major Amendment 1-01 (Part 2); and

WHEREAS, the Santa Cruz County Board of Supervisors has **six (6)** months from the date of the Coastal Commission action (i.e., until March 12, 2002) to adopt the Coastal Commission's suggested modifications to LCP Major Amendment 1-01 (Part 2); and

WHEREAS, the Coastal Commission's suggested modifications consist primarily of minor changes that provide clarification, remove redundancies, or strengthen environmental protection provisions in the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan amendments previously approved by the Board of Supervisors.


NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the Coastal Commission's suggested modifications to the previously approved amendments to the General Plan/LCP Land Use Plan and County Code/LCP Implementation Plan, as set forth in Exhibits 1-A and 1-B and Attachment 2, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission for their final certification.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2001 by the following vote:

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

 Chairman of the Board of Supervisors

ATTEST: _____
 Clerk of the Board of Supervisors

APPROVED AS TO FORM. 

 County Counsel

cc: County Counsel
 Planning Department

**Coastal Commission's Suggested Modifications to
Major LCP Amendment 1-01 (Part 2) - General Plan/LCP Land Use Plan Amendments
Implementing the New Millennium High School MOU**

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(Deletions in ~~Strikeout~~, Additions in *Italics*)

LAND USE ELEMENT

OBJECTIVE 2.1 URBAN/RURAL DISTINCTION

**Policy 2.1.12 Urban/Rural Boundary - San Andreas Planning Area (~~per MOU/City~~
(LCP) ~~of Watsonville Amendment 1-99~~)**

Maintain a stable urban rural boundary and protect rural agricultural land, wetlands, and/or other environmentally sensitive habitat areas by ensuring that there will be no additional urban development outside the western boundary of the City of Watsonville, and by providing for concentrated urban development within City of Watsonville city limits. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

**Policy 2.1.13 Prohibition On Utility Extensions - San Andreas Planning Area (~~per~~
(LCP) ~~MOU/City of Watsonville LCP Amendment 1-99~~)**

Prohibit the extension of new wastewater and/or potable water utilities, emanating from within the City of Watsonville into the San Andreas Planning Area, by establishing a Utility Prohibition Strip along and immediately adjacent to the City's boundaries west of Highway One, so as to discourage additional urban development in the Coastal Zone west of the City of Watsonville. Exceptions to this policy are listed below in Program f (1-6). Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

**Policy 2.1.14 Minimize Utility Sizing - San Andreas Planning Area
(LCP)**

Any new wastewater or potable water supply pipelines emanating from within the City of Watsonville City limits, as allowed for in Program f (1-6) below, shall be limited in size to the minimum capacity necessary to serve the intended existing and/or proposed development so as to discourage additional urban development in the coastal zone west of the City of Watsonville. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

**Policy 2.1.15
(LCP)****Watsonville Utility Pipeline Non-Access Strips - San Andreas Planning Area (~~per MOU/City of Watsonville LCP~~)**

In the San Andreas Planning Area, designate one-foot wide Pipeline Non-Access Strips along ~~both~~ **all** sides of any existing or new: 1) wastewater or potable water supply pipeline easements granted to the City of Watsonville by the County; and/or 2) wastewater or potable water supply pipelines emanating from the City of Watsonville and crossing County right-of-way or other County land. The one-foot wide Pipeline Non-Access Strips shall completely surround any such pipelines and/or pipeline easements, and will prohibit any future pipeline attachments and/or extensions to the affected pipeline, thus discouraging additional urban development in the Coastal Zone west of the City of Watsonville. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

**Policy 2.1.16
(LCP)****Harkins Slough Road Improvements (~~per MOU/City of Watsonville LCP Amendment 1-99~~)**

Harkins Slough Road (including the proposed Highway One overpass/interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on ~~the Edwards site (APN 018-281-19)~~ **City of Watsonville Coastal Zone Area C**, and/or 2) as needed to meet minimum County or Caltrans design standards. Any such road improvements shall be designed in tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. **Any** such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with Policy 5.1.16. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Programs

- e. Establish and maintain, upon County-owned lands in the San Andreas Planning Area (including County rights-of-way), a one-foot wide Pipeline Non-Access Strip along both sides of any existing or future: 1) wastewater or potable water supply pipeline easements granted to the City of Watsonville by the County; and/or 2) wastewater or potable water supply pipelines emanating from the City of Watsonville and crossing County right-of-way or other County land. The one-foot wide Pipeline Non-Access Strips shall completely surround any such pipelines and/or pipeline easements. New pipeline connections to the existing wastewater or potable water pipeline will be prohibited through, over, or under the Pipeline Non-Access Strips.

- f. Create a Utility Prohibition Combining Zone overlay district that establishes and maintains a one-foot wide wastewater and potable water supply Utility Prohibition Strip, across, over, or under which wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted. The Utility Prohibition Combining Zone overlay district will be applied to parcels located to the west of and abutting the western edge of the Highway One right-of-way. Where the Watsonville City limits encompass parcels west of Highway One, the combining zone overlay district shall apply to all parcels directly abutting the Watsonville City limits (and to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One). The Utility Prohibition Strip will be located along the parcel boundaries that directly abut either the Highway One right-of-way or the Watsonville City limits, as applicable. The Utility Prohibition Strip shall extend north of Watsonville to Buena Vista Drive and south to the Monterey County line, to the points where Buena Vista Drive and the County line each intersect the western edge of the Highway One right-of-way. If additional County land ~~in the "Buena Vista" area northwest of Watsonville~~ is annexed into the City of Watsonville, *extend the Utility Prohibition Strip shall be extended northward along the western edge of the Highway One right-of-way to Mar Monte Avenue district to abut and surround the new City area as necessary to maintain a continuous utility prohibition zone along the western edge of all new City lands and/or Highway One so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive habitat areas in the Coastal Zone west of the City..*

The Utility Prohibition Combining Zone District shall initially be applied to the parcels with the following Assessor Parcel Numbers:

052-011-46, 052-011-57, ~~052-011-66~~, 052-011-67, ~~052-011-77~~, 052-511-01, 052-511-05, 052-511-06, 052-511-08, 052-511-10, 052-511-11, 052-511-12, ~~052-511-13~~, ~~052-021-15~~, 052-021-21, 052-021-30, 052-021-31, ~~052-081-37~~, ~~052-081-38~~, 052-081-39, 052-091-41, 052-091-42, 052-103-13, 052-103-14, 052-221-14, 052-221-15, 052-221-17, 052-222-10, 052-222-22, 052-581-09, 052-581-10, 052-581-11, 052-271-03, 052-271-04, ~~052-272-01~~, and 052-272-02.

New wastewater and potable water supply utility pipelines/easements from the City of Watsonville shall also be prohibited from crossing or otherwise occupying any and all County rights-of-way (including those on Harkins Slough Road, Lee Road, and Ranport Road) where they border or contact the Watsonville City limits west of Highway One. Wastewater and/or potable water utility pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with the following exceptions:

- 1) Wastewater and potable water supply utility extensions may be provided to APN ~~052-011-46~~ (Gilbertson parcel) with capacities

limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including agricultural worker housing.

- 2) Leachate lines to and from the City and County landfills and the City wastewater treatment plant, ~~e: pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses;~~
 - 3) Pipelines to distribute water for environmental restoration, maintenance or ~~chamut~~ _____;
 - 4) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
 - 5) Wastewater and potable water supply utility pipelined easements necessary to serve the New Millennium High School or other permitted use on the ~~City of Watsonville Coastal Zone Area C Edwards property (APN 018-281-19)~~, with the condition that the pipeline sizes be limited to the minimum capacity required to serve that use only.
 - 6) ~~If APN 052-271-04 (Green Farm) is annexed into the City of Watsonville, the Utility Prohibition Combining Zoning District designation shall be applied to any and all parcels surrounding it, as necessary to maintain a continuous Utility Prohibition Strip around the City boundaries west of Highway One.~~
- g. Endeavor to acquire, or to encourage other appropriate third parties (e.g., land trusts or other non-profit organizations) to acquire, the one-foot wide Utility Prohibition Strip, as described above in Program f, as permanently held easements on each affected parcel.

CONSERVATION AND OPEN SPACE ELEMENT**OBJECTIVE 5.1 BIOLOGICAL DIVERSITY****Restoration of Damaged Sensitive Habitats****Policy 5.1.16
(LCP)****Harkins Slough Road Improvements (~~per MOU/City of
Watsonville Amendment 1-99~~)**

Any ~~major~~ Harkins Slough Road improvements (~~e.g., improvements related to the Highway One overpass/interchange and/or permitted development on the Edwards site, APN 018-281-19~~) *that (1) **expand the roadway prism outside of the existing paved area**; or (2) **constitute a major public works project**; or (3) **are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C*** shall provide enhanced habitat connectivity: *1) **for Hanson Slough, the Hanson Slough portion of the road is improved (e.g., by replacing the existing culvert with an alternative structure, such as a box culvert, that better connects slough resources on either side of Harkins Slough Road)**; and 2) between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road* ~~by replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road is the preferred alternative,~~ unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such ~~major~~ road improvements to Harkins Slough Road shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any such ~~major~~ improvements made to Harkins Slough road pursuant to this policy shall also be consistent with Policy **2.1.16**. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

**Coastal Commission's Suggested Modifications to
Major LCP Amendment 1-01 (Part 2) – County Code/LCP
Implementation Plan Amendments
Implementing the New Millennium High School MOU**

(Deletions in ~~Strikeout~~, Additions in *Italics*)

ORDINANCE NO. 4609A

AN ORDINANCE ADDING COUNTY CODE SECTION 13.10.490, 13.10.491, 13.10.492
AND 13.10.493 ESTABLISHING A WATSONVILLE UTILITY PROHIBITION
COMBINING DISTRICT; AND ADDING SECTIONS 17.02.081 AND 16.32.090(c)(A)(11),
RELATING TO IMPROVEMENTS TO HARKIN SLOUGH ROAD, TO THE SANTA CRUZ
COUNTY CODE

SECTION I

The Santa Cruz County Code is hereby amended by adding Sections 13.10.490, 13.10.491, 13.10.492 and 13.10.493 to read as follows:

13.10.490 "W" Watsonville Utility Prohibition Combining District

13.10.491 Purposes of the Watsonville Utility Prohibition "W" Combining District.

~~In order to implement General Plan/Local Coastal Program Land Use Plan Policy 2.1.13, and in compliance with the Memorandum of Understanding (MOU), between the County of Santa Cruz, the City of Watsonville, and the California Coastal Commission (entered into on March 14, 2000), the "W" Watsonville Utility Prohibition Combining District is established.~~ The purpose of the Watsonville Utility Prohibition or "W" Combining District is to prevent the provision of urban services to undeveloped/rural areas west of the City of Watsonville, so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive areas in the Coastal Zone west of Watsonville. The Watsonville Utility Prohibition or "W" Combining District establishes a one-foot wide wastewater and potable water Utility Prohibition Strip upon parcels and public road rights-of way to the west of, and abutting, the western edge of the Highway One right-of-way, and the Watsonville City limits where the City extends west of Highway One. The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. Wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with certain exceptions as set forth in Section 13.10.493. Any amendments to this and the following sections, including revocation, require a super-majority vote of the Board of Supervisors.

13.10.492 Designation of the Watsonville Utility Prohibition “W” Combining District.

The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. The Watsonville Utility Prohibition “W” Combining District designation, establishing the one-foot wide Utility Prohibition Strip, shall be applied to:

- (a) Where the city limits of Watsonville lie west of State Highway One, those properties and public road rights-of-way directly bordering the City limits of Watsonville (and also to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One);
- (b) *Where the city limit of Watsonville is coterminous with the western edge of the Highway One right-of-way, or where the city limit of Watsonville is east of Highway One, those properties and public road rights-of-way bordering the western edge of the Highway One right-of-way, along the stretch of Highway One between Buena Vista Drive to the north and the Monterey County line to the south;*
- (c) Where the city limits of Watsonville ~~are~~ *is* modified ~~through annexation~~, subsequent to the effective date of this section *through annexation* to include either ~~of~~ County lands located west of Highway One, *or County lands located east of Highway One and abutting the Highway One right-of-way*, those properties and/or public road rights-of-way on the County side of the so annexed area. *In the event of such an annexation, the annexation shall be conditioned for the affected County properties on the County side of the so annexed area to be rezoned with the “W” combining zone district;*
- ~~(d) If and when the “Buena Vista” area northwest of Watsonville is annexed into the City of Watsonville, those properties along the western edge of the Highway One right-of-way between Buena Vista Drive and Mar Monte Avenue.~~

13.10.493 Use and Development Standards in the Watsonville Utility Prohibition “W” Combining District

In addition to the regulations for development and use imposed by the basic zone district, all properties with a “W” combining zone designation, as set forth in Section **13.10.492**, shall contain a one-foot wide wastewater and potable water Utility Prohibition Strip. The Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Watsonville City limits west of Highway 1. For parcels abutting the Highway One

right-of-way, the Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Highway One right-of-way. The Utility Prohibition Strip shall extend north of Watsonville to Buena Vista Drive and south to the Monterey County line, to the points where Buena Vista Drive and the County line each intersect the western edge of the Highway One right-of-way. For the applicable County road right-of-way areas, the one-foot wide Utility Prohibition Strip shall run parallel to the City limits and/or along the edge of the right-of-way closest to the City limits. Placement of wastewater or potable water utility pipelines will not be permitted through, over, or under the Utility Prohibition Strip, except for:

- (a) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including agricultural worker housing.
- (b) Leachate lines to and from the City and County landfills and the City wastewater treatment plant, ~~or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses,~~
- (c) Pipelines to distribute water for environmental restoration, maintenance or ~~enhancement~~ _____;
- (d) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
- (e) Wastewater and potable water supply utility pipelines/easements necessary to serve areas B and C as designated by the City of Watsonville's LCP, with the condition that the pipeline sizes be limited to the minimum capacity required to serve the allowed uses.
- ~~(f) If APN 052-271-04 (Green Farm) is annexed into the City of Watsonville, the Utility Prohibition Combining Zoning District designation shall be applied to any and all parcels surrounding it, as necessary to maintain a continuous Utility Prohibition Strip around the City boundaries west of Highway One.~~

Any such wastewater or potable water supply pipeline(s) allowed by exception in the "W" combining zone district shall be limited in size to the minimum capacity necessary to serve the so excepted use. The limitations in the "W" combining zone district shall not restrict the repair, replacement, maintenance, refurbishment, or

functional improvements of existing water and sewer pipelines insofar as necessary to maintain existing capacity without physical expansion of such existing pipelines.

SECTION II

The Santa Cruz County Code is hereby amended by adding Section 17.02.081 to read as follows:

17.02.081 Harkin Slough Road

Harkins Slough Road (including the proposed Highway One overpass/interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on the ~~Edwards site (APN 018-281-19)~~ **City of Watsonville Coastal Zone Area C**, and/or 2) as needed to meet minimum County or Caltrans design standards. Any such road improvements shall be designed in tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. Any such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with County Code Section 16.32.090(c)(A)(11). Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 16.32.090(c)(A)(11) to read as follows:

16.32.090(c)(A)(11) Wetlands Conditions

Any ~~major~~ Harkins Slough Road improvements ~~(e.g., improvements related to the Highway One overpass/interchange and/or development on the Edwards site APN 018-281-19)~~ **that (1) expand the roadway prism outside of the existing paved area; or (2) constitute a major public works project; or (3) are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C** shall provide enhanced habitat connectivity: **1) for Hanson Slough, if the Hanson Slough portion of the road is improved (e.g., by replacing the existing culvert with an alternative structure, such as a box culvert, that better connects slough resources on either side of Harkins Slough Road); and 2) between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road by replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road is the preferred alternative, unless an alternative that**

is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, **is** prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any ~~major~~ improvements made to Harkins Slough road pursuant to this policy shall also be consistent with County Code Section 17.02.081. Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION IV

This Ordinance shall take effect upon certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning Department
County Counsel

ORDINANCE NO. 4609A

0370

AN ORDINANCE ADDING COUNTY CODE SECTION 13.10.490, 13.10.491, 13.10.492 AND 13.10.493 ESTABLISHING A WATSONVILLE UTILITY PROHIBITION COMBINING DISTRICT; AND ADDING SECTIONS 17.02.081 AND 16.32.090(c)(A)(11), RELATING TO IMPROVEMENTS TO HARKIN SLOUGH ROAD, TO THE SANTA CRUZ COUNTY CODE

SECTION I

The Santa Cruz County Code is hereby amended by adding Sections 13.10.490, 13.10.491, 13.10.492 and 13.10.493 to read as follows:

13.10.490 “W” Watsonville Utility Prohibition Combining District

13.10.491 Purposes of the Watsonville Utility Prohibition “W” Combining District.

The purpose of the Watsonville Utility Prohibition or “W” Combining District is to prevent the provision of urban services to undeveloped/rural areas west of the City of Watsonville, so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive areas in the Coastal Zone west of Watsonville. The Watsonville Utility Prohibition or “W” Combining District establishes a one-foot wide wastewater and potable water Utility Prohibition Strip upon parcels and public road rights-of way to the west of, and abutting, the western edge of the Highway One right-of-way, and the Watsonville City limits where the City extends west of Highway One. The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. Wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with certain exceptions as set forth in Section 13.10.493. Any amendments to this and the following sections, including revocation, require a super-majority vote of the Board of Supervisors.

13.10.492 Designation of the Watsonville Utility Prohibition “W” Combining District.

The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. The Watsonville Utility Prohibition “W” Combining District designation, establishing the one-foot wide Utility Prohibition Strip, shall be applied to:

- (a) Where the city limits of Watsonville lie west of State Highway One, those properties and public road rights-of-way directly bordering the City limits of Watsonville (and also to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One);
- (b) Where the city limit of Watsonville is coterminous with the western edge of the Highway One right-of-way, or where the city limit of Watsonville is east of Highway One, those properties and public road rights-of-way bordering the western edge of the Highway One right-of-way, along the stretch of Highway One between Buena Vista Drive to the north and the Monterey County line to the south;
- (c) Where the city limits of Watsonville is modified subsequent to the effective date of this section through annexation to include either of County lands located west of Highway One, or County lands located east of Highway One and abutting the Highway One right-of-way, those properties and/or public road rights-of-way on the County side of the so annexed area. In the event of such ~~an~~ annexation, the annexation shall be conditioned for the affected County properties on the County side of the so annexed area to be rezoned with the “W” combining zone district;

13.10.493 Use and Development Standards in the Watsonville Utility Prohibition “W” Combining! District

In addition to the regulations for development and use imposed by the basic zone district, all properties with a “W” combining zone designation, as set forth in Section 13.10.492, shall contain a one-foot wide wastewater and potable water Utility Prohibition Strip. The Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Watsonville City limits west of Highway 1. For parcels abutting the Highway One right-of-way, the Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Highway One right-of-way. The Utility Prohibition Strip shall extend north of Watsonville to Buena Vista Drive and south to the Monterey County line, to the points where Buena Vista Drive and the County line each intersect the western edge of the Highway One right-of-way. For the applicable County road right-of-way areas, the one-foot wide Utility Prohibition Strip shall run parallel to the City limits and/or along the edge of the right-of-way closest to the City limits. Placement of wastewater or potable water utility pipelines will not be permitted through, over, or under the Utility Prohibition Strip, except for:

- (a) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the present County

Commercial Agricultural Zoning district, including agricultural worker housing.

- (b) Leachate lines to and from the City and County landfills and the City wastewater treatment plant.
- (c) Pipelines to distribute water for environmental restoration, maintenance or enhancement.
- (d) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
- (e) Wastewater and potable water supply utility pipelined easements necessary to serve areas B and C as designated by the City of Watsonville's LCP, with the condition that the pipeline sizes be limited to the minimum capacity required to serve the allowed uses.

Any such wastewater or potable water supply pipeline(s) allowed by exception in the "W" combining zone district shall be limited in size to the minimum capacity necessary to serve the so excepted use. The limitations in the "W" combining zone district shall not restrict the repair, replacement, maintenance, refurbishment, or functional improvements of existing water and sewer pipelines insofar as necessary to maintain existing capacity without physical expansion of such existing pipelines.

SECTION II

The Santa Cruz County Code is hereby amended by adding Section 17.02.081 to read as follows:

17.02.081 Harkin Slough Road

Harkins Slough Road (including the proposed Highway One overpass interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on the City of Watsonville Coastal Zone Area C, and/or 2) as needed to meet minimum County or Caltrans design standards. **Any** such road improvements shall be designed in tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. Any such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with County Code Section

16.32.090(c)(A)(11). Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 16.32.090(c)(A)(11) to read as follows:

16.32.090(c)(A)(11) Wetlands Conditions

Any Harkins Slough Road improvements that (1) expand the roadway prism outside of the existing paved area; or (2) constitute a major public works project; or (3) are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C shall provide enhanced habitat connectivity: 1) for Hanson Slough, if the Hanson Slough portion of the road is improved (e.g., by replacing the existing culvert with an alternative structure, such as a box culvert, that better connects slough resources on either side of Harkins Slough Road); and 2) between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road by replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any improvements made to Harkins Slough road pursuant to this policy shall also be consistent with County Code Section 17.02.081. Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION IV

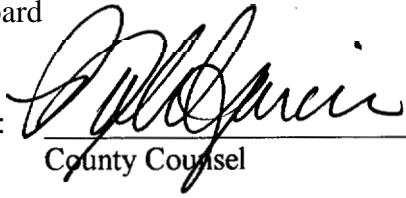
This Ordinance shall take effect upon certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

CHAIRMAN, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning Department
Public Works Department
County Counsel

ORDINANCE NO. 4610A

ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY
CODE CHANGING PROPERTIES FROM ONE (OR SEVERAL) ZONE DISTRICT(S)
TO ANOTHER (OR OTHERS)

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the parcels listed below in Section III; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan and the Local Coastal Program; and finds and certifies that the proposed action is categorically exempt from the California Environmental Quality Act .

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General plan; and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land;

SECTION III

Chapter 13.10, Zoning Regulations, of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from their existing zone districts to new zone districts as follows:

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	CA (Commercial Agriculture)	CA-W (Commercial Agriculture, Watsonville Utility Prohibition Combining Zone)
052-011-46		
052-011-57		

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	CA (Commercial Agriculture)	CA-W (Commercial Agriculture, Watsonville Utility Prohibition Combining Zone)
052-011-67		
052-011-77		
052-021-15		
052-021-21		
052-021-30		
052-021-31		
052-081-37		
052-081-38		
052-081-39		
052-103-13		
052-103-14		
052-221-14		
052-221-15		
052-221-17		
052-222-10		
052-222-22		
052-272-01		
052-272-02		
052-511-01		
052-511-11		
052-581-09		
052-581-10		
052-581-11		

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	A (Agriculture)	A-W (Agriculture, Watsonville Utility Prohibition Combining Zone)
052-511-05		
052-511-06		
052-511-08		
052-511-10		
052-511-12		
052-511-13		

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
For the Following Parcels:	PR (Parks, Recreation and Open Space)	PR-W (Parks, Recreation and Open Space, Watsonville Utility Prohibition Combining Zone)
052-091-41		
052-091-42		

<u>Assessor's Parcel #</u>	<u>Existing Zone District(s)</u>	<u>New Zone District(s)</u>
052-011-66	SU (Special Use District)	SU-W (Special Use, Watsonville Utility Prohibition Combining Zone)
052-271-03	CT (Tourist Commercial)	CT-W (Tourist Commercial, Watsonville Utility Prohibition Combining Zone)
052-271-04	CA-L (Commercial Agriculture, Historic Landmark Combining Zone)	CA-L-W (Commercial Agriculture, Historic Landmark, Watsonville Utility Prohibition Combining Zone)

This ordinance shall take effect on the 31st day after the date that the ordinance creating the "W" Watsonville Utility Prohibition Combining District becomes effective.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this
77th day of March, 2001, by the following vote:

AYES: SUPERVISORS Wormhoudt, Almquist, Beautz, Pirie, Campos

NOES: SUPERVISORS None

ABSENT: SUPERVISORS None

ABSTAIN: SUPERVISORS None

CAMPOS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI

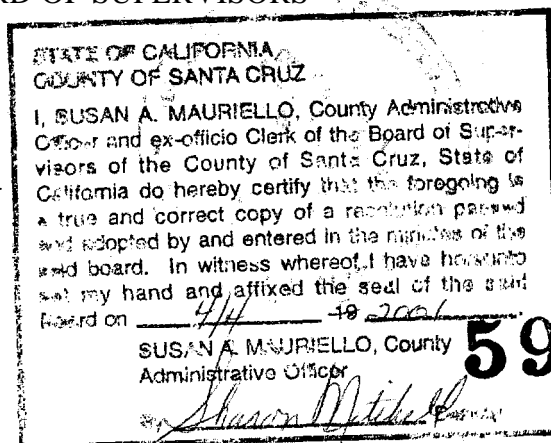
Clerk of the Board

APPROVED AS TO FORM:

County Counsel

Copies to: Planning

County Counsel



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February 27, 2001

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 CANTACRUZ, CA 95060
 (331) 427-4863

ADOPTED

Revised October 1, 2001 (to incorporate September 12, 2001 hearing addendum and revised motion used in section I.A.2)

To: Commissioners and Interested Persons

From: Charles Lester, District Manager
 Dan Carl, Coastal Planner

subject: **Santa Cruz County LCP Major Amendment Number 1-01 (PVUSD High School MOU and Park Site Designations)** Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's Wednesday, September 12, 2001 meeting to take place at the Eureka Inn, 518 Seventh Street, in Eureka.

Summary

Santa Cruz County is proposing to change its certified Local Coastal Program (LCP) in two parts: (Part 1) to designate two parcels as potential park sites (APN 028-302-04 in Live Oak, commonly known as the Yates parcel; and APN 038-081-36 in Seacliff Village, commonly known as the McGregor site); and (Part 2) to designate a utility prohibition district and related measures at the City of Watsonville city limits within the County's coastal zone to implement the Memorandum of Understanding (MOU) between the County, the City, and the Coastal Commission related to the development of the proposed New Millennium High School in Watsonville. [Note that these two parts are components of a larger proposed LCP amendment package that was filed on June 18, 2001. The other components, involving density calculation requirements and the definition of development, have been deemed "minor" and are addressed in a companion staff report for this meeting (item number W15a).]

Part I (Park Sites)

Part 1 of the proposed amendment would designate the two parcels as future park sites in the LCP Land Use Plan (LUP) and would rezone both parcels to add the "Designated Park Site" combining zone district (designated with a "D") in the LCP Implementation Plan (IP), otherwise known as the County Code. The Yates parcel is an undeveloped roughly one-acre site covered with a eucalyptus grove that connects with similar tree canopy within Moran Lake County Park; it is currently zoned residential. The McGregor site is an undeveloped roughly three-acre site located within Seacliff Village in unincorporated south Santa Cruz County; it is currently zoned commercial. The primary effect of the proposed designation is that should future applications for development be filed on either of the subject sites (pursuant to the underlying zoning), the County's formal park site acquisition process would commence whereby the sites were evaluated for acquisition in whole or in part at that time, such review to conclude prior to continued processing of any development application. Of course, the County could pursue acquisition at any time in advance of development proposals.



California Coastal Commission
September Meeting in Eureka

Staff: D. Carl Approved by:

SCO Major LCPA 1-01 (PVUSD High School MOU and Park Sites) staff report 9.12.2001.doc

The proposed park designations would serve to protect upland areas for maximum public access and recreation potential as directed by the Coastal Act. Furthermore, in the case of the Yates parcel, Moran Lake habitat resources can be better protected by preserving the remaining tree and open space canopy on the Yates parcel that contributes to the continuation of those Moran Lake resources. In both cases, the community character and overall public viewshed is better protected by designating the subject properties for parks. As such and as submitted, staff recommends that the Commission find that Part 1 of the proposed amendment regarding the Yates and McGregor parcels is consistent with the Coastal Act.

Part 2 (PVUSD High School MOU)

Part 2 of the proposed amendment would put in place a series of policies designed to prevent urban development in the farmlands, wetlands and other environmentally sensitive areas west of the City of Watsonville. This area is primarily agricultural, mostly zoned for commercial agriculture (CA), and the proposed policies would provide an additional level of protection to further safeguard the rolling agricultural landscape from non-compatible development. The main way that this would be accomplished is through a new utility prohibition zoning district that would apply to the boundary of the County and the City of Watsonville on the west side of Highway One in south Santa Cruz County. The new district would be designed to implement a series of new LUP policies geared towards maintaining the stable urban-rural boundary at Highway One in south County. Sewer and potable water utilities would be prohibited across the new district.

In addition, Part 2 of the proposed LCP amendment would put in place LUP and IP policies that describe the necessary parameters for any improvements to Harkins Slough Road. These specifications are designed to protect the environmentally sensitive habitats of both West Branch of Struve Slough and Hanson Slough that both cross under Harkins Slough Road in the event that the road is improved to serve development (for example, for access to the new proposed high school).

Part 2 of the proposed LCP amendment fulfils the County's obligations under the MOU between the City, County, and Coastal Commission. The MOU emanates from the City LCP amendment (certified by the Commission in October of last year) that allowed the Pajaro Unified School District (PVUSD) to propose a high school on Area C of the City of Watsonville coastal zone.'

In general, the LUP and IP policies proposed provide for an additional level of protection as required by the MOU. However, there are several areas of potential confusion that must be modified to ensure that the policies function as intended to more fully protect the agricultural and wetland areas of south Santa Cruz County west of the City of Watsonville. With these minor modifications, staff recommends that the Commission find that the proposed LCP amendment to implement the MOU can be found consistent with the Coastal Act.

As so modified, staff recommends that the Commission approve the LCP amendment.

¹ The high school has since been approved by the City of Watsonville and the CDP decision appealed to the Commission by 9 separate appellants (appeal number A-3-WAT-01-070). The high school appeal has not yet been scheduled for Commission review.



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I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve as submitted Part 1 of the proposed amendment, and approve only if modified Part 2 of the proposed amendment. The Commission needs to make 6 separate motions in order to act on this recommendation.

A. LCP Amendment Part 1 (Park Site Designations)

Staff recommends that the Commission, after public hearing, **approve as submitted Part 1 of the proposed amendment** regarding park site designations. The Commission needs to make 2 separate motions in order to act on this portion of the recommendation.

1. Approval of Land Use Plan Major Amendment # 1-01 Part 1 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the LUP portion of Part 1 of the amendment as submitted and adoption of the following resolution and the findings in this staff report. The motion to certify as submitted passes only upon an affirmative

vote of the majority of the appointed Commissioners.

Motion **(1 of 6)**. I move that the Commission certify Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by the County of Santa Cruz.

Resolution to Certify **As Submitted**. The Commission hereby certifies Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted and adopts the findings set forth in this staff report on the grounds that Part 1 of the Land Use Plan amendment as submitted will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of Part 1 of the Land Use Plan amendment as submitted complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or **(2)** there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which Part 1 of the Land Use Plan Amendment may have on the environment.

2. Approval of Implementation Plan Major Amendment # 1-01 Part 1 as Submitted

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the **IF** portion of Part 1 of the amendment as submitted and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion **(2 of 6)**. I move that the Commission reject Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by the County of Santa Cruz.

Resolution to Certify **with Suggested Modifications**. The Commission hereby certifies Part 1 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted and adopts the findings set forth in this staff report on the grounds that Part 1 of the Implementation Plan amendment as submitted is consistent with and adequate to carry out the certified Land Use Plan. Certification of Part 1 of the Implementation Plan amendment as submitted complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or **(2)** there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which Part 1 of the Implementation Plan Amendment may have on the environment.

B. LCP Amendment Part 2 (PVUSD High School MOU)

Staff recommends that the Commission, after public hearing, **approve only if** modified Part **2** of the proposed amendment. The Commission needs to make **4** separate motions in order to act on this



portion of the recommendation.

1. Denial of Land Use Plan Major Amendment # 1-01 Part 2 as Submitted

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of the LUP portion of Part 2 of the amendment as submitted and adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion (3 of 6). I move that the Commission **certify** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by County of Santa Cruz.

Resolution to Deny. The Commission hereby **denies** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan as submitted by County of Santa Cruz and adopts the findings set forth in this staff report on the grounds that Part 2 of the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of Part 2 of the Local Coastal Program Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which Part 2 of the Local Coastal Program Land Use Plan Amendment may have on the environment.

2. Denial of Implementation Plan Major Amendment # 1-01 Part 2 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the IP portion of Part 2 of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (4 of 6). I move that the Commission **reject** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by County of Santa Cruz.

Resolution to Deny. The Commission hereby **denies** certification of Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan as submitted by County of Santa Cruz and adopts the findings set forth in this staff report on the grounds that, as submitted, **Part 2** of the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of Part 2 of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which Part 2 of the Implementation Plan Amendment may have on the environment.



3. Approval of Land Use Plan Major Amendment # 1-01 Part 2 if Modified

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the LUP portion of Part 2 of the amendment with suggested modifications and adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion (5 of 6). I move that the Commission **certify** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Land Use Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that Part 2 of the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of Part 2 of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which ~~Part~~ **Part 2** of the Land Use Plan Amendment may have on the environment.

4. Approval of Implementation Plan Major Amendment # 1-01 Part 2 if Modified

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the IP portion of Part 2 of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (6 of 6). I move that the Commission **certify** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 2 of Major Amendment #1-01 to the County of Santa Cruz Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Part 2 of the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of Part 2 of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which Part 2 of the Implementation Plan Amendment may have on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act and Land Use Plan consistency findings. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action, by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

1. **Reference to City of Watsonville LCP Amendment 1-99 and/or MOU.** All references to City of Watsonville LCP Amendment 1-99 and/or the Memorandum of Understanding (MOU) between the City of Watsonville, the County of Santa Cruz, and the Coastal Commission shall be deleted in proposed policy titles and text. This applies to proposed Land Use Plan Policies 2.1.12, 2.1.13, 2.1.15, 2.1.16, and 5.1.16 in the titles, and to proposed Implementation Plan section 13.10.491 in the text. In the case of proposed Implementation Plan section 13.10.491, the portion of the first full sentence that states “, and in compliance with the Memorandum of Understanding (MOU), between the County of Santa Cruz, the City of Watsonville, and the California Coastal Commission (entered into on March 14, 2000),” shall be deleted.
2. **LUP Policy 2.1.12.** The “and/or” in proposed Land Use Plan Policy 2.1.12 shall be replaced by “and.”
3. **One-Foot Pipeline Non-Access Strips.** The text of proposed Land Use Plan Policy 2.1.15 and proposed Land Use Plan program e that reads “...along both sides of any existing or new...” shall be modified to read “...along all sides of any existing or new...”
4. **References to the Edwards Site.** All references to “the Edwards site (APN 018-281-19)” shall be changed to “City of Watsonville Coastal Zone Area C” in proposed Land Use Plan Policies 2.1.16 and 5.1.16, and in proposed Implementation Plan section 17.02.081.
5. **Modifications to the Utility Prohibition Zone in Cases of Future Annexation.**
 - (a) **Proposed LUP Program F.** The sentence in proposed Land Use Plan Program F that begins “if additional County land,,” shall be replaced in its entirety with the following text: “If additional County land is annexed into the City of Watsonville, extend the utility prohibition district to abut and surround the new City area as necessary to maintain a continuous utility prohibition zone along the western edge of all new City lands and/or Highway One so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive habitat areas in the Coastal Zone west of the City.”
 - (b) **Proposed LUP Program F.** Subsection 6 of proposed Land Use Plan Program F shall be deleted.
5. **Proposed IP Sections 13.10.491 and 13.10.492 (Affected Properties).**

- (a) **IP Section 13.10.491.** The two sentences in proposed Implementation Plan section 13.10.491 that begins “the utility prohibition strip shall extend north...” and ends “...of the Highway One right-of-way, as applicable” shall be inserted as the first two sentences of proposed Implementation Plan section 13.10.492.
- (b) **IP Section 13.10.492(b).** Proposed Implementation Plan section 13.10.492(b) shall begin with the following sentence “Where the city limit of Watsonville is coterminous with the western edge of the Highway One highway right of way, or where the city limit of Watsonville is east of Highway One,” inserted before “Those...”
- (c) **IP Section 13.10.492(c).** Proposed Implementation Plan section 13.10.492(c) shall be replaced in its entirety with the following text: “Where the city limit of Watsonville is modified subsequent to the effective date of this section through annexation to include either of County lands located west of Highway One, or county lands located east of Highway One and abutting the Highway One right of way, those properties and/or public road right of ways on the County side of the so annexed area. In the event of such an annexation, the annexation shall be conditioned for the affected County properties on the County side of the so annexed area to be rezoned with the “W” combining zone district.”
- (d) **IP Section 13.10.492(d).** Proposed Implementation Plan section 13.10.492(d) shall be deleted.

7. Harkins Slough Road Improvements.

- (a) **Road Improvements.** The text in proposed Land Use Plan Policy 5.1.16 and proposed Implementation Plan section 16.32.090(c)(A)(11) that states “any major Harkins Slough Road improvements...” shall be replaced by “any Harkins Slough Road improvements that: (1) expand the roadway prism outside of the existing paved area; or (2) constitute a major public works project; or (3) are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C... .” The text in proposed Land Use Plan Policy 5.1.16 that states “any such major road improvements...” shall be replaced by “any such road improvements... .”
- (b) **Hanson Slough.** The text in proposed Land Use Plan Policy 5.1.16 and proposed Implementation Plan section 16.32.090(c)(A)(11) that states “...shall provide enhanced habitat connectivity between the west branch of Struve Slough...” shall be changed to read “...shall provide enhanced habitat connectivity: 1) for Hanson Slough, if the Hanson Slough portion of the road is improved (e.g., by replacing the existing culvert with an alternative structure, such as a box culvert, that better connects slough resources on either side of Harkins Slough Road); and 2) between the west branch of Struve Slough...”
- (c) **West Branch Struve Slough Bridge.** The text in proposed Land Use Plan Policy 5.1.16 and proposed Implementation Plan section 16.32.090(c)(A)(11) that states “...between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road. Replacing the culverts under Harkins Slough Road with a



bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side off Harkins Slough Road is the preferred alternative, unless an alternative that is environmentally equivalent or superior to a bridge is identified” shall be changed to read “...between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road by replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side off Harkins Slough Road, unless an alternative that is environmentally equivalent or superior to a bridge is identified.”

- (d) **Road Improvements.** The text in proposed Land Use Plan Policy 5.1.16 and proposed Implementation Plan section 16.32.090(c)(A)(11) that states “any Harkins Slough Road improvements...” shall be replaced by “any Harkins Slough Road improvements that: (1) expand the roadway prism outside of the existing paved area; or (2) constitute major public works projects; or (3) are necessary to serve permitted development located within City of Watsonville Coastal Zone Area C...” The text in proposed Land Use Plan Policy 5.1.16 that states “any such major road improvements...” shall be replaced by “any such road improvements...”

8. Utility Prohibition Zone Exceptions (LUP Program f and IP Section 13.10.493).

- (a) **Exception 2.** The text in proposed Land Use Plan Program f subsection 2 and proposed Implementation Plan section 13.10.493(b) that reads “, or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses” shall be deleted.
- (b) **Exception 3.** The text in proposed Land Use Plan Program f subsection 3 and proposed Implementation Plan section 13.10.493(c) that reads “, or for agricultural uses” shall be deleted.
- (c) **Exception 6.** Proposed Land Use Plan Program f subsection 6 and proposed Implementation Plan section 13.10.493(f) shall be deleted.

- 9. IP Section 13.10.491.** The text of proposed Implementation Plan section 13.10.491 that reads “In order to implement General Plan/Local Coastal Program Land Use Policy 2.1.13,” shall be deleted.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The standard of review for the proposed modifications to the County’s LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the County’s IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set



broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance on a parcel by parcel level.

B. Proposed LCP Amendment Part 1: Park Site Designations

1. Description of LCP Amendment Part 1

Part 1 of the proposed amendment would designate two parcels (APN 028-302-04 in Live Oak, commonly known as the Yates parcel; and APN 038-081-36 in Seacliff Village, commonly known as the McGregor site) as future park sites in the LUP and would rezone both parcels to add the “Designated Park Site” combining zone district (designated with a “D”) in the IP. See exhibit A for project location.

The LUP would specifically be modified in two ways: (1) the Yates and McGregor sites would be added as potential park sites to LUP Figure 7-2 (Santa Cruz County Public Parks and Recreation Facilities); and (2) a neighborhood park symbol would be added to the Yates and McGregor parcels in the Land Use Maps for the Aptos and Live Oak planning areas.

The IP would be specifically modified in two ways: (1) the Yates parcel would be rezoned from R-1-5 (single-family residential, 5,000 square feet per dwelling) to R-1-5-D single-family residential, 5,000 square feet per dwelling, designated park site overlay) and (2) the McGregor parcel would be rezoned from C-2 (Community Commercial) to C-2-D (Community Commercial, designated park site overlay).

See exhibits B and C for the resolutions and ordinances defining the proposed LCP text.

Yates Parcel

The Yates parcel is located in the Pleasure Point area of Live Oak adjacent to Moran Lake County Park (again, see exhibit A). The Park provides a developed parking lot and related beach-going facilities (restroom, shower, etc.) serving the highly used beaches in and around the 26th Avenue area. Moran Lake proper is an estuarine lagoon that has long been mostly blocked from the Monterey Bay due to the presence of East Cliff Drive itself which acts as a dam. The box culvert there allows for some interaction between the Lake and the ocean, but only during periods of high tides and surf. As a result of this disconnect; encroaching urbanization and its attendant impacts (i.e., increased polluted runoff and sedimentation; increased noise, lights, activities, floatable pollutants and debris; domestic animal predators; vegetation removal; etc.); rapidly expanding invasive exotics (such as iceplant); and lack of funding with which to manage, restore and enhance the **Park**, the Moran Lake wetland habitat is severely degraded.

Moran Lake County Park provides habitat for monarch butterflies in several groves of eucalyptus on the Park property and in the area surrounding the County wastewater treatment facility.² This butterfly habitat area is on the inland finger of the riparian corridor feeding Moran Lake snaking inland from the

² See exhibit A for a site plan of the Moran Lake area with habitat areas identified.



ocean. The monarch habitat at Moran Lake has been estimated to be the second largest overwintering habitat in Santa Cruz County, and a significant proportion of the western migratory monarch population (roughly 5% of the total).³

The Yates parcel is an undeveloped roughly one-acre site covered with a eucalyptus grove that connects with similar tree canopy within Moran Lake County Park and that acts primarily as a wind screen to the more inland butterfly habitat areas. The parcel is currently zoned residential. Although originally listed as a park site when the LCP was first certified in 1983, the park site designation at this location was removed during the last major update of the LCP in 1994 because at that time the County had issued a coastal development permit for a single family dwelling in the parcel. The permit has since expired and there are no pending applications on the site.

McGregor Parcel

The McGregor site is located in the unincorporated Seacliff Village area of south Santa Cruz County [see exhibit A]. Seacliff Village is a small informal village area centered around a small shopping district and roughly framed inland by Highway One and seaward by Seacliff State Beach. The County is currently in the process of preparing a Seacliff Village Plan for inclusion into the LCP. The Plan found its genesis in the controversy over development plans (then for a commercial retail use) on the subject McGregor parcel beginning roughly in 1998. Since that time, the County has been considering options for the McGregor parcel, including potentially rezoning it to VA (Visitor Accommodations) or potentially designating the site for a park. A County imposed development moratorium has been in effect in Seacliff Village pending completion of the Seacliff Village Plan since 1999. Following several public hearings, and a recommendation from the County Parks and Recreation Commission, the County ultimately designated the site as a park site; thus the current LCP amendment proposed.

2. Effect of Changes Proposed

The primary effect of re-designating and re-zoning the Yates and McGregor parcels is that should future applications for development be filed on either of the subject sites (pursuant to the underlying zoning), the County's formal park site acquisition process would commence whereby the sites were evaluated for acquisition in whole or in part at that time, such review to conclude prior to continued processing of any development application.⁴ Of course, the County could pursue acquisition at any time in advance of development proposals.

3. Coastal Act and LUP Consistency

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

³ Dayton, 2000.

⁴ Per IP Section 13.10.418 describing the standards of the park site overlay district.

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214(a): The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case..

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Coastal Act likewise protects the character and scenic quality of the Live Oak beach area and Seacliff Village. Section 30251 states as follows:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The habitat and recreational area at Moran Lake (adjacent to the Yates parcel) also involves areas that

are considered ESHA under the Coastal Act. As such, Coastal Act Section 30240 also applies:

Section 30240. (a) *Environmentally sensitive habitat area shall protected against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within those areas.* (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The proposed LUP changes would designate two undeveloped sites within urbanized Santa Cruz County as potential park sites. Such a designation would serve to protect upland areas for maximum public access and recreation potential as directed by the Act. Furthermore, in the case of the Yates parcel, Moran Lake habitat resources can be better protected by preserving the remaining tree and open space canopy on the Yates parcel that contributes to the continuation of those Moran Lake resources. In both cases, the community character and overall public viewshed is better protected by designating the subject properties for parks. As submitted, the Commission finds that ~~Part~~ 1 of the proposed land use plan amendment regarding the Yates and McGregor parcels is consistent with the Coastal Act.

Similarly, the IP changes that would implement the new LUP designations would further the protection of the subject parcels for public access, recreation, viewshed, community character, and habitat. This is likewise consistent with existing LUP policies that further these Coastal Act objectives.’ As submitted, the Commission finds that Part 1 of the proposed IP amendment regarding the Yates and McGregor parcels is consistent with and adequate to carry out the LUP as amended.

‘C. Proposed LCP Amendment Part 2: PVUSD High School MOU

1. Description of LCP Amendment Part 2

MOU Background

At the March 16, 2000 hearing in Carmel, the Commission approved, with suggested modifications, City of Watsonville LCP Major Amendment Number 1-99. This amendment was designed to modify the City’s LCP to allow for the Pajaro Valley Unified School District to pursue a high school on property west of Highway One along Harkins Slough Road between Hanson and West Branch Struve Sloughs. Because of the concern that the LCP amendment would, among other things, inappropriately induce future growth in a predominantly agricultural and sensitive habitat region west of the highway, the Commission adopted a range of suggested modifications. One of these suggested modifications included the requirement for adoption of an MOU designed to help address these concerns.

The City (by unanimous vote of the City Council on March 14, 2000), the County (by unanimous vote of the Board of Supervisors on March 14, 2000), and the Commission (by 10-1 vote of the Commission on

⁵ These include, but are not limited to, current LUP access, recreation, viewshed and character policies such as 2.22.1, 2.22.2, chapter 5 et seq, chapter 7 et seq, and habitat policies including chapter 5 et seq.

June 14, 2001) agreed to execute the MOU (see executed MOU attached as exhibit D). Separately, legislation has been passed at the state level to make the MOU more legally enforceable (**AB 2144**; see exhibit E).

The primary intent of the MOU is to strictly limit future City of Watsonville annexations, and to strictly limit the provision of potable water and sewer services west of Highway One. The MOU also requires “right-to-farm” provisions to protect agricultural uses west of the Highway, and requires protection of environmentally sensitive habitat areas; for any school use, buffers and site design must adequately buffer habitat and agricultural resources to avoid disruption of these adjacent resources. In other words, the MOU is intended to implement many of the Commission’s suggested modifications that have since been certified into the City of Watsonville LCP to add another layer of protection to coastal resources here.

Required MOU Actions

The MOU requires specific actions for each party as follows:⁶

For the City of Watsonville, this includes consideration of amendments to the LCP and the City’s General Plan to: (1) provide a “right-to-farm” ordinance; (2) establish a one-foot wide utility prohibition district along the western boundaries of Coastal Zone Areas A, B, and C; (3) not pursue annexations (other than Green Farm) west of Highway One; and (4) for the LCP only, policies and standards to ensure protection of agricultural and environmentally sensitive habitat lands, including adequate buffer provisions.

For Santa Cruz County, this includes consideration of amendments to the LCP and the County’s General Plan to: (1) establish a one-foot wide utility prohibition district along the City of Watsonville boundaries west of Highway One; (2) limit the width of any improvements to Harkins Slough Road and encourage that all Harkins Slough Road improvements provide West Branch Struve Slough habitat connectivity; and (3) place a one-foot non-access strip around any wastewater or potable water utility easements granted to the City.

For the Commission, an agreement to hold a public hearing to consider approval of any LCP amendment(s) developed by the City and County pursuant to the MOU.

As part of the LCP certification process, the City incorporated the requisite changes into their LCP as directed by the Commission’s suggested modifications. The Commission certified the amended City LCP on October 12, 2000.

The County amendment that is the subject of Part 2 of this amendment report is the culmination of the County’s efforts to date to complete their portion of MOU tasks.

⁶ Again, see exhibit D for the executed MOU.



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Proposed Policies

Part 2 of the proposed amendment would put in place a series of policies designed to prevent urban development in the farmlands, wetlands and other environmentally sensitive areas west of Highway One and the City of Watsonville in rural south Santa Cruz County. This several thousand acre area, located roughly between Highway One and the Monterey Bay, is primarily agricultural and zoned almost exclusively for commercial agriculture (CA).⁷ The proposed policies would provide an additional level of protection to further safeguard the rolling agricultural landscape from non-compatible development. The main way that this would be accomplished is through a new utility prohibition zoning district that would be located along the boundary between the County and the City of Watsonville on the west side of Highway One in south Santa Cruz County. The new district would be designed to implement a series of new LUP policies geared towards maintaining the stable urban-rural boundary at Highway One in south County. Sewer and potable water utilities would be prohibited across the new district.

In addition, Part 2 of the proposed LCP amendment would put in place LUP and IP policies that describe the necessary parameters for any improvements to Harkins Slough Road. These specifications are designed to protect the environmentally sensitive habitats of both West Branch of Struve Slough and Hanson Slough that both cross under Harkins Slough Road should the road be improved in the future.⁸

The LUP would specifically be modified to:

- 1) Add new LUP Policies 2.1.12, 2.1.13, 2.1.14, 2.1.15, 2.1.16, and new LUP Programs e, f, and g to LUP Section 2.1 (Land Use and Development Framework; Urban/Rural Distinction); and
- 2) Add new LUP Policy 5.1.16 to LUP Section 5.1 (Biological Resources; Restoration of Damaged Sensitive Habitats).

The IP would be specifically modified in four ways:

- 1) Add new combining zoning district (the “W” Watsonville Utility Prohibition Combining District) as new IP Sections 13.10.490, 13.10.491, 13.10.492, and 13.10.493 to IP Chapter 13.10 (Zoning Regulations);
- 2) Rezone 36 affected properties to add the new “W” combining zone district;
- 3) Add new IP Section 17.02.081 (Harkins Slough Road) to IP Chapter 17.02 (Urban Service Line and Rural Service Line); and
- 4) Add new condition specific to Harkins Slough Road to IP Section 16.32.090(c)(A)(11)

⁷ The LCP's CA zoning district is perhaps the LCP's most protective of coastal resources.

⁸ For example, as is currently proposed to serve the proposed New Millennium High School that is currently on appeal to the Commission (A-3-WAT-01-070).

⁹ The 36 affected properties are currently zoned as follows: 25 “CA” (Commercial Agriculture) parcels, 6 “A” (Agriculture) parcels, 2 “PR” (Parks, Recreation and Open Space) parcels, 1 “SU” (Special Use), 1 “CT” (Tourist Commercial), and 1 “CA-L” (Commercial Agriculture, Historic Landmark Combining Zone). See exhibit j.

(Environmentally Sensitive Habitat Areas; Wetlands, Estuaries, and Lagoons; Conditions)

See exhibit G for the Board resolution, exhibit H for the proposed LUP text, exhibit I for the proposed IP text, and exhibit J for the proposed rezone and “W” district map.

2. Effect of Changes Proposed

The primary effect of the new policies would be to generally restrict the extension of sewer and potable water utilities from crossing the City of Watsonville city limits and extending on into the mostly agricultural areas west of the City of Watsonville, except in very limited circumstances.” This would be accomplished through a one-foot wide utility prohibition “strip” running along the City-County border. Any utilities that met the exception requirements would themselves be required to be minimized in size, and surrounded by one-foot non access easements. Note that the County prohibition zone would match up with the City’s utility prohibition zone established around City Areas A, B, and C by virtue of the LCP amendment approved by the Commission in March of last year and certified by the Commission last October; the City’s prohibition zone likewise designed to strictly limit the extension of utilities to areas outside of the City.”

Such a prohibition zone and LUP policies should generally help to assure that County agricultural lands and ESHA areas west of the City of Watsonville and Highway One are not unduly threatened with conversion by urban uses dependent on such urban infrastructure. The new policies and the implementing combining zone district would generally make these County properties instead reliant on on-site systems (wells and septic) more likely to be adequate to support small-scale agriculturally-related development.

The Harkins Slough Road specific policies proposed would generally ensure that any Harkins Slough Road improvements necessary to support development of City of Watsonville coastal zone Area C (such as those proposed to serve the proposed New Millennium High School on Area C), or other coastal zone properties along Harkins Slough Road, would be designed in such a manner as to protect West Branch Struve Slough and Hanson Slough ESHA areas that currently cross under Harkins Slough Road in confined culverts. The main way that this would be accomplished would be for any such road improvements to require installation of a bridge over the West Branch Struve Slough. The bridge requirement is a reiteration of the City of Watsonville certified LCP policy requiring the same type of road improvement specifications for Harkins Slough Road. In addition, the new policies would require road improvements be generally sited and designed to minimize the extent of any road improvements (e.g., limit widening), and to limit the amount of noise, lights, glare and activity visible and/or audible within the sloughs.

⁰ These exceptions were nearly all provided for in the MOU and allow crossing of the prohibition zone (with wastewater and/or potable water services) for: (1) the City-owned Gilbertson parcel; (2) to allow for distribution of water for environmental restoration, maintenance or enhancement purposes; and (3) leachate lines between the City and County Landfill to the City wastewater treatment plant. Note that the County added several additional exceptions not previously identified in the MOU; see following Coastal Act consistency section.

¹ City LCP IP section 9-5.706 (Utility Prohibition Zone District); see exhibit F.

3. Coastal Act and LUP Consistency

In order to approve a Land Use Plan amendment, it must be consistent with the Coastal Act. In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan.

Applicable Coastal Act Policies

General development siting and public service issues are mainly the purview of Coastal Act Sections 30241(a), 30250, 30252 and 30254. Coastal Act Section 30250 states:

Section 30250(a). New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30250(b). Where feasible, new hazardous industrial development shall be located away from existing developed areas.

Section 30250(c). Visitor-serving facilities that cannot be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Coastal Act Section 30252 states:

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act Section 30254 states:

Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall

not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Protection of agricultural land is also a fundamental Coastal Act policy. The Act speaks to the need to maintain stable urban-rural boundaries to minimize conflicts between agricultural uses and urban uses, and requires the preservation of both prime and non-prime agricultural lands. In particular, the Act sets a high standard for the conversion of any agricultural lands to non-agricultural uses. Significantly, Coastal Act Section 30241 requires the maintenance of the maximum amount of prime agricultural land, to assure the protection of agricultural economies:

Section 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30242 establishes a general standard for the conversion of agricultural lands:

Section 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with



Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The next section addresses protection of the soil resource itself

Section 30243: The long-term productivity of soils ... shall be protected....

As to the Harkins-Slough Road Policies, the Coastal Act is very protective of sensitive resource systems such as wetlands, riparian corridors and other environmentally sensitive habitat areas (ESHAs). The Coastal Act defines environmentally sensitive areas as follows:

Section 30107.5. "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Almost all development within ESHAs is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

Section 30240(a). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Article 4 of Chapter 3 of the Coastal Act also describes protective policies for the marine environment and specifically calls out wetland resources. Coastal Act Sections 30230 and 30231 provide:

Section 30230. Marine resources shall be maintained, enhanced) and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible) restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface

water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Coastal Act Section 30233(a), 30233(c) and 30233(d) specifically address wetlands protection. In particular, Coastal Act Section 30233 limits development in wetlands to a few limited categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects:

Section 30233(a). The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) Restoration purposes.*
- (8) Nature study, aquaculture, or similar resource dependent activities.*

Section 30233(c). In addition to the other provisions of this section, diking, ~~filling~~, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor



incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, & otherwise in accordance with this division.. .

Section 30233(d). Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral Zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects, Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

In general, Chapter 3 of the Coastal Act establishes clear parameters for the location, intensity, type, and design of new development in the coastal zone. First and foremost, Section 30250(a) requires that new development be concentrated in and around existing developed areas with adequate development capacities. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or cumulatively, on coastal resources. Generally, public works such as water, roads and sewer systems, must be sized to serve planned development. Highway 1, though, must remain a two lane scenic road in rural areas under section 30254.

The Coastal Act also establishes a set of priority uses that operate within the locational and resource constraints for new coastal development. For example, if public services are adequate to support only a limited amount of urban growth, land use potential must be first allocated to coastal dependent uses, essential public services and vital industry, public and commercial recreation, and visitor serving development (Section 30254). The Coastal Act also requires that public recreational uses take precedence over private residential and general industrial or commercial development, but not at the expense of agriculture or coastal-dependent industry (Section 30222).

There are only limited exceptions to the general development requirements of the Coastal Act. Hazardous industrial development may be located away from developed areas (Section 30250(b)); and coastal-dependent industry may be permitted outside developed areas if other locations are infeasible or environmentally damaging, and the effects of such development are mitigated (Section 30260). Under Section 30250(c), visitor-serving facilities may also be located outside of urbanized areas, but only if urban locations are infeasible for such development. Visitor-serving facilities must also be located in existing isolated development nodes or at select points of attraction for visitors.

Adequate separation between agricultural and urban uses is required. Overall, these requirements reflect a fundamental goal of the Coastal Act: to protect coastal resources by limiting new development to existing developed areas. Within this context, too, the ESHA protective policies of the Act strictly limit development within ESHA and require that adjacent development not disrupt these resources.

Consistency Analysis

The main objective of Part 2 of the LCP amendment is to strengthen the urban-rural boundary in south Santa Cruz County west of the City of Watsonville, and to direct urban development away from rural areas west of Highway One and instead into existing urbanized areas east of the Highway. In so doing, the predominantly agricultural lands between Highway One and the Monterey Bay are better protected.

The secondary objective is to protect the West Branch of Struve Slough and Hanson Slough Resources should Harkins Slough Road be improved.

For the most part, the proposed LCP amendment is mostly consistent with the policy requirements of the Coastal Act. Directing urban services and development into already developed areas and away from agricultural lands is a fundamental Coastal Act objective, as described above. Likewise, enhancing and protecting ESHA, in this case West Branch Struve Slough and Hanson Slough resources adjacent to Harkins Slough Road, is a core Coastal Act goal. As such, the new LUP policies are mostly well written and generally consistent with the Coastal Act. The new IP Sections are likewise basically consistent with and adequate to carry out the new LUP policies proposed. However, in both cases there are a number of areas where clarification can either better protect coastal zone resources, and/or avoid confusion in the future implementation of the proposed policies so that the primary objective of the amendment is not compromised.

1. Reference to City of Watsonville LCP Amendment 1-99 and/or MOU

In several locations the proposed LUP policies refer to the MOU and/or City of Watsonville LCP Amendment 1-99.¹² The inference is that somehow the new policies must be read in tandem with, or can be modified by changes to, the MOU and/or the City LCP Amendment (since certified based upon changes suggested by the Commission). If unrelated components of the MOU and/or the City LCP Amendment 1-99 were to somehow form the basis for future arguments against using these policies, their effectiveness, and thereby the overall effectiveness of the series of amendments proposed here, could be lessened. Fortunately, this issue can be easily addressed by removing such references from the proposed policies (see suggested modification 1). In this way, the LCP policies stand on their own, as intended by the MOU.

2. LUP Policy 2.1.12

Proposed LUP Policy 2.1.12 begins by stating: “Maintain a stable urban rural boundary and protect agricultural land, wetlands, and/or other environmentally sensitive habitat areas by...” (see exhibit H). At first review, such a statement seems Coastal Act consistent. However, and as defined in the purpose of the MOU from which the policy text emanates,¹³ the “and/or” should actually be an “and” only. The reason for this is to avoid a reading of the policy that limits its application to protecting one of the three resources identified, but not the others (e.g., if it is argued that the “or” implies one must or can pick

¹² Proposed Land Use Plan Policies 2.1.12, 2.1.13, 2.1.15, 2.1.16, and 5.1.16 in the titles (see exhibit H), and proposed Implementation Plan section 13.10.491 in the text (see exhibit I).

¹³ See exhibit D for the MOU.

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between the three resources to apply the policy). Such an interpretation would mean that a project that involves all three resource types may be only able to protect one. Fortunately, this issue can be easily addressed by removing the “or” from the proposed LUP Policy 2.1.12 (see suggested modification 2).

3. One-Foot Pipeline Non-Access Strips

Proposed LUP Policy 2.1.15 and program e contain internal inconsistencies referring in part of the text to non-access strips being applied along “both sides” of any pipelines allowed, and in another part of the same text asserting that the strips shall thus- “completely surround” such pipelines (see exhibit H for proposed text). Any such easements that do not completely surround the pipelines may allow for a connection that otherwise would not be allowed because there is a virtual “gap” in the non-access strip. Fortunately, and consistent with the overall intent of the LCP amendment package, this issue can be easily addressed by ensuring that all such references refer to non-access easements that completely surround any such pipelines (see suggested modification 3).

4. References to the Edwards Site

In several locations relating to required Harkins Slough Road improvements, proposed policies are tied to “permitted development of the Edwards site (APN 018-281-19).”¹⁴ There are three problems with such a stipulation: (1) APN 018-281-19 is but one of 6 Edwards-owned parcels within City of Watsonville Area C (located west of Harkins Slough Road), and one of 7 overall parcels making up Area C;¹⁵ (2) APN 018-281-19 is one of 3 current Edwards-owned parcels within Area C that front on the County border;¹⁶ and (3) PVUSD is in the midst of eminent domain proceedings to acquire all of four Edwards-owned parcels and a portion of a fifth for the development of their proposed high school on City Area C; the resultant parcelization – and parcel numbers – is unclear.¹⁷ Since parcel numbers may change, the requisite “trigger” for the affected policies may not be activated. Fortunately, since the intent is to tie such required Harkins Slough Road improvements to development of Area C consistent with the same parameters already certified into the City’s LCP, this issue can be easily addressed by ensuring that all such references refer instead to “permitted development within City of Watsonville coastal zone Area C”¹⁸ (see suggested modification 4).

5. Modifications to the Utility Prohibition Zone in Cases of Future Annexation

The proposed policies struggle somewhat with the issue of handling any potential future annexations that would serve to convert unincorporated County lands to City lands. The idea is that a mechanism needs to be established to ensure that the utility prohibition zone is not in some way “outflanked” by annexation.

¹⁴ In proposed Land Use Plan Policies 2.1.16 and 5.1.16 (see exhibit H), and in proposed Implementation Plan section 17.02.081 (see exhibit I).

¹⁵ The other owned by the City of Watsonville.

¹⁶ APNs 018-281-08 and 018-281-12 are the other two.

¹⁷ Again, the City’s approval of PVUSD’s proposed high school is the subject of a pending appeal at the Commission (appeal A-3-WAT-01-070) not yet scheduled for Commission review.

¹⁸ City Area C includes all property within the City limits that fronts on Harkins Slough Road.



The main way that this is proposed to be addressed is through language requiring extension of the utility prohibition zone in the event of such annexation. There are three problems with this language: (1) it describes such an extension as applying to the western edge of the Highway One right-of-way; since it is unknown if any future annexation may or may not follow the Highway, such a requirement may be unenforceable if a newly annexed area may be west of the Highway;¹⁹ (2) it limits the upcoast edge of any such utility prohibition zone extension artificially to Mar Monte Avenue; the effect being that should an annexation extend further upcoast, the prohibition zone would be outflanked; and (3) there is not a policy requirement that is tied to any future annexation; as a result, it is not clear how such a modified prohibition zone would be in fact effectuated. Fortunately, this issue can be easily addressed by crafting the policy language in such a way as to direct the utility prohibition zone to be extended around any future annexation area in and/or adjacent to the coastal zone, and to require that any future annexations involving the coastal zone be conditioned upon the affected properties being rezoned as applicable with the combining zone district. Explicit text proposed (e.g., proposed program (f) subsection 6) is superfluous in such a case and should be deleted to ensure maximum clarity (see suggested modifications 5 and 6).

6. Proposed IP Sections 13.10.491 and 13.10.492 (Affected Properties)

In tandem with the clarification intended to address future annexations (see above), proposed Section 13.10.492 establishes a pattern for defining the affected properties and their relation to the Highway One right-of-way, but is missing explicit text in subsection (b) to continue the pattern established in subsection (a) (see proposed text in exhibit I). Such an omission could lead to confusion and lack of clarity as to what properties and/or areas are affected by the utility prohibition zone. Fortunately, this issue can be easily addressed by inserting text defining how properties are affected when they are coterminous with the Highway. In addition, proposed section 13.10.491 includes verbiage on affected properties that could lead to confusion since this text is in the “purposes” section (13.10.491) as opposed to the section defining where the strip is applicable (13.10.492). Fortunately, this issue can be easily addressed by combining this text with the modifications to section 13.10.491 inserting text defining how properties are affected when they are coterminous with the Highway (see suggested modification 6).

7. Harkins Slough Road Improvements (LUP policy 5.1.16 and IP section 16.32.090(c)(A)(11))

Proposed LUP policy 5.1.16 and IP section 16.32.090(c)(A)(11) both are based upon the qualifier that the road improvement requirements (to enhance and protect habitat) are triggered by “major” road improvements only (see exhibits H and I respectively). This is inconsistent with the City LCP policy in this regard and the Commission’s direction that these habitat measures be implemented in the case of any Harkins Slough Road improvements so as to be the most protective of the significant slough resources found here. “Major” as opposed to other road improvements is undefined in the LCP and would set up a future scenario whereby arguments are created that one project or another does not trigger

¹⁹ It should be noted that the City of Watsonville’s LCP includes a policy prohibiting the City from pursuing annexation west of the Highway except for the “Green Farm” parcel. Given this policy, it is unlikely that an annexation would involve lands west of the Highway necessitating a change to the utility prohibition zone. However, a third-party request (i.e., not a City request) could conceivably result in such an annexation, and thus needs proper policies to address such a possibility.



the need for the required habitat measures on Harkins Slough Road. Were this the case, significant slough resources could be adversely affected inconsistent with the protection required for them by the Coastal Act. Fortunately, this issue can be easily addressed by removing the qualifier “major” from the proposed policy.

In addition, while these policies reflect protection of West Branch Struve Slough Resources, they are silent on the potential protection for Hanson Slough resources. Like the West Branch Struve Slough, Hanson Slough flows under the Harkins Slough Road fill in culverts. Since Hanson Slough hydrology and size is much different than West Branch Struve Slough (i.e., smaller ‘area, less flow), a bridge for Hanson Slough, as is required here for West Branch Struve Slough, may prove unnecessary. That said, however, the LCP needs to adequately identify habitat enhancement as a goal for Hanson Slough should it be so-affected by Harkins Slough Road improvements in the future. Fortunately, this issue can be easily addressed by adding an affirmative statement in this regard.

Finally, the bridge over West Branch of Struve Slough needs to clearly be identified as the solution should road improvements take place on Harkins Slough Road. The current proposed text is written in such a way as to imply that this the “preferred alternative.” However, consistent with the Commission’s previous direction (in City of Watsonville LCP Amendment 1-99) and consistent with the certified LCP text for the City, it needs to be clear that the bridge is required, unless there is an alternative shown to be environmentally equivalent or superior to a bridge. Fortunately, this issue can be easily addressed by minor text changes in the policy.

See suggested modification 7.

8. Utility Prohibition Zone Exceptions

The MOU established three exceptions to the prohibition of wastewater and/or potable water services: (1) for the City-owned Gilbertson parcel located off of Airport Boulevard west of the Highway and south of City Area A; (2) for the distribution of water for environmental restoration, maintenance or enhancement purposes; and (3) for leachate lines between the City and County Landfill to the City wastewater treatment plant.²⁰ The County slightly massaged the MOU exceptions and added three additional exceptions (see proposed County program f, subsections 1 – 6, in exhibit H, and proposed IP Section 13.10.493 in Exhibit I).

The first exception (for the Gilbertson parcel) includes additional text (i.e., additional to that contained in the MOU) to limit capacities. This is consistent with the general intent of the MOU, and provides an additional layer of protection should any such services be extended to the Gilbertson site per the exception. As such, exception 1 raises no additional issues.

Exception 2 (leachate lines) adds text to allows “pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses.” Since any such water to be delivered from the wastewater treatment plant for agricultural purposes would not be potable water, it would not

²⁰ See MOU attached as exhibit D.

need an exception to the policy. So as to avoid confusion, this additional text needs to be deleted. It is noted that there has arisen a concern on the part of an interested member of the public that the exception for leachate lines somehow involves a project to install said leachate lines at this time. To be clear, the exception to allow leachate lines (technically, wastewater lines) establishes a planning *policy*, it does not however authorize any such *project* at this time. The intent is to state that such wastewater lines are allowed to cross the prohibition zone, as established by the MOU. Any future project for such lines, and none is contemplated as far as the Commission understands, would necessarily involve a coastal permitting and CEQA process at that time, and would need to be found consistent with all applicable LCP policies and any other regularity requirements for such lines.

Exception 3 (for environmental restoration/enhancement purposes) has been amended by the County to add a caveat “for agricultural purposes.” The County LCP contains a great number of things that may be construed as “for agricultural purposes.” Since non-potable water (e.g., for irrigation purposes) is already excepted, there seems little reason to open up the exceptions to something that may be used to allow for urban services for any number of additional uses contrary to the MOU. This can be remedied by deleting the reference.

Exception 4 was not part of the MOU and would allow an exception for the expansion of the main wastewater utility line from the City’s sewer treatment plant to serve development east of Highway One and outside of the coastal zone. This exception does not relate to coastal zone resources and thus, needs no modification.

Exception 5 was also added and would allow an exception for utility services to Areas B and C of the City’s coastal zone. Since any so-excepted lines would be surrounded by a non-access easement, since any such lines would be sized only to serve permitted development in Areas B and C, since the City LCP already Contemplates such services as possible for Areas B and C, since any such services would need to meet the applicable City LCP tests for providing of services to these sites, and since the MOU was specifically crafted to allow for high school to be pursued on Area C and the high school may involve utilities through County lands,²¹ exception 5 is consistent with the Commission’s previous actions and the MOU and, thus, needs no modification.

Exception 6 relates to the “green farm” parcel. It defines what might happen if this parcel were annexed into the City (i.e., the need to re-apply the utility prohibition zone district). However, it is not itself an exception. Moreover, the annexation contingencies in the other proposed LCP policies, as amended, will

²¹ Note that the City’s high school approval that has been appealed would place the water and sewer lines under Harkins Slough Road. Such a location is south of the area to which the Commission directed the one line crossing in their adopted findings for LCP Major Amendment 1-99. In Amendment 1-99, the Commission found as follows: “If there is only one line, then it will be the City’s responsibility to site it appropriately. The candidate area appears to be an extension from the intersection of Westgate Drive and Anna Street. This will then require a line paralleling the Highway One right-of-way for a few hundred feet. Caltrans only allows such line placement under limited circumstances. It appears that such findings can be made, but the final decision will rest with Caltrans. If, for some reason, a Caltrans right-of-way cannot be approved, an exception can be made to place a line on County lands, but only if appropriately restricted to prohibit future tie-ins.” The intent being to place utility lines in such a way that they could be used to serve both Area C and Area B, provided applicable LCP policy tests could be made to allow conversion of agriculture, and provided on-site systems were not possible.



account for such a future event should it occur. Since it is not an exception to the prohibition zone, it's reference is unnecessary and should be deleted for clarity.

See suggested modification 8.

9. Land Use Plan Policies Being Implemented

Proposed IP Section 13.10.491 implies that the "W" combining district implements LUP policy 2.1.13 only (see exhibit D). However, the "W" combining district implements a large number of land use, agricultural, and ESHA LUP policies; a number that is too large to reference in the IP section. Such a singular reference (i.e., to 2.1.13 only), may also form the basis for a future argument that if 2.1.13 somehow does not apply to a particular situation, then the "W" combining District likewise may not apply. Fortunately, since the intent of the "W" district is clearly identified in the proposed text, and the IP by definition implements the LUP, this issue can be easily addressed by deleting the reference to the LUP (see suggested modification 9).

Conclusion

The Commission must determine whether the LUP with proposed amendment Part 2 is consistent with the Coastal Act. As submitted by the County, Part 2 of the proposed amendment to the LUP would not clearly define the MOU protections being put in place and, therefore, consistency with the various policies of Chapter 3 of the Coastal Act is not guaranteed. As such, proposed LUP amendment Part 2 must be denied as submitted. Since proposed IP amendment Part 2 amendment generally mimics the proposed LUP Part 2 changes, and since the LUP Part 2 amendment must be denied, so too must the IP Part 2 amendment. Otherwise, it could allow for adverse impacts to habitat and agricultural lands not allowed by the currently certified land use plan, and not envisioned by the MOU.

Fortunately, there are a number of minor modifications that can be made to address the identified issues and thereby fully implement the objective of the MOU; namely to maintain a stable urban rural boundary and protect rural agricultural land, wetlands such as West Branch Strive Slough and Hanson Slough adjacent to Harkins Slough Road, and other environmentally sensitive habitat areas by ensuring that there will be no additional urban development outside the western boundary of the City of Watsonville and by providing for concentrated urban development within the City of Watsonville city limits.

In conclusion, if so modified in all of the ways outlined here according to the cited modification texts, then the LUP as amended by the proposed Part 2 amendment, and as further modified as suggested above and in the cited modification texts, is approved as satisfying Coastal Act Chapter 3 policies as discussed in this finding. Similarly, if so modified in all of the ways outlined here according to the cited modification texts, then the IP as amended by the proposed ~~Part~~ 2 amendment, and as further modified as suggested above and in the cited modification texts, is approved as being consistent with and adequate to carry out the certified LUP as amended.

D. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County in this case exempted the proposed amendments under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



ATTACHMENT 5

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

0406

RESOLUTION NO. 89A-2001

On the motion of Supervisor Wormhoudt
duly seconded by Supervisor **Almquist**
the following Resolution is adopted:

RESOLUTION AMENDING THE GENERAL PLAN/ LOCAL COASTAL PROGRAM LAND
USE PLAN AND IMPLEMENTING ORDINANCES RELATING TO NEW MILLENNIUM HIGH
SCHOOL MEMORANDUM OF UNDERSTANDING

WHEREAS, the County of Santa Cruz, the City of Watsonville and the California Coastal Commission came to an agreement regarding the proposed west of Highway One (Edwards property) location of the Pajaro Valley Unified School District's (PVUSD's) proposed New Millennium High School, provided that the City of Watsonville agreed not to pursue major additional annexations in the environmentally sensitive lands west of Highway One; and

WHEREAS, the Board of Supervisors, on March 14, 2000, entered into a Memorandum of Understanding (MOU) with the City of Watsonville and the California Coastal Commission, codifying the agreement through restrictions on the extension of wastewater and potable water supply pipelines from the City of Watsonville to lands west of Highway One, thereby minimizing the likelihood of urban expansion in that area; and

WHEREAS, the City of Watsonville, by vote of the City Council on March 14, 2000, agreed to execute the MOU; and

WHEREAS, on March 16, 2000, the California Coastal Commission considered and certified, with suggested modifications, the City of Watsonville's Local Coastal Program (LCP) Major Amendment Number 1-99 designed to modify the City's LCP to allow the PVUSD to pursue a high school on the Edwards property north of Harkins Slough Road and west of Highway One; and

WHEREAS, the MOU included three major proposed actions for which the County was to be responsible for holding a public hearing to consider implementing, no later than March 16, 2001; and

WHEREAS, the County's responsibilities under the MOU included:

- a. Establishment of a one-foot wide wastewater and potable water supply utility prohibition overlay district that would run along, and immediately adjacent to, the City of Watsonville's city limits west of Highway 1; and
- b. Establishing a policy/standard that limits the width of Harkins Slough Road to the minimum necessary to serve the new high school (assuming this and not Airport Blvd. is the primary access route selected), and which encourages improvements that would enhance habitat connectivity under the roadway (e.g., a new bridge span over West Struve Slough, or at least larger culverts); and

- c. Establishing a policy/standard that requires the County to reserve a one-foot non-access strip around any wastewater or potable water supply easements granted to the City over or through County-owned land (including County rights-of-way) west of Highway One; and

WHEREAS, the County also agreed in the MOU to require a super-majority vote of the County Board of Supervisors to make any amendment, including revocation, to the General Plan/LCP Land Use Plan policies that fulfill the requirements of the MOU ;and

WHEREAS, the County intends to fulfill the requirements of the MOU through the attached proposed amendments to County General Plan/LCP Land Use Plan and the County Zoning Ordinance/LCP Implementation Plan (Exhibits 1-A and 1-B); and

WHEREAS, the Planning Commission, on February 28, 2001, following a duly noticed public meeting recommended that the amendments to the General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Exhibits 1-A and 1-B, and the CEQA Categorical Exemption, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update.

WHEREAS, the Board of Supervisors, on March 27, 2001, following a duly noticed public meeting, considered the amendments to the General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Exhibits 1-A and 1-B, and the CEQA Categorical Exemption, incorporated herein by reference, the staff report, and all testimony and evidence received at the public hearing; and

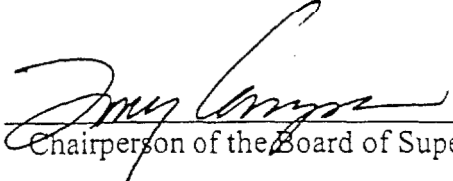
WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the proposed amendments to the General Plan/LCP Land Use Plan and to the Zoning Ordinance/LCP Implementation Plan have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines; and

NOW ,THEREFORE ,BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to the General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Attachments 1, Exhibit 1-A and 1-B, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of Amendments.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 27th day of March, 2001 by the following vote:

AYES:	SUPERVISORS	Beautz, Pirie, Wormhoudt, Almquist, Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None


Chairperson of the Board of Supervisors

Attachment 1

ATTEST:

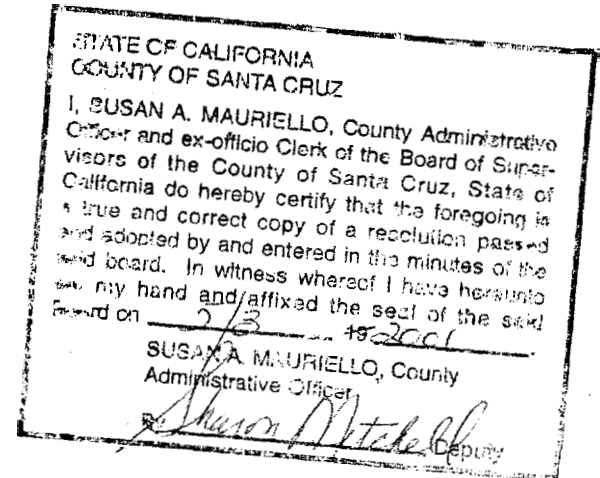
Sally Boshart
 Clerk of the Board of Supervisors

0408

APPROVED AS TO FORM:

J. B.
 County Counsel

cc: County Counsel
 Planning Department



General Plan/LCP Amendments
To Implement New Watsonville High School MOU

LAND USE ELEMENT

OBJECTIVE 2.1 URBAN/RURAL DISTINCTION

Policy 2.1.12 Urban/Rural *Boundary* - San Andreas Planning Area (per MOU/City of Watsonville Amendment 1-99)
(LCP)

Maintain a stable urban rural boundary and protect rural agricultural land, wetlands, and/or other environmentally sensitive habitat areas by ensuring that there will be no additional urban development outside the western boundary of the City of Watsonville, and by providing for concentrated urban development within City of Watsonville city limits. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Policy 2.1.13 Prohibition On Utility Extensions - San Andreas *Planning Area* (per MOU/City of Watsonville LCP Amendment 1-99)
(LCP)

Prohibit the extension of new wastewater and/or potable water utilities, emanating from within the City of Watsonville into the San Andreas Planning Area, by establishing a Utility Prohibition Strip along and immediately adjacent to the City's boundaries west of Highway One, so as to discourage additional urban development in the Coastal Zone west of the City of Watsonville. Exceptions to this policy are listed below in Program f (1-6). Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Policy 2.1.14 Minimize Utility *Sizing* - San Andreas Planning Area
(LCP)

Any new wastewater or potable water supply pipelines emanating from within the City of Watsonville City limits, as allowed for in Program f (1-6) below, shall be limited in size to the minimum capacity necessary to serve the intended existing and/or proposed development so as to discourage additional urban development in the coastal zone west of the City of Watsonville. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Policy 2.1.15
(LCP)

Watsonville Utility Pipeline Non-Access Strips - San Andreas Planning Area (per MOU/City of Watsonville LCP Amendment 1-99)

In the San Andreas Planning Area, designate one-foot wide Pipeline Non-Access Strips along both sides of any existing or new: 1) wastewater or potable water supply pipeline easements granted to the City of Watsonville by the County; and/or 2) wastewater or potable water supply pipelines emanating from the City of Watsonville and crossing County right-of-way or other County land. The one-foot wide Pipeline Non-Access Strips shall completely surround any such pipelines and/or pipeline easements, and will prohibit any future pipeline attachments and/or extensions to the affected pipeline, thus discouraging additional urban development in the Coastal Zone west of the City of Watsonville. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Policy 2.1.16
(LCP)

Harkins Slough Road Improvements (per MOU/City of Watsonville LCP Amendment 1-99)

Harkins Slough Road (including the proposed Highway One overpass interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on the Edwards site (APN 018-281-19), and/or 2) as needed to meet minimum County or Caltrans design standards. Any such road improvements shall be designed in tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. Any such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with Policy 5.1.16. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

Programs

- e. Establish and maintain, upon County-owned lands in the San Andreas Planning Area (including County rights-of-way), a one-foot wide Pipeline Non-Access Strip along both sides of any existing or future: 1) wastewater or potable water supply pipeline easements granted to the City of Watsonville by the County; and/or 2) wastewater or potable water supply pipelines emanating from the City of Watsonville and crossing County right-of-way or other County land. The one-foot wide Pipeline Non-Access Strips shall completely surround any such pipelines and/or pipeline easements. New pipeline connections to the existing wastewater or potable

water pipeline will be prohibited through, over, or under the Pipeline Non-Access Strips.

- f. Create a Utility Prohibition Combining Zone overlay district that establishes and maintains a one-foot wide wastewater and potable water supply Utility Prohibition Strip, across, over, or under which wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted. The Utility Prohibition Combining Zone overlay district will be applied to parcels located to the west of and abutting the western edge of the Highway One right-of-way. Where the Watsonville City limits encompass parcels west of Highway One, the combining zone overlay district shall apply to all parcels directly abutting the Watsonville City limits (and to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One). The Utility Prohibition Strip will be located along the parcel boundaries that directly abut either the Highway One right-of-way or the Watsonville City limits, as applicable. The Utility Prohibition Strip shall extend north of Watsonville to Buena Vista Drive and south to the Monterey County line, to the points where Buena Vista Drive and the County line each intersect the western edge of the Highway One right-of-way. If additional County land in the "Buena Vista" area northwest of Watsonville is annexed into the City of Watsonville, the Utility Prohibition Strip shall be extended northward along the western edge of the Highway One right-of-way to Mar Monte Avenue.

The Utility Prohibition Combining Zone District shall initially be applied to the parcels with the following Assessor Parcel Numbers:

052-011-46, 052-011-57, 052-011-66, 052-011-67, 052-011-77, 052-511-01, 052-511-05, 052-511-06, 052-511-08, 052-511-10, 052-511-11, 052-511-12, 052-511-13, 052-021-15, 052-021-21, 052-021-30, 052-021-31, 052-081-37, 052-081-38, 052-081-39, 052-091-41, 052-091-42, 052-103-13, 052-103-14, 052-221-14, 052-221-15, 052-221-17, 052-222-10, 052-222-22, 052-581-09, 052-581-10, 052-581-11, 052-271-03, 052-271-04, 052-272-01, and 052-272-02.

New wastewater and potable water supply utility pipelines/easements from the City of Watsonville shall also be prohibited from crossing or otherwise occupying any and all County rights-of-way (including those on Harkins Slough Road, Lee Road, and Ranport Road) where they border or contact the Watsonville City limits west of Highway One. Wastewater and/or potable water utility pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with the following exceptions:

- 1) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the

present County Commercial Agricultural Zoning district, including agricultural worker housing.

- 2) Leachate lines to and from the City and County landfills and the City wastewater treatment plant, or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses;
 - 3) Pipelines to distribute water for environmental restoration, maintenance or enhancement, or for agricultural uses;
 - 4) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
 - 5) Wastewater and potable water supply utility pipelined easements necessary to serve areas B and C as designated by the City of Watsonville's LCP, with the condition that the pipeline sizes be limited to the minimum capacity required to serve the allowed uses.
 - 6) If APN 052-271-04 (Green Farm) is annexed into the City of Watsonville, the Utility Prohibition Combining Zoning District designation shall be applied to any and all parcels surrounding it, as necessary to maintain a continuous Utility Prohibition Strip around the City boundaries west of Highway One.
- g. Endeavor to acquire, or to encourage other appropriate third parties (e.g., land trusts or other non-profit organizations) to acquire, the one-foot wide Utility Prohibition Strip, as described above in Program f, as permanently held easements on each affected parcel.

CONSERVATION AND OPEN SPACE ELEMENT

OBJECTIVE 5.1 BIOLOGICAL DIVERSITY

Restoration of Damaged Sensitive Habitats

Policy 5.1.16 (LCP)

Harkins Slough Road Improvements (per MOU/City of Watsonville Amendment 1-99)

Any major Harkins Slough Road improvements (e.g., improvements related to the Highway One overpass/interchange and/or permitted development on the Edwards site, APN 018-281-19) shall provide enhanced habitat connectivity between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of

Harkins Slough Road. Replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road is the preferred alternative, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such major road improvements to Harkins Slough Road shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the **minimum** necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any such major improvements made to Harkins Slough road pursuant to this policy shall also be consistent with Policy 2.1.16. Any amendments to this policy, including revocation, require a super-majority vote of the Board of Supervisors.

ORDINANCE NO, _____

AN ORDINANCE ADDING COUNTY CODE SECTION 13.10.490, 13.10.491, 13.10.492
AND 13.10.493 ESTABLISHING A WATSONVILLE UTILITY PROHIBITION
COMBINING DISTRICT; AND ADDING SECTIONS 17.02.081 AND 16.32.090(c)(A)(11),
RELATING TO IMPROVEMENTS TO HARKIN SLOUGH ROAD, TO THE SANTA CRUZ
COUNTY CODE

SECTION I

The Santa Cruz County Code is hereby amended by adding Sections 13.10.490, 13.10.491, 13.10.492 and 13.10.493 to read as follows:

13.10.490 **“W” Watsonville Utility Prohibition Combining District**

13.10.491 Purposes of the Watsonville Utility Prohibition “W” Combining District.

In order to implement General Plan/Local Coastal Program Land Use Plan Policy 2.1.13, and in compliance with the Memorandum of Understanding (MOU), between the County of Santa Cruz, the City of Watsonville, and the California Coastal Commission (entered into on March 14, 2000), the “W” Watsonville Utility Prohibition Combining District is established. The purpose of the Watsonville Utility Prohibition or “W” Combining District is to prevent the provision of urban services to undeveloped/rural areas west of the City of Watsonville, so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive areas in the Coastal Zone west of Watsonville. The Watsonville Utility Prohibition or “W” Combining District establishes a one-foot wide wastewater and potable water Utility Prohibition Strip upon parcels and public road rights-of way to the west of, and abutting, the western edge of the Highway One right-of-way, and the Watsonville City limits where the City extends west of Highway One. The Utility Prohibition Strip shall extend north to Buena Vista Drive and south to the Monterey County line, directly adjacent to the western edge of Highway One right-of-way. The Utility Prohibition Strip shall be located along the parcel boundary closest to the Watsonville City limits or the Highway One right-of-way, as applicable. Wastewater and/or potable water utility pipelines or pipeline extensions will not be permitted through or across the one-foot wide Utility Prohibition Strip, with certain exceptions as set forth in Section 13.10.493. Any amendments to this and the following sections, including revocation, require a super-majority vote of the Board of Supervisors.

13.10.492 Designation of the Watsonville Utility Prohibition “W” Combining District.

The Watsonville Utility Prohibition “W” Combining District designation, establishing the one-foot wide Utility Prohibition Strip, shall be applied to:

- (a) Where the city limits of Watsonville lie west of State Highway One, those properties and public road rights-of-way directly bordering the City limits of

Watsonville (and also to parcels abutting any County right-of-way that is contiguous with the Watsonville City limits west of Highway One);

- (b) Those properties and public road rights-of-way bordering the western edge of the Highway One right-of-way, along the stretch of Highway One between Buena Vista Drive to the north and the Monterey County line to the south;
- (c) Where the city limits of Watsonville are modified through annexation, subsequent to the effective date of this section, to include either county lands located west of Highway One, those properties and/or public road rights-of-way on the County side of the so annexed area;
- (d) If and when the “Buena Vista” area northwest of Watsonville is annexed into the City of Watsonville, those properties along the western edge of the Highway One right-of-way between Buena Vista Drive and Mar Monte Avenue.

13.10.493 Use and Development Standards in the Watsonville Utility Prohibition “W” Combining District

In addition to the regulations for development and use imposed by the basic zone district, all properties with a “W” combining zone designation, as set forth in Section 13.10.492, shall contain a one-foot wide wastewater and potable water Utility Prohibition Strip. The Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Watsonville City limits west of Highway 1. For parcels abutting the Highway One right-of-way, the Utility Prohibition Strip shall be located contiguous to the parcel boundary for all portions of the parcel abutting any part of the Highway One right-of-way. The Utility Prohibition Strip shall extend north of Watsonville to Buena Vista Drive and south to the Monterey County line, to the points where Buena Vista Drive and the County line each intersect the western edge of the Highway One right-of-way. For the applicable County road right-of-way areas, the one-foot wide Utility Prohibition Strip shall run parallel to the City limits and/or along the edge of the right-of-way closest to the City limits. Placement of wastewater or potable water utility pipelines will not be permitted through, over, or under the Utility Prohibition Strip, except for:

- (a) Wastewater and potable water supply utility extensions may be provided to APN 052-011-46 (Gilbertson parcel) with capacities limited to those sufficient to serve only uses on that parcel, and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including agricultural worker housing.
- (b) Leachate lines to and from the City and County landfills and the City wastewater treatment plant, or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses;

- (c) Pipelines to distribute water for environmental restoration, maintenance or enhancement, or for agricultural uses;
- (d) Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.
- (e) Wastewater and potable water supply utility pipelines/easements necessary to serve areas B and C as designated by the City of Watsonville's LCP, with the condition that the pipeline sizes be limited to the minimum capacity required to serve the allowed uses.
- (f) If APN 052-271-04 (Green Farm) is annexed into the City of Watsonville, the Utility Prohibition Combining Zoning District designation shall be applied to any and all parcels surrounding it, as necessary to maintain a continuous Utility Prohibition Strip around the City boundaries west of Highway One.

Any such wastewater or potable water supply pipeline(s) allowed by exception in the "W" combining zone district shall be limited in size to the minimum capacity necessary to serve the so excepted use. The limitations in the "W" combining zone district shall not restrict the repair, replacement, maintenance, refurbishment, or functional improvements of existing water and sewer pipelines insofar as necessary to maintain existing capacity without physical expansion of such existing pipelines.

SECTION II

The Santa Cruz County Code is hereby amended by adding Section 17.02.081 to read as follows:

17.02.081 Harkin Slough Road

Harkins Slough Road (including the proposed Highway One overpass/interchange improvements) shall be limited to the minimum width/capacity necessary to provide for roadway, bikeway and/or pedestrian access: 1) to serve the New Millennium High School or other permitted development on the Edwards site (APN 018-281-19), and/or 2) as needed to meet minimum County or Caltrans design standards. Any such road improvements shall be designed in tandem with the development to be served by the road improvements in such a way as to minimize the linear extent of any such road improvements; Harkins Slough Road improvements not necessary to serve the permitted development to be served are prohibited. Any such improvements made to Harkins Slough Road pursuant to this policy shall also be consistent with County Code Section 16.32.090(c)(A)(11). Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 16.32.090(c)(A)(11) to read as follows:

16.32.090(c)(A)(11) **Wetlands Conditions**

Any major Harkins Slough Road improvements (e.g., improvements related to the Highway One overpass/interchange and/or development on the Edwards site - APN 018-281-19) shall provide enhanced habitat connectivity between the west branch of Struve Slough north of Harkins Slough Road and the Department of Fish and Game reserve south of Harkins Slough Road. Replacing the culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity with regard to slough resources on either side of Harkins Slough Road is the preferred alternative, unless an alternative that is environmentally equivalent or superior to a bridge is identified. Fill of any portion of the west branch of Struve Slough, except for incidental public services, is prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare and activity visible and/or audible within the sloughs. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and intensity of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct illumination of sensitive habitat areas; and incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any major improvements made to Harkins Slough road pursuant to this policy shall also be consistent with County Code Section 17.02.081. Any amendments to this section, including revocation, require a super-majority vote of the Board of Supervisors.

SECTION IV

This Ordinance shall take effect upon certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

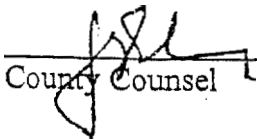
ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

0418

APPROVED AS TO FORM:  _____
County Counsel

Copies to: Planning Department
County Counsel