



County of Santa Cruz

HEALTH SERVICES AGENCY

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060-4073

(831) 454-2022 FAX: (831) 454-3128

<http://scceh.com/htm>

ENVIRONMENTAL HEALTH

March 30, 2016

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

Agenda: April 13, 2016

Agenda Item #: 8

Time: after 9:00 a.m.

Subject: Amendments to Chapter 7.38, Sewage Disposal, and Related General Plan Policies

Dear Commissioners:

On January 12, 2016 the Board of Supervisors approved amendments to Chapter 7.38 of the County Code to extend the allowed period for reconstruction of a legal structure destroyed by a calamity on substandard parcels outside the Coastal zone from three years to ten years after the calamity. The Board of Supervisors further directed staff to prepare General Plan and ordinance amendments to allow use of an offsite sewage disposal easement for a publicly owned property, and to provide these amendments to your Commission for review. For consistency, Health Services Agency, Environmental Health Division (HSA-EH) staff are recommending additional amendments to Chapter 7.38 to extend the 10 year rebuild period to properties inside the Coastal Zone. . The proposed General Plan and ordinance amendments are now being submitted to your Commission for review and recommendation to the Board of Supervisors (Exhibits A, B and C) and are summarized below.

Easements for Publicly Owned Uses

County Code Section 7.38.40.C (3) prohibits the installation of a sewage disposal system serving new development on a parcel other than where the use being served by that sewage disposal system is located. This is intended to limit development of substandard lots and to minimize extensive infrastructure that could be vulnerable to subsequent problems. The use of an offsite easement is allowed for the repair of a failing septic system or in the case of approved clustered developments. Staff believes it would be acceptable to also allow the use of an offsite easement for sewage disposal for publicly owned facilities. Such facilities provide a community benefit that may be best provided at a location that might not be suitable for onsite sewage disposal. Publicly owned facilities are also subject to a higher level of maintenance and oversight. A case in point is the proposed site for a new public library in Felton. The proposed addition of Section 7.38.060 (C) would allow the development of a library site that is well placed for community use, with sewage disposal provided at a more suitable location offsite.

Calamity Rebuild

Over the years the County has taken a number of steps to tighten up sewage disposal requirements in order to reduce water quality degradation resulting from historical use of substandard septic systems, particularly in the watershed of the San Lorenzo River, which is the primary water supply for one third of County residents. To prevent further cumulative impacts, the sewage disposal ordinance was amended in 1983 to require a one acre minimum parcel size for new development in the San Lorenzo River Watershed. Water quality impacts from existing development, much of which is located on parcels less than an acre, was addressed by adopting more stringent repair standards and provisions for use of enhanced treatment systems on parcels that could not meet standards for a conventional septic system.

The San Lorenzo Watershed is also home to a number of old dilapidated, abandoned structures. It was determined that rebuilding of these structures so that they can be occupied should only occur if they could meet the sewage disposal standards for new development, including a one acre minimum parcel size. Related to that requirement, the owner of a legal structure destroyed by a fire or calamity was required to apply for permits for reconstruction within three years, or else the reconstruction would only be allowed if it could meet the standards for new development. The requirement for one acre minimum would preclude reconstruction after three years on any parcel less than that size. These requirements are contained in Section 7.38.080.C (2), which was adopted in 1995.

During the recent financial downturn, a number of properties, including some with calamity damage were subject to bank foreclosure. Typically the banks just held on to the property and did not pursue reconstruction within the required time frame. Banks have then sold the properties to persons that were unaware that they had purchased a property that could not be rebuilt under current County code provisions. The ability to reconstruct after a calamity could also be delayed by a death in the family or poor health of the owner or family member. Staff believes it would be appropriate to amend the ordinance to extend the time frame for reconstruction for up to a total of ten years after a calamity. The sewage disposal system will need to meet current repair standards. This change was already adopted by the Board of Supervisors for properties outside the Coastal Zone, but for the sake of consistency, staff is proposing that Coastal Commission approval be obtained to have the policy apply county-wide.

Environmental Review and Comments Received

HSA-EH staff worked with the Planning Department to evaluate the potential environmental impacts of the amendments pursuant to the California Environmental Quality Act (CEQA). The Planning Department completed the Initial Study and a Negative Declaration (Exhibit D) with a determination that the proposed amendments would have No Significant Impact on the environment.

Two letters were received during the initial public review period (Exhibit E). The letter from the Wittwer Parkin law firm asserts that the proposed amendments facilitate development and that there may be a significant impact on the environment. This comment did not result in a change to the proposed Negative Declaration. Staff believe that the assertions in the Wittwer Parkin letter are unfounded and do not recognize the limited scope and the mitigations that are included in the proposed amendments:

- The calamity rebuild provisions only allow rebuilds on previously-developed properties with legal uses. This only extend the time frame for rebuilding, but does not change any of the other requirements or limitations on rebuilding. The number of parcels which this would apply for remains very small. Since the Board of Supervisors approval in January 2016 of the time extension outside of the Coastal Zone, only one application for calamity rebuild

has been received.

- In the case of any rebuild, the septic system must meet current septic system repair standards which have previously been determined to be protective of water quality. Compliance with current building code and environmental code provisions would also be required.
- The number of projects that could be built as a result of allowing an easement for public projects is also very limited. Staff is aware of only one such project that is under consideration. The requirement for public ownership and benefit is very narrow.

The June 18, 2015, letter from the California Coastal Commission, correctly pointed out that the amendment to §7.38.060 (easements) also required amendment of Policy 5.5.17 (b) of the General Plan/ Local Coastal Program. In response to the comment from the Coastal Commission the project description was amended to include amendment of General Plan/LCP policy 5.5.17(b) and the Initial Study was recirculated for a second round of public comment. One additional letter from the Coastal Commission was received (included with Attachment E). Both Coastal Commission letters suggest that the time frame for rebuilding after a calamity should not be applied within the Coastal Zone, because the Coastal Act requires that any calamity rebuild shall conform to applicable existing zoning requirements. However, the proposed amendment of the sewage ordinance to extend the time for a calamity rebuild would not change any other requirements to meet zoning requirements. Rebuild after a calamity is already allowed under Chapter 7.38, and the proposed amendment just extends the time period from 3 to ten years.

Upon further review, staff determined that rather than amending General Plan/LCP Policy 5.5.17, it would be procedurally clearer to add two new General Plan/LCP policies relating specifically to sewage easements for public projects inside and outside the Coastal Zone. This is consistent with and has the same effect as the project description contained in the initial study.

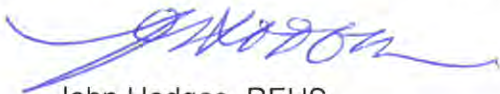
Recommendation

It is therefore RECOMMENDED that your Commission review the proposed amendments to Chapter 7.38, Sewage Disposal, and General Plan Policies, and adopt a resolution recommending the Board of Supervisors approve the amendments and forward to the California Coastal Commission for certification.

Sincerely,



John A. Ricker
Water Resources Division Director



John Hodges, REHS
Director of Environmental Health

Exhibits:

- A. Resolution with strike-through copy of proposed Ordinance and General Plan Amendments
- B. Clean Copy of Proposed Additions of General Plan/ LCP Policies 5.5.18 and 5.5.19
- C. Clean Copy of Proposed amendments to SCCC Chapter 7.38, Sewage Disposal
- D. Initial Study and Proposed Negative Declaration
- E. Comment Letters

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

RESOLUTION NO. _____

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

**PLANNING COMMISSION RESOLUTION RECOMMENDING AMENDMENT OF
THE GENERAL PLAN / LOCAL COASTAL PROGRAM POLICIES AND SANTA
CRUZ COUNTY CODE SECTIONS 7.38.060 AND 7.38.080 RELATING TO SEWAGE
DISPOSAL**

WHEREAS, Section 5.5, Water Resources, of the Santa Cruz County General Plan and Local Coastal Program (LCP) establishes various programs and policies to protect water quality, including policies for the siting and design of onsite sewage disposal systems; and

WHEREAS, Policy 5.5.17(b) and County Code Section 7.38.040(C)(3) prohibit the installation of individual sewage disposal systems to serve new development within an easement on another lot; and

WHEREAS, there are situations where onsite sewage disposal on another lot may be beneficial to allow the development of a facility serving the public at a location that is not suitable for onsite sewage disposal; and

WHEREAS, the Board of Supervisors on December 16, 2014, considered the draft text of an ordinance that would allow the use of an easement for sewage disposal for a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility, and directed staff to conduct environmental review and bring the text to the Board of Supervisors for a public hearing to consider adoption; and

WHEREAS, the Board of Supervisors further directed staff to prepare an ordinance to amend County Code to allow reconstruction of structures within ten (10) years of calamity damage under certain circumstances; and

WHEREAS, the Environmental Coordinator has determined that the amendment of Policy 5.5.17(b) of the General Plan/ LCP and County Code sections 7.38.060 and 7.38.080, as recommended by staff, could not have a significant effect on the environment and a Negative Declaration has been prepared; and

WHEREAS, staff has proposed that the most effective way to amend the restrictions of General Plan/LCP Policy 5.5.17(b) is to add new General Plan/LCP Policies 5.5.18 and 5.5.19; and

WHEREAS, the Planning Commission finds that the proposed amendments to the County Code and to the General Plan / LCP are consistent with all other provisions of the County Code and the General Plan / LCP, and with State law; and

Exhibit A

WHEREAS, Chapter 7.38 of the County Code is an implementing ordinance of the LCP and amendments of these chapters constitute amendments to the LCP; and

WHEREAS, the Planning Commission finds that the proposed amendments to the LCP are consistent with the Coastal Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the amendments to the General Plan/Local Coastal Program Land Use Plan and County Code Sections 7.38.060 and 7.38.080, as set forth in Attachment A-I, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the next Local Coastal Program Round.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2016 by the following vote:

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

Chairperson

ATTEST:

Secretary

APPROVED AS TO FORM:



Office of the County Counsel

Additions and ~~Deletions~~ shown

ORDINANCE NO. _____

**ORDINANCE AMENDING SECTIONS 7.38.060 AND 7.38.080 OF THE SANTA CRUZ
COUNTY CODE RELATING TO EXISTING SEWAGE DISPOSAL SYSTEMS—
BUILDING ALTERATIONS**

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

SECTION I

The Santa Cruz County Code is hereby amended by adding Subdivision (C) to Section 7.38.060 to read as follows:

- C. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for an individual sewage disposal system to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

SECTION II

Section 7.38.080 of the Santa Cruz County Code is hereby amended to read as follows:

7.38.080 Existing system—Building alterations.

(A) General. The sewage disposal system for buildings or structures to which additions, alterations, replacements, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section. No building permit shall be issued for an addition, alteration, replacement, or repair without review and approval of the Health Officer.

(B) Additions, Remodels, Replacements and Repairs.

(1) A one-time addition per parcel to any legal residential structure of up to 500 square feet of habitable space with no increase in bedrooms may be approved with no change required to the existing sewage disposal system provided all the conditions listed below are met.

(a) The addition does not encroach on the existing sewage disposal system or expansion area.

(b) Adequate information exists as to the location, construction and proper function of the existing sewage disposal system.

(c) The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date.

(d) The existing sewage disposal system is functioning without failure.

(2) Additions of more than 500 square feet of habitable space and/or increases in the numbers of bedrooms to any legal residential structure and/or the creation of an accessory

Attachment A-1

dwelling unit pursuant to Chapter 13.10 SCCC may be approved, provided the sewage disposal system meets (or is upgraded to meet) the requirements for a standard system or alternative system as specified in SCCC 7.38.095 through 7.38.182 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units).

(3) Replacement of a legal structure with an equivalent structure may be approved; provided, that: (a) the sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182; (b) during the three-year period prior to application under this subsection the legal structure has been continuously used or fully capable of being continuously used for either residential or commercial use; and (c) during the full three-year period prior to application under this subsection the legal structure has been continuously assessed as an active residential or commercial use by the County Assessor.

(4) For purposes of this subsection, “legal structure” means a structure, including any remodel or addition, which was constructed pursuant to an approved building permit, or constructed at a time prior to the requirement of a building permit.

(5) Any parcel for which an addition, remodel, replacement or repair meets all the provisions of this subsection shall not be required to meet the minimum lot size provisions of this chapter.

(6) The Environmental Health Service shall review and provide approval of all residential building permit applications that propose an increase in or relocation of any building footprint on a parcel served by an individual sewage disposal system. The conditions stated in subsections (B)(1)(a) and (b) of this section shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, replumbing, reroofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Service.

(C) Reconstruction of Occupied Structures Destroyed by Fire or Calamity.

(1) Reconstruction of any structure destroyed prior to November 3, 1992, by natural calamity or other calamity or any other structure which does not meet the provisions of subsection (C)(2) of this section will be considered new development, which must meet all provisions of this chapter, including its minimum lot size provisions.

(2) Reconstruction of any legal structure partially or wholly destroyed on or after November 3, 1992, by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development if all of the following conditions are met:

(a) On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. “Legal structure” as used in this subsection means a structure, including any remodel or addition, which was constructed

under an approved building permit, or constructed at a time prior to the requirements of a building permit.

(b) Application for a permit to reconstruct the structure must be made within ~~36 months~~ ten (10) years of the date of the calamity damage. If more time has elapsed since the date of the calamity damage and all permits and applications for permits to reconstruct the structure have expired, pursuant to 7.38.080 (C) (1), no further application for a permit to reconstruct the structure may be made, and current standards for new construction will apply.

(c) The sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in SCCC 7.38.095 through 7.38.182.

(d) Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.

(D) Any proposed new use or proposed expansion of an existing use on a developed parcel served by one or more individual sewage disposal systems can only be approved if all existing and proposed uses on the parcel can be served by a sewage disposal system or systems which meet the requirements for a standard system or alternative system as specified in SCCC 7.38.095 through 7.38.182.

SECTION III

The Board of Supervisors hereby finds on the basis of the whole record before it, including the initial study and any comments received, that there is no substantial evidence that the adoption of this Ordinance amending County Code sections 7.38.060 and 7.38.080 will have a significant effect on the environment; that a Negative Declaration has been prepared and circulated; and that the Negative Declaration reflects the lead agency's independent judgment and analysis; and hereby adopts the Negative Declaration. The record of proceedings upon which this decision is made is on file with the Clerk of the Board of Supervisors of the County of Santa Cruz. The Environmental Coordinator is hereby directed to file a Notice of Determination within five working days after approval of this Ordinance.

SECTION IV

This ordinance shall take effect in areas outside the Coastal Zone on the 31st day after the date of final passage, and shall take effect within the Coastal Zone on the 31st day after the date of final passage or upon certification by the State Coastal Commission whichever event occurs last.

PASSED AND ADOPTED this ____ day of _____, 2016, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

Approved as to form:

County Counsel

County of Santa Cruz General Plan and Local Coastal Program Amendments

The effect of existing General Plan/ LCP Policy 5.5.17(b) would be modified by the addition of proposed General Plan/ LCP Policies 5.5.18 and 5.5.19:

5.5.17 Sewage Disposal Ordinance.

Continue to enforce the standards of the County's Sewage Disposal ordinance based on the following:

- (a) Do not allow variances to sewage disposal regulations that would permit lots of less than 15,000 square feet to obtain septic permits when a public water supply is not available.
- (b) Permit installation of individual sewage disposal systems within an easement on another lot only to allow repairs of existing system.

The General Plan/ LCP Policy 5.5.18 shall take effect upon approval by the Board of Supervisors

Policy 5.5.18 of the Santa Cruz County General Plan is hereby added to read as follows.

5.5.18 Sewage Disposal for Publicly Owned Facilities outside the Coastal Zone

On parcels outside the Coastal Zone, permit installation of sewage disposal systems within an easement on another lot to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

The General Plan/ LCP Policy 5.5.19 shall take effect upon approval by the Board of Supervisors, or upon certification by the California Coastal Commission, whichever is last.

Policy 5.5.19 of the Santa Cruz County General Plan is hereby added to read as follows.

5.5.19 (LCP) Sewage Disposal for Publicly Owned Facilities inside the Coastal Zone

On parcels inside the Coastal Zone, Permit installation of sewage disposal systems within an easement on another lot to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

County of Santa Cruz General Plan and Local Coastal Program Amendments

The effect of existing General Plan/ LCP Policy 5.5.17(b) would be modified by the addition of proposed General Plan/ LCP Policies 5.5.18 and 5.5.19:

5.5.17 Sewage Disposal Ordinance.

Continue to enforce the standards of the County's Sewage Disposal ordinance based on the following:

- (a) Do not allow variances to sewage disposal regulations that would permit lots of less than 15,000 square feet to obtain septic permits when a public water supply is not available.
- (b) Permit installation of individual sewage disposal systems within an easement on another lot only to allow repairs of existing system.

The General Plan/ LCP Policy 5.5.18 shall take effect upon approval by the Board of Supervisors

Policy 5.5.18 of the Santa Cruz County General Plan is hereby added to read as follows.

5.5.18 Sewage Disposal for Publicly Owned Facilities outside the Coastal Zone

On parcels outside the Coastal Zone, permit installation of sewage disposal systems within an easement on another lot to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

The General Plan/ LCP Policy 5.5.19 shall take effect upon approval by the Board of Supervisors, or upon certification by the California Coastal Commission, whichever is last.

Policy 5.5.19 of the Santa Cruz County General Plan is hereby added to read as follows.

5.5.19 (LCP) Sewage Disposal for Publicly Owned Facilities inside the Coastal Zone

On parcels inside the Coastal Zone, Permit installation of sewage disposal systems within an easement on another lot to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

**ORDINANCE AMENDING SECTIONS 7.38.060 AND 7.38.080 OF THE SANTA CRUZ
COUNTY CODE RELATING TO EXISTING SEWAGE DISPOSAL SYSTEMS—
BUILDING ALTERATIONS**

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

SECTION I

The Santa Cruz County Code is hereby amended by adding Subdivision (C) to Section 7.38.060 to read as follows:

- C. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for an individual sewage disposal system to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

SECTION II

Section 7.38.080 of the Santa Cruz County Code is hereby amended to read as follows:

7.38.080 Existing system—Building alterations.

(A) General. The sewage disposal system for buildings or structures to which additions, alterations, replacements, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section. No building permit shall be issued for an addition, alteration, replacement, or repair without review and approval of the Health Officer.

(B) Additions, Remodels, Replacements and Repairs.

(1) A one-time addition per parcel to any legal residential structure of up to 500 square feet of habitable space with no increase in bedrooms may be approved with no change required to the existing sewage disposal system provided all the conditions listed below are met.

(a) The addition does not encroach on the existing sewage disposal system or expansion area.

(b) Adequate information exists as to the location, construction and proper function of the existing sewage disposal system.

(c) The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date.

(d) The existing sewage disposal system is functioning without failure.

(2) Additions of more than 500 square feet of habitable space and/or increases in the numbers of bedrooms to any legal residential structure and/or the creation of an accessory dwelling unit pursuant to Chapter 13.10 SCCC may be approved, provided the sewage disposal system meets (or is upgraded to meet) the requirements for a standard system or

alternative system as specified in SCCC 7.38.095 through 7.38.182 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units).

(3) Replacement of a legal structure with an equivalent structure may be approved; provided, that: (a) the sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182; (b) during the three-year period prior to application under this subsection the legal structure has been continuously used or fully capable of being continuously used for either residential or commercial use; and (c) during the full three-year period prior to application under this subsection the legal structure has been continuously assessed as an active residential or commercial use by the County Assessor.

(4) For purposes of this subsection, “legal structure” means a structure, including any remodel or addition, which was constructed pursuant to an approved building permit, or constructed at a time prior to the requirement of a building permit.

(5) Any parcel for which an addition, remodel, replacement or repair meets all the provisions of this subsection shall not be required to meet the minimum lot size provisions of this chapter.

(6) The Environmental Health Service shall review and provide approval of all residential building permit applications that propose an increase in or relocation of any building footprint on a parcel served by an individual sewage disposal system. The conditions stated in subsections (B)(1)(a) and (b) of this section shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, replumbing, reroofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Service.

(C) Reconstruction of Occupied Structures Destroyed by Fire or Calamity.

(1) Reconstruction of any structure destroyed prior to November 3, 1992, by natural calamity or other calamity or any other structure which does not meet the provisions of subsection (C)(2) of this section will be considered new development, which must meet all provisions of this chapter, including its minimum lot size provisions.

(2) Reconstruction of any legal structure partially or wholly destroyed on or after November 3, 1992, by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development if all of the following conditions are met:

(a) On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. “Legal structure” as used in this subsection means a structure, including any remodel or addition, which was constructed under an approved building permit, or constructed at a time prior to the requirements of a building permit.

(b) Application for a permit to reconstruct the structure must be made within ten (10) years of the date of the calamity damage. If more time has elapsed since the date of the calamity damage and all permits and applications for permits to reconstruct the structure have expired, pursuant to 7.38.080 (C) (1), no further application for a permit to reconstruct the structure may be made, and current standards for new construction will apply.

(c) The sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in SCCC 7.38.095 through 7.38.182.

(d) Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.

(D) Any proposed new use or proposed expansion of an existing use on a developed parcel served by one or more individual sewage disposal systems can only be approved if all existing and proposed uses on the parcel can be served by a sewage disposal system or systems which meet the requirements for a standard system or alternative system as specified in SCCC 7.38.095 through 7.38.182.

SECTION III

The Board of Supervisors hereby finds on the basis of the whole record before it, including the initial study and any comments received, that there is no substantial evidence that the adoption of this Ordinance amending County Code sections 7.38.060 and 7.38.080 will have a significant effect on the environment; that a Negative Declaration has been prepared and circulated; and that the Negative Declaration reflects the lead agency's independent judgment and analysis; and hereby adopts the Negative Declaration. The record of proceedings upon which this decision is made is on file with the Clerk of the Board of Supervisors of the County of Santa Cruz. The Environmental Coordinator is hereby directed to file a Notice of Determination within five working days after approval of this Ordinance.

SECTION IV

This ordinance shall take effect in areas outside the Coastal Zone on the 31st day after the date of final passage, and shall take effect within the Coastal Zone on the 31st day after the date of final passage or upon certification by the State Coastal Commission whichever event occurs last.

PASSED AND ADOPTED this ____ day of _____, 2016, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

Approved as to form:



County Counsel



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
www.sccoplanning.com

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INITIAL STUDY/ENVIRONMENTAL CHECKLIST

Date: September 14, 2015

Application Number: N/A

Project Name: §7.38.060 and §7.38.080
of SCCC Amendments

Staff Planner: Todd Sexauer

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: County of Santa Cruz, HSA **APN(s):** Countywide

OWNER: N/A

SUPERVISORAL DISTRICT: Countywide

PROJECT LOCATION:

The project consists of amendments to the Santa Cruz County Code Sections 7.38.060 and 7.38.080, and Section 5.5.17(b) of the General Plan; and therefore, applies throughout the unincorporated area of Santa Cruz County. The County of Santa Cruz is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by the Monterey Bay and the Pacific Ocean.

SUMMARY PROJECT DESCRIPTION:

Amend Section 7.38.060 (C) of the County Code, and Section 5.5.17(b) of the General Plan to allow the use of an offsite easement for sewage disposal to allow development of publicly owned facilities on sites not suitable for onsite sewage disposal where such a facility would provide a public benefit.

Amend Section 7.38.080 (C) to extend the time frame for reconstruction from three years to ten years after a calamity. The minimum parcel size requirements as outlined in Section 7.38.045 and Attachment 2 currently preclude reconstruction after three years on any parcel not meeting the required minimum parcel size. The ordinance amendment would allow reconstruction within 10 years of the date of the calamity. The proposed amendments would go into effect outside of the coastal zone thirty days after adoption by the Board of Supervisors, and within the coastal zone following California Coastal Commission certification.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: *All of the following potential environmental impacts are evaluated in this Initial Study. Categories that are marked have been analyzed in greater detail based on project specific information.*

- | | |
|--------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics and Visual Resources | <input checked="" type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Population and Housing |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Utilities and Service Systems |
| <input checked="" type="checkbox"/> Hydrology/Water Supply/Water Quality | <input type="checkbox"/> Mandatory Findings of Significance |

DISCRETIONARY APPROVAL(S) BEING CONSIDERED:

- | | |
|------------------------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Coastal Development Permit |
| <input type="checkbox"/> Land Division | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Riparian Exception |
| <input type="checkbox"/> Development Permit | <input type="checkbox"/> LAFCO Annexation |
| <input type="checkbox"/> Sewer Connection Permit | <input checked="" type="checkbox"/> Other: Code Amendment |

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g., permits, financing approval, or participation agreement):

Permit Type/Action

Agency

Certification

California Coastal Commission

DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least

one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

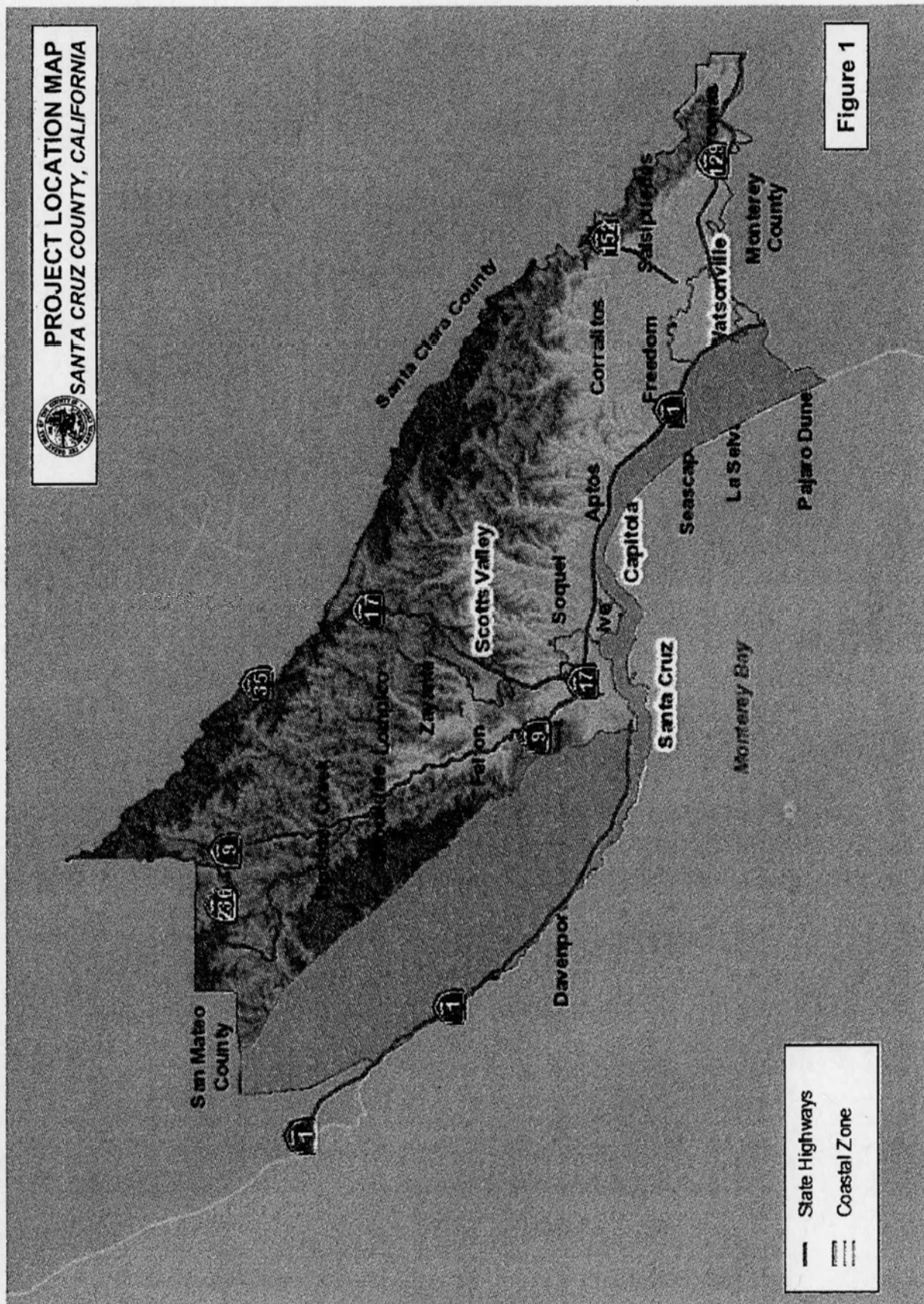

TODD SEXAUER, Environmental Coordinator

Date

9/14/15



This page intentionally left blank.





This page intentionally left blank.

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS:

Parcel Size (acres): Countywide
Existing Land Use: Countywide
Vegetation: N/A
Slope in area affected by project: ☐ 0 - 30% ☐ 31 - 100% ☒ N/A
Nearby Watercourse: Countywide
Distance To: N/A

ENVIRONMENTAL RESOURCES AND CONSTRAINTS:

Water Supply Watershed:	Countywide	Fault Zone:	Countywide
Groundwater Recharge:	Countywide	Scenic Corridor:	Countywide
Timber or Mineral:	Countywide	Historic:	Countywide
Agricultural Resource:	Countywide	Archaeology:	Countywide
Biologically Sensitive Habitat:	Countywide	Noise Constraint:	Countywide
Fire Hazard:	Countywide	Electric Power Lines:	Countywide
Floodplain:	Countywide	Solar Access:	Countywide
Erosion:	Countywide	Solar Orientation:	Countywide
Landslide:	Countywide	Hazardous Materials:	Countywide
Liquefaction:	Countywide	Other:	

SERVICES:

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

PLANNING POLICIES:

Zone District:	Countywide	Special Designation:	Countywide
General Plan:	Countywide		
Urban Services Line:	<input checked="" type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside	
Coastal Zone:	<input checked="" type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside	

ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

Natural Environment

Santa Cruz County is uniquely situated along the northern end of Monterey Bay approximately 55 miles south of the City of San Francisco along the Central Coast. The Pacific Ocean and Monterey Bay to the west and south, the mountains inland, and the prime agricultural lands along both the northern and southern coast of the county create limitations on the style and amount of building that can take place. Simultaneously, these natural features create an environment that attracts both visitors and new residents every

year. The natural landscape provides the basic features that set Santa Cruz apart from the surrounding counties and require specific accommodations to ensure building is done in a safe, responsible and environmentally respectful manner.

PROJECT BACKGROUND:

Easements for Publicly Owned Uses

County of Santa Cruz Code Amendment

County Code Section 7.38.40 (C) (3) prohibits the installation of a sewage disposal system serving new development on a parcel other than where the use being served by that sewage disposal system is located. This is intended to limit development of substandard lots and to minimize extensive infrastructure that could be vulnerable to subsequent problems. Use of an offsite easement is allowed for the repair of a failing septic system or in the case of approved clustered developments.

The use of an offsite easement for sewage disposal is proposed to allow development of publicly owned facilities on sites not suitable for onsite sewage disposal where such a facility would provide a public benefit. Publicly owned facilities are subject to a routine maintenance and oversight to ensure that the added infrastructure continues to function in the future.

County of Santa Cruz General Plan and Local Coastal Program Amendment

County General Plan Policy 5.5.17 (b) states, "Permit installation of individual sewage disposal systems within an easement on another lot only to allow the repairs of existing systems." The proposed General Plan Amendment would modify the policy to permit the installation of individual sewage disposal systems within an easement on another lot for a publicly owned facility where technical or minimum parcel size standards cannot be met.

Reconstruction following a Fire or Calamity

The minimum parcel size for new development served by septic systems has been established at various levels depending on the date of parcel creation, and the presence of constraints or potential impacts in different parts of the county, as detailed in Table 7.38.045 (Attachment 2). For one of the larger areas where minimum parcels sizes are in effect, the San Lorenzo Water Supply Watershed, the sewage ordinance was amended in 1983 to require a one acre minimum for new development.

The owner of a legal structure destroyed by a fire or calamity is currently required to apply for permits for reconstruction within three years, or else the reconstruction would only be allowed if the proposed reconstruction meets the standards for new development. This requirement is contained in Section 7.38.080(C)(2) of the County Code. The requirement for a minimum parcel size would preclude reconstruction after three years on any parcel less than that size as contained in Section 7.38.045 of the County Code (Attachment 2).

During the recent financial downturn, a number of properties, including some with calamity damage, have been subject to bank foreclosure. Typically, banks have held the property and not pursued reconstruction within the required three-year time frame. Banks have then sold the properties to persons that were unaware that they had purchased a property that could not be rebuilt under current County code provisions. The ability to reconstruct after a calamity can also be delayed by a death in the family or poor health of the owner or family member. The proposal is intended to address this issue by amending the ordinance to extend the time frame for reconstruction from three years to ten years following a calamity.

DETAILED PROJECT DESCRIPTION:

Easements for Publicly Owned Uses

County of Santa Cruz Code Amendment

Chapter 7.38 is a Local Coastal Plan implementing ordinance. The following proposed amendments would go into effect outside of the coastal zone thirty days after adoption by the Board of Supervisors, and within the coastal zone following California Coastal Commission certification. *The Santa Cruz County Code is hereby amended by adding Subdivision (C) to Section 7.38.060 to read as follows:*

7.38.060 Exceptions allowing easements for individual sewage disposal systems.

(A) Notwithstanding the provisions of SCCC 7.38.040(C)(3), the Health Officer may permit the use of an easement for repair of an individual sewage disposal system under the following circumstances:

- (1) The Health Officer determines that a satisfactory repair of existing sewage disposal system cannot be obtained on the property upon which it is located;
- (2) The Health Officer determines that the property to be used for sewage disposal can provide satisfactory sewage disposal without creating a health hazard or nuisance condition;
- (3) A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed with prior approval of the Health Officer.

(B) Notwithstanding the provisions of SCCC 7.38.040(C)(3), the Health Officer may permit the use of an easement for installation of a new individual sewage disposal system for parcels created through subdivision after the effective date of the ordinance codified in this section, under the following circumstances:

- (1) The average parcel size of the subdivision, excluding roadways, will be greater than one acre;

- (2) The parcels are not located within a water supply watershed;
- (3) The proposed subdivision utilizes clustering of development, with reservation of common open space;
- (4) The Health Officer determines that the property to be used for sewage disposal meets all standards contained in this chapter and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition;
- (5) A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed or modified with prior approval of the Health Officer. [Ord. 4596 § 2, 2000; Ord. 4220 § 2, 1992].

C. Notwithstanding the provision of Section 7.38.040 (C)(3), the Health Officer may permit the use of an easement for an individual sewage disposal system to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

County of Santa Cruz General Plan and Local Coastal Program Amendment

The amendments proposed to Section 5.5.17 of the General Plan and Local Coastal Program would be applied countywide. The following proposed amendments would go into effect outside of the coastal zone thirty days after adoption by the Board of Supervisors, and within the coastal zone following California Coastal Commission certification. *Section 5.5.17 of the Santa Cruz County General Plan and LCP is hereby amended by as follows:*

5.5.17 Sewage Disposal Ordinance.

Continue to enforce the standards of the County's Sewage Disposal ordinance based on the following:

- (a) Do not allow variances to sewage disposal regulations that would permit lots of less than 15,000 square feet to obtain septic permits when a public water supply is not available.
- (b) Permit installation of individual sewage disposal systems within an easement on another lot only to allow repairs of existing system, or to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Santa Cruz County Code is hereby amended by revising Subdivision (C) of Section 7.38.080 to read as follows:

- (C) Reconstruction of Occupied Structures Destroyed by Fire or Calamity.

- (1) Reconstruction of any structure destroyed prior to November 3, 1992, by natural calamity or other calamity or any other structure which does not meet the provisions of subsection (C) (2) of this section will be considered new development, which must meet all provisions of this chapter, including its minimum lot size provisions.
- (2) Reconstruction of any legal structure partially or wholly destroyed on or after November 3, 1992, by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development for the purposes of this chapter if all of the following conditions are met.
 - (a) On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. "Legal structure" as used in this subsection means a structure, including any remodel or addition, which was constructed under an approved building permit, or constructed at a time prior to the requirements of a building permit.
 - (b) Application for a permit to reconstruct the structure must be made within ~~36 months~~ 10 years of the date of the calamity damage. If more than ten (10) years have elapsed since the date of the calamity damage and all permits and applications for a permit to reconstruct the structure have expired, pursuant to 7.38.080 (C) (1), no further applications for a permit to reconstruct the structure may be made, and current standards for new construction will apply.
 - (c) The sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in SCCC 7.38.095 through 7.38.182.
 - (d) Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.

III. ENVIRONMENTAL REVIEW CHECKLIST

A. AESTHETICS AND VISUAL RESOURCES

Would the project:

1. Have a substantial adverse effect on a scenic vista? ☐ ☐ ☐ ☒

Discussion: The General Plan and code amendments would not directly impact any public scenic resources, as designated in the County's General Plan (1994), or obstruct any public views of these visual resources.

Easements for Publicly Owned Uses

The General Plan and code amendments proposed to allow the use of an offsite easement for a publicly owned property for sewage disposal would not adversely impact a scenic vista. All improvements associated with offsite sewage disposal would be located below ground and would not be visible. Therefore, no impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The potential reconstruction of a structure that experienced a calamity on an existing lot of record would not be considered an adverse impact on a scenic vista. No impact would occur.

2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☒ ☐

Discussion: No impacts are expected to occur to County designated scenic roads, public viewshed areas, scenic corridors within a designated scenic resource area or within a state scenic highway.

Easements for Publicly Owned Uses

The General Plan and countywide code amendment proposes to allow the use of an offsite easement for a publicly owned property for sewage disposal. All improvements associated with offsite sewage disposal would be located below ground and not visible. Construction of offsite septic systems is not expected to adversely impact trees and rock outcroppings. Therefore, impacts are expected to be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The potential reconstruction of a structure that experienced a calamity on an existing lot of record would not be considered an adverse impact to a designated scenic resource area, or within a state scenic highway. Therefore, impacts would be less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: See discussion under A-1 and A-2 above. No impact would occur.

4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: No impacts are expected to occur to that would affect day or nighttime views in the area.

Easements for Publicly Owned Uses

The General Plan and code amendments propose to allow the use of an offsite easement for a publicly owned property for sewage disposal. All improvements associated with offsite sewage disposal would be located below ground and not visible. No lighting would be proposed as part of the establishment and development of an offsite easement for sewage disposal. Therefore, no substantial light or glare would be produced that would affect day or nighttime lighting.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The potential reconstruction of a structure that experienced a calamity on an existing lot of record would not result in an adverse impact from light and glare. Reconstruction is expected to result in an incremental increase in night lighting. However, this increase would typically be small, and similar in character to the lighting associated with the prior structure and the surrounding existing uses. No impact would occur.

B. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

agricultural use?

Discussion:

Easements for Publicly Owned Uses

The General Plan and code amendments propose to allow the use of an offsite easement for a publicly owned property for sewage disposal. The establishment of an offsite easement for sewage disposal is not expected to impact farmland. No conversion of Prime Farmland, Unique Farmland, Farmland of Statewide or Farmland of Local Importance would occur. No impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

Although the potential exists for this amendment to apply to agricultural land, the potential is unlikely due to the small size of the parcels affected. The ordinance amendment is intended to apply to parcels less than 2.5 acres in size (see Attachment 2). However, reconstruction of a structure that previously existed prior to a fire or calamity would not result in the conversion of Prime Farmland, Unique Farmland, Farmland of Statewide or Farmland of Statewide or Local Importance. As a result, the potential reconstruction of a structure that experienced a calamity on an existing lot of record would not result in the conversion of Prime Farmland, Unique Farmland, Farmland of Statewide or Farmland of Local Importance. No impact would occur.

2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

See discussion under B-1 above. The establishment of an offsite easement for sewage disposal would not conflict with the existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under B-1 above. No impact is expected to occur.

3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The General Plan and code amendments propose to allow the use of an offsite easement for a publicly owned property for sewage disposal. The establishment of an offsite easement for sewage disposal is not expected to impact forest land or timberland production. No rezoning would occur. No impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

Although the potential exists for this amendment to apply to forest land or timberland, the potential is unlikely due to the small size of the parcels affected. The ordinance amendment is intended to apply to parcels less than 2.5 acres in size. As a result, the potential reconstruction of a structure that experienced a calamity on an existing lot of record would not affect forest land or timberland production. No impact is would occur.

- | | | | | |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

See discussion under B-3 above. No impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under B-3 above. No impact is anticipated.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

See discussion under B-3 above. No impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under B-3 above. No impact is anticipated.

C. AIR QUALITY

The significance criteria established by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) has been relied upon to make the following determinations. Would the project:

1. Conflict with or obstruct implementation of the applicable air quality plan? ☐ ☐ ☐ ☒

Discussion:

Easements for Publicly Owned Uses

The General Plan and code amendments to allow the establishment of an offsite easement for publicly owned properties would not conflict with or obstruct any long-range air quality plans of the Monterey Bay Unified Air Pollution Control District (MBUAPCD). No impacts to air quality plan objectives would occur. See C-2 below.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years would not conflict with or obstruct any long-range air quality plans of the Monterey Bay Unified Air Pollution Control District (MBUAPCD). See C-2 below.

2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ☐ ☐ ☐ ☒

Discussion: Santa Cruz County is located within the North Central Coast Air Basin (NCCAB). The NCCAB does not meet state standards for ozone (reactive organic gases [ROGs] and nitrogen oxides [NOx]) and fine particulate matter (PM₁₀). Therefore, the regional pollutants of concern that would be emitted by a project are ozone precursors and PM₁₀.

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite easement for publicly owned properties would not substantially affect the amount of ozone or PM₁₀ emitted by a project. Therefore, the proposal would not violate any air quality standard or contribute to an existing or projected air quality violation. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years would not affect the amount of ozone or PM₁₀ emitted by a project. Therefore, the proposal would not violate any air quality standard or contribute to an existing or projected air quality violation. No impact would occur.

3. Result in a cumulatively considerable net increase of any criteria pollutant for which ☐ ☐ ☐ ☒

the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Discussion: See discussion under C-2 above. No impacts would occur.

4. *Expose sensitive receptors to substantial pollutant concentrations?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite easement for publicly owned properties would not expose sensitive receptors to substantial pollutant concentrations. Any proposed sewage disposal system would be designed, constructed, and maintained according to Section 7.38 of the County Code. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not result in the exposure of sensitive receptors to substantial pollutant concentrations. No impact would occur.

5. *Create objectionable odors affecting a substantial number of people?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite easement for publicly owned properties would not create objectionable odors affecting a substantial number of people. Any proposed sewage disposal system would be designed, constructed, and maintained according to Section 7.38 of the County Code. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not create objectionable odors affecting a substantial number of people. No impact would occur.

D. BIOLOGICAL RESOURCES

Would the project:

1. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate,*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service?

Discussion:

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would allow greater flexibility in the placement of the system, thereby allowing for avoidance of any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not result in adverse effects to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service. All future project sites would have been previously developed and are expected to be disturbed. No impact would occur.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>2. <i>Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would allow greater flexibility in the placement of the system, thereby allowing for avoidance of any potential riparian habitat or sensitive natural community. No impacts are expected.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not result in adverse effects to riparian habitat or sensitive

natural communities. All future project sites would have been previously developed and are expected to be disturbed. All future development would be required to comply with Chapters 16.30, Riparian Corridor and Wetlands Protection, and 16.32, Sensitive Habitat Protection. No impacts are anticipated.

3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

See discussion under D-2. No impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under D-2. No impact is anticipated.

- 4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: The proposed General Plan and Code amendments do not involve any activities that would interfere with the movements or migrations of fish or wildlife, or impede use of a known wildlife nursery site.

Easements for Publicly Owned Uses

See discussion under D-2. No impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under D-2. No impact is anticipated.

5. Conflict with any local policies or ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

All future development consistent with Chapter 7.38.060 of the County Code would be required to comply with Chapters 16.30, Riparian Corridor and Wetlands Protection, and 16.32, Sensitive Habitat Protection. No impacts are anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

All future development consistent with Chapter 7.38.080 of the County Code would be required to comply with Chapters 16.30, Riparian Corridor and Wetlands Protection, and 16.32, Sensitive Habitat Protection. No impacts are anticipated.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would allow greater flexibility in the placement of the system, thereby allowing for avoidance of any potential sensitive natural community or species. Any future proposal located within a Habitat Conservation Planning area would be sited and designed for consistency. No impacts are expected.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not result in adverse effects to any sensitive natural community or species. Any future reconstruction located within a Habitat Conservation Planning area would be sited and designed for consistency with the Habitat Conservation Plan. No impacts are expected.

- | | | | | |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. Produce nighttime lighting that would substantially illuminate wildlife habitats? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not produce nighttime lighting that would substantially illuminate wildlife habitats. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would potentially produce nighttime lighting. However, it would not allow projects to substantially illuminate wildlife habitat. Any future project would be required to be consistent with Section 16.32.090(C) of the County Code. No impact would occur.

E. CULTURAL RESOURCES

Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would have the flexibility to be located such that it avoids impacts to historical resources. Therefore, no impacts are anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would apply countywide; and therefore, would have the potential to impact a historical resource. However, following the calamity to the structure, the proposal would allow restoration of the damaged structure. As a result, no impacts are anticipated.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would have the potential to impact cultural resources, but would have the flexibility to be located such that it avoids impacts to archaeological resources. However, any future proposal would be required to comply with Section 16.40.030 (A) of the County Code that states, "An archaeological survey shall be required for any discretionary project which will result in ground disturbance and which will be located within a mapped archaeological sensitive area. In addition, an archaeological survey shall be required for any project which will

result in ground disturbance within 500 feet of a recorded Native American cultural site. The archaeological survey shall be prepared according to procedures established by the Planning Director." As a result, impacts are expected to be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would apply countywide; and therefore, would have the potential to impact an archaeological resource. However, any future proposal would be required to comply with Section 16.40.030 (A) of the County Code, which requires a paleontological survey in areas of known paleontological resources allowing for avoidance. As a result, impacts are expected to be less than significant.

- | | | | | |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

See discussion under E-2. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under E-2. Impacts would be less than significant.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

See discussion under E-2. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under E-2. Impacts would be less than significant.

- | | | | | |
|---------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Countywide Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would have the potential to impact paleontological resources, but would have the flexibility to be located such that it avoids impacts to paleontological resources. However, any future proposal would be required to comply with Section 16.44.040 (A) of the County Code that states, "A paleontological survey shall be required for the following development activities located in areas of known paleontological resources as shown on the paleontological resource protection maps: (1) All development projects which will result in ground disturbance." As a result, impacts are expected to be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would apply countywide; and therefore, would have the potential to impact paleontological resources. However, any future proposal would be required to comply with Section 16.44.040 (A) of the County Code, which requires a paleontological survey in areas of known paleontological resources allowing for avoidance. As a result, impacts are expected to be less than significant.

F. GEOLOGY AND SOILS

Would the project:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion (A through D):

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would be applied in areas of the county containing earthquake faults, seismic ground shaking, and landslides. However, conditions contained in Chapter 16.10 would be applied as required to ensure that impacts would be less than significant.

Section 16.10.070 states, "The recommendations of the geologic hazards assessment, full geologic report, and/or the recommendations of other technical reports (if evaluated and authorized by the Planning Director), shall be included as permit conditions of any permit or approvals subsequently issued for the development. In addition, the requirements described below for specific geologic hazards shall become standard conditions for development, building and land division permits or approvals shall be issued, and no final maps or parcel maps shall be recorded, unless such activity is in compliance with the requirements of this section." Section 16.10.070(E)(4) states, "Septic leach fields shall not be permitted in areas subject to landsliding as identified through the geologic hazards assessment, environmental assessment, or full geologic report." Impacts are expected to be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would be applied in areas of the county containing earthquake faults, seismic ground shaking, and landslides. However, Chapter 16.10 would be applied to ensure that impacts would be less than significant.

Section 16.10.070 states, "The recommendations of the geologic hazards assessment, full geologic report, and/or the recommendations of other technical reports (if evaluated and authorized by the Planning Director), shall be included as permit conditions of any permit or approvals subsequently issued for the development. In addition, the requirements described below for specific geologic hazards shall become standard conditions for development, building and land division permits or approvals shall be issued, and no final maps or parcel maps shall be recorded, unless such activity is in compliance with the requirements of this section."

2. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

☐
☐
☒
☐

Discussion:

Easements for Publicly Owned Uses

See response to F-1. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See response to F-1. Impacts would be less than significant.

- | | | | | |
|---------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Develop land with a slope exceeding 30%? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would be required to meet the conditions outlined in Chapter 7.38.150 (Sewage Leaching Requirements) of the Santa Cruz County Code. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would potentially impact slopes greater than 30 percent on existing lots of record. Impacts would be considered less than significant with implementation of §16.22.050 of the County Code. §16.22.050 (A) of the County Code states, "Structures on slopes that would normally require major grading shall utilize pole, step, or other foundations that do not require major grading." §16.22.050 (C) of the County Code states, "For any project, access roads and driveways should not cross slopes greater than 30 percent and cuts and fills should not exceed 10 feet. Variances to this rule can be granted if a route across steep slopes will result in less environmental damage than all alternative routes, or if no other alternative exists." Impacts would be less than significant.

- | | | | | |
|---------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would be required to comply with Chapter 16.22 of the Santa Cruz County Code. Prior to approval of a grading or building permit, the project must have an approved Erosion Control Plan (Section 16.22.060 of the County Code), which would specify detailed erosion and sedimentation

control measures. The plan would include provisions for disturbed areas to be planted with ground cover and to be maintained to minimize surface erosion. Impacts from soil erosion or loss of topsoil would be considered less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would be required to comply with Chapter 16.22 of the Santa Cruz County Code. Prior to approval of a grading or building permit, the project must have an approved Erosion Control Plan (*Section 16.22.060 of the County Code*), which would specify detailed erosion and sedimentation control measures. The plan would include provisions for disturbed areas to be planted with ground cover and to be maintained to minimize surface erosion. Impacts from soil erosion or loss of topsoil would be considered less than significant.

5. *Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties could encounter expansive soils with a high clay content. However, any future project would be required to comply with Section 7.38.120 of the County Code, Soil Percolation Tests and Other Required Information. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity could result in future projects encountering expansive soils. If expansive soils are known to occur within the project area, a geotechnical report would be required according to Section 16.10.050 (C) of the County Code. The recommendations contained in the geotechnical report would be implemented to adequately reduce the potential hazard to a less than significant level. Impacts would be considered less than significant.

6. *Have soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties could encounter expansive soils with a high clay content. However, any future project would be required to comply with Section 7.38.120 of the County Code, Soil Percolation Tests and Other Required Information. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

Any future project using a conventional septic system would be required to meet standard review criteria to include soil profile, soil percolation, winter water testing, Sandhills requirements, setbacks to groundwater, waterways, embankments, property lines, water lines, foundation, and show an expansion area (Section 7.38.120). If the standard review criteria could not be met, an alternative sewage disposal system would be required. Alternative systems include mounds, sand filters, trickling filters, Advantex, BioMicrobics, Hoot and Microseptech. Impacts would be less than significant.

7. Result in coastal cliff erosion?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties could apply to sites on or near coastal bluffs. However, any future septic system would be required to comply with all of the requirements contained in Section 7.38 of the County Code, specifically, Septic Constrained Areas. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

Any future project using a conventional septic system would be required to meet the requirements of Section 16.10.070(H) (Coastal Bluffs and Beaches). As a result, increase in coastal cliff erosion would occur from implementation of the proposed code amendment.

G. GREENHOUSE GAS EMISSIONS

Would the project:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments would not directly or indirectly generate greenhouse gas emissions. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment would not directly or indirectly generate greenhouse gas emissions. No impact would occur.

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

See the discussion under G-1 above. No significant impacts are anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See the discussion under G-1 above. No significant impacts are anticipated.

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed countywide General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not create a significant hazard to the public or the environment. No routine transport or disposal of hazardous materials is proposed. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not create a significant hazard to the public or the environment. No routine transport or disposal of hazardous materials is proposed.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

involving the release of hazardous materials into the environment?

Discussion:

Easements for Publicly Owned Uses

Please see discussion under H-1 above. Impacts associated with the General Plan and Code amendments would be considered less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

Please see discussion under H-1 above. Impacts associated with the Code amendment would be considered less than significant.

3. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

☐ ☐ ☐ ☒

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments would not result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school No impacts would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment would not result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school No impacts would occur.

4. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

☐ ☐ ☒ ☐

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties could potentially encounter a hazardous materials site. However, due to the flexibility in the placement of the offsite sewage disposal easement, any hazardous materials site would be avoided or remediated.

Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not create a significant hazard to the public or environment from a hazardous materials site. The Code amendment to allow reconstruction on the existing site would not increase the potential for exposure. Impacts would be less than significant.

5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties could potentially occur on a parcel located within two miles of a public or private airport. However, the placement of an offsite sewage disposal easement would not result in a hazard for people residing or working in the area. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity could apply to a parcel within two miles of a public or private airport. However, it would not create a significant hazard for people residing or working in the project area. The Code amendment to allow reconstruction on the existing site would not increase the potential for exposure to the hazard. Impacts would be less than significant.

6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

See discussion under H-5 above. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under H-5 above. Impacts would be less than significant.

7. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments would not conflict with implementation of the County of Santa Cruz Local Hazard Mitigation Plan 2010-2015 (County of Santa Cruz, 2010). Therefore, no impacts to an adopted emergency response plan or evacuation Plan would occur from project implementation.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment would not conflict with implementation of the County of Santa Cruz Local Hazard Mitigation Plan 2010-2015 (County of Santa Cruz, 2010). Therefore, no impacts to an adopted emergency response plan or evacuation Plan would occur from project implementation.

8. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

Although a proposed future project could be located in a Fire Hazard Area, the establishment of an offsite sewage disposal easement would not expose people or structures to wildfire. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

Although the Code the future reconstruction following a calamity that could be located on a parcel within in a Fire Hazard Area, the project design would incorporate all applicable fire safety code requirements and include fire protection devices as required by the local fire agency. Impacts would be less than significant.

I. HYDROLOGY, WATER SUPPLY, AND WATER QUALITY

Would the project:

1. *Violate any water quality standards or waste discharge requirements?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would be in compliance with Chapter 7.38 of the County Code. Therefore, the proposed project would not violate any water quality standards or waste discharge requirements.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window from three years to 10 years following a calamity would not result in the discharge of runoff either directly or indirectly into a public or private water supply. However, runoff from a reconstruction project may contain small amounts of chemicals and other household contaminants. Potential siltation from the proposed project would be addressed through implementation of erosion control best management practices (BMPs). No water quality standards or waste discharge requirements would be violated. Impacts would be less than significant. .

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. <i>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not deplete groundwater supplies or interfere with groundwater recharge. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years of following a calamity would not deplete groundwater supplies or interfere with groundwater recharge. No impact would occur.

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

*result in substantial erosion or siltation on-
or off-site?*

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not result in the alteration of existing drainage patterns resulting in substantial erosion or siltation. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not alter the existing overall drainage pattern of any future project sites. Department of Public Works Drainage Section staff is required to review and approve all proposed drainage plans. No impact would occur from project implementation.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not alter the existing overall drainage pattern of a site. Department of Public Works Drainage Section staff is required to review and approve all proposed drainage plans. Impacts from project construction would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not alter the existing overall drainage pattern of a site. Department of Public Works Drainage Section staff is required to review and approve all proposed drainage plans. Impacts from project construction would be less than significant.

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. <i>Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

*provide substantial additional sources of
polluted runoff?*

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff. Department of Public Works Drainage Section staff is required to review and approve all proposed drainage plans. Impacts from project construction would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff. Department of Public Works Drainage Section staff is required to review and approve all proposed drainage plans. Impacts from project construction would be less than significant.

- | | | | | |
|----------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 6. <i>Otherwise substantially degrade water quality?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

Please see discussion under I-1 above. Impacts would be considered less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

Please see discussion under I-1 above. Impacts would be considered less than significant.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 7. <i>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not result in the placement of a sewage disposal system in an area that does not meet the regulations established by the Federal Emergency Management Agency (FEMA) and Chapter 16.10 of the Santa Cruz

County Code. Impacts from project implementation are expected to be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not allow the placement of new housing that does not meet the regulations established by FEMA and Chapter 16.10 of the Santa Cruz County Code. Impacts would be less than significant.

- | | | | | |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not impede or redirect flood flows within a 100-year flood hazard area. Any proposal would meet the regulations established by FEMA and Chapter 16.10 of the Santa Cruz County Code. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would allow the placement of a structure that would impede or redirect flood flows within a 100-year flood hazard area. Any proposal would meet the regulations established by FEMA and Chapter 16.10 of the Santa Cruz County Code. Impacts would be less than significant.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not increase the risk of flooding and would not lead to the failure of a levee or dam. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not increase the risk of flooding and would not

lead to the failure of a levee or dam. No impact would occur.

10. Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would be located underground and not subject to damage from inundation by seiche, tsunami, or mudflow. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not increase the risk from inundation by seiche, tsunami, or mudflow. Impacts would be less than significant.

J. LAND USE AND PLANNING

Would the project:

1. Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed Code and General Plan amendments do not include any elements that would physically divide an established community. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment does not include any elements that would physically divide an established community. No impact would occur.

2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed Code amendment to Section 7.38.060 (C) would conflict with Policy 5.5.17, Sewage Disposal Ordinance. Therefore, General Plan Policy 5.5.17 is proposed to be amended to allow for the use of an offsite easement for sewage disposal that would allow for development of publicly owned facilities on sites not suitable for onsite sewage disposal where such a facility would provide a public benefit. As a result, no inconsistency with the General Plan would result. Although the septic system would be allowed within an offsite easement, all septic systems would be required to meet the requirements contained in Chapter 7.38 of the County Code. Therefore, impacts would be considered less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

General Plan Policy 5.5.5 – Minimum Size for Developing Existing Parcels of Record in Water Supply Watershed states, *“Require one net acre minimum parcel sizes for development of existing lots of record in water supply watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance and incorporate as General Plan and LCP Land Use Plan requirements in provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an Exception to the one acre minimum parcel size only for an existing parcel of record that meets all of the following criteria:*

- *The parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24, 1994;*
- *It is to be developed for commercial use;*
- *It is within the Rural Services Line;*
- *The proposed sewage disposal system will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the Sewage Disposal Ordinance (Resolution No. 309-2000).*

General Plan Policy 5.5.5 applies to parcels that are undeveloped Existing Parcels of Record that are less than one acre in size. The proposal to amend County Code Section 7.38.080 that would extend the timeframe for reconstruction from three years to 10 years would be consistent with this policy. County Code Section 7.38.080 currently allows developed parcels of less than one acre in size that are both in and out of the Coastal Zone and within Water Supply Watersheds to rebuild within three years following a calamity. The only change in the policy that is proposed would be the extension of time to 10 years. This policy change would not apply to new development on undeveloped parcels. The sewage disposal systems of reconstructed structures would be required to meet current technical

standards, including enhanced treatment if necessary.

The proposed Code amendment does not conflict with any regulations or policies adopted for the purpose of avoiding or mitigating an environmental effect. No impacts are anticipated.

- | | | | | |
|---------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties does not conflict with any applicable habitat conservation plan or natural community conservation plan. No impacts are anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity does not conflict with any applicable habitat conservation plan or natural community conservation plan. No impacts are anticipated.

K. MINERAL RESOURCES

Would the project:

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impact would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
2. <i>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not result in the loss of availability of a locally-important mineral resource recovery site. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not result in the loss of availability of a locally-important mineral resource recovery site.

L. NOISE

Would the project result in:

1. <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

Per County policy, average hourly noise levels shall not exceed the General Plan threshold of 50 Leq during the day and 45 Leq during the nighttime. Impulsive noise levels shall not exceed 65 db during the day or 60 db at night. The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not generate noise levels in excess of those established in the General Plan. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not generate noise levels in excess of those established in the General Plan. No impact would occur.

2. <i>Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
----------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not expose people to, or generate excessive groundborne vibration or groundborne noise levels. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not expose people to, or generate excessive groundborne vibration or groundborne noise levels. No impact would occur.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

See discussion L-1. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion L-1. No impact would occur.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not directly generate noise. However, noise generated during future project construction would increase the ambient noise levels in adjacent areas. Construction would be temporary, however, and given the limited duration of this impact it is considered to be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not directly generate noise. However, noise generated during future project construction would increase the ambient noise levels

in adjacent areas. Construction would be temporary, however, and given the limited duration of this impact it is considered to be less than significant.

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties could potentially occur on a parcel located within two miles of a public or private airport. However, the placement of an offsite sewage disposal easement would not expose people to excessive noise levels that are residing or working in the area. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity could apply to a parcel within two miles of a public or private airport. However, it would not expose people to excessive noise levels that are residing or working in the project area. The Code amendment to allow reconstruction on an existing site would not increase the potential for exposure to the hazard. Impacts would be less than significant.

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

See discussion L-5. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion L-5. Impacts would be less than significant.

M. POPULATION AND HOUSING

Would the project:

- | | | | | |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Induce substantial population growth in an area, either directly (for example, by | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments would not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations; or LAFCO annexation actions. Although the project proposes a general plan amendment, it would not remove an obstacle to growth. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

See discussion under "Easements for Publicly Owned Uses." No impact would occur.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. <i>Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed project would not displace any existing housing. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed project would not displace any existing housing. No impact would occur.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. <i>Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments would not displace a substantial number of people since the project is intended to allow the establishment of an offsite sewage disposal easement for publicly owned properties. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed project would not displace a substantial number of people since the project is intended to increase the reconstruction window of a structure from three years to 10 years following a calamity. No impact would occur.

N. PUBLIC SERVICES

Would the project:

1. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities; including the maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a through e):

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. No impact would occur.

O. RECREATION

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1. <i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not substantially increase the use of existing neighborhood and regional parks or other recreational facilities. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not substantially increase the use of existing neighborhood and regional parks or other recreational facilities. No impact would occur.

2. <i>Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not include recreational facilities or require the construction or expansion of recreational facilities. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not include recreational facilities or require the construction or expansion of recreational facilities. No impact would occur.

P. TRANSPORTATION/TRAFFIC

Would the project:

1. <i>Conflict with an applicable plan, ordinance</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Discussion:

Easements for Publicly Owned Uses

There would be no impact because no additional traffic would be generated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

There would be no impact because no additional traffic would be generated.

2. *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: In 2000, at the request of the Santa Cruz County Regional Transportation Commission (SCCRTC), the County of Santa Cruz and other local jurisdictions exercised the option to be exempt from preparation and implementation of a Congestion Management Plan (CMP) per Assembly Bill 2419. As a result, the County of Santa Cruz no longer has a Congestion Management Agency or CMP. The CMP statutes were initially established to create a tool for managing and reducing congestion; however, revisions to those statutes progressively eroded the effectiveness of the CMP. There is also duplication between the CMP and other transportation documents such as the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP). In addition, the goals of the CMP may be carried out through the Regional Transportation Improvement Program and the Regional Transportation Plan. Any functions of the CMP which are useful, desirable and do not already exist in other documents may be incorporated into those documents.

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments to allow the establishment of an offsite sewage disposal easement for publicly owned properties would not conflict with either the goals and/or policies of the RTP or with monitoring the delivery of state and federally-

funded projects outlined in the RTIP. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment to increase the reconstruction window of a structure from three years to 10 years following a calamity would not conflict with either the goals and/or policies of the RTP or with monitoring the delivery of state and federally-funded projects outlined in the RTIP. No impact would occur.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

No change in air traffic patterns would result from project implementation. Therefore, no impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

No change in air traffic patterns would result from project implementation. Therefore, no impact is anticipated.

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendment consists of allowing the establishment of an offsite sewage disposal easement for publicly owned properties. No impact would occur from project implementation. No impacts would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment consists of increasing the reconstruction window of a structure from three years to 10 years following a calamity. No impact would occur from project implementation. No impacts would occur.

- | | | | | |
|--------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. <i>Result in inadequate emergency access?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments consists of allowing the establishment of an offsite sewage disposal easement for publicly owned properties would not result in inadequate emergency access. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment that consists of increasing the reconstruction window of a structure from three years to 10 years following a calamity would not result in inadequate emergency access. No impact would occur.

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments allowing the establishment of an offsite sewage disposal easement for publicly owned properties would comply with current road requirements to prevent potential hazards to motorists, bicyclists, and/or pedestrians. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment increasing the reconstruction window of a structure from three years to 10 years following a calamity would comply with current road requirements to prevent potential hazards to motorists, bicyclists, and/or pedestrians. No impact would occur.

Q. UTILITIES AND SERVICE SYSTEMS

Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

Although the proposed General Plan and Code amendments allowing the establishment of an offsite sewage disposal easement for publicly owned properties is intended for the

disposal of wastewater, it only proposes the wastewater to be disposed of offsite rather than onsite. Future projects would not generate additional wastewater as a result of the proposed General Plan and Code amendments. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment increasing the reconstruction window of a structure from three years to 10 years following a calamity would not result in additional wastewater generation. No impact would occur.

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

Easements for Publicly Owned Uses

Although the proposed General Plan and Code amendment allowing the establishment of an offsite sewage disposal easement for publicly owned properties is intended for the disposal of wastewater, it only proposes the wastewater to be disposed of offsite rather than onsite. Future projects would not generate additional wastewater as a result of the proposed General Plan and Code amendments. Impacts would be less than significant.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment increasing the reconstruction window of a structure from three years to 10 years following a calamity would not result in additional environmental impacts. No impact would occur.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed Code amendment allowing the establishment of an offsite sewage disposal easement for publicly owned properties would not generate increased runoff; therefore, it would not result in the need for new or expanded drainage facilities. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment increasing the reconstruction window of a structure from three years to 10 years following a calamity would not generate increased runoff; therefore, it would not result in the need for new or expanded drainage facilities. No impact would occur.

4. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments allowing the establishment of an offsite sewage disposal easement for publicly owned properties would not increase water demand; therefore, it would not result in the need for new or expanded entitlements. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment increasing the reconstruction window of a structure from three years to 10 years following a calamity would not increase water demand; therefore, it would not result in the need for new or expanded entitlements. No impact would occur.

5. *Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

Easements for Publicly Owned Uses

Although the proposed General Plan and Code amendments allowing the establishment of an offsite sewage disposal easement for publicly owned properties is intended for the disposal of wastewater, It would only apply to future projects using septic systems for disposal. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment increasing the reconstruction window of a structure from three years to 10 years following a calamity would not require a wastewater treatment provider. The proposed Code amendment would only apply to projects using septic

disposal. No impact would occur.

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments allowing the establishment of an offsite sewage disposal easement for publicly owned properties would not generate solid waste during the operational phase of the project. However, some construction debris may be generated during construction. No impact is anticipated.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment would not generate additional solid waste during the operational phase of the project. However, construction debris would be generated during demolition and construction, much of which would be recycled. No impact is anticipated.

- | | | | | |
|--------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. <i>Comply with federal, state, and local statutes and regulations related to solid waste?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

Easements for Publicly Owned Uses

The proposed General Plan and Code amendments allowing the establishment of an offsite sewage disposal easement for publicly owned properties would comply with all federal, state, and local statutes and regulations related to solid waste disposal. No impact would occur.

Reconstruction of Occupied Structures Destroyed by Fire or Calamity

The proposed Code amendment increasing the reconstruction window of a structure from three years to 10 years following a calamity would comply with all federal, state, and local statutes and regulations related to solid waste disposal. No impact would occur.

R. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

restrict the range of a rare or endangered plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion: The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in Section III (A through Q) of this Initial Study. No resources that have been evaluated would be significantly impacted by the project. As a result of this evaluation, there is no substantial evidence that significant effects associated with this project would result. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

2. *Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there were determined to be no potentially significant cumulative effects. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

3. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to specific questions in Section III (A through Q). As a result of this evaluation, there were determined to be no potentially significant effects to human beings. As a result of this evaluation, there is no substantial evidence that there are adverse effects to human beings

associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

IV. REFERENCES USED IN THE COMPLETION OF THIS INITIAL STUDY

County of Santa Cruz, 2010

County of Santa Cruz Local Hazard Mitigation Plan 2010-2015. Prepared by the County of Santa Cruz Office of Emergency Services.

County of Santa Cruz, 1994

1994 General Plan and Local Coastal Program for the County of Santa Cruz, California. Adopted by the Board of Supervisors on May 24, 1994, and certified by the California Coastal Commission on December 15, 1994.



This page intentionally left blank.

Attachment 1

Amendments to Chapter 7.38, Sewage Disposal Ordinance Regarding Easement and Reconstruction of Occupied Structures Destroyed by Fire or Calamity



This page intentionally left blank.

ORDINANCE NO. _____

**ORDINANCE AMENDING SECTIONS 7.38.060 AND 7.38.080 OF THE SANTA CRUZ
COUNTY CODE RELATING TO EXISTING SEWAGE DISPOSAL SYSTEMS—
BUILDING ALTERATIONS**

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

SECTION I

The Santa Cruz County Code is hereby amended by adding Subdivision (C) to Section 7.38.060 to read as follows:

- C. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for an individual sewage disposal system to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

SECTION II

Section 7.38.080 of the Santa Cruz County Code is hereby amended to read as follows:

7.38.080 Existing system—Building alterations.

(A) General. The sewage disposal system for buildings or structures to which additions, alterations, replacements, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section. No building permit shall be issued for an addition, alteration, replacement, or repair without review and approval of the Health Officer.

(B) Additions, Remodels, Replacements and Repairs.

(1) A one-time addition per parcel to any legal residential structure of up to 500 square feet of habitable space with no increase in bedrooms may be approved with no change required to the existing sewage disposal system provided all the conditions listed below are met.

(a) The addition does not encroach on the existing sewage disposal system or expansion area.

(b) Adequate information exists as to the location, construction and proper function of the existing sewage disposal system.

(c) The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date.

(d) The existing sewage disposal system is functioning without failure.

(2) Additions of more than 500 square feet of habitable space and/or increases in the numbers of bedrooms to any legal residential structure and/or the creation of an accessory

dwelling unit pursuant to Chapter 13.10 SCCC may be approved, provided the sewage disposal system meets (or is upgraded to meet) the requirements for a standard system or alternative system as specified in SCCC 7.38.095 through 7.38.182 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units).

(3) Replacement of a legal structure with an equivalent structure may be approved; provided, that: (a) the sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182; (b) during the three-year period prior to application under this subsection the legal structure has been continuously used or fully capable of being continuously used for either residential or commercial use; and (c) during the full three-year period prior to application under this subsection the legal structure has been continuously assessed as an active residential or commercial use by the County Assessor.

(4) For purposes of this subsection, "legal structure" means a structure, including any remodel or addition, which was constructed pursuant to an approved building permit, or constructed at a time prior to the requirement of a building permit.

(5) Any parcel for which an addition, remodel, replacement or repair meets all the provisions of this subsection shall not be required to meet the minimum lot size provisions of this chapter.

(6) The Environmental Health Service shall review and provide approval of all residential building permit applications that propose an increase in or relocation of any building footprint on a parcel served by an individual sewage disposal system. The conditions stated in subsections (B)(1)(a) and (b) of this section shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, replumbing, reroofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Service.

(C) Reconstruction of Occupied Structures Destroyed by Fire or Calamity.

(1) Reconstruction of any structure destroyed prior to November 3, 1992, by natural calamity or other calamity or any other structure which does not meet the provisions of subsection (C)(2) of this section will be considered new development, which must meet all provisions of this chapter, including its minimum lot size provisions.

(2) Reconstruction of any legal structure partially or wholly destroyed on or after November 3, 1992, by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development for the purposes of this chapter if all of the following conditions are met:

(a) On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. "Legal structure" as used in this subsection means a structure, including any remodel or addition, which

was constructed under an approved building permit, or constructed at a time prior to the requirements of a building permit.

(b) Application for a permit to reconstruct the structure must be made within ~~36 months~~ ten (10) years of the date of the calamity damage. If more than ten (10) years have elapsed since the date of the calamity damage and all permits and applications for a permit to reconstruct the structure have expired, pursuant to 7.38.080 (C) (1), no further applications for a permit to reconstruct the structure may be made, and current standards for new construction will apply.

(c) The sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in SCCC 7.38.095 through 7.38.182.

(d) Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.

(D) Any proposed new use or proposed expansion of an existing use on a developed parcel served by one or more individual sewage disposal systems can only be approved if all existing and proposed uses on the parcel can be served by a sewage disposal system or systems which meet the requirements for a standard system or alternative system as specified in SCCC 7.38.095 through 7.38.182. [Ord. 4497 § 2, 1998; Ord. 4440 § 4, 1996; Ord. 4383 § 3, 1995; Ord. 4283 § 4, 1993; Ord. 4220 § 2, 1992].

SECTION III

This ordinance shall take effect in areas outside the Coastal Zone on the 31st day after the date of final passage, and shall take effect within the Coastal Zone on the 31st day after the date of final passage or upon certification by the State Coastal Commission whichever event occurs last.

PASSED AND ADOPTED this ____ day of _____, 2015, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

Approved as to form:

County Counsel

Attachment 2

TABLE 7.38.045

Minimum Lot Size for Existing Lots of Record



This page intentionally left blank.

TABLE 7.38.045 Minimum Lot Size for Existing Lots of Record							
		Less than 6,000sq. ft.	6,000sq. ft.	15,000sq. ft.	0.5acres	1 acre	2.5acres
1. Lots in existence prior to 12/17/70 and not under any of the conditions of item 5 of this table	Lots with public water supply	X ¹	X				
	Lots with private water supply			X ²			
2. Lots created after 12/17/70 and before 10/31/78 and not under any of the conditions of item 5 of this table	Lots with public water supply			X			
	Lots with private water supply					X	
3. Lots created after 10/31/78 and not under any of the conditions of item 5 of this table	Lots with public water supply					X	
	Lots with private water supply					X	
4. Lots created after 12/8/72 with depth to usable groundwater less than 100' and not under any of the conditions of item 5 of this table	Lots with public water supply				X		
	Lots with private water supply				X		
5. Regardless of the date of recordation, the following are minimum lot size requirements for the areas listed below:							
a. Kristen Park Subdivision Assessor's Book Page 62-17	Lots with public water supply						X ³
	Lots with private water supply						X ³
b. Water supply watershed in the Coastal Zone, North Coast Planning Areas or Bonny Doon Planning Areas (excluding Kristen Park and water quality constraint areas)	Lots with public water supply					X	
	Lots with private water supply					X	
c. Water quality constraint areas (excluding Kristen Park)	Lots with public water supply						X ⁴
	Lots with private water supply						X ⁴
d. Monte Toyon Subdivision No. 1	Lots with public water supply			X			
	Lots with private water supply					X	
e. Rio Del Mar Lodge Sites Nos. 1 and 2	Lots with public water supply			X			
	Lots with private water supply					X	
f. Assessor's Book and Page 40-14, blocks 1 and 2	Lots with public water supply			X			
	Lots with private water supply					X	
g. Septic Constraint Areas	Lots with public water supply			X ⁵			
	Lots with private water supply					X ⁵	

TABLE 7.38.045
Minimum Lot Size for Existing Lots of Record

		Less than 6,000sq. ft.	6,000sq. ft.	15,000sq. ft.	0.5acres	1 acre	2.5acres
h. San Lorenzo Water Supply Watershed	Lots with public water supply					X	
	Lots with private water supply					X	

NOTE: Property owners should be aware that other land use constraints may prevent the development of parcels, especially parcels of 6,000 square feet or less.

NOTES FOR TABLE 7.38.045

- (1) Lots of less than 6,000 square feet may be used for individual sewage disposal systems only if the lot has not, at any time since December 17, 1970, been held by the same owner of any contiguous undeveloped property which could have been combined with the lot to increase its area to at least 6,000 square feet.
- (2) Lots of less than one acre but more than 15,000 square feet may use both an individual sewage disposal system and on-site water supply if the applicant demonstrates that a public water supply cannot be obtained and that contiguous land cannot be acquired to enlarge the lot to at least one acre.
- (3) For lots of less than two and one-half acres in the Kristen Park Subdivision, the applicant for an individual sewage disposal permit must submit documentary evidence that he or she has encumbered from future development, and prohibited and restricted, as evidenced by a document on file with the Recorder, all rights to construct any improvements which would be located upon at least one other separate lot of record, whether contiguous or noncontiguous, within the Kristen Park Subdivision.
- (4) Exceptions to the two and one-half acre minimum lot size for parcels within water quality control areas other than the Kristen Park area may be made where one of the following conditions is met:
 - (i) The lot is combined with a contiguous undeveloped property to form one parcel of at least two and one-half acres;
 - (ii) The applicant submits documentary evidence that he or she has legally encumbered from future development, and prohibited and restricted, as evidenced by a document on file with the Recorder, all rights to construct any improvements which would be located on an existing contiguous or noncontiguous parcel, or part of a parcel, located within the same watershed so that the total acreage of the parcel intended for development and the parcel or part of parcel which shall be legally encumbered from development, shall equal or exceed two and one-half acres;
 - (iii) The Regional Water Quality Control Board grants a waiver pursuant to SCCC 7.38.050(B).
- (5) Where parcels located in a designated septic constraint area are also in the Coastal Zone, specific Coastal Zone minimum parcel size constraints shall prevail.
- (6) Within water supply watersheds, existing parcels of record less than one acre in size may be approved for development utilizing a sewage disposal system for commercial use if the parcel meets all of the following criteria:
 - (i) The parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24, 1994;
 - (ii) It is to be developed for commercial use;
 - (iii) It is within the rural services line;
 - (iv) The sewage disposal system will meet all of the standards contained in SCCC 7.38.120 through 7.38.186 and the sewage disposal system utilizes the enhanced treatment provided for in SCCC 7.38.152.

June 24, 2015

VIA EMAIL AND HAND DELIVERY

Mr. Todd Sexauer
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Todd.Sexauer@santacruzcounty.us

Re: Negative Declaration—Amendments to Local Coastal Program and County Code
Regarding Offsite Sewage Disposal and Time Exception for Reconstruction of
Occupied Structures Destroyed by Fire or Calamity

Dear Mr. Sexauer:

This law firm represents The Aptos Council, an advocacy group that is concerned about proper land use planning and the environment in the unincorporated areas, and in particular the Aptos area. The group has routinely commented on other General Plan, Local Coastal Program and County Code amendments.

The Initial Study for amendments to Santa Cruz County Code Section 7.38.060 and 7.38.080 declares that the code amendments will have no significant impacts. The determination of no significant impact is unlawful and violates the California Environmental Quality Act (CEQA) because the analysis is inadequate and fails to propose adequate mitigations for significant impacts. The Initial Study is deficient because it contains no reference to the ongoing Regulatory Reform effort, and no analysis of the impacts of these amendments combined with the several other recently approved and proposed code amendments by which the County intends to facilitate development. The County is clearly attempting to make development easier in the County. However, the County downplays the environmental effects of allowing greater development by reducing restrictions and standards throughout the County Code yet failing to analyze their effects together.

The County proposes amending section 7.38.060 to “allow the use of offsite easements for sewage disposal to allow development of publicly owned facilities on sites not suitable for onsite sewage disposal where such a facility would provide a public benefit.” Currently section 7.38.40 (c)(3) prohibits installation of a offsite sewage disposal system. The intent and result of the current code is to “limit development of substandard lots and to minimize extensive infrastructure that could be vulnerable to subsequent problems.” The code amendments would allow development of sites that are not suitable for onsite sewage disposal, when the facility is publicly owned and provides a public benefit. Public benefit will be interpreted so broadly as to render the condition of “public benefit” meaningless.

WITTWER PARKIN LLP / 147 S. RIVER ST., STE. 221 / SANTA CRUZ, CA / 95060 / 831.429.4055

WWW.WITTWERPARKIN.COM / LAWOFFICE@WITTWERPARKIN.COM

Mr. Todd Sexauer
Re: Initial Study
June 24, 2015
Page 2

Furthermore, the amendment to section 7.38.080 extends the time frame for reconstruction after damage due to a calamity from three years to ten years. Currently, if an owner does not apply for reconstruction within three years after a calamity, the reconstruction must meet the minimum parcel sizes for new construction. This amendment would allow reconstruction up to 10 years after a calamity. The effect of this amendment is to allow redevelopment of an increased number of substandard parcels and would allow a greater number of subsequent owners of parcels who may have been unaffected by the calamity to be exempt from modern legal requirements and lot standards. The Initial Study itself admits this when referencing bank foreclosures. This would increase speculation in real estate after a calamity in direct contravention of the purpose of allowing a reasonable time for those who have suffered disproportionately from a catastrophe to simply rebuild their home. Ten years is simply too long.

In addition, the Initial Study blindly asserts that impacts associated with these amendments is less than significant or that there are no significant impacts. With respect to geologic, water quality and land use impacts, these assertions are simply absurd. Given that some calamities are the result of structures previously built in precarious environments (e.g., lands with landslide potential), simply allowing more latitude for building in these areas will increase impacts. Moreover, allowing rebuilding and installation of septic systems on substandard lots will increase impacts to water quality. And finally, allowing reconstruction on substandard lots directly conflicts with modern land use requirements will result in a significant environmental impacts. The Initial Study's dismissal of these impacts make the environmental review wholly inadequate.

The proposed amendments allow development on parcels which were formerly limited to protect the environment. The Initial Study erroneously finds that there will be less than significant or no significant impacts associated with relaxing standards and offers no mitigation measures. The Initial Study fails to address the impact of increased development on substandard lots. It merely makes conclusory statements, without any analysis. Thus, the Negative Declaration is wholly inadequate and violates CEQA.

Very truly yours,
WITTWER PARKIN LLP


Natalie Kirkish

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



June 18, 2015

Todd Sexauer
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

**Subject: Initial Study and Negative Declaration for Amendments to Santa Cruz
County Code Section 7.38 (Sewage Disposal)**

Dear Mr. Sexauer:

Thank you for providing the opportunity to review and comment on the Initial Study and Negative Declaration pertaining to the amendments to Santa Cruz County Code §7.38.060 and §7.38.080 related to sewage disposal. The project seeks to amend certain provisions within Chapter 7.38, which is part of the County's certified Local Coastal Program's (LCP) Implementation Plan (IP). Therefore, any amendment to this Chapter requires certification by the Coastal Commission, with the policies of the LCP's Land Use Plan (LUP) as the legal standard of review. Commission staff would like to share the following comments, observations and suggestions:

1. Amend Section 7.38.060 (C) to allow individual sewage disposal systems serving publicly owned development to use an offsite easement when onsite sewage disposal is infeasible and where such a facility would provide a public benefit.

County Code Section 7.38.40 (C)(3) currently prohibits the installation of a sewage disposal system serving new development on a parcel other than where the use being served by that sewage disposal system is located. This is intended to limit development of substandard lots and to minimize extensive infrastructure that could be vulnerable to subsequent problems. According to the IS/ND, use of an offsite easement is allowed for the repair of a failing existing septic system. Under the proposed amendment, the use of an offsite easement for sewage disposal would be allowed for individual sewage disposal systems that serve publicly owned development on sites not suitable for onsite sewage disposal and where such a facility would provide a public benefit.

Comment 1: The proposed amendment appears inconsistent with LUP Policy 5.5.17.

LUP Policy 5.5.17 (Sewage Disposal Ordinance) provides:

Continue to enforce the standards of the County's Sewage Disposal ordinance based on the following:

- (a) *Do not allow variances to sewage disposal regulations that would permit lots of less than 15,000 net square feet to obtain septic permits when a public water supply is not available.*
- (b) *Permit installation of individual sewage disposal systems within an easement on another lot only to allow repairs of existing systems. (Emphasis added).*

The proposed amendment would allow installation of individual sewage disposal systems within an easement on another lot for publicly owned facilities, which is inconsistent with LUP Policy 5.5.17(b). Therefore, the proposed amendments would require an amendment to LUP Policy 5.5.17 to allow for the public facility exception, or be made not applicable in the Coastal Zone.

2. **Amend Section 7.38.080 (C) to extend the time frame for reconstruction from three years to ten years after a calamity.**

The minimum parcel size requirements as outlined in Section 7.38.045 currently preclude reconstruction after three years on any parcel not meeting the required minimum parcel size. The ordinance amendment would allow reconstruction within 10 years of the date of the calamity.

Comment 2: The proposed amendment appears inconsistent with LUP Policy 5.5.17.

LUP Policy 5.5.5 (Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds) provides:

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

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

According to the IS/ND, under current standards, the owner of a legal nonconforming structure destroyed by a fire or calamity is required to apply for permits for reconstruction within three years, or else the reconstruction would only be allowed if the proposed reconstruction meets the

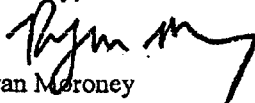
Todd Sexauer
7.38 Amendments
June 18, 2015
Page 3

standards for new development. The requirement for a minimum parcel size precludes reconstruction after three years on any parcel less than that size as contained in Section 7.38.045 of the County Code. The proposed amendments would authorize replacement of substandard development (including, apparently, substandard waste disposal systems) for a period of 10 years after fire or calamity.

The purpose and intent of LUP Policy 5.5 is to require that parcels be adequately sized for development in the Coastal Zone and that new development meet *current* standards, which are designed to be protective of sensitive and important coastal resources, including water quality. Moreover, the Coastal Act authorizes replacement of structures after disaster, but requires that the replacement structure conform to *existing* zoning requirements. (see Coastal Act Section 30610(g)(1) (The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure **shall conform to applicable existing zoning requirements**, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure." Emphasis added.) Because the proposed amendment appears inconsistent with both the LUP and Coastal Act policies identified above, staff would recommend that the amendment be made not applicable in the Coastal Zone.

Thank you for your consideration. These are preliminary comments, and we hope to continue to work with the County on the amendments in the local planning process, thereby increasing the likelihood that the amendments can be approved by the Coastal Commission as submitted. If you have any questions or concerns, please do not hesitate to contact me at the address and phone number listed above.

Sincerely,



Ryan Moroney
Coastal Program Analyst
Central Coast District Office
California Coastal Commission

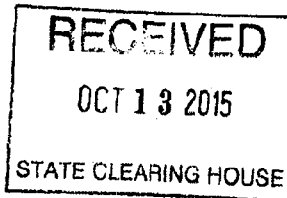
CLEAR
10-15-15
F

SCH # 201509 2040

EDMUND G. BROWN JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



October 8, 2015

Todd Sexauer
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

**Subject: Initial Study and Negative Declaration for Land Use Policy 5.5.17 (b) and
Amendments to Implementation Plan Sections 7.38.060 and 7.38.080 (Sewage
Disposal)**

Dear Mr. Sexauer:

Thank you for providing the opportunity to review and comment on the above referenced Initial Study and Negative Declaration. We were previously given the opportunity to review and comment on a prior version of the Initial Study and Negative Declaration pertaining to the amendments to Santa Cruz County Implementation Plan (IP) Sections 7.38.060 and 7.38.080 related to sewage disposal (see enclosure) and appreciate the County's action to incorporate our comments regarding IP Section 7.38.060 (C) and LUP Policy 5.5.17 (Sewage Disposal Ordinance). However, we continue to have concerns regarding the proposed change to IP Section 7.38.080 to extend the timeframe for reconstruction of a structure destroyed by calamity from three years to ten years.

Currently, the minimum parcel size requirements as outlined in IP Section 7.38.045 preclude reconstruction after three years on any parcel not meeting the required minimum parcel size. The proposed ordinance amendment would allow reconstruction within ten years of the date of the calamity. As we previously indicated, the proposed amendment to Section 7.38.080(C) appears inconsistent with Coastal Act Section 30610(g)(1). Commission staff recommends that the proposed amendment be made not applicable in the Coastal Zone.

Coastal Act Section 30610(g)(1) authorizes replacement of structures after disaster, but requires that the replacement structure conform to *existing* zoning requirements, and states:

30610(g)(1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

Section 30610 is incorporated by reference into the County Code by virtue of IP Section 13.20.060. This requirement is further buttressed by IP Section 13.10.063 (replacement after disaster exemption) "...provided that the replacement structure will: (A) Conform to all


Todd Sexauer
Comments on Sewage Disposal IS/ND
October 8, 2015
Page 2

applicable LCP requirements, including SCCC 16.10.070(H)(4), Coastal Bluffs and Beaches, Alteration of Damaged Structures.”

Because the proposed amendment is inconsistent with the Coastal Act, and would create an internal inconsistency with relevant sections of Chapter 13.20, Commission staff reiterates its recommendation that the amendment be made not applicable in the Coastal Zone.

Thank you for your consideration. We hope to continue to work with the County on the amendments in the local planning process, thereby increasing the likelihood that the amendments can be approved by the Coastal Commission as submitted. If you have any questions or concerns, please do not hesitate to contact me at the address and phone number listed above.

Sincerely,



Rainey Graeven
Coastal Planner
Central Coast District Office

Enclosure (6/18/15 Coastal Commission Comment letter)

CC: State Clearinghouse