



COUNTY OF SANTA CRUZ

WATER ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060
(831) 454-2022 FAX: (831) 454-3128 TDD: (831) 454-2123

AGENDA

SANTA CRUZ COUNTY WATER ADVISORY COMMISSION

Wednesday August 5, 2020, 4:00 p.m.

Virtual Meeting: Call in: 831-454-2222, Code:122998

- A. **OPENING**
1. Call to Order
 2. Roll Call
 3. **Election of Officers***
- B. **APPROVAL OF MINUTES: February 5, 2020** (Meetings in April and June were cancelled)
- C. **PUBLIC COMMUNICATIONS**
Opportunity for members of the public to address the Commission on matters that are within the Commission's area of responsibility, but not on today's agenda.
- D. **COMMISSIONERS' REPORTS**
Opportunity for Commissioners to report on matters that are not on today's agenda.
- E. **STAFF REPORTS AND ANNOUNCEMENTS**
- F. **UNFINISHED BUSINESS – *indicates items for more in-depth discussion**
1. **Pajaro Valley Groundwater Management Issues**
 2. **Santa Margarita Groundwater Management Issues**
 3. **Mid-County Groundwater Mgt**
 4. County Environmental Code Compliance
 5. Karst Protection and General Plan Update
 6. Pajaro River Flood Control
 7. Coordination with Other Commissions
 8. Water Supply for Cannabis Operations
 9. Water Advisory Commission Work Program and agenda streamlining
 10. **Septic System Management and draft Local Area Management Plan (LAMP)***
- G. **NEW BUSINESS**
1. **Treatment of Old Reservoir Sites and Water Rights from County Water Supply Master Plan and General Plan***
 2. **Implementation Status of Adopted Total Maximum Daily Loads (TMDLs) for Santa Cruz County***

H. INFORMATION AGENDA

I. CORRESPONDENCE

J. BOARD OF SUPERVISORS ACTION ON ITEMS AFFECTING WATER:

February 11, 2020

39. Accept and file the Water Advisory Commission report for calendar years 2018 and 2019, and take related actions, as recommended by Chairman Caput

47. Accept and file the Santa Cruz County Water Resources Management Status Report for 2019, and take related actions, as recommended by the Director of Health Services

49. Approve amendment to contract with Dudek in the amount of \$145,234, for a new total contract total of \$545,119, for work on the Sustainability Update EIR; adopt resolution accepting unanticipated revenue in the amount of \$145,234, and take related actions, as recommended by the Planning Director

56. AS THE BOARD OF DIRECTORS FOR THE DAVENPORT COUNTY SANITATION DISTRICT: Adopt resolution pertaining to the State Water Resources Control Board grant for the Davenport Recycled Water project; appointing the District Engineer or designee as administering agency applicant to submit all documents, negotiate and execute grants and any amendments or change orders thereto, and to certify grant disbursements on behalf of the District, as recommended by the District Engineer

March 10, 2020

14. Continued public hearing to consider resolution amending the General Plan/Local Coastal Program Public Safety Element and Conservation and Open Space Element and certifying CEQA Negative Declaration determination and to consider four Ordinances to amend Santa Cruz County Code Chapters 16.10 Geologic Hazards, 16.20 Grading Regulations, and 16.22 Erosion Control, and adopt new Chapter 16.13 Floodplain Regulations, as outlined in the memorandum of the Planning Director (deferred from January 28 to March 10, 2020) Conducted the continued public hearing; closed the public hearing; DIRECTED staff to return [in three months; by June, if possible] with the following revisions: 1) Add as an additional goal in the Public Safety Element that the County seeks to ensure that public access to the coastline and coastal dependent resources is preserved when the loss of access and resources is due to inaction on the part of private property owners. 2) Modify the second paragraph in the Public Safety Element Section 6.4.1 to acknowledge that we may have more information in the year 2040 that would cause the County to change its land use goals and development criteria, or allow for further refinement; 3) Amend Public Safety Element Section 6.4.7 to eliminate and confusion in subsections (a) and (c) concerning when shoreline armoring will or will not be considered in allowing new construction or placement of a habitable structure outside shoreline protection exception areas; 4) Amend the third paragraph of the Public Safety Element Section 6.4.11 to provide more flexibility; 5) Amend the language in the Public Safety Element Sections 6.4.14, 6.4.19, 6.4.22, 6.4.24, and 6.4.25 to reflect changes outlined above or other sections as appropriate; and 6) Amend the language in Santa Cruz County Code 16.10.070(H)(1), subsections (b) and (c), to eliminate confusion as to when and how established shoreline or coastal bluff armoring will be considered in determining minimum geologic setback; and additionally: DIRECTED that County staff consider the question of the exact location of Soquel Point, based on the information that was provided here.

39. Approve amendment to agreement with San Lorenzo Valley Water District in the amount of \$134,060, for a not-to-exceed amount of \$261,300, for the San Lorenzo Watershed Conjunctive Use Plan, and extend the term of the agreement to June 30, 2021, and take related actions, as recommended by the Director of Health Services

April 28, 2020

37. Accept and file the Climate Action Strategy Annual Report, as recommended by the Planning Director

June 2, 2020

8. Public hearing to consider ordinances amending Santa Cruz County Code Chapters 7.128 and 13.10 relating to non-retail commercial cannabis regulations and making findings of exemption from CEQA, schedule the ordinances for second reading and final adoption on June 16, 2020, and take related actions, as outlined in the memorandum of the County Administrative Officer 1) REJECTED adoption of the draft ordinance as presented, with additional direction for staff to return with revised draft ordinance on June 16th that does the following: · Eliminates the proposed cottage garden changes; · Eliminates the lowering of the minimum parcel sizes for cultivation; · Eliminates the addition of new provisions that grant the CLO unappealable authority to provide exceptions and restrictions; · Eliminates the proposed change which allows a new hoopouses in the coastal zone; · Proposed process for setback exemptions may be retained in the C-4 and M-1 zones for indoor grows; modify the setback to 100 feet from habitable structures, but in CA [zone]s only; and maintain the current setbacks in all other zones; · Modify the proposed change in agricultural zones [13.10.650(C)(2)(b)], which currently is proposed to go from 10 to 5 acres, to only allow that if there's contiguous parcels that equal ten acres, like they do in TPZ; · Modify the proposed language on the energy conservation [7.128.170 (J)] from "best efforts" to "specify reduction in energy consumption"; and additionally 2) DIRECTED staff to return in August of 2020 with a report that details the areas in the County cannabis ordinances where the CLO has unappealable authority with regard to granting exceptions to set backs or other location restrictions for commercial cannabis operations [7.128.170(j)], such as within our dispensary ordinance; and provide options for an internal appellate review of such decisions at a level below the Board of Supervisors (maybe, for example, a public hearing in at the ZA level) to encourage transparency and community engagement on these issues

June 16, 2020

7. Consider ordinances amending Santa Cruz County Code Chapters 7.128 and 13.10 relating to non-retail commercial cannabis regulations, and making findings of exemption from CEQA; schedule the ordinances for second reading and final adoption on June 30, 2020, and take related actions, as outlined in the memorandum of the County Administrative Officer
- 1) DIRECTED staff to come back for a first read on June 30, 2020, with amendments as discussed today, to include the C-4 M-1 exemption, Rodeo Gulch overlay, and clarity that in certain areas where cannabis cultivation was occurring prior to January 2013, preserve the minimum parcel size of 10 acres; and additionally
 - 2) DIRECTED staff to return in six months with a status report on whether these land use modifications have had a positive impact on the number of licenses and anticipated revenue

60. Accept and file Annual Evaluation Report of the Flood Mitigation Planning Committee and take related actions, as recommended by the Planning Director

June 30, 2020

7. Consider urgency ordinances and non-urgency ordinances amending Santa Cruz County Code Chapters 7.128 and 13.10 relating to non-retail commercial cannabis regulations, and making findings of exemption from CEQA; schedule the non-urgency ordinances for second reading and final adoption on August 4, 2020, and take related actions, as outlined in the memorandum of the County Administrative Officer

- 1) ADOPTED urgency Ordinance No. 5333 amending Santa Cruz County Code (SCCC) Chapter 7.128 relating to non-retail commercial cannabis regulations to take effect immediately (by 4/5 vote);
- 2) ADOPTED urgency Ordinance No. 5334 amending SCCC Chapter 13.10 relating to non-retail commercial cannabis regulations to take effect outside of the Coastal Zone immediately (by 4/5 vote);
- 3) Confirmed the Notice of Exemption for compliance with the California Environmental Quality Act;
- 4) APPROVED in concept an ordinance amending SCCC Chapter 7.128 relating to non-retail commercial cannabis regulations, and SCHEDULED a second reading and final adoption of the ordinance on August 4, 2020; and
- 5) APPROVED in concept an ordinance amending SCCC Chapter 13.10 relating to non-retail commercial cannabis regulations, SCHEDULED a second reading and final adoption of the ordinance on August 4, 2020, and
- 6) Instructed staff to, upon final adoption, forward the ordinance to the California Coastal Commission for review and approval

25. Accept and file annual report on pesticide use and Integrated Pest Management (IPM) activities, and approve the amended IPM Policy, as recommended by the Director of General Services

August 4, 2020

36. Adopt resolution supporting Pajaro Valley Water Management Agency's College Lake Integrated Resources Management Project and supporting water right application A032881 and request for release from priority of State-Filed Application A018334, as recommended by the Director of Health Services

August 18, 2020

Support for Santa Margarita Groundwater Management and Streamflow Monitoring:

K. AGENDA ITEMS FOR FUTURE MEETINGS

L. ADJOURNMENT

PLEASE CONTACT JOHN RICKER (831) 454-2750, IF YOU ARE UNABLE TO ATTEND THIS MEETING

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of disability, be denied the benefits of its services, programs or activities. The meeting room is located in an accessible facility. If you wish to attend this meeting and you will require special assistance in order to participate, please contact EH Clerical at 454-2022 at least 72 hours in advance of the meeting, to make arrangements. As a courtesy to those persons affected, please attend the meeting smoke and scent free.

The meeting of the Water Advisory Commission will take place via a phone conferencing system. You can call in with either a landline or a cell phone.

Call (831) 454-2222. Enter the Meeting Code 122998.

Please join the meeting a few minutes BEFORE 4:00 pm so that we can start at 4:00 pm. Staff will open the phone conference line at 3:50 pm. Feel free to chat and say hello before 4:00 pm.

Meeting Roles and Rules:

Chris Berry, Chair, will lead the meeting. Chair Berry will announce each agenda item, identify who will be leading an item and introduce discussion and public comment periods.

John Ricker, staff, will assist with roll call, note taking, and tracking who wants to speak. John will monitor both email and text messages during the meeting.

If you call in with a cell phone, please keep your phone on "mute" unless you are speaking. This will improve the quality of the call for everyone. If you are speaking and no one seems to be responding, check and see if you are on "mute". After you are finished speaking, please put the phone on "mute" again.

During a discussion, please start by stating your name. Announcing your name provides 3 functions: (1) we know who's speaking; (2) your name announces your intention to speak and if no one else speaks, you have the "right-of-way" to go ahead and speak.; (3) if 2 or more people say their name at the same time, please defer to the person who speaks first. In any moment where we have some confusion due to multiple people wanting to speak, please pause and let the Chair take the lead. The Chair will call on someone to speak.

During a discussion, if you can't jump into the conversation, you can send a message to John (email John.Ricker@santacruzcounty.us or text 831-212-3592 and he will call on people who want to comment. There will be a public comment period for each item. You can also contact John on technical issues.



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MINUTES

SANTA CRUZ COUNTY WATER ADVISORY COMMISSION

Wednesday February 5, 2020, 4:00 p.m.

Fifth Floor (Redwood) Conference Room, Room 520 - County Governmental Center
701 Ocean Street
Santa Cruz, CA 95060

A. OPENING

1. Call to Order: 4:01 PM

2. Roll Call:

Present: Monkerud, Wilson, Berry, Largay, Sharp, Bobbe, Lockwood
Absent: None
Staff: John Ricker, Environmental Health; Mark Strudley, Public Works
Others: None

B. APPROVAL OF MINUTES: December 4, 2019 – *Largay moved, Sharp second, Approved unanimously*

C. PUBLIC COMMUNICATIONS:

Mar Strudley reported on the status of the Pajaro River Flood Control Project and development of x-band radar for better flood forecasting

D. COMMISSIONERS' REPORTS *Some discussion of the State of the San Lorenzo Annual Symposium, Salmonid Restoration Federation, and Groundwater Sustainability Grants*

E. STAFF REPORTS AND ANNOUNCEMENTS

F. UNFINISHED BUSINESS – *indicates items for more in-depth discussion

- | | |
|---|----------------------|
| 1. Pajaro Valley Groundwater Management Issues - | <i>No Discussion</i> |
| 2. Santa Margarita Groundwater Management Issues | <i>No Discussion</i> |
| 3. Mid-County Groundwater Mgt | <i>No Discussion</i> |
| 4. County Environmental Code Compliance | <i>No Discussion</i> |
| 5. Karst Protection and General Plan Update | <i>No Discussion</i> |
| 6. Pajaro River Flood Control <i>The project has been determined to be financially feasible after 53 years of planning. It is now going to the design phase with Corps of engineers Funding. State funding is also now available.</i> | |
| 7. Coordination with Other Commissions | <i>No Discussion</i> |
| 8. Water Supply for Cannabis Operations | <i>No Discussion</i> |

9. **Water Advisory Commission Work Program and agenda streamlining** *No Discussion*
10. **Septic System Management and draft Local Area Management Plan (LAMP)** *Staff provided an update on progress of this effort, No action taken*

G. NEW BUSINESS

1. **Water Resources 2019 Status Report** *Discussion but no action*
2. **Water Advisory Commission 2018-19 Biennial Report** *Discussion but no action*
3. **Potential introduction of beavers** *Discussion but no action, no further discussion needed*
4. **Potential impacts of increased cultivation of Hemp** *Discussion but no action*

H. INFORMATION AGENDA

No Discussion


I. CORRESPONDENCE

No Discussion

J. BOARD OF SUPERVISORS ACTION ON ITEMS AFFECTING WATER:

No Discussion

January 14, 2020

45. [DOC-2020-26 : Approve grant allocations in the total amount of \\$15,000 from the Fiscal Year 2019-20 Fish and Game Propagation Fund for eight local community projects to enhance fish and wildlife, and take related actions, as recommended by the County of Santa Cruz Fish and Wildlife Advisory Commission and Director of Health Services](#) *Approved By Consent Vote [Unanimous]* 

January 28, 2020

11. [DOC-2020-105 : Public hearing to consider an ordinance and urgency ordinance amending the County Code chapters 7.73, 12.02, 13.10, 14.01 and 17.10 regarding accessory dwelling units \(ADUs\); and CEQA Notice of Exemption, and take related actions, as outlined in the memorandum of the Planning Director](#) *Adopted [Unanimous]*
19. [DOC-2020-63 : Accept and file report on the Climate Action Manager position, and take related actions, as recommended by the County Administrative Officer](#) *Accepted and filed By Consent Vote [Unanimous]*
- 12.1 Item pulled from consent (26)
[DOC-2020-107 : Accept and file quarterly report on Cannabis Licensing Office operations, and direct staff to return in April 2020 with the next quarterly report, as recommended by the County Administrative Officer](#) *[Item was pulled from Consent Agenda (item 26) to Regular Agenda Item No. 12.1] Approved with additional direction [Unanimous]*
45. [DOC-2020-87 : Defer continued public hearing to consider resolution amending the General Plan/Local Coastal Program Public Safety Element, Conservation and Open Space Element and certifying CEQA Negative Declaration determination; Ordinance amending Santa Cruz County Code Chapters 16.10 Geologic Hazards, 16.13 Floodplain Regulations \(new\), 16.20 Grading Regulations, and 16.22 Erosion Control, to March 10, 2020, as recommended by the Planning Director](#) *Deferral Approved By Consent Vote [Unanimous]*

K. AGENDA ITEMS FOR FUTURE MEETINGS

L. ADJOURNMENT: at 6:00 pm

Minutes prepared by John Ricker, EH staff.

Background on Old County of Santa Cruz Water Rights and Reservoir Designations

County Water Resources Staff are investigating and recommending updating some of the old legacy water rights and reservoir designations in the county.

In 1957, the first water supply master plan for Santa Cruz County was completed and adopted by the Board of Supervisors acting as the Board of Directors of the Santa Cruz County Flood Control District. This plan recommended the establishment of a water distribution system extending from the north coast to the Pajaro Valley which would be supplied by a series of large surface water reservoirs throughout the county. The plan also recommended that the County and State secure water rights necessary for the future construction of those reservoirs. On September 8, 1958, the Board adopted Resolution 591-58 requesting the State to reserve water rights on the affected streams until such time as the projects could be constructed. The State subsequently filed those appropriative water rights, which are still on the books:



e-WRIMS Water Right Search Results

Criteria: Displaying Water Rights where Water Right Type = Appropriative (State Filing); County = Santa Cruz.

Search Results: previous next

Appl ID	Permit ID	License ID	Water Right Type	Status	Holder Name	Date	Face Amt	County	Source
A028909SF			Appropriative (State Filing)	Pending	STATE WATER RESOURCES CONTROL BOARD	09/25/1986	17000 acre-ft/yr	Santa Cruz	ZAYANTE CREEK
A018338SF			Appropriative (State Filing)	Pending	STATE WATER RESOURCES CONTROL BOARD	09/24/1958	0 acre-ft/yr	Santa Cruz	WEST BRANCH SOQUEL CREEK
A018336SF			Appropriative (State Filing)	Pending	STATE WATER RESOURCES CONTROL BOARD	09/24/1958	8300 acre-ft/yr	Santa Cruz	APTOS CREEK
A018337SF			Appropriative (State Filing)	Pending	STATE WATER RESOURCES CONTROL BOARD	09/24/1958	7500 acre-ft/yr	Santa Cruz	ZAYANTE CREEK
A018339SF			Appropriative (State Filing)	Pending	STATE WATER RESOURCES CONTROL BOARD	09/24/1958	6800 acre-ft/yr	Santa Cruz	SOQUEL CREEK
A018334SF			Appropriative (State Filing)	Pending	STATE WATER RESOURCES CONTROL BOARD	09/24/1958	165796 acre-ft/yr	Santa Cruz	PAJARO RIVER
A018335SF			Appropriative (State Filing)	Pending	STATE WATER RESOURCES CONTROL BOARD	09/24/1958	20000 acre-ft/yr	Santa Cruz	SCOTT CREEK

A State Filed Application is held by the State Water Board, which may release from priority or assign any portion of the State Filed Application when “the release or

assignment is for the purpose of development not in conflict with such general or coordinated plan or with water quality objectives established pursuant to law.” (Wat. Code, § 10504.) The State Water Board may not assign a State Filed Application if the county in which the water covered by the proposed application originates would be deprived of water necessary for its development (Wat. Code, § 10505). The State Water Board must hold a public hearing before making any release from priority or assignment of a State Filed Application, as required by Water Code section 10504.1. 2.

The Board of Supervisors recently took action to support release of the State-Filed Application A018334 to divert up to 21,000 acre-feet per year from the Pajaro River in favor of PV Water’s College Lake Project. At this point, no other water storage projects utilizing the other State-File Applications are pending or envisioned.

Question: Should the County take steps to release the other state-filed applications, or could those applications somehow be converted to a water right that might help preserve existing instream flows or provide other benefits?

General Plan Designations

Related to the County Water Supply Master Plan, the County General plan also protected some of the reservoir sites that were proposed. In addition to the water supply watersheds currently used for water supply, the General Plan also designated as Water Supply Watershed the watershed areas upstream of the proposed sites:

- Glenwood Reservoir on the West Branch of Soquel Creek
- Upper Soquel Reservoir on the East Branch of Soquel Creek
- Pescadero Reservoir on Pescadero Creek, a tributary to the Pajaro River in south county

The General Plan also designates reservoir protection areas at each of those three sites and at College Lake:

Policy CO-1.6.13 Proposed Water Supply Reservoir Site Designation. Designate on the General Plan and LCP Land Use Plan Resources Maps the following areas as proposed water supply reservoir sites: Glenwood Reservoir on the west branch of Soquel Creek, Upper Soquel Reservoir on Soquel Creek, College Lake on Salsipuedes Creek and Pescadero Reservoir on Pescadero Creek.

Policy CO-1.6.14 Development Activities Within Proposed Reservoir Protection Areas. Prohibit development activities, including land divisions within reservoir protection areas, unless such activities promote reservoir protection or facilitate reservoir development. Allow one single-family dwelling unit per existing parcel of record within a reservoir protection area after providing the water supply agency proposing the reservoir with notice of the filing of the application and providing the agency with a reasonable opportunity to acquire the parcel. Reservoir protection areas consist of the proposed water supply reservoir sites and areas within 1,250 feet from the high water elevation of reservoirs, as shown on the General Plan and LCP Resources and Constraints maps.

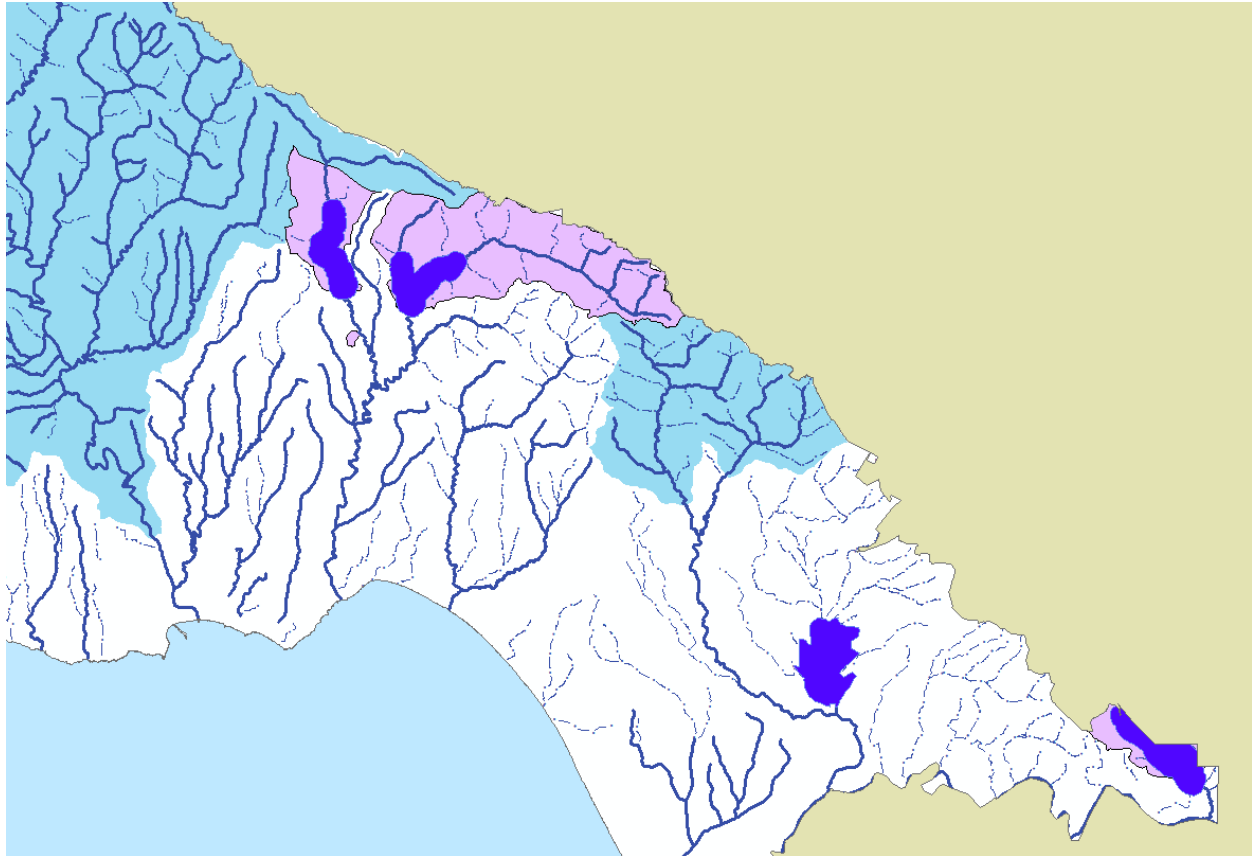
Water Supply Watershed Designations and Reservoir protection areas are both included in the County's Rural Development Density Determination (SCC Chapter 13.14). There are a number of other policies and programs that limit density and other activities within water supply watersheds.

Current General Plan Water Supply Watershed and Reservoir Designations:

Light Blue: Water Supply Watershed (Active)

Purple: Water Supply Watershed (no longer proposed or active)

Dark Blue: Reservoir Protection Areas.



As part of the current General Plan Update, staff is recommending that the provisions and designations regarding reservoir protection areas be deleted and that the watersheds of the reservoir sites no longer be designated as water supply watershed, unless they are currently being used for water supply by existing water systems, as is the case with the upper West Branch of Soquel Creek.

Water bodies with Total Maximum Daily Loads (TMDLs) in Santa Cruz County

TMDL	Responsible parties/Sources	Impaired Waterbody	Allocation Attainment Date
Pathogens Resolution R3-2009-0023	City of Santa Cruz MS4 County of Santa Cruz MS4 City of Scotts Valley MS4 OWTS Owners Livestock Homeless	San Lorenzo River Estuary San Lorenzo River Branciforte Creek Camp Evers Creek Carbonera Cree Lompico Creek	Jun 8, 2024
Pathogens Resolution R3-2009-0024	Sanitation District City of Capitola County of Santa Cruz	Soquel Lagoon Soquel Creek Noble Gulch	Sep 15, 2023
Pathogens Resolution R3-2009-0025	County of Santa Cruz Sanitation District Pet Owners Livestock owners	Aptos Creek Valencia Creek Trout Gulch	Oct 29, 2023
Pathogens Resolution R3-2006-0025	Ag City of Watsonville, County of Santa Cruz Landfill	Watsonville Slough Struve Slough Harkins Slough Gallighan Slough Hanson Slough	Nov 20, 2016 NOV and request for Time Schedule Order
Fecal Coliform Resolution RB3-2009-0008	County of Santa Cruz, City of Watsonville Livestock	Pajaro River	Jul 12, 2023
Fecal Coliform Resolution R3-2009-0009	County of Santa Cruz, City of Watsonville Livestock OWTS	Corralitos Creek Salspuedes Creek	Sep 8, 2024
Sediment Resolution R3-2002-0063	County of Santa Cruz, City of Scotts Valley, City of Santa Cruz	San Lorenzo River and Carbonera, Lompico, Shingle Mill Creeks	Dec 18, 2028, Implementation Report 2015, +3 yrs
Sediment Resolution R3-2005-0132	County of Santa Cruz, City of Watsonville	Llagas Creek, San Benito River, Rider Creek, Mouth of Pajaro River	Nov 27, 2051
Nitrate Resolution R3-2000-01	County of Santa Cruz City of Scotts Valley OWTS Livestock	San Lorenzo River Carbonera Creek Shingle Mill Creek	2020 Report in 2010
Nutrients R3-2015-004	County of Santa Cruz City of Watsonville Ag Livestock	Various Streams and Sloughs in the Pajaro Watershed	7/12/41 Effective 7/12/16 Interim targets
Total Phosphorus to address Cyanobacteria R3-2020-0034	Ag County of Santa Cruz MS4 City of Watsonville MS4 Livestock Industrial discharge	Pinto Lake	2031 Adopted 2020