

SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE INTERPRETATION

Interpretation No.: SPZ-02 (Salamander Protection Zone, Coastal Permits, Site Regulations, & Valencia Pond Drainage Basin)

Effective Date: 06/01/03

Originally Issued: 07/07/92 (Pete Parkinson, Application of Regulations in the Salamander Protection (SP) Zone)

Question

Is a coastal development permit necessary for development in the Salamander Protection Zone District whether or not the parcel lies within the Valencia Pond drainage basin?

Applicable Ordinance Section(s)

§13.20.050

§13.20.060 - 068

§13.20.070

§13.20.071

INTERPRETATION:

Maybe. Development within the Salamander Protection (SP) Zone District that is also on a parcel or portion of a parcel that lies within the Valencia Pond drainage basin requires a coastal development permit unless the proposal qualifies for an exemption under 13.20.060 or an exclusion under 13.20.070 et seq. However, it is possible for development to occur on a parcel that lies within the SP zone district where the parcel or the portion of the parcel on which the development is proposed does not lie within the Valencia Pond drainage basin. In these cases, the SP zoning does not require that a coastal permit be obtained.

Nevertheless, a coastal permit may be needed if, for example, the parcel is within a mapped scenic area. In all cases where the proposed development is on a parcel or portion of a parcel that does not lie within the Valencia Pond drainage basin neither the 10 percent limit on impervious surface nor the 15 percent total lot coverage apply.

Reason

County Code Section 13.20.050 states that “[a]ny person, partnership, corporation, state or local government agency wishing to undertake any development. . .in the Coastal Zone shall obtain a Coastal Zone Approval. . .except as provided in Sections 13.20.060 and 13.20.070.”

Sections 13.20.060 through 13.20.068 provide for limited exemptions from obtaining a coastal development permit, including that for limited improvements (500 square feet maximum additions) to existing structures and for structure replacement after a natural disaster.

Sections 13.20.070 - 078 provide for exclusions from obtaining a coastal development permit, as determined by the California Coastal Commission. Projects listed in this section do not need to obtain a coastal zone approval if a “Notice of Exclusion” is issued pursuant to Section 13.20.080.

The construction, reconstruction, demolition, repair, maintenance, alteration or addition to any one to four unit residential development generally may be excluded from the requirement to obtain a coastal zone approval. There are several instances where such development is not eligible for exclusion, the relevant one here being that such development in the Santa Cruz Long-Toed Salamander habitat as mapped in the General Plan and Local Coastal Program Land Use Plan cannot be excluded from obtaining a coastal zone approval.

It is possible for a parcel to be located in the SP zone district but to lie partly or wholly outside of the Valencia Pond drainage basin. Although County Code does not address verification of the location of a parcel or portion of a parcel relative to the Valencia Pond drainage basin boundary, the only way to know what regulations to apply does require such verification.

Therefore, any contention that proposed development is on such a parcel or portion of a parcel requires verification through a drainage study performed by an appropriate professional (e.g., a licensed surveyor or registered civil engineer). If the study verifies that the location of the proposed development is outside of the drainage basin, then the SP zone district regulations do not apply because the development would have no impact on the salamander habitat. Therefore, there would be no requirement for a coastal permit based on development within the habitat of the salamander. However, the development may require a coastal permit for some other reason, such as location in a mapped scenic area.

Alvin James, Planning Director