

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: GWR-01 (Ground Water Recharge & Minimum Parcel Sizes)
Effective Date: 01/01/03
Originally Issued: 02/27/91 (Pete Parkinson, Groundwater recharge policy)
Revised: 11/19/04

Question

Are overriding minimum parcel sizes and density requirements triggered when any discretionary development is proposed in a Ground Water Recharge area?

**Applicable Ordinance Section(s)
and/or General Plan/LUP Policy(ies)**

Policy 2.3.2, Figure 2-2
Policy 5.8.1
Policy 5.8.2
Policy 5.8.3
§13.14.080

INTERPRETATION:

No. Development can occur in a mapped ground water recharge area on legal lots of record that are smaller than the ten acre minimum associated with Ground Water Recharge areas so long as the development does not interfere with percolation of rainfall into the underlying ground water system or introduce pollutants into the ground water system. Depending on the particular situation, a hydrogeologic report may be necessary to determine the exact boundaries of the recharge area.

Reason

According to Policy 5.8.1, groundwater recharge areas are “those areas where local soil conditions and underlying geologic formations allow for the infiltration and percolation of rainfall and runoff into groundwater basins.” Those ground water basins are tapped with wells to provide drinking water in many areas of the County, so it is important that development not adversely affect the ability of the ground water basins to be recharged. One way to ensure that is to limit the density of development in ground water recharge areas; another is to require that new development in ground water recharge areas include measures (e.g., small ponds or basins) to retain rainfall so that it does not simply run off the parcel but is allowed to percolate into the ground. Policy 5.8.2 requires a minimum parcel size of 10 acres for new parcels created in primary ground water recharge areas and an “average density of one dwelling unit per 10 gross acres for parcels which are not divided.”*

* This does not preclude the development of one single family dwelling on a legal lot of record that is less than ten acres in size.

Besides ensuring that development will not interfere with the recharge of ground water basins, it is also important to not allow them to become polluted, thus rendering them useless for drinking water supplies.

Policy 5.8.2 addresses this issue also and lists two exceptions applicable to proposed land divisions or density proposed at more than one dwelling unit per ten gross acres. These two are where the development is

- (a) located within the Rural Services Line or within the Urban Services Line; and
- (b) served by a sewage disposal system operated by a County Service Area or public services district which provides at least secondary treatment with nitrogen removal or which disposes of effluent outside the primary groundwater recharge area.

Policy 5.8.3 prohibits “any land use in a Primary Groundwater Recharge Area which would allow the percolation of pollutants into the groundwater system.” It then becomes important to site new development very carefully in a ground water recharge area. For residential uses, the most important feature relative to ground water recharge areas is the location of on-site sewage disposal.

The county’s ground water recharge maps are generalized and of a scale that can make judgments about recharge area boundaries problematic, particularly when the exact location of that boundary makes a significant difference in allowable parcel size. Because of this, when a project is proposed that includes development both in and out of a recharge area, or where there is a question of the exact boundary of the recharge area, it is necessary to have more specific information to more precisely evaluate the effect of wastewater disposal on the recharge.

This more specific information would take the form of a hydrogeologic report evaluating the effect of wastewater disposal on the ground water basin area (County Code Section 13.14.080). If the report confirms that wastewater disposal systems are, in fact, outside the recharge area and that effluent will not migrate to the recharge area, then the ten acre minimum would not apply, even if other development, such as a house or roads, are within the recharge area.

Conversely, if on-site sewage disposal would take place in the ground water recharge area, or if wastewater would migrate into the recharge area, then the ten-acre minimum applies.

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