

BSL 1/18/96

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

J4C



January 18, 1996

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: Tami Grove, District Director
Rick Hyman, Coastal PlannerSUBJECT: STAFF RECOMMENDATION FOR SANTA CRUZ COUNTY
LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 3-95
for public hearing and Commission action at its
meeting of February 9, 1996 at the U.S. Grant Hotel
326 Broadway, San Diego, CA 92101

SUMMARY OF STAFF REPORT

Description of Amendment Request:

Santa Cruz County is proposing to amend its Coastal Implementation Plan with regard to (1) enforcement procedures and (2) farm worker replacement housing. The former are intended to be clean-up and reorganizational measures. The latter responds to proposals to upgrade farm worker housing that did not comply with current zoning. Specifically, the County proposes to:

1. Delete some individual chapter enforcement provisions; add violation provisions for archaeological site disturbances; clarify limits on administrative appeals of code enforcements, legality of non-conforming uses, nuisance abatement procedures, geologic hazard notice provisions, and other enforcement procedures (Sections 12.01.100, 12.01.110, 13.10.275, 13.10.279, 13.10.280, 13.10.285, 13.10.288, 14.02.050, 14.02.060, 14.02.070, 16.10.105, 16.10.110, 16.10.120, 16.10.125, 16.20.240, 16.20.250, 16.20.260, 16.20.270, 16.20.275, 16.22.140, 16.22.161, 16.22.162, 16.22.163, 16.22.164, 16.22.165, 16.22.170, 16.22.180, 16.22.200, 16.30.081, 16.30.090, 16.30.100, 16.30.103, 16.30.107, 16.30.120, 16.32.110, 16.32.120, 16.32.131, 16.33.132, 16.33.134, 16.32.135, 16.34.100, 16.34.110, 16.34.120, 16.40.080, 16.40.090, 16.40.100, 16.40.130, 16.44.100, 16.44.120, 16.50.115, 16.50.120, 16.52.271, 16.52.272, 16.52.280, 16.52.290, 16.52.300, 16.52.320 of the Implementation Plan are affected).

2. Allow existing number of farmworker housing units to be retained, when reconstructed, even if maximum density is being exceeded (Section 13.10.631).

The standard of review of the proposed Implementation Plan amendment is consistency with and adequacy to carry out the County's certified Coastal Land Use Plan.

Staff Recommendation:

Staff recommends that the Commission deny the proposed enforcement amendment and the farmworker housing amendment as submitted, and adopt the supporting findings beginning on page 5. Furthermore, the staff recommends that the Commission suggest modifications to each amendment which, if accepted by Santa Cruz County, would allow it to be approved.

<u>TOPIC</u>	<u>RECOMMENDATION</u>	<u>MOTION/RESOLUTION</u>	<u>MODIFICATION</u>	<u>FINDINGS</u>
1. Enforcement	Denial	I (page 3)		#1 (page 5)
	Approval w/ Mods	II (page 3)	A or B	
2. Farm Worker	Denial	I (page 3)		#2 (page 7)
Housing	Approval w/ Mods	II (page 3)	C	

Summary of Unresolved Issues With County: In order to accommodate the County's objectives regarding enforcement, it is necessary to recommend some modifications that preserve the integrity of the certified Local Coastal Program. In order not to have an open-ended exception in the farm worker housing amendment, it is necessary to qualify caveat language.

Public Participation Comment and Concerns:

Constitutional Issues: At the local hearings three citizens voiced complaints about the County's authorities to enforce their zoning. The County Counsel wrote two response memos. There appear to be no Constitutional problems with this proposal; local governments are expressly allowed to have enforcement provisions under Constitutional powers guaranteed by the State.

Farm Worker Housing: At the local hearings both support and concern was voiced over liberalizing the procedures to allow farm worker housing to be rebuilt. In response the proposed amendment was refined during the course of the hearings.

Additional Information

For further information about this report or the amendment process, please contact Diane Landry or Rick Hyman at the Coastal Commission, Central Coast Area, 725 Front Street, Suite 300, Santa Cruz, CA 95060, Tel.: (408) 427-4863.

Attachment

Proposed Amendment Texts

STAFF RECOMMENDATIONS

MOTIONS AND RESOLUTIONS

I. DENIAL OF IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION I:

I move that the Commission reject Major Amendment #3-95 to the Implementation Plan of the County of Santa Cruz Local Coastal Program as submitted by the County.

Staff recommends a "YES" vote which would result in DENIAL of the Implementation Plan amendment as submitted. Only an affirmative (yes) vote by a majority of the appointed Commissioners present can result in rejection of the amendment.

RESOLUTION I:

The Commission hereby rejects Amendment #3-95 to the Santa Cruz County Implementation Program for the specific reasons discussed in the following findings on the grounds that it does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the amendment would have on the environment.

II. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT IF MODIFIED AS SUGGESTED

MOTION II:

"I move that the Commission certify Major Amendment #3-95 to the Implementation portion of the Santa Cruz County Local Coastal Program, if it is modified as suggested."

Staff recommends a "YES" vote. An affirmative vote by a majority of the commissioners present is needed to pass the motion.

RESOLUTION II:

The Commission hereby certifies Amendment #3-95 to the Implementation portion of the Santa Cruz County LCP according to Modification A or B and C for the specific reasons discussed in the Findings on the grounds that, as modified, the amendment conforms with and is adequate to carry out the certified Land Use Plan; and approval of the amendment as modified will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

SUGGESTED MODIFICIATIONS

The Commission hereby suggests the following changes to the proposed Implementation Plan amendments which are necessary to make them adequate to carry out the applicable provisions of the certified Santa Cruz County Land Use Plan. If the local government accepts the suggested modifications within six months of Commission action, by formal resolution of the Board of Supervisors, the Implementation Plan amendment will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

Suggested additions are shown underlined; suggested deletions are shown as cross-outs.

With regard to the proposed enforcement amendment: (A) Delete cross-references to Chapter 19 in the local coastal program since the County does not intend for Chapter 19 to be part of the local coastal program or (B) retain the cross-references and add Chapter 19 to the local coastal program, as follows:

- (A). Revise Sections 12.01.110, 13.10.280c, 14.02.060, 16.10.125, 16.20.275, 16.22.200, 16.30.120, 16.32.135, 16.34.110, 16.40.130, 16.42.120, 16.44.120, 16.50.120, and 16.52.320 as follows:

Any violation of any provision of this Chapter shall be subject to ~~the~~ enforcement penalties, remedies, and procedures ~~set forth in Title 19 of the~~ Enforcement of Land Use Regulations.

-OR-

- (B). 1) Add to Table of Contents Vol. II Santa Cruz County Code:

* (asterisk) to Title 19

(asterisk: denote LCP chapters, can be done administratively)

- 2) Add to Section 13.03.050b (LCP Program components):

2 ... Ch. 19.01 Enforcement of Land Use Regulations

- 3) Add a Section to Ch. 19 with the following or similar wording:

Amendment - Any revision to this chapter constitutes an amendment to the Local Coastal Program and shall be processed pursuant to the hearing and notification requirements of Chapter 13.03 of the County Code, and shall be subject to approval by the California Coastal Commission.

- (C). With regard to the farm worker housing amendment, revise Section 13.10.631(c)4 (iii)(D):

The rehabilitation shall comply ~~to the maximum extent feasible~~ with adopted County agricultural preservation policies, including agricultural buffer setback policies and exemptions, so long as such compliance in a manner that does not reduce the number of farm worker housing units which may be rehabilitated;

RECOMMENDED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares the following for Santa Cruz County Local Coastal Program Major Amendment #3-95:

1. ENFORCEMENT: Delete some individual chapter enforcement provisions; adds violation provisions for archaeological site disturbances; clarifies limits on administrative appeals of code enforcements, legality of non-conforming uses, nuisance abatement procedures, geologic hazard notice provisions, and other enforcement procedures (Sections 12.01.100, 12.01.110, 13.10.275, 13.10.279, 13.10.280, 13.10.285, 13.10.288, 14.02.050, 14.02.060, 14.02.070, 16.10.105, 16.10.110, 16.10.120, 16.10.125, 16.20.240, 16.20.250, 16.20.260, 16.20.270, 16.20.275, 16.22.140, 16.22.161, 16.22.162, 16.22.163, 16.22.164, 16.22.165, 16.22.170, 16.22.180, 16.22.200, 16.30.081, 16.30.090, 16.30.100, 16.30.103, 16.30.107, 16.30.120, 16.32.110, 16.32.120, 16.32.131, 16.33.132, 16.33.134, 16.32.135, 16.34.100, 16.34.110, 16.34.120, 16.40.080, 16.40.090, 16.40.100, 16.40.130, 16.44.100, 16.44.120, 16.50.115, 16.50.120, 16.52.271, 16.52.272, 16.52.280, 16.52.290, 16.52.300, 16.52.320 of the Implementation Plan are affected).

The proposed amendment deletes some various enforcement provisions from individual Implementing chapters (e.g, grading, erosion control, archaeological). In its place, the County has adopted a new enforcement procedures chapter of the County Code. But, according to the County submittal, the new Chapter (19) is not intended to be part of the Local Coastal Program. This means that the County is not requesting certification of Chapter 19 nor, by extension, of any future amendments to it; in other words, the Chapter 19 procedures would not be part of the Local Coastal Program.

The Coastal Act's test of certifying amendments to coastal implementing ordinances is finding consistency with and adequacy to carry out Coastal Land Use Plan provisions. One test of adequacy is whether there are methods to address non-compliance with these plan provisions. While the Commission does not question the County's intention to follow the new Chapter 19 procedures, their absence from the Local Coastal Program raises some practical and legal issues, as follows:

- The fact that the Chapter 19 procedures are referenced in other Code chapters which are part of the Local Coastal Program puts the Coastal Commission in the position of approving a reference to, without approving, actual text that could be unsatisfactorily changed in the future;

- If there were a violation of a coastal permit requirement and the County relied on its Chapter 19 procedures to rectify it, there could be some challenge to using such authority since it would not explicitly be part of the certified Local Coastal Program and, thus, it could be argued, not effective in the coastal zone;
- In cases where a violation is discovered by or reported to the Coastal Commission office that is in Santa Cruz County's jurisdiction as coastal permitting agency to address, complications may arise in the Commission's ability to refer the matter to the County for processing or to coordinate enforcement efforts with the County, absent the County's procedures being in the Local Coastal Program;
- Given the State Coastal Act enforcement provisions (which are also not referenced nor stated in the Local Coastal Program, but which are available to local governments) and the separate County enforcement provisions, complications or challenges may arise regarding which, (if any), provisions the County uses for coastal permit violations.

For these reasons, the Commission finds that the LCP as proposed to be amended to delete enforcement provisions and cross-reference non-LCP sections will result in an Implementation Plan that is inadequate to carry out the certified Land Use Plan. Therefore, the proposed amendment is denied, as submitted.

The Commission notes that there are aspects of this amendment which are acceptable and in isolation are minor and are hence not analyzed further in this report. These include: added violation provisions for archaeological site disturbances and clarifications regarding limits on administrative appeals of code enforcements, legality of non-conforming uses, nuisance abatement procedures, geologic hazard notice provisions, and other enforcement procedures.

There are several ways in which the Local Coastal Program can be amended in a manner to address the noted concerns. One method is for the submittal to explicitly incorporate Chapter 19 into the Local Coastal Program as shown in Modification B on page 4. While Chapter 19 could be improved to explicitly reference Coastal Act enforcement procedures (e.g., cease and desist orders, restoration orders), it is an acceptable chapter as written. If the amendment is so modified, it can be approved, because the amended and modified Implementing Ordinances will remain adequate to carry out the Land Use Plan. However, this is not the direction that the County wishes to pursue.

Another avenue would be to accommodate the County's desires to not have enforcement procedures in the local coastal program. In this case the proposed cross-references would also have to be eliminated to preserve the integrity of the local coastal program, as shown in Modification A. The resulting Local Coastal Program would contain language which states what a violation is, but not explicit procedures to address them. Coastal Act

Sections 30809, 30810, and 30811 would be available to the County to use to pursue violations involving coastal permits. These provisions are not specifically mentioned in the local coastal program, but do not need to be. If the amendment is so modified to eliminate the cross-references, it can be approved, because the amended and modified Implementing Ordinances will remain adequate to carry out the Land Use Plan.

Coastal Commission staff is preparing an enforcement manual. Eventually, the Commission may be able to recommend to local governments standardized enforcement procedures which could be incorporated into all local coastal programs. At such time, Santa Cruz County's various provisions, both part of and not part of the local coastal program, could be examined for consistency with such an approach and appropriate adjustments made. Given the current absence of such guidance and Santa Cruz County's desire for an independent enforcement procedure, this avenue is not being pursued at this time.

2. FARMWORKER HOUSING: Allow existing number of farmworker housing units to be retained, when reconstructed, even if maximum density is being exceeded (Section 13.10.631).

The proposed amendment adds a new subsection (c)4 to the certified County Code provisions addressing farm labor housing. This provision would allow the existing number of farmworker housing units to be retained, when reconstructed. Under the current certified Implementation provisions, if replacement housing were being constructed it would have to conform to the existing maximum density allowed by the zoning. So, for example, if a parcel had three existing units, but the maximum allowed by zoning was two; that would be the maximum allowed, if the farm worker housing had to be replaced. Much of the farmworker housing in the County is in poor condition. Previous proposals for upgrades have been stymied by the current zoning limitations. Under the proposed amendment they would be allowed subject to the following, among other, provisions:

- no increase in density or occupancy beyond what currently exists would be allowed;
- occupancy would be restricted to very, very low income households;
- on-site management would be required;
- no additional agricultural land would be removed from production;
- agricultural setback requirements would be complied with to the maximum extent feasible.

Procedural and documentation requirements are also included in the proposed amendment language.

One of these provisions is cause for concern. That is the provision which states that "the rehabilitation shall comply to the maximum extent feasible with adopted County agricultural preservation policies, including buffer setback provisions..." There appears to be no need for such a caveat. Its retention could be construed as permission to ignore the certified land use plan. The land use plan has two types of agricultural protection policies. One protects productive land from development. The other involves agricultural setbacks to minimize use conflicts. The proposed farm worker provisions comply with the policy directives to preserve productive land by including the criteria to not allow removal of additional agricultural land from production to accommodate replacement farm labor housing. Thus, the proposed caveat seems aimed at downplaying the setback. However, both the certified Land Use Plan policies and zoning provisions have criteria to determine appropriate setbacks and exceptions; in other words, the policy language is not absolute and contains flexibility. Reductions in setbacks from cropland to accommodate farm labor housing are already provided for in the certified Local Coastal Program.

The certified Land Use Plan provides:

- 5.13.24 Agricultural Buffer Findings Required for Reduced Setbacks (LCP) A 200 foot buffer setback is required between habitable development and commercial agricultural land (including residential development, farm labor housing, commercial or industrial establishments on commercial agricultural land), unless a lesser distance is established as set forth in the Agricultural Land Preservation and Protection ordinance.

The certified zoning ordinance (Section 16.50.095d) lists four circumstances where a lesser setback can be allowed:

- topographic differences,
- vegetation or other physical barriers,
- fill 200 feet found to be unnecessary, or
- precludes parcel development

It also provides for farm labor housing on agricultural land to be buffered from productive areas by a 200 foot buffer, or if not feasible, "then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate. (Section 16.50.095f)

Since there is such flexibility, then the policy should be able to be complied with in full. For example, a permanent physical barrier, such as a fence, could be installed between the replacement farm labor housing and the fields, under these certified policies. There is no apparent need to only comply to the maximum extent feasible with the stated policy. This proposed language implies that some further exception beyond the exceptions already provided can be granted. Such wording results in an implementation plan which is not consistent with nor adequate to carry out the certified Land Use Plan and is thus denied as submitted.

This concern can be easily remedied by deleting the "to the maximum feasible extent" language, as shown in Modification C on page 4. With the deleted language, exceptions are still allowed with regard to setbacks to accommodate farm labor housing. As so modified, the amendment can be approved, since the zoning, as amended, will remain consistent with and adequate to carry out cited Land Use Plan policy.

3. California Environmental Quality Act (CEQA)

The County found the proposed enforcement amendment categorically exempt under CEQA (enforcement actions by regulatory agencies provision) as well as the proposed farm worker housing amendment (existing facility provision). This report has analyzed some issues associated with these amendments and recommended modifications. There are no additional feasible mitigation measures necessary to impose in order to lessen the impact on the environment within the meaning of CEQA.

ATTACHMENT

FULL TEXT OF PROPOSED LOCAL

COASTAL PROGRAM AMENDMENTS

SANTA CRUZ COUNTY MAJOR #3-95

showing additions in underline or noted as
"new" text ; shown deletions as
cross-outs

1 ENFORCEMENT

TITLE 12

ORDINANCE NO. _____

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE TITLE 12 REGARDING ENFORCEMENT PROCEDURES AND REMEDIES

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

SECTION I

Section 12.01.100 of the Santa Cruz County Code is hereby amended to read as follows:

12.01.100 APPEALS

~~Any property owner or other person whose interests are adversely affected by any action taken pursuant to this chapter may appeal such action in accordance with the procedures of County Code Section 18.10.300, et seq.~~

~~All appeals of actions taken pursuant to the provisions of this Chapter shall be made in conformance with the procedures set forth in Chapter 18.10; provided, however, that code enforcement actions and decisions are not subject to administrative appeal except for appeals of revocation of permits pursuant to Section 18.10.135(g).~~

SECTION II

Chapter 12.01 of the Santa Cruz County Code is hereby amended by adding Section 12.10.110 to read as follows:

12.01.110 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

~~Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.~~

SECTION III

Section 12.02.070 of the Santa Cruz County Code is hereby amended to read as follows:

12.02.070 APPEALS

~~Any property owner or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Building Official or employee charged with the administration and enforcement of the provi~~

(not LCP)

EXHIBIT NO.

APPLICATION NO.

Santa Cruz Co #3-95

ORDINANCE NO. _____ORDINANCE AMENDING SANTA CRUZ COUNTY CODE CHAPTER 13.10
REGARDING PLANNING AND ZONING REGULATIONS

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

SECTION I

Section 13.10.275 of the Santa Cruz County Code is hereby amended to read as follows:

13.10.275 VIOLATIONS OF ZONING USE REGULATIONS

- (a) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand ~~or intensify or continue~~ an existing use of land, or construct, enlarge or move a building for a use of land located in the "CA" Commercial Agriculture Zone District, in the "A" Agriculture Zone District, or in the "AP" Agricultural Preserve Zone District unless that use is either (1) listed in Section 13.10.312 of this Chapter as a permitted use in the agricultural zone district in which the land is located; or (2) is listed in such section as a discretionary use in the agriculture zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; ~~or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.~~
- (b) It shall be unlawful for any person to establish, cause or permit a new use of land, or ~~or intensify or continue~~ an existing use of land, or construct, enlarge or move a building for a use of land located in the "RA" Residential Agricultural Zone District, in the "RR" Rural Residential Zone District, in the "R-1" Single-Family Residential Zone District, in the "RB" Ocean Beach Residential Zone District, or in the "RM" Multi-Family Residential Zone District unless that use is either (1) listed in Section 13.10.322 of this Chapter as a permitted use in the residential zone district in which the land is located; or (2) is listed in such section as a discretionary use in the residential zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; ~~or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.~~
- (c) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand ~~or intensify or continue~~ an existing use of land, or construct, enlarge or move a building for a use of land located in the "PA" Professional Administrative Office Zone District, in the "VA" Visitor Accommodations Zone District, in the "C-1" Neighborhood Commercial Zone District, in the "CT" Tourist

Commercial Zone District, in the "C-2" Community Commercial Zone District, or in the "C-4" Commercial Services Zone District unless that use is either (1) listed in Section 13.10.332 of this Chapter as a permitted use in the commercial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use, or (2) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

- (d) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, ~~or intensify~~ ~~or continue~~ an existing use of land, or construct, enlarge or move a building for a use of land located in the "M-1" Light Industrial Zone District, in the "M-2" Heavy Industrial Zone District, or in the "M-3" Mineral Extraction Industrial Zone District unless that use is either (1) listed in Section 13.10.342 of this Chapter as a permitted use in the industrial zone district in which the land is located; or (2) is listed in such section as a discretionary use in the industrial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use, or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.
- (e) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, ~~or intensify~~ ~~or continue~~ an existing use of land, or construct, enlarge or move a building for a use of land located in the "PR" Parks, Recreation and Open Space Zone District unless that use is either (1) listed in Section 13.10.352 of this Chapter as a permitted use in the Parks, Recreation and Open Space Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Parks, Recreation and Open Space Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use, or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.
- (f) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, ~~or intensify~~ ~~or continue~~ an existing use of land, or construct, enlarge or move a building for a use of land located in the "PF" Public and Community Facilities Zone District unless that use is either (1) listed in Section 13.10.362 of this Chapter as a permitted use in the Public and Community Facilities Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use, or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.
- (g) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, ~~or intensify~~ ~~or continue~~ an existing use of land, or construct, enlarge or move a building for a use of land located in the "TP" Timberland Preserve Zone District unless that use is either (1) listed in Section 13.10.372 of this Chapter as a permitted use in the Timberland Preserve Zone District in which

the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use, or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

- (h) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, or intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "SU" Special Use Zone District unless that use is either (1) listed in Section 13.10.382 of this Chapter as a permitted use in the Special Use Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use, or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

~~(Ord. 3451 A, 8/23/83)~~

SECTION II

Chapter 13.10 of the Santa Cruz County Code is hereby amended by adding Section 13.10.279 to read as follows:

13.10.279 CONTINUING VIOLATIONS

(a) Unlawful Actions

It shall be unlawful for any person to allow a situation to continue contrary to the provisions of this Chapter or to any permit conditions required pursuant to this Chapter, regardless of whether the violation was originally committed by a prior owner or other third person.

(b) Declaration as Nuisance

Any building or structure set up erected, constructed, altered, enlarged, converted, moved or maintained, contrary to the provisions of this Chapter, and/or any use of any land or premises, established, conducted, operated, or maintained contrary to the provisions of this Chapter, shall be, and the same is hereby declared to be, unlawful and a public nuisance and the District Attorney of the County Council shall, upon written request of the Planning Director or upon order of the Planning Commission or the Board of Supervisors, immediately commence actions or proceedings for the abatement and removal and enforcement thereof in the manner provided by law.

SECTION III

Section 13.10.280 of the Santa Cruz County Code is hereby amended to read as follows:

13.10.280 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

~~(a)~~ Unlawful Actions

~~It shall be unlawful for any person whether as owner, principal, agent or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this Chapter or violates any permit conditions required pursuant to this Chapter. All violations shall be enforced in accordance with the provisions of this Section and Chapter 18.10.~~

~~(ba)~~ Permit Issuance

All departments, officials, and public employees of the County of Santa Cruz which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this ~~Ordinance Chapter~~, and any such permits or licenses, if issued in conflict with the provisions of this ~~Ordinance Chapter~~, shall be null and void.

~~(c)~~ Enforcement Duty

~~It shall be the duty of the Planning Director to enforce the provisions of this Chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. It shall be the duty of the District Attorney and the Sheriff of the County of Santa Cruz, and all other officers herein and/or otherwise charged by law with the enforcement of laws or existing ordinances to enforce all the provisions of the same.~~

~~(d)~~ Arrest and Citation

~~The Planning Director and his delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed an infraction in their present which is a violation of any of the provisions of this Chapter. Upon making such an arrest, the Planning Director or his delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions which are hereby adopted by reference as part of this Section.~~

~~(e) Declaration as Nuisance~~

~~Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained, contrary to the provisions of this Chapter, and/or any use of any land or premises, established, conducted, operated, or maintained contrary to the provisions of this Chapter, shall be, and the same is hereby declared to be unlawful and a public nuisance, and the District Attorney or the County Counsel shall, upon written request of the Planning Director, or upon order of the Planning Commission or the Board of Supervisors, immediately commence actions or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, or shall take such other steps, and shall apply to such court or courts as may have jurisdiction, to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation, from setting up, erecting, building, maintaining, or using any such building or structure or using any property contrary to the provisions of this Chapter.~~

~~(f) Compliance with Authorized Privilege~~

If any portion of a privilege authorized by a modification, variance, discretionary use, planned unit development permit, rezoning approval, design review approval or other conditional permission granted under any provision of the County Code relating to land use is used or exercised by any person entitled to use or exercise such privilege, any and all conditions of such privilege shall immediately become effective and must be strictly complied with. The violation of any such condition shall constitute a violation of this Chapter and shall be subject to the same penalties and remedies as any other violation of the Santa Cruz County Code.

~~(c) Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.~~

~~(g) Penalties~~

~~Any person, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this Chapter, shall be deemed guilty of an infraction and upon conviction thereof shall be punishable by a fine of not more than \$500.00. Each separate day or portion thereof during which any violation occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.~~

~~(h) Remedies Cumulative~~

~~The remedies provided for herein shall be cumulative and not exclusive.~~

~~(Ord. 560, 7/14/58; 708, 9/11/61; 1578, 2/23/71; 2237, 1/27/76; 2913, 5/6/80; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3891, 3/1/88)~~

SECTION IV

Sections 13.10.285 and 13.10.288 of the Santa Cruz County Code are hereby repealed.

~~13.10.285 RECORDING NOTICE OF VIOLATION~~

~~Whenever the Planning Department determines there has been a violation of this chapter, the Planning Department may provide a notice of intent to record a notice of code violation to the owner of the property upon which the violation is located.~~

~~Notice shall be provided by posting on the property and by mail at the address shown on the latest assessment roll or at any other address of the owner known to the Planning Department.~~

~~The notice shall state that within twenty (20) days of the date of the notice, the owner may request a meeting with the Planning Department to present evidence that a violation does not exist.~~

~~In the event a meeting is not requested and the violation has not been corrected, or in the event that after consideration of the evidence the Planning Department determines that a violation of this chapter in fact exists, the Planning Department may record a Notice of Violation in the office of the County Recorder.~~

~~Appeals to the determinations of the Section shall be processed in accordance with Section 18.10.320.~~

~~(Ord. 3787 A, 9/23/86)~~

~~13.10.288 FEES~~

~~At the request of any affected property owner, the Planning Department shall issue a notice of expungement of violation upon satisfactory proof of violation noticed hereunder has been corrected.~~

~~The fee for checking, inspection, and verification of compliance and correction of any such violation, and recording of notice of expungement of such violation shall be set by resolution of the Board of Supervisors.~~

~~(Ord. 3787 A, 9/23/86).~~

SECTION V

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such

decision shall not affect the remaining portion of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion there, irrespective of any such decision.

SECTION VI

This ordinance is intended to clarify and be declaratory of the existing law pertaining to civil penalties, remedies, and procedures; for County Code violations; and to make certain changes in criminal penalties for County Code violations.

ORDINANCE NO. _____

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE CHAPTER 14.02
REGARDING CONDOMINIUM CONVERSION REGULATIONS

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

SECTION I

Section 14.02.050 of the Santa Cruz County Code is hereby repealed.

14.02.060 PENALTIES

~~Any person, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be deemed guilty of an infraction, and upon conviction thereof shall be punishable by a fine of not more than \$500.00. Each separate day or portion thereof during which any violation occurs or continues without good faith effort by the responsible person to correct the violation, shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.~~

~~(Ord. 3331, 11/23/83)~~

SECTION II

Section 14.02.060 of the Santa Cruz County Code is hereby amended to read as follows:

14.02.060 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

~~The Planning Director, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, is hereby authorized to arrest a person without a warrant whenever he has reasonable cause to believe that the person has committed an infraction in their presence which is a violation of any of the provisions of the County Code. Upon making such an arrest, the Planning Director shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this section.~~

~~Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.~~

~~(Ord 3331, 11/23/82)~~

SECTION III

Section 14.02.070 of the Santa Cruz County Code is hereby amended to read as follows:

14.02.070 APPEALS

~~Any property owner or other person aggrieved or any person whose interests are adversely affected by any act or determination of the Planning Director under the provisions of this Chapter, or by any act or determination of any other authorized employee charged with the administration and enforcement of this Chapter, may appeal the act or determination in accordance with Section 13.10.240 through 13.10.245 of the Santa Cruz County Code. For this purpose the procedure therein set forth is incorporated herein and made a part of this Chapter~~

~~All appeals of actions taken pursuant to the provisions of this Chapter shall be made in conformance with the procedures in Chapter 18.10; provided, however, that code enforcement actions and decisions are not subject to administrative appeal except for appeals of revocation of permits pursuant to Section 18.10.136(c).~~

~~(Ord 3331, 11/23/82)~~

SECTION IV

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion there, irrespective of any such decision.

SECTION V

This ordinance is intended to clarify and be declaratory of the existing law pertaining to civil penalties, remedies, and procedures; for County Code violations; and to make certain changes in criminal penalties for County Code violations.

ORDINANCE NO. _____ORDINANCE AMENDING SANTA CRUZ COUNTY CODE TITLE 16
REGARDING ENVIRONMENTAL AND RESOURCE PROTECTION

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

SECTION I

Section 16.10.105 of the Santa Cruz County Code is hereby amended to read as follows:

16.10.105 NOTICE OF GEOLOGIC HAZARDS

Whenever it has been determined through a geologic inspection, geologic hazards assessment or full geologic report that a parcel with or a structure posted as "Unsafe to Occupy" by the Planning Department is subject to geologic hazards, ~~has disclosed the presence of a geologic hazard that threatens life or property~~, the Planning Director or designee may decide to record a Notice of Geologic Hazard with the County Recorder. ~~The Planning Director~~ shall provide the owners of record of said parcels with at least thirty (30) days' written notice of the intention of the County to record a Notice of Geologic Hazards with the ~~office of the County Recorder~~ and advise the owner(s) of a time, date and place at which the owner(s) may present evidence to the ~~Planning Director~~ why such Notice of Geologic Hazards should not be recorded.

After the time specified in the notice of intention and after considering any evidence submitted by the owner(s) the ~~Hearing Officer~~ ~~Planning Director~~ may cause to be filed for record with the County Recorder a Notice of Geologic Hazards specifying the names of the owners of record, and particularly describing the real property and the level of prior geologic investigation conducted and stating that the parcel(s) of land ~~and/or structures~~ so described is (are) subject to geologic hazards. In addition to the procedures for recording a Notice of Geologic Hazards, the Planning Director or designee may initiate abatement procedures pursuant to the Uniform Code for the Abatement of Structural and Geologic Hazards as amended by Section 12.10.070 (ah) of the County Code.

(Ord. 4336, 11/29/94) (v003)

SECTION II

Section 16.10.110 of the Santa Cruz County Code is hereby amended to read as follows:

16.10.110 APPEALS

All appeals taken pursuant to the provisions of this chapter shall be made in conformance with the procedures of Chapter 18.10, provided, however, that all appeals pursuant to the provisions of Section 16.10.105 shall be made to the County's Hearing Officer in conformance with the procedures commencing with Section 501 of the Uniform Code For the Abatement of Dangerous Buildings ~~Structural and Geologic Hazards~~ as amended by paragraphs 10 through 14 of subsection (ah) of Section 12.10.070 of this Code. For this purpose, the procedures therein set forth ~~is~~ are incorporated herein and made a part of this Chapter.

~~Ord. 2088, 1/28/75; 2281, 4/20/76; 3598, 11/6/84; 3808, 4/15/86; 4336, 11/29/94)~~
(v003)

SECTION III

Section 16.10.120 of the Santa Cruz County Code is hereby amended to read as follows:

16.10.120 VIOLATIONS**(a) Actions Constituting Violation**

In the event ~~of a violation of this chapter or~~ of the provisions of permit conditions as specified in this chapter ~~or of this chapter~~, or if the permit has been exercised in a manner which creates a nuisance or is otherwise detrimental to the public health, safety and welfare, the permittee shall be given notice of such violation, and a reasonable time shall be specified for its correction.

(b) Correction of Violation

~~If the violation has not been corrected or if the violation or any action constitutes a threat to human life or safety, then the County shall notify the permittee to suspend immediately any or all development activities. An oral suspension notice shall be promptly followed by a written explanation to the permittee advising the permittee of their right to a hearing before the Planning Commission.~~

(c) Revocation of Permit

~~If the permittee violates the provisions of the development permit conditions as specified in this chapter or if the permit has been exercised in a manner which~~

~~creates a nuisance or in a manner otherwise detrimental to the public health and safety, the Planning Commission, upon giving written notice and after public hearing, may amend or revoke the permit. Once revoked, a permit may be reinstated only by the Planning Commission with such conditions as deemed appropriate.~~

~~(d) — Recording Notice of Violation~~

~~Whenever the Planning Director determines that a violation of this chapter exists, the Planning Director may record a Notice of Violation with the office of the County Recorder. The owner(s) of record of the property on which the violation is situated and any other person responsible for the violation shall be notified of the recordation. Notice to the owner(s) shall be sent to the address shown on the most recent tax roll.~~

~~(e) — Penalties~~

~~All violations of this chapter shall be misdemeanors punishable as provided in Section 1.08.010 — 1.08.050 of the Santa Cruz County Code.~~

~~(Ord. 3340, 11/23/82; 3598, 11/6/84)~~

SECTION IV

Chapter 16.10 of the Santa Cruz County Code is hereby amended by adding Section 16.10.125 to read as follows:

16.10.125 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.

16.11.050 TERM

~~This chapter is extended and shall remain in effect until July 31, 1991, and shall thereupon expire and be of no further force and effect, unless it is passed by a four/fifths (4/5ths) vote of the Board of Supervisors after notice pursuant to Government Code Section 65090 and public hearing.~~

(not LCP)

~~(Ord. 4031, 11/21/89; 4084, 10/16/90) (v001)~~

SECTION VI (Grading)

Sections 16.20.240, 16.20.250, 16.20.260 and 16.20.270 of the Santa Cruz County Code are hereby repealed.

16.20.240 RECORDING NOTICE OF VIOLATION

- ~~(a) Whenever the Planning Director determines that grading has not been completed in accordance with a grading approval or the plans and specifications relating thereto, or whenever the Planning Director determines that grading has been done without the required approval, the Planning Director may record a Notice of Violation with the office of the County Recorder. The owner(s) of the property on which the violation is situated and any other person responsible for the violation, shall be notified of the recordation.~~
- ~~(b) If the property owner(s) or authorized agent disagrees with the determination, he may submit evidence to the Planning Director indicating that there is no violation, and then shall have a right to appeal an adverse decision of the Planning Director in accordance with Section 16.20.280.~~
- ~~(c) When it has been determined that a significant violation has occurred and a Notice of Violation has been recorded in the office of the County Recorder of a violation of the provisions of this chapter, the Planning Director shall inform the appropriate licensing office of the State of California when such violation was committed by a licensed contractor or by an unlicensed person acting without a required state license.~~

~~(Ord. 2500, 11/8/77; 3321, 11/23/82) (v002)~~

16.20.250 REMOVAL OF NOTICE OF VIOLATION

The Planning Director shall submit a Removal of Notice of Violation to the County Recorder when:

- ~~(a) It is determined by the Planning Director, the Building Appeals Board, or the Board of Supervisors after review that no violation of this chapter exists, or~~

~~(b) All required work has been completed and approved by the Planning Director.~~

~~(Ord. 2500, 11/8/77; 3321, 11/23/82) (v002)~~

16.20.260 ABATEMENT OF NUISANCE

~~(a) In the event the Planning Director determines that a violation of the provisions of the grading approval or this chapter exists, he may abate any grading condition resulting therefrom as a nuisance in accordance with the provisions of Section 1.08.060 of the Santa Cruz County Code.~~

~~(b) In the event the abatement plan is prepared by the Planning Director, the cost shall be in addition to the 10 percent administrative surcharge.~~

~~(Ord. 2500, 11/8/77; 3321, 11/23/82; 3438, 8/23/83) (v002)~~

16.20.270 PENALTIES

~~All violations of this chapter shall be misdemeanors punishable as provided in Sections 1.08.010 through 1.08.050 of the Santa Cruz County Code. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment. It shall be a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of the grading approval or this chapter is committed, continued or permitted.~~

~~(Ord. 2500, 11/8/77; 2913, 5/6/80; 3321, 11/23/82) (v002)~~

SECTION VII

Chapter 16.20 of the Santa Cruz County Code is hereby amended by adding Section 16.20.275 to read as follows:

16.20.275 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.

SECTION VIII (Erosion Control)

Sub-section (c) of Section 16.22.140 of the Santa Cruz County Code is hereby repealed.

~~(c) **Right of Entry.** The filing of an application for a development permit constitutes a grant of permission for the County to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of the erosion control maintenance period. If necessary, the Planning Director shall be supplied with a key or lock combination or permitted to install a county lock.~~

SECTION IX

Chapter 16.22 of the Santa Cruz County Code is hereby amended by repealing Sections 16.22.161, 16.22.162, 16.22.163, 16.22.164, 16.22.165, 16.22.170, and 16.22.180.

16.22.161 RIGHT OF ENTRY

~~Whenever the Planning Director has reasonable cause to believe that there exists upon any site a condition which could lead to accelerated erosion which is in violation of this Chapter, he may enter such site at all reasonable times to inspect the same, to perform any duty imposed upon him by this Chapter, provided that if such premises are occupied, he shall first present proper credentials and request entry; and if such premises are unoccupied, he shall first make reasonable effort to locate the owner or other persons having charge or control of the premises and request entry. If such entry is refused, the Planning Director shall have recourse to every remedy provided by law to secure entry.~~

(v001)

16.22.162 STOP WORK NOTICES

~~If the Planning Director determines that activities are being carried out in violation of this Chapter or an approved variance, he may stop all work until corrective measures have been completed. The site shall be posted with a "Stop Work" notice. No building, septic tank, encroachment, or other permits may be issued by the County until corrections have been made to the satisfaction of the Planning Director.~~

(v001)

16.22.163 NOTIFICATION OF VIOLATIONS

~~Whenever the Planning Director determines that a violation of this Chapter exists, the Planning Director may notify in writing the owner(s) of the property or other person or agent in control of the property on which the violation exists. Such written notification may require that certain conditions be adhered to in the correction of the erosion problem. These may include, but are not limited to, the following:~~

- ~~1. Use of specific erosion control techniques.~~
- ~~2. Submittal of an erosion control plan, to be approved by the Planning Director prior to the commencement of work.~~
- ~~3. Completion of work within a specified time period.~~

~~(Ord. 3451 A, 8/23/83) (v001)~~

16.22.164 NUISANCE ABATEMENT OF VIOLATION

~~If the responsible party fails to act in response to written notification from the Planning Director, the erosion problem may be declared a public nuisance, and be abated according to the procedure set forth in Section 1.08.060 of the County Code.~~

~~(Ord. 3451 A, 8/23/83) (v001)~~

16.22.165 RECORDING NOTICE OF VIOLATION

~~Whenever the Planning Director determines that a violation of this Chapter exists, the Planning Director may record a Notice of Violation with the office of the County Recorder. The owner(s) of record of the property on which the violation is situated and any other person responsible for the violation shall be notified of the recordation. Notice to the owner(s) shall be sent to the address shown on the most recent tax roll.~~

~~(Ord. 3451 A, 8/23/83) (v001)~~

16.22.170 PENALTIES

~~Any person, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be deemed guilty of an infraction, and upon conviction thereof shall be punishable by a fine of not more than \$500. Each separate day or portion thereof during which any violation occurs or continues without a good faith effort by the responsible person to correct the violation,~~

~~shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.~~

~~(Ord. 2982, 9/2/80; 3337, 11/23/82) (v001)~~

~~16.22.180 ENFORCEMENT~~

~~The Planning Director and his delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed an infraction in their presence which is a violation of any of the provisions of this chapter. Upon making such an arrest, the Planning Director or his delegated subordinates shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this section.~~

~~Ord. 2982, 9/2/80; 3337, 11/23/82)~~

SECTION X

Chapter 16.22 of the Santa Cruz County Code is hereby amended by adding Section 16.22.200 to read as follows:

16.22.200 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations

SECTION XI (Riparian Corridors)

Chapter 16.30 of the Santa Cruz County Code is hereby amended by repealing Sections 16.30.081, 16.30.090, 16.30.100, 16.30.103, and 16.30.107.

16.30.081 RIGHT OF ENTRY

~~Whenever the Planning Director has reasonable cause to believe that there exists upon any premises any condition which is in violation of this chapter, the Director may enter such premises at all reasonable times to inspect the same, to perform any duty imposed upon the Director by this chapter, provided that if such premises are occupied, he or she shall first present proper credentials and demand entry; and if such premises be~~

~~unoccupied, he or she shall first make reasonable efforts to locate the owner or other persons having charge or control of the premises and demand entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.~~

(v001)

~~16.30.090 RECORDING NOTICE OF VIOLATION~~

~~Whenever the Planning Director determines that some development activity has taken place in violation of this chapter, the Director may record a Notice of Violation with the office of the County Recorder. The owner(s) of record of the property on which the violation is situated and any other person responsible for the violation shall be notified of the recordation. Notice to the owner(s) shall be sent to the address shown on the most recent tax roll.~~

~~(Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3451 A, 8/23/83)~~
(v001)

~~16.30.100 REMOVAL OF NOTICE OF VIOLATION~~

~~The Planning Director shall submit a Removal of Notice of Violation to the County Recorder when:~~

- ~~(a) It is determined by the Director, Planning Commission, or the Board of Supervisors after review that no violation of this chapter exists on that property; or~~
- ~~(b) All required work has been completed and approved by the Planning Director.~~

~~(Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3451 A, 8/23/82)~~
(v001)

~~16.30.103 PENALTIES~~

~~Any person, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be deemed guilty of an infraction, and upon conviction thereof shall be punishable by a fine of not more than \$500.00. Each separate day or portion thereof during which any violation occurs or continues without good faith effort by the responsible person to correct the violation, shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.~~

(v001)

16.30.107 ENFORCEMENT

~~The Planning Director and his or her delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed an infraction in their presence which is a violation of any of the provisions of this chapter. Upon making such an arrest, the Planning Director or his or her delegated subordinates shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this section.~~

(v001)

SECTION XII

Chapter 16.30 of the Santa Cruz County Code is hereby amended by adding Section 16.30.120 to read as follows:

16.30.120 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations

SECTION XIII (Environmentally Sensitive Habitats)

Chapter 16.32 of the Santa Cruz County Code is hereby amended by repealing Section 16.32.110.

16.32.110 INSPECTION

~~The Planning Director may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this chapter. Upon completion of any inspection, the property owner or lessee shall be given written notice of any violations observed at the time of inspection for correction thereof.~~

(Ord. 3342, 11/23/82; 3442, 8/23/83) (v001)

SECTION XIV

Section 16.32.120 of the Santa Cruz County Code is hereby amended to read as follows:

16.32.120 APPEALS

~~Any person whose interests are adversely affected by any act or determination of the decision-making body under the provisions of this chapter may appeal that act or determination to the Planning Commission and subsequently the Board of Supervisors in accordance with Chapter 18.10 of the Santa Cruz County Code. For this purpose, the procedure therein set forth is incorporated herein and made a part of this chapter.~~

~~All appeals of actions taken pursuant to the provisions of this Chapter shall be made in conformance with the procedures in Chapter 18.10, provided, however, that code enforcement actions and decisions are not subject to administrative appeal except for appeals of revocation of permits pursuant to Section 18.10.136(c).~~

~~(Ord. 3342, 11/23/82; 3442, 8/23/83) (v001)~~

SECTION XV

Chapter 16.32 of the Santa Cruz County Code is hereby amended by repealing Sections 16.32.131, 16.32.132, and 16.32.134.

16.32.131 NOTIFICATION OF VIOLATION

~~In the event the Planning Director determines that a violation of this Chapter exists, the Planning Director may notify in writing the owner(s) of the property or other person in control of the property on which the violation exists. Such written notification may require restoration of the site as a means of correcting the violation or other measure to mitigate the violation, and specify a time period for completing such actions.~~

~~(Ord. 3451, 8/23/83) (v001)~~

16.32.132 STOP WORK NOTICE

~~If the Planning Director determines that activities are being carried out in violation of this Chapter or an approved development permit which authorizes development activity within an area of biotic concern, the Planning Director may stop all work until corrective measures have been completed. The site shall be posted with a "Stop Work" notice.~~

~~(Ord. 3451, 8/23/83) (v001)~~

16.32.134 PENALTIES

~~All violations of this Chapter shall be misdemeanors punishable as provided in Sections 1.08.010-1.08.050 of the Santa Cruz County Code.~~

~~(Ord. 3451, 8/23/83) (v001)~~

SECTION XVI

Chapter 16.32 of the Santa Cruz County Code is hereby amended by adding Section 16.32.135 to read as follows:

16.32.135 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

~~Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.~~

SECTION XVII (Trees)

Chapter 16.34 of the Santa Cruz County Code is hereby amended by repealing Section 16.34.100.

16.34.100 INSPECTION

~~The Planning Director may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this chapter. Upon completion of any inspection, the property owner or lessee shall be given written notice of any violations observed at the time of inspection for correction thereof.~~

~~(Ord. 3341, 11/23/82; 3443, 8/23/83)~~

SECTION XVIII

Chapter 16.34 of the Santa Cruz County Code is hereby amended by strikeout/shading Section 16.34.110 as follows:

16.34.110 ENFORCEMENT

~~It shall be unlawful for any person whether as owner, principal, agent, or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this Chapter or violates any permit conditions required pursuant to this Chapter. All violations shall be punishable in accordance with the provisions of Chapter 18.10, except where specified elsewhere in this Chapter and as follows.~~

~~(Ord. 3341, 11/23/82; 3443, 8/23/83) (v001)~~

16.34.110 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.

SECTION XIX

Section 16.34.120 of the Santa Cruz County Code is hereby amended to read as follows:

16.34.120 APPEALS

Any person whose interests are adversely affected by any act or determination of the Planning Director under this chapter may appeal such act or determination as provided in Chapter 18.10.

All appeals of actions taken pursuant to the provisions of this Chapter shall be made in conformance with the procedures set forth in Chapter 18.10, provided, however, that code enforcement actions and decisions are not subject to administrative appeal except for appeals of revocation of permits pursuant to Section 18.10.136(c).

SECTION XX (Archaeology)

Section 16.40.080 of the Santa Cruz County Code is hereby amended by adding Subsections (c) and (d) to read as follows:

16.40.080 PROHIBITIONS VIOLATIONS

(c) It shall be unlawful for any person to place, install, plant or otherwise transfer to any property any artifacts, remains, or other evidence, whether real or manufactured, of a Native American cultural site for the purpose of requiring the property owner to comply with the provisions of this chapter.

(d) It shall be unlawful for any person whether as owner, principal, agent, or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this Chapter or violates any permit conditions required pursuant to this Chapter.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than \$500 for each violation or by imprisonment for not more than six months or by both. Every day in which there is a disturbance of a Native American cultural site which is not authorized by this chapter shall constitute a separate violation of this chapter.

~~(Ord. 2385, 1/18/77; 3334, 11/23/82; 3444, 8/23/83) (v001)~~

SECTION XXI

Chapter 16.40 of the Santa Cruz County Code is hereby amended deleting Sections 16.40.090 and 16.40.100.

~~16.40.090 FRAUDULENT TRANSFERS~~

~~It shall be unlawful for any person to place, install, plant or otherwise transfer to any property any artifacts, remains, or other evidence, whether real or manufactured, of a Native American cultural site for the purpose of requiring the property owner to comply with the provisions of this chapter.~~

~~(Ord. 2385, 1/18/77; 3334, 11/23/82; 3444, 8/23/83) (v001)~~

~~16.40.100 ENFORCEMENT AND PENALTIES~~

~~It shall be unlawful for any person whether as owner, principal, agent, or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this Chapter or violates any permit conditions required pursuant to this Chapter. All violations shall be punishable in accordance with the provisions of Chapter 18.10 except where specified elsewhere in this Chapter and as follows:~~

~~Any person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than \$500 for each violation or by imprisonment for not more than six months or by both. Each day in which there is a disturbance of a Native American cultural site which is not authorized by this chapter shall constitute a separate violation of this chapter.~~

~~(Ord. 2385, 1/18/77; 3334, 11/23/82; 3444, 8/23/83) (v001)~~

SECTION XXII

Chapter 16.40 of the Santa Cruz County Code is hereby amended by adding Section 16.40.130 to read as follows:

~~16.40.130 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS~~

~~Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 18 - Enforcement of Land Use Regulations.~~

~~Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.~~

~~(Art LCP)~~

SECTION XXIV (Paleontology)

Section 16.44.100 of the Santa Cruz County Code is hereby amended to read as follows:

16.44.100 ENFORCEMENT; PENALTIES VIOLATION DEFINED :

It shall be unlawful for any person whether as owner, principal, agent, or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this Chapter or violates any permit conditions required pursuant to this Chapter. ~~Any violation of this chapter shall be a misdemeanor punishable as provided in Sections 1.08.010 through 1.08.050 of the Santa Cruz County Code.~~

~~(Ord. 3343, 11/23/82; 3446, 8/23/83) (v001)~~

SECTION XXV

Chapter 16.44 of the Santa Cruz County Code is hereby amended by adding Section 16.44.120 to read as follows:

16.44.120 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

~~Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.~~

SECTION XXVI (Agricultural Land)

Section 16.50.115 of the Santa Cruz County Code is hereby amended to read as follows:

16.50.115 VIOLATIONS

- (a) ~~Enforcement and Penalties.~~ It shall be unlawful for any person whether as owner, principal, agent or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this chapter or violates any conditions of agricultural buffer setback determinations required pursuant to this Chapter. ~~Any person violating the provisions of this chapter shall be guilty of an infraction and subject to a fine as provided in Section 1.08.040 of the County Code for each violation. Each separate day or portion thereof during which any~~

~~violation occurs or continues shall be deemed to constitute a separate offense and upon conviction shall be punishable as herein provided.~~

- ~~(b) Recording Notice of Violation. Whenever the Planning Director determines that a violation of this chapter exists, the Planning Director may record a Notice of Violation with the Office of the County Recorder. The owner(s) of record of the property on which the violation shall be notified of the recordation. Notice to the owner(s) shall be sent to the address shown on the most recent tax roll.~~

~~(Ord. 3750, 4/22/86) (v001)~~

SECTION XXVII

Chapter 16.50 of the Santa Cruz County Code is hereby amended by adding Section 16.50.120 to read as follows:

16.50.120 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.

SECTION XXVIII (Timber)

Chapter 16.52 of the Santa Cruz County Code is hereby amended by repealing Sections 16.52.271, 16.52.272, 16.52.280, 16.52.290, and 16.52.300.

16.52.271 NOTICE OF VIOLATION

- ~~(a) In the event of a violation of the provisions of the permit, or of this chapter, or of any other applicable statute, law or regulation, or if the permit has been exercised in a manner which creates a nuisance or in a manner otherwise 16.52.271 detrimental to the public health and safety or damaging forest resources, the permittees and property owner(s) shall be given written notice of such violation or condition. The notice shall state that within twenty (20) days of the date of the notice, the permittee(s) and/or property owner(s) may request a meeting with the Planning Director to present evidence that a violation does not exist or to correct said violation.~~
- ~~(b) In the event that a meeting is not requested or if the violation has not been corrected, the Planning Director may record a Notice of Violation with the office of the County Recorder. The owner(s) of the property on which the violation is situated, and any other person responsible for the violation, shall be notified of the recordation.~~

- ~~(b) If the property owner(s) or authorized agent disagrees with the determination, he/she may submit evidence to the Planning Director indicating that there is no violation, and then shall have a right to appeal an adverse decision of the Planning Director in accordance with Chapter 18.10.~~
- ~~(c) When it has been determined that a significant violation has occurred and a Notice of Violation has been recorded in the office of the County Recorder of a violation of the provisions of this chapter, the Planning Director shall inform the appropriate licensing office of the State of California when such violation was committed by a licensed contractor or by an unlicensed person acting without a required state license.~~

~~16.52.272 REMOVAL OF NOTICE OF VIOLATION~~

~~The Planning Director shall submit a Removal of Notice of Violation to the County Recorder when:~~

- ~~(a) It is determined by the Planning Director, Planning Commission or the Board of Supervisors after review that no violation of this chapter exists, or~~
- ~~(b) All required work has been completed and approved by the Planning Director.~~

~~16.52.280 ABATEMENT OF NUISANCE~~

- ~~(a) In the event the Planning Director determines that a violation of the provisions of the timber harvesting approval or this chapter exists, he/she may abate any grading condition resulting therefrom as a nuisance in accordance with the provisions of Section 1.08.060 of the Santa Cruz County Code.~~
- ~~(b) In the event the abatement plan is prepared by the Planning Director, the permittee(s) shall be responsible for the cost of the plan preparation, plus an additional 10% administrative surcharge.~~

~~16.52.290 PERMIT REVOCATION~~

~~If the timber operator violates the provisions of the permit, or of this chapter or of any other applicable statute, law or regulation, or if the permit has been exercised in a manner which creates a nuisance or in a manner otherwise detrimental to the public health and safety or damaging forest resources, the permit may be revoked. The Planning Commission, upon giving written notice and after public hearing, may revoke a timber harvest permit. The Planning Director, after giving written notice, may revoke a Timber Harvesting Notice or Minor Timber Harvest Permit approval.~~

16.52.300 PENALTY

~~All violations of this chapter shall be misdemeanors punishable as provided in Chapter 1.12 of the Santa Cruz County Code. It shall be a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of the timber harvesting approval or this chapter is committed, continued or permitted.~~

SECTION XXIX

Chapter 16.52 of the Santa Cruz County Code is hereby amended by adding Section 16.52.320 to read as follows:

16.52.320 ENFORCEMENT PENALTIES, REMEDIES AND PROCEDURES FOR VIOLATIONS

~~Any violation of any provision of this Chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in Title 19 - Enforcement of Land Use Regulations.~~

SECTION XXX**SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion there, irrespective of any such decision.

SECTION XXXI

This ordinance is intended to clarify and be declaratory of the existing law pertaining to civil penalties, remedies, and procedures; for County Code violations; and to make certain changes in criminal penalties for County Code violations.

#2 FARM WORKER HOUSING

ORDINANCE NO. _____

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTION 13.10.631 RELATING TO REHABILITATION OF EXISTING FARM WORKER HOUSING

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

SECTION I

Santa Cruz County Code Section 13.10.631(a)4 is hereby amended to read as follows:

"(a) Purposes. The purpose of regulations for farm worker/caretaker housing are:

4. Notwithstanding other provisions of this Code, nothing in this Section shall be deemed to eliminate already existing farm worker housing currently allowed by law, nor to prohibit rehabilitation of such existing farm worker housing so long as such rehabilitation complies with all State and County health, safety, fire, housing, and construction code regulations and Subsection 13.10.631(c)4."

SECTION II

a//new
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Santa Cruz County Code Section 13.10.631(c)4 is hereby added to read as follows:

"4. Notwithstanding other provisions of this Code, rehabilitation of already existing, ~~licensed~~ farm worker housing (including by demolition and subsequent on site relocation and reconstruction of structures which are larger than those demolished) may be approved by obtaining a Level V Use Approval and (if in the Coastal Zone) Coastal Approval. Such approval may be granted only so long as:

(i) neither the number of dwelling units, nor the maximum number of allowed occupants is increased beyond the level legally established on the site (including by continuing legal nonconforming use); and

ORDINANCE RE REHABILITATION OF EXISTING FARM WORKER

Page 1

FARMHSB3.WPD

EXHIBIT NO.

APPLICATION NO.

Santa Cruz Co. #3-75

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(ii) the dwelling units are enforceably restricted in compliance with the County's Affordable Housing Ordinance (Chapter 17.10) for the life of the unit to rental by very, very low income households, to the maximum extent determined feasible by the Approving Body, defined as having annual incomes less than 35 percent of median household income for the Santa Cruz PMSA, utilizing 30 percent of that income for housing rental; and in no event shall such enforceably restricted units be subject to rental by households exceeding very low income, defined as households having annual incomes less than 50 percent of median household income for the Santa Cruz PMSA, utilizing 30 percent of that income for housing rental.

(iii) reasonable conditions are imposed on the Use Approval or Coastal Approval, which conditions shall include, but are not limited to:

(A) a requirement for on-site management of the farm worker housing facility. The farm worker housing provider, or their agent, may act as on-site manager if the facility contains 15 units or less. If the facility contains 16 units or more, or if the facility contains 6 units or more and the farm worker housing provider does not act as on-site manager, a resident on-site manager shall be required. Management shall have the legal duty to require certification that each household residing in the rehabilitated farm worker housing qualifies as a farm worker household under Section 13.10.631(e), and to enforce the requirement that each rehabilitated farm worker housing unit is occupied by a farm worker household. There shall be the following exceptions to the requirement that each household residing in the rehabilitated farm worker housing qualify under Section 13.10.631(e):

(1) a required on-site manager, and

(2) existing tenants at the time application for rehabilitation is filed, but only to the extent determined by the Approving Body to be necessary to maintain any relocation benefits required by public funding sources.

all new
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(B) A specification of the area for structural relocation, setbacks, height and other design aspects of the site or structure(s); and

(C) No rehabilitation of permanent structures shall be approved which would remove additional agricultural land from production; and

(D) The rehabilitation shall comply to the maximum extent feasible with adopted County agricultural preservation policies, including agricultural buffer setback policies, so long as such compliance does not reduce the number of farm worker housing units which may be rehabilitated; and

(E) The maximum size of each rehabilitated farm worker housing unit shall be as specified in Subsection 13.10.631(e)7 in farm worker quarters and in Subsection 13.10.631(f)6 in a farm worker camp.

(iv) the farm worker housing is existing as of November 21, 1995, as shown by a permit to operate (or exemption therefrom) effective on November 21, 1995, pursuant to California Health and Safety Code Section 17030 and following, or the inventory of farm worker housing maintained by the Environmental Health Division of the County of Santa Cruz on November 21, 1995."

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SECTION III

Santa Cruz County Code Section 13.10.631(e)1 is hereby amended to read as follows:

"The occupancy of each dwelling, with the exception of a required, on-site managers unit, shall be limited to farm workers employed, in part, within the County of Santa Cruz and their families ("farm worker households"). Each farm worker household, during ~~his/her~~ tenancy in the farm worker housing, must earn at least 50% of the household's income from an agricultural operation, defined as employment by production agriculture (the art or science of cultivating the ground, including harvesting of crops, packing and loading the crops at the field where grown and driving

them from the field to the next point of handling, rearing and management of livestock, tillage, husbandry, farming, horticulture, fishing and timber harvesting). There shall be a 30 day grace period for tenants to find other housing if employment ceases. A temporary layoff of less than 90 days for lack of work shall not be considered a cessation of employment.

Each farm worker housing provider, or their agent, shall require an application form to be completed by each farm worker household when initially seeking tenancy. This application shall include a certification of the tenant household's eligibility for farm worker housing and authorization given by the tenant household for the housing provider to request and be given recertification of eligibility at least annually. Upon request, by either the housing provider or the County, the farm worker household tenant shall provide to the housing provider, and the housing provider shall provide to the County, a certification of the tenant's eligibility for farm worker housing, for instance by providing information on the tenant's quarterly payroll and rent payments, and failure to do so shall be sufficient grounds for housing provider to evict the tenant or for the County to revoke any permit or other approval granted with respect to such farm worker housing. Nothing in this ordinance, however, shall permit the housing provider to violate the worker's right to privacy."