

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863

HEARING IMPAIRED: (415) 904-5200



June 15, 1998

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TO: Commissioners and Interested Parties

FROM: Tami Grove, District Director
Charles Lester, District Manager
Rick Hyman, Coastal Program Analyst

SUBJECT: SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MINOR AMENDMENT NO. 1-98

Santa Cruz County is requesting that the Implementation Portion of its certified Local Coastal Program be amended with regard to accessory dwelling unit terminology, corrections of errors and inconsistencies, and sewage disposal. A more detailed listing of the amendments is found on the reverse of this notice. Full text is available upon request. This amendment request was filed on June 12, 1998, pursuant to Section 30510(b) of the Coastal Act and Section 13553 of the California Code of Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive Director pursuant to Section 13555 of California Code of Regulations that the filed amendment is "minor" as defined in Section 13554. The amendment falls under the following category allowed by Section 13554:

changes in wording which make the use as designated in the zoning ordinances...more specific and which do not change the kind, location, or density of use and which are found...to be consistent with the land use plan...;

Pursuant to Section 13555, the Executive Director will report in writing this determination to the Coastal Commission at its meeting of July 7 -10, 1998 to be held at the Cathedral Hill Hotel, Van Ness & Geary Boulevards, San Francisco. He will also report any objections to the determination received within 10 days of posting of this notice. This proposed minor amendment will be deemed approved, unless one-third of the appointed members of the Commission request that it be processed as a major amendment (pursuant to Section 13555(b)). It will take effect immediately.

If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rick Hyman at the Central Coast District Office in Santa Cruz. If you wish to register an objection to the proposed "minor" amendment determination, please contact the staff by July 3, 1998.

PARTS OF SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM MINOR AMENDMENT NO. 1-98

1. Change the term "accessory dwelling unit" to "second unit" and correct internal inconsistencies regarding second units by updating the definition and categories of farm labor housing (Implementation Plan Sections 12.02.020; 13.10.312; 13.10.322; 13.10.323; 13.10.681; 13.10.700).
2. Correct errors and inconsistencies involving incorrect references; incorrect, confusing, contradictory, or obsolete wording and the need to reflect approved amendments (Implementation Plan Sections 12.01.070(a)1; 13.10.275(g); 13.10.275(h); 13.10.321(f); 13.10.322(b); 13.10.323(d)3(i); 13.10.323(d)4; 13.10.323(e)5(i); 13.10.324(h)4; 13.10.324.1(d); 13.10.332(b); 13.10.333(a); 13.10.335(b)2; 13.10.335(c); 13.10.434(a); 13.10.345(a)5; 13.10.345(a)8; 13.10.352(b); 13.10.353(a); 13.10.354(a)1; 13.10.363(a); 13.10.364(a)1; 13.10.372(b); 13.10.374(a); 13.10.374(b); 13.10.375(c); 13.10.384(a); 13.10.385(a); 13.10.483; 13.10.510(h); 13.10.525; 13.10.552(a)1; 13.10.552(b); 13.10.553(f); 13.10.554(3); 13.10.554(h,j,k,l); 13.10.56(b); 13.10.585(d); 13.10.611(b)2; 13.10.631(g); 13.10.642(d); 13.10.655; 13.10.656(b); 13.10.682(a); 13.10.684(e)12; 13.10.700-A, -B, -C, -R; 13.11.040(d); 13.11.040(l); 13.11.072(h)1(ii); 15.01.070(a); 16.20.050; 16.22.030; 16.22.060(d)3; 16.24.055(b); 16.32.090(a); 16.32.095; 16.44.070(d); 16.50.070(a); 16.50.075(a); 16.50.080(a); 16.50.095(f); 16.52.070(b); 18.10.015; 18.10.112(a)4; 18.10.112(b); 18.10.121; 18.10.131(e); 18.10.133(b); 18.10.134(b)3; 18.10.222(b); 18.10.340(e)1; 18.10.451).
3. Clarify existing sewage disposal provisions by correcting incorrect references, ensuring residential additions and reconstructions have adequate septic systems, allowing renewal of expired Findings of Compliance; and providing clearer direction regarding soil testing (Implementation Plan Sections 7.38.045; 7.38.080; 7.38.090; 7.38.092; 7.38.095; 7.38.120).

**SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MINOR
AMENDMENT NO. 1-98**

ATTACHMENT

FULL TEXT OF PROPOSED AMENDMENTS

PORTIONS WHICH ARE NEW ARE SHADED

DELETIONS ARE SHOWN BY STRIKE-OUTS

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ATTACHMENT 3

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ORDINANCE _____

ORDINANCE AMENDING SECTIONS 12.02.020, 13.10.312, 13.10.322, 13.10.323, 13.10.681, 13.10.700 OF THE COUNTY CODE TO CHANGE THE TERM "ACCESSORY DWELLING UNIT" TO "SECOND UNIT" AND TO CORRECT INTERNAL INCONSISTENCIES REGARDING SECOND UNITS

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

SECTION I

Section 12.02.020 of the County Code, definition of Exempted Project, Subsection 11 is hereby amended to read as follows:

11. Permits for ~~accessory second dwelling units~~ second units as provided for in Section 13.10.685 681 of the County Code.

SECTION II

Section 13.10.312(b) of the County Code is hereby amended by changing the Farm Worker Housing category to read as follows:

Farm worker housing subject to Section 13.10.631 (~~see Caretakers Quarters, Dwelling Units, accessory, mobile homes and farm worker camps~~)
(See caretakers housing, mobile homes and travel trailers, farm worker quarters and camps)

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SECTION III

Section 13.10.322(b) of the County Code is hereby amended by changing a category of the key to read as follows:

KEY:

** = Accessory Dwelling Units Second Units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal Permit which is processed at Level 5

SECTION IV

Section 13.10.322(b) is hereby amended by deleting the category "Dwelling unit, accessory second unit".

~~Dwelling unit, accessory second
unit (subject to Section 13.10.681)~~

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SECTION V

Section 13.10.322(b) is hereby amended by changing the category "Dwelling unit, accessory" to read as follows:

~~Dwelling unit, accessory
Second unit, subject
to Section 13.10.681~~

4 4 4 4 4

SECTION VI

Section 13.10.323(e)6ii is hereby amended to read as follows:

- (ii) Side and Rear Yards. An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure. A detached accessory structure which is located entirely within the required rear yard and which is smaller than 120 square feet in size may be constructed to within 3 feet of the side and rear property lines. A detached ~~accessory dwelling unit second unit~~, subject to the provisions of Section 13.10.681, may be located within five feet of the side and ten feet of rear property lines, provided the design guidelines of Section 13.10.681 are satisfied and the approval of the Zoning Administrator is obtained.

SECTION VII

Section 13.10.681 of the County Code is hereby amended to read as follows:

13.10.681 ACCESSORY DWELLING SECOND UNITS

- (a) Purpose. The purpose of this section is to provide for and regulate ~~accessory dwelling~~ second units in order to provide needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.
- (b) Application Requirements. Approval of all ~~accessory dwelling~~ second units shall be processed in accordance with the provisions in Chapter 18.10 and shall require public notice (Level IV), except that ~~accessory dwelling~~ second units located within the Coastal Zone and not excludable under Section 13.20.071 shall require a Coastal Zone Permit which is processed at Level 5.

Applications for ~~accessory dwelling~~ second units which receive any negative public comment following the notice of application submittal, which cannot be resolved administratively, shall require a public hearing and action by the Zoning Administrator (Level V).

- (c) Required Findings. Before a development permit for an ~~accessory dwelling~~ second unit can be granted, the general findings for development permits set forth in Subsection 18.10.230(a), and Coastal Permit findings of Section 13.20.110, when applicable, must be made. The following additional findings must also be made:
- (1) Location: The ~~accessory dwelling~~ second unit shall be located on a residentially-zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family dwelling, or where one detached single-family dwelling shall be constructed concurrently with the proposed ~~accessory dwelling~~ second unit;
- (2) Parcel Size: The size of the parcel, if located within the Urban Services Line, is no smaller than that required by the minimum lot size standards of the respective zoning district. The size of the parcel, if located outside the Urban Services Line, is at least one acre in size, unless the parcel is served by public sewer. Parcels outside of the Urban Services Line with public sewer service shall meet the requirements of Section 13.10.681(d)(2);
- (3) Development Standards: All development standards for the applicable residential zone district shall be satisfied, with allowance for a setback exception as provided for in Subsection 13.10.323(e)(6)(ii); and the development shall be consistent with all County policies and ordinances;

- (4) Design: The design of the accessory dwelling second unit is consistent with the design and development standards and guidelines set forth in Subsection 13.10.681(d); and
- (5) Utility Requirements: All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of County Code Chapter 7.38, 7.71 and 7.73.
- (d) Design and Development Standards. The following design and development standards shall be applied to every accessory dwelling second unit and shall be conditions for any approval under this section:
- (1) Location of Accessory Dwelling Second Unit: The accessory dwelling second unit may be either attached to the main dwelling or detached from it. Inside the Urban Services Line, no accessory dwelling second unit shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right-of-way. No accessory dwelling second unit shall be constructed on any slope greater than 30% unless a Level V Use Approval is obtained.
- (2) Size of Accessory Dwelling Second Unit: The total, gross floor area, as defined in Subsection 13.10.700(f), of the habitable portion of the accessory dwelling second unit shall not exceed the following standards, based on parcel size:

Maximum Gross Floor Area Within the Urban Services Line (USL)		
Type of Sewer Service	Parcel Size	
	Less than 10,000 square feet (1)	10,000 square feet or larger (1)
With Public Sewer	640 square feet	640 square feet
Without Public Sewer	Not allowed	640 square foot maximum (Must meet requirements of County Code Chapter 7.38)
(1) The size of the parcel must be no smaller than that required by the minimum lot size standards of the zoning district		

Maximum Gross Floor Area Outside of the Urban Services Line (USL)				
Type of Sewer Service	Parcel Size			
	Less than 10,000 square feet	10,000 square feet to less than 1 acre	1 acre or larger, to less than 2.5 acres	2.5 acres or larger
With Public Sewer	640 square feet	800 square feet	800 square feet	1,200 square feet
Without Public Sewer	Not allowed	Not allowed	800 square feet	1,200 square feet

- (3) Lot Coverage: No ~~accessory dwelling~~ second unit shall be allowed which would exceed the allowable lot coverage or the allowable Floor Area Ratio for the parcel. Any exception shall require a Variance Approval as provided for in Section 13.10.230.
- (4) Setbacks: Setback requirements of the zoning district in which the ~~accessory dwelling~~ second unit is proposed may be adjusted in accordance with Subsection 13.10.323(e)(6)(ii) based on site plan review and approval by the Zoning Administrator. However, a minimum 5-foot setback is required from any side property line and may be increased, at the discretion of the decision making body, to insure neighboring privacy and architectural compatibility within the proposed building site and within the surrounding neighborhood. If setback requirements are reduced, pursuant to a Variance approval, a one-story height limit may be imposed on the proposed ~~accessory dwelling~~ second unit.
- (5) Parking: Off street parking shall be provided to meet the requirements of Section 13.10.550 for the main dwelling and one additional non-tandem space for each bedroom in the ~~accessory dwelling~~ second unit.
- (6) Design: The design, materials and color of the ~~accessory dwelling~~ second unit shall be compatible with that of the main dwelling and the existing scale and character of the neighborhood. The placement of any decks, balconies, stairs, doors, windows, and other features which may affect the privacy of adjacent properties shall be situated and designed to minimize potential privacy disturbance. ~~Accessory dwelling~~ Second units proposed on smaller lots (e.g. 10,000 square feet or less) should be one-story unless adequate setbacks between adjacent parcels are provided for privacy purposes.
- (7) Other Accessory Uses: Not more than one ~~accessory dwelling~~ second unit shall be constructed on any one parcel. An ~~accessory dwelling~~ second unit and any other accessory residential structure (including but not limited to agricultural caretakers quarters and guest houses) shall not be permitted on the same parcel.

Habitable accessory structures such as artist's studios, garages, or workshops may be allowed.

- (8) Service Requirements: Written acknowledgments shall be provided from the applicable sanitation, water, and fire districts and/or Environmental Health Services indicating that there will be adequate water, sanitation and fire protection services to the project site with the inclusion of an ~~accessory dwelling~~ second unit. All requirements of the respective service agencies shall be satisfied.
- (9) Fees: Prior to the issuance of a building permit for the ~~accessory dwelling~~ second unit, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department's fee schedule as may be amended from time-to-time, and any other applicable fees.
- (10) Other Conditions: Other conditions deemed appropriate by the decision-making body may be applied to the development permit of an ~~accessory dwelling~~ second unit to further the purpose of this Section and to implement the design standards of Subsection 13.10.681(c)(6).
- (e) Occupancy Standards. The following occupancy standards shall be applied to every ~~accessory dwelling~~ second unit and shall be conditions for any approval under this section:
- (1) Occupancy Restrictions: The maximum occupancy of an ~~accessory dwelling~~ second unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit. Rental or permanent occupancy of the ~~accessory dwelling~~ second unit shall be restricted for the life of the unit to either:
- (i) Households that meet the Income and Asset Guidelines requirements established by Board of Supervisors resolution for lower income households; or
 - (ii) Senior households, where one household member is sixty-two years of age or older, that meets the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or
 - (iii) Persons sharing residency with the property owner and who are related by blood, marriage, or operation of law, or have evidence of a stable family relationship with the property owner.

- (2) Owner Residency: The property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling or the ~~accessory dwelling~~ second unit. If the property owner resides in the ~~accessory dwelling~~ second unit, either the property owner or the residents of the primary single family dwelling must meet the income or familial requirements of Subsection 13.10.681(e)(1).
- (3) Occupancy Status: Prior to final inspection approval of the unit, the property owner shall submit a statement to the administering agency, as defined in Subsection 17.10.020(a), indicating whether the ~~accessory dwelling~~ second unit will be rented, occupied by family members, or left vacant. Whenever a change in occupancy occurs, the owner shall notify the administering agency, by registered or certified mail, that the occupancy has changed, and indicating the new status of the unit.
- (4) Rent Levels: If rent is charged, the rent level for the ~~accessory dwelling~~ second unit, or for the main unit, if the property owner resides in the ~~accessory dwelling~~ second unit, shall not exceed that established by the Section 8 Program of the Department of Housing and Urban Development (HUD) or its successor, or the rent level allowed for affordable rental units pursuant to Chapter 17.10 of the County Code, whichever is higher.
- (5) Certification Requirements: No person, including family members of the owner, shall rent or permanently occupy an ~~accessory dwelling~~ second unit unless he/she has first obtained certification of his/her eligibility from the administering agency. The property owner must refer persons who wish to rent or permanently occupy the unit to the administering agency for certification, prior to occupancy. The administering agency may charge a fee to the applicant for the certification process.
- (6) Status Report: The owner shall report the occupancy status of the ~~accessory dwelling~~ second unit, when requested by the administering agency, at least once every three years. This report shall include the status of the unit, the name of the current occupant(s) and the monthly rent charged, if applicable.
- (7) Deed Restriction: Prior to the issuance of a building permit, the property owner shall provide the Planning Department proof of recordation of a Declaration of Restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:
 - a. The unit may be occupied or rented only under the conditions of the development permit and in accordance with Section 13.10.681 and amendments thereto.

- b. The Declaration is binding upon all successors in interest; and
- c. The Declaration shall include a provision for the recovery by the County of reasonable attorney fees and costs in bringing legal action to enforce the Declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.
- (f) Permit Allocations: Each ~~accessory dwelling~~ second unit shall be exempt from the Residential Permit Allocation System of Chapter 12.02 of this Code. However, due to public service deficiencies of roadway design and drainage within the Live Oak planning area, no more than five (5) ~~accessory dwelling~~ second units shall be approved within the Live Oak planning area in any calendar year.
- (g) Annual Review of Impacts: As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the ~~accessory dwelling~~ second unit ordinance. The annual analysis shall include the number of ~~accessory dwelling~~ second units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. The cumulative impact issue areas to be covered include, but are not limited to traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource.

SECTION VIII

Section 13.10.700(A) is hereby amended by deleting the definition of Accessory Dwelling Unit.

~~Accessory Dwelling Unit. A structure for human habitation, subject to the requirements of Section 13.10.681 and limited in size to 640 gross square feet within the Urban Services Line (USL) and 800 gross square feet outside the USL, providing complete independent living facilities for one or two persons, including permanent provision for living, sleeping, eating, cooking and sanitation, with the restriction that only one kitchen is allowed.~~

SECTION IX

Section 13.10.700(S) is hereby amended by adding the definition of Second Unit to read as follows:

Second Unit. A structure for human habitation, subject to the requirements of Section 13.10.681 and limited in size to 640 gross square feet within the Urban Services Line (USL) and up to 1200 square feet outside the USL, providing complete independent living facilities, including permanent provision for living, sleeping, eating, cooking and sanitation, with the restriction that only one kitchen is allowed.

SECTION X

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

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ORDINANCE _____

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE
TITLE 12 (BUILDING REGULATIONS), TITLE 13 (ZONING REGULATIONS),
TITLE 14 (SUBDIVISION REGULATIONS), TITLE 15 (COMMUNITY FACILITIES),
TITLE 16 (ENVIRONMENTAL AND RESOURCE PROTECTION) AND
TITLE 18 (PERMIT AND APPROVAL PROCEDURES) TO CORRECT
ERRORS AND INCONSISTENCIES

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

SECTION I

Section 12.01.070(a)1 of the County Code is hereby amended to read as follows:

1. A street address shall be established for the project ~~side~~ site pursuant to Chapter 12.16.

SECTION II

Section 12.10.070(j) of the County Code is hereby amended to read as follows:

- (j) UBC Addition-Erosion Control. All disturbed surfaces resulting from building construction shall be prepared and maintained to prevent erosion between October 15th and May 1st April 15th.

SECTION III

Section 13.10.275(g) of the County Code is hereby amended to read as follows:

- (g) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, 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 Timber Production 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 Timber Production 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 Timber Production 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-LCP
section -
not part
of amend-
ment

nonconforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

SECTION IV

Section 13.10.275(h) of the County Code is hereby amended to read as follows:

- (h) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, 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~~ Special Use 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 nonconforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

SECTION V

Section 13.10.321(f) of the County Code is hereby amended to read as follows:

- (f) Specific "RM" Multi-Family Residential District
Purposes. To provide for areas of residential uses with a variety of types of dwellings in areas which are currently developed to an urban density ~~or which are currently developed to an urban density~~ or which are inside the Urban Services Line or Rural Services Line and have a full range ~~or of~~ urban services.

SECTION VI

Reference to "Wineries (subject to Section 13.10.637)" as an agricultural use in the Residential Use Chart (found on page 13A-82) of Section 13.10.322(b) of the County Code is hereby repealed.

~~Wineries (subject to Section
13.10.637)~~

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SECTION VII

Section 13.10.323(d)3(i) of the County Code is hereby amended to read as follows:

- (i) A site area variance approval shall not be required for a new single-family

dwelling or additions to an existing single-family dwelling on an existing lot of record which is reduced in size to less than the minimum site area required in the applicable zone district due to requirements for a public dedication of right-of-way.

SECTION VIII

Section 13.10.323(d)4 of the County Code is hereby amended to read as follows:

4. Parcels with Agricultural, Geological or Environmental Resources and/or Constraints. For setbacks from Fault Zones, Floodplains/Floodways and Coastal Bluffs and Beaches, see Section ~~16.30.070~~ 16.10.070. For setbacks from Riparian Corridors, see Section 16.30.040. For setbacks from Sensitive Habitats, see Section 16.32.090. For setback/buffer requirements for parcels abutting commercial agricultural, "CA" zoned parcels, see Section 16.50.095.

SECTION IX

Section 13.10.323(e)5(i) of the County Code is hereby amended to read as follows:

- (i) With Increased Yards. Building heights which exceed those specified in ~~Paragraph (B) Subsection~~ (b) above are allowable if all required yards are increased five feet for each foot over the permitted building height and planning approvals are obtained according to the following table:

PARCEL SIZE	AVERAGE MAXIMUM HEIGHT ABOVE EXISTING GRADE	PLANNING APPROVALS REQUIRED
Less than 2 ½ acres	Over 28 feet	Level IV Approval
2 ½ acres or larger	Over 28 feet up to 35 feet Over 35 feet	Level III Approval Level IV Approval

SECTION X

Section 13.10.324(h)4 of the County Code is hereby amended to read as follows:

4. Signing - to be consistent with Section ~~13.10.589~~ 13.10.580 of the County Code.

SECTION XI

Section 13.10.324(h)13 of the County Code is hereby amended to read as follows:

13. All projects shall be consistent with California Administrative Code, Title 24, and Section 1213 310 of the Uniform Building Code.

SECTION XII

Section 13.10.324.1(d) of the County Code is hereby amended to read as follows:

- (d) Park dedication in-lieu fees and impacted school district fees are required at the time of building permit issuance prior to recordation of a parcel or final map, or at the time of building permit issuance, whichever occurs first. Impacted school district fees are required at the time of building permit issuance. Dedications of land for park or school sites shall be made in conformance with General Plan and Local Coastal Program Land Use Plan requirements and applicable chapters of the County Code (Title 15).

SECTION XIII

Section 13.10.332(b) of the County Code is hereby amended to read as follows:

- (b) Allowed Uses. The uses allowed in the commercial districts shall be as provided in the following Commercial Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the commercial zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

SECTION XIV

The category "Theaters, drive in" under "Commercial Recreation" in the Commercial use chart in Section 13.10.332(b) of the County Code is hereby amended to read as follows:

Theaters, drive-in
(subject to Section
13.10.623 622)

SECTION XV

The category "Bath establishments; hot tubs, sauna establishments" under "Physical culture facilities" in the Commercial use chart in Section 13.10.332(b) of the County Code is hereby amended to read as follows:

Bath establishments;
hot tubs, sauna
establishments
(subject to Chapter
9.88 5.08)

SECTION XVI

The category "Massage establishments" under "Physical culture facilities" in the Commercial use chart in Section 13.10.332(b) of the County Code is hereby amended to read as follows:

Massage establishments
(Subject to Chapter
9.88 5.08)

SECTION XVII

The category "Radio and television broadcasting stations" in the Commercial use chart in Section 13.10.332(b) of the County Code is hereby amended to read as follows:

Radio and television
broadcasting stations
with including transmitting towers,
subject to Section 13.10.655

4/5/6* -- -- 4/5/6* 4/5/6* 4/5/6*

SECTION XVIII

The category "boat sales and service" under "Retail Sales requiring large sites" in the Commercial use chart in Section 13.10.332(b) of the County Code is hereby repealed.

~~Boat sales and service~~

SECTION XIX

The category "Nurseries" under "Retail Sales requiring large sites" in the Commercial use chart in Section 13.10.332(b) of the County Code is hereby amended to read as follows:

~~Nurseries selling plants~~

~~-centers in containers;~~

~~-garden~~

Nurseries selling plants

in containers, garden

centers

SECTION XX

The category "Type A uses" under "Visitor Accommodations" in the Commercial use chart in Section 13.10.332(b) of the County Code is hereby amended to read as follows:

Type A uses: Hotels;
inns, pensions,
lodging houses, "bed
and breakfast" inns,
motels, recreational
rental housing units

(See Section

12.02.020(11 10))

1-4 units	--	5P	5	--	5	--
5-19 units	--	6P	6	--	6	--
20+ units	--	7P	7	--	7	--

SECTION XXI

Section 13.10.333(a) "Commercial Site and Structural Dimensions Chart" of the County Code is hereby amended to read as follows:

COMMERCIAL SITE AND STRUCTURAL DIMENSIONS CHART

District Designation	Minimum Site Area Per Parcel (net developable square feet)	Minimum Parcel Frontage (feet)	Front	Minimum Yards- (feet) Side	Rear	Average Maximum Building Height Limit- (feet)
PA	10,000	60	10	Interior: 0 Street: 10	10	3 stories, but not to exceed 35 feet
VA	10,000	60	10	10	10	ditto
C-T	10,000	60	10	0	0	ditto
C-1	10,000	60	10	0	0	ditto
C-2	10,000	60	10	0	0	ditto
C-4	10,000	60	10	0	0	ditto

Footnotes:

1. See also General Site Standards exceptions in Section 13.10.510, .520 and .521.
2. Subject to exceptions as provided in paragraph (b) of this Section.
3. See also Chapter 12.28, Solar Access Protection; subject to solar access requirements in Section ~~13.10.334~~ 13.11.072.

SECTION XXII

Section 13.10.335(b)2 of the County Code is hereby amended to read as follows:

2. Density Calculations. Types of visitor accommodations may be combined; however, combined densities may not exceed the maximum allowed for the total number of net developable square footage on the property. All values given above are maximums and may be reduced based on services and

access constraints, compatibility with adjacent land uses and neighborhood character, or adverse environmental impacts. Permanent residential units for site personnel shall be in place of density credits for visitor accommodations use at the rate of one kitchen and up to 5 permanent residents per 3000 net developable square feet. A unit over 400 square feet in total square footage, including bathrooms and kitchens, creates a presumption of more than one habitable room. Inside the Coastal Zone, the performance standards in Table 7.3.3 Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.

SECTION XXIII

Section 13.10.335(c) of the County Code is hereby amended to read as follows:

(c) Master Occupancy Program Requirements

1. Master Occupancy Program Requirements. When requested by a property owner, or prior to or concurrently with the approval of any new or expanded use for which a Level V or VI Approval is required in any of the Commercial Use Zone Districts, a Development Permit for a Master Occupancy Program may be approved by the Zoning Administrator or Planning Commission. Such approval shall be accompanied by a finding of General Plan consistency pursuant to Section 65402 of the California Government Code.
2. Master Occupancy Program Elements. The Master Occupancy Program shall establish all allowed occupancies and shall include provisions for adequate site improvements for each occupancy.
3. Environmental Review. The adoption or amendment of a Master Occupancy Program is a "project" within the meaning of CEQA and the County Environmental Review Guidelines and is subject to environmental review.
4. Development Permit Approval. Occupancy permits, when applied for pursuant to an approved Master Occupancy Program, shall be processed as a Level 1 Approval or other level as specified by the conditions of the Master Occupancy Program Development Permit.

See also: Regulations for Visitor Accommodations Special Uses in Section 13.10.390 13.10.690 et seq

SECTION XXIV

Section 13.10.343(a) "Industrial Site and Structural Dimensions Chart" of the County Code is hereby amended to read as follows:

INDUSTRIAL SITE AND STRUCTURAL DIMENSIONS CHART 1

District Designation	Minimum site area per parcel (net developable area)	Minimum Parcel Frontage (feet)	Minimum Yards 2 (feet)			Average Maximum Structure Height Limit 4 (feet)
			Front	Side	Rear	
M-1	10,000 sq. ft.	60	15	10	10	3 stories but not to exceed 35 feet
M-2	one acre	60	25	20	20	35 feet if within 200 feet of an "R" or "A" District
M-3	minimum economic unit for mineral extraction	60	20(3)	20(3)	20(3)	40(3)

Footnotes:

1. See also General Site Standards exceptions in Section 13.10.510, .520, and .521.
2. Subject to exceptions as provided in Paragraphs (b) and (c) of this Section
3. Except when pursuant to a Mining Permit
4. See also Chapter 12.28, Solar Access Protection; subject to solar access requirements in Section 13.10.344 ~~13.11.072~~

SECTION XXV

Section 13.10.345(a)5 of the County Code is hereby amended to read as follows:

5. Noise In an "M-1" or "M-2" District no use except a temporary construction operation shall be permitted which creates noise which is found by the

Planning Commission not to conform to the noise parameters established by the Land Use Compatibility Chart for Exterior Community Noise (General Plan Table 3-1 Figure 6-1) beyond the boundaries of the "M-1" or "M-2" district at standard atmospheric pressure.

SECTION XXVI

Section 13.10.345(a)8 of the County Code is hereby amended to read as follows:

8. Actions Necessary to Make a Nonconforming Use Conform.

In order for a nonconforming use to be made conforming, a ~~Level V~~ Use Approval processed at the appropriate level as indicated in the Use Chart, shall be obtained pursuant to Section 13.10.220. Application for the Use Approval must be made within three months of the date the Planning Commission determines the use to be nonconforming. If an application for a Use Approval has not been filed within the three month period, the nonconforming use shall thereafter be subject to the abatement proceedings set forth in Chapter 1-08 1.14, provided that no additional public hearing shall be required by the Planning Commission prior to making its recommendation to the Board of Supervisors.

SECTION XXVII

Section 13.10.352(b) "Key to PR Uses Chart (category P)" of the County Code is hereby amended to read as follows:

P = Principal permitted use (see Section 13.10.332 352(a)); no use approval necessary if "P" appears alone

SECTION XXVIII

The category "Manufactured home" found in the "PR" Use Chart in Section 13.10.352(b) of the County Code is hereby amended to read as follows:

Manufactured home, subject to the provisions of
park site review process pursuant to Chapter
15.10 Section 15.01.090(c) and Section 13.10.682

5

SECTION XXIX

Section 13.10.353(a) "PR Site and Structural Dimensions Chart" of the County Code is hereby amended to read as follows:

"PR" SITE AND STRUCTURAL DIMENSIONS CHART

District	Minimum Site Area (acres)	Minimum Site Width (feet)	Minimum Site Frontage (feet)	Yards (Front Side, and Rear) (feet)	Average Maximum Height (feet)
PR	20	100	60	all yards 30	28 feet

Footnote:

- For single-family dwellings and accessory structures, the district development standards shall be the same as those contained in Section 13.10.323 pertaining to residential districts and shall further be based on the size of the parcel for purposes of applying Section 13.10.323(b).

SECTION XXX

Section 13.10.354(a)1 of the County Code is hereby amended to read as follows:

- The Design Criteria for the Residential Districts, found in Section 13.10.324, found in Chapter 13.11, shall apply to all projects in the "PR" District.

SECTION XXXI

Section 13.10.363(a) "PF Site and Structural Dimensions Chart" of the County Code is hereby amended to read as follows:

"PF" SITE AND STRUCTURAL DIMENSIONS CHART

Minimum Site Area (net developable square feet)	Minimum Parcel Frontage (feet)	Minimum Yards (feet)			Average Maximum Building Height (feet)
		Front	Side	Rear	
as necessary to accommodate use	60	10	10	10	three stories, but not to exceed 35 feet

SECTION XXXII

Section 13.10.364(a)1 of the County Code is hereby amended to read as follows:

1. The Design Criteria for ~~Commercial Districts, found in Section 13.10.334, found in Chapter 13.11,~~ shall apply to all projects in the "PF" District.

SECTION XXXIII

Section 13.10.372(b) "Key to the TP Uses Chart (category P)" of the County Code is hereby amended to read as follows:

P = Principal permitted use (see Section 13.10.332 372(a)); no use approval necessary if "P" appears alone

SECTION XXXIV

Section 13.10.374(a) of the County Code is hereby amended to read as follows:

- (a) Residential Uses. The Design Criteria for the ~~Residential Districts, found in Section 13.10.324, found in Chapter 13.11,~~ shall apply to all projects of three or more units.

SECTION XXXV

Section 13.10.374(b) of the County Code is hereby amended to read as follows:

- (b) Other Uses. ~~The design criteria for all uses other than those subject to a Timber harvesting or Mining Permit shall be as provided in this Chapter (13.10) for the most restrictive district within which the use is listed as a permitted use, or in the event the use is not listed as a principal permitted use, the most restrictive district within which the use is listed as an allowed use. The Design Criteria to be applied to all uses other than those subject to a Timber Harvesting or Mining Permit shall be as provided in Chapter 13.11.~~

SECTION XXXVI

Section 13.10.375(c) of the County Code is hereby amended to read as follows:

- (c) Zoning to the "TP" District. An owner may make application to rezone land to the Timber Production District. The Board of Supervisors may, by ordinance, upon the advice of the Planning Commission pursuant to Section 51110.2 and any successor provisions, ~~Public Resources Code Government Code,~~ and after public hearings, zone as

Timber Production parcels submitted to it by petition pursuant to this section, and/or which meet all of the following criteria:

1. A map shall be submitted with the legal description or assessor's parcel number of the property desired to be zoned.
2. A Timber Management Plan for the property shall be submitted. This Plan shall have been prepared or approved as to content by a registered professional forester. Such Plan shall provide for the eventual harvest of timber within a reasonable period of time. The Timber Management Plan shall be subject to approval as submitted, or as amended by the County. Prior to rezoning of the property to "TP", the property owner shall bind himself and his successors in interest to carry out the approved Timber Management Plan.
3. Either the parcel must currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as Timber Production, failure to meet such stocking standards and Forest Practice Rules within this time period shall constitute grounds for rezoning the parcel.
4. The parcel shall be timberland.
5. Uses on the parcel shall be in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels consisting of at least five acres in area.

SECTION XXXVII

Section 13.10.384(a) of the County Code is hereby amended to read as follows:

(a) Residential Uses. The Design Criteria ~~for the Residential Districts, found in Section 13.10.324, found in Chapter 13.11,~~ shall apply to all projects of ~~two~~ three or more units, involving apartments, townhouses, condominiums, groups of single-family dwellings, and combinations thereof.

SECTION XXXVIII

Section 13.10.385(a) of the County Code is hereby amended to read as follows:

- (a) Divisions. Division of any parcel in the Special Use "SU" District shall be allowed only pursuant to the following approvals: ~~a Minor Land Division may be authorized as a Level V Approval; 2 to 19 lots or 5 - 19 lots or units as a Level VI Approval; and 20 or more lots or units as a Level VII Approval.~~

SECTION XXXIX

Section 13.10.483 of the County Code is hereby amended to read as follows:

13.10.483 USE AND DEVELOPMENT STANDARDS IN THE SALAMANDER PROTECTION "SP" COMBINING DISTRICT. Use and development standards for the Salamander Protection "SP" Combining District shall be as set forth in the Sensitive Habitat Protection Ordinance, Section 16.32.090, Subsection ~~C~~ B: Areas adjacent to the Essential Habitats of Rare and Endangered Species, 1) Santa Cruz Long-Toed Salamander.

SECTION XL

Section 13.10.510(h) of the County Code is hereby amended to read as follows:

- (h) Pre-Existing Parcels. The use of land permitted for the district in which the land is located shall be permitted on a building site of less area, width, depth, or frontage than that required by the regulations for such district if such land was a separate lot or parcel under separate ownership of record or was shown on a map of a recorded subdivision on the date said district regulation became applicable to said lot or parcel; provided that such land has not been combined or merged with a contiguous lot parcel pursuant to the provisions of the Santa Cruz County Code now contained in Sections ~~14.01.102.1 and 14.01.102.4~~ 14.01.110 and 14.01.111.

SECTION XLI

Section 13.10.525 of the County Code is hereby amended by changing the title of the Section to read as follows:

13.10.525 REGULATIONS FOR FENCES AND REGULATIONS FOR FENCES
RETAINING WALLS

SECTION XLII

Section 13.10.552(a)1 of the County Code is hereby amended to read as follows:

1. Resident Parking.

#BEDROOMS	SFDs	MFDs	MOBILEHOMES
1 bedroom	2 spaces	2 spaces	+ 2 spaces
2 bedrooms	3 spaces	2.5 spaces	+ 2 spaces
3 bedrooms	3 spaces	2.5 spaces	+ 2 spaces
4 bedrooms	3 spaces	3 spaces	+ 2 spaces
Add. bedroom	1 space each	.5 space each	N/A

SECTION XLIII

The category "Public utility structures and installations" of the parking chart in Section 13.10.552(b) is hereby amended to read as follows:

Public utility structures and installations	0.5 per employee plus additional spaces as prescribed by the Zoning Administrator <u>Approving Body</u>	0.2 employee
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SECTION XLIV

Section 13.10.553(f) of the County Code is hereby amended to read as follows:

(f) Parking Requirements for Small Recycling Collection Facilities. Small recycling collection facilities may not locate where existing parking capacity is already fully utilized. Otherwise, a reduction of available parking spaces in an established parking facility by the placement of a small recycling collection facility may be allowed under the following circumstances. (Note: In areas zoned ~~CC-Coastal Commercial~~ CT-Tourist Commercial the number of available parking spaces used as the basis to determine the allowable parking space reduction must be increased by 10%).

1. For a business use:

<u>Number of Available Parking Spaces</u>	<u>Maximum Reduction in Number of Parking Spaces</u>
0 - 25	0
26 - 35	2
36 - 50	3
50 - 100	4
100+	5

2. For a community facility use:

Maximum of five (5) spaces when not in conflict with parking needs of the community facility use.

SECTION XLV

Section 13.10.554(e) of the County Code is hereby amended to read as follows:

(e) On site drainage percolation or detention shall be provided so as not to exceed predevelopment runoff levels, and designed for a 10-year storm, unless waived by the Public Works Director. Drainage shall be filtered to reduce urban contamination of downstream drainage. The installation and maintenance of traps for oil, grease, and silt is required for all parking lots for 20 spaces or more and for all commercial and industrial projects. The requirement for the collection of runoff water for filtration may be waived by the ~~Watershed Management Office~~ Approval Body in rural areas where appropriate.

SECTION XLVI

Section 13.10.554(h) of the County Code is hereby amended to read as follows:

(h) Landscaping requirements. Projects subject to the design standards found in Chapter 13.11 shall conform to Section 13.11.074(c). Projects not subject to the design standards found in Chapter 13.11 shall conform to the following standards:

1. A comprehensive landscape plan shall be submitted for review and approval for developments requiring five automobile parking spaces or more. A minimum of one (1) tree for each five (5) parking spaces shall be provided. The plan shall indicate existing and proposed trees, shrubs and ground cover and delineate species, size, placement and irrigation methods. The plan shall include species from the recommended species list (or other approved equivalent species) for the

specific plant community of the project. Landscape plans shall be required to be prepared by the project architect, a registered landscape architect, or other qualified individual.

2. Trees shall be provided in sufficient size and quantity to adequately screen and soften the effect of the parking area within the first year.
3. Landscaping shall be planted in the ground or in approved planters.
4. Where a site adjoins a residential zone district, landscaping shall be used to ensure privacy and screen unsightliness.
5. Hose bibs shall be conveniently located for hand watering, or an irrigation system shall be installed to ensure that all landscaping is permanently maintained.

SECTION XLVII

Section 13.10.554(j) of the County Code is hereby amended to read as follows:

(j) Maintenance. Parking areas shall be maintained in good condition, and kept free of trash, debris, display or advertising uses. No changes shall be made in the number of parking spaces designated on the parking plan without review of the complete development permit by the ~~Zoning Administrator~~ Approving Body.

SECTION XLVIII

Section 13.10.554(k) of the County Code is hereby amended to read as follows:

(k) Provisions shall be made for pedestrian movement in all parking areas. ~~Protected pedestrian pathways shall be provided in parking areas of 100 or more spaces. Projects subject to the provisions of Chapter 13.11 shall meet the requirements of Section 13.11.074(a)2.~~

SECTION XLIX

Section 13.10.554(l) of the County Code is hereby amended to read as follows:

(l) A request for a variance from the provisions of this section may be considered according to Chapter 18.10 at Level III ~~V~~. This request for a variance must state in writing the provision from which it is to be varied, the proposed substitute provisions, when it would apply, and its advantages. In granting a variance, the ~~Planning Director~~

Zoning Administrator shall be guided by the following criteria:

1. That there are special circumstances or conditions affecting the property.
2. That the variance is necessary for the proper design and/or function of a reasonable project for the property.
3. That adequate measures will be taken to ensure consistency with the purpose of this section.

SECTION L

Section 13.10.556(b) of the County Code is hereby amended to read as follows:

- (b) ~~Items and materials identified~~ Storage as defined in 13.10.566 556(a) may be stored in rear yards provided such is screened from public view or stored within an approved storage structure constructed in accordance with applicable building and zoning regulations.

SECTION LI

Section 13.10.585(d) of the County Code is hereby amended to read as follows:

- (d) Failure to remove, alter or otherwise make a nonconforming sign conform to the requirements of this Chapter within the time allowed shall be deemed to be in violation of this Chapter and a public nuisance subject to abatement in accordance with Chapter ~~1-08~~ 114 of this Code. The owner of the land in which a sign is displayed shall be held responsible for rendering such a sign conforming.

SECTION LII

Section 13.10.611(b)2 of the County Code is hereby amended to read as follows:

2. Applications for habitable accessory structures shall be processed as specified in the use chart for appropriate zone district ~~and in addition shall require the submittal of proof of notice given to adjacent property owners.~~

SECTION LIII

Section 13.10.631(g) of the County Code is hereby amended to read as follows:

(g) Appeals to the Agricultural Policy Advisory Commission.

An applicant or any other person may appeal a staff determination of arable acreage or rangeland acreage specified in this section for agricultural caretakers' mobile home applications to the Agricultural Policy Advisory Commission by following the procedure in Section 16.50.095(e)(g)3. In this case, the staff Agricultural Buffer Determination is also automatically appealed. Disputes over arable acreage or rangeland acreage for other types of farm labor housing will be considered by the Agricultural Policy Advisory Commission, during the hearing scheduled to consider the appropriate agricultural buffer setback for the project. Subsequent action on the application shall utilize the acreage determination of the Commission, subject to further appeals.

SECTION LIV

Section 13.10.642(d) of the County Code is hereby amended to read as follows:

(d) ~~In the C-2 District with a Level V Approval and C-4 District with a Level IV Approval, this use may include the incidental care of animals such as bathing and trimming and shall be operated entirely within a completely enclosed building which is sound-proofed to standards approval by the County Building Inspector Official, in the C-4 District with a Level V Approval, animals may be allowed in outdoor exercise yards, but only between the hours of 7 a.m. and 7 p.m.~~

SECTION LV

Section 13.10.655 of the County Code is hereby amended to read as follows:

13.10.655 RADIO AND TV TOWERS. Radio and television transmission towers and accessory uses thereto, but not including radio and television broadcasting studios, may be allowed in any district but not unless or until a Level V Use Approval or as otherwise required by the applicable use charts is first secured in each case.

SECTION LVI

Section 13.10.656(b) of the County Code is hereby amended to read as follows:

(b) The County Seniors Commission, Commission on the Physically Handicapped ~~Disabilities~~, and Convention and Visitors Bureau shall be notified at least thirty calendar days prior to the public hearing on the permit and their written comments solicited.

SECTION LVII

Section 13.10.682(a) of the County Code is hereby amended to read as follows:

(a) Purpose. The purpose of this section is to regulate the permanent installation of manufactured homes on foundations for occupancy as single-family dwellings in accordance with and as defined in Section 64852.3 ~~65852.3~~ and any successor provisions of the California Government Code and Section 18300 and any successor provisions of the California Health and Safety Code. All such manufactured homes shall be designed and located so as to be compatible with neighboring conventionally built dwellings. The specifications provided by this section are designed to ensure the compatibility of manufactured homes in single-family zones with the aesthetic and architectural character of the surrounding neighborhood, in the same manner as that used by the County to approve other building permits for dwellings.

SECTION LVIII

Section 13.10.684(e)12 of the County Code is hereby amended to read as follows:

12. Sewage Disposal. Utilization of sanitary sewer facilities or development of a community sewage disposal system shall be provided as required Chapters ~~11.76~~ ~~7.38~~ and ~~14.01~~ ~~7.42~~ of the Santa Cruz County Code. Approval of the ~~Environmental~~ Health Department shall be obtained.

SECTION LIX

Section 13.10.700-A "definition of Animal Raising, Family" of the County Code is hereby amended to read as follows:

Animal Raising, Family. The non-commercial raising or maintaining of poultry or other fowl (not including guinea fowl, crowing roosters, turkey gobblers or peacocks) or rabbits, chinchillas, hamsters, guinea pigs or similar small animals. (See also Section 13.10.743 ~~643~~ for Animal-keeping in the RA zone.)

SECTION LX

Section 13.10.700-B of the County Code is hereby amended to repeal the definition of Building Inspector.

SECTION LXI

Section 13.10.700-B of the County Code is hereby amended to add the definition of Building Official to read as follows:

Building Official. The person appointed by the Planning Director to head the Permit and Inspection Services Section of the Planning Department.

SECTION LXII

Section 13.10.700-C "definition of Commission" of the County Code is hereby amended to read as follows:

Commission. The Planning Commission as appointed by the County Board of Supervisors. See Chapter ~~3-05~~ 2-74 of the County Code.

SECTION LXIII

Section 13.10.700-D "definition of Density Credit" of the County Code is hereby amended to read as follows:

Density Credit. The number of dwelling units allowed to be built on a particular property determined by applying the designated General Plan and LCP Land Use designation density and implementing zone district to the developable portions of the property and to those non-developable portions of the property for which credit may be granted (see definition of Developable Land). Where credit is allowed for a non-developable portion of the property, the dwelling units must be located in the developable portion of the property. The following areas which are not developable land shall be granted density credit for development density.

Outside the USL and RSL:

- a) Land with slopes between 30 and 50 percent.

Inside the USL and RSL:

see
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a) Land with slopes less than 30 percent in the required buffer set back from the top of the arroyo or riparian corridor, up to a maximum of 50 percent of the total area of the property which is outside the riparian corridor.

b) ~~The Board of Supervisors may allow a credit of up to 50 percent of the property within the 100-year floodplain if the proposal is: served by sewers; bordered by existing similarly developed lots; not at a density higher than the surrounding area; consistent with the character of the surrounding area; and will not increase the likelihood of downstream or upstream flooding. The property designated as floodway does not qualify for density credit.~~

Countywide Credits

The following areas are subject to special site and/or development criteria and shall be granted full density credit:

- a) Rare and endangered plant and animal habitats.
- b) Archaeological sites.
- c) Critical fire hazard areas.
- d) Buffer areas established between non-agricultural land uses and commercial agricultural land.
- e) Landslide areas determined by a geological study to be stable and suitable for development.
- f) Historic Sites.

SECTION LXIV

Section 13.10.700-R "definition of Riparian Corridor" of the County Code is hereby amended to read as follows:

Riparian Corridor. Those areas as defined in Chapter 16.30, Riparian Corridor Protection, Section 16.30.030(M) (R).

SECTION LXV

Section 13.11.040(d) of the County Code is hereby amended to read as follows:

- (d) All minor land divisions, as defined in Chapter 14.01, occurring within the Urban Services Line or an Rural Services Line, as defined in Chapter 17.02; all minor land divisions located outside of the urban sServices Line and the urban/rural boundary Rural Services Line, which affect effect sensitive sites; and, all land

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divisions of

5 parcels (lots) or more. For all subdivisions where actual construction of homes is not part of the application, design guidelines for development shall be required as part of the application submittal package. For all subdivisions where actual construction of homes is part of the application, both design guidelines and prototypical house and landscape design plans shall be required as part of the application submittal package, it will be a required part of any design approval to include either conceptional prototypical house and landscape design plans as part of the submittal package, or design guidelines for future home construction. Any major revisions to approved construction prototypes or design guidelines shall be processed pursuant to Section 18.10.134 and shall be subject to the Design Review process.

SECTION LXVI

Section 13.11.040(i) of the County Code is hereby amended to read as follows:

- (i) Except for large dwellings as defined in this Chapter, all agriculturally-related uses and structures proposed in the A, AP, CA, ~~TP~~ or RA zoning districts are exempt from the standards and guidelines contained herein.

SECTION LXVII

Section 13.11.072(h)1(ii) of the County Code is hereby amended to read as follows:

- (ii) All useable open space requirements for "RM" districts shall be satisfied according to Section 13.10.323~~(m)~~(f) of the Santa Cruz County Code.

SECTION LXVIII

Section 13.12.010 of the County Code is hereby amended to read as follows:

not part of LCP amendment

13.12.010 DECLARATION OF PURPOSE. Pursuant to the authority conferred by the Airport Approaches Zoning Law of the State of California and in conformity with Sections 50485 to 50485.1314 and any successor provisions of the Government Code, the Board of Supervisors of the County of Santa Cruz, State of California, deems it necessary to regulate the use of airspace for the purpose of promoting the health, safety and general welfare of the inhabitants of the County of Santa Cruz by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the Watsonville Municipal Airport and of the occupants of the land in its vicinity and preventing destruction and impairment of the utility of the

SECTION LXXIX

Section 15.01.070(a) of the County Code is hereby amended to read as follows:

(a) Parks. The amount of land to be dedicated and developed or fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the inhabitants of the new development. By provisions of this chapter, owners of new development shall be responsible to provide for a portion of park need created by their development - three acres of developable parkland improved for park use for every 1,000 new residents. Based on this standard, the area required to be dedicated shall be 400 square feet for every one-family, and 300 square feet for every multiple dwelling unit, mobile home, or visitor accommodations unit, as defined in Section 13.10.700-V of the County Code, that is planned for the development. This land shall be in addition to any setback or open space area required by the zone district regulations. If land is dedicated in excess of the park dedication requirements then the excess land may be used in calculating the number of dwelling units allowed. Up to 25 percent of the park dedication requirement may be met by dedication of land within the 100 year floodplain if the county determines that the site is appropriate as a park site under the provisions of Section 15.01.090(c), that the land is suitable for park use, and no permanent structures are required in this area. Planned developments and real estate developments (as defined in Sections 11003 and 22003.1 11003.1 and any successor provisions of the Business and Professions Code) which contain common open space areas usable for active recreation purposes may receive park dedication credit to the extent that this land exceeds the normal common open space requirements for such development projects.

SECTION LXXX

Section 15.02.130(c) of the County Code is hereby amended to read as follows:

(c) Land Value. The total land area required by this chapter to be dedicated shall be at least equal in monetary value to the fees which would be otherwise required by Section ~~15.05.130(b)~~ 15.02.130(b). The Planning Director shall determine and establish the monetary value of land area for the purposes of this chapter.

SECTION LXXXI

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part of
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amend-
ment

Section 15.02.170 of the County Code is hereby amended to read as follows:

15.02.170 SCHOOL DISTRICT SCHEDULE. Following concurrence by the Board of Supervisors, pursuant to Section ~~15.05.100~~ 15.02.100, the Clerk of the Board of Supervisors shall notify each school district affected thereby. The governing body of the school district shall

then submit a schedule specifying how it will use the land or fees, or both, to solve the condition of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available, and the times when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the Board of Supervisors and the reasons for the modifications.

SECTION LXXXII

Section 15.12.030(a) of the County Code is hereby amended to read as follows:

(a) All development projects including (without limitation) minor land divisions, subdivisions, building permits, and commercial or residential development permits, and permits for ~~passed~~ phased projects, unless otherwise exempted, shall pay a transportation and roadside improvement fee. Where transportation and roadside improvement fees are required, they shall be paid at the time of the first of the following occurrences:

1. Prior to the recording of a parcel map for a minor land division or a final map for a subdivision.
2. Prior to the issuance of a project building permit.
3. Prior to the exercise of any use entitlement, or development permit.

SECTION LXXXIII

Section 15.12.050(b) of the County Code is hereby amended to read as follows:

(b) Traffic and roadside improvement trust funds shall be maintained by the Auditor-Controller, and deposited, invested, accounted for and expended pursuant to Government Code Section ~~53077~~ 66006 and any successor provisions.

SECTION LXXXIV

Section 16.20.050 of the County Code is hereby amended to read as follows:

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ment

16.20.050 EXEMPTIONS. The following work is exempt from the provisions of this chapter, however, it remains subject to the ~~erosion prevention requirements of Section 16.20.190,~~ Riparian Corridor Protection Ordinance (Chapter 16.30), the County Environmental Review Regulations (Chapter 16.01), the Erosion Control Ordinance (Chapter 16.22), the Geological Hazard Ordinance (Chapter 16.10), the Sensitive Habitat Protection Ordinance (Chapter 16.32),

and the County Native American Cultural Sites Ordinance (Chapter 16.40). The following work may also be subject to other requirements imposed in county and state law.

- (a) Excavations. An excavation which does not exceed 100 cubic yards and which does not create a cut slope greater than five feet in depth.
- (b) Fills. A fill containing earth material only which is less than two feet in depth, is placed on natural terrain which has a slope flatter than five horizontal to one vertical, does not exceed 100 cubic yards on any one site, does not alter or obstruct a drainage course, and will not be used for structural support.
- (c) Basements, Footings. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill as provided under Section 16.20.050(b) made with the material from such excavation, nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure.
- (d) Cemeteries. Cemetery graves.
- (e) Refuse Disposal. Refuse disposal sites which are permitted and actually being controlled pursuant to other county regulations, and excavations for individual and community sewage disposal systems, made pursuant to permit.
- (f) Wells and Utilities. Excavations for wells or utilities.
- (g) Mining and Quarrying. Mining, quarrying, excavating, processing, stockpiling of rock, sand gravel, aggregate or clay materials, pursuant to a county permit.
- (h) Soil Testing. Exploratory excavations under the direction of a soils engineer or engineering geologist where such excavation is to be returned to the original condition under the direction of such engineer or geologist within 45 days after the start of work.
- (i) Agricultural Work. Routine plowing, harrowing, disking, ridging, listing, land planing, and similar operations necessary to prepare a field for a crop for continued agricultural use. (All other agricultural grading shall be subject to the procedures of

Section 16.20.195).

(j) Timber Harvesting. Work done pursuant to a valid timber harvesting permit.

(k) County Public Works. Routine maintenance and other work undertaken by the County Department of Public Works that does not impact an environmental resource of

hazardous or critical concern where designated, mapped and officially adopted pursuant to law by federal or state agencies, or by the Santa Cruz County Board of Supervisors, or where identified through field or technical investigation.

SECTION LXXXV

That portion of Section 16.22.030 "definition of Development Permit" of the County Code is hereby amended to read as follows:

Development Permit. A permit issued by the County for new land use activities including but not limited to: building, grading, land clearing, subdivisions, minor land divisions, planned unit developments, and major planned developments and residential, commercial, industrial and agricultural development permits.

SECTION LXXXVI

Section 16.22.030 "definition of Major Planned Development" of the County Code is hereby amended to read as follows:

Major Planned Development Development Proposals. New commercial, industrial, or professional developments; or new residential developments of more than four units.

SECTION LXXXVII

Section 16.22.060(d)3 of the County Code is hereby amended to read as follows:

3. Planned unit developments, major planned development, and major use permits. Commercial or Industrial Development Permits for new structures, or Residential Development Permit for more than four units

SECTION LXXXVIII

Section 16.22.080(c)3 of the County Code is hereby amended to read as follows:

3. Mulching, fertilizing, watering or other methods may be required to establish new vegetation. On slopes less than 20 percent, topsoil ~~should~~ shall be stockpiled and reapplied.

SECTION LXXXIX

Section 16.24.055(b) of the County Code is hereby amended to read as follows:

(b) ~~Any protection measures proposed by the State Department of An approval issued pursuant to Fish and Game or any final decision of a panel of arbitrators issued pursuant to Fish and Game Code Sections 16.01 or 16.02 1603 and any successor provisions,~~ or written discharge requirements established by the Regional Water Quality Control Board shall constitute a permit under this section if the Administrator so specifies in writing on the Fish and Game permit or discharge requirement order.

SECTION XC

Section 16.24.070 of the County Code is hereby amended to read as follows:

16.24.070 PENALTIES. The penalties for violation of, or failure to comply with, this chapter shall be ~~a misdemeanor as prescribed in Sections 1.08.010 and 1.08.030 Chapter 1.12~~ of the Santa Cruz County Code, except that the maximum fine for each separate violation of this chapter shall be \$1,000.

SECTION XCI

Section 16.32.090(a) of the County Code is hereby amended to read as follows:

(a) Conditions of approval shall be determined by the Environmental Coordinator through the environmental review process. These conditions may be based on the recommendations of the biotic assessment or biotic report and shall become conditions of any subsequent approval issued for the property. Such conditions shall also apply to all development activities engaged in on the property. Any additional measures deemed necessary by the decision-making body shall also become development permit conditions. ~~Exceptions may be granted by the decision-making body subject to the provisions of Section 16.32.100.~~

SECTION XCII

Section 16.32.095 of the County Code is hereby amended to read as follows:

16.32.095 PROJECT DENSITY LIMITATIONS

The following requirements shall apply to density calculations for new building sites created in

habitats of locally unique species through minor land divisions, subdivisions, ~~planned development, or planned unit development or Residential Development Permits:~~

- (a) Special Forests - Prohibit land divisions within designated Special Forests unless the area to be divided is removed from the mapped special forests habitat area by General Plan/Local Coastal Program amendment. On parcels with existing mapped special forest areas which contain developable land outside those areas, allow development at the lowest density of the land use designation and require that development be clustered and located outside the habitat areas. Allow one single family dwelling unit per existing parcel of record. Where property owners upgrade special forest areas on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced.
- (b) Grasslands - Prohibit land divisions of native and mixed native grassland habitat mapped in the Coastal Zone unless the area to be divided is removed from the mapped grassland habitat area by General Plan/Local Coastal Program amendment. On parcels with existing mapped native and mixed native grasslands and which contain developable land outside those habitats, allow development at the lowest density of the land use designation and require that development be clustered and located outside the habitat areas. Allow one single family dwelling unit per existing parcel of record. Where property owners upgrade grasslands on their parcels, outside of mapped areas, through resource management activities, the prevailing General Plan densities shall not be reduced.

SECTION XCIII

Section 16.44.070(d) of the County Code is hereby amended to read as follows:

- (d) Resumption of Development. Resumption of ground disturbing activities shall be authorized ~~with~~ within 30 days of the inspection and after compliance with the provisions of paragraph (c) above. The date of authorized resumption of excavation and development may be extended up to 30 additional days by order of the Board of Supervisors.

SECTION XCV

Section 16.50.070(a) of the County Code is hereby amended to read as follows:

(a) Lands designated as Type 1 agricultural land shall be maintained in the Commercial Agriculture ("CA") Zone District, or if within a Timber Preserve an area designated as a Timber Resource, be maintained in the Timber Preserve Production ("TP") Zone District, or if within a public park, be maintained in the Parks and Recreation ("PR") Zone District.

The following parcels, designated as Type 1 agricultural land, shall be maintained in the Agricultural Preserve ("AP") Zone District: Assessors Parcel Numbers 86-281-07, 86-281-24. Type 1 land shall not be rezoned to any other zone district unless the Type 1 designation is first removed pursuant to Section 16.50.050.

SECTION XCV

Section 16.50.075(a) of the County Code is hereby amended to read as follows:

(a) Lands designated as Type 2 agricultural land shall be maintained in the Commercial Agriculture ("CA") Zone District, or if within a Timber Preserve an area designated as a Timber Resource, be maintained in the Timber Preserve Production ("TP") Zone district, or if within a public park, be maintained in the Parks and Recreation ("PR") Zone District. Type 2 land shall not be rezoned to any other zone district unless the Type 2 designation is first removed pursuant to Section 16.50.050.

SECTION XCVI

Section 16.50.080(a) of the County Code is hereby amended to read as follows:

(a) Lands designated as Type 3 agricultural land shall be maintained in the Commercial Agriculture ("CA") Zone District, or if within a Timber Preserve an area designated as a Timber Resource, be maintained in the Timber Preserve Production ("TP") Zone District, or if within a public park, be maintained in the Parks and Recreation ("PR") Zone District. The following parcels, designated as Type 3 agricultural land, shall be maintained in the Agricultural Preserve ("AP") Zone District: Assessors Parcel Numbers 46-021-05, 54-261-05, 57-121-25, 57-201-13. Type 3 land shall not be rezoned to any other zone district unless the Type 3 designation is first removed pursuant to Section 16.50.050.

SECTION XCVII

Section 16.50.095(f) of the County Code is hereby amended to read as follows:

- (f) Notwithstanding the provisions of Section 16.50.095(b), farm labor ~~worker~~ housing developments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel. Said buffer shall be 200 feet if feasible; and if a 200 foot buffer is not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate.

SECTION XCVIII

Section 16.52.070(b) of the County Code is hereby amended to read as follows:

- (b) Action by Director. Following environmental review, the Director may consider or refer to the Planning Commission a timber harvesting permit application if either:
1. The harvest volume is 1,500,000 board feet or less, Scibner Decimal C short log scale, or measure of equivalent volume on lands zoned ~~TPZ TP~~, or
 2. The harvest is 500,000 board feet or less, Scibner Decimal C short log scale, or measure of equivalent volume on lands not zoned ~~TPZ TP~~

SECTION IC

Section 18.10.015 "definition of Commission" of the County Code is hereby amended to read as follows:

Commission. The Planning Commission as appointed by the County Board of Supervisors. See Chapter ~~3-05 2 74~~ of the County Code.

SECTION C

Section 18.10.112(a)4 of the County Code is hereby amended to read as follows:

4. Processing Level IV (Public Notice) includes those projects for which plans are required, field visits are conducted, and for which public notice is provided in the form of a mailed notice of applicant's submission to property owners and occupants, posting of the property, a published newspaper announcement of the

pending project, notice to each member of the Board of Supervisors, and a mailed notice to surrounding property ~~and occupants~~, ~~as well as to including~~ occupants of the subject property, prior to administrative action on permits.

SECTION CI

Section 18.10.112(b) of the County Code is hereby amended to read as follows:

(b) Public Hearing Permits and Approvals. The following reviews shall be conducted and permits or policy amendments shall be acted upon by the designated approving body

following a duly noticed public hearing pursuant to Section 18.10.220 et seq.:

1. Processing Level V (Zoning Administrator) includes projects for which full plans are required, filed visits are conducted, public notice is provided in the form of a posting of the property, notice to each member of the Board of Supervisors, a mailed notice to the surrounding property owners ~~and occupants~~, as well as to occupants of the subject property, and staff reports are prepared which require approval by the Zoning Administrator, after a notice of public hearing.
2. Processing Level VI (Planning Commission) includes projects for which full plans are required, field visits are conducted, public notice is provided in the form of a posting of the property, notice to each member of the Board of Supervisors, a mailed notice to surrounding property owners ~~and occupants~~, as well as to occupants of the subject property, and staff reports are prepared which require approval by the Planning Commission, after a notice of public hearing.
3. Processing Level VII (Board of Supervisors) includes projects for which full plans are required, field visits are conducted, public notice is provided in the form of a posting of the property, notice to each member of the Board of Supervisors, a mailed notice to surrounding property owners ~~and occupants~~, as well as to occupants of the subject property, and staff reports are prepared, and which require a recommendation by the Planning Commission, after a notice of public hearing, to be acted upon by the Board of Supervisors, also after a notice of public hearing.

SECTION CIII

Section 18.10.121 of the County Code is hereby amended to read as follows:

18.10.121 SUMMARY CHART OF REVIEW PROCESS. Action on permits and approvals shall be in accordance with the procedures of one of the seven processing levels defined in this

Chapter and as required by the governing County ordinances and regulations. The following chart is presented for the purpose of illustration and provides an outline of the general requirements for each processing level. The "X"s indicate which items apply to which level. The processing levels are identified by their numbers and names. "Submittals Required" refers to the application submittal requirements given in Section 18.10.210. "Notice Required" refers to the differing requirements of public noticing for each processing level as prescribed in Section 18.10.220 et seq. "Approving Body" indicates the officer or hearing body which makes the determination on applications at each processing level, as defined in Section 18.10.112.

SUBMITTALS REQUIRED (See Section 18.10.210)	PROCESSING LEVEL						
	1	2	3	4	5	6	7
Application form, fee project description	X	X	X	X	X	X	X
Plot plan, building plans		X	X	X	X	X	X
Site development plans		X	X	X	X	X	X
Further information if needed after initial staff review	X	X	X	X	X	X	X

PUBLIC NOTICES REQUIRED (See Section 18.10.220)	PROCESSING LEVEL						
	1	2	3	4	5	6	7
Notice of application submittal				X			
List of official action	X	X	X				
Legal advertisement of pending action				X			
Notice posted on site				X	X	X	X*
Notices mailed to owners of property within 300 feet				X	X	X	X*
Notices mailed to occupants within 100 feet and the subject property				X	X	X	X*

Legal advertisement of public hearing					X	X	X*
* Required for both Planning Commission and Board of Supervisors hearings							

REVIEWING BODY (See Section 18.10.112)	1	2	3	4	5	6	7
Planning Director or designated person	X	X	X	X			
Zoning Administrator					X		
Planning Commission						X	X
Board of Supervisors							X

SECTION CIII

Section 18.10.131(e) of the County Code is hereby amended to read as follows:

(e) Transfer of Permits. Except for Type A facilities, tent and RV camping sites pursuant to Section 13.10.355(a)4, All permits issued pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the permit application, unless otherwise specified by the Approval Body at the time the permit was granted. All time limits in effect at the time of the transfer are still in effect and are not extended by the transfer. Residential building permit allocations (positions on the lottery list) are not permits and are not transferable.

SECTION CIV

Section 18.10.133(b) of the County Code is hereby amended to read as follows:

(b) Land Division Permits. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the approving body for a period or periods not exceeding a total of five years from the date of the expiration of the original tentative map approval. Requests for time extensions for all tentative map approvals shall be initiated by the subdivider on forms provided by the Planning Department. Such requests shall be processed pursuant to ~~Level IV (Public Notice)~~ Level VI (Planning Commission) for Minor Land Divisions and ~~V for Subdivisions of 5 to 19 lots, and Level VII (Board of Supervisors) for Subdivisions of 20 or more lots,~~ except that the appeal period shall be 15 calendar days. When considering such requests, the Approval Body may add or modify any conditions of approval of the original tentative map.

SECTION CV

Section 18.10.134(b)3 of the County Code is hereby amended to read as follows:

3. Modifications. A modification is a change to a final map or parcel map based on a finding that changed circumstances or new information make one or more aspects of such planning approval no longer appropriate or necessary, which change does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected in any recorded map (see Government Code Section 66471.1 66472.1 and any successor provisions), and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

SECTION CVI

Section 18.10.222(b) of the County Code is hereby amended to read as follows:

(b) Contents of notice. The content of the notice shall be as follows:

1. Location of the proposed project.
2. Name of the applicant.
3. Description of the proposed use.
4. How further information may be obtained and how to submit information on the proposed project.
5. Final date on which comments will be accepted.

6. How to submit information on the proposed project.
7. Date the permit is proposed to be issued.

SECTION CVII

Section 18.10.340(e)1 of the County Code is hereby amended to read as follows:

1. If the Board, by a majority vote, determines to take jurisdiction for further review, the Board shall direct that a public noticed hearing on the matter shall be set within 30 calendar days of the decision to take jurisdiction, and the appellant, affected property owners and occupants, and interested persons shall be provided with the written and published notice that would be required for a hearing on such matter before the Planning Commission.

SECTION CIX

Section 18.10.451 of the County Code is hereby amended to read as follows:

18.10.451 JUDICIAL REVIEW. No legally permitted action or proceeding to attack, review, set aside, void or annul or seek damages or compensation for any County decision or action taken pursuant to this Chapter, or to determine the reasonableness, legality or validity of any condition attached thereto, shall be maintained by any person unless such action or proceeding is commenced and service effected within the time limits specified in ~~County Code Subsection (de)~~ of ~~County Code Section 1-04.016 1-04.080~~, ~~County Code Section 1-04.110 1-04.170~~, ~~Section 65860 and any successor provisions of the Government Code, or and Sections 21167 and 30801 and any successor provisions of the Public Resources Code.~~ Thereafter all persons are barred from commencing or prosecuting any such action or proceeding or asserting any defense of invalidity or unreasonableness of such decision or of such proceedings, determinations, or actions taken. The provisions of this section shall not expand the scope of judicial review and shall prevail over any conflicting provisions in any otherwise applicable law relating to the subject matter.

SECTION CX

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

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ORDINANCE NO. _____

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AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7.38,
SEWAGE DISPOSAL, RELATING TO REUTILIZATION OF EXISTING SYSTEMS,
FINDINGS OF COMPLIANCE, SOILS TESTS, AND OTHER MINOR AMENDMENTS

Deletions are shown as strikeouts
Additions are in bold type
Explanations for changes are presented in italics

The Board of Supervisors of the County of Santa Cruz, does ordain as follows:

SECTION I:

Subsection 1. of Table 7.38.045, Minimum Lot Size for Existing Lots of Record, is hereby amended to read as follows:

1. Regardless of the date of recordation, the following are minimum lot size requirements for the areas listed below:
 - a. Kristen Park Subdivision Assessor's Book Page 632-17.

Staff analysis: The amendment is to correct an incorrect reference.

SECTION II:

Sections B. and C. of 7.38.080, Existing System - Building Alterations, are hereby amended to read as follows:

7.38.080 EXISTING SYSTEM - BUILDING ALTERATIONS

- A. General. The sewage disposal system for buildings or structures to which additions, alterations, replacements, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section. ~~For purposes of this Section, requirements do not include the minimum lot size provisions of this chapter.~~ No building permit shall be issued for an addition, alteration, replacement, or repair without review and approval of the Health Officer.
- B. Additions, Remodels, Replacements and Repairs:
 1. A one-time addition per parcel to any legal residential building structure of up to 500 square feet of habitable space with no increase in bedrooms may be approved with no change required to the existing sewage disposal system provided all the conditions listed below are met.
 - a. The addition does not encroach on the existing sewage disposal system or expansion area.
 - b. Adequate information exists as to the location, construction and proper function of the existing sewage disposal system.
 - c. The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date.
 - d. The existing sewage disposal system is functioning without failure.
 2. Additions of more than 500 square feet of habitable space and/or increases in the numbers of bedrooms to any legal residential structure and/or the creation of an accessory dwelling unit pursuant to Section 13.10 of this Code may be approved, provided the sewage disposal system meets (or is upgraded to meet) the requirements for a standard system or alternative system as specified in Sections 7.38.095 - 7.38.182 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units.)

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- 3 Replacement of a ^{dwelling unit} legal structure with an equivalent structure may be approved, provided that: 1) ~~the sewage disposal system meets the standards in Sections 7.38.080-7.38.182;~~ the sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in Section 7.38.095-7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in Sections 7.38.095 - 7.38.182; 2) during the three year period prior to application under this subsection the legal structure has been continuously used or fully capable of being continuously used for either residential or commercial use; and, 3) during the full three year period prior to application under this subsection the legal structure has been continuously assessed as an active residential or commercial use by the County Assessor.
4. For purposes of this subsection, "legal structure" means a structure, including any remodel or addition, which was constructed pursuant to an approved building permit, or constructed at a time prior to the requirement of a building permit.
5. Any parcel for which an addition, remodel, replacement, or repair meets all the provisions of this subsection shall not be required to meet the minimum lot size provisions of this Chapter.

Staff Analysis: Addition of this language provides clarification for parcels where there are abandoned, decrepit dwellings or, where dwellings have been completely removed in the past. Compliance with minimum parcel size and new septic system requirements must be attained in order to construct a dwelling if the proposed conditions being added by the amendments can not be met. These amendments were initially proposed by County Counsel to clarify the intent of this section. The provisions of this section are also being modified to make it clear that they apply to replacement of habitable structures in general, and is not limited to dwellings. This amendment to include all structures will formalize what has, in fact, been actual practice.

46. The Environmental Health Service shall review and provide approval of all residential building permit applications that propose an increase in or relocation of any building footprint on a parcel served by an individual sewage disposal system. The conditions stated in 7.38.080.B.1.a. and b. shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, replumbing, reroofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Service.

C. Reconstruction of Residences Occupied Structures Destroyed by Fire or Calamity.

1. Reconstruction of any structure destroyed prior to November 3, 1992, by natural calamity or other calamity or any other structure which does not meet the provisions of Subsection 7.38.080.C.2, below, will be considered new development, which must meet all provisions of Chapter 7.38, including its minimum lot size provisions.
2. ~~When a residential~~ Reconstruction of any legal structure is partially or wholly destroyed on or after November 3, 1992, by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such residence structure, either the sewage disposal system to serve the reconstruction must be upgraded to meet the standards as provided in Sections 7.38.095-7.38.182, or, the existing sewage disposal system may be used will not be considered new development if all of the following conditions are met:
 - a. On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. Legal structure as used in this subsection means a structure, including any remodel or addition, which was constructed under an approved building permit, or constructed at a time prior to the requirements of a building permit.
- ~~1. The Health Officer determines the system to be in safe working condition.~~
- ~~2. Any improvements to the system which the Health Officer specifies as needed shall be done in accord with Sections 7.38.095 - 7.38.182 of this chapter.~~
- 3 b. ~~The ownership has remained the same, and Application for a permit for rebuilding to reconstruct the structure is applied for within 24 months of the date of the damage, or must be made within thirty-six (36) months of the date of the calamity damage if the damage due to a natural calamity for which the Board of Supervisors has declared a local emergency.~~
- c. The sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in Sections 7.38.095- 7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in Sections 7.38.095- 7.38.182.

- ~~4. The square footage of the original structure is not increased more than 500 square feet of habitable space and no new bedrooms are added.~~
5. d. Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.
- ~~6. The existing sewage disposal system and any needed improvements must be at least 50 feet from any waterway. If the 50 feet setback cannot be maintained, an alternative system may be allowed upon approval of the Health Officer pursuant to Section 7.38.182.~~

Staff Analysis: This clarification is added to require that minimum parcel size requirements and septic standards for new development be met where abandoned, decrepit structures previously existed. Additional language is added to reaffirm that the structure must be legal to take advantage of this Subsection. The structure must also have been damaged after November 3, 1992, to take advantage of this Subsection. On that date the Board of Supervisors amended Chapter 7.38 to allow reconstructions using repair standards. Prior to that time, a reconstruction had to meet standards for new development unless the reconstruction took place within 2-3 years of the calamity. The amendments are being suggested based on advice from County Counsel. The wording has been amended so that the Subsection applies to non-residential structures such as stores, restaurants, etc. The amendment formalizes what has been actual practice.

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

SECTION III:

Subsection A.1. of Section 7.38.090, Application and Fees, is hereby amended to read as follows:

7.38.090 APPLICATION AND FEES

- A. An application for a permit to construct, reconstruct, or make any repair (other than minor repair) to an individual sewage disposal system shall be made to the Health Services Agency on forms provided for that purpose, and each such application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable, except as herein provided for an application for a new system.
 1. The Director of Environmental Health may authorize credit of not more than 80 percent of the filing fee paid toward reapplication for an application which has expired pursuant to Section 7.38.092 1.C, subject to the following conditions:

Staff Analysis: This provides for correction of the original subsection citation.

- a. The original applicant reapplies within 180 days of the date of expiration of the original application.
 - b. No installation or construction of any portion of the individual sewage disposal system has taken place and the technical design and site plan are unchanged from the original application. If changes in the original application are required pursuant to Section 7.38.093.C., or because of site conditions or redesign of the original proposal, full filing fees are required upon reapplication.
- B. Supporting documents as required by the Health Officer, including but not necessarily limited to plot plan(s) and floor plan(s), shall be submitted with the application for a permit. The requirements for such supporting documents shall be as established by policy of the Health Officer. [Amended by Ord. #4440]

SECTION IV:

Subsection C.1. of Section 7.38.092, Finding of Compliance, is hereby amended to read as follows:

7.38.092 FINDING OF COMPLIANCE

6 After the Health Officer determines that an application is complete, that all required information has been submitted,

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and that the proposed system complies with the requirements of this Chapter, he or she shall grant or conditionally grant a Finding of Compliance.

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- A. Within fifteen business days after receipt of all the required information the Health Officer shall grant, conditionally grant, or deny a Finding of Compliance.
 - B. A Finding of Compliance shall not be granted unless the Health Officer determines that the proposed system meets all the requirements of this Chapter, the proposed system will function in a satisfactory manner, and the applicant has demonstrated an approved water source.
 - C. The Finding of Compliance shall remain in effect for a period of 24 months from the date the Finding of Compliance was granted and shall thereupon expire and become null and void, unless an application for a building permit is accepted as complete and is under review by the Planning Department. In that case, the Finding of Compliance shall remain valid until the building permit is issued, or the application for the building permit becomes invalid. If the building permit application becomes invalid, the Finding of Compliance shall also become null and void.
1. The Director of Environmental Health may authorize credit of not more than 80 percent of the filing fee paid toward reapplication for a Finding of Compliance which has expired pursuant to Section 7.38.092.C, subject to the following conditions:
 - a. The original applicant reapplies within 180 days of the date of expiration of the original Finding of Compliance.
 - b. No installation or construction of any portion of the individual sewage disposal system has taken place and the technical design and site plan are in compliance with all requirements of the Chapter. If changes in the original application are required pursuant to Section 7.38.093.C., or because of site conditions or redesign of the original proposal, full filing fees are required upon reapplication.
 - c. Findings of Compliance reissued under this subsection shall remain valid for 2 additional years. This provision to renew a Finding of Compliance shall be available only once for each application for sewage disposal.

Staff Analysis: This proposed change allows applicants with expired Findings of Compliance to renew expired sewage disposal permits for one period of two years. Applicants would also be allowed a partial credit from fees paid for an expired Finding toward the reapplication, as is currently allowed for an application for a permit made pursuant to Section 7.38.090.

- D. Prior to the expiration of the period during which a Finding of Compliance is in effect, a permit may be issued on the basis of the Finding of Compliance. Sewage disposal permits required by this Chapter may be issued only in conjunction with the issuance of a building permit for the structure which the individual sewage disposal system is to serve. Any permit issued shall incorporate any and all conditions specified in the Finding of Compliance as conditions of the permit.

Subsection E. of Section 7.38.095, Repair Permits, is hereby amended to read as follows:

7.38.095 REPAIR PERMITS.

- E. Repair Procedures and standards for the repair of individual sewage disposal systems, including and guidelines for the design and use of alternative systems for as repairs, shall be established by policy of the Health Officer.

Staff analysis: This punctuation correction and wording change is not a substantive change to this subsection and clarifies existing law.

SECTION VI:

Subsection B. of Section 7.38.120, Soil Percolation Tests and Other Required Information, is hereby amended to read as follows:

7.38.120 SOIL PERCOLATION TESTS AND OTHER REQUIRED INFORMATION.

- A. Soil percolation tests shall be required prior to approval of any application for a disposal system to serve new development. and prior to approval of a repair permit if the Health Officer believes that the soil may not meet the requirements specified in this Chapter. Percolation test tests shall not be required in order to obtain a repair permit unless the applicant's estimated percolation range differs from the opinion of the Health Officer. Percolation tests shall be performed by any of the following, who shall be licensed in California; a registered civil engineer; a registered environmental health specialist; licensed septic tank contractor who has a contract to install the individual sewage disposal system; a general engineering contractor; a registered geologist or a soils scientist. Such tests may be witnessed by the Health Officer. The Health Officer shall determine the number and location of percolation test borings. Percolation test procedures shall be established by policy of the Health Officer. For the soils where the leach trench is proposed, the minimum acceptable percolation rate is 60 minutes per inch (one inch per hour). The maximum acceptable percolation rate is 1 minute per inch (60 inches per hour). For soils beneath the leaching device the minimum acceptable percolation rate is 60 minutes per inch in the first 3 feet below the trench and 120 minutes/inch (½ inch per hour) from 3 to 10 feet below the trench.
- B. When required by the Health Officer (based on geomorphological and historical information), observation for seasonal high water tables shall take place only during the rainy season and when both of the following occur: (1) the cumulative rainfall reaches the total specified on the rainfall map maintained by the Director of Environmental Health for the region of observation, and (2) six inches of rainfall has occurred within thirty days immediately preceding preceding the date of observation. The Health Officer may require the construction of piezometers (shallow groundwater monitoring pipes) in the vicinity of proposed leaching devices to enable the observation of depth to groundwater throughout the winter. Such piezometers shall be constructed to specifications established by the Health Officer. The Health Officer may observe seasonal high water table anytime during the winter water table test period established by (1) and (2) above. The determination, for design purposes, of seasonal high water table elevation in the vicinity of the proposed leaching devices shall be the static piezometric water level observed that is not influenced by confined water in lower strata that are penetrated by the piezometer. Temporary and brief saturated conditions caused by significant rain events shall not provide the sole basis for determination of seasonal high water table for leaching device design purposes.
- C. If the Health Officer expects the soils to have a percolation rate slower than 60 minutes/inch (1 inch per hour) or have a shrink-swell potential (due to high clay content, generally over 30% clay), the Health Officer may require percolation testing during the time period for winter water table observation. Any question of extent of shrink-swell potential may be required to be resolved by a soil texture (hydrometer method) and bulk density analysis.
- D. One or more soil excavations shall be performed for each individual sewage disposal system to demonstrate the suitability of soil conditions to serve new development. Soil excavations for repair permits may be required if the Health Officer believes the soil may not meet the requirements of this chapter. When effluent leaching trenches are to be used, the excavation shall be made by backhoe whenever possible and shall extend to at least 10 feet below the bottom of the proposed trench leaching device to demonstrate the suitability of soil conditions. When effluent leaching trenches are to be used, the excavation shall be made by backhoe whenever possible and shall extend to at least 10 feet below the bottom of the proposed trench leaching device.

Staff Analysis: The proposed language provides clearer direction to applicants regarding soil testing requirements for new development and repair permits and provides clearer direction to applicants and staff regarding generally accepted techniques for the observation of high seasonal water table.

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SECTION 10:

This ordinance shall take effect on the 31st day after the date of adoption or immediately upon certification by the State Coastal Commission, whichever occurs later.

PASSED AND ADOPTED this _____ day of _____, 1997, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Harry A. Oberhelman III 3/12/98
County Counsel

DISTRIBUTION:

CAO
Environmental Health
Regional Water Quality Control Board
County Counsel
Planning

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