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Prepared August 19, 2009 (for September 9, 2009 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, Central Coast District Manager
Susan Craig, Coastal Planner

Subject: Santa Cruz County LCP Amendment Number 1-08 Part 3 (Small Scale Residential Projects). Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's September 9, 2009 meeting to take place at the Wharfinger Building, 1 Marina Way, in Eureka.

Summary

Santa Cruz County has submitted the above-referenced Local Coastal Program (LCP) amendment request intended to modify certified LCP Implementation Plan (IP) standards in relation to certain types of residential projects (including accessory structures, second units, etc.). The proposed amendment includes numerous proposed changes, affecting many sections in Chapters 13.10, 13.20, and 16.50 of the certified LCP. The purpose of the proposed amendment is to reduce the scope of the regulatory process for smaller-scale residential projects while not sacrificing reasonable protection of important coastal resources, including but not limited to, public viewsheds, agricultural land, sensitive habitat areas, and public access. The proposed changes slightly modify LCP standards in ways that should not affect coastal resource protection, including with respect to existing LCP protections that remain unaffected by the changes proposed. The proposed changes should help streamline the processing of certain smaller-scale residential projects, but the LCP will continue to protect coastal resources appropriately in such a streamlined process. As a result, the proposed changes do not raise issues of consistency with the County's certified Land Use Plan (LUP), which is the standard of review for the proposed IP changes. Staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the coastal resource protection policies of the County's LUP, and that the Commission approve the IP amendment as submitted. The necessary motion and resolution are found on page 2 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on October 13, 2008. The proposed amendment includes IP changes only, and the original 60-day action deadline was December 12, 2008. On November 12, 2008, the Commission extended the action deadline by one year to December 12, 2009. Thus, the Commission has until December 12, 2009 to take a final action on this LCP amendment.



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I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. The Commission needs to make one motion in order to act on this recommendation.

Approval of Implementation Plan Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the implementation plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission **reject** Major Amendment Number 1-08 Part 3 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.

Resolution to Certify the IP Amendment as Submitted. The Commission hereby certifies Major Amendment Number 1-08 Part 3 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan Amendment may have on the environment.



II. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

1. Proposed Amendment Background

According to the County, inquiries and permit requests for small-scale residential projects¹ comprise the largest percentage of daily visits to the County's Planning Department. Given the complexity of the County's LCP, applications for relatively minor residential projects can include significant regulatory hurdles and extensive process issues, resulting in a high level of frustration, cost, and delays for applicants. The purpose of the proposed amendment is to reduce the scope of the regulatory process for smaller-scale residential projects while not sacrificing reasonable protection of important coastal resources, including but not limited to, public viewsheds, agricultural land, sensitive habitat areas, and public access. Specifically, the County's goals pertaining to the proposed LCP amendment include:

- Eliminating/modifying outdated regulations;
- Eliminating/modifying regulations that result in significant process costs and delays but typically do not result in any change to the final project;
- Simplifying the process for applications requiring discretionary review to the lowest practical level of review to reduce applicant costs and delays;
- Resolving internal inconsistencies between regulations in different parts of the zoning code.

2. Proposed Small Scale Residential Changes Amendment

The proposed amendments, which affect numerous sections of the County's LCP that pertain to residential use, are summarized as follows:

a. Habitable and Non-Habitable Accessory Structures

Accessory structures are structures that are detached from the main residence whether for habitable² use (such as an office or an art studio) or non-habitable use (such as a garage). The proposed amendment would:

¹ Typical requests include a homeowner wishing to build an art studio, a family that wants to add a room to an older home that does not conform to current height requirements, or homeowners requesting a minor addition to their home that is located adjacent to farmland.

² Habitable structures do not include residential dwelling units. Residential dwelling units (i.e., second units) are addressed separately by the LCP.



- Lower the approval level for certain non-habitable residential structures;
- Clarify the amenities allowed in non-habitable and habitable residential accessory structures;
- Clarify the level of review, size, height, number of stories, maximum number allowed, and locational regulations for non-habitable and habitable residential accessory structures;
- Allow certain structures less than six feet in height (fence height or lower) to be located within required side and rear yard setbacks without the need for variances.

b. Second Residential Units

Second units are structures for human habitation that provide complete independent living facilities, including permanent provision for living, sleeping, eating, cooking and sanitation. Second units are located on a parcel with a primary residence. The proposed amendment would:

- Delete the occupancy and rent-level restrictions for second units;
- Eliminate the annual cap on second units in the Live Oak area of the County.

c. Significantly Nonconforming Structures

- Reclassify structures that exceed the allowable height limit by more than five feet from significantly nonconforming to nonconforming.

d. Coastal Zone Regulations

- Lower the level of discretionary review for residential structures greater than 500 feet in size on parcels located outside the Coastal Commission's appeal jurisdiction.

e. Miscellaneous

- Require discretionary approval for newly created parcels on a right-of-way less than 40 feet in width or for new vehicular right-of-ways that are less than 40 feet in width;
- Exempt residential additions, habitable accessory structures, or private recreational facilities from the 200-foot agricultural setback requirement under certain circumstances;
- Allow six-foot-tall fences in the front yards of "flag lots" (lots where the front yard does not abut a street).

See Exhibit B for the proposed IP amendment language.



B. Consistency Analysis

1. Standard of Review

The proposed amendment affects the IP component of the Santa Cruz County LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

2. IP Amendment Consistency Analysis

A. Applicable Policies

The Santa Cruz County LUP contains numerous policies requiring that development, including residential development, protect coastal resources, including, but not limited to, visual resources, environmentally sensitive habitat and open space, agriculture, and water resources. In addition, Land Use Policy 2.1.4 specifically requires that the siting of new development, including residential development, will not have significant adverse effects on coastal resources and states:

***Land Use Policy 2.1.4 – Siting of New Development:** Locate new residential, commercial, or industrial development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.*

B. Analysis

Accessory Structures

Level of Review

The proposed amendment would simplify regulations pertaining to habitable and non-habitable accessory structures on residential parcels (see pages 1-4, 13, and 15-16 of Exhibit B for proposed amendment text). Specifically, the proposed amendment would simplify the use charts pertaining to habitable and non-habitable structures by requiring a building permit only for those structures that do not exceed certain size, height, and/or amenities requirements described in Section 13.10.611 of the LCP (as revised by this amendment – see “Amenities and Standards” finding below). For those accessory structures that would exceed the size, height, and/or amenities requirements of Section 13.10.611 of the LCP, a level of review 4 of 5 would be required.³ Habitable accessory structures would continue to

³ Santa Cruz County has application, processing, and review requirements for any permit application, approval, or policy amendment. These requirements vary with the complexity of the project involved and the amount and type of public participation required. There are two basic types of permits and approvals: Administrative permits and approvals and public hearing permits and approvals. Approval levels 1 through 4 are administrative and projects that fall into use approval levels 1 through 4 are considered principally permitted. Use approval levels 5 through 7 require a public hearing. Projects that require a use approval of level 5 through level 7 are considered a conditional use and may be appealed to the Commission on that basis. Please see Exhibit C for a table and text that describes the different levels of review.



require a level 5 review in all agricultural districts and residential districts; thus County approval of these projects would be appealable to the Commission. In agricultural districts, proposed non-habitable accessory structures that exceed the size, height, and/or amenities requirements described in Section 13.10.611 would have a higher level of review than currently is required, i.e. a level 4 review would be required instead of a building permit review only or a level 3 review. Thus, in addition to simplifying the use charts, the proposed amendment would adequately protect sensitive agricultural land by ensuring an adequate level of review for proposed habitable and non-habitable accessory structures in agriculturally-zoned districts. The proposed amendment is consistent with the County's LUP. The Commission approves this portion of the amendment as submitted.

Amenities and Standards

The proposed amendment would include a new table and revised text in Section 13.10.611 of the LCP that would clarify the amenities (such as restroom and kitchen facilities, separate electric meters, etc.) allowed and disallowed in non-habitable and habitable residential accessory structures, as well as the size, height, number of stories, maximum number of accessory structures allowed on a parcel, and locational restrictions for non-habitable and habitable residential accessory structures (see pages 8-12 of Exhibit B). The proposed amendment would limit the number of habitable accessory structures allowed on a property to two.⁴ The number of non-habitable accessory structures allowed on a property will continue to be limited by site standards, including setbacks and lot coverage requirements specified for each zoning district. The proposed amendment is consistent with the County's LUP. The Commission approves this portion of the amendment as submitted.

Back and Side Yard Structures

The proposed amendment would allow certain structures that are less than six feet in height to be allowed within side or rear yard setbacks (see pages 5-6 of Exhibit B for proposed amendment text). The LCP's current definition of structure includes anything constructed or erected that requires a location on the ground and is greater than 18 inches in height, but does not include swimming pools, fences and walls and decks less than 18 inches in height. Structures included in this definition must meet all site regulations, including side and rear yard setbacks, 10-foot separation between structures, and lot coverage requirements. Under this definition, "structures" such as garden statuary, barbecues, play equipment, and pool and air conditioning equipment must meet side and rear yard setback requirements. The proposed amendment would exclude certain benign small structures⁵ from the side and rear yard setback regulations. Such structures must be less than six feet in height (which is the maximum allowable height for fences in side and rear yards). Also, the proposed amendment would not require any separation between water tanks located on the same parcel (the building code does not require separation between water tanks on the same parcel, nor between the above-mentioned back and side yard structures). Given that the proposed amendment applies to rather benign structures in side and rear yards (not front yards), and further given that allowing such structures does not undo general LCP view

⁴ Currently, the LCP allows an unlimited number of habitable accessory structures on a property, subject to a level 5 approval.

⁵ Such as garden trellises, garden statuary, birdbaths, freestanding barbecues, play equipment, swimming pool equipment, freestanding air conditioners, heat pumps, and ground-mounted solar systems.



and character policies that would continue to apply to these structures as appropriate, the proposed amendment should not have a negative impact on public views. Thus, the proposed amendment is consistent with the County's LUP. The Commission approves this portion of the amendment as submitted.

Second Residential Units

Occupancy and Income Restrictions

The proposed amendment would delete income and occupancy restrictions for second residential units (see pages 13-14 of Exhibit B for proposed amendment text). The County states that requiring owners to enter into legally binding agreements to restrict occupancy of second units based on income or age acts as a deterrent to the development of second units. This portion of the proposed amendment raises no coastal issues and is consistent with the LUP. The Commission approves this portion of the amendment as submitted.

Annual Cap of Second Units in Live Oak Area

The proposed amendment would eliminate the annual cap of approval of no more than five second units in the Live Oak area of the County per year (see page 15 of Exhibit B for proposed amendment text). This requirement was implemented in the 1980s when there were legitimate concerns that the infrastructure in Live Oak was insufficient to support a substantial increase in density, and that such an increase in density would be inconsistent with Land Use Policy 2.1.4. However, in the last two decades, redevelopment projects undertaken in Live Oak have resulted in significant improvements to public infrastructure, including roadways, drainage systems, and sidewalks. Thus, there is no longer a need to cap additional second unit residential development in the Live Oak area. This portion of the amendment can be found consistent with LCP Land Use Policy 2.1.4. The Commission approves this portion of the amendment as submitted.

Significantly Nonconforming Structures

The proposed amendment would reclassify legal structures that exceed the zoning district's height limit by more than five feet from significantly nonconforming to nonconforming (see page 1 of Exhibit B for proposed amendment text). Significantly nonconforming structures⁶ are considered to be detrimental to the general welfare of the County. However, a large number of houses in Santa Cruz County exceed the current height limit by more than five feet (due to changes in the way the County has measured height over the years) and are thus considered legal structures that are significantly nonconforming. Owners of legal significantly nonconforming structures find it extremely difficult to properly maintain or repair these structures because the regulations pertaining to legal significantly nonconforming structures require a level 5 review (public hearing, zoning administrator approval – see Exhibit C) for any structural alterations (such as roof repairs or replacement and other types of structural maintenance). It

⁶ Which also include structures built over property lines, structures located within five feet of a structure on an adjoining property, or structures located within five feet of an existing or planned vehicular right-of-way.



is clear that other types of legal significantly nonconforming structures, such as structures located across a property line, deserve enhanced scrutiny over and above that which applies to legal nonconforming structures. It is less clear why legal structures that exceed the height limit by more than five feet require more scrutiny than is required for nonconforming structures, especially since these structures were initially permitted by the County. The degree of nonconformity posed by legal structures exceeding the height limit by more than five feet is more appropriately classified as nonconforming. By being classified as nonconforming, owners of these structures will be able to make structural repairs with only a building permit. In any case, the LCP's visual and related policies would also continue to apply. The proposed change does not raise any coastal issues and is consistent with the LUP. The Commission approves this portion of the amendment as submitted.

Coastal Zone Regulations

Residential Additions Greater than 500 Square Feet

Currently the LCP requires a level 5 approval (conditional use; requires a public hearing; appealable to the Commission) for residential additions in the coastal zone that are greater than 500 square feet, regardless of whether the proposed addition is located in a mapped coastal appeal zone or not.⁷ The proposed amendment would create an administrative approval process (Level 4 review – see Exhibit C for a description of review levels) for residential additions greater than 500 square feet that are located outside the Commission's mapped appeal jurisdiction (see page 17 of Exhibit B for proposed amendment text). However, if a member of the public requested a public hearing on such a project, that request would trigger a level 5 approval, meaning that approval of the project would be conditional and thus appealable to the Commission

It is likely that most residential additions greater than 500 square feet located outside of the Commission's mapped appeal jurisdiction do not raise any coastal issues, and thus a lower level of review is probably appropriate in most cases. However, if such a proposed addition did raise coastal issues, concerned members of the public would have the opportunity to request a public hearing on the project and could appeal the County's approval of the project to the Commission. Thus, the opportunity for the Commission to address any potential impacts to coastal resources from such residential additions would continue. Thus, the proposed change is consistent with the LUP. The Commission approves this portion of the amendment as submitted.

Miscellaneous

Vehicular Right of Ways

The proposed amendment would require discretionary approval (i.e., level 5 approval – see Exhibit C) for newly created parcels on an existing right-of-way that is less than 40 feet in width or for new vehicular right-of-ways that are less than 40 feet in width (see page 7 of Exhibit B for proposed

⁷ Proposed residential additions or structures that are less than 500 square feet in size and are located outside the Coastal Commission's appeal jurisdiction are exempt from coastal permitting requirements pursuant to LCP Section 13.20.068.



amendment text). The proposed amendment would ensure adequate review, including a public hearing, to ensure that new development would include adequate vehicular access, consistent with Land Use Plan Policy 2.1.4. The Commission approves this portion of the amendment as submitted.

Fence Height on “Flag Lots”

Currently, fence height in front yards is limited to three feet unless a level 3 (see Exhibit C) approval is obtained, while fences up to six feet in height are allowed in side yards and rear yards that do not abut a street or right-of-way. The proposed amendment would allow six-foot-tall fences in the front yards of “flag lots” (lots where the front yard does not abut a street – see page 8 of Exhibit B for proposed amendment text). On some County properties, such as corridor access lots, the front yard does not abut a street but instead is bordered by another property. Although technically a front yard by definition, these yards function more as side or rear yards. Because the front yard of a “flag lot” does not abut a street, allowing an increase in height of front yard fence of such “flag lots” will not impact views from public streets. As such, the proposed amendment will not have a detrimental impact on public views, and it is therefore consistent with the LUP. The Commission approves this portion of the amendment as submitted.

Setback Requirements for Residential Additions Adjacent to Commercial Agricultural Land

Section 16.50.095(b) of the LCP requires that all habitable development located adjacent to commercial agricultural land maintain a 200-foot buffer setback from the commercial agricultural land. Notwithstanding this provision, other subsections of this LCP section provide for a reduction in the required agricultural setback if certain findings can be made. The proposed amendment would allow residential additions, habitable accessory structures, or private recreational facilities (all not to exceed 1,000 square feet) within the 200-foot agricultural buffer as long as the new development does not extend farther into the agricultural buffer than the existing residential structure (see pages 17-18 of Exhibit B).

The LUP specifies that agriculture is the priority use within the County’s coastal zone (along with coastal dependent development), and that residential use has the lowest priority within the coastal zone. The proposed amendment raises the concern that additional residential development adjacent to commercial agricultural land might have a detrimental impact on the continued use of that agricultural land due to conflicts between agricultural uses and adjacent residential uses on land not designated for agriculture. However, Section 16.50.090 of the County’s LCP provides that the County shall require, prior to issuance of building permits for parcels located within 200 feet of agricultural lands, recordation of a “right-to-farm” acknowledgement by the owners of the property on a form approved by the building official, or evidence that a “right-to-farm” statement has been made part of the parcel deed. This requirement should provide adequate protection of commercial agricultural land from adjacent residential development, including new additions that do not encroach any further into the agricultural buffer setback than the existing residence. The proposed amendment is consistent with the LUP. The Commission approves this portion of the amendment as submitted.



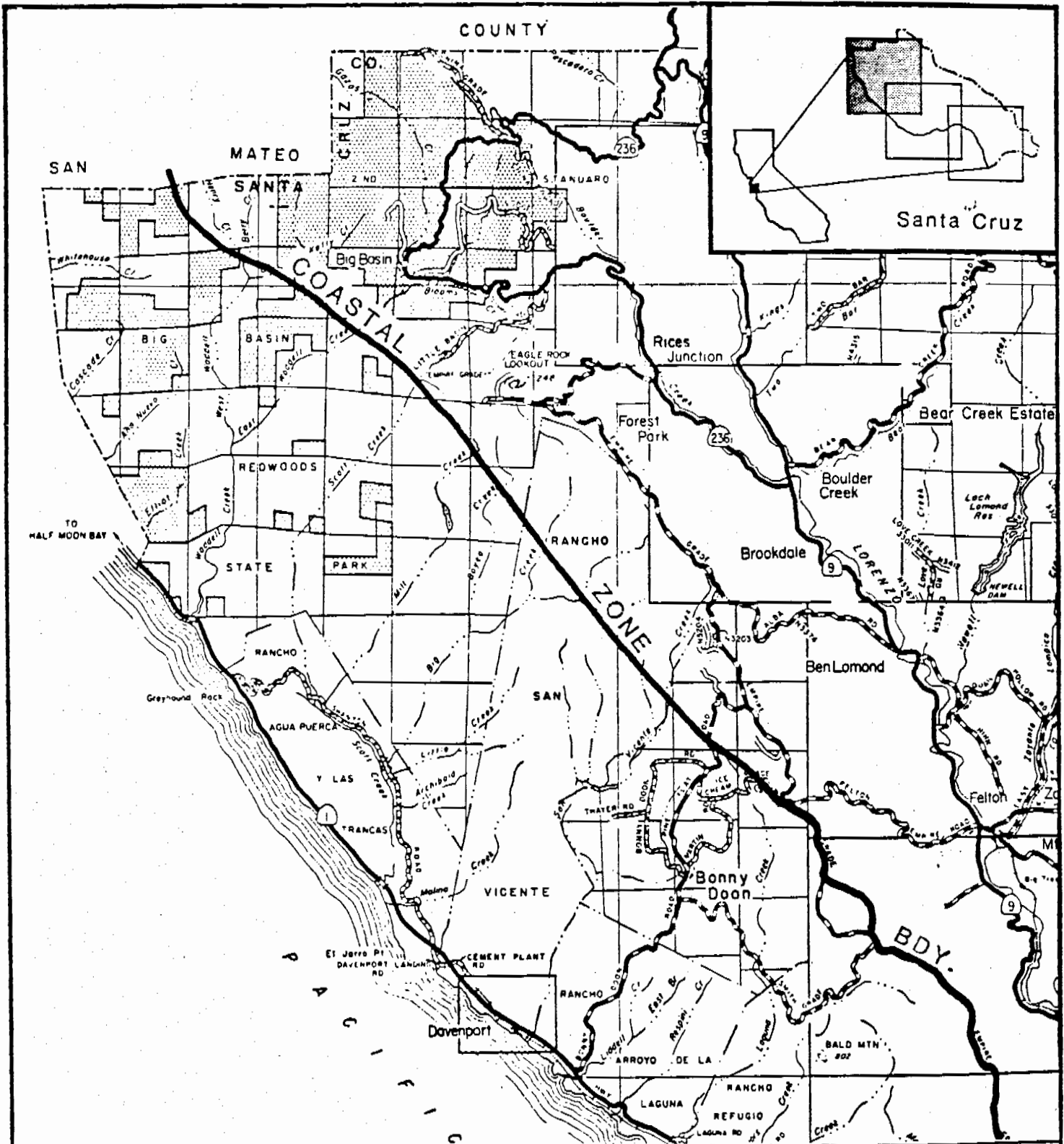
C. California Environmental Quality Act (CEQA)


The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County, acting as lead CEQA agency, determined that the proposed LCP amendment was categorically exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





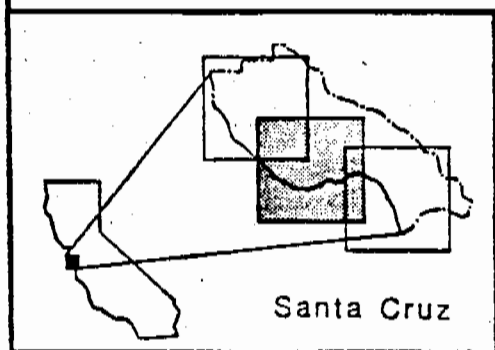
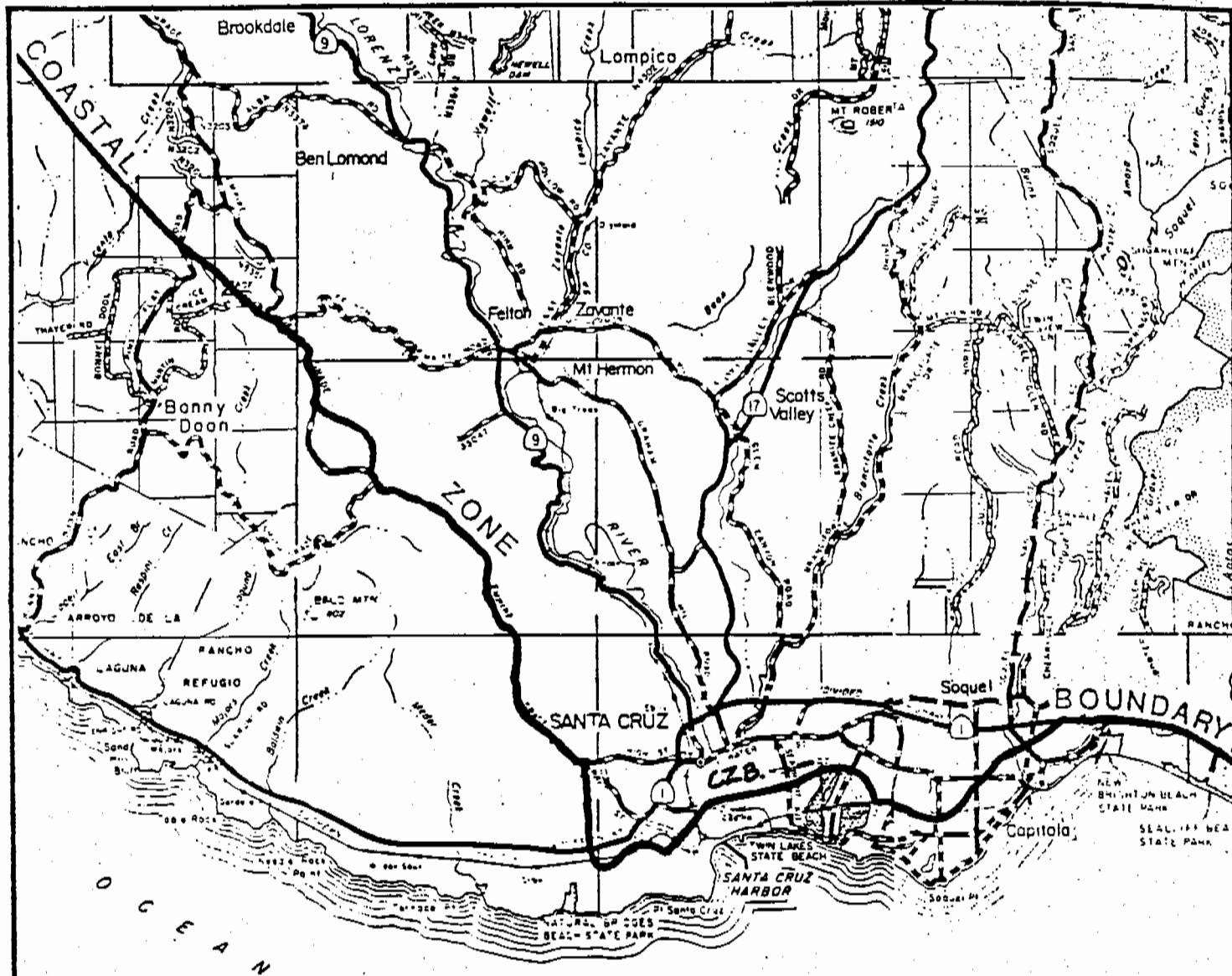
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LOCATION MAP

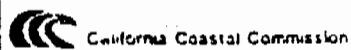


County of Santa Cruz

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CCC Exhibit A
 (page 1 of 3 pages)



Santa Cruz



California Coastal Commission

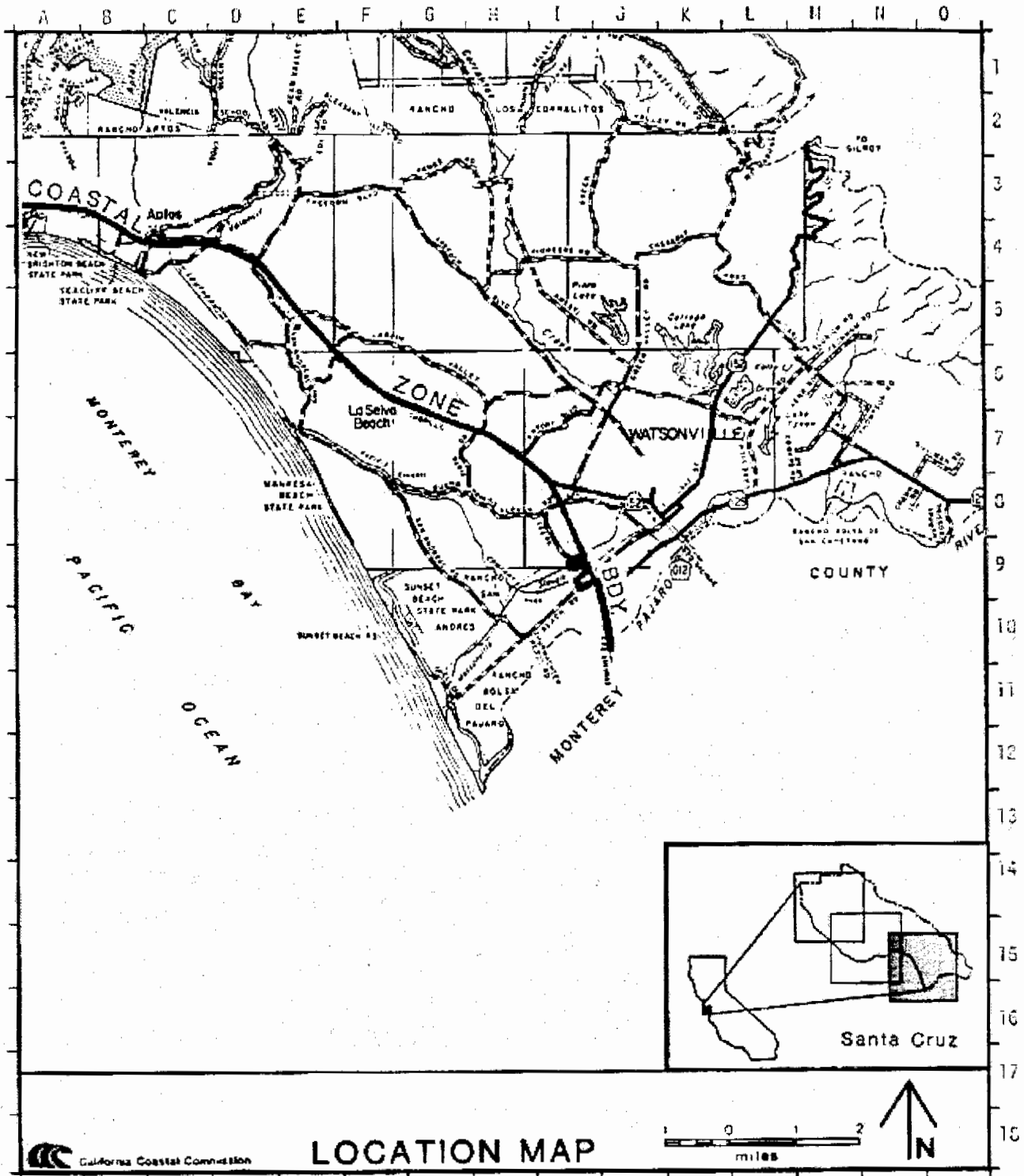
LOCATION MAP



County of Santa Cruz

Sheet 2 of 3

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California Coastal Commission

LOCATION MAP



County of Santa Cruz

Sheet 3 of 3

CCC Exhibit A
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ORDINANCE NO. _____

**AN ORDINANCE AMENDING VARIOUS SECTIONS
OF SANTA CRUZ COUNTY CODE CHAPTERS 13.10, 13.20
AND 16.50 REGARDING REGULATIONS
FOR SMALL-SCALE RESIDENTIAL PROJECTS**

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

SECTION I

Subsection (k) of Section 13.10.265 of the Santa Cruz County Code is hereby amended to read as follows:

(k) For the purposes of this section, a structure is significantly nonconforming if it is any of the following:

- 1. Located within five feet of a vehicular right-of-way;
- 2. Located across a property line;
- 3. Located within five feet of another structure on a separate parcel; or
- 4. Located within five feet of a planned future public right-of-way improvement (i.e. an adopted plan line); or,
- 5. ~~Exceeds the allowable height limited by more than 5 feet.~~

SECTION II

Section 13.10.312(b), Agricultural Uses Chart, Uses in agricultural districts, Allowed Uses, of the Santa Cruz County Code is hereby amended by revising the category "Habitable accessory structure, 640 square feet or less subject to the provisions of Section 13.10.611" to read as follows:

Habitable accessory structure when incidental to a residential use and not for agricultural purposes, ~~640 square feet or less subject to the provisions of Section 13.10.611~~ BP/5 BP/5 BP/5

SECTION III

Section 13.10.312(b), Uses in agricultural districts, Allowed Uses, of the Santa Cruz County Code is hereby amended by repealing the category "Habitable accessory structures greater than 640 feet, subject to the provisions of Section 13.10.611 (see farm outbuildings)".

~~Habitable accessory structures greater than 640 feet, subject to the provisions of Section 13.10.611 (see farm outbuildings)~~ ~~5 5 5~~

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ATTACHMENT 3

SECTION IV

Section 13.10.312(b), Uses in agricultural districts, Allowed Uses, of the Santa Cruz County Code is hereby amended by revising the category "Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes" to read as follows:

Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.313(a)).

BP/4 BP/4 BP/4

~~Total area of 500 square feet or less~~

~~BP2 BP2 BP2~~

~~Total area of 501 to 1,000 square feet~~

~~BP3 BP3 BP3~~

~~Total area of more than 1,000 square feet~~

~~3 3 3~~

SECTION V

Section 13.10.322(b), Residential uses, Allowed uses, of the Santa Cruz County Code is hereby amended by revising the category "Accessory structures and uses, including:" to read as follows:

Accessory structures and uses, including:

One Accessory structure, habitable (subject to Sections 13.10.611 and 13.10.323 installation of certain plumbing fixtures may require Level 4 approval)

BP/5 BP/5 BP/5 BP/5 BP/5

~~Total area of 640 square feet or less and not to exceed 1 story and 17 feet in height~~

~~BP3 BP3 BP3 BP3 BP3~~

~~Total area of more than 640 square feet or exceeding 1 story or 17 feet in height~~

~~5 5 5 5 5~~

Accessory structures, non-habitable outside the Urban Services Line and Rural Services Line (subject to Sections 13.10.611 and 13.10.323; installation of certain plumbing fixtures may require Level 4 approval) comprised of:

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Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Section 13.10.641 Stables and Paddocks; .643 Animal Keeping in the RA Zone; .644 Family Animal Raising; .645 bird and small animal raising; .646 Turkey Raising: these provisions require Level 5 in some cases).

BP/4 BP/4 BP/4/5 -- --

In the R-1 Zone District, applications for non-habitable accessory structures exceeding specified size, height or story restrictions shall be processed at Level 4 outside the USL, and at Level 5 inside the USL.

~~When total area of the structure is:~~

~~1,000 square feet or less~~

~~BP3 BP3 BP3~~

~~more than 1,000 square feet~~

~~BP3 5 5~~

Carports, detached; garages, detached; garden structures; storage sheds (subject ~~for to~~ Sections 13.10.611 and 13.10.323, installation of certain plumbing fixtures may require Level 4 approval) when total area of structure is:

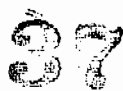
BP/4 BP/4 BP/4/5 BP/5 BP/5

In the R-1 Zone District, applications for non-habitable accessory structures exceeding specified size, height or story restrictions will be processed at Level 4 outside the USL, and at Level 5 inside the USL.

~~1,000 square feet or less~~

~~BP3 BP3 BP3 BP3 BP3~~

~~Accessory structures, non-habitable, inside the Urban Services Line and Rural Services Line (subject to Section 13.10.611 and 13.10.323; installation of certain plumbing fixtures may require Level 4 approval) comprise of:~~



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~~Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Sections 13.10.641 Stables and Paddocks; .643 Animal Keeping in the RA Zone; .644 Family Animal Raising; .645 bird and small animal raising; .646 Turkey Raising; these provisions require Level 5 in some cases).~~

When total area of the structure is:

1,000 square feet or less	BP3	3	3	_____
more than 1,000 square feet	5	5	5	_____

~~Carports, detached; garages, detached; garden structures; storage sheds (subject for Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval) when total area of structure is:~~

640 square feet or less	BP3	BP3	BP3	BP3	BP3
more than 640 square feet	5	5	5	5	5

Air strips (see Section 13.10.700-A definition)	7	7	-	-	-
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Parking, including:

Parking, on-site, for principal permitted uses (subject to Sections 13.10.550 et seq.)	BP2	BP2	BP2	BP2	BP2
Parking, on-site, for non-principal permitted uses (subject to Sections 13.10.580 et seq.)	4	4	4	4	4

Recycling collection facilities in association with a permitted community or public facility, subject to Section 13.10.658, including:
reverse vending machines

BP1	BP1	BP1	BP1	BP1
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(page 4 of 18 pages)

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0620

small collection facilities	3	3	3	3	3
Signs, including:					
Signs for non-principal permitted uses (subject to Sections 13.10.580, et seq.)	4	4	4	4	4
Signs for principal permitted uses (subject to Sections 13.10.580, et seq.)	P	P	P	P	P
Storage tanks, water or gas, for use of persons residing on site					
less than 5,000 gallons	BP2	BP2	BP2	--	--
more than 5,000 gallons	BP3	BP3	BP3	--	--
Swimming pools, private and accessory equipment	BP3	BP3	BP3	--	--

SECTION VI

Subsection 13.10.323(e)6(B) of the Santa Cruz County Code is hereby amended to read as follows:

(B) Side and Rear Yards.

- i. 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;
- ii. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines;
- iii. Garden trellises, garden statuary, birdbaths, freestanding barbeques, play equipment, swimming pool equipment, freestanding air conditioners, heat pumps and similar HVAC equipment and ground-mounted solar systems, if not exceeding six (6) feet in height, are not required to maintain side and rear yard setbacks and are excluded in the calculation of allowable lot coverage.

SECTION VII

Subsection 13.10.323(e)6(C) of the Santa Cruz County Code is hereby amended to read as follows:

(C) Separation. The minimum distance between any two detached structures shall be ten (10) feet with the following exceptions:

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- i. Eaves, chimneys, cantilevered, uncovered, unenclosed balconies, porches, decks and uncovered, unenclosed stairways and landings may encroach three feet into the required ten (10) foot separation;
- ii. No separation is required between water tanks located on the same parcel;
- iii. No separation is required between garden trellises, garden statuary, birdbaths, freestanding barbeques, play equipment, swimming pool equipment, freestanding air conditioners, heat pumps and similar HVAC equipment and ground-mounted solar systems and other structures located on the same parcel.

SECTION VIII

Section 13.10.332(b), Uses in commercial districts, Allowed uses, of the Santa Cruz County Code is hereby amended by revising the category "Accessory structures, non-habitable, not including warehouses (subject to Section 13.10.611)" to read as follows:

Accessory structures, non-habitable, not including warehouses (~~subject to Section 13.10.611~~)

Less than 500 sq. ft.	3	3	3	3	3
500 – 2,000 sq. ft.	4	4	4	4	4
Greater than 2,000 sq. ft.	5	5	5	5	5

SECTION IX

Section 13.10.342(b), Uses in industrial districts, Allowed uses, of the Santa Cruz County Code is hereby amended by revising the category "Accessory structures, non-habitable, subject to Section 13.10.611, including:" to read as follows:

Accessory structures, non-habitable, ~~subject to Section 13.10.611~~, including:

Outdoor storage, incidental, screened from public streets	4/5/6*	4/5/6*	4/5/6*
Parking, on-site, developed in accordance with Sections 13.10.550 et seq.			
Signs in accordance with Section 13.10.581			
Storage, incidental, or non-hazardous materials within an enclosed structure.			

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SECTION X

0622

Section 13.10.342(b), Uses in industrial districts, Allowed uses, of the Santa Cruz County Code is hereby amended by revising the category "Accessory structures, habitable, subject to Section 13.10.611, including:" to read as follows:

Accessory structures, habitable, subject to Section 13.10.614, including: 4 4 4

Watchman's living quarters, one, located on the same site and incidental to an allowed use

SECTION XI

Section 13.10.352(b), Uses in the Parks, Recreation and Open Space zone district, Allowed uses, of the Santa Cruz County Code is hereby amended by revising the category "Accessory structures, pursuant to a Master Site Plan according to Section 13.10.355, such as:" to read as follows:

Accessory structures, pursuant to a Master Site Plan according to Section 13.10.355, such as: 4AP

Accessory structures, non-habitable (subject to Section 13.10.611)

Parking, on-site, for an allowed use, in accordance with Section 13.10.550 et seq.

Signs, in accordance with Section 13.10.582

SECTION XII

Section 13.10.521 of the Santa Cruz County Code is hereby amended to read as follows:

(a) Right-of-Way Access. A parcel, newly created by a tentative map or conditional certificate of compliance, may not be used as a building site unless it has its principal frontage on a public street or on a private right-of-way at least 40 feet wide, or if it is located on a private right-of-way less than 40 feet in width and developed properties are located beyond the property on the same right-of-way, nor may a new vehicular right-of-way be created less than 40 feet in width or unless a Level III-V Use Approval is obtained for principal frontage and access on a narrower right-of-way. For any project requiring a subdivision or minor land division tentative map approval, or a conditional certificate of compliance, use of streets not meeting the minimum County standard shall require approval of a roadway exception processed pursuant to Section 15.10.050(f). Streets improved and used as a street prior to July 1962 are exempt from this provision.

SECTION XIII

0623

Subsection (c)(2) of Section 13.10.525 of the Santa Cruz County Code is hereby amended to read as follows:

(2) Except as specified in Sections 13.10.525(c)(3), and 16.50.095, no fence and/or retaining wall shall exceed six feet in height if located within a required side or rear or front yard not abutting on a street, and no fence, hedge, and/or retaining wall shall exceed three feet in height if located in a front yard abutting a street or other yard abutting a street, except that heights up to six feet may be allowed by a Level III Development Permit approval, and heights greater than six feet may be allowed by a Level V Development Permit Approval. (See Section 12.10.070(b) for building permit requirements.)

SECTION XIV

Section 13.10.611 of the Santa Cruz County Code is hereby amended to read as follows:

(a) Purpose. It is the purpose of this Section to provide for the orderly regulation of residential accessory structures allowed as a use in any zone district, to insure that accessory structures are subordinate and incidental to the main structure or main use of the land, and to provide notice to future and current property owners that illegal conversion of any accessory structure is subject to civil penalties.

(b) Application Requirements.

(1) The proposed use of the structure shall be identified.

(2) Applications for habitable accessory structures and non-habitable accessory structures shall be processed as specified in ~~the use chart for appropriate zone district~~ Tables One and Two of this Section.

(c) Restriction on Accessory Structures.

(1) Any accessory structure shall be clearly appurtenant, subordinate and incidental to the main structure or main use of the land as specified in the purposes of the appropriate zone district, ~~with the exception that a non-habitable accessory structure not exceeding 12 feet in height or 600 square feet in size shall be allowed in the absence of a main structure or main use of the land.~~

(2) Regulations on amenities for accessory structures on parcels with a main residence are as indicated in Table One:

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<u>Section 13.10.611(c)(2)</u> TABLE ONE AMENITIES REGULATIONS		
<u>AMENITY</u>	<u>NON-HABITABLE</u>	<u>HABITABLE</u>
<u>SINK</u>	<u>Allowed</u>	<u>Allowed</u>
<u>TOILET</u>	<u>Pool cabanas: Allowed</u> <u>All other uses: Not allowed</u> <u>unless a Level IV use approval is</u> <u>obtained (see 13.10.611 (c)(6)).</u>	<u>Not Allowed unless a Level IV</u> <u>use approval is obtained (see</u> <u>13.10.611 (c)(6)).</u>
<u>SHOWER AND/OR</u> <u>BATHTUB</u>	<u>Pool cabanas: Allowed</u> <u>All other uses: Not allowed</u>	<u>Not allowed</u>
<u>WASHER/ DRYER AND</u> <u>WATER HEATER</u>	<u>Allowed</u>	<u>Allowed</u>
<u>INSULATION/ SHEET</u> <u>ROCK OR OTHER</u> <u>FINISHED WALL</u> <u>COVERING</u>	<u>Both allowed</u>	<u>Both required</u>
<u>BUILT IN</u> <u>HEATING/COOLING</u>	<u>Not allowed</u>	<u>Heating: Required</u> <u>Cooling: Allowed</u>
<u>KITCHEN FACILITIES,</u> <u>EXCLUDING SINK, AS</u> <u>DEFINED IN 13.10.700-K</u>	<u>Not allowed</u>	<u>Not allowed</u>
<u>ELECTRICAL SERVICE</u> <u>MAXIMUM</u>	<u>100A/220V/single phase</u> <u>maximum unless a Level IV use</u> <u>approval is obtained</u>	<u>100A/220V/single phase</u> <u>maximum unless a Level IV use</u> <u>approval is obtained</u>
<u>SEPARATE ELECTRIC</u> <u>METER</u>	<u>Not allowed unless a Level IV</u> <u>use approval is obtained</u>	<u>Not allowed unless a Level IV</u> <u>use approval is obtained</u>
<u>USE FOR SLEEPING</u> <u>PURPOSES</u>	<u>Not allowed</u>	<u>Allowed</u>
<u>RENT, LET OR LEASE</u> <u>AS AN INDEPENDENT</u> <u>DWELLING UNIT</u>	<u>Not allowed</u>	<u>Not allowed</u>

(3) Regulations for level of review, size, number of stories and locational restrictions for accessory structures are as indicated in Table Two:

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<u>Section 13.10.611(c)(3)</u>		
<u>TABLE TWO</u>		
<u>LEVEL OF REVIEW, SIZE, HEIGHT, NUMBER OF STORIES AND LOCATIONAL REGULATIONS</u>		
	<u>NON-HABITABLE</u>	<u>HABITABLE</u>
<u>SIZE, STORY AND HEIGHT RESTRICTIONS AND PERMIT REQUIRED</u>	<p><u>Within the Urban Services Line (USL):</u> <u>Building Permit only for up to 640 square foot size, 2 story and 28-foot height.</u></p> <p><u>Outside the USL:</u> <u>Building Permit only for up to 1,000 square foot size, 3 story and 28-foot height.</u></p>	<p><u>Building Permit only for up to 640 square foot size, 1 story and 17-foot height.</u></p>
<u>PERMIT REQUIRED IF EXCEEDS SIZE, STORY OR HEIGHT RESTRICTIONS</u>	<p><u>Outside the Urban Services Line (USL): Level IV use approval</u></p> <p><u>Inside the USL: Level V use approval</u></p>	<p><u>Level V use approval</u></p>
<u>NUMBER OF ACCESSORY STRUCTURES ALLOWED</u>	<p><u>No limit, if in compliance with the site regulations of the zone district .</u></p>	<p><u>One with Building Permit only. Maximum of two with Level V use approval.</u></p>
<u>LOCATIONAL RESTRICTIONS</u>	<p><u>None, if in compliance with the site regulations of the zone district</u></p>	<p><u>In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-of-way, nor constructed on a slope greater than 30%, unless a Level IV use approval is obtained.</u></p>

(4) Regulations for accessory structures on parcels with no main residence are as follows:

- i. A habitable accessory structure is not allowed;
- ii. One non-habitable accessory structure not exceeding 12 feet in height or 600 square feet in size is allowed. No electricity or plumbing other than hose bibs is allowed unless a Level IV approval is obtained.

- (6)(5) No accessory structure shall be mechanically heated, cooled, humidified or dehumidified unless the structure or the conditioned portion thereof meets the energy conservation standards of the California Administrative Energy Code, Title 24, adopted by Chapter ~~12.20~~ 12.10 of this Code.
- ~~(3)(iii)~~(6) No accessory structure (~~other than a pool cabana~~) shall have a toilet installed. An exception may be granted to allow a toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less than 70 square feet), or where required under the particular circumstance, for example, facilities required for employees.
- ~~(3)(iii)~~(7) An accessory structure shall not have any waste lines installed which are larger than one one-half inches in size. An exception to allow two inch drain lines may be granted, subject to Level IV use approval, when more than one plumbing fixture is needed in the structure, including, for example, a washer and an utility sink in a garage.
- (8) Any building permit for the construction of or conversion to an independent dwelling unit shall require an allocation for one housing unit as provided in Section 12.02.030 and shall comply with the dwelling density allowed for the zone district in which the parcel is located, except as provided by 13.10.681.
- ~~(2)~~ ~~(2) No habitable and no non-habitable accessory structure shall have an electrical meter separately from the main dwelling, and no accessory structure may have electricity in the absence of a main dwelling, except as may be approved pursuant to the use charts for the zone district or a Level V use approval.~~
- ~~(3)~~ (3) Plumbing and electrical equipment appropriate to the use of the structure may be installed, with the following exceptions:
- ~~i.~~ i. No electrical service exceeding 110A/220V/single phase may be installed to an accessory structure incidental to a residential use unless a Level V approval is obtained;
 - ~~ii.~~ ii. No accessory structure shall have a toilet installed. An exception may be granted to allow a toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less than 70 square feet), or where required under the particular circumstance, for example, facilities required for employees;
 - ~~iii.~~ iii. An accessory structure shall not have any waste lines installed which are larger than one one-half inches in size. An exception to allow two inch drain lines may be granted, subject to Level IV use approval, when more than one plumbing fixture is needed in the structure, including, for example, a washer and an utility sink in a garage.
- ~~(4)~~ (4) No habitable accessory structure incidental to a residential use shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right of way, or be constructed on a slope greater than 30% unless a Level V Use Approval is obtained. furthermore, a guest house

Revised

Exhibit A to Attachment 1

Attachment 3 0627

~~can only be constructed and occupied on property where the property owner is a resident of the main structure.~~

~~(5) The number of habitable accessory structure shall be limited to one per parcel unless a Level V use approval is obtained.~~

~~(7) An accessory structure shall not have a kitchen or food preparation facilities and shall not be rented, let or leased as an independent dwelling unit.~~

(d) Required Conditions.

1. Any building or development permit issued for the construction or renovation of a non-habitable accessory structure shall include a condition requiring an agreement not to convert the structure into a dwelling unit or into any structure for human habitation in violation of this Code, ~~and a~~ Any building or development permit issued for the construction, conversion to or renovation of a habitable accessory structure shall include a condition requiring an agreement not to convert the structure into a dwelling unit or into any other independent habitable structure in violation of this Code. Each agreement required by this subsection shall provide the recovery by the County of reasonable attorney fees and costs in bringing any legal action to enforce the agreement together with recovery of any rents collected for the illegal structure or, in the alternative, for the recovery of the reasonable rental value of the illegally converted structure or, in the alternative, for the recovery of the reasonable rental value of an illegally converted structure from the date of construction. The amount of any recovery of rents or of the reasonable rental value of an illegally converted structure shall be deposited ~~in the County's Affordable Housing Fund~~ into a fund designated by the Board of Supervisors. The agreement shall provide for periodic condition compliance inspections by Planning Department staff. Nothing in this section or the agreement shall be deemed to be a waiver of any property owner's rights to due process or to avoid unreasonable searches. The agreement shall be written so as to be binding on future owners of the property, include a reference to the deed under which the property was acquired by the present owner, and shall be filed with the County Recorder. Proof that the agreement has been recorded shall be furnished to the County prior to the granting of any building permit permitting construction on the property.

2. The Planning Director may charge a fee, as stated in the Uniform Fee Schedule, for the cost of periodic condition compliance inspections.

~~2. As a condition of approval, permit for accessory structures shall provide for inspection as follows:~~

~~i. The structure may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director. Construction of or conversion to an accessory structure pursuant to an approved permit shall entitle County employees or agents to enter and inspect the property for such compliance without warrant or other requirement for permission.~~

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SECTION XV

Subsection (d)(5) of Section 13.10.681 of the Santa Cruz County Code is hereby amended to read as follows:

(5) Parking. Offstreet 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 second unit.

SECTION XVI

Subsection (d)(7) of Section 13.10.681 of the Santa Cruz County Code is hereby amended to read as follows:

(7) Other Accessory Uses. Not more than one second unit shall be constructed on any one parcel. A second unit ~~and any other accessory residential structure (including but not limited to and agricultural caretakers quarters and guest houses,~~ excepting farmworker housing on agricultural parcels greater than ten (10) acres outside the Coastal Zone), shall not be permitted on the same parcel. Habitable and nonhabitable accessory structures such as ~~artist's studios, garages, or workshops~~ may be allowed subject to all applicable requirements of the underlying zone district and Section 13.10.611.

SECTION XVII

Subsection (e) of Section 13.10.681 of the Santa Cruz County Code is hereby amended to read as follows:

(e) Occupancy Standards. The following occupancy standards shall be applied to every second unit and shall be conditions for any approval under this section:

(1) Occupancy Restrictions. The maximum occupancy of a 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 second unit shall be restricted for the life of the unit to either:~~

~~(A) (A) Households that meet the Income and Asset Guidelines established by the Board of Supervisors resolution for lower income households; or~~

~~(B) (B) Senior households, where one household member is sixty-two (62) years of age or older, that meet the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or~~

~~(C) (C) 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 second unit. If the second unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the second unit, shall be required to submit a property tax exemption prior to occupancy of the second unit, and shall be subject to the deed restriction noted in subsection (3) below. ~~If the property owner resides in the second unit, either the property owner or the residents of the primary single family dwelling must meet the income or familial requirements of subsection (e)(1) of this section.~~

~~(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 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 second unit, or the for the main units, shall not exceed that established by the Section 8 Program of the Department of Housing and Urban Development (HOUD) 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 a 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 also charge a fee to the applicant for the certification process.~~

~~(6) Status Report. The owner shall report the occupancy status of the 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.~~

(3) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to 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) (A) The unit may be occupied or rented only under the conditions of the development permit and in accordance with this section and any amendments thereto.~~

(A) 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 second unit.

(B) (B) The Declaration is binding upon all successors in interest;

(C) (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.

SECTION XVIII

Subsection (f) of Section 13.10.681 of the Santa Cruz County Code is hereby amended to read as follows:

(f) Permit Allocations. Each second unit may 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 second units shall be approved within the Live Oak planning area in any calendar year.~~

SECTION XIX

Section 13.10.700-G of the Santa Cruz County Code is hereby amended by ~~repealing the definition of "Guest House."~~

~~Guest House. A subordinate habitable accessory structure as regulated by Section 13.10.611, the use of which is appropriate and customarily incidental to that of the main structure or use and contains space that is temperature-controlled for the provision of human occupancy, but has no kitchen facilities.~~

SECTION XX

Section 13.10.700-P of the Santa Cruz County Code is hereby amended by adding the definition of "Pool Cabana" to read as follows:

Pool Cabana. An accessory structure less than 70 square feet in size used for bathing or changing purposes in conjunction with a swimming pool.

SECTION XXI

The definition of "Habitable Accessory Structure" found in Section 13.10.700-H of the Santa Cruz County Code is hereby amended to read as follows:

~~Habitable Accessory Structure. A detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains all of the required amenities and some or all of the allowed amenities shown in Subsection 13.10.611(c)(2) Table One for Habitable Accessory Structures. ~~space that is heated, cooled, humidified or dehumidified for the provision of human comfort; and/or insulated and finished in plasterboard; and/or which contains plumbing other than hose bibs. Exceptions: Such plumbing features appropriate to the use of the structure, such as a washer or water heater in a garage;~~~~

~~a utility sink in a barn or workshop. An exception will not be granted for a full or half bath in any accessory structure.~~

SECTION XXII

The definition of "Non-Habitable Accessory Structure" found in Section 13.10.700-N of the Santa Cruz County Code is hereby amended to read as follows:

Non-Habitable Accessory Structure. A detached subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the features and amenities shown in Subsection 13.10.611(c)(2) Table One for Non-Habitable Accessory Structures. ~~no plumbing other than hose bibs, except as provided by the definition of habitable accessory structure; no space that is heated, cooled, humidified or dehumidified for the provision of human comfort; nor insulation and finished walls.~~

~~SECTION XXXI~~

~~Chapter 13.20 of the Santa Cruz County Code is hereby amended by adding Section 13.20.069 to read as follows:~~

~~13.20.069 Solar energy system exemption.~~

~~(a) Any solar collector or other solar energy device whose primary purpose is to provide the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating is exempt.~~

~~(b) Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating is exempt.~~

not part of this LCP amendment

~~SECTION XXIV~~

~~Chapter 13.20 of the Santa Cruz County Code is hereby amended by adding Section 13.20.079 to read as follows:~~

~~13.20.079 Demolition on lands outside the Urban Services Line and Rural Services Line exclusion.~~

~~Demolition of structures on lands outside the Urban Services Line and Rural Services Line is excluded, except as follows:~~

~~(a) Projects located within any of the following areas:~~

- ~~(1) Between the sea and first through public road paralleling the sea, except in the areas shown on the map entitled "Residential Exclusion Zone," hereby adopted by reference and considered a part of this County Code; or~~
- ~~(2) Within three hundred (300) feet of the inland extent of any beach or of the mean high tide line where there is no beach, or within three hundred (300)~~

not part of this LCP amendment

*not part of
the LCP
Amendment*

- feet of the top of the seaward face of any coastal bluff, whichever is the greater distance; or
- (3) On land subject to public trust; or
- (4) On lots immediately adjacent to the inland extent of any beach, or the mean high tide line where there is no beach; or
- (5) Within one hundred (100) feet of any wetland, estuary, or stream; or
- (6) Within a biotic resource area as designated on the General Plan and Local Coastal Program Resources Maps; or
- (7) Within a Special Community designated on the General Plan and Local Coastal Program Land Use Plan maps.
- (b) Any structure designated by the Board of Supervisors as an historic resource.

SECTION XXV

Subsection (a) of Section 13.20.100 of the Santa Cruz County Code is hereby amended to read as follows:

(a) Review Process. All regulations and procedures regarding Coastal Zone Approvals, including application, noticing, expiration, amendment, enforcement, and penalties, shall be taken in accordance with the provisions for Level V (Zoning Administrator) Approvals pursuant to Chapter 18.10 except for the following category of development which shall be taken in accordance with the provisions for Level IV (Public Notice) with the exception that any request from the public for a public hearing will trigger a Level V review:

- (1) Residential additions and accessory structures greater than 500 square feet in size outside the appeal jurisdiction of the Coastal Commission;

Provision for challenges to determination of applicable process is contained in Section 13.20.085.

SECTION XXVI

Subsection (b) 1 of Section 16.50.095 of the Santa Cruz County Code is hereby amended to read as follows:

1) Provide and maintain a two hundred (200) foot buffer setback between Type 1, Type 2 or Type 3 commercial agricultural land and non-agricultural uses involving habitable spaces including dwellings, habitable accessory structures and additions thereto; and commercial, industrial, recreational, or institutional structures, and their outdoor areas designed for public parking and intensive human use, except that if an existing legal dwelling already encroaches within the two hundred (200) foot buffer setback, proposed additions thereto, habitable accessory structures or private recreational facilities--none exceeding 1,000 square feet in size--shall be exempt from this subsection so long as they encroach no further than the existing dwelling into the buffer setback and an appropriate vegetative and/or other physical barrier for all existing and proposed development, as determined necessary, either exists or is

provided and maintained. For the purposes of this Section, outdoor areas designed for intensive human use shall be defined as surfaced ground areas or uncovered structures designed for a level of human use similar to that of a habitable structure. Examples are dining patios adjacent to restaurant buildings and private swimming pools. The two hundred (200) foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts.

SECTION XXVII

The first paragraph of Subsection (g) of Section 16.50.095 of the Santa Cruz County Code is hereby amended to read as follows:

(g) Proposals to reduce the required two hundred (200) foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory and private recreational facilities not otherwise exempted by Section 16.50.095(b)1) and for the placement of agricultural caretakers' mobile homes on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in Chapter 18.10 of the County Code with the exception that:

SECTION XXVIII

If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, subdivision, paragraph, sentence clause or phrase of this ordinance irrespective of the fact that any one or more sections, subdivisions, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION XXIX

This Ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone and on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later, inside the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 2008, by the following vote:

AYES: SUPERSVISORS
NOES: SUPERSVISORS
ABSENT: SUPERSVISORS
ABSTAIN: SUPERSVISORS

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13.10.312 Uses in agricultural districts.**(a) Principal Permitted Uses.**

1. In the Coastal Zone, the principal permitted uses in the agricultural districts shall be as follows:

"CA" and "AP": agricultural pursuits for the commercial cultivation of plant crops, including food, fiber, flower or other ornamental crops and the commercial raising of animals, including grazing and livestock production, and apiculture and accessory uses and structures, excepting those agricultural activities listed as discretionary uses requiring a Level V or higher approval.

"A": agricultural pursuits, including the noncommercial or commercial cultivation of plant crops or raising of animals, including apiculture, single-family residential and accessory uses and structures, excepting those agricultural activities listed as discretionary uses requiring a Level V or higher approval.

2. Principal permitted uses are all denoted as uses requiring a Level IV or lower approval or as otherwise denoted with the letter "P" in the Agricultural Use Chart contained in paragraph (b) below. In the Coastal Zone, actions to approve uses other than principal permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 of the County Code relating to Coastal Zone approvals, and in some cases, as specified in Chapter 13.20, any development is appealable.

(b) Allowed Uses. The uses allowed in the agricultural districts shall be as provided in the Agricultural 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 agricultural 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. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.314(a) in addition to those required in Section 18.10.230.

AGRICULTURAL USES CHART**KEY:**

A = Use must be ancillary and incidental to a principal permitted use on the site

P = Principal permitted use (see Section 13.10.312(a)); no use approval necessary if "P" appears alone

1 = Approval Level I (administrative, no plans required)

2 = Approval Level II (administrative, plans required)

3 = Approval Level III (administrative, field visit required)

4 = Approval Level IV (administrative, public notice required)

5 = Approval Level V (public hearing by Zoning Administrator required)

6 = Approval Level VI (public hearing by Planning Commission required)

7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)

-- = Use not allowed in this zone district

* = Level IV for projects of less than 2,000 square feet

Level V for projects of 2,000 to 20,000 square feet

Level VI for projects of 20,000 square feet and larger

** = For purposes of this section, "on-site" shall mean on the parcel on which the use is located, plus any other parcel(s) owned, leased and/or rented by the farm operator in this County or adjoining counties.

*** = Processed as a level 5 Coastal Zone Permit project when within the geographic area defined by Section 13.20.073.

**** = Soils dependent agricultural uses are those uses which use the in situ soils as the growing medium for all crops

BP = Building permit

BP1 = Approval Level I (administrative, no plans required)

BP2 = Approval Level II (administrative, plans required)

BP3 = Approval Level III (administrative, field visit required)

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13.10.322 Residential uses.

(a) Principal Permitted Uses.

(1) In the Coastal Zone, the principal permitted uses in the residential districts shall be as follows:

"RA":	single-family residential and agricultural (rural)
"RR":	single-family residential (rural)
"R-1":	single-family residential (urban, rural)
"RB":	single-family residential (oceanfront, urban)
"RM":	multiple-family residential (urban) including appurtenant accessory uses and structures

(2) Principal permitted uses are all denoted uses requiring a Level IV or lower Approval or as otherwise denoted with the letter "P" in the footnotes to the Residential Uses Chart in subsection (b) of this section. In the Coastal Zone, actions to approve other than permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 of the County Code relating to Coastal Zone Permits, and in some cases, as provided in Chapter 13.20, any development is appealable.

(b) Allowed Uses.

(1) The uses allowed in the residential districts shall be as provided in the following Residential 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 residential 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.

(2) Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Residential zone districts.

RESIDENTIAL USES CHART

KEY:

A	=	Use must be ancillary and incidental to a principal permitted use on the site
P	=	Principal permitted use (see Section 13.10.312(a)); no use approval necessary if "P" appears alone
1	=	Approval Level I (administrative, no plans required)
2	=	Approval Level II (administrative, plans required)
3	=	Approval Level III (administrative, field visit required)
4	=	Approval Level IV (administrative, public notice required)
5	=	Approval Level V (public hearing by Zoning Administrator required)
6	=	Approval Level VI (public hearing by Planning Commission required)
7	=	Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
-	=	Use not allowed in this zone district
*	=	Level IV for projects of less than 2,000 square feet Level V for projects of 2,000 to 20,000 square feet Level VI for projects of 20,000 square feet and larger
**	=	Second Units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal Permit which is processed pursuant to Section 13.10.681

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BP	=	Building Permit Only
BP1	=	Approval Level I (administrative, no plans required)
BP2	=	Approval Level II (administrative, plans required)
BP3	=	Approval Level III (administrative, field visit required)

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