



TITLE 18 PROCEDURES

CHAPTER 18.10 DISCRETIONARY PERMIT AND APPROVAL PROCEDURES

Title 18 has been updated to incorporate changes to existing Chapter 18.10 as well as creation of new Chapters 18.20 through 18.80. Changes to Chapter 18.10 involve updates and reorganization of permit processing procedures, including creating various types of “use permits” and “site development permits” to replace former approval Levels 1 – 7. Amendments to this section also revise permit findings for use and site development permits and add a provision that regulations in effect at the time of complete application shall apply. New Chapters 18.20 through 18.80 were moved to Title 18 from existing code sections to consolidate procedures in one location in the code. These chapters also include minor amendments to clarify procedures, streamline language, and make updates for consistency with state law and new permit processes in Chapter 18.10.

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Article I. Title—Permit Application Processing and Approval Procedures

18.10.010 Purpose of chapter.

This chapter establishes the overall processing structure for the application, review and action on discretionary permits and legislative matters, including but not limited to public noticing, public hearing, and appeal provisions. The purpose of this chapter is to coordinate the administration of County regulations by establishing a standardized and integrated review and approval process for all development projects and changes in planning policy.

18.10.012 Previous code sections.

SCCC 18.10 includes SCCC sections that have been relocated to this Chapter as shown in Table 18.10.012-1:

Table 18.10.012-1

Previous SCCC Section	New SCCC Section	Title
<u>18.10.211</u>	<u>18.10.113</u>	<u>Neighborhood notification and meeting requirements</u>
<u>18.10.222</u>	<u>18.10.116</u>	<u>Public notice requirements for administrative permits and projects</u>
<u>18.10.223</u>	<u>18.10.117</u>	<u>Public hearing notice requirements for regular or conditional permits and projects</u>
	<u>18.10.118</u>	<u>Additional public hearing notice requirements for legislative matters.</u>
	<u>18.10.119</u>	<u>Alternative noticing procedures</u>
<u>18.10.223(B)</u>	<u>18.10.120</u>	<u>Contents of public notices</u>
<u>18.10.224</u>	<u>18.10.121</u>	<u>Requirements for installation of public notice signs on subject property for proposed regular permits or legislative matters</u>

18.10.015 Definitions.

All terms used in this Chapter shall have the meanings definitions shall be as defined in the General Plan or Local Coastal Program Element of the General Plan glossaries, and as follows:

(A) “Administrative permit” or “administrative project” means a type of discretionary permit or discretionary project which is acted upon by the Planning Director or his or hertheir designee, either with or without public notice as specified by applicable County Code provisions, and without a required public hearing.



~~“Approval” means any approval required pursuant to any County ordinance applicable to this chapter as a part of a development permit, building permit, parcel approval, or policy amendment.~~

(B) “Approving body” means the Planning Director, Agricultural Policy Advisory Commission, Historic Resources Commission, Zoning Administrator, Planning Commission, Board of Supervisors, or other duly appointed person or group which has been charged with decision-making authority regarding the approval, approval with conditions, or denial of applications for discretionary development permits or approvals. The approving body for legislative matters shall be the Board of Supervisors. the issuance of permits or approvals pursuant to this chapter.

(C) “Assessor’s parcel map” or “Assessor’s parcel number” means a map and parcel number identifying a property for tax purposes by the County Assessor’s Office.

(D) “Board” (“or “BOS”) means the Board of Supervisors of Santa Cruz County.

(E) “Building permit” means a ministerial permit authorizing construction activities issued in conformance with Chapter SCCC 12.01 SCCC (Building Permit Regulations), which may only be issued after either 1) a zoning clearance and an environmental clearance have been completed by the Planning Department as required; and/or 2) all discretionary development permits or legislative actions required for the construction project have been considered and approved by the approving body.

(F) “Commission” (“or “PC”) means the Planning Commission as appointed by the County Board of Supervisors. See Chapter SCCC 2.74 SCCC.

(G) “Consent agenda” means a portion of any type of public hearing agenda in which actions are taken by the approving body on applications for discretionary permits, including those for which a public hearing is required to be held as provided by this Chapter chapter, and for which the action taken will be a permit will be summarily approved or denied pursuant to staff recommendations, conditions, and findings unless the item is removed to the regular agenda at the request of a member of the public, the applicant, or a member of the approving body.

~~“Development permit” means a permit authorizing land use and development after planning staff review for compliance with all pertinent County ordinances, including the zoning ordinance and the various natural resource preservation and physical hazards protection ordinances, and after appropriate public involvement.~~

(H) “Development review group” or (“DRG”) means a group of County staff from several County departments and other public agencies which that reviews proposed development projects to determine the extent of further information which that will be needed to process the application, and which assesses the project for compliance with all County ordinances, and coordinates relevant comments and conditions to be incorporated into proposed projects to the applicant.



(I) “Discretionary permit” or “discretionary project” means a permit or project that requires the exercise of judgment or deliberation when the approving body decides to approve, conditionally approve, or deny the permit or project, as distinguished from ministerial permits or projects for which the decision to issue the permit or approve the project involves little or no personal judgment by a public official, but only determinations about whether there is conformity with applicable statutes, ordinances, or regulations. Discretionary permits or discretionary projects are subject to the California Environmental Quality Act (CEQA) and an environmental determination is required prior to action on the discretionary permit or project.

(J) “Engineering review group” or (“ERG)” means a group of County staff with representatives from the Department of Public Works, the Redevelopment Agency, and Planning which reviews development proposals for plan line and other traffic related requirements or other infrastructure associated with new development. The ERG shall recommend plan line and infrastructure study parameters and shall review proposed plan line and infrastructure studies when submitted. The Planning Director may forward the ERG’s recommendations concerning approval of the plan line or infrastructure requirements to the Board of Supervisors.

(K) “Environmental clearance” means a ministerial administrative review to certify that an existing development or use of property conforms with applicable requirements of the Santa Cruz County environmental resource protection regulations of Title 16, and, if applicable, the terms and conditions of any previously approved development permit or variance. Plan check comments that result in revision of the project plans to achieve such conformity are not considered conditions of approval, as the plans are revised to reflect and ensure compliance with applicable provisions. Ministerial projects are exempt from CEQA.

(L) “Environmental permit” means a discretionary permit issued to authorize development activities within environmental or historic resource areas which do not meet ministerial standards of Title 16 regulations and thus become discretionary projects. Environmental permits include a floodplain variance, a major grading permit, a grading exception, a land clearing permit, a riparian exception, a biotic permit, a significant tree in the coastal zone removal permit, and a historic alteration or historic demolition permit.

(M) “Land division permit” means a permit consisting of a tentative map, parcel map, or final map approval for land parcelization or subdivision. The permit is issued A land division is considered by the approving body after appropriate public involvement as required by this chapter and the Title 14 subdivision regulations and after planning staff review for compliance with all pertinent County ordinances, including (where applicable,) the subdivision ordinance and, for development outside the urban services line, the rural residential density determinations ordinance.

(N) “Legislative action” or “legislative matter” means those which establish or amend rules, policies, or standards, including but not limited to those which regulate use and development of



land, such as adoption or amendment of the General Plan Text/Map, Local Coastal Program, Zoning Text/Map, a Specific Plan, a Planned Unit Development, and a Development Agreement. Amendments to Title 14 Subdivision Regulations and Title 16 Environmental Resource Protection are also legislative actions. Legislative actions involve the exercise of discretion, are governed by considerations of the public welfare, and require public hearings. The approving body for all legislative actions is the Board of Supervisors.

“Major project” means a project processed at Levels VI and VII. This processing includes a preapplication which is reviewed by a development review group in order to determine the need for further information prior to the submittal of a complete application.

“Minor project” means a project processed at Levels I, II, and III. These are administrative permits which require staff review and, sometimes, a staff field visit.

(O) “Ministerial permit” or “ministerial project” includes those for which the governmental decision to issue the permit or approve the project involves little or no personal or subjective judgment by a public official, but only determinations about whether there is conformity with fixed standards, objective measurements, and/or applicable statutes, ordinances, or regulations. Plan check comments that result in revision of the project plans to achieve such conformity are not considered conditions of approval, as the plans are revised to reflect and ensure compliance with applicable provisions. Ministerial projects are exempt from CEQA.

(P) “Minor exception” means a type of discretionary authorization of exceptions to the zoning district site and development standards for a property for which the Board of Supervisors has specified the type and extent of exceptions that do not require the public hearing otherwise required for consideration of variance applications pursuant to Section 65901(b) of the California Government Code.

(Q) “Minor variation” means a change to an approved permit or project that is determined by the Planning Director or designee to be in substantial conformance with the approved permit or project, such that the change is a minor modification of the permit or project that can be considered administratively.

(R) “Modification of permit” or “Modification of approval” means a modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit or approval. A “minor modification” is not a substantial modification and has the same meaning and is processed as a “minor variation” (see above). A “major modification” is a change that is determined by the Planning Director or designee to be a substantial change, not in substantial conformance with the approved permit or project, such that the original approving body considers and takes action on the modification request subject to the same public notice and hearing requirements as the original permit or approval.



(S) “Notice of appeal” means a written document, properly and timely filed, which commences an appeal pursuant to Article VI of this chapter.

(T) “Notice of public hearing” means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

“Parcel approval” means a land division permit, certificate of compliance (unconditional or conditional), or a lot line adjustment.

(U) “Permit process” or “Processing levels” means permit and approval processing procedures with varying application and review requirements, based on the nature or complexity of the project, the amount and type of public notice involved, whether or not a public hearing is required, the approving body which is authorized to take action on land use permit requests or legislative matters, and appeal provisions.

The permit processes and processing levels defined by the chart below summarize requirements for consideration of clearances, permits and legislative matters and are further detailed by this chapter and other provisions of the County Code. There are seven different processing levels as established by this chapter for land use permit actions, with the alternate nomenclatures of each line below considered roughly equivalent:

Table 18.10.015-1: Summary of Permit and Approval Framework

Level Nomenclature	Type of Permit or Clearance¹; New Framework Nomenclature	Type of Action	Public Notice	Public Hearing	Appeal Decision Maker: Who May Appeal
PLANNING DIRECTOR OR DESIGNATED STAFF AS APPROVING BODY					
<u>Level I, Level II</u>	<u>Zoning Clearance (ZC) Environmental Clearance (EC)</u>	<u>Ministerial</u>	<u>No</u>	<u>No</u>	<u>Planning Director, for certain actions (18.10.320); Applicant/ Property Owner only</u>
<u>Level III</u>	<u>Minor Permit MUP, MSP</u>	<u>Discretionary</u>	<u>No</u>	<u>No</u>	<u>Zoning Administrator; Applicant/Property Owner only</u>
<u>Level IV</u>	<u>Administrative Permit AUP, ASP</u>	<u>Discretionary</u>	<u>Yes, 18.10.116(A)</u>	<u>No</u>	<u>Zoning Administrator; Any party</u>
ZONING ADMINISTRATOR AS APPROVING BODY					
<u>Level V</u>	<u>Conditional Permit CUP, CSP</u>	<u>Discretionary</u>	<u>Yes</u>	<u>Yes</u>	<u>Planning Commission; Any party</u>
PLANNING COMMISSION AS APPROVING BODY					



<u>Level VI</u>	<u>Conditional Permit</u> <u>CUP-PC, CSP-PC</u>	<u>Discretionary</u>	<u>Yes</u>	<u>Yes</u>	<u>Board of Supervisors</u> <u>(Jurisdictional hearing);</u> <u>Any party</u>
BOARD OF SUPERVISORS AS APPROVING BODY					
<u>Level VII</u>	<u>Conditional Permit;</u> <u>CUP-BOS, CSP-BOS</u> <u>Legislative Matters</u>	<u>Discretionary</u>	<u>Yes</u>	<u>Yes</u>	<u>No County Appeal</u>

¹ Key to Abbreviations: ZC = Zoning Clearance EC = Environmental Clearance
 MUP = Minor Use Permit MSP = Minor Site Development Permit
 AUP = Administrative Use Permit ASP = Administrative Site Development Permit
 CUP = Conditional Use Permit CSP = Conditional Site Development Permit

(V) “Planning Director” (“PD”) or **“Director of the Planning Department”** means the **Director of the Department of Community Development and Infrastructure** or **Director of the County Planning Department** or his or her **their** authorized designee charged with the administration and enforcement of this chapter.

(W) “Project” means any activity involving the issuance to a person by the County of a lease, permit, license, certificate, or other entitlement for use.

“Policy amendment” means a change in planning policy in terms of establishing, amending, or interpreting the Local Coastal Program, the General Plan, specific plans, land use designations, or County ordinances or regulations.

“Processing levels” means permit and approval processing procedures with varying application and review requirements, based on the complexity of the project, the amount and type of public involvement provided, and the decision-making body which is authorized to approve a permit for the project. There are seven different processing levels as established by this chapter.

(X) “Regular agenda” means a type of public hearing agenda in which public testimony is taken. An application for a discretionary permit heard on a regular agenda will be approved, conditionally approved or denied on the basis of the public testimony and the staff recommendation, findings, and conditions.

(Y) “Regular permit” or “regular project” means a project that requires a discretionary permit and/or legislative action that requires public notice and a public hearing and is acted upon by either the Zoning Administrator, Planning Commission, or Board of Supervisors, with the process and approving body determined as provided by this Chapter and/or other provisions of the County Code. processed at Levels IV and V. These projects involve field visits by staff, staff reports, and public notice and/or public hearing.

“Resolution of intention” means a resolution adopted by the Planning Commission or the Board of Supervisors. In this chapter, the term is used with reference to a resolution adopted in order to revoke or amend a permit, or to initiate a policy amendment.



(Z) “Site Development Permit” or “SDP” means a discretionary permit authorizing the physical development or improvement of a site. A “Conditional Site Development Permit” (“CSP”) is considered after public notice and through a required public hearing, and if approval is granted it may be subject to identified conditions of approval. A “Minor Site Development Permit” (“MSP”) does not require public notice or public hearing. An “Administrative Site Development Permit” (“ASP”) requires public notice but does not require a public hearing. Any type of site development permit may granted subject to conditions of approval.

(AA) “Use Permit” means a discretionary permit which authorizes uses of land on a site that are not permitted by right within the zoning district and rules that apply to the site. A “Conditional Use Permit” (“CUP”) is considered after public notice and through a required public hearing, and if approval is granted it is usually subject to identified conditions of approval. A “Minor Use Permit” (“MUP”) does not require public notice or public hearing. An “Administrative Use Permit” (“AUP”) requires public notice but does not require a public hearing. Any type of use permit may be granted subject to conditions of approval.

(BB) Without Prejudice. A denial of a discretionary permit application made “without prejudice” enables the applicant to re-file the application within the succeeding year without prior consent of the approving body which denied the permit.

(CC) “Variance” means a discretionary authorization of exceptions to the zoning district site and development standards for a property, considered at a public hearing unless the proposal qualifies as a Minor Exception. A variance is not a mechanism to authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the property.

(DD) “Zoning Administrator” or “ZA” means the Planning Director or his/her designee who performs the duties attached by law to the office of Zoning Administrator, as established by this chapter.

(EE) “Zoning Clearance” means an administrative, ministerial review conducted by Planning staff to certify that an existing or proposed use or development on a property conforms with applicable requirements of the Santa Cruz County zoning ordinance, and that a discretionary permit is not required. Zoning clearances include review of terms and conditions of any previously approved discretionary approvals on a parcel. Zoning clearance reviews shall not include routing to other agencies for review.

Article II. General Processing Structure

18.10.110 Scope. Applicability

(A) Except as otherwise modified or exempted by the SCCC or the laws of the State of California, the provisions of this Chapter apply to discretionary land use permit and legislative matters, including but not limited to:



- (1) Discretionary permit applications pursuant to SCCC Title 13 (Zoning Regulations) and Title 16 (Environmental Resource Protection);
- (2) General Plan, Local Coastal Program, Zoning Ordinance, Specific Plan, Planned Unit Development, and Development Agreement text or map amendments pursuant to applicable Title 18 regulations;
- (3) Title 16 environmental regulations text amendments;
- (4) Land division projects subject to SCCC Title 14, Subdivision Regulations;
- (5) Other discretionary permits and reviews as required by the SCCC.

(B) Except where specifically noted, this Chapter does not apply to the processing of ministerial permits and reviews, including building and associated permits as identified in Chapter 12.10. Issuance of zoning clearances and environmental clearances are ministerial administrative actions to determine whether or not a discretionary development permit, legislative action, or environmental permit is required to be approved prior to issuance of a building permit for a proposed project.

(C) The provisions of this chapter apply regardless of whether they impose a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction such as Conditions, Covenants, and Restrictions (CC&Rs), and without affecting the applicability of any such private agreement or restriction. The County of Santa Cruz shall not enforce private covenants or agreements unless it is a party to the covenant or agreement.

This chapter establishes procedures for County review and approval of permits for development projects and of changes in planning policies and regulations. The types of permits and approvals which are required are defined in this chapter. This chapter also establishes seven levels of standardized processing procedures for the review of permits and policy amendments.

18.10.111 Permits and land use legislative matters and policy amendments.

(A) Permits. Development and use of land in Santa Cruz County shall be authorized by one or more of the following types of permits (some projects may require all three) approved pursuant to the procedures of this chapter. Each permit is made up of a number of approvals depending on the number of County ordinances which are applicable.

- (1) Building Permit. A ministerial permit authorizing construction activities issued in conformance with SCCC Chapter 12.01 SCCC (Building Permit Regulations) and all other applicable County ordinances may not be issued before (a) any required Zoning Clearance and/or Environmental Clearance has been obtained which confirms that no discretionary development permit, discretionary environmental permit or legislative action is required prior to issuance of the building permit; or (b) zoning plan check



confirms that the requested building permit is in conformance with the requirements and conditions of existing approved discretionary approvals related to the subject building permit application; or (c) approval of any discretionary development permit, discretionary environmental permit, and/or legislative action that is required.

(2) Discretionary Development Permit. A discretionary permit or approval authorizing land use and development pursuant to the applicable regulations of the ChapterSCCC 13.10 Zoning Ordinance, Chapter 13.20 Coastal Zone Regulations, Title 14 Subdivision Regulations, Title 16 Environmental Resource Protection Ordinances, and any other SCCC provisions related to discretionary land use approvals that are not legislative matters.

(2) Development Permit. A permit authorizing land use and development based on approvals pursuant to all applicable County ordinances.

(3) Parcel Approval. An approval of a tentative map, authorizing the filing of a final map, or a parcel map, creating a new land parcelization, or an approval of a lot line adjustment authorizing the filing of a deed, or an approval authorizing the filing of a certificate of compliance or conditional certificate of compliance in conformance with Chapter 14.01 SCCC (Subdivision Regulations) and all other applicable County ordinances.

(B) Legislative Matters. Policy Amendments. The procedures of this chapter shall be followed to establish, amend, or interpret the following land use plans, policies, ordinances, and regulations, in conformance with the following County ordinances and all other applicable County ordinances:

(1) General Plan Text policies and General Plan Land Use Map Ddesignations pursuant to SCCC Chapter 13.04 18.50 SCCC (General Plan Administration).;

(2) Specific plans pursuant to SCCC Chapter 13.02 18.70 SCCC (Specific Plan Administration).;

(3) Local Coastal Program designations, policies, and implementation ordinances pursuant to SCCC Chapter 18.60 13.03 SCCC (Local Coastal Program Administration).;

(4) Zoning Ordinance and Zoning Land Use Map plan designations and use and development regulations pursuant to SCCC Chapter 13.10 SCCC (Zoning Regulations) and SCCC 18.40 (Zoning Ordinance Administration).;

(5) Agricultural land type designations pursuant to SCCC Chapter 16.50 SCCC (Agricultural Land Preservation and Protection).;

(6) Other County land use regulatory ordinances related to land use regulation and permitting, such as regulations of Title 16 (Environmental Resource Protection) and Title 14 (Subdivision Regulations).;



(7) Planned unit developments (PUDs) pursuant to SCCC 18.30.; and

(8) Development agreements pursuant to SCCC Chapter 18.80.

(C) Applicable County Ordinances. All permits and approvals issued pursuant to this chapter must be acted upon in conformance with the County General Plan and Local Coastal Program and must also be consistent with all other applicable County ordinances and regulations.

18.10.112 Processing levels. Structure for processing discretionary permits, subdivisions, and land use legislative matters.

The application, processing, and review requirements for any discretionary development permit or land division application, approval, or policy legislative amendment, vary with the complexity of the project involved and the amount and type of public participation required. There are ~~two~~four basic types of permits and approvals: minor administrative permits, administrative permits, and approvals, and regular public hearing permits and approvals, and legislative approvals, as summarized below. A listing of all approved permits and approvals issued shall be maintained by the Planning Department for public review.

(A) Minor Administrative Permits and Approvals. Discretionary permits that are established as Minor Administrative Permits, including but not limited to those listed below, The following reviews shall be conducted and permits shall be acted upon by the Planning Director or his or her their authorized designee, with no required public notice or public hearing. This is considered equivalent to the Level III process when that term is used within this Code. charged with the administration of this chapter.

(1) Minor Use Permit;

(2) Minor Site Development Permit;

(3) Minor Variation/Minor Modification;

(4) Minor Riparian Exception;

(5) Significant Tree Removal Permit;

(6) Grading Exception; and

(7) Temporary Permit.

(B) Administrative Permits. Discretionary permits that are established as Administrative Permits, including but not limited to those listed below, shall be acted upon by the Planning Director or his or her their designee, with public notice provided pursuant to SCCC 18.10.116. No public hearing is required. Considered equivalent to the Level IV process when that term is used within this Code.



- (1) Administrative Use Permit;
- (2) Administrative Site Development Permit;
- (3) Vacation Rental Permit;
- (4) Minor Exception (to zoning site development standards);
- (5) Land Clearing Permit;
- (6) Coastal Development Permit, Minor (as defined by SCCC 13.20); and
- (7) Temporary Permit (for use with amplified music).

(C) Regular or Conditional Public Hearing Permits. Discretionary permits that are established as Regular or Conditional Permits, including but not limited to those listed below, shall be acted upon by the Zoning Administrator, or the Planning Commission or Board of Supervisors as designated by applicable regulations governing the permit request, after holding a public hearing. Public notice of the public hearing shall be provided pursuant to SCCC 18.10.113 and 18.10.117 if the permit type is designated with the Planning Commission as the approving body. Considered-This is considered equivalent to the Level V process of the Zoning Administrator, or the Level VI process of the Planning Commission, when those terms are used within this Code.

- (1) Conditional Use Permit;
- (2) Conditional Site Development Permit;
- (3) Variance;
- (4) Coastal Development Permit;
- (5) Major Riparian Exception;
- (6) Major Grading Permit;
- (7) Wireless Communication Facility (WCF), except as allowed with ministerial permits in SCCC Sections 13.10.661 through 13.10.663; Height Exception
- (8) Floodplain Variance;
- (9) Density Bonus Projects and

(D) Legislative Matters. Legislative matters, including but not limited to those identified in 18.10.111(B) above, shall be acted upon by the Board of Supervisors after holding a public hearing, after the Planning Commission first holds a public hearing and makes a recommendation for consideration by the Board. Public notice for the public hearings held by the Planning Commission and by the Board of Supervisors to consider legislative matters



shall be carried out in accordance with 18.10.113, 18.10.117 and 18.10.118. Considered equivalent to the Level VII process when that term is used by the Code.

~~(1) Processing Level I includes planning review and administrative action on permits based on a description of the project.~~

~~(2) Processing Level II (plans required) includes planning review and administrative action on permits based on building plans as well as a description of the project.~~

~~(3) Processing Level III (field visit required) includes planning review that involves one or more visits to the site by staff planners in conjunction with review of the project description and plans prior to administrative action on permits.~~

~~(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 prior to administrative action on permits—in the form of posting of the property, notice posted on the County Planning Department website, notice to each member of the Board of Supervisors and mailed notice to the owners and occupants of the subject and surrounding properties.~~

~~(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 SCCC 18.10.221, et seq.:~~

~~(1) Processing Level V (Zoning Administrator) 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 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~~

SCCC 18.10.113 was moved from existing SCCC section 18.10.211 with minor amendments.



Planning Commission, after a notice of public hearing, to be acted upon by the Board of Supervisors, also after a notice of public hearing.

18.10.21118.10.113 Neighborhood notification and meeting requirements

(A) When Neighborhood Meeting Required Prior to Application Submittal or Upon Modification of Application.

(1) For all development that requires a discretionary approval at permit or legislative action that is acted upon by the Planning Commission or Board of Supervisors, (also known as Level VI or VII application process), the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within **300-500** feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than 10 separate parcels within **300-500** feet of the exterior boundaries of the property involved in the application, said **300-500**-foot distance shall be extended in increments of 50 feet (e.g., **350-550, 400-600, 450-650**) until owners of at least 10 properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time, and location of the neighborhood meeting.

(2) The following modifications made to a submitted development application during applications processing will require new noticing and a second neighborhood meeting prior to scheduling the required public hearing to consider action on the proposed project:

(a) Submitted applications for which any of the following project modifications are proposed after the first neighborhood meeting: (i) A change that results in an increase of 20 percent or more in height, floor area ratio or lot coverage; or

(ii) A change that necessitates a variance;

(b) (iii) A change that results in an increase in the number of lots or dwelling units;

(iv) A change that results in an intensification of use, as defined in ~~SCCC 13.10.700-1.~~

(b) ~~Commercial development projects in Commercial Zone Districts (PA, CA, CT, C-1, C-2 and C-4) for which a time period of 180 days or longer occurs between the first neighborhood meeting and the original scheduled hearing date.~~

(B) Results Summary of Neighborhood Meeting. ~~The results~~ A summary of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results summary of the neighborhood meeting when one is



required. The results-summary of a required neighborhood meeting are for informational use only and do not govern action on the application.

(C) Waiver of requirement for second neighborhood meeting. The Planning Director may waive the requirement for a second noticed neighborhood meeting prior to the scheduled public hearing if the proposed modification is not significant in the sole determination of the Planning Director relative to neighboring property or the overall development. Waivers will typically be provided when the application review process has resulted in modifications to the proposed project that are generally considered to bring the proposal into greater conformance with goals and objectives of the General Plan and/or Local Coastal Program.

18.10.115 Requirements for minor administrative permits and projects.

Applications for permits and projects that are considered Minor Administrative Permits or Projects (also known as Level III approvals) are not subject to any requirement for public notice. However, if such application is referred to a higher approving body by the Planning Director, then the public notice procedures for such higher permit processing level shall apply to the permit application.

SCCC 18.10.116 was moved from existing SCCC section 18.10.222 with minor amendments.

18.10.116 18.10.222 Level IV (public notice)—Notice of pending action. Public notice requirements for administrative permits and projects.

(A) Procedures. Public notice of pending action on an permit application for an administrative permit that requires public notice but does not require a public hearing (also known as a pursuant to Level IV permit or process) shall occur. Not less than 21 calendar days prior to the County taking action on a Level-IV application, public notice and shall be given in the following ways:

(1) The County shall mail notice via postcard or letter to the applicant, to the owners of the subject property, to the owners of the subject property, to the owners of all property within **300-500** feet of the exterior boundaries of the subject property, and to all lawful occupants of properties within 100 feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on a mailing list generated by the County. In the event that If there are fewer than 10 separate parcels within **300-500** feet of the exterior boundaries of the property involved in the application, said **300-500**-foot distance shall be extended in increments of 50 feet (e.g., **350-550, 400-600, 450-650**) until owners of at least 10 properties have been notified by mail.

(2) Posting of public notice on the County of Santa Cruz Planning Department website.



(3) Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail.

(4) (B) Mailing to the applicant of a Notice of Pending Action public notice sign suitable for posting on the subject property, with the applicant to post such public notice sign in a conspicuous place on the property Not less than 10 calendar days following the date of the United States Postal Service postmark on the notice of pending action mailed pursuant to subsection (A)(1) of this section, the notice of pending action shall be posted on the property in a conspicuous place on the mailing by the County to the applicant.

(CB) Contents of Notice. The contents of the notice of pending action shall be as follows:

- (1) Location of the proposed project.
- (2) Name of the applicant and owner.
- (3) Description of the proposed project.
- (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, which shall be no less than 21 days following the date on which notices are mailed.
- (6) Date on which a decision may be made on the project.
- (7) Description of the appeal procedure.
- (8) Notices of pending actions for Coastal Development Permits shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.

SCCC 18.10.117 through 18.10.119 were moved from existing SCCC section 18.10.223 with minor amendments to reorganize and update language consistent with new nomenclature and permit process.

18.10.117 18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors) — Notice of public hearing. Public hearing notice requirements for regular or conditional permits and projects.

(A) Procedures. A When a provision of the County Code requires public notice of a all public hearings conducted to be given pursuant to the issuance of permits and approvals at Levels



~~V (Zoning Administrator) through VII (Board of Supervisors) this section 18.10.117, notice shall be given by the County in all of the following ways:~~

~~(1) The County shall cause the notice to be published in a newspaper of general circulation printed and published within the County at least 10 calendar days prior to the date set for hearing.~~

(13) The County shall mail notices in the form of a postcard or letter shall be mailed or delivered not less than 10 calendar days prior to the public hearing to the applicant and to the owners of the subject real property as shown on the latest equalized assessment roll (or records of the county County assessor Assessor or tax Tax collector Collector if those records are more recent), to the owner's duly authorized agent, if any, and to the project applicant. Notice shall also be mailed or delivered at least 10 calendar days prior to the public hearing to all owners of real all-property within **300500** feet of the exterior boundaries of the subject property and to all lawful occupants of properties within 100 feet of the subject property, including the lawful occupants of the subject property. ~~In~~ the event that ~~if~~ there are fewer than 10 separate parcels within **300-500** feet of the exterior boundaries of the subject property involved in the application, said ~~300500-foot~~ distance shall be extended in increments of 50 feet (e.g., **350550, 400600, 450650**) until owners of at least 10 properties have been notified by mail.

(2) The County shall also mail or deliver these notices not less than 10 calendar days prior to the public hearing to the Coastal Commission; to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected; and to all persons who have filed and maintained written requests ~~sed with the Planning Department~~ to be on the mailing list for the subject development project or for coastal development permit decisions within that jurisdiction. Written requests filed by persons may be made for notices for all public hearings or for all public hearings relating to a certain application. Requests shall be accompanied by a fee set by the Board of Supervisors resolution.

(32) The public notice shall be Pposted, either by county staff or by the property owner if so directed by County staff, on the property in a conspicuous place at least 10 calendar days prior to the public hearing. The on-site public notice posting shall be carried out in accordance with Section 18.10.121.

(4) The County shall provide notice to the Board of Supervisors by delivery by the United States Postal Service addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail, at least 10 days prior to the public hearing.



- (5) Public agencies shall be notified of tentative map applications pursuant to SCCC 14.01.305.1, 14.01.318, 14.01.319 and 14.01.320. Public agencies shall be notified of public hearings on General Plan amendments pursuant to SCCC 18.50.080. In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgment of the Planning Director, have an interest in the project.
- (6) When the Subdivision Map Act (~~Div. 2 commencing with~~ Government Code Section 66410 et seq) requires notice of a public hearing, notice shall also be given to any owner of a mineral right who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.
- (7) Because the State Legislature has found that access restrictions to commercial establishments affecting the blind, aged, or disabled is a critical statewide problem, whenever a public hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, the County shall provide notice to local organizations or agencies representing the blind, aged, and disabled communities.

18.10.118 Additional public hearing notice requirements for legislative matters.

(A) When a provision of the County Code requires public notice of a public hearing to be given pursuant to this section 18.10.118, and when notice is provided to local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected if the proposed project were to be approved, then public notice shall be given in all of the following ways:

- (1) The County shall provide public notice of a public hearing, given in all of the ways required by 18.10.117(A)(1) through (7) above.
- (2) The County shall cause the notice to be published in a newspaper of general circulation printed and published within the County, one time, at least 10 calendar days prior to the date set for the public hearing.
- (3) The County shall post the notice at least 10 calendar days prior to the public hearing, in at least three public places within the boundaries of the local agency, including one public place in the area directly affected by the proceeding.

The text below was moved into new SCCC section 18.10.120

(B) ~~Contents of Notice. The contents 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) Title of the hearing officer or hearing body;
- (5) Date of the hearing;
- (6) Time of the hearing;
- (7) Location of the hearing;
- (8) How further information may be obtained;
- (9) Notices of pending applications for permits including Coastal Zone approval shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.

18.10.119 Alternative noticing procedure.

~~(A)(C) Alternative Noticing Procedure. If the number of persons or entities who would be notified in subsection (A) of this section property owners to whom notice would be mailed or delivered pursuant to 18.10.117(A) or 18.10.118(A) is more than 1,000, or where a County initiated General Plan amendment affects the designation of a large area or number of parcels, or for public works projects initiated by public agencies which do not include rezonings, notice may be given then in lieu of mailed or delivered notice the County may provide notice by placing a display advertisement of, at least 10 calendar days prior to the public hearing, of at least one-eighth page in at least one newspaper of general circulation within the area affected by the proposed ordinance, policy or plan amendment, legislative matter, or development project,; or by including an insert with any generalized mailing sent by the County to property owners and residents affected by the proposal.~~

~~(BD) The alternative noticing procedure detailed above in Subsection (A) does not apply as noticing pertains to Coastal Development Permits. Coastal Development Permits must be noticed in a manner consistent with SCCC 18.10.117(A) and 18.10.118(A). Alternative Notice Procedure for Coastal Approvals Development Permit Applications. When a development permit includes proposed project requires only a coastal approval for a project of an application for a coastal development permit pursuant to Chapter 13.20 of the SCCC, and when the number of persons or entities property owners who would be notified in subsection (A)(3) of this section is more than 200, the County may give notice by:~~

- ~~(1) Increasing the posting requirement in subsection 18.10.118(A)(23) of this section to provide posting every 1,000 feet along an adjoining roadway; and~~
- ~~(2) Placing a display advertisement pursuant to 18.10.119(A) above of at least one-eighth page in a newspaper having general circulation within the area affected by the project.~~



(CE) Notice of Continuances. Any matter may be continued from time to time. The proposal need not be re-noticed if, at the time of the public hearing for the proposal, the matter is formally continued by a vote of the approving body to a specific date. Otherwise, the continued matter shall be noticed in the same manner as the original hearing. This does not apply to continuances of Coastal Development Permits, which must be re-noticed for all continuances regardless of whether a specific date for such continuance hearing has been set by the approving body.

Portions of the text below were moved into SCCC section 18.10.117(A)(2).

(F) Requests for Notice. The County shall send notice by first class mail to any person who has filed a written request with the Planning Department. Requests may be made for notices for all public hearings or for all public hearings relating to a certain application. Requests shall be accompanied by a fee set by the Board of Supervisors resolution.

Portions of the text below were moved into SCCC section 18.10.117(A)(5).

(G) Notice to Other Jurisdictions:

(1) Public agencies shall be notified of tentative map applications pursuant to SCCC 14.01.305.1, 14.01.318, 14.01.319 and 14.01.320.

(2) Public agencies shall be notified of public hearings on General Plan amendments pursuant to SCCC 13.01.080.

(3) In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgement of the Planning Director, have an interest in the project.

(H) Recipients of Notice of Final Action. On or before the fifth business day following the final action by the approving body, a notice of the decision, including findings for approval and conditions (if any) and appeal information and deadline shall be mailed to the following persons and agencies:

(1) The applicant;

(2) The owner of the subject parcel;

(3) All persons who have submitted a written request with a stamped addressed envelope for notification of the action on the specific permit;

(4) In the Coastal Zone, the Coastal Commission;

(5) Provide to the Board of Supervisors by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail.



SCCC 18.10.120 was replaced with text from existing SCCC section 18.10.223(B).

18.10.120 Review process. Contents of public notices.

The following review process shall apply to all permits and approvals issued through the Planning Department. These regulations supersede all other procedures in other County ordinances for the issuance of said permits and approvals, except where the regulations of the other ordinances supplement and are not in conflict with this chapter.

(AB) Contents of Notice. The contents of public notices provided pursuant to Chapter 13.10 Zoning Regulations, Chapter 13.20 Coastal Regulations, Title 14 Subdivision Regulations, Title 16 Environmental Resource Protection, and Title 18 Procedures, shall be as follows:

- (1) Location of the proposed project;
- (2) Names of the applicant and of the property owner;
- (3) Description of the proposed use or development;
- (4) Name or Title of the approving body, hearing officer, or hearing body;
- (5) Date of the public hearing;
- (6) Time of the public hearing;
- (7) Location of the public hearing;
- (8) How further information may be obtained; and
- (9) Notices of pending applications for permits including Coastal Zone approval actions for Coastal Development Permits shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.

With the new permit process in place, existing text in SCCC 18.10.121 relating to the review process chart by level is no longer relevant. Existing text from SCCC section 18.10.224 regarding public notice signs was moved to this section with amendments.

18.10.121 Requirements for installation of public notice signs on subject property for proposed regular permits, conditional permits, or legislative matters.

18.10.224 Notice of proposed development for Level IV through Level VII.

For all development that requires review at Levels IV through VII, projects subject to public notice requirements of 18.10.116 and 18.10.117, the applicant shall install a public notice sign or signs on each site of the proposed development in accordance with this section.

(A) Deadline for Placement Installation. Any public notice sign required by this chapter shall be placed installed on the subject site, and installation verified, no later than the date on which



a Notice of Intent to Issue a Negative Declaration is issued, or no later than the date on which a Notice of Availability of a Draft Environmental Impact Report (EIR) is issued for projects requiring an EIR, or no later than seven 10 calendar days in advance of the required public hearing for projects determined to be exempt from the California Environmental Quality Act after the applicant for an approval for which a sign is required has been informed that the application will be determined to be complete when the sign is placed and placement is verified. The Sign specifications, including number of signs, content, size, and location(s) shall be in accordance with this Chapter and any additional specifications available on the Planning Department’s website within the set of Administrative Practice Guidelines approved by the Planning Director. Sign-The specifications shall be provided by the Planning Department to the manufacturer of the sign for by the applicant after confirmation by the Planning Department. Either the sign manufacturer or the applicant shall be required to who will then install the sign in accordance with the above applicable timeframes, and verification of installation shall be provided to the Planning Department upon installation. Verification shall occur when the County receives from the applicant a completed certificate attesting that the sign has been installed as required (including photographs).

(B) Location. Any sign Signage required by this chapter shall be placed on the subject property so as to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. For proposed projects in public rights-of-way, signs shall be posted at 1,000-foot intervals along subject right(s)-of-way. Additional signs may be required that are visible from other public vantage points, such as for when a proposed project is located within a public park some distance from the vehicular accessway. Signs shall be located so as to not interfere with vehicular line of sight distance.

(C) Size, Material, and Height Above Grade. Each sign shall be a minimum of two feet by two feet up to a maximum of two feet (vertical) by four feet (horizontal). Signs shall be constructed of recyclable corrugated plastic (such as Ceoroplast) or other material acceptable by the Planning Department. The information required shall be painted, laminated, or otherwise rendered weatherproof and shall be legible at all times. No sign required by this chapter shall exceed seven feet above grade, except where necessary to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Lettering shall as follows:

(1) Letter style: Arial or similar standard typeface;

(2) Letter size:

(a) Two-inch bold capital letter for the header:

NOTICE OF PROPOSED DEVELOPMENT



- (b) One-inch bold capital letters for the project description;
- (c) One-inch upper and lower case for all other letters;
- (d) One-inch bold capital letters for the footer contact information with the applicant information on the left side and the County information on the right side:

FOR FURTHER INFORMATION CONTACT:

Applicant:	Project planner:
Applicant's name	Planner's name
Applicant's phone number	Planner's phone number
Applicant's e-mail address	Planner's e-mail address

- (3) Letter color shall be black;
- (4) Background color shall be white.

(D) Information Required. Each sign shall include only the following factual information and shall be printed with legible black lettering on a white background:

- (1) Header;
- (2) Application number;
- (3) Description of proposed development on the site, including type of project, proposed use, number of units/lots, types of applications being processed and a description of each;
- (4) Footer with applicant's name, address, phone number, and e-mail address if applicable, on the left side and the project planner's name, address, phone number, and e-mail address on the right side;
- (5) Staff may require additional specific information be included in order to provide a useful notice.

(E) The following modifications to a submitted application will require new noticing including new sign text:

- (1) A change that results in an increase of 20 percent or more in height, floor area ratio, or lot coverage;
- (2) A change that necessitates a variance;



- (3) A change that results in an increase in the number of lots or dwelling units;
- (4) A change that results in an intensification of use, as defined in SCCC 13.10.700-I.

(DF) **Deadline for Sign Removal.** Each sign shall be removed within 10 calendar days after the expiration of the final appeal period or the date on which a final appeal decision is effective. The applicant shall provide the project planner a completed, signed affidavit attesting that the sign has been removed in the time period allowed.

(EG) **Failure to Provide Affidavit and/or Remove Sign.** If the applicant fails to return the affidavit and the sign is not removed within the time allowed, then the Planning Director shall record a notice of violation against the property. Additionally, no inspection signoff may occur nor shall any building permit be approved before removal of the sign and correction of the violation.

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 SCCC 18.10.210. “Public notices required” refers to the differing requirements of public noticing for each processing level as prescribed in SCCC 18.10.221 et seq. “Approving body” indicates the officer or hearing body which makes the determination on applications at each processing level, as defined in SCCC 18.10.112.

Table 18.10.121

SUBMITTALS REQUIRED (See SCCC 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
Results of neighborhood meeting (see SCCC 18.10.210 and 18.10.211)						X	X
Further information if needed after initial staff review	X	X	X	X	X	X	X
PUBLIC NOTICES REQUIRED (See SCCC 18.10.221 through 18.10.223)	PROCESSING LEVEL						
	1	2	3	4	5	6	7
List of official action	X	X	X				



Notice of pending action posted on County Planning Department website				X			
Notice of pending action or public hearing posted on project site				X	X	X	X*
Notice of proposed development sign placed on site by applicant				X	X	X	X
Notices of pending action or public hearing mailed by County to owners of property within 300 feet and to occupants within 100 feet and to 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							
APPROVING BODY	PROCESSING LEVEL						
(See SCCC 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*

* And California Coastal Commission if appealed.

18.10.122 Processing levels.

The level of processing required for each possible type of development is set forth in this and other County ordinances establishing the processing level for the permit or approval sought (See SCCC Titles 12, 13, 14 and 16).

18.10.123 Concurrent processing approvals.

(A) Concurrent Action. When approval of more than one approval is required for a permit, or more than one discretionary development permit is required for a project, or when a time extension for more than one permit is applied for, then all of the required approvals, permits or extensions shall be applied for, processed, and acted upon concurrently, except in the following cases:

- (1) No building permit or permit extension shall be issued until all required development permits or development permit extensions have been issued. At Levels I (no plans) through IV (public notice), development permit approvals are applied for concurrently with a building permit. At Levels V (Zoning Administrator) through VII (Board of Supervisors), building permits shall not be applied for until after all development and/or land division permits have been obtained. An exception may be approved by the Planning Director. However, the Planning Director may authorize submittal and processing of applications for building permits in advance of approval and issuance of discretionary permits, with such authorization granted only, which approval shall only be granted upon written



agreement by the applicant that fees paid for such building permit application and any other applicant-incurred costs are at the sole risk of the applicant and non-refundable to the extent that county costs have been incurred.

(2) When a project involves a General Plan/Local Coastal Program amendment and/or a specific plan approval or amendment, the property shall concurrently be rezoned to a consistent zone district; and required development and/or land division permits may or may not be concurrently processed, as appropriate. However, in the Coastal Zone, final permit approval may not be granted until the Coastal Commission has approved the Local Coastal Program amendment.

(3) Notices of coastal development permit exclusion, or determinations of exemption, may be issued at the time of project application but shall not become effective until they are effective pursuant to the requirements of Chapter SCCC 13.20 SCCC and all other approvals and permits required for the project have been obtained.

(4) When a project involves a designated historic resource, applications for permit approvals shall not be accepted until the Historic Resources Commission approval and/or recommendation has been made, as required by SCCC 16.42.040, has been granted, and documentation of such action is submitted with the permit applications, except where the Planning Director specifically authorizes the acceptance of a permit application for processing concurrently with the Historic Resources Commission review and action pursuant to SCCC 16.42.050(B).

(B) Processing Level and Approving Body. When more than one permit, permit extension or approval is required for any one project, all the required permits, approvals and extensions for that permit shall, when appropriate, be concurrently acted upon at the highest processing level required for any of the required permits, approvals or permit extensions for the project.

(C) Permit Extension. Where a building permit extension is applied for pursuant to SCCC 12.10.070(E), and additional extensions for other types of permits are required to permit the work authorized by the building permit to be done, all of said extensions shall be applied for and acted upon concurrently subject to subsections (A) and (B) of this section.

18.10.124 Hearing procedures.

(A) Consent Agenda. Public hearing items may, at the discretion of the approving body, be placed on a consent agenda. Unless removed from the consent agenda, the items on the consent agenda may be summarily approved or disapproved pursuant to staff recommendations, conditions, and findings. Any item on the consent agenda shall be removed to the regular agenda upon request of **a member of the public, the applicant, or**



any member of the approving body. **An item must be in the regular agenda in order for public testimony to be taken.**

- (B) Referral to Higher Approving Body to Next Level. At the discretion of the Planning Director approving body, any permit approval or appeal of any permit approval may be referred to a higher approving body the next higher level if, in the opinion of the Planning Director approving body, the project merits more extensive review. Appeals pending before the Planning Director may be referred to the Zoning Administrator or Planning Commission. Appeals pending before the Zoning Administrator may be referred to the Planning Commission, or to the Board of Supervisors in accordance with procedures of this chapter for Special Consideration.
- (C) Continuances. Any matter may be continued from time to time. If the matter is formally continued by the approving body to a date certain, then re-noticing is not required. If the matter is not continued to a date certain, then Rre-noticing is required. shall be done as prescribed in SCCC 18.10.223(D). This does not apply to continuances of Coastal Development Permits, which must be re-noticed for all continuances regardless of whether a specific date for such continuance hearing has been set by the approving body.

18.10.125 Timely action.

- (A) Development Discretionary Permits. When applicable, Section 65920, et seq., the Permit Streamlining Act of the California Government Code, or its successor statute, and any other applicable State laws regarding time limits for taking action on development applications, apply to the issuance of permits, apply to the approvals and permits issued under this chapter.
- (B) Land Divisions Permits. Time limits for the processing and issuance of tentative map approvals and the filing of parcel maps and final maps are stated in SCCC 14.01.301 through 14.01.339.
- (C) Environmental Review. Time limits for actions on both development permits and parcel approval may be extended by the procedures of the environmental review guidelines adopted pursuant to Chapter 16.01 SCCC (environmental impact review).

Changes made to Chapter 18.10 Article III. Permits reflect new permit process based on use and development permit types instead of permits based on processing level.

Article III. Permits

18.10.131 Discretionary development pPermit issuance.

After an application for a discretionary development project has been approved in accordance with this chapter, and all the discretionary permits required for the development project





approvals which make up the permit have been obtained, then the permits, including attached conditions, shall be issued to the applicant after expiration of the applicable appeal period, or exhaustion of all appeal procedures, in accordance with the following:

- (A) Levels I (No-Plans) Through III (Field Visit). Permits processed at Levels I (no plans) through III (field visit) are issued immediately upon approval. Actions to approve, conditionally approve, or deny minor administrative permits acted upon by planning staff designated by the Planning Director projects are made by the Planning Director or his or her designee and may be administratively appealed to the Planning Director within 14 days of staff action on the permit application, in accordance with the procedures in Article VI of this chapter. An action on the appeal that is taken by the Planning Director shall be considered final.
- (B) Level IV (Public Notice). Actions to approve, conditionally approve, or deny administrative pPermits processed with public notice as required by 18.10.116 and acted upon by the Planning Director or designee may be appealed to the Zoning Administrator within 14 calendar days at Level IV (public notice) are issued after an appeal period of 14 calendar days from either the date of publication of the public notice of pending action or the date the notices are mailed, whichever is later, ~~unless an administrative appeal is filed in accordance with the procedures in Article VI of this chapter.~~ Actions to approve or deny projects at Level IV (public notice) are made by the Planning Director or his or her designee. If an appeal is filed in accordance with the procedures in Article VI of this chapter, then the action on the permit application an approval or denial shall not become effective until the appeal has been resolved ~~or~~ and all applicable appeal procedures exhausted.
- (C) Levels V (Zoning Administrator) Through VII (Board of Supervisors). Permits processed at Levels V (Actions to approve, conditionally approve, or deny discretionary permit applications considered at public hearings before the Zoning Administrator or) through VI (Planning Commission) are issued after an appeal period of 14 calendar days (except in the cases of tentative map approvals which require 10 calendar days and extensions of tentative maps which require 15 days) from the date of action determination, unless an appeal is filed. Actions on discretionary permit applications considered by the Permits processed at Level VII (Board of Supervisors) outside the Coastal Zone or inside the Coastal Zone, but not appealable to the Coastal Commission pursuant to SCCC 13.20.122, are final on the date of Board action. Actions on discretionary permit applications Permits considered by the processed at Level VII (Board of Supervisors) inside the Coastal Zone are final the day after the appeal period to the Coastal Commission has ended, unless an appeal to the Coastal Commission has been filed. Actions to approve, conditionally approve, or deny discretionary permits for projects are made by the appropriate approving body and may be are appealable only as specified and appealed in accordance with the procedures in Article VI of this chapter. If an appeal is filed, action on the permit application(s) an approval or denial shall not become effective until the appeal has been



resolved or all applicable appeal procedures exhausted. Permits which require Coastal Zone approvals shall not be issued until notice of the ending of the Coastal Zone appeal period is received.

(D) Coastal Development Permit Zone-Appeal. When an appeal of a coastal development permit approval is filed with the Coastal Commission, the permit shall not be issued until the appeal has been resolved and the County has reviewed the Coastal Commission’s action pursuant to SCCC 18.10.360.

(E) Transfer of Permits. Except for Type A facilities, tent and RV camping sites pursuant to SCCC 13.10.355(B)689, and vacation rental permits within the Davenport/Swanton Designated Area (DASDA), the Live Oak Designated Area (LODA), and within the Seacliff/Aptos/La Selva Beach Designated Area (SALSDA), which have a five-year lifespan unless renewed, 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 approving 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.

~~(F) Reserved. Applicability of Permits. So long as a parcel of land is subject to a valid existing permit, the entire approved site shall be retained for such permitted use, and no portion shall be severed therefrom or used for any other purpose unless a request for amendment of the permit is submitted to and approved by the appropriate body in accordance with this chapter.~~

(GE) Emergency Permits. Procedures for emergency permits are provided in the following chapters sections: Grading Regulations, SCCC 16.20.116, Emergency approvals; and Coastal Zone Regulations, SCCC 13.20.090, Emergency projects.

(HG) Effective Date. The effective date of any permit or the date when any permit may begin to be exercised shall be the first business day after all applicable appeal periods have lapsed, or the first business day after final action has occurred on any appeal.

18.10.132 Discretionary development pPermit expiration.

(A) Intent. The expiration date established pursuant to this section is imposed to permit allow the County to review prior development permit approvals with an opportunity to alter, revoke, or refuse to renew or extend the expiration date of projects plans which have not been carried out and which may conflict with the public interest as a result of changed conditions or circumstances, changes in the General Plan, or new ordinances or statutes enacted for the benefit of the public. (See SCCC 18.10.133 for procedures for time extensions.)



- (B) Discretionary Development Permit Expiration. A discretionary development permit shall expire and become void two years following the date it becomes effective unless:
- (1) The Planning Director establishes a longer time period for permits requiring a residential building permit allocation, in which case the discretionary development permit will run with the residential building permit allocation; ~~or~~
 - (2) The permit is extended or renewed pursuant to SCCC 18.10.133; ~~or~~
 - (3) A longer or shorter time period is specified by conditions of the permit; ~~or~~
 - (4) A building permit for the project is obtained and construction is commenced prior to the expiration date and diligently pursued toward completion; or
 - (5) In cases where a building permit is not required, the use allowed by the development permit is commenced in compliance with permit conditions prior to the expiration date.
- (C) Failure to File Parcel Map, Final Map, or Deed. An approved or conditionally approved parcel map or tentative map shall expire 24 months after its approval or conditional approval; unless a longer timeframe is established by State law or by the Board of Supervisors. The expiration of the approved or conditionally approved parcel map or tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included with such ~~tentative map~~ shall be filed without first processing a new tentative map. An application for a renewal of a parcel map or tentative map to change the date of expiration may be filed pursuant to SCCC 18.10.133.
- (D) Cessation of Use. If the exercise of a use permitted by a development permit ceases or is abandoned for cumulatively more than 24 months of the previous five years ~~a continuous period of one year~~, then without further action by the County, said permit shall become null and void unless provisions applicable to Nonconforming Uses and Nonconforming Structures provide otherwise or a permit is obtained pursuant to such Nonconforming regulations. The property formerly subject to said permit shall be subject to all of the regulations of this chapter and other pertinent County ordinances.
- (E) Other Provisions. Development permits ~~or building permits~~ issued pursuant to this chapter may be extended under the provisions of other pertinent County ordinances, for example, to make allowance for the suspension of winter operations pursuant to the grading or erosion control ordinances.
- (F) No Automatic Extension. Under no circumstances, whether through conditions beyond the control of the permittee, lack of actual notice of expiration, reliance on an error of public officials, or for any other reason shall the expiration date of a permit be automatically extended or estop the County from treating such a permit as expired, except as may be



~~required by relevant provisions of State law, except as may be provided by relevant provisions of State law, or as may give rise to an estoppel against the County.~~

18.10.133 Discretionary pPermit, planning approval, or land division renewal or (time extensions).

(A) Development Permits ~~and planning~~ Planning approvals ~~Approvals~~. A discretionary development permit or planning approval may be renewed or extended up to five times for an additional period of not to exceed one year at a time; provided, that an application to amend or extend the permit or approval by changing the expiration date is filed with the Planning Department before the expiration date of the development permit. Time extensions for development permits shall be processed administratively, with no public notice required unless the Planning Director determines that a higher-level process shall be followed to process the extension request, pursuant to SCCC 18.10.124(B), except for time extensions for Coastal Development Permits, which must be processed pursuant to SCCC 13.20. ~~pursuant to Level IV (public notice) in compliance with this chapter.~~ An application to amend a discretionary development permit or planning approval by changing the expiration date may be approved or denied, or the conditions of the original permit or approval may be modified or new conditions added.

Notwithstanding the foregoing, any development permit or other regulatory approval by any agency of the County of Santa Cruz that pertains to a development project included in a tentative subdivision map that is extended pursuant to subsection (B) of this section and/or pursuant to Government Code Section 66452.11(a) and/or 66452.13(a) shall be extended for the same period that the tentative map is extended.

(B) Land Division Permits. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved parcel map or 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 administratively, with no public notice required unless the Planning Director determines that a higher level process shall be followed to process the extension request, pursuant to SCCC 18.10.124(B) ~~pursuant to Level VI (Planning Commission) for Minor Land Divisions and Subdivisions of five 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, and time extensions for land divisions in the coastal zone must be processed pursuant to SCCC 13.20.~~ When considering such requests, the Planning Director or approving body may add or modify any conditions of approval of the original tentative map.



(C) Building Permits. Time extensions for building permits are subject to the regulations prescribed in ~~SCCC 12.10.070(E).~~

(D) Multiple Approvals or Permits. All time extensions for building permits shall require time extensions for other types of permits that are required to permit the work authorized under the building permit to be done and other such extensions shall be applied for, processed, and acted upon concurrently with the time extension for the building permit so as to require all permits to expire concurrently thereafter, all pursuant to ~~SCCC 18.10.123.~~

18.10.134 Permit or planning approval amendment (project and plan changes).

(A) Grounds for Amendment. Amendment to an approved discretionary development permit or planning approval may be made on the following grounds: change of circumstances, ~~;~~ new information; ~~;~~ correction of errors; ~~;~~ or public health, safety, and welfare considerations.

(B) Types of Amendment. The following types of amendment apply to all planning approvals, including (without limitation) ~~discretionary development permits and land division approvals.~~

(21) Corrections, Refinements and Substantial Conformance. A correction or refinement is a change which corrects an error or omission in a planning approval, or refines the approved project, in a manner which is not at a notable level of difference from variance with the decision of the approving body or not at variance with County ordinances or regulations, and which does not involve either a significant modification of a design consideration, or an improvement, or and which does not involve a change to a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted. Such corrections and refinements are considered to be in substantial conformance with the planning approval, and do not require formal amendment of the permit or approval, but a memorandum should be placed in the project file to document the correction or refinement that is in substantial conformance with the planning approval.

(12) Minor Variations. A minor variation is an amendment to a planning approval that changes the project in a noticeable but relatively minor manner, including (without limitation) changes in project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density, or intensity of use of the approved project, and if it does not involve either a significant modification of a design consideration, an improvement, or a condition of approval which was a matter of significant controversy discussion at the public hearing at which the planning approval was granted.

(3) Modifications. A modification is a change to a final map or parcel map based on a finding that changed circumstances or new information makes 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 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 significant controversy discussion at the public hearing at which the planning approval was granted.

- (4) Major Amendments. Any change to a planning approval which does not qualify as a minor variation, correction, refinement, or modification shall be deemed a major amendment.

(C) Procedures for Amendments.

- (1) Initiation. Except as otherwise provided herein, any amendment (including a minor variation, correction, refinement, modification, or major amendment) may be initiated by the current holder of the planning approval, the Planning Director, the Planning Commission, or the Board of Supervisors.

(2) Processing Different Types of Amendments to Planning Approvals-Level.

- (a) Except as otherwise provided herein, including SCCC 13.20.100(A), the processing level and applicable application, notice, hearing, and other requirements shall be as follows:

(i) Level III for minor variations and No formal amendment of planning approval is required for corrections and refinements; planning staff should place a memorandum in the project file to document the correction or refinement that is in substantial conformance with the planning approval;

(ii) Minor variations are processed by the Planning Director or designee, as minor administrative permits, in accordance with this Chapterchapter. Minor variations to Coastal Development Permits shall be processed administratively with public notice in accordance with the requirements provided in SCCC 13.20.100 for minor development, to include noticing requirements and transmission of a Final Local Action Notice (FLAN) to the Coastal Commission; and

(iii) The processing level for mMajor amendments and modifications initiated by the current holder of the planning approval shall be the publicly noticed in the same manner as the original project was noticed for the last approving body that took final action on the original project that is being requested to be amended or modified, with the last approving body to take action on the major amendment or modification, with appeal rights as provided by this chapter for actions of the approving bodies. processing level applicable to the planning approval sought;



and the processing level for major amendments or modifications initiated by the Planning Commission or the Board of Supervisors shall be Level VI or the processing level applicable to the planning approval to be amended, whichever is the higher level. Major amendments and modifications to Coastal Development Permits shall be processed pursuant to regular Coastal Development Permit requirements specified in SCCC 13.20, including SCCC 13.20.100, to include noticing requirements and transmission of a FLAN to the Coastal Commission.

- (b) If the Board of Supervisors or the Planning Commission initiates any type of minor variation, modification or major amendment, such Board or Commission may order that the amendment be considered by the Planning Commission or Board of Supervisors processing level be at Level VI or VII rather than by the approving body at the level established by 18.10.143(C)(2)(a)(ii) and (iii) above of this section. Furthermore, all types of amendment decisions are subject to the applicable appeal provisions that apply to actions of the approving body, as well as the and special consideration provisions set forth in SCCC 18.10.310 through 18.10.360.
- (c) The provisions of SCCC 18.10.124(B) authorizing referral to the next higher approving body level are applicable to all types of amendments, and any amendment which was a matter of substantial controversy at the public hearing at which the original planning approval was given shall be immediately referred to such approving official or body.

(D) Limitation of Authority.

- (1) Required Findings. No amendment of any type may be approved unless the approving official or body is able to make the findings required by SCCC 18.10.230 and any other applicable sections of the SCCC that are required for the type of permit being acted upon in the event of a discretionary development permit, and SCCC 14.01.401 through 14.01.407, inclusive, in the event of a land division approval.
- (2) Limitation to Amendment Initiated. The hearing on an application for amendment filed by the current holder of the planning approval shall be limited to that part of the planning approval affected by the application, unless the approving official or body finds that the amendment proposed should not be considered in isolation from all or any part of the effective planning approval.
- (3) Limitation as to Amendment of Final Land Division Maps. Corrections and modifications of final maps or parcel maps recorded following land division approvals shall be limited as provided in Government Code Sections 66469 through 66472.2, inclusive, and SCCC 14.01.340 through 14.01.343, inclusive.



- (4) Limitation on Major Amendment Applications by Current Holder of Planning Approval. No current holder of a planning approval may apply for a major amendment within one year from the date such approval or a major amendment thereto became final without the approval of the last approving body that took action upon the project decision-maker authorized to make decisions at the level at which the original planning approval was granted.
- (5) Limitation on Major Amendments Initiated by County. Any major amendment initiated by the County shall be processed in accordance with the procedures and standards set forth in SCCC 18.10.134~~6~~ as to resolution of intention and notification to affected property owners.

18.10.135 Reapplication after denial.

In all cases where an approving body has taken a final action to deny made a final determination for denial of an application for a permit, or other approval, a new application for the same or substantially the same project on the same property shall not be filed within one year from the date of denial without the prior consent of the original approving body, unless the approving body makes a determination that the denial is "without prejudice" at the time of issuing findings for denial.

18.10.136 Permit revocation.

- (A) Permits Which May Be Revoked. Any permit heretofore or hereafter granted may be revoked or amended in lieu of revocation by the Planning Commission or Board of Supervisors, as provided herein, upon a finding that any term or condition of the permit has not been, or is not being complied with or that the permit has been issued or exercised in violation of any statute, law or regulation, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety. Such revocation may be initiated by resolution of intention adopted by majority vote of either the Board of Supervisors or by the Planning Commission, or may be initiated by the Planning Director by scheduling a hearing before the Planning Commission to consider the revocation. Notice of the intention to take such an action shall be provided Such resolution of intention shall provide notice to the permittee of the noncompliance, violation, or nuisance and reasonable opportunity consistent within the public health and safety for permittee to correct same to the satisfaction of the County. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction.
- (B) Hearing Procedures. If an action is taken or resolution of intention is adopted, to initiate the revocation of any planning approval, the Planning Director, Planning Commission or Board of Supervisors shall set the matter for a hearing, giving notice of the time, place, and decision-making body that will conduct level of the hearing as prescribed in SCCC



18.10.117. A copy of the intention to initiate revocation of the planning approval resolution ~~of intention~~ shall be sent to the current owner of record. Upon the conclusion of the hearing, the Planning Commission or the Board of Supervisors may, upon making the appropriate findings, either revoke the permit or amend the permit in lieu of revocation.

- (C) Appeal Procedures. Any decision of the Planning Commission to revoke a permit or amend a permit in lieu of revocation shall be subject to the appeal and special consideration provisions set forth in SCCC 18.10.310 through 18.10.360, inclusive. Any decision by the Board of Supervisors to revoke a permit or amend a permit in lieu of revocation shall be final, except for revocation or amendment of permits for projects cited in SCCC 13.20.122(A)(4) ~~120(B)(5)~~ (major public works projects and major energy facilities) which may be appealed to the Coastal Commission according to the provisions of SCCC 13.20.122.
- (D) New Application After Revocation. Following the revocation of a permit, no application for a permit for the same or substantially the same use on the same parcel shall be filed within one year after the date of revocation, without the prior consent of the Board of Supervisors.

18.10.140 Conformity with the General Plan and other legal requirements.* –

- (A) All permits and approvals issued under this chapter shall be in substantial conformance ~~consistent~~ with the provisions of the adopted County General Plan. Any proposed permit or approval which is not in substantial conformance consistent with the existing adopted General Plan may be issued or approved only concurrently with the adoption of appropriate amendments to the General Plan necessary to maintain consistency. **“Consistent with Substantial conformance,”** as used in this section, means that the permits and approvals must be in harmony with and in substantial conformance and compatible with the policies, objectives, and land use programs of the General Plan.
- (B) All proposals for residential development of property within the urban services line, except for accessory dwelling units and residential remodels, at less than the lowest end of the designated density range of the County General Plan—LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to review by the development review group (see SCCC 18.10.210(C)(1)). Following completion of the development review group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of four or fewer lots (or units) shall have their DRG meeting within 45 days from the date of application, and shall be considered by the Board of Supervisors at a public hearing within 60 days from the date of the DRG meeting.



* Code reviser's note: Ord. 4671 § 4 provides that the requirements of SCCC 18.10.140(B) shall not apply to any application deemed complete as of the effective date of Ordinance 4671.

18.10.150 Environmental review.

All discretionary permits and legislative matter approvals issued pursuant to this chapter shall be processed in accordance with County Environmental Review Guidelines and Rules and Regulations and with the California Environmental Quality Act and Guidelines as prescribed in SCCC Chapter 16.01 SCCG. (environmental impact review).

SCCC sections 18.10.180 through 18.10.185 were moved to new SCCC 18.30. Text changes are reflected in strikeout/underline format in that new chapter.

Article IV. Specific Processing Requirements

In Chapter 18.10 Article IV, the existing application submittal requirements are no longer relevant. Submittal requirements are now maintained in the list of required information ("LORI") handout available at the zoning counter and on the Planning Department website.

18.10.210 Application submittal requirements.

Applications for discretionary development permits and legislative matters approvals shall be made to the Planning Department and shall be accompanied by a fee as prescribed in the unified fee schedule as adopted by the Board of Supervisors. Applications shall contain such information and reports as may be required by this section or by other applicable ordinances, or by the Planning Director or approving body as determined to be necessary in order to make the required findings for approval of the project requests. And as detailed in a list of required information ("LORI") handout for various permit types shall be maintained by the Planning Director and made available to the public at the zoning counter and on the Planning Department website. The following minimum information is required unless otherwise determined by the Planning Director:

(A) Minor Projects (Excluding Building Permits). Processing Level I (no plans) through Level III (field visit) applications:

- (1) Applicant's name, address, and telephone number. (Levels I—III.)
- (2) A statement of the applicant's interest in the property (hereinafter called "subject property") in connection with which the application is filed and evidence that the applicant is the owner or purchaser under contract of the premises involved, or is the owner of a leasehold interest, or has written permission of the owner to make application. (Levels I—III.)
- (3) Present owner's name and address. (Levels I—III.)



(4) Property location: the location of the premises (location map, street and nearest cross-street or other directions for locating the property); the street address if any; and the Assessor's parcel number. (Levels I—III.)

(5) Description of project, plans and specifications and preparer's licensure certification; the project description shall be submitted, including significant details of the existing land use and proposed project and plans and specifications (as required by other applicable subsections hereof) containing sufficient information to enable any and all required findings to be made (Levels I—III). As appropriate, as a condition precedent to the issuance of any permit, such plans and specifications shall contain the signed statement (or signature and license number thereon) that the preparer is licensed under Chapter 3 of Division 3 of the California Business and Professions Code (or otherwise licensed in this State) to prepare such plans and specifications, together with proof thereof satisfactory to the County.

(6) Copy of current deed, if appropriate. (Levels II—III.)

(7) Copy of the appropriate Assessor's parcel map, if appropriate. (Levels II—III.)

(B) Regular Projects. Processing Level IV (public notice) and Level V (Zoning Administrator) applications:

(1) Subsections (A)(1) through (A)(7) of this section. (Levels IV—V.)

(C) Major Projects. Processing Level VI (Planning Commission) and Level VII (Board of Supervisors) applications:

(1) Preliminary applications for review by the development review group (DRG) shall include subsections (A)(1) through (A)(7) of this section, plus conceptual drawings of the proposed project.

(2) After initial review by the development review group (DRG), a full application shall be required including all materials specified in subsections (A) and (B) of this section, a plan line study if applicable, results of the neighborhood meeting required by SCCG 18.10.211, and any other materials required by the development review group or the Planning Director.

(D) Building Permits. Building permit applications shall contain the information and materials required by the Planning Director pursuant to a current published list for projects at Levels V (Zoning Administrator) through VII (Board of Supervisors) and shall be made after all required policy amendment approvals have been obtained and all development and/or land division permits have been issued. A full set of construction plans shall not be submitted until the building permit application is made.

(E) Projects Requiring Design Review as Enumerated in SCCG 13.11.040.



(1) Subsections (A)(1) through (A)(5) and (A)(7) of this section:

(a) Plot Plan. In addition to the submittal as described in subsection (A) of this section, the following is required: access to the site from adjacent rights-of-way, streets, and/or arterials; private and shared outdoor recreation spaces; service areas for uses such as mail delivery, recycling and garbage storage and pick up, aboveground utilities, loading and delivery; exterior lighting design; and any other site elements and spaces which would assist design review and evaluation of development.

(b) Landscaping Plan. In addition to the submittal requirements listed in subsection (A) of this section, the following is required to be included as a part of the plot plan or as a separate landscape planting plan: location and identification of existing plants on site to remain and location and identification of proposed plants, keyed to a plant list which indicates botanical name, common name, size at planting and any special information regarding plant form, installation or maintenance. The plan shall identify the percentage of the landscape area planted in turf.

(2) Statement of project concept, design goals, design constraints, and an explanation of the design approach taken.

(3) Site Analysis Diagram. A site plan, drawn to scale, indicating all property lines; contiguous land uses and uses across the street from the proposed project site; location and species of trees greater than six inches diameter breast height, as defined in SCCC 16.34.030; sensitive habitats, as defined in SCCC 16.32.040; information about significant environmental influences, including views, solar potential, and wind direction; and structures and natural features having a visual or other significant relationship to the site.

(4) Material and Color Sample Board. A complete inventory of proposed materials and colors displayed on an eight and one-half inch by 11-inch or 11-inch by 14-inch. Manufacturer's drawings/photographs, shop drawings, or photographic examples from the built landscape are required to illustrate any special or custom design features.

SCCC section 18.10.211 was moved to SCCC section 18.10.113. Text changes are reflected in strikeout/underline format in that code section.

18.10.212 Application completion.

Applications will not be deemed as complete by the Planning Department until all required information has been submitted **and all prescribed fees paid**. The effective time of filing a permit

Chapter 18.10 Article V has been amended to focus on findings and conditions, rather than noticing procedures which are now contained in SCCC 18.10.116-121.



application shall be the time when the application has been deemed complete in full compliance with this chapter and with all other County ordinances as to form and content. All ordinances, General Plan, and specific or area plan provisions in effect at the time an application is deemed complete shall apply to project development. (See also California Government Code Section 65941.)

Article V. Noticing Procedures Findings and Conditions

18.10.221 Level I through Level III (field visit)—Public listing of issued permits.

A public list of building permits and development permits that have been approved and issued pursuant to Levels I (no plans) through III (field visit) shall be maintained by the Planning Department and shall be available for inspection and review by the public on request.

SCCC sections 18.10.222 - 224 were moved to SCCC sections 18.10.116 – 121. Text changes are reflected in strikeout/underline format in those code sections. SCCC 18.10.225 was removed as signage information for all project types is now provided in SCCC 18.10.121.

18.10.225 ~~Rendering sign for commercial development applications requiring a public hearing~~—(Level V—VII). In addition to the “Notice of Proposed Development” sign required in SCCC 18.10.224, for Level V—VII commercial development projects which include new building construction in Commercial Zone Districts (PA, CA, CT, C-1, C-2 and C-4), the applicant shall install a sign on the subject property depicting the proposed development in accordance with this section. Where appropriate, the Planning Director may also require the applicant to provide a project website where the current version of plans that have been submitted to the County are maintained and updated, and include the website address on the rendering sign.

(A) ~~Deadline for Placement.~~ The rendering sign shall be placed no later than seven days after the applicant has been informed that sign installation is required. For projects exempt from environmental review, installation shall be required prior to the application being found complete. For projects requiring environmental review, the sign shall be installed before the draft negative declaration or EIR is released for public comment. The applicant shall submit a photograph to verify that the sign has been installed.

(B) ~~Location.~~ The sign shall be installed on the subject property, at a location clearly visible from the primary right-of-way serving the property, and within 10 feet of the notice of proposed development sign. The sign shall be located so as not to interfere with vehicular line of sight distance.

(C) ~~Size and Material.~~ The rendering sign shall be a minimum of three feet in height by two feet in width, and shall not exceed three feet in height by four feet in width. The sign shall be durable, rigid, weatherproof, and designed for exterior use; and may be constructed of wood, aluminum, or other material approved by the Planning Department. Sign images and



lettering shall be printed on the sign, painted or otherwise rendered waterproof. The sign shall be installed securely on a post or posts in the ground. It is the responsibility of the applicant to maintain the sign in good condition until removal is required.

(D) Layout, Lettering and Content.

(1) Lettering. The font shall be a minimum of one inch, except where otherwise specified. The sign shall be white with black lettering.

(2) Header. Two-inch bold capital letters reading "IMAGE OF PROPOSED DEVELOPMENT." The application number shall be provided under the header.

(3) Image. Project image shall be a three-dimensional architectural rendering or computer simulated graphic depicting the finished project, a minimum of 22 inches by 22 inches in size, and of sufficient detail to show the design, location, height, circulation and relationship to adjacent development. The image shall include outlines of buildings on adjacent parcels where applicable. A note shall be provided below the image reading "This image represents the applicant's proposal and may change."

(4) Current Project Information. Provide a note reading, "For current project information and plans, contact the project applicant [name] at [phone number] or [email address]." When a project website is required, the website address shall also be provided.

(E) Sign Removal. The rendering sign shall be removed in accordance with the SCCC 18.10.224(F), Deadline for Sign Removal.

SCCC 18.10.230 was updated to clarify findings based on the new use permit and site development permit types. These changes distinguish between general findings that apply to all discretionary permits, including findings that address the proposed use, and those findings that are specific to site development permits. Site development findings are largely focused on project design.

18.10.230 Findings required.

The approving body may grant an approval for a project as the project was applied for or in modified form if, on the basis of the application and the evidence submitted, the approving body makes the general findings listed below as well as any other specific findings applicable to the requested permit or legislative action; n. No approval and no permit shall be issued unless the following required findings below can be made:

(A) Discretionary Development Permits. A copy of the findings made by the Planning Director or designee shall be provided upon request for all discretionary development permits approved, conditionally approved, or denied by the approving body. issued or denied pursuant to Levels I (no plans) through IV (public notice). The findings shall be made in writing by the approving body and shall be provided to the applicant and be maintained for



review by the public for all discretionary development permits issued or denied pursuant to Levels V (Zoning Administrator) through VII (Board of Supervisors). The findings are as follows:

(1) General Findings.

(a) Health and Safety. (1) That ~~the~~ proposed location of the project and the conditions under which it would be developed, operated, or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, ~~and will not result in inefficient or wasteful use of energy,~~ and will not be materially injurious to properties or improvements in the vicinity.

(b) Zoning Conformance. (2) That ~~the~~ proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance consistent with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

(c) General Plan Conformance. (3) That ~~the~~ proposed use project and the conditions under which it would be operated or maintained is in substantial conformance consistent with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

(d) CEQA Conformance. The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

(e) Utilities and Traffic Impacts. (4) That ~~the~~ proposed use will not overload utilities, result in inefficient or wasteful use of energy, and or will not generate more than the acceptable level of traffic on the streets in the vicinity.

(f) Neighborhood Compatibility. (5) That ~~the~~ proposed project use will complement and harmonize be compatible with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

(g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

(2) Additional Site Development Permit Findings.

(a) Siting and Neighborhood Context. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design



aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

(b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

(B) Parcel Approvals-Land Divisions. The findings set forth in SCCC 14.01.203 are required to be made for approval of a land division permit. The findings set forth in SCCC 14.01.109 are required to be made for approval of a conditional certificate of compliance. The findings set forth in SCCC 14.01.107.4 are required to be made for approval of a lot line adjustment.

(C) Ordinance and Policy Interpretations and Amendments-Legislative Matters. Findings for approval of legislative matters shall be made in accordance with the following:

(1) Zoning ordinance text amendments and rezonings (zoning map amendments) pursuant to Chapter SCCC 13.10 SCCC (Zoning Regulations) and Chapter SCCC 18.40 (Zoning Ordinance Administration), SCCC 13.10.215; zoning ordinance policy interpretations pursuant to SCCC 13.10.250.

(2) General Plan text amendments and land use designation amendments approvals pursuant to SCCC Chapter 13.01 SCCC (General Plan Administration), SCCC 13.01.090; General Plan interpretations pursuant to SCCC 13.01.050.

(3) Specific plan approvals, and amendments, and interpretations pursuant to SCCC 18.70, 13.01.050 and 13.01.090.

(4) Local Coastal Program amendments pursuant to SCCC Chapter 13.03 18.60 SCCC (Local Coastal Program Administration), SCCC 13.0318.60.080, and 13.0318.60.110.

(5) Agricultural land type amendments pursuant to SCCC Chapter 16.50 SCCC.

(6) Development agreement approvals and amendments pursuant to SCCC 18.80 (Development Agreements).

(D) Additional Findings. Additional specific findings may be required in compliance with specific ordinances. Variances, variation, or exception procedures and findings are also found in other specific ordinances.

18.10.240 Discretionary development pPermit conditions.

(A) Ability of the Approving Body to Attach Conditions. The approving body may grant, or recommend the granting of, discretionary development permits or approvals upon such



terms and conditions as the approving body deems necessary to ensure the adequate implementation of the project in compliance with all applicable County policies and ordinances. Such conditions may include, but are not limited to, the following:

(1) The posting of a sufficient surety to guarantee compliance with the conditions of the permit;

(2) The withholding of occupancy of the premises until the conditions have been complied with;

(3) A time limit for the beginning of and completion of the project or any phase of the project; and

(4) The execution of an agreement, to the extent allowed by law, by which the applicant, and his or her their successor(s) in interest, agrees to:

(a) Waive claims of liability against the County by applicant or his or her their successor(s) in interest;

(b) Defend, indemnify and hold the County harmless from claims of liability to third parties; and

(c) Provide insurance coverage adequate for any liability described in subsections (Aa) and (Bb) of this subsection.

(B) Nonseparability of Conditions. All conditions of a permit shall be considered as conditions of all the concurrent permit or planning approvals granted and may not be separated and assigned to an individual approval unless specifically so indicated at the time of approval. See SCCC 18.10.360 for procedures regarding conditions attached to permits requiring a Coastal Development Permit Zone approvals in the event of an appeal to the Coastal Commission.

(C) Noncompliance with Permit Conditions. Any discretionary development permit or planning approval may be revoked by the Planning Commission or Board of Supervisors as provided in this chapter upon a finding that any term or condition of the permit has not been, or is not being, complied with.

(D) Acquisition of Property Interests for Off-Site Improvements. Except as otherwise provided in SCCC 14.01.513 for subdivisions, in the event an applicant is required to construct or install off-site improvements on land to which neither the applicant nor the County has sufficient title or interest, including an easement or license, at the time of the approval of the permit to allow the improvements to be made, the applicant shall be required to enter into an agreement with the County prior to the issuance of a building permit for the project to pay for the County's costs, including but not limited to personnel salaries and benefits, legal fees and costs, and compensation to the landowner for the County to acquire an



interest in the land which will permit the improvements to be made. The applicant shall also be required to post an appropriate cash security deposit with the County prior to the issuance of a building permit for the project to be applied towards the County's costs for acquiring the off-site property interest. In the event the County fails to commence condemnation proceedings to acquire the off-site property interest within **120 days one year** of the issuance of the building permit for the project, then the condition for construction of any off-site improvement which is dependent upon the property acquisition shall be deemed to be waived.

(E) ~~Development Permit Agreement Condition. All As determined to be warranted by the Planning Director, discretionary development permits or building permits, shall may include~~

Chapter 18.10, Article VI was updated to reflect new permit processes, remove references to processing levels, clarify procedures and streamline language.

~~a condition of approval or a requirement of building permit issuance, respectively, that requires requiring an agreement to be recorded on title, providing that the property owner and any successor in interest shall not to convert any structure or building approved as part of the development or building permit into a dwelling unit or into any structure for human habitation in violation of this code. Each agreement required by this subsection shall provide for the recovery by the County of reasonable attorney's fees and costs in bringing any legal action to enforce an the agreement together with recovery of any rents collected for the illegal structure or, in the alternative, for the recovery of the reasonable rent value of the illegally converted structure from the date of conversion. The amount of any recovery of rents or of the reasonable rental value of any illegally converted structure or building shall be deposited into a fund designated by the Board of Supervisors. The agreement shall be written so as to be binding on future owners of the property, including 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 required agreement has been recorded shall be furnished to the County prior to the granting of any building permit permitting construction on the property.~~

Article VI. Appeal Procedures

18.10.310 General appeal procedures.

~~(A) Building Permit Appeals. Building permits may be appealed pursuant to Chapter 12.12 SCCC (Building and Fire Code Appeals Board Procedures).~~

~~(BA) Development and Parcel Approval and Appeals of Policy Amendment Approvals Appeals of Appealable Determinations as specified by this chapter which are related to processing of development applications, or of actions on discretionary development permits and legislative matters, Development and parcel approval and policy amendment approvals~~



taken by the Planning Director or designee, or by approving bodies on discretionary development permits or legislative matters, may be appealed pursuant to SCCC 18.10.320 through 18.10.360.

(CB) Contents of an Appeal. The appellant shall state in the notice of appeal the act or determination appealed from, the identity of the appellant and his their interest in the matter, and shall set forth concisely and succinctly a statement of the reasons which, in the opinion of the appellant, render the act done or determination made unjustified or inappropriate and such that there should be an additional hearing on the application. If it is claimed that there was error or abuse of discretion on the part of the Commission, Board, Planning Director, Zoning Administrator, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the facts presented for consideration leading to the making of the determination appealed from, then these grounds shall be specifically stated.

(DC) Computation of Time for Appeal. The time within which the notice of appeal shall be filed shall commence on the day following the day on which the act was taken or the determination was made. In the event the last day for filing an appeal falls on a nonbusiness day of the County, the appeal may be timely filed on the next County business day.

(ED) Appeal Fees. A filing fee, set by resolution of the Board of Supervisors, shall accompany the notice of appeal. **Appeals without accompanying filing fees are invalid.**

(FE) Effect of Notice of Appeal. The filing of the notice of appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this chapter until such time as final action has occurred on the appeal, including exhaustion of available appeal processes.

18.10.320 Appeals to Planning Director or to Planning Commission of appealable determinations made by planning staff—From Level I through Level III (field visit).

(A) ~~Who May Appeal. Any decisions or actions of any staff person~~ The following determinations that are typically made by planning staff during the course of processing applications for discretionary development permits charged with the administration of this chapter may be administratively appealed by the property owner or applicant to the Planning Director. Such an appeal may be initiated by the applicant by submitting a written letter explaining the matter being appealed and reasons for the appeal request to the Planning Director within 14 calendar days of the subject determination decision.;

(1) Determination of Application Completeness. Appeals of this determination are considered by the Planning Commission.

(2) Determination to prepare an Initial Study or an Environmental Impact Report. Appeals of this determination are considered by the Planning Commission.



(3) Determination of need to prepare a geotechnical report, geologic report, biotic report, arborist report, historic resource or archaeologic report, agricultural viability report, or other technical report related to compliance with SCCC Title 16, Environmental Resource Protection. Appeals of these determinations are considered by the Planning Director.

(4) Determination of necessity for a study such as a plan line study pursuant to SCCC 15.10.050(A)(4), a traffic or parking study, drainage study, or other infrastructure capacity study. Appeals of these determinations are considered by the Planning Director.

(5) Determination of vested rights pursuant to SCCC 16.54.022. Appeals of this determination are considered by the Planning Commission

(B) Planning Director's or Planning Commission's Action. The Planning Director shall commence consideration of every appeal filed pursuant to this section ~~from acts or determinations at Levels I through III~~ that is considered by the Planning Director by reviewing the application file within 20 business days of the submittal of the appeal. The Planning Director may decide the appeal on the basis of the written appeal, or may review the appeal with the applicant and/or the appellant. The decision of the Planning Director on the appeal shall be made in writing, and shall be provided to the applicant and/or the appellant within ~~45~~ 60 calendar days of the submittal of the appeal, unless the appellant agrees, in writing, to a longer period. Any appeal filed pursuant to this section that is considered by the Planning Commission shall be scheduled for a Planning Commission meeting within 45 days of the date the appeal is filed, or on its next regular meeting after that 45 days if it is not feasible to hear the appeal within the 45-day timeframe.

18.10.324 Appeals of Actions on Administrative Permits to Zoning Administrator—From Level IV (public notice).

(A) Who May Appeal. Any person whose interests are adversely affected by an a-Level-IV decision or action on an administrative permit may appeal the decision to the Zoning Administrator. Such an appeal may be initiated by submitting a written request to the Planning Director within 14 calendar days of the decision.

(B) Notice of Hearing. Upon receipt of a notice of appeal from a decision or action of an administrative permit at Level IV, the Planning Director or designee shall schedule a hearing to occur before the Zoning Administrator or, if public concern or other circumstances warrant as determined by the Planning Director, the Planning Commission. The date of the scheduled hearing shall be no more than 60 calendar days after the date on which the notice of appeal is received, unless a postponement is mutually agreed upon by written concurrence of the Planning Director, applicant, and appellant. If no regular meeting of the Zoning Administrator (or Planning Commission, if applicable) is scheduled to occur within



60 calendar days after the date of receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the applicable body. Written notice of the time and place set for hearing the appeal shall be given to the appellant and the original applicant, if he or she is they are not the appellant, at least 21 calendar days prior to the hearing. Public notice of an appeal hearing before the Zoning Administrator shall be given as provided by SCCC 18.10.222116. Decisions by any reviewing body on the appeal shall be made in writing and shall be provided to the applicant and/or the appellant.

- (C) Any person whose interests are adversely affected by a decision or action of the Zoning Administrator ~~on an appeal of a Level IV determination~~ may appeal the decision to the Planning Commission. ~~Level IV a~~Appeals to the Planning Commission, whether direct or following an appeal reviewed by the Zoning Administrator, shall be processed as prescribed by SCCC 18.10.330.
- (D) Any person whose interests are adversely affected by an appeal decision or action of the Planning Commission ~~regarding a Level IV determination~~ may appeal the decision to the Board of Supervisors. ~~Level IV a~~Appeals to the Board of Supervisors shall be processed as prescribed by SCCC 18.10.340.

18.10.330 Appeals to Planning Commission—~~From Level V (Zoning Administrator)~~.

- (A) Who May Appeal. Any person whose interests are adversely affected by any act or determination of the Zoning Administrator under this chapter may appeal such act or determination to the Planning Commission. Appeals from any action of the Zoning Administrator shall be taken by filing a written notice of appeal with the Planning Department not later than the fourteenth calendar day after the day on which the act or determination appealed from was made.
- (B) Notice of Hearing. Upon receipt of a notice of appeal from a decision or action of the Zoning Administrator, at Level V, the Planning Director or designee shall schedule a hearing to occur before the Planning Commission (although Special Consideration procedures of this Chapter may result in the appeal being heard before the Board of Supervisors rather than the Planning Commission). The date of the scheduled hearing shall be no more than 60 calendar days following the date of receipt of the notice of appeal, **unless a postponement is mutually agreed upon by written concurrence of the Planning Director, applicant, and appellant**. If no regular meeting of the Planning Commission is scheduled to occur within 60 calendar days after receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the Planning Commission. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is they are not the appellant, at least 21 calendar days prior to the hearing. Public notice of the appeal hearing shall be given in the same manner as required for the original



action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to SCCC 18.10.121.

- (C) Planning Commission Consideration. The Planning Department shall transmit to the Commission all records related to the appeal and shall upon request furnish such further information relative to the proceedings as may be requested by the Commission. At the hearing on the appeal, the Commission shall consider the records related to the appeal, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings required by this chapter for the application.
- (D) Planning Commission Action. At the conclusion of the hearing, the Commission may, on the basis of all the evidence and testimony, and after making the appropriate findings required by this chapter (see SCCC 18.10.230), either deny the application, approve the application, or approve the application with modifications, subject to such conditions as it deems advisable. The Commission shall have the power to continue any such matter, with the public hearing open or closed. In the event the Commission is unable to reach an agreement on a decision at its meeting at which the matter is submitted, the matter may be continued at the request of the appellant for one meeting for a decision in conformance with this section. In the event the Planning Commission is unable to reach a decision, the decision of the Zoning Administrator shall remain valid and may be appealed to the Board of Supervisors in accordance with the provisions of SCCC 18.10.340.

SCCC 18.10.332 was moved to new SCCC Chapter 18.30. Text changes are reflected in strikeout/underline format in that code section.

18.10.340 Appeals to Board of Supervisors—~~From Level VI (PC)~~—

- (A) Who May Appeal. Any person whose interests are adversely affected by any act or determination of the Planning Commission, ~~or by the Agricultural Policy Advisory Commission;~~ acting pursuant to Chapter ~~SCCC 16.50 SCCC~~, or by the Historic Resources Commission acting pursuant to SCCC Chapter 16.42, may appeal such act or determination to the Board of Supervisors; provided, however, that where the determination made by the Commission is given in the form of a recommendation or report addressed to the Board of Supervisors, no appeal may be taken, but any interested party shall be entitled to appear before the Board of Supervisors at the time of consideration of such recommendation or report and to be heard thereon. Appeals to the Board shall be taken by filing a written notice of appeals with the Clerk of the Board of Supervisors not later than the fourteenth calendar day (10 calendar days for tentative maps and 15 calendar days for time extensions of tentative maps) after the day on which the act or determination appealed from was made. The Clerk of the Board shall send notice of such appeal to the Planning Department within one business day of the filing of the appeal.



(B) Procedure for Taking Jurisdiction.

(1) When a notice of appeal is properly filed, a consideration of whether the Board should take jurisdiction shall forthwith be scheduled on the next available agenda of the Board of Supervisors **for which agenda submittal deadlines can be met**, except that appeals from actions taken on a tentative map by the Planning Commission shall be set for hearing as set forth in SCCC 14.01.312, et seq., of the County subdivision ordinance.

(2) Written notice of the time and place set for hearing the appeal shall be given by the Clerk to the appellant, the original applicant if they are he or she is not the appellant, and the Planning Department at least 10 calendar days prior to the date set for hearing. The notice provided to the appellant shall inform the appellant that the appellant shall be required to present evidence which, in his or her their opinion, demonstrates that the grounds listed in subsection (C) of this section for the Board to take jurisdiction apply.

(3) The Planning Department shall transmit to the Board all records related to the appeal and shall furnish such other information relative to the proceedings as may be requested by the Board.

(C) Grounds for the Board of Supervisors to Take Jurisdiction. The Board of Supervisors will not take jurisdiction of an appeal and grant further review of a matter unless the Board **finds that there is a prima facie showing on the basis of available evidence** is convinced that there was an error or abuse of discretion on the part of the Commission, Zoning Administrator, or other officer; or that there was a lack of a fair and impartial hearing; or that the decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made; or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made; or that there is either error, abuse of discretion, or some other factor which renders the act done or determination made unjustified or inappropriate to the extent that a further hearing before the Board is necessary.

(D) Decision to Take Jurisdiction.

(1) At the time the Board considers whether to take jurisdiction of the appeal, the Board may, by a motion passed by at least three votes, determine that the appellant has established sufficient grounds for the Board to take jurisdiction for further review, and may either grant a review limited to the record of the entire proceedings held before the Commission, Zoning Administrator, or other officer, or in the alternate, may elect to conduct the proceedings as if no other hearing had been held and thereby re-hear the matter de novo.

(2) In appropriate circumstances, without taking jurisdiction for further review, the Board may, by a majority vote, refer the matter back to the Planning Commission for



reconsideration of new evidence or other considerations. In the event of such a referral, the Board may require a report back to the Board for review by the Board; or may provide that the Planning Commission's decision on reconsideration shall be final, subject to appeal to the Board (without fee by the previous appellant) as in the case of an original decision, at which time the Board shall decide whether to take jurisdiction for further review upon any such appeal.

(E) Determination of Appeal.

(1) If the Board, by a majority vote, determines to take jurisdiction for further review, the Planning Director or designee shall schedule a public hearing before the Board. The date of the scheduled hearing shall be no more than 60 calendar days following the decision to take jurisdiction. If no regular meeting of the Board of Supervisors is scheduled to occur within 60 calendar days after the decision to take jurisdiction, the scheduled hearing date shall be that of the next regular meeting of the Board of Supervisors. Written notice of the time and place set for hearing the appeal shall be given to the appellant—and to the original applicant, if he or she is they are not the appellant—at least 21 calendar days prior to the hearing. Public notice of the hearing shall be given in the same manner as required for the original action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to SCCC 18.10.224.221, and no neighborhood meeting regarding the appeal hearing shall be required pursuant to SCCC 18.10.21113.

(2) After the public hearing by the Board of Supervisors, whether based upon the previous hearing record or a de novo hearing, the Board may, after making the required findings, make any order it deems just and proper, including the granting of any permit or approval pursuant to the terms of this chapter.

(3) The Board shall have the power to continue any such matter, with the public hearing open or closed. Re-noticing shall not be required if the matter is continued to a specific date. In the event the Board is unable to reach a decision on the appeal, the matter may be continued one meeting at the request of the appellant, for a decision in conformance with this section. In the event that an agreement cannot be reached on either a continuance or a Board decision, the decision of the body appealed from shall become final, except in those cases where final action requires an ordinance adopted by the Board.

(F) Finality of Action. Decisions made by the Board of Supervisors are final, except in the case of appeals to the Coastal Commission (see SCCC 18.10.360).

18.10.350 Special consideration by Board of Supervisors.

Various planning decisions have been delegated to the Planning Commission, the Zoning Administrator, the Planning Director, or other officers, subject to appeal procedures. In order to ensure the orderly and consistent application of this chapter in accordance with its intent, it is



hereby provided that the Board of Supervisors shall consider and act on any such delegated matter which would otherwise be appealable, upon the request of any member of the Board of Supervisors, provided such a request, outlining the reasons why a special consideration of the matter is appropriate, is filed in writing with the Clerk of the Board within the time provided for filing an appeal. If such a written request signed by a Board member is filed with the Clerk of the Board within such time limits, the Clerk shall place the matter on the Board's next available consent agenda, and the Board shall set the matter for public hearing within 30 calendar days. Upon the date of the hearing, the matter shall appear on the Board's regular Planning agenda as a public hearing set for special consideration. Thereafter, the matter may be considered de novo by the Board, beginning with a staff report, followed by Board of Supervisors' comments, and public testimony; or alternately, after taking public comment, the Board may remand the matter to the Planning Commission, the Zoning Administrator, the Planning Director or other officers, with directions that such subsidiary bodies or officers take any action consistent with this code and the Santa Cruz County General Plan, subject to appeal procedures. Where a hearing upon notice was required before the approving body making the initial decision, the procedure for the Board's consideration of such matter shall include hearing and notice as required in appeals from such approving body. Any Board member requesting such special consideration shall not be considered an appellant, ~~and shall be fully qualified on all matters.~~

18.10.360 Appeals to Coastal Commission.

In the Coastal Zone, some approvals may be appealed to the State Coastal Commission in accordance with the procedures in ~~Chapter SCCC 13.20 SCCG~~ (Coastal Zone Regulations). When an appeal of a Coastal Development Permit approval is filed with the Coastal Commission, the permit to which the Coastal Zone approval is attached shall not be issued by the County until the Coastal Commission has approved the project and the Planning Director has reviewed and approved any terms or conditions imposed by the Coastal Commission. In the event the Coastal Commission eliminates or modifies any term or condition imposed by the County, or, in the event the Planning Director determines that the terms and conditions imposed by the Coastal Commission are a substantial variation from the terms and conditions of the proposed permit as issued by the County, then the approving body shall reconsider the coastal development permit approval along with reconsideration as necessary of any other discretionary permits required for the project to ensure consistency, and shall review and approve, modify, or deny the project as approved by the Coastal Commission. If the County reconsiders and modifies the project, the approval shall again become appealable to the Coastal Commission pursuant to the provisions of SCCC Chapter 13.20-~~SCCG~~.



Article VII. Chapter Administration

Chapter 18.10, Article VII was updated to reflect updated processes related to abandonment of projects.

18.10.430 Abandonment of projects.

- (A) When an Application Is Considered Abandoned. An application for permits or approvals issued pursuant to this chapter shall be deemed to have been abandoned when in the following cases:
- ~~(1) When information or fees hasve been requested by the County to complete an application for a project (Levels I through V) and thise information or fees hasve not been submitted by the applicant within 690 days of such request.~~
 - ~~(2) When information and/or fees have been requested to complete an application for a major project (Levels VI and VII) and this information and/or these fees have not been submitted by the applicant within 90 days.~~
- (B) Extended Submittal Period. The Planning Director shall notify the applicant by certified or registered mail of the abandonment. The applicant may provide a written explanation of the delay, stating the date by which the further application material, and, when required, further fees will be submitted. If the Planning Director finds that special circumstances exist and that unusual hardship to the applicant would result from deeming the project abandoned, the Planning Director he or she may appropriately extend the period during which the required material must be submitted. If the required material has not been submitted by the new date, and if the Planning Director has not further extended the allowable period for submitting it, the application shall be deemed abandoned without further notification. A notice of abandonment shall thereafter be mailed to the applicant and a copy placed in the applicant's file.

Article VIII. Legal Stipulations

Chapter 18.10, Article VIII was updated to clarify that state law supersedes the provisions of this code.

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 applicable time limits specified in SCCC 1.04.080(E), SCCC 1.04.170, Section 65860 and any successor provisions of the Government Code, or 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. This section does not prevail over State law.



CHAPTER 18.20 REQUESTS FOR REASONABLE ACCOMMODATION

New Chapter 18.20 was moved from existing SCCC section 18.10.128. No other changes were made.

Section:

18.20.010 18.10.128 Requests for reasonable accommodation.

18.20.010 18.10.128 Requests for reasonable accommodation.

- (A) Purpose. It is the policy of the County of Santa Cruz, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide people with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing. The purpose of this section is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or building laws, rules, policies, practices, and/or procedures of the County.
- (B) Requesting Reasonable Accommodation.
- (1) In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation relating to the various land use, zoning, or building laws, rules, policies, practices, and/or procedures of the County.
 - (2) A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 - (3) If an individual needs assistance in making the request for reasonable accommodation or appealing a determination regarding reasonable accommodation, the Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant shall be entitled to be represented at all stages of the proceeding by a person designated by the applicant.
 - (4) If the project for which the request is being made also requires some other planning permit or approval, then the applicant shall file the request together with the application for such permit or approval.
- (C) Required Information. All requests for reasonable accommodation shall include the following information:
- (1) Applicant's name, address and telephone number;



(2) Assessor's parcel number and address of the property for which the request is being made;

(3) The current actual use of the property;

(4) The code provision, regulation or policy ~~from~~ for which accommodation is being requested; and

(5) Verification of the claim that the individual is considered disabled under the Federal Fair Housing Act or the California Fair Employment and Housing Act and a brief description of why the accommodation is necessary to make the specific housing available to the individual.

(D) Notice of Request for Accommodation. Written notice of a request for reasonable accommodation shall be given as follows:

(1) In the event that there is no approval sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties which are immediately adjacent to the property which is the subject of the request.

(2) In the event that the request is being made in conjunction with some other process, the notice shall be transmitted along with the notice of the other proceeding.

(E) Required Findings. The following findings must be analyzed, made, and adopted before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record of the proceeding relating to such approval or denial:

(1) The housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Federal Fair Housing Act of 1988 or the California Fair Employment and Housing Act.

(2) The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Federal Fair Housing Amendments Act of 1988 or the California Fair Employment and Housing Act.

(3) The requested reasonable accommodation will not impose an undue financial or administrative burden on the County.

(4) The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies, and/or procedures of the County.

(5) The requested accommodation will not deprive adjacent properties of light, air and open space consistent with the intent of the zoning Zoning Ordinance.

(F) Jurisdiction.



(1) The Planning Director, or his/her~~the~~their designee, shall have the authority to consider and act on requests for reasonable accommodation. The Planning Director shall designate the Chief Building Official to act on his/her~~the~~their behalf for requests that involve reasonable accommodations to the Building Code. When a request for reasonable accommodation is filed with the Department, it will be referred to the Planning Director, or his/her~~the~~their designee, for review and consideration. The Planning Director shall issue a written determination within 30 days of the date of receipt of a completed application and may (a) grant the accommodation request, (b) grant the accommodation request subject to specified nondiscriminatory conditions, or (c) deny the request. All written determinations shall give notice of the right to appeal.

(2) If necessary to reach a determination on the request for reasonable accommodation, the Planning Director may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant responds to the request.

(G) Notice of Proposed Decision.

(1) Notice of the proposed decision shall be made in the same manner as provided above.

(2) Within 14 days of the date the notice is mailed, any person may make a request for a Planning Director's review of a proposed decision.

(3) If no request for review is received, the proposed decision shall become a final Director's decision.

(H) Director's Review. The Planning Director shall conduct a review hearing on the request for reasonable accommodation at which all evidence and testimony shall be considered.

(I) Notice of Director's Decision.

(1) Within 30 days after the hearing, the Planning Director shall issue a decision granting the request, including any reasonable conditions, or denying the request.

(2) The notice of decision shall contain the Planning Director's factual findings, conclusions, and reasons for the decision.

(3) The notice of decision shall be made in the same manner as set forth in the previous section.

(J) Removal of Improvement. All improvements constructed under the auspices of this section shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted unless it is determined that the unit has been re-occupied by a



qualified person, or if it is determined by the County of Santa Cruz that the removal of the improvement is not readily achievable.



CHAPTER 18.30 PLANNED UNIT DEVELOPMENTS

New Chapter 18.30 consists of sections that were moved from existing SCCC sections 18.10.332 and 18.10.180 through 18.10.185. New findings were added for mixed-use projects, and minor amendments were made throughout the chapter to streamline language and clarify procedures.

Sections:

18.30.180 18.10.180 Planned unit developments (“PUDs”).

18.30.181 18.10.181 Planned unit development—Permit aApplications.

18.30.183 18.10.183 Planned unit development—Permit fFindings for approval.

18.30.184 18.10.184 Planned unit development—Official action.

18.30.185 18.10.185 Planned unit development—Standards.

18.30.200 18.10.332 Planned unit development—Hearings.

18.30.180 18.10.180 Planned unit developments (“PUDs”).

(A) Purpose. In certain instances the objectives of the General Plan/Local Coastal Program Land Use Plan and the County Code may be achieved by the development of planned units developments which that do not conform in all respects with to the land use regulations prescribed by the County Code. A planned unit development (PUD) may include a combination of different dwelling and structure types and/or a variety of land uses, which complement each other and harmonize with existing and proposed land uses and structures in the vicinity. In order to provide locations for well-planned developments which that conform with the objectives intent of the County Code although they deviate in certain respects from the underlying zone district and design review standards, the County Board of Supervisors may approve PUDs **as any** ordinance which establishes the land uses and development standards for the PUD, and which substitutes for and incorporates requirements for the subject property that address the purposes of other development permits that would otherwise be required for the development such as use permits and site development permits. planned unit development permits, provided the developments A PUD shall comply with the regulations prescribed in this chapter and **are shall be** in substantial conformance consistent with the County General Plan/Local Coastal Program Land Use Plan.

(B) Where Allowed. A planned unit development may be located in the R-1, RA, RR, or RM, or RF residential zoning districts, the VA, PA, C-1, or C-2, or C-3 commercial zoning districts



or the Public Facility (PF) Zone District, upon the adoption of a PUD ordinance for the subject property granting of a planned unit development permit in accordance with the provisions of this chapter.

- (C) Permitted Uses. A PUDplanned-unit-development shall include only uses permitted either as permitted uses or conditional uses in the zoning district, General Plan area, or adopted village or town plan in which the PUDplanned-unit-development is located.

18.30.181 18.10.181 Planned unit development—Permit aApplications.

A planned unit development permit is a type of development permit that is subject to all of the same application processing requirements for discretionary development permits specified in this chapter SCCC 18.10, as well as the processing requirements that apply to zoning map and text amendment legislative matters, as well as including the coastal development permit review process specified in Chapter SCCC 13.20 SCCC (Coastal Zone Regulations) for property located in the coastal zone. As an Level VII application to be considered by the Board of Supervisors, an application for a PUDplanned-unit-development permit shall conform to the following specific requirements:

- (A) Contents. The application shall be accompanied by a development plan of the entire PUDplanned-unit-development that includes all of the required application submittal requirements of SCCC 18.10.210.
- (B) Development Standards. Any application for a PUDplanned-unit-development shall provide a written description of the proposed alternative development and design standards that would apply to the project (property).

18.30.183 18.10.183 Planned unit development—Permit fFindings for approval.

The Board of Supervisors may approve a PUD planned-unit-development permit as applied for or in modified form if, on the basis of the application and evidence submitted, the Board of Supervisors makes the following findings in addition to the findings required by SCCC 18.10.230, and in addition to the findings required by SCCC 13.20.110 if located in the Coastal Zone:

- (A) Nonresidential and ~~Mixed Use~~ Projects.
 - (1) That any nonresidential uses shall be appropriate in area, location and overall planning for the purpose intended, and that the design and development standards shall create an nonresidential-environment of ongoing desirability and stability, and, where applicable, that adequate open space shall be provided;
 - (2) That the combination of different structure types and the variety of uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;



(3) That the design of the development is consistent with the Countywide Design Guidelines and contributes positively to the public realm;

(34) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the planned unit development is located, such as increasing the diversity of land uses or essential services in the immediate environment, or locating and designing the development to promote non-automobile modes of transportation, and that such benefits are specified by the Board of Supervisors in connection with its approval of a planned unit development PUD, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval; and

(45) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

(B) Mixed-Use Projects. All findings in subsection (A) and:

(1) That the residential component contributes positively to the diversity of housing options countywide; and

(2) That any environmental conflicts resulting from the adjacency of commercial and residential land uses, including noise, odor, and truck traffic associated with the commercial uses, are adequately reduced or mitigated.

(BC) Residential Projects.

(1) That any residential development shall contribute to the ongoing desirability and character of the surrounding neighborhood;

(2) That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;

(3) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the planned unit development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of the PUDa planned unit development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval; and

(4) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.



18.30.184 18.10.184 Planned unit development—Official action.

- (A) Action by Planning Commission. Following the noticed public hearing, the Planning Commission may deny the PUD application, planned unit development, continue consideration of the PUD, planned unit development, or recommend approval of the PUDplanned unit development, with or without modification. Planning Commission action to approve a PUDplanned unit development shall be in the form of a resolution recommending that the Board of Supervisors approve the PUDplanned unit development, with or without modifications.
- (B) Appeals of the Action of the Planning Commission. If the Planning Commission denies a proposed PUDplanned unit development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board of Supervisors as provided in SCCC 18.10.340 and 18.10.350, respectively. Appeals of PUDs planned unit developments, which include land division applications, shall also be subject to the procedures of SCCC 14.01.312.
- (C) Action of the Board of Supervisors. The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a PUDplanned unit development. Notice of the public hearing shall be given pursuant to SCCC 18.10.223all of the chapter 18.10 public noticing requirements for legislative matters. Following the public hearing, the Board of Supervisors may deny the PUDplanned unit development, continue consideration of the PUDplanned unit development, or approve the PUDplanned unit development, with or without modification. Actions to approve the PUDplanned unit development shall, at a minimum, be by approval adoption of a planned unit development permit and adoption of an ordinance amending Chapter 13.10 and/or 13.11 SCCC to establish specific zoning, site development, architectural and landscape, and site and design standards, conditions for operation of uses within the PUD, and any other conditions or standards that apply to developments within for the planned unit development.
- (D) Planned Unit Developments Approvals in the Coastal Zone. If any portion of a PUDplanned unit development is located in the Coastal Zone, then, in addition to the actions specified in subsection (C) of this section, an action to approve the planned unit development shall also include approval of a coastal development permit. The Board's action on the coastal development permit shall not be considered final, and notice of the Board's action on the coastal development permit shall not be transmitted to the Coastal Commission, unless and until: (1) the ordinance (specified in subsection (C) of this section) has been submitted to the Coastal Commission as a Local Coastal Program amendment; and (2) the Coastal Commission has certified the ordinance. In the event that ~~If~~ the Coastal Commission's certification of the required ordinance modifies the PUDplanned unit development that was approved by the Board, then the Board shall re-review the planned unit development



~~permit~~PUD and coastal development ~~permit~~ application and make any modifications to these ~~permits~~ that are necessary to ensure that they are PUD and permit are in conformance with the certified ordinance. After the Board has made any necessary modifications to their action on the PUD ordinance and coastal development permit, the Board's action ~~on the coastal permit~~ shall be considered final, and notice of said action shall be transmitted to the Coastal Commission.

- (E) Finality of Action on Planned Unit Development. No new application for a PUD~~planned-unit development permit~~ shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.
- (F) Expiration of a Planned Unit Development Ordinance. Each planned unit development ordinance adopted pursuant to subsections (C) and (D) of this section shall specify that all zoning, site, architectural, and landscape design review provisions of the ordinance that allow modifications from SCCC Chapters 13.10 or 13.11 ~~SCCC text associated with it~~ shall expire at a specified time unless development has commenced. ~~T~~the same time that the planned-unit development permit and coastal development permit (if located in the Coastal Zone) shall also expire at that time~~or are denied~~, unless development pursuant to these ~~these~~ permits has commenced by that time. The expiration date specified in the PUD ordinance and any associated coastal development permit may be extended or modified by the Board of Supervisors pursuant to requirements for ordinance amendments. This expiration requirement shall be noted directly in any certified Chapter SCCC13.10 or 13.11 ~~SCCC~~ text associated with a planned unit development ordinance.

18.30.185 18.10.185 Planned unit development—Standards.

Any departure from strict conformance with County Code site and design standards that is granted through approval of a PUD~~a planned-unit development permit~~ is a privilege. Departures from the otherwise required site and design standards or the standards found in Chapter 13.11 SCCC shall be described in the adopted PUD ordinance~~planned-unit development permit~~, and shall provide specific benefits to the neighborhood and/or the community in which the PUD~~planned-unit development~~ is located. These benefits shall be in the form of the provision of enhanced resource protection, exceptional public amenities, design excellence, affordable housing, job creation, public viewshed preservation, and/or superior mixed-mixed-use development, etc. Such benefits shall be specified by the Board of Supervisors in connection with its approval of a PUD~~planned-unit development~~, and any conditions required to achieve such benefits shall be incorporated into the project and made conditions of approval.

- (A) District Regulations. Development site, use and design standards shall be as prescribed by the adopted PUD ordinance~~planned-unit development~~.



(B) Other Requirements. The following conditions shall also be required in PUDsplanned-unit developments:

- (1) No uses shall be permitted and no process, equipment, or materials shall be employed which are found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion; and
- (2) All planned unit developments shall meet the requirements of Chapter SCCC 13.11 SCCC, Site, Architectural and Landscape Development and Design Review, unless specifically amended by the PUD ordinanceplanned-unit development.

(C) Other General Plan/Local Coastal Program and County Code Standards Not Suspended. Nothing in this section shall be read to allow variation to other standards not specified in subsections (A) and (B) of this section. All other standards that apply, including but not limited to General Plan/Local Coastal Program standards, standards contained in SCCC Title 16, and County Code standards designed to protect natural resources, riparian and wetland areas, sensitive habitats, agriculture, public viewsheds, and open space, either as found in SCCC Title 16 or in other provisions of the County Code, shall continue to apply.

18.30.200 18.10.332 Planned unit development—Hearings.

- (A) Notice. The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in SCCC 18.10 for legislative matters.223.
- (B) Hearing Procedure. The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in SCCC 18.30.183 18.10.183.



CHAPTER 18.40 ZONING MAP AND ZONING ORDINANCE TEXT ADMINISTRATION

New Chapter 18.40 consists of text that was moved from existing SCCC sections 13.10.150 through 13.10.170, as well as 13.10.215. Changes to this section include minor revisions to clean up language, reduce redundancies, and clarify procedures.

Sections:

18.40.010 Purpose.

18.40.015 Scope.

18.40.017 Previous code sections.

18.40.020 13.10.150 Amendment.

18.40.030 13.10.160 Environmental protection.

18.40.040 13.10.170 General Plan, Area Plan or Town Plan, and Local Coastal Program consistency.

18.40.050 Consistency with applicable Specific Plan, PUD or development agreement.

18.40.055 13.10.215 Zoning Ordinance and Zoning Map plan amendment.

18.40.060 Planning Commission recommendation.

18.40.070 Board of Supervisors action

18.40.010 Purpose.

The purpose of this chapter is to establish procedures for the establishment, maintenance, and amendment of the County of Santa Cruz Zoning Ordinance as defined in SCCC 13.10.110 and the zoning Zoning map Map, consistent with the County of Santa Cruz General Plan, Local Coastal Program, and state State law.

18.40.015 Scope.

This chapter addresses procedures for maintaining and amending the County zoning Zoning ordinance Ordinance text and zoning Zoning map Map.



18.40.017 Previous code sections.

SCCC Chapter 18.40 includes SCCC sections that have been relocated to this Chapter as shown in Table 18.40.017-1:

Table 18.40.017-1

<u>Previous SCCC Section</u>	<u>New SCCC Section</u>	<u>Title</u>
<u>13.10.150</u>	<u>18.40.020</u>	<u>Amendment</u>
<u>13.10.160</u>	<u>18.40.030</u>	<u>Environmental Protection</u>
<u>13.10.170</u>	<u>18.40.040</u>	<u>General Plan, Area Plan or Town Plan, and Local Coastal Program consistency</u>
<u>13.10.215</u>	<u>18.40.055</u>	<u>Zoning Plan Amendment</u>

18.40.020 13.10.150 Amendment.

~~(A) Planning Commission Action. Any amendment to the Zoning Ordinance as defined by SCCC 13.10.110 or to the official zoning map, this chapter which changes property from one zone district to another, or imposes any land use development regulation not previously imposed, or removes or modifies any such regulation previously imposed, shall be processed as a Level VII approval legislative matter pursuant to SCCC Chapter 18.10 SCCC Chapter 18.10 and this chapter, subject to findings in SCCC 18.10.230, including a public hearing and recommendation by the Planning Commission prior to consideration of the amendment by the Board of Supervisors at a public hearing. Any other amendments to this chapter the SCCC that are not considered to be part of the Zoning Ordinance may be adopted as other ordinances are adopted.~~

(B) Local Coastal Program Amendment. Any revision to this chapter or to any other chapter that is defined to be part of the Zoning Ordinance by 13.10.110 which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When a revision constitutes an amendment to the Local Coastal Program such revision shall be processed as a legislative matter pursuant to the provisions of Chapter 13.03 SCCC and a Level VII approval pursuant to Chapter 18.10 SCCC Chapters 18.10 and 18.60 and shall be subject to approval by the California Coastal Commission.

18.40.030 13.10.160 Environmental protection.

~~All approvals Zoning Ordinance and zoning Zoning map Map amendments pursuant to this chapter shall be processed in accordance with the California Environmental Quality Act and~~



Guidelines and County environmental review procedures adopted pursuant to Chapter 16.01 SCCC Chapter 16.01.

18.40.040 13.10.170 General Plan, Area Plan or Town Plan, and Local Coastal Program consistency.

- (A) Consistency Requirement. The zoning ~~Zoning plan~~ and regulations established by this chapter ~~map Map and zoning Zoning ordinance Ordinance text~~ shall be consistent with the General Plan. "Consistent with" as used in this section means that the allowable uses and development standards established by this chapter and the zoning plan ~~map created pursuant to SCCC 13.10.210 13.10.180~~ are in harmony with and compatible with the County General Plan including the Local Coastal Program Land Use Plan, and that they implement the objectives, policies and programs of the General Plan and do not inhibit or obstruct the orderly attainment of the General Plan within its time frame.
- (B) Discretionary Uses. Land uses which are allowed by discretionary approval shall be deemed to be consistent with the General Plan, provided the approving body finds such consistency before approving the use.
- (C) Maintaining Consistency. The zoning ~~Zoning plan~~ and regulations established by this chapter ~~map Map and zoning Zoning ordinance Ordinance~~ shall not be amended out of conformity with the General Plan, Area Plan or Town Plan, and Local Coastal Program. Whenever an amendment to either the zoning ~~Zoning ordinance Ordinance, Area Plan or Town Plan,~~ or the General Plan is considered, a concurrent amendment to the other documents shall be considered where necessary to maintain consistency.
- (D) Consistent Zone Districts. The following table The zoning implementation table found in SCCC 13.10.170(B) denotes the basic and combining districts which implement and are consistent with the various General Plan land use, resource, and constraint designations. Rezoning of a property to a zone district that is shown in the following zoning implementation table found in SCCC 13.10.170(B) as implementing the designation applicable to the property shall not constitute an amendment of the Local Coastal Program, unless it involves rezoning to M-3 in the Coastal Zone.

18.40.050 Consistency with applicable Specific Plan, PUD or development agreement.

Consistency Requirement. The Zoning Map and Zoning Ordinance zoning map and zoning ordinance shall also be consistent with an applicable Specific Plan, Planned Unit Development (PUD), or Development Agreement. "Consistency with" as used in this section means a more precise conformance with the terms of the applicable specific plan, PUD, or development



agreement, as those are adopted by ordinance and are considered to provide more specific and precise use and development standards for the subject property.

SCCC 18.40.055-070 are moved from existing SCCC section 13.10.215.

18.40.055 13.10.215 Zoning plan Ordinance and Zoning Map amendment.

- (A) Amendment Policy. The County ~~zoning plan~~Zoning Ordinance and ~~map~~Zoning Map are intended to reflect a comprehensive assessment and projection of the County’s present and future needs for various types of land uses and developments, which are shown broadly on the adopted General Plan and Local Coastal Program Land Use Maps and Zoning Maps. In order to maintain a stable, desirable, well-balanced pattern of development throughout the unincorporated County area, amendments to the ~~zoning plan and map~~Zoning Ordinance and Zoning Map are ~~to~~shall be made only upon adequate justification.
- (B) Amendment Initiation. Amendment to the Zoning Ordinance or Zoning Map ~~zoning plan or map~~ may be initiated by a resolution of intention adopted by the Board of Supervisors upon its own motion or upon the recommendation of the Planning Commission, or an application by a property owner or other interested party having the owner’s authorization.
- (C) Amendment Procedures. Amendments to the County Zoning Map ~~zoning plan or map~~ shall be processed as a legislative action requiring a recommendation by the Planning Commission and approval by the Board of Supervisors pursuant to Chapter 18.10 SCCC and in accordance with the requirements of this section.

18.40.060 Planning Commission recommendation.

- (AD) Planning Commission Recommendation. After a public hearing, which may be continued from time to time, the Planning Commission shall send a written recommendation to the Board of Supervisors on any proposed amendment to the Zoning Ordinance or Zoning Map. The Commission’s recommendation shall include the reasons for the recommendation, the relationship of the proposed ~~zoning map amendment~~changes to the General Plan, any Area or Town Plan, any applicable Specific Plan, PUD or Development Agreement, and shall also include a statement regarding compliance with the California Environmental Quality Act. The Planning Commission shall recommend approval of a rezoning only if it determines that:
 - (1) The proposed zone district will allow a density of development and types of uses which are consistent with objectives and land use designations of the adopted General Plan; ~~and conforms with, and is adequate to carry out, the coastal resource protection provisions of the certified Land Use Plan;~~ and
 - (2) The proposed zone district is ~~compatible with~~ appropriate to the level of utilities and community services available to the land; ~~and~~



(3) For amendments located within the Coastal Zone, the proposed rezoning maintains and provides for priority uses consistent with General Plan and Local Coastal Program Appendix G.

(34) One or more of the following findings can be made:

- (a) The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district;
- (b) The proposed rezoning is necessary to provide for a community-related use which was not anticipated when the zoning plan Zoning Ordinance was adopted;
- (c) The present zoning is the result of an error;
- (d) The present zoning is inconsistent with the designation on the General Plan;
- (e) The proposed rezoning is in the best interests of the public health, safety or welfare;
- (f) A rezoning from nonresidential to residential use is appropriate in that the site has low commercial potential as reflected by existing vacancies, or outdated low value improvements, or low employment density, or low market demand for commercial use of the site; or
- (g) The site will accommodate housing type(s) that are needed to house the local workforce in support of the local economy.

~~(4) For amendments located within the Coastal Zone, the proposed rezoning maintains and provides for priority uses consistent with Sections 2.22.1 and 2.22.2 of the certified Land Use Plan General Plan and Local Coastal Program Appendix G.~~

(BE) Planning Commission Recommendation Against Amendment. If the Planning Commission recommends against a proposed amendment, its action shall be final unless the matter is subsequently considered upon appeal or special consideration by the Board of Supervisors, or unless the action is being processed concurrently with a project that requires review by the Board of Supervisors.

18.40.070 Board of Supervisors action.

(AF) Board of Supervisors ~~Action~~ Public Hearing. The Clerk of the Board shall set a public hearing before the Board of Supervisors within 30 days after the receipt of the report recommending a zoning amendment from the Planning Commission, or on the next available agenda after the 30-30-day period. The Board may approve, modify, or disapprove the Planning Commission's recommendation; provided, that any modification of the proposed zoning amendment (including the imposition of regulations which are less restrictive than those proposed by the Commission or changes in proposed dwelling density



or use) which was not previously considered by the Planning Commission shall be referred to the Planning Commission for its a report and recommendation. The Planning Commission is not required to hold a public hearing on the referral, and failure to respond within 40 days shall constitute approval. Any public hearing of the Board of Supervisors may be continued from time to time ~~as determined by the Board~~.

(BG) Finality of Action on Amendments. No new application for a zoning amendment shall be filed for the same or substantially the same purpose on the same parcel within one year after its denial without the consent of the Planning Commission if no appeal was made, or without the consent of the Board of Supervisors if denied by the Board. A denial without prejudice shall allow the filing of a new application at any time for the same or substantially the same purpose ~~or project~~.



CHAPTER 18.50 GENERAL PLAN ADMINISTRATION

New Chapter 18.50 consists of sections that were moved from existing SCCC sections in Chapter 13.01, and amendments were made throughout the chapter to streamline language and clarify procedures.

Sections:

~~13.01~~ 18.50.010 Purpose.

~~13.01~~ 18.50.015 Previous code sections.

~~13.01~~ 18.50.020 Scope.

~~13.01~~ 18.50.030 Amendment.

~~13.01~~ 18.50.040 General Plan adoption.

~~13.01~~ 18.50.050 General Plan interpretation.

~~13.01~~ 18.50.060 General Plan amendment.

~~13.01~~ 18.50.070 Application procedures.

~~13.01~~ 18.50.080 Notification process.

~~13.01~~ 18.50.090 Planning Commission recommendation for approval or action to deny.

~~13.01~~ 18.50.100 Appeal of Planning Commission action to deny proposed amendment.

~~13.01~~ 18.50.110 Board of Supervisors' action.

~~13.01~~ 18.50.120 Annual review.

~~13.01~~ 18.50.130 General Plan consistency.

~~13.01~~18.50.010 Purpose.

(A) The purpose of this chapter is to establish guidelines and procedures for adoption, maintenance, and administration of a comprehensive, long-term General Plan for the conservation and development of the unincorporated portions of Santa Cruz County. The plan and procedures are to be consistent with State planning statutes (California Government Code Section 65300, et seq.) and State General Plan Guidelines. In addition, it is the County's intention that the General Plan shall include the Local Coastal Program Land Use Plan developed and maintained in conformance with the California Coastal Act and SCCC Chapter ~~13.03~~ 18.60 SCCC, and the policies of the growth management ordinance, SCCC Chapter ~~17.01~~ SCCC, as adopted by voter referendum.



(B) The purpose of the General Plan is to set policies to guide future growth and development in a manner consistent with the goals and quality of life desired by Santa Cruz County citizens~~residents~~. The General Plan is intended to be an integrated and internally consistent statement of policies to serve as a clear and useful guide for land use planning for public agencies and private citizens. The General Plan forms the basis for the County's zoning, subdivision, and other land use regulations and for such implementation measures as capital improvement programs, housing programs, and growth management programs.

(C) The General Plan is based on community values and an understanding of existing and projected conditions and needs, all of which are subject to change. The General Plan amendment process established by State law and this chapter therefore enables the General Plan map designations and/or written policy statements to be changed. The General Plan is a policy document for the entire community and may be amended only in the public interest. Every General Plan amendment must be consistent with the rest of the General Plan or appropriate changes must be made to maintain internal consistency.

18.50.015 Previous code sections.

SCCC Chapter 18.50 includes SCCC sections that were previously located in Chapter 13.01.

13.0118.50.020 Scope.

This chapter requires the County to maintain a comprehensive General Plan consistent with State statutes and establishes procedures for interpretation and amendment of the General Plan. Administrative procedures are also provided for an annual review of the General Plan and a review of public works projects.

13.0118.50.030 Amendment.

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 18.60 SCCC and shall be subject to approval by the California Coastal Commission.

13.0118.50.040 General Plan adoption.

(A) Form. The Planning Department shall prepare, the Planning Commission shall develop, maintain, and recommend, and the Board of Supervisors shall adopt, a comprehensive, long-term General Plan for the orderly physical development of the land and the preservation of resources and open space in the County according to Section 65300, et seq., of the California Government Code, the State General Plan Guidelines, and any other applicable State statutes and guidelines as may be created and amended from time to time.



The plan shall constitute an integrated, internally consistent, and compatible statement of land use policies, consisting of:

- (1) Maps covering the entire unincorporated portions of the County and designating general plan land use map designations, as well as maps depicting the generalized locations of resources and development constraints, and existing and planned proposed land uses and public facilities; and
- (2) An integrated general plan policy text for Countywide application stating goals, objectives, policies, standards, and implementation programs that apply within the unincorporated area;
- (3) ~~In addition, t~~The General Plan shall include the background data Data and analysis as warranted to explain and support the goals, objectives, and policies of the plan, and shall maintain reflecting consistency within the document; and as contained in area general plans, required elements, and other permitted elements and related planning studies, to be utilized for interpretation, explanation, and support of the plan policies and designations.
- (4) ~~In addition to the required elements in subsection (B) below, the County General Plan also reflects a~~ A growth management system developed pursuant to the County's growth management ordinance, SCCC 17.01, adopted by voter referendum.

(B) Elements. In addition to the growth management system required by SCCC 17.01A ~~at minimum, T~~the plan shall contain the seven mandatory elements identified as (B)(1) through (B)(7) set forth above and a growth management element as described in 18.50.040(B)(1) through (8) below. For jurisdictions that contain disadvantaged communities, an environmental justice element or goals, policies, and objectives identified as (B)(8) below is also required. At the discretion of the Board, the General Plan may also include additional elements such as: recreation, community design, historical preservation, solid waste management, energy, economic development, and public services and facilities. The required content of these mandatory elements may be included within elements that are combined or given another name by the County, but the requirements of State law must be met. following elements:

- (1) A land use element designating the proposed general distribution, location and extent of land uses for housing, business, industry, open space, natural resources, recreation, public buildings and facilities, and other land use categories; including standards for population density and building intensity and use for the various designations. The General Plan Land Use Map is included in the land use element, and this map also serves as the Local Coastal Plan Land Use Map within the Coastal Zone.



- (2) A circulation element showing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals, bikeways, sidewalks and trails, transit facilities, and other public transportation facilities and utilities, and which shall be coordinated with the regional transportation plans.
- (3) A housing element developed according to Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code, providing for the housing needs of County residents of all economic levels.
- (4) A conservation element providing for the conservation, development, and use of natural resources, such as ~~including~~ forests, soils, wild plants and animals, minerals, and water, including rivers, streams, coastal beaches and bluffs, harbors, and fisheries. The element shall include policies to protect mineral resources pursuant to the State Surface Mining and Reclamation Act (Public Resources Code Section 2710, et seq.), and policies for the long-term protection of timberland consistent with the California Timberland Productivity Act of 1982 (Government Code Section 51100, et seq.).
- (5) An open-space element developed according to Section 65560, et seq. of the California Government Code, ~~and providing for the preservation of open-space and natural resources, the managed production of resources, outdoor recreation, and public health and safety.~~
- (6) A noise element based on State guidelines developed pursuant to Section 46050.1 of the Health and Safety Code and ~~taking into account~~ that considers the following sources of environmental noise: highways, streets, railroads, aircraft, industrial plants, and other sources. The element shall establish guidelines for development standards and compatible land uses and provide a basis for a local noise ordinance.
- (7) A safety element for community protection from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence and other geologic hazards; and climate change, fire hazards, and floods, and airport safety.
- (8) ~~A Local Coastal Program Land Use Plan element developed and adopted pursuant to the California Coastal Act (Public Resources Code 30000, et seq.).~~ An environmental justice element, or related goals, policies, and objectives integrated in other elements, pursuant to Senate Bill SB 1000 and Section 65302(h) of the Government Code, that identifies disadvantaged communities. The element shall also identify objectives and policies to address environmental health risks, promote civic engagement, and prioritize improvements and programs that address the needs of disadvantaged communities.



- (9) ~~A growth management element developed pursuant to the County's growth management ordinance, Chapter 17.01 SCCG, adopted by voter referendum.~~
- (10) ~~At the discretion of the Board, the General Plan may also include additional elements such as: recreation, community design, historical preservation, solid waste management, energy, economic development, and public services and facilities.~~

13.0118.50.050 General Plan interpretation.

The General Plan shall be applied and interpreted under the direction of the Planning Director. Where disputes arise over the interpretation of General Plan policies or mapping designations, such interpretation shall be resolved by a majority vote of the Planning Commission based on a report by the Planning Department and a public hearing. Planning Commission determinations may be appealed to the Board of Supervisors in accordance with the appeal procedures of SCCC Chapter 18.10-SCCG. Board of Supervisors' determinations ~~which~~ that affect projects in the Coastal Zone may be appealed to the Coastal Commission in accordance with the appeal procedures of SCCC 13.20.120 and 18.10.120 et seq. Information developed on a project or site-specific basis may be utilized in interpreting and applying the General Plan.

13.0118.50.060 General Plan amendment.

- (A) Amendment Initiation. A General Plan land use map or text amendment may be initiated by:
 - (1) ~~A resolution of intention by t~~The Board of Supervisors or the Planning Commission, or by the Planning Director as needed to ensure consistency with applicable State law and to maintain internal consistency of the General Plan.
 - (2) An application by a property owner, an interested party having the owner's authorization, or any member of the general public.
- (B) Amendment Frequency. Any single element of the General Plan, including the General Plan land use map, shall not be amended more than four times in a calendar year. Each of the four allowed amendments may encompass a variety of different changes to the element(s) or land use mapplan.
- (C) Consistent Consistency Zoning. When a General Plan amendment affects the land use designation of specific properties, those properties shall be concurrently rezoned to a zone district(s) as necessary to maintain consistency with the General Plan.

13.0118.50.070 Application procedures.

- (A) Application. Application to amend the General Plan shall be processed as a legislative matter as defined by and shall be made in accordance with Chapter 18.10 SCCG, ~~Level VII,~~ and The application shall be accompanied by a written description of the proposed amendment and the reasons for the request, and by any supporting information as may be



available and appropriate or as may be requested by the Planning Director to process the application. General Plan amendments for specific properties shall be accompanied by an application to rezone the property to a zone district consistent with the proposed amendment.

- (B) Fees. Applications for General Plan amendments shall be processed on a full cost recovery basis, in accordance with Board of Supervisors resolution.
- (C) Processing Agency. General Plan amendments shall be processed by Planning Department staff or by a consultant working under contract with the Department.
- (D) Local Coastal Program Procedures. General Plan amendments which ~~that~~ affect the Local Coastal Program shall be processed in accordance with the procedures of Chapter SCCC 18.60-13.03 ~~SCCC~~ pertaining to Local Coastal Program administration, as well as the provisions of this chapter.
- (E) Environmental Review. A General Plan amendment constitutes a project subject to the provisions of the California Environmental Quality Act and shall be processed in accordance with SCCC 16.01, the Procedures for Compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. ~~the environmental review procedures of the County's environmental impact report guidelines.~~

13.0118.50.080 Notification process.

- (A) Agency Notice. When a General Plan element or amendment is being considered, the Planning Department shall notify the planning agency of every city in the County, every county which abuts the County, and the Local Agency Formation Commission where such agencies are affected. ~~The Planning Commission shall hold at least one public hearing before approving any plan, element or amendment.~~
- (B) Public Notice. ~~Public noticing for notices of all proposed projects and actions taken pursuant to this chapter shall be in accordance with the the public notice requirements of Chapter SCCC 18.10 ~~SCCC~~ that apply to legislative matters, Level VII.~~
- (C) Display Advertisement. ~~For applications where the number of persons who would be notified by mail exceeds 1,000 or where a County-initiated General Plan amendment affects the designation of a large area or number of parcels, notice may be given in place of the requirement for mailed notices by a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the proposed General Plan amendment; or by an insert with any generalized mailing sent by the County to property owners affected by the proposed General Plan amendment.~~

13.0118.50.090 Planning Commission recommendation for approval or action to deny.



A public hearing shall be held by the Planning Commission prior to consideration of any General Plan amendment by the Board of Supervisors. The Planning Commission may recommend approval or may take action to deny the proposed amendment of the proposed General Plan element or amendment by resolution based on a majority vote of its full membership. The Planning Commission’s recommendation for approval may include recommending that the proposed General Plan amendment be modified prior to approval by the Board of Supervisors. This resolution constitutes a recommendation to the Board. The resolution of the Planning Commission shall include the following:

- (A) The reasons for the recommendation.
- (B) A statement of the consistency of the proposal to the other parts of the adopted General Plan.
- (C) A statement of required findings regarding compliance with the California Environmental Quality Act.

13.0118.50.100 Appeal of Planning Commission action to deny proposed amendment.

If the Planning Commission recommends against a proposed amendment to the General Plan, its actions shall be final unless the matter is subsequently considered upon appeal or special consideration by the Board in accordance with the provisions of SCCC 18.10.350, or unless the amendment was originally initiated referred by the Board.

13.0118.50.110 Board of Supervisors’ action.

- (A) Public Hearing. After receiving the In order to consider the Planning Commission recommendation, the Board of Supervisors shall hold at least one public hearing on the proposed amendment following completion of public notice requirements that apply to legislative matters pursuant to SCCC 18.10.119 343. The Board of Supervisors shall consider the proposed amendment, along with any modifications thereto that may be recommended by the Planning Commission. The public hearing shall be scheduled during the next scheduled consideration of General Plan amendments.
- (B) Action on Planning Commission Recommendation. The Board of Supervisors may approve, modify, or disapprove the proposed General Plan amendment ~~Planning Commission’s recommendation~~; provided, that any modification not previously considered by the Planning Commission shall be referred to the Planning Commission for a report and recommendation. The Planning Commission is not required to hold a publicly noticed public hearing to consider the Board’s intended modification, and their failure of the Planning Commission to respond within 40 days shall constitute Planning Commission support for the modification approval.



(C) Referral. If the Board of Supervisors initiates a change or addition to the General Plan, it shall first refer the matter to the Planning Commission for a report. The Planning Commission shall hold a public hearing after giving notice as required in the above and shall submit a report to the Board of Supervisors not later than 90 days after the referral.

(CD) Adoption. The Board of Supervisors' approval of a General Plan element or amendment shall be in the form of a resolution and an endorsement placed on the plan. A General Plan amendment shall be effective upon passage of the Board of Supervisors' resolution ordering such an amendment, except in the case where the amendment affects the Local Coastal Program, in which case the amendment shall not be effective until approved by the State Coastal Commission as provided in Chapter 18.60 ~~13.03~~ SCCC regarding Local Coastal Program administration.

13.0118.50.120 Annual review.

(A) Annual Report. Each year, the Planning Department shall prepare, and the Planning Commission shall review and submit to the Board of Supervisors, an annual report on the status of the General Plan and progress in its administration and implementation. The report shall be subject to a public hearing at the Planning Commission and Board of Supervisors and shall include, but not be limited to, a summary of the following information:

- (1) A summary of General Plan amendments processed during the preceding year and those pending review, including those initiated by amendment applications and by referrals from the Board of Supervisors.
- (2) A report on the progress and status of implementation programs such as the annual review of commercial agricultural land classification pursuant to Chapter 16.50 SCCC; park site acquisitions and reviews for development applications; General Plan consistency reports for public works projects; capital improvement program preparation and reviews for independent agencies; and the development of priority coastal uses including low and moderate income housing, visitor accommodations, and public access to the coast.
- (3) A review of significant policy issues which may have arisen regarding provisions of the General Plan, and including the annual urban services line review pursuant to Chapter SCCC 17.02 SCCC.
- (4) A recommendation for General Plan amendments to be initiated to maintain an effective, up-to-date General Plan including policy changes, clarifications, and new policy development; changes in land use allocations; and changes necessary to update resource and constraint maps. The recommendation may also include suggestions for priorities for implementation programs, as well as General Plan amendments to be included in the work program for the following fiscal year.



~~(B) Repealed by Ord. 4346.~~

13.0118.50.130 General Plan consistency.

- (A) Land Use Regulation. All land use regulations including building, zoning, subdivision, and environmental protection regulations shall be consistent with the adopted General Plan. No discretionary land use project, public or private, shall be approved by the County unless it is found to be consistent with the adopted General Plan.
- (B) Public Works Projects. Pursuant to California Government Code Section 65402, no real property shall be acquired by dedication or otherwise for street, square, park, or other public purpose and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, until such project has been submitted to, and reported upon, as to conformity with the General Plan by the Planning Director. Minor street improvement projects, acquisitions, dispositions, and abandonments shall be exempt from this requirement. Except as modified by the requirements of the Coastal Act, and local ordinances adopted pursuant to the Coastal Act, independent local agencies may overrule a finding of nonconformity in order to carry out proposed projects. Failure of the Planning Director to report within 40 days after the matter has been submitted to ~~him or her~~ them shall be deemed a finding of conformity with the General Plan, unless the submitting agency authorizes a longer period.
- (C) Reviewing Agency. Pursuant to California Government Code Sections 65401 and 65403, the Planning Department is designated as the planning agency to review and report on, and make a finding of consistency with the General Plan for public works and capital improvement programs.



CHAPTER 18.60 LOCAL COASTAL PROGRAM ADMINISTRATION

New Chapter 18.60 contains sections that were moved from existing SCCC sections in Chapter 13.03, and amendments were made throughout the chapter to streamline language and clarify procedures.

Sections:

13.0318.60.010 Purpose.

18.60.015 Previous code sections.

13.0318.60.020 Scope.

13.0318.60.030 Amendment.

13.0318.60.040 Definitions.

13.0318.60.050 Local Coastal Program adoption.

18.60.055 Local Coastal Program interpretation.

13.0318.60.060 Local Coastal Program amendment.

13.0318.60.070 Public notice.

13.0318.60.080 Planning Commission recommendation for approval or action to deny.

13.0318.60.090 Board of Supervisors action.

13.0318.60.100 Local Coastal Program certification.

13.0318.60.110 Land use plan amendment.

13.0318.60.010 Purpose.

The purpose of this chapter is to establish guidelines and procedures for adoption and amendment of the Local Coastal Program in compliance with the California Coastal Act.

18.60.015 Previous code sections.

SCCC Chapter 18.60 includes SCCC sections that were previously located in Chapter 13.03.

13.0318.60.020 Scope.

This chapter defines the various components of the County's Local Coastal Program and what constitutes an amendment to the program. The regulations require the County to establish a Local Coastal Program consistent with the State Coastal Act; provide procedures for program



amendment including public notice, hearing, approval, and certification; and include amendment criteria from the Local Coastal Program Land Use Plan.

13.0318.60.030 Amendment.

Any revision to this chapter shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When a chapter revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of this chapter and shall be subject to approval by the California Coastal Commission.

13.0318.60.040 Definitions.

All terms used in this chapter shall be as defined in the County General Plan and the Local Coastal Program Land Use Plan except as defined below:

(A) “Resource and constraint maps” means the maps adopted as a part of the Local Coastal Program Land Use Plan designating resources and constraints in the Coastal Zone and including designations of sensitive habitats, biotic resources, prime agricultural land, timber resources, geologic hazards, water resources, and visual resources.

13.0318.60.050 Local Coastal Program adoption.

(A) Program Adoption. The Planning Department shall prepare, the Planning Commission shall review, develop, and recommend, and the Board of Supervisors shall adopt, a Local Coastal Program for the Coastal Zone of the County in fulfillment of the requirements of the California Coastal Act (California Public Resources Code Section 30000 et seq.).

(B) Program Components. The Santa Cruz County Local Coastal Program shall consist of the following components:

(1) The land use plan consisting of the policy text and the adopted land use, resource, constraint, and shoreline access maps and charts. The land use plan, including all adopted tables, maps, and definitions, shall be adopted as an element of as part of the County General Plan and become an integral part thereof pursuant to Chapter SCCC 18.50 SCCC. The land use plan policies and maps shall take precedence over any policies and maps previously adopted for the Coastal Zone portion of the County.

(2) The implementing ordinances consisting of the following County Code chapters:

Table 18.60.050-1: Local Coastal Program Implementing Ordinances

Chapter 7.38 SCCC	Sewage Disposal
Chapter 7.70 SCCC	Water Wells
Chapter 7.73 SCCC	Individual Water Systems



Chapter 7.78 SCCC	Preservation of Monterey Bay and Coastal Water Quality: Regulation of Wastewater Discharge
Chapter 12.01 SCCC	Building Permit Regulations
Chapter 12.06 SCCC	Demolition or Conversion of Residential Structures
Chapter 13.01 SCCC	General Plan Administration
Chapter 13.02 SCCC	Specific Plan Administration
Chapter 13.03 SCCC	Local Coastal Program Administration
Chapter 13.10 SCCC	Zoning Regulations
Chapter 13.11 SCCC	Site Development , Architectural and Landscape Design Review
Chapter 13.14 SCCC	Rural Residential Density Determinations
<u>Chapter 13.16</u>	<u>Parking and Circulation</u>
Chapter 13.20 SCCC	Coastal Zone Regulations
Chapter 13.36 SCCC	Development Agreement
Chapter 14.02 SCCC	Condominium and Townhouse Conversion Regulations
Chapter 15.01 SCCC	Park Dedication and Public Access Requirements
<u>Chapter 15.05</u>	<u>Trail and Coastal Access Dedication, Standards, and Review</u>
Chapter 15.10 SCCC	Roadway and Roadside Improvements
Chapter 16.10 SCCC	Geologic Hazards
Chapter 16.13 SCCC	Floodplain Management Regulations
Chapter 16.20 SCCC	Grading Regulations
Chapter 16.22 SCCC	Erosion Control
Chapter 16.30 SCCC	Riparian Corridor and Wetlands Protection
Chapter 16.32 SCCC	Sensitive Habitat Protection
Chapter 16.34 SCCC	Significant Trees Protection
Chapter 16.40 SCCC	Native American Cultural Sites
Chapter 16.44 SCCC	Paleontological Resource Protection
Chapter 16.50 SCCC	Agricultural Land Preservation and Protection
Chapter 16.52 SCCC	Timber Harvesting Regulations
Chapter 16.54 SCCC	Mining Regulations
Chapter 17.02 SCCC	Urban Services Line and Rural Services Line
Chapter 17.04 SCCC	Annual Population Growth Goal for Santa Cruz County
<u>Chapter 18.10 SCCC</u>	<u>Discretionary Permit and Approval Procedures</u>
<u>Chapter 18.20 SCCC</u>	<u>Reasonable Accommodation Procedure</u>
<u>Chapter 18.30 SCCC</u>	<u>Planned Unit Developments</u>
<u>Chapter 18.40 SCCC</u>	<u>Zoning Map and Zoning Ordinance Text Administration</u>
<u>Chapter 18.50 SCCC</u>	<u>General Plan Administration</u>
<u>Chapter 18.60 SCCC</u>	<u>Local Coastal Program Administration</u>
<u>Chapter 18.70 SCCC</u>	<u>Specific Plan Administration</u>
<u>Chapter 18.80 SCCC</u>	<u>Development Agreements</u>

(3) Any specific plan affecting portions of the Coastal Zone as may be adopted by the County.



18.60.055 Local Coastal Program interpretation.

The adopted and certified Local Coastal Program (LCP) forms the legal standard of review for issuance of Coastal Development Permits (CDP) within the County's coastal zone and is legally binding on the County. In the case of any conflict between the requirements of the LCP and any other local regulation, the requirements of the LCP and the Coastal Act shall take precedence. In the case of any conflict between the Land Use Plan (LUP) and the Implementation Plan, then the LUP shall take precedence.

13.0318.60.060 Local Coastal Program amendment.

(A) Actions Constituting Amendment. The following actions shall constitute an amendment to the Local Coastal Program if found by the Executive Director of the California Coastal Commission to constitute an amendment to the Local Coastal Program:

- (1) Any General Plan Amendment which affects the Coastal Zone including any changes to the certified policies, tables, maps, or definitions of the Local Coastal Program Land Use Plan.
- (2) Any revision to the chapters listed in SCCC 18.60 13.03.050(B)(2) which affects the Coastal Zone.
- (3) Any zone district change in the Coastal Zone pursuant to Chapter SCCC 13.10 SGGC except for a rezoning to a district consistent with the adopted land use plan designation as specified in Table 13.10.170.
- (4) The adoption or amendment of any specific plan which affects the Coastal Zone.

(B) Amendment Initiation. Local Coastal Program amendments may be initiated at any time in accordance with Chapter SCCC 18.10 SGGC procedures for initiation of land use legislative matters, Level VII, by an application from any person or public agency, or by a resolution of intention adopted by the Board of Supervisors upon its own motion or upon the recommendation of the Planning Commission, or by the Planning Director as needed to ensure consistency with applicable State law and to maintain internal consistency of the Local Coastal Program.

(C) Amendment Frequency. Local Coastal Program amendment submittals may be made no more than three times per year to the California Coastal Commission. Each amendment submittal may include several different changes.

(D) Amendment Application. An application to amend the Local Coastal Program shall be submitted concurrently with the application to amend the General Plan, specific plan, ordinance, or zoning district designation which constitutes the Local Coastal Program



amendment. Application, notice, and processing procedures shall be in accordance with the requirements of Chapter ~~SCCC 18.10-SCCG~~, Permit and Approval Procedures, for actions on legislative matters with the Board of Supervisors as the approving body Level VII (Board of Supervisors) approval.

13.0318.60.070 Public notice.

(A) Notice Recipients. Notice of public hearing for a Local Coastal Program amendment shall be provided a minimum of 10 calendar days prior to the public hearings before the Planning Commission and the Board of Supervisors in accordance with Chapter 18.10 SCCC requirements for land use legislative matters and a as follows:

~~(1) Publication in a newspaper of general circulation within the area or areas affected by the proposed amendment; publication may be in the form of publication of the scheduled agenda for the hearing body; and~~

~~(2) A mailed notice shall also be sent to the local district office of the Coastal Commission.:~~

~~(a) The Coastal Commission;~~

~~(b) Governmental agencies including special districts which, in the judgment of the Planning Director, have an interest in or will be affected by the proposed amendment;~~

~~(c) All persons who have requested in writing to be notified;~~

~~(d) The applicant, if there is an application; and~~

~~(3) If specific parcels are affected by the proposed amendment, notices shall be posted in prominent locations on and in the area of the subject property; and a mailed notice shall be sent to the property owner, all residents within 100 feet of the perimeter of the subject parcels, and all property owners within 300 feet of the perimeter of the subject parcels; if less than 10 properties are located within 300 feet of the perimeter, the distance shall be increased until at least 10 property owners have been notified.~~

~~(4) For applications where the number of persons who would be notified by mail exceeds 1,000, or where County-initiated amendments affect the designation of a large area or number of parcels, notice may be given instead by a display advertisement of at least one-eighth page in a newspaper of general circulation in the area affected by the proposed amendment.~~

(B) Notice Contents. The public notice shall include the following information:

(1) A statement that an amendment to the Local Coastal Program is proposed.

(2) A description of the proposed amendment.



- (3) The date, time, place, and decision-making body for the scheduled public hearing.
- (4) The procedure for submitting written or oral comments for the public hearing.

(C) Continued Hearings. If a public hearing on a proposed amendment is continued to a time which has not been stated in the public notice or at the public hearing, notice of the continued hearing shall be provided in the same manner as provided in this section.

13.0318.60.080 Planning Commission recommendation for approval or action to deny.

(A) Approval. The Planning Commission shall hold at least one public hearing on a proposed Local Coastal Program amendment following public notice pursuant to SCCC 13.0318.60.070. The Planning Commission may recommend approval of approve the proposed amendment by a resolution based on a majority vote of its full membership. The resolution shall constitute a recommendation to the Board of Supervisors and shall include the following:

- (1) A statement of the reasons for the amendment.
- (2) Findings of consistency with the General Plan and all components of the Local Coastal Program.
- (3) Findings of compliance with the California Environmental Quality Act.
- (4) Findings of Compliance with the California Coastal Act.
- (5) A finding of compliance with the land use plan amendment criteria of SCCC 13.0318.60.110, if applicable.

(B) Denial. If the Planning Commission recommends against a proposed amendment, its action shall be final unless the matter is subsequently considered upon appeal or special consideration by the Board of Supervisors pursuant to the procedures of SCCC 13.10.240 et seq., or unless the matter was originally referred initiated by the Board.

13.0318.60.090 Board of Supervisors action.

~~(A) Referral. If the Board of Supervisors initiates a Local Coastal Program amendment, it shall refer the matter to the Planning Commission for a public hearing and recommendation prior to considering the matter. The Planning Commission shall hold a public hearing after giving notice as required above and shall submit a report to the Board of Supervisors not later than 90 days after the referral.~~

(A) Public Hearing. In order to consider the Planning Commission recommendation, the Board of Supervisors shall hold at least one public hearing on the proposed amendment following completion of public notice requirements that apply to legislative matters pursuant to SCCC 18.10.343 and 18.60.070. The Board of Supervisors shall consider the proposed



amendment, along with any modifications thereto that may be recommended by the Planning Commission.

(B) Action on Planning Commission Recommendation. The Board of Supervisors may approve, modify, or disapprove the proposed or recommended Local Coastal Program amendment Planning Commission's recommendation; provided, that any modification not previously considered by the Planning Commission shall be referred to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a publicly noticed public hearing to consider the Board's intended modification additional hearings, and their failure of the Planning Commission to report within 40 days shall constitute Planning Commission support for the modification approval.

(C) Public Hearing. After receiving the Planning Commission recommendation, the Board of Supervisors shall hold at least one public hearing on the proposed amendment following public notice pursuant to ~~SCCC 13.03.070~~. The public hearing shall be scheduled during the next consideration of Local Coastal Program amendments and shall coincide with scheduled consideration of General Plan amendments.

(DC) Approval. The Board of Supervisors may approve a Local Coastal Program amendment in the form of a resolution containing the statement and findings of ~~SCCC 13.03.18.60.080(A)~~. An amendment approved by the Board shall not be effective until certified by the California Coastal Commission.

(ED) Denial. Denial of a Local Coastal Program amendment by the Board of Supervisors shall be final except for denial of public works or energy facility projects applications which may be re-filed with the California Coastal Commission pursuant to Public Resources Code Section 30515.

13.0318.60.100 Local Coastal Program certification.

(A) Following approval by the Board of Supervisors, a Local Coastal Program amendment shall be submitted to the California Coastal Commission accompanied by a full administrative record of the Board hearings including:

- (1) A copy of the approved amendment including policies, maps, ordinances, etc., as adopted, including a copy of the approved amendment showing the proposed amendment additions and deletions in relation to the existing Local Coastal Program provisions (i.e., a "strikethrough/underline" version).
- (2) A copy of the public notice with a list of all persons and entities noticed, including the mailing lists used for these notices with mailing and/or email addresses.
- (3) Supporting documents including reports, maps, exhibits, environmental documents, minutes, and supplemental data and hearing submittals. Such material shall include



copies or summaries of significant public comments and local government response, a discussion of the proposed amendment's relationship to and effect on the other sections of the certified Local Coastal Program, ~~and an indication of any zoning measures to be used to carry out the amendment, and an analysis of how the amendment is consistent with and adequate to carry out the coastal resource protection policies of Chapter 3 of the Coastal Act.~~

(4) A copy of the adopting resolution including statements and findings supporting the amendment.

~~(B) Repealed by Ord. 3592.~~

13.0318.60.110 Land use plan amendment.

In addition to conforming with the coastal resource protection policies of Chapter 3 of the Coastal Act, The the following criteria shall apply to amendment to the Local Coastal Program Land Use Plan:

- (A) Rural Services Line. The rural services line shall not be expanded within the Coastal Zone to accommodate additional new urban density residential development.
- (B) Recreation. New park and recreation designations for commercial recreation uses in rural areas of the Coastal Zone shall be compatible with adjacent land uses, and consistent with available infrastructure, agricultural, visual and natural resource protection, and other Local Coastal Plan policies and may only be approved when there are no feasible locations for such use in existing urban areas.
- (C) Neighborhood Commercial. New neighborhood commercial designations in residential areas of the Coastal Zone shall only be allowed where a local need and market exists as determined by a market assessment commensurate in scale to the proposed project and conducted as part of the environmental assessment.
- (D) Agriculture. The conversion of agricultural lands within the Coastal Zone (changing the land use designation from agriculture to non-agriculture uses) around the periphery of urban areas shall not be permitted except where the conversion is consistent with the provisions of SCC 13.10.314 and 16.50.050(E), with respect to conversion of agricultural land to non-agricultural uses where it can be demonstrated that the viability of existing agricultural use is already severely limited by conflicts with the urban uses, where the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and where the conversion of such land would not impair the viability of other agricultural lands in the area.
- (E) Resource Based Industries. Designation of new resource-based industry shall be allowed within the Coastal Zone only where the following findings can be made:



- (1) The site is adequate and appropriate for the proposed use.
 - (2) The project is compatible with available service infrastructure, surrounding uses, and the existing local economy.
 - (3) The development is consistent with all applicable Local Coastal Program resource protection policies and use priorities.
- (F) Light Industry. Designation of new light industry within the Coastal Zone shall be allowed only where the following findings can be made:
- (1) No other feasible alternative sites exist.
 - (2) There is a demonstrated need for new sites.
 - (3) The site is not suitable or designated for Local Coastal Program priority uses.
 - (4) A compelling public need is demonstrated.
 - (5) Development of the site would be consistent with all Local Coastal Program resource protection policies.
- (G) Heavy Industry—Application Requirements. The following information shall be submitted as a part of any Local Coastal Program amendment request to permit heavy industry within the Coastal Zone:
- (1) Documentation demonstrating that the proposed use is coastal-dependent.
 - (2) A plot plan of the entire area under lease or ownership showing relationship of proposed facilities to ultimate development of all facilities.
 - (3) A map showing relationship of proposed facilities to other buildings, structures and/or natural or artificial features, including sensitive habitats, prime agricultural lands, commercial fisheries, tourist dependent resources, recreational areas, scenic resources, and archaeologically sensitive sites within 1,000 feet of the facilities.
 - (4) A plan for the consolidation, to the maximum extent feasible, of facilities.
 - (5) A phasing plan for the staging of development which indicates the approximate anticipated timetable for project installation, completion and for decommissioning, where appropriate.
 - (6) A plan for eliminating adverse impacts on habitat areas, prime agricultural lands, tourist dependent resources, commercial fisheries, recreational areas, scenic resources, archaeologically sensitive sites, neighboring residents, and neighborhood character due to siting, construction, or operation of facilities.
 - (7) Plans and profiles of any major grading required for construction and production.



(8) Procedures for the abandonment and restoration of the site which indicate restored contours of the land, topsoil replacement, and revegetation upon abandonment, unless abandonment-in-place is determined to be less environmentally damaging.

(H) Heavy Industry—Requirements for Approval. Designation of new coastal-dependent heavy industry shall be allowed only where the following findings can be made:

- (1) The proposed use is coastal-dependent.
- (2) Alternative locations are infeasible or more environmentally damaging.
- (3) National economic and security interests would be significantly adversely affected by not approving the proposed project.
- (4) Adverse environmental effects will be mitigated to the maximum extent feasible.
- (5) The proposed industrial use is consistent with Local Coastal Program policies.
- (6) Compensation is provided for losses to the local economy resulting from the impacts of the proposed project.
- (7) An analysis of the visibility of proposed facilities from off-site public viewing areas has been submitted and a landscape plan to minimize this visibility, including methods and materials for screening, such as fencing, plant species, depression below grade, or other methods, will be implemented.
- (8) Procedures for the transport and disposal of all solid and liquid wastes will be adequate to protect the environment.
- (9) Fire prevention procedures meet all requirements of the local fire official.
- (10) The project will comply with the air quality regulations of the Monterey Bay Air Pollution Control District and other applicable air quality regulations.
- (11) Local infrastructure, including water, sewer, fire protection, and road capacity, is adequate to service project needs. Water conservation techniques will be utilized by the project.

(I) Energy Facilities—Application Requirement. The following information shall be submitted, in addition to the requirements of subsection (H) of this section, as a part of any request for amendment of the Local Coastal Program to permit energy facilities within the Coastal Zone:

- (1) The location of oil and gas wells on the plot plan.
- (2) Plans for the maximum consolidation of facilities, including consolidation with other operators.



- (3) Plans detailing grading required for pad and road construction.
 - (4) Contingency plan for oil and toxic substances spillage indicating the location and type of cleanup equipment available, the response time required for deployment of the equipment, and the designation of management responsibility. The information must demonstrate that the cleanup, disposition of wastes, and reporting procedures are fully adequate to provide effective containment of any spillage without significant damage to coastal resources for the maximum spillage predicted, based on weather conditions equal to 50 percent of the predicted “worst case” weather conditions ~~predicted~~.
- (J) Energy Facilities—Requirements for Approval. In addition to complying with all other stated land use plan policies, amendments to the Local Coastal Program Land Use Plan to permit the location of energy facilities shall only be allowed where the following findings can be made:
- (1) All findings required by subsections (H)(2) through (11) of this section.
 - (2) Adequate infrastructure and public services are available including, but not limited to, water, sewer, fire protection, road capacity, law enforcement, and medical services.
 - (3) The use would provide full protection of sensitive habitat areas, commercial fishing, recreational, and agricultural uses.
 - (4) The use would be visually compatible with and have minimum disruption of viewsheds.
 - (5) The use would be consistent with ~~Federal~~federal, State, and local air quality regulations.
 - (6) Where the energy facility is for an on-shore facility serving offshore oil development, a vote of the people will be required.



CHAPTER 18.70 SPECIFIC PLAN ADMINISTRATION

New Chapter 18.70 contains sections that were moved from existing SCCC sections in Chapter 13.02, and minor amendments were made throughout the chapter to update code references.

Sections:

13.0218.70.010 Purpose.

13.0218.70.020 Scope.

13.0218.70.030 General Plan consistency.

13.0218.70.040 Local Coastal Program consistency.

13.0218.70.050 Specific plan contents.

13.0218.70.060 Specific plan procedures.

13.0218.70.070 Specific plan consistency.

13.0218.70.010 Purpose.

(A) The purpose of this chapter is to establish procedures for adoption, maintenance, and administration of specific plans for areas of the County in accordance with the provisions of Sections 65450 et seq. of the Government Code and as may be required for the systematic execution of the General Plan and Local Coastal Program Land Use Plan. Specific plans are intended to provide a planning framework to guide future public and private developments and to promote economic viability and coherent community design. County policy provides for the adoption of specific plans for the village areas identified in the General Plan, the special communities of the Coastal Zone, and in other locations where such an adopted set of focused regulations, conditions, and programs will promote good land use planning.

(B) A specific plan is designed to make more specific the provisions of the General Plan for a defined geographic area to the extent possible by the more detailed study of the area, but will generally not involve the designation of a precise number of units, precise lot sizes, etc., which will be determined upon comprehensive review of subsequent development applications.

13.0218.70.020 Scope.

This chapter establishes procedures and regulations which apply to the development, adoption, amendment, and administration of specific plans.



13.0218.70.030 General Plan consistency.

All specific plans shall be consistent with the provisions of the adopted County General Plan. Any proposed specific plan which is not consistent with the existing adopted General Plan may only be adopted concurrent with the adoption of appropriate amendments to the General Plan necessary to maintain consistency.

13.0218.70.040 Local Coastal Program consistency.

(A) In the Coastal Zone, all specific plans shall be consistent with the provisions of the adopted Local Coastal Program including the implementing ordinances. Any proposed specific plan which is not consistent with the provisions of the existing adopted and certified Local Coastal Program may only be adopted concurrent with the adoption of other appropriate amendments to the Local Coastal Program necessary to maintain consistency. Specific plans shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 SCCC 18.60 SCCC and shall be subject to approval by the California Coastal Commission. Following local adoption of a specific plan in the Coastal Zone, the plan shall be submitted to the Executive Director of the California Coastal Commission for approval and determination of whether it is consistent with the Local Coastal Program.

(B) Any specific plan which is not consistent with the provisions of the existing adopted Local Coastal Program may only become effective concurrent with the adoption of appropriate amendments to the Local Coastal Program necessary to maintain consistency.

13.0218.70.050 Specific plan contents.

Specific plans shall include detailed regulations, conditions, and programs as are necessary or convenient for the systematic implementation of the General Plan and its various elements (including the Local Coastal Program Land Use Plan) as may be appropriate.

13.0218.70.060 Specific plan procedures.

(A) Processing Procedures. Procedures for the initiation, preparation, consideration, adoption, amendment, and interpretation of specific plans shall conform to the procedures of SCCC 18.5013.01.050 through 13.01.110, inclusive, with the substitution of the term "specific plan" in place of "General Plan" and with the exception that there shall be no limit on the number of specific plans or their amendments which may be considered each year.

(B) Local Coastal Program Procedures. The adoption or amendment of a specific plan in the Coastal Zone constitutes an amendment to the Local Coastal Program and shall be processed pursuant to the procedures of SCCC 18.6013.03.060 through 13.03.100, inclusive, in addition to the procedures referenced above. The adoption or amendment of a specific plan in the Coastal Zone shall not become effective until certified by the California Coastal Commission.



(C) Special Fees. The Board of Supervisors may impose a special fee upon applicants seeking approval of development projects which are required to be in conformity with an adopted specific plan, based on the costs of development and the applicant's relative benefit derived from the plan.

13.0218.70.070 Specific plan consistency.

(A) Land Use Regulation. Within an area included in an adopted specific plan, all land shall be zoned consistent with the specific plan; and no discretionary land use project, public or private, shall be approved by the County unless it is found to be consistent with any applicable specific plan.

(B) Public Works Projects. Pursuant to California Government Code Section 65553, no public building or works, including new streets, sewers, or schools, shall be constructed within an area included within an adopted specific plan until such project has been referred to the Planning Commission for a report as to conformity with the specific plan, a copy of the report has been filed with the Board of Supervisors, and the Board of Supervisors has made a finding that the project is in conformity with the specific plan. The Planning Commission's action shall be based on a public hearing and a report from the Planning Department. Failure of the Planning Commission to report within 40 days after the matter has been submitted to it shall be deemed a finding of conformity with the specific plan, unless the submitting agency authorizes a longer period.



CHAPTER 18.80 DEVELOPMENT AGREEMENTS

New Chapter 18.80 contains sections that were moved from existing SCCC sections in Chapter 13.36, and minor amendments were made throughout the chapter to update code references and clarify procedures.

Sections:

13.3618.80.010 Findings, purposes and authority for adoption.

13.3618.80.020 Applications and processing.

13.3618.80.030 Forms and information.

13.3618.80.040 Fees.

13.3618.80.050 Qualification as an applicant.

13.3618.80.060 Review of application.

13.3618.80.070 Notice of hearing.

13.3618.80.080 Recommendation by Planning Commission.

13.3618.80.090 Decisions by Board of Supervisors.

13.3618.80.100 Approval of development agreement.

13.3618.80.110 Amendment or cancellation of development agreement.

13.3618.80.120 Recordation.

13.3618.80.130 Periodic review.

13.3618.80.140 Modification, termination, or suspension.

13.3618.80.010 Findings, purposes and authority for adoption.

These procedures and requirements for consideration of development agreements are adopted under the authority of Title 7, Division 1, Chapter 4, Article 2.5 of the California Government Code (commencing at Section 65864). The findings and purposes of the California Legislature as set forth at California Government Code Section 65865 are the findings and purposes of this chapter.



13.3618.80.020 Applications and processing.

Applications and processing for development agreements shall be governed by these sections and the procedures in Chapter SCCC 18.10 SCCC that are applicable to legislative matters.

13.3618.80.030 Forms and information.

- (A) The Planning Director shall prescribe the form for each application, notice and document required for the preparation and implementation of development agreements.
- (B) The Planning Director may require an applicant to submit such information and supporting data as the Planning Director considers necessary or convenient to process the application.

13.3618.80.040 Fees.

The Board of Supervisors shall by resolution establish as part of the unified fee schedule the fees to be imposed for the filing, processing, and periodic review of each application and/or document provided for or required under these regulations, in order to ensure recovery of County costs associated with processing the application for a development agreement.

13.3618.80.050 Qualification as an applicant.

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. An applicant shall submit written proof of interest in the real property and of the authority of any agent to act for the applicant.

13.3618.80.060 Review of application.

Upon receipt of a complete application, the Planning Director shall prepare a staff report and recommendation regarding the contents of the development agreement and whether the development agreement proposed or in an amended form would be consistent with the General Plan, Local Coastal Program Plan, and any applicable specific plan. The Planning Director shall also process the development agreement for environmental review in compliance with CEQA.

13.3618.80.070 Notice of hearing.

A public hearing on an application for a development agreement shall be held by the Planning Commission and the Board of Supervisors. Public nNotice of intention to consider a development agreement shall be carried out prior to the public hearings pursuant to the requirements that apply to consideration of legislative matters, as specified is governed by Chapter 18.10 SCCC and California Government Code Sections 65090 and 65091.

13.3618.80.080 Recommendation by Planning Commission.

After the duly noticed public hearing, the Planning Commission shall make its recommendation in writing to the Board of Supervisors. The recommendation shall include the Planning



Commission's determination of whether the development agreement proposed: (A) is consistent with the objectives, policies, general land uses and programs specified in the General Plan, Local Coastal Program Plan, and any applicable specific plan; (B) is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located; (C) is in conformity with public convenience, general welfare and good land use planning; (D) will not be detrimental to the health, safety and general welfare; and (E) is in the best interests of the County of Santa Cruz and its residents.

13.3618.80.090 Decisions by Board of Supervisors.

- (A) After the duly noticed public hearing, the Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission. It may, but need not, refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred back to it by the Board of Supervisors.
- (B) The Board of Supervisors may not approve the development agreement unless it finds that the provisions of the agreement are: (1) consistent with the General Plan, Local Coastal Plan, and any applicable specific plan; (2) is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located; ~~(3) is in conformity with good land use planning;~~ ~~(4) will not be detrimental to the health, safety, and general welfare of the public;~~ and (5) is in the best interest of the County of Santa Cruz and its residents.
- (C) The contents and effect of the development agreement shall be as specified at California Government Code Sections 65865.2, 65865.4 and 65866.

13.3618.80.100 Approval of development agreement.

If the Board of Supervisors approves a development agreement, it shall do so by the adoption of an ordinance. Such approval is a legislative act and such ordinance is subject to referendum. After the ordinance approving the development agreement takes effect, the County may enter into the development agreement, by signature of the Chairperson of the Board of Supervisors to said development agreement.

13.3618.80.110 Amendment or cancellation of development agreement.

- (A) Either party (or successors in interest thereof) may initiate an amendment to or cancellation in whole or in part of a previously executed development agreement.
- (B) The procedure for initiating and adopting an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into an agreement in the first instance.



- (C) A development agreement, after notice and public hearing, may be amended or canceled in whole or in part by mutual consent of the parties to the development agreement or their successors in interest.
- (D) Amendment of a development agreement is a legislative act and must be approved by ordinance, which ordinance is subject to referendum.

13.3618.80.120 Recordation.

- (A) The applicant shall present to the Planning Director the written consent to the development agreement of all parties having any record title interest in the real property which is the subject of the development agreement prior to approval of the agreement by the Board of Supervisors.
- (B) No later than 10 days after the County enters into the development agreement, the Clerk of the Board shall record with the County Recorder a copy of the development agreement which shall describe the land subject thereto.
- (C) If the parties to the agreement (or their successors in interest) amend or cancel the agreement as provided in California Government Code Section 65868, or if the County terminates, suspends, or modifies the agreement as provided in Government Code Section 65865.1 or 65868, the Clerk of the Board shall record such action with the County Recorder.

13.3618.80.130 Periodic review.

- (A) The County shall review the development agreement every 12 months from the date the agreement is entered into, unless a longer timeframe is approved by the Board of Supervisors.
- (B) The Planning Director shall initiate the review proceeding by giving notice as provided at SCCC 13.3618.80.070 that the County intends to undertake a periodic review of the development agreement and by preparing a staff report and recommendation.
- (C) The annual review shall be conducted as a public hearing before the Board of Supervisors only.
- (D) The Board of Supervisors shall determine whether the property owner has demonstrated good faith compliance with the terms and conditions of the development agreement.
- (E) If the Board of Supervisors finds and determines on the basis of substantial evidence that the property owner has complied in good faith with all terms and conditions of the agreement during the period under review, the review for that period is concluded.
- (F) If the Board of Supervisors finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with any one or more of the terms or



conditions of the development agreement during the period under review, the County may initiate proceedings to modify or terminate the agreement or undertake other enforcement action as deemed appropriate.

- (G) Such periodic review will end when all the terms and conditions have been completed as found and determined by the Board of Supervisors after public hearing.

13.3618.80.140 Modification, termination, or suspension.

- (A) A development agreement or portions thereof may be modified, terminated, or suspended upon a finding under SCCC 13.3618.80.130(F) or in the event that State or Federal ~~federal~~ laws enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement. Such provisions of the agreement shall be modified, terminated, or suspended as may be deemed necessary by the Board of Supervisors to enforce good faith compliance by the property owner to comply with such subsequently enacted State or Federal ~~federal~~ laws or regulations. The Board of Supervisors may then determine to proceed with modification, termination, or suspension of the agreement or portion thereof in which event the Board of Supervisors shall give notice of its intention to do so and of the public hearing thereon all as set forth at SCCC 13.3618.80.070.

- (B) At the time and place set for the public hearing on modification, suspension, or termination of the development agreement, the property owner and the public shall be given an opportunity to be heard. The finding of noncompliance under SCCC 13.3618.80.130(F) shall be deemed final and not subject to reconsideration at this hearing. The issue at this hearing is whether termination, suspension, or modification is warranted, and if so in what respects. The Board of Supervisors may impose those conditions to the action it takes as it deems to be in the best interest of the County.